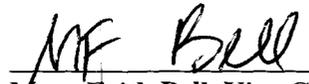
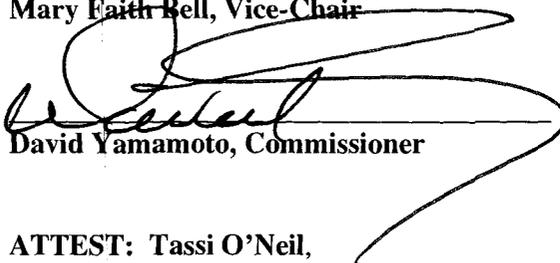


NOW THEREFORE, THE TILLAMOOK COUNTY BOARD OF COMMISSIONERS ORDERS AS FOLLOWS:

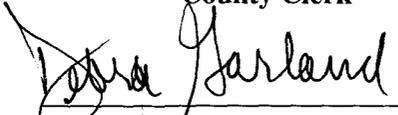
1. Text Amendment Request #851-22-000402-PLNG is **APPROVED**.
2. The Tillamook County Land Use Ordinance is hereby amended to add Section 5.110: Accessory Dwelling Unit (ADU) Standards. A copy of Section 5.110: Accessory Dwelling Unit (ADU) Standards is included as "Exhibit A".
3. The findings contained in the Staff Report dated December 1, 2022, are hereby incorporated into this Order and are included as "Exhibit B".

DATED THIS 22nd DAY OF February, 2023.

**BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

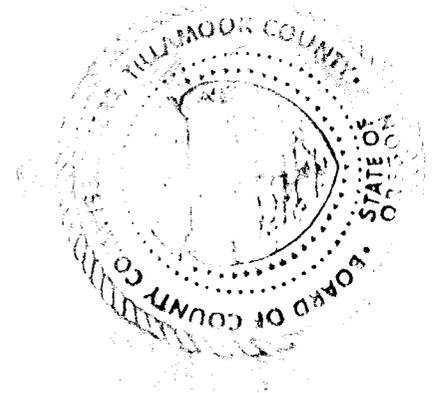
	Aye	Nay	Abstain/Absent
 Erin Skaar, Chair	✓		/
 Mary Faith Bell, Vice-Chair	✓		/
 David Yamamoto, Commissioner	✓		/

ATTEST: Tassi O'Neil,
County Clerk


Special Deputy

APPROVED AS TO FORM:


William K. Sargent, County Counsel



“EXHIBIT A”

SECTION 5.110: ACCESSORY DWELLING UNIT (ADU) STANDARDS

DEFINITION: Accessory Dwelling Unit (ADU): 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 Accessory Dwelling Unit (ADU) may be either integrated into the same structure as the primary dwelling or constructed as a separate freestanding dwelling. If constructed within or as an addition to an existing or under-construction primary dwelling, the ADU shall conform to all building code requirements for fire separation between the two units. Attached or detached, an ADU shall be subordinate to the primary dwelling and shall meet the following use and development standards:

(A) *Location.* An ADU may be sited on a lawfully established property located in unincorporated community residential zoning districts. There is no minimum land area requirement for an ADU.

(B) *Number.* Only one ADU shall be permitted per property.

(C) *Setbacks.* For a detached ADU, the minimum rear yard setback shall be five feet; the minimum side yard setback shall be five feet and where applicable, the minimum street-side yard setback shall be ten feet. The required front yard setback of the underlying residential zone shall apply or the required front yard setback for small lots allowed under Section 4.100 and Section 4.110, where applicable. A detached ADU shall be physically separated from the primary residence by a minimum distance of six feet. A covered walkway which contains no habitable space may connect the two buildings without violation of the setback requirements.

If constructed within or as an addition to an existing or under-construction primary dwelling, the ADU shall conform to the setback requirements of the underlying zone or the required setbacks for small lots allowed under Section 4.100 and Section 4.110, where applicable.

(D) *Design.* An ADU shall be set on a permanent foundation; have any wheels, tongues, and running gear removed; and be connected to domestic sewer and water or connect to an onsite wastewater treatment system for those properties in unincorporated communities not served by sewer. A Recreational Vehicle (RV), yurt, travel trailer or other non-habitable structures not intended for residential occupancy shall not be utilized as an ADU.

(E) *Area.* The floor area of an ADU shall not exceed 75% of the living space of the primary residence or 800 square feet, whichever is less. If free-standing, the building footprint of the ADU shall also not exceed 75% of the building footprint of the primary dwelling or 800 square feet, whichever is less.

(F) *Height.* The maximum height of a freestanding ADU shall not exceed the height of the primary residence or the allowable maximum height of the underlying zone, whichever is less. An ADU built within or as an addition to the primary dwelling unit or over a detached garage shall not exceed the maximum height of the zone.

(G) *Lot Coverage.* Where applicable, maximum lot coverage requirements of the underlying zone shall not apply to the placement of an ADU. Maximum lot coverage requirements for properties developed under TCLUO Section 4.100 shall apply.

(H) *Parking.* One off-street parking space shall be maintained for the ADU. The parking space shall be a minimum of 8-feet by 20-feet in size.

(I) *Transient Lodging Prohibition.* The ADU shall not be utilized for transient lodging purposes.

(J) *Non-Conforming Structures.* Any legal nonconforming structure may be allowed to contain, or be converted to, an ADU, provided the ADU does not increase the nonconformity and meets applicable building and fire code requirements. Expansion of a Non-Conforming structure to accommodate an ADU may be allowed, subject to the provisions of Article VII: Nonconforming Uses.

Adopted February 22, 2023

“EXHIBIT B”

Tillamook County



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

1510 – B Third Street
Tillamook, Oregon 97141
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Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
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LEGISLATIVE TEXT AMENDMENT REQUEST

#851-22-000402-PLNG: ACCESSORY DWELLING UNIT (ADU) STANDARDS

STAFF REPORT DATE: December 1, 2022

TILLAMOOK COUNTY PLANNING COMMISSION HEARING DATE: December 8, 2022

BOARD OF COMMISSIONERS HEARING DATE: January 30, 2023

PREPARED BY: Sarah Absher, CFM, Director

UPDATED: January 23, 2023, to add additional testimony to “Exhibit C”

I. GENERAL INFORMATION

Requested actions: Legislative text amendment request to amend Article 5: Special Use Standards and Exceptions of the Tillamook County Land Use Ordinance (TCLUO) to include Section 5.110 and the establishment of use and development standards for placement of an Accessory Dwelling Unit (ADU) on residentially zoned properties located within Tillamook County Unincorporated Communities.

Initiated By: Tillamook County Department of Community Development

II. BACKGROUND

The Tillamook County Housing Commission completed a Housing Need Analysis¹ (HNA) in December 2019. The HNA provided comprehensive review of the County’s housing shortages and forecasted housing demands for the next 20 years. Over the past twenty 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. Approximately one in three local workers now reside outside Tillamook County.

¹ Housing Needs Analysis for Tillamook County can be found on the Tillamook County Housing Commission page under Housing Commission History:

https://www.co.tillamook.or.us/sites/default/files/fileattachments/housing_commission/page/57834/tillamook_hna_final_report_v2.pdf

“EXHIBIT B”

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 the variety of housing types 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 corresponds to single-family detached homes, accessory dwelling units (ADUs), multifamily housing units including townhomes and condominiums, and manufactured housing units. With the exception of accessory dwelling units (ADUs), the aforementioned housing types are listed in several unincorporated community residential zones as uses permitted outright or conditionally.

The Department recognizes the benefits that accessory dwelling units (ADUs) provide as a housing option where such benefits consider and are balanced with other community goals. If adopted, the proposed ordinance will further the County’s efforts to meet the demands identified in the 2019 HNA.

III. APPLICABILITY & PURPOSE

The proposed Accessory Dwelling Unit (ADU) ordinance provisions apply to lots or parcels in residential zoning districts located within the Tillamook County Unincorporated Communities of Neahkahnie, Mohler, Barview/Twin Rocks/Watseco, Idaville, Oceanside, Netarts, Siskeyville, Beaver, Hebo, Cloverdale, Pacific City/Woods, and Neskowin (Exhibit A). In accordance with the Comprehensive Plan Goal 14; Urbanization Element, accessory dwelling units (ADUs) are not permitted in rural residential zones, resource zones, or any other zoning districts located outside of these unincorporated communities.

The purpose and intent of creating an ordinance for allowance of an Accessory Dwelling Unit (ADU) on residentially zoned properties located in Tillamook County unincorporated communities is to:

- (a) Ensure that accessory housing is clearly subordinate to the primary use on the property;
- (b) Accommodate unique or special housing needs and circumstances such as caretaker housing;
- (c) Increase and diversify long-term rental housing options throughout the County to meet the needs of the local workforce;
- (d) Provide for the general convenience of area property owners to accommodate family and guests with independent living quarters;
- (e) Create alternative housing opportunities that promote more efficient use of existing or planned public and private utilities, transportation facilities, public transit and other facilities;
- (f) Facilitate accessory housing where public and private utilities, transportation facilities, public transit and other facilities already exist;
- (g) Ensure that adequate sanitation facilities are available to serve the accessory housing.

A summary of the standards listed in proposed Section 5.110 are described in the following section of this report.

IV. SUMMARY OF SECTION 5.110 (ARTICLE 5 OF THE TCLUO)

TCLUO Article 5: Special Use Standards and Exceptions contains supplemental standards for permissible land uses in unincorporated Tillamook County zoning districts. The proposed standards outlined in Section 5.110 establish standards that control size, scale and compatibility of use of an Accessory Dwelling Unit

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(ADU) on a lot or parcel. The proposed amendment includes a definition of Accessory Dwelling Unit (ADU) and limit density to no more than one (1) ADU allowed per lot or parcel.

General requirements and development standards for ADUs are outlined in this section, and include standards for building setbacks, off-street parking, and design standards that limit the size and appearance of an ADU ensuring the ADU remains subordinate as an accessory use to the primary dwelling.

Permitting Requirements: An approved building permit is required for structural alterations to an existing dwelling for an ADU, the conversion of space in an existing structure for an ADU and for new construction or placement of an ADU as a detached structure. Demonstration of compliance with applicable building codes must be reflected on the submitted plans and at the time of development. Trades permits for electrical, mechanical and plumbing are also required where applicable.

Letters confirming service availability from public facility service providers are required to be submitted in conjunction with the consolidated zoning/building permit application at the time of application submittal. Service provider letters from applicable water and sewer districts, the local fire department and the Oregon Water Resources Division for properties served by a well are necessary to confirm services are available for the construction or placement of an ADU on a property. Sanitation permit approvals are required for properties improved with an onsite wastewater treatment system to ensure the system is adequately sized for development of an ADU on a property.

Road approach permit approval from the Tillamook County Public Works Department or the Oregon Department of Transportation is required to confirm the existing road approach is adequate for the use of an ADU on the subject property. Documentation from the road authority must also be submitted to the Department at the time of consolidated zoning/building permit application submittal. Documentation can be a copy of an approved road approach permit or written confirmation that the existing approach is adequate to serve the primary dwelling and ADU.

Transient Lodging Prohibition: Accessory Dwelling Units (ADUs) shall not be utilized for transient lodging purposes, including use as a bed and breakfast enterprise or part of a motel/hotel accommodation. Prohibition language has been included in Section 5.110 and is also proposed to be incorporated into Tillamook County Ordinance 84, a separate County ordinance that regulates use of dwellings as short-term rentals in unincorporated Tillamook County. Properties with permitted ADUs will be flagged in the Department property database so that when future permit applications are received, or inquiries regarding a property with an ADU are received, Department staff will be able to advise property owners, sellers and future buyers of these prohibitions.

IV. 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. Each county is required to have a comprehensive plan consistent with the statewide planning goals as well as zoning and land division ordinances for implementation of plan policies and objectives. The Tillamook County Comprehensive Plan contains 17 of the 19 Statewide Planning Goal Elements. A Goal 15 Element (Willamette Valley) and Goal 19 Element (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.

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

- **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 amendment is consistent with the Goal 2 element and an exception is not required for the proposed amendment.

- **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 amendment does not apply to resource lands.

- **Tillamook County Comprehensive Plan Goal 5 Element: NATURAL RESOURCES**

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

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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 amendment does 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 amendment does 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.

The proposed amendment does 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.

Recreation opportunities are not prohibited or limited by the proposed amendment.

- 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 manufacturing activity in suitable rural zones.

The Tillamook County Comprehensive Plan is in need of updated population projections. The

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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 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 needs of industrial and commercial lands.

Commercial and industrial zoning districts have been excluded from the list of eligible zoning districts that would allow for the placement of an ADU. Support of the proposed amendment can be considered by way of providing needed workforce housing- also needed to help sustain Tillamook County’s economy. The proposed amendment is 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.

Goal 10 requires planning for housing that encourages the availability of adequate numbers of housing units, and allow 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.

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 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 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 amendment supports the third action listed by creating a process with clear and objective standards.

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Staff finds the proposed amendment is 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.

Accessory Dwelling Units (ADUs) are intended to be ancillary and accessory to the primary dwelling. The development standards contained in proposed Section 5.110 establish standards that control size, scale and compatibility of use of an Accessory Dwelling Unit (ADU) on a lot or parcel. The proposed amendment includes a definition of Accessory Dwelling Unit (ADU) and limits density to no more than one (1) ADU per residentially zoned lot or parcel.

As mentioned previously in this report, ADUs would only be allowed on residentially zoned properties within unincorporated communities where public facilities and services exist. Letters from applicable public facility and service providers would be required to be submitted in conjunction with the consolidated zoning/building permit application to ensure services are available and can accommodate the proposed construction or placement of an accessory dwelling unit (ADU).

The proposed time, place and management standards ensure applicable policies contained within the Goal 11 element are not limited or compromised by the proposed amendment.

- **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.

Accessory Dwelling Units (ADUs) are intended to be ancillary and accessory to the primary dwelling. The development standards contained in proposed Section 5.110 establish standards that control size, scale and compatibility of use of an Accessory Dwelling Unit (ADU) on a lot or parcel. Staff finds that future needs or opportunities for transportation facilities are not limited or compromised by the proposed amendment.

- **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

“EXHIBIT B”

renewable energy systems are discussed in this Goal element of the Tillamook County Comprehensive Plan.

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

- **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.

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.

If adopted, ADUs would only be allowed on residentially zoned properties located in unincorporated communities where public services and facilities exist. ADUs would 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 5.110 are designed to avoid conflict with relevant goals and policies contained within the Goal 14 element of the Tillamook County Comprehensive Plan and ensure development does not result in urban sprawl on resource lands.

The proposed time, place and management standards ensure applicable policies contained within the Goal 14 element are not limited or compromised by the proposed amendment.

- **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 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

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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.

The proposed amendment is 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 amendment.

Staff finds as follows:

- Analysis of the proposed amendment in relation to existing Comprehensive Plan policies is contained in this report.
- The proposed amendment does not impair legally designated uses permitted outright or conditionally in the established underlying residential zones. The proposed amendment is supplemental for the development of an ADU on a residential property, a residential use accessory and subordinate to the established primary use (dwelling). No effect on land use patterns is anticipated as a result.
- The proposed amendment does not have an anticipated effect on the productivity of resource lands in Tillamook County. The proposed amendment does not allow the development of an ADU on resource lands.
- The Department does not anticipate any impact on County administration or enforcement of development of an ADU on residentially zoned properties.
- 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 development of an Accessory Dwelling Unit (ADU) are briefly described in this report. Permitting process will follow standard procedures and review processes currently in place to ensure compliance with applicable building, zoning and sanitation code requirements.

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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:

- 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 amendment does 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 amendment.
- The proposed amendment is within the public interest regarding community conditions and known future housing needs contained within the County’s Housing Needs Analysis.
- The proposed amendment is 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).

V. **EXHIBITS: (All exhibits are on file with the Tillamook County Department of Community Development.)**

- Exhibit A: Maps
- Exhibit B: TCLUO Section 5.110: Accessory Dwelling Unit
- Exhibit C: Public Testimony