

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Ordinance)	ORDER
Amendment Request #851-25-)	#25- <u>058</u>
000266-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 #851-25-000266-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 #851-25-000266-PLNG.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

5. Ordinance Amendment Request #851-25-000266-PLNG is approved.
6. The Tillamook County Land Use Ordinance is amended to reflect the adopted amendments included in "Exhibits A and B" contained in Article 4: Development Standards and Article 11: Definitions of the Tillamook County Land Use Ordinance (TCLUO) in accordance with Senate Bill 406.

7. The findings contained in the Staff Report dated July 3, 2025, included as "Exhibit C" 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

☒ ☐ ☐

Absent
Mary Faith Bell, Commissioner

☐ ☐ ☒

ATTEST: Christy Nyseth
County Clerk

APPROVED AS TO FORM:

By: 
Special Deputy


William K. Sargent, County Counsel



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ARTICLE 4

DEVELOPMENT STANDARDS

SECTION 4.000: GENERAL REQUIREMENTS

No lot or parcel area, dimension, required setback or yard, or off-street parking or loading area that exists on or is created after the effective date of this Ordinance shall be reduced below the applicable standards required by this Ordinance.

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

SECTION 4.010: CLEAR-VISION AREAS

- (1) **PURPOSE:** The purpose of a CLEAR-VISION AREA is to ensure safe sight distance for drivers approaching street intersections.
- (2) A CLEAR-VISION AREA shall be maintained on the corners of all properties located at the intersection of two streets or private ways or a street or private way and a railroad.

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- (3) A CLEAR-VISION AREA is a triangular area consisting of two equidistant sides which are lot lines measured from the point of intersection of the lot lines abutting streets; or, where the lot lines have rounded corners, such lines extended straight to their point of intersection, and then so measured; and a line joining the two non-intersecting ends at a distance from their intersection specified in Subsection (5) below.
- (4) A CLEAR-VISION AREA shall contain no planting, fence, wall, structure, parked cars, or other temporary or permanent obstructions exceeding thirty inches in height, measured from the top of the highest curb in the CLEAR-VISION AREA or, where no curb exists, from the highest established street center line grade adjacent to the CLEAR-VISION AREA. Trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the specified grade.
- (5) The following measurements shall establish CLEAR-VISION AREAS:
 - (a) In agricultural or residential zones, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.
 - (b) In all other zones, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets is 30 degrees or less, the distance shall be 25 feet.

SECTION 4.020: SIGNS

- (1) PURPOSE: The purpose of these supplemental regulations governing signs is to promote scenic values; to prevent unsafe driver distraction; to provide orientation and directions to visitors; to facilitate emergency response; and in general to provide for the placement of necessary SIGNS in appropriate areas. These provisions shall not be construed to preclude the placement of street address SIGNS in locations that can be readily seen by operators of emergency vehicles, provided that such placement does not impair efforts to maintain roads, drainage ways, or brush-free road right-of-ways. No SIGN shall be constructed within a required yard that will impair the use of an existing solar energy system on adjoining property.
- (2) No SIGN shall be placed in or extend over a required non-street side yard or street right-of-way, or within 10 feet of the front property line in a required front yard.
- (3) Any lighting for SIGN purposes shall be directed away from any adjacent residential use.
- (4) No flashing or moving SIGNS shall be located within 100 feet of a traffic control signal. No SIGN lighting shall present a traffic hazard.
- (5) In the F-1, SFW-20, SFW-10, RR, CSFR, CR-1, CR-2, CR-3, RMH, NT-RMD, RC, CC, and those unincorporated communities with adopted boundaries, RM and WDD zones, SIGNS, other than off-site advertising SIGNS, shall be limited to the following kinds, which may be directed towards each facing street or located at needed points of vehicular access where such access points are over 200 feet apart:
 - (a) A name plate or SIGN not exceeding two square feet for each dwelling.
 - (b) A temporary SIGN not exceeding eight square feet pertaining either to the lease, rental, or sale of the property upon which the SIGN is located, or to a construction project.

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- (c) A SIGN not exceeding 64 square feet advertising a subdivision.
 - (d) A SIGN not exceeding 150 square feet, identifying a multi-family dwelling or motel in the CR-3 zone and those zones with adopted unincorporated community boundaries.
 - (e) A SIGN not exceeding 50 square feet identifying a non-residential use such as the sale of farm produce, a golf course, or a church.
 - (f) A SIGN not exceeding 24 square feet identifying a cottage industry.
 - (g) A SIGN not exceeding 50 square feet identifying a rural or light industry in the SFW-10 zone.
 - (h) A SIGN not exceeding 24 square feet directing traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find. Such SIGNS shall be located within 600 feet of the intersecting roadway which provides access from the highway to the place of interest.
 - (i) SIGNS not exceeding a total area of 200 square feet for each commercial establishment in a RC, CC, commercial zones within unincorporated community boundaries where permitted, or WDD zone.
 - (j) A SIGN identifying a home occupation up to 12 square feet in size.
 - (k) A SIGN or SIGNS not exceeding a total of 200 square feet identifying a mobile home park, recreational campground, primitive campground, commercial farm, or community identification.
 - (l) A SIGN not exceeding 16 square feet for a bed & breakfast enterprise. SIGNS for bed & breakfast enterprises, which are greater than 16 square feet but less than 24 square feet may be approved according to the provisions of Article 6.
- (6) In the F zone, the following SIGNS are permitted:
- (a) SIGNS pertaining solely to uses permitted and conducted within the F (FOREST) zone.
 - (b) Road identification SIGNS.
 - (c) Intermittent flashing lights are only permitted where necessary to provide warning for a traffic hazard.
 - (d) SIGNS allowed in a FOREST zone shall not be located in, or extend over, a public right-of-way except for road identification SIGNS and highway regulatory SIGNS.
- (7) In the EC-1, EC-2 and ED zones, the following SIGNS are permitted:
- (a) SIGNS pertaining solely to uses permitted and conducted in the zone in which the SIGNS are located.
 - (b) Placement of SIGNS shall not involve any regulated activities.
 - (c) A temporary SIGN not exceeding eight square feet in area pertaining either to the lease, rental or sale of the property or to a construction project.

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- (d) A SIGN exceeding 100 square feet for each recreational use in the EC-1 zone.
 - (e) A SIGN not exceeding 200 square feet for each recreational, commercial or industrial use in the EC-2 or ED zones.
- (8) SIGNS larger than those permitted by this Section may be allowed only after consideration according to the provisions of Article 6.

SECTION 4.021: OFF-SITE ADVERTISING SIGN STANDARDS

- (1) PURPOSE: The purpose of the supplemental regulations for OFF-SITE ADVERTISING SIGNS is to provide standards to safeguard property and public welfare, to preserve locally recognized values of community appearance, and to reduce hazards to motorists and pedestrians traveling on public streets.
- (2) General Requirements:
- (a) No OFF-SITE ADVERTISING SIGN shall exceed 600 square feet in size.
 - (b) All required setback of the underlying zone shall be maintained. A SIGN may be located within a clear-vision area if the bottom of the SIGN is not located less than 8 feet above the existing grade, and the SIGN support is not obstructive.
 - (c) The maximum height of the SIGN structure, including any protrusions, shall be 24 feet measured from the existing grade.
 - (d) No person shall erect, construct, or maintain any SIGN upon property or building without the consent of the owner of the property or building if any, or their authorized representatives.
 - (e) SIGNS may only be illuminated by a concealed light source, and shall not flash, blink, fluctuate, or produce glare.

SECTION 4.030: OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

- (1) PURPOSE: The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.
- (2) PARKING SPACE: A single parking space shall be at least 8 feet by 20 feet in size.
- (3) TIMING OF COMPLIANCE: At the time any structure or use is erected or enlarged, or the use of any parcel or structure is changed, all required off-street parking spaces and loading areas provided in conjunction with an existing use shall not be reduced below the minimum requirements of this Ordinance.
- (4) PARKING FOR MULTIPLE USES: In the event several uses occupy a single structure or parcel of land, the total parking requirements shall be the sum of the requirements of the several uses computed separately. Joint use of the same parking and loading spaces by more than one use may be permitted, provided that the hours of operation of the separate uses do not overlap, and that satisfactory legal evidence is presented to the Department to establish the joint uses.

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- (5) **USE OF REQUIRED PARKING AREAS:** Parking areas required by this Section are designated for the operable vehicles of residents and their guests, and the owner, customer, patrons, and employees of commercial or industrial activities only. Vehicle or material storage, or the parking of vehicles used to conduct an activity, shall require additional parking areas.
- (6) **DRAINAGE:** Areas used for standing and maneuvering of vehicles shall have a surface that is suitable for all-weather use, and shall be drained so as to avoid the flow of water across public sidewalks and streets.
- (7) **BUFFERING NON-RESIDENTIAL PARKING AREAS:** Non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required.
- (8) **CURBING:** Parking spaces along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.
- (9) **LIGHTING:** Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.
- (10) **PROXIMITY TO TRAFFIC:** Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.
- (11) **SCHOOL DRIVEWAY:** A one-way driveway for loading and unloading children shall be located on the site of any school having a capacity of more than 25 students.
- (12) **OFF-STREET LOADING AREAS:** Activities that receive or distribute materials or merchandise by truck shall install and utilize loading docks in sufficient numbers and size to accommodate loading requirements without the disruption of nearby traffic. Parking areas required by this Ordinance may only be used for loading operations during periods of the day when not required for patron or customer parking.
- (13) **PARKING SPACE REQUIREMENTS:** Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.
 - (a) **RESIDENTIAL:**
 - i. Single-family dwelling: Two spaces for each dwelling unit.
 - ii. Accessory dwelling: One space for each dwelling unit.
 - iii. Duplex, triplex, quadplex: One space for each dwelling unit.
 - iv. Townhouse: One space for each dwelling unit.
 - v. Cottage cluster: One space for each cottage.
 - vi. Multifamily dwelling: One space for each dwelling unit.
 - (b) **BOARDING, LODGING, OR ROOMING HOUSE:** One space for each guest accommodation.
 - (c) **MOTEL, HOTEL OR GROUP COTTAGES:** One space for every unit.
 - (d) **HOSPITAL, NURSING HOME OR SIMILAR INSTITUTION:** One space for every three beds.

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- (e) CHURCH, CLUB, OR SIMILAR PLACE OF ASSEMBLY: One space for every six seats, or one space for every 50 square feet of floor area used for assembly.
- (f) LIBRARY: One space for every 300 square feet of floor area.
- (g) DANCE HALL OR SKATING RINK: One space for every 100 square feet of floor area.
- (h) BOWLING ALLEY: Five spaces for each lane.
- (i) EATING AND DRINKING ESTABLISHMENT: One space for every 150 square feet of floor area.
- (j) SERVICE OR REPAIR SHOP, RETAIL STORE HANDLING BULKY MERCHANDISE SUCH AS AUTOMOBILES AND FURNITURE: One space for each 600 square feet of floor area.
- (k) BANK, OFFICE: One space for each 500 square feet of floor area.
- (l) RETAIL STORES OR MEDICAL OR DENTAL CLINIC: One space for each 200 square feet of floor area.
- (m) WAREHOUSE, STORAGE AND WHOLESALE BUSINESS: One space for each 2,000 square feet of floor or storage area.
- (n) MANUFACTURING ESTABLISHMENT: One space for each 1,000 square feet of floor area.

SECTION 4.040: GENERAL PROVISIONS REGARDING ACCESSORY USES

- (1) An ACCESSORY USE shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:
 - (a) A guest house may be maintained as a dwelling, provided it contains no cooking facilities.
 - (b) An ACCESSORY STRUCTURE that is separate from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided that it is at no point located closer than three feet to a property line.
 - (c) Storage of recreation vehicles, boats, and utility trailers is permitted as an accessory use in any zone when stored in accordance with Section ~~5.040~~ 4.040 (1) (b).
- (2) An ACCESSORY STRUCTURE may be constructed on a lot or parcel that is neither the site of a primary residential use, nor contiguous with the site of the primary use, provided that the owner of the primary use secures approval for an ACCESSORY STRUCTURE or use according to the provisions of Article 6.

SECTION 4.060: ACCESS

Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private ACCESS easement, for at least 25 feet. Townhouses shall abut a street other than an alley, an approved private way, or an approved private access easement, for at least 20 feet, or the equivalent of the minimum lot width applicable in the zone, whichever is less.

SECTION 4.070: DUAL USE OF REQUIRED OPEN SPACE

No lot area, yard, or off-street parking or loading area which is required by this Ordinance for one use shall be a

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required lot area, yard, or off-street parking or loading area for another use, unless otherwise specifically allowed by this Ordinance.

SECTION 4.080: DISTANCE BETWEEN BUILDINGS

A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and any other freestanding buildings located on the same property.

SECTION 4.100: GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS

A lot or parcel, as recorded in the office of the County Clerk prior to the adoption of this Ordinance, which complies with the standards then in effect, but which does not now meet the dimensional lot standards of the zone in which the property is located, may nevertheless be occupied by a single-family dwelling if the lot or parcel meets all other applicable Ordinance requirements, including setbacks, provided that lots smaller than 3,000 square feet meet the following additional requirements.

- (2) A property survey of the lot shall be performed and all corners shall be monumented by a registered surveyor prior to submittal of a permit for construction/location and a copy of the survey shall be submitted with the application and other required material.
- (3) Prior to the County's issuance of any permits affecting the use of real property, an applicant owning a small lot shall combine all or part of an adjacent property with the small lot for any consideration of any applicable County permit or land use law. For purposes of this Section, the following definitions apply:
 - (a) "Applicant" means any legal person (or persons) who:
 - i. Owns a small lot in fee simple, and
 - ii. Also owns real property adjacent to the small lot.
 - (b) "Small lot" means any real property less than 3,000 square feet.
 - (c) This Section shall be interpreted liberally to carry its intent to require proposed buildable lots to meet as nearly as possible or exceed a particular zone's minimum lot size requirement based upon identical owners of adjacent real properties.
- (4) Not more than 50% of the lot area shall be covered with any structure of any height.
- (5) Front and rear setbacks in combination must be at least 30 feet, with each minimum of 10 feet.
- (6) No portion of a structure shall be located closer than six (6) feet to any structure on an adjacent lot.
- (7) The permitted living space as determined by the Building Official shall be no more than 50% of the square footage of the lot or 1,200 square feet, whichever is larger. Additionally, up to 600 square feet is permitted for an enclosed garage or storage area. This garage or storage area may be enlarged if there is an equivalent reduction in living space.
- (8) An approved Road Approach Permit must be obtained from the Tillamook County Public Works Department.
- (9) The proposed structure shall meet all other requirements of the County's Land Use Ordinances, including off-street parking; except where contradicted by other provisions of this Section.

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- (10) A lot or parcel in a residential zone within the adopted unincorporated community boundaries of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside or Pacific City/Woods, may be occupied by a single-family dwelling or duplex if the lot or parcel meets all other applicable Ordinance requirements, and demonstrates that the requirements of this section are met.

SECTION 4.110: EXCEPTIONS TO YARD SETBACK REQUIREMENTS

- (1) **PURPOSE:** The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.
- (2) **AVERAGING FRONT YARDS:** The following EXCEPTIONS to the front yard requirement for a single-family dwelling or duplex, mobile home or recreation vehicle are authorized for a lot or parcel in any zone. The required front yard for a dwelling need not exceed:
- (a) The average depth of the front yards of all dwellings within 100 feet of both sides of the proposed dwelling; or
 - (b) The average of the depth of the front yard of the nearest dwelling within 100 feet on either side of the proposed dwelling, and the required front yard of the zone.
- (3) **SIDE YARDS TEN PERCENT OF LOT WIDTH:** The required width of a non-street side yard may be reduced to 10 percent of the width of the lot, but not to less than 3 feet, unless a Variance for a lesser distance is approved.
- (4) **HAWK CREEK HILLS:** Front yards in the Hawk Creek Hills and the First Addition to Hawk Creek Hills Subdivisions need not exceed 5 feet.
- (5) **SMALL LOT EXCEPTIONS:** In the RR, CSFR, RC, CC, CR-1, CR-2, CR-3, RMH and RMD zones and including those communities with adopted community growth boundaries, a front or rear yard, but not both, may be ten feet, provided the following apply to the subject parcel:
- (a) The parcel is 7500 square feet or less in size.
 - (b) At least one side yard is ten feet or more wide.
 - (c) Required off-street parking is provided.
 - (d) The right-of-way width at the front of the lot is at least thirty feet. In the case of right-of-ways under 30 feet in width, a ten-foot yard may be approved if it is approved by the Public Works Department.
 - (e) The lot is not a corner lot. If the lot is a corner lot and meets the above criteria, the front yard may be 15 feet.
- (7) **PROJECTIONS FROM BUILDINGS:** Architectural features such as cornices, eaves, canopies, gutters, signs, chimneys, and flues shall not project more than 18 inches into a required yard unless evidence is presented to the Department that such projections increase the energy efficiency of the building, either by the capture of solar radiation or by providing shading for cooling, in which case they shall not project more than 24 inches into a required yard.

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(8) DECKS, PORCHES, AND STEPS:

- (a) Decks may be constructed within setback areas provided that the intruding portion:
 - i. Of the floor does not exceed 30 inches in height above finished grade, and
 - ii. Any fixed benches, railings or other attachments do not exceed 40 inches above finished grade, and
 - iii. Maintains a minimum of half the required front yard setback, a minimum of 10 foot street side yard setback on a corner lot, and a minimum of 3 feet for rear yard and non street side yard setbacks.
- (b) All other uncovered decks, porches, or steps shall not project more than 24 inches into a required yard.
- (c) Decks which extend into the required setbacks shall not be enclosed, nor covered, without using the procedures set forth in Article 8. The existence of a deck within the required setbacks shall not be used as justification to extend a building into the required setbacks.

(9) ZERO TO THREE FOOT SETBACK: Where a side or rear yard is not required, and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

(10) OCEANFRONT SETBACKS - See Section 3.530 ~~3.085 (4) (a) (b)~~

(11) WATER QUALITY SETBACKS - See Section ~~4.080~~ 4.140 (1) (2) and (3).

(12) CLEAR VISION: These provisions may not be interpreted to allow parking or structures

SECTION 4.120: GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

- (1) Projections such as chimneys, spires, elevator shaft housings, flagpoles, devices or structures for the capture of solar energy, towers for wind energy conversion systems and windmills, and other structures not used for human occupancy are not subject to the BUILDING HEIGHT LIMITATIONS of this Ordinance, unless such projection shades an existing solar energy system on an adjoining property to such as extent as to affect the efficiency of that system.
- (2) In the airport overlay zone, no structure or tree shall exceed 150 feet in height.

SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

Sections

- 4.130(1) Purpose
- 4.130(2) Applicability
- 4.130(3) Geologic Hazard Assessment Review
- 4.130(4) Geologic Hazard Report Standards

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4.130(5) Decisions of Geologic Hazard Assessment Reviews

4.130(6) Development Standards for Uses Subject to Review

4.130(1) Purpose

The purpose of these Development Requirements for Geologic Hazard Areas is to protect people, lands and development in areas that have been identified as being subject to geologic hazards.

The provisions and requirements of this section are intended to provide for identification and assessment of risk from geologic hazards, and to establish standards that limit overall risk to the community from identified hazards to a level acceptable to the community. Development in identified hazard areas is subject to increased levels of risk, and these risks must be acknowledged and accepted by present and future property owners who proceed with development in these areas

4.130(2) Applicability

The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:

- a) All lands partially or completely within categories of “high” and “moderate” susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;
- b) All lands partially or completely within categories of “high” and “moderate” susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20- 13, Landslide hazard and risk study of Tillamook County, Oregon;
- c) All lands partially or completely within a “debris flow fan” as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;
- d) All lands partially or completely within a rapidly moving landslide as mapped in DOGAMI IMS-22, GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon, 2002.
- e) All lands along the oceanfront. An oceanfront lot is a lot or parcel that abuts the ocean shore state recreation area (as defined in OAR 736-021-0010) or a lot or parcel where there is no portion of a buildable lot between it and the ocean shore state recreation area. Lots or parcels that are fronted by roads, parks, beach accesses, or other minimal improvements are also considered oceanfront.
- f) Lots or parcels where the average existing slopes are equal to or greater than 19 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel less than or equal to 20,000 square feet or lots or parcels where the average existing slopes are equal to or greater than 29 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel greater than 20,000 square feet.

1. For the purpose of this section, slopes are determined by:

- Lots or parcels less than 20,000 square feet where the average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property.
- The average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29

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percent or greater for properties 20,000 square feet or larger.

- g) Any other documented geologic hazard area on file, at the time of inquiry, in the office of the Tillamook County Community Development Department. A “documented geologic hazard area” means an area of land that is shown by reasonable written evidence to contain geological characteristics or conditions which are hazardous or potentially hazardous for the improvement thereof.

The publications referenced above are not intended to be used as a site-specific analysis tool. The County will use these publications to identify when a Geologic Hazard Assessment Review is needed on a property prior to development.

4.130(3) Geologic Hazard Assessment Review

- a) Except for activities identified in Subsection 4.130(3)(b) as exempt, any new development or substantial improvement (as defined in Article 11) in an area subject to the provisions of this section shall require a Geologic Hazard Assessment Review.
- b) The following development activities are exempt from the requirement for a Geologic Hazard Assessment Review:
 - 1. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Article 11.
 - 2. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
 - 3. Construction of structures for which a building permit is not required;
 - 4. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
 - 5. Fill that is less than two feet in depth or that involves less than twenty-five cubic yards of volume;
 - 6. Yard area vegetation maintenance and other vegetation removal on slopes less than 20%;
 - 7. Removal of trees smaller than 8 inches dbh (diameter breast height);
 - 8. Removal of trees larger than 8 inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one-year period is less than 25% of the lot or parcel area;
 - 9. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
 - 10. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the existing right-of-way boundary;
 - 11. Maintenance and repair of utility lines, and the installation of individual utility service connections;
 - 12. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard; and
 - 13. Beachfront protective structures subject only to regulation by the Oregon Parks and Recreation Department under OAR Chapter 736, division 20.

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- c) Application, review, decisions, and appeals for a Geologic Hazard Assessment Review shall be a Type I procedure in accordance with Article 10. Applications for a Geologic Hazard Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Except for exempt activities listed under Section 4.130(3)(b), Geologic Hazard Assessment Review shall be completed prior to any ground disturbance.
- d) All applications for Geologic Hazard Assessment Review shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed geoprofessional (as defined in Article 11) that meets the content requirements of Section 4.130(4), at the applicant/property owner's expense.
- e) For development activities that are subject both to this section and Section 3.530: Beach and Dune Overlay Zone, one complete Geologic Hazard Report can be submitted for meeting the requirements of this section and Section 3.530. The report shall include requirements for both sections as applicable.

4.130(4) Geologic Hazard Report Standards

- a) For the purposes of Section 4.130, a Geologic Hazard Report refers to engineering geologic reports, geotechnical reports, and geotechnical engineering reports.
- b) .Geologic Hazard Reports required pursuant to this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles, and shall at a minimum contain the applicable provisions outlined in the Oregon State Board of Geologist Examiners publication "Guidelines for the Preparation of Engineering Geologic Reports," 2nd Edition, 5/30/2014 or other published best practice guidelines for engineering geologic or geotechnical engineering reports, consistent with current scientific and engineering principles. Reports shall reference the published guidelines upon which they are based.
- c) For oceanfront property (lots or parcels abutting the ocean shore), Geologic Hazard Reports shall also address all the requirements of Section 3.530 (6)(f) to the extent applicable and based on best available information.
- d) Geologic Hazard Reports required by this section shall include the following from the preparer(s) of the report:
 - a. A statement that all the applicable content requirements of subsection 4.130(4) have been addressed or are not applicable to the review. An explanation shall be accompanied with any requirement identified as not applicable;
 - b. A description of the qualifications of the professional(s) that prepared the report. If multiple licensed professionals contributed to the report, each professional shall individually sign and stamp their own work products; and
 - c. A statement by the preparer(s) that they have the appropriate qualifications to have completed the report and all its contents.
- e) All Geologic Hazard Reports are valid for purposes of meeting the requirements of Section 4.130 for a period of five (5) years from the date of preparation. Such reports are valid only for the development plan addressed in the report. Tillamook County assumes no responsibility for the quality or accuracy of such reports. Within that five-year period, the Planning Director can require at their discretion an addendum by a qualified licensed geoprofessional certifying that site conditions have not changed from the original report. If site conditions have changed, a new Geologic Hazard Report shall be required.

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4.130(5) Decisions of Geological Assessment Reviews

A decision on a Geologic Hazard Assessment Review shall be based on findings of compliance with the following standards:

- a) The Geologic Hazard Report shall meet the content standards set forth in Section 4.130(4).
- b) In approving a Geologic Hazard Assessment Review, the decision maker may impose any conditions which are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Tillamook County Land Use Ordinance.
- c) The development plans for the application conform, or can be made to conform, with all the recommendations and specifications contained in the Geologic Hazard Report.
- d) In the event the decision maker determines that additional review of the Geologic Hazard Report by a qualified licensed geoprofessional is necessary to determine compliance with this section, Tillamook County may retain the services of such a professional for this purpose. The applicant shall be responsible for all costs associated with the additional review. The results of that evaluation shall be considered in the decision of the Geologic Hazard Assessment Review.

4.130(6) Development Standards for Uses Subject to Review

In addition to the conditions, requirements and limitations imposed by a required Geologic Hazard Report, all uses subject to a Geologic Hazard Assessment Review shall conform to the following requirements:

- a) Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Hazard Assessment Review shall provide a Hazard Disclosure Statement recorded with the Tillamook County Clerk's Office and signed by the property owner that acknowledges:
 - 1. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 - 2. The property owner has commissioned a Geologic Hazard Report for the subject property, a copy of which is on file with Tillamook County Department of Community Development, and that the property owner has reviewed the Geologic Hazard Report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;
 - 3. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.
 - 4. The property owners shall refrain from interfering with mitigation measures or improvements on the site and shall maintain them.
- b) Mitigation measures: Mitigation measures required to make the site suitable for the proposed development, including their design and construction specifications, shall be included in the Geologic Hazard Report and followed.
- c) Safest site requirement: All new structures shall be limited to the recommendations contained in the Geologic Hazard Report; and
 - 1. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and

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2. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.
- d) Minimum Oceanfront Setbacks: For oceanfront lots or parcels, the building footprint of all new development or substantial improvement subject to a Geologic Hazard Assessment Review shall also comply with the requirements of Section 3.530(8) Oceanfront Setbacks.
- e) Erosion Control Measures: All uses subject to a Geologic Hazard Assessment Review shall address the following erosion control measure requirements, designed by a qualified licensed geoprofessional:
 1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one-time during construction;
 2. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;
 3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
 4. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;
 5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
 6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
 7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty-year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;
 8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
 9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 - i. Energy absorbing devices to reduce runoff water velocity;
 - ii. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 - iii. Dispersal of water runoff from developed areas over large undisturbed areas.
 10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance

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from streams or drainageways; or by other sediment reduction measures; and

11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.
- f) Certification of compliance: Permitted development shall comply with the recommendations in the required Geologic Hazard Report. Certification of compliance shall be provided as follows:
 - a. Plan Review Compliance: Building, construction or other development plans shall be accompanied by a written statement from a certified engineering geologist or licensed geotechnical engineer stating that the plans comply with the recommendations contained in the Geologic Hazard Report for the Geologic Hazard Assessment Review.
 - b. Inspection Compliance: Upon the completion of any development activity for which the Geologic Hazard Report recommends an inspection or observation by a certified engineering geologist or licensed geotechnical engineer, the certified engineering geologist or licensed geotechnical engineer shall provide a written statement indicating that the development activity has been completed in accordance with the applicable Geologic Hazard Report recommendations.
 - c. Final Compliance: No development requiring a Geologic Hazard Report shall receive final approval (e.g., certificate of occupancy, final inspection, etc.) until the department receives:
 - i. A written statement from a certified engineering geologist or licensed geotechnical engineer indicating that all performance, mitigation, and monitoring measures specified in the Geologic Hazard Report have been satisfied;
 - ii. If mitigation measures incorporate engineering solutions designed by a licensed professional engineer, a written statement of compliance by the design engineer;
 - iii. A written statement by the qualified licensed geoprofessional indicating that all erosion control measure requirements were met.
- g) Restoration and replacement of existing structures:
 - a. Notwithstanding any other provisions of this ordinance, application of the provisions of this section to an existing use or structure shall not have the effect of rendering such use or structure nonconforming as defined in Article 7.
 - b. Replacement, repair or restoration of a lawfully established building or structure subject to this section that is damaged or destroyed by fire, other casualty or natural disaster shall be permitted, subject to all other applicable provisions of this ordinance, and subject to the following limitations:
 - i. Replacement authorized by this subsection is limited to a building or structure not larger than the damaged/destroyed building.
 - ii. Structures replaced pursuant to this subsection along the oceanfront shall be located no further seaward than the damaged structure being replaced.
 - iii. Replacement or restoration authorized by this subsection shall commence within one year of the occurrence of the fire or other casualty which necessitates such replacement or restoration.
 - c. A building permit application for replacement, repair, or restoration of a structure under the

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provisions of this subsection shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed geoprofessional that adheres to the Geologic Hazard Report Standards outlined in Section 4.130(4). All recommendations contained in the report shall be followed.

- d. A building permit application for replacement, repair, or restoration authorized by this subsection shall be processed and authorized as Type I review pursuant to Section 10.020.

[TCLUO Section 4.130 Adopted May 11, 2022]

SECTION 4.140: REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION

- (1) The following areas of riparian vegetation are defined:
 - (a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.
 - (b) Twenty-five (25) feet from all other rivers and streams where the river or stream channel is greater than 15 feet in width.
 - (c) Fifteen (15) feet from all perennial rivers and streams where the river or stream channel is 15 feet in width or less.

For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.

- (2) All development shall be located outside of areas listed in (1) above, unless:
 - (a) For a bridge crossing; or
 - (b) Direct water access is required in conjunction with a water dependent use; or
 - (c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or
 - (d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20 foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife.

- (3) Exemptions from (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:
 - (a) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this Ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, with a depth measured according to (1) above that is;

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- i. Less than 95 feet in places where the area of riparian vegetation is 50 feet wide; or
 - ii. Less than 70 feet in places where the area of riparian vegetation is 25 feet wide.
- (b) Other lots in identified Abuilt and committed areas and other Alots of record≡ where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

- (4) All trees and at least 50 percent of the understory vegetation shall be retained within areas listed in (1) above, with the following exceptions:
- (a) Removal of trees that pose an erosion or safety hazard to existing uses allowed by the underlying zone.
 - (b) The mowing, planting, or maintenance of existing lawn and pasture, including the control of noxious weeds.
 - (c) Vegetation removal necessary in conjunction with an approved in-water project or to provide direct access for a water-dependent use.
 - (d) Structural shoreland stabilization subject to the shoreline stabilization standards in Section 3.140.
 - (e) Vegetation removal for new bridge construction or routine repair, operation, or maintenance of bridges and highways.
 - (f) Vegetation removal necessary for maintenance of clear vision areas and the removal of roadside hazards.
 - (g) Vegetation removal necessary for construction of a minor highway improvement within an existing right-of-way.

Forest operations for which notification is required by ORS 527.670 (2) shall be governed by the Oregon Forest Practices Act.

SECTION 4.150: DEMOLITIONS OR ALTERATIONS OF HISTORIC STRUCTURES

- (1) Demolitions of HISTORIC STRUCTURES identified in the Comprehensive Plan inventory of HISTORIC BUILDINGS:
- (a) The Planning Department shall hold applications for demolition for 45 days before issuing the permit.
 - (b) During the 45 day period, the Planning Department shall take the following action: Notify the State Historic Preservation Office and the Pioneer Museum of the proposed demolition; advertise in a newspaper of general circulation the nature of the request and the historical values that would be lost; inform the applicant of the historic character of the building and the incentive associated with historic preservation.
 - (c) If after 45 days the Planning Department finds that there is no reasonable possibility for protecting the building, the demolition permit shall be issued.

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- (2) Alterations of the following buildings identified in the Comprehensive Plan as having significant historic and architectural merit: Isom/Fox Cottage, Povey Cottage, Wentz Cottage, Doyle Cottage, Churchill Cottage, Tillamook Naval Air Station Blimp Hangars.
 - (a) Exterior alterations (except painting), additions, and construction of auxiliary buildings shall be reviewed by the Planning Department and the Curator of the Pioneer Museum.
 - (b) Alterations shall be approved if proposed exterior materials and details are consistent with the building's historical character and maintenance of the building's predominant architectural features.

SECTION 4.160: PROTECTION OF ARCHAEOLOGICAL SITES

- (1) The Planning Department shall review building permits and other land use actions that may affect known ARCHAEOLOGICAL SITES. If it is determined that the proposed action may affect the integrity of an ARCHAEOLOGICAL SITE, the Planning Director shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents. No permit shall be issued until either the State Historic Preservation Office determines that the proposed activity will not adversely affect the ARCHAEOLOGICAL SITE, or the State Historic Preservation Office has developed a program for the preservation or excavation of the site.
- (2) Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinterment has been developed by the State.

SECTION 4.170: MIXED USE DEVELOPMENT (MUD)

- (1) PURPOSE: The purpose of a MIXED USE DEVELOPMENT is to allow greater freedom, diversity and cohesiveness in the planning and integrated development of relatively large tracts of land for a range of uses which could not effectively be accommodated under the provisions of this Ordinance. The use of these provisions is dependent upon three conditions:
 - (a) That a specific development proposal cannot effectively be reviewed under the provisions of the zone within which it is proposed;
 - (b) That the individual proposed uses are not incompatible with the established surrounding land uses; and
 - (c) That the proposal involves at least three different types of land use within a single site plan. For the purposes of a MIXED USE DEVELOPMENT review, a "type of land use" is one which differs in nature or character from other uses contained within a single development proposal.
- (2) APPLICABILITY: These provisions cannot be utilized without the submission of an acceptable plan, with satisfactory assurance that it can be carried out, and a preliminary determination by the Department that the three conditions listed in (1) above have been met. A MUD is considered a Conditional Use in the RR, CSFR, CR-1, CR-2, CR-3, RC, CC and RI and unincorporated community zones where permitted. However, in the RR zone, only parcels within a Community Growth Boundary will be considered for a MUD proposal. Additional RR zoned properties may be designated for a MUD through a Plan Amendment according to the provisions of Article 9 of this Ordinance. All permitted uses listed in the RR, CSFR, CR-1, CR-2, CR-3

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and RC and unincorporated community zones are permitted in a MUD in any of these zones. All permitted uses in the CC and RI zones, as well as those in the RR, CSFR, CR-1, CR-2, CR-3 and RC and unincorporated community zones where permitted are permitted in a MUD in the CC and RI zones.

- (3) **STANDARDS:** Standards pertaining to lot size, density, off-street parking, yards, building heights, or other aspects of development shall be governed by the standards of the underlying zone or zones in which the MUD is proposed. The requirements of all applicable overlay zones must be met by the proposed development. Where Variances from applicable standards are required, they shall be considered under the provisions of Article 8 at the time of Planning Commission review. Where applicable standards conflict, the more restrictive shall apply. Preliminary review of proposals involving the division of land shall take place, at the time of Planning Commission review, under the provisions of the Tillamook County Land Division Ordinance.

All standards for use, as identified for RC, CC, RI, and CI shall apply where appropriate.

- (4) **MIXED USE DEVELOPMENT PROCEDURES AND CRITERIA:** The following procedures and criteria shall govern a request to review and approve a MUD proposal:

- (a) The applicant shall arrange a pre-application meeting with the Department so as to determine the standards, requirements, and procedures governing a MUD request, and to inform the Department of the nature of the proposed development.
- (b) The applicant shall submit a complete preliminary development plan to the Department for review, along with six (6) copies of a report summarizing the proposal. The plan shall include the following information:
- i. A map showing the entire parcel, the proposed land uses and building locations, and the vehicular and pedestrian circulation patterns. Such a map shall be of such detail to indicate that all applicable Ordinance standards and requirements can be met.
 - ii. A topographic map rendered in the same scale as the map in (1) above.
 - iii. Housing unit densities for areas of residential development.
 - iv. Proposed uses and ownership and maintenance arrangements for all areas to be left in open space, and the ownership status of all streets.
 - v. Proposed property lines upon the completion of the project.
 - vi. A preliminary grading and drainage plan.
 - vii. The method of water supply and sewage disposal.
 - viii. An outline of proposed deed restrictions, if any.
 - ix. A discussion of the economic justification for proposed land uses which are in conflict with the zoning on the parcel, and the relations of such uses to all other uses proposed within the MUD.
 - x. The proposed time frame for completion of the entire development.
 - xi. A Geologic Hazard report where required by the Land Use Ordinance.
 - xii. A map indicating flood hazard areas if required by this Ordinance.

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- xiii. Filing and review fees, which shall be established by order of the Board of County Commissioners, and which shall be non-refundable despite Planning Commission action. Such fees shall not be applied to any concurrent application.
- (c) The Planning Department shall distribute the preliminary plan, for review and comment, to those agencies and departments which it deems necessary to determine the feasibility and adequacy of the plan. Such agencies and departments shall be given at least 21 days for review.
- (d) Following the preliminary review as described above, the Department shall notify the applicant of changes which have been suggested or would be required by the agencies and departments reviewing the plan.
- (e) After the Department's notification of what changes are considered necessary in order to meet the purposes of all applicable Ordinances and to protect the rights of property owners surrounding the proposed development, the developer shall submit, for Planning Commission review, a final proposal of the project. Planning Commission review will not take place until the complete plan is submitted.
- (f) The Commission shall apply the following criteria in the consideration of all MUD requests:
 - i. The proposed plan is internally cohesive and is consistent with Comprehensive Plan Policies for the vicinity.
 - ii. There are special development objectives that the project will satisfy which warrant review under these provisions.
 - iii. The parcel is suitable for the proposed use, considering its size, shape, location, topography, existence of improvements, and natural features.
 - iv. Proposed uses which are not otherwise permitted by the zoning on the parcel are accessory uses within the entire development.
 - v. The proposed use will not have a substantial impact upon adjacent uses, nor will it alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for permitted uses listed in the underlying zone.
 - vi. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
- (5) In approving a MUD proposal, the Planning Commission may impose whatever conditions are necessary in order to ensure that the purposes of this Ordinance are met.
- (6) The approved site plan for a MIXED USE DEVELOPMENT cannot be substantially amended or altered unless approved by the Planning Commission under the provisions of Article 6 of this Ordinance. Determination of the substance of such changes or amendments shall be the responsibility of the Planning Director.

SECTION 4.180: HOME OCCUPATION PERFORMANCE STANDARDS

- (1) PURPOSE: To provide for occupational activities in residences or their accessory structure, as provided by ORS 215.448, while assuring compatibility with existing and permitted uses within the area affected by the home occupation.
- (2) APPLICABILITY: HOME OCCUPATIONS are allowed outright or conditionally, depending upon the
 - Amended May 27, 2015 Tillamook County Land Use Ordinance Article 4 20
 - Amended May 11, 2022
 - Amended September 3, 2025

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intensity of the use and the zone within which they are located. In the F-1, F and SFW-20 zones, a HOME OCCUPATION includes a "Foster Family Home" and a "Bed and Breakfast Enterprise".

(3) STANDARDS:

- (a) All HOME OCCUPATIONS shall meet the following standards or conditions in addition to other applicable ordinance requirements:
 - i. The HOME OCCUPATION is operated by the resident of the property upon which the activity is located, within the residence or accessory structures.
 - ii. The HOME OCCUPATION will employ no more than five full- or part-time persons.
 - iii. The HOME OCCUPATION will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
 - iv. Where HOME OCCUPATIONS are allowed conditionally, conditions of approval shall limit retail sales, signs, traffic, noise, obnoxious odors, hazardous activities, and other identifiable adverse off-site impacts.
 - v. The existence of a HOME OCCUPATION shall not be used as justification for a zone change.
- (b) HOME OCCUPATIONS permitted outright shall meet the following additional standards or requirements:
 - i. Those employed in the HOME OCCUPATION must be members of the family residing on the premises.
 - ii. There shall be no activities that give the outward appearance or manifest the characteristics of a retail business, such as signs other than those permitted under Section 4.020, advertising of the dwelling as a business location, more than six customers daily entering the business premises, more than two customer vehicles at a time, noise that adversely affects neighbors, obnoxious odors, hazardous activities, or other adverse off- site impacts.
 - iii. Complaints from neighbors may be cause for requiring a Conditional Use review of the activity.

- (4) REVIEW: The Director shall review all Conditional Use Permits approving HOME OCCUPATIONS every 12 months following the date of approval, and may allow the use to continue if the HOME OCCUPATION continues to comply with Ordinance requirements.

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ARTICLE 11

DEFINITIONS

SECTION 11.010: DEFINITIONS

PURPOSE: The purpose of Article 11 is to define terms that are used in the County of Tillamook Land Use Ordinance and other terms that may arise in interpreting the Ordinance, particularly those that may be uncommon or have more than one meaning.

SECTION 11.020: APPLICABILITY

(1) **Definitions.** The definitions in Article 11 apply to all actions and interpretations under the County of Tillamook Land Use Ordinance. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases, the context in which a term is used will indicate its intended meaning, and that intent shall control.

(2) **When a Term Is Not Defined.** Terms not defined in the Ordinance shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

(3) Unless specifically defined in this Section or elsewhere in this Ordinance, words or phrases used herein shall be interpreted so as to give them the meaning they have in common usage, and to give this Ordinance its most reasonable application.

(4) Words used in the present tense include the future; the word "building" includes the "structure"; and the word "shall" is mandatory and not discretionary.

SECTION 11.030: GENERALLY APPLIED DEFINITIONS

ABUTTING: Sharing all or part of a common property line. For the purpose of determining abutting property, intervening public and private ways and watercourses do not break the continuity of abutting properties.

ACCEPTED FARMING PRACTICES: A mode of operation that is common to farms of a similar nature, that is necessary for the operation of such farms to obtain a profit in money, and is customarily utilized in conjunction with farm use.

ACCESS: The legally established route by which pedestrians and vehicles enter and leave property from a public way.

ACCESSORY STRUCTURE-ACCESSORY USE: A detached structure or a land use that is incidental and subordinate to the established primary use of a piece of property, and which is located on the same property as is the primary use, except as provided in Section 4.040.

ADJOINING; Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.

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ADULT FOSTER HOME: As defined by OAR 411-5-400 (2); a State-certified dwelling operated in a family- type setting for senior citizens and/or disabled persons over the age of 18 who are in need of help in the provision of shelter, food, medical care and/or other service.

AIRPORT, RUNWAY: The center portion of the landing strip, which is designed and constructed for takeoff and landing of aircraft.

ALLEY: A street which affords only a secondary means of vehicular access to property.

APARTMENT: See DWELLING, MULTIFAMILY.

APPEAL: Means a request for review of a Planning Director's or a Planning Commission's decision or interpretation of any provision of this Ordinance.

AQUACULTURE: The propagation, cultivation, maintenance, and harvesting of aquatic species.

ARCHITECTURAL FEATURES: Features include, but are not limited to cornices, canopies, sunshades, gutters, chimneys, fireplaces, flues, and eaves. Architectural features shall not include any portion of a structure built for support, occupancy, shelter, or enclosure of persons or property of any kind.

AUTOMOBILE WRECKING YARD: Any property where two or more motor vehicles which are not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered, or stored in the open, and are not intended to be restored to operation. Such intent may be shown by progressive repair or restoration work on said vehicles.

AWNING: A shade structure that is supported by both posts or columns and by a mobile home installed on a mobile home lot.

BASEMENT: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining ground, but not an “underground structure” as defined in this ordinance. (See also Section 3.510: Flood Hazard Overlay (FH) Zone)

BEACH: The sloping unvegetated shore of a body of water.

BEACON: Any light with one or more beams directed in the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST ENTERPRISE, BOARDING, LODGING OR ROOMING HOUSE: A residential structure where not more than 15 persons, not including members of the family occupying such a structure, provide compensation for lodging.

BIOMASS ENERGY SYSTEM: A system that produces, collects, converts, or uses organic materials other than fossil fuels for the production of energy.

BOARD: The Board of County Commissioners of Tillamook County, Oregon.

BOARDING, LODGING, OR ROOMING HOUSE: See BED AND BREAKFAST ENTERPRISE, BOARDING, LODGING, OR ROOMING HOUSE.

BUILDABLE AREA:

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- (a) For the purpose of siting structures on a parcel, the area thereon exclusive of all applicable setbacks or areas within restrictive overlay zones contained in this Ordinance.
- (b) For purposes of calculating the allowable number of dwellings on a lot or parcel, the area thereof, exclusive of the following:
 - 1. Road or utility easements;
 - 2. Narrow strips of land provided for access from a street to a flag lot;
 - 3. Areas seaward of the beach zone line;
 - 4. Areas within all estuary zones;
 - 5. Channels within the ordinary high water lines of streams that are at least 15 feet wide; and
 - 6. Areas within the ordinary high water line of lakes.

This definition shall not apply to erosion control structures or structures otherwise allowed within applicable overlay zones.

BUILDING: A structure built or used for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT: The vertical distance of a building measured from grade to the highest point of the roof. (See grade)

CABANA: A room enclosure attached to a mobile home for residential use by the occupant of the mobile home.

CAMPER: See RECREATIONAL VEHICLE.

CAMPING UNIT: Any tent or recreational vehicle located in a campground as temporary living quarters for recreational, education or vacation purposes.

CAMPSITE: Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units.

CLEAR-VISION AREA: See Section 4.010.

CO-GENERATION: The sequential conversion of a primary fuel to produce two or more energy streams, one of electrical or mechanical energy, and one of heat energy.

COMMISSION: The Tillamook County Planning Commission.

COMMUNITY GROWTH BOUNDARY: A boundary placed on zoning maps to entirely contain the lands within an unincorporated community that are either served, or can be served, by community sewage treatment facilities; such lands are typically designated for residential or commercial development at urban densities.

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COMMON OWNERSHIP: Land commonly owned to include open space lands dedicated in planned unit developments and lands dedicated for open space which are owned by homeowners associations.

COMPOSTING: The managed process of controlled biological decomposition of green feedstocks. It does not include composting for the purpose of soil remediation.

COMPOSTING FACILITY: A site or facility, excluding home composting and agricultural composting conducted as a farm use, which utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments beneficial to the composting process. Vermiculture and vermicomposting are considered composting facilities. Composting facilities or sites may include sales of the finished product, as well as accessory products limited to topsoil, barkdust and aggregate commonly used in landscaping to wholesale and retail customers

CONDITIONAL USE: A use of land that generally conforms to the type and nature of the uses permitted by right in a zone, but because of potential adverse off-site impacts, requires the review and discretionary approval of the Director or Commission according to the provisions of Article VI of this Ordinance.

CONDOMINIUM: A structure containing more than one dwelling unit, each of which is owned individually, exclusive of the land upon which the structure is located. (See also ORS 91.500 100.005).

CONTIGUOUS: Sharing all or part of a common boundary.

COTTAGE: An individual dwelling that is part of a cottage cluster.

COTTAGE CLUSTER: A grouping of cottages located on a single lot or parcel that includes a common courtyard.

COTTAGE INDUSTRY: A business or business-related activity that is carried on within either a dwelling or a building accessory to that dwelling, which employs no more than two non-family members, and which has limited impacts on the surrounding properties. Deliveries and customer visitations are limited to the hours between 8:00 a.m. and 6:00 p.m. Outdoor storage is allowed if it is similar to what legally occurs in the neighborhood, and accessory structures conform to the character of the neighborhood.

COUNTY: The County of Tillamook, State of Oregon.

CURRENT EMPLOYMENT OF LAND: That land for farm use which includes:

- (a) Land subject to soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, Stat. 188);
- (b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (c) Land planted in orchards or other perennials prior to maturity;
- (d) Any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially assessed at true cash value for farm use, even if the land constituting the wood lot is not utilized in conjunction with farm use;
- (e) Wasteland, in an exclusive farm use zone, dry, covered or partially covered with water, lying in or adjacent to and in common ownership with farm use land and which is not currently being used for any economic farm use;

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- (f) Land under dwellings customarily provided in conjunction with the farm use in an exclusive farm use zone; and
- (g) Land under buildings supporting accepted farm practices.

DEDICATION: The designation of land by its owner for any general public use.

DEPARTMENT: The Tillamook County Department of Community Development.

DEVELOPMENT: Any human-caused change to improved or unimproved land, including, but not limited to, buildings or other structures; mining; dredging; filling; grading; paving; excavation; drilling operations; construction of roads or ditches; earth-moving; or construction of dikes, berms or levees. It does not include ordinary farm or forest practices such as plowing, disking, harrowing, cutting, or planting, or other similar activities for the cultivation or preparation of the soil for farm or forest production.

DIRECTOR: The Director of the Department or his or her designee.

DORMITORIES: A large room for sleeping, containing numerous beds.

DUPLEX: See DWELLING, DUPLEX.

DWELLING: A detached structure that meets the requirements of the Uniform Building Code for residential structures, and which is intended and/or used for residential purposes.

DWELLING, SINGLE-FAMILY: A detached structure on a lot or parcel that is comprised of a single dwelling unit.

DWELLING, DUPLEX: Two dwelling units on a lot or parcel. A DUPLEX does not include a SINGLE-FAMILY DWELLING with an ACCESSORY DWELLING UNIT on the same lot or parcel.

DWELLING, TRIPLEX: Three dwelling units on a lot or parcel.

DWELLING, QUADPLEX: Four dwelling units on a lot or parcel.

DWELLING, MULTIFAMILY: A building containing five or more dwelling units on a lot or parcel.

DWELLING, TOWNHOUSE: A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.

DWELLING, ACCESSORY: A subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same property as the primary dwelling and which is incidental to the main use of the property. In no case shall the ADU exceed in area, extent or purpose, the primary dwelling. An ADU is not a duplex or triplex.

DWELLING UNIT: One or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing three or more of the following:

- refrigeration;
- cooking facility (including cooking stove, hot plate, range hood, microwave oven, or similar facility)
- dishwashing machine
- sink intended for meal preparation (not including a wet bar)

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- garbage disposal
- toilet.

EASEMENT: The grant of a right of use for a specific purpose over, through, or on a parcel of land.

FACING: Directly opposite, across from.

FARM USE: The current employment of land for the primary purpose of obtaining a profit measurable in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. FARM USE includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

It does not include the use of land subject to the provisions of ORS Chapter 321 except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3).

FENCE, SIGHT OBSCURING: A fence or shrubbery arranged in such a way as to obstruct vision.

FLOOR AREA: The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

FOSTER FAMILY HOME: As defined by OAR 412-22-010 (4); any State-certified home maintained by a person who has under his or her care any child unattended by parents or a guardian for the purpose of providing such child with care, food, and lodging. Such homes include foster family, group, and shelter homes. (See Adult Foster Home)

GEOPROFESSIONAL: refers to a Registered Geologist (RG), Certified Engineering Geologist (CEG), and Geotechnical Engineer (GE). Geoprosessionals are obligated to work within their area of expertise.

- Registered Geologists (RG) provide geologic maps and documents, can identify relative hazards, and are licensed by the Oregon State Board of Geologist Examiners (OSBGE). RGs cannot imply or provide recommendations for the siting, design, modification, or construction of structures and cannot practice engineering geology. RGs are defined in ORS 675.505 and ORS 672.525.
- Certified Engineering Geologists (CEG) provide engineering geologic reports and geotechnical reports that include hazard mitigation design. They are licensed by the Oregon State Board of Geologist Examiners (OSBGE). They apply geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized. They can conduct geologic work to provide recommendations for the siting, design, modification, or construction of a structure. CEGs are defined in ORS 672.505 and ORS 672.525.

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- A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE). GEs can provide geotechnical engineering reports and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS). A GE can investigate and evaluate physical and engineering properties of earth materials, and design mitigation measures to reduce risk from natural hazards. As defined in Oregon Statute, Professional Engineers can only perform services in the areas of their competence. ORS 672.005, OAR 820-020. [Adopted May 11, 2022]

GRADE: The average elevation of the existing ground at the centers of all walls of a building.

GROUP COTTAGES: See HOTEL.

HEALTH HARDSHIP: Circumstances where the temporary placement of a mobile home or recreational vehicle to accommodate a seriously ill person or their attendant is justified by the absence of a reasonable alternative.

HEAVY INDUSTRY: A manufacturing activity that has substantial impact on the surrounding area because of hazards, dust, odor, light, heat, noise, or other pollutants, but which does not present a significant public hazard.

HEIGHT OF BUILDING: See BUILDING HEIGHT.

HOME OCCUPATION: A lawful occupation carried out by a resident of the property on which the activity is located, within the residence or other buildings normally associate with uses permitted in the zone in which the property is located, subject to the provisions of Section 4.180 of this Ordinance.

Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services. However, if such sales and/or parties are held more than 2 times in any calendar year, such sales and/or parties shall be considered a home occupation.

HOMEOWNERS ASSOCIATION: The grouping or uniting of persons residing within a defined area, such as subdivision, into an incorporated entity for the prosecution of a common enterprise.

HOSPITAL, ANIMAL: A building or premises for the medical or surgical treatment of domestic animals or pets including dog, cat, and veterinary hospitals.

HOTEL OR GROUP COTTAGES: A building or group of buildings containing six or more units without cooking facilities which are designed to be used, or which are used, rented, or hired out for transient occupancy.

HYDROELECTRIC SYSTEM: A mechanism for converting energy from moving or falling water into electrical or mechanical energy. A hydroelectric system which produces no more electricity than the average annual consumption of the owner shall not be considered a COMMERCIAL FACILITY under ORS 215.213, even though it may sell excess power to the local utility.

IMPROVEMENT: Any building structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

JUNK YARD: Any property used as a site for breaking up, dismantling, sorting, storing, distributing, trading, bartering, buying, or selling of any scrap, waste, or disposed material.

KENNEL: A commercial establishment where four or more dogs, cats, or animals that are at least four months of age are kept for board, propagation, training, or sale.

KIOSK: A small structure used as a newsstand, information booth, refreshment stand, bandstand, or display of

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goods, etc.

LIGHT INDUSTRY: A business having noise, dust, odor, light, traffic, and hazard impacts that are similar to those experienced in general business areas. Outdoor storage is screened with sight-obscuring fences.

LINE, PROPERTY: A line, or a description thereof, that is recorded in the office of the County Clerk, and which serves to distinguish a lot or parcel from surrounding properties.

LIVESTOCK: Domestic animals and fowl of types customarily raised or kept on farms for profit or home consumption.

LOT: A tract of land that has been created by a subdivision.

LOT AREA: The total area of a lot or parcel measured in a horizontal plane within the property lines, exclusive of public and private roads.

LOT COVERAGE: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

LOT, CORNER: A lot abutting two or more streets or private ways, other than an alley, at their

intersection. **LOT DEPTH:** The average horizontal distance between the front lot line and the rear lot line.

LOT, FLAG: A single buildable lot partially separated from a public or private road by other land, but maintaining a minimum of 25-foot frontage on the public or private road from which it gains access.

LOT, INTERIOR: A non-corner lot.

LOT LINE: The property line of a lot.

LOT LINE, FRONT: The line separating a lot from a street or private way, other than an alley. On a corner lot, the front is the shortest property line along a street or private way other than an alley. In the case of a through lot or a corner lot with equal lines abutting streets, the front lot line is the side from which primary vehicular access is attained.

LOT LINE, REAR: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other-shaped lot, a hypothetical line 10 feet in length within the lot that is parallel to the front lot line.

LOT LINE, SIDE: Any non-front or -rear lot line.

LOT LINE, STREET SIDE: Any lot line along a street or private way (not an alley), other than the front lot line.

LOT OF RECORD: A lot, parcel, other unit of land, or combination thereof, that conformed to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed or contract creating the lot, parcel or unit of land was signed by the parties to the deed or contract; except:

1. Contiguous lots under the same ownership when initially zoned shall be combined when any of these lots, parcels or units of land did not satisfy the lot size requirements of the initial zoning district, excluding lots in a recorded plat.

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2. A unit of land created solely to establish a separate tax account, or for mortgage purposes, that does not conform to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed, tax account or contract creating it was signed by the parties to the deed or contract, unless it is sold under the foreclosure provisions of Chapter 88 of the Oregon Revised Statutes.

LOT, THROUGH: An interior lot abutting two streets.

LOT, WIDTH: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

MANUFACTURED DWELLING: Includes:

Residential trailer: a structure, greater than 400 square feet, constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Mobile home: A structure having at least 400 square feet of floor area and which is transportable in one or more sections. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Manufactured home: A structure constructed for movement on the public highways, after June 15, 1976, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MASTER PLAN: A sketch or other presentation showing the ultimate development layout of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern.

MIDDLE HOUSING: Includes DUPLEX, TRIPLEX, QUADPLEX, COTTAGE CLUSTER and TOWNHOUSE, as defined herein.

MOBILE/MANUFACTURED HOME PARK: A place where either four or more mobile homes/ manufactured homes or mobile homes/manufactured homes and recreational vehicles mixed, are located on one or more contiguous lots, tracts, or parcels of land under a single ownership, the purpose of which is to provide permanent residential spaces for charge or fee paid for the use of facilities, or to offer space free of charge in connection with securing the trade, patronage or services of the occupant.

MOBILE HOME SUBDIVISION: A subdivision designated by the County to permit the outright placement of mobile homes, and where the primary use of lots is for placement of mobile homes and where development standards have been met.

MOBILE KITCHEN UNIT, TEMPORARY: A vehicle in which food is prepared, processed, or converted, or which is used in selling and dispensing of food to the ultimate consumer.

MOTEL: A building or group of buildings used for transient residential purposes that contains guest rooms or dwelling units, and which is designed, intended or used primarily for the accommodation of transient automobile travelers. MOTEL includes groups designated as auto cabins, motor courts, motor hotels and similar designations.

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MOTOR HOME: See RECREATIONAL VEHICLE.

MULTIFAMILY: See DWELLING, MULTIFAMILY.

NONCONFORMING STRUCTURE OR USE: A structure or use that legally exists at the time this Ordinance or any Amendment hereto becomes effective, but which does not conform to the current requirements of the zone in which it is located.

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Help and seasonal labor may be employed. The term "nursery" contemplates the sale of a product of such nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of reselling goods purchased off the premises, except plant stock, or the establishment of a roadside stand.

OCEANFRONT LOT: A lot or parcel that abuts the ocean shore state recreation area (as defined in OAR 736-021-0010) or a lot or parcel where there is no portion of a buildable lot between it and the ocean shore state recreation area. [Adopted May 11, 2022]

OWNER: The owner of the title to real property, or the contract purchaser of real property of record, as shown on the last available complete tax assessment roll. OWNER shall also mean any agent with written authority of the owner.

PARCEL: Any tract of land that is not included within the bounds of a residential subdivision.

PARKING SPACE: A 20 by 8-foot area (exclusive areas for maneuvering and access) that is permanently reserved for the temporary storage of a single vehicle, and which has legal access to a street or alley.

PARTITION: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner

PARTY TO PROCEEDING: For the purpose of notice, party to proceeding includes only the applicant, individuals or agencies who respond in writing to a request, or those individuals who attend the hearing and sign the guest list.

PERSON: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

PLANNING COMMISSION: A Commission appointed by the governing body of the County to assist in the development and administration of the County's planning regulations as provided by ORS 215.020 to 215.035.

PLANNING DIRECTOR: An individual or his or her designate who is appointed by the governing body of the County to be responsible for the administration of planning as provided by ORS 215.042.

PRIMARY USE: The principle purpose for which property is used or occupied.

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PRIMARY WOOD PROCESSING: The use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product, including, but not limited to pole and piling preparation, small portable saw mills, log sorting yards, wood chipping operations, fence post manufacturing and fire wood production.

PRIMITIVE CAMPGROUND: A designated place where four or more campsites are located for occupancy by camping units on a temporary basis for recreation, education or vacation purposes. A primitive campground is predominantly an unattended facility which is established to accommodate recreational vehicles, tents, or bicycle uses for a period of time not to exceed two weeks in any given four week period.

PRINCIPALLY ABOVE GROUND: A structure where at least 51 percent of the actual cash value, less land value, is above ground.

PRIVATE WAY: A thoroughfare reserved for use by an identifiable set of persons.

PRODUCE STAND: An accessory facility to a farm use. As a permitted use, a produce stand shall be located on property owned or leased by the produce stand operator for the production of farm products. As a conditional use, a produce stand may include the sale of farm products produced by other farmers, but excludes the sale of meats. Such facility may include the sale of incidental and related items. Produce stands are subject to the regulations and licensing requirements of the Food and Dairy Division of Oregon Department of Agriculture, the requirements of the Uniform Building Code, and the parking and signing requirements of this Ordinance.

PUBLIC PARK OR RECREATION: Recreation developments which provide for picnicking, swimming, hunting, fishing, riding or other similar activities, but which exclude overnight camper or recreational vehicle use and outdoor commercial amusements such as miniature golf courses and go-cart tracks.

QUADPLEX: See DWELLING, QUADPLEX.

RECREATIONAL VEHICLE: A portable temporary dwelling unit, with a gross floor area not exceeding 400 square feet in the set up mode, which is intended for vacation, emergency or recreational use, but not for permanent residential use, unless located in a recreational vehicle or mobile/manufactured dwelling park.

RECREATIONAL VEHICLE includes the following:

- (a) **CAMPER:** A structure containing a floor that is designed to be temporarily mounted upon a motor vehicle, and which is designed to provide facilities for temporary human habitation.
- (b) **MOTOR HOME:** A motor vehicle with a permanently attached camper, or that is originally designed, reconstructed or permanently altered to provide facilities for temporary human habitation.
- (c) **TRAVEL TRAILER:** A trailer that is capable of being used for temporary human habitation, which is not more than eight feet wide, and except in the case of a tent trailer, has four permanent walls when it is in the usual travel position.
- (d) **SELF-CONTAINED RECREATIONAL VEHICLE:** A vehicle that contains a factory-equipped, on-board system for the storage and disposal of gray water and sewage.

This definition of a recreational vehicle shall not apply in the F-1 or SFW-20 zones.

RECREATIONAL CAMPGROUND: A place where four or more recreational vehicles and/or tents are located on one or more continuous lots, tracts or parcel of land under a single ownership for temporary recreational camping. A permanent house, mobile home, or recreational vehicle for the owner, operator, or manager of the campground is permitted, however other Sections of the Ordinance pertaining to such use shall apply i.e. Section

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~~4.40~~ 5.010, etc. Accessory uses that may be permitted include recreation cabins, shower, laundry, a grocery, gas pump, and recreation facilities that are designated for the primary purpose of serving the occupants of the campground. A camper shall not be permitted to stay any longer than six (6) months in any twelve (12) month period.

RECREATIONAL VEHICLE SUBDIVISION: A subdivision designated by the County as permitting the placement of recreational vehicles outright, subject to all development standards and placement permit requirements.

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.

ROAD: A public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. A private way created exclusively to provide ingress and egress to land in conjunction with a forest, farm or mining use is not a "road." The terms "street," "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road."

ROAD, COUNTY: A public way under County jurisdiction which has been accepted into the County road maintenance system by order of the board of county Commissioners.

ROAD, PUBLIC: A public way dedicated or deeded for public use but not accepted into the County road maintenance system, intended primarily for vehicular circulation and access to abutting properties.

ROADWAY: That portion of a road or alley that has been improved for vehicular traffic.

RURAL INDUSTRY: A business conducted in non-urban zones that employs up to ten non-family members, and which is not necessarily conducted in conjunction with a dwelling. Impacts to surrounding properties are not offensive. All parking is provided for on the property.

RURAL LAND: Lands that are neither suitable nor necessary for development at urban densities, and which, as a result, are designated for rural homesites or recreational, agricultural, or forestry uses. RURAL LAND includes all lands within zones which require, outright, at least a two-acre minimum lot size.

SAND DUNES: The aeolian deposition of sand in ridged or mounds, landward of the beach.

SCREENING: Sight-obscuring fence, or sight-obscuring planting.

SEASONAL FARM WORKER: Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in reforestation of lands, including but not limited to, the planting, transplanting, tubing, pre-commercial thinning, and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

SEASONAL FARM WORKER HOUSING: Housing limited to occupancy by seasonal farm workers and their immediate families, that is occupied for no more than nine months in a calendar year.

SETBACK: A linear distance perpendicular to a lot line that describes the depth of a lot or parcel that shall not be occupied by a structure, unless specifically provided for in this Ordinance. See also YARD.

SEWAGE: Water-carried wastes from a home or community.

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SEWAGE TREATMENT PLANT: Facilities for the treatment and disposal of sewage.

SHOPPING CENTER: Three or more retail or service establishments on a single unit of land.

SIGHT-OBSCURING FENCE: Any fence or wall which conceals or makes indistinct any object viewed through such fence or wall.

SIGHT-OBSCURING PLANTING: A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach a height of at least six (6) feet within thirty (30) months after planting.

SIGN: An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.

SIGN, ADVERTISING: A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

SOLAR ENERGY SYSTEM: Any device, structure, mechanism, or series of mechanisms which uses solar radiation as a source for heating, cooling, or electrical energy.

SMALL POWER PRODUCTION FACILITY: A facility that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy or any combination thereof, having a power production capacity that, together with any other facilities located at the same site, is not greater than 80 megawatts; and such facility is more than 50 percent owned by a person who is not a public utility, an electric utility holding company or an affiliated interest. When this definition differs from that in ORS 758.500, the definition in ORS 758.500 shall prevail.

SOLID WASTE: Solid waste shall include all putrescible and non-putrescible waste, including, but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable, manufactured dwellings or residential trailers which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of Solid Waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms Solid Waste or Waste do not include:

- a) Environmentally hazardous wastes as defined in ORS 466.055;
- b) Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes;
- c) Septic tank and cesspool pumping or chemical toilet waste;
- d) For purposes of Article V of this Ordinance, reusable beverage containers as defined in ORS 459A;
- e) Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated thereunder and under this Ordinance, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Article II of this Ordinance;

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- f) Applications of industrial sludges or industrial waste by-products authorized through a Land Use Compatibility Statement or Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;
- g) Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations. Sludge derived products applied for beneficial uses on land in landscaping projects.

STANDARDS: Rules governing the size, dimensions, shape, or orientation of a lot or parcel, or the placement of buildings or activities thereon.

START OF CONSTRUCTION:

- (a) For a structure other than a mobile home, START OF CONSTRUCTION means the first placement of permanent material for the construction of the primary use on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the START OF CONSTRUCTION means the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundation.
- (b) For mobile homes not within a mobile home park or subdivision, START OF CONSTRUCTION means securing the mobile home at its permanent location by means of tiedowns or, in the case of a double-wide mobile home, its placement upon piers.

STORY: That portion of a building between the finished surface of any floor and the next floor above, that is at least six feet above grade; the top story shall be the topmost living space.

STREAM: A body of perennial running water, together with the channel occupied by such running water.

STREET: The entire right-of-way of every public and private way for vehicular and pedestrian traffic; includes the terms ROAD, HIGHWAY, LANE, PLACE, AVENUE, ALLEY, and other similar designations. For setback purposes, non-vehicular public and private ways are not considered streets and require no setbacks.

STREET LINE: A property line between a lot, tract, or parcel of land and an adjacent street or private way.

STRUCTURAL ALTERATION: Any change to the weight-bearing members of a building, including foundations, bearing walls, columns, beams, girders, or any change in the roof or exterior walls.

STRUCTURE: Anything constructed or installed or portable, the use of which requires a location on a parcel of land.

SUBDIVISION: A tract of land that has been divided into four or more lots within a calendar year.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, where the cost equals or exceeds fifty (50) percent of the market value of the structure, either;

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

SUBSTANTIAL IMPROVEMENT occurs upon the first structural alteration of a building, whether or not the alteration of a building, whether or not the alteration affects the external dimensions of the building. The

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term does not, however, include:

- (a) Any improvements made to a structure to comply with existing state or local health, sanitary, or safety code specifications, and which are solely necessary to assure safe living conditions;
- (b) Any restoration work on a structure listed in the National Register of Historic Places or a State Inventory of Historic Places; or
- (c) Any project for the addition or expansion of an electrical cogeneration facility.

SURFACE MINING: Includes the mining of minerals by removing overburden and extracting a natural mineral deposit thereby exposed, or simply such extraction. Surface mining includes open-pit mining, auger mining, production of surface mining waste, prospecting and exploring that extracts minerals or affects land, processing to include rock crushing and batch plant operations, and excavation of adjacent offsite borrow pits other than those excavated for building access roads.

SURFACE MINING, MINERALS: Includes soil, clay, stone, sand, gravel, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use.

SURFACE MINING, NONAGGREGATE MINERALS: Coal and metal-bearing ores, including but not limited to ores that contain nickel, cobalt, lead, zinc, gold, molybdenum, uranium, silver, aluminum, chrome, copper or mercury.

SURFACE MINING, OPERATOR: A legal entity engaged in surface mining or in an activity at a surface mining site preliminary to surface mining.

SURFACE MINING, RECLAMATION: Procedures designed to minimize the disturbance from surface mining and to provide for the rehabilitation of surface resources through the use of plant cover, soil stabilization, and other procedures to protect the surface and subsurface water resources, and other measures appropriate to the subsequent beneficial use of mined lands.

TEMPORARY MOBILE KITCHEN UNIT: See MOBILE KITCHEN UNIT, TEMPORARY.

TOWNHOUSE: See DWELLING, TOWNHOUSE.

TOWNHOUSE PROJECT: One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

TRACT: One or more contiguous lots or parcels under the same ownership.

TRAIL: A hard or soft surfaced facility for pedestrians, or equestrians separate from vehicular traffic. Trails often go through natural areas and are designed to have a minimal impact on the natural environment.

TRANSFER STATION: A fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or a disposal site, including but not limited to drop boxes made available for general public use. This definition does not include solid waste collection vehicles.

TRAVEL TRAILER: See RECREATIONAL VEHICLE.

TRIPLEX.: See DWELLING, TRIPLEX.

URBAN or URBANIZABLE LAND: Only those lands within or surrounding an incorporated city which are

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contained by an Urban Growth Boundary.

URBAN GROWTH BOUNDARY: A line established by the governing body and placed on a zoning map, which distinguishes urbanizable land adjacent to an incorporated city from surrounding rural land.

UTILITY CARRIER CABINETS: A small enclosure used to house utility equipment intended for offsite service, such as electrical transformer boxes, telephone cable boxes, cable TV boxes, fire alarm boxes, police call boxes, traffic signal control boxes, and other similar apparatus.

USE: The purpose for which a structure is designed, arranged, or intended, or for which a unit of land is developed, occupied or maintained.

UTILITY FACILITIES: Structures, pipes, or transmission lines which provide the public with electricity, gas, heat, steam, communication, water, sewage collection, or other similar service.

VARIANCE: A grant of relief from one or more of the standards contained in this Ordinance.

WASTE RELATED: Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also includes uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

WETLANDS: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WIND ENERGY CONVERSION SYSTEM (WECS): A system for converting energy from moving air masses into electrical energy. A single WECS with a tower height less than 150 feet and which produces no more electricity than the average annual consumption of the owner shall not be considered a COMMERCIAL FACILITY under ORS 215.213, even though it may sell excess power to the local utility.

WINDMILL: A system for converting energy from moving air masses into a form of energy other than electricity.

YARD: Any portion of a lot or parcel that is not occupied by a structure, unless specifically allowed by this Ordinance.

YARD, FRONT: The area between side lot lines, measured horizontally and at right angles to the front lot line, to the nearest point of a structure.

YARD, REAR: The area between side lot lines or between a street and the opposite side lot line, measured horizontally and at right angles to the rear lot line, to the nearest point of a structure.

YARD REQUIREMENT: The portion of a lot or parcel that shall not be occupied by a structure, unless specifically provided for in this ordinance. This has the same meaning as "required yard", "minimum yard", or "setback".

YARD, SIDE: The area between the front and rear yard, measured horizontally and at right angles to the side lot line, to the nearest point of a structure.

YARD, STREET SIDE: The area adjacent to a street or private way, located between the front and rear yards, measured horizontally and at right angles from the street side lot line to the nearest point of a structure.

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DEPARTMENT OF COMMUNITY DEVELOPMENT BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

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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:

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- 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