TILLAMOOK COUNTY PLANNING COMMISSION

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

HEARING DATE
July 10, 2025- Beginning at 7:00p.m.

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:**

#851-25-000271-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.011: Community Single Family Residential (CSFR) Zone, Section 3.012: Community Low Density Urban Residential (CR-1) Zone, Section 3.014: Community Medium Density Urban Residential (CR-2) Zone, and Section 3.016: Community High Density Urban Residential (CR-3) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses. These legislative text amendments are in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide. The applicant and property owner are Tillamook County.

#851-25-000263-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.331: Pacific City/Woods Rural Residential (PCW-RR) Zone, Section 3.332: Pacific City/Woods Low Density Residential (PCW-R1) Zone, Section 3.333: Pacific City/Woods Medium Density Residential (PCW-R2) Zone, and Section 3.334: Pacific City/Woods High Density Residential (PCW-R3) of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses. These legislative text amendments are in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide. The applicant and property owner are Tillamook County.

#851-25-000260-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone, Section 3.342: Netarts High Density Urban Residential (NT-R3) Zone, and Section 3.344: Netarts Residential Manufactured Dwelling (NT-RMD) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses. These legislative text amendments are in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide. The applicant and property owner are Tillamook County.

#851-25-000259-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.320: Neskowin Rural Residential (NeskRR) Zone, Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone, Section 3.324: Neskowin High Density Urban Residential (NeskR-3) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses. These legislative text amendments are in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide. The applicant and property owner are Tillamook County.

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

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

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

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.

Tillamook County

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

1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

Land of Cheese, Trees and Ocean Breeze

MEMO

Date: July 3, 2025
To: Tillamook County Planning Commission
From: Sarah Absher, CFM, Director
Subject: Legislative Text Amendment Requests for Middle Housing Code Updates

Included is the consolidated staff report and related exhibits for the proposed legislative text amendments to the Tillamook County Land Use Ordinance and Tillamook County Land Division Ordinance to establish middle housing types as outright permitted uses within residential zoning districts part of Tillamook County unincorporated communities served by water and sewer.

Drafts have been updated following the June 26, 2025, Planning Commission work session as requested, and those amendments are reflected in the various drafts included as exhibits with the staff report. Two copies of proposed Section 5.120 are included in the exhibits- one draft copy is a "clean copy" (no edits shown) and the second copy is a marked-up copy that includes track changes.

The Planning Commission may take action at the hearing on July 10, 2025, or may continue the matter to a date and time announced at the hearing. The Planning Commission will ultimately make recommendations on the legislative text amendment proposals to the Tillamook County Board of Commissioners who will hear these matters at a public hearing on 5:30p.m. on July 23, 2025.

The proposed legislative text amendment requests will become effective upon adoption by the Tillamook County Board of Commissioners, which will occur no sooner than July 23, 2025.

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

Thank You,

Sarah Absher

Tillamook County

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

1510 – B Third Street
Tillamook, Oregon 97141
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Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

Land of Cheese, Trees and Ocean Breeze

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

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

I. GENERAL INFORMATION

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

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

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

#851-25-000260-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone, Section 3.342: Netarts High Density Urban Residential (NT-R3) Zone, and Section 3.344: Netarts Residential Manufactured Dwelling (NT-RMD) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses in accordance with Senate Bill 406.

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

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

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

Initiated By: Tillamook County Department of Community Development

II. BACKGROUND

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

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

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

The HNA estimated an increase of 2,936 residents in the 20-year projection between the base and forecast years with significant socio-economic and demographic shifts. Accordingly, the number of housing units necessary to ensure an adequate supply is expected to increase in tandem with a variety of housing types needed to accommodate a diversity of new residents. The HNA concludes that renters—the vast majority of new residents—will demand medium- and high-density housing types.

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

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

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

III. APPLICABILITY & PURPOSE

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

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

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

Zoning Districts:

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

Location of Zoning Districts:

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

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

Summary of Amendments

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

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

Zoning Districts:

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

Summary of Amendments

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

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

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

Summary of Amendments

- Middle Housing Types Listed as Outright Permitted Uses
  - References new Section 5.120
- Development Standards
  - Maintains Minimum Lot Size Requirements
    - Establishes New Minimum Lot Sizes for 4+ Units and Cottage Clusters where Minimum Lot Size is Less Than 7,000 Square Feet
  - Maintains Setbacks (Except Street Side Yard Setback)
  - Increases Maximum Lot Coverage for Single-Family Dwelling
  - No Maximum Lot Coverage for Other Middle Housing Types
  - Maintains Building Height Maximums (Increases 24-Feet to 25-Feet for Ocean or Bayfront Lots)
  - Maintains Setback from Resource Zone Boundary Where Already Exists in Code

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

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

Summary of Amendments

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

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

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

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

Summary of Proposed Section

- The purpose of the middle housing standards is to ensure that new middle housing can be integrated within community boundaries where it is permitted and reviewed according to clear and objective standards. Middle housing includes triplexes, quadplexes, townhouses and cottage clusters, intended to provide an alternative to single-family dwellings for greater flexibility that can include dwellings of different sizes and configurations.
- Establishes the location where these middle housing types can be permitted.
- Requires sufficient infrastructure exists for middle housing projects, requiring applicants to demonstrate sufficient infrastructure by submitting service provider letters for water and sewer,

submitting a copy of onsite wastewater permits (where applicable), and a copy of the driveway permit (road approach) at the time of consolidated zoning and building permit application submittal. Also requires integration of stormwater improvements into project design to ensure stormwater is managed onsite and is not discharged into road right of way or adjacent properties.

- Establishes clear and objective development standards for triplexes and quadplexes, including entry orientation and driveway design, and basic design standards for buildings.
- Establishes clear and objective development standards for townhomes, including entry orientation and driveway design, and basic design standards for buildings.
- Establishes clear and objective development standards for cottage cluster developments, including maximum size and building height of each cottage, requirements for open space, pedestrian paths, parking and orientation of cottages.

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

Summary of Proposed Amendments

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

VI. ANALYSIS:

1. Statewide Planning Goal & Tillamook County Comprehensive Plan Discussion

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

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

The County's comprehensive plan must also be in conformance with the adopted statewide planning goals and policy statements are to be based upon required inventories of resources and other pertinent information and findings related to analysis of problems and opportunities existing in Tillamook County. The plan is intended to be used to guide actions for problem-solving, and state goals also require local adoption of implementation measures appropriate for dealing with the identified problems and needs.

- Tillamook County Comprehensive Plan Goal 1 Element: The Planning Process
  Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning

process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

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

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

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

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

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

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

- Tillamook County Comprehensive Plan Goal 4 Element: FOREST LANDS
  Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

  The proposed amendments do not apply to resource lands.

- Tillamook County Comprehensive Plan Goal 5 Element: NATURAL RESOURCES
  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 is in need of updated population projections. The forecasted housing needs contained within the 2019 Tillamook County Housing Needs Analysis (HNA) include current population data and forecasts for housing needed for Tillamook County's workforce. Absent updated information in the Goal 9 element, updated information that supports housing needs and the need for diverse, multi-housing options can be found in the County's 2019

HNA.

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

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

- Tillamook County Comprehensive Plan Goal 10 Element: HOUSING
  Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. This Goal element within the Tillamook County Comprehensive Plan focuses on the separation of housing needs and opportunities in both rural and urban areas. There is a strong tie to the Goal 11: Public Facilities and Goal 14: Urbanization elements of the Comprehensive Plan in this section.

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

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

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

  The County can encourage the availability of housing to meet needs by 1) zoning a sufficient amount of land for needed housing types, 2) encouraging cities and service districts to service a sufficient amount of land to meet housing needs, and 3) minimizing the effect of regulations on housing cost. The structure of the proposed amendments and subsequent work under Senate Bill 406 supports these actionable objectives, most notably the third action listed by creating processes with clear and objective standards.

  Staff find the proposed amendments are supported by the goals and policies of the Goal 10 element of

the Tillamook County Comprehensive Plan.

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

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

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

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

- Tillamook County Comprehensive Plan Goal 12 Element: TRANSPORTATION
  Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged." Policies outlined in this Goal element of the Tillamook County Comprehensive Plan require the County to protect the function, operation and safety of existing and planned roadways as identified in the County's Transportation Plan, consider land use impacts on existing or planned transportation facilities in all land use decisions, plan for multi-modal networks, and coordinate transportation planning efforts with other jurisdictions to assure adequate connections to streets and transportation systems between incorporated and unincorporated areas.

  Findings: The development standards contained in proposed Section 5.120 establish standards for driveways and access to properties for middle housing projects. The Department has collaborated with the Tillamook County Public Works Department on review of the middle housing code updates required by Senate Bill 406, and this work is reflected in proposed Section 5.120, the development standards of a residential zoning district and is also reflected in the updates to Section 4.030: Off-Street Parking and Off-Street Loading Standards of the TCLUO.

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

Plan.

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

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

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

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

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

- Tillamook County Comprehensive Plan Goal 16 Element: ESTUARINE RESOURCES
  Summary: This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units." Five estuaries are inventoried and described in this element of the Tillamook County Comprehensive Plan, the Nehalem Estuary, Tillamook Estuary, Netarts Estuary, Sandlake Estuary and Nestucca Estuary.

- Tillamook County Comprehensive Plan Goal 17 Element: COASTAL SHORELANDS
  Summary: The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses. Coastal Shorelands inventoried in Tillamook County as described in this element are Nehalem Estuary Shorelands, Tillamook Estuary Shorelands, Netarts Estuary Shorelands, Sandlake Estuary Shorelands, and Nestucca Estuary Shorelands.

- Tillamook County Comprehensive Plan Goal 18 Element: BEACHES AND DUNES
  Summary: Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal

aquifers, and the breaching of foredunes. Several categories of dunes are described and discussed in this element of the Tillamook County Comprehensive Plan, and includes discussion about where residential, commercial and industrial uses are prohibited. Goal 18 Exception areas are also inventoried within this element which allow for residential, industrial and commercial uses in dune areas that would otherwise be prohibited.

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

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

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

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

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

   Staff finds as follows:

   - Analysis of the proposed amendments in relation to existing Comprehensive Plan policies is contained in this report.
   - The proposed amendments do not impair legally designated uses permitted outright or conditionally in the established underlying residential zones part of this middle housing code update. These updates are a reflection 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. Additionally:
     - The state has determined that middle housing types provide opportunities for increased housing supply in developed neighborhoods that blend well with detached single-family dwellings.
     - The minimum lot size requirements for permitted uses in these residential zoning districts remain the same with no reductions in minimum lot sizes for middle housing.
     - Minimum setback requirements already established in these residential zoning

districts also remain the same with few proposed amendments as reflected in the draft zoning codes.

- Lot coverage maximums, where established in residential zoning districts, also remain the same or, in the case of Netarts, have increased or waived lot coverage maximums for middle housing projects.
- Established building height maximums in these residential zoning districts are also largely unchanged, with the exception of oceanfront and bay front lots where there is a proposed height increase to 25-feet.

- The proposed amendments do not have an anticipated effect on the productivity of resource lands in Tillamook County. The proposed amendments do not allow the development of middle housing projects on resource lands.
- The Department does not anticipate negative impacts on County administration or enforcement following adoption of the proposed middle housing codes. One of the primary goals of these middle housing code updates mandated under Senate Bill 406 is to streamline permitting processes that should also result in improved administrative processes. Adoption of middle housing code updates also presents an opportunity to address non-conforming structures and uses, as well as provide a clear and objective permitting path for unpermitted construction of additional dwelling units where this type of path may not have been previously available.
- A fee structure already exists for required land use, zoning and building permit application(s) which will continue to apply to development requests of properties located within unincorporated Tillamook County.
- Permitting requirements for middle housing projects are briefly described in this report. Permitting processes will follow standard procedures and review processes currently in place to ensure compliance with applicable building, zoning and sanitation code requirements.

2. CRITERIA

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

Staff finds as follows:

- Goals and policies reflected in the Tillamook County Comprehensive Plan are required to be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules.
- The proposed amendments do not involve an amendment to the Tillamook County Comprehensive Plan. Policies contained within the Goal 10: Housing element of the Tillamook County Comprehensive Plan support adoption of the proposed amendments.
- The proposed amendments are needed to address countywide housing shortages as well as existing and future housing needs. The proposed amendments are within the public interest regarding community conditions and known future housing needs contained within the

County's Housing Needs Analysis.

- The proposed amendments are not in conflict with Section 9.040 Transportation Planning Rule Compliance, specifically this updated information will not significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR).

VII. EXHIBITS:

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

EXHIBIT A

SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)

(1) PURPOSE: The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.

(2) USES PERMITTED OUTRIGHT: In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.

(a) Single-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, where allowed according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, where allowed according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, where allowed according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, where allowed according to the provisions of Section 5.120 of this ordinance.**

(h) Mobile or Manufactured Home.

(i) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.

(j) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(k) Farm uses, including aquaculture.

(l) Forest uses.

(m) Roadside stands for produce grown on the premises.

(n) Signs, subject to Section 4.020.

(o) Electrical distribution lines.

(3) USES PERMITTED CONDITIONALLY: In the CSFR zone, the following uses and their

accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

(a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to CSFR/PD zoned property located within a community growth boundary.

(b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.

(c) Cottage industries.

(d) Recreational vehicle where not allowed outright by Section 5.130.

(e) A temporary real estate sales office.

(f) Churches and schools.

(g) Accessory structures or accessory uses without an on-site primary structure.

(h) Nonprofit community meeting buildings.

(i) Cemeteries.

(j) Fire or ambulance stations.

(k) Towers for communications, wind energy conversion systems, or structures having similar impacts.

(l) Public utility facilities, including substations and transmission lines.

(m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.

(n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.

(o) Rural industries on a contiguous ownership of 10 or more acres.

(p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.

(q) Foster family homes accommodating six or more children or adults.

(r) Bed and breakfast enterprise.

(s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.

(t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

(u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

(v) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size is 20,000 square feet for permitted uses.

(b) **For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 5,000 square feet for all attached units in a townhouse project.**

(c) The minimum lot width and depth shall both be 100 feet.

(d) The minimum front yard shall be 20 feet.

(e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than ~~15~~ **10** feet.

(f) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

(g) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be ~~24~~ **25** feet. Higher structures may be permitted only according to the provisions of Article 8.

(h) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:

1. The location of the livestock is a nonconforming use according to the provisions of Article 7~~VII~~ of this Ordinance.

2. The property has been taxed at the farm use rate during three of the past five year.

3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article 6 ~~VI~~ of this Ordinance.

(i) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

DRAFT

SECTION 3.012: COMMUNITY LOW DENSITY URBAN RESIDENTIAL ZONE (CR-1)

(1) PURPOSE: The purpose of the CR-1 zone is to designate areas for low-density ~~single-family~~ residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.

(2) USES PERMITTED OUTRIGHT: In the CR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

(a) Single-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Farm and forest uses.

(i) Home occupations according to the provisions of Section 4.140 of this ordinance.

(j) Public park and recreation areas.

(k) Public utility lines.

(l) Mobile home, manufactured home or recreational vehicle used during the construction of a use for which a building permit has been issued.

(m) Signs, subject to Section 4.020.

(3) USES PERMITTED CONDITIONALLY: In the CR-1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

~~(a) Two family dwelling.~~

~~(b)~~(a) Planned developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.

~~(c)~~(b) Churches and schools.

~~(d)~~(c) Nonprofit community meeting buildings and associated facilities.

~~(e)~~(d) Utility substations and power transmission lines.

~~(f)~~(e) Swimming, tennis, racquetball and similar facilities.

~~(g)~~(f) Golf courses and associated facilities.

~~(h)~~(g) A temporary real estate sales office.

~~(i)~~(h) Fire and ambulance stations.

~~(j)~~(i) Towers for communications, wind energy conversion systems or structures having similar impacts.

~~(k)~~(j) Water supply or treatment facilities or sewage treatment plants.

~~(l)~~(k) Aquaculture facilities.

~~(m)~~(l) Cottage industries.

~~(n)~~(m) Accessory structures or uses without an on-site primary structure.

~~(o)~~(n) Cemeteries.

~~(p)~~(o) Foster family homes accommodating six or more children or adults.

~~(q)~~(p) Bed and breakfast enterprise.

~~(r)~~(q) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.

~~(s)~~(r) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

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~~(t)~~(s) Home occupations according to the provisions of Section 4.140 of this ordinance.

(4) STANDARDS: Land divisions and development in the CR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size for permitted uses shall be 7,500 square feet~~, except that the minimum lot size for a two family dwelling shall be 10,000 square feet~~. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems.

(b) **For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 1,875 square feet for all attached units in a townhouse project.**

(c) The minimum lot width shall be 60 feet.

(d) The minimum lot depth shall be 75 feet.

(e) The minimum front yard shall be 20 feet.

(f) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be ~~15~~ **10** feet.

(g) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.

(h) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be ~~24~~ **25** feet. Higher structures may be permitted only according to the provisions of Article ~~8VIII~~.

(i) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

SECTION 3.014: COMMUNITY MEDIUM DENSITY URBAN RESIDENTIAL ZONE (CR-2)

(1) PURPOSE: The purpose of the CR-2 zone is to designate areas for medium-density ~~single-family and duplex~~ residential development, and other, compatible, uses. Land that is suitable for the CR-2 zone has public sewer service available, and has relatively few limitations to development.

(2) USES PERMITTED OUTRIGHT: In the CR-2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.

(a) ~~One or two~~ **Single**-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Farm and forest uses.

(i) Public park and recreation uses.

(j) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(k) Public utility lines.

(l) Mobile homes or recreational vehicles used during the construction of a use for which a building permit has been issued.

(m) Signs, subject to Section 4.020.

(3) USES PERMITTED CONDITIONALLY: In the CR-2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this Ordinance.

~~Three or four family dwelling.~~

~~(b)~~(a) Planned Development subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single-family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.

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~~(c)~~(b) Mobile or manufactured homes subject to the exception contained in Section 5.160.

~~(d)~~(c) Churches, schools, and colleges.

~~(e)~~(d) Nonprofit community meeting buildings and associated facilities.

~~(f)~~(e) Utility substation and power transmission lines.

~~(g)~~(f) A temporary real estate sales office.

~~(h)~~(g) Cemeteries.

~~(i)~~(h) Hospitals, sanitariums, rest homes, and nursing homes.

~~(j)~~(i) Swimming, tennis, racquetball and similar facilities.

~~(k)~~(j) Accessory structures and accessory uses without an on-site primary use.

~~(l)~~(k) Fire and ambulance stations.

~~(m)~~(l) Towers for communications, wind energy conversion systems or structures having similar impacts.

~~(n)~~(m) Water supply and treatment facilities and sewage treatment plants.

~~(o)~~(n) Temporary mobile kitchen units.

~~(p)~~(o) Cottage industries.

~~(q)~~(p) Foster family homes accommodating six or more children or adults.

~~(r)~~(q) Bed and Breakfast enterprise.

~~(s)~~(r) Temporary placement of a mobile home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.

~~(t)~~(s) Golf course.

~~(u)~~(t) Mobile/Manufactured Home Park.

~~(v)~~(u) Residential care, training, or treatment facility as defined by ORS 443.400; any

facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

~~(w)~~(v) –Home occupations according to the provisions of section 4.140 of this s Ordinance.

(4) STANDARDS: Land divisions and development in the CR-2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) For a single-family dwelling, **duplex or triplex,** the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet ~~for a single-family dwelling, duplex or triplex. A two-family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 3750 square feet.~~ Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.

(b) **For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7,000 square feet.**

(c) **For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, and the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.**

(d) The minimum lot width shall be 50 feet; on a corner lot, the minimum width shall be 65 feet.

(e) The minimum lot depth shall be 75 feet.

(f) The minimum front yard shall be 20 feet.

(g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be ~~15~~ **10** feet.

(h) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.

(i) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be ~~24~~ **25** feet. Higher structures may be permitted only according to the provisions of Article ~~8-VIII~~.

(j) Livestock shall not be located closer than 100 feet to a residential building on an adjacent lot.

SECTION 3.016: COMMUNITY HIGH DENSITY URBAN RESIDENTIAL ZONE (CR-3)

(1) PURPOSE: The purpose of the CR-3 zone is to designate areas for a medium- to high-density mix of dwelling types and other, compatible, uses. The CR-3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.

(2) USES PERMITTED OUTRIGHT: In the CR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.

(a) ~~One, two, three, or four~~ Single-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Mobile or manufactured home subject to the exception contained in Section 5.160.

(i) Farm and forest uses.

(j) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(k) Public park and recreation areas.

(l) Utility lines necessary for public service.

(m) A mobile home, manufactured home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.

(n) Bed and Breakfast enterprise.

(o) Signs subject to Section 4.020.

(3) USES PERMITTED CONDITIONALLY: In the CR-3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

(a) Mobile or manufactured home not subject to Section 5.160, and mobile or manufactured home park.

(b) Multifamily dwellings, including ~~townhouses~~ **apartments** and condominiums.

(c) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.

(d) Motel and hotel, which may include eating and drinking establishments.

(e) Churches and schools.

(f) Nonprofit community meeting buildings and associated facilities.

(g) Accessory structures or uses without an on-site primary use.

(h) Swimming, tennis, racquetball or other similar facilities.

(i) Utility substation and power transmission lines.

(j) Cemeteries.

(k) Hospitals, sanitariums, rest homes, or nursing homes.

(l) Fire or ambulance stations.

(m) Towers for communications, wind energy conversion systems or structures having similar impacts.

(n) Water supply and treatment facilities and sewage treatment plants.

(o) Temporary mobile kitchen units.

(p) Cottage industries.

(q) A temporary real estate sales office.

(r) Mobile/Manufactured Home Park and recreational campground.

(s) Foster family home accommodating six or more children or adults.

(u) Temporary placement of a mobile or manufactured home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.

(v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

(w) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(4) STANDARDS: Land divisions and development in the CR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) For a single family dwelling, **duplex or triplex,** the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet ~~, for a single family dwelling, duplex or triplex. Each additional dwelling unit shall require 2500 square feet additional area on slopes of 20 percent or less, and 3000 square feet additional area otherwise.~~ Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.

(b) **For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7,000 square feet.**

(c) **For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, and the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.**

(d) **For multifamily dwellings, the minimum size for lots with an average slope of 20 percent or less shall be 12,500 square feet plus 2,500 square feet additional area for each dwelling unit over five. For lots averaging over 20 percent, the minimum lot size shall be 15,0000 square feet and 3,000 square feet additional area for each dwelling unit over five.**

(e) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet.

(f) The minimum lot depth shall be 75 feet.

(g) The minimum front yard shall be 20 feet.

(h) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than ~~15~~ **10** feet.

(i) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.

(j) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 25~~24~~ feet. Higher structures may be permitted only according to the provisions of Article 8.

(k) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

(l) Lot size and yard setback standards shall apply to motels or hotels in the CR-3 zone.

(m) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.

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EXHIBIT B

SECTION 3.331: PACIFIC CITY/WOODS RURAL RESIDENTIAL ZONE (PCW-RR)

(1) PURPOSE: The purpose of the PCW-RR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.

(2) USES PERMITTED OUTRIGHT: In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.

(a) Single-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Mobile or Manufactured Home.

(i) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.

(j) Home occupations according to the provisions of Section 4.180 of this Ordinance.

(k) Farm uses, including aquaculture.

(l) Forest uses.

(m) Roadside stands for produce grown on the premises.

(n) Signs, subject to Section 4.020.

(o) Electrical distribution lines.

(3) USES PERMITTED CONDITIONALLY: In the PCW-RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

(a) Planned Developments subject to Section 3.520, or Mixed Use Developments subject to

Section 4.170. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary.

~~(b) Two-family dwelling.~~

~~(c)~~(b) Mobile or manufactured home, in those areas identified in Section 5.090 as being subject to special mobile/manufactured home standards, which do not comply with those standards.

Commented [SA1]: Deleted Two family dwelling formerly identified as (b) to correct formatting and lettering.

~~(d)~~(c) Cottage industries.

~~(e)~~(d) Recreational vehicle where not allowed outright by Section 5.050.

~~(f)~~(e) A temporary real estate sales office.

~~(g)~~(f) Places of worship and schools.

~~(h)~~(g) Accessory structures or accessory uses without an on-site primary structure.

~~(i)~~(h) Nonprofit community meeting buildings.

~~(j)~~(i) Cemeteries.

~~(k)~~(j) Fire or ambulance stations.

~~(l)~~(k) Swimming, tennis, racquetball and similar facilities.

~~(m)~~(l) Golf course and associated facilities.

~~(n)~~(m) Animal hospital, kennel, or other animal boarding service.

~~(o)~~(n) Towers for communications, wind energy conversion systems, or structures having similar impacts.

~~(p)~~(o) Public utility facilities, including substations and transmission lines.

~~(q)~~(p) Temporary mobile kitchen units.

~~(r)~~(q) Mobile or Manufactured Home park.

~~(s)~~(r) Foster family homes accommodating six or more children or adults.

~~(t)~~(s) Bed and breakfast enterprise within an owner-occupied primary residence.

~~(u)~~(t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050

~~(v)~~(u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which

provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

~~(w)~~(v) Home occupations according to the provisions of Section 4.180 of this Ordinance.

(4) STANDARDS: Land divisions and development in the PCW-RR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size is 20,000 square feet.

(b) **For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 5,000 square feet for all attached units in a townhouse project.**

(c) The minimum lot width and depth shall both be 100 feet.

(d) The minimum front yard shall be 20 feet.

(e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than ~~15~~ 10 feet.

(f) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

(g) The maximum building height shall be 35 feet, except that the maximum building height shall be ~~24~~ 25 feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).

(h) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:

1. The location of the livestock is a nonconforming use according to the provisions of Article ~~7~~VII of this Ordinance.

2. The property has been taxed at the farm use rate during three of the past five years.

3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article ~~6~~VI of this Ordinance.

(i) No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or manmade features will act as an equally effective barrier to conflicts between resource and residential uses; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

(j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:

(1) Confirmation of water service availability from the water district, or evidence of an

alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

(2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(3) If sewer service is not available, as defined in OAR 340-071- 160(5)(f), approval(s) for on-site sanitation disposal shall be required for:

(i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;

(ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(k) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

SECTION 3.332: PACIFIC CITY/WOODS LOW DENSITY RESIDENTIAL ZONE (PCW-R1)

(1) PURPOSE: The purpose of the PCW-R1 zone is to designate areas for low-density ~~single-family~~ residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.

(2) USES PERMITTED OUTRIGHT: In the PCW-R1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

(a) Single-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Farm and forest uses, excluding cultivation of marijuana.

(i) Home occupations according to the provisions of Section 4.180 of this ordinance. Home occupation signs shall be unlighted and limited to 2 square feet.

(j) Public and private park and recreation areas.

(k) Public utility lines and sewer and water pumping stations.

(l) Mobile home or recreational vehicle used during the construction of an approved use.

(m) Signs subject to Section 4.020 except a sign shall not exceed 30 square feet identifying a non- residential use such as the sale of farm produce, a golf course, or a church.

(3) USES PERMITTED CONDITIONALLY: In the PCW-R1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

~~(a) Two-family dwelling.~~

~~(b)~~(a) Planned Development subject to Section 3.520, or Mixed Use Developments subject to Section 4.170.

Commented [SA1]: Two family dwelling formerly (a) has been deleted to correct formatting and lettering.

~~(c)~~(b) Places of worship or schools.

~~(d)~~(c) Nonprofit community meeting buildings and associated facilities.

~~(e)~~(d) Utility substations and power transmission lines.

~~(f)~~(e) A temporary real estate sales office.

~~(g)~~(f) Police, fire and ambulance stations.

~~(h)~~(g) Towers for communications, wind energy conversion systems or structures having similar impacts.

~~(i)~~(h) Foster family homes accommodating six or more children or adults.

~~(j)~~(i) Bed and breakfast enterprises within an owner-occupied primary residence.

(l) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.

(m) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

(n) Home occupations according to the provisions of Section 4.180 of this ordinance. Home occupation signs shall be unlighted and limited to 2 square feet.

(o) Signs exceeding size allowed in Section 3.332 (2)(g), subject to Section 4.020.

(4) STANDARDS: Land divisions and development in the PCW-R1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size for permitted uses shall be 7,500 square feet~~, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet~~. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems.

(b) **For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 1,875 square feet for all attached units in a townhouse project.**

(c) Small existing lots of less than 7,500 square feet will be allowed to be built upon consistent with all applicable regulations. Small lot coverage standards consistent with the resolution of the "small lots" issue reflected in the Tillamook County Land Use Ordinance Section 4.110, shall be met.

(d) The minimum lot width shall be 60 feet.

(e) The minimum lot depth shall be 75 feet.

(f) The minimum front yard shall be 20 feet.

(g)The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be ~~15~~ 10 feet.

(h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.

(i) The maximum building height shall be 35 feet, except that the maximum building height shall be ~~24~~ 25 feet on ocean or bay frontage lots and in the subdivisions known as Pacific City Heights and Pacific City Heights First, Second, Third, Fourth and Fifth Additions. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).

(j) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

(k) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:

(1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

(2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(3) If sewer service is not available, as defined in OAR 340-071- 160(5)(f), approval(s) for on-site sanitation disposal shall be required for:

(i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases, on-site sanitation may require larger lot sizes than the minimum allowed by the zone;

(ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(l) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other

impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

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SECTION 3.333: PACIFIC CITY/WOODS MEDIUM DENSITY RESIDENTIAL ZONE (PCW-R2)

(1) PURPOSE: The purpose of the PCW-R2 zone is to designate areas for medium density ~~single-family and duplex~~ residential development, and other, compatible, uses. Land that is suitable for the R-2 zone has public sewer service available, and has relatively few limitations to development.

(2) USES PERMITTED OUTRIGHT: In the PCW-R2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.

(a) ~~One or two~~ Single-family dwelling.

(b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.

(c) Duplex, in any attached or detached configuration.

(d) Triplex, attached, according to the provisions of Section 5.120 of this ordinance.

(e) Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.

(f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.

(g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.

(h) Farm and forest uses, excluding cultivation of marijuana.

(i) Public and private park and recreation uses.

(j) Home occupations subject to provisions of Section 4.180. Home occupation signs shall be unlighted and limited to 2 square feet.

(k) Public utility lines, water and sewage pump stations.

(l) Mobile home or recreational vehicle used during the construction of a use for which a building permit has been issued.

(m) Signs subject to Section 4.020 except a sign shall not exceed 30 square feet identifying a non- residential use such as the sale of farm produce, a golf course, or a place of worship.

~~(2)~~ USES PERMITTED CONDITIONALLY: In the PCW-R2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article IV and the requirements of all applicable supplementary regulations contained in this Ordinance.

~~(c)(3) Three or four-family dwelling.~~

~~(p)~~(a) Planned Development subject to Section 3.520, or Mixed Use Developments subject to Section 4.170. The number of attached single-family dwelling units in a cluster shall be established in the

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Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.

Commented [SA1]: Three or four family dwelling formerly (a) deleted to fix formatting and lettering.

~~(q)~~(b) Places of worship, schools, or colleges.

~~(r)~~(c) Nonprofit community meeting buildings and associated facilities.

~~(s)~~(d) Utility substation and power transmission lines.

~~(t)~~(e) A temporary real estate sales office.

~~(u)~~(f) Accessory structures and accessory uses without an on-site primary use, not to exceed 750 square feet in size or 24 feet in height.

~~(v)~~(g) Police, fire and ambulance stations.

~~(w)~~(h) Towers for communications, wind energy conversion systems or structures having similar impacts.

~~(x)~~(i) Water supply and treatment facilities.

~~(y)~~(j) Cottage industries. A sign shall not exceed 16 square feet identifying a cottage industry.

~~(z)~~(k) Foster family homes accommodating six or more children or adults.

~~(aa)~~(l) Bed and Breakfast enterprises within an owner-occupied primary residence.

~~(bb)~~(m) Temporary placement of a mobile home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.

~~(cc)~~(n) Golf courses.

~~(dd)~~(o) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

~~(ee)~~(p) Home occupations subject to provisions of Section 4.180. Home occupation signs will be unlighted and limited to 2 square feet.

~~(ff)~~(q) Signs exceeding size allowed in Section 3.333 (2) (g), subject to Section 4.020.

~~(3)~~(4) STANDARDS: Land divisions and development in the PCW-R2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) For a single-family dwelling, **duplex or triplex,** the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum

lot size shall be 6000 square feet ~~for a single family dwelling, duplex or triplex~~. ~~A two family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 2750 square feet.~~ Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.

(b) **For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7000 square feet.**

(c) **For a townhouse, the minimum size for lots with any average slope shall be 1,500 square feet, provided, the average minimum lot size shall be 1,742 square feet for all attached units in a townhouse project.**

(d) The minimum lot width shall be 50 feet; on a corner lot, the minimum width shall be 60 feet.

(e) The minimum lot depth shall be 75 feet.

(f) The minimum front yard shall be 20 feet.

(g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be ~~15~~ **10** feet.

(h) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.

(i) The maximum building height shall be 35 feet, except that the maximum building height shall be ~~24~~ **25** feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).

(j) Livestock shall not be located closer than 100 feet to a residential building on an adjacent lot.

(j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:

(1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

(2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(3) If sewer service is not available, as defined in OAR 340-071- 160(5)(f), approval(s) for on-site sanitation disposal shall be required for:

(i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;

(ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(j) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

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SECTION 3.334: PACIFIC CITY/WOODS HIGH DENSITY RESIDENTIAL ZONE (PCW-R3)

(1) PURPOSE: The purpose of the PCW-R3 zone is to designate areas for a medium to high-density mix of dwelling types and other, compatible, uses. The PCW-R3 zone is intended for densely-developed areas or areas that are suitable for high density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.

(2) USES PERMITTED OUTRIGHT: In the PCW-R3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.

(a) ~~One, two, three, or four~~ Single-family dwelling~~, including townhouses, rowhouses, and condominiums~~.

(b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.

(c) Duplex, in any attached or detached configuration.

(d) Triplex, attached, according to the provisions of Section 5.120 of this ordinance.

(e) Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.

(f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.

(g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.

(h) Mobile home subject to Section 5.090.

(i) Farm and forest uses, excluding cultivation of marijuana.

(j) Home occupations subject to provisions of Section 4.180. Home occupation signs shall be unlighted and limited to 2 square feet.

(k) Public and private park and recreation areas.

(l) Utility lines necessary for public service, water and sewage pump stations.

(m) A mobile home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.

(n) Bed and Breakfast enterprise within an owner-occupied primary residence.

(o) Signs subject to Section 4.020 except a sign shall not exceed 32 square feet identifying a multi- family dwelling or motel in the R-3 zone and a sign shall not exceed 30 square feet identifying a non-residential use such as the sale of farm produce, a golf course, or a place of worship.

(3) USES PERMITTED CONDITIONALLY: In the PCW-R3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

(a) Mobile home not subject to Section 5.090, and mobile home parks.

(b) Multifamily dwellings exceeding 4 units, including ~~townhouses, row houses,~~ condominiums, and apartments. A sign shall not exceed 32 square feet identifying a multi-family dwelling or motel in the PCW-R3 zone.

(c) Planned Developments subject to Section 3.520, or Mixed Use Developments subject to Section 4.170. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.

(d) Motels and hotels, limited to 100 units. Motels and hotels may include eating and drinking establishments accessory and subordinate to the lodging facility.

(e) Places of worship, colleges, and schools.

(f) Nonprofit community meeting buildings and associated facilities.

(g) Accessory structures and accessory uses without an on-site primary use, not to exceed 750 square feet in size or 24 feet in height.

(h) Swimming, tennis, racquetball or other similar facilities.

(i) Utility substation and power transmission lines.

(j) Rest homes, or nursing homes and assisted living.

(k) Fire, police, or ambulance stations.

(l) Towers for communications, wind energy conversion systems or structures having similar impacts.

(m) Water supply and treatment facilities.

(n) Temporary mobile kitchen units.

(o) Cottage industries. A sign shall not exceed 16 square feet identifying a cottage industry.

(p) A temporary real estate sales office.

(q) Mobile Home Park and Recreational campground.

(r) Foster family home accommodating six or more children or adults.

(s) Temporary placement of a mobile home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.

(t) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

(u) Home occupations subject to provisions of Section 4.180. Home occupation signs shall be unlighted and limited to 2 square feet.

(v) Signs exceeding size requirements in Section3.334 (2)(i), subject to Section 4.020.

(4) STANDARDS: Land divisions and development in the R-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum size for lots shall be 5000 square feet.

(b) **For townhouses, the minimum size for lots shall be 1500 square feet, provided, the average minimum lot size shall be 1,742 square feet for all attached units in a townhouse project.**

(c) The minimum lot width shall be 50 feet, except on a corner lot it shall be 60 feet.

(d) The minimum lot depth shall be 75 feet.

(e) The minimum front yard shall be 15 feet. For multifamily dwellings, the combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet.

(f) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than ~~15~~ **10** feet.

(g) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet. For multifamily dwellings, the combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet; on a corner lot it shall be no less than 5 feet.

(h) The maximum building height shall be 35 feet, except the maximum building height shall be ~~24~~ **25** feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).

(i) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot

(j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:

(1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

(2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(3) If sewer service is not available, as defined in OAR 340-071- 160(5)(f), approval(s) for on-site sanitation disposal shall be required for:

(i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;

(ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(k) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

EXHIBIT C

SECTION 3.340: NETARTS MEDIUM DENSITY URBAN RESIDENTIAL ZONE (NT-R2)

1. PURPOSE: The purpose of the NT-R2 zone is to designate areas for medium-density ~~single-family and duplex~~ residential development, and other, compatible, uses. Land that is suitable for the NT-R2 zone has public sewer service available, and has relatively few limitations to development.

2. USES PERMITTED OUTRIGHT: In the NT-R2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

   a. ~~One or two s~~Single-family dwellings~~, or a two-family dwelling~~.

   b. **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

   c. **Duplex, in any attached or detached configuration.**

   d. **Triplex, in any attached or detached configuration, according to the provisions of Section 5.120 of this ordinance.**

   e. **Quadplex, in any attached or detached configuration, 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. Temporary dwellings such as manufactured dwellings, or recreation vehicles used during the construction of a use for which a building permit has been issued. Maximum limit the temporary dwelling may be located on site is either until completion of construction, or not to exceed 36 months, whichever comes first.

   i. Home occupations according to the provisions of Section 4.140 of this ordinance.

   j. Signs, in compliance ~~to~~ with Section 4.020.

   k. Public park and recreation areas.

   l. Residential Home.

   m. Family Child Care.

n. Family Child Care Group Home.

o. Residential Facility.

p. Adult Day Care.

~~2.~~ PERMITTED CONDITIONALLY: In the NT-R2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

~~3. Three or four single family dwellings, or a three- or four- family dwelling.~~

~~t.~~a. Mobile home in compliance with Sections 4.040 and 5.160 (1)- (5).

~~u.~~b. Planned Residential Developments subject to Section 3.346 (NT-PRD).

~~v.~~c. Churches, schools or colleges.

~~w.~~d. Nonprofit community meeting buildings and associated facilities.

~~x.~~e. Power transmission lines.

~~y.~~f. A temporary real estate sales office. Maximum time limit of 24 months or until all lots or units within subdivision are sold. A temporary real estate office shall be located on a tract of land abutting or within the subdivision where real property is to be sold.

~~z.~~g. Fire and emergency stations.

~~aa.~~h. Bed and breakfast enterprises that contain a maximum of six rented rooms per establishment. No more and no less than one parking space shall be provided per rented room, plus one space for each employee during the working shift that requires the greatest number of employees.

~~bb.~~i. Temporary placement of a manufactured home, mobile home or recreation vehicle to be used because of a health hardship as provided in Section 6.050. The temporary home shall be removed once the hardship ends .

~~cc.~~j. Home occupations according to Section 4.140 of this ordinance.

~~3.~~4. STANDARDS: Land divisions and development in the NT-R2 zone shall conform to the following Requirements and Standards, unless more restrictive supplemental regulations apply:

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Commented [SA1]: Three or four dwellings formerly (a) deleted to fix formatting and lettering.

Lot Area:

a. For a single-family dwelling, **duplex or triplex,** the minimum size for lots with an average slope of 20% or less shall be 5000 square feet. For lots with average slope over 20%, the minimum lot size shall be 6000 square feet ~~**for a single-family dwelling. A two-family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 3750 square feet.**~~

b. **For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7000 square feet.**

c. **For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, and the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.**

d. **Not more than ~~40%~~ 70% of the lot area shall be covered by ~~above-ground structures~~ a single-family dwelling or duplex on lots 3,000 square feet or larger in size. Triplexes, Quadplexes, Townhomes and Cottage Clusters are exempt from lot coverage maximums. The lot coverage standard of Section 5.100 applies to lots less than 3,000 square feet in size.**

Commented [SA2]: Increased from 40% for any above-ground structure.

Lot Dimensions:

e. Minimum width of 50 feet, except on a corner lot, then it shall be 65 feet.

f. Minimum lot depth shall be 75 feet.

g. ~~**Minimum front yard shall be 20 feet.**~~ **The combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet.**

~~h.~~ Minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than ~~**15**~~ **10** feet.

~~**j.h. The minimum rear yard shall be 20 feet.**~~

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~~k.~~i. Livestock shall not be located closer than 100 feet to a residential building on an adjacent lot.

Commented [SA3]: Rear yard setback formerly (i) deleted to fix lettering and formatting.

Height:

~~l.~~j. The maximum building height shall be 35 feet.

~~m.~~k. The maximum building height on ocean or bay frontage lots shall be ~~**24**~~ **25** feet.

Development Requirement:

~~n.~~l. Utility lines shall be placed underground in new subdivisions and Planned Residential Developments.

~~o.~~m. Authorization to create a parcel or dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the deed or contract. This statement shall serve as a covenant that runs with the land bindings heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

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SECTION 3.342: NETARTS HIGH DENSITY URBAN RESIDENTIAL ZONE (NT-R3)

1. PURPOSE: The purpose of the NT-R3 zone is to designate areas for a medium to high density mix of dwelling types and other, compatible uses. The NT-R3 zone is intended for densely developed areas or areas that are suitable for high density urban development because of suitable topography (average slope of 20 percent or less), the absence of hazards, and because public facilities and services can accommodate a high level of use.

2. USES PERMITTED OUTRIGHT: In the NT-R3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance

   a. ~~One , two , three , or four~~ 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, in any attached or detached configuration, according to the provisions of Section 5.120 of this ordinance.**

   e. **Quadplex, in any attached or detached configuration, according to the provisions of Section 5.120 of this ordinance.**

   f. **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

   g. **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

   h. Mobile home in compliance with Sections 4.040 and 5.160 (1)- (5).

   i. Temporary dwellings such as manufactured dwellings or recreation vehicles used during the construction of a use for which a building permit has been issued. Maximum limit the temporary dwelling may be located on site is either until completion of construction, or 36 months, whichever comes first.

   j. Home occupations according to the provisions of Section 4.140 of this ordinance.

   k. Signs, in compliance ~~to~~ with Section 4.020.

   l. Public park and recreation areas.

   m. Residential Home.

   n. Family Child Care.

o. Family Child Care Group Home.

p. Residential Facility.

q. Adult Day Care.

3. USES PERMITTED CONDITIONALLY: In the NT-R3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

~~a. Townhouses, row houses, and condominiums, with up to four dwelling units per structure and no more than eight units per parcel or ownership, with landscaped buffers around each complex.~~

~~b.~~a. Planned Residential Development subject to Section 3.344.

Commented [SA1]: Townhouses, etc. formerly (a) deleted to fix formatting and lettering.

~~c.~~b. Churches, schools or colleges.

~~d.~~c. Nonprofit community meeting buildings and associated facilities.

~~e.~~d. Accessory structures or uses without an on-site primary use .

~~f.~~e. Power transmission lines.

~~g.~~f. Fire and Emergency Stations.

~~h.~~g. Bed and breakfast enterprises that contain a maximum of six rented rooms per establishment. No more and no less than one parking space shall be provided per rented room , plus one space for each employee during the working shift that requires the greatest number of employees.

~~i.~~h. A temporary real estate sales office. Maximum time limit of 24 months or until all lots or units within subdivision are sold. A temporary real estate office shall be located on a tract of land abutting or within the subdivision where real property is to be sold.

~~j.~~i. Temporary placement of a manufactured home, mobile home or recreation vehicle to be used because of a health hardship as provided in Section 6.050. Temporary home shall be removed once the hardship ends .

~~k.~~j. Home occupations according to Section 4.140 of this ordinance.

4. STANDARDS: Land divisions and development in the NT-R3 zone shall conform to the following Requirements and Dimensional Standards, unless more restrictive supplemental regulations apply:

Lot Area:

a. For a single-family dwelling **or duplex**, the minimum lot size with slopes of 20 percent or less shall be 3000 square feet. This zone shall not be placed on lands averaging over 20 percent. ~~**Each additional dwelling unit shall require 2500 square feet of area on slopes of 20 percent or less, and 3000 square feet additional area on slopes greater than 20 percent.**~~

b. **For a triplex, the minimum size for lots shall be 5000 square feet.**

c. **For a quadplex or cottage cluster, the minimum size for lots shall be 7000 square feet.**

d. **For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, provided, the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.**

e. **Not more than ~~40%~~ 70% of the lot area shall be covered by ~~above-ground structures~~ a single-family dwelling or duplex on lots 3,000 square feet or larger in size. Triplexes, Quadplexes, Townhomes and Cottage Clusters are exempt from lot coverage maximums. The lot coverage standard of Section 5.100 applies to lots less than 3,000 square feet in size.**

Commented [SA2]: Increased from 40% for any above-ground structure.

Lot Dimensions:

a. Minimum width of 50 feet, except on a corner lot it shall be 60 feet.

b. Minimum depth of 55 feet, except on a corner where it shall be 50 feet.

c. The combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet.

d. Minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 10 feet.

e. Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

Height:

a. The maximum building height shall be 35 feet.

b. The maximum building height on ocean or bay front lots shall be ~~24~~ **25** feet.

Development Requirement:

a. Utility lines shall be placed underground in new subdivisions and Planned Residential Developments.

b. Authorization to create a parcel or dwelling adjacent to land zoned for farm or forest

use shall require a notarized declaratory statement signed by all current property owners who appear on the deed or contract. This statement shall serve as a covenant that runs with the land bindings heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

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SECTION 3.344: NETARTS RESIDENTIAL MANUFACTURED DWELLING ZONE (NT-RMD)

1. PURPOSE: The purpose of the NT-RMD zone is to designate areas for a mixture of legally established manufactured dwellings and ~~single-family and duplex~~ **site-built** dwellings.

2. USES PERMITTED OUTRIGHT: In the NT-RMD zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

   (a) ~~One or two~~ **Single-family** dwelling ~~units (attached or detached)~~.

   (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, in any attached or detached configuration, according to the provisions of Section 5.120 of this ordinance.**

   (e) **Quadplex, in any attached or detached configuration, 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) Manufactured Home.

   (i) The use of Recreation Vehicles is permitted outright in Wilson Beach, located in the Netarts NT-RMD zone, provided that the standards of Section 5.160 and all other applicable development standards are met.

   (j) Temporary dwellings such as manufactured dwellings or recreation vehicles used during the construction of a use for which a building permit has been issued. Maximum limit temporary dwelling may be located on site is either until completion of construction, or not to exceed 36 months, whichever comes first.

   (k) Manufactured home subdivision.

   (l) Home occupations according to the provisions of Section 4.140 of this ordinance.

(m) Signs, subject to Section 4.020.

(n) Public park and recreation areas.

(o) Farm uses.

(p) Forest uses.

(q) Residential Home.

(r) Family Child Care.

(s) Family Child Care Group Home.

(t) Residential Facility.

(u) Adult Day Care.

3. USES PERMITTED CONDITIONALLY: In the NT-RMD zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

~~Three and four dwelling units (detached or attached).~~

~~(b)~~(a) Churches, schools or colleges.

Commented [SA1]: Three and four dwelling units (a) deleted to fix lettering and formatting.

~~(c)~~(b) Nonprofit community meeting buildings and associated facilities.

~~(d)~~(c) Residential accessory structures without an on-site primary use.

~~(e)~~(d) Power transmission lines.

~~(f)~~(e) Bed and breakfast enterprises that contain a maximum of six rented rooms per establishment. No more and no less than one parking space shall be provided per rented room , plus one space for each employee during the working shift that requires the greatest number of employees.

~~(g)~~(f) Home occupations according to Section 4.140 of this ordinance.

~~(h)~~(g) Recreation Campground.

4. STANDARDS: Land divisions and development in the NT-RMD zone shall conform to the following Requirements and Dimensional Standards, unless more restrictive supplemental

regulations apply:

Lot Area:

(a) For a single family dwelling, **duplex or triplex,** the minimum size for lots with an average slope of 20 percent or less shall be 5,000 square feet. For lots with average slope over 20 percent, the minimum lot size shall be 6,000 square feet ~~**for a single family dwelling. A second dwelling shall require 2,500 square feet additional area, and a third or fourth dwelling shall require an additional 3,750 square feet.**~~

(b) **For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7000 square feet.**

(c) **For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, provided, the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.**

(d) **Not more than ~~40%~~ 70% of the lot area shall be covered by ~~above-ground structures~~ a single-family dwelling or duplex on lots 3,000 square feet or larger in size. Triplexes, Quadplexes, Townhomes and Cottage Clusters are exempt from lot coverage maximums. The lot coverage standard of Section 45.100 applies to lots less than 3,000 square feet in size.**

Commented [SA2]: Increased from 40% for any above-ground structure.

Lot Dimensions:

(e) Minimum width of 50 feet, except on a corner lot it shall be 65 feet.

(f) Minimum depth of 75 feet.

(g) The combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet.

(h) Minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 10 feet.

(i) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

Height:

(j) The maximum building height shall be 35 feet.

(k) The maximum building height on ocean or bay front lots shall be ~~24~~ **25** feet.

Development Requirement:

(l) Utility lines shall be placed underground in new subdivisions and Planned Residential Developments.

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

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EXHIBIT D

SECTION 3.320: NESKOWIN RURAL RESIDENTIAL ZONE (NeskRR)

(1) PURPOSE: Land designated Rural Residential is intended to maintain the rural character of the community by retaining large lots where typically community water and sewer are not available. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.

(2) USES PERMITTED OUTRIGHT: In the NeskRR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.

(a) Single-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Mobile or Manufactured Home, meeting the standards of Section 5.160.

(i) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.

(j) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(k) Farm uses, including aquaculture.

(l) Forest uses.

(m) Roadside stands for produce grown on the premises.

(n) Signs, subject to Section 4.020.

(o) Electrical distribution lines.

(p) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.

(3) USES PERMITTED CONDITIONALLY: In the NeskRR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

(a) Planned Development subject to Section 3.080, or Mixed Use Development subject to Section 4.130, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.

~~Two family dwelling.~~

~~(c)~~(b) Mobile or manufactured home which does not comply with the standards of Section 5.160.

Commented [SA1]: Two family dwelling formerly (b) deleted to fix lettering and formatting.

~~(d)~~(c) Cottage industries, subject to the standards of Section 3.226(4)(a) and (b).

~~(e)~~(d) Recreational vehicle .

~~(f)~~(e) Churches and schools.

~~(g)~~(f) Accessory structures or accessory uses without an on-site primary structure.

~~(h)~~(g) Nonprofit community meeting buildings.

~~(i)~~(h) Cemeteries.

~~(j)~~(i) Fire or ambulance stations.

~~(k)~~(j) Swimming, tennis, racquetball and similar facilities.

~~(l)~~(k) Golf course and associated facilities.

~~(m)~~(l) Animal hospital, kennel, or other animal boarding service, subject to the standards of Section 3.226(4)(a) and (b).

~~(n)~~(m) Towers for communications, wind energy conversion systems, or structures having similar impacts.

~~(o)~~(n) Public utility facilities, including substations and transmission lines.

~~(p)~~(o) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.

~~(q)~~(p) Rural industries on a contiguous ownership of 10 or more acres, subject to the standards of Section 3.226(4)(a) and (b).

~~(r)~~(q) Temporary mobile kitchen units, subject to the standards of Section 3.226(4)(a) and (b).

~~(s)~~(r) Foster family home accommodating six or more children or adults.

~~(t)~~(s) Bed and breakfast enterprise.

~~(u)~~(t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.

~~(v)~~(u) Parks, primitive campgrounds, fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

~~(w)~~(v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

~~(x)~~(w) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(4) STANDARDS: Land divisions and development in the NeskRR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size is 20,000 square feet. Where public sewers are not

available, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal facilities, or for adequate protection of public health or sensitive water bodies.

(b) Parcels less than 20,000 square feet in size that were legally established prior to June 17, 1982 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.

(c) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.

(d) **For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 5,000 square feet for all attached units in a townhouse project.**

(e) The minimum lot width and depth shall both be 100 feet.

(f) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:

(1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on- site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(g) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

(h) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.

(i) The minimum front yard shall be 20 feet.

(j) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than ~~15~~ **10** feet.

(k) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

(l) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.

(1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).

(2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible)**, except that townhouses shall not be subject to this standard**.

(3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.

(m) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be ~~24~~ **25** feet. Higher structures may be permitted only according to the provisions of Article ~~8~~VIII. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any building permit application. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

(n) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:

(1) The location of the livestock is a nonconforming use according to the provisions of Article 7~~VII~~ of this Ordinance.

(2) The property has been taxed at the farm use rate during three of the past five year.

(3) The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article 6~~VI~~ of this Ordinance.

No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential uses; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

Commented [SA2]: Discussion for Planning Commission and Board of County Commissioners. Should this be reduced or is there a different way to mitigate potential impacts between residential and natural resource uses?

DRAFT

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

(1) PURPOSE: The purpose of the NeskR-1 zone is to designate areas for low- density ~~single-family~~ residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.

(2) USES PERMITTED OUTRIGHT: In the NeskR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

(a) Single-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Farm and forest uses.

(i) Home occupations according to the provisions of Section 4.140 of this ordinance.

(j) Public park and recreation areas.

(k) Public utility lines.

(l) Mobile home, manufactured home or recreational vehicle used during the construction of a use for which a building permit has been issued.

(m) Signs, subject to Section 4.020.

(n) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.

(3) USES PERMITTED CONDITIONALLY: In the NeskR-1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

~~Two family dwelling.~~

~~(b)~~(a) Planned development subject to Section 3.080, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.

Commented [SA1]: Two family dwelling formerly (a) deleted to fix lettering and formatting.

~~(c)~~(b) Churches and schools.

~~(d)~~(c) Nonprofit community meeting buildings and associated facilities.

~~(e)~~(d) Utility substations and power transmission lines.

~~(f)~~(e) Swimming, tennis, racquetball and similar facilities.

~~(g)~~(f) Golf courses and associated facilities.

~~(h)~~(g) Fire and ambulance stations.

~~(i)~~(h) Towers for communications, wind energy conversion systems or structures having similar impacts.

~~(j)~~(i) Water supply or treatment facilities or sewage treatment plants.

~~(k)~~(j) Aquaculture facilities.

~~(l)~~(k) Cottage industries, subject to the standards of Section 3.226(4)(a) and (b).

~~(m)~~(l) Accessory structures or uses without an on-site primary structure.

~~(n)~~(m) Cemeteries.

~~(o)~~(n) Foster family homes accommodating six or more children or adults.

~~(p)~~(o) Bed and breakfast enterprise.

~~(q)~~(p) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.

~~(r)~~(q) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

~~(s)~~(r) Home occupations according to the provisions of Section 4.140 of this ordinance.

(4) STANDARDS: Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size for permitted uses shall be 7,500 square feet~~, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet~~. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.

(b) **For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 1,875 square feet for all attached units in a townhouse project.**

(c) The minimum lot width shall be 60 feet.

(d) The minimum lot depth shall be 75 feet.

(e) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:

(1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on- site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a

building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(f) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

(g) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.

(h) The minimum front yard shall be 20 feet.

(i) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be ~~15~~ **10** feet.

(j) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.

(k) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.

(1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).

(2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible)**, except that townhouses shall not be subject to this standard**.

(3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.

(l) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be ~~24~~ **25** feet. Higher structures may be permitted only according to the provisions of Article 8~~VIII~~. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point.

The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any building permit application. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

(m) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone.

Commented [SA2]: Discussion for Planning Commission and Board of County Commissioners. Should setback be reduced or is there a different way to mitigate conflicts between residential and natural resource uses?

DRAFT

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

(1) PURPOSE: The purpose of the NeskR-3 zone is to designate areas for a medium- to high-density mix of dwelling types and other, compatible, uses. The NeskR-3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.

(2) USES PERMITTED OUTRIGHT: In the NeskR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.

(a) ~~One, two, three, or four~~ **Single**-family dwelling.

(b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

(c) **Duplex, in any attached or detached configuration.**

(d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**

(f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**

(g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**

(h) Mobile or manufactured home meeting the standards of Section 5.160.

(i) Farm and forest uses.

(j) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(k) Public park and recreation areas.

(l) Utility lines necessary for public service.

(m) A mobile home, manufactured home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.

(n) Bed and Breakfast enterprise.

(o) Signs subject to Section 4.020.

(p) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.

(3) USES PERMITTED CONDITIONALLY: In the NeskR-3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

(a) Multifamily dwellings, including ~~townhouses~~ **apartments** and condominiums.

(b) Planned development subject to Section 3.080, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.

(c) Churches and schools.

(d) Nonprofit community meeting buildings and associated facilities.

(e) Accessory structures or uses without an on-site primary use.

(f) Swimming, tennis, racquetball or other similar facilities.

(g) Utility substation and power transmission lines.

(h) Cemeteries.

(i) Hospitals, sanitariums, rest homes, or nursing homes.

(j) Fire or ambulance stations.

(k) Towers for communications, wind energy conversion systems or structures having similar impacts.

(l) Water supply and treatment facilities and sewage treatment plants.

(m) Temporary mobile kitchen units.

(n) Cottage industries, subject to the standards of Section 3.226(4)(a) and (b).

(o) Foster family home accommodating six or more children or adults.

(p) Temporary placement of a mobile or manufactured home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.

(q) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

(r) Home occupations according to the provisions of Section 4.140 of this Ordinance.

(4) STANDARDS: Land divisions and development in the NeskR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) For a single-family dwelling, **duplex or triplex,** the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet ~~for a single-family dwelling~~**, duplex or triplex**. ~~**Each additional dwelling unit shall require 2500 square feet additional area on slopes of 20 percent or less, and 3000 square feet additional area otherwise.**~~ Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems, or for adequate protection of public health or sensitive water bodies.

(b) **For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7,000 square feet.**

(c) **For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, and the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.**

(d) **For multifamily dwellings, the minimum size for lots with an average slope of 20 percent or less shall be 12,500 square feet plus 2,500 square feet additional area for each dwelling unit over five. For lots averaging over 20 percent, the minimum lot size shall be 15,0000 square feet and**

3,000 square feet additional area for each dwelling unit over five.

(e) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet.

(f) The minimum lot depth shall be 75 feet.

(g) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:

(1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on- site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

(h) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

(i) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.

(j) The minimum front yard shall be 20 feet.

(k) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than ~~15~~ **10** feet.

(l) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.

(m) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side

property lines.

(1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).

(2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible)**, except that townhouses shall not be subject to this standard**.

(3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.

(n) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be ~~24~~ **25** feet. Higher structures may be permitted only according to the provisions of Article VIII. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any building permit application. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

(o) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

(p) Lot size and yard setback standards shall apply to motels or hotels in the NeskR-3 zone.

(q) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.

EXHIBIT E

ARTICLE 4 ~~IV~~

DEVELOPMENT STANDARDS

SECTION 4.000: GENERAL REQUIREMENTS

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

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

(1) To ensure the availability of private open space;

(2) To ensure that adequate light and air are available to residential and commercial structures;

(3) To adequately separate structures for emergency access;

(4) To enhance privacy for occupants of residences;

(5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;

(6) To ensure that driver visibility on adjacent roads will not be obstructed;

(7) To ensure safe access to and from common roads;

(8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;

(9) To separate potentially incompatible land uses;

(10) To ensure access to solar radiation for the purpose of alternative energy production.

SECTION 4.010: CLEAR-VISION AREAS

(1) PURPOSE: The purpose of a CLEAR-VISION AREA is to ensure safe sight distance for drivers approaching street intersections.

(2) A CLEAR-VISION AREA shall be maintained on the corners of all properties located at the intersection of two streets or private ways or a street or private way and a railroad.

(3) A CLEAR-VISION AREA is a triangular area consisting of two equidistant sides which are lot lines measured from the point of intersection of the lot lines abutting streets; or, where the lot lines have rounded corners, such lines extended straight to their point of intersection, and then so measured; and a line joining the two non-intersecting ends at a distance from their intersection specified in Subsection (5) below.

(4) A CLEAR-VISION AREA shall contain no planting, fence, wall, structure, parked cars, or other temporary or permanent obstructions exceeding thirty inches in height, measured from the top of the highest curb in the CLEAR-VISION AREA or, where no curb exists, from the highest established street center line grade adjacent to the CLEAR-VISION AREA. Trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the specified grade.

(5) The following measurements shall establish CLEAR-VISION AREAS:

(a) In agricultural or residential zones, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.

(b) In all other zones, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets is 30 degrees or less, the distance shall be 25 feet.

SECTION 4.020: SIGNS

(1) PURPOSE: The purpose of these supplemental regulations governing signs is to promote scenic values; to prevent unsafe driver distraction; to provide orientation and directions to visitors; to facilitate emergency response; and in general to provide for the placement of necessary SIGNS in appropriate areas. These provisions shall not be construed to preclude the placement of street address SIGNS in locations that can be readily seen by operators of emergency vehicles, provided that such placement does not impair efforts to maintain roads, drainage ways, or brush-free road right-of-ways. No SIGN shall be constructed within a required yard that will impair the use of an existing solar energy system on adjoining property.

(2) No SIGN shall be placed in or extend over a required non-street side yard or street right-of-way, or within 10 feet of the front property line in a required front yard.

(3) Any lighting for SIGN purposes shall be directed away from any adjacent residential use.

(4) No flashing or moving SIGNS shall be located within 100 feet of a traffic control signal. No SIGN lighting shall present a traffic hazard.

(5) In the F-1, SFW-20, SFW-10, RR, CSFR, CR-1, CR-2, CR-3, RMH, NT-RMD, RC, CC, and those unincorporated communities with adopted boundaries, RM and WDD zones, SIGNS, other than off-site advertising SIGNS, shall be limited to the following kinds, which may be directed towards each facing street or located at needed points of vehicular access where such access points are over 200 feet apart:

(a) A name plate or SIGN not exceeding two square feet for each dwelling.

(b) A temporary SIGN not exceeding eight square feet pertaining either to the lease, rental, or sale of the property upon which the SIGN is located, or to a construction project.

(c) A SIGN not exceeding 64 square feet advertising a subdivision.

(d) A SIGN not exceeding 150 square feet, identifying a multi-family dwelling or motel in the CR-3 zone and those zones with adopted unincorporated community boundaries.

(e) A SIGN not exceeding 50 square feet identifying a non-residential use such as the sale of farm produce, a golf course, or a church.

(f) A SIGN not exceeding 24 square feet identifying a cottage industry.

(g) A SIGN not exceeding 50 square feet identifying a rural or light industry in the SFW-10 zone.

(h) A SIGN not exceeding 24 square feet directing traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find. Such SIGNS shall be located within 600 feet of the intersecting roadway which provides access from the highway to the place of interest.

(i) SIGNS not exceeding a total area of 200 square feet for each commercial establishment in a RC, CC, commercial zones within unincorporated community boundaries where permitted, or WDD zone.

(j) A SIGN identifying a home occupation up to 12 square feet in size.

(k) A SIGN or SIGNS not exceeding a total of 200 square feet identifying a mobile home park, recreational campground, primitive campground, commercial farm, or community identification.

(l) A SIGN not exceeding 16 square feet for a bed & breakfast enterprise. SIGNS for bed & breakfast enterprises, which are greater than 16 square feet but less than 24 square feet may be approved according to the provisions of Article ~~6~~V.

(6) In the F zone, the following SIGNS are permitted:

(a) SIGNS pertaining solely to uses permitted and conducted within the F (FOREST) zone.

(b) Road identification SIGNS.

(c) Intermittent flashing lights are only permitted where necessary to provide warning for a traffic hazard.

(d) SIGNS allowed in a FOREST zone shall not be located in, or extend over, a public right-of-way except for road identification SIGNS and highway regulatory SIGNS.

(7) In the EC-1, EC-2 and ED zones, the following SIGNS are permitted:

(a) SIGNS pertaining solely to uses permitted and conducted in the zone in which the SIGNS are located.

(b) Placement of SIGNS shall not involve any regulated activities.

(c) A temporary SIGN not exceeding eight square feet in area pertaining either to the lease, rental or sale of the property or to a construction project.

(d) A SIGN exceeding 100 square feet for each recreational use in the EC-1 zone.

(e) A SIGN not exceeding 200 square feet for each recreational, commercial or industrial use in the EC-2 or ED zones.

(8) SIGNS larger than those permitted by this Section may be allowed only after consideration according to the provisions of Article 6~~VI~~.

SECTION 4.021: OFF-SITE ADVERTISING SIGN STANDARDS

(1) PURPOSE: The purpose of the supplemental regulations for OFF-SITE ADVERTISING SIGNS is to provide standards to safeguard property and public welfare, to preserve locally recognized values of community appearance, and to reduce hazards to motorists and pedestrians traveling on public streets.

(2) General Requirements:

(a) No OFF-SITE ADVERTISING SIGN shall exceed 600 square feet in size.

(b) All required setback of the underlying zone shall be maintained. A SIGN may be located within a clear-vision area if the bottom of the SIGN is not located less than 8 feet above the existing grade, and the SIGN support is not obstructive.

(c) The maximum height of the SIGN structure, including any protrusions, shall be 24 feet measured from the existing grade.

(d) No person shall erect, construct, or maintain any SIGN upon property or building without the consent of the owner of the property or building if any, or their authorized representatives.

(e) SIGNS may only be illuminated by a concealed light source, and shall not flash, blink, fluctuate, or produce glare.

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

(1) PURPOSE: The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.

(2) PARKING SPACE: A single parking space shall be at least 8 feet by 20 feet in size.

(3) TIMING OF COMPLIANCE: At the time any structure or use is erected or enlarged, or the use of any parcel or structure is changed, all required off-street parking spaces and loading areas provided in conjunction with an existing use shall not be reduced below the minimum requirements of this Ordinance.

(4) PARKING FOR MULTIPLE USES: In the event several uses occupy a single structure or parcel of land, the total parking requirements shall be the sum of the requirements of the several uses computed separately. Joint use of the same parking and loading spaces by more than one use may be permitted, provided that the hours of operation of the separate uses do not overlap, and that satisfactory legal evidence is presented to the Department to establish the joint uses.

(5) USE OF REQUIRED PARKING AREAS: Parking areas required by this Section are designated for the operable vehicles of residents and their guests, and the owner, customer, patrons, and employees of commercial or industrial activities only. Vehicle or material storage, or the parking of vehicles used to conduct an activity, shall require additional parking areas.

(6) DRAINAGE: Areas used for standing and maneuvering of vehicles shall have a surface that is suitable for all-weather use, and shall be drained so as to avoid the flow of water across public sidewalks and streets.

(7) BUFFERING NON-RESIDENTIAL PARKING AREAS: Non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required.

(8) CURBING: Parking spaces along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.

(9) LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.

(10) PROXIMITY TO TRAFFIC: Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.

(11) SCHOOL DRIVEWAY: A one-way driveway for loading and unloading children shall be located on the site of any school having a capacity of more than 25 students.

(12) OFF-STREET LOADING AREAS: Activities that receive or distribute materials or merchandise by truck shall install and utilize loading docks in sufficient numbers and size to accommodate loading requirements without the disruption of nearby traffic. Parking areas required by this Ordinance may only be used for loading operations during periods of the day when not required for patron or customer parking.

~~(13) PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.~~

~~(14)~~(13) PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.

(a) RESIDENTIAL: ~~Two spaces for the first dwelling unit, and one space for each additional dwelling unit.~~

i. **Single-family dwelling: Two spaces for each dwelling unit.**

ii. **Accessory dwelling: One space for each dwelling unit.**

iii. **Duplex, triplex, quadplex: One space for each dwelling unit.**

iv. **Townhouse: One space for each dwelling unit.**

v. **Cottage cluster: One space for each cottage.**

vi. **Multifamily dwelling: One space for each dwelling unit.**

(b) BOARDING, LODGING, OR ROOMING HOUSE: One space for each guest accommodation.

(c) MOTEL, HOTEL OR GROUP COTTAGES: One space for every unit.

(d) HOSPITAL, NURSING HOME OR SIMILAR INSTITUTION: One space for every three beds.

(e) CHURCH, CLUB, OR SIMILAR PLACE OF ASSEMBLY: One space for every six seats, or one space for every 50 square feet of floor area used for assembly.

(f) LIBRARY: One space for every 300 square feet of floor area.

(g) DANCE HALL OR SKATING RINK: One space for every 100 square feet of floor area.

(h) BOWLING ALLEY: Five spaces for each lane.

(i) EATING AND DRINKING ESTABLISHMENT: One space for every 150 square feet of floor area.

(j) SERVICE OR REPAIR SHOP, RETAIL STORE HANDLING BULKY MERCHANDISE SUCH AS AUTOMOBILES AND FURNITURE: One space for each 600 square feet of floor area.

(k) BANK, OFFICE: One space for each 500 square feet of floor area.

(l) RETAIL STORES OR MEDICAL OR DENTAL CLINIC: One space for each 200 square feet of floor area.

(m) WAREHOUSE, STORAGE AND WHOLESALE BUSINESS: One space for each 2,000 square feet of floor or storage area.

(n) MANUFACTURING ESTABLISHMENT: One space for each 1,000 square feet of floor area.

SECTION 4.040: GENERAL PROVISIONS REGARDING ACCESSORY USES

(1) An ACCESSORY USE shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

(a) A guest house may be maintained as a dwelling, provided it contains no cooking facilities.

(b) An ACCESSORY STRUCTURE that is separate from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided that it is at no point located closer than three feet to a property line.

(c) Storage of recreation vehicles, boats, and utility trailers is permitted as an accessory use in any zone when stored in accordance with Section ~~5.040~~ 4.040 (1) (b).

(2) An ACCESSORY STRUCTURE may be constructed on a lot or parcel that is neither the site of a primary residential use, nor contiguous with the site of the primary use, provided that the owner of the primary use secures approval for an ACCESSORY STRUCTURE or use according to the provisions of Article ~~6~~Vl.

SECTION 4.060: ACCESS

Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private

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

SECTION 4.070: DUAL USE OF REQUIRED OPEN SPACE

No lot area, yard, or off-street parking or loading area which is required by this Ordinance for one use shall be a required lot area, yard, or off-street parking or loading area for another use, unless otherwise specifically allowed by this Ordinance.

SECTION 4.080: DISTANCE BETWEEN BUILDINGS

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

SECTION 4.100: GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS

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

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(2) A property survey of the lot shall be performed and all corners shall be monumented by a registered surveyor prior to submittal of a permit for construction/location and a copy of the survey shall be submitted with the application and other required material.

(3) Prior to the County's issuance of any permits affecting the use of real property, an applicant owning a small lot shall combine all or part of an adjacent property with the small lot for any consideration of any applicable County permit or land use law. For purposes of this Section, the following definitions apply:

(a) "Applicant" means any legal person (or persons) who:

i. Owns a small lot in fee simple, and

ii. Also owns real property adjacent to the small lot.

(b) "Small lot" means any real property less than 3,000 square feet.

(c) This Section shall be interpreted liberally to carry its intent to require proposed buildable lots to meet as nearly as possible or exceed a particular zone's minimum lot size requirement based upon identical owners of adjacent real properties.

(4) Not more than 50% of the lot area shall be covered with any structure of any height.

(5) Front and rear setbacks in combination must be at least 30 feet, with each minimum of 10 feet.

(6) No portion of a structure shall be located closer than six (6) feet to any structure on an adjacent lot.

(7) The permitted living space as determined by the Building Official shall be no more than 50% of the square footage of the lot or 1,200 square feet, whichever is larger. Additionally, up to 600 square feet is permitted for an enclosed garage or storage area. This garage or storage area may be enlarged if there is an equivalent

reduction in living space.

(8) An approved Road Approach Permit must be obtained from the Tillamook County Public Works Department.

(9) The proposed structure shall meet all other requirements of the County's Land Use Ordinances, including off-street parking; except where contradicted by other provisions of this Section.

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

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SECTION 4.110: EXCEPTIONS TO YARD SETBACK REQUIREMENTS

(1) PURPOSE: The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.

(2) AVERAGING FRONT YARDS: The following EXCEPTIONS to the front yard requirement for a ~~dwelling~~ **a single-family dwelling or duplex**, mobile home or recreation vehicle are authorized for a lot or parcel in any zone. The required front yard for a dwelling need not exceed:

(a) The average depth of the front yards of all dwellings within 100 feet of both sides of the proposed dwelling; or

(b) The average of the depth of the front yard of the nearest dwelling within 100 feet on either side of the proposed dwelling, and the required front yard of the zone.

(3) SIDE YARDS TEN PERCENT OF LOT WIDTH: The required width of a non-street side yard may be reduced to 10 percent of the width of the lot, but not to less than 3 feet, unless a Variance for a lesser distance is approved.

(4) HAWK CREEK HILLS: Front yards in the Hawk Creek Hills and the First Addition to Hawk Creek Hills Subdivisions need not exceed 5 feet.

(5) SMALL LOT EXCEPTIONS: In the RR, CSFR, RC, CC, CR-1, CR-2, CR-3, RMH and RMD zones and including those communities with adopted community growth boundaries, a front or rear yard, but not both, may be ten feet, provided the following apply to the subject parcel:

(a) The parcel is 7500 square feet or less in size.

(b) At least one side yard is ten feet or more wide.

(c) Required off-street parking is provided.

(d) The right-of-way width at the front of the lot is at least thirty feet. In the case of right-of-ways under 30 feet in width, a ten-foot yard may be approved if it is approved by the Public Works Department.

(e) The lot is not a corner lot. If the lot is a corner lot and meets the above criteria, the front yard may

be 15 feet.

(7) PROJECTIONS FROM BUILDINGS: Architectural features such as cornices, eaves, canopies, gutters, signs, chimneys, and flues shall not project more than 18 inches into a required yard unless evidence is presented to the Department that such projections increase the energy efficiency of the building, either by the capture of solar radiation of by providing shading for cooling, in which case they shall not project more than 24 inches into a required yard.

(8) DECKS, PORCHES, AND STEPS:

(a) Decks may be constructed within setback areas provided that the intruding portion:

i. Of the floor does not exceed 30 inches in height above finished grade, and

ii. Any fixed benches, railings or other attachments do not exceed 40 inches above finished grade, and

iii. Maintains a minimum of half the required front yard setback, a minimum of 10 foot street side yard setback on a corner lot, and a minimum of 3 feet for rear yard and non street side yard setbacks.

(b) All other uncovered decks, porches, or steps shall not project more than 24 inches into a required yard.

(c) Decks which extend into the required setbacks shall not be enclosed, nor covered, without using the procedures set forth in Article ~~8~~VIII. The existence of a deck within the required setbacks shall not be used as justification to extend a building into the required setbacks.

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

(10) OCEANFRONT SETBACKS - See Section 3.085 (4) (a) (ib).

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

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

SECTION 4.120: GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

(1) Projections such as chimneys, spires, elevator shaft housings, flagpoles, devices or structures for the capture of solar energy, towers for wind energy conversion systems and windmills, and other structures not used for human occupancy are not subject to the BUILDING HEIGHT LIMITATIONS of this Ordinance, unless such projection shades an existing solar energy system on an adjoining property to such as extent as to affect the efficiency of that system.

(2) In the airport overlay zone, no structure or tree shall exceed 150 feet in height.

SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

4.130(1) Purpose

4.130(2) Applicability

4.130(3) Geologic Hazard Assessment Review

4.130(4) Geologic Hazard Report Standards

4.130(5) Decisions of Geologic Hazard Assessment Reviews

4.130(6) Development Standards for Uses Subject to Review

4.130(1) Purpose

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

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

4.130(2) Applicability

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

a) All lands partially or completely within categories of "high" and "moderate" susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;

b) All lands partially or completely within categories of "high" and "moderate" susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20- 13, Landslide hazard and risk study of Tillamook County, Oregon;

c) All lands partially or completely within a "debris flow fan" as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;

d) All lands partially or completely within a rapidly moving landslide as mapped in DOGAMI IMS-22, GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon, 2002.

e) All lands along the oceanfront. An oceanfront lot is a lot or parcel that abuts the ocean shore state recreation area (as defined in OAR 736-021-0010) or a lot or parcel where there is no portion of a buildable lot between it and the ocean shore state recreation area. Lots or parcels that are fronted by roads, parks, beach accesses, or other minimal improvements are also considered oceanfront.

f) Lots or parcels where the average existing slopes are equal to or greater than 19 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel less than or equal to 20,000 square feet or lots or parcels where the average existing slopes are equal to or greater than 29 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel greater than 20,000 square feet.

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

    - Lots or parcels less than 20,000 square feet where the average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property.

    - The average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater for properties 20,000 square feet or larger.

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

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

4.130(3) Geologic Hazard Assessment Review

a) Except for activities identified in Subsection 4.130(3)(b) as exempt, any new development or substantial improvement (as defined in Article 11) in an area subject to the provisions of this section shall require a Geologic Hazard Assessment Review.

b) The following development activities are exempt from the requirement for a Geologic Hazard Assessment Review:

1. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Article 11.

2. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;

3. Construction of structures for which a building permit is not required;

4. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

5. Fill that is less than two feet in depth or that involves less than twenty-five cubic yards of volume;

6. Yard area vegetation maintenance and other vegetation removal on slopes less than 20%;

7. Removal of trees smaller than 8 inches dbh (diameter breast height);

8. Removal of trees larger than 8 inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one-year period is less than 25% of the lot or parcel area;

9. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);

10. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the existing right-of-way boundary;

11. Maintenance and repair of utility lines, and the installation of individual utility service connections;

12. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard; and

13. Beachfront protective structures subject only to regulation by the Oregon Parks and Recreation Department under OAR Chapter 736, division 20.

c) Application, review, decisions, and appeals for a Geologic Hazard Assessment Review shall be a Type I procedure in accordance with Article 10. Applications for a Geologic Hazard Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Except for exempt activities listed under Section 4.130(3)(b), Geologic Hazard Assessment Review shall be completed prior to any ground disturbance.

d) All applications for Geologic Hazard Assessment Review shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed geoprofessional (as defined in Article 11) that meets the content requirements of Section 4.130(4), at the applicant/property owner's expense.

e) For development activities that are subject both to this section and Section 3.530: Beach and Dune Overlay Zone, one complete Geologic Hazard Report can be submitted for meeting the requirements of this section and Section 3.530. The report shall include requirements for both sections as applicable.

4.130(4) Geologic Hazard Report Standards

a) For the purposes of Section 4.130, a Geologic Hazard Report refers to engineering geologic reports, geotechnical reports, and geotechnical engineering reports.

b) .Geologic Hazard Reports required pursuant to this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles, and shall at a minimum contain the applicable provisions outlined in the Oregon State Board of Geologist Examiners publication "Guidelines for the Preparation of Engineering Geologic Reports," 2nd Edition, 5/30/2014 or other published best practice guidelines for engineering geologic or geotechnical engineering reports, consistent with current scientific and engineering principles. Reports shall reference the published guidelines upon which they are based.

c) For oceanfront property (lots or parcels abutting the ocean shore), Geologic Hazard Reports shall also address all the requirements of Section 3.530 (6)(f) to the extent applicable and based on best available information.

d) Geologic Hazard Reports required by this section shall include the following from the preparer(s) of the report:

a. A statement that all the applicable content requirements of subsection 4.130(4) have been addressed or are not applicable to the review. An explanation shall be accompanied with any requirement identified as not applicable;

b. A description of the qualifications of the professional(s) that prepared the report. If multiple licensed professionals contributed to the report, each professional shall individually sign and stamp their own work products; and

c. A statement by the preparer(s) that they have the appropriate qualifications to have completed the report and all its contents.

e) All Geologic Hazard Reports are valid for purposes of meeting the requirements of Section 4.130 for a

period of five (5) years from the date of preparation. Such reports are valid only for the development plan addressed in the report. Tillamook County assumes no responsibility for the quality or accuracy of such reports. Within that five-year period, the Planning Director can require at their discretion an addendum by a qualified licensed geoprofessional certifying that site conditions have not changed from the original report. If site conditions have changed, a new Geologic Hazard Report shall be required.

4.130(5) Decisions of Geological Assessment Reviews

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

a) The Geologic Hazard Report shall meet the content standards set forth in Section 4.130(4).

b) In approving a Geologic Hazard Assessment Review, the decision maker may impose any conditions which are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Tillamook County Land Use Ordinance.

c) The development plans for the application conform, or can be made to conform, with all the recommendations and specifications contained in the Geologic Hazard Report.

d) In the event the decision maker determines that additional review of the Geologic Hazard Report by a qualified licensed geoprofessional is necessary to determine compliance with this section, Tillamook County may retain the services of such a professional for this purpose. The applicant shall be responsible for all costs associated with the additional review. The results of that evaluation shall be considered in the decision of the Geologic Hazard Assessment Review.

4.130(6) Development Standards for Uses Subject to Review

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

a) Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Hazard Assessment Review shall provide a Hazard Disclosure Statement recorded with the Tillamook County Clerk's Office and signed by the property owner that acknowledges:

   1. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;

   2. The property owner has commissioned a Geologic Hazard Report for the subject property, a copy of which is on file with Tillamook County Department of Community Development, and that the property owner has reviewed the Geologic Hazard Report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;

   3. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.

   4. The property owners shall refrain from interfering with mitigation measures or improvements on the site and shall maintain them.

b) Mitigation measures: Mitigation measures required to make the site suitable for the proposed development, including their design and construction specifications, shall be included in the Geologic Hazard Report and followed.

c) Safest site requirement: All new structures shall be limited to the recommendations contained in the Geologic Hazard Report; and

1. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and

2. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.

d) Minimum Oceanfront Setbacks: For oceanfront lots or parcels, the building footprint of all new development or substantial improvement subject to a Geologic Hazard Assessment Review shall also comply with the requirements of Section 3.530(8) Oceanfront Setbacks.

e) Erosion Control Measures: All uses subject to a Geologic Hazard Assessment Review shall address the following erosion control measure requirements, designed by a qualified licensed geoprofessional:

1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one-time during construction;

2. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;

3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

4. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;

7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty-year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;

8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;

9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

i. Energy absorbing devices to reduce runoff water velocity;

ii. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be

removed to an approved disposal site on an approved schedule;

iii. Dispersal of water runoff from developed areas over large undisturbed areas.

10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and

11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

f) Certification of compliance: Permitted development shall comply with the recommendations in the required Geologic Hazard Report. Certification of compliance shall be provided as follows:

a. Plan Review Compliance: Building, construction or other development plans shall be accompanied by a written statement from a certified engineering geologist or licensed geotechnical engineer stating that the plans comply with the recommendations contained in the Geologic Hazard Report for the Geologic Hazard Assessment Review.

b. Inspection Compliance: Upon the completion of any development activity for which the Geologic Hazard Report recommends an inspection or observation by a certified engineering geologist or licensed geotechnical engineer, the certified engineering geologist or licensed geotechnical engineer shall provide a written statement indicating that the development activity has been completed in accordance with the applicable Geologic Hazard Report recommendations.

c. Final Compliance: No development requiring a Geologic Hazard Report shall receive final approval (e.g., certificate of occupancy, final inspection, etc.) until the department receives:

i. A written statement from a certified engineering geologist or licensed geotechnical engineer indicating that all performance, mitigation, and monitoring measures specified in the Geologic Hazard Report have been satisfied;

ii. If mitigation measures incorporate engineering solutions designed by a licensed professional engineer, a written statement of compliance by the design engineer;

iii. A written statement by the qualified licensed geoprofessional indicating that all erosion control measure requirements were met.

g) Restoration and replacement of existing structures:

a. Notwithstanding any other provisions of this ordinance, application of the provisions of this section to an existing use or structure shall not have the effect of rendering such use or structure nonconforming as defined in Article 7.

b. Replacement, repair or restoration of a lawfully established building or structure subject to this section that is damaged or destroyed by fire, other casualty or natural disaster shall be permitted, subject to all other applicable provisions of this ordinance, and subject to the following limitations:

i. Replacement authorized by this subsection is limited to a building or structure not larger than the damaged/destroyed building.

ii. Structures replaced pursuant to this subsection along the oceanfront shall be located no

further seaward than the damaged structure being replaced.

iii. Replacement or restoration authorized by this subsection shall commence within one year of the occurrence of the fire or other casualty which necessitates such replacement or restoration.

c. A building permit application for replacement, repair, or restoration of a structure under the provisions of this subsection shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed geoprofessional that adheres to the Geologic Hazard Report Standards outlined in Section 4.130(4). All recommendations contained in the report shall be followed.

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

[TCLUO Section 4.130 Adopted May 11, 2022]

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

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(1) The following areas of riparian vegetation are defined:

(a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.

(b) Twenty-five (25) feet from all other rivers and streams where the river or stream channel is greater than 15 feet in width.

(c) Fifteen (15) feet from all perennial rivers and streams where the river or stream channel is 15 feet in width or less.

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

(2) All development shall be located outside of areas listed in (1) above, unless:

(a) For a bridge crossing; or

(b) Direct water access is required in conjunction with a water dependent use;or

(c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or

(d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

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

(3) Exemptions from (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

(a) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this Ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, with a depth measured according to (1) above that is;

i. Less than 95 feet in places where the area of riparian vegetation is 50 feet wide; or

ii. Less than 70 feet in places where the area of riparian vegetation is 25 feet wide.

(b) Other lots in identified Abuilt and committed areas and other Alots of record≅ where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

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

(4) All trees and at least 50 percent of the understory vegetation shall be retained within areas listed in (1) above, with the following exceptions:

(a) Removal of trees that pose an erosion or safety hazard to existing uses allowed by the underlying zone.

(b) The mowing, planting, or maintenance of existing lawn and pasture, including the control of noxious weeds.

(c) Vegetation removal necessary in conjunction with an approved in-water project or to provide direct access for a water-dependent use.

(d) Structural shoreland stabilization subject to the shoreline stabilization standards in Section 3.140.

(e) Vegetation removal for new bridge construction or routine repair, operation, or maintenance of bridges and highways.

(f) Vegetation removal necessary for maintenance of clear vision areas and the removal of roadside hazards.

(g) Vegetation removal necessary for construction of a minor highway improvement within an existing right-of-way.

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

SECTION 4.150: DEMOLITIONS OR ALTERATIONS OF HISTORIC STRUCTURES

(1) Demolitions of HISTORIC STRUCTURES identified in the Comprehensive Plan inventory of HISTORIC BUILDINGS:

(a) The Planning Department shall hold applications for demolition for 45 days before issuing the permit.

(b) During the 45 day period, the Planning Department shall take the following action: Notify the State Historic Preservation Office and the Pioneer Museum of the proposed demolition; advertise in a newspaper of general circulation the nature of the request and the historical values that would be lost; inform the applicant of the historic character of the building and the incentive associated with historic preservation.

(c) If after 45 days the Planning Department finds that there is no reasonable possibility for protecting the building, the demolition permit shall be issued.

(2) Alterations of the following buildings identified in the Comprehensive Plan as having significant historic and architectural merit: Isom/Fox Cottage, Povey Cottage, Wentz Cottage, Doyle Cottage, Churchill Cottage, Tillamook Naval Air Station Blimp Hangars.

(a) Exterior alterations (except painting), additions, and construction of auxiliary buildings shall be reviewed by the Planning Department and the Curator of the Pioneer Museum.

(b) Alterations shall be approved if proposed exterior materials and details are consistent with the building's historical character and maintenance of the building's predominant architectural features.

SECTION 4.160: PROTECTION OF ARCHAEOLOGICAL SITES

(1) The Planning Department shall review building permits and other land use actions that may affect known ARCHAEOLOGICAL SITES. If it is determined that the proposed action may affect the integrity of an ARCHAEOLOGICAL SITE, the Planning Director shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents. No permit shall be issued until either the State Historic Preservation Office determines that the proposed activity will not adversely affect the ARCHAEOLOGICAL SITE, or the State Historic Preservation Office has developed a program for the preservation or excavation of the site.

(2) Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinterment has been developed by the State.

SECTION 4.170: MIXED USE DEVELOPMENT (MUD)

(1) PURPOSE: The purpose of a MIXED USE DEVELOPMENT is to allow greater freedom, diversity and cohesiveness in the planning and integrated development of relatively large tracts of land for a range of uses which could not effectively be accommodated under the provisions of this Ordinance. The use of these provisions is dependent upon three conditions:

(a) That a specific development proposal cannot effectively be reviewed under the provisions of the zone within which it is proposed;

(b) That the individual proposed uses are not incompatible with the established surrounding land uses; and

(c) That the proposal involves at least three different types of land use within a single site plan. For the purposes of a MIXED USE DEVELOPMENT review, a "type of land use" is one which differs in nature or character from other uses contained within a single development proposal.

(2) APPLICABILITY: These provisions cannot be utilized without the submission of an acceptable plan, with satisfactory assurance that it can be carried out, and a preliminary determination by the Department that the

three conditions listed in (1) above have been met. A MUD is considered a Conditional Use in the RR, CSFR, CR-1,CR-2, CR-3, RC, CC and RI and unincorporated community zones where permitted. However, in the RR zone, only parcels within a Community Growth Boundary will be considered for a MUD proposal. Additional RR zoned properties may be designated for a MUD through a Plan Amendment according to the provisions of Article ~~9IX~~ of this Ordinance. All permitted uses listed in the RR, CSFR, CR-1, CR-2, CR-3

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

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

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

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

(a) The applicant shall arrange a pre-application meeting with the Department so as to determine the standards, requirements, and procedures governing a MUD request, and to inform the Department of the nature of the proposed development.

(b) The applicant shall submit a complete preliminary development plan to the Department for review, along with six (6) copies of a report summarizing the proposal. The plan shall include the following information:

i. A map showing the entire parcel, the proposed land uses and building locations, and the vehicular and pedestrian circulation patterns. Such a map shall be of such detail to indicate that all applicable Ordinance standards and requirements can be met.

ii. A topographic map rendered in the same scale as the map in (1) above.

iii. Housing unit densities for areas of residential development.

iv. Proposed uses and ownership and maintenance arrangements for all areas to be left in open space, and the ownership status of all streets.

v. Proposed property lines upon the completion of the project.

vi. A preliminary grading and drainage plan.

vii. The method of water supply and sewage disposal.

viii. An outline of proposed deed restrictions, if any.

ix. A discussion of the economic justification for proposed land uses which are in conflict with the zoning on the parcel, and the relations of such uses to all other uses proposed within the MUD.

x. The proposed time frame for completion of the entire development.

xi. A Geologic Hazard report where required by the Land Use Ordinance.

xii. A map indicating flood hazard areas if required by this Ordinance.

xiii. Filing and review fees, which shall be established by order of the Board of County Commissioners, and which shall be non-refundable despite Planning Commission action. Such fees shall not be applied to any concurrent application.

(c) The Planning Department shall distribute the preliminary plan, for review and comment, to those agencies and departments which it deems necessary to determine the feasibility and adequacy of the plan. Such agencies and departments shall be given at least 21 days for review.

(d) Following the preliminary review as described above, the Department shall notify the applicant of changes which have been suggested or would be required by the agencies and departments reviewing the plan.

(e) After the Department's notification of what changes are considered necessary in order to meet the purposes of all applicable Ordinances and to protect the rights of property owners surrounding the proposed development, the developer shall submit, for Planning Commission review, a final proposal of the project. Planning Commission review will not take place until the complete plan is submitted.

(f) The Commission shall apply the following criteria in the consideration of all MUD requests:

i. The proposed plan is internally cohesive and is consistent with Comprehensive Plan Policies for the vicinity.

ii. There are special development objectives that the project will satisfy which warrant review under these provisions.

iii. The parcel is suitable for the proposed use, considering its size, shape, location, topography, existence of improvements, and natural features.

iv. Proposed uses which are not otherwise permitted by the zoning on the parcel are accessory uses within the entire development.

v. The proposed use will not have a substantial impact upon adjacent uses, nor will it alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for permitted uses listed in the underlying zone.

vi. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

(5) In approving a MUD proposal, the Planning Commission may impose whatever conditions are necessary in order to ensure that the purposes of this Ordinance are met.

(6) The approved site plan for a MIXED USE DEVELOPMENT cannot be substantially amended or altered unless approved by the Planning Commission under the provisions of Article ~~VI~~ 6 of this Ordinance. Determination of the substance of such changes or amendments shall be the responsibility of the Planning Director.

SECTION 4.180: HOME OCCUPATION PERFORMANCE STANDARDS

(1) PURPOSE: To provide for occupational activities in residences or their accessory structure, as provided by ORS 215.448, while assuring compatibility with existing and permitted uses within the area affected by the home occupation.

(2) APPLICABILITY: HOME OCCUPATIONS are allowed outright or conditionally, depending upon the

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

(3) STANDARDS:

(a) All HOME OCCUPATIONS shall meet the following standards or conditions in addition to other applicable ordinance requirements:

i. The HOME OCCUPATION is operated by the resident of the property upon which the activity is located, within the residence or accessory structures.

ii. The HOME OCCUPATION will employ no more than five full- or part-time persons.

iii. The HOME OCCUPATION will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.

iv. Where HOME OCCUPATIONS are allowed conditionally, conditions of approval shall limit retail sales, signs, traffic, noise, obnoxious odors, hazardous activities, and other identifiable adverse off-site impacts.

v. The existence of a HOME OCCUPATION shall not be used as justification for a zone change.

(b) HOME OCCUPATIONS permitted outright shall meet the following additional standards or requirements:

i. Those employed in the HOME OCCUPATION must be members of the family residing on the premises.

ii. There shall be no activities that give the outward appearance or manifest the characteristics of a retail business, such as signs other than those permitted under Section 4.020, advertising of the dwelling as a business location, more than six customers daily entering the business premises, more than two customer vehicles at a time, noise that adversely affects neighbors, obnoxious odors, hazardous activities, or other adverse off- site impacts.

iii. Complaints from neighbors may be cause for requiring a Conditional Use review of the activity.

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

EXHIBIT F

SECTION 5.120: MIDDLE HOUSING STANDARDS

(1) PURPOSE. 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.

(2) LOCATION: A triplex, quadplex, townhome or cottage cluster may be sited on a lawfully established residentially zoned property located within the unincorporated community boundaries of Neahkahnie, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Hebo, Cloverdale, Pacific City/Woods and Neskowin, subject to the development standards of the underlying zone and this section.

(3) SUFFICIENT INFRASTRUCTURE. Applicants shall demonstrate that sufficient infrastructure is provided, or will be provided, upon submittal of an application for a triplex, quadplex, townhouse project or cottage cluster, including documentation from a local service provider or special district verifying:

(a) Connection to a public sewer system capable of meeting established service levels or permit approval of onsite wastewater treatment system;

(b) Connection to a public water system capable of meeting established service levels;

(c) Access via public or private streets meeting adopted emergency vehicle access standards to a public street system; and

(d) Storm drainage facilities capable of meeting established service levels for storm drainage.

(4) TRIPLEX AND QUADPLEX STANDARDS.

(a) Development Standards. The development standards of the applicable base zone apply.

(b) Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

i. The entrance shall be within 8 feet of the longest street-facing wall of the dwelling unit; and

ii. The entrance shall either:

1. Face the street (see Figure 5.120(3)-1);

2. Be at an angle of up to 45 degrees from the street (see Figure 5.120(3)-2);

3. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 5.120(3)-3); or

4. Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 5.120(3)-4).

Figure 5.120(3)-1

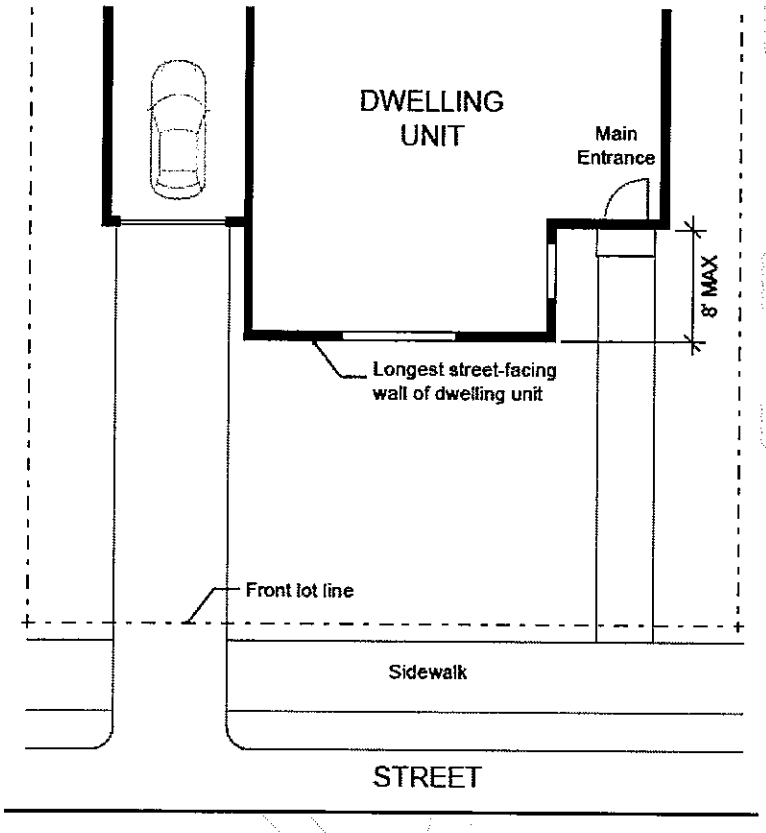

Figure 5.120(3)-2

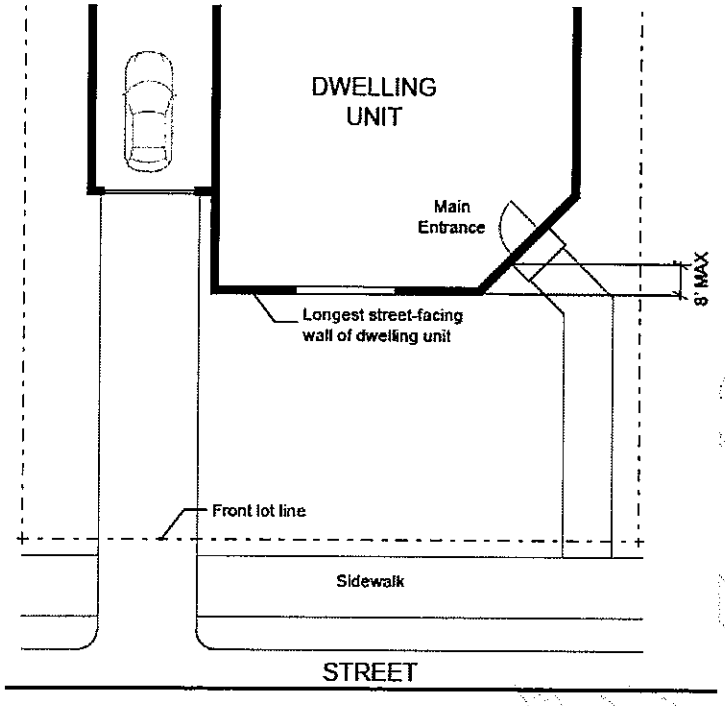

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Figure 5.120(3)-3

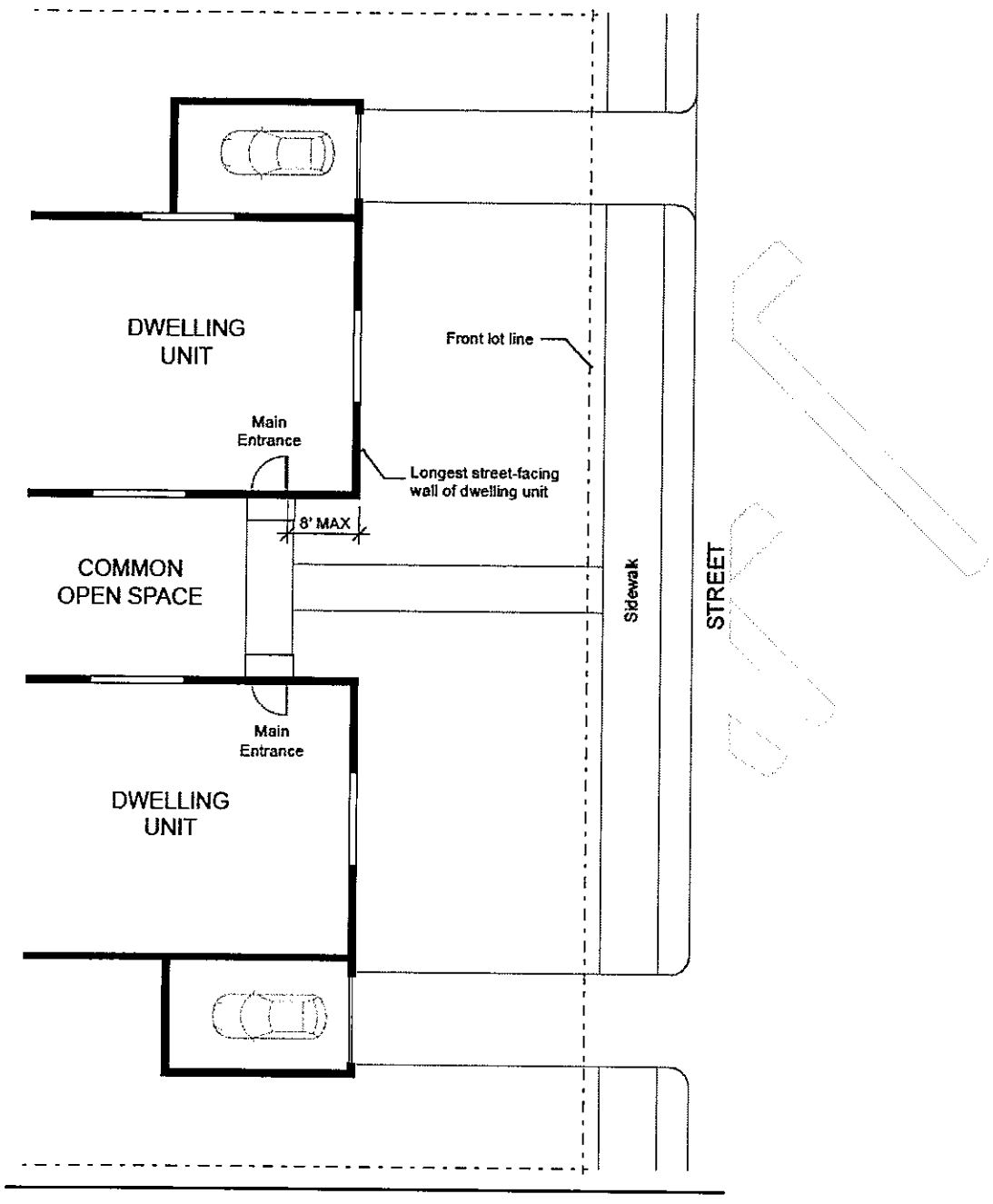
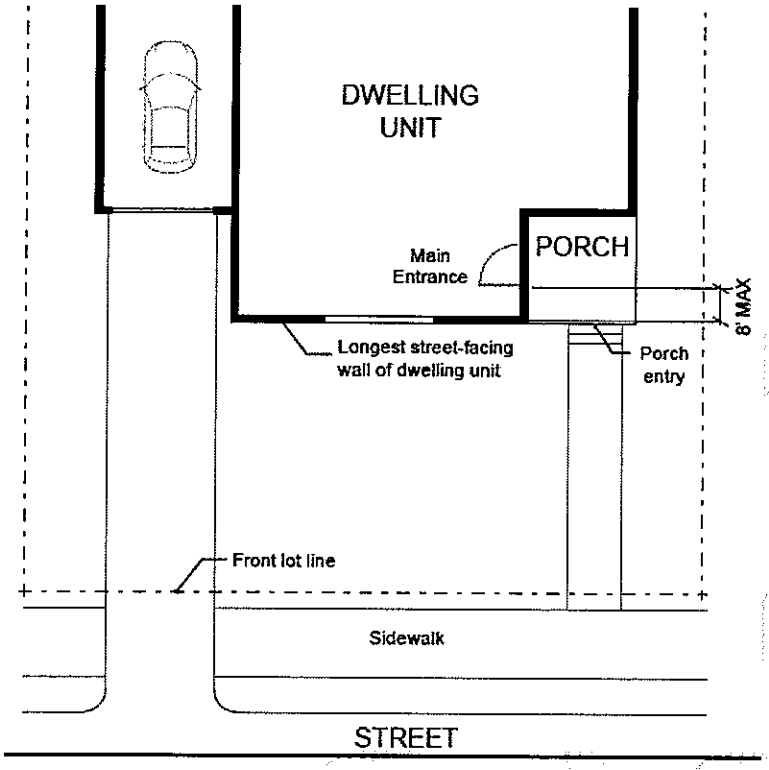


Figure 5.120(3)-4



(c) Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5.120(3)-5.

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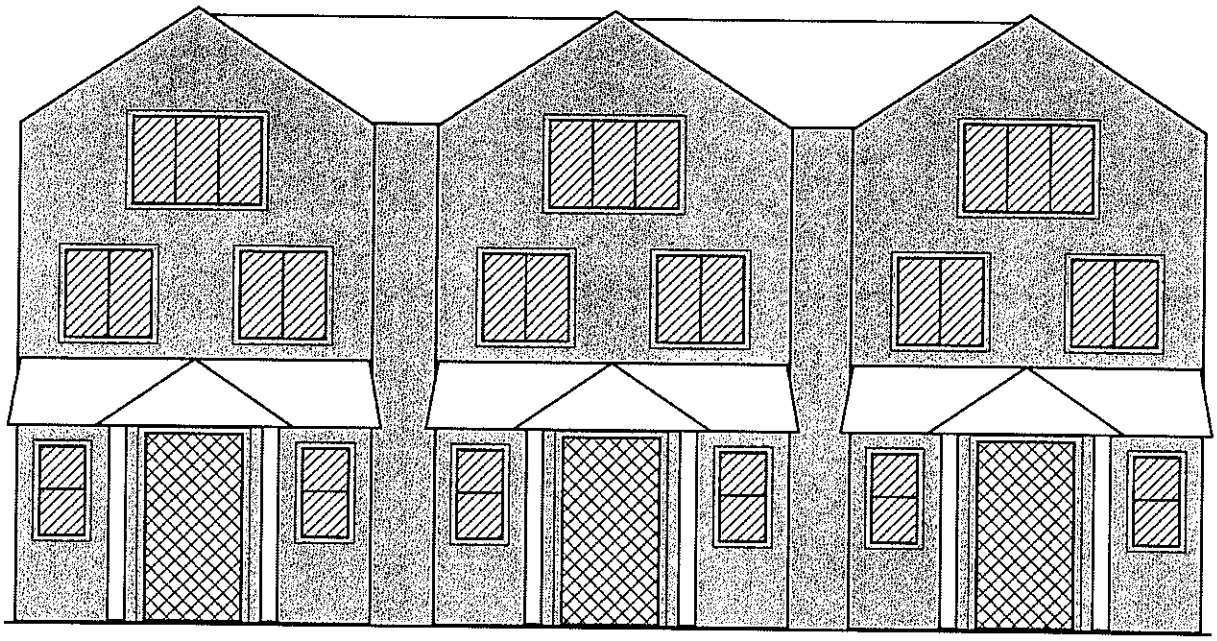
Figure 5.120(3)-5



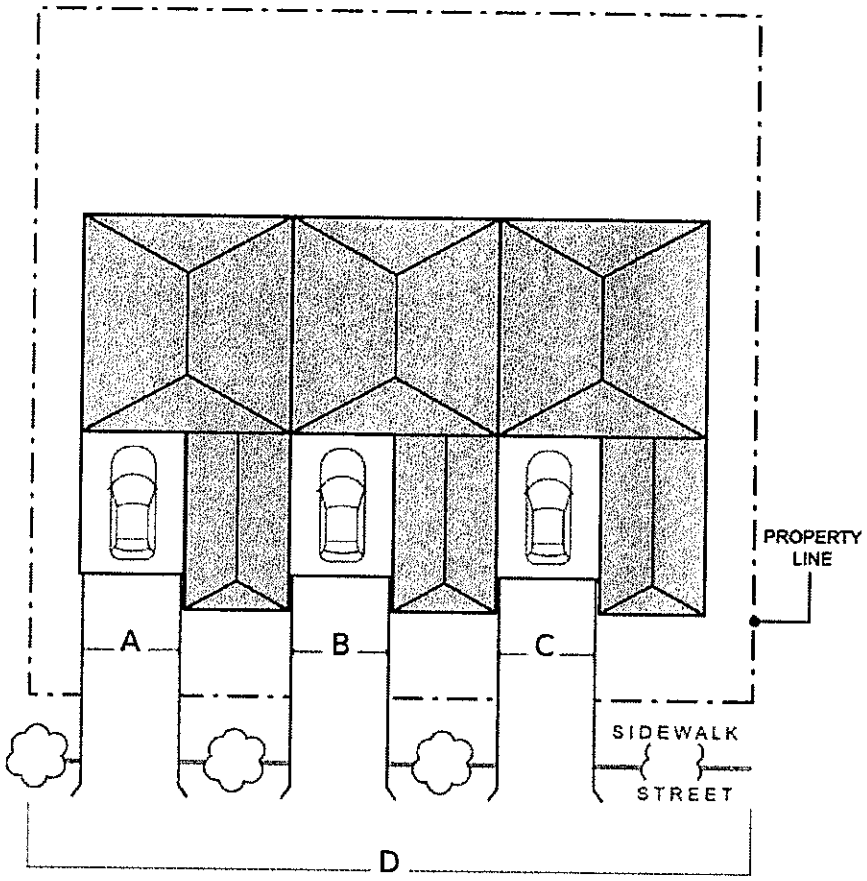
(d) Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except where they comply with the following standards:

i. The garage or off-street parking area is separated from the street property line by a dwelling; or

ii. The combined width of all garages and outdoor on-site parking and maneuvering areas do not exceed a total of 50 percent of the street frontage. See Figure 5.120(3)-6; or

iii. The location of the garage and off-street parking area are an extension of the road approach approved by Tillamook County Public Works or the local road authority.

Figure 5.120(3)-6



A/B/C Garage and on-site parking and maneuvering areas

D Total street frontage

$$\frac{A + B + C}{D} \leq 50\%$$

(e) Driveway Approach. Driveway approaches must comply with the following:

i. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 5.120(3)-7), unless a different total width is required by Tillamook County Public Works or the

local road authority.

ii. Driveway approaches may be separated when located on a local street (see Figure 5.120(3)-7).

iii. In addition, lots with more than one frontage must comply with the following:

1. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley, access must be taken from the alley (see Figure 5.120(3)-8).

2. Lots or parcels with frontages only on collectors and/or arterial streets must meet the access standards applicable to collectors and/or arterials.

3. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:

   • Two driveway approaches not exceeding 32 feet in total width on one frontage; or

   • One maximum 16-foot-wide driveway approach per frontage (see Figure 5.120(3)-9); or

   • As determined by the Tillamook County Public Works Department or local road authority.

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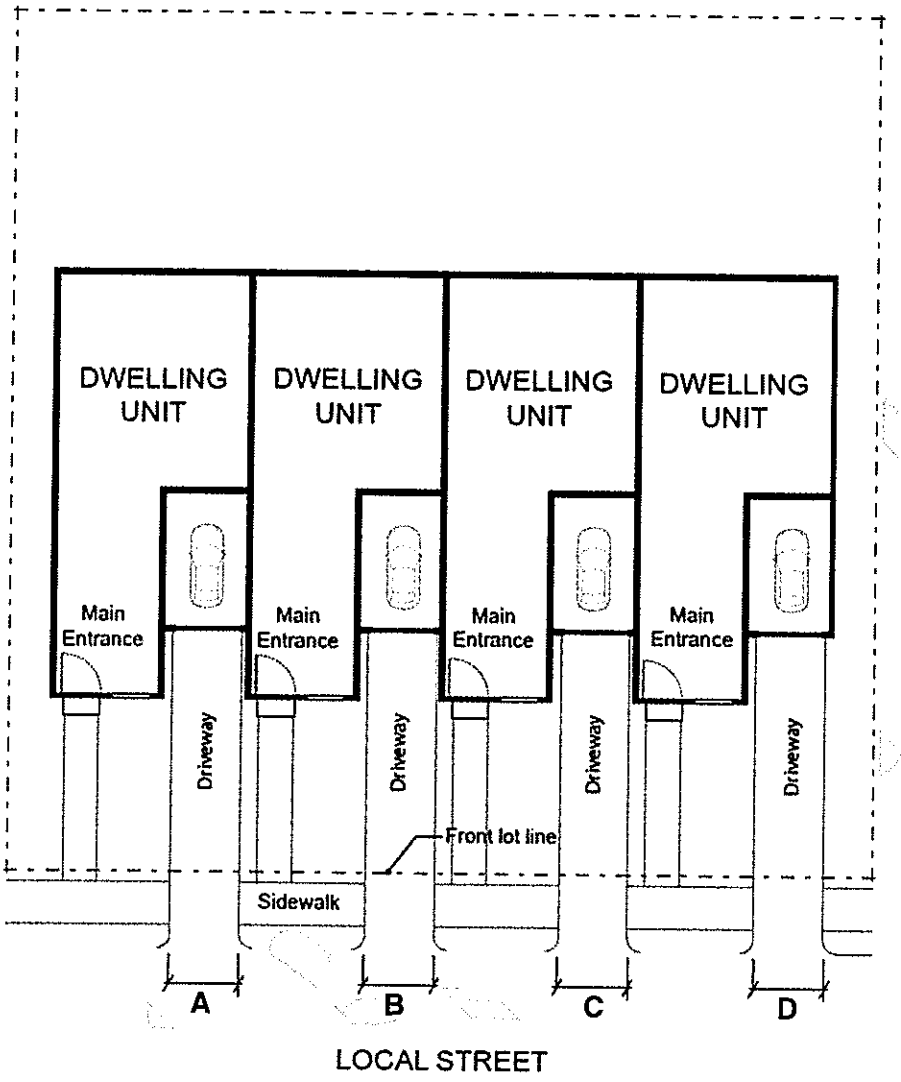
Figure 5.120(3)-7



Width of **A+B+C+D** shall not exceed 32 feet

* Driveway approaches may be separated on a local street

Figure 5.120(3)-8

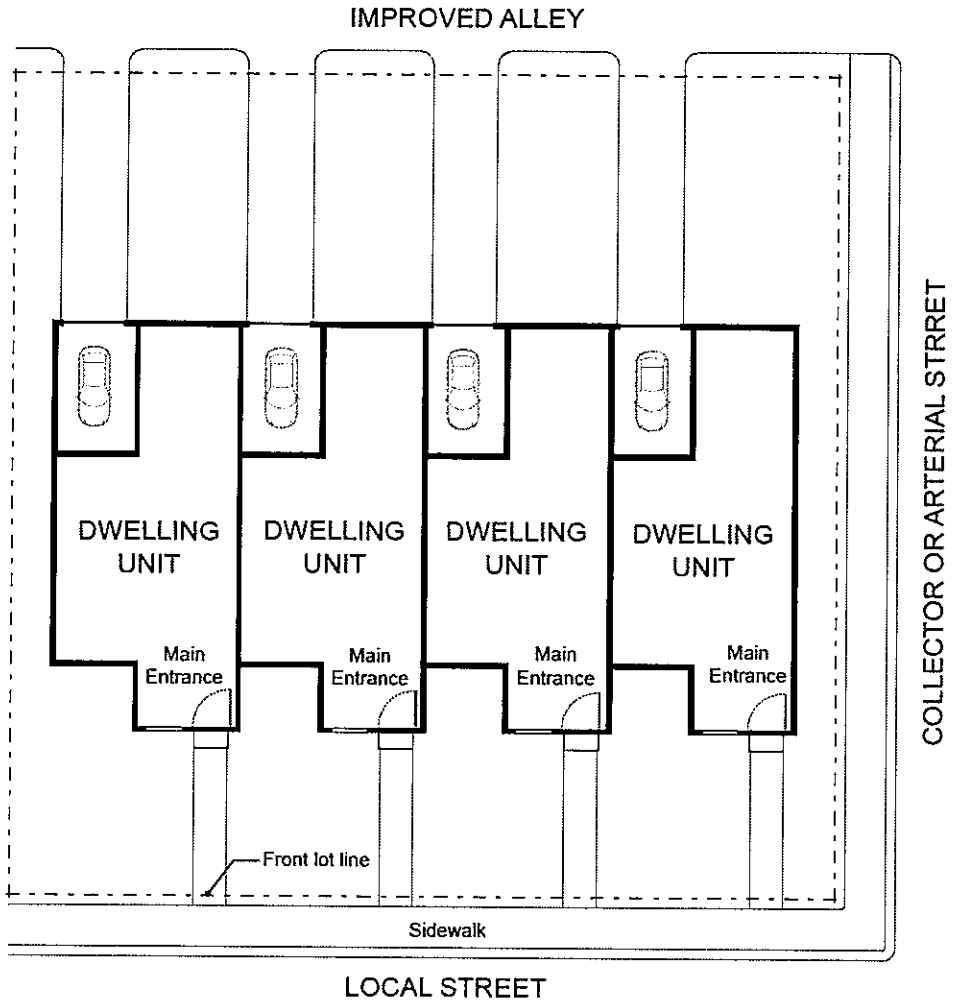
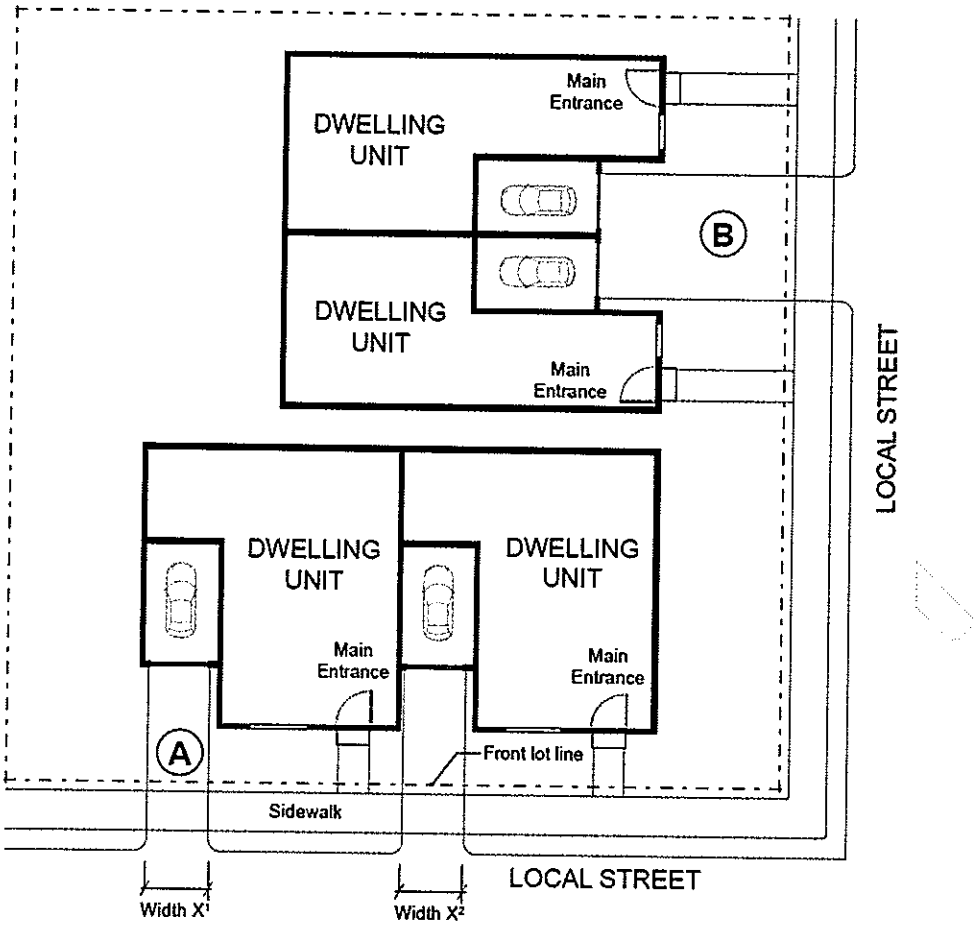


Figure 5.120(3)-9



Options for site with more than one frontage on local streets:

(A) Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured X1 + X2); or

(B) One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

(f) Conversions. Internal conversion of an existing detached single-family dwelling or duplex to a triplex or quadplex is subject to the following standards:

i. Conversions are exempt from the design standards of subsections (b) through (e), and

ii. Conversions are exempt from the minimum parking requirements in Section 4.030.

iii. Notwithstanding Article 7, a nonconforming structure that is an existing single-family dwelling or duplex may be converted to a triplex or quadplex

without review provided that the conversion does not increase nonconformance with applicable clear and objective standards.

(5) TOWNHOUSE STANDARDS.

(a) Development Standards. The development standards of the applicable base zone apply, with the following exceptions and additions:

i. The minimum lot width shall be 20 feet in all zones, except it shall be 15 feet where specified in the underlying zone.

ii. The side setback where townhouse units are attached shall be zero feet.

(b) Entry Orientation. The main entrance of each townhouse must:

i. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and

ii. The entrance must either:

1. Face the street (see Figure 5.120(3)-1);

2. Be at an angle of up to 45 degrees from the street (see Figure 5.120(3)-2);

3. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 5.120(3)-3); or

4. Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 5.120(3)-4).

(c) Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 5.120(4)-1):

i. A roof dormer a minimum of four feet in width, or

ii. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room, or

iii. A bay window that extends from the façade a minimum of two feet, or

iv. An offset of the façade of a minimum of two feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

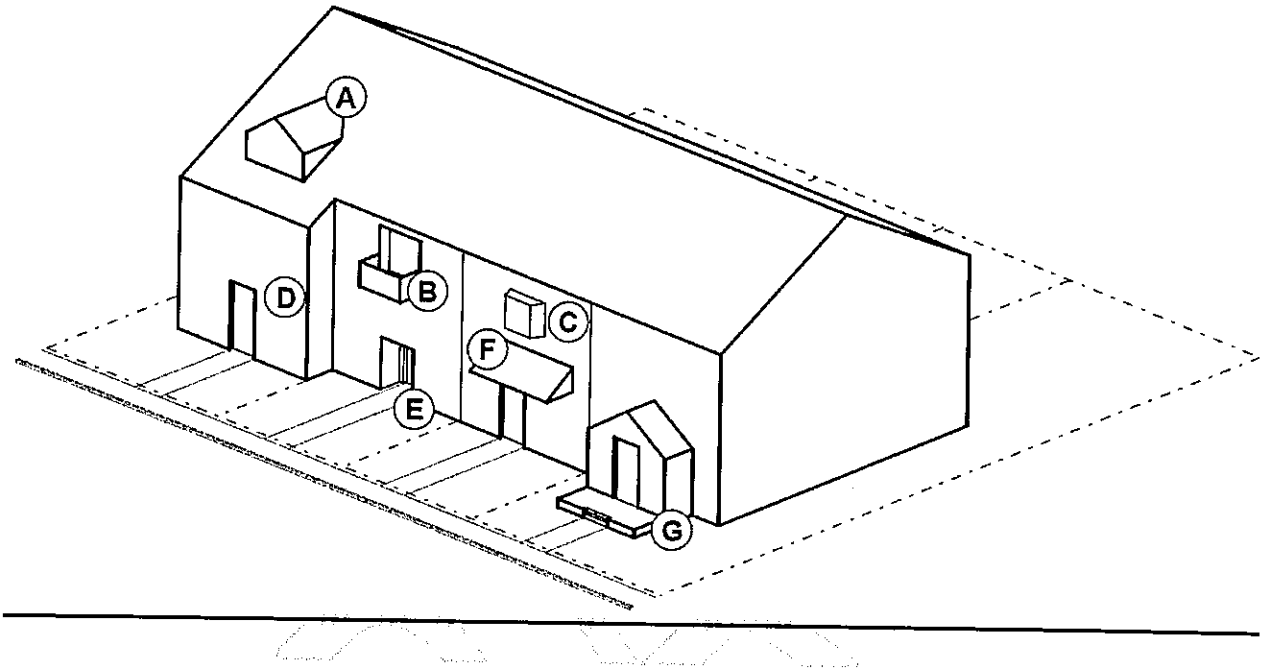
v. An entryway that is recessed a minimum of three feet, or

vi. A covered entryway with a minimum depth of four feet, or

vii. A porch with at least 25 square feet in area, and at least one entrance facing the street or have a roof.

Balconies and bay windows may encroach into a required setback area.

Figure 5.120(4)-1



(A) Roof dormer, minumum of 4 feet wide

(B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.

(C) Bay window extending minimum of 2 feet from facade

(D) Facade offset, minimum of 2 feet deep

(E) Recessed entryway, minimum 3 feet deep

(F) Covered entryway, minimum of 4 feet deep

(G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

(d) Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 5.120(3)-5.

(e) Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards:

i. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 5.120(4)-2):

1. Each townhouse lot has a street frontage of at least 15 feet on a local street, or as determined by the Tillamook County Public Works Department or local road authority.

2. A maximum of one driveway per lot is allowed that does not exceed 12 feet wide. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach.

3. The garage width shall be a maximum of 12 feet wide, as measured from the inside of the garage door frame.

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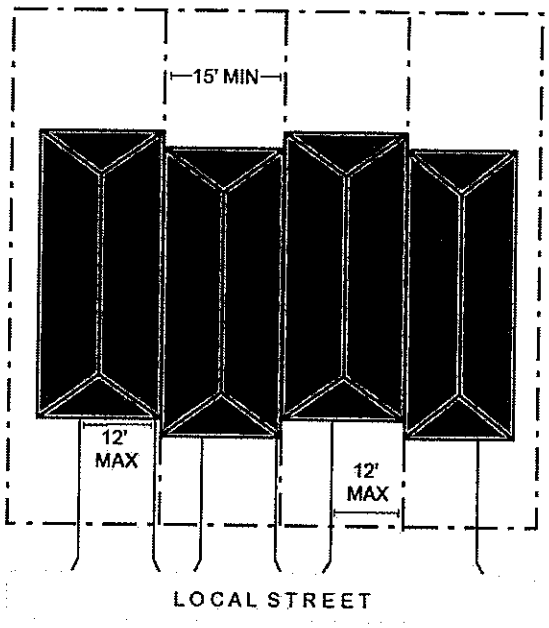
Figure 5.120(4)-2

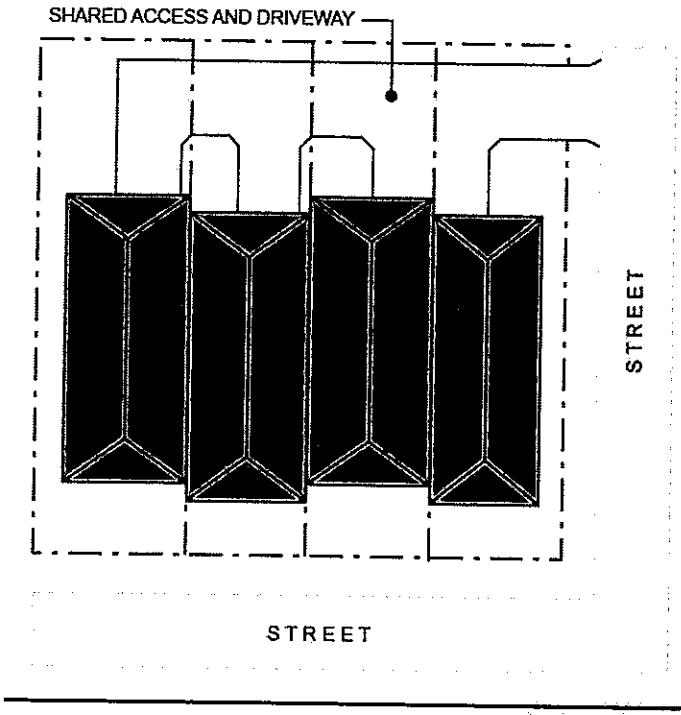


ii. The follow standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (i).

1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

2. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 5.120(4)-3.

Figure 5.120(4)-3



3. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the areas directly between the front façade and the front lot line of any of the townhouses. See Figure 5.120(4)-4.

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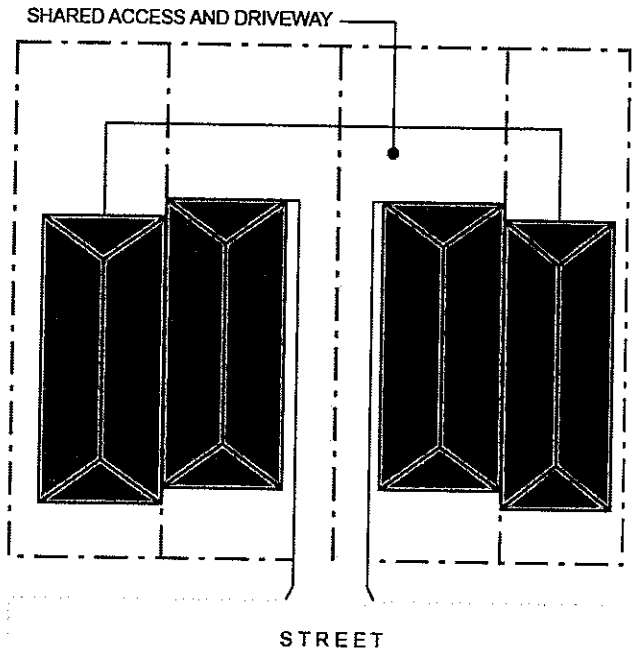
Figure 5.120(4)-4



4. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

iii. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (ii).

(6) COTTAGE CLUSTER DESIGN STANDARDS.

(a) Development Standards. The development standards of the applicable base zone apply, with the following exceptions and additions:

i. The maximum building footprint for a cottage in a cottage cluster shall be 900 square feet. Up to 200 square feet for an attached garage or carport shall be exempt from the calculation of the building footprint.

ii. The maximum floor area for a cottage in a cottage cluster shall be 900 square feet.

iii. The maximum height for cottage clusters shall be 17 feet.

iv. A minimum density of four units per net acre shall apply to cottage clusters in all zones.

v. No minimum front, side or rear yard shall exceed 10 feet in all zones.

vi. Cottages shall be separated by a minimum distance of 10 feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

vii. A minimum of three cottages and a maximum of eight cottages shall be permitted per cottage cluster.

(b) Cottage Orientation. Cottages shall be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 5.120(5)-1):

i. Each cottage within a cluster shall either abut the common courtyard or must be directly connected to it by a pedestrian path.

ii. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and shall:

1. Have a main entrance facing the common courtyard;

2. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

3. Be connected to the common courtyard by a pedestrian path.

iii. Cottages within 20 feet of a street property line may have their entrances facing the street.

iv. Cottages not facing the common courtyard or the street shall have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

(c) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 5.120(5)-1):

i. The common courtyard shall be a single, contiguous area.

ii. The common courtyard shall be abutted by cottages on at least two sides.

iii. The common courtyard shall contain a minimum of 150 square feet per cottage within the associated cluster.

iv. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

v. The common courtyard shall be developed with a mix of landscaping, lawn

area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

vi. Pedestrian paths shall be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(d) Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings may be no larger than 900 square feet.

(e) Pedestrian Access.

i. An accessible pedestrian path shall be provided that connects the main entrance of each cottage to the following:

1. The common courtyard;

2. Shared parking areas;

3. Community buildings; and

4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

ii. The pedestrian path shall be hard-surfaced and a minimum of four feet wide.

(f) Parking Design

i. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

1. Cottage cluster projects are permitted parking clusters of not more than five contiguous spaces.

2. Parking clusters shall be separated from other spaces by at least four feet of landscaping.

3. Clustered parking areas may be covered.

ii. Parking location and access.

1. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 10 feet from any street property line, except alley property lines;

- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

2. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

iii. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

iv. Garages and carports.

1. Garages and carports (whether shared or individual) shall not abut common courtyards.

2. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

3. Individual detached garages shall not exceed 400 square feet in floor area.

4. Garage doors for attached and detached individual garages shall not exceed 20 feet in width.

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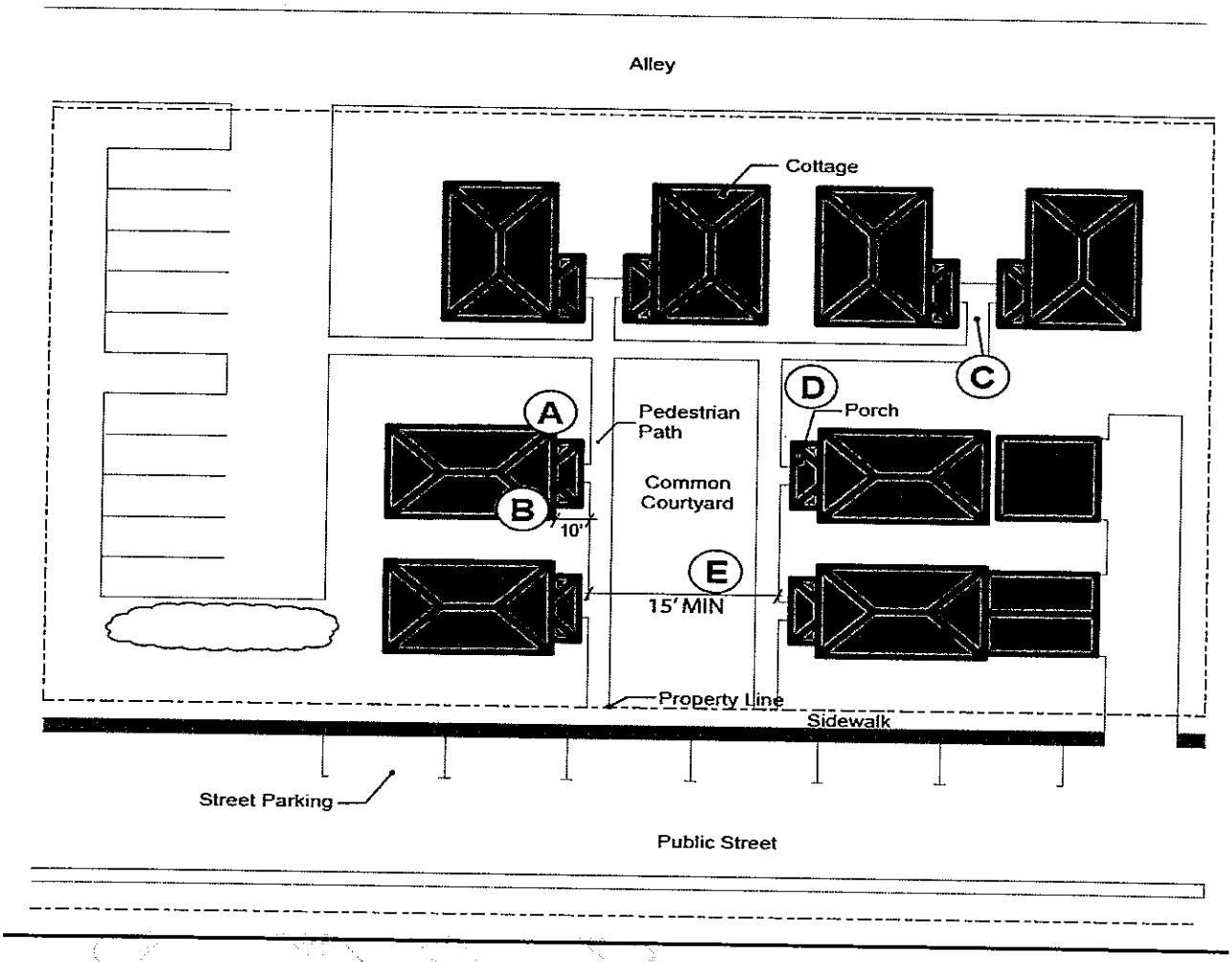
(7) Figure 5.120(5)-1



(A): A minimum of 50% of cottages shall be oriented to the common courtyard.

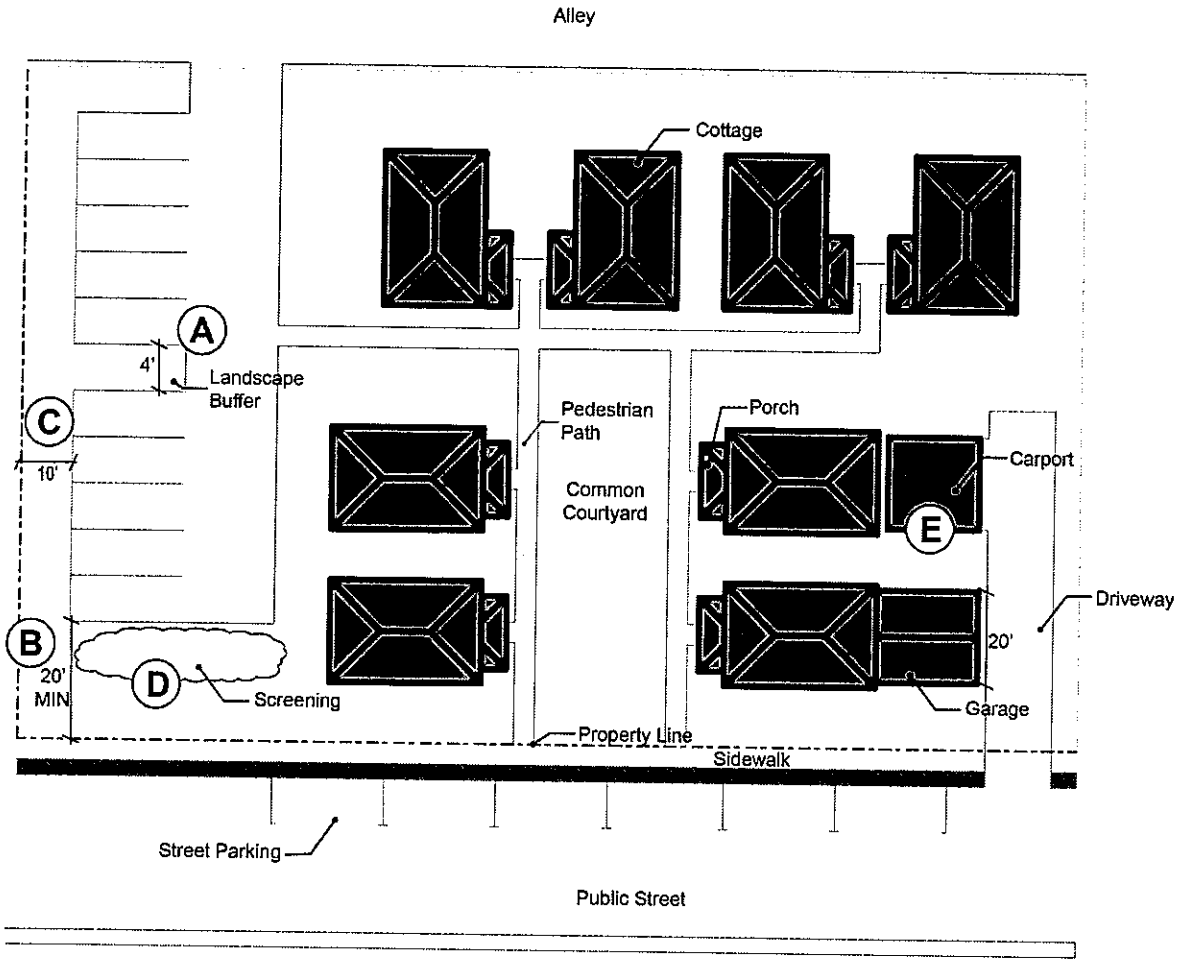
(B): Cottages oriented to the common courtyard shall be within 10 feet of the courtyard.

(C): Cottages shall be connected to the common courtyard by a pedestrian path.

(D): Cottages shall abut the courtyard on at least two sides of the courtyard.

(E): The common courtyard shall be at least 15 feet wide at its narrowest width.

Figure 5.120(5)-2



(A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.

(B) No parking or vehicle area within 20 feet from street property line (except alley).

(C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.

(D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.

(E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

(a) Existing Dwellings. On a lot or parcel to be used for a cottage cluster project, an existing single-family dwelling on the same lot at the time of proposed development

of the cottage cluster may be incorporated into the cottage cluster under the following conditions:

i. The existing dwelling may be nonconforming with respect to the requirements of this code.

ii. The existing dwelling may be expanded up to the maximum height, building footprint and floor area allowed in subsection (a). Existing dwellings that exceed the maximum height, footprint and/or floor area of this code may not be expanded.

iii. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard required in subsection (b).

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SECTION 5.120: MIDDLE HOUSING STANDARDS

(1) PURPOSE. The purpose of the middle housing standards is to ensure that new middle housing can be integrated within community ~~growth~~ 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.

(2) LOCATION: A triplex, quadplex, townhome or cottage cluster may be sited on a lawfully established residentially zoned property located within the unincorporated community boundaries of Neahkahnie, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Hebo, Cloverdale, Pacific City/Woods and Neskowin, subject to the development standards of the underlying zone and this section.

(3) SUFFICIENT INFRASTRUCTURE. Applicants shall~~must~~ demonstrate that sufficient infrastructure is provided, or will be provided, upon submittal of an application for a triplex, quadplex, townhouse project or cottage cluster, including documentation from a local service provider or special district verifying:

(a) Connection to a public sewer system capable of meeting established service levels or permit approval of onsite wastewater treatment system;~~Connection to a public sewer system capable of meeting established service levels;~~

(b) Connection to a public water system capable of meeting established service levels;

(c) Access via public or private streets meeting adopted emergency vehicle access standards to a public street system; and

(d) Storm drainage facilities capable of meeting established service levels for storm drainage.

(4) TRIPLEX AND QUADPLEX STANDARDS.

(a) Development Standards. The development standards of the applicable base zone apply.

(b) Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

i. The entrance shall~~must~~ be within 8 feet of the longest street-facing wall of the dwelling unit; and

ii. The entrance shall~~must~~ either:

1. Face the street (see Figure 5.120(3)-1);

2. Be at an angle of up to 45 degrees from the street (see Figure 5.120(3)-2);

3. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 5.120(3)-3); or

4. Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 5.120(3)-4).

Figure 5.120(3)-1

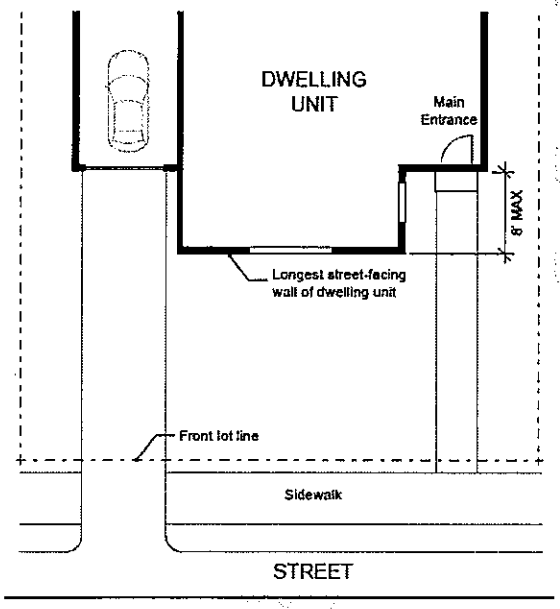

Figure 5.120(3)-2

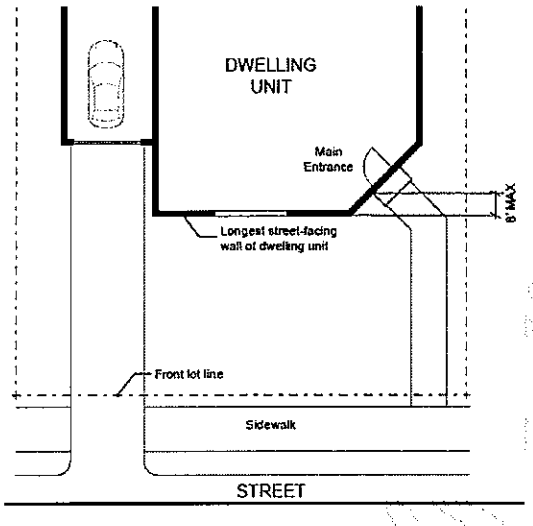

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Figure 5.120(3)-3

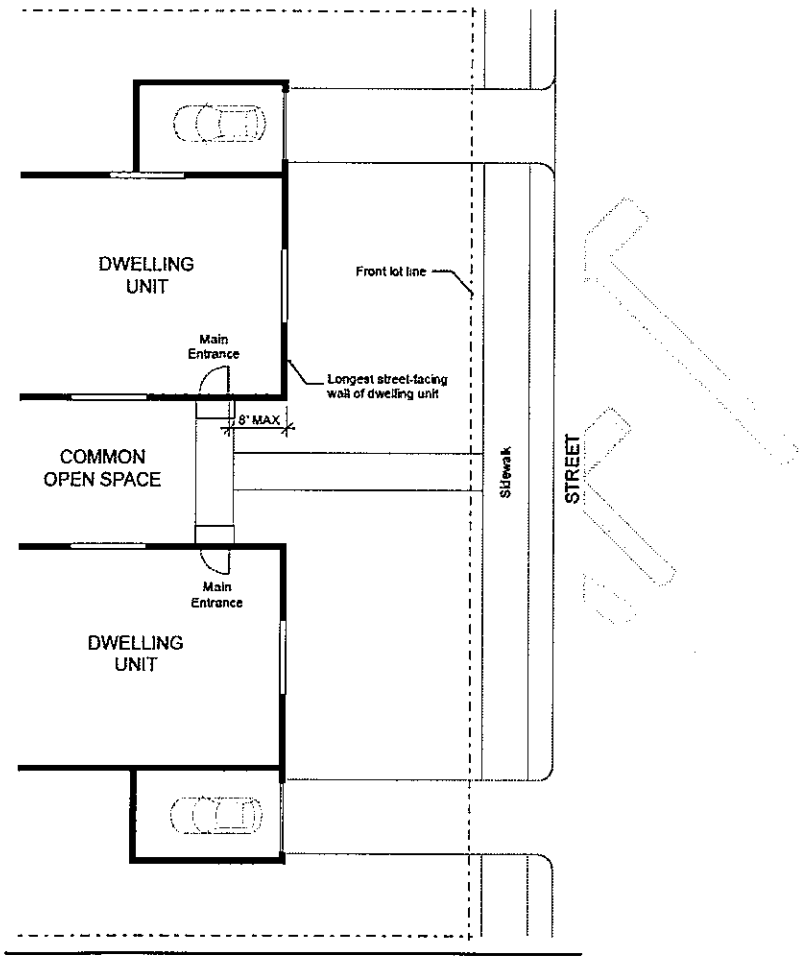
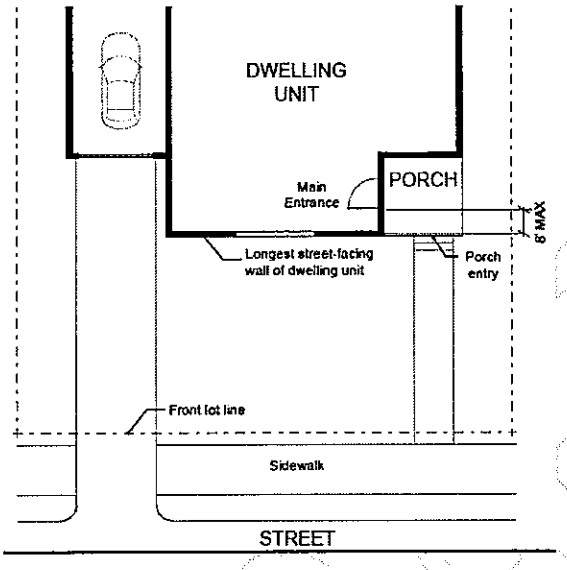


Figure 5.120(3)-4



(c) Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5.120(3)-5.

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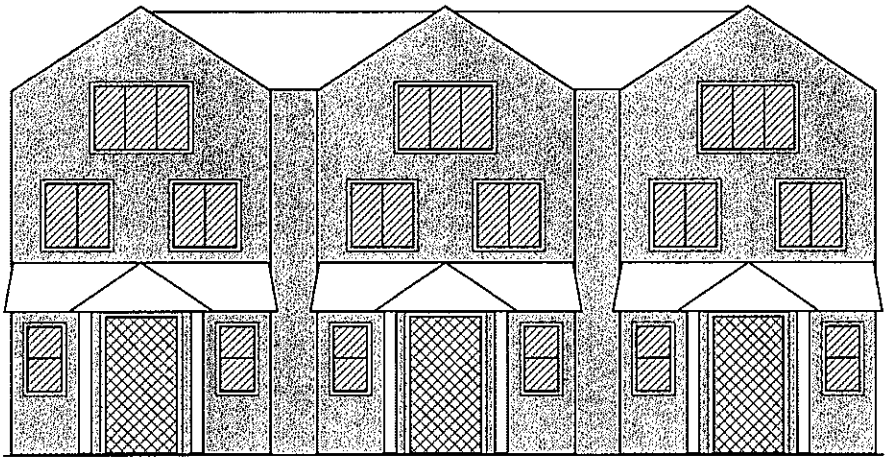
Figure 5.120(3)-5



STREET-FACING FACADE

Area subject to 15% window & entrace door coverage requirement

Qualifying window coverage

Qualifying entrace door coverage

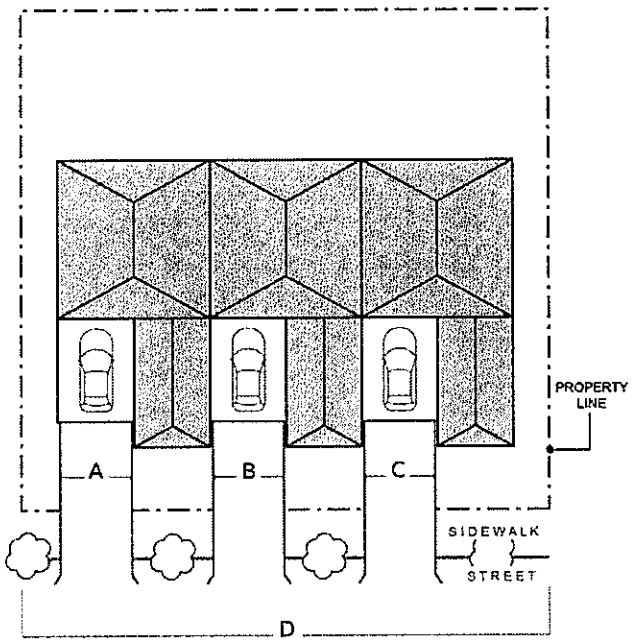
(d) Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except where they comply with the following standards:

i. The garage or off-street parking area is separated from the street property line by a dwelling; or

ii. The combined width of all garages and outdoor on-site parking and maneuvering areas ~~does~~do not exceed a total of 50 percent of the street frontage. See Figure 5.120(3)-6; or.

~~ii.~~iii. The location of the garage and off-street parking area are an extension of the road approach approved by Tillamook County Public Works or the local road authority.

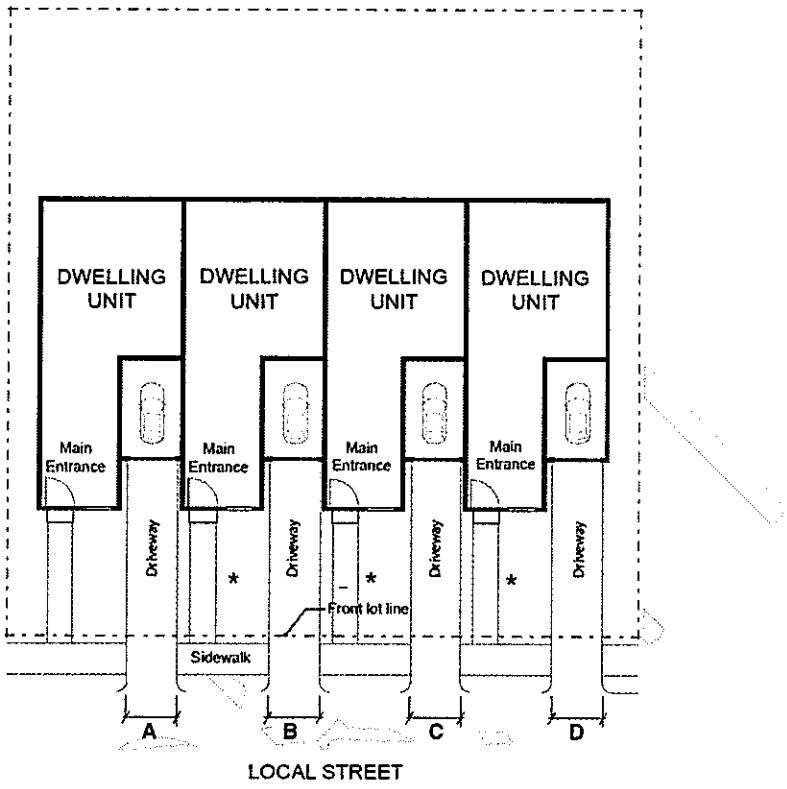
Figure 5.120(3)-6



A/B/C Garage and on-site parking and maneuvering areas

D Total street frontage

$$\frac{A + B + C}{D} \leq 50\%$$



LOCAL STREET

Width of **A+B+C+D** shall not exceed 32 feet

* Driveway approaches may be separated on a local street

(e) Driveway Approach. Driveway approaches must comply with the following:

i. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 5.120(3)-7), unless a different total width is required by Tillamook County Public Works or the local road authority.

ii. Driveway approaches may be separated when located on a local street (see Figure 5.120(3)-7).

iii. In addition, lots with more than one frontage must comply with the following:

1. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley, access must be taken from the alley (see Figure 5.120(3)-8).

2. Lots or parcels with frontages only on collectors and/or arterial streets must meet the access standards applicable to collectors and/or arterials.

3. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:

   • Two driveway approaches not exceeding 32 feet in total width on one frontage; or

   • One maximum 16-foot-wide driveway approach per frontage (see Figure 5.120(3)-9); or

   • As determined by the Tillamook County Public Works Department or local road authority.

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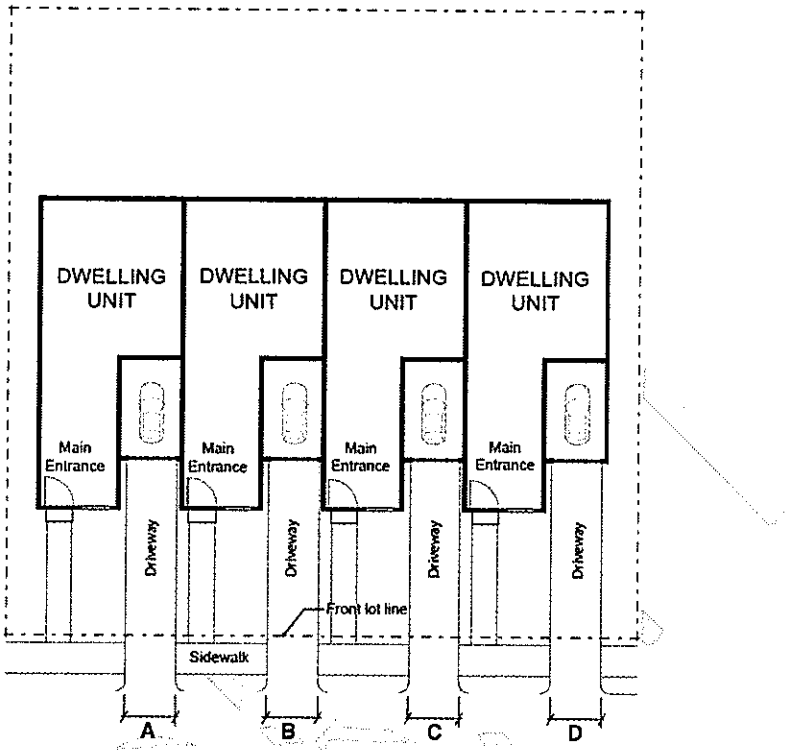
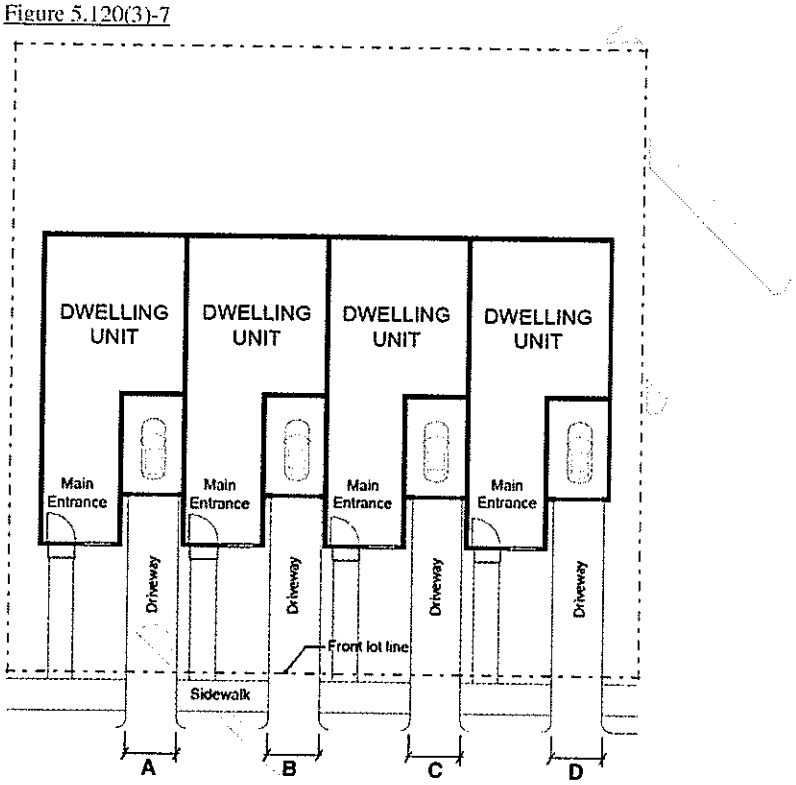


LOCAL STREET

Width of **A+B+C+D** shall not exceed 32 feet

* Driveway approaches may be separated on a local street

Figure 5.120(3)-7



LOCAL STREET

Width of **A+B+C+D** shall not exceed 32 feet

* Driveway approaches may be separated on a local street

~~Figure 5.120(3)-7~~

Figure 5.120(3)-8

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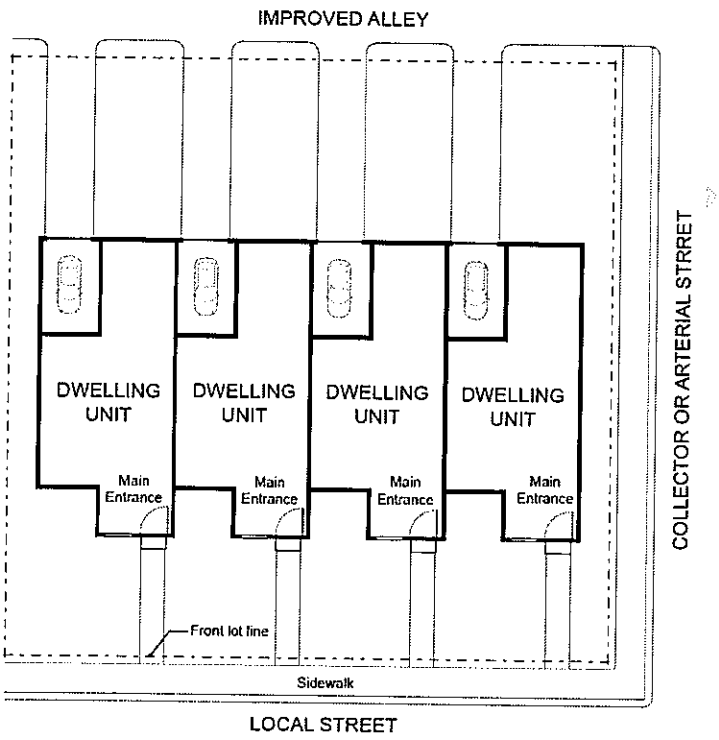
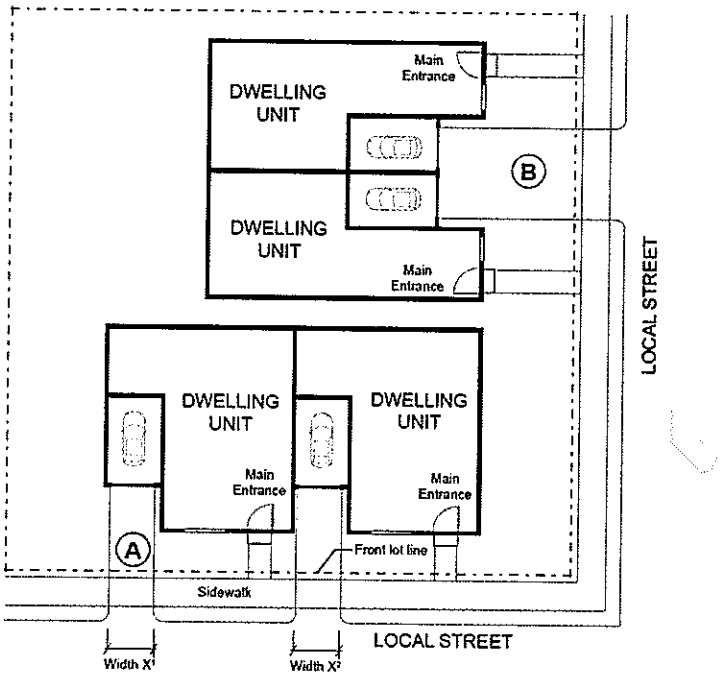


Figure 5.120(3)-9



Options for site with more than one frontage on local streets:

(A) Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured X1 + X2); or

(B) One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

(f) Conversions. Internal conversion of an existing detached single-family dwelling or duplex to a triplex or quadplex is subject to the following standards:

i. Conversions are exempt from the design standards of subsections (b) through (e), and

ii. Conversions are exempt from the minimum parking requirements in Section 4.030.

iii. Notwithstanding Article 7~~VII~~, a nonconforming structure that is an existing single-family dwelling or duplex may be converted to a triplex or quadplex

without review provided that the conversion does not increase nonconformance with applicable clear and objective standards.

(5) TOWNHOUSE STANDARDS.

(a) Development Standards. The development standards of the applicable base zone apply, with the following exceptions and additions:

i. The minimum lot width shall be 20 feet in all zones, except it shall be 15 feet where specified in the underlying zone.

ii. The side setback where townhouse units are attached shall be zero feet.

(b) Entry Orientation. The main entrance of each townhouse must:

i. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and

ii. The entrance must either:

1. Face the street (see Figure 5.120(3)-1);

2. Be at an angle of up to 45 degrees from the street (see Figure 5.120(3)-2);

3. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 5.120(3)-3); or

4. Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 5.120(3)-4).

(c) Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 5.120(4)-1):

i. A roof dormer a minimum of four feet in width, or

ii. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room, or

iii. A bay window that extends from the façade a minimum of two feet, or

iv. An offset of the façade of a minimum of two feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

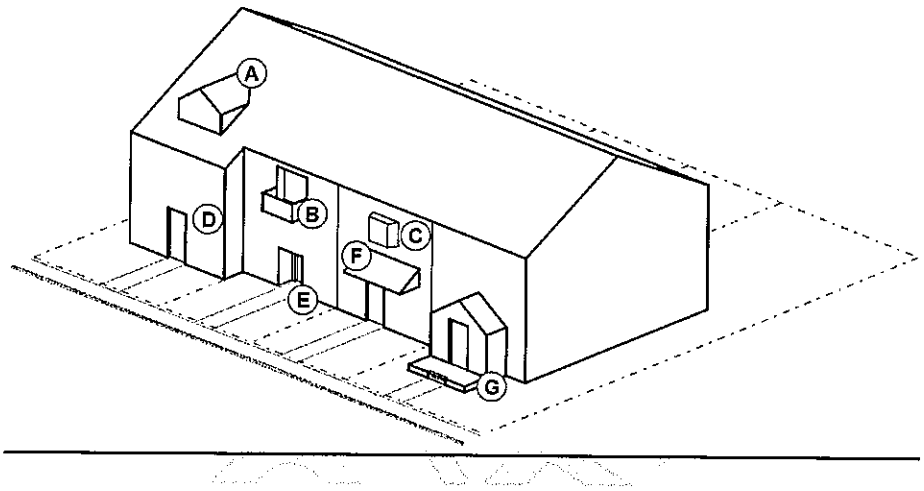
v. An entryway that is recessed a minimum of three feet, or

vi. A covered entryway with a minimum depth of four feet, or

vii. A porch with at least 25 square feet in area, and at least one entrance facing the street or have a roof.

Balconies and bay windows may encroach into a required setback area.

Figure 5.120(4)-1



(A) Roof dormer, minumum of 4 feet wide

(B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.

(C) Bay window extending minimum of 2 feet from facade

(D) Facade offset, minimum of 2 feet deep

(E) Recessed entryway, minimum 3 feet deep

(F) Covered entryway, minimum of 4 feet deep

(G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

(d) Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 5.120(3)-5.

(e) Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards:

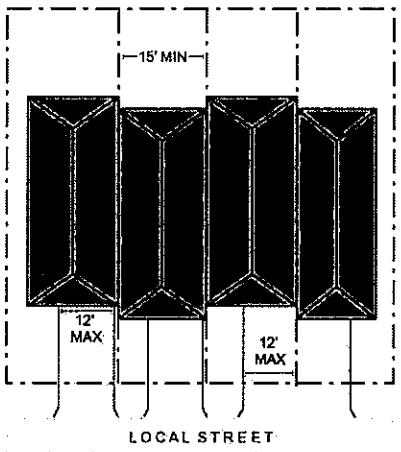
i. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 5.120(4)-2):

1. Each townhouse lot has a street frontage of at least 15 feet on a local street, or as determined by the Tillamook County Public Works Department or local road authority.

2. A maximum of one driveway per lot is allowed that does not exceed 12 feet wide. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach.

3. The garage width shall be a maximum of 12 feet wide, as measured from the inside of the garage door frame.

Figure 5.120(4)-2



ii. The follow standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (i).

1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

2. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 5.120(4)-3.

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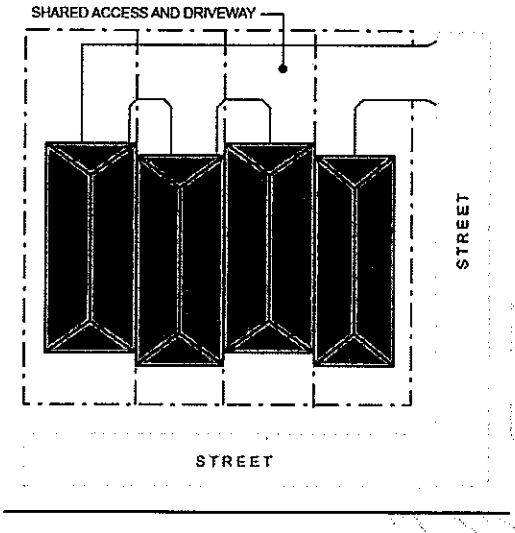
Figure 5.120(4)-3



3. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the areas directly between the front façade and the front lot line of any of the townhouses. See Figure 5.120(4)-4.

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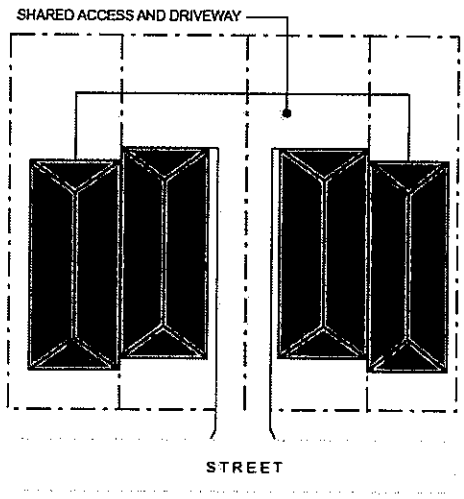
Figure 5.120(4)-4



4. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

iii. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (ii).

(6) COTTAGE CLUSTER DESIGN STANDARDS.

(a) Development Standards. The development standards of the applicable base zone apply, with the following exceptions and additions:

i. The maximum building footprint for a cottage in a cottage cluster shall be 900 square feet. Up to 200 square feet for an attached garage or carport shall be exempt from the calculation of the building footprint.

ii. The maximum floor area for a cottage in a cottage cluster shall be 900 square feet.

iii. The maximum height for cottage clusters shall be 17 feet.

iv. A minimum density of four units per net acre shall apply to cottage clusters in all zones.

v. No minimum front, side or rear yard shall exceed 10 feet in all zones.

vi. Cottages shall be separated by a minimum distance of 10 feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

vii. A minimum of three cottages and a maximum of eight cottages shall be permitted per cottage cluster.

(b) Cottage Orientation. Cottages shall ~~must~~ be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 5.120(5)-1):

i. Each cottage within a cluster shall~~must~~ either abut the common courtyard or must be directly connected to it by a pedestrian path.

ii. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and shall~~must~~:

1. Have a main entrance facing the common courtyard;

2. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

3. Be connected to the common courtyard by a pedestrian path.

iii. Cottages within 20 feet of a street property line may have their entrances facing the street.

iv. Cottages not facing the common courtyard or the street shall~~must~~ have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

(c) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 5.120(5)-1):

i. The common courtyard shall~~must~~ be a single, contiguous area~~piece~~.

ii. The common courtyard shall be abutted by cottages ~~Cottages must abut the common courtyard~~ on at least two sides ~~of the courtyard~~.

iii. The common courtyard shall ~~must~~ contain a minimum of 150 square feet per cottage within the associated cluster.

iv. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

v. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

vi. Pedestrian paths shall~~must~~ be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(d) Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings may be no larger than 900 square feet.

(e) Pedestrian Access.

i. An accessible pedestrian path shall~~must~~ be provided that connects the main entrance of each cottage to the following:

1. The common courtyard;

2. Shared parking areas;

3. Community buildings; and

4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

ii. The pedestrian path shall~~must~~ be hard-surfaced and a minimum of four feet wide.

(f) Parking Design

i. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

1. Cottage cluster projects are permitted parking clusters of not more than five contiguous spaces.

2. Parking clusters shall~~must~~ be separated from other spaces by at least four feet of landscaping.

3. Clustered parking areas may be covered.

ii. Parking location and access.

1. Off-street parking spaces and vehicle maneuvering areas shall not be

located:

- Within of 10 feet from any street property line, except alley property lines;
- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

2. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

iii. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

iv. Garages and carports.

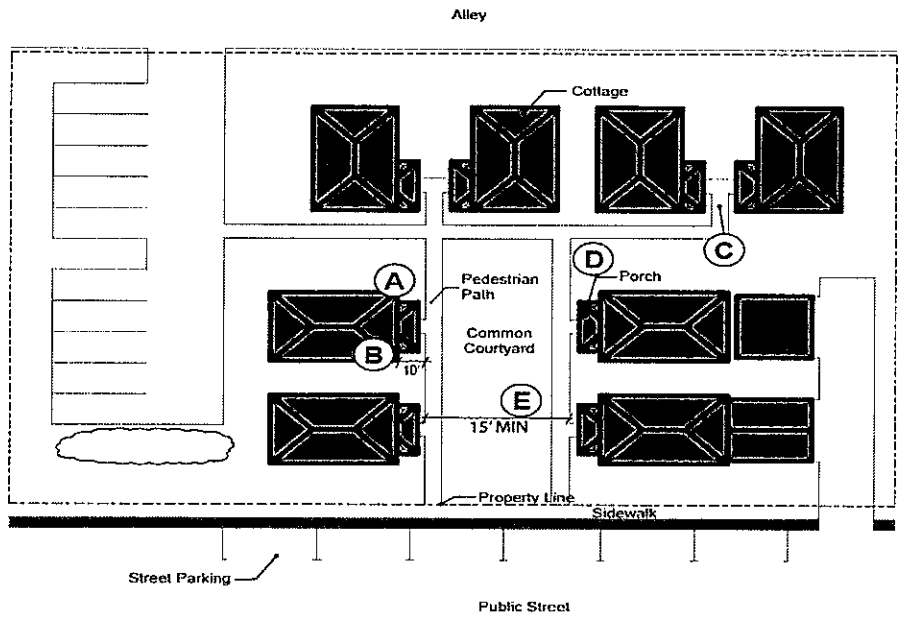
1. Garages and carports (whether shared or individual) shall~~must~~ not abut common courtyards.

2. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

3. Individual detached garages shall~~must~~ not exceed 400 square feet in floor area.

4. Garage doors for attached and detached individual garages shall~~must~~ not exceed 20 feet in width.

(7) Figure 5.120(5)-1



(A): A minimum of 50% of cottages shall be oriented to the common courtyard.

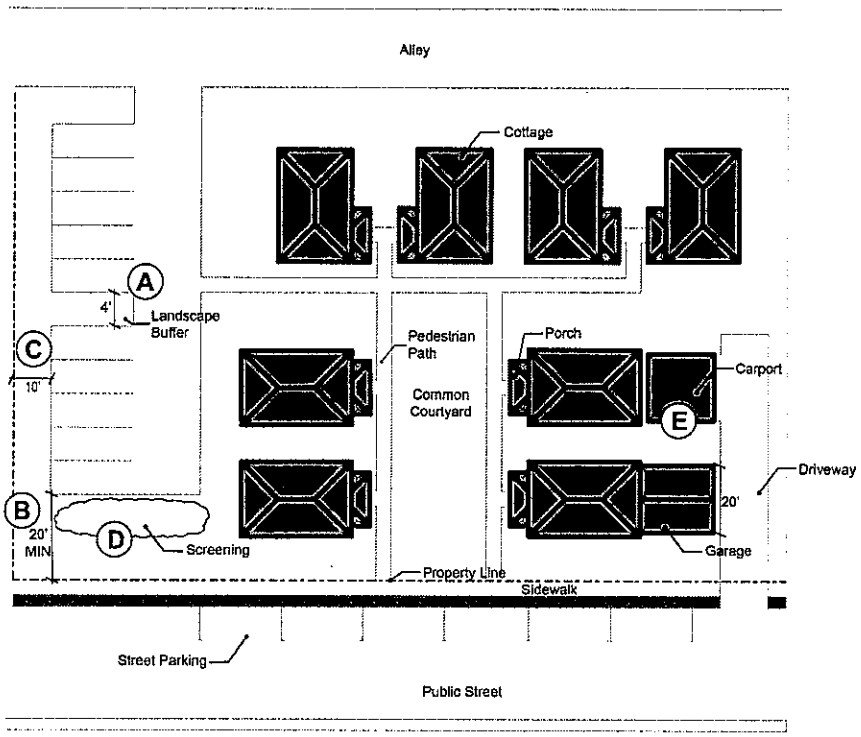
(B): Cottages oriented to the common courtyard shall be within 10 feet of the courtyard.

(C): Cottages shall be connected to the common courtyard by a pedestrian path.

(D): Cottages shall abut the courtyard on at least two sides of the courtyard.

(E): The common courtyard shall be at least 15 feet wide at its narrowest width.

Figure 5.120(5)-2



(A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.

(B) No parking or vehicle area within 20 feet from street property line (except alley).

(C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.

(D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.

(E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

(a) Existing Dwellings. On a lot or parcel to be used for a cottage cluster project, an existing single-family dwelling on the same lot at the time of proposed development

of the cottage cluster may be incorporated into the cottage cluster under the following conditions:

i. The existing dwelling may be nonconforming with respect to the requirements of this code.

ii. The existing dwelling may be expanded up to the maximum height, building footprint and floor area allowed in subsection (a). Existing dwellings that exceed the maximum height, footprint and/or floor area of this code may not be expanded.

iii. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard required in subsection (b).

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EXHIBIT G

ARTICLE 11~~XI~~

DEFINITIONS

SECTION 11.010: DEFINITIONS

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

SECTION 11.020: APPLICABILITY

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

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

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

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

SECTION 11.030: GENERALLY APPLIED DEFINITIONS

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

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

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

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

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

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

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

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

APARTMENT ~~HOUSE~~: ~~Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of four or more families living independently of each other and doing their own cooking in the building.~~ See DWELLING, MULTIFAMILY.

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

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

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

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

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

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

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

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

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

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

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

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

BUILDABLE AREA:

(a) For the purpose of siting structures on a parcel, the area thereon exclusive of all applicable setbacks or areas within restrictive overlay zones contained in this Ordinance.

(b) For purposes of calculating the allowable number of dwellings on a lot or parcel, the area thereof, exclusive of the following:

1. Road or utility easements;

2. Narrow strips of land provided for access from a street to a flag lot;

3. Areas seaward of the beach zone line;

4. Areas within all estuary zones;

5. Channels within the ordinary high water lines of streams that are at least 15 feet wide; and

6. Areas within the ordinary high water line of lakes.

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

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

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

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

CAMPER: See RECREATIONAL VEHICLE.

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

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

CLEAR-VISION AREA: See Section 4.010.

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

COMMISSION: The Tillamook County Planning Commission.

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

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

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

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

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

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

CONTIGUOUS: Sharing all or part of a common boundary.

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

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

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

COUNTY: The County of Tillamook, State of Oregon.

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

(a) Land subject to soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, Stat. 188);

(b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(c) Land planted in orchards or other perennials prior to maturity;

(d) Any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially assessed at true cash value for farm use, even if the land constituting the wood lot is not utilized in conjunction with farm use;

(e) Wasteland, in an exclusive farm use zone, dry, covered or partially covered with water, lying in or adjacent to and in common ownership with farm use land and which is not currently being used for any economic farm use;

(f) Land under dwellings customarily provided in conjunction with the farm use in an exclusive farm use zone; and

(g) Land under buildings supporting accepted farm practices.

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

DEPARTMENT: The Tillamook County Department of Community Development.

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

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

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

DUPLEX: See DWELLING, DUPLEX.

DWELLING: A detached structure that meets the requirements of the Uniform Building Code for residential structures, and which is intended and/or used for residential proposes. ~~**DWELLING includes qualifiers such as the following, indicating the number of dwelling units per structure:**~~

~~**Single family.....1**~~
~~**Two family .....2**~~
~~**3 or 4 family ..... 3 or 4**~~
~~**Multi-family .....5 or more**~~

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

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

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

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

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

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

DWELLING, ACCESSORY: ~~A dwelling unit with a separate entrance that shares at least one building wall, or portion thereof, with a single family, detached dwelling unit, or an accessory structure on the same tax lot, but not a two or three family dwelling. For purposes of these provisions, 'wall' does not include a breezeway, porch, or awning.~~ **A subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same property as the primary dwelling and which is incidental to the main use of the property. In no case shall the ADU exceed in**

area, extent or purpose, the primary dwelling. An ADU is not a duplex or triplex.

~~**DWELLING, ATTACHED OR COMMONWALL: A dwelling which shares at least one wall, or portion thereof, with another dwelling and which is permitted in a single-family residential zone subject to the same density requirements as single family detached dwellings in those zones. An attached or commonwall dwelling may, or may not, include a separate lot or parcel.**~~

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

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

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

FACING: Directly opposite, across from.

~~**FAMILY: One or more persons related by blood, marriage, adoption or guardianship, and not more than five additional persons not so related, occupying a dwelling unit and living as a single household unit. This includes the occupants of an ADULT FOSTER HOME and a FOSTER FAMILY HOME.**~~

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

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

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

FLOOR AREA: ~~**The area included within the surrounding exterior walls of a building or portion thereof, exclusive of porches and exterior stairs, multiplied by the number of stories or portion thereof. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Floor area shall not include portions of buildings used for parking of vehicles, except the square footage of commercial uses in parking structures can be counted as part of the total floor area.**~~ **The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:**

• Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;

• Roof area, including roof top parking;

• Roof top mechanical equipment; and

• Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

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

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

- Registered Geologists (RG) provide geologic maps and documents, can identify relative hazards, and are licensed by the Oregon State Board of Geologist Examiners (OSBGE). RGs cannot imply or provide recommendations for the siting, design, modification, or construction of structures and cannot practice engineering geology. RGs are defined in ORS 675.505 and ORS 672.525.
- Certified Engineering Geologists (CEG) provide engineering geologic reports and geotechnical reports that include hazard mitigation design. They are licensed by the Oregon State Board of Geologist Examiners (OSBGE). They apply geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized. They can conduct geologic work to provide recommendations for the siting, design, modification, or construction of a structure. CEGs are defined in ORS 672.505 and ORS 672.525.
- A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE). GEs can provide geotechnical engineering reports and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS). A GE can investigate and evaluate physical and engineering properties of earth materials, and design mitigation measures to reduce risk from natural hazards. As defined in Oregon Statute, Professional Engineers can only perform services in the areas of their competence. ORS 672.005, OAR 820-020. [Adopted May 11, 2022]

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

GROUP COTTAGES: See HOTEL.

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

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

HEIGHT OF BUILDING: See BUILDING HEIGHT.

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

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

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

HOSPITAL, ANIMAL: A building or premises for the medical or surgical treatment of domestic animals or pets

including dog, cat, and veterinary hospitals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT, INTERIOR: A non-corner lot.

LOT LINE: The property line of a lot.

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

attained.

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

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

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

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

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

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

LOT, THROUGH: An interior lot abutting two streets.

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

MANUFACTURED DWELLING: Includes:

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

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

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

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

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

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

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

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

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

MOTOR HOME: See RECREATIONAL VEHICLE.

MULTIFAMILY: See DWELLING, MULTIFAMILY.

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

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

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

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

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

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

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

below the minimum lot size established by an applicable zoning ordinance. "Partition" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner

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

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

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

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

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

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

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

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

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

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

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

QUADPLEX: See DWELLING, QUADPLEX.

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

RECREATIONAL VEHICLE includes the following:

(a) CAMPER: A structure containing a floor that is designed to be temporarily mounted upon a motor vehicle, and which is designed to provide facilities for temporary human habitation.

(b) MOTOR HOME: A motor vehicle with a permanently attached camper, or that is originally designed, reconstructed or permanently altered to provide facilities for temporary human habitation.

(c) TRAVEL TRAILER: A trailer that is capable of being used for temporary human habitation, which is not more than eight feet wide, and except in the case of a tent trailer, has four permanent walls when it is in the usual travel position.

(d) SELF-CONTAINED RECREATIONAL VEHICLE: A vehicle that contains a factory-equipped, on-board system for the storage and disposal of gray water and sewage.

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

RECREATIONAL CAMPGROUND: A place where four or more recreational vehicles and/or tents are located on one or more continuous lots, tracts or parcel of land under a single ownership for temporary recreational camping. A permanent house, mobile home, or recreational vehicle for the owner, operator, or manager of the campground is permitted, however other Sections of the Ordinance pertaining to such use shall apply i.e. Section ~~4.40~~ 5.010, etc. Accessory uses that may be permitted include recreation cabins, shower, laundry, a grocery, gas pump, and recreation facilities that are designated for the primary purpose of serving the occupants of the campground. A camper shall not be permitted to stay any longer than six (6) months in any twelve (12) month period.

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

RESIDENTIAL CARE, TRAINING, OR TREATMENT FACILITY: As defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to time, have value and thus be utilized shall not remove them from the definition. The terms Solid Waste or Waste do not include:

a) Environmentally hazardous wastes as defined in ORS 466.055;

b) Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes;

c) Septic tank and cesspool pumping or chemical toilet waste;

d) For purposes of Article V of this Ordinance, reusable beverage containers as defined in ORS459A;

e) Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated thereunder and under this Ordinance, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Article II of this Ordinance;

f) Applications of industrial sludges or industrial waste by-products authorized through a Land Use Compatibility Statement or Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;

g) Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations. Sludge derived products applied for beneficial uses on land in landscaping projects.

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

START OF CONSTRUCTION:

(a) For a structure other than a mobile home, START OF CONSTRUCTION means the first placement of permanent material for the construction of the primary use on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the START OF CONSTRUCTION means the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundation.

(b) For mobile homes not within a mobile home park or subdivision, START OF CONSTRUCTION means securing the mobile home at its permanent location by means of tiedowns or, in the case of a double-wide mobile home, its placement upon piers.

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

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

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

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

STRUCTURAL ALTERATION: Any change to the weight-bearing members of a building, including foundations,

bearing walls, columns, beams, girders, or any change in the roof or exterior walls.

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

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

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

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

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

(a) Any improvements made to a structure to comply with existing state or local health, sanitary, or safety code specifications, and which are solely necessary to assure safe living conditions;

(b) Any restoration work on a structure listed in the National Register of Historic Places or a State Inventory of Historic Places; or

(c) Any project for the addition or expansion of an electrical cogeneration facility.

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

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

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

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

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

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

TOWNHOUSE: ~~Townhouse is a single family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides.~~ **See DWELLING, TOWNHOUSE.**

TOWNHOUSE PROJECT: One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect

the townhouse property lines and any commonly owned property.

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

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

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

TRAVEL TRAILER: See RECREATIONAL VEHICLE.

TRIPLEX.:See DWELLING, TRIPLEX.

URBAN or URBANIZABLE LAND: Only those lands within or surrounding an incorporated city which are contained by an Urban Growth Boundary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT

EXHIBIT H

LAND DIVISION ORDINANCE

DEVELOPMENT APPROVAL PROCEDURES

Section 010: Purpose

Section 020: Definitions

Section 030: General Provisions

Section 040: Preliminary Plat Approval Process

Section 050: Pre-planning for large sites

Section 060: Preliminary Plat Submission Requirements

Section 070: Preliminary Plat Approval Criteria

Section 080: Land Division-Related Variances

Section 090: Final Plat Submission Requirements and Approval Criteria

Section 100: Cluster Subdivisions

Section 110: Minor Revisions to Preliminary Approved Land Decisions

Section 120: Re-Platting and Vacation of Plats

Section 130: Property Line Adjustments

Section 140: Improvement Procedures

Section 150: Development Standards for Land Divisions

Section 160: Street Improvements

Section 170: Interpretation

Section 180: Validity

Section 190: Enforcement

Section 200: Repealer

Section 210: Adoption

Section 220: Prohibition

Section 230: Expedited and Middle Housing Land Divisions

INTRODUCTION

SECTION 010: PURPOSE

(1) The purpose of this Ordinance is to establish standards for property line adjustments for the division of land by way of partition or subdivision and for the development of improvements for areas of Tillamook County outside the urban growth boundaries of incorporated cities.

(2) These regulations are necessary:

(a) In order to provide uniform procedures and standards for the division of land;

(b) To coordinate proposed developments with development plans for highways, utilities, and other public facilities;

(c) To provide for the protection, conservation and proper use of land, water, and other natural resources;

(d) To carry out the policies and intent of the County Comprehensive Plan;

(e) To ensure adequate lot and parcel sizes for homesites;

(f) To encourage safe and convenient access for vehicles, pedestrians, and bicyclists;

(g) To ensure adequate sanitation and water supply services;

(h) For the equitable allocation of costs for improvements such as roads, sewers, water, and other service facilities;

(i) For the protection of the public from pollution, flood, slides, fire, and other hazards to life and property;

(j) To provide for energy efficient land use and the use of renewable energy systems;

(k) To provide for the accurate and timely recording in the office of the County Clerk all newly created property boundaries, street, roads, right-of-ways and easements; and

(l) To protect in other ways the public health, safety, and general welfare.

(3) It is expressly not the purpose or intent of this Ordinance to encourage the division of land or the provision or extension of roads or sewer lines into lands designated for resource use by the Tillamook County Land Use Ordinance. Thus Subdivisions shall be limited to those zones designated for residential, commercial or industrial use. All references to sewer lines in this Ordinance apply only to lands where such services conform to the intent and purposes of the County Comprehensive Plan.

SECTION 020: DEFINITIONS

As used in this Ordinance, unless it is apparent from the context that different meanings are intended, the words and phrases below shall have the following meanings. Other words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage, and to give this Ordinance its most reasonable application. Words used in the present tense include the future; words in the singular include the plural, and words in the plural include the singular. The word "building" includes the "structure". The word "shall" is mandatory and not directory.

AASHTO: American Association of State Highway and Transportation Officials

ACCESS: The legally established route by which pedestrians and vehicles enter and leave property from a public way which can be developed for safe access.

ALLEY: A narrow public way through a block provided for access to the back or side of properties fronting on a street.

BICYCLE LANE: That part of the roadway or highway, adjacent to the roadway or highway, designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law.

BICYCLE PATH: A public way, not part of a roadway or highway, that is designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law.

BOARD: The Tillamook County Board of Commissioners.

BUILDOUT: The number of parcels or lots possible within a tract if developed to capacity meeting all requirements of development.

BUILDING LINE: A line on a preliminary plat or map indicating the limit beyond which buildings or other structures may not be erected.

CLUSTER SUBDIVISION: A Subdivision which includes undeveloped land or park facilities ("open space") belonging in common to the members of a property owners association. The open space, development density, and the layout of the streets in Cluster developments are designed to maintain the natural or scenic amenities of a site, and the minimum lot sizes in Cluster subdivisions are reduced to allow a proportionate increase in the density of the developed portions of the tract.

COMMISSION: The Tillamook County Planning Commission.

DEPARTMENT: The Tillamook County Planning Department.

DEVELOPER: Any person proposing to or completing a division of land into lots or parcels for eventual sale, lease, or trade through a partition or Subdivision.

DEVELOPMENT: Any human-caused purposeful alteration or division of, or construction upon, improved or unimproved land, excluding farming or forestry practices.

DIRECTOR: The Director of the Tillamook County Planning Department, or a designee thereof.

EASEMENT: A grant of the right to use a strip of land for specific purposes, such as ingress, egress, the placement of utilities or access to solar radiation.

INSOLATION: The incident solar radiation available at a building site for utilization by a solar energy system.

LAND DIVISION: The creation of any new lot or parcel by partition or subdivision. See definition for "Partition". See definition for "Subdivision".

LOT: A unit of land intended for eventual lease, transfer of ownership, or development, that is created by a Subdivision.

(1) CORNER LOT: A lot with at least two adjacent sides which abut streets other than alleys, provided that the angle of street intersection does not exceed 135 degrees.

(2) FLAG LOT: A generally "L" shaped lot or parcel for which the only portion of the property line adjacent to a street consists of a 25-foot minimum to a 40-foot maximum utilized for street access.

(3) THROUGH LOT: A lot fronting on two parallel or approximately parallel streets other than alleys.

MIDDLE HOUSING LAND DIVISION. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed.

PARCEL: A unit of land intended for eventual lease, transfer of ownership, or development that is created by a partition. A parcel may be a corner parcel, flag parcel, or through parcel as described for lots above.

PARTITION: The division of a tract of land into not more than three parcels of land within one calendar year when such land exists as a single unit or contiguous units of land under single ownership at the beginning of the same year.

PARTITION does not include:

(1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) Adjusting a property line as property line adjustment is defined in this section;

(3) Dividing land as a result of the recording of a subdivision or condominium plat;

(4) Selling or granting by a person to a public agency or public body of property for state highway, county road or other right of way purposes if the road or right of way complies with the comprehensive plan and uses permitted in the Farm (F-1) Zone. However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(5) Selling or granting by the County of excess property resulting from the acquisition of land by the the County for county roads or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

PERSON: An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, including a trustee, receiver, assignee, or other similar representative thereof.

PLAT: A final subdivision plat, replat or partition plat.

PRIVATE STREET or ROAD: A private way that is created by the developer to provide vehicular access to one or more parcels of land, and is reserved for use by an identifiable set of persons.

RIGHT-OF-WAY: A legally described portion or strip of land which is condemned, reserved, or dedicated for specific purposes such as streets , water and sewer lines, or other traffic or utility uses.

ROAD: a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road".

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

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

ROADWAY: The portion or portions of a street right-of-way or easement which is developed for vehicular traffic.

SIDEWALK: A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb, drainage facility (e.g., ditch or swale), or planter strip.

SOLAR ENERGY SYSTEMS: Any device, structure, mechanism or series of mechanisms which uses insolation for heating, cooling or electrical energy.

STREET: See definition for "Road."

STREET FUNCTIONAL CLASSIFICATION: The classification for streets based on the type of use of the street. For purposes of this ordinance the following functional classifications are used:

ARTERIAL: A street of considerable continuity which is primarily for connectivity among developed areas. Arterial streets shall be as designated by the Tillamook County Functional Classification List.

COLLECTOR: A street supplementary to an arterial street that provides connectivity between arterial and local streets. Collector streets shall be as designated by the Tillamook County Functional Classification List.

LOCAL STREET: A street designed primarily for access to abutting properties, and further subclassified as follows:

A. Major Local - A local street with truck traffic (industrial, timber or farm) or ADT greater than 400 vehicles per day.

B. Minor Local - A local street with no truck traffic (industrial, timber or farm) and ADT of 400 or fewer vehicles per day.

C. Minimum Local - A local street accessing 4 or less residences.

STREET DOES NOT INCLUDE:

A private driveway providing access to a single parcel fronting on a street.

A road created to provide access to a parcel in conjunction with the use of such a parcel for forestry, mining or agricultural purposes.

SUBDIVISION: A tract of land divided into four or more units, or lots, within a single calendar year, for the purpose of eventual lease, transfer of ownership or building development.

TURNAROUND: The area defined as a cul-de-sac or area designated for vehicles to maneuver, i.e., emergency vehicles, etc. Turnarounds shall be located within designated rights-of-way or easements.

UNINCORPORATED COMMUNITY BOUNDARY: The boundary of any unincorporated community designated in the Tillamook County Comprehensive Plan, including the community boundaries of Neahkahnie, Mohler, Idaville, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Pacific City, Neskowin, Beaver, Hebo, Cloverdale and Siskeyville.

SECTION 030: GENERAL PROVISIONS

(1) Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation according to the following two steps:

(a) The preliminary plat shall be approved, by the Tillamook County Planning Commission, before the final plat can be submitted for approval consideration; and

(b) Compliance with all conditions of approval of the preliminary plat shall be demonstrated prior to final plat approval.

(2) All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and partitions.

(3) No deed for a parcel created through a Partition shall be filed in the office of the County Clerk without the prior approval, by the Department, of the Partition.

(4) No Subdivision shall be filed in the office of the County Clerk without the signature of the Chair of the Planning Commission and all other signatures required by law.

(5) Approval of a final plat shall be void 30 days after the final approving signature is made thereon, unless the plat has been recorded in the office of the County Clerk.

(6) All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant with Section 150. These systems shall be located and constructed underground where feasible.

(7) All partition and subdivision proposals shall demonstrate that lots have adequate surface water drainage facilities or that these will be provided in order to reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant with Section 150.

(8) All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant with Section 150.

SECTION 040: PRELIMINARY PLAT APPROVAL PROCESS

(1) **Review Procedures.** Preliminary plats for partitions shall be processed using the Type II procedure under Article 10 Section 070. Preliminary plats for subdivisions shall be processed using the Type III procedure under Article 10 Section 080. All preliminary plats are subject to the approval criteria in Section 070 of this ordinance.

(2) **Approval Period.** Preliminary plat approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided within the two-year period. The Planning Commission may approve phased subdivisions with an overall time frame of more than two (2) years between preliminary and final plat approvals pursuant to Subsection 040(4).

(3) **Extensions.** The County may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period provided that all of the following criteria are met:

(a) All requests for extensions of preliminary plat approval shall be received in the Department office at least 30 days prior to the expiration date of the approval.

(b) Where there has been substantial improvement after two (2) years from the date of original plat approval, the Department may extend preliminary plat approval for a single 2-year period under a Type I procedure, pursuant to Article 10 Section 060. Substantial improvement will have occurred where the layout of improvements completed at the time of the request for an extension precludes the alteration of either street placement or the number of lots within the tract.

(c) If the developer requests an extension beyond 2-years from preliminary plat approval and no substantial improvement has occurred, as described in (3)(b)., the request shall be reviewed through a Type III procedure, pursuant to Article 10 Section 080. The Department shall review the conditions of preliminary plat approval to determine their relevance, given changes in Ordinance requirements, State laws, or development circumstances in the vicinity of the proposed Subdivision. In making such a determination, the Department may consult with any other County Department. The Department shall present its review and any suggested changes in the conditions of preliminary plat approval to the Commission for its review.

(d) All requests for an extension of preliminary plat approval may be subject to either new conditions or denial by the Commission following its consideration of the Department's review as described in Subsection 3(c).

(e) A denial of a request for an extension shall not preclude an application for preliminary plat approval as set forth in Section 070 of this Ordinance.

(f) No preliminary plat shall be approved for a period greater than 4 years.

(4) Phased Subdivisions. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria:

(a) In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than two (2) years;
(b) Public facilities shall be constructed in conjunction with or prior to each phase;
(c) The phased development shall not result in requiring the County or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
(d) The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and
(e) Planning Commission approval is required for modifications to phasing plans.

SECTION 050 – PRE-PLANNING FOR LARGE SITES

(1) Pre-planning of large sites is required within Unincorporated Community Boundaries as designated in the Land Use Ordinance, or that are within one mile of either Urban or Unincorporated Community Boundaries in conjunction with applications for partitions or phased subdivisions, the purpose of which is to avoid piecemeal development with inadequate public facilities.

(2) This section applies to land use applications affecting more than 11,000 square feet in size of land under the same contiguous ownership, even where only a portion of the site is proposed for subdividing. For the purposes of this Section, the same contiguous ownership means the same individual, or group of individuals, corporations, or other entities, controls a majority share of ownership.

(3) Prior to submittal of a land division application for an area subject to this Section, a conceptual master plan shall be submitted to the Director with the required pre-application materials for the project or proposal. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, open spaces, and land uses for the ultimate buildout of the subject property and all lands under contiguous ownership and demonstrate that the following design guidelines can be met:

(a) Streets are interconnected and are shown with logical extensions to neighboring parcels and to the planned transportation system.

(b) Water, sewer and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated.

(c) Within Unincorporated Community Boundaries, the plan demonstrates that housing densities and urban uses can be accommodated, consistent with the Comprehensive Plan and Tillamook County Land Use Ordinance.

SECTION 060: PRELIMINARY PLAT SUBMISSION REQUIREMENTS

(1) Applications for Preliminary Plat approval shall contain the following information:

(a) General Preliminary Plat Requirements. Information required for a Type II Review (for partitions) or Type III Review (for subdivisions), pursuant to Article 10 Section 070 and Section 080, respectively.

(b) Preliminary Plat Information. In addition to the general information described in Subsection (a) above, the Preliminary Plat application shall consist of drawings and supplementary material adequate to provide the following information, in quantities determined by the County Surveyor and Tillamook County Planning Commission.

i. General Information.

1. For subdivisions, the proposed name shall not duplicate or resemble the name of another land division in the County, and shall be approved by the County Surveyor.

2. Date, north arrow, scale of drawing.

3. Location of the development sufficient to define its location, boundaries, and a legal description of the site.

4. Zoning of parcel to be divided, including any overlay zones.

5. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.

6. Clear identification of the drawing as a "Preliminary Plat" and date of preparation.

7. Name and addresses of the owner(s), developer, and the engineer or surveyor.

ii. Existing Conditions. Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions:

1. Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the site; and location of existing access point

2. Width, location and purpose of all existing easements of record on and abutting the site;

3. The location and present use of all structures on the site and indication of which, if any structures are to remain after platting;

4. Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

5. Location of all existing subsurface sewerage systems, including drainfields and associated easements on the site.

6. Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Director may waive this standard for partitions when grades, on average, are less than 10 percent;

7. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

8. Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats;

9. Any plat that is five (5) acres or larger, or proposes 50 lots or greater, shall include the Base Flood Elevation, per FEMA Flood Insurance Rate Maps,

10. North arrow and scale; and

11. Other information, as deemed necessary by the Planning Director for review of the application. The County may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

iii. Proposed Development. Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:

1. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

2. City boundary lines when crossing or adjoining the subdivision;

3. Easements: location, width and purpose of all proposed easements;

4. Proposed deed restrictions, if any, in outline form.

5. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

6. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;

7. On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;

8. Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided. This information may be included on the preliminary plat map provided all information is legible.

9. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

10. Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone;

11. Evidence of contact with the applicable road authority for proposed new street connections; and

12. Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development.

(c) Any of the following information may be required by the Department to supplement a proposed subdivision plan:

i. If the Subdivision plat occupies only part of a tract owned or controlled by a developer, a sketch of preliminary street layout in the undivided portion.

ii. Special studies of areas which appear to be hazardous due to local geologic conditions.

iii. Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met.

iv. Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction.

v. Profiles of proposed drainage ways.

vi. In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met.

vii. If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.

viii. Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines.

(d) Fifteen (15) legible "to scale" hard copies, or a lesser amount as deemed necessary by the Director, and one digital copy of the preliminary plat and all supplementary materials shall be submitted to the Department.

(e) Upon receipt of the preliminary plat and supplementary material, the Department shall furnish one copy each to the County Surveyor, the County Health Department, the County Sanitarian, the County Public Works Department, the County Assessor, and the appropriate school and fire districts. If the proposed Subdivision lies within one mile of the city limits of an incorporated city, or within the Urban Growth Boundary of a city, the Department shall furnish one copy to the City. If the proposed Subdivision is within 500 feet of a state highway, one copy shall be furnished to the Oregon Department of Transportation. Where the Department determines that it is necessary to do so, it shall furnish a copy of the plans to the Tillamook County Soil and Water Conservation District (SWCD), the appropriate water and sewer districts, the telephone service and electric service companies, and appropriate state or federal resource protection agencies.

SECTION 070: PRELIMINARY PLAT APPROVAL CRITERIA

(1) Approval Criteria. The Approval Authority (Director for partitions and Planning Commission for subdivisions) may approve, approve with conditions or deny a preliminary plat. The Approval Authority decision shall be based on findings of compliance with all of the following approval criteria:

(a) The land division application shall conform to the requirements of this ordinance;

(b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;

(c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;

(d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;

(e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

(f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;

(g) Provisions for access to and maintenance of off-right-of-way drainage, if any;

(h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

(i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:

(i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.

(ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

(2) Conditions of Approval. The Approval Authority may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

SECTION 080: LAND DIVISION-RELATED VARIANCES

(1) Variances shall be processed in accordance with Article 8 of the Land Use Ordinance.

(2) Applications for variances shall be submitted at the same time an application for land division or property line adjustment is submitted; when practical the applications shall be reviewed concurrently.

SECTION 090: FINAL PLAT SUBMISSION REQUIREMENTS AND APPROVAL CRITERIA

Final plats require review and approval by the County per the requirements, approval criteria, and procedure below. These regulations are applicable to both partitions and subdivisions.

(1) Submission Requirements. The applicant shall submit the final plat within two (2) years of the approval of the preliminary plat unless an extension is granted as provided by Section 040.

(a) Additional Information for Final Plats. In addition to that otherwise specified by law, the following information shall be shown on the final plat for subdivisions:

i. The date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter;

ii. Description of the plat perimeter;

iii. The names and signatures of all interest holders in the land being platted, and the surveyor; and

iv. Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record as follows:

1. Monuments or other evidence found on the ground and used to control the boundaries of the Subdivision;

2. Monuments of adjoining Subdivisions; or

(b) All plats submitted for approval shall show the following, where applicable; all distances shall be shown to the nearest 0.01 foot, and no ditto marks shall be used:

i. The exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way located within the plat perimeter, including, where applicable, their center lines, bearings, central angles, radii, arc lengths, points of curvature, and tangent bearings.

ii. Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose. Their recorded reference shall be indicated. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certificates of dedication.

iii. Provisions for access to and maintenance of off-right-of-way drainage, if any.

iv. Block and lot boundary lines, their bearings and lengths.

v. Block numbers, beginning with the number "1", and continuing consecutively without omission throughout the Subdivision. Block numbers in an addition to a Subdivision of the same name shall be a continuation of the numbering in the original Subdivision.

vi. Lot numbers, beginning with the number "1", and numbered consecutively within each block. If all lots in the Subdivision are to be consecutively numbered without repetition, then no block numbers shall be required.

vii. The area, to the nearest hundredth of an acre, of each lot which is larger than one acre.

viii. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale.

(c) The following certificates, which may be combined where appropriate, shall accompany the final plat for subdivisions.

i. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recordation of the plat.

ii. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for public use except those parcels which are intended for the exclusive use of the lot owners in the Subdivision, their licensees, vendors, and tenants.

iii. A certificate bearing the seal and signature of the engineer or surveyor responsible for the survey and the final map.

iv. A certificate from the Water Department/Utility District indicating that the partition or subdivision is within the district for purposes of receiving services.

v. A certificate, signed by the County Public Works Director, stating that the developer has complied with the requirements of Sections 180 and 190 of this Ordinance.

(d) Any County Department involved in the review of the final plat for a subdivision may require any of the following materials to assist in the review of the final plat:

i. A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary for the preparation and recordation of the final plat, and their interest in the premises.

ii. Sheets and drawings showing the following:

1. Coordinates of the corners in the Subdivision boundary and coordinates of all lot corners.

2. The computation of all distances, angles, and courses shown on the final map.

3. Ties to existing monuments, adjacent Subdivisions, street corners, and State Highway stationing.

iii. A copy of any deed restrictions applicable to the Subdivision which are to be filed with the final plat.

iv. A copy of any dedications requiring separate documents.

(2) Technical Review of the Final Plat.

(a) Upon receipt of the final plat and related documents as described in this Ordinance, the staff of the department shall review the final map and documents to determine that the plat conforms with the approved preliminary plat, including any special conditions of approval, and that there has been compliance with provisions of the law and of this Ordinance.

(b) The County Surveyor shall examine the plat for compliance with requirements for accuracy and completeness, and shall collect such fees as are provided by State law. The County Surveyor may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If it is determined that there is not full conformity, he shall advise the developer of the changes or additions that must be made, and afford the developer an opportunity to make such changes or additions.

(c) When the County Surveyor determines that full conformity has been made, he shall so certify, and return the plat to the Department.

(3) Approval Process and Criteria. By means of a Type I Review, the Director shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

(a) The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat and, if applicable, any modifications as approved pursuant to Section 140, and all conditions of approval have been satisfied;

(b) All public improvements required by the preliminary plat have been installed and approved by the County or applicable service provider if different than the County (e.g., road authority), or otherwise bonded in conformance with Section 150;

(c) The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

(d) All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;

(e) The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets and roads, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;

(f) As applicable, the applicant has furnished acceptable copies of Covenants, Conditions and Restrictions (CC&R's); easements, maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;

(g) Unless a subsurface sewerage permit or site evaluation approval has been issued from the appropriate agency for all the preliminary approved parcels, a notation shall be placed on the plat stating that the allowance of the partition does not warrant that sewer or site evaluation approval is or will be available to the approved parcels; and

(h) The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Tillamook County Surveyor for purposes of identifying its location.

(4) Recording

a. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land.

b. Prior to acceptance of a final subdivision or partition plat for recording by the County Clerk, a copy of all supplemental information that must be recorded, such as restrictive

covenants, shall be attached to the final plat. Supplemental information that is required to be recorded shall be recorded immediately after recording the plat. The County Clerk shall note the document recording numbers on the plat.

c. All subdivision plats shall be approved and signed by the County Surveyor, the County Assessor, and the Chairperson or Vice-Chairperson of the Tillamook County Planning Commission and Board of County Commissioners.

SECTION 100: CLUSTER SUBDIVISIONS

(1) All Cluster Subdivisions shall be reviewed according to the provisions contained in this Ordinance. Standards for improvements in Cluster Subdivisions shall be as set forth in this Ordinance. All applicable Land Use Ordinance standards shall be as set forth therein.

Notwithstanding minimum lot size requirements found in the Land Use Ordinance, minimum lot sizes in Cluster Subdivisions for detached single-family dwellings shall be as follows:

ZONE MINIMUM CLUSTER LOT SIZE

Zone	Square Feet
R-1	6,000
R-2	4,000
R-3	4,000
RR	12,000

Lot sized may be further reduced only in Cluster Subdivisions which involve condominiums or other types of attached, individually owned, dwellings.

(2) Setbacks shall be as follows in Cluster Subdivisions for detached single family dwellings:

Front/Rear yards	10 feet
Side yards	5 feet
Street side yards	10 feet

The Department may require greater setbacks from collector or arterial roads. All multi-family dwellings must maintain 25-foot setbacks from all plat boundaries. Attached row houses or condominiums may be platted with no side yards.

(3) The plans submitted for review of Cluster Subdivisions, as defined in Section 020 of this Ordinance, shall include the following, in addition to meeting the Subdivision review requirements of this Ordinance.

(a) Preliminary Plan:

An analysis of the allowable development density of the tract to be developed, according to the applicable provisions of the Tillamook County Land Use Ordinance, and calculated as follows:

i. The total acreage of the tract to be developed, minus the total area of all existing easements, roads or road right-of-ways, and all other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of the Land Use Ordinance, is considered the gross acreage of the tract to be developed;

ii. The gross acreage, reduced by fifteen percent (15%) for proposed roads and parking areas, is considered to be the net acreage for development;

iii. The net acreage of the tract shall be divided by the minimum lot size for lots for single-family dwellings in the applicable zone, under the applicable provisions for sewage disposal, to determine the maximum number of dwellings allowed in the Cluster.

iv. A map of the proposed areas designated for common ownership, accompanied by a discussion of the nature of their proposed uses and the site limitations or justifications for creating a Cluster Subdivision on the tract.

v. A map of the proposed lots and their building lines, showing that each can be built upon within setbacks.

vi. A map showing parking areas and emergency access routes.

vii. A draft of the legal documents providing for the ownership and maintenance of the lands held in common, and preventing redivision of any land within the boundaries of the Cluster Subdivision under review.

(b) Final Plat:

i. The final plat for a Cluster Subdivision shall indicate that further division of any lot within the boundaries of the Subdivision shall not be permitted.

ii. The final plat shall indicate that development will be permitted only in accordance with the land uses indicated on the final plat.

iii. A copy of the final, recorded legal documents showing ownership, utilization and maintenance of all common areas shown on the final plat. All covenants and agreements shall be perpetual and recorded along with the final plat.

SECTION 110: MINOR REVISIONS TO PRELIMINARY APPROVED LAND DIVISIONS

(1) Minor revisions to preliminary approved land divisions involve a limited number of changes from the original application and typically should not alter any approval criteria and development standards which apply to the development proposal. Minor revisions to a preliminary approval for a land division may be made through a Type I procedure for the following:

(a) Lot dimensions;

(b) Street locations;

(c) Lot patterns; and

(d) Density decreases.

(2) All other revisions shall be processed as a new application and shall be subject to the standards deemed necessary that are in effect at the time the new application is submitted.

SECTION 120: RE-PLATTING AND VACATION OF PLATS

(1) Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed, or vacated pursuant to subsection (5) or (6).

(2) The same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat a recorded plat.

(3) Limitations on replatting include, but are not limited to, the following:

(a) a replat shall only apply to a recorded plat;

(b) a replat shall not vacate any public street or road; and

(c) a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(4) A re-plat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable County standards.

(5) Vacation of lot lines: Quasi-judicial Review. One or more interior lot lines in a recorded plat may be vacated either by private petition or by public resolution as prescribed in ORS 368. A lot line vacation under this provision is a quasi-judicial action subject to an established fee, petition/application, notice and hearing before the Planning Commission.

(6) Vacation of lot lines: Owner Consent. Notwithstanding the above provision, and as authorized in ORS 368, one or more interior lines in an approved subdivision or partition may be vacated upon written consent from 100 percent of those who own the private property proposed to be vacated; or in cases involving public property, written consent shall be obtained from 100 percent of property owners abutting the public property proposed to be vacated.

(a) A pre-application conference and administrative action fee shall be required. Property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. Those owners whose consent signature is required shall be identified by the Planning Department. Property owner consent signatures shall be verified by sending a copy of the signed consent form to each identified property owner.

(b) The line vacation shall be approved:

i. Upon verification of the required consent signatures, and

ii. After the Director or the Public Works Director file a written report finding that the action

1. Complies with applicable land use regulations;

2. Facilitates development of the private property subject to the vacation; and,

3. Any vacation of public property is in the public interest.

(c) If the required owner consent signatures cannot be obtained, then in order to continue with the proposed lot line vacation, the applicant(s) shall remit the additional fee required for an quasi-judicial lot line vacation and proceed under the provisions of Section 120.5.

SECTION 130: PROPERTY LINE ADJUSTMENTS

(1) A Property Line Adjustment is the modification of a parcel or lot boundary when no parcel or lot is created. The Director reviews applications for Property Line Adjustments pursuant with the Type I procedure under Article 10 Section 060. The application submission and approval process for Property Line Adjustments is as follows:

(a) Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the County and shall include information required for a Type I review, pursuant with Article 10 Section 060. The application shall include a preliminary property line map drawn to scale and based upon the Director's determination, may be required to identify all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; a FEMA FIRMette identifying the subject properties and demonstration of compliance to Section 3.060: Tillamook County Flood Hazard Overlay zone; existing fences and walls; and any other information deemed necessary by the Director for ensuring compliance

with County codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

(b) Approval Criteria. The Director shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment;

ii. Lot standards.

1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.

2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.

3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.

4. As applicable, all lots and parcels shall conform the Tillamook County Flood Hazard Overlay Zone.

iii. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions, and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.

(c) Recording Property Line Adjustments

i. All property line adjustments shall comply with ORS Chapter 92 and be executed by deed.

ii. All deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Clerk's Office.

(2) Property Line Adjustments in Subdivisions and Partitions

(a) Except as provided for in subsection (b), all property line adjustments within recorded plats shall be accomplished by replatting in accordance with Section 120.

(b) Property lines within a recorded plat may be adjusted in accordance with the procedure for property line adjustments set forth in Section 130, rather than by replatting, when the director determines that:

i. The property line or lines to be adjusted will not result in a substantial reconfiguration, as deemed by the Director, of the affected lots or parcels; and

ii. All of the other requirements for property line adjustments set forth in 130 will be met.

SECTION 140: IMPROVEMENT PROCEDURES

(1) Before final approval of any land division action, the developer shall install all improvements required by this Ordinance, and shall repair existing streets and other public facilities damaged in the process of development, or shall provide assurance of completion as provided in this Section.

(2) All improvements shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the County or required by the Public Works Department, and shall be installed according to the following procedure:

(a) Work shall not commence until the County has been notified in advance, and improvement plans drawn by a licensed professional have been reviewed for adequacy and approved by the County Public Works Department.

(b) Required improvements shall be inspected by and constructed to the satisfaction of the County. The Public Works Department may require changes in typical sections or details if unusual conditions arising during construction warrant such changes.

(c) All subsurface improvements shall be constructed and inspected prior to street surfacing. Stubs for service connections to underground improvements shall be placed so as to avoid the need to disturb paved surfaces when service connections are made.

(d) A map showing the as-built location and the nature of public improvements shall be filed with the Public Works Department upon completion of installation.

(3) In lieu of completing improvements prior to filing the final plat, the developer may execute and file with Tillamook County an agreement between himself and the County, specifying the period in which the required improvements and repairs shall be completed. Such agreement shall provide that if the work is not completed within the specified period, the County may complete or contract to complete the work and recover the full cost and expense thereof from the developer. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

(a) The developer shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

i. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the District Attorney.

ii. In lieu of said bonds, the developer may elect either of the following alternatives:

1. A Time Certificate of Deposit naming Tillamook County as beneficiary, placed on file with Tillamook County by the developer.

2. Written Certification by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses and that an amount approved by the County Public Works Director will not be released until written authorization is received from the County Public Works Director.

(b) All such Bonds, Deposits, Certificates, and agreements shall be for an amount deemed sufficient by the Public Works Director to cover the cost of said improvements, incidental expenses, the replacement and repair of existing improvements, and shall be at least one hundred and ten percent (110%) of the cost of all work to be done.

(4) If the developer fails to carry out the provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or deposit for reimbursement. If the amount deposited exceeds the cost and expense incurred by the County, the County shall release the remainder. If the amount deposited is less than the cost and expense incurred by the County, the developer shall be liable to the County for the difference.

SECTION 150: DEVELOPMENT STANDARDS FOR LAND DIVISIONS

The following requirements and standards shall apply to all land divisions:

(1) WATER SUPPLY: All lots or parcels shall either be served by a public domestic water supply system conforming to State of Oregon specifications, or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the Sanitarian considers adequate for soil and water conditions. Lot sizes in areas without public water supplies shall be adequate to maintain a separation of at least 100 feet between each well and sewage disposal facility, and shall be at least 100 feet wide and 20,000 square feet in area.

(2) SEWAGE: All lots or parcels shall either be served by a public or community sewage disposal system conforming to state specifications and the policies and intent of the Comprehensive Plan, or the lot size shall be increased to provide sufficient area for an individual subsurface sewage disposal system. Such systems shall be approved by the County Sanitarian, considering soil and water conditions and the nature of the water supply.

(3) STREETS, GENERAL: The developer shall grade and improve all streets in the subdivision or partition, and shall extend such streets to the paving line of existing streets, in conformance with standards contained in this Ordinance. Street improvements shall be provided consistent with the standards in Sections 150 and 160, and shall include curbs and shoulders to the extent that they are required by the density or character of development. Improvements may be required by the Public Works Department on streets serving, but not within the boundaries of, the Subdivision or through the Partition of a parcel with a buildout potential of 5 or more parcels. Such

improvements which are required in areas not within the plat perimeter shall be limited to the extent required to serve the proposed Subdivision or Partition.

(4) ACCESS:

(a) All parcels created by a partition shall abut a public road or a private easement for at least 25 feet for access. All private easements serving four or fewer lots shall be at least 25 feet wide, unless a lesser width is approved by the Public Works Department.

(b) All parcels or lots created by a subdivision shall abut a street or private road, other than an alley, for at least 25 feet at a point which can be developed for safe access.

(5) STORM DRAINAGE SYSTEMS: Such grading shall be performed and drainage facilities installed conforming to Tillamook County Public Works Department specifications as are necessary to provide proper drainage within the development and other affected areas in order to secure safe, healthful and convenient conditions for the residents of the Subdivision and the general public. When feasible, and when such off-site drainage facilities have the capacity to carry the increased drainage flow, drainage facilities in the development shall be connected to drainage facilities outside the development. Areas subject to inundation shall comply with the applicable provisions of the Tillamook County Land Use Ordinance. Provisions for the access and maintenance of storm drainage facilities that are not located in a public right of way shall be provided as required in accordance with adopted County standards. An easement or tract with adequate width for access and maintenance of drainage facilities shall be provided.

(a) Design exceptions to these standards may be approved by the Tillamook County Public Works Director. For subdivisions, such approval is subject to approval ratification by the Planning Commission. The County Engineer may, in concurrence with the Community Development Department, approve design exceptions to these standards for partitions. Design exceptions may only be approved if the provisions of Section 110: Minor Revisions to Preliminary Approved Land Divisions are met

(b) When lot sizes are increased to provide separation of water sources and sewage disposal systems, but are likely to be capable of further division as described in Section 050 of this Ordinance, the requirements of Section 050 must be met.

(6) BLOCKS:

(a) GENERAL: The length, width and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.

(b) SIZE: No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless topography or the location of adjoining streets requires otherwise. The recommended minimum length of blocks along an arterial is 2,000 feet.

(7) BUILDING LINES

(a) If special building setback lines are to be established in the Subdivision, they shall be shown on the preliminary Subdivision plat. If setbacks are proposed which are less than the minimum requirements contained either in the Land Use Ordinance or in Section 100 of this Ordinance, the Planning Commission may approve such special setbacks only in accordance with the requirements of Section 080 of this Ordinance. Special setback lines shall not be established which would preclude the use of insolation for alternative energy production on adjacent lots.

(8) LAND FOR PUBLIC PURPOSES

(a) If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed Subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Commission may require that those portions of the Subdivision be reserved, for a period not to exceed one year, for public acquisition at a cost not to exceed the value of the land.

(9) DEDICATIONS. The Commission may require as a condition of approval the dedication to the public of rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.

(10) EASEMENTS

(a) UTILITY LINES: Easements for utilities shall be dedicated whenever necessary.

(b) PEDESTRIAN WAYS: When desirable for public convenience, pedestrian ways may be required to connect cul-de-sacs or to pass through unusually long or oddly-shaped blocks.

(11) LOTS

(a) SIZE: Lot sizes shall conform to standards contained in the Tillamook County Land Use Ordinance. Lots reserved for commercial or industrial purposes shall be adequate to provide off-street parking and service facilities required by the type of use proposed.

(b) In areas that will not be served by a public water supply or a public sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal.

(c) ACCESS: Each lot shall abut upon a street or private road, other than an alley, for a width of at least 25 feet.

(d) THROUGH LOTS: Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation.

(e) LOT SIDE LINES: Where possible, the side lines of lots shall run at right angles to the street upon which the lots face, unless a different angle is required to provide optimum solar orientation, or is necessary to conform to topography or road orientation.

(f) GRADING: Grading shall conform to a plan approved by the County Public Works Director.

SECTION 160: STREET IMPROVEMENTS

The design, improvement, and construction of all roads and streets resulting from the division of land shall comply with the following standards and requirements, to the extent possible given topography, aesthetics, safety, or other design considerations.

(1) STREETS - GENERAL

(a) The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):

i. "A Policy on Geometric Design on Highways and Streets".

ii. "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)"

(b) Standards in Section 160 apply to both public and private streets.

(c) These standards apply to improvements required within the land division and for any street improvements required to access the land division.

(d) Except for design exceptions to standards as provided in Section 150, deviations from the standards may only be approved through the Variance procedures in Article 8.

(2) ROADWAY WIDTH AND ALIGNMENT STANDARDS

(a) The design, improvement, and construction of all streets resulting from the division of land or creation of an access easement shall comply with the County Public Road Improvement Ordinance design standards, as well as the following standards and requirements.

(b) Average Daily Traffic (ADT) for design is to be determined based on the anticipated future usage of the roadway based on maximum density allowed by the zoning. For residential developments the ADT is assumed to be 10 vehicles per day per residence.

(c) The traveled way shall be paved except for:

i. Minimum Local Streets, and

ii. Minor Local Streets in zones with minimum lot sizes of greater than ten (10) acres.

(d) All roadways with a profile grade in excess of 12% shall be paved, including the exceptions listed.

(3) MINIMUM RIGHT-OF-WAY WIDTHS:

(a) The minimum Right-of-Way width for roadways shall be based on their functional classification as follows:

Functional Classification	Width
Arterial & Collectors	60 ft.
Major Local	60 ft.
Minor Local	50 ft.
Minimum Local	30 ft.

(b) Side slope easements are required whenever roadway cuts or fills extend beyond the right-of-way.

(c) Additional right-of-way may be required when features such as left turn refuges or deceleration tapers are needed.

(d) Any right-of-way less than 50 feet wide shall be a private street and be dedicated as an easement.

(4) DEAD END STREETS

(a) A dead end street is allowed if all of the following conditions exist:

i. The street is a Minor Local Street or a Minimum Local Street, and

ii. the street is not more than 2000 feet in length, and

iii. the street serves no more than 18 dwellings.

(b) A dead end street shall terminate with a turnaround adequate for emergency vehicle turn-around. Temporary dead end streets shall have temporary turnarounds within temporary easements which may expire upon the extension of the street into adjacent land.

(5) FUTURE EXTENSION OF STREETS:

(a) Streets shall be extended to the parcel boundary where they are necessary to serve adjoining properties or to improve traffic circulation in and around the tract.

(b) Public streets may be required through the subdivisions when it is necessary to:

i. provide for continuation, through projection, of an existing principal street in the surrounding areas; or

ii. permit future subdivision of adjoining land.

(6) INTERSECTIONS

(a) Streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in T-intersections shall, wherever practical, leave a minimum distance of 250 feet between the center lines of intersecting. Such intersections shall not be less than 125 feet apart.

(b) Streets shall be laid out to intersect as near to right angles as practical. In no case shall the angle be less than 60 degrees unless there is a special intersection design.

(c) Arterial or collector streets shall have at least 100 feet of tangent adjacent to any intersection. Local streets shall have at least 50 feet of tangent adjacent to any intersection.

(7) IMPROVEMENTS TO EXISTING STREETS: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way and surfacing shall be provided by the applicant as part of the Subdivision or Partition.

(8) STREET NAMES: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets.

(9) FRONTAGE STREETS: Where a Subdivision abuts or contains an existing or proposed arterial, the County may require limited access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation, or other treatment necessary to afford separation of through and local traffic and incompatible land uses.

(10) ALLEYS: Alleys shall be provided in commercial and industrial zones, unless other permanent provisions for access to utilities and off-street parking and loading facilities are approved by the Commission.

(11) FEATURES PROHIBITED IN PUBLIC STREETS: Roadway gates, parking lots and islands are not allowed in public street rights-of-way.

SECTION 170: INTERPRETATION

Where the provisions of this Ordinance are less restrictive than the provisions of any other Ordinance, resolution or regulation, or are inconsistent in their requirements, the more restrictive provisions shall be applied.

SECTION 180: VALIDITY

If, for any reason, a provision of this Ordinance is judged invalid or unconstitutional, such judgment shall not affect the validity or applicability of the rest of the Ordinance.

SECTION 190: ENFORCEMENT

This Ordinance may be enforced in any manner authorized by State or local law, including ORS Chapters 92, 203, 215 and Tillamook County Ordinance No. 35, the Tillamook County Citation Ordinance.

SECTION 200: REPEALER

Tillamook County Ordinance No. 34, effective March 30, 1982, is repealed upon the effective date of this Ordinance. Any use of land which was illegal under the provisions of Ordinance No. 34 is a violation of this Ordinance, and may be the subject of enforcement action pursuant to Section 31 hereof.

SECTION 210: ADOPTION

This Ordinance shall be in full force and effect immediately upon its adoption.

SECTION 220: PROHIBITION

Any use of land by any person which is contrary to the terms of this Ordinance or of any permit or other approval issued hereunder is prohibited.

SECTION 230: MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS

The expedited and middle housing land division process shall implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and ORS 92.031 regarding middle housing land divisions.

(1) **APPLICABILITY.**

(a) Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within a residential zone as provided in ORS 197.365.

(b) Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot within a residential zone within the boundary of the Unincorporated Communities of Neahkahnie, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Hebo, Cloverdale, Pacific City/Woods and Neskowin.

i. A duplex.

ii. A triplex.

iii. A quadplex.

iv. A cottage cluster.

(c) Townhouses, by definition, are already on their own lots, so a middle housing land division is not applicable to townhouse developments. Lots for townhouses shall be created through subdivision or partition, subject to this Land Division Ordinance.

(2) PROCEDURES.

An Expedited Land Division or Middle Housing Land Division is not a land use procedure. The following procedure for an Expedited Land Division or Middle Housing Land Division shall be followed:

(a) Pre-Application Meeting. A pre-application meeting is required prior to submittal of an application for an Expedited Land Division or Middle Housing Land Division.

(b) Application Requirements. Applicants shall submit materials required by Section 060 of this ordinance.

(c) Completeness Review. The Director shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 21 calendar days after receipt of the application submittal.

i. If the application for a land division is incomplete, the County shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

ii. If the application was complete when first submitted or the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.

iii. If an application is incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the Director by the applicant, indicating whether or not the applicant intends to amend or supplement the application.

(d) Notification.

i. The Director shall provide written notice of the receipt of the completed application for a Middle Housing Land Division or Expedited Land Division to all of the following:

1. The applicant and/or authorized representative;
2. The owner(s) of record of the subject property;
3. County appointed Citizen Advisory Committee (CAC) whose boundaries include or are within 100 feet of the subject property;
4. Owners of record within 100 feet of the perimeter of the subject property; and
5. Any state agency, local government or special district responsible for providing public facilities or services to the development.

ii. The notice shall state:

1. The street address or other easily understood geographical reference to the subject property;
2. The place, date and time that comments are due;
3. A time and place where copies of all evidence submitted by the applicant will be available for review;
4. The applicable criteria for the decision;
5. The name and telephone number of the Department contact person;
6. A brief summary of the County's decision-making process for the Middle Housing Land Division or Expedited Land Division;
7. The deadline for submitting written comments;
8. That issues that may provide the basis for an appeal to the hearings officer must be raised in writing prior to the expiration of the comment period; and
9. That issues must be raised with sufficient specificity to enable the County to respond to the issue.

iii. After notification according to the procedure set out above, the Director shall provide a 14-day period for submission of written comments prior to the decision.

(e) Decision. The Director shall make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the applicable requirements of this section.

i. Approval may include conditions to ensure that the application meets the applicable regulations.

ii. For Middle Housing Land Division and Expedited Land Division applications, the Director:

1. Shall not hold a hearing on the application; and

2. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination.

iii. The decision shall include a statement of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy each applicable approval.

iv. Notice of the decision shall be provided to the applicant and to those who received notice under subsection (d) within 63 days of the date of a completed application. The notice of decision shall include:

1. The summary statement included with the written decision; and

2. An explanation of appeal rights under ORS 197.375 (Appeal of decision on application for expedited land division).

(f) Appeals. Any appeal of an Expedited Land Division or Middle Housing Land Division must be as provided in ORS 197.375.

(g) Expiration. The tentative approval of a Middle Housing Land Division or Expedited Land Division is void if a final plat is not recorded within three (3) years of the tentative approval.

(3) CRITERIA OF APPROVAL – EXPEDITED LAND DIVISION.

(a) The Director will approve or deny an application for Expedited Land Division based on whether it satisfies the applicable criteria of approval. The Director may approve the land division with conditions to ensure the application meets the applicable land use regulations.

(b) The land subject to the application is zoned for residential uses.

(c) The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.

(d) The land division does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

i. Open spaces, scenic and historic areas and natural resources;

ii. Estuarine resources;

iii. Coastal shorelands; and

iv. Beaches and dunes.

(e) The land division satisfies the minimum street and right-of-way connectivity standards of Section 160 of this ordinance, Street Improvements.

(f) The land division satisfies the following development standards:

i. Applicable use standards for the proposed use(s) in the zone where proposed;

ii. Applicable development standards for the proposed use(s) in the zone where proposed; and

iii. Improvement requirements in Sections 150 and 160 of this ordinance.

(g) The land division will result in development that either:

i. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

ii. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

(4) CRITERIA OF APPROVAL – MIDDLE HOUSING LAND DIVISION.

The Director will approve a tentative plan for Middle Housing Land Division based on whether it satisfies the following criteria of approval:

(a) The application provides for the development of middle housing in compliance with the Oregon residential specialty code and the applicable middle housing regulations in the Tillamook County land Use Ordinance.

(b) Separate utilities will be provided for each dwelling unit.

(c) Easements will be provided as necessary for each dwelling unit on the site for:

i. Locating, accessing, replacing and servicing all utilities;

ii. Pedestrian access from each dwelling unit to a private or public road;

iii. Any common use areas or shared building elements;

iv. Any dedicated driveways or parking; and

v. Any dedicated common area.

(d) Exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.

(e) The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.

(f) The original lot dedicated and improved the abutting street right-of-way sufficient to comply with minimum right-of-way and improvement standards of Section 160, Street Improvements, or dedication and/or improvements of the abutting street right-of-way are proposed that meet the standards of Section 160.

(g) The type of middle housing developed on the original lot shall not be altered by a Middle Housing Land Division. For example, cottages withing a cottage cluster do not become single family dwellings after a Middle Housing Land Division.

(5) CONDITIONS OF APPROVAL – EXPEDITED LAND DIVISION AND MIDDLE HOUSING LAND DIVISION.

The Director may add conditions of approval of a tentative plan for a Middle Housing Land Division or Expedited Land Division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:

(a) A condition to prohibit the further division of the resulting lots or parcels.

(b) A condition to require that a notation appear on the final plat indicating that the approval was given under ORS 92.031 as a Middle Housing Land Division.

(c) A condition to require recording of easements required by the tentative plan on a form acceptable to the County, as determined by the County Counsel.

(6) FINAL PLAT FOR EXPEDITED LAND DIVISION AND MIDDLE HOUSING LAND DIVISION.

(a) The final plat shall comply with the Middle Housing Land Division or Expedited Land Division conditions of approval.

(b) The following data requirements, if applicable, shall also be shown on the final plat.

i. All tracts of land intended to be deeded or dedicated for public use;

ii. Street names as approved by the Director;

iii. Any non-access strips.

(c) Approval Criteria. The Director shall approve or deny the final plat for the Middle Housing Land Division or Expedited Land Division, based on whether it conforms with the tentative plan, with all changes permitted and all requirements imposed as

a condition of acceptance. Final plat approval shall only take place after installation of improvements, or filing of an agreement and bond to that effect. After approval of the final plat, filing of an agreement and bond or installation of improvements, the applicant shall obtain the signatures of the Chairperson or Vice-Chairperson of the Tillamook County Planning Commission and Board of County Commissioners, and record the plat within 90 days after the last signature has been obtained.

(d) A notice of middle housing land division for each middle housing lot shall be recorded with the County recorder that states:

i. The middle housing lot may not be further divided.

ii. No more than one unit of middle housing may be developed on each middle housing lot.

iii. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.

(e) No plat shall have any force or effect and no title to any property shall pass until the final plat has been recorded; however, a final plat is not required prior to issuance of building permits for middle housing proposed with a Middle Housing Land Division.

DRAFT

EXHIBIT I

Middle Housing Code Implementation: Areas for Local Refinement
Prepared for Tillamook County
April 29, 2024

Overview: Tillamook County cities and unincorporated communities are required by SB 406 to permit middle housing as required for Large Cities, including allowing duplexes, triplexes, quadplexes, townhouses and cottage clusters in areas where single-family detached homes are permitted. Middle housing zoning standards must be in compliance with OAR 660-046 governing middle housing, with additional standards set in the Large City Model Code for middle housing.

The intent of this document is to identify aspects of middle housing standards that can be refined by local communities as part of SB 406 implementation. There are two general categories of local refinements that are possible:

- Most of the middle housing requirements are the same across the OARs and the Model Code, but there are a few areas where the Model Code provides additional permission or flexibility for middle housing that are optional for communities.
- There are additional local opportunities to modify zoning standards for single-family detached homes, such as minimum lot size, height or design standards, that could then be similarly applied to middle housing, unless otherwise precluded by OARs.

This list of topics is not exhaustive but addresses some of the common issues that other communities have explored with middle housing code implementation, and touches on some of the rationale behind the individual policy options that could be further explored in local context.

Plex Configurations: Duplexes, triplexes and quadplexes have traditionally required all units to be part of a single structure, in a "attached" configuration. *Communities may also choose to allow "detached" configurations that allow 2-4 separate structures on a lot for greater flexibility, especially when adding additional homes on lots already developed with an existing home.*

Number of Townhouses: A minimum of four attached townhouses must be permitted; four townhouses can be built under the single-family residential building code rather than the more complex specialty building code, which makes four-unit structures a more common type. *Additionally, communities can permit greater than four attached townhouses, in some or all zones, or have no maximum number specified in code for greater flexibility.*

Number and Size of Cottages: *Communities may specify a minimum of three, four, or five cottages within each cluster;* requiring a minimum of five can eliminate any overlap with triplexes and quadplexes but allowing as few as three can add more flexibility. Communities must permit at least eight cottages per common courtyard, and *communities can permit a greater number of cottages such as 12 or 16 clustered around a common courtyard, or set no regulatory maximum in favor of allowing flexibility on the site.*

Further, communities must apply a 900-SF maximum building footprint for cottages. *Communities may allow an additional 200 SF for an attached garage with each cottage.* Communities may limit cottages to a single story, limiting them to 900 SF, or *may permit cottages up to two stories/25 feet tall and establish a maximum size limit between 900-1,800 SF.* The Model Code includes a maximum average size limitation of 1,400 SF per cottage, and other communities have picked a maximum or maximum average size of 1,200 or 1,600 SF.

Minimum Lot Sizes: Most middle housing must be permitted on the same size minimum lots where single-family detached homes are permitted. A few local refinements could include:

- *Communities may allow triplexes on all lots, or require a minimum lot size of 5,000 SF.* There are only a few zones with lots sizes less than 5,000-SF where this would be relevant.
- *Communities may allow quadplexes and cottage clusters on all lots, or require a minimum lot size of 7,000 SF.* There are some zones with lot sizes less than 7,000 SF where this would apply, but many of the single-family and low-density zones have minimum lot sizes of 7,500 SF which would apply to all middle housing types.

Maximum Lot Coverage: Only Neskowin, Netarts and Oceanside have existing maximum lot coverage standards. *Communities may adopt a maximum lot coverage standard that applies to single-family detached homes as well as duplexes, triplexes and quadplexes, or adopt differentiated lot coverage standards with greater coverage permitted for more dwellings.* A maximum lot coverage standard can address overall building massing and impervious surfacing. Allowing greater lot coverage for triplexes and quadplexes can increase development feasibility and serve as an incentive.

Minimum Setbacks and Maximum Height: Both of these dimensional standards must generally be the same for single-family detached homes and middle housing; no specific opportunities for local decision making.
*Maximum heights cannot be less than 25 feet or two stories for middle housing, whereas many County zones have a 24-foot maximum height for bay and ocean-frontage lots. Further coordination with DLCD is needed into whether that is sufficient for "two stories" or if the height needs to be increased.

Minimum Landscaping: There are not any minimum landscaping requirements that apply to residential lots in County code, but if they were introduced, they could generally be applied to single-family detached homes and middle housing.

Design Standards: There are not any specific building design standards for single-family detached homes in County code. Some cities have standards like a preferred roof form or minimum roof pitch, exterior building materials, entryway or porch requirements, standards addressing the relative width, size or setback of garage areas as part of the building's front façade. *Clear and objective standards like these could be introduced for both single-family detached homes and middle housing.*

Additional design standards from the Model Code are permitted specific to various middle housing types; city-specific design standards for middle housing that differ from this "menu of options" are difficult to pursue. *Communities can choose to apply any or all of the following:*

- ***Triplexes and quadplexes*** can apply the Model Code design standards for entry orientation, window coverage (15% minimum standard), garage and off-street parking area limitations, limited width for driveway approach.
- ***Townhouses*** can apply the Model Code design standards for entry orientation, unit definition features, window coverage (15% minimum standard), driveway access and parking location standards. For townhouse lots at least 15 ft wide, a street-oriented driveway up to 12 ft wide must be permitted rather than requiring alleys.
- ***Cottage clusters*** can apply Model Code design standards that primarily address site design aspects such as cottage orientation towards the common open space, courtyard design including a minimum of 150 SF of courtyard space per cottage, and layout of

parking areas including options to limit size of parking clusters and require screening and landscaping on parking areas and/or permitting individual garages with cottages.

Minimum parking: Middle housing parking requirements cannot be greater than one space per dwelling. *Minimum parking could be set lower for certain middle housing types and/or on-street parking spaces could be allowed to count towards the minimum parking requirement.*

Density: The County code does not include minimum and maximum density standards for residential zones, relying instead on minimum lot sizes to control density. Middle housing is generally exempt from minimum and maximum density standards, in favor of lot size regulations, but townhouses are an exception.

Townhouses must be permitted with a minimum lot size of 1,500 SF, which translates to an effective density of 29 units per acre. *However, communities may choose to cap the maximum townhouse density at the lesser of 25 units per acre or four times the maximum density of single-family detached homes (23.2 units per acre in zones with a 7,500-SF minimum lot size, or 17.4 units per acre in zones with a 10,000-SF minimum lot size).* A maximum density in addition to the 1,500-SF minimum lot size would result in larger lot sizes on average.

Middle Housing Discussion

1. Overall View of Pacific City/Woods Community. Who we are:
   a. a retirement community?
   b. a tourist haven?
   c. a neighborhood of second homes owned by folks who live elsewhere?
   d. a place for working households in the area to live?

2. Attached or Not. One question is whether multi-unit structures should be attached or should we allow them to be detached (other than in cottage clusters).

3. Lot sizes? Do we want smaller lots to encourage more housing?

4. Lot Coverage and Floor Area Ratio. Should lot coverage maximums and/or floor area ratios be implemented? The purpose is to provide a sense of proportionality between size of building(s) and size of property.

   a. How calculated. It is calculated as a gross percentage (base structure sf/lot sf) OR maintain the percentage across the lot (eg. 70% all across the lot dimensions).
   b. Higher coverage. Do we want to encourage housing density by allowing more units on a lot? To encourage triplex or fourplex, it would make sense to allow higher coverage. Putting a fourplex on a 7000 sf lot with coverage standards is difficult with a one story structure.
   c. Should impervious surfaces be counted in coverage? Concrete or asphalt driveways or patios would be counted in determining coverage. In higher densities, it would become major issue to meet.

5. Height. Heights must be adjusted to 25-feet for ocean and bayfront lots. Existing building height elsewhere is 35-feet.

   a. How calculated. Should a different method for height calculation be implemented?

6. Townhomes.
   a. Should we require garages?
   b. Where parking is provided, it needs to be 20 feet long OR do we just require a 20 foot setback for a parking space on the front or back (except where parking is provided somewhere other than on the townhome lot or where steep topography makes it extremely difficult to provide that space)?
   c. 35 feet tall? Or only where garage?

i. Or require storm retention, design standards?

7. Cottage Clusters.
   a. Can some be attached?
   b. Should we allow averaging unit sizes to meet 900 sf limitation?
   c. Reduce minimum lot size?

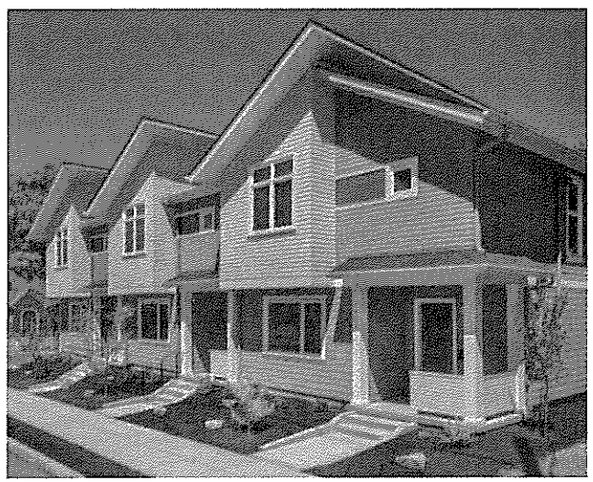
8. Other.

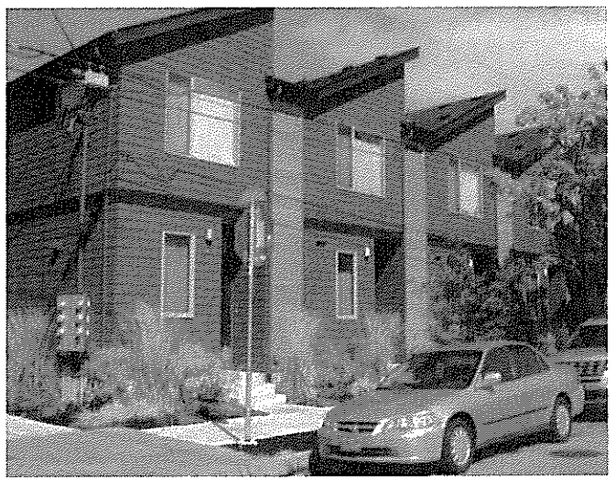
TILLAMOOK COUNTY MIDDLE HOUSING CODE UPDATES

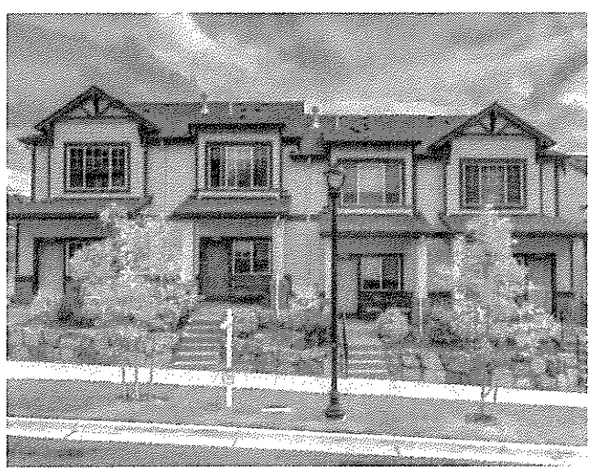
Sarah Absher, CFM, Director

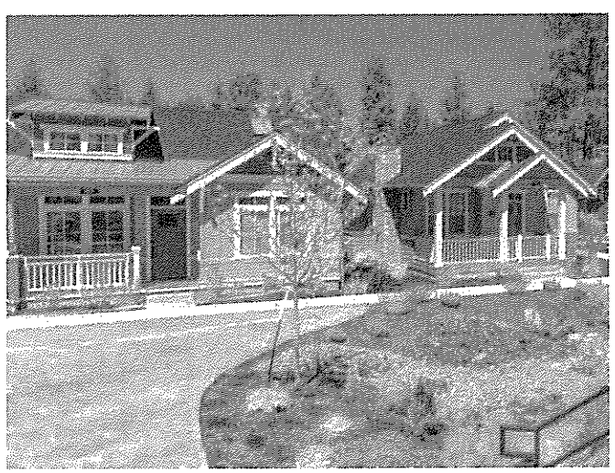
Tillamook County Department of Community Development

What is Middle Housing?



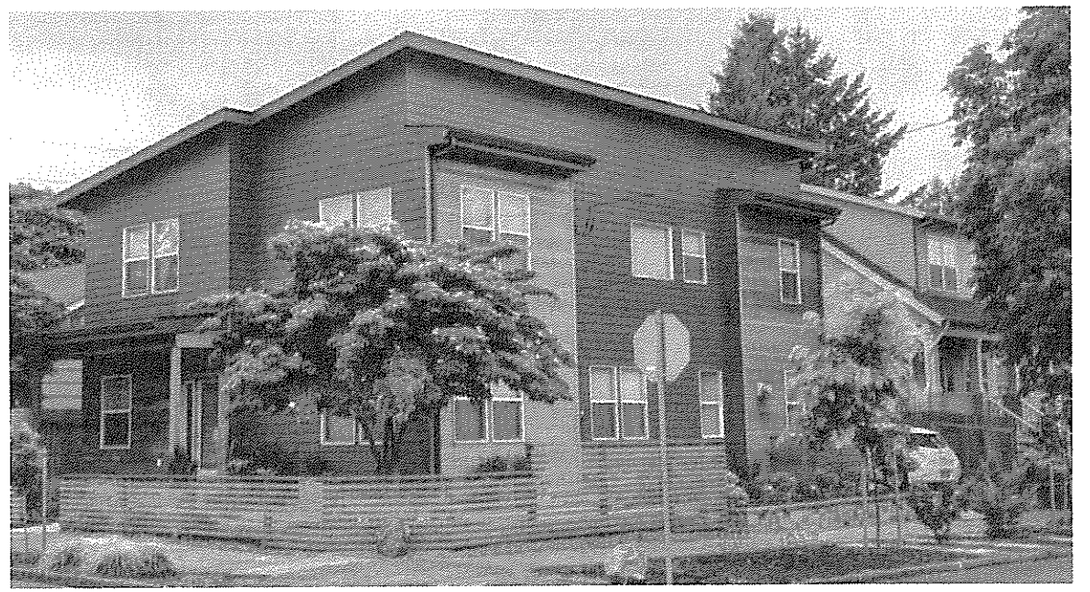




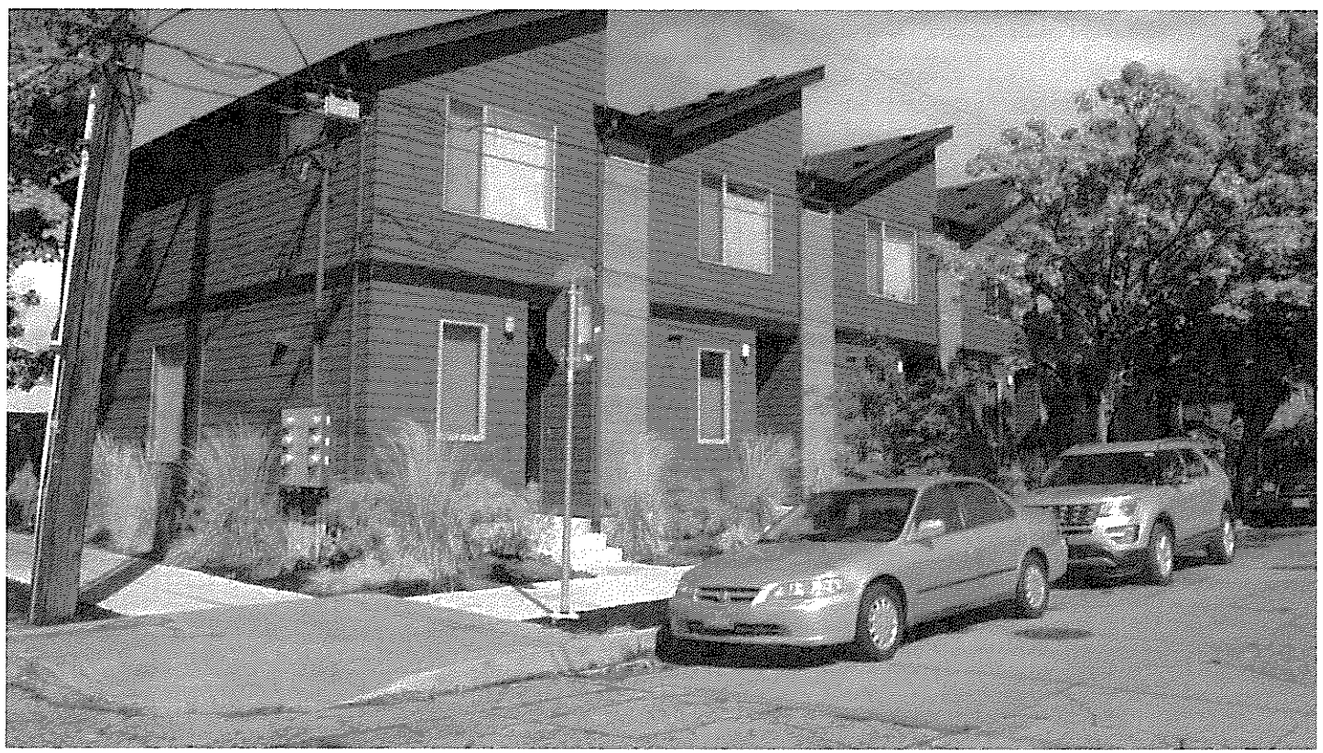


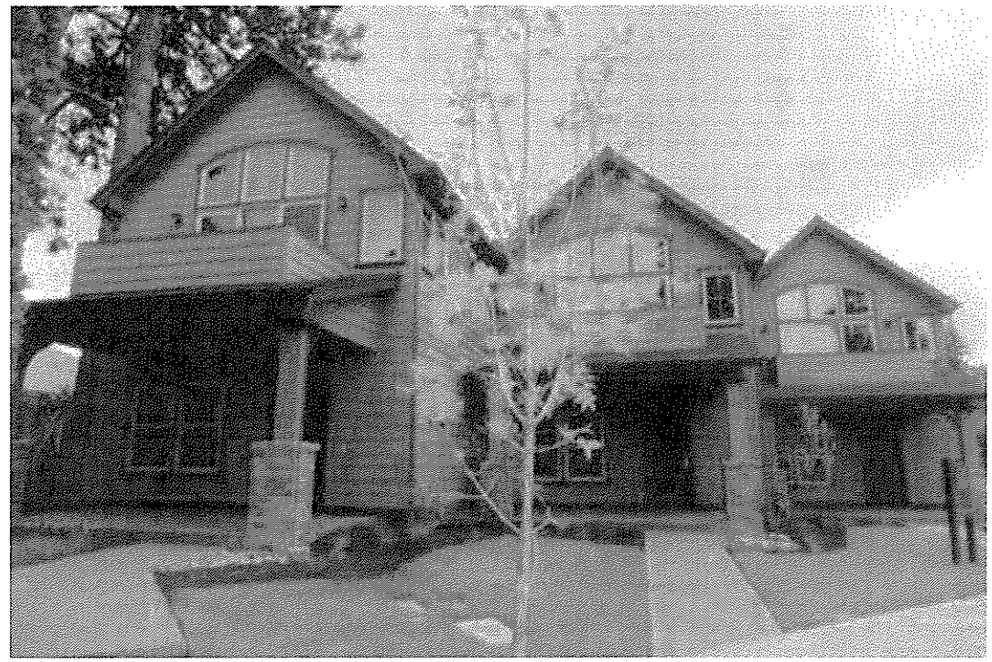
- (Accessory Dwelling Units)
- Duplexes
- Triplexes
- Quadplexes
- Townhouses
- Cottage Clusters

Duplexes



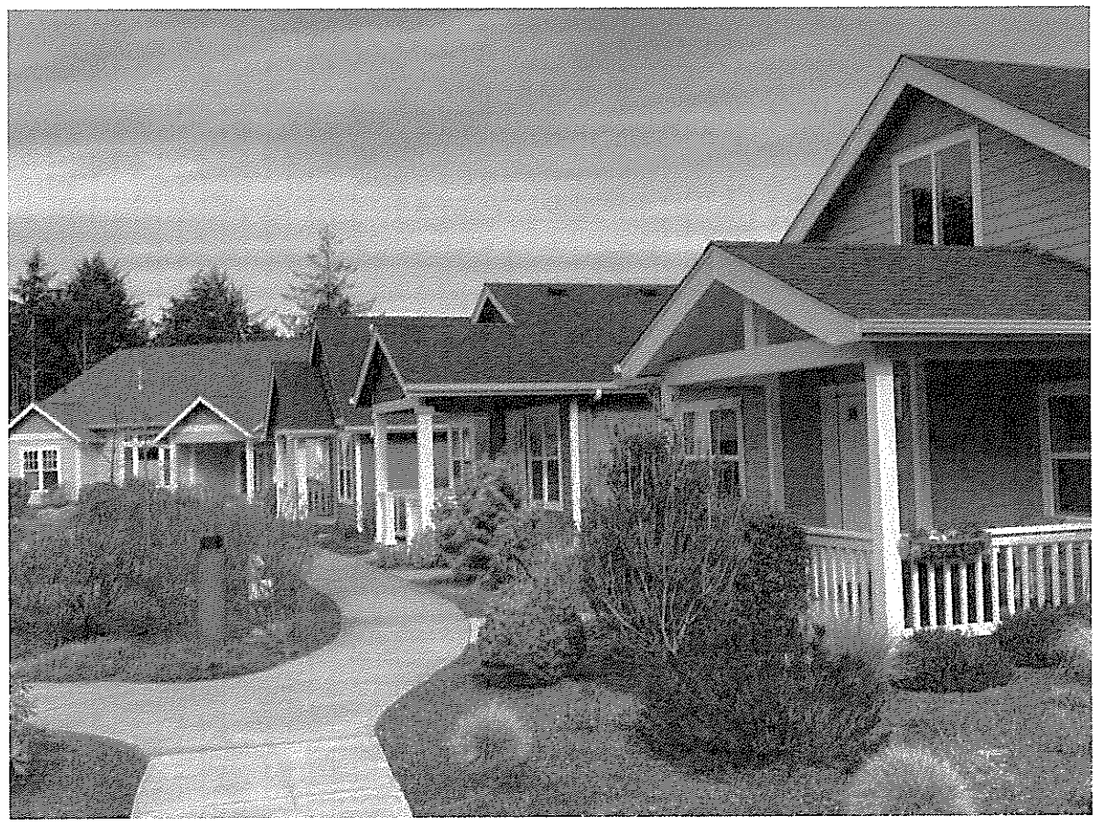
Triplex & Quadplexes





Townhouses

Cottage Clusters



PROJECT JURISDICTIONS

Cities	
Bay City	
Garibaldi	
Tillamook	
Wheeler	
Manzanita	***Separate projects, same objectives***
Nehalem	
Rockaway Beach	

Tillamook County Communities
Barview/Twin Rocks/Watseco
Cloverdale
Hebo
Neahkahnie
Neskowin
Netarts
Oceanside
Pacific City/Woods

**Community Plan & Ordinance updates are also underway for the unincorporated communities of Beaver, Mohler & Siskeyville.*

TILLAMOOK COUNTY HOUSING NEEDS

Tillamook County residents impacted by:

- High and rising home prices
- Low vacancy rates
- Land use, environmental and infrastructure issues constraining additional homes
- Need for a variety of housing types especially workforce housing: 2,300+ homes in 20 years
- Variety of efforts underway- Tillamook County Housing Commission
  - Existing Housing Production Strategies (HPS) implemented by Tillamook County and participating cities.

Role for Middle Housing

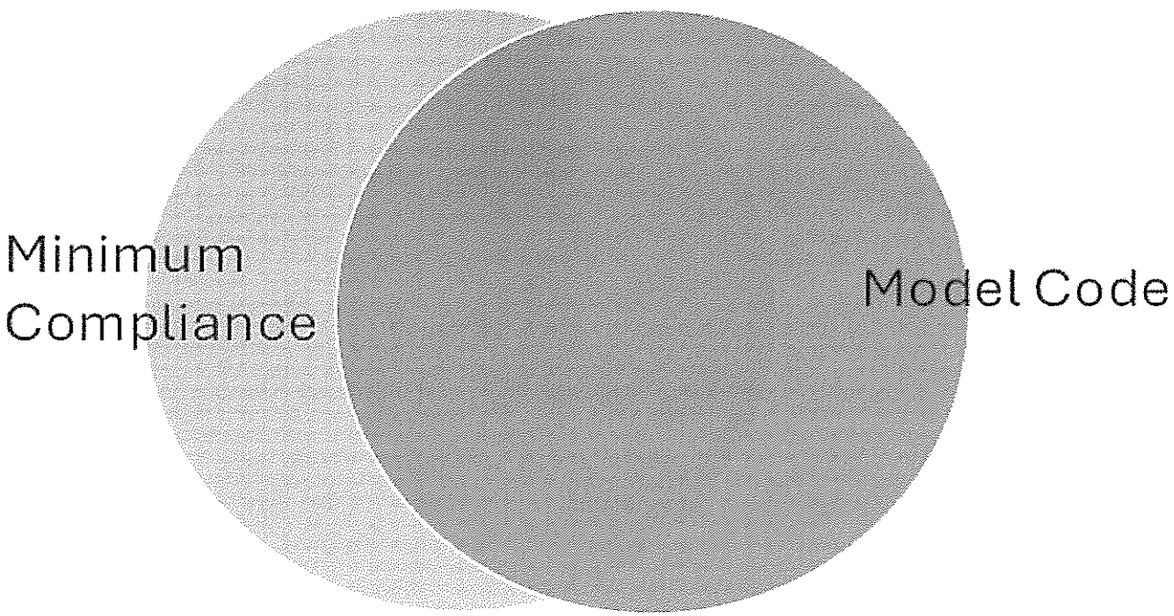
- Duplexes, triplexes, quadplexes, townhouses and cottage clusters can help increase housing options
- Code updates remove one obstacle to development but still need local interest, capacity and market to build
    - Better aligned with local builder capacity than apartment construction
- Less expensive but not necessarily "affordable".
- Creates housing options that can alleviate market pressures and reduce competitiveness for housing due to existing limited or non-existing available housing stock.

PROJECT OBJECTIVES

- Expand opportunities for middle housing in Tillamook County communities
- Explore strategies to address housing needs- Updated Housing Needs Assessment (HNA) 2024/2025
- Comply with (portion of) Senate Bill 406 June 2025

MIDDLE HOUSING CODE APPROACH

Middle Housing Code Options



Distinctive choices:

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

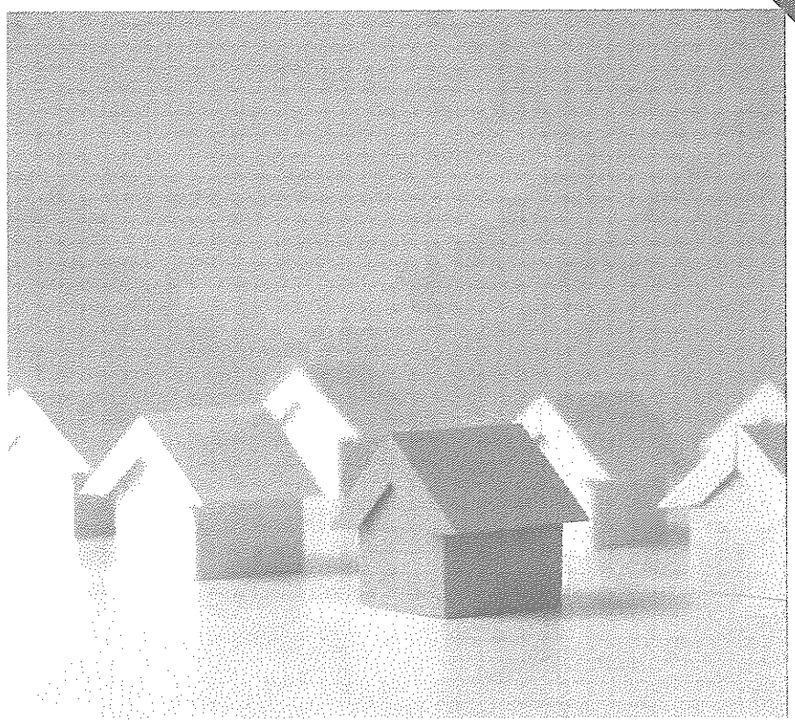
UPDATES TO EXISTING NETARTS RESIDENTIAL ZONING CODES

Apply existing standards for minimum lot sizes, setbacks, lot coverage

Can amend existing standards for greater flexibility to further reduce barriers associated with zoning development standards.

Some language is prescriptive.

Identify areas for flexibility and community input.



Code Application: Design

- Could apply design standards that also apply to single-family homes (not currently in place, could develop clear and objective standards)
- Can apply design standards from Model Code:
  - Entrance orientation
  - Minimum window coverage
  - Maximum driveway/garage width
  - Townhouse unit definition
  - Cottage orientation

NATURAL HAZARDS & DEVELOPMENT REQUIREMENTS

Natural hazard (Goal 7) protective standards for single-family housing will apply to middle housing in areas with known flood, tsunami and geologic hazards.

Beaches and dunes (Goal 18) protections apply to middle housing the same as for single-family dwellings. Dune Area Development Permit required for development.

INFRASTRUCTURE DISCUSSION

- Determination of whether **"sufficient infrastructure"** provided or can be provided for:
  - Sewer, water and drainage capable of meeting service levels; provider letters required
  - Streets meeting emergency vehicle access
- **Short-Term Rental Standards Apply**
- Existing **CC&Rs** limiting additional units may continue to be applied

CODE UPDATES GOALS

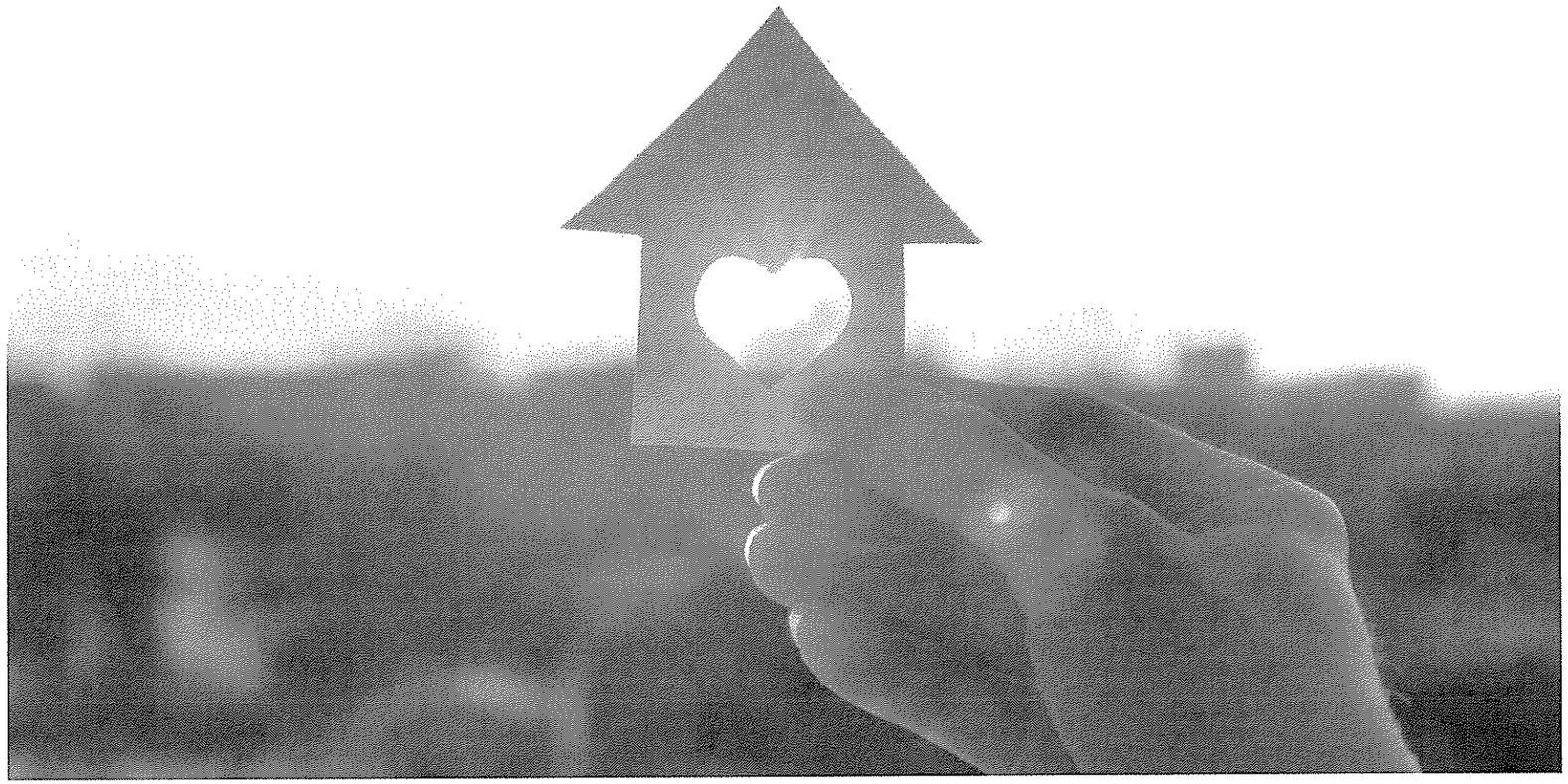
- Consistent development standards for all middle housing that mirrors development for a single-family dwelling.
- Permit triplexes, quadplexes, townhouses and cottage clusters in all zones that allow single-family dwellings.
- Clear and objective standards including limited design standards, and review process with clear and objective standards.
- Permit these housing types outright.
- Allow middle housing land divisions (expedited land divisions).

Different rates of development for infill and new development opportunities

Example: County ADU development trends

Statewide, middle housing forecast at up to 3% of housing units

Market feasibility more challenging with current interest rates



Forecasting Middle Housing Development

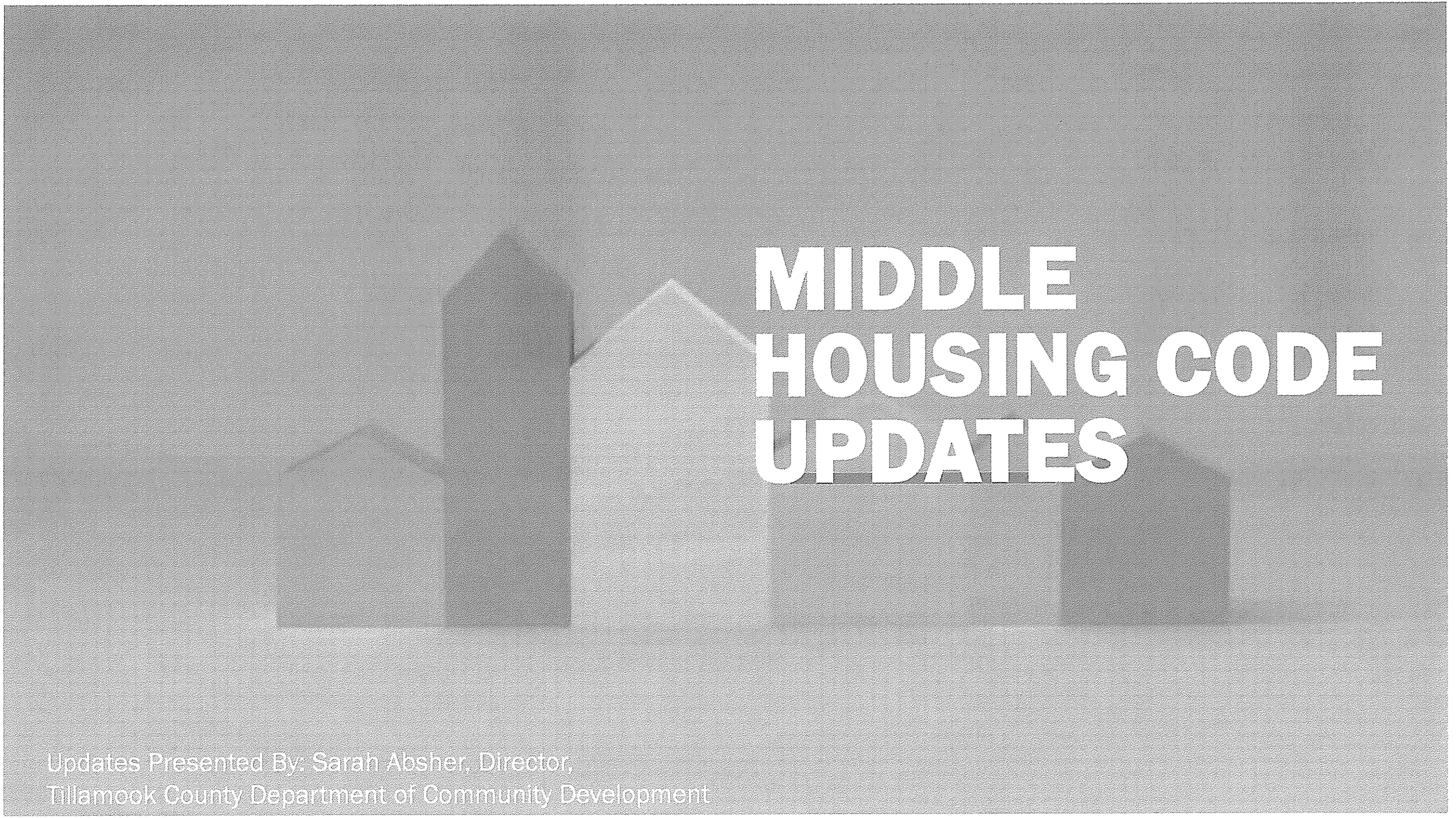
QUESTIONS

Sarah Absher, CFM, Director

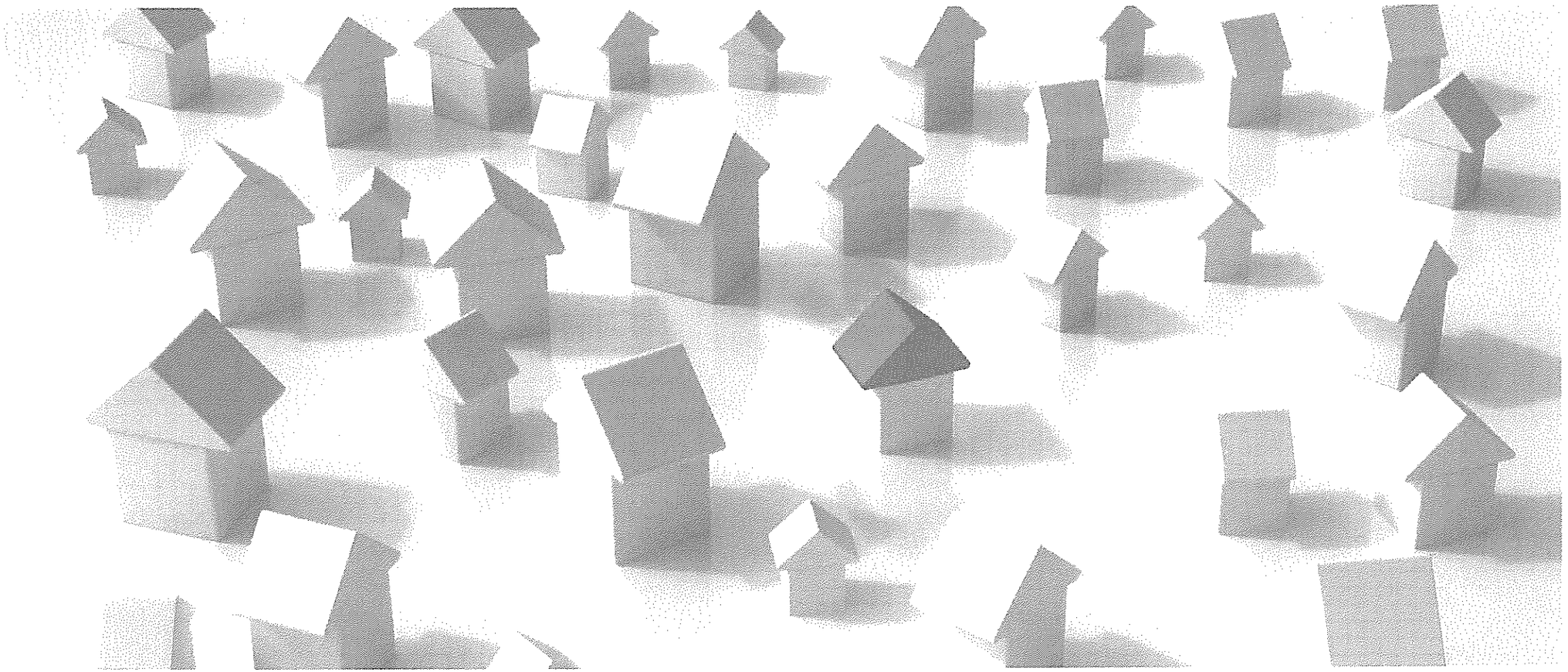
Tillamook County Department of Community Development

Office: 503-842-3408

Sarah.absher@tillamookcounty.gov


MIDDLE
HOUSING CODE
UPDATES
Updates Presented By: Sarah Absher, Director,
Tillamook County Department of Community Development

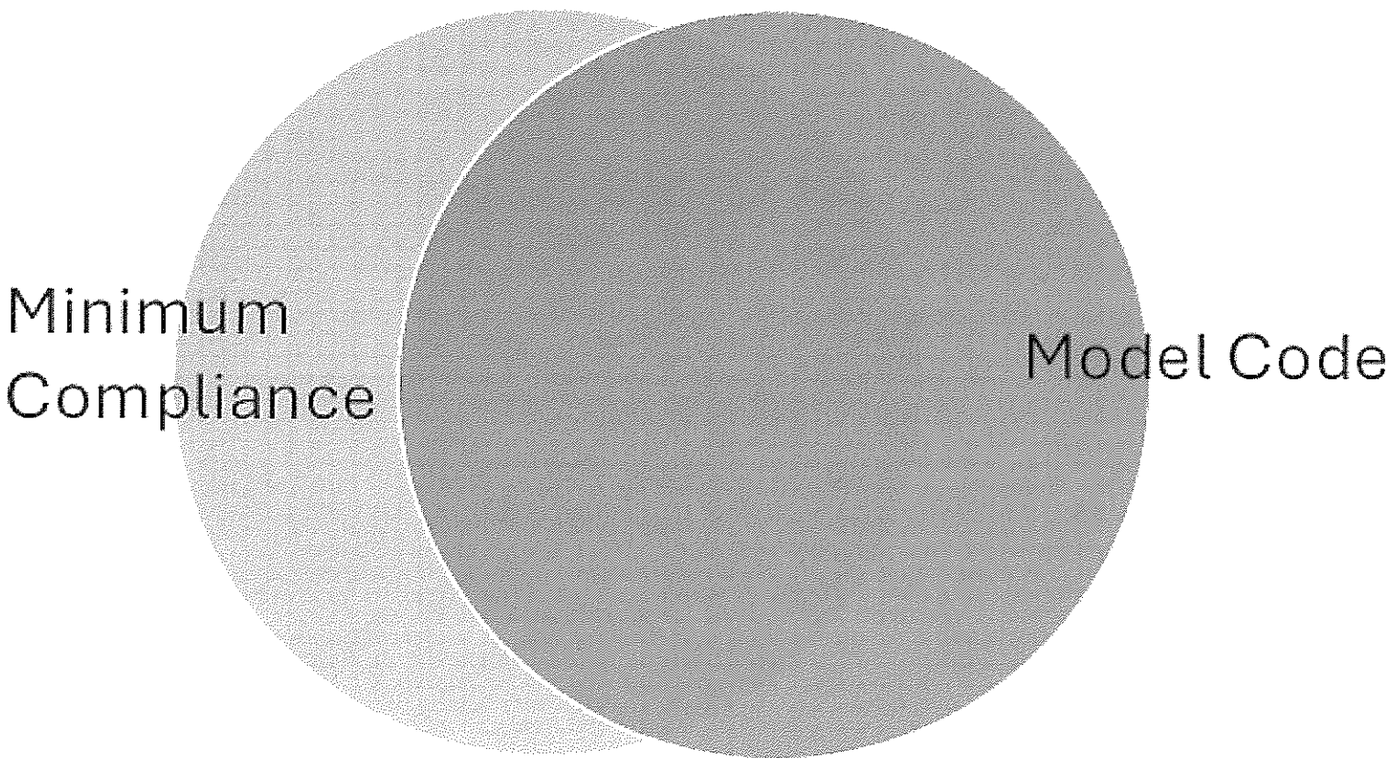
WHAT IS MIDDLE HOUSING?



PARTICIPATING CITIES & UNINCORPORATED COMMUNITIES

- Neahkahnie, Manzanita and Nehalem
- Wheeler, Rockaway Beach and Barview/Twin Rocks/Watseco
- Garibaldi, Bay City and Tillamook
- Netarts and Oceanside
- Hebo and Cloverdale
- Pacific City/Woods and Neskowin

Middle Housing Code Options



Distinctive choices:

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

MORE ABOUT COMMUNITY CHOICES

- Minimum Lot Sizes
- Setbacks
- Lot Coverage
- Plexes
- Townhouses
- Cottage Clusters
- Minimum Design Standards for Middle Housing

CODE REVIEW: EXISTING & PROPOSED

Many Zones already allow for Multi-Family Dwellings- Revisions for all as outright permitted uses

Many zoning districts meet or come close to meeting middle housing code development standards

Adding Cottage Clusters to outright permitted uses

Parking requirements strong area of focus

Addition of development standards- including Floor Area Ratios and Lot Coverage Maximums

WHAT ELSE APPLIES TO MIDDLE HOUSING?

GOAL 7 Requirements:

- Neskowin Coastal Hazards Overlay Zone
- Beach and Dune Overlay Zone
- Flood Hazard Overlay Zone
- Tsunami Hazard Overlay Zone

Infrastructure & Construction:

- Water & Sewer Availability Letters
- Building Codes for Multi-Family Dwellings
- Driveway & Road Approach Permitting Requirements

DESIGN STANDARDS

STREET-FACING FACADE

Area subject to 15% window & entrace door coverage requirement

Qualifying window coverage

Qualifying entrace door coverage

Can apply design standards from Model Code:

- Entrance orientation
- Minimum window coverage
- Maximum driveway/garage width
- Townhouse unit definition
- Cottage orientation

TOWNHOUSES

Must Allow Up to Four (4) Units Outright

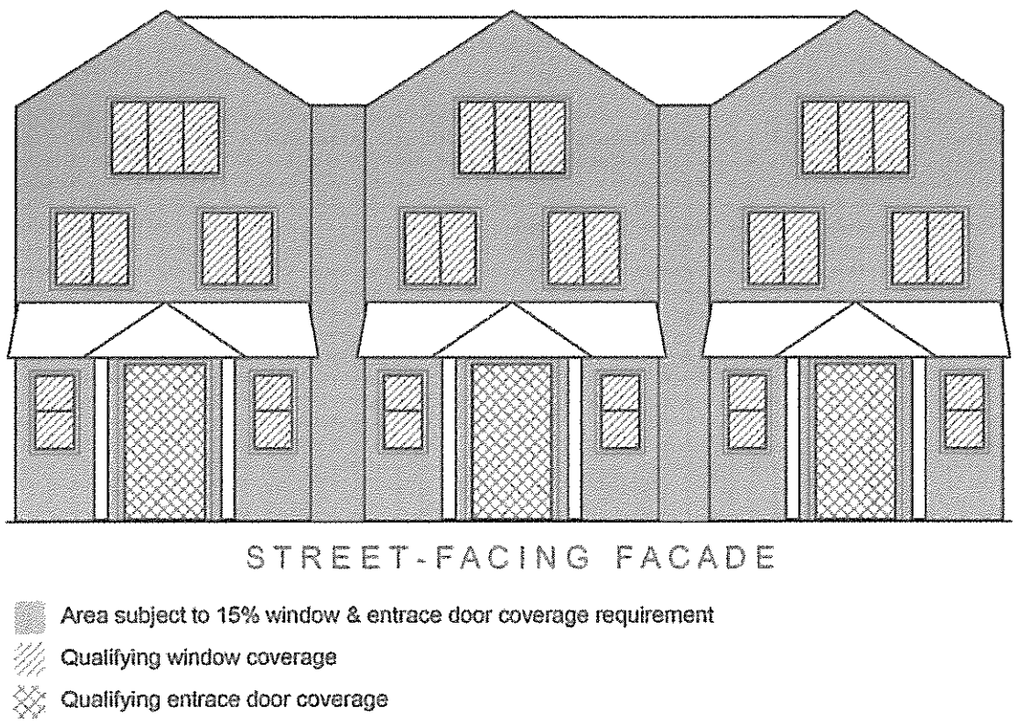
- May Allow Additional Units Outright
- Units Must Be Attached

Minimum Lot Size of the Residential Zone Still Applies

- 1,500 SF minimum lot size per townhouse.
- Remainder of Land Area is Open Space
- Child & Parent Lot Discussion

- Apply Clear & Objective Design Standards (Examples Coming Up)

DESIGN STANDARDS



- Can apply design standards from Model Code:
  - Entrance orientation
  - Minimum window coverage
  - Maximum driveway/garage width
  - Townhouse unit definition
  - Cottage orientation

LOT COVERAGE AND FLOOR AREA RATIOS (FAR)

COMMUNITY DISCUSSION

Lot Coverage & FAR are often utilized to ensure ***proportionality*** *of development of a property in relation to property size. Proportionality can also be achieved by simply applying the minimum setback and building height requirements of a zone. Lot Coverage & FAR can also be barriers to housing production and create undeveloped space that could be better utilized for residential improvements to a property.*

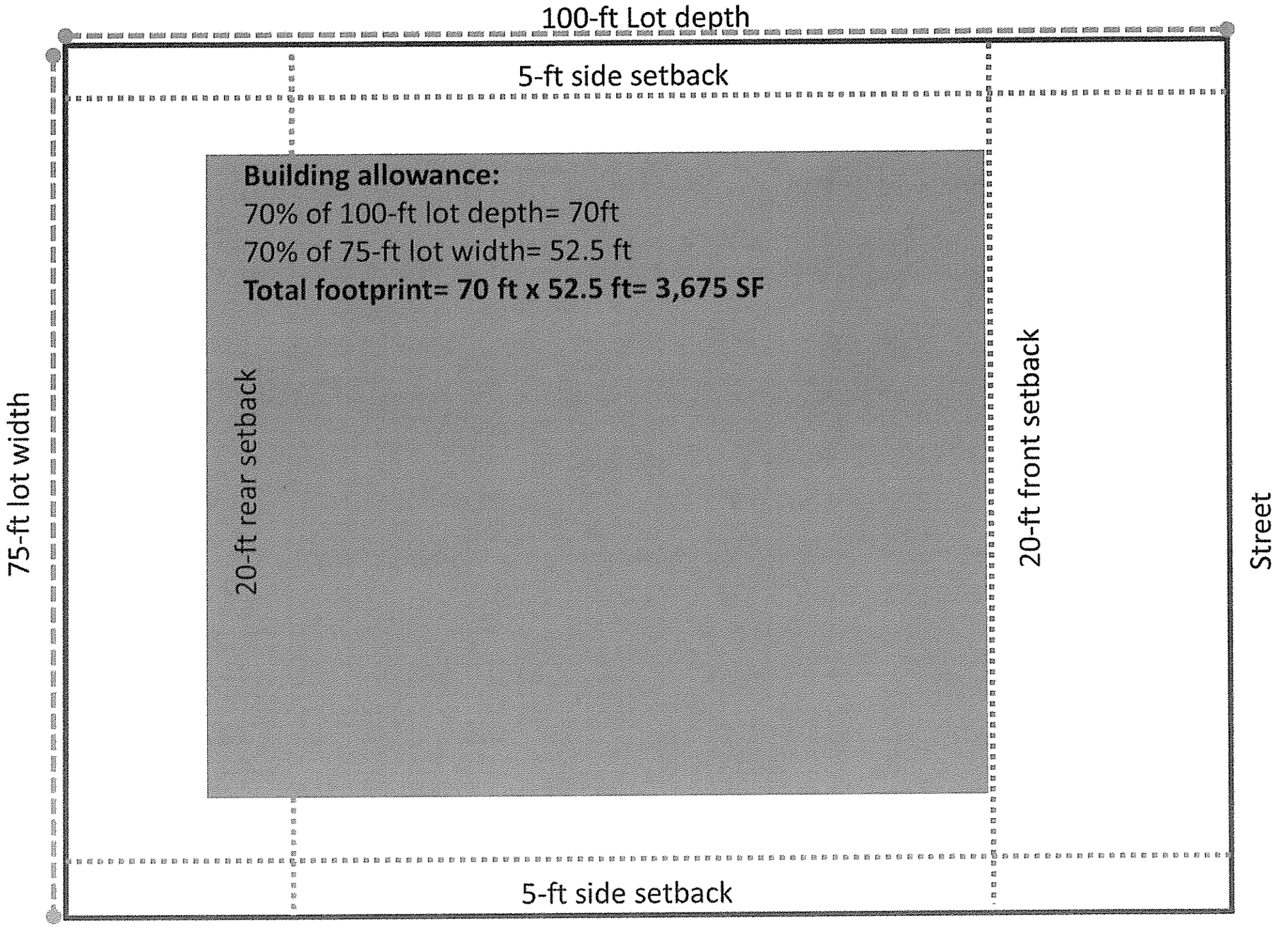
Lot Coverage: *Does not take into consideration building height or number of stories.*

FAR: *Does not focus lot coverage or how much of a lot is covered with structures and instead applies a maximum floor area that must be achieved regardless of the number of dwelling units or height of a building. "May result in "tower-like" structures."*

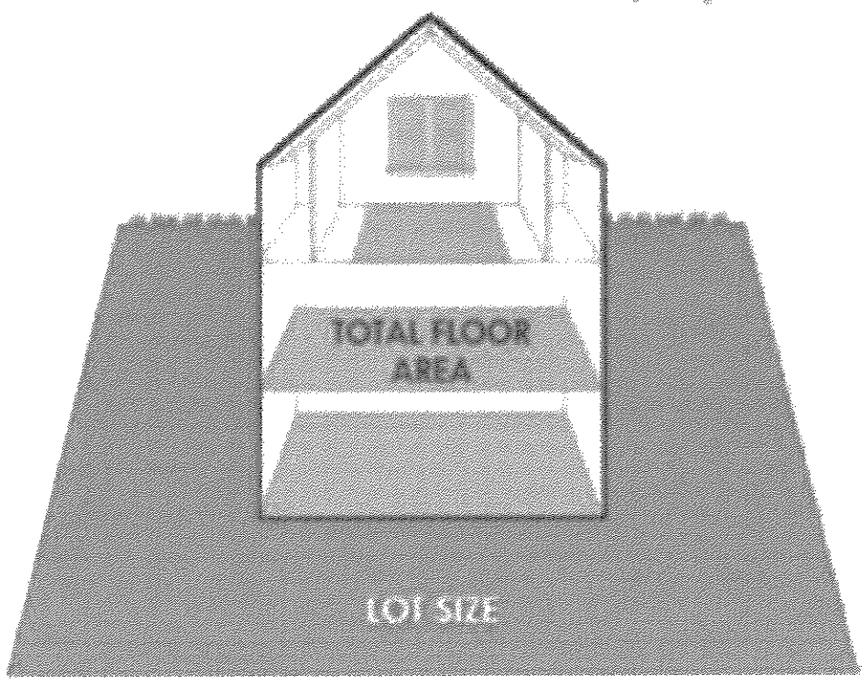
Approach 2b:

Apply **setbacks, maximum height and 70% max lot dimensions** (Neskowin standard)

- Allows up to 3,675 SF building footprint
  - 3,675 SF total for 1-story
  - 7,350 SF total for 2-story
- *Note: Specific example does not meet rear setback, would need to be further reduced*



WHAT IS FLOOR AREA RATIO (FAR)?



2,500 square feet of floor area allowed

5,000 square feet of lot area
x 0.5 allowed floor area ratio
2,500 square feet of floor area allowed

CALCULATING FLOOR AREA RATIO EXAMPLE

Applies to All Structures/Units on a Lot

Lot Dimensions = 75x100'

Lot is 7,500 Square Feet

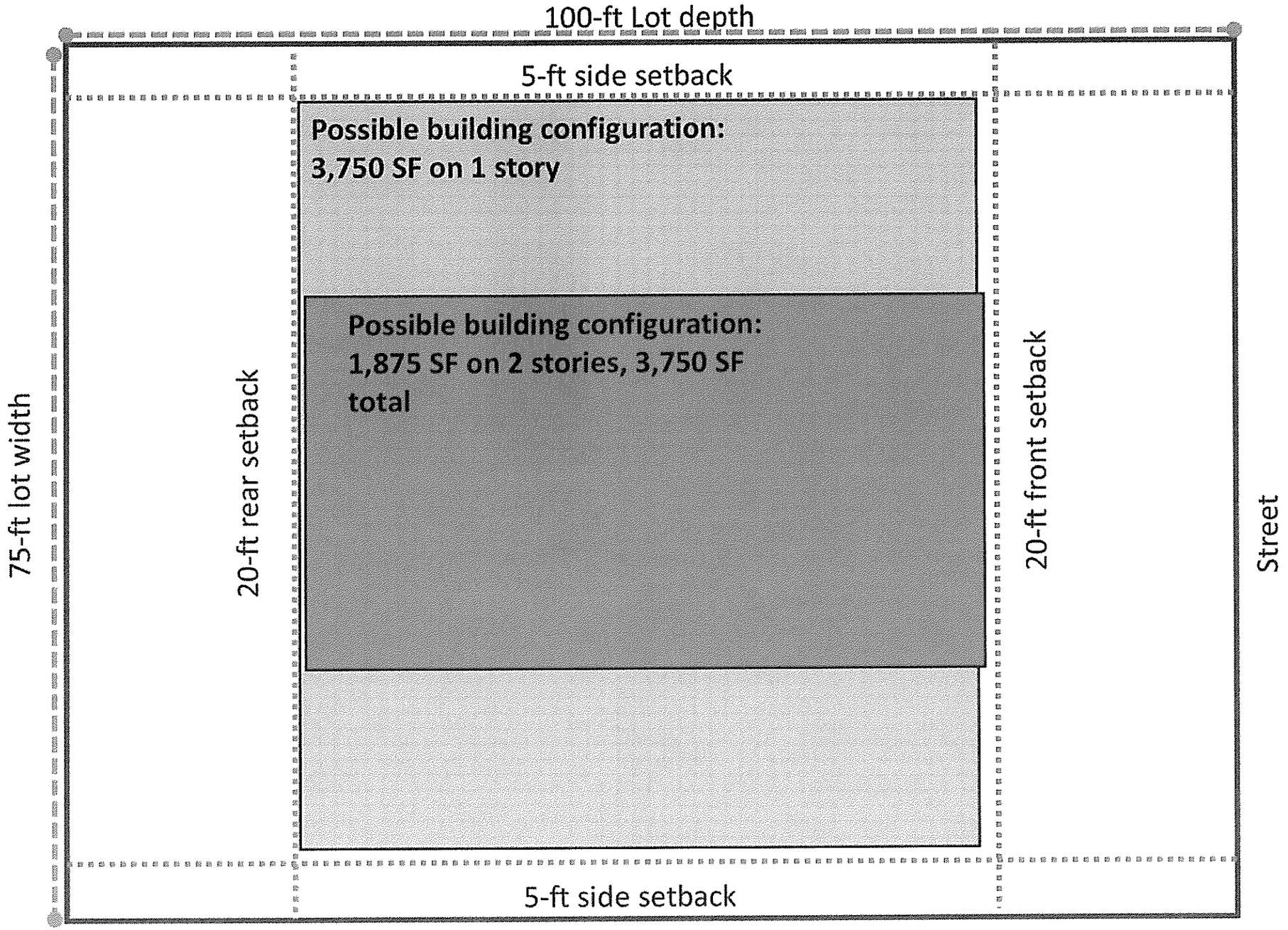
FAR is 0.5 or 50%

Total FAR (Combination for All Units) = 3,750 Square Feet of Floor Space

Approach 3:

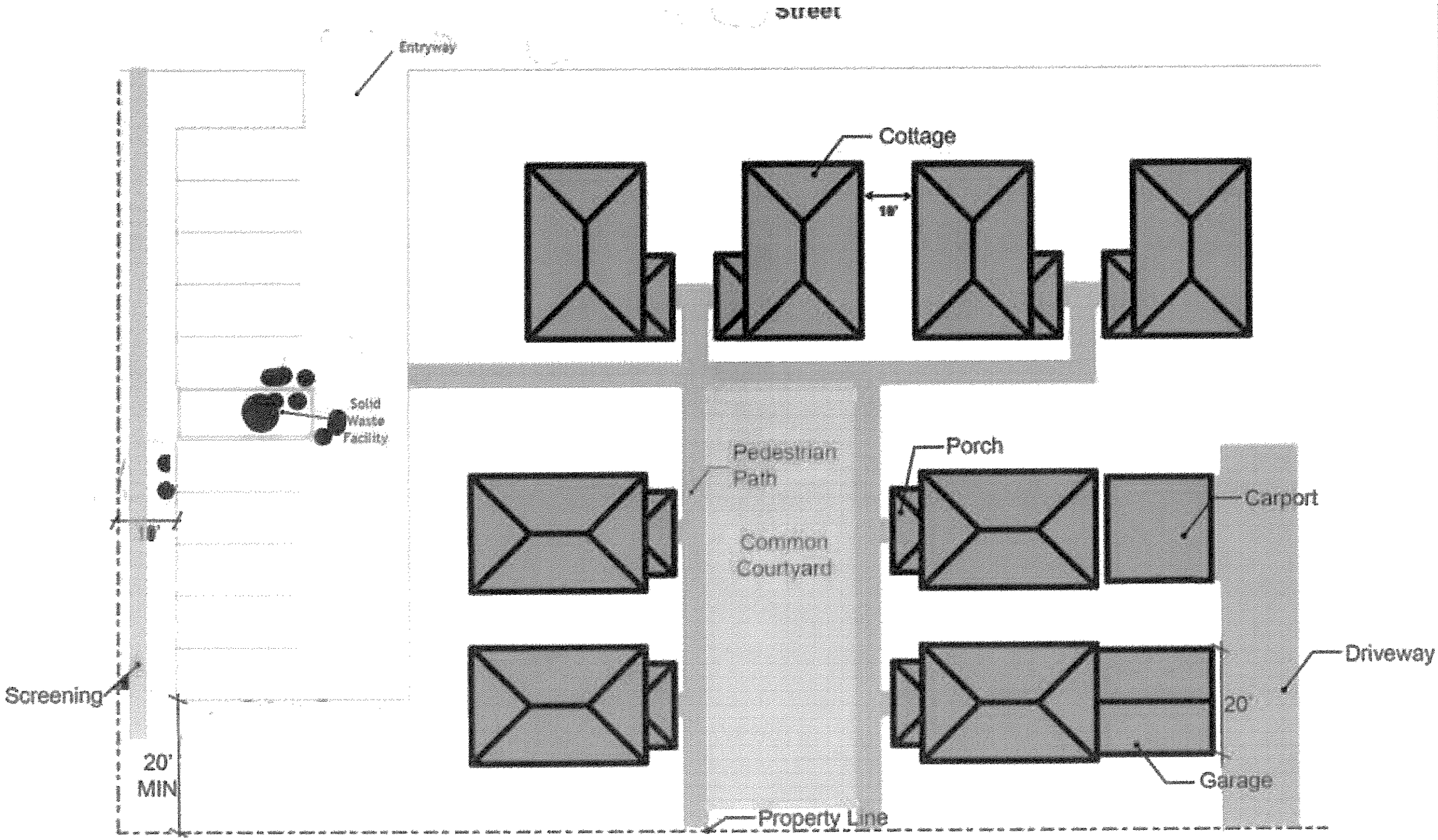
Apply **setbacks, maximum height and 0.5 FAR**

- Allows up to 3,750 SF building footprint regardless of number of stories, could be:
  - 3,750 SF on 1 story
  - 1,875 SF on 2 stories
  - 1,250 SF on 3 stories
- Can be shifted within the allowed setbacks



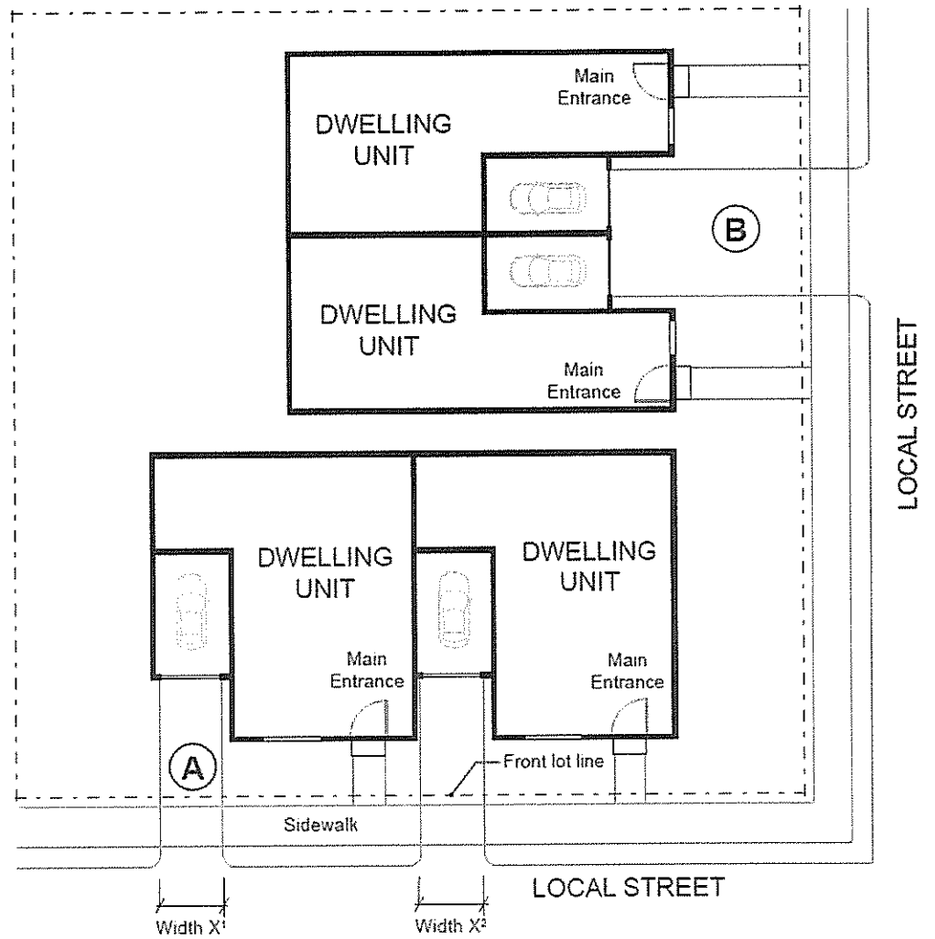
COTTAGE CLUSTERS

- Must Allow up to 8 Cottages as an Outright Permitted Use Community
- Discussion & Focus Areas
  - Three (3) or Four (4) Units Minimum?
  - Limit to 900 Square Feet & One-Story, or…
  - Allow for Community Buildings?
  - MLS Applies & Remainder of MLS is Open Space
    - Child & Parent Lot Discussion
  - Apply Clear & Objective Design Standards (Examples Coming Up)
  - Promote ADA Accessible Units
  - Aging in Place
  - Cottage & Community Relationships
  - Thoughtful Design


Street
Entryway
Cottage
18'
Solid Waste Facility
10'
Pedestrian Path
Common Courtyard
Porch
Carport
Driveway
Screening
20' MIN
20'
Garage
Property Line

PARKING REQUIREMENTS

- Parking minimums of up to one space per unit can be required for middle housing types, e.g. three total for a triplex
- County/City may—*but is not required to*—allow on-street parking to count towards requirement, or apply lower requirements
- Driveway width and spacing requirements may also be applied. Coordination with Public Works Departments.



Options for site with more than one frontage on local streets.

(A) Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured X1 + X2); or

(B) One maximum 16-foot-wide driveway approach per frontage

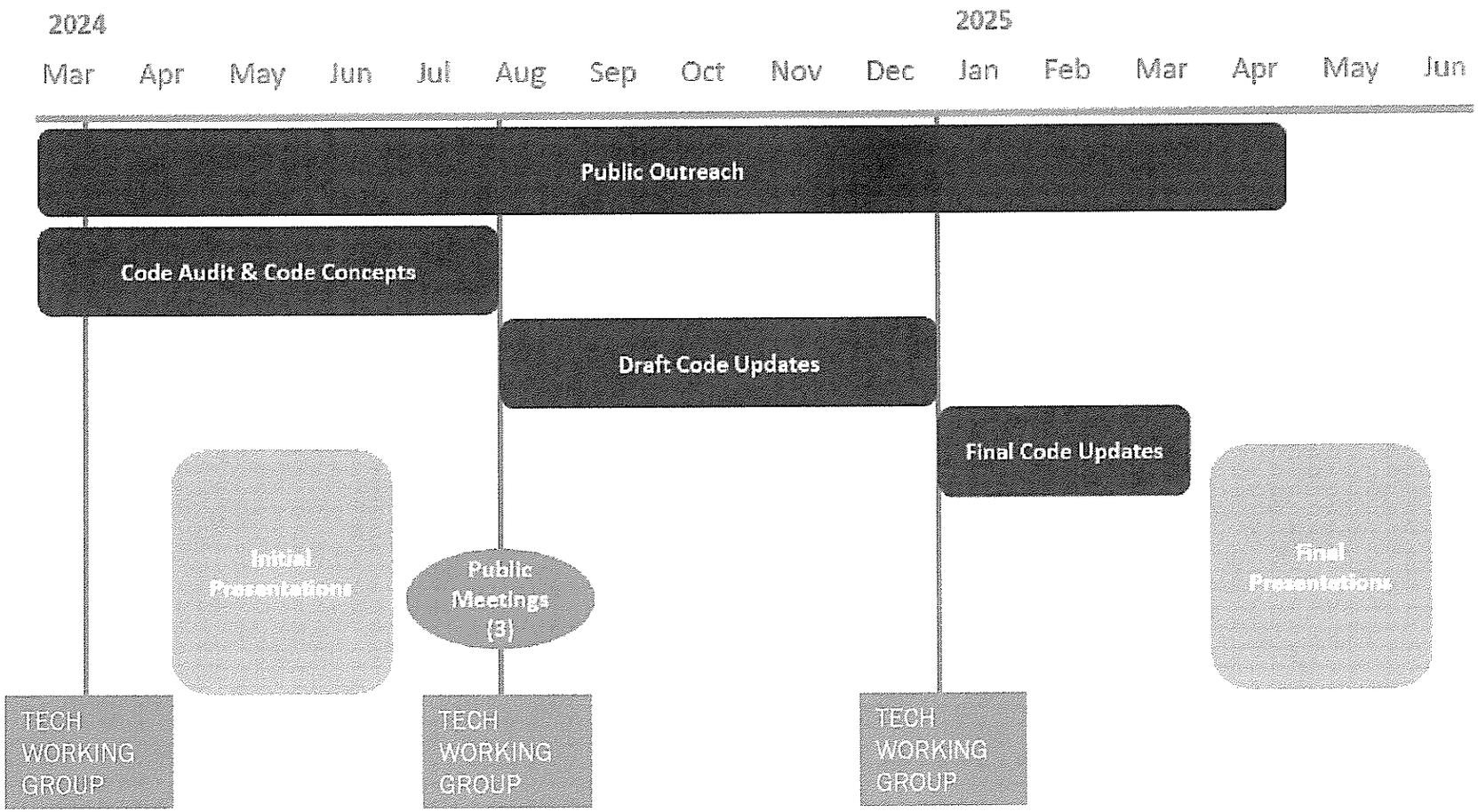
(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

LEGISLATIVE TEXT AMENDMENT PROCESS

- Middle Housing Code Updates Require Legislative Text Amendments
  - Zoning Codes & Comprehensive Plan Amendments
  - DLCD PAPA Notice 35-Days Prior to First Evidentiary Hearing
  - Planning Commission
    - Make Recommendations to Board of County Commissioners or City Councils
  - Board of County Commissioners and City Councils
    - Decision-Maker
- Public Notice Process
  - Measure 56 Notices- When Required
- Tillamook County Community Advisory Committees (CACs)

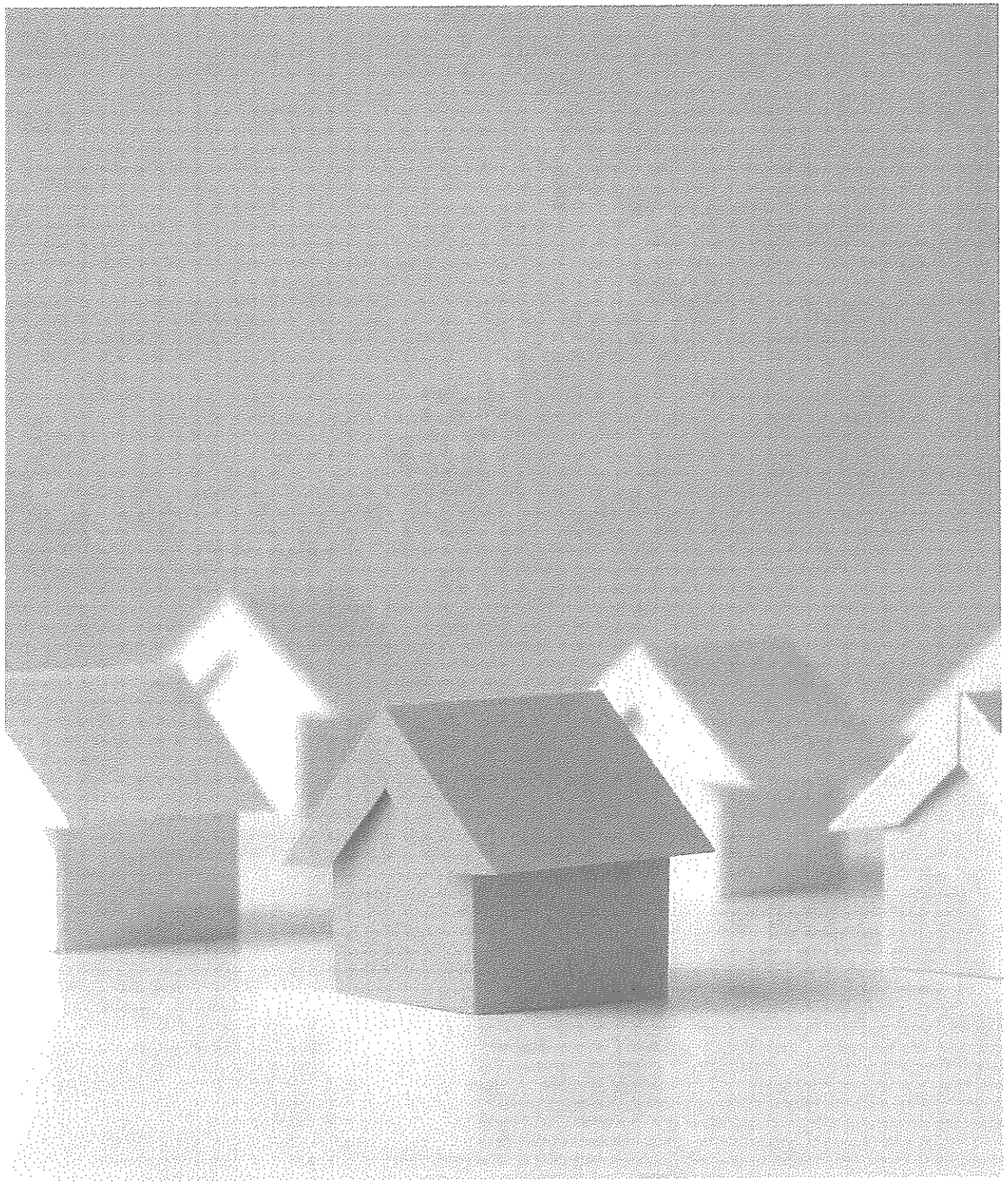
REMOVING BARRIERS THROUGH ZONING

Project Schedule



CITY & COUNTY MEETING SCHEDULES

- Manzanita: April 14th (Planning Commission), June 4th (City Council)
- Bay City: April 16th (Planning Commission), May 13th (City Council)
- Rockaway Beach: April 17th (Planning Commission), June 11th (City Council)
- Tillamook: May 1st (Planning Commission), May 19th (City Council)
- Garibaldi: April 21st (Council Briefing), Hearings TBD
- Wheeler: TBD
- Nehalem: TBD
- County Unincorporated Communities: April 24th (Planning Commission Workshop), Hearings June & July (7 Unincorporated Communities)
  - CACs Working Groups: Biweekly & CAC General Meetings



HOUSING COMMISSION PARTICIPATION

Attend Workshops & Hearings

Testify at Hearings

Submit Written Testimony

Share Information

Media Support

QUESTIONS

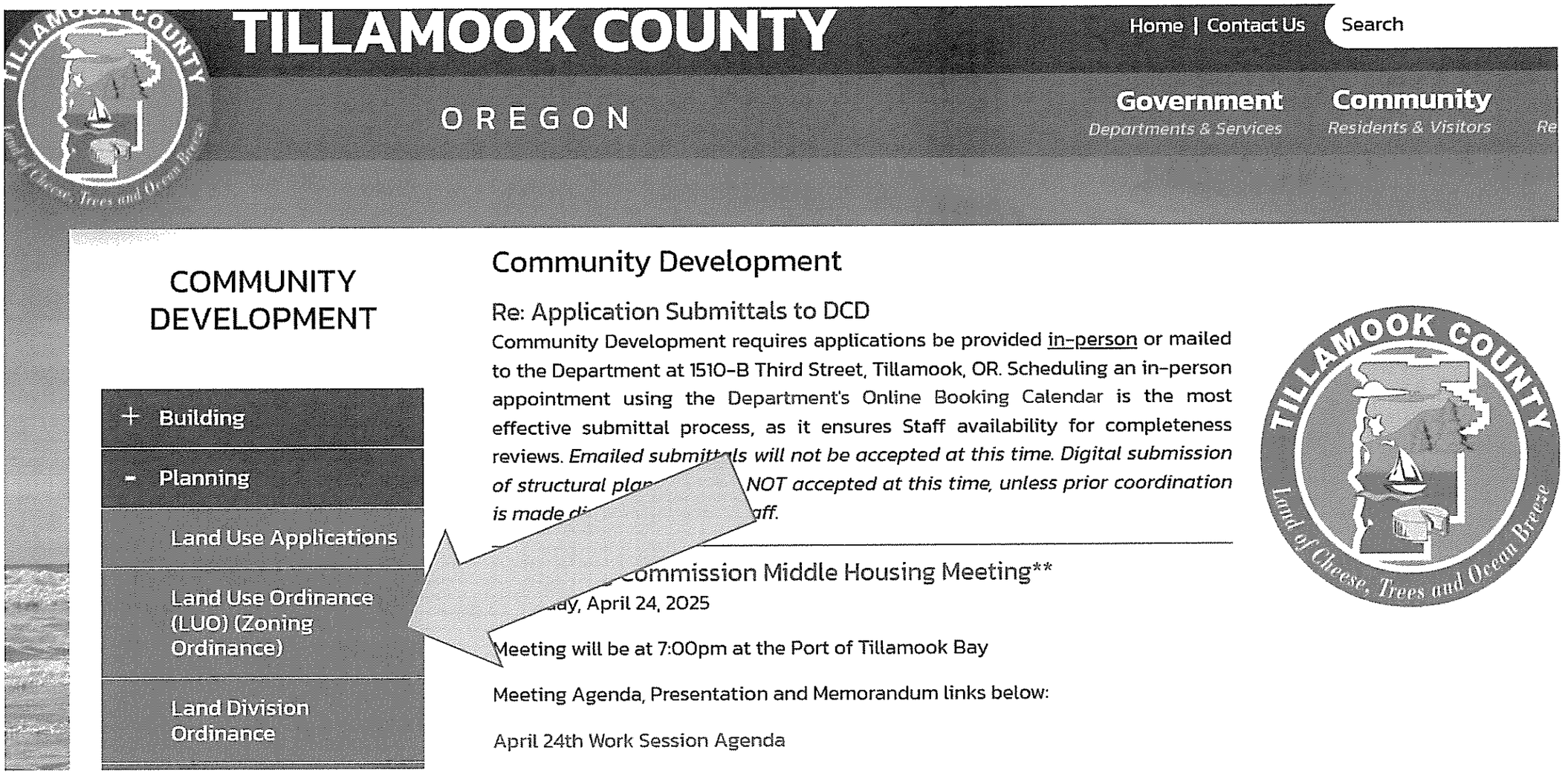
MIDDLE HOUSING CODE UPDATES

Presented by Sarah Absher, CFM, Director,
Tillamook County Department of Community Development

Thank You Anne, Mark, Sharlys and Amanda!

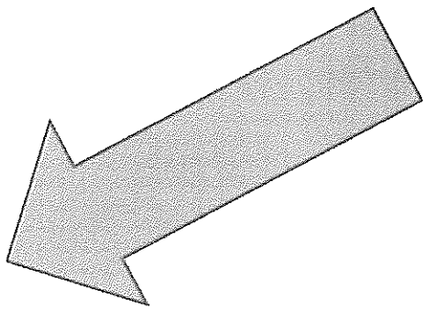
And thank you to Jacie at Windermere for letting us use your meeting space!

https://www.tillamookcounty.gov/commdev



TILLAMOOK COUNTY LAND USE ORDINANCE ARTICLE 3

PACIFIC CITY/WOODS ZONES



- 3.330 PCW-P Pacific City/ Woods Park Zone
- 3.331 PCW-RR Pacific City/ Woods Rural Residential
- 3.332 PCW-R1 Pacific City/Woods Low Density Residential
- 3.333 PCW-R2 Pacific City/ Woods Medium Density Residential
- 3.334 PCW-R3 Pacific City/ Woods High Density Residential
- 3.335 PCW-AP Pacific City/ Woods Airpark Zone
- 3.337 PCW-C1 Pacific City/ Woods Neighborhood Commercial
- 3.338 PCW-C2 Pacific City/ Woods Community Commercial

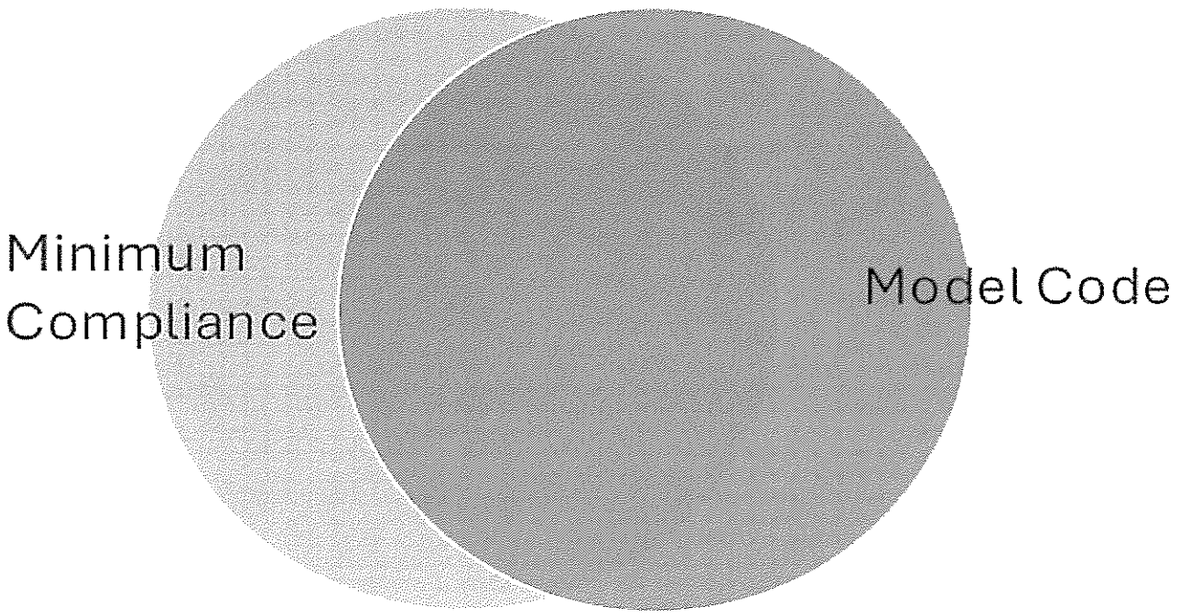
KEY UPDATES

- Minimum Lot Sizes (MLS)- No Change & Add Additional Lot Size Requirements for Quadplexes, Cottage Clusters & Townhomes where MLS is less than Middle Housing Model Code
- Setbacks- Retain Existing Setbacks Except Reduce Street Side Yard Setback Reduction to 10-Feet, Clear Vision Area Applies to Corner Lots, Side Yards at 5-Feet
- Lot Coverage- No Lot Coverage Maximums Proposed
- Ocean & Bay Front Lots Building Height Maximum 25-Feet (Existing is 24-Feet) (Includes Lots Downstream of Beachy Bridge/Pacific Avenue.)
- All Other Properties: Building Height Maximum of 35-Feet Continues to Apply
- Duplex- Can be Attached or Detached
- Triplex & Quadplex- Required to be Attached
- Townhouses- Allow for up to 4 attached units
- Cottage Clusters- Minimum of 3 units and Up to 8 units
- Minimum Design Standards for Middle Housing- Adopt Model Code Standards for Triplexes, Quadplexes and Townhomes

Minimum Lot Sizes

- Existing minimum lot sizes in each zone will not change
- Same lot size will apply to single-family detached, duplexes, triplexes, quadplexes and cottage clusters
  - Where minimum lot sizes are less than 7,000 SF, a larger 7,000 SF minimum lot size will apply for quadplexes and cottage clusters
- For townhouses, the minimum lot size will apply to a group of four townhouses (or 7,000 SF equivalent)
  - Absolute minimum of 1,500 SF for an individual townhouse lot
  - *Example:* 7,500 SF minimum lot size requirement, developed with two 1,500 SF interior units and two 2,250 SF end units
- Existing lot size exceptions TCLUO Section 4.100 will allow single-family or duplex

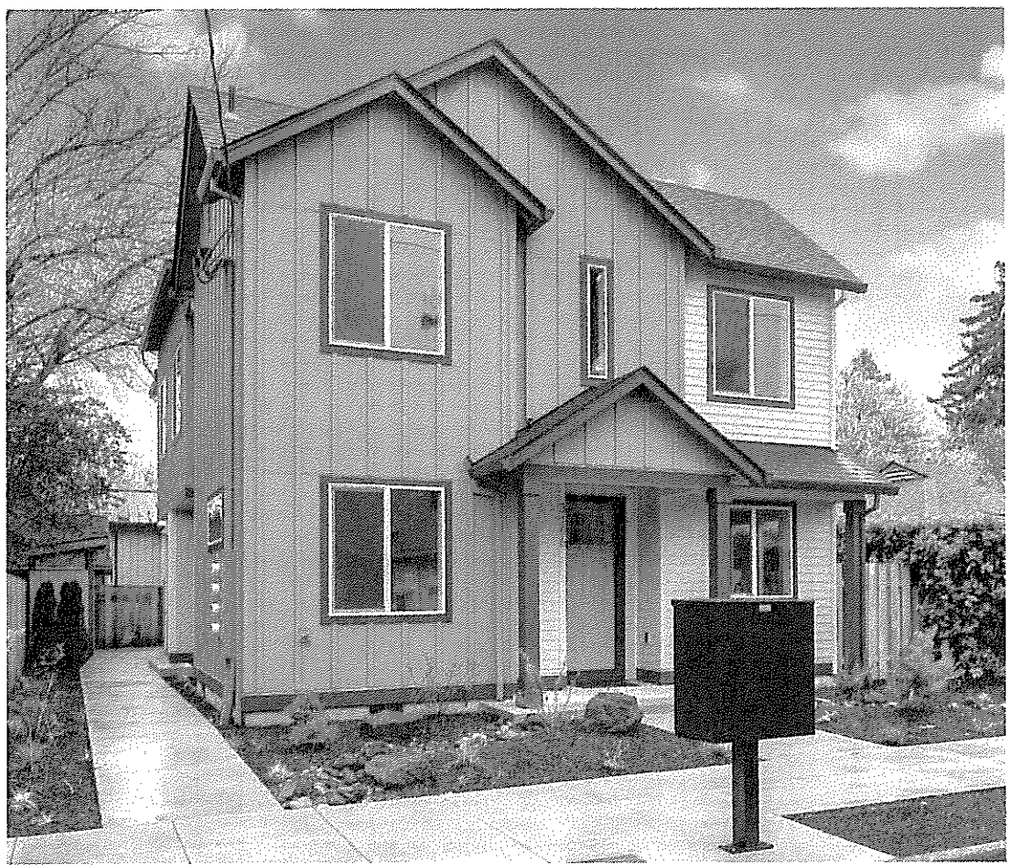
Middle Housing Code Options



Distinctive choices:

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

Design Standards



- Only two categories of design standards can apply:
  - Specific Model Code design standards detailed for triplexes & quadplexes, townhouses, and cottage clusters; and
  - Additional clear and objective design standards developed for single-family, duplexes and middle housing

SECTION 5.120: MIDDLE HOUSING STANDARDS

(1) PURPOSE. The purpose of the middle housing standards is to ensure that new middle housing can be integrated into the unincorporated communities 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.

(2) SUFFICIENT INFRASTRUCTURE. Applicants must demonstrate that sufficient infrastructure is provided, or will be provided, upon submittal of an application for a triplex, quadplex, townhouse project or cottage cluster, including:

(a) Connection to a public sewer system capable of meeting established service levels;

(b) Connection to a public water system capable of meeting established service levels;

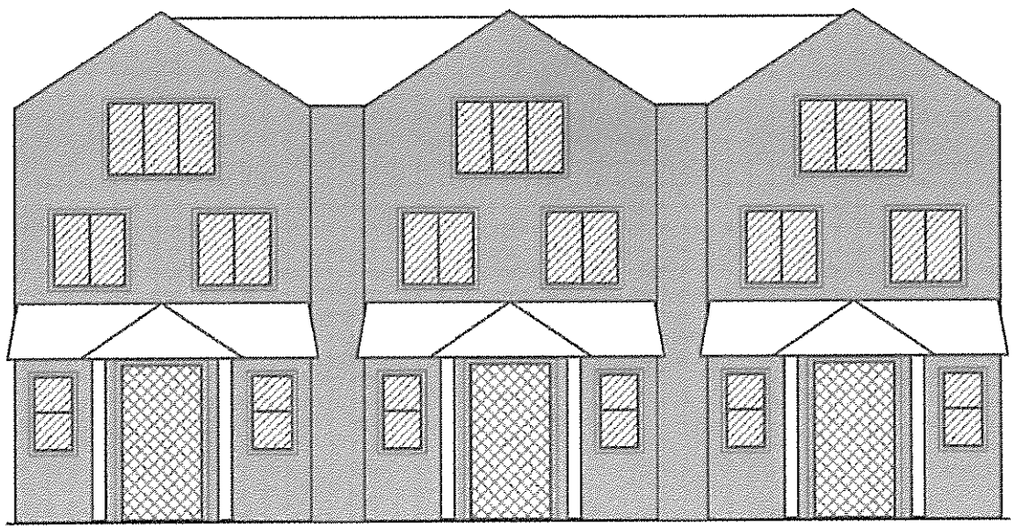
(c) Access via public or private streets meeting adopted emergency vehicle access standards to a public street system; and

(d) Storm drainage facilities capable of meeting established service levels for storm drainage.

(3) TRIPLEX AND QUADPLEX DESIGN STANDARDS.

(a) Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

Code Application: Design



- Could apply design standards that also apply to single-family homes (not currently in place, could develop clear and objective standards)
- Can apply design standards from Model Code:
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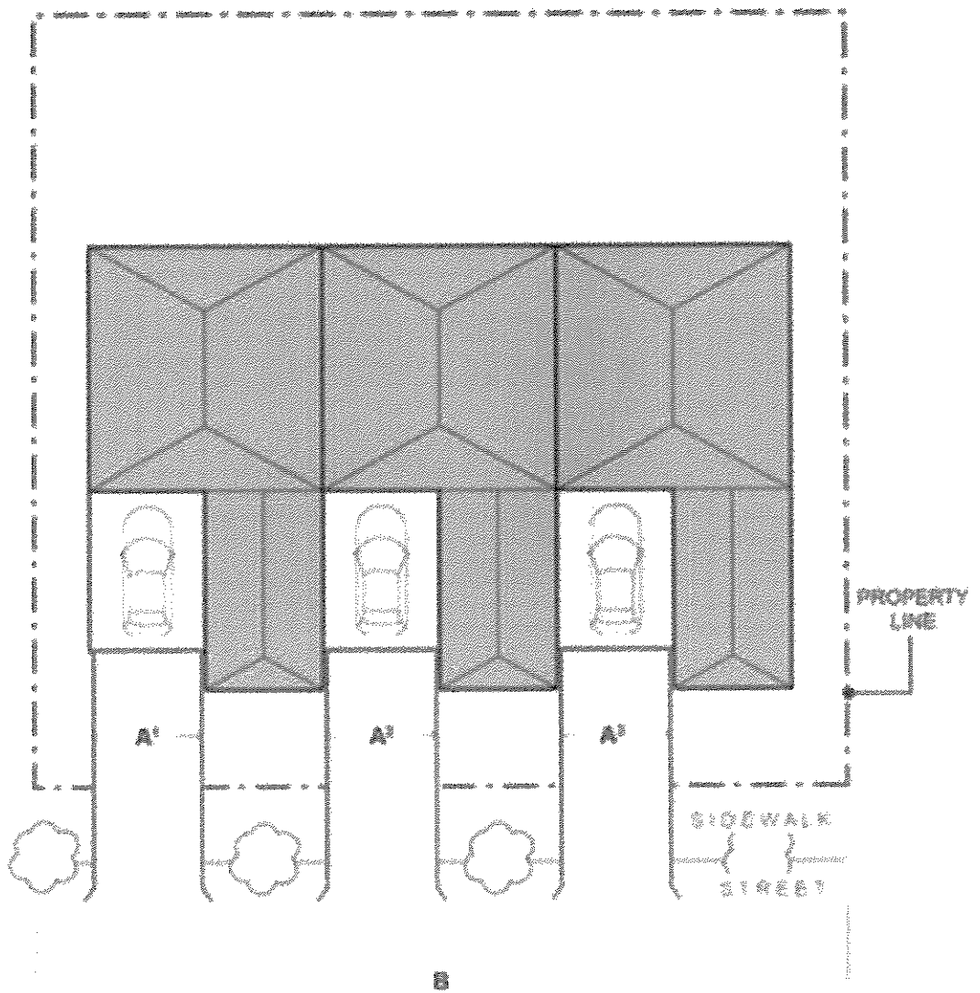
  - Minimum window coverage
  - Maximum driveway/garage width
  - Townhouse unit definition
  - Cottage orientation

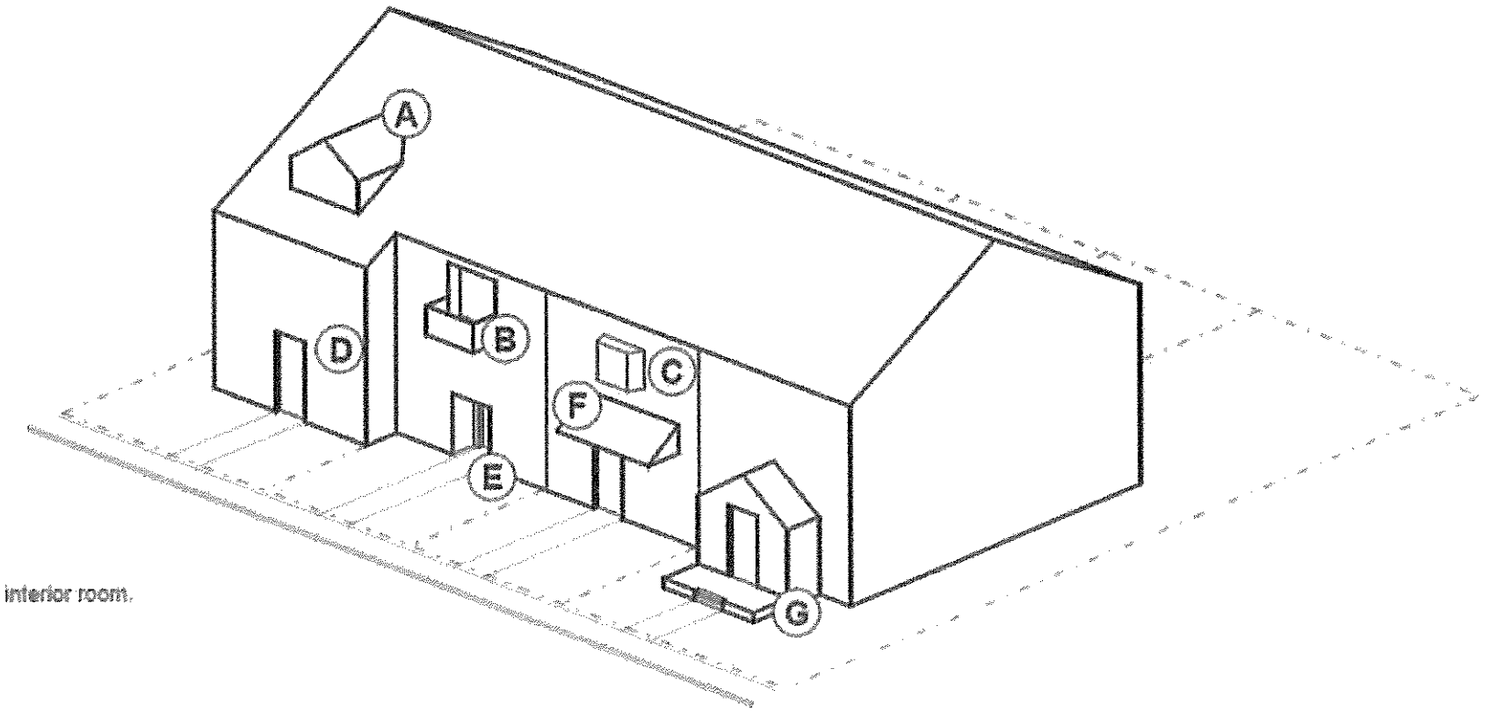


(A) Garage and on-site parking and maneuvering areas

(B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

Figure 22. Townhouse Unit Definition



(A) Roof dormer, minumum of 4 feet wide

(B) Balcony, minimum 2 deet deep and 4 feet wide. Accessible from interior room.

(C) Bay window extending minimum of 2 feet from facade

(D) Facade offset, minimum of 2 feet deep

(E) Recessed entryway, minimum 3 feet deep

(F) Covered entryway, minimum of 4 feet deep

(G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

Figure 23. Townhouses with Parking in Front Yard

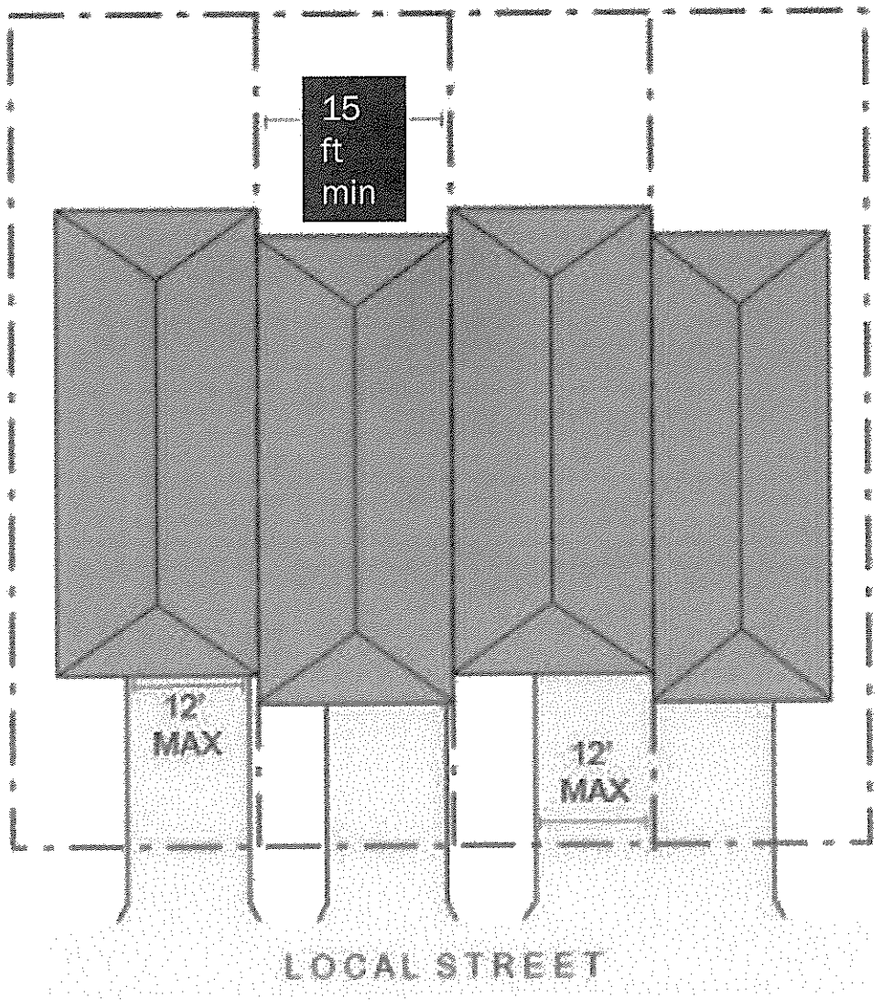


Figure 24. Townhouses on Corner Lot with Shared Acce

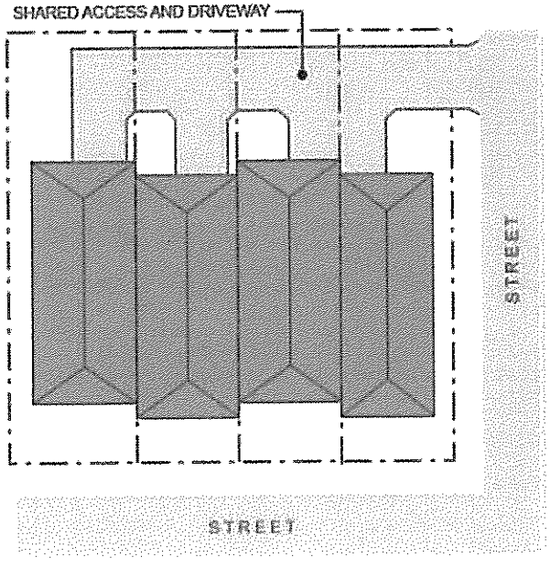
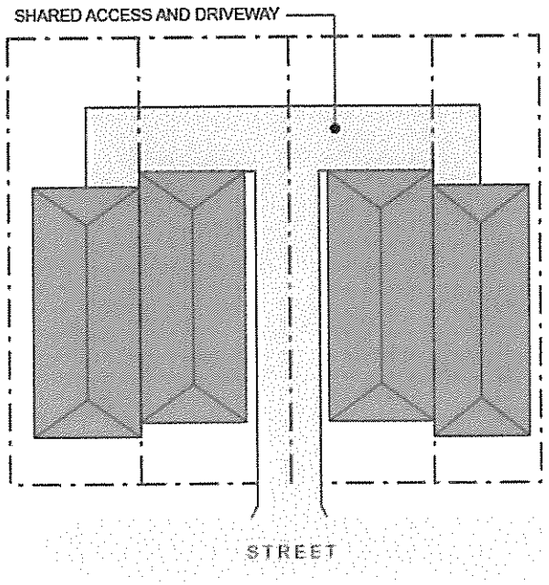
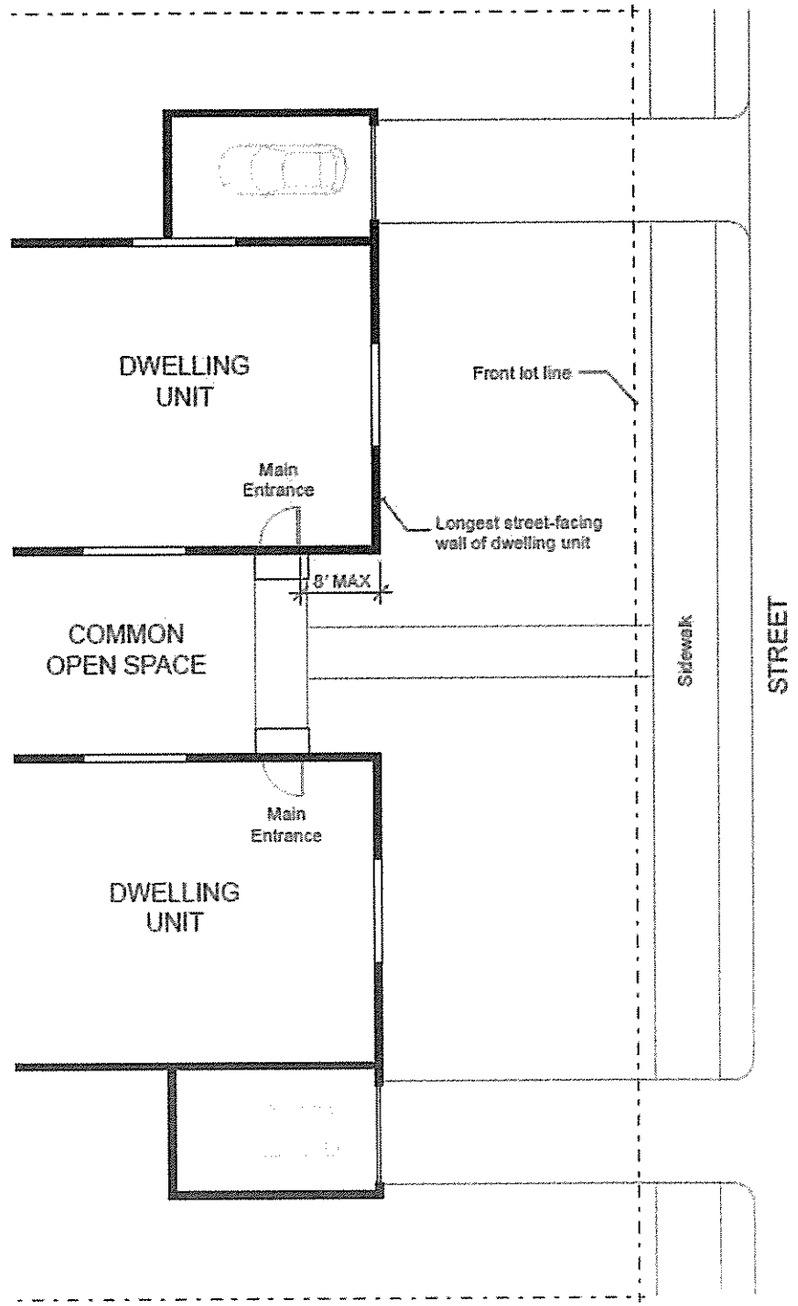


Figure 25. Townhouses with Consolidated Access



Parking Minimums

- Require minimum of one off-street parking space per unit for all types:
  - Small change from current standard of one per unit, plus one additional
  - *Example:* Triplex now requires four total spaces, would require minimum of three total under new standard



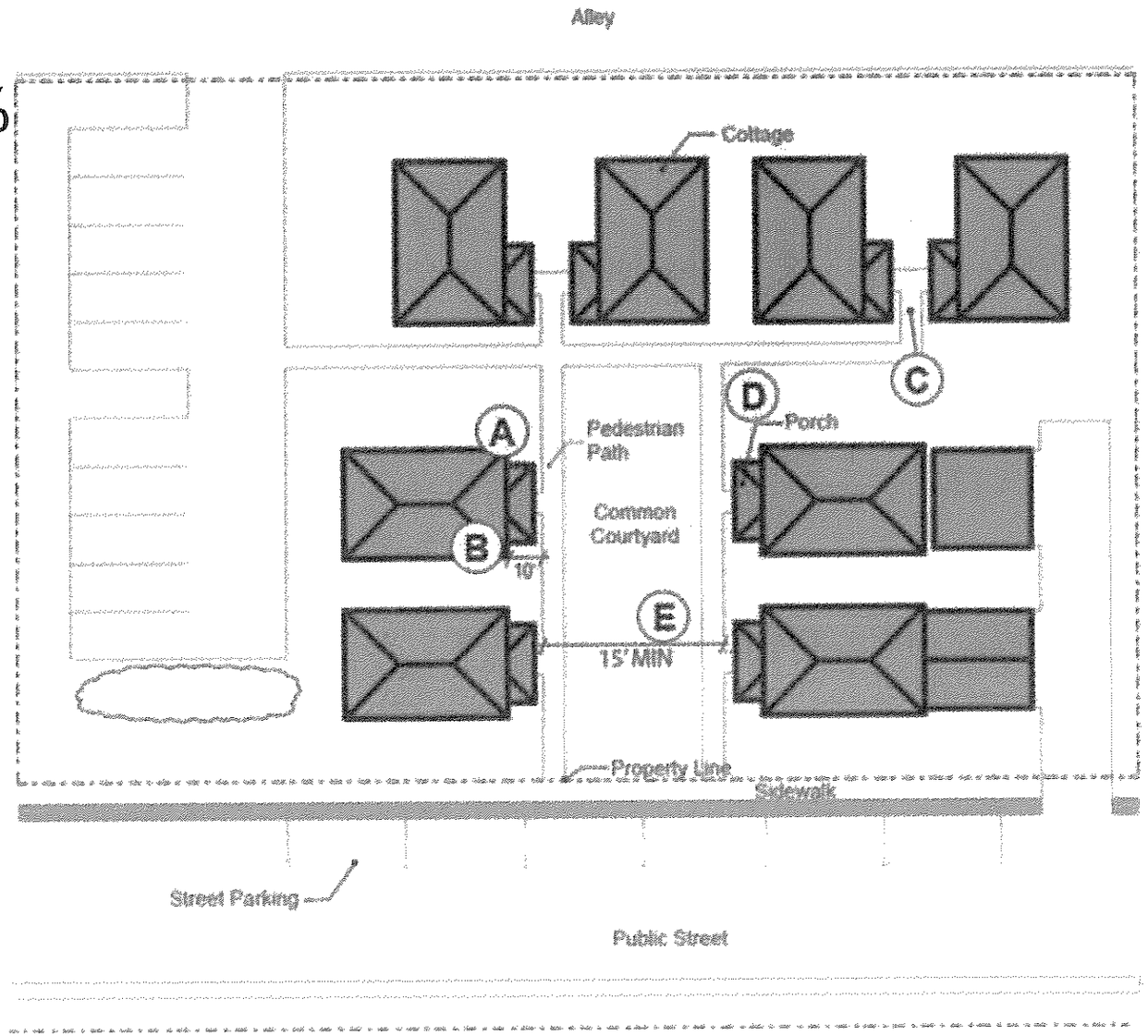
Cottage Design Standards

- Scale of Cottages and Clusters:
  - 900-SF max building footprint, single-story max height 17 ft
  - Minimum of three cottages per cluster
  - Maximum of eight permitted outright
- Cottage orientation and common courtyard
- Parking design

Cottage Orientation: Minimum 50% units facing courtyard

Minimum 150 SF per unit for courtyard

Accessibility & Pedestrian Paths

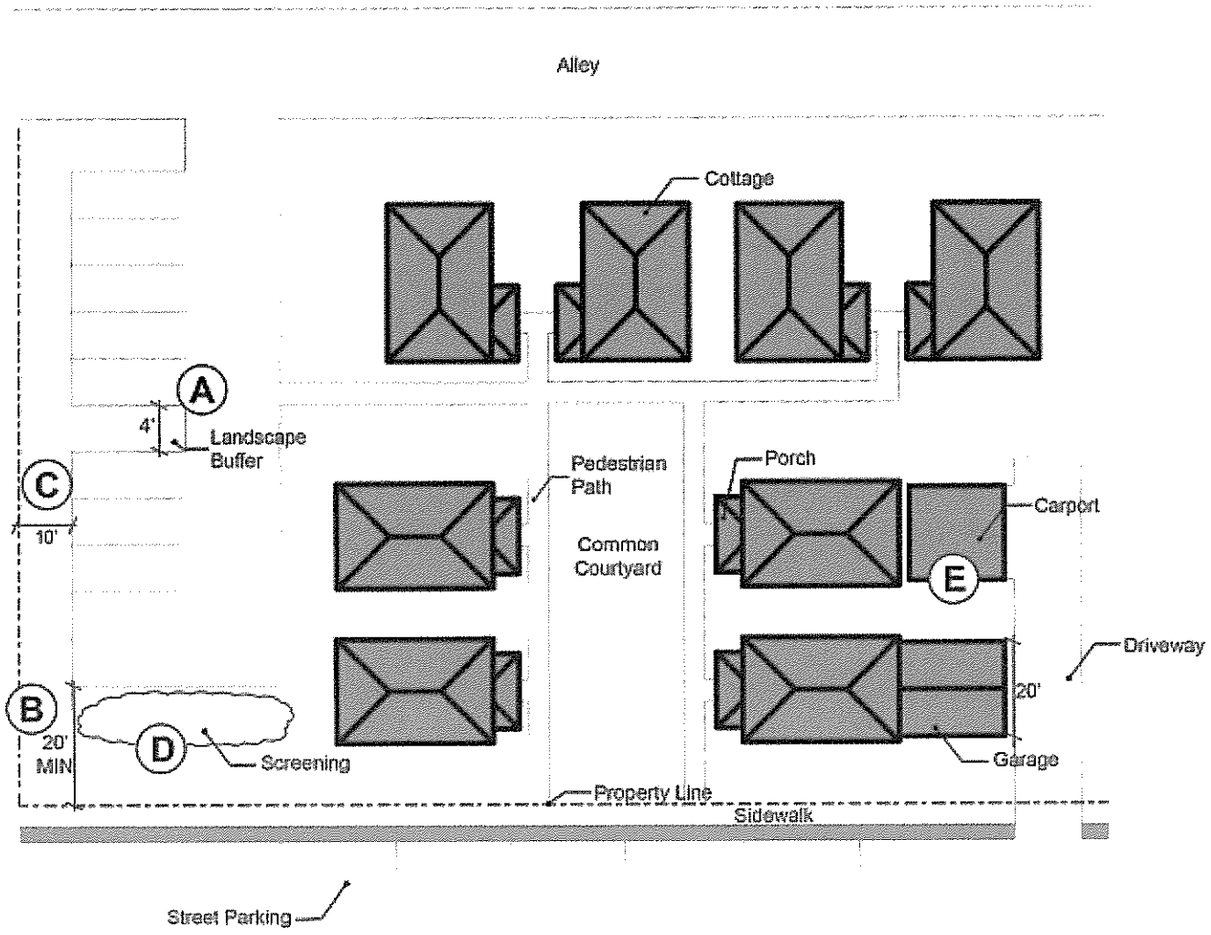


- **A** A minimum of 50% of cottages must be oriented to the common courtyard.
- **B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- **C** Cottages must be connected to the common courtyard by a pedestrian path.
- **D** Cottages must abut the courtyard on at least two sides of the courtyard.
- **E** The common courtyard must be at least 15 feet wide at it narrowest width.

Parking Design

Clusters and individual garage options

Figure 27. Cottage Cluster Parking Design Standards



(A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.

(B) No parking or vehicle area within 20 feet from street property line (except alley).

(C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.

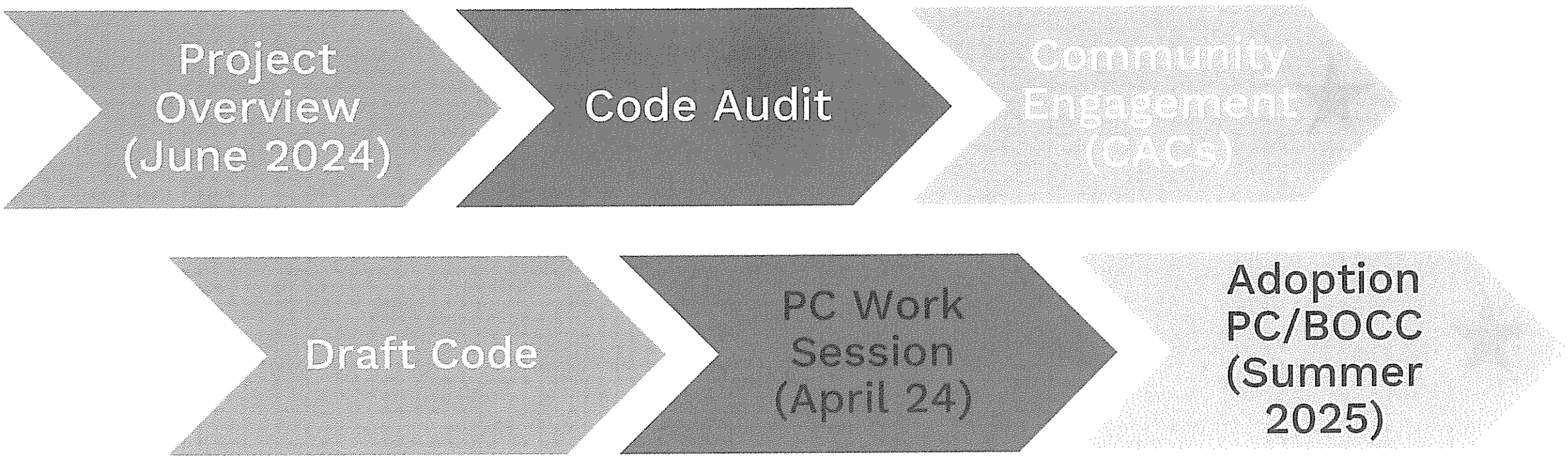
(D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.

(E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Additional Standards Permitting Process

- Individual sites required to demonstrate **"sufficient infrastructure"** is provided or can be provided for:
  - Sewer and water capable of meeting service levels; provider letters required
  - Fire service letters
  - Road approach permits from Tillamook County Public Works or HOA Letters
- Existing **CC&Rs** limiting additional units may continue to be applied in existing subdivisions, new subdivisions cannot prohibit middle housing going forward
- Same consolidated zoning and building permit review process as for single family structures

Code Update Process



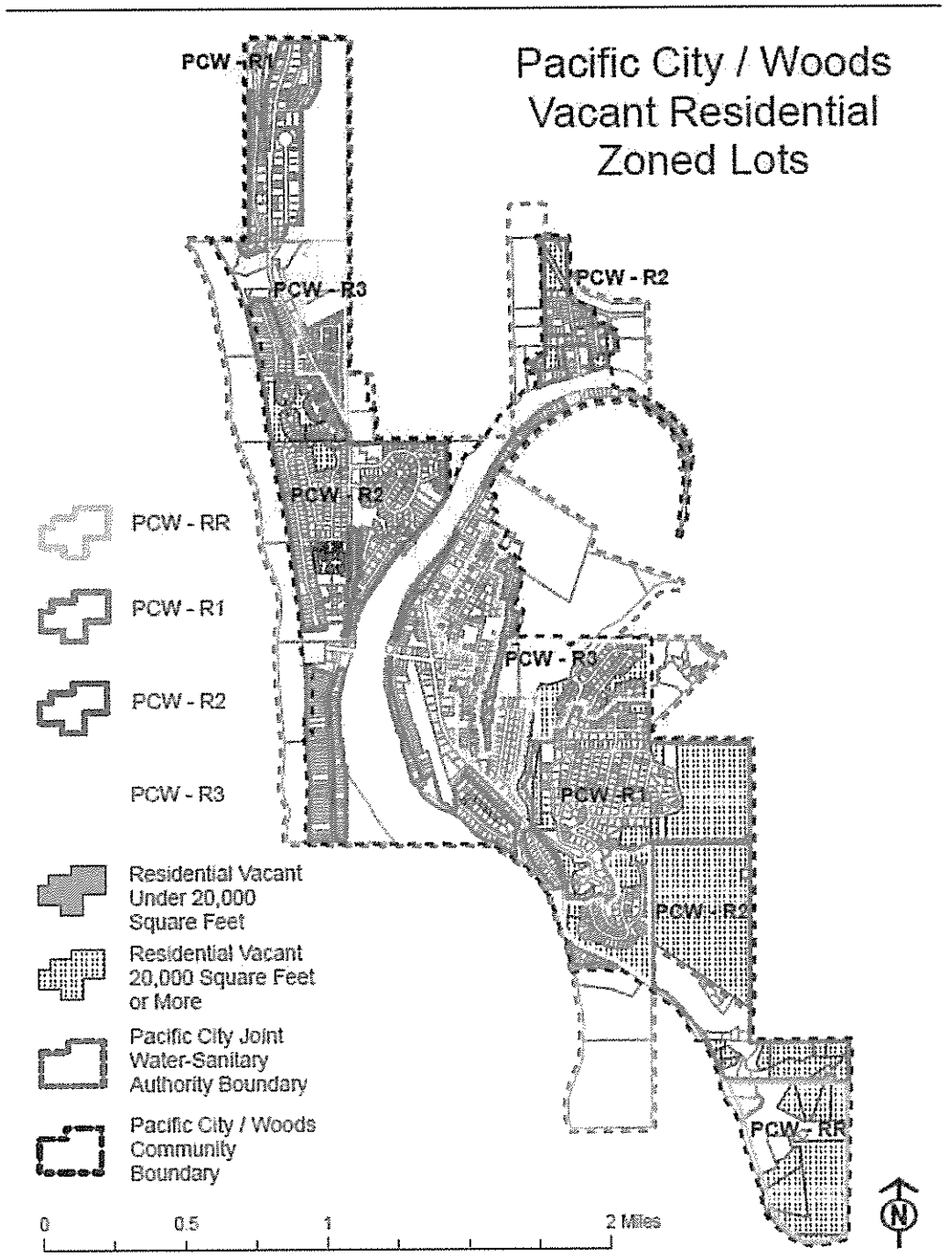
DEVELOPMENT DISCUSSION

LESS THAN 5,000 SQ FT = 65 LOTS (Single Family & Duplex Only)

GREATER THAN 5,000 SQ FT & LESS THAN 7,000 SQ FT = 96 LOTS (Triplexes)

GREATER THAN 7,000 SQ FT & LESS THAN 20,000 SQ FT = 196 LOTS (4+ and Cottage Clusters) (27 could be divided for 4+ Units per Lot in R-1, R-2 and R-3 Zones)

GREATER THAN 20,000 SQ FT = 47 LOTS



VACANT LOTS BY SIZE

LESS THAN 5,000 SQ FT = 65 LOTS (Single Family & Duplex Only)

GREATER THAN 5,000 SQ FT & LESS THAN 7,000 SQ FT = 96 LOTS (Triplexes)

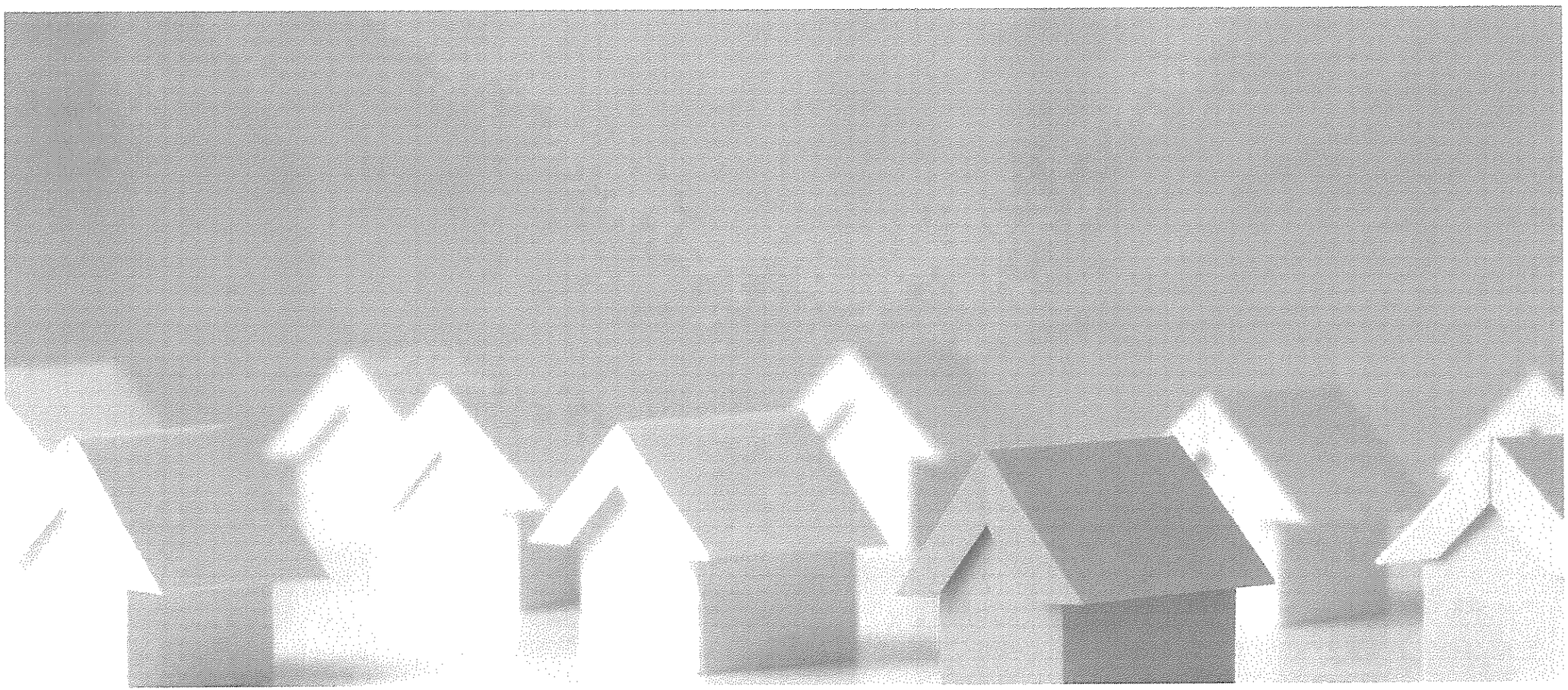
GREATER THAN 7,000 SQ FT & LESS THAN 20,000 SQ FT = 196 LOTS (4+ and Cottage Clusters) (27 could be divided for 4+ Units per Lot in R-1, R-2 and R-3 Zones)

GREATER THAN 20,000 SQ FT = 47 LOTS

TOTAL VACANT LOTS = 404

MULTIPLE FACTORS MUST BE CONSIDERED WHEN DETERMINING DENSITY & DEVELOPMENT POTENTIAL, SUCH AS TOPOGRAPHY, NATURAL FEATURES (WETLANDS & CREEKS), SETBACKS & LOT SHAPE, ORIENTATION WITH ROADS & INFRASTRUCTURE

QUESTIONS



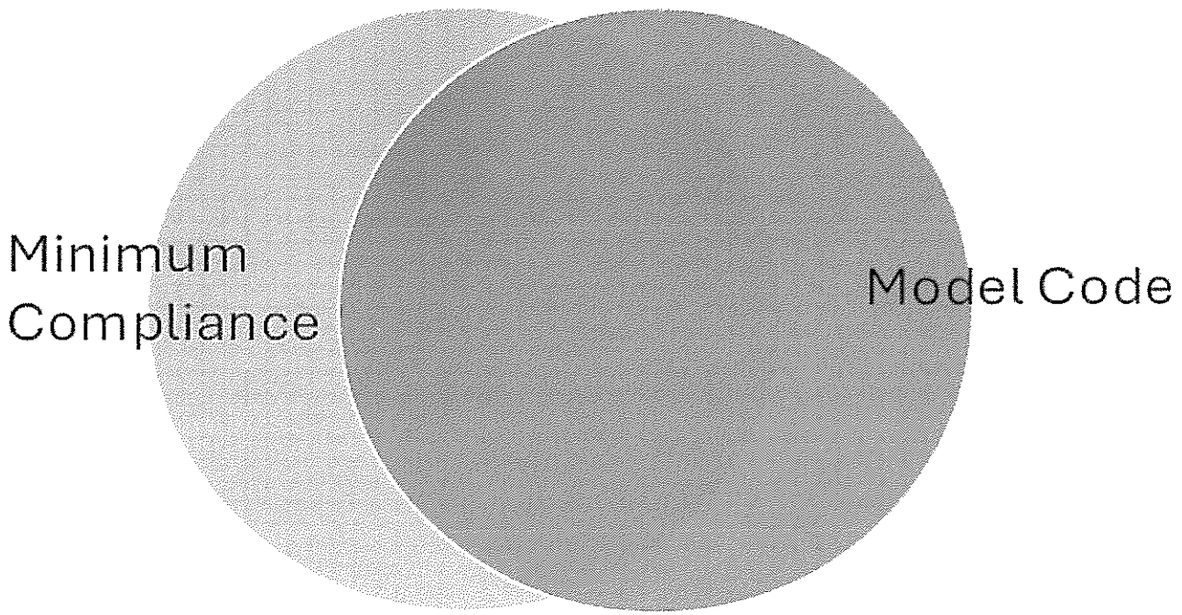
NESKOWIN CAC LAND USE & PLAN REVIEW COMMITTEE UPDATES

Thank You Tom, Laurie, Lynne, Guy, Randall and Mark!

Neskowin CAC Land Use & Plan Review Committee meets the 2nd and 4th Monday afternoon of each month. Please visit the NCAC website for virtual meeting details: https://www.neskowincac.org/

Community members are welcome to join us! Please make sure to attend the April 5th meeting at the Neskowin Golf Course or join us virtually for continuation of today's conversation!

Middle Housing Code Options



Distinctive choices:

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

Committee Focus

- Minimum Lot Sizes
- Setbacks
- Lot Coverage
- Duplexes
- Triplex & Quadplexes
- Townhouses
- Cottage Clusters
- Minimum Design Standards for Middle Housing

DWELLING UNIT DISCUSSION

- NESKOWIN RESIDENTIAL ZONING DISTRICTS
  - 3.320 Nesk RR Neskowin Rural Residential
  - 3.322 Nesk R-1 Neskowin Low Density Residential
  - 3.324 Nesk R-3 Neskowin High Density Urban Residential
- UPDATES
  - Already Allow for Multi-Family Dwellings- Revisions for All as Outright Permitted Uses
  - Add Cottage Clusters to Outright Permitted Uses
- COMMUNITY DISCUSSION- APRIL 5TH MEETING
  - Duplexes Attached or Detached
  - Require Triplexes & Quadplexes to be Attached
  - Establish Minimum Cottage Unit Requirement- 3 or 4 (Must Allow up to 8 Outright)
  - Establish Clear & Objective Design Standards (Example Coming Up)

EXISTING DEVELOPMENT STANDARDS & RECOMMENDATIONS

Retain Minimum Lot Size Requirements for Middle Housing in All Residential Zones:

- NeskRR: 20,000 Square Feet
- NeskR-1: 7,500 Square Feet (Remove Additional Land Area Per Dwelling Unit)
- NeskR-3: 5,000 Square Feet (Slope Less Than 20%) and 6,000 Square Feet (Slope Greater Than 20%)
    - Require 7,000 Square Foot Minimum Lot Size for Quadplex, Townhomes & Cottage Clusters in NeskR-3 Zone.
- Existing Lots Less Than Minimum Lot Size- Only Single-Family & Duplex Allowed. Lots smaller than minimum lot size are not eligible for 3+ units.

Maintain Minimum Setbacks Established in Residential Zones

- Reduce Street Side Yard Setback to 10-Feet

Maintain 35-Foot Building Height Maximum & Height Calculation

- Must Increase 24-Foot Building Height Maximum to 25-Feet

Parking

- Retain Minimum 2 Parking Space Requirement for Single Family Dwelling
- Must Reduce Parking Space to 1 Space Per Unit for Duplexes, Triplexes, Quadplexes, Townhomes & Cottage Clusters
- Retain Driveway Standards with Exception that TCPW May Require Different Driveway Width

Retain 70% Lot Coverage Maximum- Exception for Cottage Clusters

GOAL 7 Requirements Still Apply to All Development

- Neskowin Coastal Hazards Overlay Zone
- Beach and Dune Overlay Zone
- Flood Hazard Overlay Zone
- Tsunami Hazard Overlay Zone

Code Application: Design

- Could apply design standards that also apply to single-family homes (not currently in place, could develop clear and objective standards)
- Can apply design standards from Model Code:
  - Entrance orientation
  - Minimum window coverage
  - Maximum driveway/garage width
  - Townhouse unit definition
  - Cottage orientation

TOWNHOUSES

Must Allow Up to Four (4) Units Outright

- May Allow Additional Units Outright- Recommendation is to Allow for 4
- Require Type III Review for 5+ Units
- Units Must Be Attached

Minimum Lot Size of the Residential Zone Still Applies

- 1,500 SF minimum lot size per townhouse.
- Remainder of Land Area is Open Space
- Child & Parent Lot Discussion

- Apply Clear & Objective Design Standards (Examples Coming Up)

Code Application: Design

- Could apply design standards that also apply to single-family homes (not currently in place, could develop clear and objective standards)
- Can apply design standards from Model Code:
  - Entrance orientation
  - Minimum window coverage
  - Maximum driveway/garage width
  - Townhouse unit definition
  - Cottage orientation

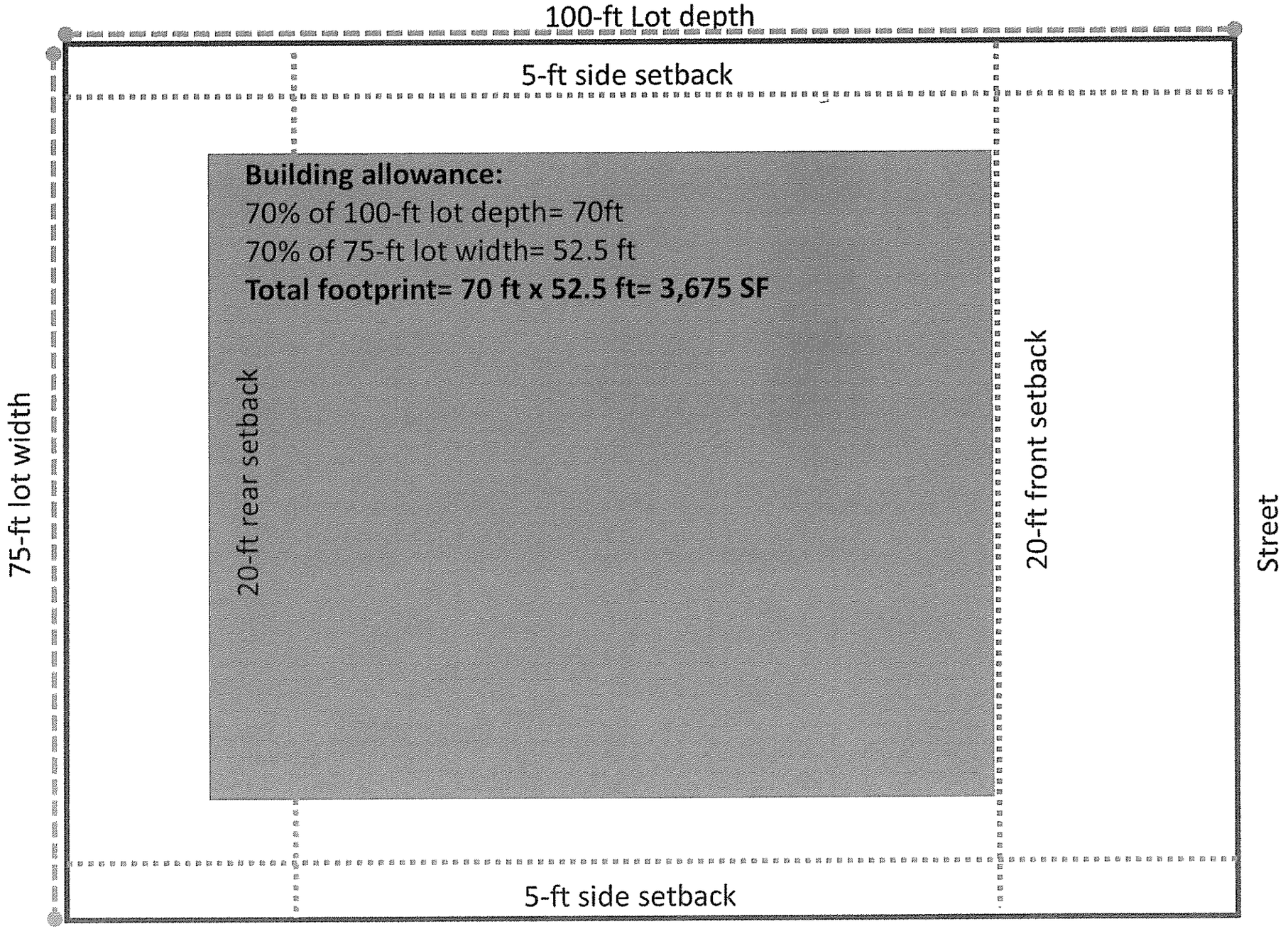
LOT COVERAGE DISCUSSION

- Neskowin Residential Zones Allow for 70% of Lot Area Covered with Structural Improvements
- Discussion to Retain 70% Lot Coverage
  - *Lot Coverage Does Not Apply to Cottage Clusters*
- Discussion to Establish Floor Area Ratio (FAR) for Middle Housing Types
  - Can Apply FAR to Triplexes & Quadplexes
  - Purpose is to Address Building Mass

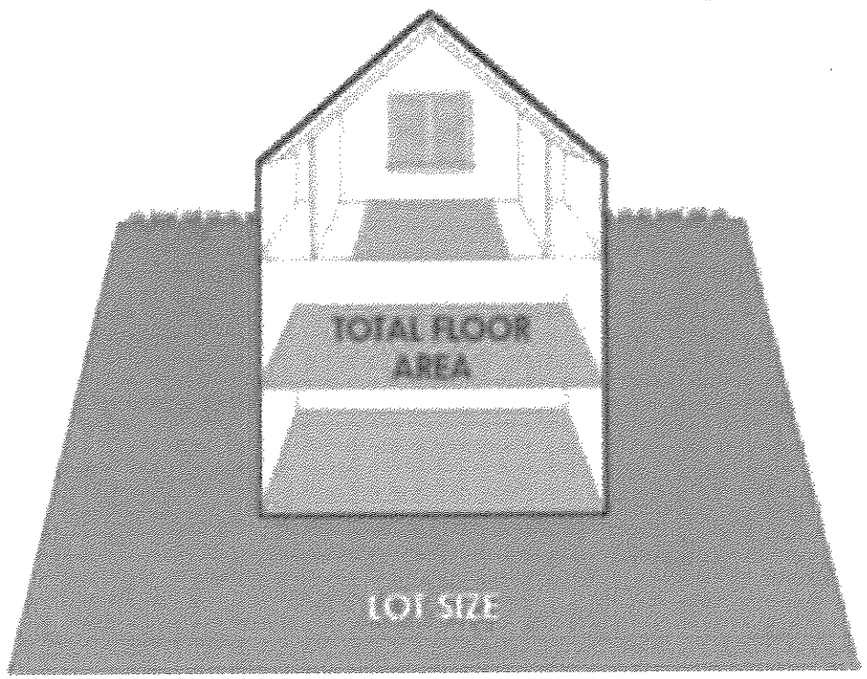
Approach 2b:

Apply **setbacks, maximum height and 70% max lot dimensions** (Neskowin standard)

- Allows up to 3,675 SF building footprint
  - 3,675 SF total for 1-story
  - 7,350 SF total for 2-story
- *Note: Specific example does not meet rear setback, would need to be further reduced*



WHAT IS FLOOR AREA RATIO (FAR)?



2,500 square feet of floor area allowed

5,000 square feet of lot area
x 0.5 allowed floor area ratio
2,500 square feet of floor area allowed

CALCULATING FLOOR AREA RATIO EXAMPLE

Applies to All Structures/Units on a Lot

Lot Dimensions = 75x100'

Lot is 7,500 Square Feet

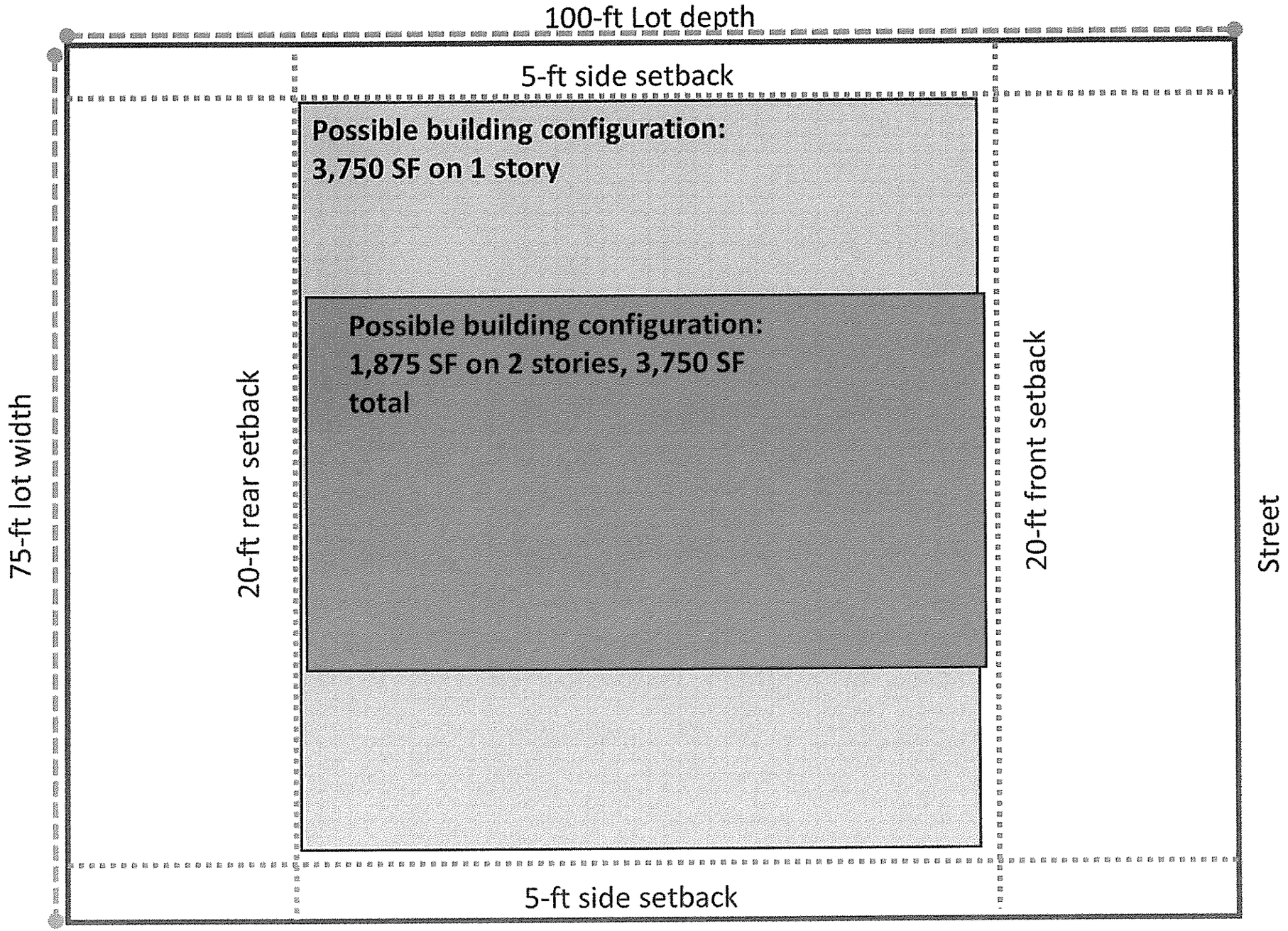
FAR is 0.5 or 50%

Total FAR (Combination for All Units) = 3,750 Square Feet of Floor Space

Approach 3:

Apply **setbacks, maximum height and 0.5 FAR**

- Allows up to 3,750 SF building footprint regardless of number of stories, could be:
  - 3,750 SF on 1 story
  - 1,875 SF on 2 stories
  - 1,250 SF on 3 stories
- Can be shifted within the allowed setbacks



COMMUNITY DISCUSSION

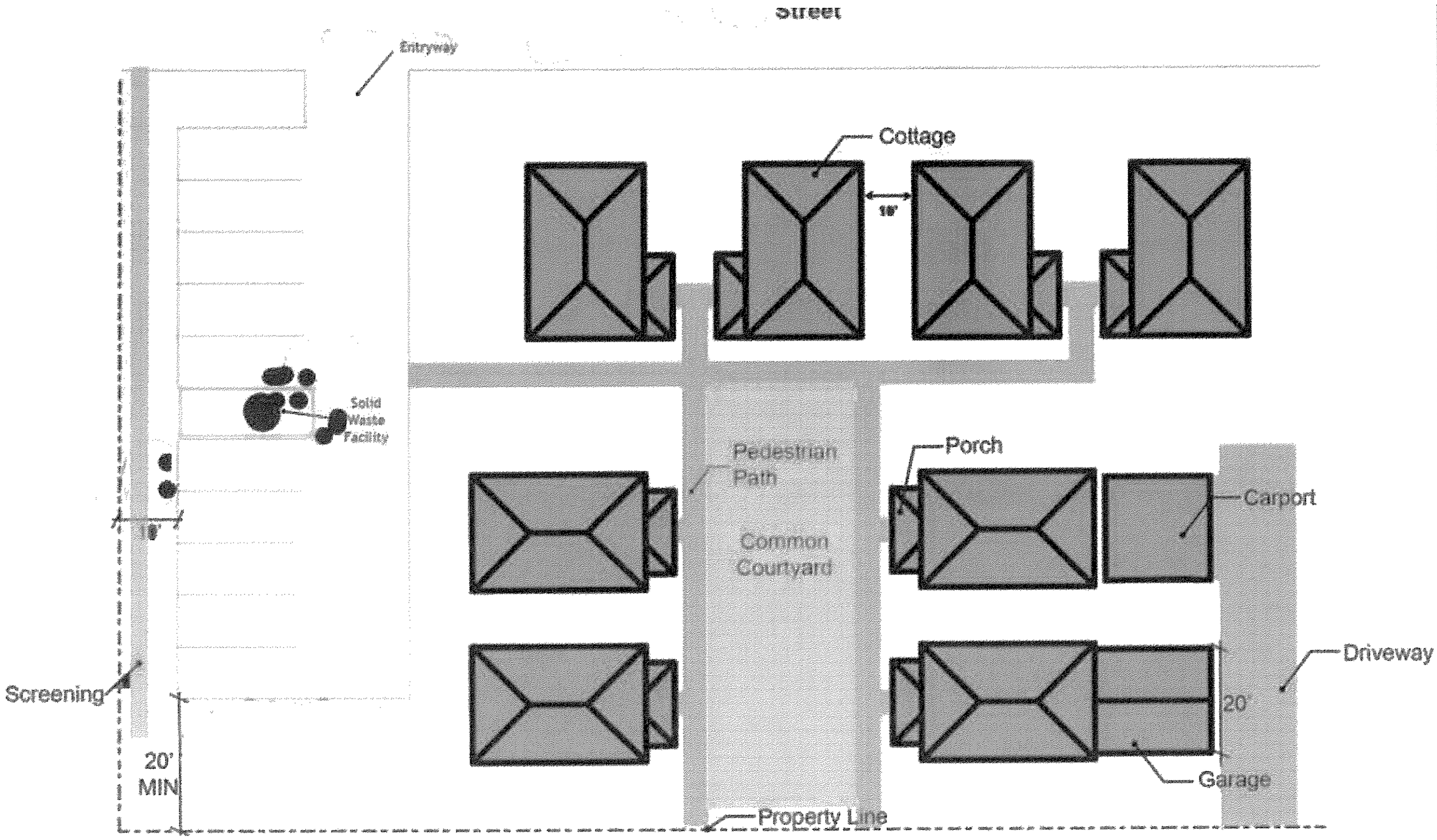
*Lot Coverage & FAR are often utilized to ensure **proportionality** of development of a property in relation to property size. Proportionality can also be achieved by simply applying the minimum setback and building height requirements of a zone. Lot Coverage & FAR can also be barriers to housing production and create undeveloped space that could be better utilized for residential improvements to a property.*

Lot Coverage: *Does not take into consideration building height or number of stories.*

FAR: *Does not focus lot coverage or how much of a lot is covered with structures and instead applies a maximum floor area that must be achieved regardless of the number of dwelling units or height of a building. "May result in "tower-like" structures."*

COTTAGE CLUSTERS

- Must Allow up to 8 Cottages as an Outright Permitted Use in All Neskowin Residential Zones
- Community Discussion
  - Three (3) or Four (4) Units Minimum?
  - Limit to 900 Square Feet & One-Story, or…
  - Allow for Community Buildings?
  - MLS Applies & Remainder of MLS is Open Space
    - Child & Parent Lot Discussion
  - Apply Clear & Objective Design Standards (Examples Coming Up)
  - Lot Coverage Does Not Apply*


Street
Entryway
Cottage
18'
Solid Waste Facility
10'
Pedestrian Path
Common Courtyard
Porch
Carport
Driveway
Screening
20' MIN
20'
Garage
Property Line

COMMUNITY DISCUSSION

Three (3) or Four (4) Units Minimum

Maximum on Number of Cottages Outright

Type III Review Discussion for Additional Cottages

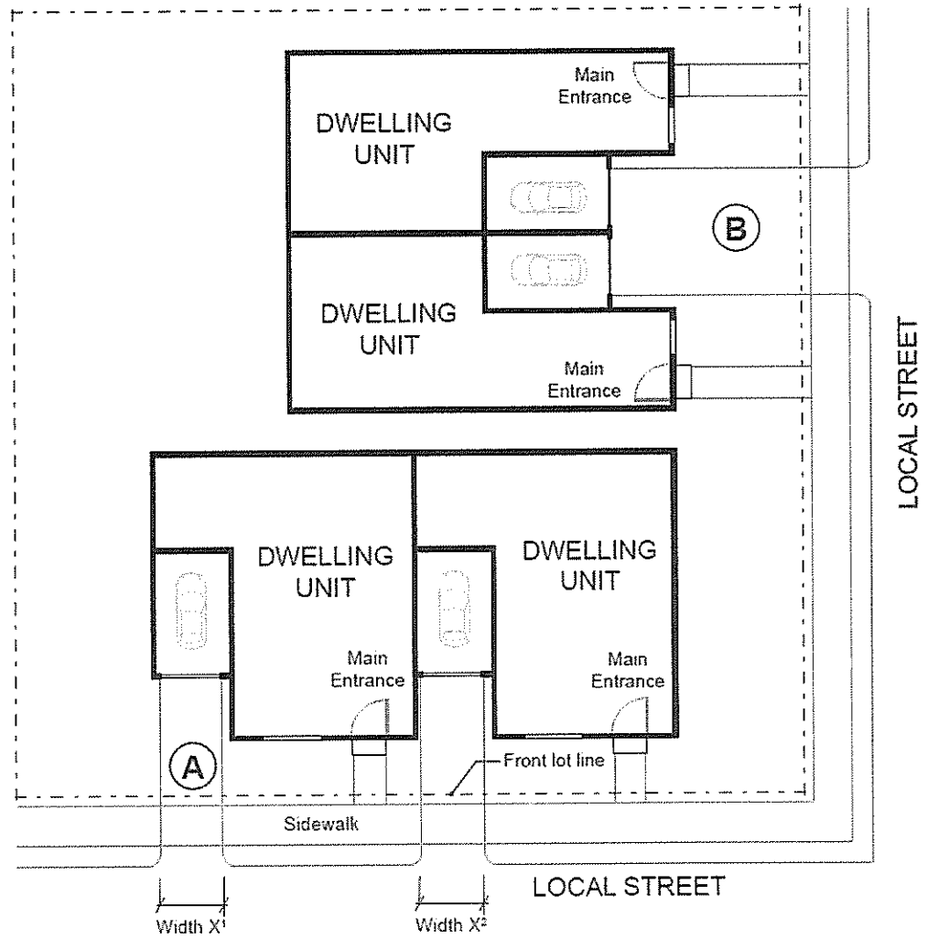
Limit to 900 Square Feet or Allow for Larger Cottages?

Considerations: Must allow more than one-story if size is greater than 900 square feet. Can do "averaging" for sizes.

Allow for Community Buildings?

PARKING REQUIREMENTS

- Parking minimums of up to one space per unit can be required for middle housing types, e.g. three total for a triplex
- County may—*but is not required to*—allow on-street parking to count towards requirement, or apply lower requirements
- Driveway width and spacing requirements may also be applied. Working with Tillamook County Public Works.
- Defining Front Yard for Setback Application & Parking



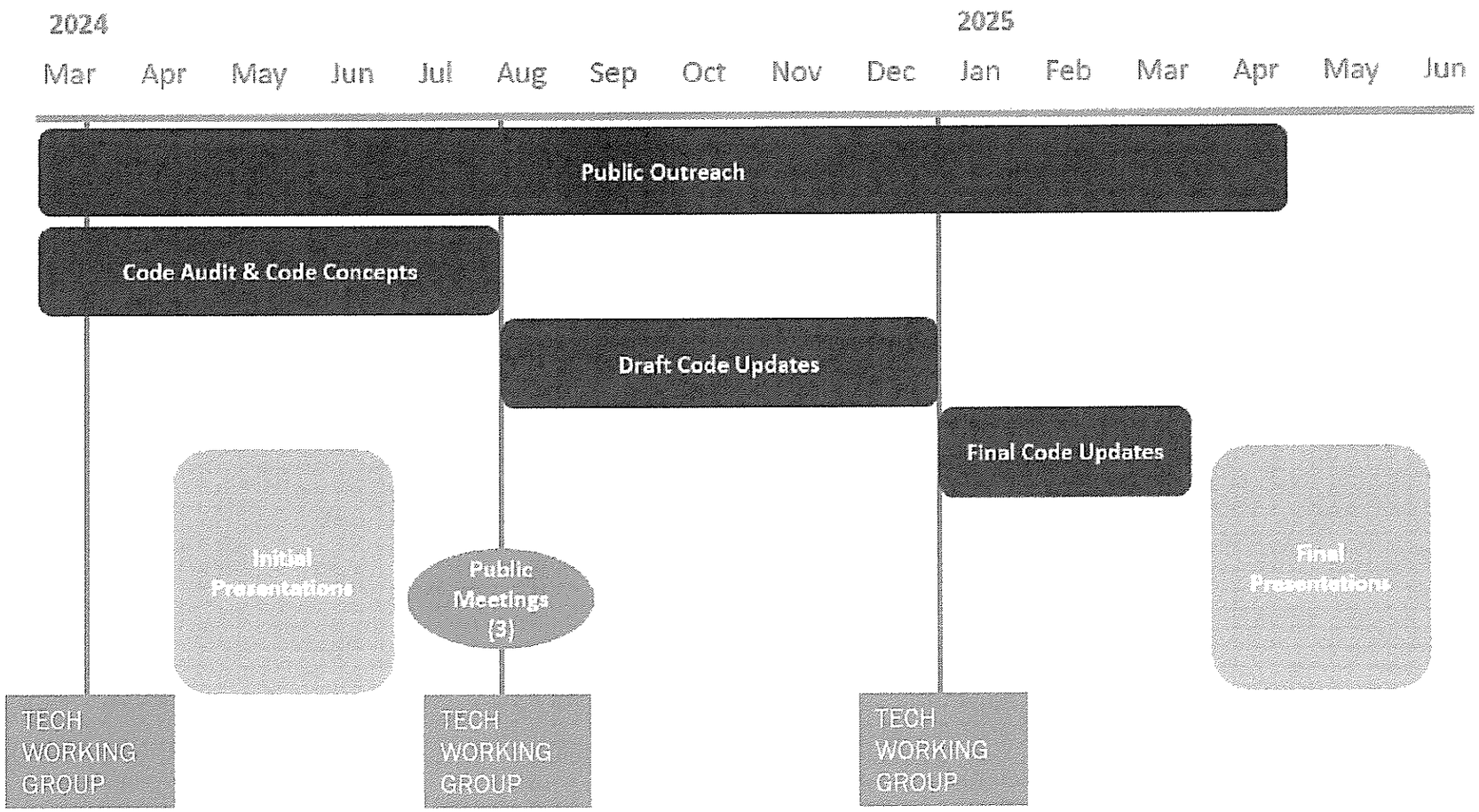
Options for site with more than one frontage on local streets:

(A) Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured X1 + X2); or

(B) One maximum 16-foot-wide driveway approach per frontage

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

Project Schedule



QUESTIONS

NETARTS CAC
MEETING AGENDA
4/26/2025 at 10:00am

- Welcome & Introductions
- March CAC Meeting Recap
- CAC Working Group Updates
- Guest Speakers
  - Middle Housing Code Updates- Sarah Absher, Community Development Director
  - Emergency Preparedness Updates- Chief Jeff McBrayer, Netarts Oceanside Fire District
- Discussion of CAC Summer & Fall Meeting Schedule
  - Stay Informed: Community Outreach & Engagement Strategy for Updates & Future Meeting Notices
  - Next Meeting: September 27, 2025
- For the Good of the Order
- Adjourn

NETARTS CAC HOUSING WORKING GROUP UPDATES

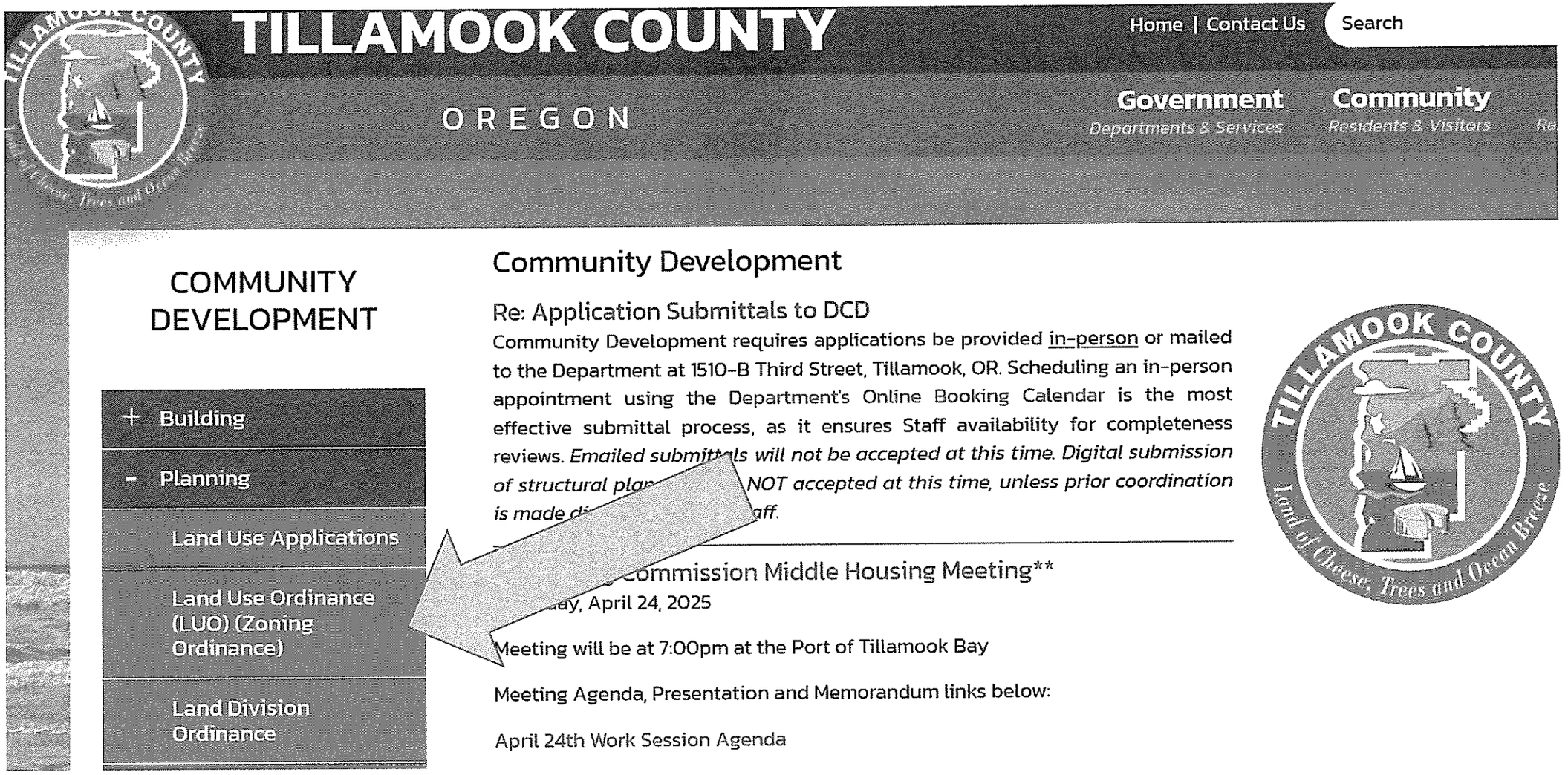
Thank You Win, Susan, Tim and Kurt!

Netarts CAC Housing Working Group meets the 1st and 3rd Wednesday of each month, from 5:30pm to 7:00pm at the Netarts Community Club.

Meetings are wrapping up!

Community members are welcome to join us in person or can join us virtual by using the Community Development Public Meeting link located at the bottom of the Community Development homepage!

https://www.tillamookcounty.gov/commdev

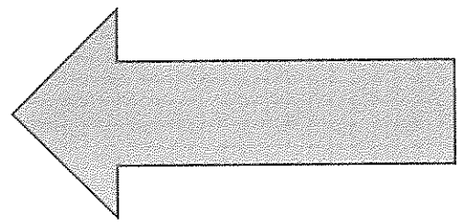


TILLAMOOK COUNTY LAND USE ORDINANCE
ARTICLE 3

- 3.335 PCW–AP Pacific City/ Woods Airpark Zone
- 3.337 PCW–C1 Pacific City/ Woods Neighborhood Commercial
- 3.338 PCW–C2 Pacific City/ Woods Community Commercial

NETARTS ZONES

- 3.340 NT–R2 Netarts Medium Density Urban Residential
- 3.342 NT–R3 Netarts High Density Urban Residential
- 3.344 NT–RMD Netarts Residential Manufactured Dwelling
- 3.346 NT–PRD Planned Residential Development Overlay Zone
- 3.348 NT–C1 Netarts Neighborhood Commercial



OVERLAY ZONES

- 3.500 Overlay Zones
- 3.505 UFO Utilities Facility Overlay
- 3.510 FH Flood Hazard Overlay
- 3.515 SWO Scenic Waterway Overlay
- 3.520 PD Planned Development Overlay

KEY UPDATES

- Minimum Lot Sizes- No Change & Add Additional Lot Size Requirements for Quadplexes, Cottage Clusters & Townhomes where MLS is less than Middle Housing Model Code
- Setbacks- 30-Foot Front & Rear Setback Combination, Street Side Yard Setback Reduction to 10-Feet, Clear Vision Area Applies to Corner Lots, Side Yards at 5-Feet (All Netarts Residential Zones)
- Lot Coverage- Increase Lot Coverage Maximum from 40% to 70% for Single Family
- Lot Coverage- No lot coverage maximum for 2+ units
- Ocean & Bay Front Lots Building Height Maximum 25-Feet (Existing is 24-Feet)
- All Other Properties: Building Height Maximum of 35-Feet Continues to Apply
- Duplex Triplex & Quadplex- Offer Greatest Flexibility for Attached or Detached Units
- Townhouses- Allow for up to 4 attached units with 5+ requiring Planning Commission Review
- Cottage Clusters- Minimum of 3 units and Up to 8 units with 9+ requiring Planning Commission Review
- Minimum Design Standards for Middle Housing- Adopt Model Code Standards for Triplexes, Quadplexes and Townhomes

SECTION 3.340: NETARTS MEDIUM DENSITY URBAN RESIDENTIAL ZONE (NT-R2)

1. PURPOSE: The purpose of the NT-R2 zone is to designate areas for medium-density ~~single-family and duplex~~ residential development, and other, compatible, uses. Land that is suitable for the NT-R2 zone has public sewer service available, and has relatively few limitations to development.

2. USES PERMITTED OUTRIGHT: In the NT-R2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

   a. ~~One or two s~~Single-family dwellings~~, or a two family dwelling~~.

   b. **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**

   c. **Duplex, in any attached or detached configuration.**

   d. **Triplex, in any attached or detached configuration, according to the provisions of Section 5.120 of this ordinance.**

   e. **Quadplex, in any attached or detached configuration, 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.**

Minimum Lot Sizes

- Existing minimum lot sizes in each zone will not change
- Same lot size will apply to single-family detached, duplexes, triplexes, quadplexes and cottage clusters
  - Where minimum lot sizes are less than 7,000 SF, a larger 7,000 SF minimum lot size will apply for quadplexes and cottage clusters
- For townhouses, the minimum lot size will apply to a group of four townhouses (or 7,000 SF equivalent)
  - Absolute minimum of 1,500 SF for an individual townhouse lot
  - *Example:* 7,500 SF minimum lot size requirement, developed with two 1,500 SF interior units and two 2,250 SF end units
- Existing lot size exceptions TCLUO Section 4.100 will allow single-family or duplex

4. STANDARDS: Land divisions and development in the NT-R2 zone shall conform to the following Requirements and Standards, unless more restrictive supplemental regulations apply:

Lot Area:

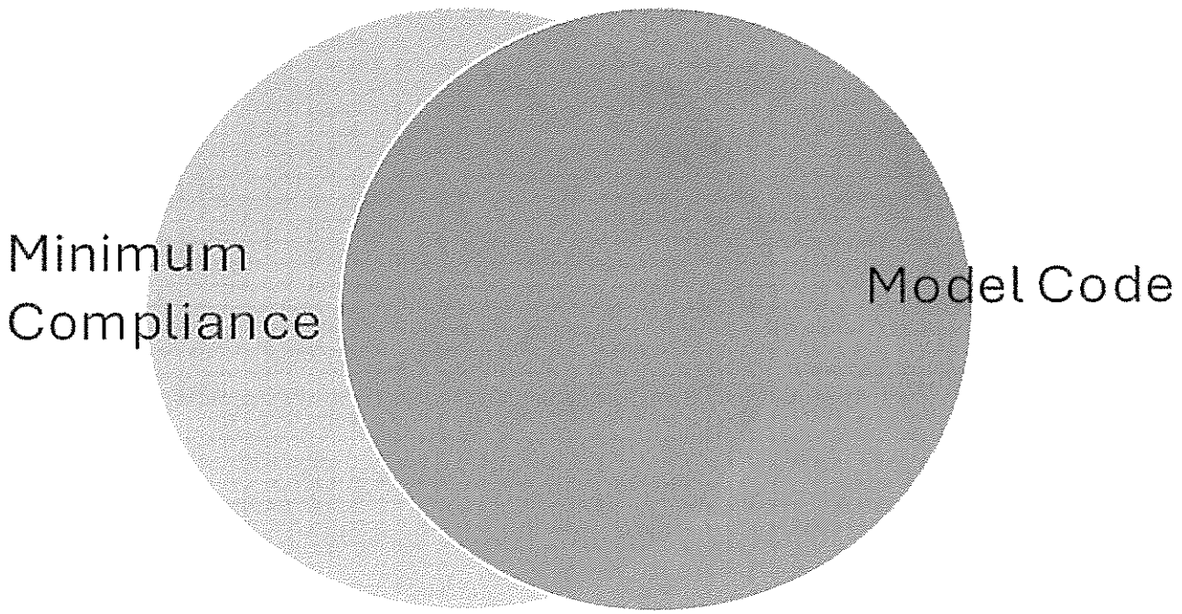
a. For a single-family dwelling, **duplex or triplex,** the minimum size for lots with an average slope of 20% or less shall be 5000 square feet. For lots with average slope over 20%, the minimum lot size shall be 6000 square feet **~~for a single family dwelling. A two family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 3750 square feet.~~**

b. **For a quadplex or cottage cluster, the minimum size for lots with any average slope shall be 7000 square feet.**

c. **For a townhouse, the minimum size for lots with any average slope shall be 1500 square feet, provided, the average minimum size for lots shall be 1,742 square feet for all attached units in a townhouse project.**

d. **Not more than ~~40%~~ 70% of the lot area shall be covered by a single-family dwelling ~~on structures~~ on lots 3,000 square feet or larger in size. Unless the lot coverage standard of Section 5.100 applies, duplexes, triplexes, quadplexes, townhomes and cottage clusters are exempt from lot coverage standards of this section.**

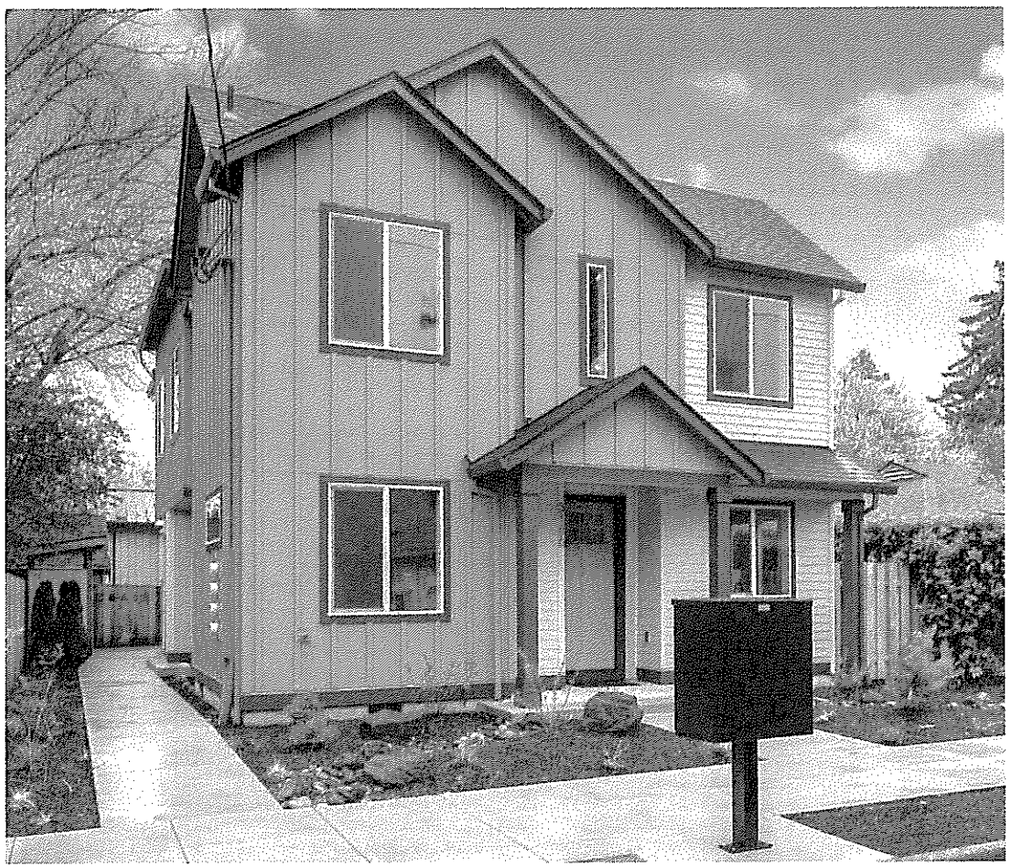
Middle Housing Code Options



Distinctive choices:

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

Design Standards



- Only two categories of design standards can apply:
  - Specific Model Code design standards detailed for triplexes & quadplexes, townhouses, and cottage clusters; and
  - Additional clear and objective design standards developed for single-family, duplexes and middle housing

SECTION 5.120: MIDDLE HOUSING STANDARDS

(1) PURPOSE. The purpose of the middle housing standards is to ensure that new middle housing can be integrated into the unincorporated communities 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.

(2) SUFFICIENT INFRASTRUCTURE. Applicants must demonstrate that sufficient infrastructure is provided, or will be provided, upon submittal of an application for a triplex, quadplex, townhouse project or cottage cluster, including:

(a) Connection to a public sewer system capable of meeting established service levels;

(b) Connection to a public water system capable of meeting established service levels;

(c) Access via public or private streets meeting adopted emergency vehicle access standards to a public street system; and

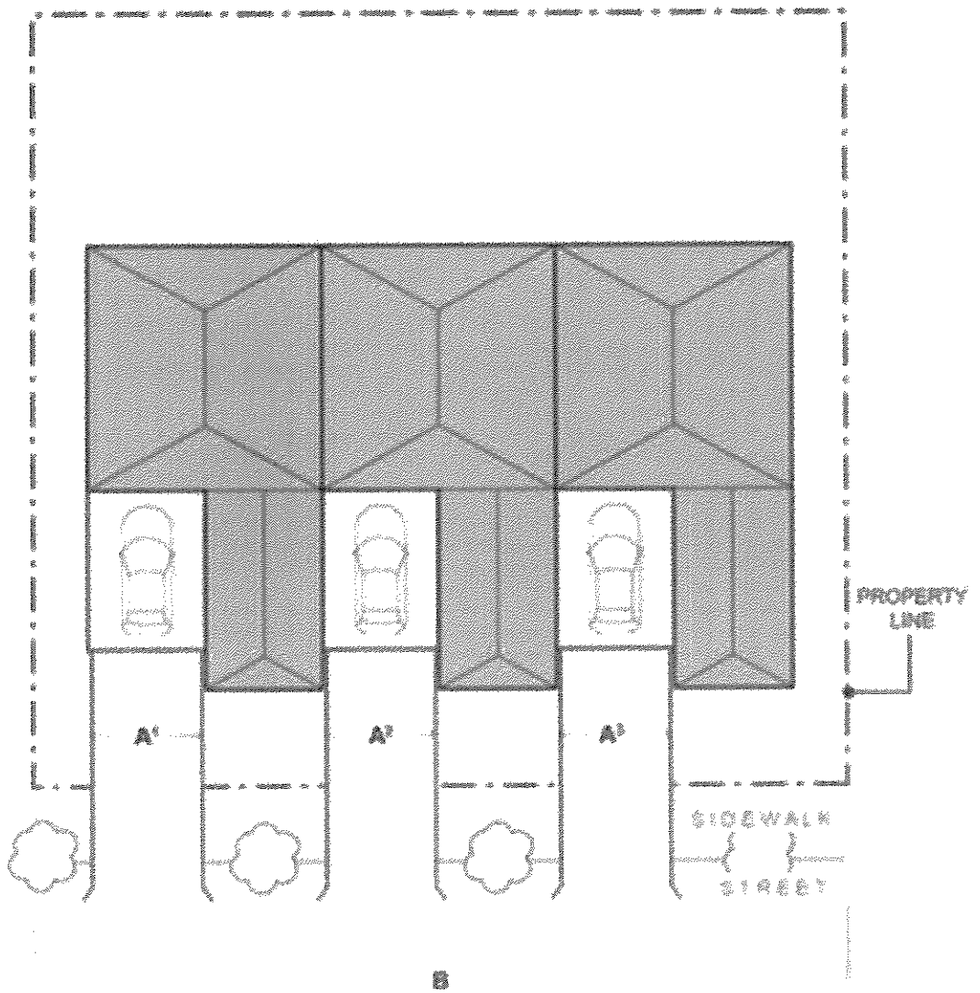
(d) Storm drainage facilities capable of meeting established service levels for storm drainage.

(3) TRIPLEX AND QUADPLEX DESIGN STANDARDS.

(a) Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

Code Application: Design

- Could apply design standards that also apply to single-family homes (not currently in place, could develop clear and objective standards)
- Can apply design standards from Model Code:
  - Entrance orientation
  - Minimum window coverage
  - Maximum driveway/garage width
  - Townhouse unit definition
  - Cottage orientation

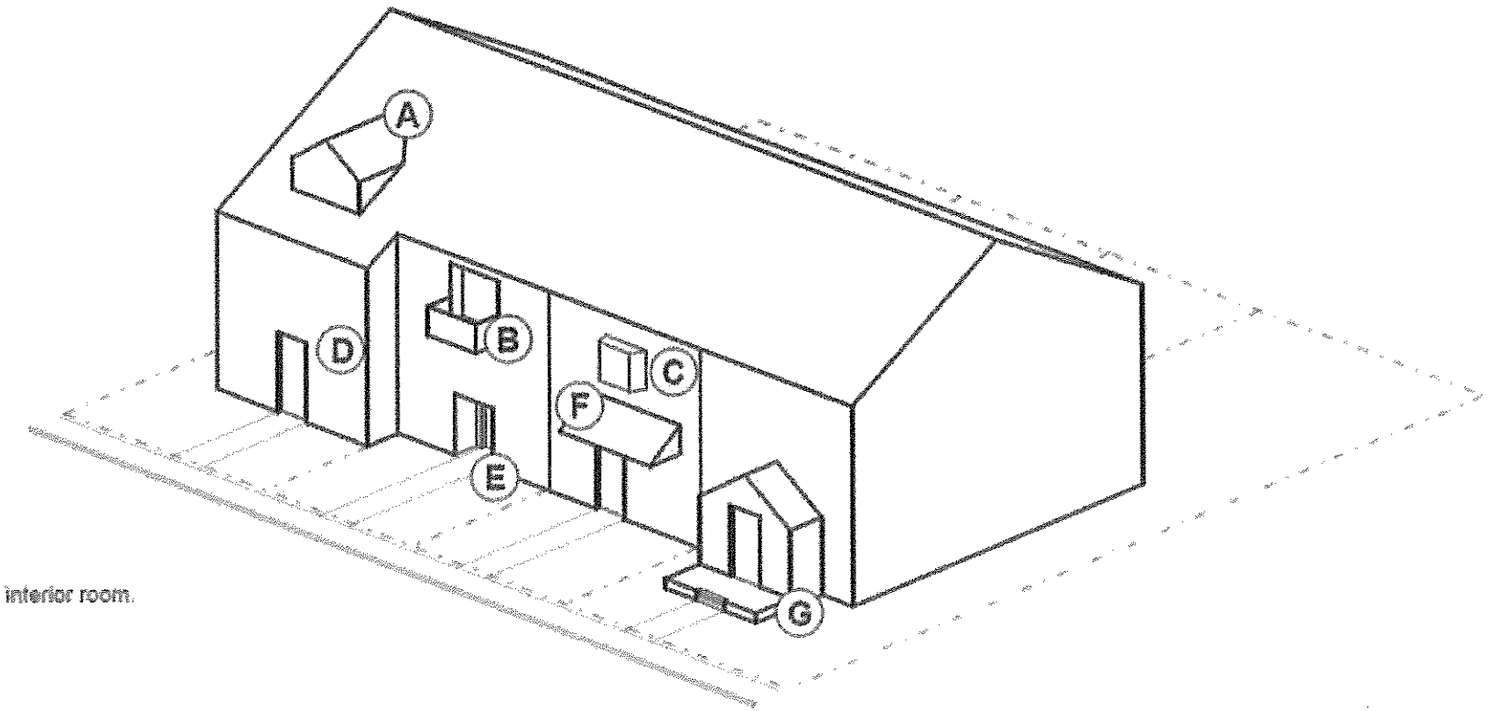


(A) Garage and on-site parking and maneuvering areas

(B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

Figure 22. Townhouse Unit Definition



(A) Roof dormer, minumum of 4 feet wide

(B) Balcony, minimum 2 deet deep and 4 feet wide. Accessible from interior room.

(C) Bay window extending minimum of 2 feet from facade

(D) Facade offset, minimum of 2 feet deep

(E) Recessed entryway, minimum 3 feet deep

(F) Covered entryway, minimum of 4 feet deep

(G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

Figure 23. Townhouses with Parking in Front Yard

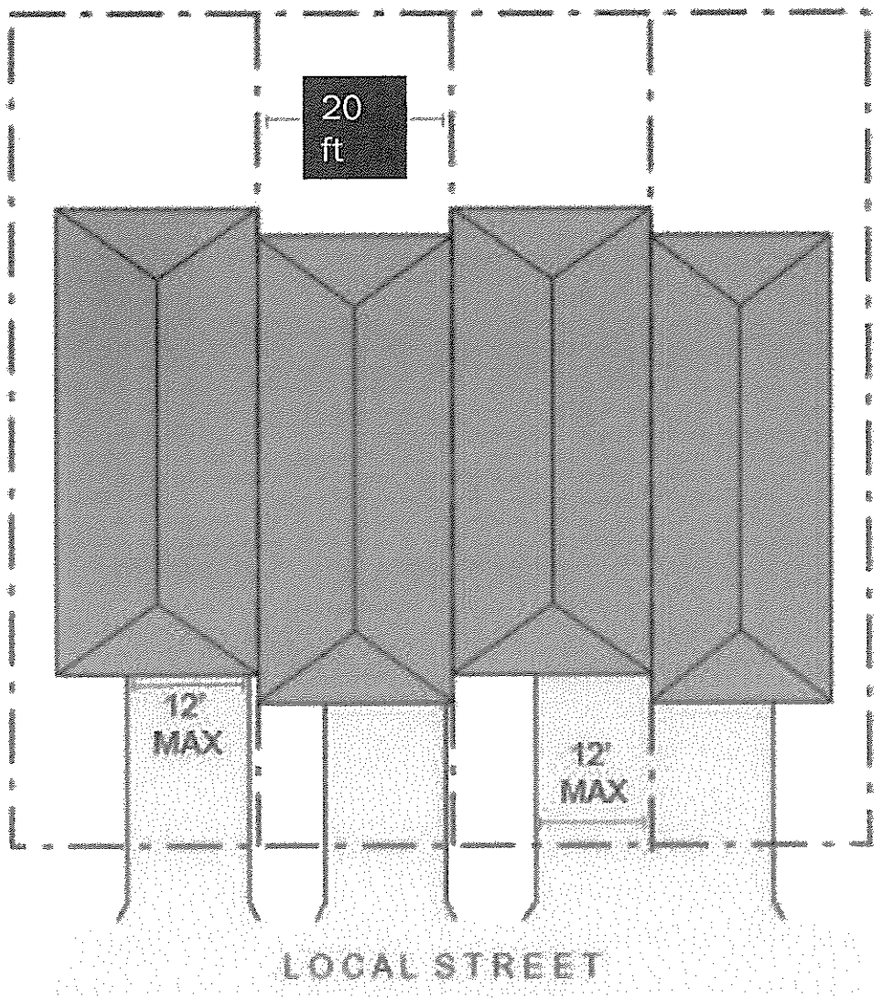


Figure 24. Townhouses on Corner Lot with Shared Acce

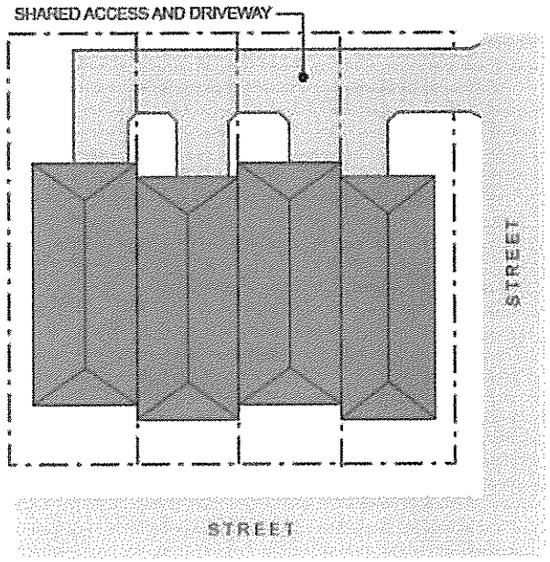
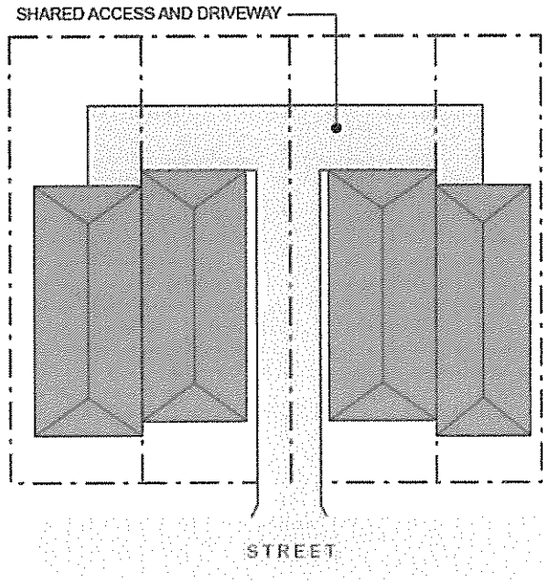
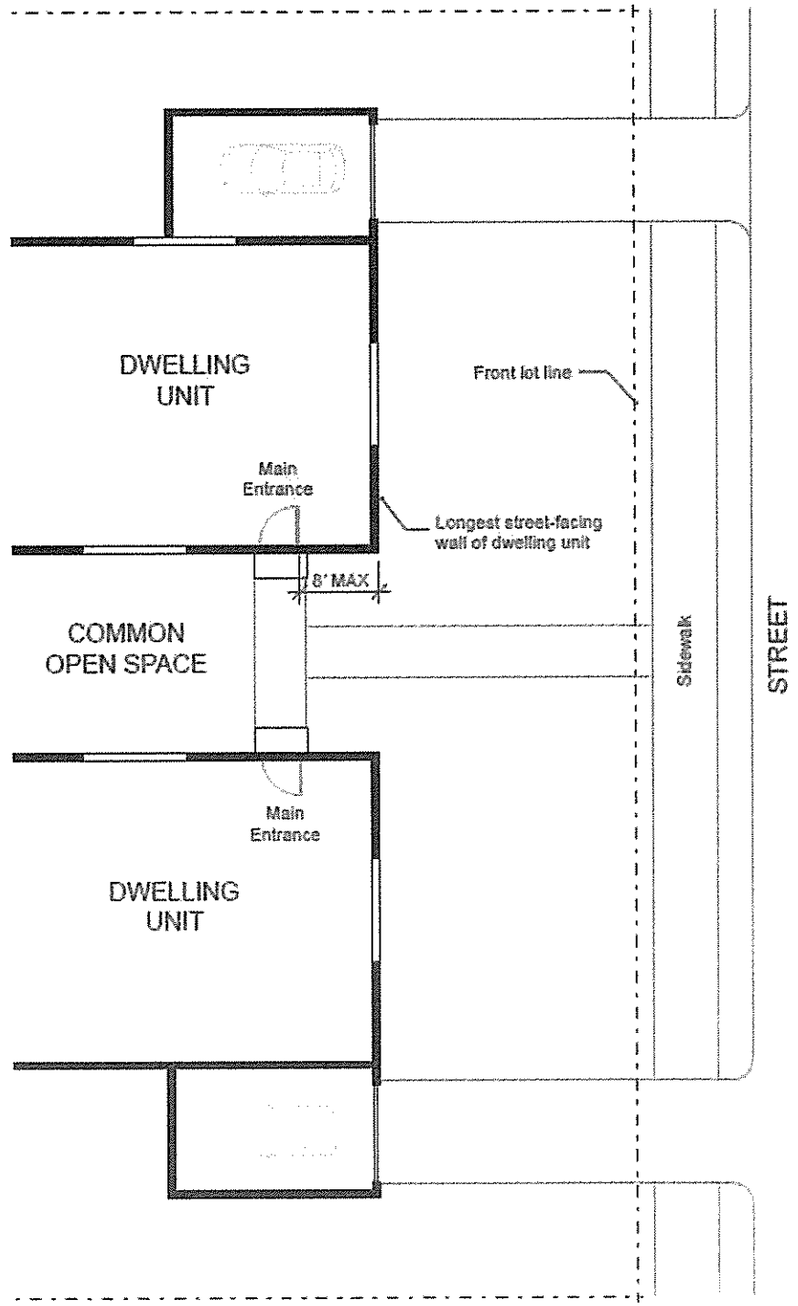


Figure 25. Townhouses with Consolidated Access



Parking Minimums

- Require minimum of one off-street parking space per unit for all types:
  - Small change from current standard of one per unit, plus one additional
  - *Example:* Triplex now requires four total spaces, would require minimum of three total under new standard



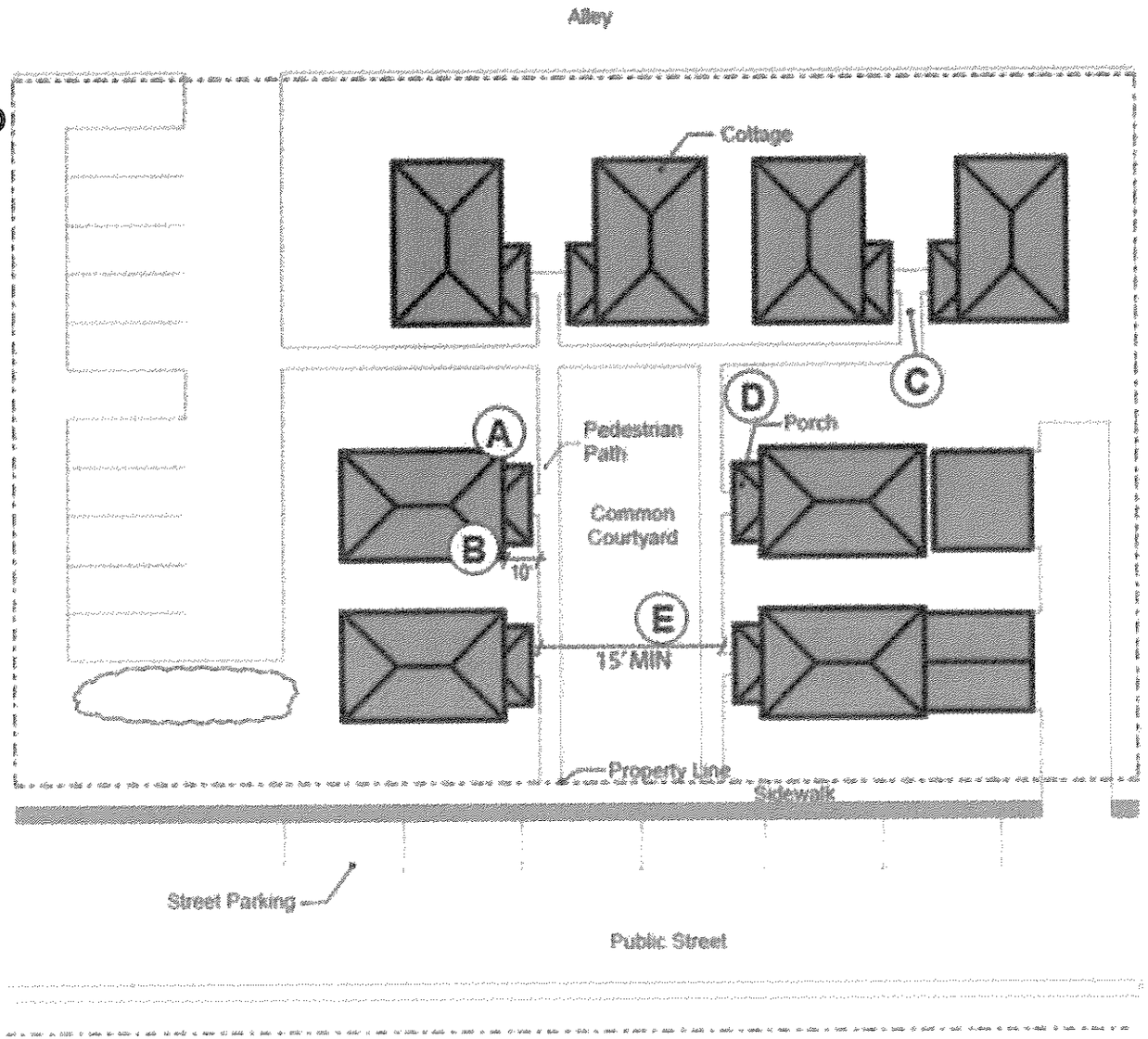
Cottage Design Standards

- Scale of Cottages and Clusters:
  - 900-SF max building footprint, single-story max height 17 ft
  - Minimum of three cottages per cluster
  - Maximum of eight permitted outright (larger clusters through alternative review- Type III process)
- Cottage orientation and common courtyard
- Parking design

Cottage Orientation: Minimum 50% units facing courtyard

Minimum 150 SF per unit for courtyard

Accessibility & Pedestrian Paths

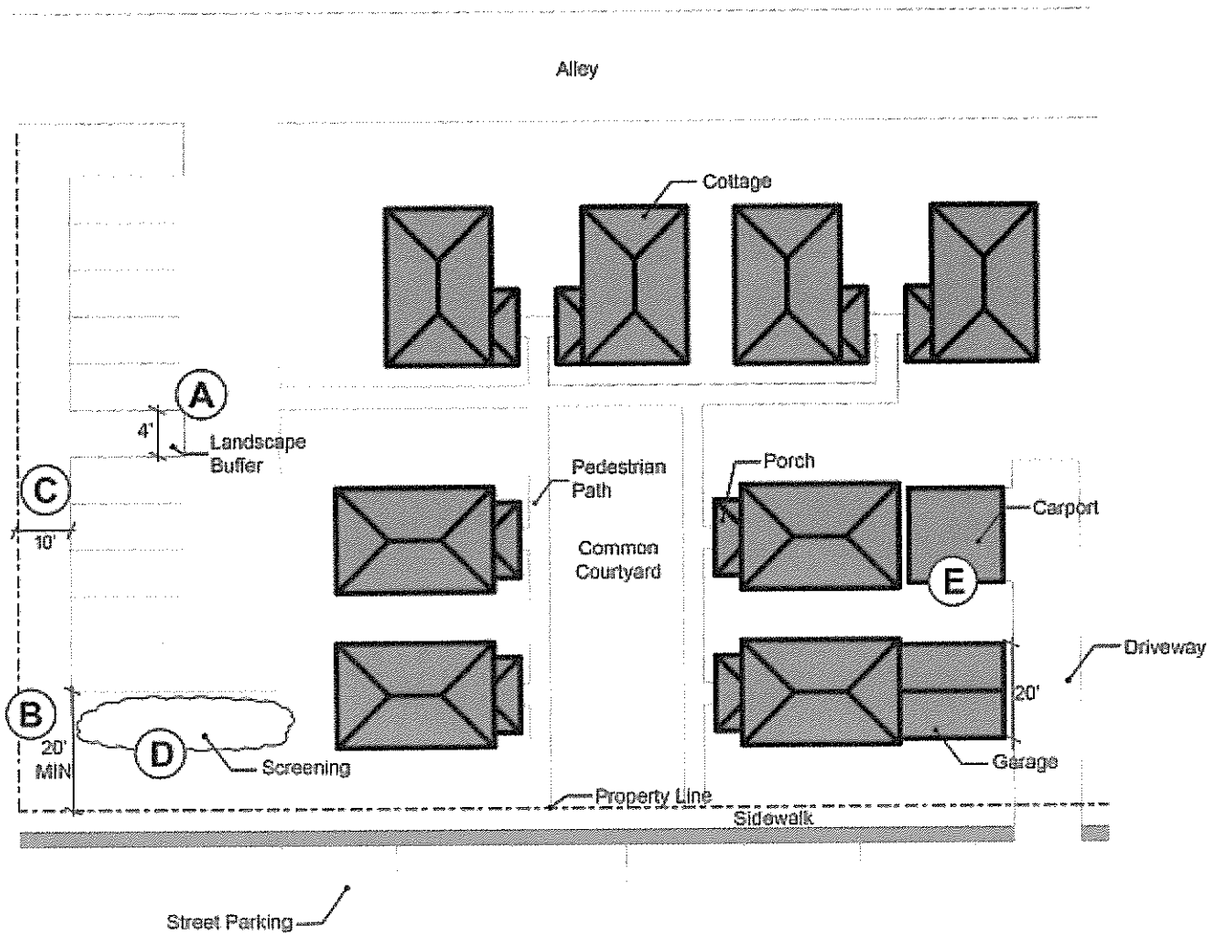


- **A** A minimum of 50% of cottages must be oriented to the common courtyard.
- **B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- **C** Cottages must be connected to the common courtyard by a pedestrian path.
- **D** Cottages must abut the courtyard on at least two sides of the courtyard.
- **E** The common courtyard must be at least 15 feet wide at it narrowest width.

Parking Design

Clusters and individual garage options

Figure 27. Cottage Cluster Parking Design Standards



(A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.

(B) No parking or vehicle area within 20 feet from street property line (except alley).

(C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.

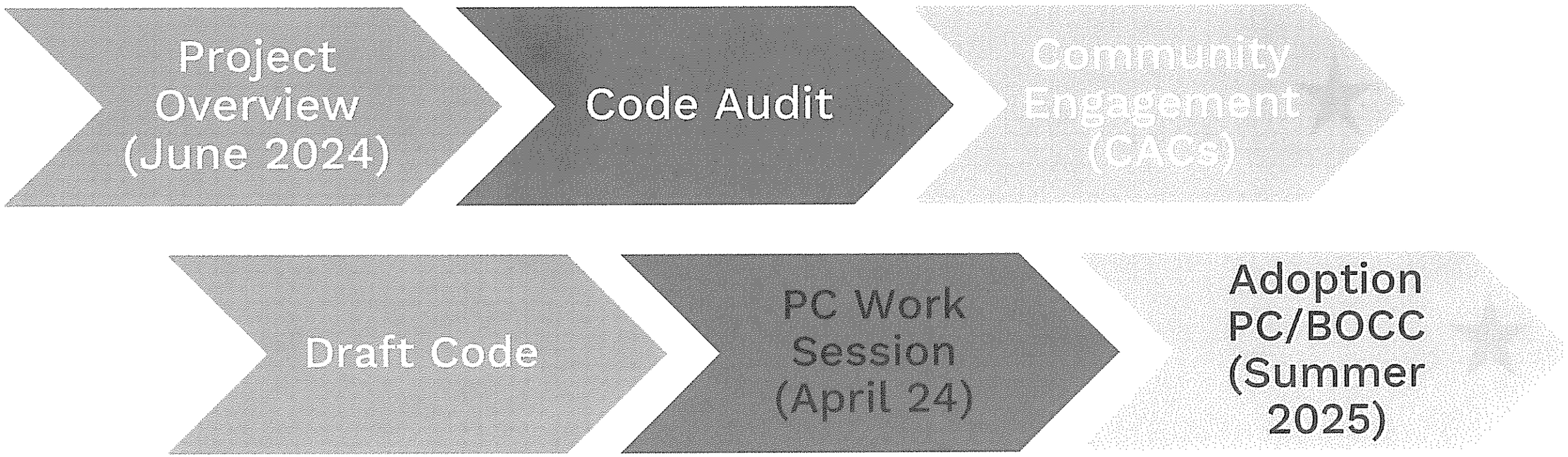
(D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.

(E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

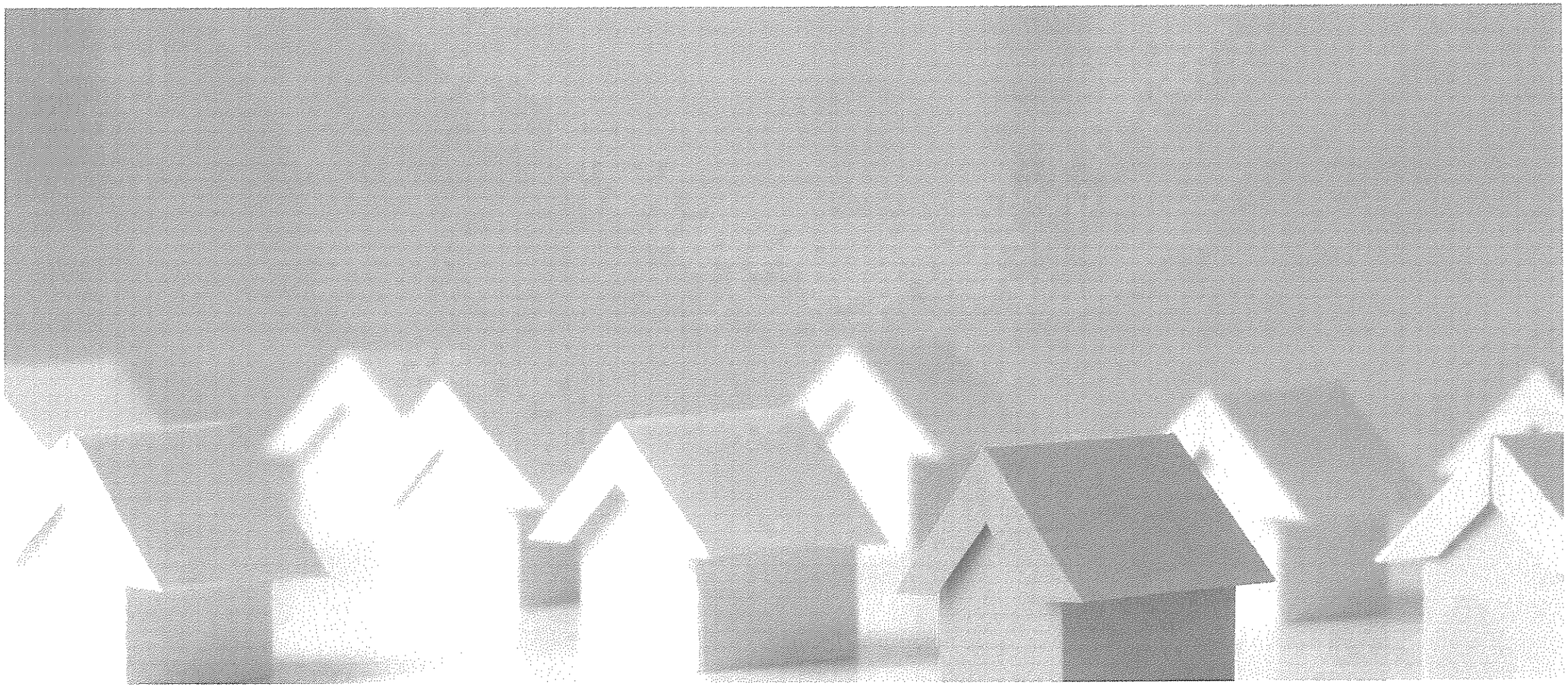
Additional Standards Permitting Process

- Individual sites required to demonstrate **"sufficient infrastructure"** is provided or can be provided for:
  - Sewer and water capable of meeting service levels; provider letters required
  - Fire service letters
  - Road approach permits
- Existing CC&Rs limiting additional units may continue to be applied, new subdivisions cannot prohibit middle housing going forward
- Same consolidated zoning and building permit review process as for single family structures

Code Update Process



QUESTIONS



DEVELOPMENT DISCUSSION

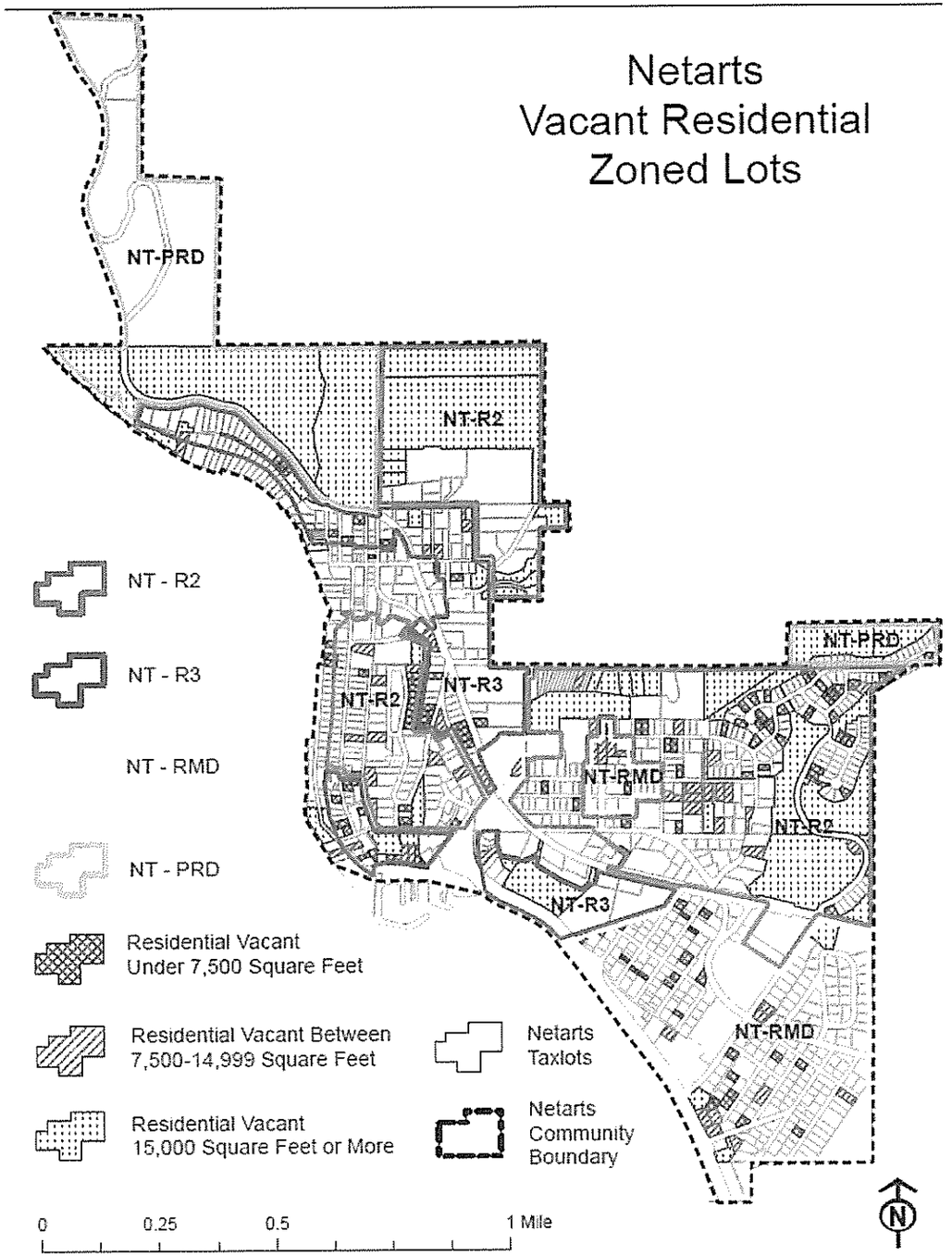
LESS THAN 5,000 SQ FT = 58 LOTS (Single Family & Duplex Only)

GREATER THAN 5,000 SQ FT & LESS THAN 7,000 SQ FT = 60 LOTS (Triplexes)

GREATER THAN 7,000 SQ FT & LESS THAN 10,000 SQ FT = 27 LOTS (4+ and Cottage Clusters)

GREATER THAN 10,000 SQ FT = 57 LOTS (Divided & Developed)

TOTAL VACANT LOTS = 202



VACANT LOTS BY SIZE

LESS THAN 5,000 SQ FT = **58 LOTS** (Single Family & Duplex Only)

GREATER THAN 5,000 SQ FT & LESS THAN 7,000 SQ FT = **60 LOTS** (Triplexes)

GREATER THAN 7,000 SQ FT & LESS THAN 10,000 SQ FT = **27 LOTS** (4+ and Cottage Clusters)

GREATER THAN 10,000 SQ FT = **57 LOTS** (Divided & Developed)

TOTAL VACANT LOTS = 202

MULTIPLE FACTORS MUST BE CONSIDERED WHEN DETERMINING DENSITY & DEVELOPMENT POTENTIAL, SUCH AS TOPOGRAPHY, NATURAL FEATURES (WETLANDS & CREEKS), SETBACKS & LOT SHAPE, ORIENTATION WITH ROADS & INFRASTRUCTURE

EXHIBIT J

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

Repassed by Senate June 15, 2023

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

.....
Rob Wagner, President of Senate

Passed by House May 25, 2023

.....
Dan Rayfield, Speaker of House

Received by Governor:

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

Approved:

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

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

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

.....
Secretary of State

EXHIBIT K

To the Planning Commission
From the Netarts Citizen's Advisory Committee
RE: updates to the land use regulations for unincorporated Netarts 2025

I am submitting this letter for your information regarding the proposed updates to the Land Use regulations as they relate to the unincorporated area of Netarts. My name is Susan Lynch and I am the Chair for the Board of the Netarts CAC. After a very active beginning for the CAC in the mid nineties to the dormant period over the last 10 years, in the Fall of 2024 following the "Netarts Talks" series (Spring 2024) hosted by Nan Devlin, the citizens of Netarts found new energy and recommitted to being more involved with County government. In October of 2024 we elected a new Board on which I serve as Chair.
The election was held after two public meetings during which we had a panel of past CAC members from Netarts and past and present CAC officers from our neighboring unincorporated areas.
Beginning with the Netarts Talks series, the discussion focused on updates on local growth and future changes. The survey that was conducted at the beginning on livability issues helped to focus and prioritize the things that the majority of those in attendance felt were the most important to Netarts.
Once the CAC framework was reestablished with an elected Board, we hosted monthly General Meetings (2/22/25. 3/22/25, and 4/26/25) with guest speakers from local EMS, County government (DOT, Parks, Public Works, Community Development) and two of the three County Commissioners. The bulk of our discussions did revolve around the Land Use regulations and the proposed increase in the TLT. Also on each month's agenda were ideas that would help accommodate our increase in tourism while still supporting local residents and maintaining their quality of life here in little Netarts.
At our first three general meetings of 2025, Director of Community Development, Sarah Absher was on the agenda to introduce the timing and need for an update to the Land Use regs, present the proposed changes in their entirety, answer questions and receive feedback. In order to assure that the community had sufficient information, a work group of five members had four meetings with Director Absher to go over the new land use regulations for Netarts page by page. At the last general meeting in April, we once again highlighted the new regulations with time for questions. Consensus among those present and the Board as we reviewed our efforts was that none of the proposed changes in the Land Use Regulations caused alarm and there was very little concern by the public once their questions were answered.
The CAC has been very pleased with the level of community involvement. We have, at this time, three sub groups working on 1) Emergency Preparedness 2) Boat Dock renewal and 3) improving the lines of Communication to our little community in general. Another group is working on some updates/beautification projects at our little city park and there are long term hopes for some changes in traffic flow to increase public safety during peak visitor seasons.
The CAC format was designed to allow small, unincorporated towns a conduit for information from their County government and a Voice back to those same elected officials . I am very excited to be a part of this now and for the near future. Our thanks go to all those who gave of their time , came to evening and weekend meetings, educated us on the CAC framework . We could not have done this with their help. Particularly, Nan Devlin, Director Sarah Absher and Commissioner Paul Fornier. They gave us so much time and support . County Government should be proud of their work.

thank you for your time.

Susan Lynch, CAC Chair: Netarts