

ARTICLE I

INTRODUCTION AND GENERAL PROVISIONS

SECTION 1.010: TITLE

This Ordinance shall be known as the TILLAMOOK COUNTY LAND USE ORDINANCE of 1981.

SECTION 1.020: PURPOSE

The purposes of this Ordinance are to encourage the orderly development of land in the County; to promote appropriate uses of land; to preserve and stabilize the value of property; to aid in the provision of fire and police protection; to preserve access to adequate light and air; to minimize traffic congestion; to prevent undue concentration of population; to facilitate the provision of community services such as water supply and sewage treatment; to encourage the conservation of non-renewable energy resources and provide for the use of renewable energy resources; to protect and enhance the appearance of the landscape; and in general to protect and promote the public health, safety, convenience and general welfare.

SECTION 1.030: COMPLIANCE WITH ORDINANCE PROVISIONS

- (1) No application made under the provisions of this Ordinance shall be approved unless COMPLIANCE can be shown with all applicable local, State, and Federal laws. A lot or parcel may be used, and a structure or part of a structure constructed, reconstructed, altered, occupied, or used, only in accordance with the requirements of this ordinance.
- (2) Any application or any decisions based upon any State or local regulation administered by the Director, the Department, the Commission, or the Board, shall constitute an application or a decision pursuant to this Ordinance.
- (3) The requirements of this Ordinance apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest
- (4) The transfer of development standards is prohibited. Except as otherwise specifically authorized by this Ordinance, no lot area, landscaping, or open space that is used to satisfy a requirement of this Ordinance for one use shall be used to satisfy the same requirement of another use.

SECTION 1.040: PENALTIES

Any use of land contrary to the County's Comprehensive Plan or this Ordinance is prohibited. Any person violating any of the provisions of this Ordinance shall be subject to the provisions of ORS 203.065 and 215.185, or as they may be subsequently amended or replaced, and to any County Ordinance which provides for enforcement of this Ordinance. A violation of this Ordinance shall be considered a separate offense for each day the violation continues.

SECTION 1.050: RULES OF CODE CONSTRUCTION

- (1) Provisions of this Code Declared to be Minimum Requirements. The provisions of this Ordinance, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- (2) Where any requirement of this Ordinance is less restrictive than comparable requirements of this Ordinance or of any other Ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

SECTION 1.060: ORDINANCE INTERPRETATIONS

Some terms or phrases within this Ordinance may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Ordinance text.

- (1) Authorization of Similar Uses. Where a proposed use is not specifically identified by this Ordinance, or the Ordinance is unclear as to whether the use is allowed in a particular zone, the Director may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Ordinance accordingly. However, uses and activities that this Ordinance specifically prohibits in the subject zone, and uses and activities that the Director finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of County officials shall be processed following the Type II procedure of Article 10. The Director may refer a request for a similar use determination to the Planning Commission for its review and decision.
- (2) Ordinance Interpretation Procedure. Requests for Ordinance interpretations, including but not limited to similar use determinations, shall be made in writing to the Director and shall be processed as follows:
 - (a) The Director, within 10 days of the inquiry, shall advise the person making the inquiry in writing as to whether the County will make a formal interpretation.
 - (b) Where an interpretation does not involve the exercise of discretion, the Director shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
 - (c) Where an interpretation requires discretion, the Director shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a County fee. The Director then shall review relevant background information, including but not limited to other relevant Ordinance sections and previous County land use decisions, and follow the Type II review and decision making procedures in Article 10.
- (3) Written Interpretation. Following the close of the public comment period on an application for a code interpretation, the Director shall mail or deliver the County's decision in writing to the person requesting it and to all parties who received review notice. The decision shall become effective when the appeal period for the decision expires.
- (4) Referral to Board of Commissioners. Where a code interpretation may have significant countywide policy implications, the Director may bypass the procedure in Subsection 1.060(2) and refer the request directly

to the Board of Commissioners for its legislative review in a public hearing; such public hearings shall be conducted following Type IV procedure of Article 10.

- (5) Interpretations On File. The County shall keep on file a record of its Ordinance interpretations.

SECTION 1.070: SEVERABILITY

The provisions of this Ordinance are severable. If any Section, sentence, clause, or phrase of this Ordinance is adjudged by a Court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 1.080: BACKGROUND

The amendments reflected throughout the Tillamook County Land Use Ordinance and listed in the table attached to this Section (below) are the result of the 2015 Tillamook County Code Modernization Project, a Department of Land Conservation and Development (DLCD) technical assistance grant funded project that updated key provisions of the Tillamook County Land Use Ordinance (TCLUO) to conform to current state statutes and administrative rules, update requirements and procedures to be consistent with current practices and to achieve desired outcomes, and to generally improve the structure and content of the Tillamook County Land Use Ordinance.

Project work tasks included:

- An updated Farm (F-1) Zone code section (TCLUO Section 3.002)
- An updated Forest (F) Zone code section (TCLUO Section 3.004)
- Revisions to Section 3.006: Small Farm and Woodlot-20 (SFW-20) to be consistent with state law
- Revisions to Article 10- Focus on land use permitting procedures (“Type” reviews) and compliance with ORS 215 and ORS 197
- Amendments to TCLUO Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11 for housekeeping purposes including the removal of Article 12 as all provisions will be carried into existing Articles of the TCLUO;

SECTION NUMBER PRIOR TO MAY 27, 2015	SECTION NUMBER AFTER MAY 27, 2015
1.010 Title	No Change
1.020 Purpose	No Change
1.030 Definitions	Moved to Article 11
2.010 Establishment of Zones	No Change
2.020 Location of Zones	No Change
2.030 Zoning Maps	No Change
3.002 Farm Zone (F-1)	No Change
3.004 Forest Zone (F)	No Change
3.006 Small Farm and Woodlot-20 (SFW-20)	No Change

SECTION NUMBER PRIOR TO MAY 27, 2015	SECTION NUMBER AFTER MAY 27, 2015
3.008 Small Farm and Woodlot-10 (SFW-10)	No Change
3.010 Rural Residential 2-Acre (RR-2)	No Change
3.011 Community Single Family Residential (CSFR)	No Change
3.012 Community Low Density Residential (CR-1)	No Change
3.014 Community Medium Density Urban Residential (CR-2)	No Change
3.016 Community High Density Urban Residential (CR-3)	No Change
3.018 Residential Mobile Home (RMH)	No Change
3.020 Rural Commercial (RC)	No Change
3.022 Community Commercial (CC)	No Change
3.024 Community Public Use (CP)	No Change
3.030 Rural Industrial (RI)	No Change
3.031 Community Industrial (CI)	No Change
3.032 General Industrial (M-1)	No Change
3.034 Utilities Facilities Overlay (UFO)	Moved to Section 3.505
3.040 Recreation Management (RM)	No Change
3.042 Recreation Natural (RN)	No Change
3.044 Recreation Development (RD)	No Change
3.050 Water-Dependent Development (WDD)	No Change
3.060 Flood Hazard Overlay (FH) Zone	Moved to Section 3.510
3.070 Scenic Waterway Overlay (SWO)Zone	Moved to Section 3.515
3.080 Planned Development Overlay (PD) Zone	Moved to Section 3.520
3.082 Coast Resort Overlay (CR) Zone	Moved to Section 3.525
3.084 Planned Destination Resort Overlay (PDR) Zone	Moved to Section 3.045
3.085 Beach and Dune Hazard Overlay (BD) Zone	Moved to Section 3.530
3.090 Shoreland Overlay (SH) Zone	Moved to Section 3.545
3.092 Freshwater Wetlands Overlay (FW) Zone	Moved to Section 3.550
3.094 Mineral and Aggregate Overlay Zone	Moved to Section 3.555
3.100 Estuary Zones	No Change
3.102 Estuary Natural (EN)	No Change
3.104 Estuary Conservation Aquaculture (ECA)	No Change
3.106 Estuary Conservation 2 (EC1)	No Change
3.108 Estuary Conservation 2 (EC2)	No Change
3.110 Estuary Development (ED)	No Change
3.120 Regulated Activities and Impact	No Change

SECTION NUMBER PRIOR TO MAY 27, 2015	SECTION NUMBER AFTER MAY 27, 2015
Assessments	
3.140 Estuary Development Standards	No Change
3.200 Tillamook Airport Obstruction (TAO) Zone	Moved to Section 3.560
3.210 Pacific City Airport Obstruction Overlay (PAO) Zone	Moved to Section 3.565
3.300 Neahkahnie Urban Residential Zone	No Change
3.310 Residential Oceanside Zone (ROS)	No Change
3.312 Commercial Oceanside Zone (COS)	No Change
3.314 Park Oceanside Zone (POS)	No Change
3.320 Neskowin Rural Residential Zone (NESK-RR)	No Change
3.322 Neskowin Low Density Residential Zone (Nesk-R1)	No Change
3.324 Neskowin High Density Residential Zone (NESK-R3)	No Change
3.326 Neskowin Commercial Zone (NESK-C)	No Change
3.328 Neskowin Recreation Management Zone (NESK-RM)	No Change
3.329 Neskowin Coastal Hazards Overlay Zone (NESK-CH)	Moved to Section 3.570
3.330 Pacific City/Woods Park Zone (PCW-P)	No Change
3.331 Pacific City/Woods Rural Residential Zone (PCW-RR)	No Change
3.332 Pacific City/Woods Low Density Zone (PCW-R1)	No Change
3.333 Pacific City/Woods Medium Density Residential (PCW-R2)	No Change
3.334 Pacific City/Woods High Density Residential (PCW-R3)	No Change
3.335 Pacific City/Woods Airpark Zone (PCW-AP)	No Change
3.337 Pacific City/Woods Neighborhood Commercial (PCW-C1)	No Change
3.338 Pacific City/Woods Community Commercial (PCW-C2)	No Change
3.340 Netarts Medium Density Urban Residential Zone (NT-R2)	No Change
3.342 Netarts High Density Urban Residential Zone (NT-R3)	No Change
3.344 Netarts Residential Manufactured Dwelling Zone (NT-RMD)	No Change
3.346 Planned Residential Development	Moved to Section 3.575

SECTION NUMBER PRIOR TO MAY 27, 2015	SECTION NUMBER AFTER MAY 27, 2015
Overlay Zone (NT-PRD)	
3.348 Netarts Neighborhood Commercial Zone (NT-C1)	No Change
4.005 Residential and Commercial Zone Standards	No Change
4.010 Clear Vision Areas	No Change
4.020 Signs	No Change
4.021 Off-Site Advertising Sign Standards	No Change
4.030 Off-Street Parking and Off-Street Loading Requirements	No Change
4.040 Mobile Home/Manufactured Home/Recreation Vehicle Siting Criteria	Moved to Section 5.010
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4.050 Mobile and Manufactured Home Park Standards	Moved to Section 5.020
4.060 Recreational Campground Standards	Moved to Section 5.030
4.065 Primitive Campground Standards	Moved to Section 5.040
4.070 Development Requirements for Geologic Hazard Areas	Moved to Section 4.130
4.080 Requirements for Water Quality and Streambank Stabilization	Moved to Section 4.140
4.100 Demotions or Alterations of Historic Structures	Moved to Section 4.150
4.110 Protection of Archeological Sites	Moved to Section 4.160
4.130 Mixed Use Development	Moved to Section 4.170
4.140 Home Occupation Performance Standards	Moved to Section 4.180
4.150 Neskowin Erosion and Stormwater Management	Moved to Section 5.100
5.010 Zone Boundaries	Moved to Section 2.030
5.020 Authorization of Similar Uses	Moved to Section 2.040
5.030 Maintenance of Minimum Ordinance Requirements	Moved to Section 4.000 and renamed to General Requirements
5.040 General Provisions Regarding Accessory Uses	Moved to Section 4.040
5.060 Access	Moved to Section 4.060
5.070 Dual Use of Required Open Space	Moved to Section 4.070
5.080 Distance Between Buildings	Moved to Section 4.080
5.100 General Exception to Lot Size Requirements	Moved to Section 4.100
5.110 Exceptions to Yard Setback Requirements	Moved to Section 4.110
5.120 General Exceptions to Building Height	Moved to Section 4.120

SECTION NUMBER PRIOR TO MAY 27, 2015	SECTION NUMBER AFTER MAY 27, 2015
Limitations	
5.130 General Exception for the Location of Recreational Vehicles and Mobile Homes	Moved to Section 5.050
5.140 Building Heights within Neahkahnie Community Growth Boundary	Moved to Section 3.300(5)
5.150 Temporary Uses	Moved to Section 5.070
5.151 Garage Sales	Moved to Section 5.080
5.160 Special Requirements for Mobile Homes	Moved to Section 5.090
5.170 Special Drainage Enhancement Area Provisions for the South Neahkahnie Area	Moved to Section 3.300(6)
6.010 Purpose	No Change
6.020 Procedure	Moved to Article 10
6.030 General Requirements	No Change
6.040 Review Criteria	No Change
6.050 Health Hardship Provision	No Change
6.060 Conditions of Approval	No Change
6.070 Compliance with Conditions	No Change
6.080 Time Limit	No Change
Article 7: Non-Conforming Uses and Structures	No Change in Section Numbering
Article 8: Variances	No Change in Section Numbering * New Subsections Added
Article 9: Amendment	No Change in Section Numbering * New Subsections Added
Article 10: Administrative Provisions	New Article 10: Development Approval Procedures
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10.110 Maintenance of Land Use Ordinance Text and Zone Maps	New Language in Articles 1 and 2
11.010 Compliance with Ordinance Provisions	Moved to Section 1.030
11.020 Penalties	Moved to Section 1.040
12.010 Interpretation	Moved to Section 1.060
12.020 Severability	Moved to Section 1.070
12.030 Repealer	Moved to Section 1.080
12.040 Adoption	Moved to Section 1.090

SECTION 1.090: ADOPTION

The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists and this ordinance shall take effect immediately upon passage by the Board of Commissioners.

Adopted this 30th day of December, 1981. Amended May 27, 2015.

BOARD OF COUNTY COMMISSIONERS OF TILLAMOOK COUNTY, OREGON

Tim Josi, Chairman

Mark Labhart, Commissioner

Bill Baertlein, Commissioner

APPROVED AS TO FORM: William Sargent, County Counsel

RECORDING SECRETARY: Sue Becraft, Board Secretary