

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Ordinance	)	ORDER
Amendment Request #851-25-	)	<u>#25-073</u>
000272-PLNG in the Department of	)	
Community Development	)	

This matter came before the Tillamook County Board of Commissioners on December 3, 2025, at the request of Sarah Absher, Director, Department of Community Development. The Board of Commissioners, being fully apprised of the records and files herein, finds as follows:

1. The files in this proceeding can be found in the office of the Tillamook County Department of Community Development under Ordinance Amendment Request #851-25-000272-PLNG.
2. A public hearing on the above-entitled matter was held before the Tillamook County Planning Commission on November 13, 2025. After consideration of all available evidence including findings of fact and conclusions contained within the staff report, staff memos, public testimony, evidence and information presented, written and oral testimony received at the hearing, and the Department's presentation, the Tillamook County Planning Commission voted unanimously, seven (7) in favor and zero (0) opposed, to recommend adoption of the proposed middle housing code amendments as presented at the December 3, 2025, Board of Commissioners' hearing. The Tillamook County Planning Commission also voted unanimously, seven (7) in favor and zero (0) opposed, to recommend the Board of Commissioners adopt the findings in the record to retain and preserve the existing building height maximums of the Neahkahnie Urban Residential (NK-7.5, NK-15 and NK-30) Zone in accordance with OAR-660-046-0235: Alternative Siting or Design Standards.
3. The Tillamook County Board of Commissioners opened a de novo public hearing on December 3, 2025. The Board of Commissioners considered the ordinance amendment request together with the Legislative Text Amendment criteria listed in Section 9.030 of the Tillamook County Land Use Ordinance ("TCLUO"), the Planning Commission's recommendations, and other testimony and evidence on the record including the staff report and findings contained therein.
4. Following the public comment portion of the public hearing on December 3, 2025, the Board of Commissioners closed the hearing with a directive to staff to prepare a Board Order for adoption of the proposed middle housing code amendments under Ordinance Amendment Request #851-25-000272-PLNG.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

5. Ordinance Amendment Request #851-25-000272-PLNG is approved as shown in "Exhibit A".
6. The findings contained in the Staff Report dated November 7, 2025, included as "Exhibit B" are hereby incorporated into this Order.
7. The summary findings in the record presented to the Tillamook County Planning Commission at the November 13, 2025, public hearing to preserve the existing building height maximums of the Neahkahnie Urban Residential (NK-7.5, NK-15 and NK-30) Zone are hereby incorporated into this Order as "Exhibit C".
8. The Board finds the amendments are necessary for public health, safety and general welfare, that an emergency exists, and this ordinance shall take effect immediately upon passage by the Board of Commissioners.
9. This order shall become effective December 17, 2025.

DATED THIS 17<sup>th</sup> day of December, 2025.

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
Absent			/ x
Erin D. Skaar, Chair			/
Paul Fournier, Vice-Chair			/
Mary Faith Bell, Commissioner	x		/

ATTEST: Christy Nyseth  
County Clerk

By: Christy Nyseth  
Special Deputy

APPROVED AS TO FORM:

William K. Sargent  
William K. Sargent, County Counsel



# **“EXHIBIT A”**

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

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

# **“EXHIBIT A”**

regulations contained in this ordinance.

- (a) Planned developments subject to Section 3.080.
  - (b) Churches and schools.
  - (c) Nonprofit community meeting buildings and associated facilities.
  - (d) Utility substations.
  - (e) Fire station.
  - (f) Ambulance station.
  - (g) Sewage collection system appurtenances larger than 120 square feet.
  - (h) Structures for water supply and treatment that are larger than 120 square feet.
  - (i) Communication structures that serve more than one residence.
  - (j) Bed and breakfast facilities within an owner-occupied primary residence which provide for no more than two guest rooms.
  - (k) Accessory apartment within a residence or accessory structure. Such a unit must be subordinate in size, location and appearance to the primary residence, and shall not be larger than 800 square feet.
  - (l) Temporary subdivision sales office located within an approved subdivision which shall sell only properties within that subdivision.
- (4) **STANDARDS:** Land divisions and development in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:
- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:
    - 1. The minimum size for creation of new lots or parcels for townhouses shall be 1,500 square feet in all zones, provided, the average minimum size for lots shall be 1,875 square feet in the NK-7.5 zone for all attached units in a townhouse project; 3,750 square feet in the NK-15 zone; and 7,500 square feet in the NK-30 zone.
    - 2. The provisions of the “cluster subdivision” section of the Land Division Ordinance or of the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less

# **“EXHIBIT A”**

than 7,500 square feet.

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

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

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

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

## **(6) Special Drainage Enhancement Area Provisions for the South Neahkahnie Area**

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

- (a) Ditching and tiling that improve drainage into or out of the Drainage Enhancement Area shall be permitted.
- (b) Activities such as landscaping and gardening, which do not include placement of structures, dikes, levees, or berms, or filling, grading or paving, and which will not restrict drainage into or out of the Drainage Enhancement Area, shall be permitted.
- (c) A pond may be created if it can be shown through the flood hazard area development permit process of Section 3.510 of the County's Land Use Ordinance that it will not adversely affect

## **“EXHIBIT A”**

drainage in the area.

- (d) One dwelling unit, including necessary fill, shall be permitted within the "potential development area" portion of the Drainage Enhancement Area, providing that the area subject to development for this purpose is contiguous and does not exceed one-half the area of the "potential development areas".

# **“EXHIBIT B”**

**Tillamook County**



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

1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamookcounty.gov](http://www.tillamookcounty.gov)

Building (503) 842-3407  
Planning (503) 842-3408  
On-Site Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1 (800) 488-8280

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*Land of Cheese, Trees and Ocean Breeze*

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

**CONSOLIDATED STAFF REPORT DATE:** November 6, 2025  
**TILLAMOOK COUNTY PLANNING COMMISSION HEARING DATE:** November 13, 2025  
**BOARD OF COMMISSIONERS HEARING DATE:** December 3, 2025  
**REPORT PREPARED BY:** Sarah Absher, CFM, Director

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### **I. GENERAL INFORMATION**

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

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

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

**Initiated By:** Tillamook County Department of Community Development

### **II. BACKGROUND**

#### **Middle Housing Code Updates and Senate Bill 406:**

The Oregon State Legislature passed Senate Bill 406 at the conclusion of the 2023 session, extending the requirements of House Bill 2001 to Tillamook County cities and unincorporated communities served by water

## **“EXHIBIT B”**

and sewer. As a result, Tillamook County and incorporated cities are required to complete residential zoning code updates to include middle housing types as outright permitted uses with clear and objective standards. Middle housing types include single-family dwellings, accessory dwelling units (ADUs), duplexes, triplexes, quadplexes, cottage clusters and townhouses.

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

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

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

### **Tillamook County Housing Needs Assessment:**

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

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



## **“EXHIBIT B”**

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

Since the completion of the 2019 HNA, the County has successfully updated residential zoning codes in unincorporated communities, including adoption of middle housing codes in most unincorporated communities part of Senate Bill 406. Prior to adoption of middle housing codes, the County has also adopted code provisions to allow for Accessory Dwelling Units (ADUs), one of many strategies implemented by Tillamook County to address the county’s housing needs.

Senate Bill 406, specifically the middle housing code updates under consideration, are additional strategies that align with the County’s efforts to create greater opportunities for diverse housing options. If adopted, the proposed ordinance amendments will further the County’s efforts to meet the demands identified in the 2019 HNA.

It should also be noted that updates to the 2019 HNA were recently completed by the County. The updates reaffirm middle housing options are critically needed countywide to meet existing and future housing demands, and that these housing types are needed for all socioeconomic levels.

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

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

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

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

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

As shared previously in this report, concerns were expressed by the community of overdevelopment of properties- regardless of housing type. As experienced in other coastal communities, new development trends of increased building mass are altering long-established development patterns and community character and

## **“EXHIBIT B”**

infringing on open space and privacy. These concerns are in part recognition of development of properties in areas of geologic hazard and steep slopes with increased areas of ground disturbance and impervious surfaces. Many communities feel this recent trend of larger building footprints and the mass (size) of the structure do not match the character of the community where retention of open space and natural vegetation, assurance of equitable views of natural resources by residents and the public (Neahkahnie Beach and Pacific Ocean) as well occupant privacy are valued.

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

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

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

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

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

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

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

Specifically, Neahkahnie Beach is inventoried as an area of exceptional aesthetic or scenic quality, where the quality is primarily derived from, or related to, the association with coastal water areas. The beach is inventoried in the County’s comprehensive plan to ensure public view and access is protected, and to protect the viewsheds of property owners within the Neahkahnie Community. The existing building height

## **“EXHIBIT B”**

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

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

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

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

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

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

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

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

The ability to construct a multi-story structure is primarily due to these primary factors: the sloped topography of the community, design of structures in a manner that takes topography into account and the building height calculation average methodology. Photographs of existing structures constructed within the 500-foot corridor

## **“EXHIBIT B”**

are included as “Exhibit G”, and most structures within the 500-foot corridor are two-story with walls greater than 17-feet in height regardless of date of construction.

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

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

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

- Development patterns and construction methods already established in the area confirm that there will be no increase in the time and cost of construction of middle housing, including design, labor and materials beyond what is already anticipated for development of properties in the Neahkahnie Community.
- The topographic characteristics of the community combined with the maximum building height average calculation methodology ensures the integrity of the residential development standards outlined in TCLUO Section 4.005 is preserved for properties already developed and future development of residential properties, specifically to ensure pleasing views are neither unreasonably obstructed nor obtained.
- Preservation of the maximum building height standards in the Neahkahnie Urban Residential Zones results in preservation of existing viewsheds for all current and future landowners and ensures land values of both developed and undeveloped properties are not negatively impacted due to unanticipated loss or gain of views of Neahkahnie Beach and the Pacific Ocean that may result with increased maximum building height allowances.
  - The Neahkahnie Community is known for its stunning view of Neahkahnie Beach and the Pacific Ocean, as well as the visual appeal of the character of the community at large. Preservation of the 17-foot building height maximum within the 500-foot viewshed corridor ensures preservation of the views of Neahkahnie Beach and visual access to the beach by the public at large and maintains the character of development long-established for this community.
  - Preservation of the 24-foot building height maximum elsewhere within the community ensures that the visual appeal and character of the community is maintained, as well as the equitable access to the public viewshed of Neahkahnie Beach and the Pacific Ocean.
- As demonstrated in the inventory of vacant residentially zoned land included in “Exhibit D” of this report, there is a significant amount of vacant residentially zoned land within the Neahkahnie Community that is east of the 500-foot special height corridor.
- Cost and development of properties within this community are long-established based upon land values and need to meet higher construction standards (engineering requirements) given the proximity

## **“EXHIBIT B”**

of the properties to the Pacific Ocean and presence of geologic hazards. Based upon historic development patterns, including size and location of structures, there are no anticipated development costs increases for development of middle housing on properties within the Neahkahnie Community.

- Zoning and plan review fees remain equitable for review of middle housing projects.
- Application of maximum lot coverage and maximum building floor area standards should not result in increased construction costs or result in inequities in development of middle housing types on vacant properties. These formulas were developed based upon existing development patterns (building footprints) within the community with purpose of ensuring development of properties proportionate with the size of the property.
- In compliance with Goal 7: Hazards policies contained in the Tillamook County Comprehensive Plan and implementing ordinances within the TCLUO, a geologic hazard report or Dune Area Development Permit is required for development of properties within the Neahkahnie Community. This requirement continues to apply to any development of properties within the Neahkahnie Community.
- Application of a building height average methodology allows for structures to be built in manner that allows the construction of a multi-story structure in a manner that works with the topographic characteristics of the community. Due to the size of properties and slope features of most properties, the most equitable path for development of properties is with a building height average approach. Construction of multi-story structures in this area is not simply achieved through establishment of a building height maximum- the method of calculation of height is key to achieving multi-story construction on properties with sloping features.

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

### **III. COMMUNITY ENGAGEMENT**

The County’s Citizen Advisory Committees (CACs) played an active role in the development of the middle housing codes where community choices were available. Each CAC utilized land use subcommittees actively within the CAC or formed new working groups to assist staff in development of the proposed middle housing code updates.

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

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

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

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

# **“EXHIBIT B”**

Neahkahnie Community.

## **IV. APPLICABILITY & PURPOSE**

### **Middle Housing Code Updates**

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

#### **Article 4 and Article 11 Updates:**

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

#### **Section 5.120: Middle Housing Development Standards Summary:**

- The purpose of the middle housing standards is to ensure that new middle housing can be integrated within community boundaries where it is permitted and reviewed according to clear and objective standards. Middle housing includes triplexes, quadplexes, townhouses and cottage clusters, intended to provide an alternative to single-family dwellings for greater flexibility that can include dwellings of different sizes and configurations.
- Establishes the location where these middle housing types can be permitted.
- Requires sufficient infrastructure exists for middle housing projects, requiring applicants to demonstrate sufficient infrastructure by submitting service provider letters for water and sewer, submitting a copy of onsite wastewater permits (where applicable), and a copy of the driveway permit (road approach) at the time of consolidated zoning and building permit application submittal. Also requires integration of stormwater improvements into project design to ensure stormwater is managed onsite and is not discharged into road right of way or adjacent properties.
- Establishes clear and objective development standards for triplexes and quadplexes, including entry orientation and driveway design, and basic design standards for buildings.
- Establishes clear and objective development standards for townhomes, including entry orientation and driveway design, and basic design standards for buildings.

## **“EXHIBIT B”**

- Establishes clear and objective development standards for cottage cluster developments, including maximum size and building height of each cottage, requirements for open space, pedestrian paths, parking and orientation of cottages.

### **V. AMENDMENTS TO THE TILLAMOOK COUNTY LAND DIVISION ORDINANCE:**

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

### **VI. ANALYSIS:**

#### **1. *Statewide Planning Goal & Tillamook County Comprehensive Plan Discussion***

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

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

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

- Tillamook County Comprehensive Plan Goal 1 Element: The Planning Process  
*Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*

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

The proposed amendments to establish maximum lot coverage and maximum building height standards require a Measure 56 Notice to all property owners within the Neahkahnie Unincorporated Community Boundary. Approved in 1998, this measure mandates that cities and counties notify

## “EXHIBIT B”

property owners when zoning changes may limit or prohibit previously allowed land uses. This notice, triggered by actions such as amending ordinances, informs landowners that their property's value may be affected, and that existing property rights may be impacted by the proposed changes to local ordinances. The required Measure 56 Notice was mailed to all property owners of record on October 8, 2025.

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

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

**Findings:** All proposed amendments are consistent with the Goal 2 element, and an exception is not required for the proposed amendments.

- Tillamook County Comprehensive Plan Goal 3 Element: AGRICULTURAL LANDS  
*Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.*
- Tillamook County Comprehensive Plan Goal 4 Element: FOREST LANDS  
*Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."*

**Findings:** The proposed amendments do not apply to resource lands.

- Tillamook County Comprehensive Plan Goal 5 Element: NATURAL RESOURCES  
*Summary: The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open space. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.*

**Findings:** The proposed amendments do not reduce existing protections or resources, or natural features reflected in the policies of the Goal 5 Element.

- Tillamook County Comprehensive Plan Goal 6 Element: AIR, WATER AND LAND RESOURCES QUALITY  
*Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution and noise control in Tillamook County.*



## **“EXHIBIT B”**

**Findings:** The proposed amendments do not reduce existing protections or resources, or natural features contained in the policies of the Goal 6 Element.

- Tillamook County Comprehensive Plan Goal 7 Element: HAZARDS  
*Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there. In Tillamook County, the purpose of addressing hazards is not meant to restrict properties from development, but to institute policies concerning potential problems, so they can be considered before financial losses and possible injury which may be avoided by the application of the policies formulated in the Comprehensive Plan.*

**Findings:** The proposed amendments do not reduce existing protections against hazards addressed in the Goal 7 element or waive requirements for satisfaction of standards intended to address hazards such as those contained in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas, TCLUO Section 3.510: Flood Hazard Overlay (FH) Zone, TCLUO Section 3.530: Beach and Dune Overlay (BD) Zone and TCLUO Section 3.580: Tsunami Hazard Overlay (TH) Zone.

- Tillamook County Comprehensive Plan Goal 8 Element: RECREATION  
*Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts. In Tillamook County, the main issue surrounding recreation is that of quantity, location and orientation. This Goal element recognizes that the tourism sector of the County's economy is rapidly growing and some feel tourism places too large a burden on local public facilities and services.*

**Findings:** Recreation opportunities are not prohibited or limited by the proposed amendments.

- Tillamook County Comprehensive Plan Goal 9 Element: POPULATION AND ECONOMY  
*Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. Projections in this Element of the Comprehensive Plan extend to year 2000. The importance of cottage industry, rural industry and light industry is recognized throughout this Element, stating that regulations be adopted to permit low-impact light manufacturing activity in suitable rural zones.*

**Findings:** The Tillamook County Comprehensive Plan needs updated population projections. The forecasted housing needs contained within the 2019 Tillamook County Housing Needs Analysis (HNA) include current population data and forecasts for housing needed for Tillamook County's workforce. Absent updated information in the Goal 9 element, updated information that supports housing needs and affirms the need for diverse, multi-housing options can be found in the County's 2019 HNA, updated in 2024 as stated previously in this report.

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

- Tillamook County Comprehensive Plan Goal 10 Element: HOUSING  
*Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to*

## “EXHIBIT B”

*meet those needs. It also prohibits local plans from discriminating against needed housing types. This Goal element within the Tillamook County Comprehensive Plan focuses on the separation of housing needs and opportunities in both rural and urban areas. There is a strong tie to the Goal 11: Public Facilities and Goal 14: Urbanization elements of the Comprehensive Plan in this section.*

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

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

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

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

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

- **Tillamook County Comprehensive Plan Goal 11 Element: PUBLIC FACILITIES**

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

**Findings:** Goal 11 policies require planning for adequate public services such as sewer (allowed in urbanized areas), water, law enforcement and fire protection that is critical to the public health, welfare and safety of Tillamook County communities and its residents.

As mentioned previously in this report, middle housing opportunities at a density exceeding one unit (single-family dwelling) are limited to residentially zoned properties within unincorporated communities where public facilities and services exist. As required under adopted Section 5.120,

## “EXHIBIT B”

documentation from utility service providers is required to be submitted in conjunction with a consolidated zoning/building permit application to ensure public services are available and can accommodate the proposed development of a middle housing project.

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

- Tillamook County Comprehensive Plan Goal 12 Element: TRANSPORTATION

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

**Findings:** The proposed amendments are not transportation focused. The development standards contained in adopted Section 5.120 of the TCLUO establish standards for driveways and access to properties for middle housing projects. The Department has collaborated with the Tillamook County Public Works Department on review of the middle housing code updates required by Senate Bill 406, and this work is reflected in TCLUO Section 5.120, the development standards of a residential zoning district and is also reflected in the updates to Section 4.030: Off-Street Parking and Off-Street Loading Standards of the TCLUO.

- Tillamook County Comprehensive Plan Goal 13 Element: ENERGY CONSERVATION

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

**Findings:** Existing opportunities for renewable energy conservation systems and efforts to maximize conservation of existing energy facilities are not affected by the proposed amendments. The proposed amendments do not focus on renewable energy systems; however, the request to retain maximum building heights and the proposals to establish maximum lot coverage and maximum building floor area preserve open space and support the capture of solar energy (Exhibit D).

- Tillamook County Comprehensive Plan Goal 14 Element: URBANIZATION

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

**Findings:** Middle Housing densities are limited to up to four dwelling units (plexes and townhomes) and allow cottage cluster developments to be a maximum of 8 units. Development standards established in community zoning districts and Section 5.120 establish minimum property size requirements for all middle housing types, maintaining existing low to moderate density levels

## “EXHIBIT B”

already established in community zones with little change to urban and high-density zoning districts where many middle housing options already exist through zoning.

Middle housing opportunities exceeding one dwelling unit (single-family dwelling) are limited to residentially zoned properties served by water and sewer within unincorporated communities where these public facilities and services exist. Middle housing projects will not be allowed on residential properties outside of residentially zoned properties within unincorporated communities (urbanizable lands).

Time, place and management regulations contained within TCLUO Section 5.120 and reflected in individual community zoning codes, including TCLUO Section 3.300: Neahkahnie Urban Residential Zone, have been designed to maintain consistency relevant goals and policies contained within the Goal 14 element of the Tillamook County Comprehensive Plan, ensuring middle housing development does not result in urban sprawl on resource lands.

- Tillamook County Comprehensive Plan Goal 16 Element: ESTUARINE RESOURCES  
*Summary: This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units." Five estuaries are inventoried and described in this element of the Tillamook County Comprehensive Plan, the Nehalem Estuary, Tillamook Estuary, Netarts Estuary, Sandlake Estuary and Nestucca Estuary.*
- Tillamook County Comprehensive Plan Goal 17 Element: COASTAL SHORELANDS  
*Summary: The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses. Coastal Shorelands inventoried in Tillamook County as described in this element are Nehalem Estuary Shorelands, Tillamook Estuary Shorelands, Netarts Estuary Shorelands, Sandlake Estuary Shorelands, and Nestucca Estuary Shorelands.*
- Tillamook County Comprehensive Plan Goal 18 Element: BEACHES AND DUNES  
*Summary: Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes. Several categories of dunes are described and discussed in this element of the Tillamook County Comprehensive Plan, and includes discussion about where residential, commercial and industrial uses are prohibited. Goal 18 Exception areas are also inventoried within this element which allow for residential, industrial and commercial uses in dune areas that would otherwise be prohibited.*

**Findings:** Goal Elements 17 and 18 contain policies relevant to the Neahkahnie Community and are implemented through ordinances contained in the TCLUO for development of properties within the Neahkahnie Unincorporated Community Boundary. There are no estuarine resources within the community.

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

A map included in "Exhibit J" of this report depicts the location of the boundary of the Shoreland

## **“EXHIBIT B”**

Overlay Zone and the area where the policies of the County’s Comprehensive Plan Goal 17: Shoreland element apply. The boundary runs along Oregon Coast Highway 101, and the overlay zone includes all properties west of the highway (Exhibit J).

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

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

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

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

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

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

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

Staff finds as follows:

- Analysis of the proposed amendments in relation to existing Comprehensive Plan policies is contained in this report.
- The proposed middle housing code amendments and accompanying amendments do not

## **“EXHIBIT B”**

impair legally designated uses permitted outright or conditionally in the established underlying residential zones. These updates are largely part of implementation of Senate Bill 406 and are limited to residential zoning code updates to allow for middle housing types within already established residential zoning districts within unincorporated communities served by water and sewer.

- Land use patterns establish how land is used in a specific area- residential, commercial, agricultural, and industrial are primary examples. Residential uses consisting of more than one-dwelling unit property (middle housing) are already established uses permitted outright and conditionally in unincorporated community residential zoning districts, and middle housing types are largely already part of established land use patterns in unincorporated communities, including Neahkahnie with the long-established allowance of accessory dwelling units. Additionally:
  - The state has determined that middle housing types provide opportunities for increased housing supply in developed neighborhoods that blend well with detached single-family dwellings.
  - The minimum lot size requirements for permitted uses in these residential zoning districts remain the same with no reductions in minimum lot sizes for middle housing.
  - Minimum setback requirements already established in these residential zoning districts also remain the same with few proposed amendments as reflected in the draft zoning codes.
- The proposed amendments are not anticipated to affect existing land use patterns in terms of uses established outright and conditionally in the Neahkahnie Urban Residential Zones.
- The proposed amendments do not have an anticipated effect on the productivity of resource lands in Tillamook County. The proposed amendments do not allow the development of middle housing on resource lands.
- The Department does not anticipate negative impacts on County administration or enforcement following adoption of the proposed amendments. One of the primary goals of these middle housing code updates mandated under Senate Bill 406 is to streamline permitting processes that should also result in improved administrative processes. Adoption of middle housing code updates also presents an opportunity to address non-conforming structures and uses, as well as provide a clear and objective permitting path for unpermitted construction of additional dwelling units where this type of path may not have been previously available.
- The proposed amendments to establish maximum lot coverage and maximum building floor area standards are clear and objective standards.
- A fee structure already exists for required land use, zoning and building permit application(s) which will continue to apply to development requests of properties located within unincorporated Tillamook County.
- Permitting requirements for middle housing projects are briefly described in this report. Permitting processes will follow standard procedures and review processes currently in place to ensure compliance with applicable building, zoning and sanitation code requirements.

### **2. CRITERIA**

*(a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;*

## **“EXHIBIT B”**

*(b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);*

*(c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and*

*(d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.*

Staff finds as follows:

- Goals and policies reflected in the Tillamook County Comprehensive Plan are required to be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules.
- The proposed amendments do not involve an amendment to the Tillamook County Comprehensive Plan. Policies contained within Goal 10: Housing element of the Tillamook County Comprehensive Plan support adoption of the proposed amendments. The proposal to preserve the existing building height maximums of the Neahkahnie Urban Residential Zones ensures relevant policies contained within the Goal 17: Shoreland element of the Tillamook County Comprehensive Plan continue to be upheld to protect inventoried natural resources for the benefit of the public.
- The proposed amendments are needed to address countywide housing shortages as well as existing and future housing needs. The proposed amendments are within the public interest regarding community conditions and known future housing needs contained within the County’s Housing Needs Analysis.
- The proposed amendments are not in conflict with Section 9.040 Transportation Planning Rule Compliance, specifically this updated information will not significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR).

### **VII. EXHIBITS: (Exhibits are on file at the Department of Community Development.)**

Exhibit A: TCLUO Section 3.300: Neahkahnie Urban Residential Zone

Exhibit B: Neahkahnie Vacant Property Color-Coded Map (500-Foot Special Height Corridor)

Exhibit C: Neahkahnie Vacant Property List (500-Foot Special Height Corridor)

Exhibit D: Neahkahnie Vacant Property List (All Properties)

Exhibit E: Building Height Diagram- Calculating Average Building Height

Exhibit F: Project Elevation Profiles

Exhibit G: Photographs of Existing Structures within 500-Foot Special Height Corridor

Exhibit H: Public Comments

Exhibit I: Senate Bill 406

Exhibit J: Neahkahnie Zoning Maps

# **“EXHIBIT C”**

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

Summary Findings Presented to the Tillamook County Planning Commission

November 13, 2025, Public Hearing

The 17-foot maximum building height is only applied in the Neahkahnie Special Building Height Corridor and is not applied broadly in the County or Neahkahnie community. Therefore, “impacts” to the ability to construction middle housing types are narrowed to where the effect on the public interest is most significant (i.e. in the viewshed of Neahkahnie Beach).

The building height limitation of the Neahkahnie special building height corridor is applied equally to detached single-unit dwellings and all middle housing types are treated equally.

The existing zoning standards do not preclude construction of a two-story dwelling in the Neahkahnie special building height corridor as evidenced by the photographs of developed properties made part of the staff report.

Protection of the Neahkahnie Beach viewshed is consistent with the broader Oregon framework around public ownership of land along the beach. An increase in building height maximums denies the public a significant access point of the ocean, including being able to see it.

Increasing the existing building height limitation within the Neahkahnie Special Building Height Corridor creates risk of exacerbating second and vacation home development, degrading the public benefit with little impact on housing affordability or availability.

The community is located at the base of Neahkahnie Mountain, in an area of geologic hazard with sloping topography. Preservation of the existing building height maximums for the Neahkahnie Community will likely result in increased costs for construction of middle housing, potentially significant costs increases for deeper foundations and site excavation to achieve two-stories, as well as additional engineering requirements for construction.

Development standards are determined by the community’s geographic location and coastal climate. Geotechnical reports necessitating higher and more costly construction standards are required for development of any property in the community. Cost increases may be significant but are also reasonable and proportionate for development of all middle housing types in the Neahkahnie Community.

Higher construction standards resulting in increased costs for development is a routine requirement not only due to the geologic hazards and soils of the area, but also due to the



## **“EXHIBIT C”**

natural topography of properties. These routine requirements are applied equally to all middle housing types.

The review process is the same for all housing types. Permitting costs are slightly higher for projects consisting of 3+ dwelling units, but costs are equal and proportionate to the type of project under review.