

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Ordinance	)	ORDER
Amendment Request #851-25-	)	#25- <u>053</u>
000259-PLNG in the Department of	)	
Community Development	)	

This matter came before the Tillamook County Board of Commissioners on July 23, 2025, and September 3, 2025, at the request of Sarah Absher, Director, Department of Community Development. The Board of Commissioners, being fully apprised of the records and files herein, finds as follows:

1. The files in this proceeding can be found in the office of the Tillamook County Department of Community Development under Ordinance Amendment Request #851-25-000259-PLNG.
2. A public hearing on the above-entitled matter was held before the Tillamook County Planning Commission on July 10, 2025. After consideration of all available evidence including findings of fact and conclusions contained within the staff report, staff memos, public testimony, evidence and information presented, written and oral testimony received at the hearing, and the Department's presentation, the Tillamook County Planning Commission voted unanimously, seven in favor and zero opposed, to recommend approval of the proposed amendments as presented at the July 23, 2025, Board of County Commissioners hearing.
3. The Tillamook County Board of Commissioners opened a de novo public hearing on July 23, 2025. The Board of Commissioners considered the ordinance amendment request together with the Legislative Text Amendment criteria listed in Section 9.030 of the Tillamook County Land Use Ordinance ("TCLUO"), the Planning Commission's recommendations, and other testimony and evidence on the record including the staff report and findings contained therein.
4. Following the public comment portion of the public hearing on July 23, 2025, the Board closed the hearing with a directive to staff to prepare a Board Order for adoption of the proposed amendments under Ordinance Amendment Request #851-25-000259-PLNG.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

5. Ordinance Amendment Request #851-25-000259-PLNG is approved.
6. Article 3 of the Tillamook County Land Use Ordinance is amended to reflect the adopted amendments included in "Exhibits A-C" now contained in Article 3, Section 3.320: Neskowin Rural Residential (NeskRR) Zone, Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone, and Section 3.324: Neskowin High Density Urban Residential (NeskR-3) Zone to establish middle housing types as outright permitted uses.

7. The findings contained in the Staff Report dated July 3, 2025, included as "Exhibit D" are hereby incorporated into this Order.
8. The Board finds the amendments are necessary for public health, safety and general welfare, that an emergency exists, and this ordinance shall take effect immediately upon passage by the Board of Commissioners.
9. This order shall become effective September 3, 2025.

DATED THIS 3rd day of September, 2025.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


Erin D. Skaar, Chair

Aye	Nay	Abstain/Absent
☒	☐	☐


Paul Fournier, Vice-Chair

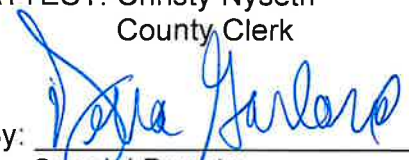
☒	☐	☐
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Mary Faith Bell, Commissioner

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ATTEST: Christy Nyseth
County Clerk

APPROVED AS TO FORM:

By: 
Special Deputy


William K. Sargent, County Counsel



“EXHIBIT A”

SECTION 3.320: NESKOWIN RURAL RESIDENTIAL ZONE (NeskRR)

- (1) **PURPOSE:** Land designated Rural Residential is intended to maintain the rural character of the community by retaining large lots where typically community water and sewer are not available. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.
- (2) **USES PERMITTED OUTRIGHT:** In the NeskRR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
 - (a) Single-family dwelling.
 - (b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.
 - (c) Duplex, in any attached or detached configuration.
 - (d) Triplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (e) Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.
 - (g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.
 - (h) Mobile or Manufactured Home, meeting the standards of Section 5.160.
 - (i) Recreational Vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
 - (j) Home occupations according to the provisions of Section ~~4.140~~ 4.180 of this Ordinance.
 - (k) Farm uses, including aquaculture.
 - (l) Forest uses.
 - (m) Roadside stands for produce grown on the premises.

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- (n) Signs, subject to Section 4.020.
 - (o) Electrical distribution lines.
 - (p) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.
- (3) **USES PERMITTED CONDITIONALLY:** In the NeskRRR 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.
- (a) Planned Development subject to Section 3.080, or Mixed-Use Development subject to Section 4.170, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.
 - (b) Mobile or manufactured home which does not comply with the standards of Section 5.160.
 - (c) Cottage industries, subject to the standards of Section 3.326(4)(a) and (b).
 - (d) Recreational vehicle .
 - (e) Churches and schools.
 - (f) Accessory structures or accessory uses without an on-site primary structure.
 - (g) Nonprofit community meeting buildings.
 - (h) Cemeteries.
 - (i) Fire or ambulance stations.
 - (j) Swimming, tennis, racquetball and similar facilities.

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- (k) Golf course and associated facilities.
 - (l) Animal hospital, kennel, or other animal boarding service, subject to the standards of Section 3.326(4)(a) and (b).
 - (m) Towers for communications, wind energy conversion systems, or structures having similar impacts.
 - (n) Public utility facilities, including substations and transmission lines.
 - (o) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
 - (p) Rural industries on a contiguous ownership of 10 or more acres, subject to the standards of Section 3.326(4)(a) and (b).
 - (q) Temporary mobile kitchen units, subject to the standards of Section 3.326(4)(a) and (b).
 - (r) Foster family home accommodating six or more children or adults.
 - (s) Bed and breakfast enterprise.
 - (t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
 - (u) Parks, primitive campgrounds, fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.
 - (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
 - (w) Home occupations according to the provisions of Section ~~4.140~~ 4.180 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the NeskRR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage

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disposal facilities, or for adequate protection of public health or sensitive water bodies.

- (b) Parcels less than 20,000 square feet in size that were legally established prior to June 17, 1982 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.
- (c) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.
- (d) For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 5,000 square feet for all attached units in a townhouse project.
- (e) The minimum lot width and depth shall both be 100 feet.
- (f) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
 - (1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on-site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
 - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (g) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
- (h) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.
- (i) The minimum front yard shall be 20 feet.

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- (j) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 10 feet.
- (k) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
- (l) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.
 - (1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).
 - (2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible), except that townhouses shall not be subject to this standard.
 - (3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.
- (m) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 25 feet. Higher structures may be permitted only according to the provisions of Article 8. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any building permit application. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.
- (n) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:
 - (1) The location of the livestock is a nonconforming use according to

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the provisions of Article 7 of this Ordinance.

- (2) The property has been taxed at the farm use rate during three of the past five year.
- (3) The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article 6 of this Ordinance.
- (o) Authorization to create a parcel or dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the deed or contract. This statement shall serve as a covenant that runs with the land bindings heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

“EXHIBIT B”

SECTION 3.322: NESKOWIN LOW DENSITY RESIDENTIAL ZONE (NeskR-1)

- (1) **PURPOSE:** The purpose of the NeskR-1 zone is to designate areas for low- density residential development and other compatible uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.
- (2) **USES PERMITTED OUTRIGHT:** In the NeskR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
 - (a) Single-family dwelling.
 - (b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.
 - (c) Duplex, in any attached or detached configuration.
 - (d) Triplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (e) Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.
 - (g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.
 - (h) Farm and forest uses.
 - (i) Home occupations according to the provisions of Section 4.140 of this ordinance.
 - (j) Public park and recreation areas.
 - (k) Public utility lines.
 - (l) Mobile home, manufactured home or recreational vehicle used during the construction of a use for which a building permit has been issued.
 - (m) Signs, subject to Section 4.020.
 - (n) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.

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- (3) **USES PERMITTED CONDITIONALLY:** In the NeskR-1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
- (a) Planned development subject to Section 3.080, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.
 - (b) Churches and schools.
 - (c) Nonprofit community meeting buildings and associated facilities.
 - (d) Utility substations and power transmission lines.
 - (e) Swimming, tennis, racquetball and similar facilities.
 - (f) Golf courses and associated facilities.
 - (g) Fire and ambulance stations.
 - (h) Towers for communications, wind energy conversion systems or structures having similar impacts.
 - (i) Water supply or treatment facilities or sewage treatment plants.
 - (j) Aquaculture facilities.
 - (k) Cottage industries, subject to the standards of Section 3.326(4)(a) and (b).
 - (l) Accessory structures or uses without an on-site primary structure.
 - (m) Cemeteries.
 - (n) Foster family homes accommodating six or more children or adults.
 - (o) Bed and breakfast enterprise.

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- (p) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.
 - (q) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
 - (r) Home occupations according to the provisions of Section ~~4.140~~ 4.180 of this ordinance.
- (4) STANDARDS: Land divisions and development in the Neskr-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size for permitted uses shall be 7,500 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.
 - (b) For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 1,875 square feet for all attached units in a townhouse project.
 - (c) The minimum lot width shall be 60 feet.
 - (d) The minimum lot depth shall be 75 feet.
 - (e) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
 - (1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on-site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
 - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

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- (f) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
- (g) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.
- (h) The minimum front yard shall be 20 feet.
- (i) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 10 feet.
- (j) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.
- (k) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.
 - (1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).
 - (2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible), except that townhouses shall not be subject to this standard.
 - (3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.
- (l) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 25 feet. Higher structures may be permitted only according to the provisions of Article 8. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any

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building permit application. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

- (m) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.
- (n) Authorization to create a parcel or dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the deed or contract. This statement shall serve as a covenant that runs with the land bindings heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

“EXHIBIT C”

SECTION 3.324: NESKOWIN HIGH DENSITY URBAN RESIDENTIAL ZONE (NeskR-3)

- (1) **PURPOSE:** The purpose of the NeskR-3 zone is to designate areas for a medium- to high-density mix of dwelling types and other compatible uses. The NeskR-3 zone is intended for densely developed areas or areas that are suitable for high- density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.
- (2) **USES PERMITTED OUTRIGHT:** In the NeskR-3 zone, the following uses and their accessory uses are permitted outright and are subject to all applicable supplementary regulations contained in this ordinance.
 - (a) Single-family dwelling.
 - (b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.
 - (c) Duplex, in any attached or detached configuration.
 - (d) Triplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (e) Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.
 - (g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.
 - (h) Mobile or manufactured home meeting the standards of Section 5.160.
 - (i) Farm and forest uses.
 - (j) Home occupations according to the provisions of Section ~~4.140~~ 4.180 of this Ordinance.
 - (k) Public park and recreation areas.
 - (l) Utility lines necessary for public service.
 - (m) A mobile home, manufactured home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
 - (n) Bed and Breakfast enterprise.

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- (o) Signs subject to Section 4.020.
- (p) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.
- (3) **USES PERMITTED CONDITIONALLY:** In the NeskR-3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
 - (a) Multifamily dwellings, including apartments and condominiums.
 - (b) Planned development subject to Section 3.080, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.
 - (c) Churches and schools.
 - (d) Nonprofit community meeting buildings and associated facilities.
 - (e) Accessory structures or uses without an on-site primary use.
 - (f) Swimming, tennis, racquetball or other similar facilities.
 - (g) Utility substation and power transmission lines.
 - (h) Cemeteries.
 - (i) Hospitals, sanitariums, rest homes, or nursing homes.
 - (j) Fire or ambulance stations.
 - (k) Towers for communications, wind energy conversion systems or structures having similar impacts.
 - (l) Water supply and treatment facilities and sewage treatment plants.
 - (m) Temporary mobile kitchen units.
 - (n) Cottage industries, subject to the standards of Section 3.326(4)(a) and (b).

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- (o) Foster family home accommodating six or more children or adults.
 - (p) Temporary placement of a mobile or manufactured home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.
 - (q) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
 - (r) Home occupations according to the provisions of Section ~~4.140~~ 4.180 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the NeskR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single-family dwelling, duplex or triplex, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet. Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems, or for adequate protection of public health or sensitive water bodies.
 - (b) For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7,000 square feet.
 - (c) For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, and the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.
 - (d) For multifamily dwellings, the minimum size for lots with an average slope of 20 percent or less shall be 12,500 square feet plus 2,500 square feet additional area for each dwelling unit over five. For lots averaging over 20 percent, the minimum lot size shall be 15,000 square feet and 3,000 square feet additional area for each dwelling unit over five.
 - (e) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet.
 - (f) The minimum lot depth shall be 75 feet.
 - (g) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
 - (1) If sewer service is not available, as defined in OAR 340-071- 160(5)(f),

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approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on-site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

- (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (h) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
- (i) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.
- (j) The minimum front yard shall be 20 feet.
- (k) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 10 feet.
- (l) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.
- (m) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.
 - (1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).
 - (2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible), except that townhouses shall not be subject to this standard.
 - (3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.

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- (n) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 25 feet. Higher structures may be permitted only according to the provisions of Article VIII. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any building permit application. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.
- (o) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.
- (p) Lot size and yard setback standards shall apply to motels or hotels in the NeskR-3 zone.
- (q) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.

“EXHIBIT D”



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
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LEGISLATIVE TEXT AMENDMENT REQUESTS **MIDDLE HOUSING CODE AMENDMENTS** **(IMPLEMENTATION OF SENATE BILL 406)**

CONSOLIDATED STAFF REPORT DATE: July 3, 2025 & July 16, 2025
TILLAMOOK COUNTY PLANNING COMMISSION HEARING DATE: July 10, 2025
BOARD OF COMMISSIONERS HEARING DATE: July 23, 2025
REPORT PREPARED BY: Sarah Absher, CFM, Director

I. GENERAL INFORMATION

Requested actions: Legislative text amendment requests to amend the Tillamook County Land Use Ordinance and Tillamook County Land Division Ordinance that include the following:

#851-25-000271-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.011: Community Single Family Residential (CSFR) Zone, Section 3.012: Community Low Density Urban Residential (CR-1) Zone, Section 3.014: Community Medium Density Urban Residential (CR-2) Zone, and Section 3.016: Community High Density Urban Residential (CR-3) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses in accordance with Senate Bill 406.

#851-25-000263-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.331: Pacific City/Woods Rural Residential (PCW-RR) Zone, Section 3.332: Pacific City/Woods Low Density Residential (PCW-R1) Zone, Section 3.333: Pacific City/Woods Medium Density Residential (PCW-R2) Zone, and Section 3.334: Pacific City/Woods High Density Residential (PCW-R3) of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses in accordance with Senate Bill 406.

#851-25-000260-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone, Section 3.342: Netarts High Density Urban Residential (NT-R3) Zone, and Section 3.344: Netarts Residential Manufactured Dwelling (NT-RMD)

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Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses in accordance with Senate Bill 406.

#851-25-000259-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.320: Neskowin Rural Residential (NeskRR) Zone, Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone, Section 3.324: Neskowin High Density Urban Residential (NeskR-3) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses.

#851-25-000264-PLNG: Legislative Text Amendment request to amend Article 5 of the Tillamook County Land Use Ordinance (TCLUO) to add Section 5.120: Middle Housing Development Standards and establish development standards in accordance with Senate Bill 406 for middle housing types in residential zones located in Tillamook County unincorporated communities served by water and sewer.

#851-25-000265-PLNG: Legislative Text Amendment request to amend the Tillamook County Land Division Ordinance to establish land division criteria and standards in accordance with Senate Bill 406 for middle housing types.

#851-25-000266-PLNG: Legislative Text Amendment request to amend Article 4: Development Standards and Article 11: Definitions of the Tillamook County Land Use Ordinance (TCLUO) in accordance with Senate Bill 406.

Initiated By: Tillamook County Department of Community Development

II. BACKGROUND

Oregon State Legislature passed Senate Bill 406 at the conclusion of the 2023 long session, extending the requirements of House Bill 2001 to Tillamook County cities and unincorporated communities served by water and sewer. As a result, Tillamook County and incorporated cities are required to complete residential zoning code updates to include middle housing types as outright permitted uses with clear and objective standards. Middle housing types include single-family dwellings, accessory dwelling units (ADUs) duplexes, triplexes, quadplexes, cottage clusters and townhouses.

With the proposed middle housing code updates, the goal is to balance concerns about neighborhood compatibility and other factors against the need to address the County’s housing shortage by increasing opportunities for a diverse array housing options as uses permitted outright with clear and objective development standards to ensure siting and design regulations do not, individually or cumulatively, discourage the development of middle housing resulting from unreasonable costs or delays.

The proposed middle housing code amendments are part of the County’s overall strategies to address countywide housing shortages. The Tillamook County Housing Commission completed a Housing Need Assessment (HNA) in December 2019. The HNA provided comprehensive review of the County’s housing shortages and forecasted housing demands for the next 20 years. The HNA determined new housing production has not kept pace with demand, leading to a severe shortage of housing availability and affordability issues. Most new construction over the past two decades has occurred in coastal “resort” towns, and 66%-80% of the total housing stock is owned by part-time residents. At the time of the study, it was determined that approximately one in three local workers reside outside Tillamook County.

The HNA estimated an increase of 2,936 residents in the 20-year projection between the base and forecast years with significant socio-economic and demographic shifts. Accordingly, the number of housing units necessary to ensure an adequate supply is expected to increase in tandem with a variety of housing types

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needed to accommodate a diversity of new residents. The HNA concludes that renters—the vast majority of new residents—will demand medium- and high-density housing types.

The 2019 HNA forecasts the housing needs for Tillamook County under four scenarios and underlying assumptions to determine the additional housing units needed by 2039. Future demand for attainably priced housing will largely require the development of medium density “missing middle” housing types. The likely forecast housing mix and greatest housing type needs include single-family detached homes, accessory dwelling units (ADUs), and middle housing types including plexes, townhomes and condominiums, as well as manufactured housing units.

Since the completion of the 2019 HNA, the County has updated residential zoning districts in unincorporated communities to allow for Accessory Dwelling Units (ADUs), one of many strategies implemented by Tillamook County to address the county’s housing needs. Senate Bill 406, specifically the middle housing code updates under consideration, are additional strategies that align with the County’s efforts to create greater opportunities for diverse housing options. If adopted, the proposed ordinance amendments will further the County’s efforts to meet the demands identified in the 2019 HNA.

It should also be noted that updates to the 2019 HNA have been initiated by the County. The preliminary findings from the consulting team in their work with the Tillamook County Housing Commission, Housing Coordinator and the Department reaffirm middle housing options are critically needed countywide to meet existing and future housing demands.

III. APPLICABILITY & PURPOSE

The proposed middle housing code updates are reflected in residential zoning districts located within the Tillamook County Unincorporated Communities of Neahkahnie, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Hebo, Cloverdale, Pacific City/Woods, and Neskowin (Exhibits A-D). It should be noted that Unincorporated Communities not served by sewer, such as Mohler, Idaville, Siskeyville and Beaver include the same residential zoning designation (Community Single Family Residential- CSFR) as Barview/Twin Rocks/Watseco, Hebo, and Cloverdale. A distinction has been made in draft code language for the CSFR zone (Section 3.011) and proposed Section 5.120, a new section, to address middle housing project proposals in these unincorporated communities where a sewer services are not available or where a sewer district is not present to the community at-large.

IV. AMENDMENTS TO THE TILLAMOOK COUNTY LAND USE ORDINANCE (TCLUO)

Community Residential Zones: #851-25-000271-PLNG (EXHIBIT A)

Zoning Districts:

- Section 3.011: Community Single Family Residential (CSFR) Zone
- Section 3.012: Community Low Density Urban Residential (CR-1) Zone
- Section 3.014: Community Medium Density Urban Residential (CR-2) Zone
- Section 3.016: Community High Density Urban Residential (CR-3) Zone

Location of Zoning Districts:

- Barview/Twin Rocks/Watseco
- Hebo
- Cloverdale
- *Mohler**
- *Idaville**

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- *Beaver**
- *Siskeyville**

**Represents Unincorporated Communities where sewer service is not available to the community at large.*

Summary of Amendments

- Middle Housing Types Listed as Outright Permitted Uses
 - References new Section 5.120
- Development Standards
 - Maintains Minimum Lot Size Requirements
 - Maintains Setbacks (Except Street Side Yard Setback)
 - Maintains Building Height Maximums (Increases 24-Feet to 25-Feet for Ocean or Bayfront Lots)
 - Maintains Setback from Resource Zone Boundary Where Already Exists in Code

Pacific City/Woods Residential Zones: #851-25-000263-PLNG (EXHIBIT B)

Zoning Districts:

- Section 3.331: Pacific City/Woods Rural Residential (PCW-RR) Zone
- Section 3.332: Pacific City/Woods Low Density Residential (PCW-R1) Zone
- Section 3.333: Pacific City/Woods Medium Density Residential (PCW-R2) Zone
- Section 3.334: Pacific City/Woods High Density Residential (PCW-R3)

Summary of Amendments

- Middle Housing Types Listed as Outright Permitted Uses
 - References new Section 5.120
- Development Standards
 - Maintains Minimum Lot Size Requirements
 - Maintains Setbacks (Except Street Side Yard Setback)
 - Maintains Building Height Maximums (Increases 24-Feet to 25-Feet for Ocean or Bayfront Lots)
 - Maintains Setback from Resource Zone Boundary Where Already Exists in Code

Netarts Residential Zones: #851-25-000260-PLNG (EXHIBIT C)

- Section 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone
- Section 3.342: Netarts High Density Urban Residential (NT-R3) Zone
- Section 3.344: Netarts Residential Manufactured Dwelling (NT-RMD) Zone

Summary of Amendments

- Middle Housing Types Listed as Outright Permitted Uses
 - References new Section 5.120
- Development Standards
 - Maintains Minimum Lot Size Requirements
 - Establishes New Minimum Lot Sizes for 4+ Units and Cottage Clusters where Minimum Lot Size is Less Than 7,000 Square Feet
 - Maintains Setbacks (Except Street Side Yard Setback)
 - Increases Maximum Lot Coverage for Single-Family Dwelling
 - No Maximum Lot Coverage for Other Middle Housing Types

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- Maintains Building Height Maximums (Increases 24-Feet to 25-Feet for Ocean or Bayfront Lots)
- Maintains Setback from Resource Zone Boundary Where Already Exists in Code

Neskowin Residential Zones: #851-25-000259-PLNG (EXHIBIT D)

- Section 3.320: Neskowin Rural Residential (NeskRR) Zone
- Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
- Section 3.324: Neskowin High Density Urban Residential (NeskR-3) Zone

Summary of Amendments

- Middle Housing Types Listed as Outright Permitted Uses
 - References new Section 5.120
- Development Standards
 - Maintains Minimum Lot Size Requirements
 - Establishes New Minimum Lot Sizes for 4+ Units and Cottage Clusters where Minimum Lot Size is Less Than 7,000 Square Feet
 - Maintains Setbacks (Except Street Side Yard Setback)
 - Maintains Maximum Lot Coverage Standards
 - Maintains Building Height Maximums (Increases 24-Feet to 25-Feet for Ocean or Bayfront Lots)
 - Maintains Setback from Resource Zone Boundary Where Already Exists in Code

Article 4 and Article 11 Updates: #851-25-000266-PLNG (EXHIBITS E & G)

- Article 4: Development Standards
 - Section 4.030: Off-Street Parking and Off-Street Loading Requirements
 - Updated to reflect parking requirements for middle housing types
 - Section 4.060: Access
 - Updated to add standard for townhouses
 - Section 4.100: General Exceptions to Lot Size Requirements
 - Establishes that small lots less than 3,000 square feet can be developed with a single-family dwelling or duplex in unincorporated communities served by water and sewer, provided that all other development standards of this section and applicable supplemental provisions of the TCLUO are met.
 - Section 4.110: Exceptions to Yard Setback Requirements
 - Establishes that front yard averaging can be applied for determining a front yard setback for either a single-family dwelling or duplex.
- Article 11: Definitions
 - Adds definitions for middle housing and cottage cluster projects.
 - Updates or removes existing definitions to reflect state law.

Article 5 Updates: New Section 5.120: Middle Housing Development Standards: #851-25-000264-PLNG (EXHIBIT F)

Summary of Proposed Section

- The purpose of the middle housing standards is to ensure that new middle housing can be integrated within community boundaries where it is permitted and reviewed according to clear and objective standards. Middle housing includes triplexes, quadplexes, townhouses and cottage clusters, intended to provide an alternative to single-family dwellings for greater flexibility that can include dwellings of different sizes and configurations.

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- Establishes the location where these middle housing types can be permitted.
- Requires sufficient infrastructure exists for middle housing projects, requiring applicants to demonstrate sufficient infrastructure by submitting service provider letters for water and sewer, submitting a copy of onsite wastewater permits (where applicable), and a copy of the driveway permit (road approach) at the time of consolidated zoning and building permit application submittal. Also requires integration of stormwater improvements into project design to ensure stormwater is managed onsite and is not discharged into road right of way or adjacent properties.
- Establishes clear and objective development standards for triplexes and quadplexes, including entry orientation and driveway design, and basic design standards for buildings.
- Establishes clear and objective development standards for townhomes, including entry orientation and driveway design, and basic design standards for buildings.
- Establishes clear and objective development standards for cottage cluster developments, including maximum size and building height of each cottage, requirements for open space, pedestrian paths, parking and orientation of cottages.

V. AMENDMENTS TO THE TILLAMOOK COUNTY LAND DIVISION ORDINANCE: #851-25-000265-PLNG (EXHIBIT H)

Summary of Proposed Amendments

- Establishes land division criteria and standards for middle housing projects.
- Establishes review processes and notification processes for middle housing projects.

VI. ANALYSIS:

1. Statewide Planning Goal & Tillamook County Comprehensive Plan Discussion

Oregon's 19 statewide planning goals are adopted as Administrative Rule and express the state's policies on land use as well as land use related topics. Oregon counties and incorporated cities are required to have a comprehensive plan consistent with Oregon's statewide planning goals as well as zoning and land division ordinances for implementation of comprehensive plan policies and objectives. The Tillamook County Comprehensive Plan contains 17 of the 19 Statewide Planning Goal Elements. Goal 15 (Willamette Valley) and Goal 19 (Ocean Resources) are absent from the Tillamook County Comprehensive Plan as the goals and policies for the Willamette Valley do not apply to Tillamook County and the Ocean Resources Element was created after the adoption of the County's comprehensive plan.

Tillamook County's Comprehensive Plan provides the County with an important opportunity to make a detailed statement describing the needs and desires of its citizens for the future use of the County's land and water resources, and to guide future development of the County through agreed upon policy statements which give direction to County actions and programs. The policies provide a basis for coordination of the programs of other governmental entities and are also intended to assist the private sector in reaching development decisions which are beneficial to the citizens of the County generally as well as to the private property owner.

The County's comprehensive plan must also be in conformance with the adopted statewide planning goals and policy statements are to be based upon required inventories of resources and other pertinent information and findings related to analysis of problems and opportunities existing in Tillamook County.

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The plan is intended to be used to guide actions for problem-solving, and state goals also require local adoption of implementation measures appropriate for dealing with the identified problems and needs.

- Tillamook County Comprehensive Plan Goal 1 Element: The Planning Process
Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

The proposed amendments are consistent with the Goal 1 element policies. Notice of public hearing was published in the Headlight Herald in accordance with the Article 10 of the TCLUO with notice provided to County designated Citizen Advisory Committees (CACs) at least 28-days prior to the first evidentiary hearing. Notice of the proposed amendments were also provided to local water, sewer and fire districts. As required, notice of public hearing and accompanying documents part of the PAPA process have been submitted to the Oregon Department of Land Conservation and Development at least 35 days prior to the first evidentiary hearing.

In addition to the notification actions outlined above, the County's Citizen Advisory Committees (CACs) played an active role in the development of the middle housing codes where community choices were available. Each CAC utilized land use subcommittees active within the CAC or formed new working groups to assist staff in development of the proposed middle housing code updates. The participation of these committees and groups was substantial, including bi-weekly meetings that were regularly noticed for community participation. Regular updates on the progress of middle housing code updates were also shared at general CAC meetings. Copies of presentations and meeting materials are included in "Exhibit I" of this report.

Staff are very grateful for the participation and work of the CACs and look forward to presenting more on CAC engagement at the July 10th hearing.

- Tillamook County Comprehensive Plan Goal 2 Element: THE LAND USE PLAN
Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program and describes the development of Tillamook County's Comprehensive Plan including justification for identifying exception areas.

The proposed amendments are consistent with the Goal 2 element and an exception is not required for the proposed amendments.

- Tillamook County Comprehensive Plan Goal 3 Element: AGRICULTURAL LANDS
Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.
- Tillamook County Comprehensive Plan Goal 4 Element: FOREST LANDS
Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

The proposed amendments do not apply to resource lands.

- Tillamook County Comprehensive Plan Goal 5 Element: NATURAL RESOURCES

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Summary: The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open space. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

Findings: The proposed amendments do not reduce existing protections or resources, or natural features reflected in the policies of the Goal 5 Element.

- Tillamook County Comprehensive Plan Goal 6 Element: AIR, WATER AND LAND RESOURCES QUALITY

Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution and noise control in Tillamook County.

Findings: The proposed amendments do not reduce existing protections or resources, or natural features contained in the policies of the Goal 6 Element.

- Tillamook County Comprehensive Plan Goal 7 Element: HAZARDS

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there. In Tillamook County, the purpose of addressing hazards is not meant to restrict properties from development, but to institute policies concerning potential problems, so they can be considered before financial losses and possible injury which may be avoided by the application of the policies formulated in the Comprehensive Plan.

Findings: The proposed amendments do not reduce existing protections against hazards addressed in the Goal 7 element or waive requirements for satisfaction of standards intended to address hazards such as those contained in TCLUO Section 4.130: Development requirements for Geologic Hazard Areas, TCLUO Section 3.510: Flood Hazard Overlay (FH) Zone, TCLUO Section 3.530: Beach and Dune Overlay (BD) Zone and TCLUO Section 3.580: Tsunami Hazard Overlay (TH) Zone.

- Tillamook County Comprehensive Plan Goal 8 Element: RECREATION

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts. In Tillamook County, the main issue surrounding recreation is that of quantity, location and orientation. This Goal element recognizes that the tourism sector of the County's economy is rapidly growing and some feel tourism places too large a burden on local public facilities and services.

Findings: Recreation opportunities are not prohibited or limited by the proposed amendments.

- Tillamook County Comprehensive Plan Goal 9 Element: POPULATION AND ECONOMY

Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. Projections in this Element of the Comprehensive Plan extend to year 2000. The importance of cottage industry, rural industry and light industry is recognized throughout this Element, stating that regulations be adopted to permit low-impact light

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manufacturing activity in suitable rural zones.

Findings: The Tillamook County Comprehensive Plan needs updated population projections. The forecasted housing needs contained within the 2019 Tillamook County Housing Needs Analysis (HNA) include current population data and forecasts for housing needed for Tillamook County’s workforce. Absent updated information in the Goal 9 element, updated information that supports housing needs and the need for diverse, multi-housing options can be found in the County’s 2019 HNA.

The policies contained within the Goal 9 element of the Tillamook County Comprehensive Plan are directive in actions needed to be taken by Tillamook County to promote and sustain the County’s economy in collaboration with special districts and others. Policies also prioritize the needs of industrial and commercial lands.

Commercial and industrial zoning districts are excluded from the list of eligible zoning districts part of Senate Bill 406 and this amendment process. Support for the proposed amendments can be considered by way of providing needed workforce housing- also needed to help sustain and grow Tillamook County’s economy. The proposed amendments are consistent with efforts to provide diverse, multiple housing options to Tillamook County’s workforce.

- Tillamook County Comprehensive Plan Goal 10 Element: HOUSING

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. This Goal element within the Tillamook County Comprehensive Plan focuses on the separation of housing needs and opportunities in both rural and urban areas. There is a strong tie to the Goal 11: Public Facilities and Goal 14: Urbanization elements of the Comprehensive Plan in this section.

Findings: Goal 10 requires planning for housing that encourages the availability of adequate numbers of housing units, and allows for flexibility of housing location, type and density. It is recognized that the intent of the statewide planning goals is to encourage the concentration of growth within the urban growth boundaries of cities, however this interpretation has resulted from the definition of “buildable lands” which has traditionally only included lands within urban growth boundaries.

The County’s Goal 10 element supports a second interpretation of the applicability of the Housing Goal consistent with past LCDC decision- that it is unreasonable to conclude that, because Goal 10’s building land inventory requirement applies only within urban growth boundaries, all housing needs must be satisfied within urban growth boundaries. Given the spatial distance of location of incorporated cities within Tillamook County, and the fact that there are no cities and urban growth boundaries from the City of Tillamook to the City of Lincoln City in Lincoln County, all housing needs cannot be satisfied within the urban growth boundaries of the seven incorporated cities in Tillamook County. This reality was a significant contributing factor in working with the state legislature in passing Senate Bill 406.

As a policy, Tillamook County interprets the Housing Goal (Goal 10) as applying to all areas of the County, not just to incorporated areas and their urban growth boundaries. Given the County’s geographic circumstances, this is the only reasonable non-contradictory interpretation of the goal.

The County can encourage the availability of housing to meet needs by 1) zoning a sufficient amount

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of land for needed housing types, 2) encouraging cities and service districts to service a sufficient amount of land to meet housing needs, and 3) minimizing the effect of regulations on housing cost. The structure of the proposed amendments and subsequent work under Senate Bill 406 supports these actionable objectives, most notably the third action listed by creating processes with clear and objective standards.

Staff find the proposed amendments are supported by the goals and policies of the Goal 10 element of the Tillamook County Comprehensive Plan.

The Goal 10 Housing element references other applicable goal elements and discusses the relationships between housing and public facilities and services, urbanization and applicability of the housing goal to urban and rural areas. Goal elements 11 and 14 are further discussed below.

- Tillamook County Comprehensive Plan Goal 11 Element: PUBLIC FACILITIES

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. This Element of the Comprehensive Plan outline types and levels of urban and rural facilities and services, with guidance to ensure timely, orderly and efficient arrangement of public facilities and services in Tillamook County.

Findings: Middle Housing densities are limited to up to four dwelling units (plexes and townhomes) and allow cottage cluster developments to be a maximum of 8 units. Development standards established in community zoning districts and proposed Section 5.120 establish minimum property size requirements for all middle housing types, maintaining existing low to moderate density levels already established in community zones with little change to urban and high-density zoning districts where many middle housing options already exist through zoning.

As mentioned previously in this report, middle housing opportunities at a density exceeding one unit (single-family dwelling) are limited to residentially zoned properties within unincorporated communities where public facilities and services exist. As stated in proposed Section 5.120, documentation from service providers is required to be submitted in conjunction with a consolidated zoning/building permit application to ensure public services are available and can accommodate the proposed development of a middle housing project.

- Tillamook County Comprehensive Plan Goal 12 Element: TRANSPORTATION

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged." Policies outlined in this Goal element of the Tillamook County Comprehensive Plan require the County to protect the function, operation and safety of existing and planned roadways as identified in the County's Transportation Plan, consider land use impacts on existing or planned transportation facilities in all land use decisions, plan for multi-modal networks, and coordinate transportation planning efforts with other jurisdictions to assure adequate connections to streets and transportation systems between incorporated and unincorporated areas.

Findings: The development standards contained in proposed Section 5.120 establish standards for driveways and access to properties for middle housing projects. The Department has collaborated with the Tillamook County Public Works Department on review of the middle housing code updates required by Senate Bill 406, and this work is reflected in proposed Section 5.120, the development

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standards of a residential zoning district and is also reflected in the updates to Section 4.030: Off-Street Parking and Off-Street Loading Standards of the TCLUO.

- Tillamook County Comprehensive Plan Goal 13 Element: ENERGY CONSERVATION
Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." Planning for energy conservation and opportunities to promote the installation of renewable energy systems are discussed in this Goal element of the Tillamook County Comprehensive Plan.

Findings: Existing opportunities for renewable energy conservation systems and efforts to maximize conservation of existing energy facilities are not affected by the proposed amendments.

- Tillamook County Comprehensive Plan Goal 14 Element: URBANIZATION
Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses. This Goal element of the Tillamook County Comprehensive Plan focuses largely on development within unincorporated communities, public facility limitations to rural areas, and impacts of urban sprawl on resource lands.

Findings: Consistent with Goal 11 Comprehensive Plan policies, continued planning to ensure adequate public services such as sewer, water, law enforcement and fire protection is critical to the public health, welfare and safety of Tillamook County communities and its residents.

As mentioned previously in this report, middle housing opportunities exceeding one dwelling unit (single-family dwelling) are limited to residentially zoned properties within unincorporated communities where public facilities and services exist. Middle housing projects will not be allowed on residential properties outside of residentially zoned properties within unincorporated communities (urbanizable lands).

Time, place and management regulations contained within proposed Section 5.120 and reflected in individual community zoning codes have been designed to maintain consistency relevant goals and policies contained within the Goal 14 element of the Tillamook County Comprehensive Plan, ensuring middle housing development does not result in urban sprawl on resource lands.

- Tillamook County Comprehensive Plan Goal 16 Element: ESTUARINE RESOURCES
Summary: This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units." Five estuaries are inventoried and described in this element of the Tillamook County Comprehensive Plan, the Nehalem Estuary, Tillamook Estuary, Netarts Estuary, Sandlake Estuary and Nestucca Estuary.
- Tillamook County Comprehensive Plan Goal 17 Element: COASTAL SHORELANDS
Summary: The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal

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land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses. Coastal Shorelands inventoried in Tillamook County as described in this element are Nehalem Estuary Shorelands, Tillamook Estuary Shorelands, Netarts Estuary Shorelands, Sandlake Estuary Shorelands, and Nestucca Estuary Shorelands.

- Tillamook County Comprehensive Plan Goal 18 Element: BEACHES AND DUNES
Summary: Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes. Several categories of dunes are described and discussed in this element of the Tillamook County Comprehensive Plan, and includes discussion about where residential, commercial and industrial uses are prohibited. Goal 18 Exception areas are also inventoried within this element which allow for residential, industrial and commercial uses in dune areas that would otherwise be prohibited.

Findings: The proposed amendments are not in conflict with the goals and policies of the coastal elements. Coastal resources areas already under policy protection will continue to remain under those protections contained within the Comprehensive Plan.

2. Tillamook County Land Use Ordinance, Article IX, Amendment Process

A. Section 9.030: Text Amendment Procedure (Amend Article 5 of the TCLUO to include Section 5.110: Accessory Dwelling Unit (ADU) Standards)

1. A COMPREHENSIVE PLAN TEXT or ORDINANCE AMENDMENT may be requested by any person, subject to the requirements of a Type IV procedure and Article 10.

If County initiated, Article 9 requires the Department to prepare an analysis of the proposed amendments addressing such issues as the intent of the applicable Comprehensive Plan policies; the intent of the provisions being amended; the effect on the land use patterns in the County; the effect on the productivity of resource lands in the County; administration and enforcement; and the benefits or costs to Departmental resources resulting from the proposed amendments.

Staff finds as follows:

- Analysis of the proposed amendments in relation to existing Comprehensive Plan policies is contained in this report.
- The proposed amendments do not impair legally designated uses permitted outright or conditionally in the established underlying residential zones part of this middle housing code update. These updates reflect Senate Bill 406 and are limited to residential zoning code updates to allow for middle housing types within already established residential zoning districts within unincorporated communities served by water and sewer.
- Land use patterns establish how land is used in a specific area- residential, commercial, agricultural, and industrial are primary examples. Residential uses consisting of more than one-dwelling unit property (middle housing) are already established uses permitted outright and conditionally in unincorporated community residential zoning districts, and middle housing types are largely already part of established land use patterns in unincorporated

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communities. Additionally:

- The state has determined that middle housing types provide opportunities for increased housing supply in developed neighborhoods that blend well with detached single-family dwellings.
 - The minimum lot size requirements for permitted uses in these residential zoning districts remain the same with no reductions in minimum lot sizes for middle housing.
 - Minimum setback requirements already established in these residential zoning districts also remain the same with few proposed amendments as reflected in the draft zoning codes.
 - Lot coverage maximums, where established in residential zoning districts, also remain the same or, in the case of Netarts, have increased or waived lot coverage maximums for middle housing projects.
 - Established building height maximums in these residential zoning districts are also largely unchanged, except for oceanfront and bay front lots where there is a proposed height increase to 25-feet.
- The proposed amendments do not have an anticipated effect on the productivity of resource lands in Tillamook County. The proposed amendments do not allow the development of middle housing projects on resource lands.
 - The Department does not anticipate negative impacts on County administration or enforcement following adoption of the proposed middle housing codes. One of the primary goals of these middle housing code updates mandated under Senate Bill 406 is to streamline permitting processes that should also result in improved administrative processes. Adoption of middle housing code updates also presents an opportunity to address non-conforming structures and uses, as well as provide a clear and objective permitting path for unpermitted construction of additional dwelling units where this type of path may not have been previously available.
 - A fee structure already exists for required land use, zoning and building permit application(s) which will continue to apply to development requests of properties located within unincorporated Tillamook County.
 - Permitting requirements for middle housing projects are briefly described in this report. Permitting processes will follow standard procedures and review processes currently in place to ensure compliance with applicable building, zoning and sanitation code requirements.

2. CRITERIA

- (a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;*
- (b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);*
- (c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and*
- (d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.*

Staff finds as follows:

“EXHIBIT D”

- Goals and policies reflected in the Tillamook County Comprehensive Plan are required to be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules.
- The proposed amendments do not involve an amendment to the Tillamook County Comprehensive Plan. Policies contained within the Goal 10: Housing element of the Tillamook County Comprehensive Plan support adoption of the proposed amendments.
- The proposed amendments are needed to address countywide housing shortages as well as existing and future housing needs. The proposed amendments are within the public interest regarding community conditions and known future housing needs contained within the County’s Housing Needs Analysis.
- The proposed amendments are not in conflict with Section 9.040 Transportation Planning Rule Compliance, specifically this updated information will not significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR).

VII. EXHIBITS:

Exhibit A: Community Residential Zoning Codes- Sections 3.011 through 3.016
Exhibit B: Pacific City/Woods Residential Zoning Codes- Sections 3.331 through Section 3.334
Exhibit C: Netarts Residential Zoning Codes- Sections 3.340 through Section 3.344
Exhibit D: Neskowin Residential Zoning Codes- Sections 3.320 through Section 3.324
Exhibit E: Article 4: Development Standards
Exhibit F: Article 5: Section 5.120 (New)
Exhibit G: Article 11: Definitions
Exhibit H: Tillamook County Land Division Ordinance
Exhibit I: Community Presentation & Meeting Materials
Exhibit J: Senate Bill 406
Exhibit K: Public Testimony