



Land of Cheese, Trees and Ocean Breeze

Supplemental Staff Report

Date: November 26, 2025
To: Tillamook County Board of Commissioners
From: Sarah Absher, CFM, Director 
Subject: Legislative Text Amendment Requests for Neahkahnie #851-25-000272-PLNG & #851-25-000439-PLNG

Included with this supplemental staff report is the written record for the legislative text amendment proposals listed below, including copies of public comments received to date. Written comments received prior to the November 13, 2025, Tillamook County Planning Commission hearing are included as “Exhibit H” with the November 6, 2025, staff report. Written comments received during and following the November 6, 2025, hearing are included with this report.

The public comment period remains open, and staff will continue to provide copies of public comments as they are received by the Department until the public hearing portion of these proceedings is closed.

The record is also posted on the Department of Community Development website: <https://www.tillamookcounty.gov/commdev/project/851-25-000439-plng-et-al>. The audio recording of the November 13, 2025, Planning Commission proceedings are also posted at the bottom of this page in two parts due to the length of the hearing.

The Tillamook County Planning Commission took action at the November 13, 2025, public hearing with recommendations to the Board of County Commissioners. Planning Commission discussions and actions are summarized below. An audio recording of the hearing can be found here: <https://www.tillamookcounty.gov/commdev/project/851-25-000439-plng-et-al>.

The Board of County Commissioners will hear these matters at a public hearing at 5:30pm on December 3, 2025. The Board of County Commissioners may take action at the December 3, 2025, public hearing or may continue these matters to a future date.

#851-25-000272-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses with clear and objective standards in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide.

Summary of Planning Commission Discussion and Action: Neahkahnie has one residential zoning district, the Neahkahnie Urban Residential (NK-7.5, NK-15 and NK-30) Zone, comprised of three separate zoning designations

specific to minimum property size requirements for each designated area. Maps of these designated areas are included in “Exhibit J” of the November 6, 2025, staff report. Uses permitted outright and conditionally, as well as the development standards outlined in the zone, apply to all properties within the zoning district.

Associated with the legislative text amendment request for adoption of middle housing code updates is a proposal to retain the existing building height maximums for the Neahkahnie Urban Residential (NK-7.5, NK-15 and (NK-30) Zone. Existing maximum building height is 17-feet for properties located within 500-feet of the State of Oregon Beach Zone Line and 24-feet for all properties located east of this 500-foot corridor identified as the Neahkahnie Special Building Height Corridor. Several exhibits with the November 6th staff report contain maps with delineation of the 500-foot Neahkahnie Special Building Height Corridor.

The Tillamook County Planning Commission received testimony supporting retention of the establish maximum building heights. Written testimony is included in “Exhibit H” of the staff report dated November 6, 2025, and in the audio recording of the November 13, 2025, Planning Commission hearing. Staff provided several findings supporting retention of existing maximum building heights. These findings are included in the November 6, 2025, staff report and outlined in the presentation provided to the Planning Commission at the November 13, 2025, public hearing. A copy of the presentation slides that summarize these findings is included with this report.

The Tillamook County Planning Commission also discussed implementation of Senate Bill 406 in the Unincorporated Community of Neahkahnie, recognizing that middle housing types are needed for all socioeconomic levels as affirmed in the recently updated Housing Need Assessment (HNA). The Planning Commission received comments of support for allowance of middle housing types as outright permitted uses in the community from the Neahkahnie CAC and members of the public. Testimony in support of middle housing code updates is included in “Exhibit H” of the staff report and in the audio recording of the November 13, 2025, Planning Commission hearing.

The Tillamook County Planning Commission voted unanimously 7 in favor and 0 opposed to recommend adoption of the middle housing code amendments to allow middle housing as outright permitted uses in the Neahkahnie Urban Residential (NK-7.5, NK-15 and NK-30) Zone and that the Board of County Commissioners adopt the findings in the record to retain and preserve the existing building height maximums in accordance with OAR-660-046-0235: Alternative Siting or Design Standards.

#851-25-000439-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO) to establish Maximum Lot Coverage and Maximum Building Floor Area standards.

Summary of Planning Commission Discussion and Action: Lot coverage and maximum buildable floor area is currently determined by application of setback requirements and maximum building height standards in the Neahkahnie Urban Residential (NK-7.5, NK-15 and (NK-30) Zone. Neahkahnie does not currently have development standards adopted specific to regulation of maximum lot coverage or maximum buildable floor area beyond these existing standards. The CAC desires to establish new standards to regulate lot coverage and buildable floor area that would apply to development of properties in the Neahkahnie Urban Residential (NK-7.5, NK-15 and NK-30) Zone.

The proposed formulas to establish lot coverage maximums and maximum buildable floor area were developed by the community housing working group that has been working with staff on middle housing code updates for implementation of Senate Bill 406 in the Neahkahnie Unincorporated Community. The proposed formulas were developed and presented to the community at large at two public meetings, one that took place on July 15th and a second time at the first official Neahkahnie CAC meeting held on October 28, 2025. An accounting of these meetings and a letter from the Neahkahnie CAC supporting the formulas is included in the November 6, 2025, staff report.

At the November 13, 2025, public hearing, the Tillamook County Planning Commission heard testimony both in support of and in opposition to the proposed maximum lot coverage and maximum building height formulas, and there was lengthy discussion and deliberation on the proposed formulas amongst commission members. Some Planning Commission members expressed concerns over the proposed formulas, stating that the formulas would result in small building

footprints and dwelling units that may result in challenges for construction of middle housing types. Concerns were also expressed that the proposed formulas would result in a drastic change from what has been allowed under existing regulations for dimensions of building footprints and that adoption of the proposed formulas could impact expectations of development potential of vacant properties. It was acknowledged that undeveloped properties were acquired by current land owners with an expectation of how the property could be developed, and that in some instances, the proposed formulas could result in a dramatic shift in what was understood for development potential at the time of property acquisition.

It was also recognized by the Planning Commission that Measure 56 Notices had been mailed to property owners to advise them of the proposed changes and that there had been community meetings to discuss the proposed formulas. The Planning Commission acknowledged that the newly formed CAC had conducted a voting process that demonstrated strong support for the proposed formulas. It was also acknowledged that small dwelling units support greater affordability and that small dwelling units should not be discounted as they are also a viable middle housing options.

The Planning Commission discussed the need to balance property size and development proportionally with members of the working group, understanding there is strong community desire to balance proportionality of development and property size to ensure future development remains consistent with the long-established community character. The Planning Commission also acknowledged that mitigation of risk of natural hazard, specifically geologic hazards, is important and that mitigation measures are already addressed through the County's land use ordinance, specifically TCLUO Section 4.130 that requires submittal of a Geologic Hazard Report prior to development of a property.

Application of the formulas specific to properties located in the NK-7.5 zone was also discussed at great length. Concerns were expressed by Planning Commission members that the formulas would result in exceptionally small building footprints on properties already small in size, allowing lot coverage maximums up to 33% in some instances. When discussing development of properties zoned NK-7.5, the Planning Commission found that application of existing setbacks and building height maximums may be adequate to ensure middle housing types can be developed on properties in the NK-7.5 zone in a manner proportionate to property size and consistent with community character.

After further deliberation, a motion was made and seconded to recommend the Board of County Commissioners adopt the lot coverage maximum and maximum buildable floor area formulas as proposed. The motion passed 4 in favor and 3 opposed.

Following the vote, there was continued discussion regarding development potential of properties in the NK-7.5 zone and how the proposed formulas could limit development potential for middle housing types on NK-7.5 zoned properties given the properties within this zone are noticeably smaller in size than properties in the NK-15 and NK-30 zones. Following the discussion, a motion was made and seconded to recommend the Board of County Commissioners adopt the proposed maximum lot coverage and maximum buildable floor area formulas for properties in the NK-30 and NK-15 zones only, and exempt properties in the NK-7.5 zone. The motion passed 6 in favor and 1 abstention.

It should be noted that the Planning Commission did not address or further consider the options presented by staff on how maximum buildable floor area was calculated and defined. This matter was raised by staff during the Planning Commission hearing as reflected in the presentation slides included with this report. Staff will be prepared to further discuss this matter with the Board of County Commissioners at the December 3, 2025, hearing with a recommendation for calculation and definition upon Board request.

The public comment period for these proceedings remains open. Written comments received to date are also included with this supplemental staff report. Comments can be submitted to the Department of Community Development with the following options:

Email: Sarah.thompson@tillamookcounty.gov

Mail: Community Development
Attn: Sarah Thompson

1510-B Third Street
Tillamook, OR 97141

Comments received prior to 1:00pm on, December 3, 2025, will be provided to the Board of County Commissioners at the public hearing.

Written and oral testimony may also be provided to the Board of County Commissioners at the December 3, 2025, public hearing. The hearing will take place at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, OR 97141.

For those wishing to attend the public hearing remotely, a virtual meeting link will be posted on the Community Development website the day of the meeting: <https://www.tillamookcounty.gov/commdev>.

The Port of Tillamook Bay Conference Center is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearings, call 503-842-3408 or email Sarah.thompson@tillamookcounty.gov at least 24 hours prior to the hearing so that the appropriate communications assistance can be arranged.

**NOVEMBER 13, 2025,
PLANNING COMMISSION
HEARING PRESENTATION
SLIDES**

LEGISLATIVE TEXT AMENDMENTS NEAHKAHNIE UNINCORPORATED COMMUNITY

Presented by Sarah Absher, CFM, Director

Tillamook County Department of Community Development

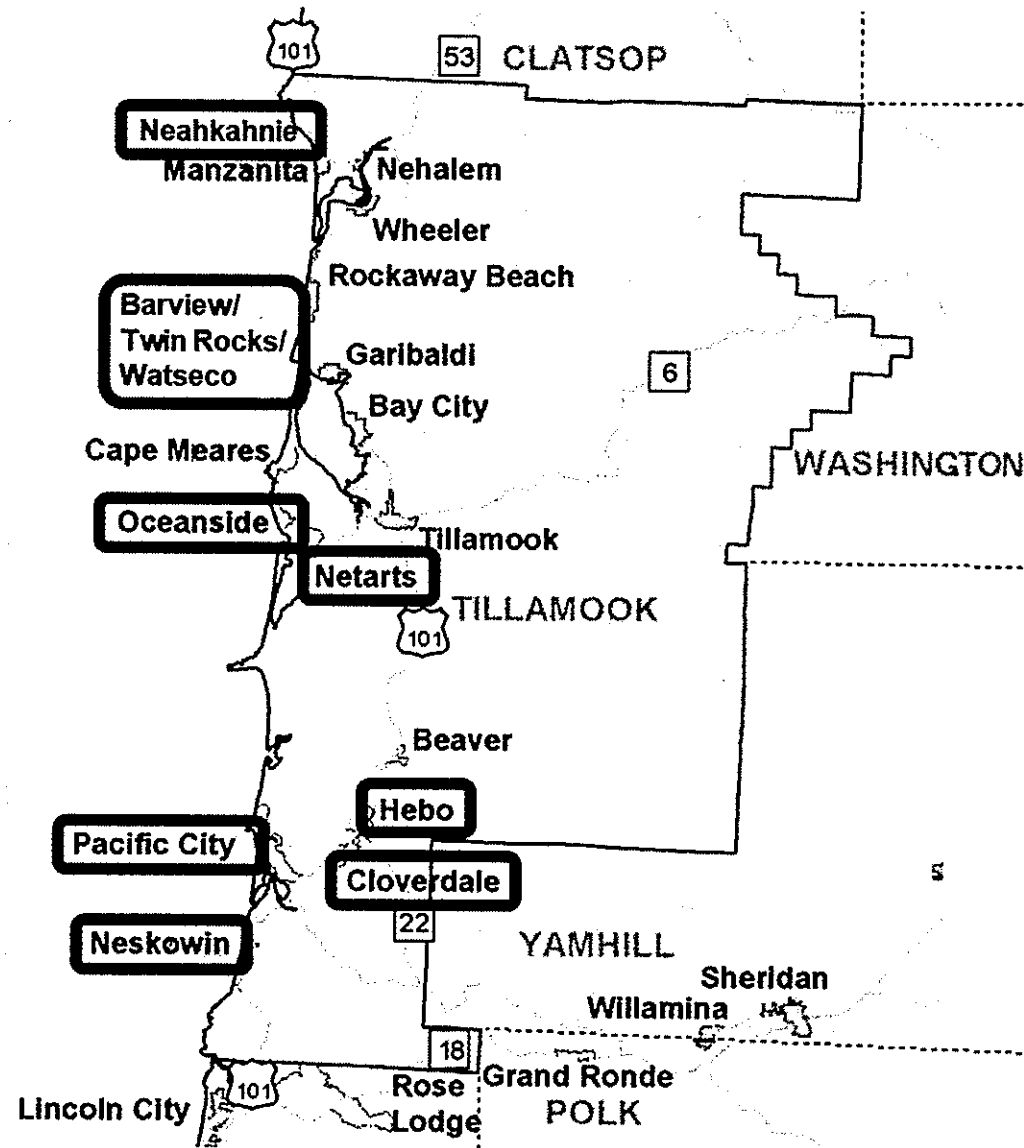
Tillamook County Planning Commission Hearing November 13, 2025

SENATE BILL 406 OBJECTIVES

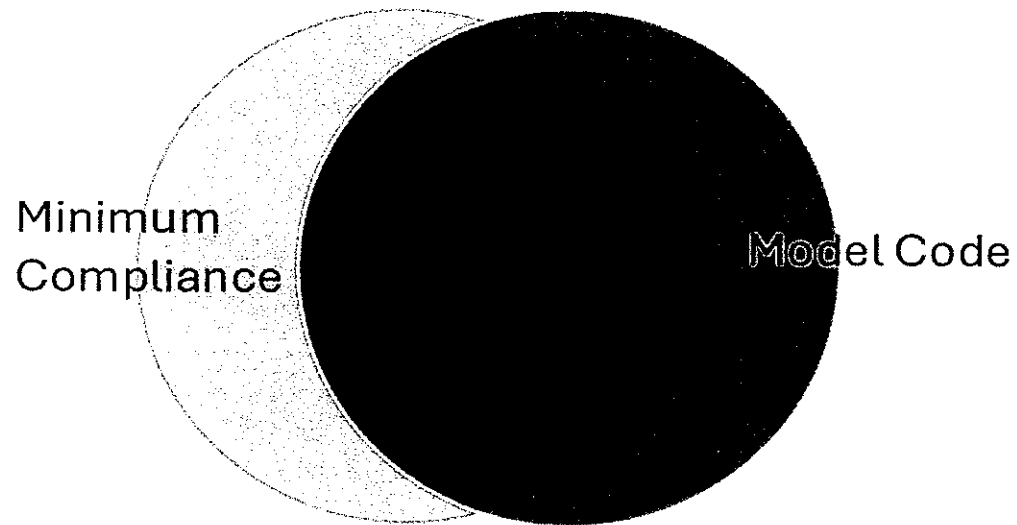
- ▶ Expand opportunities for middle housing in ways compatible with Tillamook County communities
- ▶ Expand opportunities to meet some of County's housing needs
- ▶ Meet first part of Senate Bill 406 (code updates)
 - ▶ Second part to come: Housing Capacity, Housing Production Strategies, etc.



SENATE BILL 406 IMPLEMENTATION PARTICIPATING UNINCORPORATED COMMUNITIES



Middle Housing Code Options

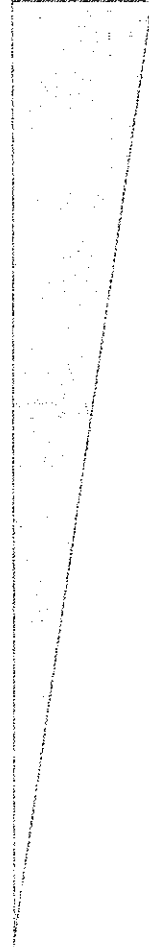


Distinctive choices:

- Attached or detached plexes
- Number of townhouses, cottages
- Design standards
- Parking
- Driveway configurations

DESIRED OUTCOMES

- ▶ Preservation of community character and honoring development patterns established long ago.
- ▶ Protection of established view corridors and equitable view accessibility of Neahkahnie Beach and the Pacific Ocean- a desire shared by the community and public at-large.
- ▶ Over-development of individual properties resulting in building footprints and building mass that is not proportionate to the size of the property and that is not consistent with community character.
 - ▶ Compatibility concerns resulting from increased density opportunities in a primarily developed with single-family dwellings, including larger structures and greater lot coverage, increased parking and traffic, removal of vegetation and decrease in areas of open space.
- ▶ Increased development in areas of geologic hazard and consideration of new standards to limit risk of natural hazard.

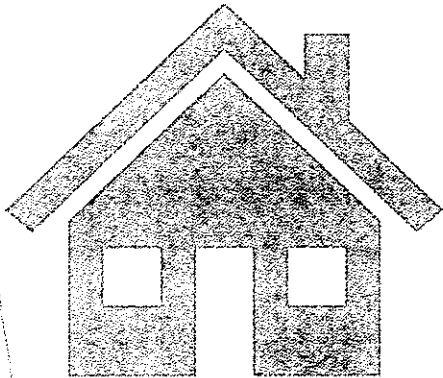


DESIRED OUTCOMES

- ▶ Allowing for development in keeping with existing and future infrastructure availability, specifically water availability.
 - ▶ Addressing the County's housing shortage by increasing opportunities for a diverse array of housing options within the Neahkahnie Community 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.
 - ▶ Equitable standards for all housing types that promote thoughtful growth consistent with community character and maintain an equitable balance for developed properties within the community.
- 

SUMMARY OF RESIDENTIAL ZONING CODE UPDATES TO THE NEAHKAHNIE URBAN RESIDENTIAL ZONE

- ▶ **Permit All Middle Housing Types Outright in the Neahkahnie Urban Residential (NK-7.5, NK-15 and NK-30) Zones**
- ▶ **Retain Existing Minimum Lot Sizes for All Middle Housing Types**
- ▶ **Apply Minimum Parking Standard: 1 Space per Unit for 2+ Dwelling Units**
- ▶ **Apply Design Standards from Model Code with Community Choices Where Possible**
- ▶ **Preserve Existing Building Height Maximums**
 - ▶ **Neahkahnie Special Building Height Corridor**
- ▶ **Apply Same Dimensional Standards as Single-Family Dwellings**
- ▶ **Establish Lot Coverage Maximums for All Housing Types**
- ▶ **Establish Maximum Buildable Floor Areas for All Housing Types**

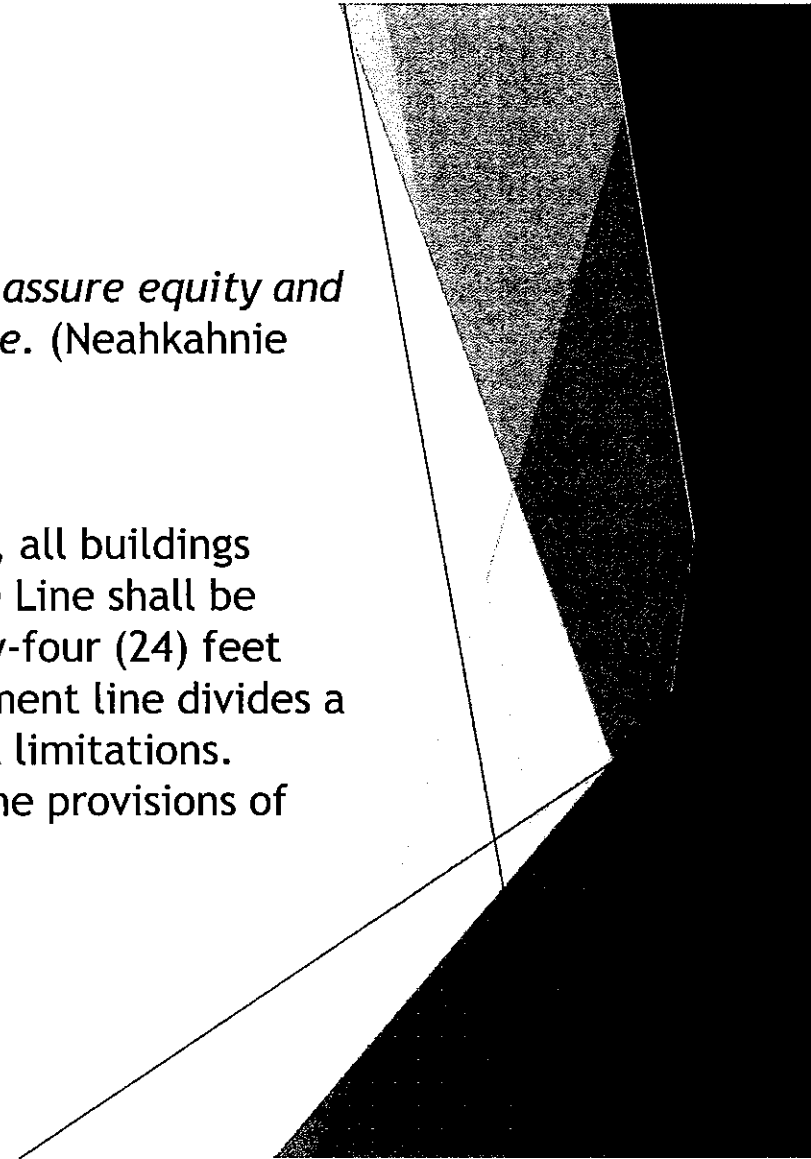


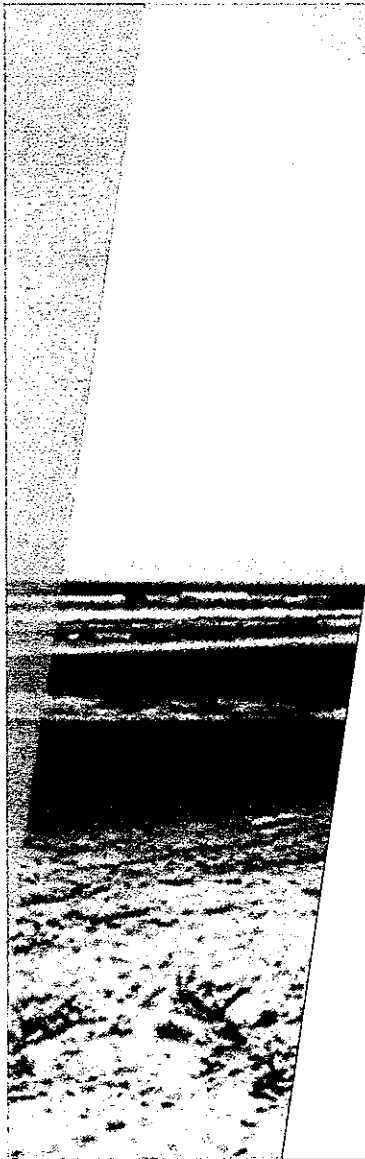
NEAHKAHNIE BUILDING HEIGHTS & SPECIAL BUILDING HEIGHT CORRIDOR



Building height regulations shall be maintained which assure equity and predictability in obtaining ocean views where available. (Neahkahnie Community Plan Policy #5)

Within the Neah-Kah-Nie Community Growth Boundary, all buildings within five hundred (500) feet of the State Beach Zone Line shall be limited in height to seventeen (17) feet, and to twenty-four (24) feet otherwise. When the five hundred (500) foot measurement line divides a lot, the entire lot is subject to the seventeen (17) foot limitations. Higher buildings may be permitted only according to the provisions of Article 8.





►Neahkahnie Beach is inventoried in the Tillamook County Comprehensive Plan as an area of exceptional aesthetic or scenic quality, where the quality is primarily derived from, or related to, the association with coastal water areas.

►Neahkahnie Beach is inventoried in the County's comprehensive plan to ensure public view and access is protected, and to protect the viewsheds of property owners within the Neahkahnie Community.

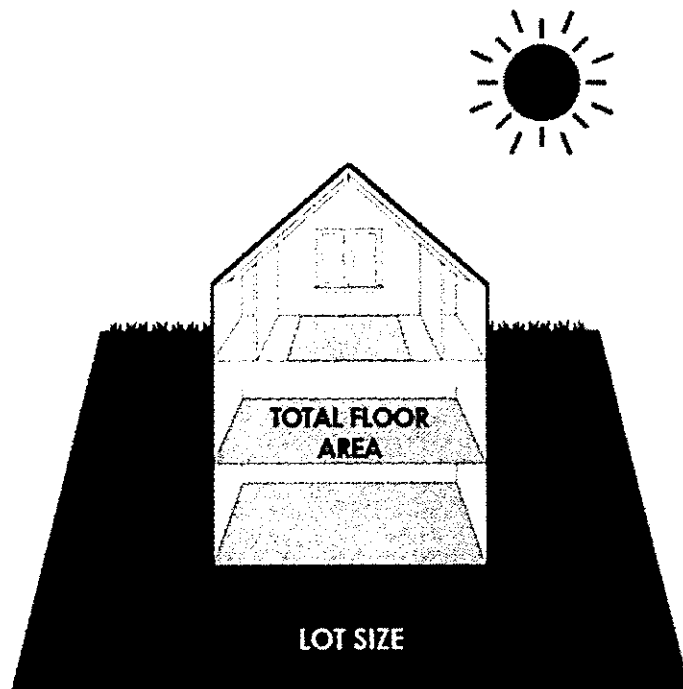
►The existing building height maximums contained within TCLUO Section 3.300 are the standards within the implementing ordinance adopted by the County to ensure continued protection of public access to these natural resources.

Alternative Siting or Design Standards (OAR 660-046-0235)

- ▶ The 17-foot maximum building height is only applied in the Neahkahnie Special Building Height Corridor and is not applied broadly in the County or Neahkahnie community. Therefore, “impacts” to the ability to construction middle housing types are narrowed to where the effect on the public interest is most significant (i.e. in the viewshed of Neahkahnie Beach).
- ▶ The building height limitation of the Neahkahnie special building height corridor is applied equally to detached single-unit dwellings and all middle housing types are treated equally.
- ▶ The existing zoning standards do not preclude construction of a two-story dwelling in the Neahkahnie special building height corridor as evidenced by the photographs of developed properties made part of the staff report.
- ▶ Protection of the Neahkahnie Beach viewshed is consistent with the broader Oregon framework around public ownership of land along the beach. An increase in building height maximums denies the public a significant access point of the ocean, including being able to see it.
- ▶ Increasing the existing building height limitation within the Neahkahnie Special Building Height Corridor creates risk of exacerbating second and vacation home development, degrading the public benefit with little impact on housing affordability or availability.

Alternative Siting or Design Standards (OAR 660-046-0235)

- ▶ The community is located at the base of Neahkahnie Mountain, in an area of geologic hazard with sloping topography. Preservation of the existing building height maximums for the Neahkahnie Community will likely result in increased costs for construction of middle housing, potentially significant costs increases for deeper foundations and site excavation to achieve two-stories, as well as additional engineering requirements for construction.
- ▶ Development standards are determined by the community's geographic location and coastal climate. Geotechnical reports necessitating higher and more costly construction standards are required for development of any property in the community. Cost increases may be significant but are also reasonable and proportionate for development of all middle housing types in the Neahkahnie Community.
- ▶ Higher construction standards resulting in increased costs for development is a routine requirement not only due to the geologic hazards and soils of the area, but also due to the natural topography of properties. These routine requirements are applied equally to all middle housing types.
- ▶ The review process is the same for all housing types. Permitting costs are slightly higher for projects consisting of 3+ dwelling units, but costs are equal and proportionate to the type of project under review.



LOT SIZE LOT COVERAGE & MAXIMUM BUILDING FLOOR AREA

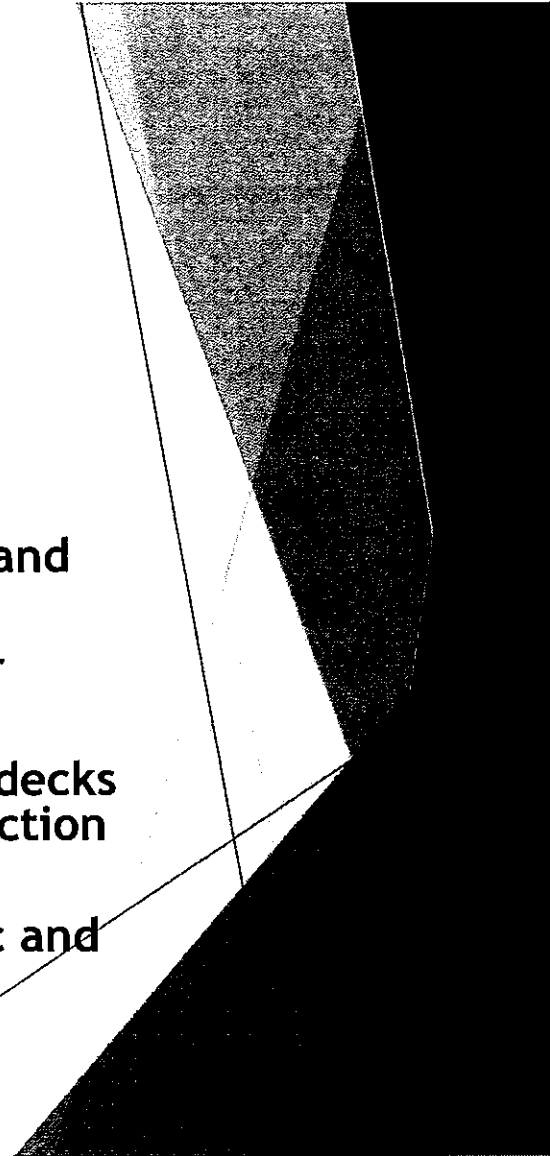
<https://www.portland.gov/ppd/zoning-land-use/residential-infill/floor-area-ratio-far>

LOT COVERAGE MAXIMUM FORMULA



MAXIMUM LOT COVERAGE

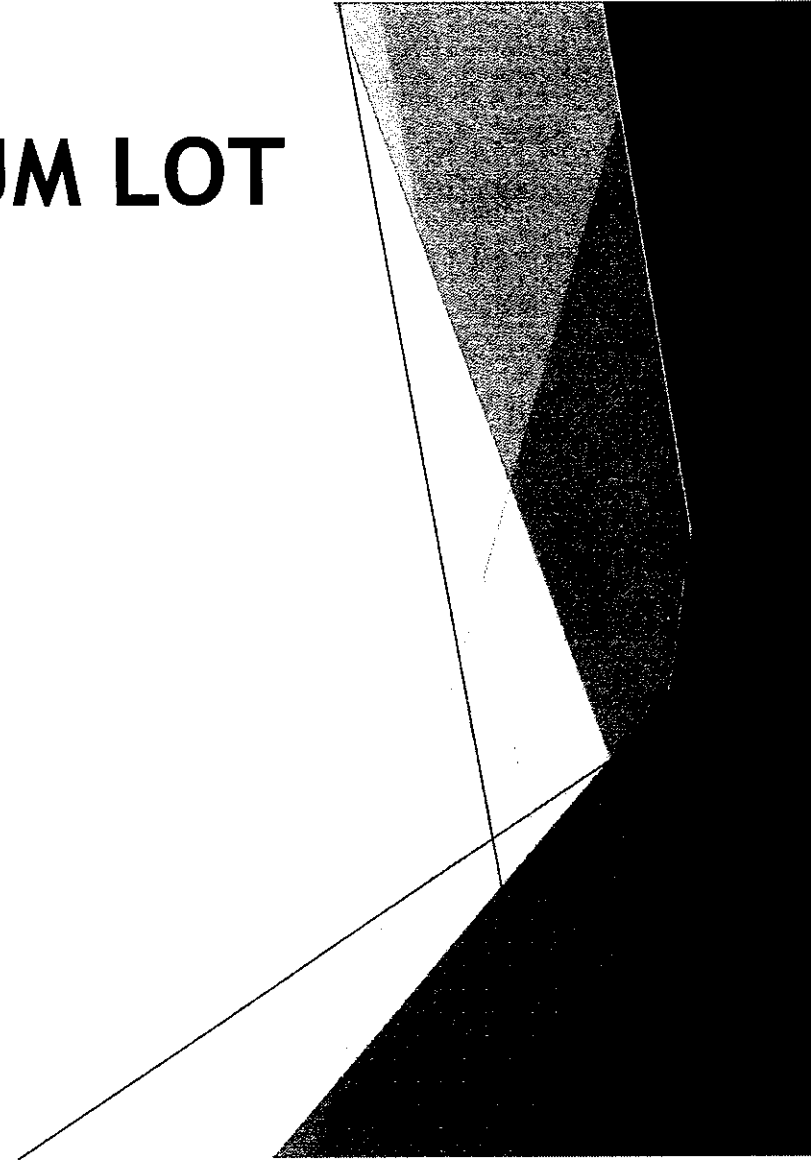
- ▶ Lot coverage maximums shall be applied to:
 - ▶ The vertical projection of all floors, and
 - ▶ Covered decks and covered porches, and
 - ▶ Garages, sheds and other accessory structures, and
 - ▶ Non-pervious surfaces including: driveways, walkways, and other non-pervious hardscape.
- ▶ Lot coverage does not include gravel, grass-crete and other pervious materials.
- ▶ Lot coverage does not apply to uncovered and unenclosed decks or projections from buildings in accordance with TCLUO Section 4.110(7).
- ▶ Lot coverage does not apply to improvements within public and private easement right-of-ways.



APPLICATION OF MAXIMUM LOT COVERAGE

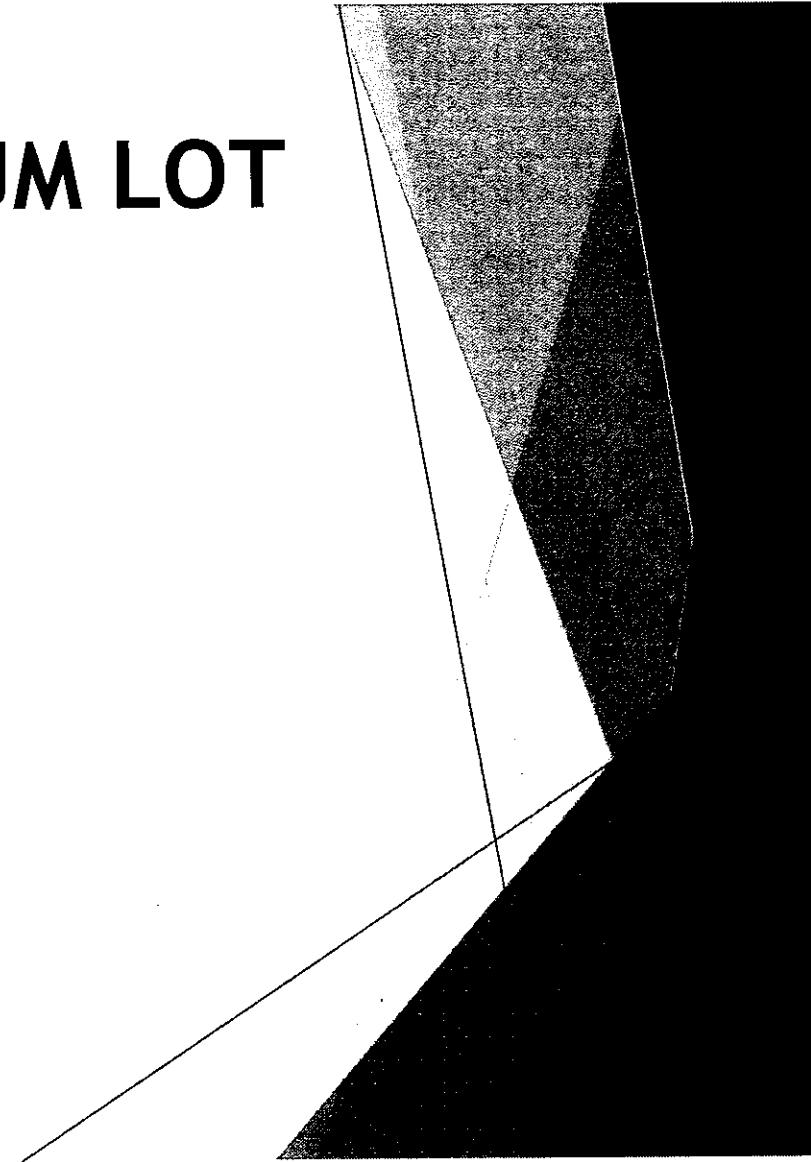
- ▶ Step #1: Confirm property size
- ▶ Step #2: Confirm zoning designation
- ▶ Step #3: Confirm B, L, M & Z
 - ▶ B=Base Lot Coverage
 - ▶ L=Lot Size
 - ▶ M=Minimum Lot Size
 - ▶ Z=Zone Increase Factor

- ▶ NK7.5: B=2,500, M=7,500, Z=5
- ▶ NK15: B=4,500, M=15,000, Z=28
- ▶ NK30: B=4,500, M=30,000, Z=42



APPLICATION OF MAXIMUM LOT COVERAGE

- ▶ Step #1: Confirm property size (10,000 Square Feet)
- ▶ Step #2: Confirm zoning designation (NK-7.5)
- ▶ Step #3: Confirm B, L, M & Z
 - ▶ B=Base Lot Coverage
 - ▶ L=Lot Size
 - ▶ M=Minimum Lot Size
 - ▶ Z=Zone Increase Factor
- ▶ Listed in Subsection (6)(b) of TCLUO Section 3.300:
 - ▶ NK7.5: B=2,500, M=7,500, Z=5
 - ▶ NK15: B=4,500, M=15,000, Z=28
 - ▶ NK30: B=4,500, M=30,000, Z=42



HOW IT WORKS

$$\text{Lot Coverage} = B + \left[\frac{L-M}{Z} \right]$$

$$\text{Lot Coverage} = 2500 + \left[\frac{10,000-7,500}{5} \right]$$

**Total Lot Coverage
3,000 Square Feet**



**MAXIMUM
BUILDABLE
FLOOR AREA**

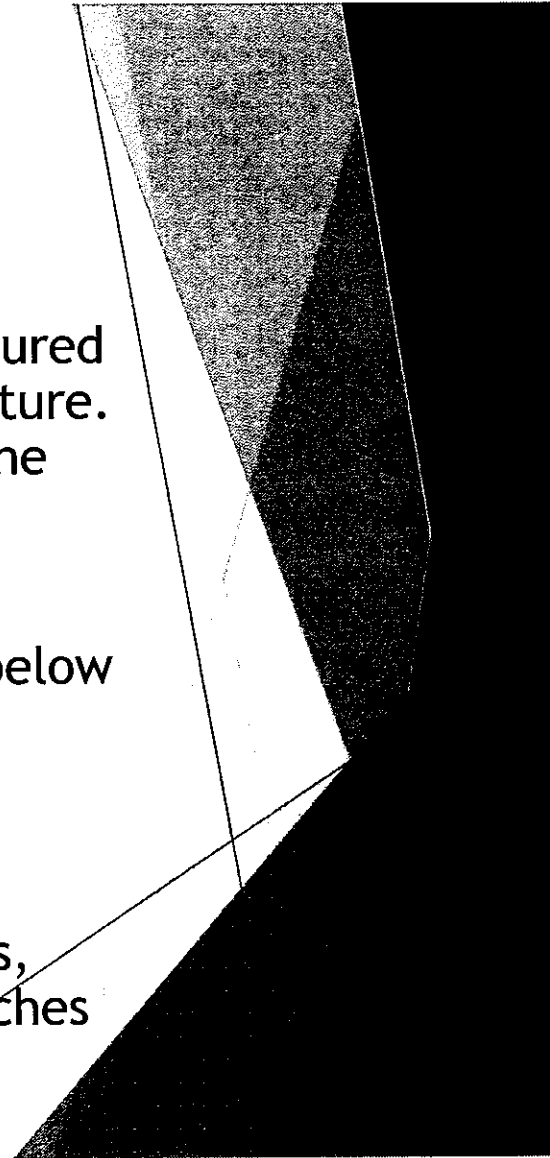


“FLOOR AREA” AS DEFINED ARTICLE 11 OF THE TCLUO:

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.



MAXIMUM BUILDABLE FLOOR AREA FOR NEAHKAHNIE

DEFINITION FOR DISCUSSION:

As defined by the Oregon Residential Specialty Code,

“The area within the inside perimeter of the walls of the room or space under consideration.”

WHAT IS INCLUDED?

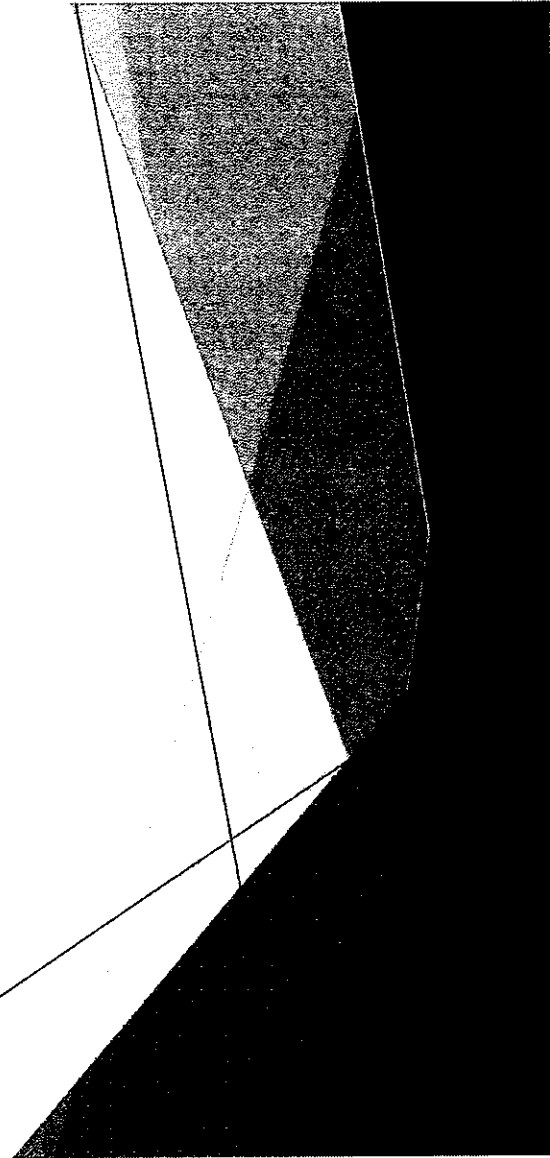
Main floors, as well as technical floors, roof floors, and basements and unfinished areas like attics or basements with a ceiling height of 5-feet or higher. Also includes covered and enclosed porches and decks.



WHAT IS NOT INCLUDED IN MAXIMUM BUILDABLE FLOOR AREA?

WHAT IS NOT INCLUDED?

- ▶ Unoccupied areas like elevator shafts and stairwells
- ▶ Areas with a ceiling height under 5 feet, measured at the highest point.
- ▶ Unenclosed balconies and patios.
- ▶ Uninhabitable space such as crawlspaces and space below base flood elevation designed for specific purpose of compliance with the applicable provisions of the Tillamook County Flood Hazard Overlay Zone.



MAXIMUM BUILDABLE FLOOR AREA FORMULA

Lot Coverage x 1.2



The slide features two large, abstract geometric shapes. On the left is a tall, thin, white parallelogram with a thin black outline. On the right is a large, dark, textured shape that appears to be a stylized, three-dimensional object or a complex geometric form, possibly a cone or a prism, with a black outline and a dark, grainy fill. The main text is centered on the white background between these two shapes.

MAXIMUM BUILDABLE FLOOR AREA = 3,600 Square Feet

*Lot Coverage = 3,000 Square Feet
Multiply by 1.2*

Determines Maximum Buildable Floor Area

PERMITTING REQUIREMENTS

- ▶ Individual sites required to demonstrate “Sufficient Infrastructure” is provided or can be provided for:
 - ▶ Sewer and Water Availability: Service Provider Letters Required (includes onsite wastewater treatment permits where needed)
 - ▶ Fire Service Provider Letter
 - ▶ Road Approach Permit
- ▶ Goal 7 Compliance: Dune Area Development Permit, Floodplain Development Permit and Geologic Hazard Report Review
- ▶ Consolidated Zoning and Building Permit Review Process- Same as for Single-Family Dwelling.

**ARTICLE 9: TEXT AMENDMENT
CRITERIA
(TCLUO) SECTION 9.030**

- (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.**

Neah-Kah-Nie

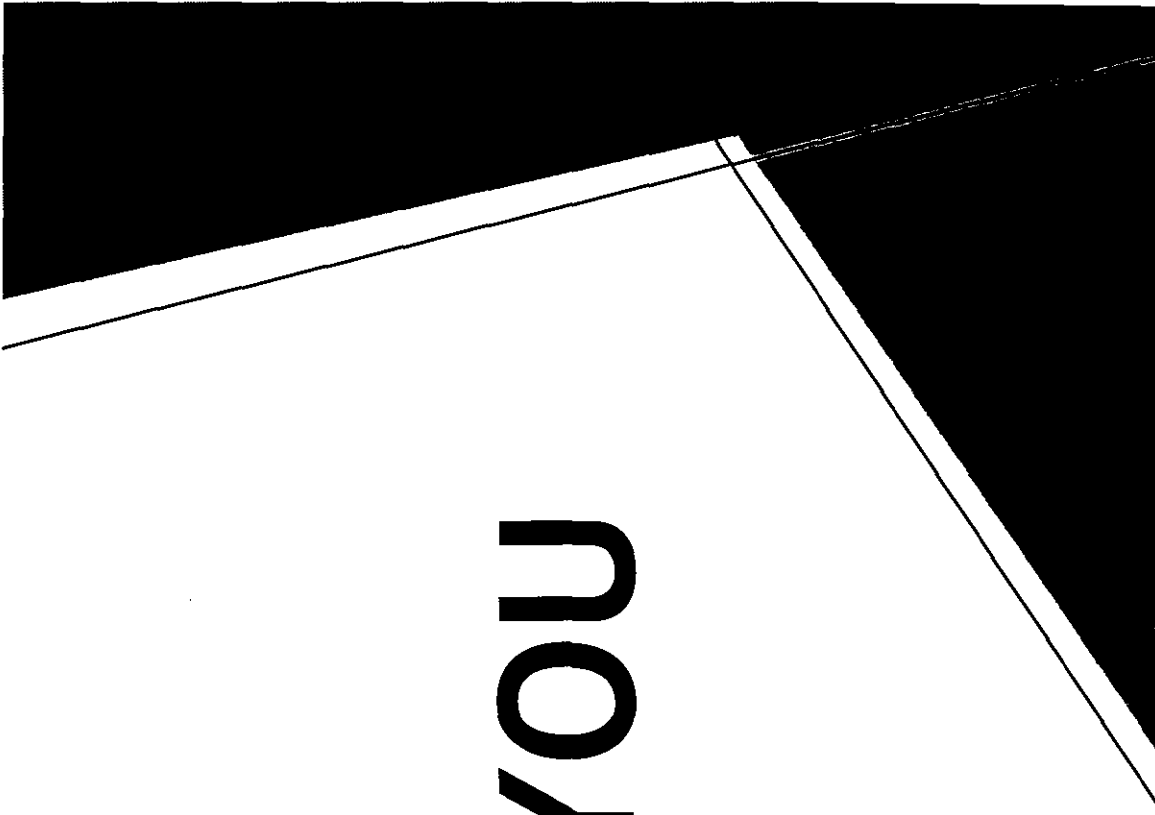
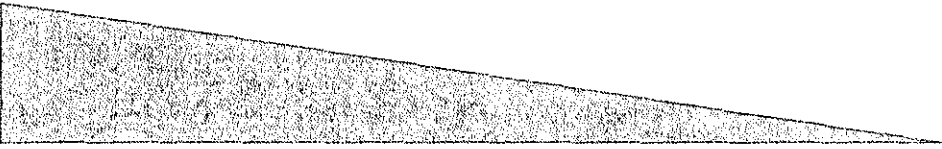
Citizen Advisory Committee



**ARTICLE 9: TEXT AMENDMENT
CRITERIA
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- (d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.**

THANK YOU



NK Housing Working Group

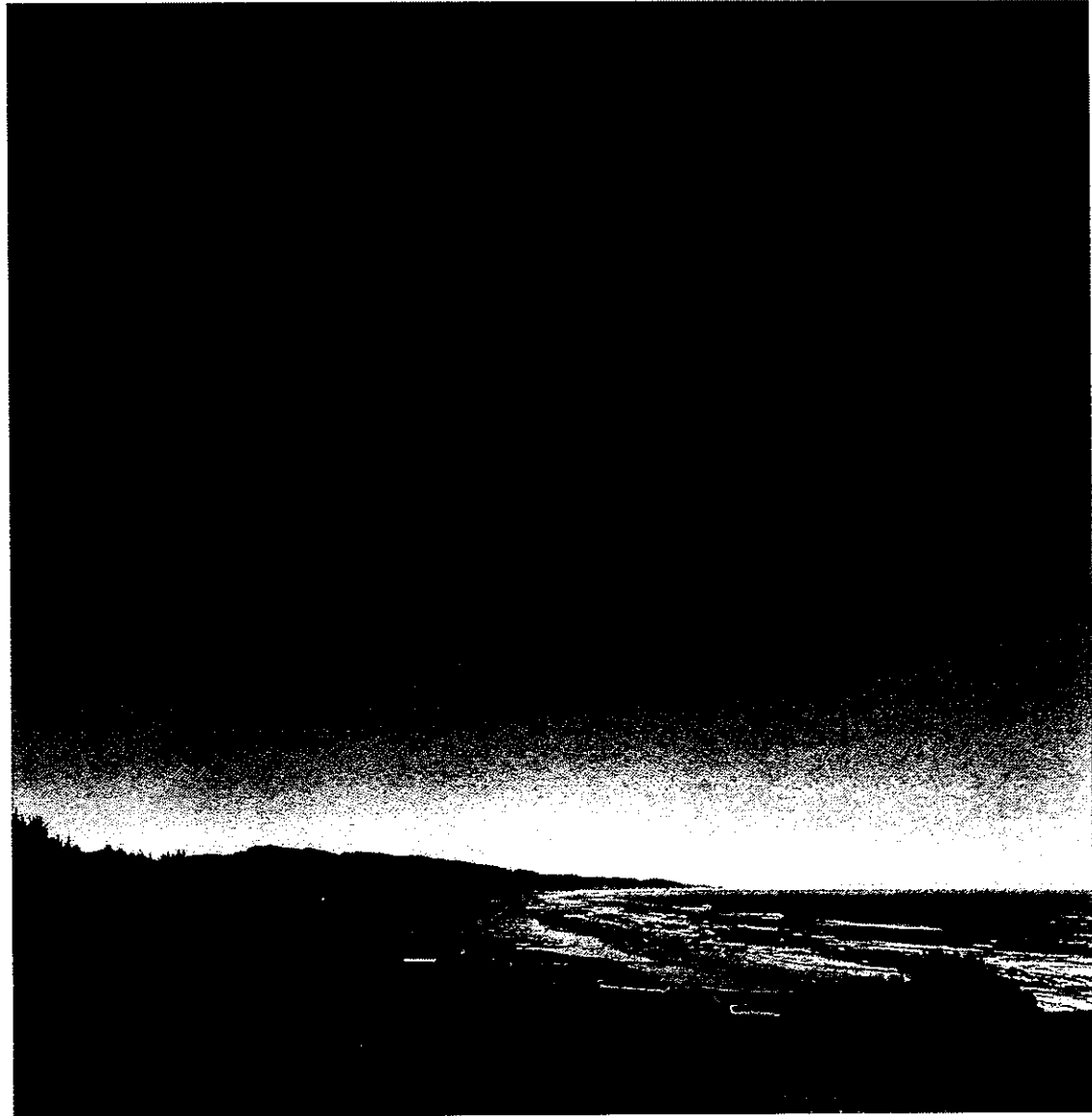
Advisory to TilCo Planning and
Development to:

Provide NKN historic, geographic and
architectural background

Assist TilCo Planning to amend and conform
NK 3.300 to comply with SB 406

Conduct regular review and work sessions
with TilCo Planning and the public to
prepare development standards

Our goal was to integrate Middle Housing
types into NKN coastal community context



Working Group Goals

NK Housing working Group goals were to:

Preserve the reasons why we all live here.

Support diversity and affordability of housing

Support responsible increased density considering the required multifamily housing models.

Preserve the 17-foot height limit within 500-feet of the ocean front

Assure that lot development capacity is compatible with topography, subsurface water, vegetation and the Geologic Hazard Zone

Understand how TilCo Emergency Management Plan (Wildfires, Natural Hazards and Emergency Preparedness) will accommodate future increased resident and visitor population in isolated areas such as Neahkahnie



Considerations

NWD Domestic water capacity

Geologic Hazards

Environment, scale and character

Up zoning from single to multifamily development

Building footprint

Floor area

Views

Solar access

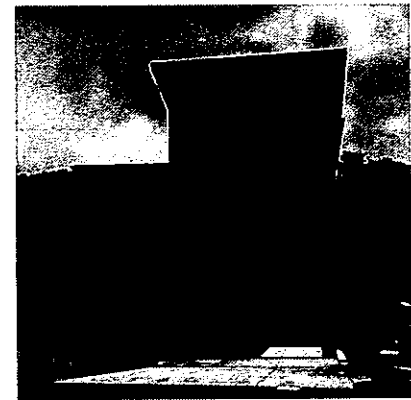
Housing targets – Housing Needs Assessment

Development Strategy – Met with Park Sammons

Incentives for affordable and middle housing

Emergency Management Plan

Citizen involvement, notifications and distribution



Historically,

NKN development has respected
and is compatible with:

Geologic Hazard Zone

Domestic Water Capacity

Hillside Topography

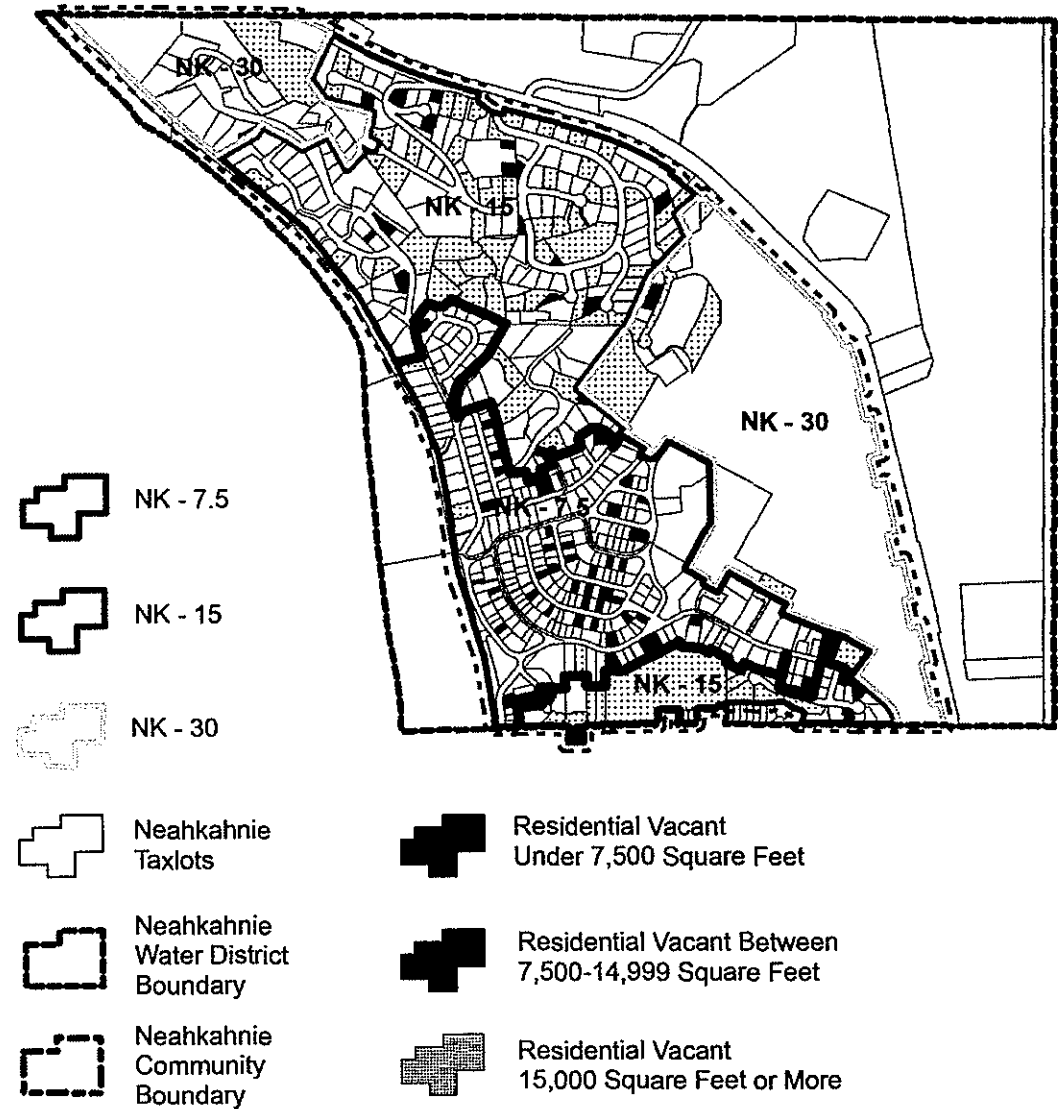
Architectural Scale & Character

Beach Access

Views



Neahkahnie Vacant Residential Zoned Lots



Lot Coverage and Max. Building Floor Area

Neahkahnie zoning subdivides the community into 3 zones of incrementally larger lot sizes based on topography, terrain, geological hazard and surface and subsurface water runoff.

Maximum Lot Coverage

Maximum Floor Area factor of $1.2 \times$ Lot Coverage



Lot Coverage and Max. Building Floor Area

The Formula for:

Maximum Lot Coverage

Maximum Floor Area
factor of 1.2 x Lot Coverage

$$\text{Max. Lot Coverage} = B + \frac{(L-M)}{Z}$$

B=Base Lot Coverage,

L=Lot Size

M=Minimum Lot Size

Z=Zone Increase Factor

Max. Buildable Floor Area = Lot Coverage x 1.2

The different values being applied to each zone:

NK7.5: B=2,500, M=7,500, Z=5.

NK15: B=4,500, M=15,000, Z=28

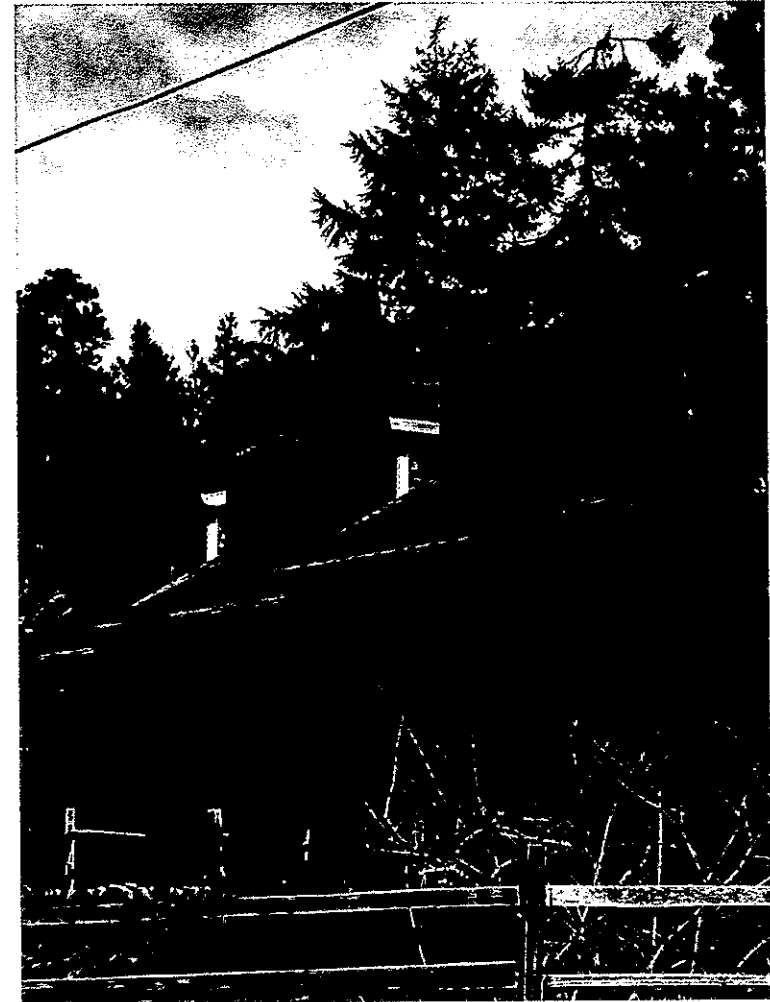
NK30: B=4,500, M=30,000, Z=42

Building Heights

The Working Group considered the effects of large building massing adjacent to existing development, the appropriateness of metropolitan housing models, the effect on community character, view access and the status of historic structures

Retention of the 24-foot height limit.

The current 17ft height limit in the 500ft beach front zone was a community initiative



NK Working Group Recommendations

Supported overwhelmingly by NKN community, no dissenting votes..

Therefore, we recommend that the Tillamook County Planning Commission:

Approve the Staff Report of November 6, 2025

Recommend for adoption the Legislative Text Amendment to amend Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the TCLUO to:

Establish Maximum Lot Coverage and Maximum Floor Area standards

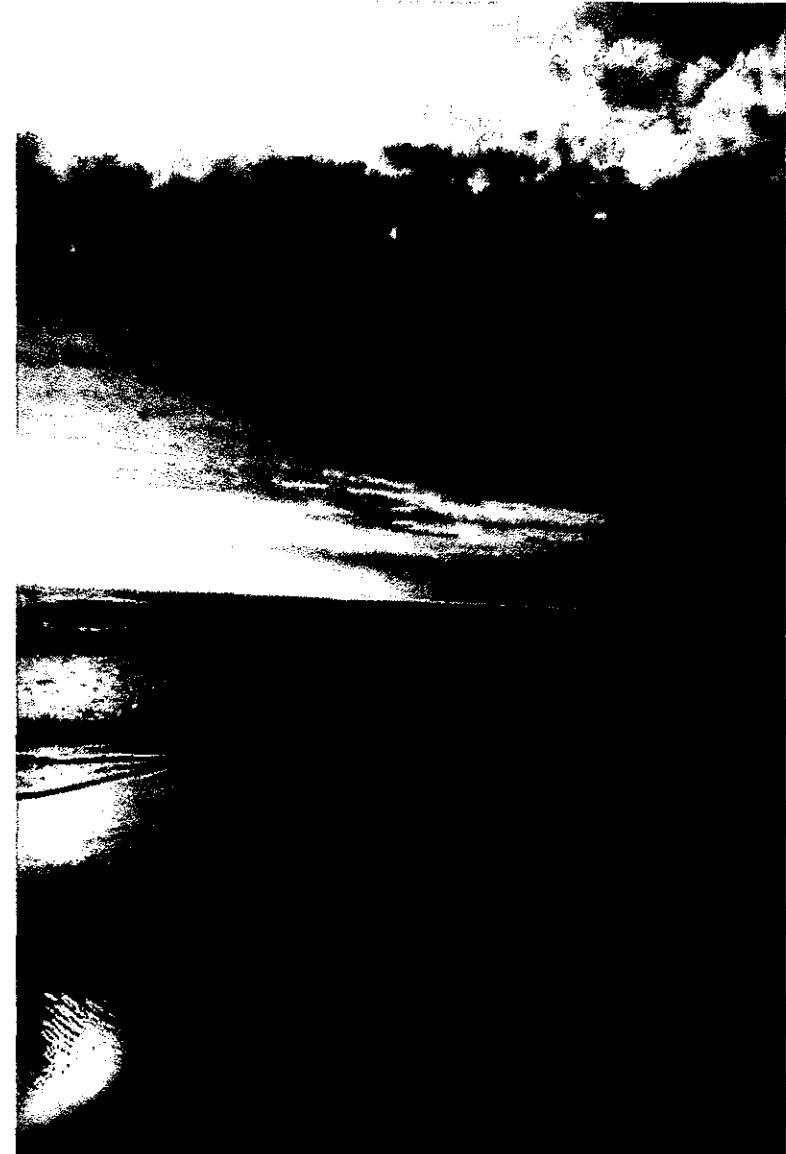
Retain existing building heights

Forward the amended NK 3.300 Development Standards as of this hearing November 13, 2025, to the Board of Tillamook County Commissioners for Adoption.

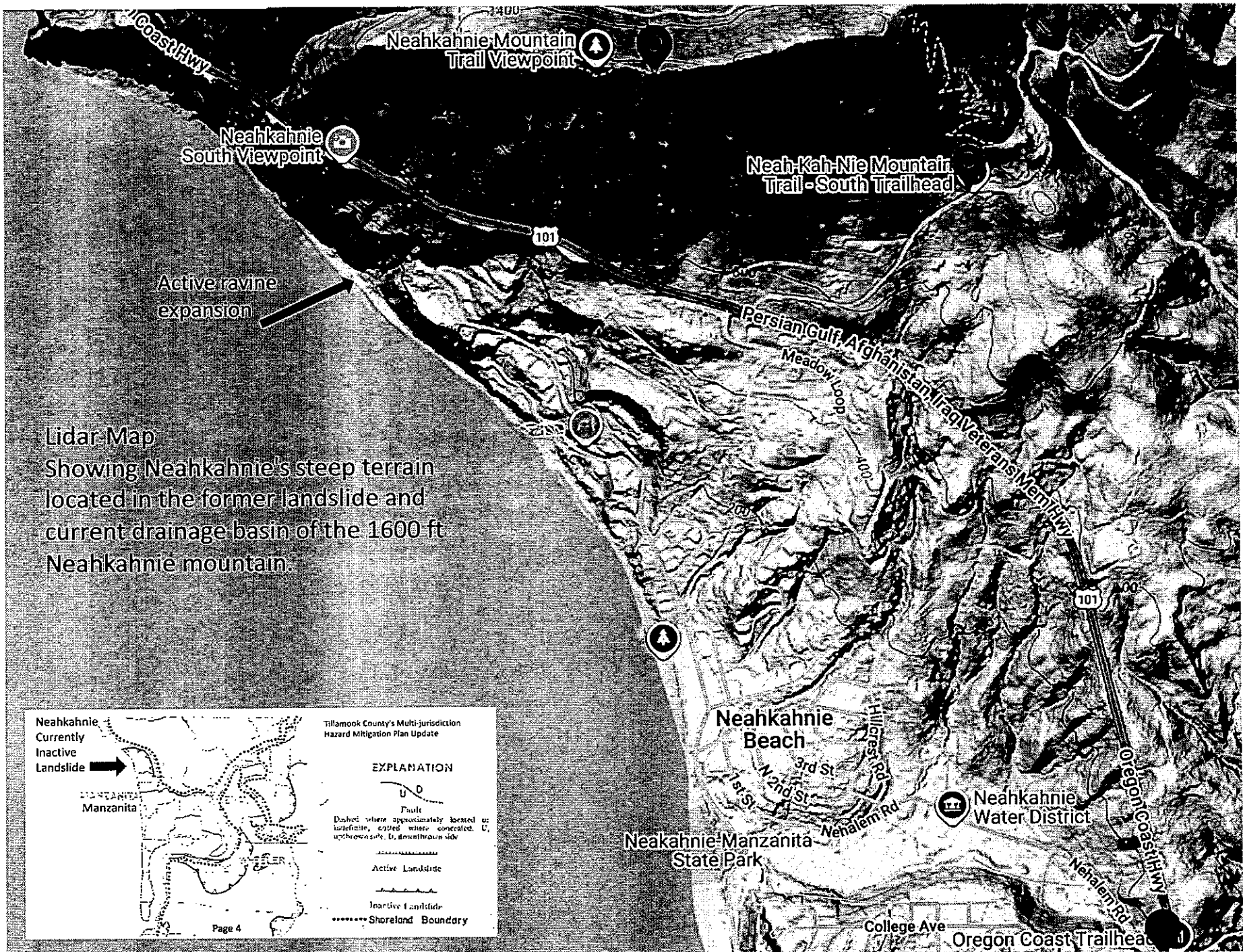
Support Affordable and Middle Housing economic development strategy to accomplish SB 406 goals

Support Neahkahnie Water District mitigating measures to accommodate significant increased density to provide fire and domestic water demands.

Create an economic development strategy to increase domestic water capacity for NWD including the State and County.

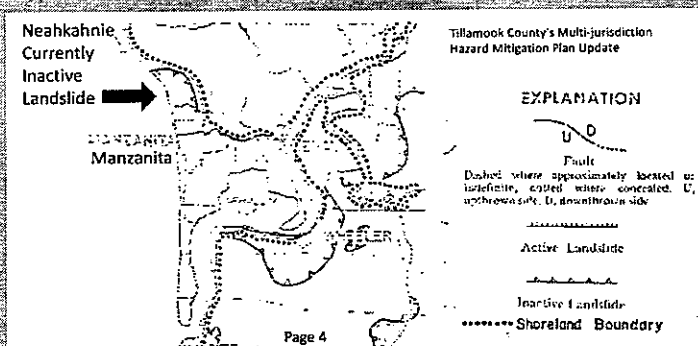


**PUBLIC COMMENTS
RECEIVED
DURING AND FOLLOWING
NOVEMBER 13, 2025,
PLANNING COMMISSION
HEARING**



Lidar Map

Showing Neahkahnie's steep terrain located in the former landslide and current drainage basin of the 1600 ft Neahkahnie mountain.



8015 Circle Drive
Nehalem, Oregon 97131

November 12, 2025

Sarah Absher
CFM, Director
Tillamook County Dept. of
Community Development
1510 B Third Street
Tillamook, Oregon 97141

Dear Ms Absher,

As a result of our recent meeting, I have become aware that the County's proposed Measure 56 lot coverage limitation regarding non-permeable surface does not provide for any exemption of existing paved roadways that benefit third parties.

In the case of Ville del Mare large segments at our rather substantial community, access roads may be owned in fee by an individual lot owner. They do not, however, have the use of this land. This situation occurs in Ville del Mare and in numerous other subdivisions within Tillamook County because lots were created a few at a time by Parcel Map divisions, rather than as a subdivision.

The only fair solution would be to amend the proposed ordinance prior to adoption so that each lot owner's calculations of the non-pervious surfaces would include only the remaining unimproved lot areas and exclude the existing paved main roadway.

Please advise how we can resolve this situation prior to this week's scheduled hearing.

Thank you for your consideration and assistance in this matter.

Sincerely,

Daniel J Conner
Ville del Mare
Owner

[illegible]

Lot	Area (Ac.)	Area (Sq. Ft.)	Road Asphalt (Sq. Ft.)	Legal Description	Tax Lot
A	1.11	48,179	4,533	P1, PP 2020-17	503
B	0.71	30,770	0	P1, PP 2021-16	500
C	0.81	35,474	3,696	P2, PP 2021-16	506
D	1.27	55,277	1,627	P1, PP 2022-23	507
E	1.02	44,323	5,640	P2, PP 2022-23	508
F	1.00	43,585	3,508	P2, PP 2022-29	509
G	1.02	44,531	8,871	P1, PP 2022-29	504

Ville del Mare
Lot Coverage Calculations

NK 15	NK 15
B – Base lot cov (4,500 sf) L - Lot size (not of paved common road) M – Minimum lot size (15,000) 3.75 Z – Zone increase facts 28	$\text{"B"} \frac{4,500 + (L - M (15,000))}{Z (28)}$ Lot coverage $B = \frac{(L-M)}{Z}$

Lot Gross Size	less sf of road pavement	Net Base Lot Size (L)	Less (M)	Increase Factor Divide by 28	Total Size Plus (4,500)
48,179	A 4,533	43,646	<15m = 28,646	1023	5,523
30,770	B 0	30,770	<15m> = 15,778	563.5	5063
35,474	C 3,696	31,778	<15m> = 16,778	599.2	5,099
55,277	D 1,627	53,650	<15m> = 38,650	1,380.4	5,880
44,323	E 5,640	38,683	<15m> = 23,683	845.8	5,345
43,585	F 3,508	40,077	<15m> = 25,077	895.6	5,395
44,531	G 8,871	35,660	<15m> = 20,660	737	5,237

Maximum square footage for each lot, including all non-pervious and other constructed surfaces, shall include approximate lot coverage X 1.2 within each building envelope (Patio, walks, garage, park areas, drive, overhang, etc.)

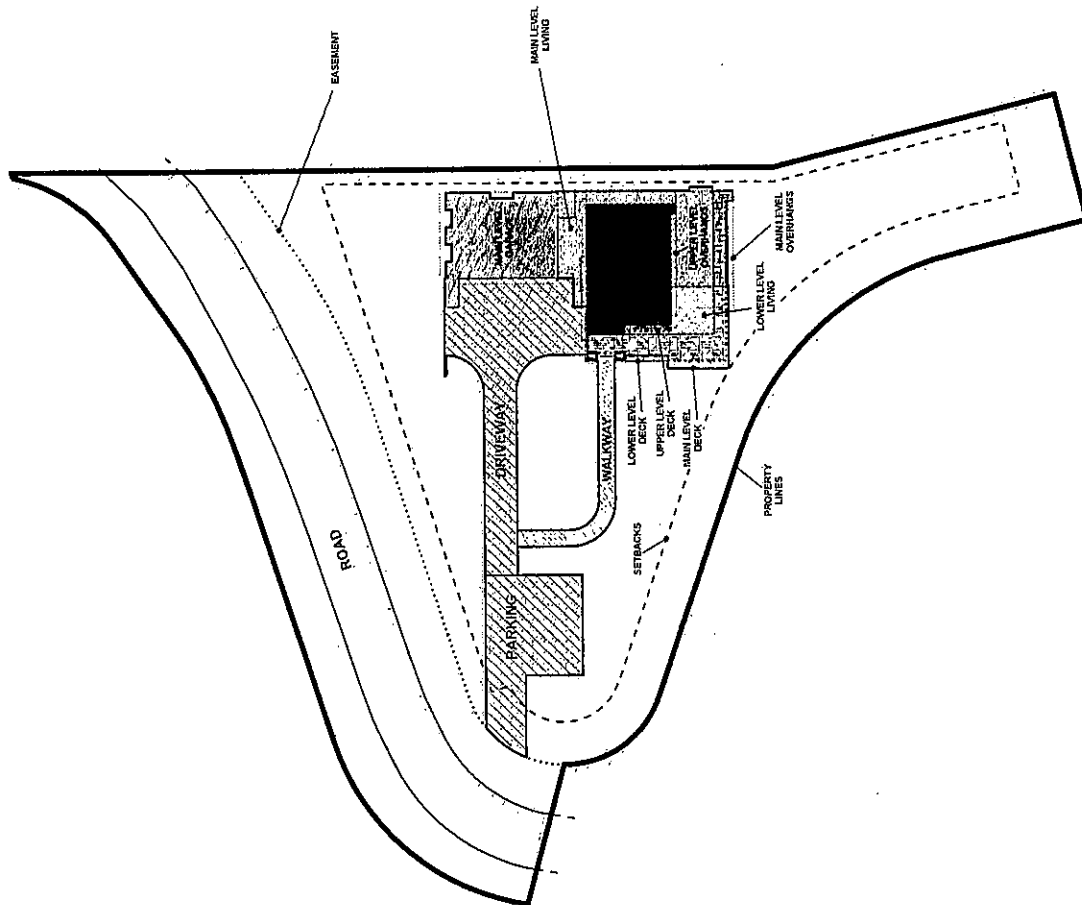
A 5523 X 1.2 = 6627.60
B 5063 X 1.2 = 6075
C 5099 X 1.2 = 6118
D 5880 X 1.2 = 7056
E 5345 X 1.2 = 6414
F 5395 X 1.2 = 6474
G 5237 X 1.2 = 6284

I believe the current calculations for improvement limitations under the proposed Tillamook County ordinance as written may include the areas of non-pervious roadway areas or easements that may exist or be maintained for the benefit of any third parties, rather than the homeowner, and, therefore, should not be included.

Since many properties in Tillamook County are burdened by roadway easements providing access to other adjoining property owners, in the interest of fairness, I believe we need to revise and amend the proposed Measure 56 to include language similar to the following:

"Any calculations of improvement limitations or lot coverage under this ordinance shall **NOT** include any areas of non-pervious roadways that may run through, across or burden any portion of the subject property with the intent of providing ingress or egress to third party property owners, HOA members or their invitees."

How can we resolve this issue as soon as possible?



LOT AREA	44332.62
OVERALL HOUSE FOOTPRINT	4548.85
OVERALL HOUSE FOOTPRINT W/ OVERHANGS	4795.27
DRIVEWAY	2158.17
WALKWAY	522.44
PARKING	1533.47
ROAD	5618.47
MAIN LEVEL DECK	873.8
MAIN LEVEL GARAGE	1200.51
MAIN LEVEL LIVING	2465.46
MAIN LEVEL LIVING W/ OVERHANGS	2750.81
UPPER LEVEL DECK	124.52
UPPER LEVEL LIVING	1208.23
UPPER LEVEL LIVING W/ OVERHANGS	1555.56
LOWER LEVEL DECK	530.65
LOWER LEVEL LIVING	2806.78
LANDSCAPE (NO OVERHANGS)	29911.18

1 SITE PLAN

SCALE :: 1" = 30'-0"

November 20, 2025

Dear Ms. Absher,

For over 35 years I have lived on Circle Drive in North County. During the last 10 years, I have divided the approximately 8 acres located between my home and Reed Road into 7 finished lots of approximately 1 acre each, collectively known as Ville del Mare. Each lot within Ville del Mare is governed by and subject to a very detailed set of recorded CC&Rs that require large lot sizes, specific landscaping, water retention and control, building height limitations, association approval of design and building elevations, land use restrictions, control of building envelopes and view corridors. I am now writing this plea for your support in preventing the destruction of these beautiful lots by voting **NO** on the Neahkahnie area measure coming before you on December 3.

This development was created after Fire Chief Perry shared with me how he had experienced a major fire including three homes along Reed Road and how he then realized the department had only one way to access the over 100 homes in Neahkahnie. If Reed Road ever had another emergency that made it impassable, over 100 homes and the people inhabiting them could not escape or be reached. With his assistance, we planned and constructed a major road within our development connecting access from highway 101 to Reed Road. In the process, we had to reduce our lot count from the original 12 lots planned to 7. Our subdivision and infrastructure are now 100% complete.

The slope of Neahkahnie mountain has not been easy to contend with. We have been required to collect and channel substantial amounts of water. In addition, we have designed and installed domestic water supplies, sewage lines, utility improvements, a very complicated road system, fire hydrants, telephone lines and to complete elevations and floor plans for each lot. All of this work and infrastructure is now complete.

Because all of our homes are designed to be part of a compatible family, we have worked with our architects to create finished floor plans, elevations and building envelopes for each lot based on county requirements. As of this date, three of these lots have been sold. One lot has been issued a building permit for a beautiful home that will be completed and occupied in the next few months.

Subsequent to installation of all roads and infrastructure, it came to our attention that Tillamook County had appointed a Citizens Advisory Committee for, apparently, the purpose of providing the County Board of Supervisors with appropriated recommendations to control and limit construction of new homes in the Neahkahnie community. Though I believe we are the largest single development within Neahkahnie in the past 20 years, neither I, Ville del Mare, or my development/construction entity, la Contrada, have ever been contacted by this committee.

I would like you to know I did personally reach out to this committee with a request to discuss how these proposed changes in development standards would affect construction of our Ville del Mare homes. I inquired if it would be possible to meet with the committee to discuss our issues and was informed they would **not** meet with me, however, if I was interested, I should attend their (now past) presentation to the Planning Commission. I did so and was extremely shocked by the information presented.

In our development process, we agreed to maintain our road free of obstacles in the event it was needed for emergency evacuation. For that reason and because the steepness of its grade could make the road, in places, very uncomfortable to parking, **we have recorded CC&Rs prohibiting any on-street parking**. This required us to include **on each lot** paved guest parking for 2 cars, together with a paved courtyard to allow vehicle turnaround, and long sidewalks in order to reach each home's entry. Our plans are now complete and 2 of our 7 lots are currently under construction or architectural review, if passed at the December 3 meeting, the measure that is being addressed would effectively prohibit our construction of any of our homes as designed and plotted.

In addition to our unusual but necessary (for underground water control) non-permeable driveways, parking spaces and courtyards, together with the inclusion of covered patios, roof over hangs (4-6 feet is some of our

"Frank Lloyd Wright" plans), long walkways (required to reach the entries), garage space, storage space, etc. would make all of our homes and now-completed plans unbuildable.

I respect the Citizens Advisory Committee's (CAC) desire to limit density and to prevent construction of ADUs in Neahkahnie, and we would even be willing to agree to a restriction that no ADU would be built on any of our lots. However, the onerous lot coverage restrictions currently being proposed by CAC are not the fair and equitable way to manage that issue. When a full 1-acre lot is considered too small to accommodate one 4,000 square foot home, something seems ridiculously inappropriate. If adopted, this committee's recommendations would cause millions of dollars of damage to our subdivision.

The approval or adoption of that measure before this Board would be devastating to us and our lot purchasers. We have invested millions of dollars and years of work in good faith. We have secured County approval of all of our lots. We have installed all sewer, water and underground infrastructure.

We have now become aware that this measure, if passed, will prevent the construction of homes we have spent years designing. This, literally, would be devastating to my family and the innocent families that have in good faith relied upon Tillamook County's previously approval of our lot division to purchase their lot.

We have adhered to all the development requirements and procedures of Tillamook County. Our roads and infrastructure are all now in place. The current proposed measures' limitation on building area within our now finished lots would be unjust. **It is not appropriate for the County to now retroactively change the rules and standards of construction ex post facto for the sole purpose of preventing a few ADUs. It should be criminal. I believe it would also amount to an illegal taking of our land.**

We would be grateful and appreciative for your "NO" vote to prevent this inappropriate situation.

Perhaps a second solution could be to simply amend the measure to limit its application to only parcels containing less than 30,000 square feet.

Thank you for your consideration.

P.S.: We have maps and exhibits illustrating the Ville del Mare lots and home floor plans, together with a few photos of our project that we are unable to "attach"/send through this County website. If possible, please send an email address to which we can attach these exhibits so that you will have them. Thank you.

La Contrada
c/o Dan Conner
503.368.7330 office
559-905.6442 mobile
dan@londonproperties.com

DEVELOPMENT DISCUSSION OF VACANT LOTS

LESS THAN 7,500 SQ. FT. - 40 FT. C.S. Single Family & Duplex Only
GREATER THAN 7,500 SQ. FT. - 40 FT. C.S. and/or single or double

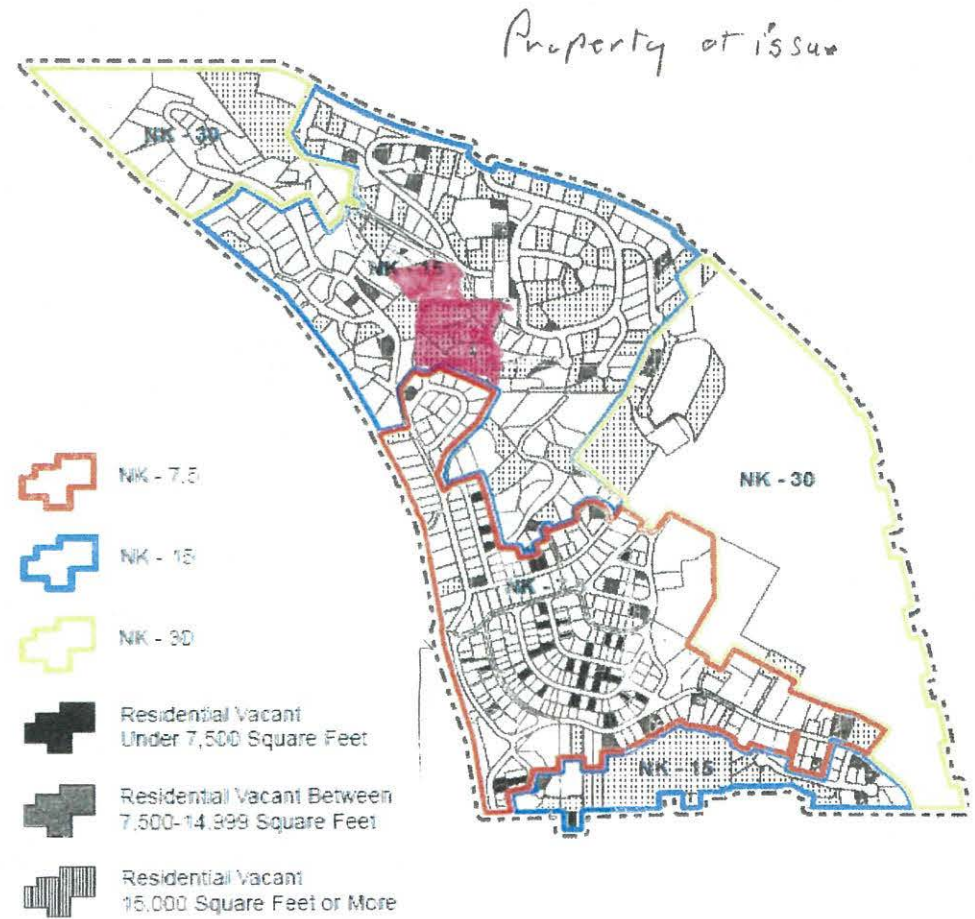
LESS THAN 7,500 SQ. FT. - 20 FT. C.S. Single Family & Duplex

GREATER THAN 7,500 SQ. FT. - 20 FT. C.S. Single Family & Duplex

LESS THAN 7,500 SQ. FT. - 20 FT. C.S. Single Family & Duplex Only

GREATER THAN 7,500 SQ. FT. - 20 FT. C.S. and/or single or double

TOTAL VACANT LOTS: 150

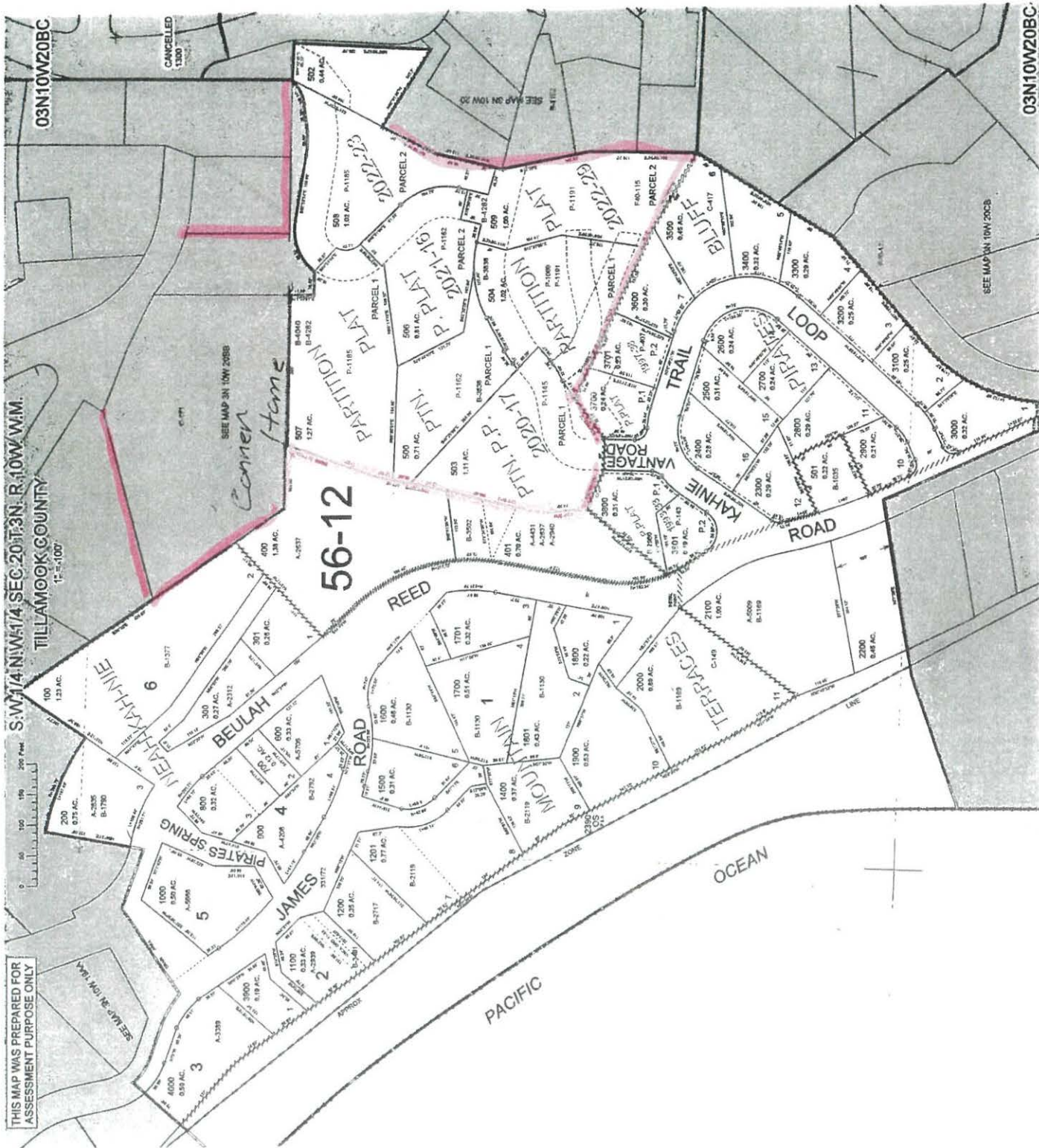


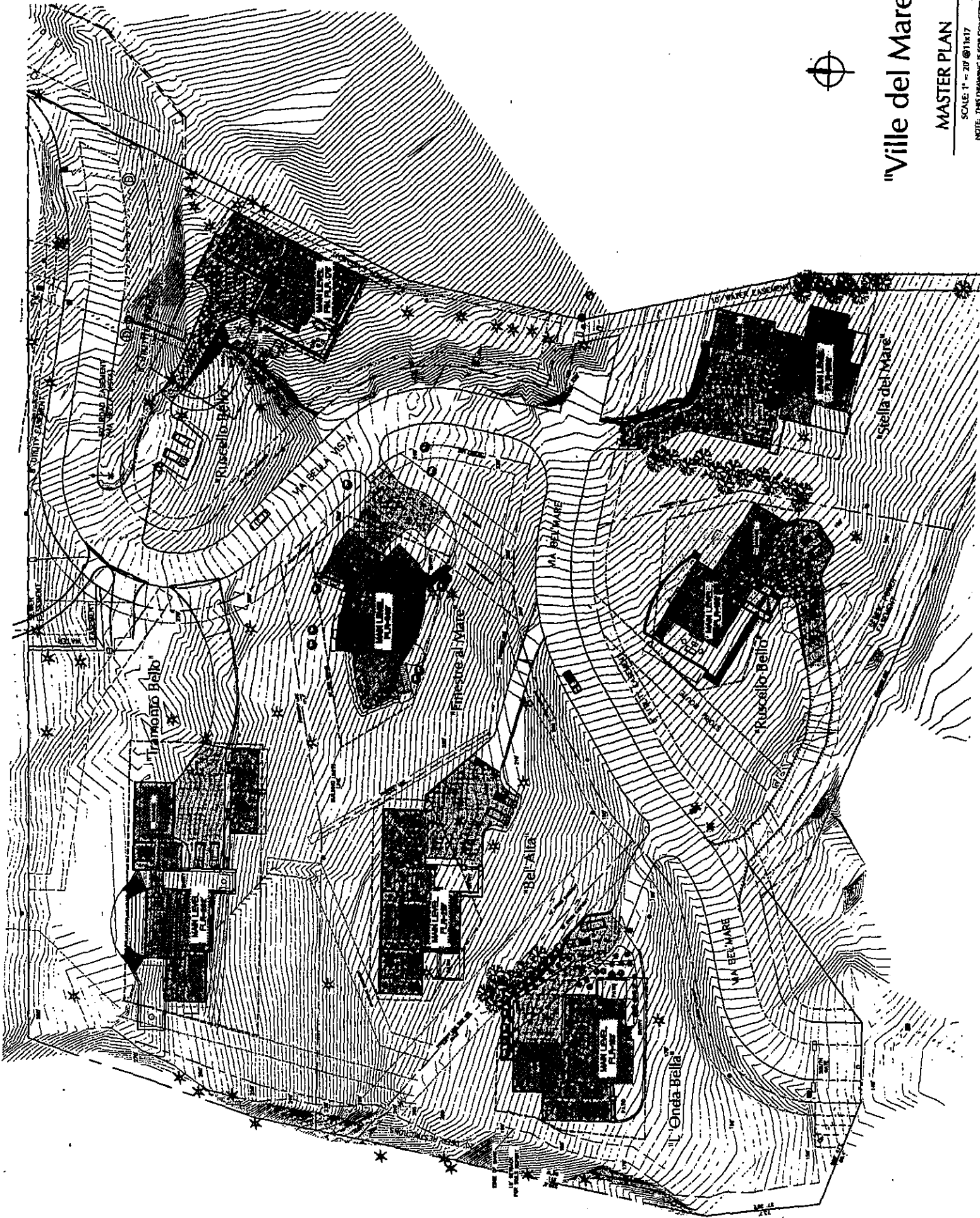
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

S.W. 1/4 N.W. 1/4 SEC. 20 T. 3 N. R. 10 W. W.M.
TILLAMOOK COUNTY
1" = 100'

03N10W20BC

03N10W20BC
Revised 2/14/23, WS

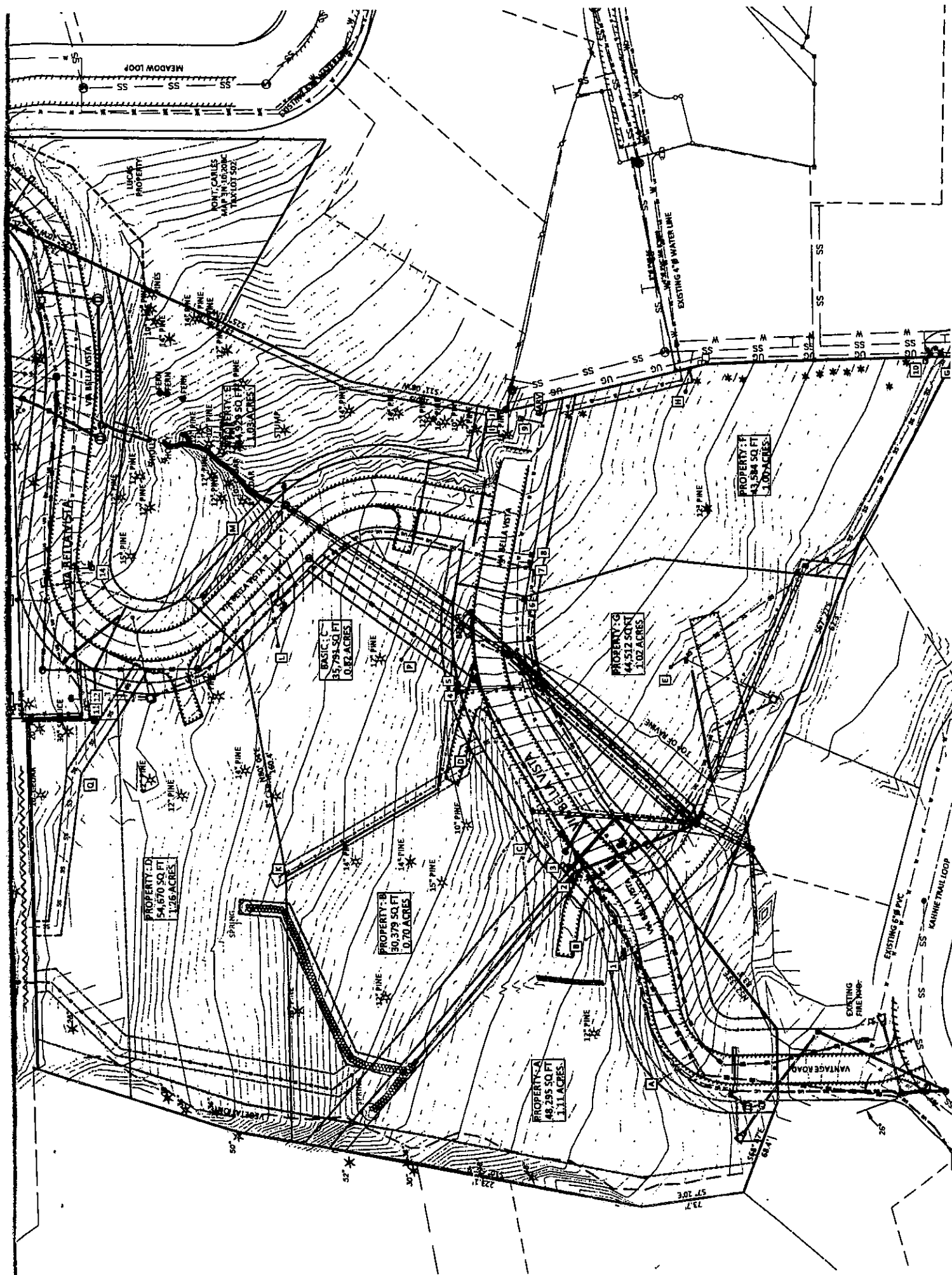




"Ville del Mare"

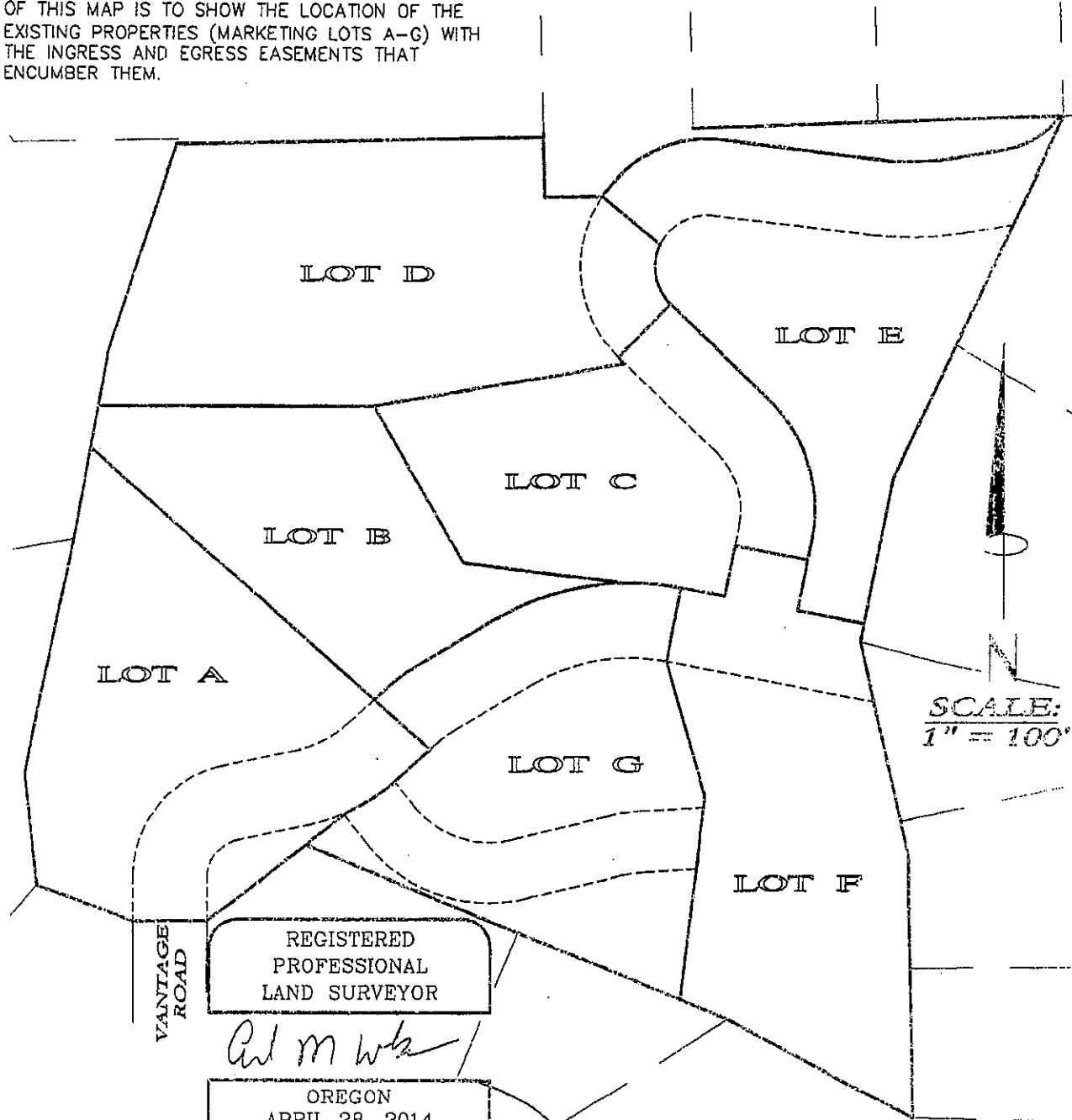
MASTER PLAN

SCALE: 1" = 20' @ 11x17
NOTE: THIS DRAWING IS FOR CONCEPTUAL



NOTES

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF THE EXISTING PROPERTIES (MARKETING LOTS A-G) WITH THE INGRESS AND EGRESS EASEMENTS THAT ENCUMBER THEM.



VANTAGE
ROAD

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Erick M. White

OREGON
APRIL 28, 2014
ERICK M. WHITE
78572

RENEWES 6/30/2026

LOT SKETCH FOR:

LA CONTRADA

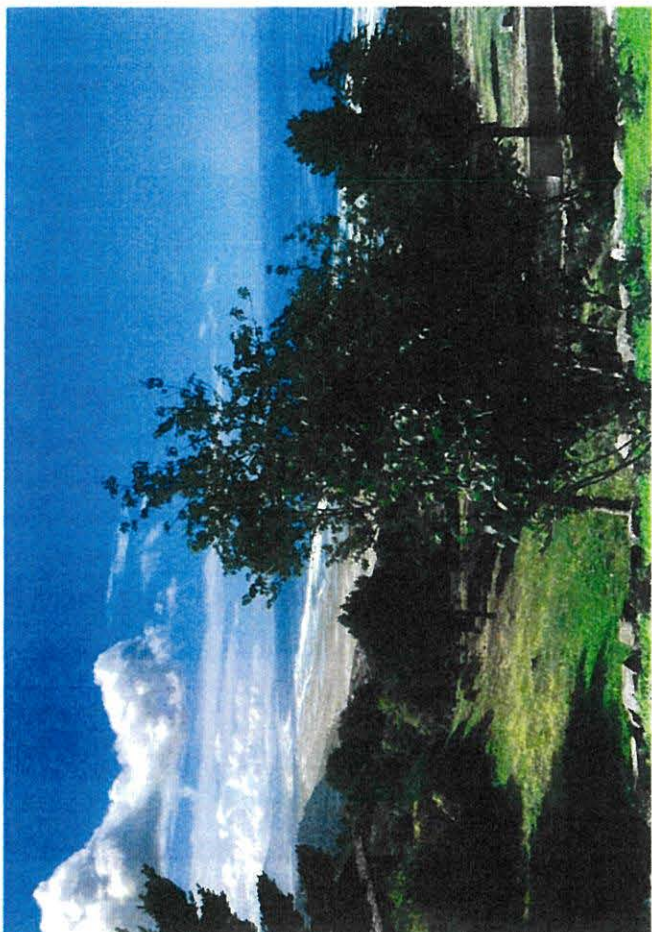
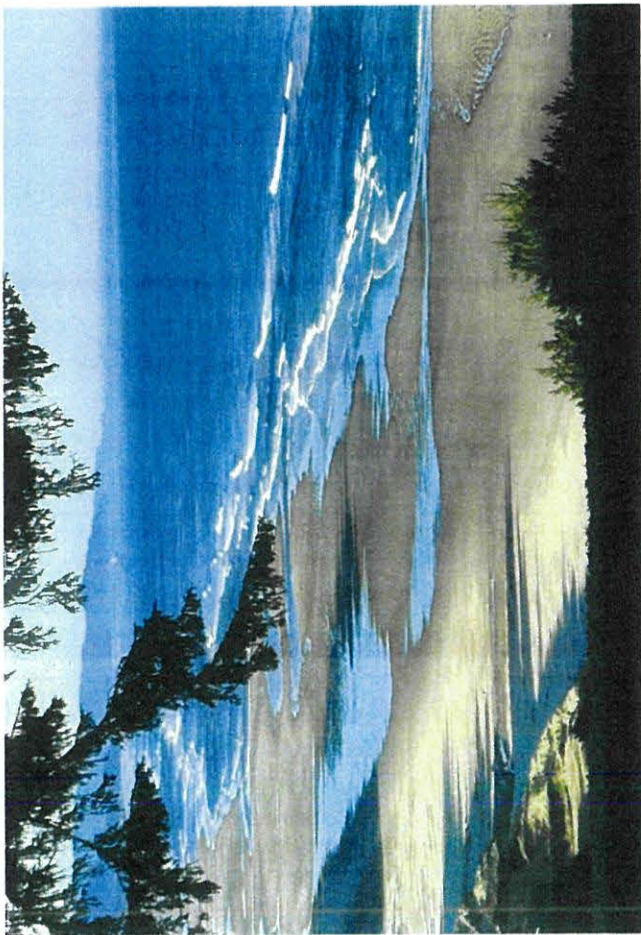
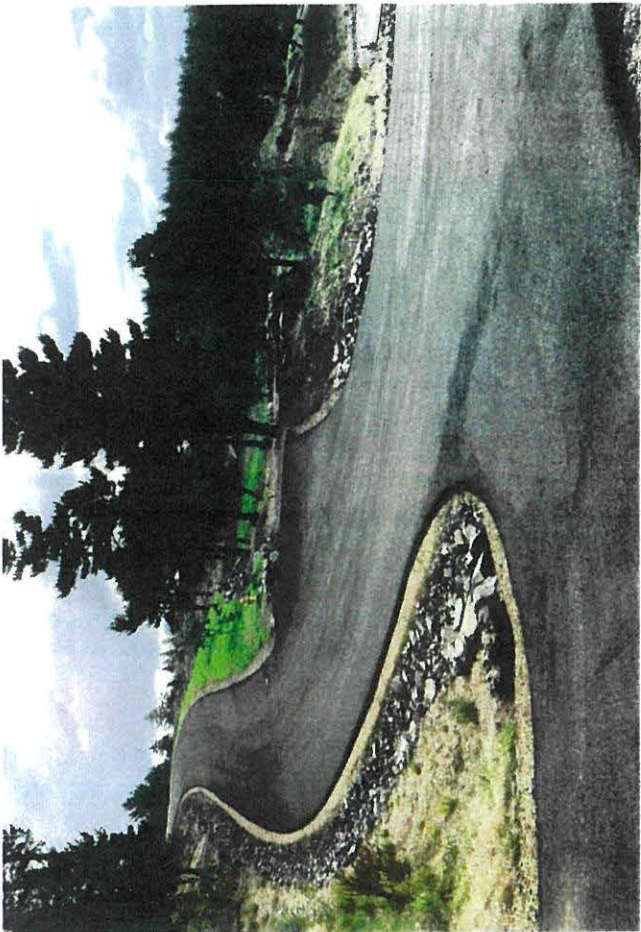
LOTS WITH
RIGHT-OF-WAY
EASEMENTS

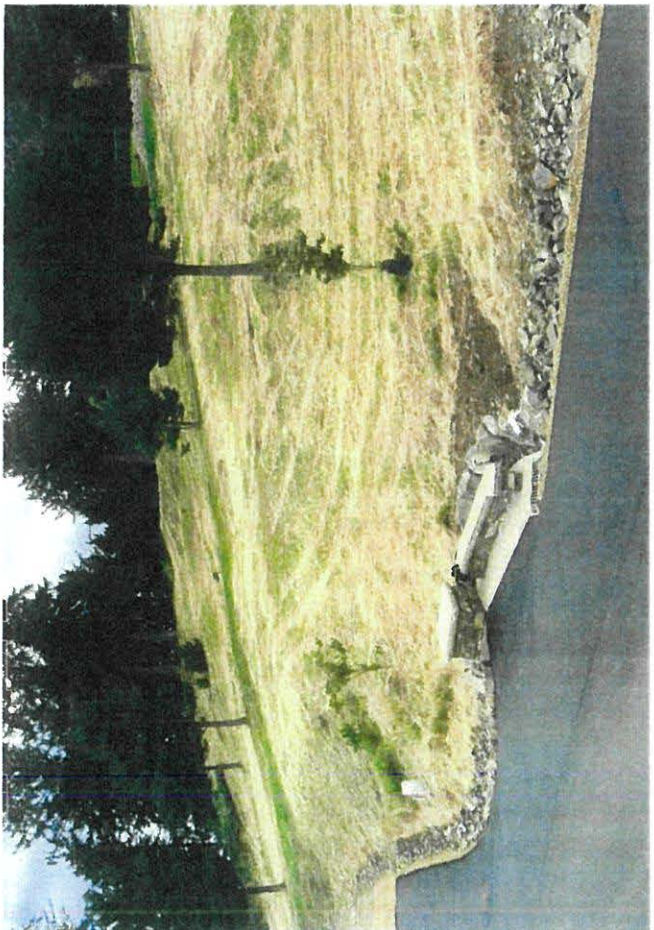
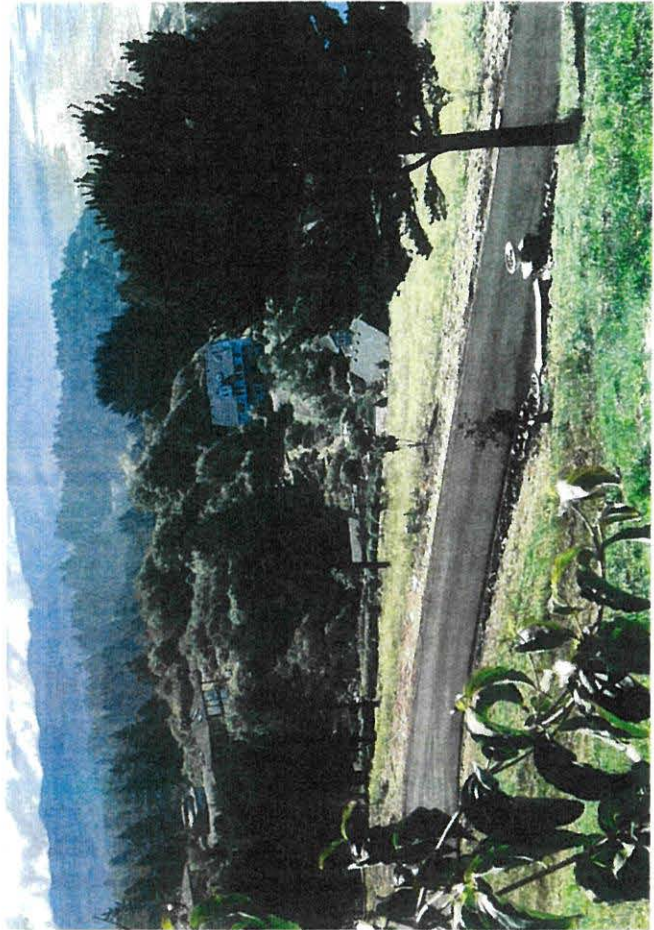
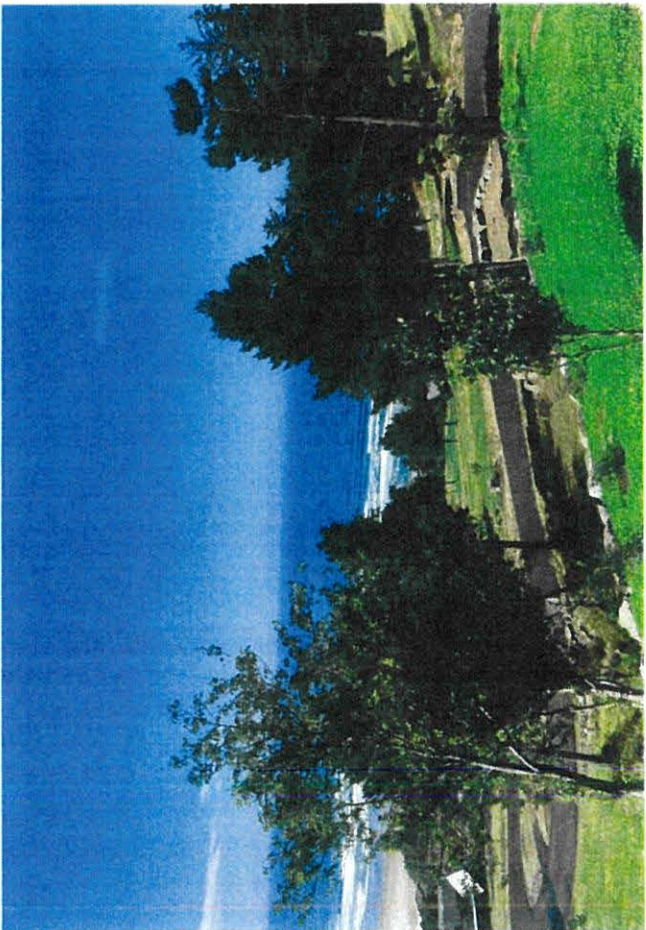
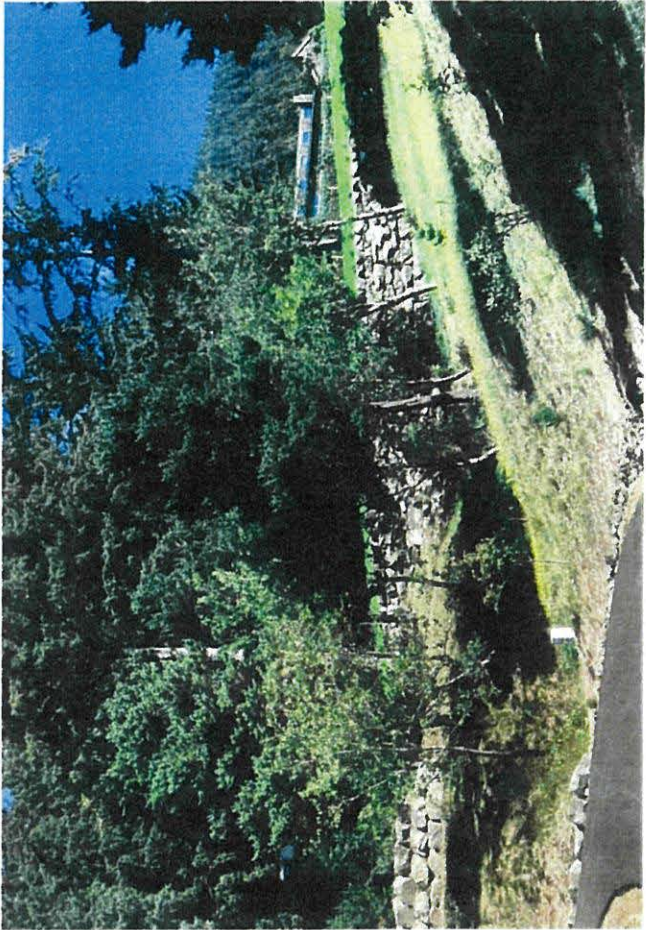
**ONION PEAK
DESIGN**

11460 EVERGREEN WAY
NEHALEM, OR 97131
(503) 440-4403

NW 1/4, SECTION 20, T3N, R10W, W.M.
TILLAMOOK COUNTY
NOVEMBER 20, 2025

CONTRADA2511-EX.DWG





Sarah Absher

From: Phi Nguyen <plnconsulting123@gmail.com>
Sent: Tuesday, November 25, 2025 5:12 PM
To: Sarah Absher
Cc: admin@nknccac.org; Phi Nguyen; Debbie Nguyen
Subject: EXTERNAL: Neah-Kah-Nie Meadow land use ordinance change

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Sarah,

I am writing in opposition to the #851-25-000439-PLNG legislative text amendment. The new rules for maximum lot coverage and maximum building floor area will result in harm to myself and property owners across the board in Neah-Kah-Nie Meadow.

We have already hired and paid for our house design to be completed per current codes and guidelines. A change to the codes will result in a large financial and time loss for us.

I implore you to delay this amendment to the Tillamook County Land Use Ordinance (TCLUO) standards until further study has been done to assess the level of harm that will result from the proposed changes and to make the necessary adjustments to mitigate that harm.

Sincerely,

Phi & Debra Nguyen
Lot #46
971-724-8171

Sarah Absher

From: Cat Blackmore <cat@theblackmores.com>
Sent: Tuesday, November 25, 2025 6:18 PM
To: Sarah Absher
Cc: Dan Blackmore; admin@nknccac.org
Subject: EXTERNAL: Opposition to Legislative Text Amendment #851-25-000439-PLNG

Importance: High

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Sarah,

We are writing to express our strong opposition to Legislative Text Amendment #851-25-000439-PLNG. As the owner of a vacant lot in Neah-Kah-Nie Meadow, we will be significantly and directly harmed by the proposed changes to maximum lot coverage and maximum building floor area.

The new standards would reduce our buildable envelope by approximately 46%, severely limiting our ability to construct a future home and materially diminishing the value of our property. This represents a substantial and disproportionate impact on existing lot owners who purchased—and have been paying taxes on—the clear expectation of current development standards.

We respectfully urge the Commission to delay adoption of this amendment until a thorough impact analysis is completed and less harmful alternatives are evaluated. Property owners deserve a fair, data-driven review before changes of this magnitude are enacted.

Thank you for your consideration.

Sincerely,

Catherine & Daniel Blackmore
Meadow Loop Lot #3 / Neah-Kah-Nie Meadow
Nehalem, OR 97131
503-887-4457

Sarah Absher

From: Daniel Gorske <danielgorske@gmail.com>
Sent: Tuesday, November 25, 2025 6:42 PM
To: Sarah Absher
Cc: admin@nknccac.org
Subject: EXTERNAL: opposition to the #851-25-000439-PLNG legislative text amendment

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Sarah,

I am writing in opposition to the #851-25-000439-PLNG legislative text amendment. The new rules for maximum lot coverage and maximum building floor area will result in harm to myself and property owners across the board in Neah-Kah-Nie Meadow. I implore you to delay this amendment to the Tillamook County Land Use Ordinance (TCLUO) standards until further study has been done to assess the level of harm that will result from the proposed changes and to make the necessary adjustments to mitigate that harm.

Sincerely,
Daniel & Sherry Gorske
38680 Meadow Loop
Nehalem, Or, 97131
708-254-2002



Land of Cheese, Trees and Ocean Breeze

MEMO

Date: November 13, 2025
To: Tillamook County Planning Commission
From: Sarah Absher, CFM, Director
Subject: Legislative Text Amendment Requests for Neahkahnie

Included is the consolidated staff report and related exhibits for the proposed legislative text amendments to Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO). The proposed amendments include middle housing code updates mandated by Senate Bill 406.

In addition to the middle housing code amendments mandated by Senate Bill 406, proposed amendments to the Neahkahnie Urban Residential Zones include a proposal to establish Maximum Lot Coverage and Maximum Building Floor Area standards. The proposed amendments have been developed by members of the Neahkahnie Housing Working Group and will be carried forward by the Department.

The Planning Commission may take action at the hearing on November 13, 2025, or may continue the matter to a date and time certain announced at the hearing. The Planning Commission will ultimately make recommendations on all legislative text amendment proposals as specified above to the Tillamook County Board of Commissioners who will hear these matters at a public hearing on 5:30p.m. on December 3, 2025. The proposed legislative text amendment requests will become effective, if adopted, by the Tillamook County Board of Commissioners, which will occur no sooner than December 3, 2025.

Please do not hesitate to contact me if you have any questions.

Thank You,

Sarah Absher

TILLAMOOK COUNTY PLANNING COMMISSION

HEARING DATE

November 13, 2025- Beginning at 7:00p.m.

LOCATION

**Port of Tillamook Bay Conference Center
4000 Blimp Boulevard, Tillamook, OR 97141**

VIRTUAL & TELECONFERENCE MEETING INFORMATION

*For teleconference access the evening of the hearing, please call 971-254-3149. Conference ID: 887 242 77#. Virtual Meeting Access: <https://www.tillamookcounty.gov/commdev>. Click on Virtual Teams Link. *Microsoft Teams Meeting Format.*

I. CALL TO ORDER

II. ROLL CALL

III. OLD BUSINESS: NONE

IV. NEW BUSINESS:

#851-25-000439-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO) to establish Maximum Lot Coverage and Maximum Building Floor Area standards. The proposed amendments have been developed by members of the Neahkahnie Housing Working Group. Applicant is the Tillamook County Department of Community Development.

#851-25-000272-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses with clear and objective standards in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide. Middle housing code updates are not subject to this Measure 56 notice and are included because they will also be considered at the scheduled public hearings. Applicant is the Tillamook County Department of Community Development.

V. AUTHORIZATION FOR CHAIR TO SIGN APPROPRIATE ORDERS, IF NECESSARY

VI. ADMINISTRATIVE DECISIONS: Administrative Decisions are available for public review on the Tillamook County Department of Community Development website:
<https://www.tillamookcounty.gov/commdev/landuseapps>

VII. HOUSING COMMISSION UPDATE

VIII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

IX. ADJOURNMENT

The Port of Tillamook Bay Conference Center is accessible to citizens with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments that wish to participate in the meeting, please contact 1-800-488-8280x3423 at least 24 hours prior to the meeting in order that appropriate communications assistance can be arranged.



Land of Cheese, Trees and Ocean Breeze

LEGISLATIVE TEXT AMENDMENT REQUESTS
NEAHKAHNIE LEGISLATIVE TEXT AMENDMENTS
(IMPLEMENTATION OF SENATE BILL 406)

CONSOLIDATED STAFF REPORT DATE: November 6, 2025
TILLAMOOK COUNTY PLANNING COMMISSION HEARING DATE: November 13, 2025
BOARD OF COMMISSIONERS HEARING DATE: December 3, 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 that include the following:

#851-25-000439-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO) to establish Maximum Lot Coverage and Maximum Building Floor Area standards. The proposed amendments have been developed by members of the Neahkahnie Housing Working Group.

#851-25-000272-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses with clear and objective standards in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide.

Initiated By: Tillamook County Department of Community Development

II. BACKGROUND

Middle Housing Code Updates and Senate Bill 406:

The Oregon State Legislature passed Senate Bill 406 at the conclusion of the 2023 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.

In working with the Neahkahnie Community on implementation of Senate Bill 406, great effort was taken in development of the proposed zoning code amendments to balance the following concerns and desired outcomes:

- Preservation of community character and honoring development patterns established long ago.
- Protection of established view corridors and equitable view accessibility of Neahkahnie Beach and the Pacific Ocean- a desire shared by the community and public at-large.
- Over-development of individual properties resulting in building footprints and building mass that is not proportionate to the size of the property and that is not consistent with community character.
 - Compatibility concerns resulting from increased density opportunities in a primarily developed with single-family dwellings, including larger structures and greater lot coverage, increased parking and traffic, removal of vegetation and decrease in areas of open space.
- Increased development in areas of geologic hazard and consideration of new standards to limit risk of natural hazard.
- Allowing for development in keeping with existing and future infrastructure availability, specifically water availability.
- Addressing the County's housing shortage by increasing opportunities for a diverse array of housing options within the Neahkahnie Community 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.
- Equitable standards for all housing types that promote thoughtful growth consistent with community character and maintain an equitable balance for developed properties within the community.

The proposed amendments reflected in Section 3.300: Neahkahnie Urban Residential Zones are part of the County's overall strategies to address countywide housing shortages while also taking into consideration community concerns and achieving a balance that honors existing and future development. Two copies of TCLUO Section 3.300 are included as "Exhibit A" of this report, including one draft copy that is a simple mark-up of the proposed amendments.

Tillamook County Housing Needs Assessment:

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 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 successfully updated residential zoning codes in unincorporated communities, including adoption of middle housing codes in most unincorporated communities part of Senate Bill 406. Prior to adoption of middle housing codes, the County has also adopted code provisions 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 were recently completed by the County. The updates reaffirm middle housing options are critically needed countywide to meet existing and future housing demands, and that these housing types are needed for all socioeconomic levels.

Legislative Text Amendment to the Neahkahnie Urban Residential (NK-7.5, NK-15, and NK-30) Zone to Allow for Middle Housing Types as Outright Permitted Uses:

Section 3.300: Neahkahnie Urban Residential Zones (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO), Subsection 2, is amended to include all middle housing types as outright permitted uses. Middle Housing includes duplexes, triplexes, quadplexes, cottages clusters and townhouses. Middle housing types also include single-family dwellings and accessory dwelling units (ADUs). A copy of the draft updates is included in "Exhibit A".

In addition to the amendments in Subsection 2 to reflect all middle housing types as outright permitted uses, Subsection 4: Standards, has also been amended to establish minimum lot size requirements for townhomes and to reduce the minimum side yard setback on a streetside corner lot to 10-feet, a reduction of 5-feet from the existing setback requirement (Exhibit A).

In conversations with the community at-large and the volunteer housing working group formed to assist staff with the middle housing code amendment process, consensus was to retain the established minimum property size requirements of the Neahkahnie Urban Residential Zone as well as maximum building height allowances, specifically preservation of the 17-foot building height maximum applied to properties within 500-feet of the Oregon State Beach Zone Line. It was also determined that the minimum number of units for plexes, townhomes and cottage cluster units per property be applied as required under Senate Bill 406, allowing for up to four attached units per property (townhome or quadplex) and up to 8 units in a cottage cluster per property (Exhibit A).

Legislative Text Amendment to the Neahkahnie Urban Residential (NK-7.5, NK-15, and NK-30) Zone to Establish Maximum Lot Coverage and Maximum Building Floor Area Standards:

As shared previously in this report, concerns were expressed by the community of overdevelopment of properties- regardless of housing type. As experienced in other coastal communities, new development trends of increased building mass are altering long-established development patterns and community character and infringing on open space and privacy. These concerns are in part recognition of development of properties in areas of geologic hazard and steep slopes with increased areas of ground disturbance and impervious surfaces. Many communities feel this recent trend of larger building footprints and the mass (size) of the structure do not match the character of the community where retention of open space and natural vegetation, assurance of equitable views of natural resources by residents and the public (Neahkahnie Beach and Pacific Ocean) as well occupant privacy are valued.

In response to these concerns, the working group developed a formula to balance development proportionality in relation to the size of a property. The proposed formulas contained in Subsection 6 of Section 3.300 (Exhibit A) would be applied to determine how much of a property can be covered with impervious surface and structural elements and also establishes maximum floor area standards to limit building mass (size). The proposed formulas uphold the spirit of the community's desire to provide for ultimate buildout consistent with what is physically possible in a community with varying terrain and other physical constraints. The formulas also ensure future development remains consistent with the established development patterns of the community, a strong desire expressed within the Neahkahnie Community Plan included in the County's Goal 14: Urbanization element of the Tillamook County Comprehensive Plan.

Adoption of these standards for maximum lot coverage and maximum building floor area supports the goals shared by the community: continued efforts to mitigate and reduce risk of natural hazards where development is allowed in areas of geological hazard and promotes efforts to improve water quality and management of stormwater by limiting areas of impervious surface when properties are developed.

If adopted by the County, the formulas will apply to all housing types and development of structures in the Neahkahnie Urban Residential Zones.

Exception for the Neahkahnie Urban Residential (NK-7.5, NK-15, and NK-30) Zones to Retain Existing Building Height Maximums:

Subsection 5 of the Neahkahnie Urban Residential Zone, TCLUO Section 3.300, states the following:

Building Heights within the Neah-Kah-Nie Community Growth Boundary Within the Neah-Kah-Nie Community Growth Boundary, all buildings within five hundred (500) feet of the State Beach Zone Line shall be limited in height to seventeen (17) feet, and to twenty-four (24) feet otherwise. When the five hundred (500) foot measurement line divides a lot, the entire lot is subject to the seventeen (17) foot limitations. Higher buildings may be permitted only according to the provisions of Article 8.

The established building height maximums reflect Neahkahnie Community Plan Policy #5, which states, *Building height regulations shall be maintained which assure equity and predictability in obtaining ocean views where available.* The 17-foot and 24-foot building height maximums were established as part of the 1992-1994 citizen involvement process with Community Development to create the Neahkahnie Community Plan contained in the Goal 14: Urbanization element of the County's comprehensive plan and in development of implementing ordinances for development of properties reflected in TCLUO Section 3.300: Neahkahnie Urban Residential Zone. The building height maximums were determined based upon existing development patterns and were deemed necessary to protect community and public access of Neahkahnie Beach and the Pacific Ocean- natural resources inventoried in the Tillamook County Comprehensive Plan (Goal 17: Shorelands) and state law.

Specifically, Neahkahnie Beach is inventoried as an area of exceptional aesthetic or scenic quality, where the quality is primarily derived from, or related to, the association with coastal water areas. The beach is inventoried in the County's comprehensive plan to ensure public view and access is protected, and to protect the viewsheds of property owners within the Neahkahnie Community. The existing building height maximums contained within TCLUO Section 3.300 are the standards within the implementing ordinance adopted by the County to ensure continued protection of public access to these natural resources.

The Neahkahnie Community is located primarily on a mountain terrace. Topography within the 500-foot corridor varies. Properties located within the southwestern region of the community are part of a dune complex and some are relatively flat. The dune complex transitions to mountain terrace in a northern and northeastern direction around the intersection of Beulah Reed Road and Nehalem Avenue. With this geographical change, the majority of properties within the Neahkahnie Community consist of sloped topography, sloping in a westerly downward direction towards Neahkahnie Beach.

Building height maximums in the Neahkahnie Community were established in relation to the State of Oregon Beach Zone Line. Development of properties within 500-feet of the state beach zone line are subject to the 17-foot height limit. This corridor is commonly referred to as the “Neahkahnie Special Height Corridor” given its primary purpose is for protection of public view of Neahkahnie Beach and the Pacific Ocean. Properties east of the 500-foot special height corridor are subject to a 24-foot height limit. In review of Tillamook County Assessor Records and Comprehensive Plan & Zone Map, it was determined that there are approximately 42 vacant properties wholly or partially within the 500-foot special height corridor.

Within the 500-foot special building height corridor, twenty-nine (29) of the 42 vacant properties are zoned for residential development and are held in private ownership. The remainder of properties are publicly owned lands, are held in ownership by a community land trust/conservancy or are part of a road tract. These properties are shaded blue on the map included as “Exhibit B” and are identified as “Other-Vacant”.

Of the 29 vacant properties, 18 properties are substandard in size and are limited to development of a single-family dwelling or duplex. Twelve (12) properties within the 500-foot corridor are of sufficient size for development of a triplex, a quadplex, a 4-unit townhome development or a cottage cluster of up to 8 units. Of these 12 properties, four (4) are located within the Neahkahnie Special Hazard Area and developable area may be limited due to the presence of geologic hazards.

It should be noted that slope (topography), setbacks and other development standards are not calculated into these assessments and findings outlined above. Properties shaded pink in the map included as “Exhibit B” meet the minimum lot size (MLS) requirement of the zone and based upon size alone have been identified for potential development of a triplex, a quadplex, a 4-unit townhome development or a cottage cluster of up to 8 units. Properties shaded yellow are smaller than the MLS of the zone and are limited to development of a single-family dwelling or duplex (Exhibit B).

Included in “Exhibit D” is an inventory of all vacant properties within the Neahkahnie Community. The majority of vacant properties are located east of the 500-foot special height corridor. Maps depicting the location of vacant properties in the Neahkahnie Community are also included in “Exhibit D”.

Maximum building height of structures is determined by an average of exterior walls, measured from existing (pre-construction) grade. A diagram of how to determine average building height is included as “Exhibit E”. Also included are copies of elevation profiles of structures built within the community to assist with understanding of how the average building height calculation methodology is applied to actual projects within the community (Exhibit F). The elevation profiles demonstrate the ability to reasonably construct a multi-story structure without increasing costs of construction that are anticipated for development of properties within the Neahkahnie Community.

The ability to construct a multi-story structure is primarily due to these primary factors: the sloped topography of the community, design of structures in a manner that takes topography into account and the building height calculation average methodology. Photographs of existing structures constructed within the 500-foot corridor are included as “Exhibit G”, and most structures within the 500-foot corridor are two-story with walls greater than 17-feet in height regardless of date of construction.

This construction and development pattern of this area was established decades ago as many of the homes built within the Neahkahnie Community were built prior to 1990, many within the 500-foot corridor constructed 50 or more years ago. When the Neahkahnie Community Plan and Comprehensive Plan provisions were established for the Neahkahnie Unincorporated Community, these existing development patterns were thoughtfully considered when adopting building height development standards in the 1990’s with adoption of the Neahkahnie Urban Residential Zone. Preservation of the existing building height maximums ensures existing and future development maintains the equitable balance that is achievable as evidenced in the photographs of existing structures.

Alternative Siting or Design Standards (OAR 660-046-0235):

Administrative Rule authorizes Tillamook County to apply design standards other than what is authorized in rule for middle housing codes, provided the County demonstrates in findings that the alternate design standards do not create unreasonable cost or delay to development of middle housing. Staff is requesting the County preserve the existing maximum building heights established in TCLUO Section 3.300 for development of properties in the Neahkahnie Urban Residential Zones based on the findings contained in this report and supported by the evidence in the record. In addition to the findings already outlined in the report, staff requests the Tillamook County Planning Commission and Board of Commissioners also agree that the following findings are applicable to this request and meet the intent of the provisions of OAR 660-046-0235:

- Development patterns and construction methods already established in the area confirm that there will be no increase in the time and cost of construction of middle housing, including design, labor and materials beyond what is already anticipated for development of properties in the Neahkahnie Community.
- The topographic characteristics of the community combined with the maximum building height average calculation methodology ensures the integrity of the residential development standards outlined in TCLUO Section 4.005 is preserved for properties already developed and future development of residential properties, specifically to ensure pleasing views are neither unreasonably obstructed nor obtained.
- Preservation of the maximum building height standards in the Neahkahnie Urban Residential Zones results in preservation of existing viewsheds for all current and future landowners and ensures land values of both developed and undeveloped properties are not negatively impacted due to unanticipated loss or gain of views of Neahkahnie Beach and the Pacific Ocean that may result with increased maximum building height allowances.
 - The Neahkahnie Community is known for its stunning view of Neahkahnie Beach and the Pacific Ocean, as well as the visual appeal of the character of the community at large. Preservation of the 17-foot building height maximum within the 500-foot viewshed corridor ensures preservation of the views of Neahkahnie Beach and visual access to the beach by the public at large and maintains the character of development long-established for this community.
 - Preservation of the 24-foot building height maximum elsewhere within the community ensures that the visual appeal and character of the community is maintained, as well as the equitable access to the public viewshed of Neahkahnie Beach and the Pacific Ocean.
- As demonstrated in the inventory of vacant residentially zoned land included in “Exhibit D” of this report, there is a significant amount of vacant residentially zoned land within the Neahkahnie Community that is east of the 500-foot special height corridor.
- Cost and development of properties within this community are long-established based upon land values and need to meet higher construction standards (engineering requirements) given the proximity of the properties to the Pacific Ocean and presence of geologic hazards. Based upon historic development patterns, including size and location of structures, there are no anticipated development costs increases for development of middle housing on properties within the Neahkahnie Community.
- Zoning and plan review fees remain equitable for review of middle housing projects.
- Application of maximum lot coverage and maximum building floor area standards should not result in increased construction costs or result in inequities in development of middle housing types on vacant properties. These formulas were developed based upon existing development patterns (building footprints) within the community with purpose of ensuring development of properties proportionate with the size of the property.
- In compliance with Goal 7: Hazards policies contained in the Tillamook County Comprehensive Plan and implementing ordinances within the TCLUO, a geologic hazard report or Dune Area Development Permit is required for development of properties within the Neahkahnie Community.

This requirement continues to apply to any development of properties within the Neahkahnie Community.

- Application of a building height average methodology allows for structures to be built in manner that allows the construction of a multi-story structure in a manner that works with the topographic characteristics of the community. Due to the size of properties and slope features of most properties, the most equitable path for development of properties is with a building height average approach. Construction of multi-story structures in this area is not simply achieved through establishment of a building height maximum- the method of calculation of height is key to achieving multi-story construction on properties with sloping features.

Lastly, preservation of the existing maximum building height allowances protects the policies contained in the Tillamook County Comprehensive Plan (Goals 14 and 17) for public access and view preservation of Neahkahnie Beach and the Pacific Ocean. Staff finds that increasing building height maximums would necessitate the need for evaluation of these existing natural resource protection policies.

III. COMMUNITY ENGAGEMENT

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 actively within the CAC or formed new working groups to assist staff in development of the proposed middle housing code updates.

The Neahkahnie CAC was in process of being formed when the middle housing code work was underway. An ad-hoc volunteer group of community residents was formed to assist staff with updates to the Neahkahnie Urban Residential Zone standards. The group was formed at the October 2024 community meeting and began work shortly after the first of the year. This group later evolved into the land use subcommittee for the NKN CAC.

Staff met frequently with the working group during the winter and spring of this year. A community meeting was held on July 15, 2025, where middle housing code updates and the proposals to establish maximum lot coverage and maximum building floor areas were presented. There was large community support for the proposed amendments and for preservation of existing building height maximums.

The proposed amendments were presented again at a community meeting held on October 28, 2025. This was the first official CAC meeting, and a voting process of the CAC membership took place following the presentations. A letter from the Neahkahnie (NKN) CAC is included in "Exhibit H" affirming support of the proposed amendments and preservation of existing building height maximums.

Staff are very grateful for the participation and work of the NKN CAC land use subcommittee and the Neahkahnie Community.

IV. APPLICABILITY & PURPOSE

Middle Housing Code Updates

The proposed middle housing code updates are reflected in Section 3.300: Neahkahnie Urban Residential Zone(s) (NK-7.5, NK-15, and NK-30) of the Tillamook County Land Use Ordinance (TCLUO) (Exhibit A). TCLUO Section 5.120, a new section, establishes development standards for middle housing projects within the Neahkahnie Community. TCLUO Section 5.120 has been adopted by the Tillamook County Board of Commissioners. In addition to TCLUO Section 5.120, the following proposed legislative text amendments have also been adopted by the Tillamook County Board of County Commissioners in accordance with Senate Bill 406. Summaries of the adopted amendments are outlined below and made part of this staff report for informational purposes only as these amendments are also applied to properties within the Neahkahnie Unincorporated Community Boundary.

Article 4 and Article 11 Updates:

- 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.

Section 5.120: Middle Housing Development Standards Summary:

- 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.
- 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:

- 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 based upon required inventories of resources 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.

Findings: Staff met with the working group of Neahkahnie resident volunteers formed following the October 2024 community meeting and began working on middle housing code updates in winter 2025. A presentation of the middle housing code updates also took place at the October 28, 2025, general Neahkahnie CAC general meeting- the first CAC meeting for the newly formed Neahkahnie Community. A letter from the newly formed NKN CAC is included in "Exhibit H".

The proposed amendments to establish maximum lot coverage and maximum building height standards require a Measure 56 Notice to all property owners within the Neahkahnie Unincorporated Community Boundary. Approved in 1998, this measure mandates that cities and counties notify property owners when zoning changes may limit or prohibit previously allowed land uses. This notice, triggered by actions such as amending ordinances, informs landowners that their property's value may be affected, and that existing property rights may be impacted by the proposed changes to local ordinances. The required Measure 56 Notice was mailed to all property owners of record on October 8, 2025.

Notice of public hearing was published in the Headlight Herald in accordance with Article 10 of the TCLUO with Measure 56 Notice provided to property owners of record who own property within the Neahkahnie Unincorporated Community Boundary, with addresses provided by the Tillamook County Assessor's Office. Notice of the proposed middle housing code amendments were also provided to local water, sewer and fire districts, including those special districts serving the Neahkahnie Unincorporated Community. As required, notice of public hearings and accompanying documents part of the PAPA process were also submitted to the Oregon Department of Land Conservation and Development hearing for the proposed middle housing code amendments.

- **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.

Findings: All 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."

Findings: The proposed amendments do 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 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 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 affirms the need for diverse, multi-housing options can be found in the County's 2019 HNA, updated in 2024 as stated previously in this report.

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.

- **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 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.

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: Goal 11 policies require planning for adequate public services such as sewer (allowed in urbanized areas), water, law enforcement and fire protection that 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 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 required under adopted Section 5.120, documentation from utility 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.

Staff find the proposed amendments are not in conflict with the policies contained within the Goal 11 element of the Comprehensive Plan.

- **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 proposed amendments are not transportation focused. The development standards contained in adopted Section 5.120 of the TCLUO 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 TCLUO Section 5.120, the development 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. The proposed amendments do not focus on renewable energy systems; however, the request to retain maximum building heights and the proposals to establish maximum lot coverage and maximum building floor area preserve open space and support the capture of solar energy (Exhibit D).

- 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: 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 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.

Middle housing opportunities exceeding one dwelling unit (single-family dwelling) are limited to residentially zoned properties served by water and sewer within unincorporated communities where these 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 TCLUO Section 5.120 and reflected in individual community zoning codes, including TCLUO Section 3.300: Neahkahnie Urban Residential Zone, 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 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: Goal Elements 17 and 18 contain policies relevant to the Neahkahnie Community and are implemented through ordinances contained in the TCLUO for development of properties within the Neahkahnie Unincorporated Community Boundary. There are no estuarine resources within the community.

Goal 18 policies apply to Neahkahnie Beach and to properties in the southwestern region of the community located within the Beach and Dune Overlay Zone. The proposed amendments do not conflict with the policies contained with the Goal 18 element of the County's comprehensive Plan.

A map included in "Exhibit J" of this report depicts the location of the boundary of the Shoreland Overlay Zone and the area where the policies of the County's Comprehensive Plan Goal 17: Shoreland element apply. The boundary runs along Oregon Coast Highway 101, and the overlay zone includes all properties west of the highway (Exhibit J).

Neahkahnie Beach is inventoried in the Goal 17: Shoreland element of the Tillamook County Comprehensive Plan as an area of exceptional aesthetic or scenic quality, where the quality is primarily derived from, or related to, the association with coastal water areas. Preservation of the existing building height maximums ensures comprehensive plan policies related to Neahkahnie Beach are upheld. Maintenance of the existing building height maximums and adoption of the proposed standards that establish maximum lot coverage and maximum building floor area standards for any development in the Neahkahnie Urban Residential Zone are in the public interest in protection of existing view and access of the Neahkahnie Beach and Pacific Ocean.

The established building height maximums reflect Neahkahnie Community Plan Policy #5, which states, Building height regulations shall be maintained which assure equity and predictability in obtaining ocean views where available. The 17-foot and 24-foot building height maximums were established as part of the 1992-1994 citizen involvement process with Community Development to create the Neahkahnie Community Plan and implementing ordinance for the Neahkahnie Urban Residential Zones. The height maximums were determined based upon existing development and determined in a manner that would not affect existing view sheds of Neahkahnie Beach, Pacific Ocean and other natural resources inventoried in the Tillamook County Comprehensive Plan.

The proposed amendments are not in conflict with the goals and policies of the coastal elements of the County's comprehensive plan, provided existing maximum building heights are preserved to ensure compliance with protection policies for the public benefit of view and access to Neahkahnie Beach and the Pacific Ocean. Staff find the proposed amendments provide additional support of existing policies that protect identified coastal resources identified within the Comprehensive Plan by establishing standards that result in development proportionality of properties to ensure these inventoried resources continued to be enjoyed by all who reside in or visit Neahkahnie.

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 middle housing code amendments and accompanying amendments do not impair legally designated uses permitted outright or conditionally in the established underlying residential zones. These updates are largely part of implementation of 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 communities, including Neahkahnie with the long-established allowance of accessory dwelling units. 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.
- The proposed amendments are not anticipated to affect existing land use patterns in terms of uses established outright and conditionally in the Neahkahnie Urban Residential Zones.
- 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 on resource lands.
- The Department does not anticipate negative impacts on County administration or enforcement following adoption of the proposed amendments. 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.

- The proposed amendments to establish maximum lot coverage and maximum building floor area standards are clear and objective standards.
- 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:

- 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 Goal 10: Housing element of the Tillamook County Comprehensive Plan support adoption of the proposed amendments. The proposal to preserve the existing building height maximums of the Neahkahnie Urban Residential Zones ensures relevant policies contained within the Goal 17: Shoreland element of the Tillamook County Comprehensive Plan continue to be upheld to protect inventoried natural resources for the benefit of the public.
- 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: TCLUO Section 3.300: Neahkahnie Urban Residential Zone
- Exhibit B: Neahkahnie Vacant Property Color-Coded Map (500-Foot Special Height Corridor)
- Exhibit C: Neahkahnie Vacant Property List (500-Foot Special Height Corridor)
- Exhibit D: Neahkahnie Vacant Property List (All Properties)
- Exhibit E: Building Height Diagram- Calculating Average Building Height
- Exhibit F: Project Elevation Profiles
- Exhibit G: Photographs of Existing Structures within 500-Foot Special Height Corridor
- Exhibit H: Public Comments
- Exhibit I: Senate Bill 406
- Exhibit J: Neahkahnie Zoning Maps

EXHIBIT A

3.300 NEAHKAHNIE URBAN RESIDENTIAL ZONE (NK-7.5, NK-15, NK-30)

- (1) **PURPOSE:** The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, ~~single-family,~~ **residential development within an urban area that has** public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that ~~wished~~ **wishes** to maintain a primarily single-family residential character. The ~~only differences~~ **primary difference** in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.
- (2) **USES PERMITTED OUTRIGHT:** In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
 - (a) Single-family dwellings.
 - (b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.
 - (c) Duplex, in any attached or detached configuration.
 - (d) Triplex according to the provisions of Section 5.120 of this ordinance.
 - (e) Quadplex according to the provisions of Section 5.120 of this ordinance.
 - (f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.
 - (g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.
 - (h) Farm and forest uses.
 - (i) Public park and recreation areas.
 - (j) Utility lines.
 - (k) Utility structures that are less than 120 square feet in size.
 - (l) Mobile homes or recreational vehicles used for a period of no more than 12 months during the construction of a use for which a building permit has been issued.
 - (m) Signs, subject to Section 4.020.
 - (n) Home occupations within a residence or accessory structure which may employ no more than two persons who do not live within the home, provided that there are no external manifestations of a business and that an additional off-street parking site be provided for each non-resident employee.

(3) **USES PERMITTED CONDITIONALLY:** In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted subject to the provisions of Article VI and all applicable supplementary regulations contained in this ordinance.

- (a) Planned developments subject to Section 3.080.
- (b) Churches and schools.
- (c) Nonprofit community meeting buildings and associated facilities.
- (d) Utility substations.
- (e) Fire station.
- (f) Ambulance station.
- (g) Sewage collection system appurtenances larger than 120 square feet.
- (h) Structures for water supply and treatment that are larger than 120 square feet.
- (i) Communication structures that serve more than one residence.
- (j) Bed and breakfast facilities within an owner-occupied primary residence which provide for no more than two guest rooms.
- (k) Accessory apartment within a residence or accessory structure. Such a unit must be subordinate in size, location and appearance to the primary residence, and shall not be larger than 800 square feet.
- (l) Temporary subdivision sales office located within an approved subdivision which shall sell only properties within that subdivision.

(4) **STANDARDS:** Land divisions **and development** in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:

- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:

1. **The minimum size for creation of new lots or parcels for townhouses shall be 1,500 square feet in all zones, provided, the average minimum size for lots shall be 1,875 square feet in the NK-7.5 zone for all attached units in a townhouse project; 3,750 square feet in the NK-15 zone; and 7,500 square feet in the NK-30 zone.**

- 2. The provisions of the "cluster subdivision" section of the Land Division Ordinance or of

the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet.

3. In the Neahkahnie Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.130 of the Land Use Ordinance, but such lots shall not be smaller than the minimums provided in the NK-7.5, NK-15 and NK-30 zones.

- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard setback shall be 20 feet.
- (e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 10 feet.
- (f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.
- (g) Livestock may be located no closer than 100 feet to a residential building on an adjacent lot.

(5) Building Heights within the Neah-Kah-Nie Community Growth Boundary

Within the Neah-Kah-Nie Community Growth Boundary, all buildings within five hundred (500) feet of the State Beach Zone Line shall be limited in height to seventeen (17) feet, and to twenty-four (24) feet otherwise. When the five hundred (500) foot measurement line divides a lot, the entire lot is subject to the seventeen (17) foot limitations. Higher buildings may be permitted only according to the provisions of Article 8.

(6) Maximum Lot Coverage & Maximum Building Floor Area

(a) Lot coverage maximums shall be applied to:

1. The vertical projection of all floors, and
2. Covered decks and covered porches, and
3. Garages, sheds and other accessory structures, and
4. Non-pervious surfaces including: driveways, walkways, and other non-pervious hardscape.

Lot coverage does not include gravel, grass-crete and other pervious materials.

(b) To determine maximum lot coverage, the formula below shall be applied to development listed in (1)-(4) above:

B=Base Lot Coverage

L=Lot Size

M=Minimum Lot Size

Z=Zone Increase Factor

NK7.5: B=2,500, M=7,500, Z=5
NK15: B=4,500, M=15,000, Z=28
NK30: B=4,500, M=30,000, Z=42

$$\text{Lot Coverage} = B + \frac{(L-M)}{Z}$$

$$\text{Max. Buildable Floor Area} = \text{Lot Coverage} \times 1.2$$

(7) Special Drainage Enhancement Area Provisions for the South Neahkahnie Area

Section 2.9 of the Goal VII Element of the County Comprehensive Plan identifies a special drainage enhancement area in Neah-Kah-Nie south and east of Nehalem Road at its junction with Beach Street. Section 2.9 of the Goal VII Element also identifies, within the southwest portion of this area, a "potential development area" upon which **one dwelling a single-family dwelling or duplex** may be placed. These areas are further described in the Plan and are identified on the County's Zoning Map. Subject to the following exceptions, development, including fill, will be prohibited within this drainage enhancement area:

- (a) Ditching and tiling that improve drainage into or out of the Drainage Enhancement Area shall be permitted.
- (b) Activities such as landscaping and gardening, which do not include placement of structures, dikes, levees, or berms, or filling, grading or paving, and which will not restrict drainage into or out of the Drainage Enhancement Area, shall be permitted.
- (c) A pond may be created if it can be shown through the flood hazard area development permit process of Section 3.510 of the County's Land Use Ordinance that it will not adversely affect drainage in the area.
- (d) One dwelling unit, including necessary fill, shall be permitted within the "potential development area" portion of the Drainage Enhancement Area, providing that the area subject to development for this purpose is contiguous and does not exceed one-half the area of the "potential development areas".

3.300 NEAHKAHNIE URBAN RESIDENTIAL ZONE (NK-7.5, NK-15, NK-30)

- (1) PURPOSE: The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, ~~single family~~, **residential development within an urban area that has** —public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that ~~wished~~, **wishes** to maintain a primarily single-family residential character. The ~~only differences~~ **primary difference** in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.
- (2) USES PERMITTED OUTRIGHT: In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
- (a) Single-family dwellings.
 - (b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**
 - (c) **Duplex, in any attached or detached configuration.**
 - (d) **Triplex according to the provisions of Section 5.120 of this ordinance.**
 - (e) **Quadplex according to the provisions of Section 5.120 of this ordinance.**
 - (f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**
 - (g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**
 - (h) Farm and forest uses.
 - (i) Public park and recreation areas.
 - (j) Utility lines.
 - (k) Utility structures that are less than 120 square feet in size.
 - (l) Mobile homes or recreational vehicles used for a period of no more than 12 months during the construction of a use for which a building permit has been issued.
 - (m) Signs, subject to Section 4.020.
 - (n) Home occupations within a residence or accessory structure which may employ no more than two persons who do not live within the home, provided that there are no external manifestations of a business and that an additional off-street parking site be provided for each non-resident employee.

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(3) USES PERMITTED CONDITIONALLY: In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted subject to the provisions of Article VI and all applicable supplementary regulations contained in this ordinance.

- (a) Planned developments subject to Section 3.080.
- (b) Churches and schools.
- (c) Nonprofit community meeting buildings and associated facilities.
- (d) Utility substations.
- (e) Fire station.
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- (g) Sewage collection system appurtenances larger than 120 square feet.
- (h) Structures for water supply and treatment that are larger than 120 square feet.
- (i) Communication structures that serve more than one residence.
- (j) Bed and breakfast facilities within an owner-occupied primary residence which provide for no more than two guest rooms.
- (k) Accessory apartment within a residence or accessory structure. Such a unit must be subordinate in size, location and appearance to the primary residence, and shall not be larger than 800 square feet.
- (l) Temporary subdivision sales office located within an approved subdivision which shall sell only properties within that subdivision.

(4) STANDARDS: Land divisions **and development** in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:

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- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:

1. **The minimum size for creation of new lots or parcels for townhouses shall be 1,500 square feet in all zones, provided, the average minimum size for lots shall be 1,875 square feet in the NK-7.5 zone for all attached units in a townhouse project; 3,750 square feet in the NK-15 zone; and 7,500 square feet in the NK-30 zone.**

2. The provisions of the "cluster subdivision" section of the Land Division Ordinance or of

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the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet.

3. In the Neahkahnie Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.130 of the Land Use Ordinance, but such lots shall not be smaller than the minimums provided in the NK-7.5, NK-15 and NK-30 zones.

- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard setback shall be 20 feet.
- (e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be **+5 15-10 feet**.
- (f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.

~~(g) The maximum building height shall be 17 feet west of the line shown on the zoning maps and 24 feet east of that line. (That line is approximately 500 feet east of the Beach Zone Line.)~~

~~(h)(g)~~ Livestock may be located no closer than 100 feet to a residential building on an adjacent lot.

(5) Building Heights within the Neah-Kah-Nie Community Growth Boundary

Within the Neah-Kah-Nie Community Growth Boundary, all buildings within five hundred (500) feet of the State Beach Zone Line shall be limited in height to seventeen (17) feet, and to twenty-four (24) feet otherwise. When the five hundred (500) foot measurement line divides a lot, the entire lot is subject to the seventeen (17) foot limitations. Higher buildings may be permitted only according to the provisions of Article 8.

(6) Maximum Lot Coverage & Maximum Building Floor Area

(a) Lot coverage maximums shall be applied to:

- 1. The vertical projection of all floors, and**
- 2. Covered decks and covered porches, and**
- 3. Garages, sheds and other accessory structures, and**
- 4. Non-pervious surfaces including: driveways, walkways, and other non-pervious hardscape.**

Lot coverage does not include gravel, grass-crete and other pervious materials.

(b) To determine maximum lot coverage, the formula below shall be applied to development listed in (1)-(4) above:

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B=Base Lot Coverage
L=Lot Size
M=Minimum Lot Size
Z=Zone Increase Factor

NK7.5: B=2,500, M=7,500, Z=5
NK15: B=4,500, M=15,000, Z=28
NK30: B=4,500, M=30,000, Z=42

$$\text{Lot Coverage} = B + \frac{(L-M)}{Z}$$

$$\text{Max. Buildable Floor Area} = \text{Lot Coverage} \times 1.2$$

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~~(6)(7)~~ Special Drainage Enhancement Area Provisions for the South Neahkahnie Area

Section 2.9 of the Goal VII Element of the County Comprehensive Plan identifies a special drainage enhancement area in Neah-Kah-Nie south and east of Nehalem Road at its junction with Beach Street. Section 2.9 of the Goal VII Element also identifies, within the southwest portion of this area, a "potential development area" upon which ~~one dwelling~~ one dwelling, a single-family dwelling or duplex unit may be placed. These areas are further described in the Plan and are identified on the County's Zoning Map. Subject to the following exceptions, development, including fill, will be prohibited within this drainage enhancement area:

- (a) Ditching and tiling that improve drainage into or out of the Drainage Enhancement Area shall be permitted.
- (b) Activities such as landscaping and gardening, which do not include placement of structures, dikes, levees, or berms, or filling, grading or paving, and which will not restrict drainage into or out of the Drainage Enhancement Area, shall be permitted.
- (c) A pond may be created if it can be shown through the flood hazard area development permit process of Section 3.510 of the County's Land Use Ordinance that it will not adversely affect drainage in the area.
- (d) One dwelling unit, including necessary fill, shall be permitted within the "potential development area" portion of the Drainage Enhancement Area, providing that the area subject to development for this purpose is contiguous and does not exceed one-half the area of the "potential development areas".

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EXHIBIT B

NeaKahNie Unimproved Lots witin 500' of Beach Zone Line

- Unimproved within 500'
- Improved
- Beach Zone Line
- 500' from Beach Zone Line
- Taxlot Lines
- NeaKahNie Community
- MapIndex

- MEETS MLS OF ZONE
- SMALLER THAN MLS OF ZONE
- VACANT- OTHER

EXHIBIT C

Vacant Lots in 500' Corridor:

	A	B	C
1	MapTaxlot	MapAcres	Shape_Area
2	3N10000005900	6.06	264161.56
3	3N10000006000	0.92	39905.34
4	3N1019AA00201	0.29	12798.73
5	3N1019AA00400	0.54	23512.24
6	3N1019AA01190	1.78	77433.42
7	3N1019AA01701	0.26	11424.00
8	3N1019AA02704	0.00	204.72
9	3N1019AA02800	0.61	26622.96
10	3N1020BC00300	0.26	11434.20
11	3N1020BC00400	1.41	61334.18
12	3N1020BC00503	1.11	48232.59
13	3N1020BC00700	0.11	4983.60
14	3N1020BC01200	0.35	15201.75
15	3N1020BC01600	0.43	18876.79
16	3N1020BC01701	0.32	13989.60
17	3N1020BC01800	0.22	9590.33
18	3N1020BC02200	0.47	20602.35
19	3N1020BC02390	0.92	40170.66
20	3N1020BC03801	0.19	8325.78
21	3N1020BC03900	0.19	8345.64
22	3N1020CB00600	0.17	7343.37
23	3N1020CB01000	0.16	6894.86
24	3N1020CB01200	0.15	6424.30
25	3N1020CB03600	0.19	8378.53
26	3N1020CB05400	0.13	5711.29
27	3N1020CB05900	0.45	19397.18
28	3N1020CB06200	0.19	26213.45
29	3N1020CB06300	0.42	18320.02
30	3N1020CC00900	0.09	4037.21
31	3N1020CC01500	0.10	4266.72
32	3N1020CC01900	0.11	5001.28
33	3N1020CC02200	1.23	53377.26
34	3N1020CC02301	0.11	4723.25
35	3N1020CC02303	0.12	5021.99
36	3N1020CC02502	0.16	6860.49
37	3N1020CC02700	0.11	4671.38
38	3N1020CC02800	0.41	17756.32
39	3N1020CC02801	1.33	57959.59
40	3N1020CC02803	0.29	12743.65
41	3N1020CC02900	1.84	79948.49
42	3N1020CC02901	0.10	4509.76
43	3N1020CD06501	0.12	5421.41

EXHIBIT D

MapTaxlot	MapAcres	Zone	SquareFeet	Under7500	Between7500_15000	Between15000_30000	At_Or_Over_30000
3N1019AA00400	0.539764548	NK-15	23514.78943			Yes	
3N1019AA01701	0.262257833	NK-30	11425.2394		Yes		
3N1019AA02701	5.422766624	NK-30	236242.0989				Yes
3N10200000800	4.9849859	NK-30	217170.7176				Yes
3N1020BA00400	0.430771477	NK-15	18766.52654			Yes	
3N1020BA00600	0.403821423	NK-15	17592.41274			Yes	
3N1020BA00800	0.395576747	NK-15	17233.26806			Yes	
3N1020BA01000	0.5076274	NK-15	22114.74371			Yes	
3N1020BA01101	0.396666923	NK-15	17280.72354			Yes	
3N1020BA01102	0.138241733	NK-15	6022.481582	Yes			
3N1020BA01103	2.501133116	NK-15	108961.6594				Yes
3N1020BA01500	0.440593996	NK-15	19194.44339			Yes	
3N1020BA01700	0.39242536	NK-15	17095.98643			Yes	
3N1020BA01800	0.378289587	NK-15	16479.2684			Yes	
3N1020BA02100	0.387385938	NK-15	16876.41748			Yes	
3N1020BA02800	0.353430357	NK-15	15397.16088			Yes	
3N1020BB00201	0.346673087	NK-15	15102.78545			Yes	
3N1020BB00300	0.447668438	NK-15	19502.59625			Yes	
3N1020BB00303	0.408417969	NK-15	17792.68554			Yes	
3N1020BB00504	0.766904579	NK-15	33410.14306				Yes
3N1020BB00505	0.480697629	NK-15	20941.52652			Yes	
3N1020BB00700	0.153076292	NK-15	6668.76364	Yes			
3N1020BB00701	0.404733311	NK-15	17632.08609			Yes	
3N1020BB00702	0.2468785	NK-15	10755.22994		Yes		
3N1020BB01000	0.457330425	NK-15	19923.46911			Yes	
3N1020BB01301	0.423499566	NK-15	18449.69616			Yes	
3N1020BB01490	0.535033357	NK-15	23308.67136			Yes	
3N1020BB01700	0.346223222	NK-15	15083.16515			Yes	
3N1020BB01701	0.277146757	NK-15	12073.85765		Yes		
3N1020BB01704	0.423970843	NK-15	18470.21746			Yes	
3N1020BB01708	0.400642874	NK-15	17453.96146			Yes	
3N1020BB01900	0.361803957	NK-15	15761.94586			Yes	
3N1020BB01901	0.863520426	NK-15	37619.13412				Yes
3N1020BB02300	0.611318547	NK-15	26634.87734			Yes	
3N1020BB02400	0.311511274	NK-15	13570.9433		Yes		
3N1020BB02702	0.171081862	NK-15	7453.176347	Yes			
3N1020BB02800	0.29652548	NK-15	12918.11177		Yes		
3N1020BC00300	0.262492204	NK-15	11435.42305		Yes		
3N1020BC00400	1.408032039	NK-15	61340.83813				Yes
3N1020BC00500	0.700963066	NK-15	30553.80914				Yes
3N1020BC00503	1.107267699	NK-15	48232.42696				Yes

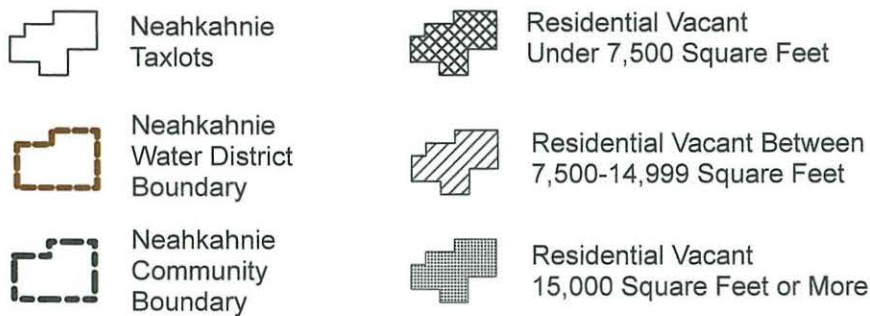
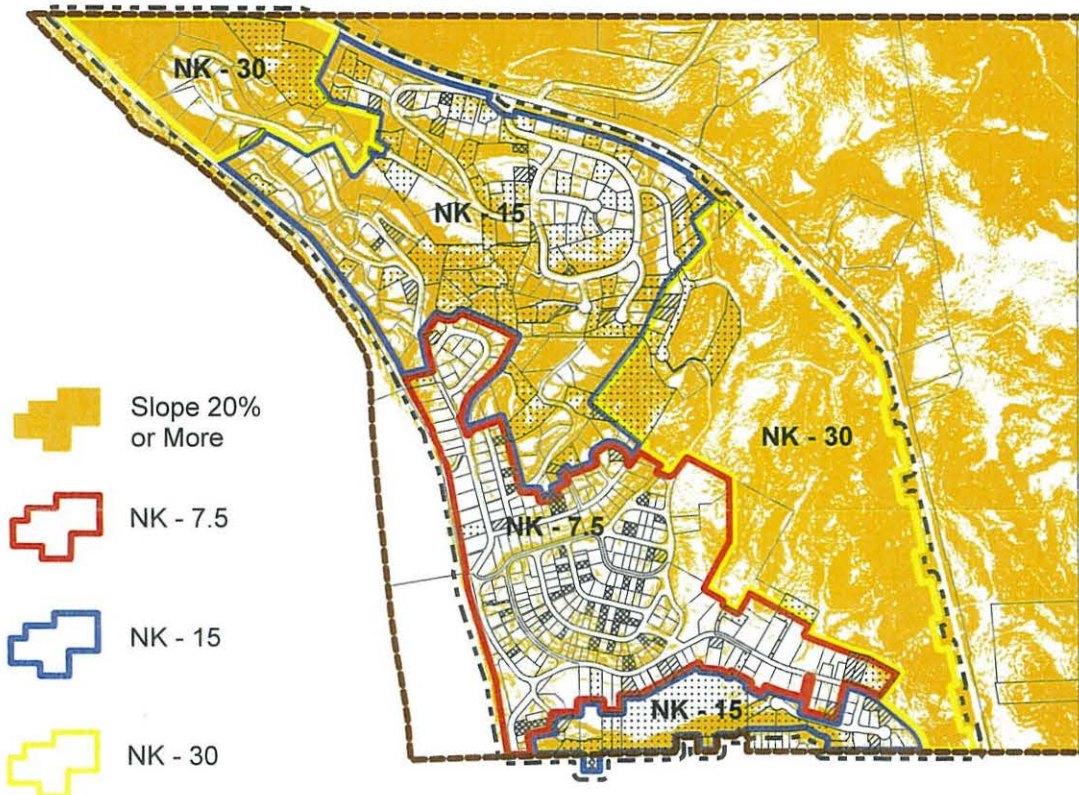
All NKN Vacant Lots.xls

3N1020BC00504	1.018102488 NK-15	44338.62556			Yes
3N1020BC00506	0.819142731 NK-15	35669.31457			Yes
3N1020BC00507	1.286014844 NK-15	56027.99157			Yes
3N1020BC00508	1.02149673 NK-15	44565.61581			Yes
3N1020BC00509	1.001693678 NK-15	43589.97162			Yes
3N1020BC00700	0.114407036 NK-15	4984.139306	Yes		
3N1020BC01200	0.348982379 NK-15	15203.38051		Yes	
3N1020BC01600	0.433350329 NK-15	18878.89131		Yes	
3N1020BC01701	0.321155524 NK-15	13991.11126	Yes		
3N1020BC02200	0.472966895 NK-7.5	20604.78335		Yes	
3N1020BC03801	0.191164599 NK-7.5	8328.079193	Yes		
3N1020BD00100	0.413696199 NK-15	18022.6241		Yes	
3N1020BD00200	0.469725229 NK-15	20463.55002		Yes	
3N1020BD00300	0.549519715 NK-15	23939.78117		Yes	
3N1020BD00400	0.180088967 NK-15	7845.580566	Yes		
3N1020BD00500	0.471263123 NK-15	20530.52922		Yes	
3N1020BD00600	0.103180074 NK-15	4495.031866	Yes		
3N1020BD01200	0.186659186 NK-15	8131.78289	Yes		
3N1020BD01500	0.440071501 NK-15	19171.66401		Yes	
3N1020BD01700	0.355540945 NK-15	15489.12269		Yes	
3N1020BD02100	0.265127067 NK-15	11550.25668	Yes		
3N1020BD02200	0.36238104 NK-15	15787.1065		Yes	
3N1020BD02500	0.410048256 NK-15	17863.7379		Yes	
3N1020BD02600	0.437860487 NK-15	19075.37523		Yes	
3N1020BD03400	0.333500179 NK-15	14528.91389	Yes		
3N1020BD03500	0.405378247 NK-15	17660.24627		Yes	
3N1020BD03700	0.590298608 NK-15	25716.2824		Yes	
3N1020BD03800	0.054593759 NK-15	2378.376463	Yes		
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3N1020BD04202	0.563169792 NK-15	24534.48452		Yes	
3N1020BD04204	0.526433309 NK-15	22934.01988		Yes	
3N1020BD04300	0.924122065 NK-30	40262.61419			Yes
3N1020BD04500	0.298556236 NK-30	12994.49844	Yes		
3N1020BD04600	0.298580094 NK-30	13007.61587	Yes		
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3N1020CA00200	0.17270102 NK-7.5	7523.708826	Yes		
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3N1020CA00600	0.771754123 NK-15	33621.45471			Yes
3N1020CA00900	0.556992666 NK-15	24265.36556		Yes	

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3N1020CA03500	0.109824457 NK-7.5	4784.503444	Yes		
3N1020CA03601	0.119810615 NK-7.5	5219.555316	Yes		
3N1020CA03900	0.186073803 NK-7.5	8106.308004	Yes		
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3N1020CB03600	0.192343802 NK-7.5	8379.443709	Yes		
3N1020CB05900	0.445296338 NK-7.5	19399.36323			Yes
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3N1020DC00100	1.061204505 NK-7.5	46231.45528			Yes
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3N1020DC00201	0.341249589 NK-7.5	14866.52168	Yes		
3N1020DC00502	1.088863957 SPLIT NK-7.5	47436.39325			Yes
3N1020DC00603	0.41532097 NK-7.5	18093.41184		Yes	
3N1020DC01301	0.295025981 NK-7.5	12852.82226	Yes		
3N1020DC01403	0.226294617 NK-15	9858.537225	Yes		
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3N1020DC01411	0.229741859 NK-15	10008.72056	Yes		
3N1020DC01412	0.453624487 NK-15	19762.189		Yes	
3N1020DC01413	0.58461022 NK-15	25468.61155		Yes	
3N1020DC01414	0.59445111 NK-15	25897.29579		Yes	
3N1020DC01415	0.656739085 NK-15	28610.86265		Yes	
3N1020DC01416	0.366114716 NK-15	15949.8035		Yes	
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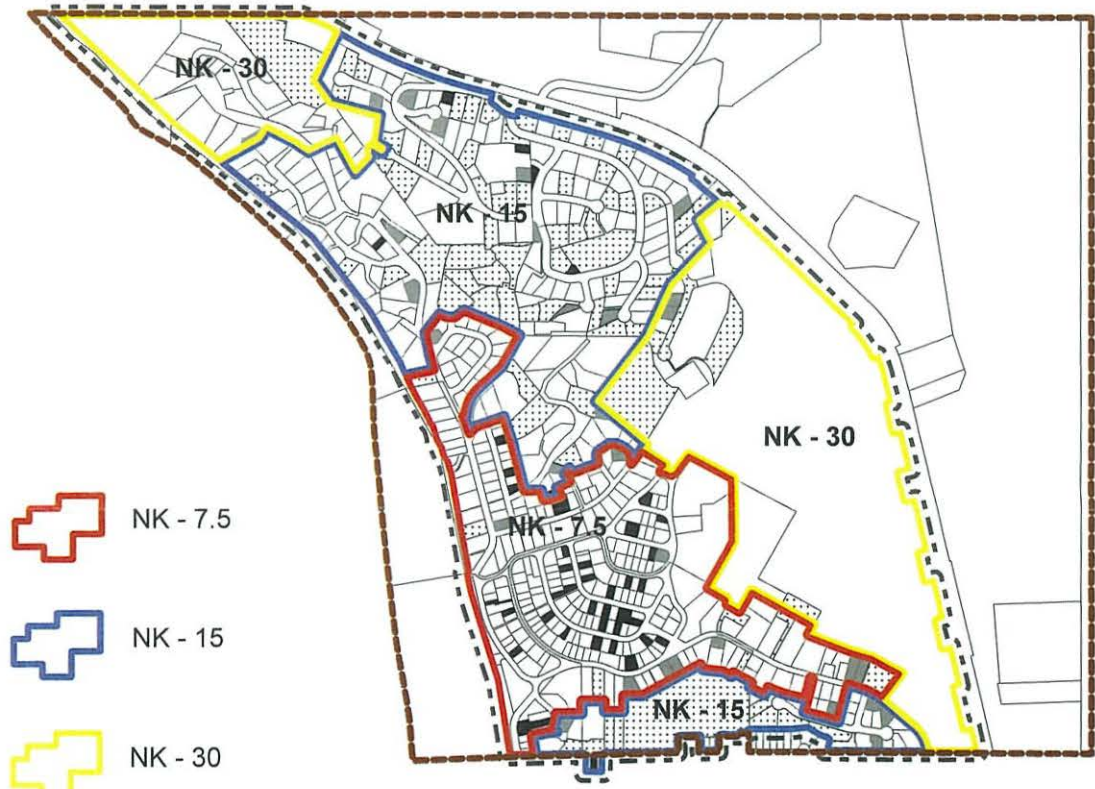
Neahkahnie Vacant Residential Zoned Lots & 20% or More Slope



0 0.38 0.75 1.5 Mile



Neahkahnie Vacant Residential Zoned Lots



-  NK - 7.5
-  NK - 15
-  NK - 30

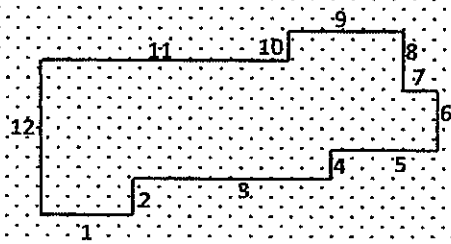
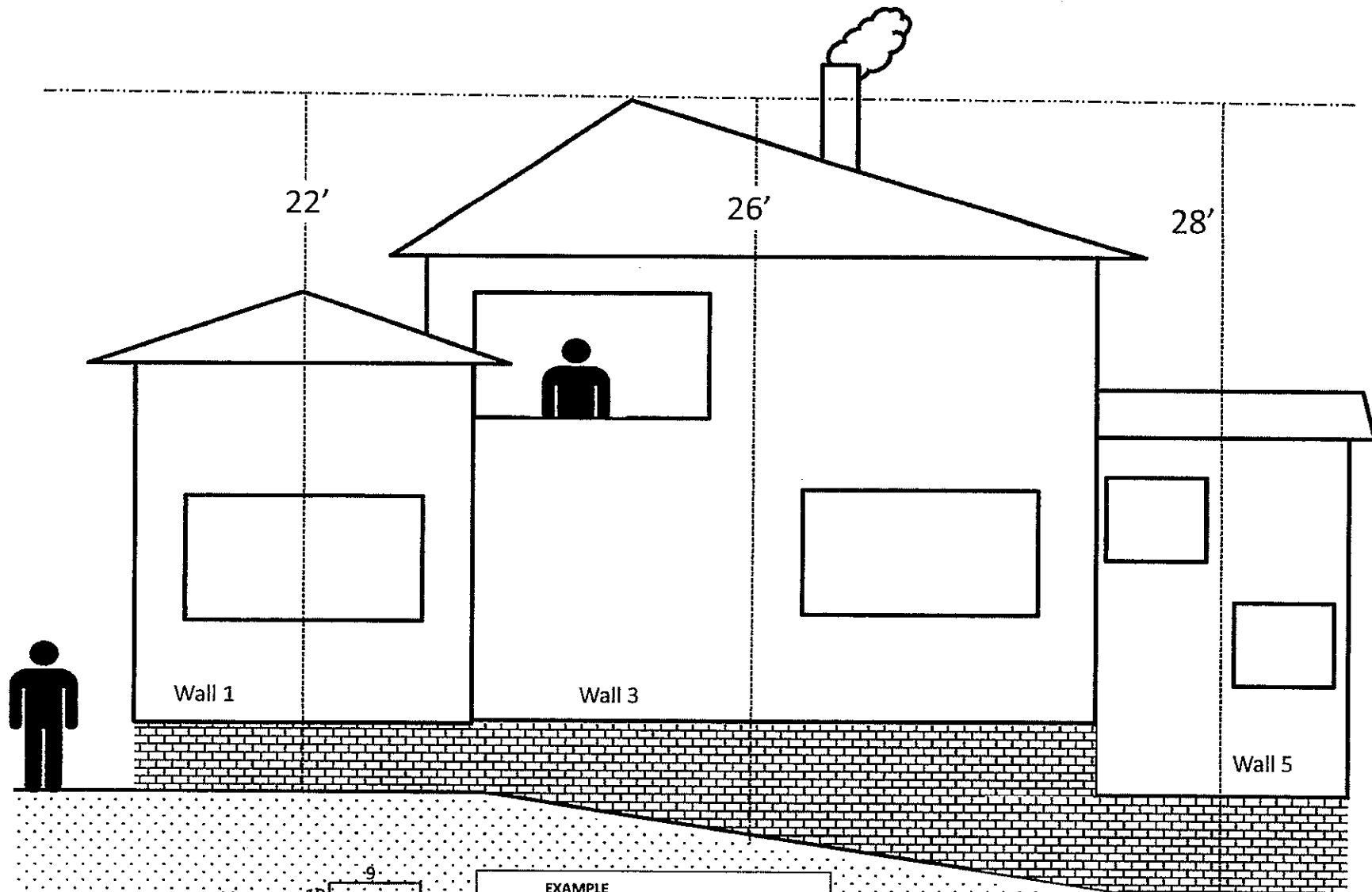
-  Neahkahnie Taxlots
-  Neahkahnie Water District Boundary
-  Neahkahnie Community Boundary

-  Residential Vacant Under 7,500 Square Feet
-  Residential Vacant Between 7,500-14,999 Square Feet
-  Residential Vacant 15,000 Square Feet or More

0 0.38 0.75 1.5 Mile



EXHIBIT E



EXAMPLE

Wall 1 = 22' Wall 7 = 26'
 Wall 2 = 22' Wall 8 = 21'
 Wall 3 = 26' Wall 9 = 19'
 Wall 4 = 26' Wall 10 = 16'
 Wall 5 = 28' Wall 11 = 20'
 Wall 6 = 28' Wall 12 = 22'

Total = 276 276/12 = 23'
 Building Height = 23'

EXHIBIT F

no. A100



re. A500

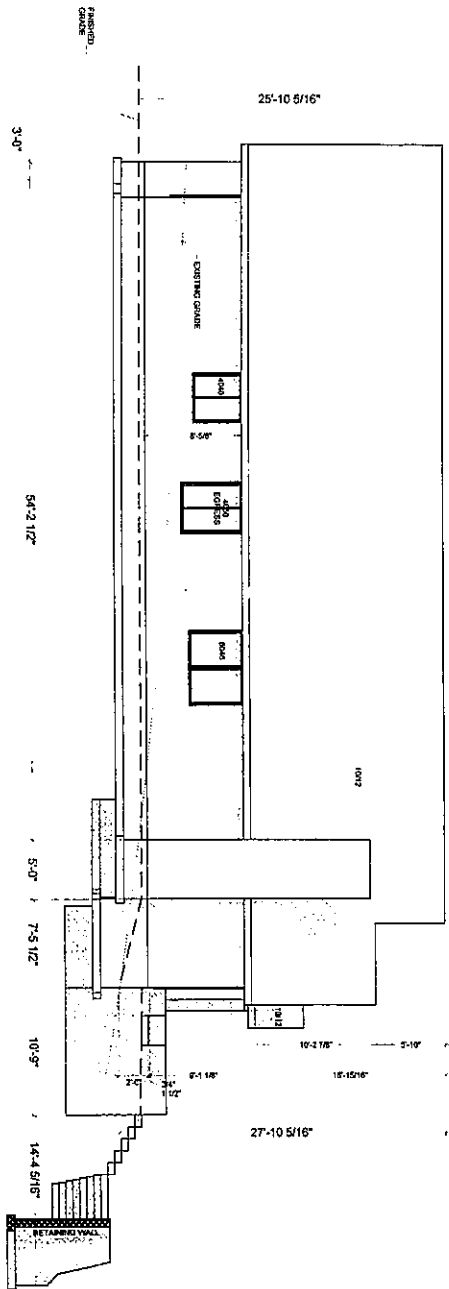


Architect: Jorgens Peterson, P.A.
 608 University Ave., Ste. 500
 Madison, WI 53706

Management Analysis:
151 W 17th, Suite B
Kennesaw, GA 30144
814 330-6273
Bennett@bennett.com

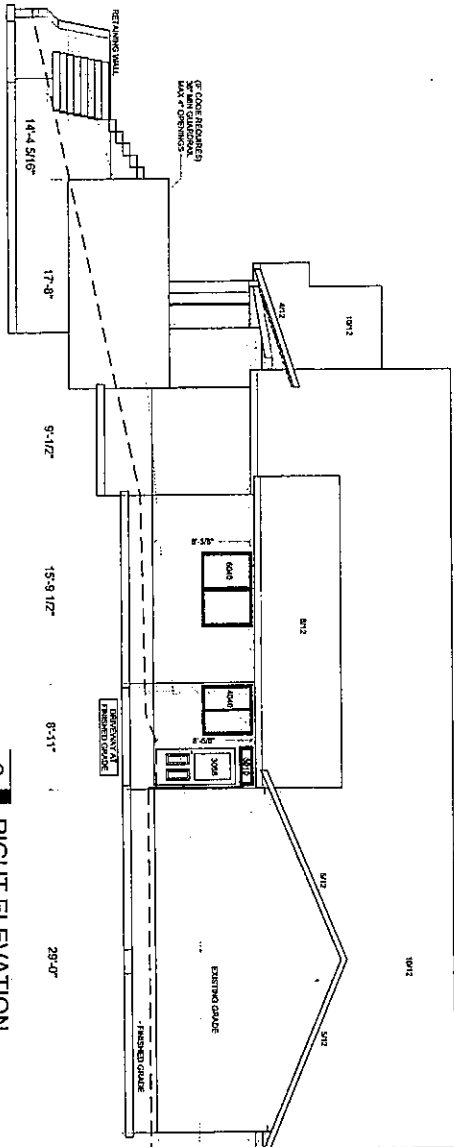
Construction Documents
16 July 2024

A203



1 LEFT ELEVATION

SCALE :: 1/4" = 1'-0"



2 RIGHT ELEVATION

SCALE :: 1/4" = 1'-0"

SCOTT
BROWN
GROUP

3010 2008 2401

BUILDER
ZAK CONSTRUCTION

OWNER/PROJECT
KAVANAUGH HOME

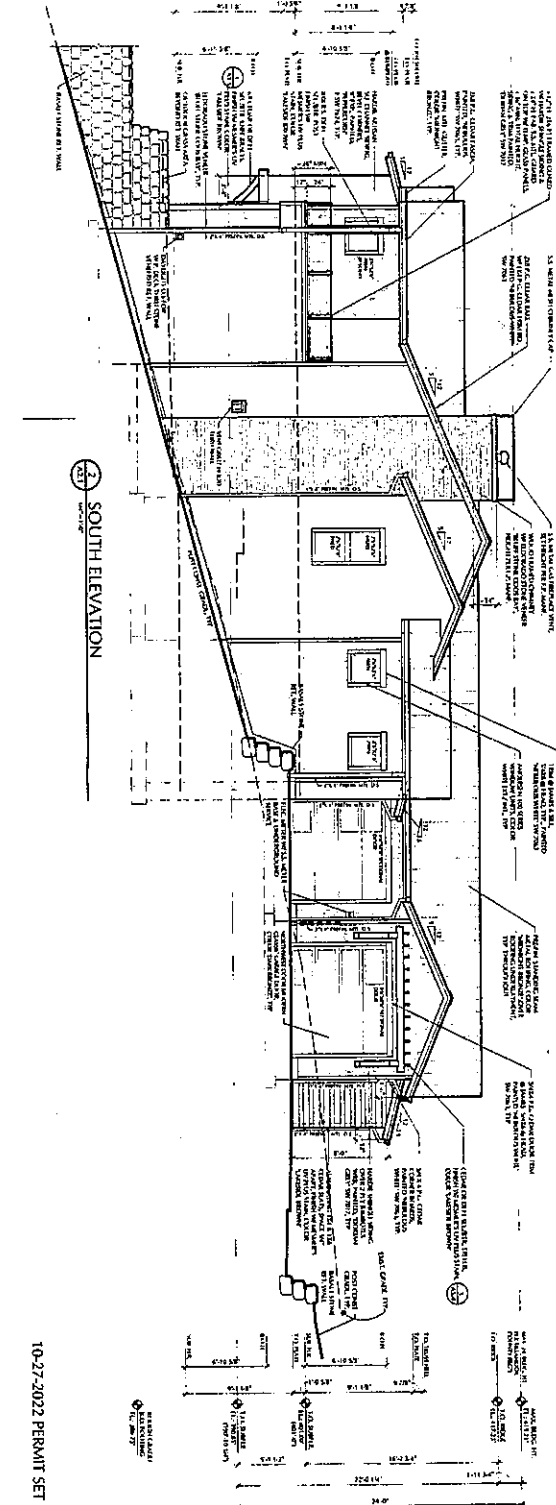
REVISION DATE
July 20, 2023

A

06

ARCH D

HOUSE PLANS FOR 3410 2000 2020
 SNOWBALL RESIDENCE
 BRAERIDGE DRIVE, LOT 40
 NEAH-KAH-NIE MEADOW UNIT 2
 NEHALEM OR 97131



10-27-2022 PERMIT SET

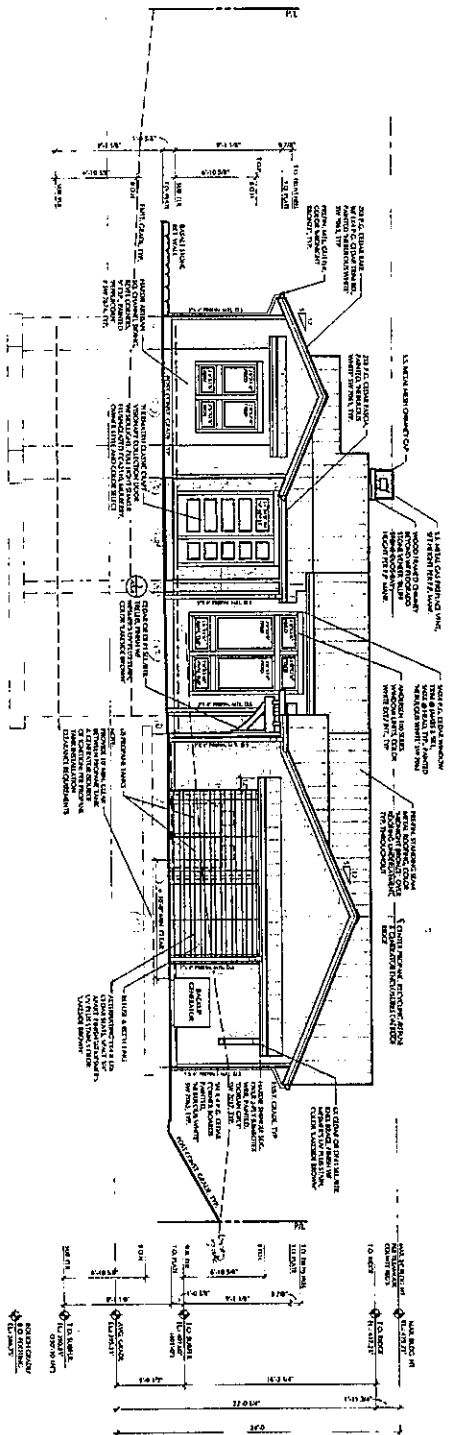
A2.1

E & S
 ELEVATIONS

TITLE: 10-27-2022
 DATE: 10-27-2022
 DRAWN BY: TOLOVANA ARCHITECT LLC
 CHECKED BY: TOLOVANA ARCHITECT LLC

HOUSE PLANS FOR 3410 2000 2020
 SNOWBALL RESIDENCE
 BRAERIDGE DRIVE, LOT 40
 NEAH-KAH-NIE MEADOW UNIT 2
 NEHALEM OR 97131

PERMIT SET

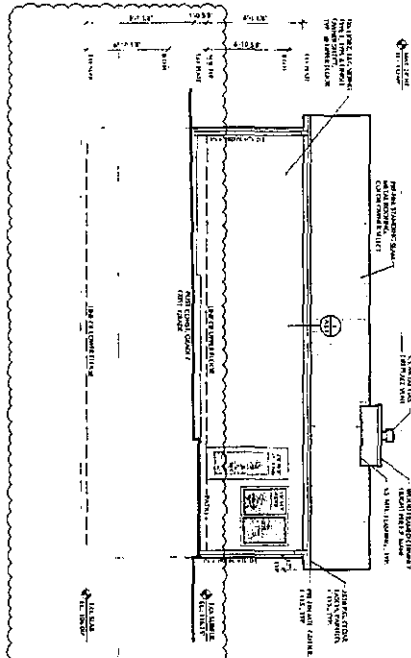


Tolovana Architect LLC
 P.O. Box 648
 Tolovana Park, Oregon 97145

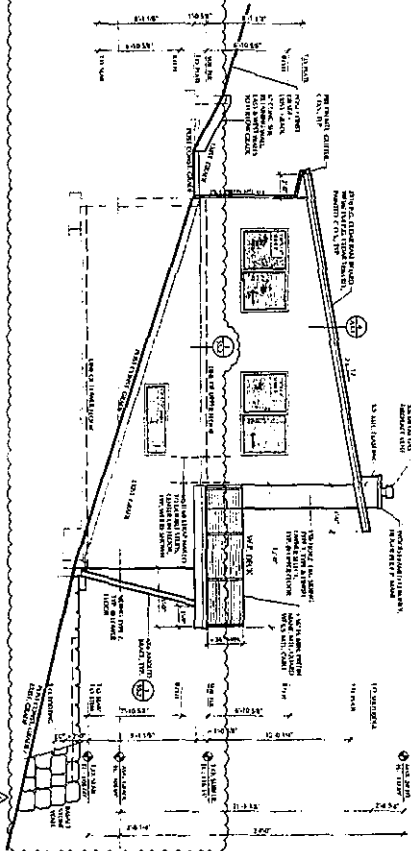


HOUSE PLANS FOR 3000 2000 2000
WYNIA RESIDENCE
LOT 1, BLOCK 5 NEAH-KAH-NIE MTN.
NEHALEM ROAD
NEHALEM, OREGON 97131

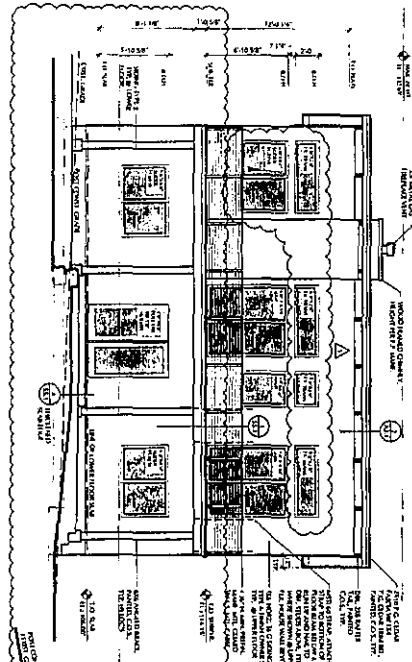
1 NORTH ELEVATION



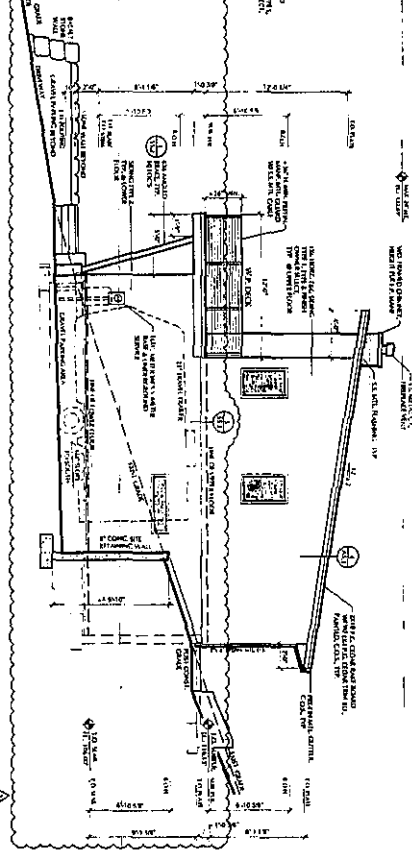
2 WEST ELEVATION



3 SOUTH ELEVATION



4 EAST ELEVATION



A2.1

ELEVATIONS

DATE: 2011.12.14

BY: TOLOVANA ARCHITECT LLC

FOR: WYNIA RESIDENCE

PROJECT: LOT 1, BLOCK 5 NEAH-KAH-NIE MTN.

NEHALEM ROAD

NEHALEM, OREGON 97131

HOUSE PLANS FOR 3000 2000 2000
WYNIA RESIDENCE
LOT 1, BLOCK 5 NEAH-KAH-NIE MTN.
NEHALEM ROAD
NEHALEM, OREGON 97131

PERMIT SET



Tolovana Architect LLC
368 Elk Creek Rd, Suite 408
Canon Beach, Oregon 97110



EXHIBIT G



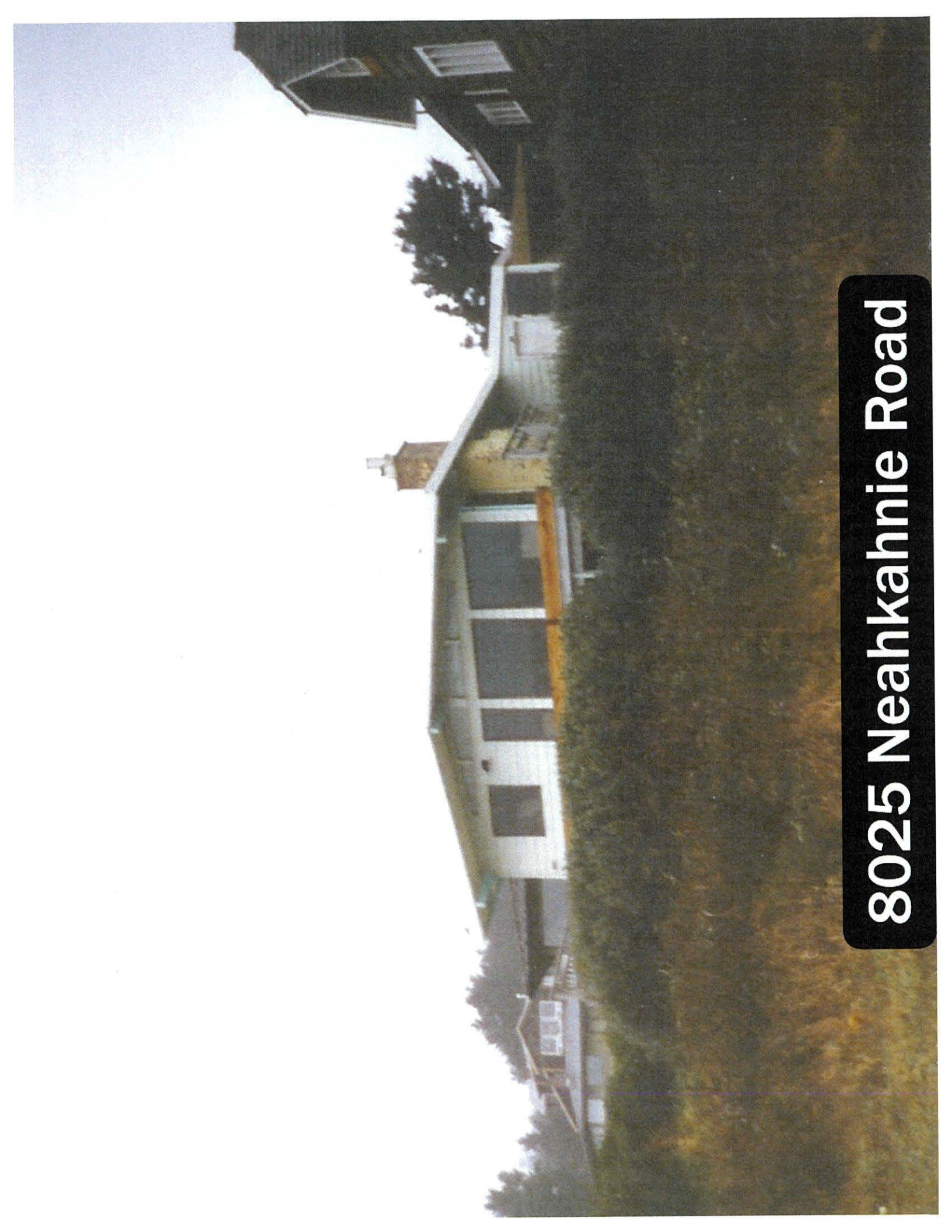
3700 Beach Street

8000 Kahnle Trail Loop

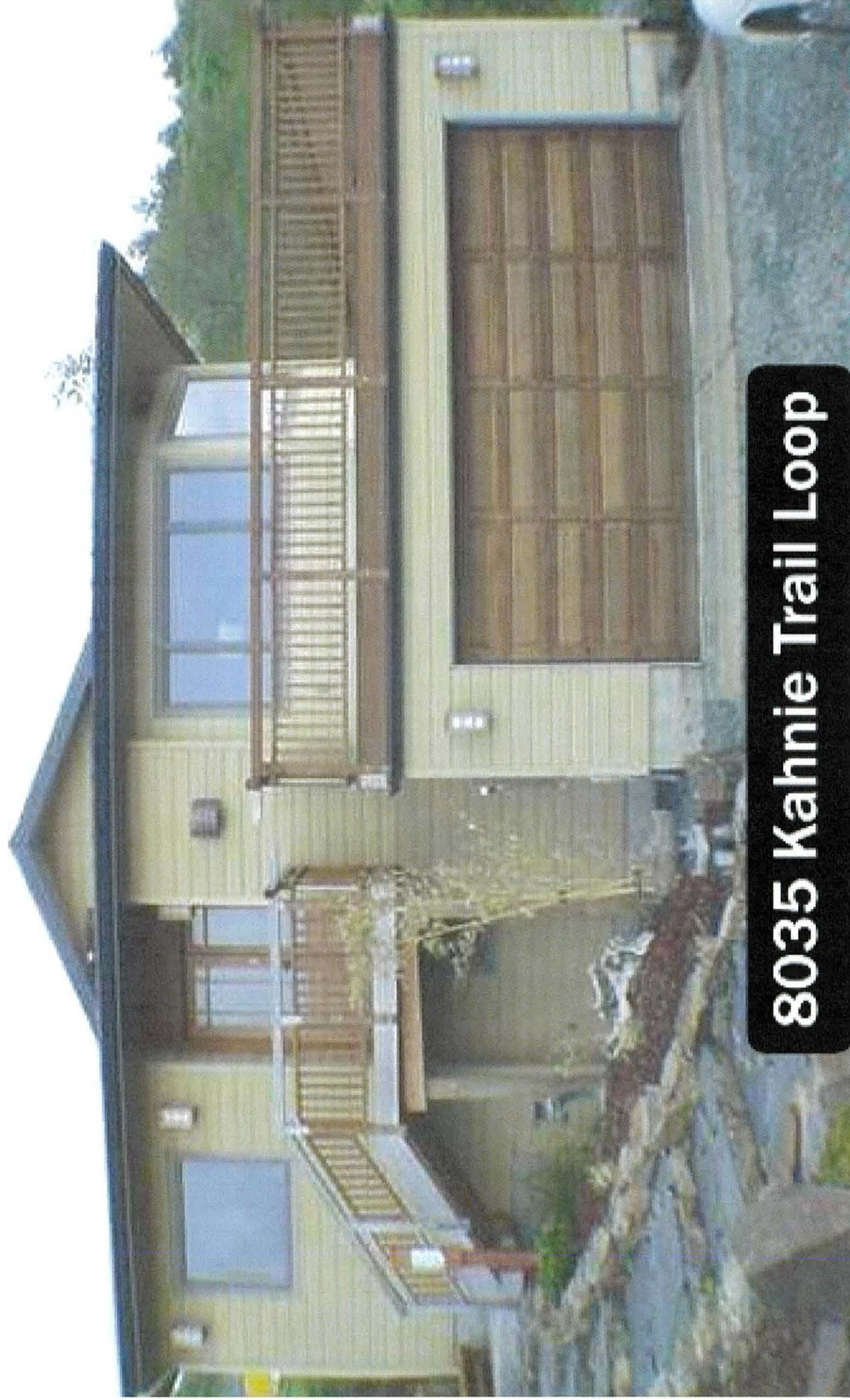




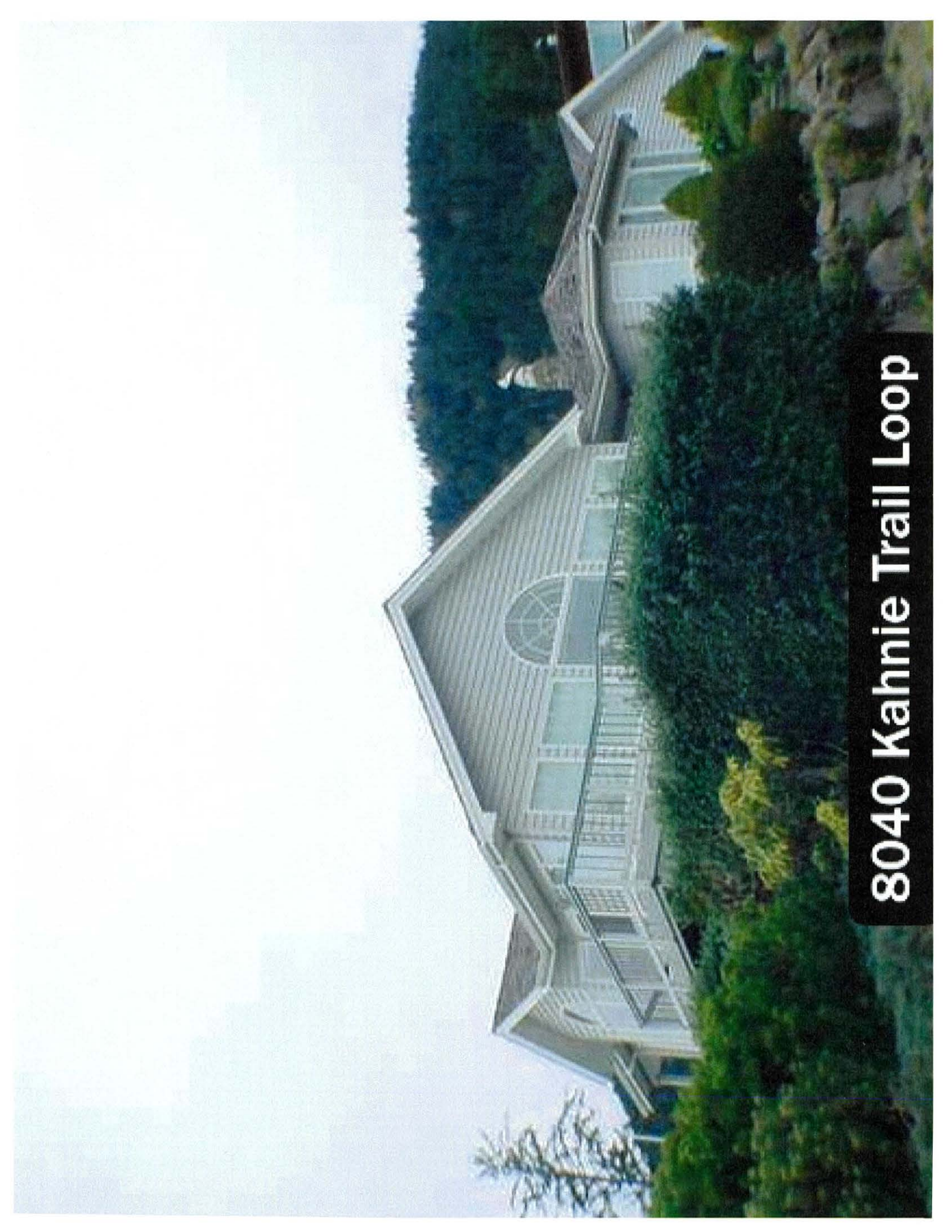
8005 Kahnle Trail Loop



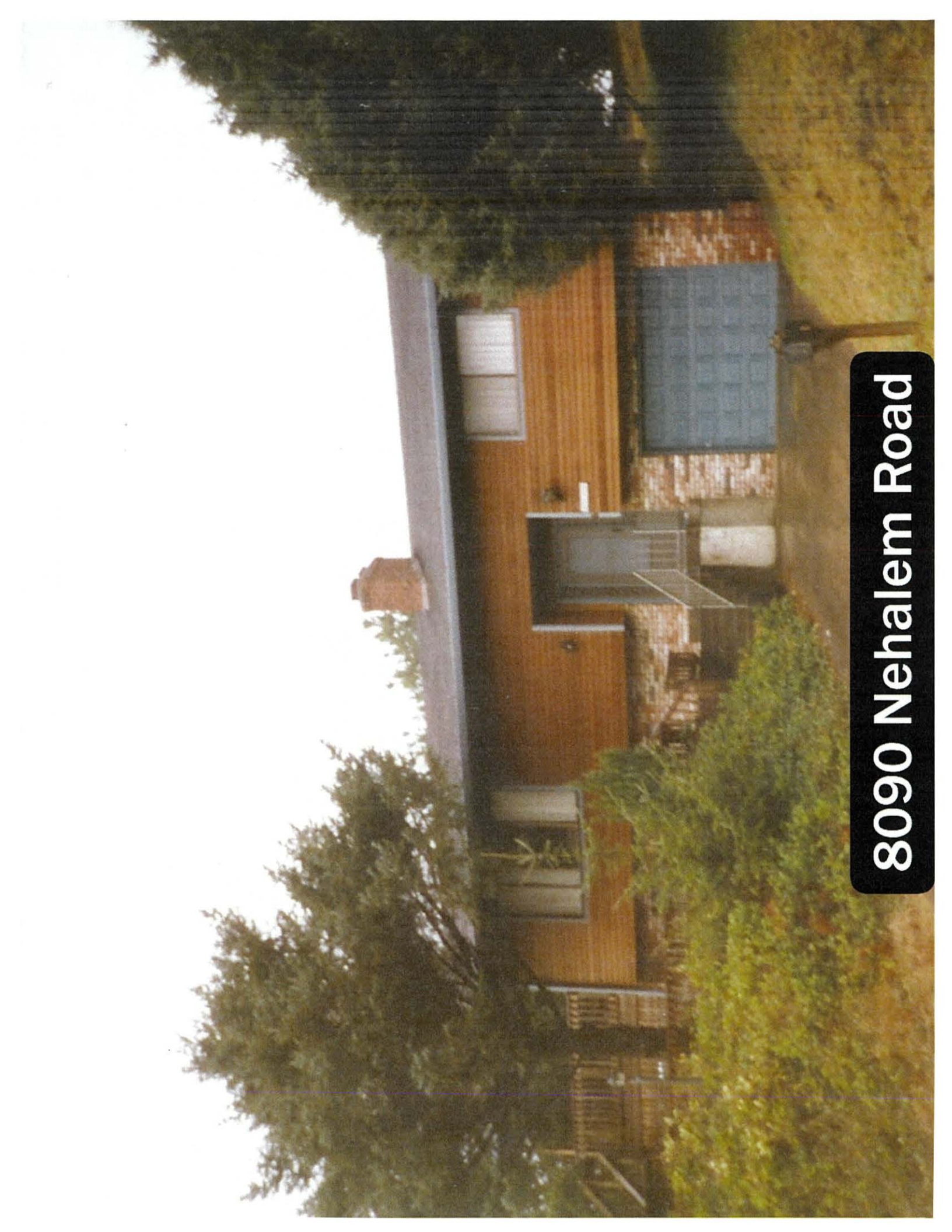
8025 Neahkahnie Road



8035 Kahnle Trail Loop



8040 Kahnle Trail Loop



8090 Nehalem Road



8125 Treasure Rocks Road

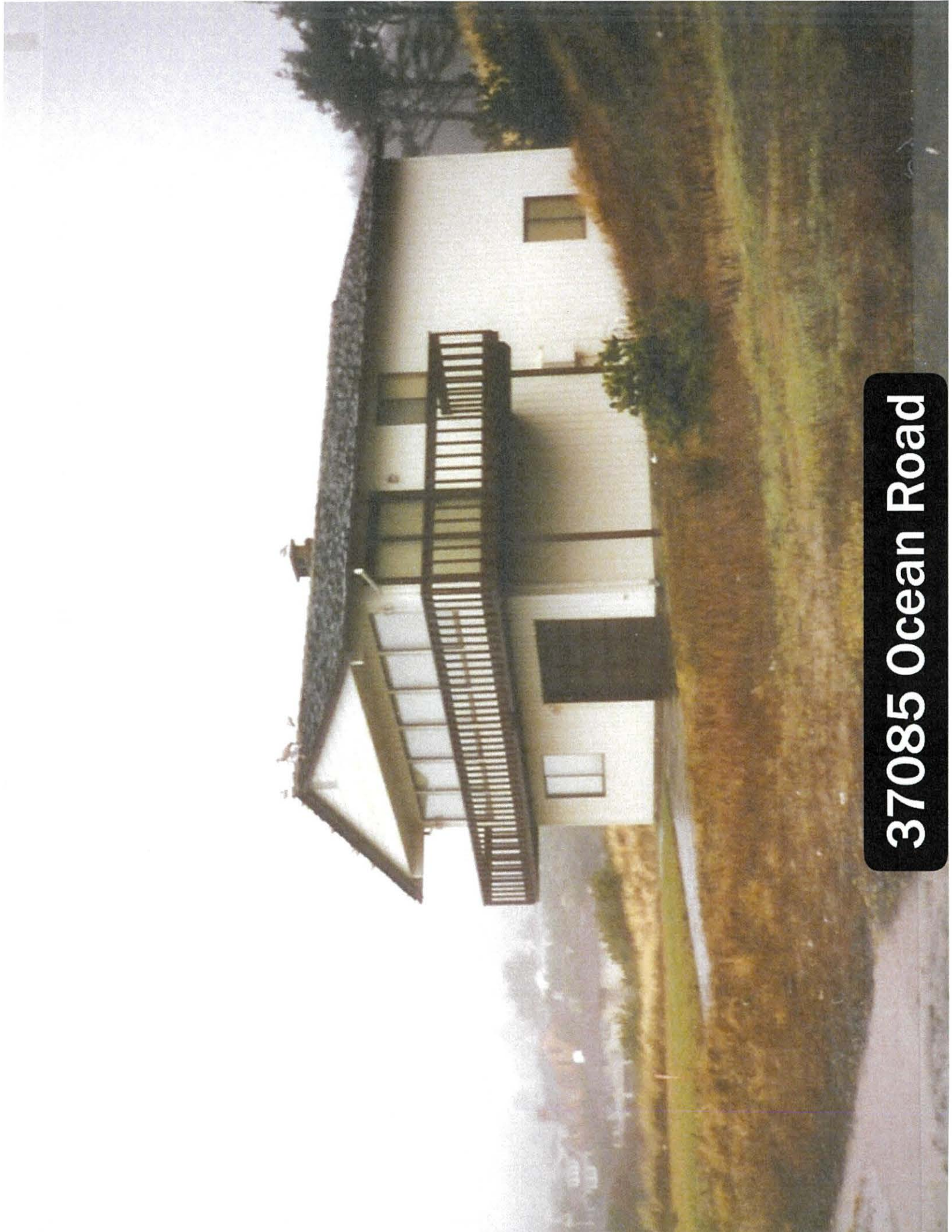


37065 Ocean Road



37075 Ocean Road

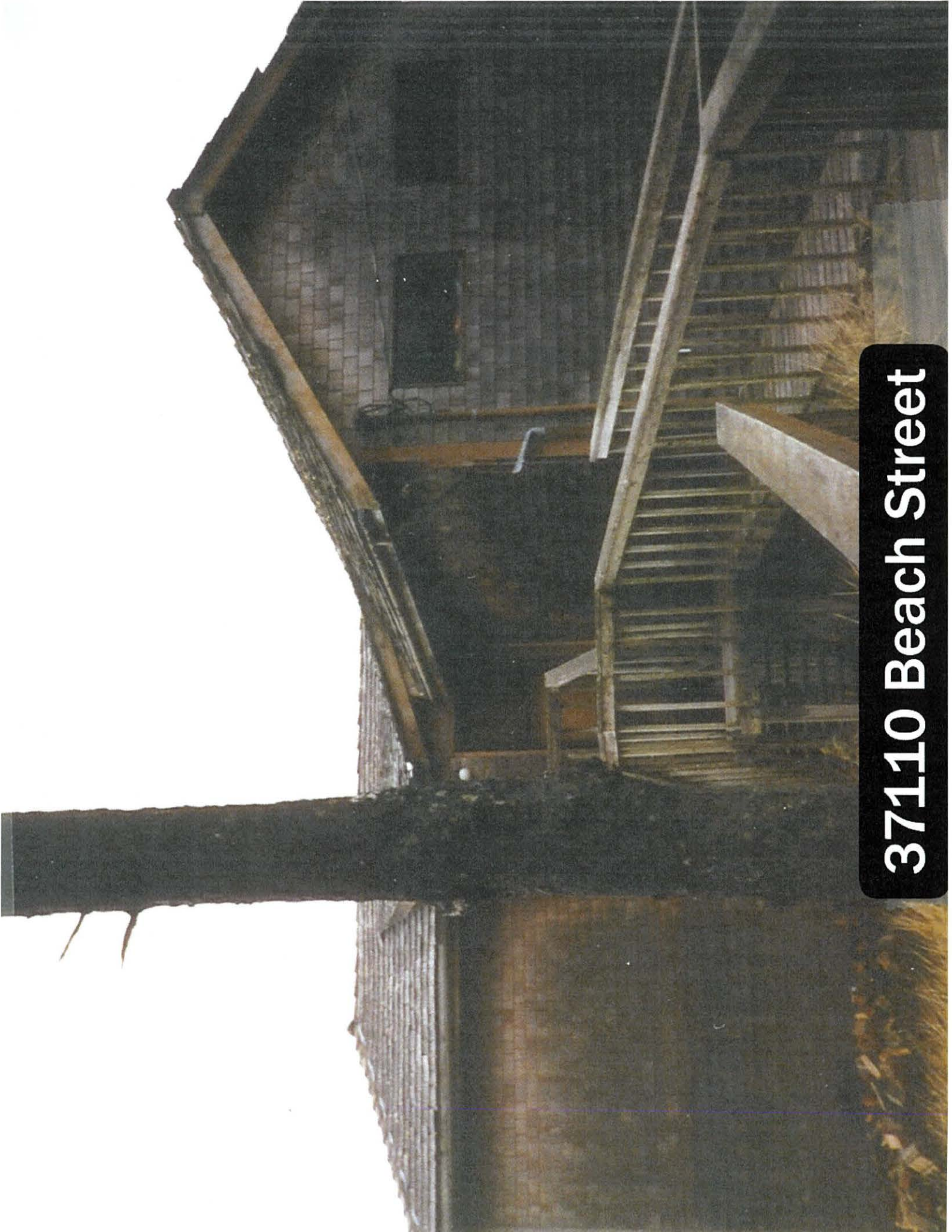
08/22/2023 10:30



37085 Ocean Road



37106 Beach Street



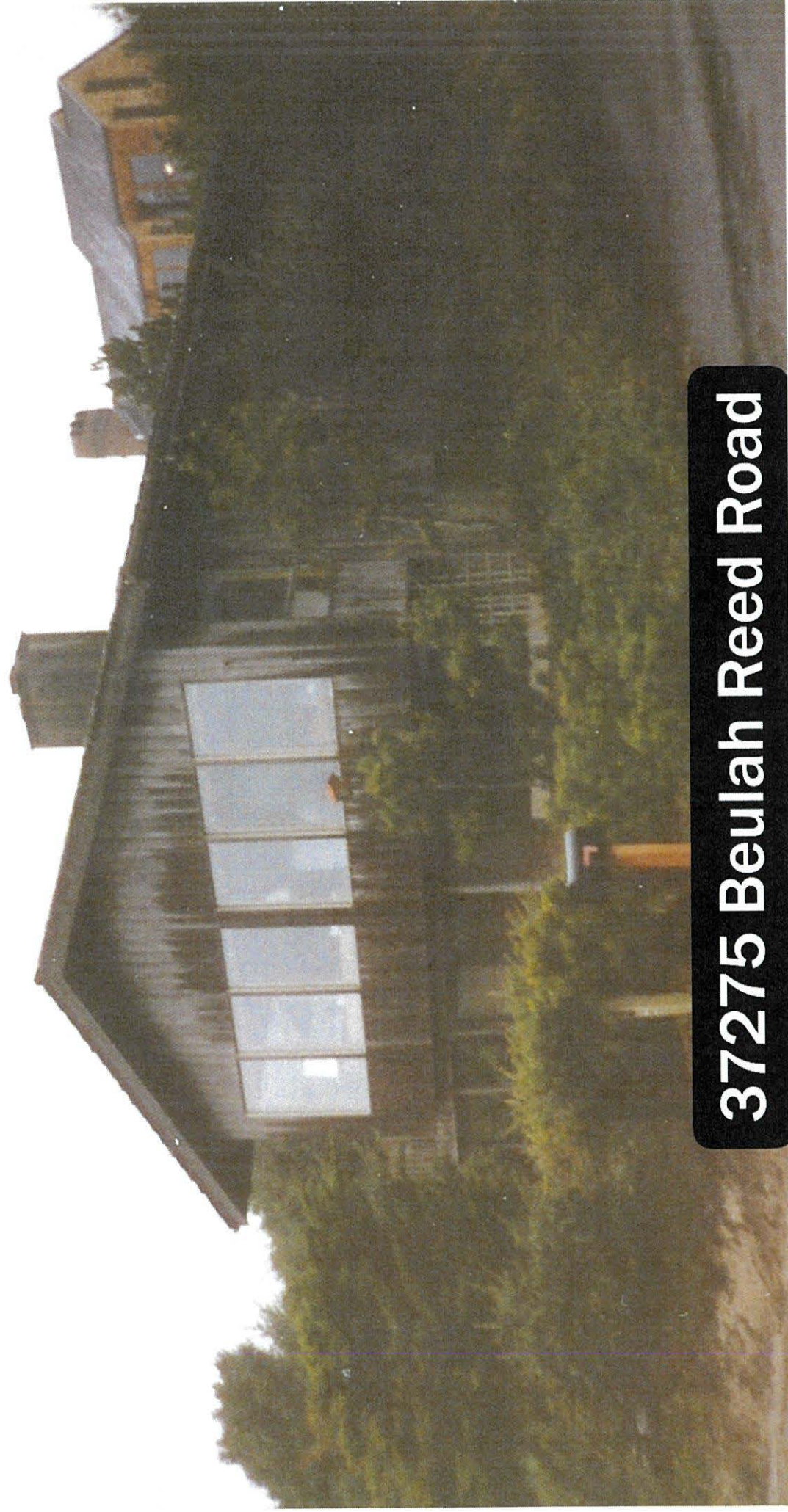
37110 Beach Street

A photograph of a modern, multi-story house with large windows and a balcony, situated on a hillside with a forested background. The house features a mix of light-colored siding and dark wood accents. The surrounding landscape is lush with greenery and trees, and the sky is clear and blue.

37245 Beulah Reed Road



37250 First Street



37275 Beulah Reed Road



37280 First Street



37300 First Street



37305 First Street

A photograph of a modern two-story house with a grey stone-textured exterior. The house features a large balcony on the second floor with a white metal railing. The balcony has red patio furniture. The ground floor has a large white garage door and a white front door. A white car is parked in the driveway. The house is surrounded by greenery and a clear blue sky.

37325 Beulah Reed Road

A photograph of a residential property. In the foreground, a large, dark, leafy tree stands on the left side, casting a shadow over the driveway. The driveway is paved and leads to a two-car garage with a light-colored, paneled door. To the right of the garage is a wooden fence. In the background, a house with a brown shingled roof and white trim is visible. The sky is bright and overcast.

37330 First Street



37335 Beulah Reed Road



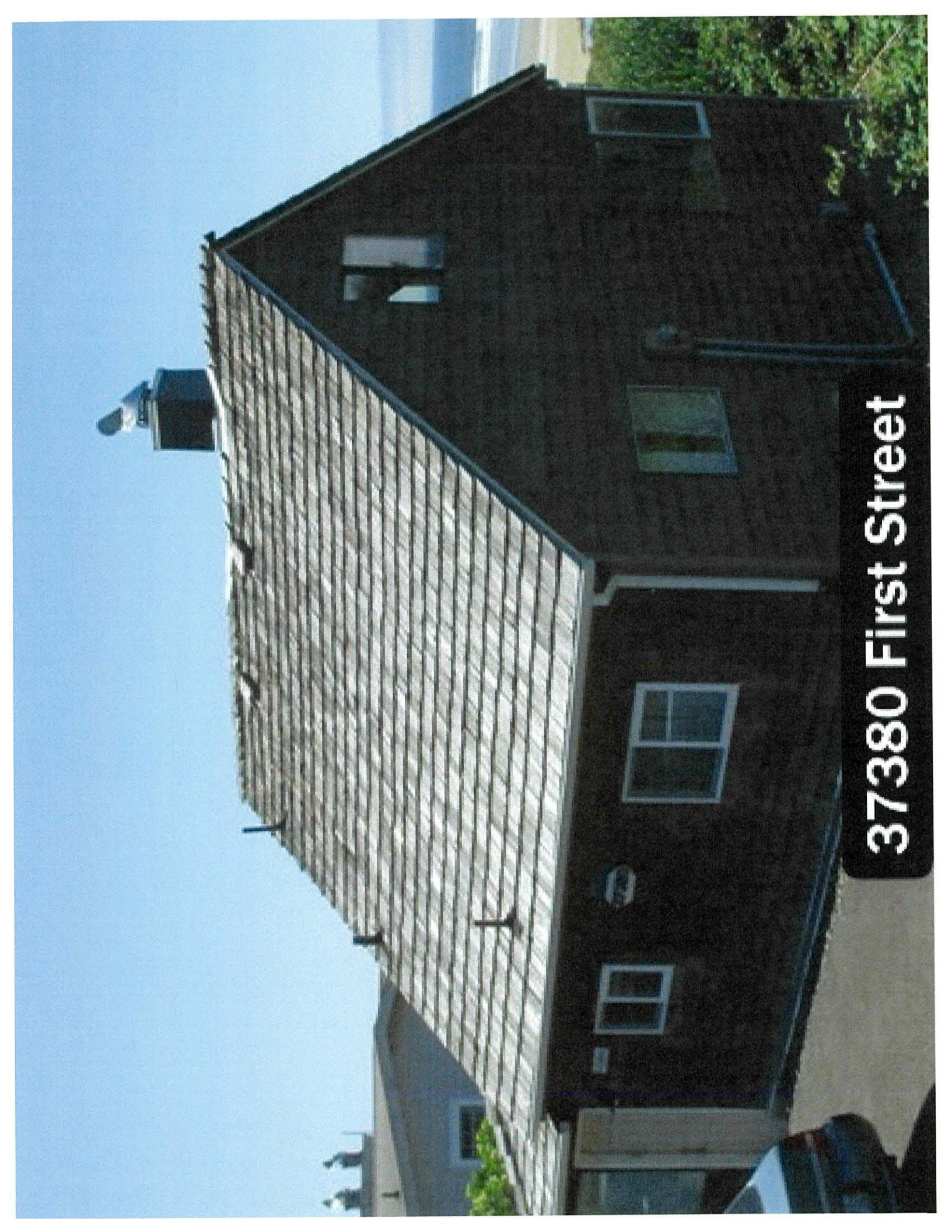
37335 First Street



37345 Beulah Reed Road

A photograph of a two-story house with a large garage and a driveway. The house has a light-colored upper story and a darker lower story with a large garage door. A concrete driveway leads to the garage. A large, dark tree is in the foreground on the left, partially obscuring the view. The sky is overcast. The address "37350 First Street" is overlaid in white text on a black background in the bottom right corner.

37350 First Street



37380 First Street



37385 First Street



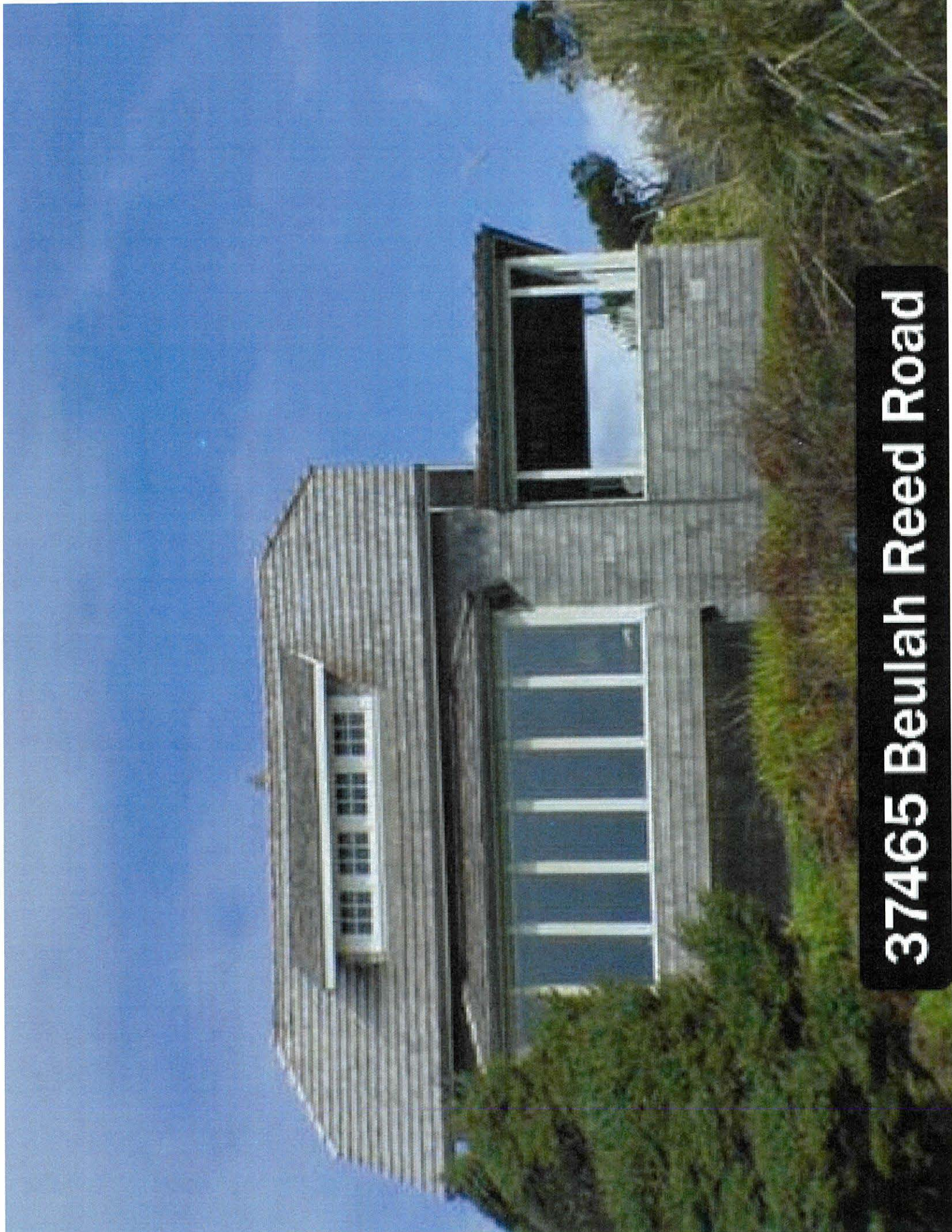
37395 Beulah Reed Road

37400 Second Street

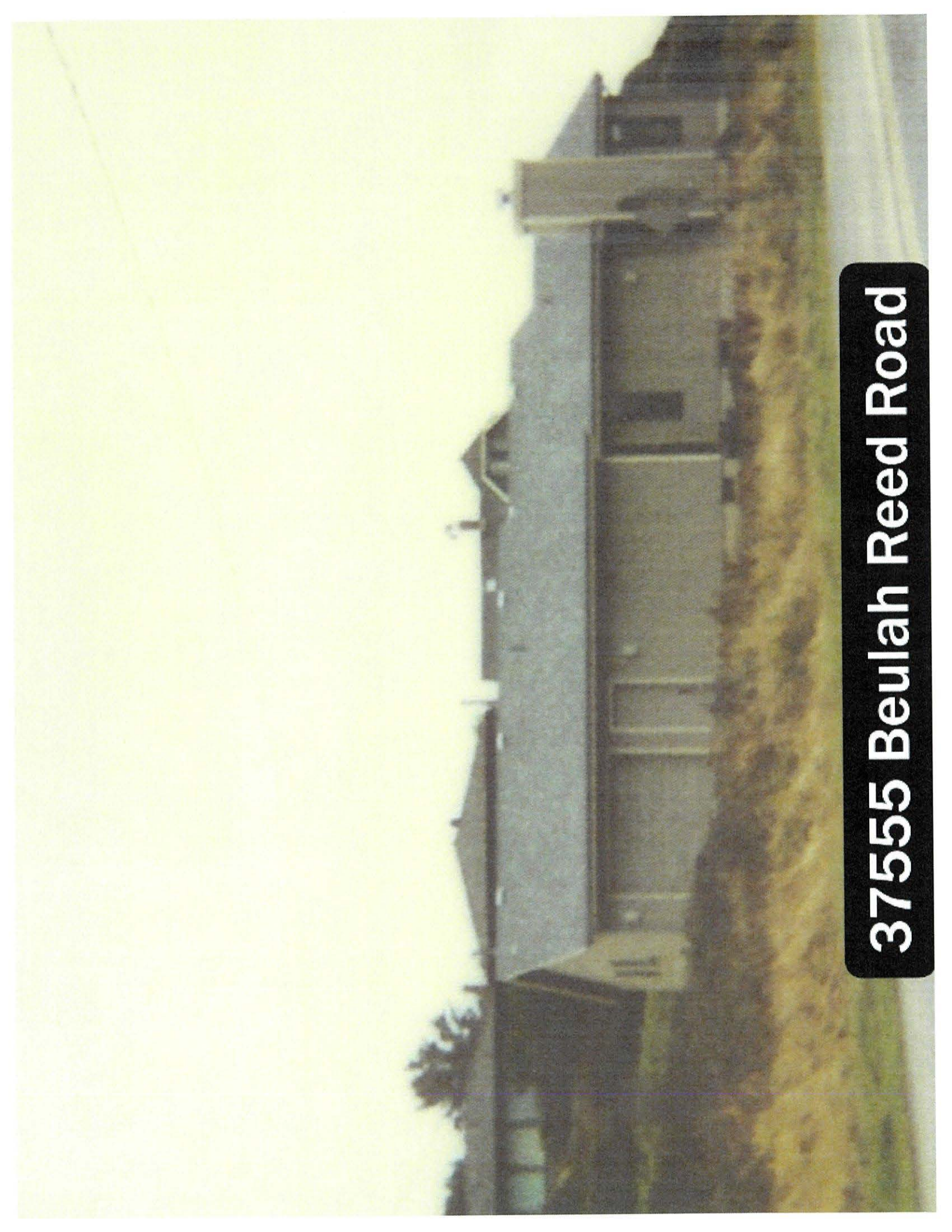




37415 Beulah Reed Road



37465 Beulah Reed Road



37555 Beulah Reed Road



37605 Beulah Reed Road



37635 Beulah Reed Road



37635 Treasure Hunters Lane



37655 Beulah Reed Road



37690 Treasure Hunters Lane



37780 Treasure Hunters Lane



37805 Beulah Reed Road



07/17/2020

37920



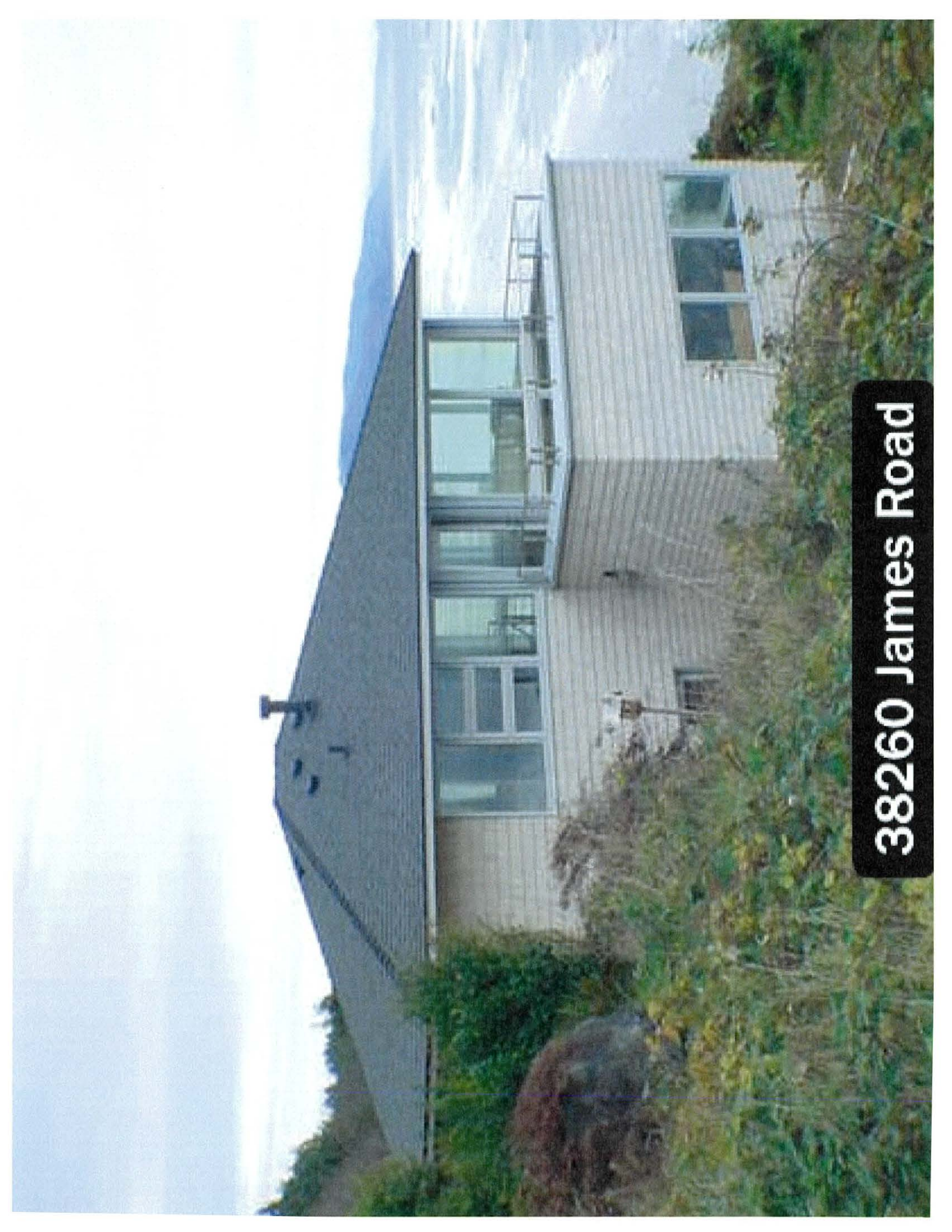
37980 Beulah Reed Road



01/23/2009

38160 Vantage Road

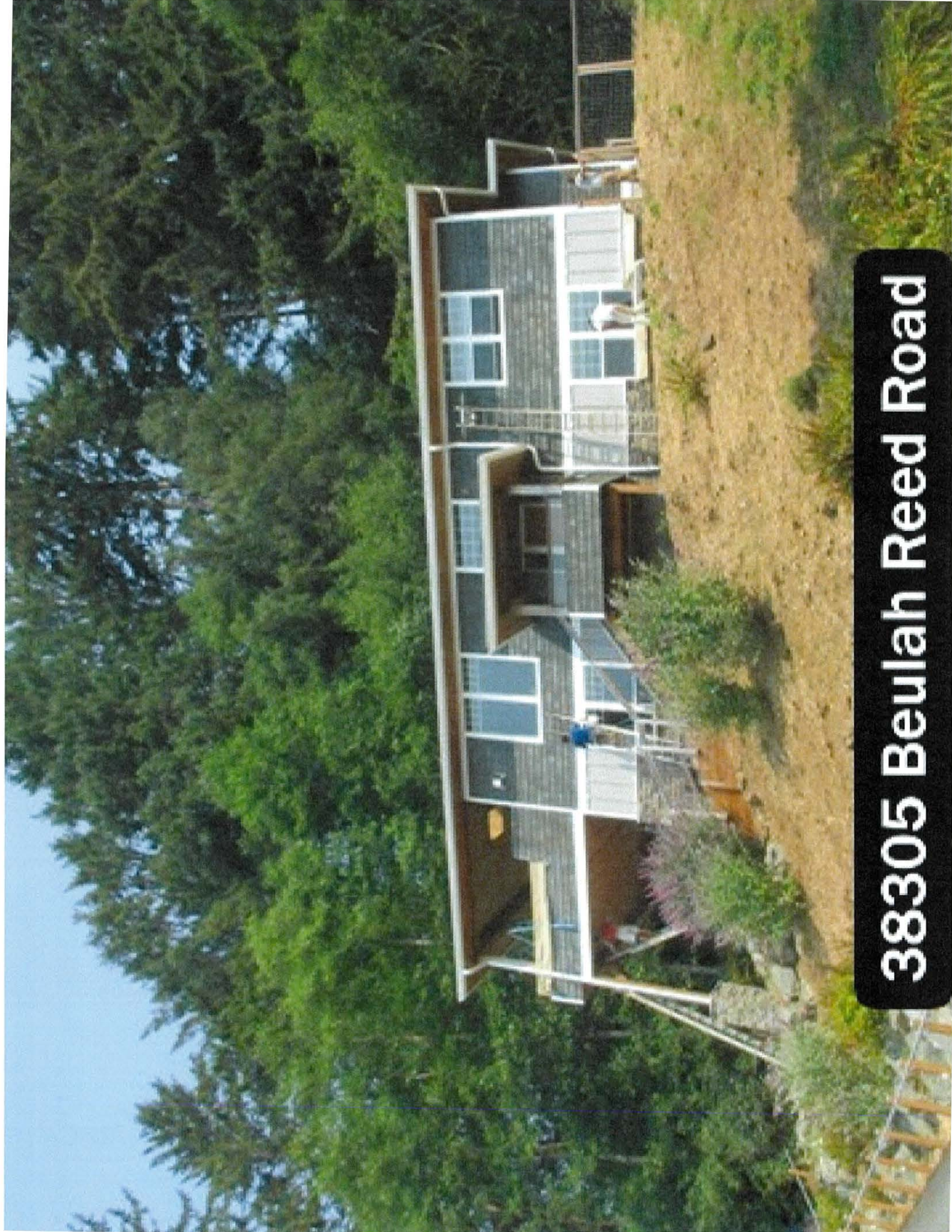
MARLENE
LUTHE & CO.
REAL ESTATE

A two-story house with a dark grey gabled roof and light-colored horizontal siding. The house features large multi-paned windows on both floors and a balcony with a glass railing on the upper level. The property is surrounded by lush greenery, including bushes and trees, with a large rock visible in the foreground. The sky is overcast.

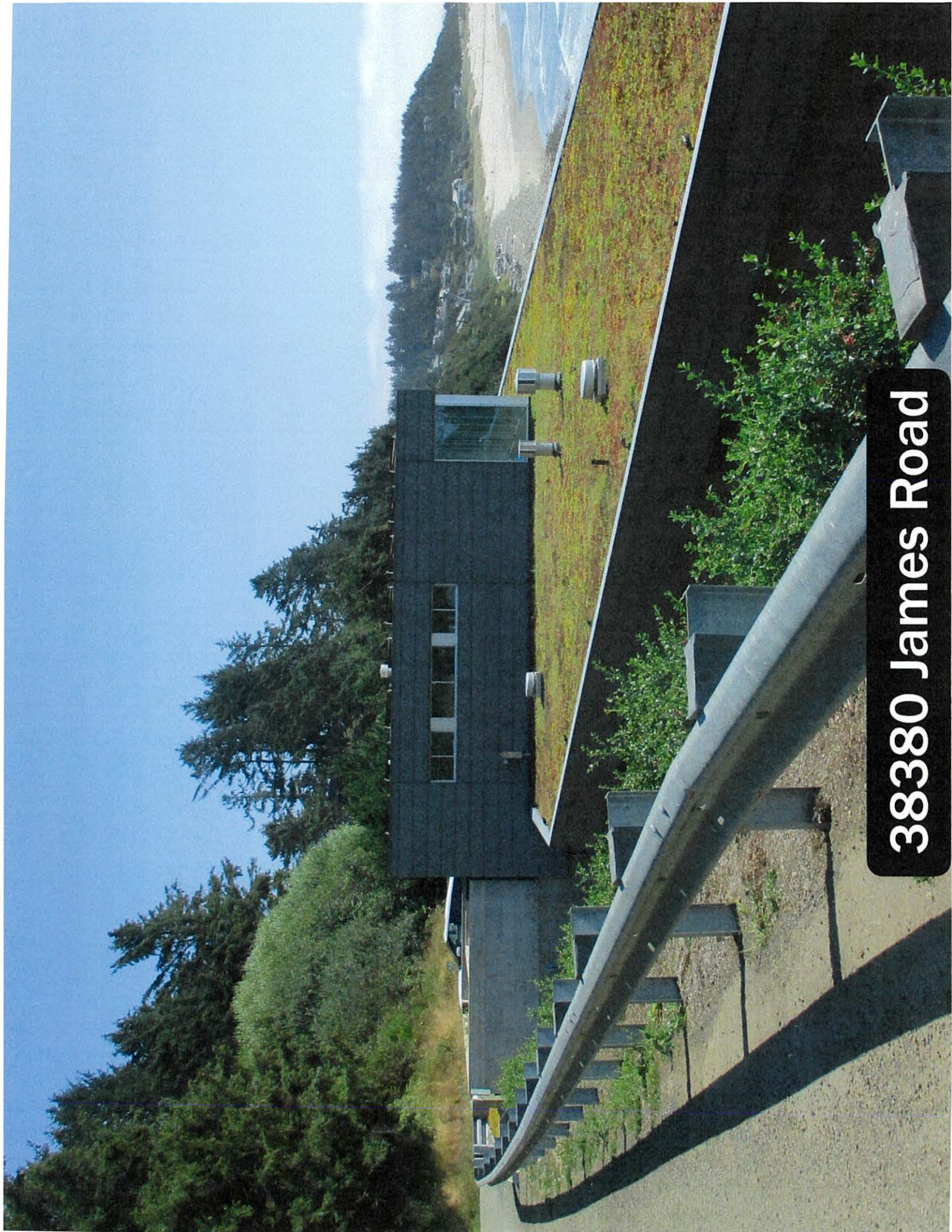
38260 James Road



38280 Beulah Reed Road



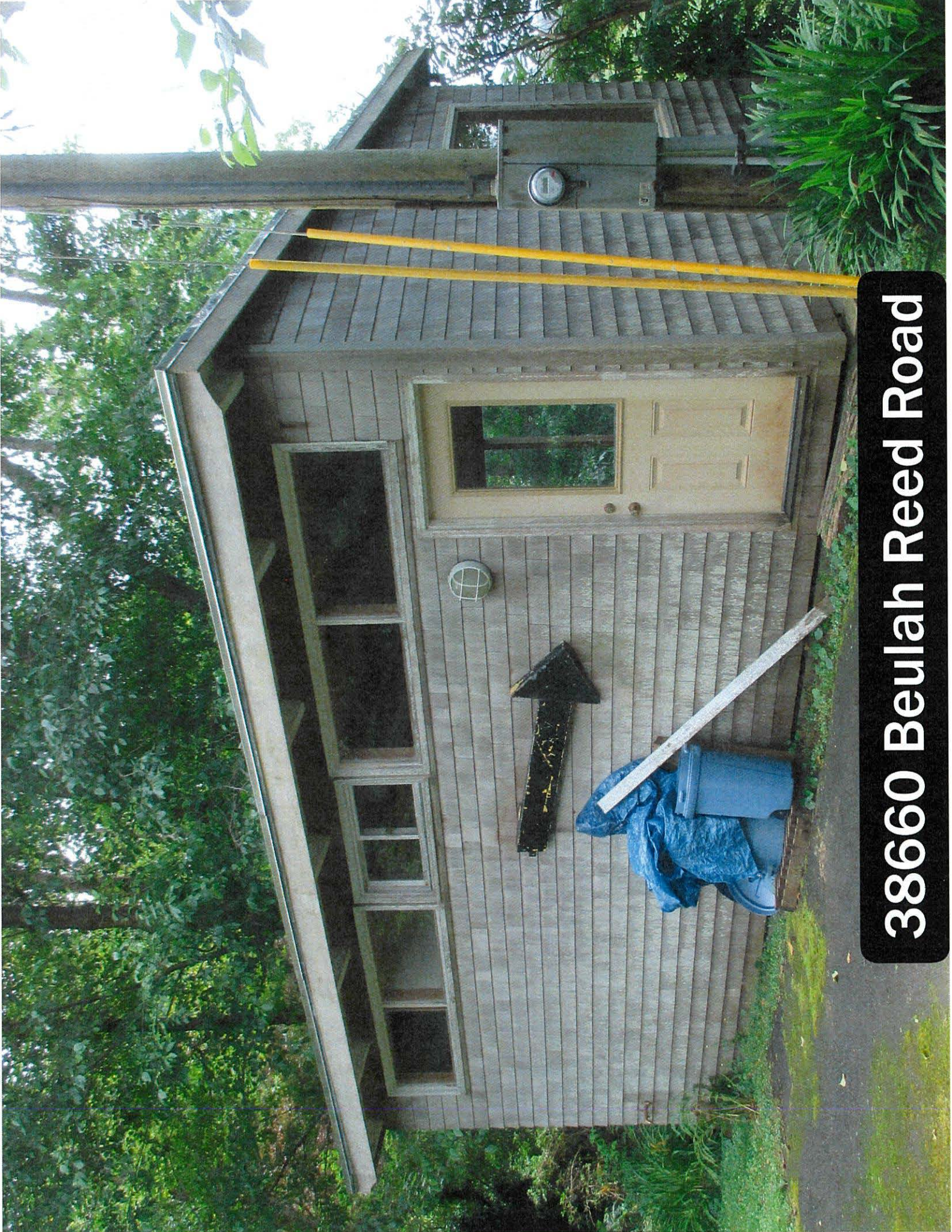
38305 Beulah Reed Road



38380 James Road



38470 Beulah Reed Road



38660 Beulah Reed Road

EXHIBIT H

November 3, 2025

Tillamook County Planning Commission:

I submit these comments on behalf of the newly formed Neahkahnie Citizen Advisory Committee (NKN CAC).

NKN CAC recognizes the need to increase middle housing options in Tillamook County. We appreciate the County's efforts to work with NKN to tailor proposed zoning changes in a manner which preserves NKN's character and respects its values to the extent possible while satisfying middle housing requirements established by State Law.

NKN CAC wishes to convey its strong support for the proposed amendments to Article 3, Section 3.300 (6) as submitted for your consideration by Director Sarah Absher in Permit ID #851-25-000439-PLNG et al. Subsection (6) addresses Maximum Lot Coverage and Maximum Building Floor Area. The proposed amendment has been drafted in consideration of NKN's steep topography and community concerns regarding storm water management issues and geological hazards.

NKN CAC also fully supports retaining the existing building height limitations as provided in Subsection (5) of the amended Section 3.300. The NKN community supports middle housing which is compatible with the range in scale of current residences while respecting the view and daylight exposure of existing and future residences.

NKN CAC's support is based on the following community outreach process and resulting community responses. Through the efforts of Director Absher, the NKN community has had multiple opportunities to learn about and discuss the impact of SB406 and Tillamook County's proposal for middle housing in NKN. A committee of NKN community volunteers worked with Director Absher to address community priorities and concerns and develop a NKN specific proposal. The recommendations of this committee, which are reflected in the proposed language of Subsections (5) and (6), received the overwhelming support of attendees at a community meeting hosted by Director Absher on July 15, 2022 and again by unanimous votes taken during the NKN CAC General Meeting on October 28, 2025.

Tillamook County's proposed implementation of the State's middle housing requirements has focused a brighter light on some longstanding and increasingly critical issues for our community, including our limited domestic water capacity, the challenges of living and building within a geologic hazard zone and the storm water runoff impacts

from our steep hillside topography. We look forward to continuing to work with the county to address these challenges.

NKN CAC appreciates the work of our community committee and Director Absher for her time, professionalism and assistance to the community as we learned, developed recommendations and progressed to this point in the process.

Thank you for this opportunity to provide written comments.

Amy Bell, Vice Chair
Neahkahnie Citizen Advisory Committee

TILLAMOOK COUNTY PLANNING COMMISSION

November 3, 2025

The Neahkahnie Water District wishes to submit the following information to the Planning Commission highlighting issues the District faces. Please enter this document into the official record of the Planning Commission.

An adequate supply of water is becoming a significant issue for the Neahkahnie Water District as well as many other water districts in Oregon. In coming years, the intersection of development and water supply will require thoughtful balancing and innovative solutions.

The following text is intended to provide a snapshot of the Neahkahnie Water District's operation and some of its challenges. Among these challenges is predicting what effect the Middle Housing Initiative will have on water demand since that impacts infrastructure planning.

General Information

- Neahkahnie Water District (NKNWD) is a special district charged with providing potable water to the Neahkahnie community
- NKNWD currently services about 400 connections
- Neahkahnie community currently has about 200 permanent residents
- The customer base for NKNWD comprises about 25% permanent residents, over 21% short term rentals and the rest are non-resident vacation homeowners.
- NKNWD has two full time employees
- The District has over 7 miles of main distribution pvc piping that was installed in 2006.
- Water is stored in three reservoirs: a 97,000 gallon steel tank built in 1997, which provides the required contact time for the added chlorine; a 39,000 gallon concrete reservoir built in 1989; and a 150,000 gallon concrete reservoir constructed in 2007 which is the main distribution source.
- Over the last year, the District has replaced manual reading water meters with remote reading water meters which permit remote monitoring of water use.

NKNWD Water Supply

- The District's water supply comes from 4 springs whose watershed is at the base of Neahkahnie Mountain.
- Three of these springs constitute the primary supply with the fourth acting as a reserve.
- The flow of these springs varies significantly throughout the year ranging from over 1200 gallons per minute in the winter to typically less than 100 gallons per minute in the summer. In past years, the flow from the three primary source springs in September has been as low as 40 gallons per minute while the fourth spring was dry. **(See Exhibit 1)**
- Treatment of the water involves the addition of chlorine as required by Oregon Health Authority and adjustment of pH.

Current Water Demand

- Due to the significant number of short-term rental units and vacation homes, the demand for water varies significantly throughout the year. Demand is typically highest in the summer season and lower in the winter season. **(See Exhibit 2)**
- The large number of transient visitors and landscape watering in the summer season results in demand for water being highest when the flow of the springs is the lowest.
- Water demand in the July-August period can be more than 400% higher than in the January-February period.
- The District's historical water use data is from the manual reading meters which were read every two months. The District is now able to access water use daily with the remote reading meters.
- During the July 4th weekend period of 2025, the average daily use was more than 100,000 gallons per day. This level of demand requires a spring flow of at least 70 gallons per minute to maintain reservoir levels. In early July this year, total spring flow was about 175 gallons per minute whereas in 2016 the flow was 83 gallons per minute which would have barely met this demand.
- The District is required to maintain at least a 60,000 gallon fire-fighting reserve in the reservoirs.
- In the July-August period of 2023, there were 4,545,261 gallons of water billed compared to 2,953,015 gallons billed during the same period in 2025. As discussed below, the District instituted a higher use rate structure and an increased emphasis on conservation in the last two years.

Projected Water Demand

- The District's 2021 Water Master Plan projected a growth rate of 1.4% for the next 40 years for a full build out of about 730 single family homes.
- This level of projected buildout would result in more than an 80% increase in residential units.
- The Master Plan estimates a maximum daily water demand of 265,000 gallons (in the peak use summer period) at the 730 single family home build out. This level of demand would require a spring flow of 184 gallons per minute. This exceeds the measured spring flow at the end of August in 14 of the last 15 years.
- The Master Plan's projections were based on the historical water use of single-family residences as Neahkahnie is zoned. At this point there is no way to predict the impact the Middle Housing Initiative will have on water demand. Having multiple residential units on each lot will certainly exacerbate the water supply problems the District faces.

Challenges the District Faces

- As indicated above, having a sufficient water supply to meet demand is a very significant challenge for the District. At the current levels of demand, the instantaneous demand has at times exceeded the output of the springs.
- Unless the District can access other sources of water, rationing of water may be required in a dry year such as 2016 even at the current buildout. Although the hope is that it never becomes necessary, the District's new remote reading water meters will allow daily water use limits to be established and monitored for compliance.
- Like many water districts, NKNWD has an aging infrastructure, particularly its water storage reservoirs
- None of its three reservoirs is seismically rated.
- The 97,000 gallon steel reservoir needs significant repair to extend its useful life by 5 to 10 years. A repair project will be initiated this coming spring at a projected cost of over \$100,000.
- Even at current levels of water demand, the amount of existing water storage is marginal.
- The District anticipates constructing a new reservoir within the next 5 years and is currently in the process of determining what its capacity should be for demand in 20 years.
- Financing a new multimillion dollar reservoir will be a significant challenge for the District for reasons given in the Finance section below.

District Finances

- In recent years the District was forced to initiate a condemnation proceeding to protect its watershed from a vacation housing development that would have installed some 30 septic tanks in the watershed. This multiyear litigation process and watershed acquisition cost the District over 3 million dollars resulting in a monthly \$65 charge to each District customer.
- The \$65 charge is in addition to a \$20 loan payment charge from a large infrastructure project in 2006.
- These loan charges plus fees for ever increasing operational costs and water use fees make the NKNWD overall water charges among the highest in the area.

Conservation

- The District is focused on encouraging customers to use water wisely.
- Two years ago the District replaced its two-tier water use charge with a four-tier rate structure where the rate goes up as water use increases.
- The District has a water conservation alert process that notifies customers to conserve when spring flow decreases to certain levels. This spring the Board adopted an ordinance strengthening the process and instituting significant financial penalties for violations of specified prohibitions up to water shut off for repeated violations.
- It is not clear if the increased water use rates and conservation alert effort was responsible, but water use during the 2025 July-August period was only 65% of that used during the same period in 2023.
- Even with this conservation effort, it is still the case that the top 25% of users used about 60% of the water billed during this July-August period. Therefore, the District is studying amending its water use rates to further encourage high users to conserve.

Respectfully submitted by: David Boone

President, Board of Commissioners, Neahkahnie Water District

EXHIBIT 1

Production of Springs In Gallons Per Minute

2011, 2012, 2013, 2014, 2015...

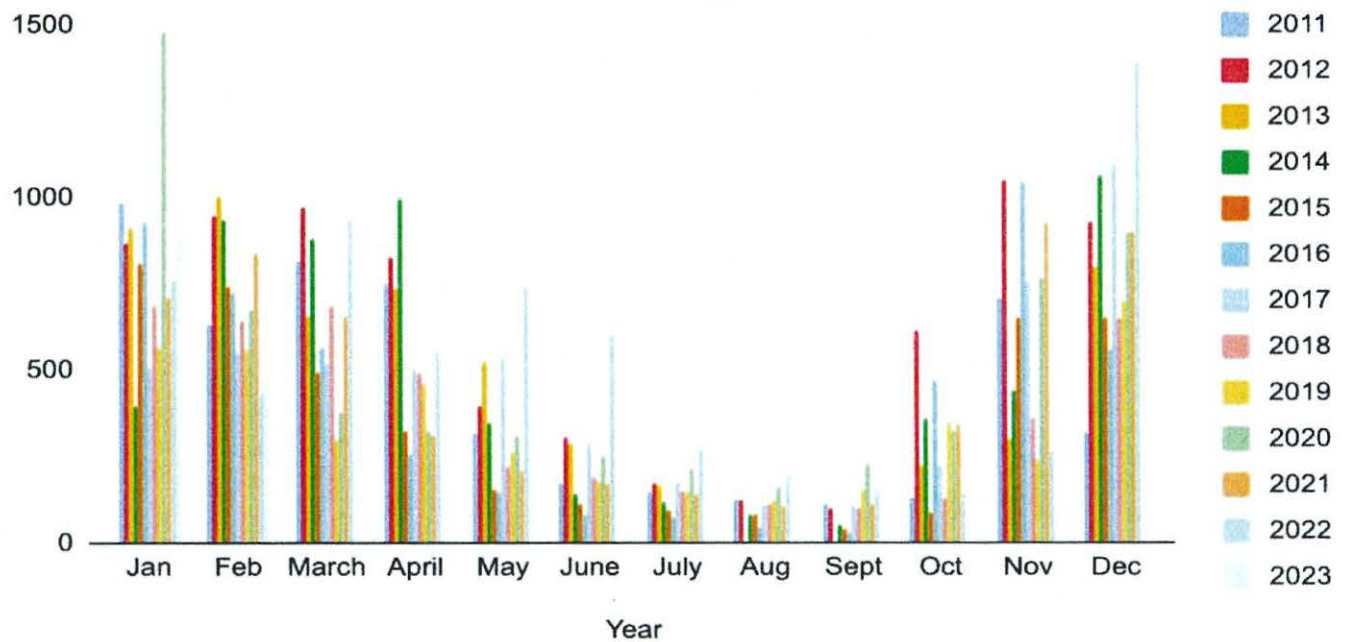
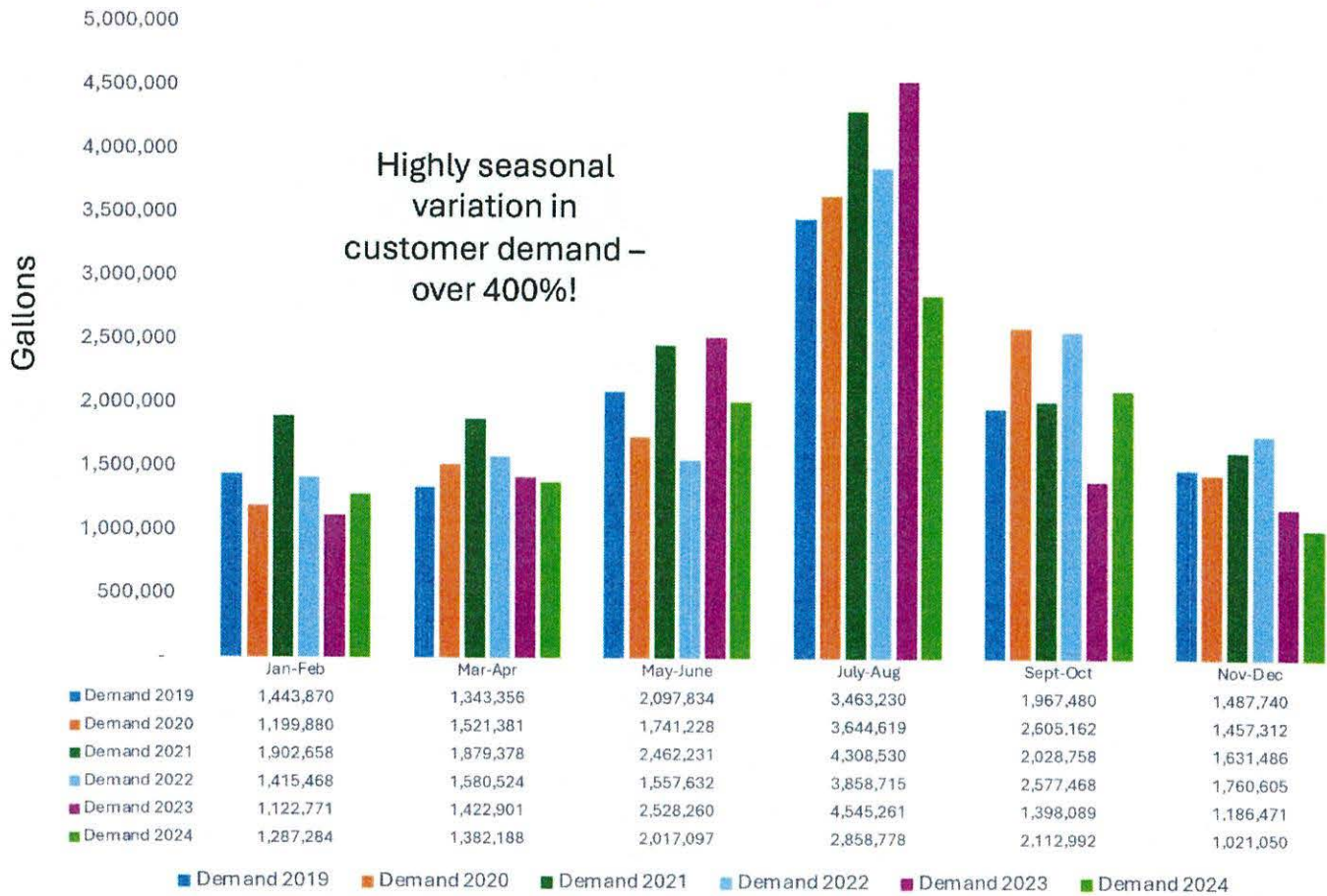
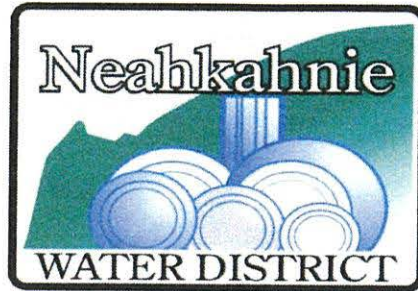


EXHIBIT 2

NKWD System Water Usage, billed



8/25/25



June 29, 2025

Director Absher,

As you know, I have been participating on the Middle Housing subcommittee for Neahkahnie. During those discussions, the issue of the impact of SB406 implementation on the water supply for the Neahkahnie community has arisen.

Since I am a member of the Board of Commissioners for the Neahkahnie Water District, I have drafted the attached "Assessment of Neahkahnie Water District Water Capacity" to address the matter.

There is no specific answer to how much water "capacity" the District has. However, it is very apparent that significant further development in the Neahkahnie community will exceed the ability of the District to provide unlimited water during certain times of the year.

I trust that the attached Assessment will provide useful information to those making decisions on the extent and type of development that will be encouraged and permitted in Neahkahnie.

Thank you for providing this to the relevant decision-making parties.

Sincerely,

A handwritten signature in black ink, appearing to read "David Boone", is written over a horizontal line.

David Boone, President, Neahkahnie Water District Board of Commissioners

cc. Mark Roberts, Commissioner

Barbara Rippey, Commissioner

Peter Lovely, Commissioner

Craig Nern, Commissioner

Assessment of Neahkahnie Water District Water Capacity

Summary:

Flow of the springs which are Neahkahnie's water supply fluctuates through the year with the lowest flow occurring during the peak demand period in the summer. Current levels of demand can severely strain the water supply at the present level of development. Projections for future growth indicate that the current water supply and distribution system will be inadequate to meet expected demand. The problem is exacerbated by expected rainfall decline and additional demand due to the potential impact of SB406. This report provides information regarding water supply, demand, and infrastructure requirements as well as water conservation measures being instituted by the Neahkahnie Water District.

Background:

Neah-Kah-Nie (NKN) is a coastal community located in Tillamook County approximately 27 miles north of the City of Tillamook. Zoning is primarily for single family residences and distinguished by minimum lot size:

NK-7.5 7,500 square foot minimum

NK-15 15,000 square foot minimum

NK-30 30,000 square foot minimum

RR-2 Two acre minimum

These lot designations were established in a community plan developed in the early 1990's. The size of the lots was based on the geology of the land considering slopes and slide dangers in an area which ranges from relatively flat to parcels with a slope exceeding 45%. The larger lot sizes contain steeper sections that limit the building area to a geologically safe extent on the lot.

In the NKN community about 25% of the current residences are occupied full time with a population of about 200. Over 20% of the residences have a Tillamook County issued Short Term Rental License and the remaining residences consist of part-time homeowners from outside the area. The community's water is provided by the Neahkahnie Water District.

Neah-Kah-Nie Water District

NKNWD owns and operates a municipal water system that provides water to the NKN community. Currently there are 397 active residential service connections. The NKNWD's water supply comes from 4 springs whose watershed is at the base of Neah-Kah-Nie mountain. NKNWD maintains over 7 miles of water service piping along with 3 reservoirs totaling about 291,000 gallons of total capacity. None of the reservoirs is seismically rated. The age of the reservoirs ranges from 19 to 28 years with the oldest reservoir currently leaking.

Like many other water districts, NKNWD is facing aging infrastructure that is very costly to replace. In the last two years the District has spent over \$250,000 updating water meters and system monitoring equipment.

NKNWD has just received an engineering study containing an estimate of almost \$4 million to replace and update two aging reservoirs--the leaking steel reservoir and a seismically unsafe concrete reservoir. These two reservoirs constitute 86% of the District's total storage capacity.

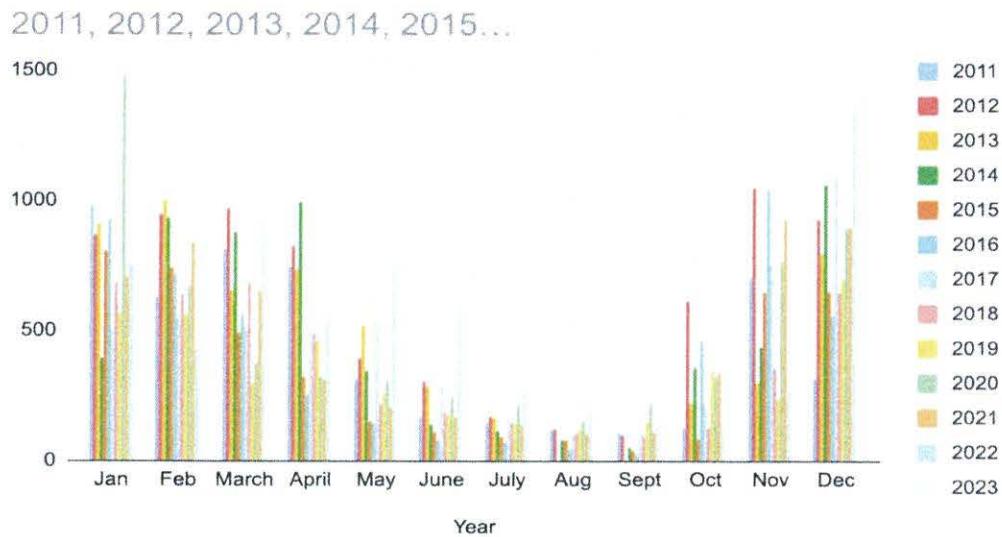
Water Capacity

1. Changes in NKNWD Water Source

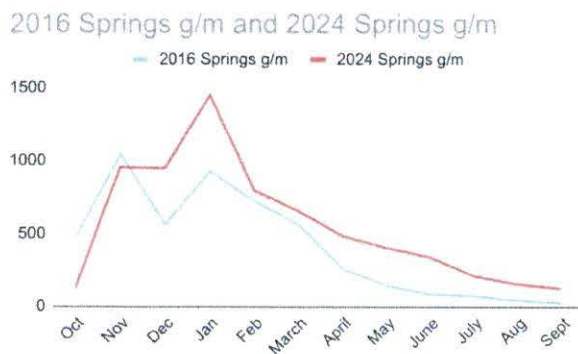
The ability of NKNWD to provide water to its customers without significant limitation depends on (a) output of the springs which are its only water source and (b) demand for that water. Both factors vary in unpredictable ways. What is predictable is that water demand peaks during the July/August tourist season when the output of the District's springs is at its lowest.

The flow of the District's springs varies significantly through the year. The flow in the summer can be less than 10% of the flow in the winter.

Production of Springs In Gallons Per Minute



The following graph shows total flow of the four springs through the rainfall season (October through September) for the years 2016 and 2024. In the summer of 2016, the total spring flow dropped to 44 gallons per minute (gpm) at the end of August with a flow of 27 gpm at the end of September.



The flow of the springs through the summer has varied significantly over the past 14 years. The average flow on July 31 over the past 14 years was 160 gpm with a minimum of 73 gpm. The average flow on August 31 was 121 gpm with a minimum of 44 gpm.

Summer Month Spring Flow



2. Water Demand

To put these levels of flow in perspective, a flow of 160 gpm provides 230,000 gallons per day (gpd) or the potential of 579 gpd for each of the 397 current residences of Neahkahnie. However, a flow of 44 gpm provides 63,360 gpd or 160 gpd for each of the 397 residences.

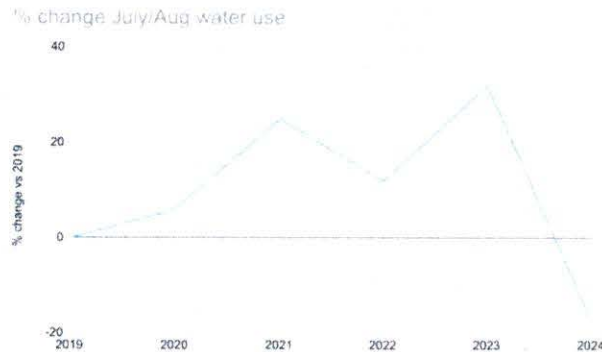
In the July/August period of 2023, the average daily demand was more than 73,000 gallons. The spring flow level of 44 gpm reached in the summer of 2016 would have produced 10,000 gallons less than that demand. This of course is at the current level of development in Neahkahnie.

In 2023 District water meters required manual reading which was only done every two months. Therefore, the "average" daily use does not reflect the instantaneous demand which can greatly affect water availability when spring flow is too low to concurrently refill the reservoirs as demand draws them down. In the past, demand over a 24-hour period has in fact exceeded the spring flow during that period with reservoir levels dropping faster than spring flow could refill.

Looking at the water use during the July/August billing periods over several years:

- Average water use per residence in the July/August billing periods
 - Year 2022 was 160 gpd
 - Year 2023 was 186 gpd
 - Year 2024 was 116 gpd
- July/August water use per customer ranged from 0 to over 57,000 gallons
- Median water use was 5125 gallons for an average of 83 gpd
- At the 733 single family build out estimated in the Master Plan, a spring flow of 42 gpm would be required to provide this median amount of water
- Total spring flow in the year 2016 was 44 gpm at the end of August and 27 gpm at the end of September

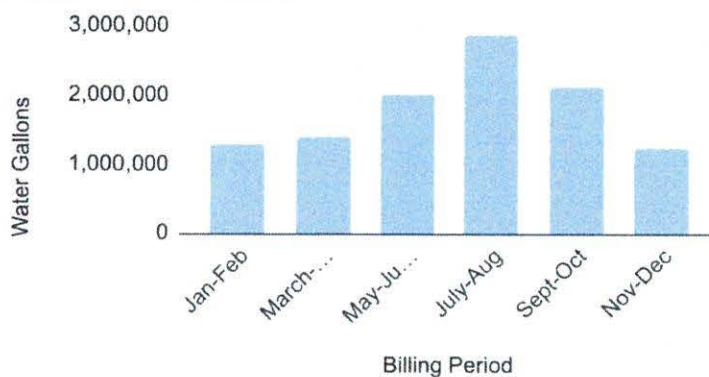
Even in the July/August peak demand period, the demand for water can vary significantly from year to year with the amount used in 2024 being over 37% lower than 2023. Whether this change was due to a decrease in transient visitors or a water rate increase on high water users is not clear at this point.



3. NKNWD Customers

- About 75% of residences in Neahkahnie have absentee owners
- Over 20% have Short Term Rental licenses issued by Tillamook county with total permitted occupancy of more than 650 people
- During the July/August peak tourist season, the population of Neahkahnie can increase by more than 500%
- The demand for water can increase by more than 300% in the July/August vs January/February periods

2024 Water Billed



These variables make defining a specific residential water capacity number very difficult. It is reasonable to expect that **even with the current level of residences significant water use restrictions will be required when the spring flow approaches 60 gpm.**

NKNWD is required to maintain a firefighting reserve in the reservoirs. Currently that reserve is 60,000 gallons based on providing 1000 gallons per minute for one hour for a fire. However, it is possible that this reserve may be increased to 180,000 gallons to provide 1500 gallons per minute for 2 hours. The amount of water available for customer use on a short term is the difference between this firefighting reserve and the amount of effective storage in the District's reservoirs (currently about 280,000 gallons).

3. Water Conservation

Water conservation is being emphasized by the District. In 2023 a significant water use rate change was instituted with a four-tier rate structure based on water use. In June of this year the District adopted an Ordinance establishing spring flow triggers for initiating each of three water use alert levels. The Ordinance also established water prohibitions with financial penalties for repeated violations. Since about 25% of the District's customers account for almost 60% of the water used, another rate study to further address exceptionally high users is being planned to supplement the existing use rate structure.

Future Development in Neahkahnie and Potential Impact of SB406

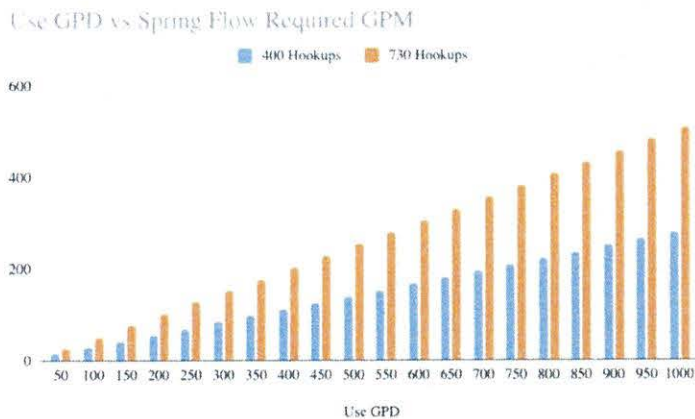
The following information is from the NKNWD's most recent Master Plan which was completed in 2020.

- An annual growth rate of 1.4% was assumed based on past development which would add 110 new residential units by 2040
- Based on a buildable lands inventory (BLI) completed in 2020, total buildout by 2066 will involve 349 new connections for a total of 733 residential units (vs the current 397)
- The Master Plan estimated the maximum daily demand in 2020 to be 90,000 gallons or 62.5 gallons per minute
- In 2024 the average daily water use per residential unit was more than 200% higher in July/August vs January/February (reflects lower winter population and no landscape watering)

The actual growth since 2020 has been less than projected probably due to Covid and currently high interest rates. Even at the current development level, water use restrictions will be required should spring flow levels reach the low levels they have in the recent past. In fact due to the low spring flow at the beginning of this June, the NKNWD Board of Commissioners has instituted a level one conservation alert level with prohibitions on certain water use.

As discussed above, even at the current level of development in Neahkahnie water use will have to be significantly curtailed at the low spring flows that have occurred in past years during the summer months. When the projected build out of an additional 349 residences contemplated in the Master Plan based on the current community plan of single-family

residences is factored in, the situation becomes challenging. If each residence uses the 116 gpd average (not the median) amount of water used during July/August of 2024, a spring flow of at least 59 gpm would be required. This does not reflect the instantaneous demand which can be significantly higher than the "average" demand data the District currently has.



Full implementation of SB406 could significantly increase the number of residential units in Neahkahnie. As indicated above, the BLI completed by the NKNWD in 2020 identified about 349 buildable lots. Development of even a small percentage of these as multiplexes, townhomes and/or cottage clusters would dramatically increase the number of residential units above the currently planned single family residences.

Based on the proposed density of development for the various lot sizes identified in the BLI:

- the number of new residential units could range from over 1300 to almost 2700
- Even though this level of multi-unit development is highly unlikely, if even 10% of this possible development were to occur that would mean between about 130 and 270 new residential units could be constructed.
- Based on the number of available lots, even at a 10% multiplex development, over 300 single family residences could still be constructed resulting in almost 600 new water connections, i.e. a 150% increase from the current level of connections where there is already the potential for water shortage!

As stated in the NKNWD Master Plan: "Property and home costs are high relative to the local economy; consequently, future development will likely continue to appeal primarily to retirees and second-home buyers from outside the area." Therefore, it is likely that any such multiplex residential units built will be "affordable" luxury vacation homes primarily occupied during the low water capacity season further straining the District's summer water supply.

Conclusion

The water supply for the Neahkahnie community is highly variable through the year. Lowest supply coincides with highest demand. Increasing development will severely challenge the NKNWD's ability to supply water during the summer months. NKNWD will be faced with finding other water sources or limiting water use during the high demand/low water supply summer months. The problem becomes even greater with the potential impact of development under SB406.

EXHIBIT I

Enrolled Senate Bill 406

Sponsored by Senator WEBER, Representative JAVADI; Senator SMITH DB, Representatives DEXTER, GAMBA, HELFRICH (Presession filed.)

CHAPTER

AN ACT

Relating to housing in Tillamook County; creating new provisions; and amending ORS 197.286, 197.758, section 3, chapter 639, Oregon Laws 2019, and sections 1, 4, 5 and 9, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001).

Be It Enacted by the People of the State of Oregon:

SECTION 1. If House Bill 2001 becomes law, ORS 197.286, as amended by section 5, chapter 54, Oregon Laws 2022, and section 12, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

(1) "Allocated housing need" means:

(a) For a city outside Metro, the housing need allocated to a city under section 2 (2), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)**, *[of this 2023 Act]* as segmented by income level under section 2 (4), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)**, *[of this 2023 Act]*; or

(b) For a city within Metro, the housing need allocated to the city by Metro under ORS 197.303 (3).

(2) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for the development of needed housing over a 20-year planning period, including both vacant land and developed land likely to be redeveloped.

(3) "City" and "city with a population of 10,000 or greater" includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods.

[(3)] (4) "Government assisted housing" means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

[(4)] (5) "Housing capacity" means the number of needed housing units that can be developed on buildable lands within the 20-year planning period based on the land's comprehensive plan designation and capacity for housing development and redevelopment.

[(5)] (6) "Housing production strategy" means a strategy adopted by a local government to promote housing production under ORS 197.290.

[(6)] (7) "Manufactured dwelling," "manufactured dwelling park," "manufactured home" and "mobile home park" have the meanings given those terms in ORS 446.003.

[(7)] (8) "Periodic review" means the process and procedures as set forth in ORS 197.628 to 197.651.

[(8)] (9) "Prefabricated structure" means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

SECTION 2. ORS 197.758 is amended to read:

197.758. (1) As used in this section:

(a) "City" or "city with a population of 25,000 or greater" includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods.

[(a)] (b) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

[(b)] (c) "Middle housing" means:

- (A) Duplexes;
- (B) Triplexes;
- (C) Quadplexes;
- (D) Cottage clusters; and
- (E) Townhouses.

[(c)] (d) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or [more] greater and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4)(a) Except within Tillamook County, this section does not apply to:

[(a)] (A) Cities with a population of 1,000 or fewer, **except inside of Tillamook County;**

[(b)] (B) Lands not within an urban growth boundary;

[(c)] (C) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065; or

[(d)] *Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or*

[(e)] (D) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(b) **This section does not apply to lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses.**

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. Section 3, chapter 639, Oregon Laws 2019, is amended to read:

Sec. 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement [section 2 of this 2019 Act] **ORS 197.758** no later than:

- (a) June 30, 2021, for each city subject to [section 2 (3) of this 2019 Act] **ORS 197.758 (3)**; [or]
- (b) June 30, 2022, for each local government subject to [section 2 (2) of this 2019 Act.] **ORS 197.758 (2)** except as provided in paragraph (c) of this subsection; or
- (c) July 1, 2025, for each city, as defined in **ORS 197.758**, in Tillamook County.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

- (a) Waiving or deferring system development charges;
- (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and
- (c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. If House Bill 2001 becomes law, section 1, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 1. (1) There is established within the Oregon Department of Administrative Services the Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further the:

- (a) Production of housing to meet the need of Oregonians at all levels of affordability; and
- (b) Production of housing in a way that creates more housing choice by affirmatively furthering fair housing, as defined in ORS 197.290.

(2) The Oregon Housing Needs Analysis consists of three components as follows:

(a) The annual statewide housing analysis under section 2 (1), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act];

(b) The allocated housing need under section 2 (2), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]; and

(c) The housing production targets under section 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act].

(3) Actions taken by the department under sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act], are not subject to ORS 197.180 and are not land use decisions.

(4) The Department of Land Conservation and Development and the Housing and Community Services Department:

(a) Shall assist the Oregon Department of Administrative Services with its duties under sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act].

(b) May study and recommend methodological changes to the Oregon Department of Administrative Services to improve the Oregon Housing Needs Analysis' functions and suitability for its purposes under subsection (1) of this section. The departments may solicit written and oral public testimony to inform their recommendations.

(5) As used in sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), "city" or "city with a population of 10,000 or greater" has the meaning given the term in ORS 197.286.

SECTION 4a. If House Bill 2889 becomes law, section 4 of this 2023 Act (amending section 1, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)) is repealed and section 1, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), as amended by section 1, chapter ___, Oregon Laws 2023 (Enrolled House Bill 2889), is amended to read:

Sec. 1. (1) There is established within the Oregon Department of Administrative Services the Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further the:

(a) Production of housing to meet the need of Oregonians at all levels of affordability; and
(b) Production of housing in a way that creates more housing choice by affirmatively furthering fair housing, as defined in ORS 197.290.

(2) The Oregon Housing Needs Analysis consists of three components as follows:

(a) The annual statewide housing analysis under section 2 (1), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001);

(b) The allocated housing need under section 2 (2), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001); and

(c) The housing production targets under section 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001).

(3) Actions taken by the department under sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), are not subject to ORS 197.180 and are not land use decisions.

(4) The Department of Land Conservation and Development and the Housing and Community Services Department:

(a) Shall assist the Oregon Department of Administrative Services with its duties under sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001).

(b) May study and recommend methodological changes to the Oregon Department of Administrative Services to improve the Oregon Housing Needs Analysis' functions and suitability for its purposes under subsection (1) of this section. The departments shall solicit written and oral public testimony to inform their recommendations.

(5) As used in sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), "city" or "city with a population of 10,000 or greater" includes cities, as defined in ORS 197.286, and urban unincorporated communities in Metro, as defined in ORS 197.015.

SECTION 5. If House Bill 2001 becomes law, section 4, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 4. (1) The Housing and Community Services Department may adopt rules to implement this section and section 5, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act].

(2) On an annual basis the Housing and Community Services Department shall update a publicly available statewide housing production dashboard.

(3) The dashboard shall include, for each city with a population of 10,000 or greater, as defined in ORS 197.286:

(a) Progress toward housing production by affordability levels, as described in section 2 (4), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), [of this 2023 Act] and total housing targets; and

(b) A comparative analysis of progress in comparison to the region and other local governments with similar market types.

(4) Information in the dashboard must be based on:

(a) Inventory of publicly supported housing, as defined in ORS 456.250, that is maintained by the department; and

(b) Information submitted to the department under section 37 (3), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act].

SECTION 5a. If House Bill 2889 becomes law, section 5 of this 2023 Act (amending section 4, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)) is repealed.

SECTION 6. If House Bill 2001 becomes law, section 5, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 5. (1) On an annual basis the Housing and Community Services Department shall update publicly available statewide housing equity indicators.

(2) The indicators shall include, for each city under section 4, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), quantifiable data, to the extent that the department can determine, define or estimate it, displaying:

(a) Housing outcomes, such as cost burden and availability of housing units to own or to rent, and housing condition for various demographics, including race or ethnicity, disability status, English proficiency and age;

(b) Housing types produced and overall land efficiency of housing production;

(c) New housing units built to standards, as defined by the Department of Consumer and Business Services by rule, relating to accessibility and visitability;

(d) Risk of gentrification and displacement;

(e) Housing segregation by race and income;

(f) Environmentally just housing outcomes, informed by the environmental justice mapping tool, developed by the Environmental Justice Council under section 12, chapter 58, Oregon Laws 2022;

(g) Residential tenants who spend more than 50 percent of their household income on gross rent for housing; and

(h) Other measurable factors or indicators identified by the department.

SECTION 7. If House Bill 2001 becomes law, section 9, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 9. (1) The Land Conservation and Development Commission shall adopt rules and amendments to rules related to urbanization as follows:

(a) On or before June 30, 2024, adopt a schedule by which cities, as defined in ORS 197.286, in Tillamook County shall demonstrate sufficient buildable lands.

[(a)] (b) On or before January 1, 2025, to implement ORS 197.290, 197.291, 197.293, 197.319 (4), 197.320 (13) and 197.335 (6); and

[(b)] (c) On or before January 1, 2026, to implement ORS 197.286 to 197.314, except as provided in paragraph [(a)] (b) of this subsection.

(2) In adopting rules under this section, the commission shall prioritize:

(a) Facilitating and encouraging housing production, affordability and housing choice on buildable lands within an urban growth boundary;

(b) Providing greater clarity and certainty in the adoption and acknowledgement of housing capacity analyses, urban growth boundary amendments, urban growth boundary exchanges or urban reserves to accommodate an identified housing need;

(c) Reducing analytical burden, minimizing procedural redundancy and increasing legal certainty for local governments pursuing urban growth boundary amendments, urban growth boundary exchanges or urban reserves where a housing need is identified, especially for smaller cities, consistent with the appropriate protection of resource lands; and

(d) Supporting coordinated public facilities planning, annexation, and comprehensive plan amendments to facilitate the development of lands brought into an urban growth boundary.

(3) In adopting rules under subsection [(1)(a)] (1)(b) of this section, the commission shall:

(a) Consult with the Housing and Community Services Department, Department of Transportation, Department of Environmental Quality, Department of State Lands, Oregon Business Development Department and Department of Consumer and Business Services;

(b) Provide clear parameters on the types and extent of actions needed or allowed under ORS 197.290 (3) that are consistent with the technical and resource capacities of varying sizes of local governments; and

(c) Recognize actions already taken by local governments.

(4) To avoid interference with current planning activities or to avoid unjust or surprising results, the Land Conservation and Development Commission may postpone, for cities specified by the commission, the applicability of section 13, 21, 22 or 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), [of this 2023 Act] and the amendments to ORS 197.286, 197.290, 197.296, 197.297 and 197.303, by sections 12 and 25 to 28, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act], until a date that is not later than January 1, 2026.

(5) To provide for flexibility and coordination of county resources, the commission may adopt any policies or rules necessary to allow cities, as defined in ORS 197.286, in Tillamook County to cooperate with the county in fulfilling any of the cities' duties under ORS 197.286 to 197.314 or coordinating the distribution of any funds to the cities for such purposes.

Passed by Senate April 13, 2023

Received by Governor:

Repassed by Senate June 15, 2023

.....M.,....., 2023

Approved:

.....
Lori L. Brocker, Secretary of Senate

.....M.,....., 2023

.....
Rob Wagner, President of Senate

.....
Tina Kotek, Governor

Passed by House May 25, 2023

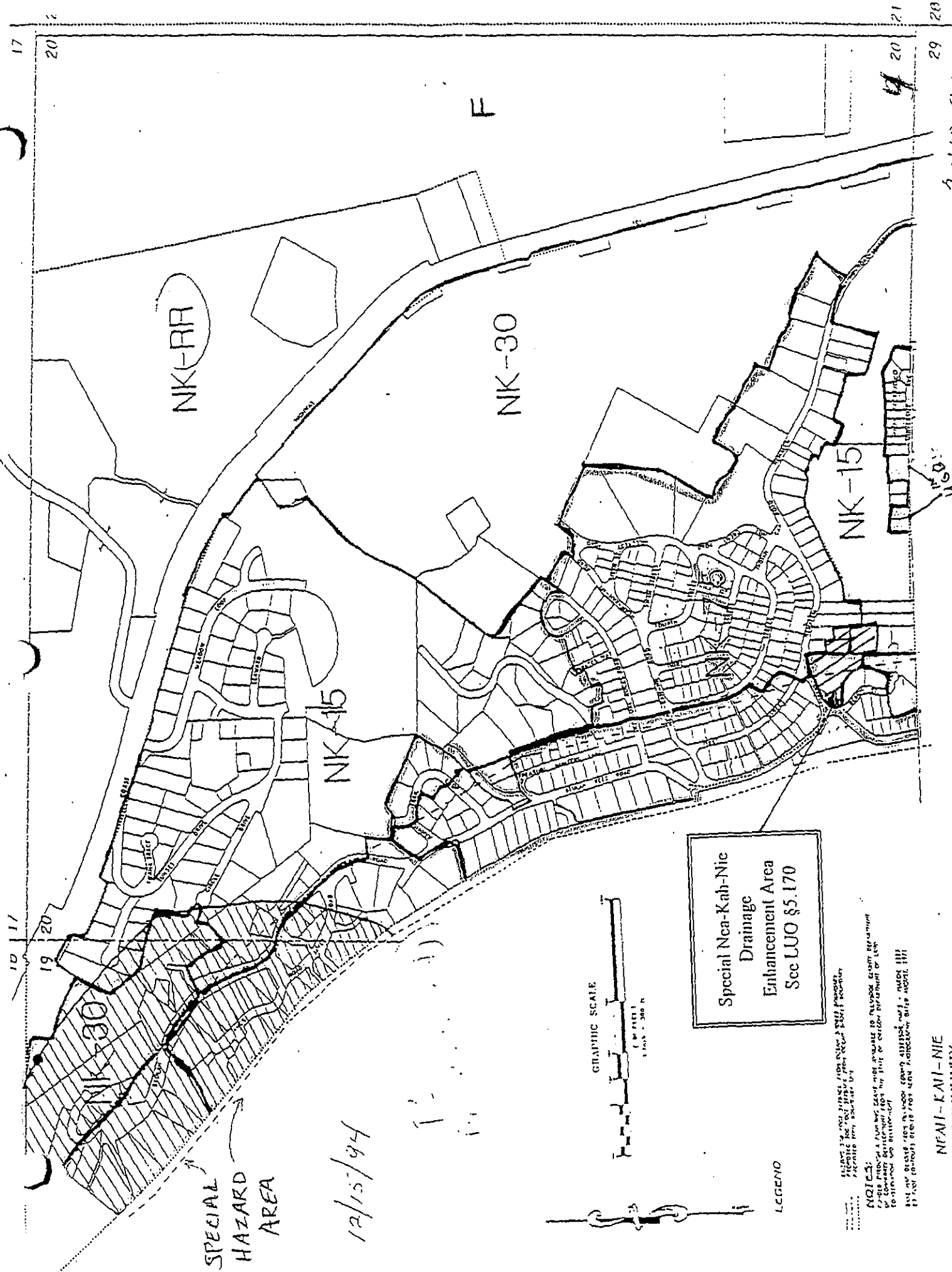
Filed in Office of Secretary of State:

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Secretary of State

EXHIBIT J



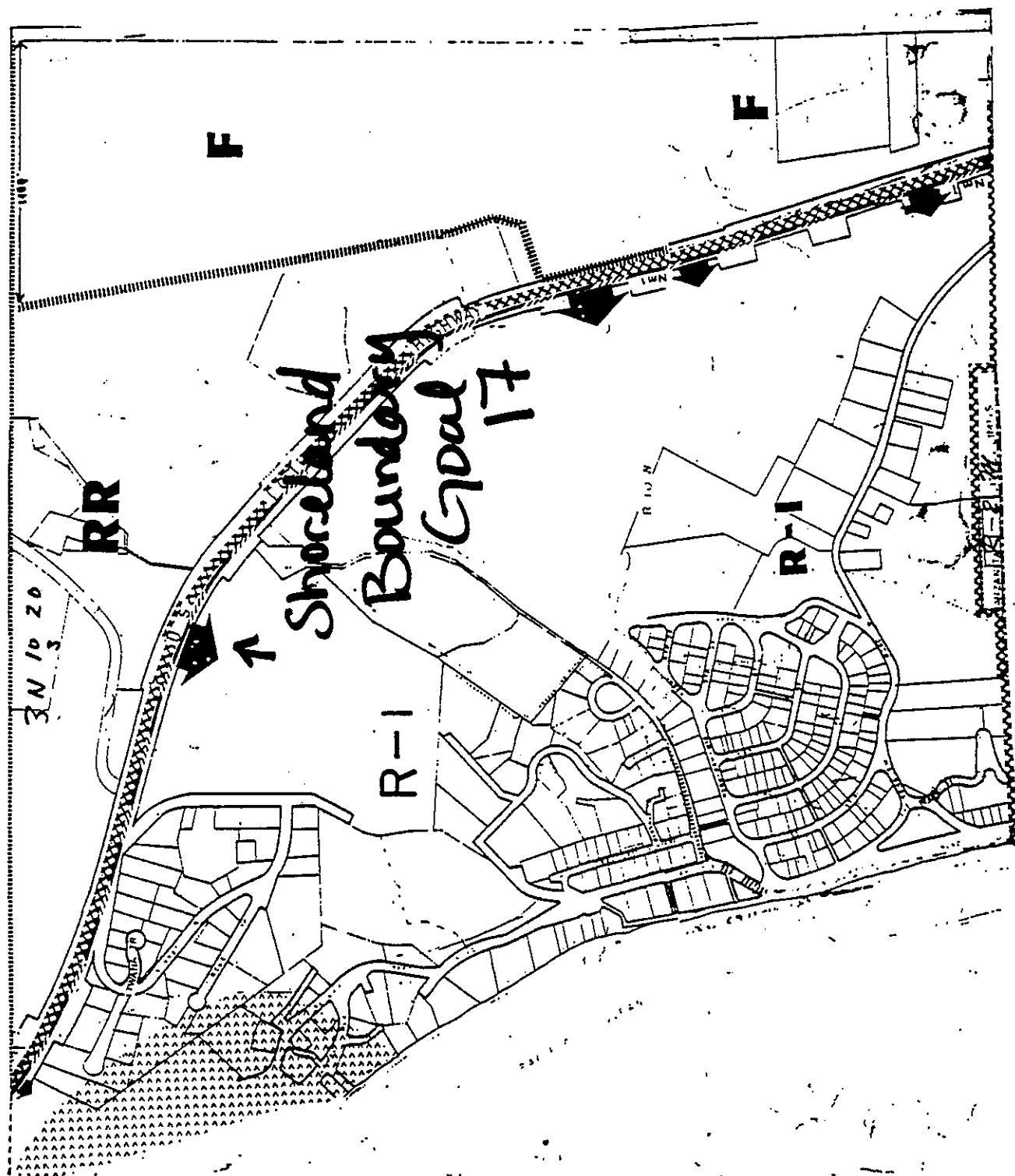
12/15/94

Special Nea-Kah-Nie
Drainage
Enhancement Area
See LUO §5.170

LEGEND

NEA-KAH-NIE
COMMUNITY
PROPOSED ZONING & SETBACK MAP

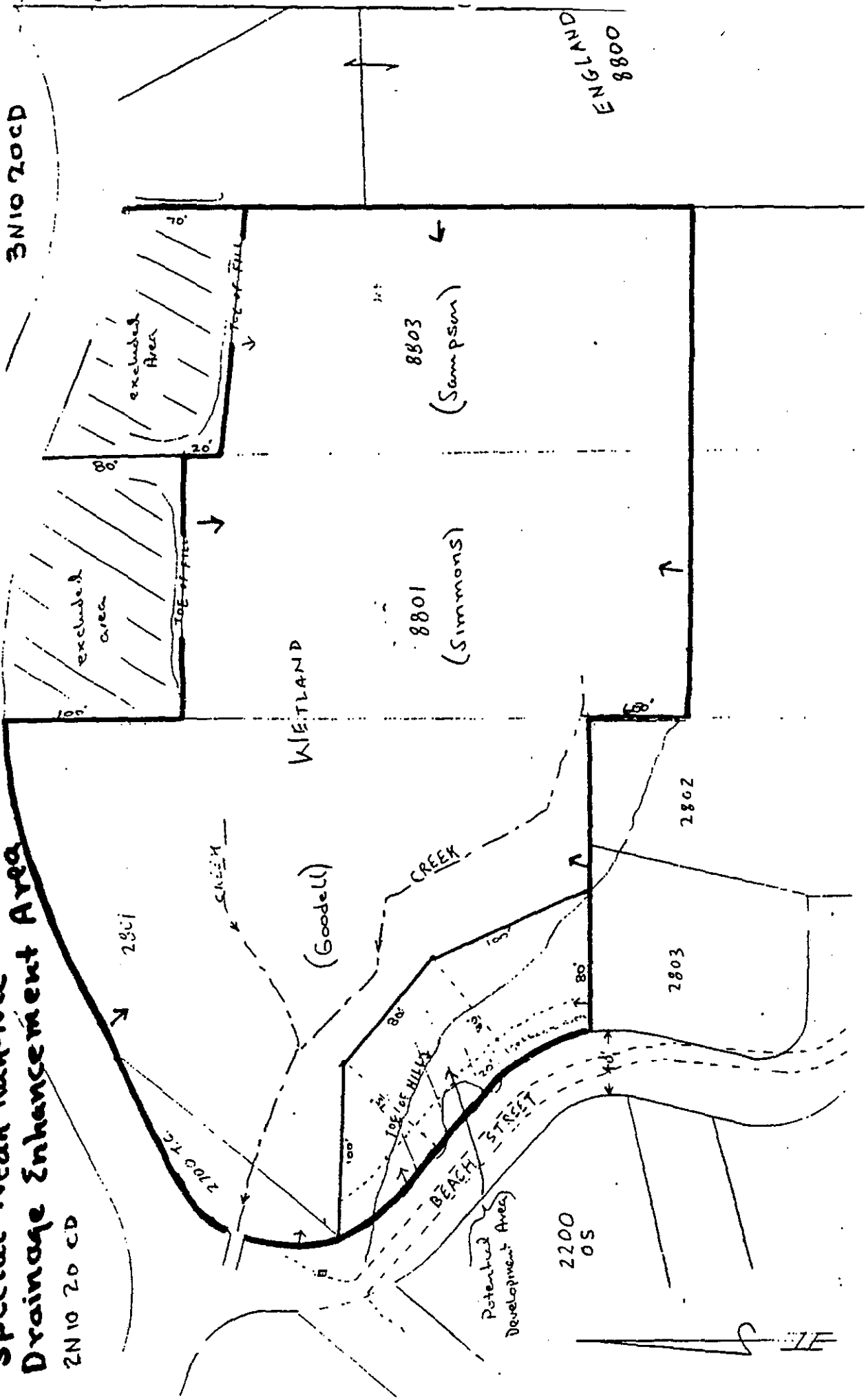
NEA-KAH-NIE
COMMUNITY
PROPOSED ZONING & SETBACK MAP



Special Neah-Kah-Nie Drainage Enhancement Area

2N10 20 CD

3N10 20 CD



3N10 20 CD