Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

03/18/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: Tillamook County Plan Amendment
DLCD File Number 008-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, March 31, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Bradford Sheets, Tillamook County
Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist
Doug White, DLCD Community Services Specialist

<paa> YA

FORM 2

DLCD
Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Tillamook County**
Local file number: **Exception for CU-08-10**
Date of Adoption: **3/4/2009**
Date Mailed: **3/10/2009**
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 10/6/2008

☐ Comprehensive Plan Text Amendment
☐ Comprehensive Plan Map Amendment
☒ Land Use Regulation Amendment
☐ Zoning Map Amendment
☐ New Land Use Regulation
☒ Other: **Goal 4 Exception**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This approval is for an Exception for Statewide Planning Goal 4 by the Netarts-Oceanside Sanitary District to place a Wastewater Treatment Plant and its attendant facilities in the Forest (F) Zone.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: to:
Zone Map Changed from: to:
Location: **1S-10-30-TL500** Acres Involved: **9.76**
Specify Density: Previous: New:
Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☒ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?	☒ **Yes**	☐ **No**
If no, do the statewide planning goals apply?	☐ **Yes**	☐ **No**
If no, did Emergency Circumstances require immediate adoption?	☐ **Yes**	☐ **No**

DLCD #008-08 (17178)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODF, ODFW, ODOT, DSL, DEQ, Soil and Water Conservation District, Port of Tillamook Bay, Netarts-Oceanside Rural Fire District, Netarts Water District, Oceanside Water Department, Tillamook Public Utilities District

Local Contact: **Bradford Sheets** Phone: **(503) 842-3408** Extension:

Address: **201 Laurel Avenue** Fax Number: **503-842-1819**

City: **Tillamook** Zip: **97141-** E-mail Address: **bsheets@co.tillamook.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS

OF TILLAMOOK COUNTY, OREGON

In the matter of a request by the Netarts-Oceanside Sanitary District for an Exception to Statewide Planning Goal 4 to allow for a Wastewater Treatment Plant and its attendant uses to be sited in the Forest (F) zone on the subject property designated as Tax Lot 500 in Section 30 of Township 1 South, Range 10 West, Willamette Meridian, Tillamook County.	))))))))	**Findings of Fact and Decision** **GOAL EXECEPTION FOR CU-08-10**

This matter came before the Tillamook County Board of Commissioners at the request of the applicant, Netarts-Oceanside Sanitary District.

The Board of Commissioners being fully apprised of the representations of the above-named applicant, records, reports and files in this matter finds as follows:

(1) The files and reports in this proceeding can be found in the office of the Department of Community Development under Ordinance Amendment CU-08-10.

(2) Notice of the proposed action was submitted to the Department of Land Conservation and Development on October 6, 2008.

(3) The Tillamook County Planning Commission held a public hearing on this matter on December 11, 2008. The hearing was continued until January 8, 2009. The hearing was noticed in accordance to the requirements of ORS 197 and 215. The Planning Commission deliberated on the matter at their January 8, 2009 meeting, and after reviewing the Staff report containing findings of fact, conclusions and a recommendation, and testimony (written and verbal) from the public and the applicant, the Planning Commission found the application met the applicable criteria and recommended that the Tillamook County Board of Commissioners approve the Statewide Planning Goal 4 Exception request for CU-08-10 with the following motion:

a) Commissioner Jones moved to recommend approval of Reasons Exception for CU-08-10 to the Board of County Commissioners based on the staff report, findings of fact and public testimony and written testimony at this meeting (January 8, 2009) and the December 11, 2008 meeting. Subject to the following conditions that are listed in the staff report subsections A-D. Commissioner Hoffman seconded the motion. The motion passed 4:0.

(4) The Board of County Commissioners opened a de novo public hearing on the proposed Exception request on February 4, 2009. The hearing was properly noticed according to the requirements of ORS 197 and 215.

(5) Oral and written testimony was received at the hearing, both in opposition and in favor of the request. After hearing all who wished to present testimony on the matter, the hearing was closed and the Board deliberated on the request.

(6) After reviewing the Planning Commission's recommendation, the Staff report and issues raised in testimony received before and during the February 4, 2009 hearing, the record and file pertaining to Exception for CU-08-10, the Board made the following motion:

a) Vice-Chair Labhart moved as follows to approve the Reasons Exception for CU-08-10:

I move to approve the Reasons Exception for CU-08-10 based on the Staff Report, findings of fact and public testimony and written testimony at this meeting subject to the following conditions that are listed in the Staff report subsection A-D. (A) This exception is limited to the use proposed in this request for the identified/designated portion of land on the subject property (1S-10-30-TL500): for a waste water treatment plant and associated structures (Exhibits B). B. Any changes to the types or intensities of these uses shall require a new Reasons Exception. C. All other necessary Federal, State, and Local permits shall be required to develop the subject property for the use requested. D. This Exception is not justification for future Exceptions and/or Zone Change requests for the subject property or adjacent properties. If approved, this Exception shall not be a catalyst for residential development on this land. Commissioner Hurliman seconded the motion. The motion carried with three (3) aye votes.

The motion carried unanimously, all three voting in favor.

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

The Tillamook County Comprehensive Plan is hereby amended as outlined in Exhibit A. The record shall identify these changes as described herein by the Tillamook County Department of Community Development as Reasons Exception for CU-08-10.

DATED THIS 4th DAY OF March, 2009.

BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON	Aye	Nay	Abstain/Absent
Tim Josi, Chair	✓		
Mark Labhart, Vice-Chair	✓		
Charles J. Hurliman, Commissioner			✓

ATTEST: Tassi O'Neil,
County Clerk

Special Deputy

APPROVED AS TO FORM:

William K. Sargent, County Counsel

Tillamook County

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

201 Laurel Avenue
Tillamook, Oregon 97141

Land of Cheese, Trees and Ocean Breeze

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

GOAL EXCEPTION AND COMPREHENSIVE PLAN TEXT AMENDMENT for CU-08-10

Staff Report Date: December 4, 2008
Planning Commission Hearing Date: December 11, 2008 & January 8, 2009
Board of County Commissioners Hearing Date: February 4, 2009

I. GENERAL INFORMATION:

Applicant:	Netarts-Oceanside Sanitary District, 5390 Netarts Highway, Tillamook, Oregon 97141
Property Owners:	Green Crow Management Services, LLC., P.O. Box 2469, Port Angeles, Washington 98632
Land Use Review:	Exception to Goal 4 Forest Lands for a wastewater treatment plant and related uses on 9.76 acres of the 371 total acres of a Forest (F) zoned property (Exhibit A).
Location:	Located 1000-feet east of the Community Growth Boundary of Oceanside and 3,500-feet east of the existing Netarts-Oceanside Sanitary District's Waster Water Treatment Plant (Exhibits A & B).
Legal Description:	Tax Lot 500 in Section 30, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
Current Zone:	Forest (F) Zone (Exhibit A).

Description of Request: The Netarts-Oceanside Sanitary District (NOSD) is requesting an Exception to Statewide Planning Goal 4, Forest Lands (Exhibit B). The proposal is for the construction of a wastewater treatment plant and associated structures, including an access, in the Forest Zone. A wastewater treatment plant, its associated structures, and the access are not provided for on Forest Lands without an approved Exception to Goal 4. The applicant has applied for a Reasons Exception (Exhibit B). The Exception would apply to a 9.76-acre portion of a 371-acre property owned by Green Crow Management Services, LLC (Exhibits B & C).

Description of Site and Vicinity: The portion of the subject property (1S-10-30-TL500) on which the Exception is being requested is east of the existing NOSD waste water treatment plant and east of the Community Growth of Oceanside (Exhibit B). The proposed access for the wastewater treatment plant would use an existing logging road on the subject property that accesses off of Cape Meares Loop Road (Exhibit B). There are approximately 7 lots zoned Forest, 21 lots zoned Residential Oceanside (ROS) and

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2 lots zoned Rural Residential 2-acre (Exhibit A) abutting the subject property. A zoning map of the area and a Tax Assessor's parcelization map are included as Exhibit A.

The subject property (1S-10-30-TL500), including the proposed 9.76-acre portion proposed for the wastewater treatment plan, is depicted on the Department of Geology and Mineral Industries (DOGAMI) Bulletins as being in an area landslide topography with a portion of the subject property in an area of Inactive landslide topography (Exhibit E). Any construction on slopes of greater than 29-percent would trigger a requirement for a Geologic Hazard Report review, by this Department, prior to development and would be required in the Major Partition process. A site visit by Staff on November 10, 2008 found the topography of the proposed development area varies in slope.

Location and the physical characteristics of the 9.76-acre portion of the subject property are suitable for development provided any drainages, wetlands, and/or geologic hazards areas are avoided or addressed.

Zoning History: The subject property was zoned A-1: Low Density Residential, Agricultural, Forestry and Recreation Zone in 1969. With the adoption of Ordinance 33 in the 1980's, the zone was changed to Forest (F) and has remained in this designation since.

Existing Services: Given its size, the subject property is located in the service area of School District #9, the Netarts-Oceanside Rural Fire Protection District and the Oregon Department of Forestry. Access is proposed to be off of Cape Meares Loop Road and a new Road Approach permit through the Tillamook County Public Works Department will be required.

II. APPLICABLE ORDINANCE, COMPREHENSIVE PLAN PROVISIONS AND STATE LAW:

1. *Oregon Administrative Rule OAR 660-004-0018(4) through 660-004-0022 allows the county to take an Exception to Goal 4 providing all applicable criteria are addressed and supported. The primary use and deferral on the subject parcel is Forest. The proposal is to request an Exception to the allowed uses on Forest Lands. The request does not include a Zone Change. An Exception allows the land to be used in ways not otherwise permitted by the applicable goals.*

2. *Oregon Administrative Rule OAR 660-012-0065(3)(o) and (5(a-c)) is a portion of Goal 12 (Transportation) that does not need an Exception during this land use process; however, consistency with these criteria must be established for access to the use requested.*

3. *Section 3.004 of Tillamook County's Land Use Ordinance states "Forest (F) zone of Tillamook County Land Use Ordinance does not reflect all the current requirements of the Oregon Revised Statute 215, or Oregon Administrative Rules, 660, Division 06. In a case where the Land Use Ordinance and the State Law are in conflict the stricter of the two take precedence"* (Exhibit I).

4. *Section 3.004 (1) of Tillamook County's Land Use Ordinance states that the purpose of the F zone is "...to retain forest land for forest use, and to encourage the management of forest land for the growing, harvesting and processing of forest crops consistent with the Forest Practices Act. It is also to protect other forest uses from the encroachment of Conflicting non-forest uses and influences, including watershed and soil protection; the maintenance of clean air and water; the preservation of fish and wildlife habitat; outdoor recreation; scenic preservation; and agricultural activities",* (Exhibit I).

5. *Section 3.004 (3)(f) states that "Facilities for sewage disposal, water supply and treatment, or other public utilities," are uses that are permitted conditionally"* (Exhibit I).

III. ANALYSIS

The analysis below contains review of the approval criteria against the information submitted by the owner. The applicant's response to these criteria is contained within Exhibit B of this report.

A. Requirements for Exception to Applicable Statewide Planning Goal.

If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception

Findings: The subject property is zoned Forest (F). The parcel is surrounded by properties zoned Forest (F), Residential Oceanside (ROS) and Rural Residential 2-Acre (RR-2) (Exhibit A). The subject property on which the Exception is requested is east of the Community Growth of Oceanside (Exhibits A & B). The proposed access is an existing logging road accessed off of the east side of Cape Meares Loop Road, traveling southeast to the central/southwestern portion of the subject property (Exhibit B).

The applicant indicates that of the three types of exceptions, the proposed request does not qualify for a "physically developed" exception; nor does it qualify for an "irrevocable committed" exception and therefore the proposed request requires a "reasons exception" as provided for by the above-cited OAR 660-004-0022. The request does not include a zone change.

The standards for a Reasons Exception are outlined in more detail in OAR 660-004-0018(4) through 660-004-0022 (Exhibit F). These standards are referenced for justifying the Exception.

Conclusions: Staff finds a Goal 2 "Reasons Exception" is required for the proposed uses. The applicants are to supply sufficient information so a reasonable person can understand and determine a reasonable answer. The applicant's have supplied information and documentation in support of the Goal 2 Reasons Exception requiring an Exception to Statewide Planning Goal 4, Forest Lands (Exhibit B). Staff concludes this criterion is met.

B. ADDRESSING THE FOUR REASONS EXCEPTION REQUIREMENTS
OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an Exception to a Goal are:

> *(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land; ... "*

Findings: According to the applicant, "The above Findings clearly establish the need to locate the WWTP facility and associated uses on forestland outside the current Oceanside Community Growth Boundary and the need for the pipeline easement that connects the proposed site with the pump station at the current site. Findings 8, 10 and 14 through 17 affirm the need for that new facility, and Findings 26 and 27 establish the need for the pipeline easement across forestland. The current WWTP is more than 30 years old and is at the end of its useful life. NOSD and the Oregon Department of Environmental Quality (DEQ) are in agreement that the wastewater treatment facility is in need of repair or replacement to ensure its safety and reliability. NOSD has entered into a Mutual Agreement and Order (MAO) with the State Department of Environmental Quality (DEQ) that acknowledges violations NOSD's National Pollution Discharge Elimination System Permit and applicable Oregon Revised Statutes and Administrative Rules, and that the current facility requires repair or replacement. The evaluation of alternatives and the decision to locate at the proposed site are addressed in response to the following factors (b) and (c).

The amount of land (9.76 acres) proposed for the use is required to accommodate the WWTP and related uses described in Finding 4. These uses include the treatment plant process units, administrative offices, space for NOSD-related public meetings, shop buildings, equipment storage, and sufficient parking to accommodate these and related uses on site. Long range planning also requires room for the possible future expansion of the facility," (Exhibit B).

Staff finds that the applicant is requesting an Exception to the uses allowed in OAR 660-006-0025; however, a zone change is not being requested. OAR 660-004-0018 (4) states that when "a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception" and "when a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required." Any approval for this proposal will be specific to the requested uses. Staff finds the requested uses include the treatment plant process units, administrative offices, space for NOSD-related public meetings, shop buildings, equipment storage, sufficient parking to accommodate these and related uses on site, and the possibility of the future expansion of the proposed facilities (Exhibit B).

The subject property is classified and assessed as "vacant forest land" by the Tillamook County Assessor's office (Exhibit C). It is adjacent to Forest, Residential Oceanside and Rural Residential 2-Acre zoned properties (Exhibit A). The subject property is currently being managed for natural resource purposes.

> *"(b) "Areas which do not require a new exception cannot reasonably accommodate the use":*

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding".

Findings: The applicant indicates, "Response to (b): The attached map (Exhibit a) identifies the proposed exception area and the location of the alternative areas considered for the use. NOSD's engineering consultants, Westech Engineering, have evaluated eight possible alternatives that would not require a goal exception, including upgrading the existing facility at its present location and other locations within the Netarts Oceanside Community Growth Boundaries. They determined that the current site is not viable, and that the proposed site is strongly preferred over the other alternatives for reasons that include useable area, topography, geological stability, lack of adverse impacts on neighboring properties, location with respect to connectivity to the existing pump station and outfall, and ability to keep the facility in service during construction. Findings 18 through 25 clearly justify this conclusion.

The consideration of alternative sites initially focused on locations within the Netarts and Oceanside Community Growth Boundaries. None of the six sites considered were suitable for reasons that included steep topography, geologic instability, proximity to existing residential development, distance from the existing pump station and current ocean outfall, and cost of site development (Finding's 23 and 24). This left the NOSD with no alternative other than location on resource land, given that all land that qualifies for consideration outside of the Community Growth Boundaries is forest-zoned land. None of that land is irrevocably committed to non-resource uses (Finding 6).

The provision of public facilities and services to the proposed site are limited to those required for operation. These facilities and services include electric power, telephone and potable water (Finding 28). Public road access is described in Findings 29 through 33, and is justified in the following Section V," (Exhibit B).

Staff concurs with the findings outlined by the applicant, in that given the size of land necessary to site such a utility facility the options within the Oceanside and Netarts Community Growth Boundaries are limited to much smaller sized properties. In reviewing the applicant's submittal, Staff finds applicant and engineer recognized and accounted for the possible expansion of the wastewater treatment facilities in the future within this request. This allows for the long-range development of the proposed site and minimizes similar requests in the future and the continued conversion of resource land. Staff did not locate any resource land in the area that was irrevocably committed to non resource uses.

Given the age of the existing NOSD Wastewater Treatment Plant, the capacity concerns on the existing system and violations on the existing system the NOSD entered into a Mutual Agreement and Order (MAO) with the Oregon Department of Environmental Quality (DEQ) to rectify the situation (Exhibit B). The NOSD's facilities plan analyzed the present condition and size of the existing system. Several options were explored from "No Action" to "Upgrading the Exisiting WWTP its present location" to "Siting a new system," (Exhibit B).

Staff found that the closest Urban Growth Boundary (UGB) is for the City of Tillamook. The applicant indicates that creating a Regional Treatment facility and connecting with the City of Tillamook's system is not financially feasible (Exhibit B).

Conclusion: Based on the information presented, researched and analyzed, Staff concludes that the proposed area for developing a new WWTP is the most viable location to site a public utility facility of this size. Staff concludes this criterion is met.

"(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;"

Findings: According to the applicant, "The WWTP and associated facilities and uses require a relatively flat area of five to 10 acres that take into account the factors described in Finding 23. These include 'access, geological stability and constructability, pump station and force main requirements, outfall requirements, and impacts to adjacent properties.' Only one other site outside of the Netarts and Oceanside Community Growth boundaries qualified for preliminary consideration given these constraints. That Option 3, indentified on the Exhibit 3 site map, was subsequently dismissed for reasons described in a May 21, 2008 letter from John Yarnall, P.E., Vice President of Westech Engineering to Dan Mello, NOSD superintendent (Finding 23). Mr.

Yarnall's reasons for dropping this option from consideration were based, in large part, on the following factors described in Exhibit f:

'1. The site size is only about 5 acres (as compared to 9.75 acres for the proposed site). The site size would be very constrained and would require a very constricted WWTP site layout with extensive use of wall and essentially no room for future expansion.
2. The site also has about 70 feet of elevation change within the site and very limited level ground. The geologic and geotechnical concerns regarding the design and construction of the WWTP are essentially the same as stated above for location Option 2 except even more pronounced. The south end of the site is sandwiched between Cape Meares Loop Road and the toe of Maxwell Mountain. Very extensive and costly site work would be required.
3. Surface water drainage issues would have to be addressed during the design and construction of the WWTP. Because of the topography of the site, this could prove to be very challenging.
4. It is believed that a portion of this site is a jurisdictional wetland.'

Mr. Yarnall concludes: 'Conversely, the proposed site for the new WWTP was selected based upon more mild topography, no wetlands, much better conditions from a geotechnical standpoint and sufficient land size and shape to accommodate the proposed new WTPP including adequate land for staging the work, spoils, etc,' (Exhibit B).

Based upon the geotechnical evaluation by Westech Engineering of the various properties under consideration, Staff finds that this along with the ability to avoid wetlands (as much as possible) and accommodating future growth while aligning the pipelines with the proposed WWTP makes the proposed development area a suitable location. Staff finds that the analysis conducted by Westech Engineering is adequate to address this criterion.

A letter from the Oregon Department of Fish and Wildlife (ODFW) in regard to this Exception provides recommendations and concerns (Exhibit D). The letter indicates that there is an Eagle's nest located in the area; however, the nest is located ½ a mile away from the proposed wastewater treatment plant and therefore there are no additional protective measures needed. ODFW is unaware of any other sensitive areas on the site. There are development standards for Riparian Areas, Stream Crossings, Project Timing and Wetland areas, which would all need to be addressed in the subsequent land use applications for this proposed development if this Exception is approved (Exhibit D).

Based upon the information provided by the applicant, including the analysis of the 8 sites that fit the criteria to locate a new wastewater treatment facility by Westech Engineering, and the analysis provided by ODFW regarding the sensitive resources in the area, Staff finds that there would be little impact to develop the proposed site in regard to the environmental impacts (Exhibits B & D). During the subsequent land use processes (Major Partition, Conditional Use, etc.) the applicants will need to adhere to the development requirements outlined in the letter from ODFW (Exhibit B).

The Productivity Classifications on Forest Land and the soils data from the USDA's Natural Resources Conservation Service (NRCS) indicates that Exception location on the subject property has a medium to medium-high level of commercial timber production (Exhibit J). Staff finds that there are soils of higher production on the property and the remainder of the soils are of similar production value.

The applicant indicates that electric power will be provided by the Tillamook Public Utlities District (PUD) (Exhibit B).

Conclusion: Staff concludes that the proposed use will not result in significantly more adverse impacts than would typically result from the same proposal being located in other areas requiring a goal exception. Staff concludes that the analysis of the potential properties for development by Westech Engineering is adequate to address this criterion given the development needs of a large public utility facility. Of the soils located on the subject property, Staff concludes that the proposed development would not occur on the highest productivity soils. Based on the Sales Agreement referenced by the applicant with the owner and the fact that the owner of the subject property signed the land use application for this Exception, Staff concludes that Green Crow Corporation is not concerned with its continued management of the natural resources near the proposed use. Given the fact that the proposed developed would take place on soils of equal, but not the highest level of productivity for commercial forestry, Staff concludes that removing 9.76-acres of productive forest land will not have a substantial long-term economic impact on the general area. Based on the information presented, Staff concludes there is a neglible long-term environmental, social or energy impacts on the general area. Staff concludes this criterion is met.

"(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

Findings: The applicant indicates, "NOSD is acquiring the proposed site from Green Crow Management Services, LLC (Finding 1), a forestlands management company that will continue to manage all surrounding forestlands for forest use, including a quarry site. A Sales Agreement, dated July 7, 2008, contains provisions that ensure that the location of the WWTP and associated uses, including road access, will not adversely impact Green Crow's operations. Findings 29, 33, 35 and 36 affirm this conclusion. There are no other ownerships within 1000 feet of the proposed site that might be impacted by the proposed use or by road access to it. Road access impacts on Green Crow's operation are described in the following Section V.

Compatibility of the proposed wastewater treatment facility and Green Crow's quarry operations are described in Finding 35. A supplemental 'Potential Blasting Impact Memo' concludes: 'anticipated blasting (for the quarry operation) is unlikely to cause significant structural or cosmetic damage to the future WWTP facility.' This is ensured in part by the quarries location more than 0.4 miles from the proposed WWTP, with a significant elevation differential of more than 200 feet and intervening ridges and ravines.

Pipelines that convey raw wastewater and treated effluent from the proposed new WWTP site to the main pump station located at the current site will pass beneath the intervening Terrasea First Addition, Ocean Pines and Whisper Ridge subdivisions, and approximately 1,000 feet of Green Crow's forestland outside of the Oceanside Community Growth Boundary. These pipelines will be at least 75 feet below ground, and the 'Site Suitability Analysis' states that the impact to these properties 'is expected to essentially be nonexistent,' (Findings 26 and 27).

The proposed new WWTP's location more than 1000 feet from Oceanside's Community Growth Boundary ensures that the operation of the facility will not impact existing or anticipated residential development.

Access by way of Forest Road 256 ensures there won't be traffic impacts on residential development. The conditions of the sales agreement with Green Crow ensures that any traffic impacts on their forest operation are minimal and acceptable (Findings 29-32),'" (Exhibit B).

Staff finds the properties surrounding the subject property are zoned Forest (F), Residential Oceanside (ROS) and Rural Residential 2-Acre (RR-2). With a buffer that ranges between 500 and several thousand feet between the proposed Exception area and the Community Growth Boundary of Oceanside, +/- 300-feet to a RR-2 zoned property, Staff finds that adverse impacts would be reduced with residential uses.

The proposed Exception area would be surrounded by Green Crow property, current owner of the property and co-signer on this land use application; therefore, Staff finds that the adjacent property owners are aware of the potential impacts of this type of development. If this Exception is approved, among other possible land use applications, the applicant would move in the Conditional Use portion of the development process. A Conditional Use approval would require a declaratory statement to be recorded with the deed holding adjacent property owner(s) harmless for natural resource practices on adjacent Forest lands.

Conclusions: Staff concludes that the applicant has demonstrated that the proposed use is compatible with surrounding natural resources and resource management or production practices. Staff concludes the proposed use is compatible with other adjacent uses. Staff concludes this criterion is met.

C. OTHER GOAL EXCEPTION CONSIDERATIONS

OAR 660-004-0000(3) states that "*The intent of the exception process is to permit necessary flexibility in the application of the Statewide Planning Goals.*"

Findings: The legal provision for an Exception is similar to the variance process at the local level in that it recognizes that a rigid application of regulations is inappropriate in some circumstances, and that a measure of flexibility is required to ensure a reasonable outcome. The owner shall demonstrate that their proposal illustrates the need for an Exceptions process, and that it complies with all applicable requirements.

OAR 660-004-0005(1)(a) affirms that an exception "*Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;*"

Findings: This legal caveat establishes that an Exception is specific to the circumstances associated with a particular property, and that an approved Exception does not establish a precedent for what might be permitted on any other property. Each situation must be considered on its own particular merits.

OAR 660-004-0010(3) states that "*an exception to exclude certain lands from requirements of one or more statewide goals or goal requirements does not exempt a local government from the requirements of any other goal(s) for which an exception was not taken.*"

Findings: The proposed Exception addresses Forest (Goal 4) issues and requirements. As timber

production is a primary component of the parcel, the applicant and owner have identified their intentions of changing the current uses of the parcel, but not changing the zone.

A Goal 12 (Transportation) Exception is not required; however, compliance with Goal 12 must be demonstrated to develop a public access to the site across forestland. OAR 660-012-0065(3)(o) and (5(a-c) needs to be addressed by the applicant, stemming from communications with the Oregon Department of Land Conservation and Development by the applicant and Staff (Exhibit B).

> OAR 660-012-0065 (3) The following transportation improvements are consistent with Goals 3, 4, 11, and 14 subject to the requirements of this rule: (o) Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and performance standards of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.

The applicant indicates, "Public access to wastewater treatment facilities are not listed in Section (3) of this rule as consistent with Goal 4, consequently the above sited provision applies to this request. Tillamook County's Land Use Ordinance's Section 6.040(3)(f) lists 'facilities for sewage disposal' as a conditional use in the Forest (F) zone, thereby establishing that the use on forestland is deemed consistent with the Comprehensive Plan. The Plan's Goal 11 (Public Facilities) identifies the NOSD's WWTP as one of 11 sewage treatment facilities in the county (Finding 9). Findings 29 through 33 describe the location, nature and impact of public access. Finding 33 establishes that the access will be limited to that necessary to support the proposed use. Findings 18 through 25 and the conclusion in above Section IV establish the need to locate the facility on forestland outside of the Netarts and Oceanside Community Growth boundaries," (Exhibit B).

Staff finds that Tillamook County Land Use Ordinance Section 3.004(3) (f) states that, "Facilities for sewage disposal, water supply treatment, or other public utilities," are uses Permitted Conditionally (Exhibit I). The Land Use Ordinance is the implementing document for the Comprehensive Plan; therefore, this use and its associated access have been recognized in the Forest (F) zone.

> OAR 660-012-0065 (5) For transportation uses or improvements listed in subsections (3)(d) to (g) and (o) of this rule within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of ORS 215.296: (a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer; (b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and (c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

According to the applicant, "Findings 29 thorough 31 establish that Green Crow's existing 256 Forest Road provides the only reasonable and feasible access to the proposed site. NOSD

initially considered a more direct alternative route from Highway 131, but this required going through existing subdivisions, and then constructing a new road over very steep terrain on forestland. The impact on residential properties in the subdivisions and the cost of road construction on adverse terrain caused NOSD to reject this alternative. Any other alternative that involves construction of new road access from Highway 131 confronts the same constraints because of steep topography and existing development between that highway and the WWTP site. Since the proposed wastewater treatment facility is surrounded by Green Crow's forest ownership, road access must cross their property at some point. Access by way of 256 Forest Road utilizes the most direct existing route, and is preferred by Green Crow as demonstrated by the conditions contained in the Sales Agreement with NOSD referenced in Finding 29. Use of this existing road minimizes impacts on Green Crow's forest operations as any alternative would involve either the construction of a parallel new road at substantial cost and impact on Green Crow's operations, or use of an existing alternative route of substantially greater length. In fact, there are no other existing forest roads that would access the proposed site from the Cape Meares Loop Road, and there is no possible alternative access from other than Highway 131. The conditions of the Sales Agreement help ensure that access by means of 256 Forest Road occurs in a manner that minimizes impacts on Green Crow's forest operations," (Exhibit B).

The existing gravel forest road will need to be improved to the Tillamook County Public Works Department's/Tillamook County Fire Defense Board standards; however, it is already in place and therefore there is likely less impact to the forest practices to upgrade the existing road. Given the infeasibility of an alternate access from Highway 131, as described by the applicant, because of steep slopes and existing development, the existing route to the proposed development is the best option.

A letter from the Tillamook County Public Works Department states that a new Road Approach Permit through its Department will be required at the point of ingress/egress to Cape Meares Loop (Exhibit M). The condition of existing 256 Forest Road, including culvert crossings, will need to be inspected (Exhibit M). As indicated by both the applicant and in the letter from Public Works, a Major Partition would be part of the development process and the standards for this road would be addressed in that process. The Public Works letter outlines the standards involved (Exhibit M).

Conclusion: Staff concludes that this type use and therefore access is recognized by Tillamook County's acknowledged Comprehensive Plan. Staff concludes that the existing forest road is the best route to the proposed development site; however, it will need to be improved to the standards outlines in the letter from the Tillamook County Public Works and those standards outlined in the Tillamook County Fire Defense Board Standards (Exhibit M). Staff concludes an approved Road Approach Permit will be required through the Tillamook County Public Works Department and the standards, as outlined, would need to be met through a Major Partition land use process. Staff concludes the criteria outlined for consistency with OAR 660-012-0065(3)(o) and (5(a-c) have been met.

OAR 660-004-0018(4)(a) states that *"When a local government takes an exception under the Reasons' section of ORS 197.732(1) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to those that are justified in the exception;"*

Findings: The intent of the proposed Exception is to obtain the necessary approval to site a wastewater treatment plant and its associated structures on a portion of the subject property. A Zone Change was not requested in the applicant's submittal.

Conclusions: Staff concludes this proposal can minimize impact and limit the activities to continue to support a resource base on this parcel while siting a waste water treatment facility on the subject property. Staff concludes that the zoning for the subject property will remain as Forest (F). Staff concludes that granting this Exception will make available the proposed use on the subject property; however, this does not serve as a catalyst for the remainder to the property to be converted into other zones or uses. This criterion is met.

OAR 660-004-0022 states that "*An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule: (1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:*

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site."

Findings: The applicant indicates, "Findings 8, 10, 14-17 and the response the requirements of 0020(2) demonstrate a need for the proposed use to serve the unincorporated communities of Netarts and Oceanside with a necessary public facility – a new Wastewater Treatment Plant. Findings 5-7, 9. 11-13 identify and discuss Goal 11 (Pubic Facilities) and 14 (Urbanization) considerations. The special features or qualities of the proposed use that necessitate its location on the proposed site are described in Findings 18 through 25 and the response to 0020(2) factors (a) and (b)," (Exhibit B).

Staff finds that the applicant has submitted the necessary information and justification for an Exception to Goal 4 allowing a use, Wastewater Treatment Plant and its associated facilities, that would otherwise not be allowed in this zone to be considered in the Forest Zone. The applicant has demonstrated, via its approved "Wastewater System Facilities Plan" from DEQ and its Mutual Agreement Order with DEQ to improve the NOSD's wastewater treatment facilities that there is a need for this requested use and that the proposed location, after analysis of other options and properties, is the most suitable location for this proposed public utility facility.

Conclusion: Staff concludes the applicant has provide necessary information and justification to satisfy the state requirements for an Exception to Goal 4 Forestlands.

IV. **RECOMMENDATION:** Based on the findings of fact and other relevant information contained within this report, Staff recommends **APPROVAL** of the Reasons Exception for CU-08-10 subject to the following Condition:

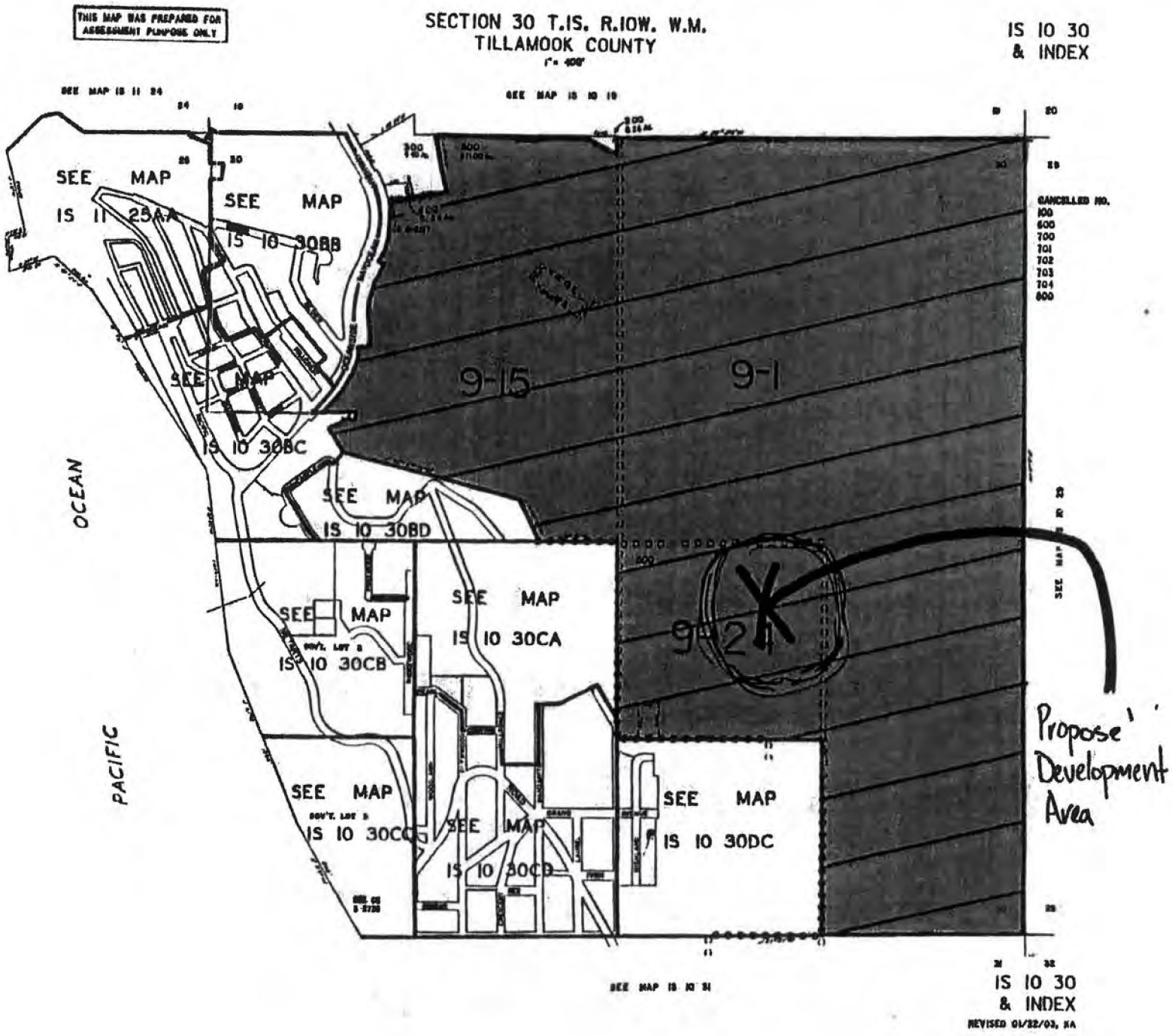
(a) This Exception is limited to the use proposed in this request for the identified/designated portion of land on the subject property (1S-10-30-TL500): for a waste water treatment plant and associated structures (Exhibits B).
(b) Any changes to the types or intensities of these uses shall require a new Reasons Exception.
(c) All other necessary Federal, State, and Local permits shall be required to develop the subject property for the use requested.
(d) This Exception is not justification for future Exceptions and/or Zone Change requests for the subject property or adjacent properties. If approved, this Exception shall not be a catalyst for residential development on this land.

VI EXHIBITS:

A. Vicinity, Tax Assessor's Map, Zoning and GIS photos
B. Applicant's Submittal and Site Plan
C. Tillamook County Assessor's Real Property Assessment Report
D. Letter from the Oregon Department of Fish & Wildlife
E. Oregon Department of Geology and Mineral Industries Map
F. Oregon Administrative Rule, Goal 2 Exception Process
G. Oregon Administrative Rule, Goal 4 Forest Lands
H. Tillamook County Comprehensive Plan, Goal 4
I. Tillamook County Land Use Ordinance Section 3.004: Forest (F) Zone
J. Productivity Classification and NRCS Soils Maps
K. Oregon Administrative Rule, Goal 12 Transportation Planning
L. Tillamook County Comprehensive Plan, Goal 11
M. Letter from the Tillamook County Public Works Department
N. DRAFT: Planning Commission Meeting Minutes from 12/11/2008
O. DRAFT: Planning Commission Meeting Minutes from 1/8/2009


Neahkahnie
Manzanita
Nehalem
Mohler
Wheeler
Rockaway Beach
Barview-Watseco-Twin Rocks
Garibaldi
Bay City
Idaville
Subject Property
Oceanside
Netarts
Tillamook
Siskeyville
Tillamook County
Beaver
Hebo
Pacific City
Cloverdale
Neskowin

Exhibit A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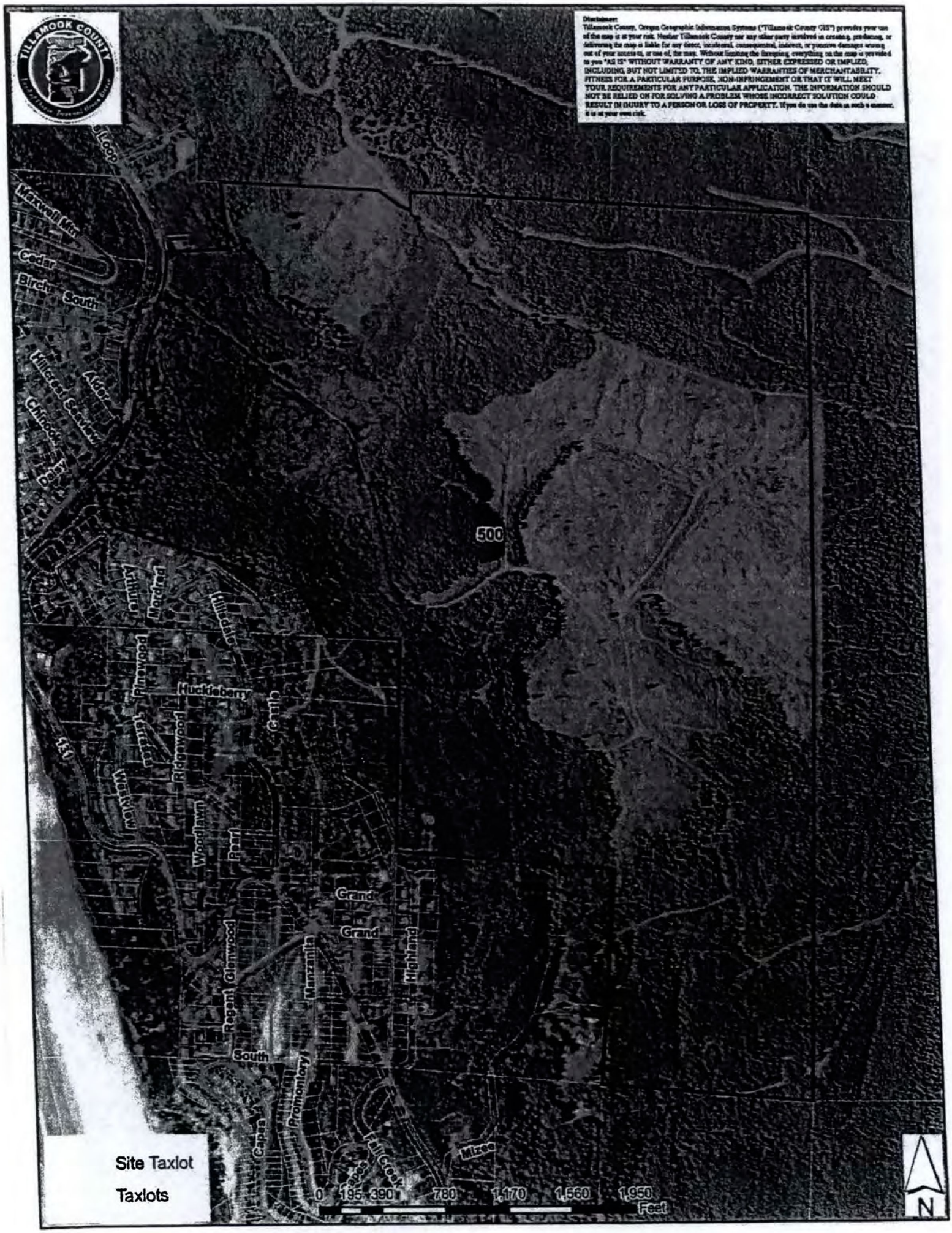
TILLAMOOK COUNTY
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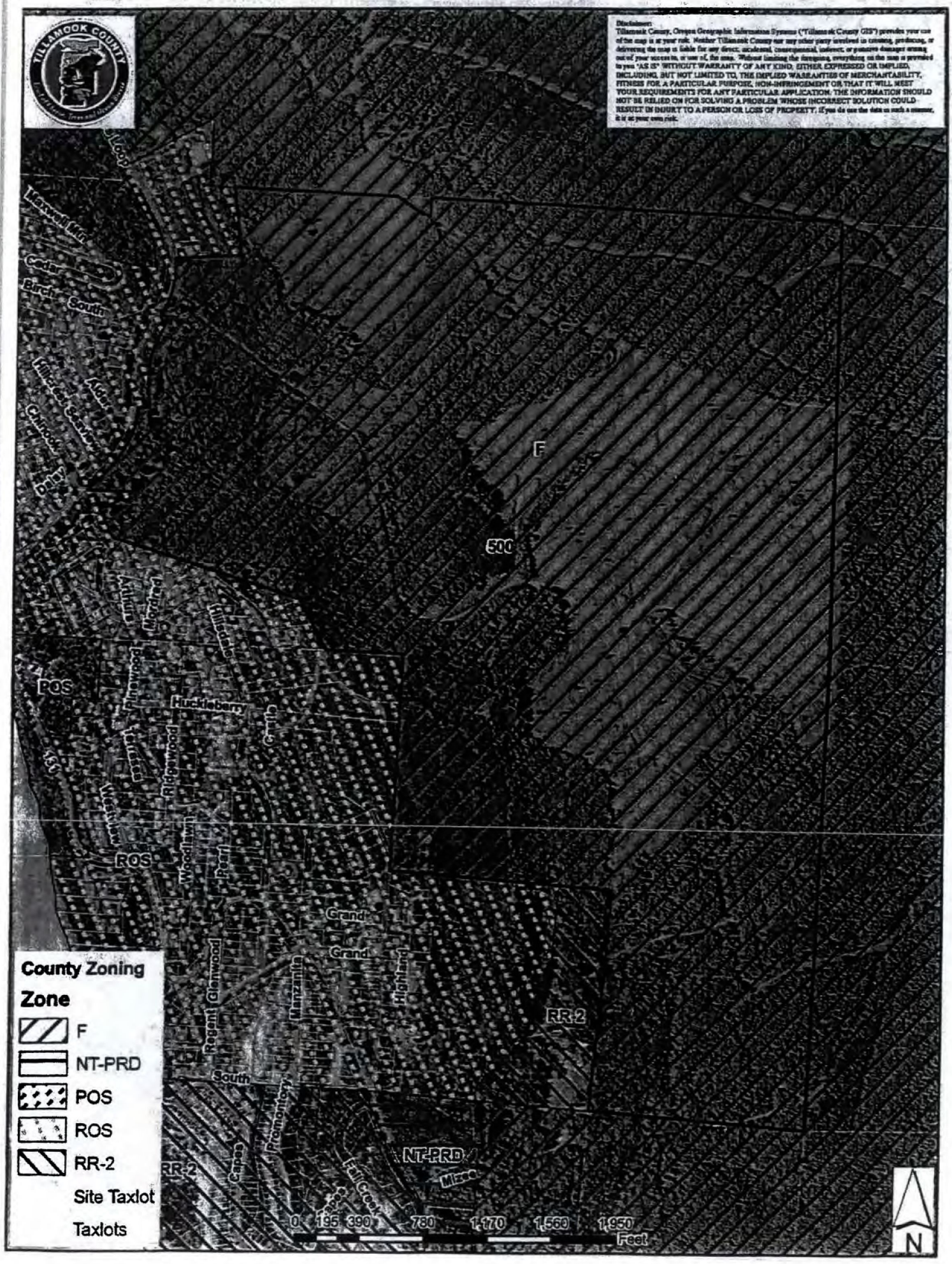
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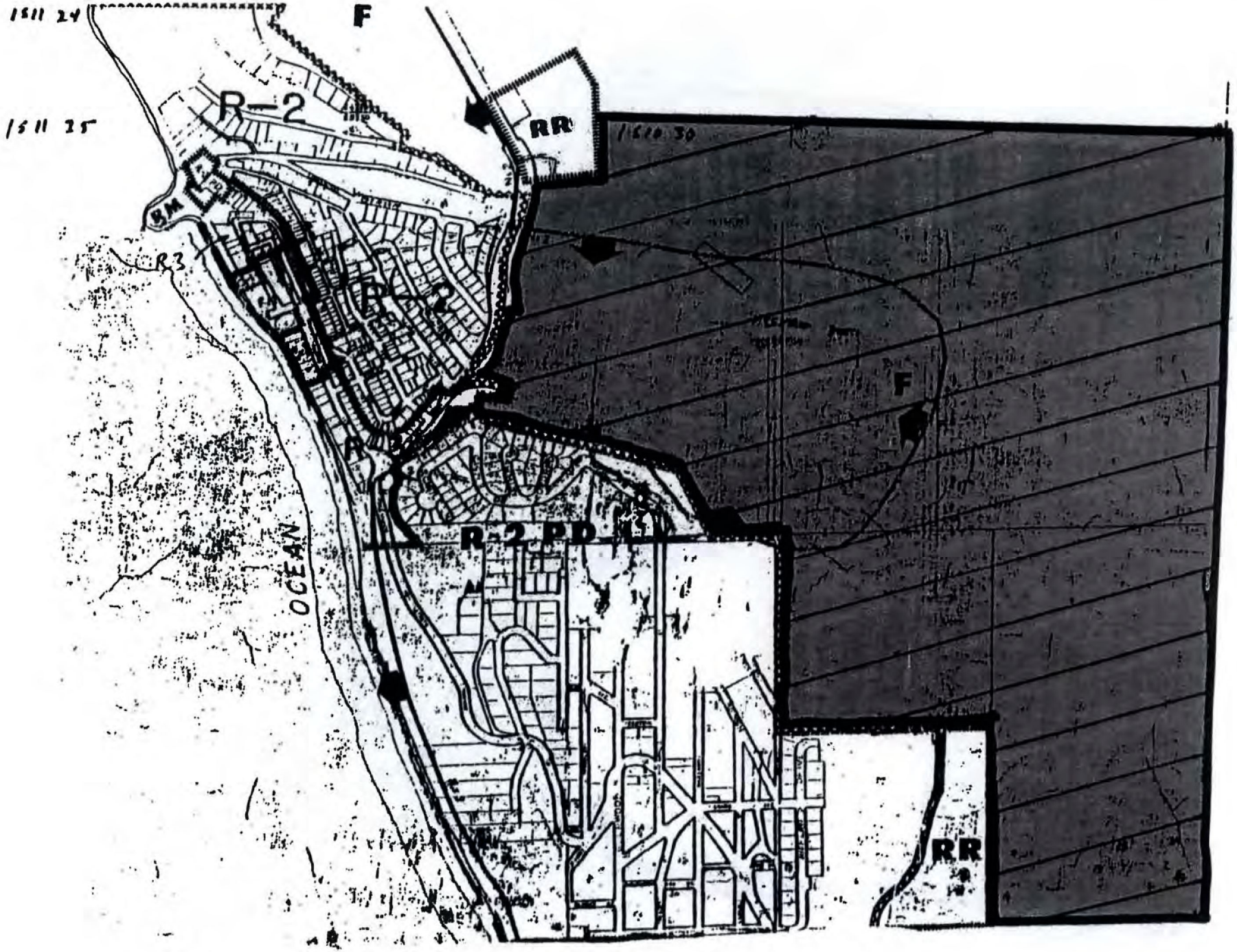
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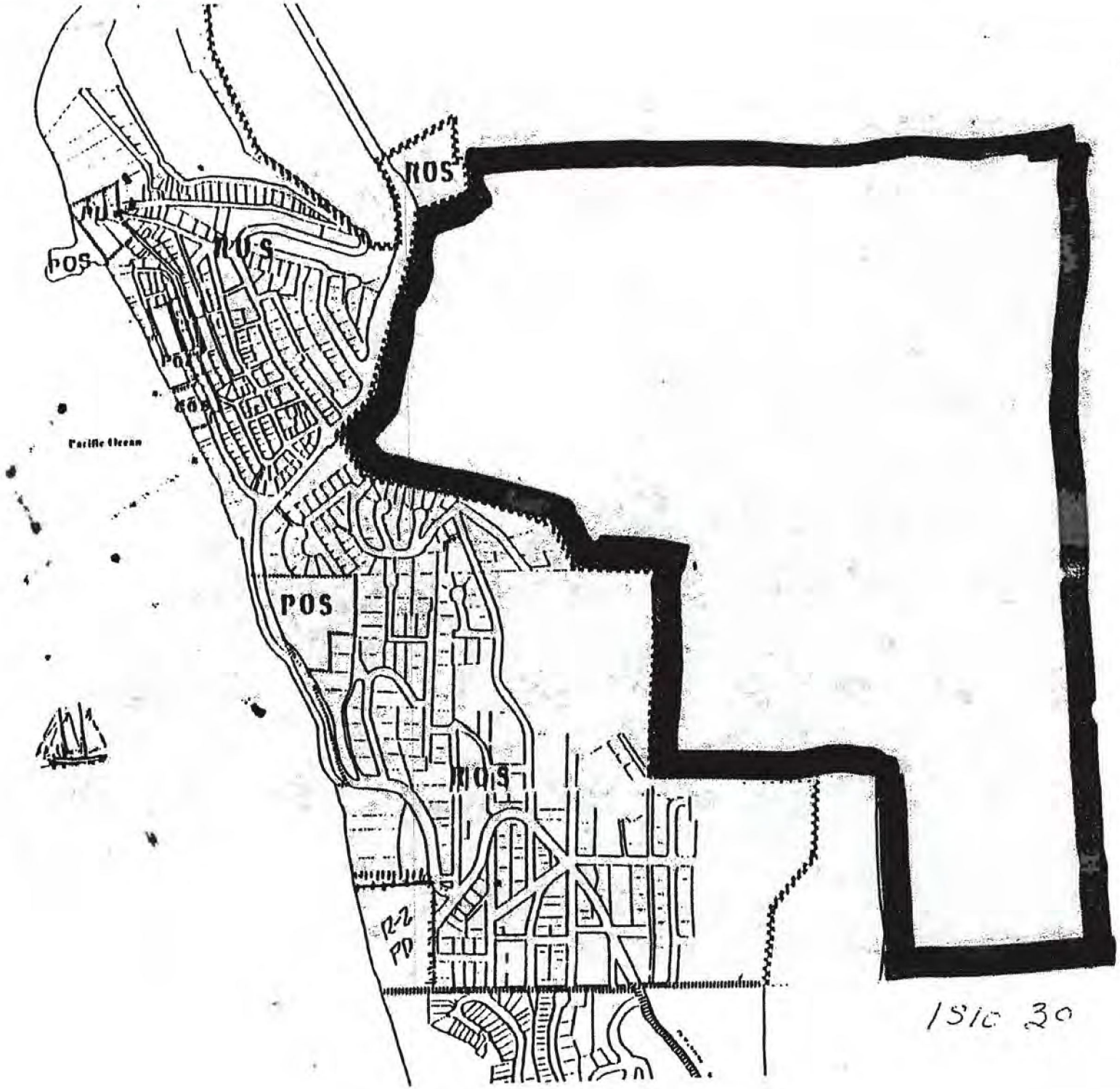
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DEPARTMENT OF COMMUNITY DEVELOPMENT

Application Number			
	[ ] Admin Review	[ ] LUC Review	[ ] Variance
	[X] Conditional Use	[ ] Major Partition	[ ] Zone Amendment
	[ ] Exception	[X] Ordinance Amend	[ ] Zone Change
	[ ] Extension	[ ] Sub - Pre Lim	[ ] Non Conform Major Rev
CU-08-10	[ ] GHZ Report	[ ] Sub - Final Plat	[ ] Non Conform Minor Rev

REQUEST (Describe request) Statewide planning Goal 4 Exception and Conditional use permit for wastewater treatment plant

APPLICANT:

Name Netarts Oceanside Sanitary District Phone (503) 842-8231

Address 5390 Netarts Hwy City Tillamook State OR Zip 97141

LEGALLY RECORDED OWNER:

Name Great Crow Management Services, LLC Phone 360 963-9921

Address PO BOX 2459 City Port Angeles State WA Zip 98632

1. LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Township 1 S Range 10 W Section 30 Tax Lot 500

Subdivision _____ Lot _____ Block _____

2. ZONING F (Forest)

3. IS THE PROPERTY DEED RESTRICTED TO PROHIBIT THE USE AS PROPOSED IN THIS APPLICATION? [ ] Yes [X] No

4. I HEREBY APPLY FOR THE ABOVE REQUEST.
I agree to abide by the requirements of the Tillamook County Comprehensive Plan, Tillamook County Land Use Ordinance, Tillamook County Land Division Ordinance as they apply to this request.

Property Owner's Signature [signature] Date 6/4/08

CHARLES C. ADAMS
AREA MGR

5. I AUTHORIZE THIS REQUEST BY THE APPLICANT.

APPLICANT'S SIGNATURE [signature] Date 6-4-2008

********** FOR OFFICE USE ONLY **********

Date 6/4/08 Received JMP Fee Paid 3203.00 Receipt # 9494

G:\ADMIN\FORMS\PLANFORM\PLANNAPP

08-2027 ZC w/applic + CU

Exhibit B

May 30, 2008

Lisa Phipps, Planning Manager
Butch Parker, Director
Tillamook County Department of Community Development
201 Laurel Avenue
Tillamook, Oregon 97141

RE: NOSD Goal Exception and Conditional Use Application

Dear Lisa and Butch,

The enclosed NOSD land use application for goal exception and conditional use approval for a new Wastewater Treatment Plant addresses the applicable issues in the following format that has been used in past staff reports.

I. Nature and Location of the Request.
II. Applicable State Law and County Ordinance Provisions.
III. Findings of Fact.
IV. Conclusions (Statement of reasons) Justifying Goal 4 Exception.
V. Conclusions Addressing Goal 12 (Transportation) requirements.
VI. Conclusions Addressing Conditional Use Permit Requirements.

The six attached exhibits contain site maps and documents that discuss alternative site locations—the latter because consideration of alternatives is a key part of a goal exception. I have not included other cited material in the exhibits to save paper and avoid unnecessarily burdening of staff and the others who must review this application (Planning Commission and Board of Commissioners). The other cited documents are available in NOSD's office—copies of which can be provided to your office if necessary.

NOSD can provide additional copies of the submitted materials as needed by your office, including those required for submittal to the Planning Commission members and the Board of Commissioners. Please let them know what your needs are once you have completed your review for completeness.

I am available to answer any questions on this relatively complex application.

Sincerely,

Vic Affolter
Land Use consultant

Cc: NOSD

NETARTS-OCEANSIDE SANITARY DISTRICT
5390 NETARTS HWY NW
TILLAMOOK, OR 97141
PHONE: (503) 842-8231
FAX: (503) 842-3759
TTY Relay Service: (800) 877-8973

May 30, 2008

Lisa Phipps, Planning Manager
Butch Parker, Director
Tillamook County Department of Community Development
201 Laurel Avenue
Tillamook, Oregon 97141

Re: NOSD Land Use Application for a New WWTP Site

Dear Lisa and Butch,

Enclosed you will find our application for a goal exception and conditional use permit for our new Wastewater Treatment Plant site. Vic Affolter, our land use consultant, has compiled all submitted information with NOSD Board support and the assistance of NOSD staff and our engineer John Yarnall. We anticipate that the detail provided in this application should facilitate your review. Please let us know if you find this application to be in any way incomplete, so that we can address that as soon as possible.

We look forward to being able to move forward with the construction of our needed new facility.

Sincerely,

Bruce J. Lovelin

Bruce J. Lovelin, Chairperson
NOSD Board of Directors

"NOSD is an Equal Opportunity Employer. Discrimination is prohibited by Federal Law." Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, DC 20250

Prepared by Vic Affolter
May 30, 2008

Netarts Oceanside Sanitary District
Goal 4 Exception and Conditional Use Request

I. NATURE AND LOCATION OF REQUEST:

The Netarts Oceanside Sanitary District (NOSD) is requesting a Statewide Planning Goal 4 (Forest Lands) Exception and Conditional Use Permit (CUP) approval for the construction of a new Wastewater Treatment Plant (WWTP) and associated facilities on a 9.76-acre site located approximately 3,500 feet east of the existing WWTP in Oceanside. The proposed site is currently part of a larger forest parcel owned by Green Crow Management Services, LLC. The proposed site is zoned Forest (F) and is located approximately 1,000 feet outside and east of Oceanside's Community Growth Boundary (CGB). The goal exception includes the pipeline easement, connecting the new WWTP site with the pump station at the old site, across about 1,000 feet of Green Crow's forest property. The Tillamook County Assessor designates the property as Tax Lot 500 in Section 30 of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (1S10 30-500).

II. APPLICABLE STATE LAW AND COUNTY ORDINANCE PROVISIONS:

Statewide Planning Goal 4 (OAR 660, Division 6) that regulates uses on forestland does not provide for wastewater treatment facilities; consequently the requested use requires an "exception" to that goal. Statewide Planning Goal 2, Part II and ORS 197.732 provide for three types of exceptions: a "physically developed" exception, an "irrevocable committed" exception, or a "reasons" exception. This request does not qualify for either of the first two types of exceptions; therefore a "reasons" exception is required. The standards for such an exception are contained in OAR 660-004-0020(2) and OAR 660-004-0022, and are enumerated in Section IV of this application. Public access to a wastewater treatment facility on forestland requires findings that demonstrate compliance with Statewide Planning Goal 12 (Transportation) requirements..

The following sections of OAR 660, Division 4 describe important aspects of the exceptions process:

- OAR 660-004-0000(2) states that "*An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception....must support a conclusion that the standards for an exception have been met. The conclusion shall be based upon findings of fact supported by substantial evidence in the local proceedings and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for.*"

- OAR 660-004-0000(3) states that *"The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals."*
- *OAR 660-004-0005(1)(a) states that "An exception is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability."*
- OAR 660-004-0018(1) states that *"Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception."*

OAR-012-0000 is the administrative rule that implements Oregon Land Use Planning Goal 12 (Transportation). OAR-012-0065 identifies transportation improvements on rural lands that may be permitted consistent with Goal 4 without a goal exception. Road access to a wastewater treatment facility is not listed in this rule. Consequently the proposed use must comply with the rule's Sections (3)(o) and (5)(a)-(c) to avoid a Goal 12 exception. These requirements are enumerated and addressed in Section V of this report.

Tillamook County Comprehensive Plan's Goal 11 (Public Facilities) identifies the NOSD's WWTP as one of 11 sewage treatment facilities in the county. Section 3.004(3)(f) of the Tillamook County's Land Use Ordinance lists "facilities for sewage disposal" as a conditional use in the county's Forest (F) Zone. The requirements for conditional use approval are contained in Section 3.004(4) and the standards are contained in Section 3.004(5). These requirements and standards are enumerated and addressed in Section VI of this report.

The Findings of Fact in the following Section III establish that all applicable land use requirements are satisfied. These findings describe the evolution of sewer service in Netarts and Oceanside, the need for a new sewage treatment facility, the alternatives considered, and the reasons for selecting the preferred site. These findings are drawn from Netart's and Oceanside's Community Plans, Tillamook County Comprehensive Plan and Land Use Ordinance, Oregon Administrative Rules and applicable documents in NOSD's office.

III. FINDINGS OF FACT

1) The Netarts Oceanside Sanitary District (NOSD) is planning the construction of a new Wastewater Treatment Plant (WWTP) to increase the overall performance, capacity and reliability of its sewage collection and treatment system. The proposed new 9.76-acre site is located on Forest-zoned land approximately 1,000 feet outside and east of Oceanside's Community Growth Boundary (CGB), and about 3,500 feet east of NOSD's existing WWTP. The proposed site is currently part of a larger forest parcel (1S1030-500) owned by Green Crow Management Services, LLC. The location is shown on the attached Exhibit A and B site maps.

2) Tillamook County Comprehensive Plan's Goal 4 (Forest Lands) policy 4.1 states that "All non forest uses proposed for the Forest zone will be reviewed by the County Planning Commission to assure that they are compatible with farm and forest uses on adjacent and nearby land, and to assure that these uses meet all other criteria and standards described in the zoning ordinance." Tillamook County's Forest Zone requires Conditional Use Permit approval for "facilities for sewage disposal." The creation of the 9.76-acre parcel will also require Major Partition approval because of the need to acquire an easement that accesses a public road.

3) The location of the WWTP on forestland outside a CGB also requires an exception to Statewide Planning Goal 4 (Forest Lands) and findings that demonstrate compliance with Goal 12 (Transportation). The Goal 4 exception, Goal 12 requirements and conditional use permit requirements are described and addressed in Section IV, V and VI of this submittal based upon the following findings of fact.

4) The new WWTP site will contain the NOSD's treatment process units, business and administration offices, a room for NOSD-related public meetings, shop buildings, equipment storage, and sufficient parking to accommodate these and related uses on site. (See Exhibit C for conceptual site plan.)

5) NOSD provides sewer service for the adjacent unincorporated communities of Netarts and Oceanside, which are located approximately seven to nine miles west of the City of Tillamook. The current WWTP site consists of approximately 5 acres (Tax Lot 1S1030CB-4300), and is located within the Oceanside Community Growth Boundary, on the east side on the Netarts-Oceanside Highway (Hwy 131), south of its junction with the Cape Meares Loop Road..

6) Tillamook County Comprehensive Plan's Goal 14 (Urbanization) policy 3.2(B) states that the county will plan for unincorporated communities in accordance with Statewide Planning Goals 14 (Urbanization) and the Unincorporated Communities Rule (OAR 660, Division 22). Tillamook County accordingly adopted a community plan for Oceanside on May 28, 1997 and for Netarts on October 8, 1999. These plans designate each community as an "Urban Unincorporated Community" (UUC) as per OAR-022-0010(9). Service by a community sewer system is a primary defining characteristic of UUC's. Netarts and Oceanside have abutting Community Growth Boundaries (CGB's). They are bordered on the west by the Pacific Ocean and Netarts Bay and to the east by Forest-zoned resource land.

7) The Netarts and Oceanside Community Plans describe early settlement, beginning in the 1860's in Netarts and in the early 1900's in Oceanside. Both evolved as primarily recreational or resort communities with small platted lots initially intended for small cabins and tent sites. Prior to 1977, the area was served by individual septic tanks and drainfields. Problems with sewage disposal

became apparent as small lots developed with more substantial residences, particularly on the steeper slopes that characterize Oceanside, with sewage finding its way into water draining across the adjacent beach. Similar problems arose in portions of Netarts where early development was clustered close to the shoreline of Netarts Bay. Both communities contained developed lots as small as or smaller than 3,000 square feet that aren't suited for on-site sewage disposal.

8) NOSD was formed and sewer system facilities were constructed in 1977 in response to growing sewage disposal problems. These facilities included a conventional gravity wastewater collection system, several pump stations, the wastewater treatment plant (WWTP) and an ocean outfall. The existing WWTP operates largely as originally designed and constructed. Over the years, relatively minor modifications have been made, but no major upgrades were completed. The WWTP, now nearly 30 years old, is at the end of its useful life.

9) Tillamook County Comprehensive Plan's Goal 11 (Public Facilities) identifies the NOSD's WWTP as one of 11 sewage treatment facilities in the county. (A12th in Hebo was added after the plan was adopted in 1982.) Eight of these systems serve unincorporated communities. The County's Goal 11 component contains a section on NOSD that hasn't been updated since the plan was adopted in June of 1982; hence the information contained therein is primarily of historic interest. There were 100 connections at the time this information was recorded (circa 1980). This section concludes by saying "The District estimates that the plant will satisfy needs until 1990 when some increase in capacity will be needed."

10) NOSD received approval of a "Wastewater System Facilities Plan" from DEQ in August 2003, and formally adopted the plan in October 2003. (The final draft is dated September 2003). This document, prepared by Westech Engineering, provides recommendations and a master plan for sanitary sewerage collection, treatment and disposal within the District. The "Executive Summary" finds that "Since the construction of the original system, sanitary sewerage improvements were constructed as they were needed without analyzing overall system needs and impacts. Although this approach has alleviated isolated problems, it has not addressed some of the long-term issues that must be faced in the future." The study's purpose was "to evaluate the District's sanitary sewerage system with respect to its existing needs, and provide the District with a guide for future growth of the District's sanitary sewerage system." (1.2) **(NOTE: all numerical references are to sections of the cited document.)**

11) The 2003 NOSD "Wastewater System Facilities Plan" assumes that "the areas within the CGB (Netarts and Oceanside Community Growth boundaries) but outside the current District Service boundary will be annexed into the District within the planning period, but that there will be no other significant changes to the CGB or zoning during the planning period." (1.3)

12) The "Facilities Plan" further assumed that there will be no expansion of the NOSD service boundaries beyond the CGB. (1.3) This is consistent with Oregon Administrative Rules (OAR 660-011-0060) and Tillamook County Comprehensive Plan Goal 11 (Public Facilities and Services) Policy 3.5 which states that "Tillamook County is opposed to the extension of sewer service outside of urban or community growth boundaries unless there is a significant health and water quality problem and alternatives to central sewer...(are) infeasible...."

13) Oregon Administrative Rules (OAR 660-011-0060) permit the components of a sewer system that serve lands inside a growth boundary to be located outside that boundary as will be the case with NOSD's new WWTP.

14) The "Facilities Plan" finds that "The service population within the District is more variable that most municipalities...due to the seasonal nature of many system users." The Facilities Plan's future connection projections are "based on past growth history and developable land within the service boundaries." The growth in number of connections within the district over the past 20 years has been steadily increasing with some annual variations (1.3).

15) The 2003 "Facilities Plan" projected an average annual growth rate of 1.62% during the 20-year planning period, approximating the prior average annual growth of the District since 1981 (3.3). The 1,227 total connections in 2005 were very close to the 1,220 connections projected by this rate of growth. The 2006-07 growth spurt in the Netarts and Oceanside communities resulted in 151 new connections in these communities during those two years—an annual growth rate of 6.2%. As a consequence, the 1,378 actual connections at the end of 2007 exceeded the 1,260 projected connections by 118, and are 45 more than the 1,323 connections projected for 2010. While current economic conditions, particularly in the housing market, has resulted in a slowing of growth, long-term prospects are for continuing growth and increasing demand on NOSD['s facility.

16) The existing WWTP's capacity is governed by hydraulic and organic loading. The 2003 "Facilities Plan" projects that "the WWTP will likely exceed its hydraulic capacity within the next 5 to 7 years...(and that) the existing plant is already operating beyond its design organic capacity during peak summer months." (8.2.1) The "Facilities Plan" finds that "Once one or the other of these capacities has been reached, NPDES permit violations can be anticipated." (8.2) The Plan's "Capacity Summary" concludes: "Therefore, the existing WWTP needs to be upgraded or reconstructed, either in the present location or at a a new location, as early in the planning period as financing can be secured." (8.2.3)

17) The District entered into a Mutual Agreement and Order (MAO) with the Oregon Department of Environmental Quality (DEQ) on January 30, 2006 acknowledging "The wastewater treatment facility (WWTF) is reaching its service life expectancy and is in need of repair or replacement to ensure the

safety and reliability of the treatment units." The MAO recognizes that the WWTF, along with other system components, will continue to cause violation of NOSD's National Pollutant Discharge Elimination System Permit and applicable Oregon Revised Statutes and Administrative Rules until the District either upgrades its existing facility, or constructs a new treatment plant at its existing location or at a new location. The MAO identifies those portions of the wastewater facility that must be improved and provides time frames for improvements of each of the major components.

18) Section 8 of the "Facilities Plan" develops and evaluates alternatives for the treatment and disposal portion of the wastewater system, including location of the WWTP, liquid steam treatment processes, effluent disinfection & disposal, and biosolids treatment/disposal alternatives. These alternatives "are evaluated and screened using criteria such as location and land use restrictions, land requirements (size), regulatory restrictions, reliability and operational flexibility, ability to keep the existing WWTP in service during construction, construction and long-term O & M costs, environmental impacts and aesthetics (including odor)." (8.1) The alternatives include no action, regional treatment, expansion or reconstruction of the existing wastewater treatment plant (WWTP) at the existing location, or construction of a new WWTP at a new site.

19) The Facilities Plan finds that the **No Action** alternative "is not considered feasible for the planning period considering the status and age of the current treatment facility, and the projected increases in flows and loading." The Plan finds that "If the existing system deficiencies are not addressed, the plant will eventually reach a point where it is no longer possible to meet the discharge permit requirements, and violations will occur, with attendant risks to residents and the environment" (8.3.1) The insufficiency of the No Action alternative is further described in above findings 15-17.

20) The only conceptually feasible **Regional Treatment** alternative involves treatment at the City of Tillamook's plant. This alternative was found to be economically infeasible because of the cost of the new pump stations and force main required to convey wastewater from the NOSD to the City of Tillamook. ("Facilites Plan": 8.3.2) The City of Tillamook plant is approximately nine road miles from the current WWTP in Oceanside. A more direct west to east route would require transecting steep mountainous terrain for several miles and crossing the Trask and Tillamook Rivers.

21) **Upgrade of the Existing WWTP at the Present Location** is an alternative that presents a number of practical difficulties as described in Section 8.3.3 of the Facilities Plan. A conceptual comparison of the advantages and disadvantages is presented in Table 8-1a on page 8-21. The long list of disadvantages substantially exceeds the comparatively short list of advantages. The disadvantages include insufficient property for current operations and future expansion; odor concerns, given the proximity to residential development; site

instability due to excessive groundwater, sand migration and associated sinkholes; and problems with maintaining current operations during an upgrade process. The advantages and disadvantages of a new WWTP at a new location are described in Table 8-1b on page 8-22, with the advantages substantially exceeding the disadvantages. Tables 8-1a and 8-1b are contained in Exhibit D.

22) A "Present Worth Analysis" performed by Westech Engineering, dated March 2004, explores the alternatives of upgrading the existing facility at its present location or constructing a new facility at a new site. This analysis affirms that construction of a new WWTP at a new site is the best long-term solution for the District from a monetary perspective, with other factors favoring a new site as well. Substantially lower O & M costs at a new site would more than compensate for higher construction costs, with a savings of about $1 million. (4.2) This conclusion is supported by a March 15, 2004 letter from David S. Mann, P.E., Senior Environmental Engineer with the Oregon Department of Environmental Quality's Northwest Region. He finds, with respect to the "Present Worth Analysis," that "There are no unreasonable elements or major errors in Westech's cost estimates or analysis." The NOSD's Board of Directors made a decision in December 2005 to construct a new WWTP at a new site rather than to upgrade the existing facility at its present location.

23) **Alternative WWTP Locations** are identified and evaluated in Section 8.4.1 of the "Facilities Plan" (See attached Exhibit A and E for numbered locations and evaluations.) Preliminary evaluation of location options considered "access, zoning, geologic stability and constructability, pump station & force main requirements, outfall requirements, and impacts to adjacent properties." The initial focus was on locations within the community growth boundaries of Netarts and Oceanside, with Oceanside having the advantage of permitting sewage treatment plants as a conditional use and being near the current ocean outfall. Six of the seven sites initially considered were within the growth boundaries of the two communities, with four of these within the Oceanside CGB. Five of the sites were found to be unsuitable in the initial evaluation, including both sites in the Netarts CGB and three of the four sites within the Oceanside CGB. The reasons are described in Section 8 of the Facilities Plan (Exhibit E). Steep topography, geologic instability and distance from the existing ocean outfall were primary disqualifying factors. Two potential locations remained in play in the Facilities Plan's evaluation. These were Option 2 inside the Oceanside CGB and Option 3 outside the boundary on adjacent forestland. These options were subsequently dismissed for reasons described in a May 21, 2008 letter from John Yarnall, P.E., Vice President of Westech Engineering, to Dan Mello, NOSD superintendent (Exhibit F, pp. 2-3).

24) A "New WWTP Siting Evaluation" by Westech Engineering in December 2004 considered an eighth alternative on NOSD property just south of the existing WWTP at the request of the District Board of Directors. This report noted that the existing WWTP occupies only a relatively small portion of the current five-

acre site. However, the topography is such that "most of the site outside the current WWTP area consists of steep sand slopes that are only marginally stable if disturbed by construction activities. Furthermore there are existing homesites located at the top of the sand slopes overlooking the WWTP." (2.2) Westech concluded that "the cost of this alternative is significantly greater than the cost for constructing a new treatment plant at a new site, and the risk of ongoing stability problems is also significantly higher. The alternative of constructing an SBR on the existing site is therefore not recommended." (3.3)

25) **The Proposed (Preferred) Alternative** site is located as described in Finding #1. A "New Wastewater Treatment Plant Site Suitability Analysis," dated January 2007, contains Westech Engineering's explanation of what led to this decision and the merits of this preferred site. This location was selected because its size, location, relatively flat topography, geological stability, and lack of other physical impediments made it uniquely suited for the requirements of the proposed new facility. The reasons for this decision are reiterated in John Yarnall's previously cited May 21, 2008 letter (Exhibit F).

26) The January 2007 Site Suitability Analysis states that the Main Pump Station will be located on the site of the existing WWTP, with this station conveying all wastewater from the entire district to the new WWTP in an underground high density polyethylene pipeline. Treated wastewater from the new WWTP will flow by gravity through a parallel pipeline back to the Main Pump Station, where the pipeline will connect to the new ocean outfall scheduled for construction this year. (3.1) An elevation exceeding 300 feet above the current site permits gravity flow to the new pump station at that site. This location also permits use of the current outfall, located due west of the current WWTP as described in Exhibit F, p. 3).

27) Pipeline easements will be necessary for the raw wastewater pipeline from the main pump station at the current WWTP site to the new WWTP site, and for the final effluent line from the new site back to the current site, according to the "Site Suitability Analysis." The pipelines will pass from the current WWTP site beneath the intervening Terrasea First Addition, Ocean Pines and Whisper Ridge subdivisions until it reaches forestland owned by Green Grow. From that point it will continue approximately 1,000 feet across Green Crow's property on a direct alignment until it reaches the new WWTP site. These pipelines will be at least 75 feet below the ground. The "Site Suitability Analysis" concludes: "Because these pipelines are proposed to be constructed using the horizontal directional drilling method, the impact to the existing properties is expected to essentially be non existent." (4.4) The need to secure easements will further ensure that any impacts are minimal and acceptable.

28) Electric Power, telephone and potable water are all addressed in John Yarnall's May 21, 2008 letter (Exhibit F). Electrical power will come from the Tillamook PUD who plans to locate a new substation on Green Crow property adjacent to

the new WWTP site. Potable water is anticipated to come from the Oceanside Water District, with the Capes reservoir located about 1,300 feet southeast of the new WWTP site. Telephone service is expected to follow the same alignment as the powerline.

29) **Road access** will be by way of a 50-foot wide easement on 0.9 miles of Green Crow's existing 256 Forest Road that connects the proposed site to the county maintained Cape Meares Loop Road, 0.4 miles northeast of its junction with Highway 131 in Oceanside. A "Sale Agreement and Receipt for Earnest Money," dated July 2007, prepared by Green Crow states "Seller and buyer shall mutually agree upon location for a new road right-of way to provide public access to Seller's adjacent property and to the property. The right-of-way shall be dedicated by Seller to Tillamook County, Oregon. Upon acceptance by the County, buyer shall construct the road required by Tillamook County to serve the constituents of Buyer. The parties agree that this will be the access point to the Buyer's operational plant for members of the public and Buyer's daily business."(6.1.7.2)

30) NOSD initially considered an alternative route to the new facility, proceeding due east from their current facility on Highway 131. While this route was more direct, it required going though existing subdivisions and then constructing a new road over very steep terrain on forestland to access the proposed new site. The impact on residential properties in the subdivisions and the cost of road construction over steep terrain caused the district to reject this alternative. Any other alternative that involves construction of new road access from Highway 131 confronts the same constraints because of steep topography and development between that road and the proposed WWTP site.

31) Since the proposed WWTP site is surrounded by Green Crow's forest ownership, road access must cross Green Crow's property. Access by way of 256 Forest Road utilizes the most direct existing road, and is preferred by Green Crow as demonstrated by the above-cited sales agreement. Use of this existing road minimizes impacts on Green Crow's forest operation as any alterative would involve the construction of a parallel new road at substantial cost to NOSD and impact on Green Crow's operations. There are no other existing roads that access the proposed site from Cape Meares Loop Road or from Highway 131. The conditions of the sales agreement help ensure that access by means of 256 Forest Road will occur in a manner that minimizes impacts of Green Crow's forest operations.

32) NOSD is responsible for making any improvements in 256 Forest Road that are required to meet Tillamook County's Major Partition requirements. Their interest is in limiting those improvements to what are required to support their particular land use, consistent with the county's major partition requirements. This is in accord with Green Crow's interest, as expressed by the sales agreement.

33) NOSD-related use of the 256 Forest Road access will be limited to what is required for plant operations, employee access, and public access for business transactions and attendance at NOSD Board meetings. Tami Walker, NOSD Office Manager, estimates that public access for business averages about 50 persons per month, or between two and three per work day. Attendance at monthly NOSD Board meetings averages around 10 per month. Meetings that may generate larger attendance are scheduled for places in the community that can accommodate more people, such as the Netarts Community Building or Fire Hall.

34) The U.S. Geological Survey's Hazard Map for the area does not identify any geological hazards on or near the proposed site. A "Preliminary Geotechnical Investigation" dated January 12, 2007, performed by Foundation Engineering, Inc., is included with the above-referenced Site Suitability Analysis that was submitted to the DEQ later that month on behalf of the NOSD. This report states: "Based upon the findings of our preliminary work, we have concluded there are no subsurface conditions that would preclude the construction of the proposed development." The report provides detail on surface and subsurface conditions at the site, and describes additional testing needed to determine how the structure should be built—not whether it can be built.

35) A supplemental "Potential Blasting Impact Memo," dated April 30, 2007, was provided by Foundation Engineering to address concerns about how future quarry blasting by Green Crow Management Services on their forest property in the vicinity (0.4+ miles) of the proposed site might impact the WWTP. This report (p. 4) concludes: "Based on our previous field exploration, recent field reconnaissance of the local terrain and a review of typical vibration criteria for blasting, we have concluded that the anticipated blasting is unlikely to cause any significant structural or cosmetic damage to the future WWTP facility." This conclusion is based upon an analysis of the WWTP site's distance from the quarry site, elevation differential (200+ feet), and intervening ridges and ravines.

36) The above-referenced July 2007 "Sales Agreement" states that "Buyer shall provide a geotechnical report (the "Geotechnical Report") pertaining to the Property for Seller's review and approval, to ensure the Project will not impair Seller's ability to conduct mining and aggregate activities on Seller's adjacent property." This agreement is written to ensure that NOSD's operation of the new WWTP and related activities do not interfere with Green Crow's management of their surrounding forest property.

37) The 370 to 420 foot elevation of the proposed site ensures that it is above both the FEMA 100-year Flood Plain and the Oregon Tsunami Inundation Zone. This is confirmed by an examination of County FIRM maps and those depicting tsunami inundation areas.

38) The proposed site was logged during 2005 and replanted in 2006. SWCA Environmental Consultants provided an "Environmental Report" for the proposed site, dated September 14, 2007, that concludes (p. 2): "No wetlands were identified on the project site....The project was determined to have "no effect" on the federally listed and endangered species that could potentially occur on the project site....No cultural resources, archeological deposits, or historic resources were identified on the site." The report (p. 15) identifies an active bald eagle nest approximately 0.5 miles south of the proposed treatment facility—noting that "The nest is located in a draw and, according to David Nuzum (Tillamook ODFW), the topography of the area should shield the nest from potential line of sight impacts." The report concludes: "The proposed facility should not significantly impact the bald eagle nest in the Fall Creek area."

39) There are no streams transecting the proposed site that require riparian setbacks.

40) There is no evidence of solar energy systems, wind energy systems or windmills within an area that would be affected by the proposed use.

41) This application does not include an exception to Statewide Planning Goal 3 (Agricultural Lands) because the subject property has no potential for agricultural use, primarily because of steep mountainous terrain where slopes exceeds 20 percent in most locations and are greater than 40 percent in many areas. For this reason the entire Green Crow ownership is not included in the areas mapped for agricultural suitability in the U.S. Department of Agriculture's 1964 "Soil Survey of the Tillamook Area." An extrapolation from areas that are mapped suggests the soils are of the *Astoria-Hembre Association* described on page 4 of the "Soil Survey" in the following manner. "Most of this soil association has steep to very steep slopes and is mountainous. Although slopes are smooth and ridge tops are rounded, steep mountainous relief dominates in the association." The proposed WWTP site is one of the very few relatively flat areas within an extensive area of the mountainous terrain that characterizes the Cape Meares Headland. But an isolated area of less than 10 acres exposed to frequent coastal winds is ***not*** suited for agriculture. The nearest land managed for agricultural use is more than two miles away to the south on relatively flat terrain.

42) The NOSD made a substantial effort to inform affected citizens about this land use application and respond to questions before submission to the Tillamook County Department of Community Development and the subsequent scheduling of public hearings before the County Planning Commission and Board of Commissioners. Bruce Lovelin, NOSD Board Chair, and Vic Affolter, NOSD land use consultant made presentations on the application to the Oceanside Neighborhood Association (ONA) on April 5, 2008 and the Netarts C-PAC on April 12, 2008. These meetings were each attended by 30-35 persons. An article advertising these meeting appeared in the March 26 *Headlight-Herald*, and a

draft of the application was posted on ONA's website on April 12, 2008. The application was also an advertised agenda item for public discussion at the NOSD's April 17 board meeting. Those attending these meetings were encouraged to convey and subsequent questions or comments to the NOSD office. None have been received as of this date (May 29, 2008).

IV. CONCLUSIONS (STATEMENT OF REASONS) JUSTIFYING GOAL 4 EXCEPTION:

This section establishes that the standards for an exception are met by applying the findings of fact in Section III to the standards for a "reasons" exception enumerated in OAR 660-004-0020(2) and OAR 660-004-0022. (Exception requirements are quoted in *italics* with the response in **bold** print.)

OAR 660-004-0020(2): The four factors required to be addressed when taking a "reasons" exception are identified and addressed as follows:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land..."

RESPONSE to (a):

The above Findings clearly establish the need to locate a new WWTP facility and associated uses on forestland outside the current Oceanside Community Growth Boundary and the need for the pipeline easement that connects the proposed site with the pump station at the current site. Findings 8, 10 and 14 through 17 affirm the need for that new facility, and Findings 26 and 27 establish the need for the pipeline easement across forestland. The current WWTP is more than 30 years old and is at the end of its useful life. NOSD and the Oregon Department of Environmental Quality (DEQ) are in agreement that the wastewater treatment facility is in need of repair or replacement to ensure its safety and reliability. NOSD has entered into a *Mutual Agreement and Order* (MAO) with the State Department of Environmental Quality (DEQ) that acknowledges violations NOSD's *National Pollution Discharge Elimination System Permit* and applicable Oregon Revised Statutes and Administrative Rules, and that the current facility requires repair or replacement. The evaluation of alternatives and the decision to locate at the proposed site are addressed in response to the following factors (b) and (c).

The amount of land (9.76 acres) proposed for the use is required to accommodate the WWTP and related uses described in Finding 4. These uses include the treatment plant process units, administrative offices, space for NOSD-related public

meetings, shop buildings, equipment storage, and sufficient parking to accommodate these and related uses on site. Long range planning also requires room for possible future expansion of the facility.

"(b) Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding".

RESPONSE to (b):

The attached map (Exhibit A) identifies the proposed exception area and the location of the alternative areas considered for the use. NOSD's engineering consultants, Westech Engineering, have evaluated eight possible alternatives that would not require a goal exception, including upgrading the existing facility at its present location and other locations within the Netarts and Oceanside Community Growth Boundaries. They determined that the current site is not viable, and that the proposed site is strongly preferred over the other alternatives for reasons that include useable area, topography, geological stability, lack of adverse impacts on neighboring properties, location with respect to connectivity to the existing pump station and outfall, and ability to keep the existing facility in service during construction. Findings 18 through 25 clearly justify this conclusion.

The consideration of alternative sites initially focused on locations within the Netarts and Oceanside Community Growth Boundaries. None of the six sites considered were suitable for reasons that included steep topography, geologic instability, proximity to existing residential development, distance from the existing pump station and current ocean outfall, and cost of site development (Finding's 23 and 24). This left the NOSD with no alternative other than location on resource land, given that all land that qualifies for consideration outside of the Community Growth Boundaries is forest-zoned land. None of that land is irrevocably committed to non-resource uses (Finding 6).

The provision of public facilities and services to the proposed site are limited to those required for operation. These facilities and services include electric power, telephone and potable water (Finding 28). Public road access is described in Findings 29 through 33, and is justified in the following Section V.

" (c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-

term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;"

RESPONSE TO (c):

The WWTP and associated facilities and uses require a relatively flat area of five to 10 acres that take into account the factors described in Finding 23. These include "access, geologic stability and constructability, pump station and force main requirements, outfall requirements, and impacts to adjacent properties." Only one other site outside of the Netarts and Oceanside Community Growth boundaries qualified for preliminary consideration, given these constraints. That Option 3, identified on the Exhibit 3 site map, was subsequently dismissed for reasons described in a May 21, 2008 letter from John Yarnall, P.E., Vice President of Westech Engineering to Dan Mello, NOSD superintendent (Finding 23). Mr. Yarnall's reasons for dropping this option from consideration was based, in large part, on the following factors described in Exhibit F:

"1. ***The site size is only about 5 acres (as compared to 9.75 acres for the proposed site). The site size would be very constrained and would require a very constricted WWTP site layout with extensive use of wall and essentially no room for future expansion.***

2. ***The site also has about 70 feet of elevation change within the site and very limited level ground. The geologic and geotechnical concerns regarding the design and construction of the WWTP are essentially the same as stated above for Location Option 2 except even more pronounced. The south end of the site is sandwiched between Cape Meares Loop Road and the toe of Maxwell Mountain. Very extensive and costly site work would be required.***

3. ***Surface water drainage issues would have to be addressed during the design and construction of the WWTP. Because of the topography of the site, this could prove to be very challenging.***

4. ***It is believed that a portion of the site is a jurisdictional wetland."***

Mr. Yarnall concludes: ***"Conversely, the proposed site for the new WWTP was selected based upon more mild topography, no wetlands, much better conditions from a geotechnical standpoint and sufficient land size and shape to accommodate the proposed new WWTP including adequate land for staging the work, spoils, etc."***

"(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how

the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

RESPONSE to (d):

NOSD is acquiring the proposed site from Green Crow Management Services, LLC (Finding 1), a forestlands management company that will continue to manage all surrounding forestlands for forest use, including a quarry site. A Sales Agreement, dated July 2007, contains provisions that ensure that the location of the WWTP and associated uses, including road access, will not adversely impact Green Crow's operations. Findings 29, 33, 35 and 36 affirm this conclusion. There are no other ownerships within 1000 feet of the proposed site that might be impacted by the proposed use or by road access to it. Road access impacts on Green Crow's operation are described in the following Section V.

Compatibility of the proposed wastewater treatment facility and Green Crow's quarry operations are described in Finding 35. A supplemental "*Potential Blasting Impact Memo*" concludes: "anticipated blasting (for the quarry operation) is unlikely to cause significant structural or cosmetic damage to the future WWTP facility." This is ensured in part by the quarries location more than 0.4 miles from the proposed WWTP, with a significant elevation differential of more than 200 feet and intervening ridges and ravines.

Pipelines that convey raw wastewater and treated effluent from the proposed new WWTP site to the main pump station located at the current site will pass beneath the intervening Terrasea First Addition, Ocean Pines and Whisper Ridge subdivisions, and approximately 1,000 feet of Green Crow's forestland outside of the Oceanside Community Growth Boundary. These pipelines will be at least 75 feet below ground, and the "Site Suitability Analysis" states that the impact to these properties "is expected to essentially be nonexistent." (Findings 26 and 27.)

The proposed new WWTP's location more than 1,000 feet from Oceanside's Community Growth Boundary ensures that the operation of the facility will not impact existing or anticipated residential development.

Access by way of Forest Road 256 ensures there won't be traffic impacts on residential development. The conditions of the sales agreement with Green Crow ensures that any traffic impacts on their forest operations are minimal and acceptable (Findings 29-32).

OAR 660-004-0022

This section provides additional *"reasons necessary to justify an exception under Goal 2, Part II(c)."* It identifies *"the types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands."* Churches are not listed among these types of uses. OAR 660-004-0022(1) states that for uses not listed, reasons for the exception *"include but are not limited to the following:"*

"(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site."

RESPONSE to 0022:

Findings 8, 10, 14-17 and the response to the requirements of 0020(2) demonstrate a need for the proposed use to serve the unincorporated communities of Netarts and Oceanside with a necessary public facility—a new Wastewater Treatment Plant. Findings 5-7, 9, 11-13 identify and discuss Goal 11 (Public Facilities) and 14 (Urbanization) considerations. The special features or qualities of the proposed use that necessitate its location on the proposed site are described in Findings 18 through 25 and the response to 0020(2) factors (a) and (b).

V. CONCLUSIONS ADDRESSING GOAL 12 (TRANSPORTATION) REQUIREMENTS:

Approval of this request requires demonstrating compliance with Statewide Planning Goal 12 (Transportation) because of public access to the site across forestland. As per discussions with State Department Land Conservation and Development Laren Wooley, the applicable sections of the Goal 12 Administrative Rule are OAR 660-012-0065(3)(o) and (5(a)-(c).

Section (3)(o) provides for *"Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and performance standards of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access."*

RESPONSE:

Public access to wastewater treatment facilities are not listed in Section (3) of this rule as consistent with Goal 4, consequently the above-cited provision applies to this request. Tillamook County's Land Use Ordinance's Section 6.040(3)(f) lists "facilities for sewage disposal" as a conditional use in the Forest (F) Zone, thereby establishing that the use on forestland is deemed consistent with the Comprehensive Plan. The Plan's Goal 11 (Public Facilities) identifies the NOSD's WWTP as one of 11 sewage treatment facilities in the county (Finding 9). Findings 29 through 33 describe the location, nature and impact of public access. Finding 33 establishes that the access will be limited to that necessary to support the proposed use. Findings 18 through 25 and the conclusions in above Section IV establish the need to locate the facility on forestland outside of the Nearts and Oceanside Community Growth boundaries.

Section (5) requires demonstration of compliance with the following requirements for transportation uses or improvements listed in subsection (3)(o) within a forest zone:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

RESPONSE:

Findings 29 through 31 establish that Green Crow's existing 256 Forest Road provides the only reasonable and feasible access to the proposed site. NOSD initially considered a more direct alternative route from Highway 131, but this required going through existing subdivisions, and then constructing a new road over very steep terrain on forestland. The impact on residential properties in the subdivisions and the cost of road construction on adverse terrain caused NOSD to reject this alternative. Any other alternative that involves construction of new road access from Highway 131 confronts the same constraints because of steep topography and existing development between that highway and the proposed WWTP site.

Since the proposed wastewater treatment facility is surrounded by Green Crow's forest ownership, road access must cross their property at some point. Access by way of 256 Forest Road utilizes the most direct existing route, and is preferred by Green Crow as demonstrated by the conditions contained in the Sales Agreement with NOSD referenced in Finding 29. Use of this existing road minimizes impacts on Green Crow's forest operations as any alternative would involve either the construction of a parallel new road at substantial cost and impact on Green Crow's operations, or use of an existing alternative route of substantially greater length. In fact, there are no other existing forest roads that would access the proposed site

from the Cape Meares Loop Road, and there is no possible alternative access from other than Highway 131. The conditions of the Sales Agreement help ensure that access by means of 256 Forest Road occurs in a manner that minimizes impacts on Green Crow's forest operations.

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JUL 10 2008
COMMUNITY DEVELOPMENT

VI. CONCLUSIONS ADDRESSING COUNTY CONDITIONAL USE PERMIT REQUIREMENTS

Section 3.004(3)(f) of Tillamook County's Land Use Ordinance lists "facilities of sewage disposal" as a conditional use in the County's Forest (F) Zone subject to the provisions of 3.004(4) and (5) (with (5) applicable only to "residential structures"). The applicable Section 3.004(4) requirements are identified and addressed as follows:

"(a) The use is consistent with forest and farm uses and with the intent and purpose set forth in the Oregon Forest Practices act."

RESPONSE: The intent and purpose of the Oregon Forest Practices Act applies to the management of forestland for forest-related uses. This land use application takes an exception to Statewide Planning Goal 4 (Forestlands) to enable the placement of a wastewater treatment plant and related facilities on 9.76 acres of forestland in accord with the provisions of ORS 197.732 and OAR 660-004. Any inconsistencies with this requirement are addressed by this exception.

"(b) The use will not interfere with accepted forest management practices of farm uses on nearby lands that are devoted to forest or farm uses."

RESPONSE: The absence of farm uses in the area is established in Finding 41. Compatibility with adjacent and nearby forest uses is addressed in the response to Goal 4 exception requirement (d) in above Section IV (page 16).

"(c) The use will neither materially alter the stability of the overall land use pattern of the area, nor substantially limit or impair the use of surrounding properties for permitted purposes."

RESPONSE: OAR 660-004-005(1)(a) states that "an exception is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability." Therefore approval of this request will not serve to justify development on adjacent or nearby forestland outside of Oceanside's Community Growth boundary, leaving the stability of the overall land use pattern of the area in tact. The response to above (b) (with reference to the response to Goal 4 exception requirement (d) in Section IV) affirms that the proposed use will not adversely impact adjacent or nearby forest uses. The WWTP's location approximately 1,000 feet outside and east of Oceanside's Community Growth boundary (Finding 1) ensures that the facility will not adversely impact development within that boundary. Finding 27 affirms that the pipeline that connects the new WWTP with

the pump station at the current site will pass beneath residential properties in a manner that ensures that "any impacts are minimal and acceptable."

"(d) The use does not constitute an unnecessary fire hazard, and fire safety measures are provided for in its planning, design, construction and operation."

RESPONSE: The area around the developed facilities on the subject property will be cleared of vegetation that might present a fire hazard. Activities on site will occur within enclosed structures, except for parking, some equipment storage and sewage lagoons that should not present a fire hazard. NOSD personnel will be on site when there is public access, enabling the deterrence of fire risk behavior by the public in the vicinity.

"(e) Public utilities are to develop or utilize rights-of-way that have the least adverse impact on the continues production of forest resources in the vicinity. Existing right-of-way are to be utilized wherever possible."

RESPONSE: Findings 26 and 27 describe the pipeline easement that connects the new WWTP with the pump station at the current site. This easement will cross approximately 1,000 feet of Green Crow's forest property, at least 75 feet below ground, in a manner that will not adversely impact their forest operations. Electric power, telephone and potable water, as described in Finding 28, will be provided in a manner that will not adversely impact forest resources. Findings 29 through 33 describe how road access will be by way of a 50-foot wide easement on 0.9 miles of Green Crows existing 256 Forest Road, and that this will have minimal impact of Green Crows Forest operations.

"(f) Development within major and peripheral big game ranges shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed."

RESPONSE: Most of Tillamook County's extensive forestlands are designated in the county's Comprehensive Plan as either Big Game Range or Peripheral Big Game Range. The Big Game Habitat map contained in the Goal 5 element of the Comprehensive Plan appears to place the proposed WWTP site within an area designated as Peripheral Big Game Range. The proposed site was determined by the location needs of such a facility and the absence of suitable alternatives as described in Findings 18 through 25. The proposed site is accessed by and adjacent to an existing forest road. Structures will be clustered within the 9.76-acre site. Location requirements include a need to have the facility removed from existing residential development.

VII. STATE OAR CONDITIONAL USE REQUIREMENTS

The proposed use requires a Goal 4 exception because it is not permitted either outright or as a use with conditions in the OAR that applies to forestlands. Addressing the exception requirements should be sufficient with respect to state concerns, but since Tillamook County's Forest Zone allows the facility as a Conditional Use, this document addresses the OAR requirements for such a use on forestland even though they are very similar to the county's Conditional Use requirements. The state requirements "are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands." They are contained in OAR 660-06-025(5):

"(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest lands:"

RESPONSE: The absence of farming in the area is established in Finding 41. The Goal 4 exception enables the 9.76-acre parcel to be removed from forest management. Impact on adjacent and nearby forest uses is addressed in the response to Goal 4 exception requirement (d) in above Section IV (page 16). Conditions of the acquisition of the site from the surrounding landowner, Green Crow, helps ensure that there won't be conflicts with their forest operations. These conditions are addressed in a Sales Agreement, Potential Blasting Impact Memo, and road approach provisions (Findings 29-33, 35 and 36).

"(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel:"

RESPONSE: This requirement is addressed in the response to (d) in above Section VI.

"(c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operation consistent with the forest Practices Act and Rules for uses authorized in subsection (4)(e), (m), (s) (t) and (w) of this rule."

RESPONSE: Such a statement may not be necessary given the sales agreement provisions described in the response to above requirement (a). If deemed necessary, this requirement can be made a condition of county approval. A deed cannot be recorded until after approval of this land use application and subsequent Major Partition approval. Then, if required, a deed can be filed that includes the attached statement.

EXHIBITS FOR NETARTS OCEANSIDE SANITARY DISTRICT'S GOAL 4 EXCEPTION AND CONDITIONAL USE REQUEST

EXHIBIT A: Map Showing WWTP Site Alternatives, Existing and Proposed WWTP Sites and Other Community Features.

EXHIBIT B: Map Showing Enlarged View of the Relationship Between Current and Proposed WWTP Sites.

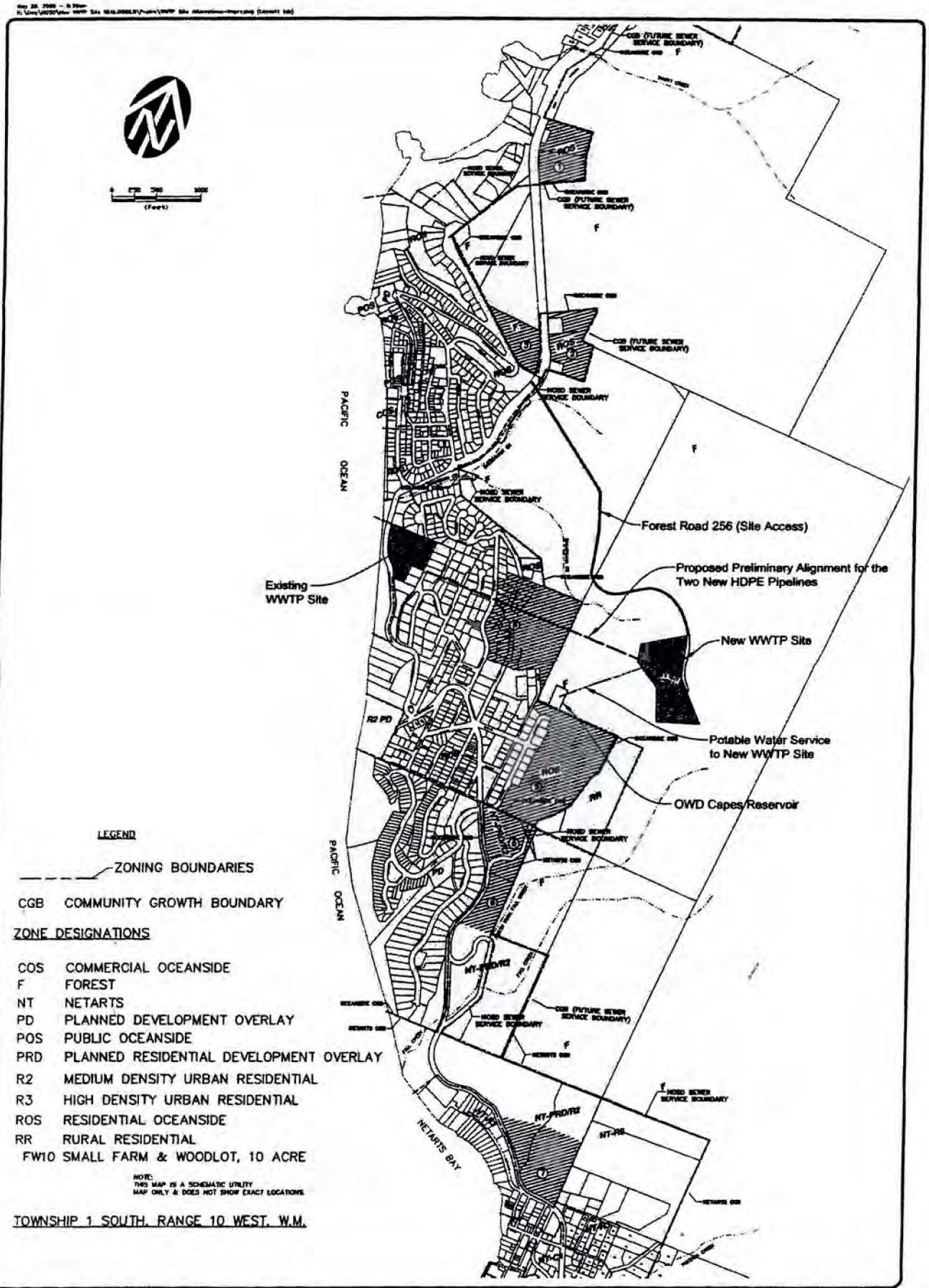
EXHIBIT C: Conceptual Plan for Proposed WWTP Site.

EXHIBIT D: NOSD Wastewater System Facilities Plan Tables 8-1a and 8-1b Summarizing Alternatives of Upgrading Existing WWTP and a New WWTP at a New Location.

EXHIBIT E: NOSD Wastewater System Facilities Plan's Evaluation of Treatment System Alternatives.

EXHIBIT F: Discussion of Alternative WWTP Sites (Options 2 and 3) and Proposed WWTP Site and Connecting Utility Corridors contained in May 21, 2008 Letter From John Yarnall, P.E., Westech Engineering, to Dan Mello, NOSD Superintendent.

EXHIBIT A.



NETARTS OCEANSIDE SANITARY DISTRICT (NOSD)

EXHIBIT A
WWTP SITE ALTERNATIVES & PROPOSED IMPROVEMENT PLAN

JOB NUMBER 1616.0000.01

FIGURE

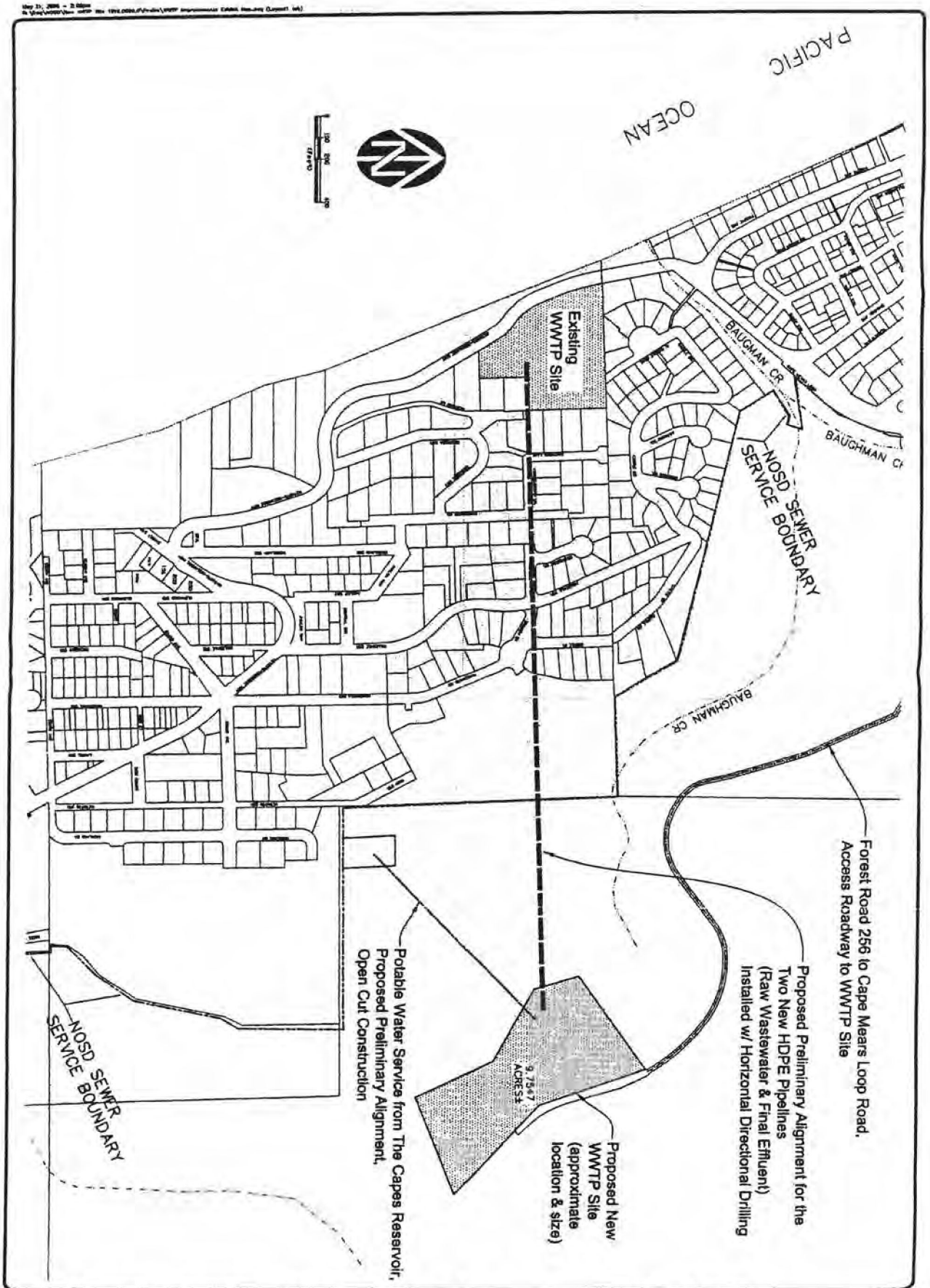
WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS

RECEIVED
N.O.S.D. 5/28/08

DSN. DM
DRN. TMT
CKD. JLY
DATE MAY 08

NO.	DATE	DESCRIPTION REVISIONS	BY
1			

EXHIBIT B



TENANTS OCEANSIDE SANITARY DISTRICT

EXHIBIT B
NEW WWTP
& RELATED IMPROVEMENTS
EXHIBIT MAP

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

DSN. J.Y
DRN. TMT
CKD. J.Y
DATE: MAY '08

NO.	DATE	DESCRIPTION REVISIONS	BY

SHEET 1 OF 1
JOB NUMBER 1616.0000.0

EXHIBIT C.

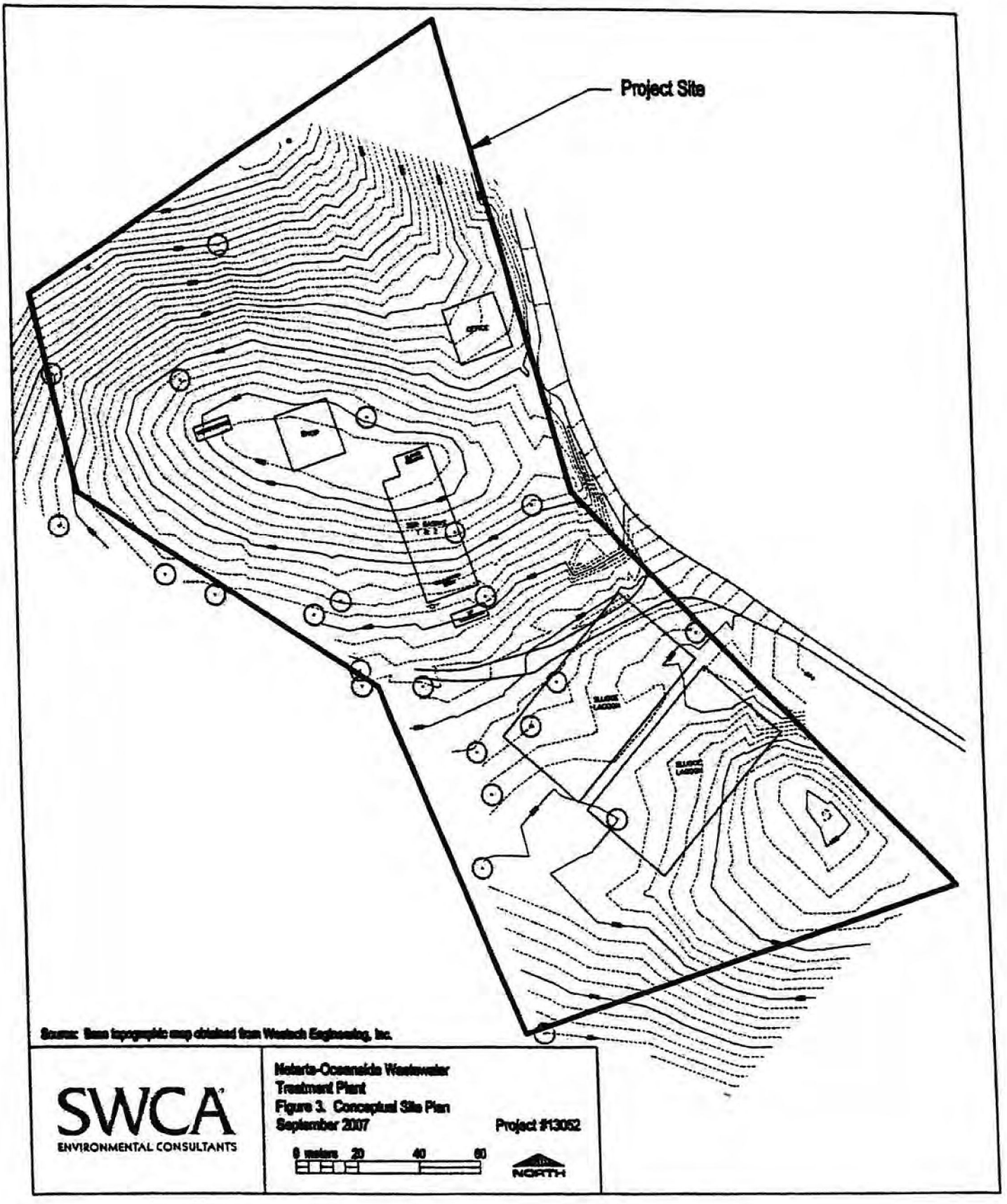

Project Site
OFFICE
SHOP
TS 1
SLUDGE LAGOON
SLUDGE LAGOON
Source: Base topographic map obtained from Westech Engineering, Inc.
SWCA
ENVIRONMENTAL CONSULTANTS
Helarts-Oceanside Wastewater Treatment Plant
Figure 3. Conceptual Site Plan
September 2007
Project #13052
0 meters 20 40 80
NORTH

EXHIBIT D.

Table 8-1a
Conceptual Comparison of
General Treatment System Alternatives

Upgrade Existing WWTP	District owns the property.	Insufficient property for future WWTP expansion beyond current planning period. Most likely will need to relocate WWTP at some point in the future.
	Minimize need for wastewater pumping.	Will spend significant amounts on upgrades unrelated to treatment capacity or efficiency (i.e., odor control, site stabilization, etc).
	Utilize existing infrastructure.	Remaining anticipated design life of tankage is limited.
	Existing WWTP provides auxiliary power to Oceanside Pump Station.	Significant odor control measures required. Air scrubbers will be costly to install & operate, and will require additional space on property. Depending on odor control technology selected, may add significantly to plant noise output.
		Limited access for operators. Access to headworks and secondary process equipment will become more difficult with odor containment.
		Less efficient and potentially more expensive construction because existing treatment process must be maintained during upgrade process.
		Extensive work required to stabilize the existing WWTP site due to excessive groundwater, sand migration & associated sinkholes, as well as to stabilize slopes during & after construction of new treatment unit(s).
		Inadequate space for biosolids treatment, loading & handling, particularly if treatment units are covered. Significant ongoing expense to haul dilute, partially digested biosolids to Port of Tillamook.
		Overflows have immediate impact on public (i.e., flows to beach).
		Limited hydraulic head for forcing effluent through outfall and diffuser. Effluent outfall pump station may be required to ensure efficient operation of outfall under all tide and sand conditions.
		Front of WWTP site is located only ±5 feet above the estimated tsunami inundation zone (very little margin for error).
		Insufficient space for District to construct separate shop building desired by operations staff.

Table 8-1b
Conceptual Comparison of
General Treatment System Alternatives

New WWTP at New Location	Adequate room for future expansion without impacting adjacent residential properties.	New influent pump station required to convey sewage to new WWTP site with auxiliary power.
	Reduced odor potential from biosolids due to facultative lagoon, coupled with more remote location.	Increased electrical costs for new pump station at old WWTP site.
	Improved access for operators, both to site & treatment process equipment, as well as improved treatment process.	District must acquire land for construction of the new WWTP.
	More efficient and potentially less expensive WWTP construction since there is no existing treatment process at site to keep in operation during construction.	Cost to decommission existing WWTP facility.
	All capital construction will be new, allowing entire tankage and equipment design life to be utilized in future.	
	Significant flexibility for biosolids treatment and storage, including space for facultative sludge lagoon. Significant saving due to ability to haul fully digested, thickened biosolids every 2-3 years for direct land application. Improved loading facilities can be provided.	
	Significant hydraulic head available for forcing effluent through outfall and diffuser without pumps.	
	Remote location delays impacts to public if there are overflows.	
	Operational & effluent quality improvements.	
	Adequate space for District to construct appropriately sized shop building needed by operations staff.	
	Potential resale of existing WWTP site, which can partially offset overall project costs.	

EXHIBIT E.

8.4. Qualitative & Comparative Discussions of Treatment System Alternatives

Based on the above discussions, the feasible general alternatives for the wastewater treatment system are to either upgrade/reconstruct the existing WWTP in its present location, or to construct a new WWTP in a new location.

8.4.1 New Treatment Plant Location Alternatives

Possible locations for construction of a new WWTP are limited due to the Community Growth Boundary (CGB) location, existing development patterns, topography and outfall considerations. Preliminary evaluation of the location options considered access, zoning, geologic stability and constructability, pump station & force main requirements, outfall requirements, and impacts to adjacent properties. Outlined below are the locations that were examined for the placement of new wastewater treatment facilities, organized from north to south (**Figures 8-1 & 8-2**). As previously noted, site specific studies (i.e., survey, geotechnical, wetlands, etc.) of potential sites are beyond the scope of this Facilities Plan.

- Location Option 1, near OWD WTP. Undeveloped/underdeveloped land north of Maxwell Mountain and east of Cape Meares Loop (south of Short Creek) near the Oceanside Water District water treatment plant.

- Location Option 2, southeast of Maxwell Mountain east of Cape Meares Loop. Undeveloped/underdeveloped land just southeast of Maxwell Mountain on the east side of Cape Meares Loop near the crest of the hill out of Oceanside.

- Location Option 3, southeast of Maxwell Mountain west of Cape Meares Loop. Undeveloped land just southeast of Maxwell Mountain west of Cape Meares Loop near the crest of the hill out of Oceanside.

- Location Option 4, east of Ocean Pines. Undeveloped / underdeveloped land east of Ocean Pines (Huckleberry Lane).

- Location Option 5, east of Avalon Heights. Undeveloped land east of Avalon Heights (Highland Drive).

- Location Option 6, east of The Capes. Undeveloped land east of The Capes on the east side of the Netarts-Oceanside Highway.

- Location Option 7, east of Happy Camp. Undeveloped land east of Happy Camp.

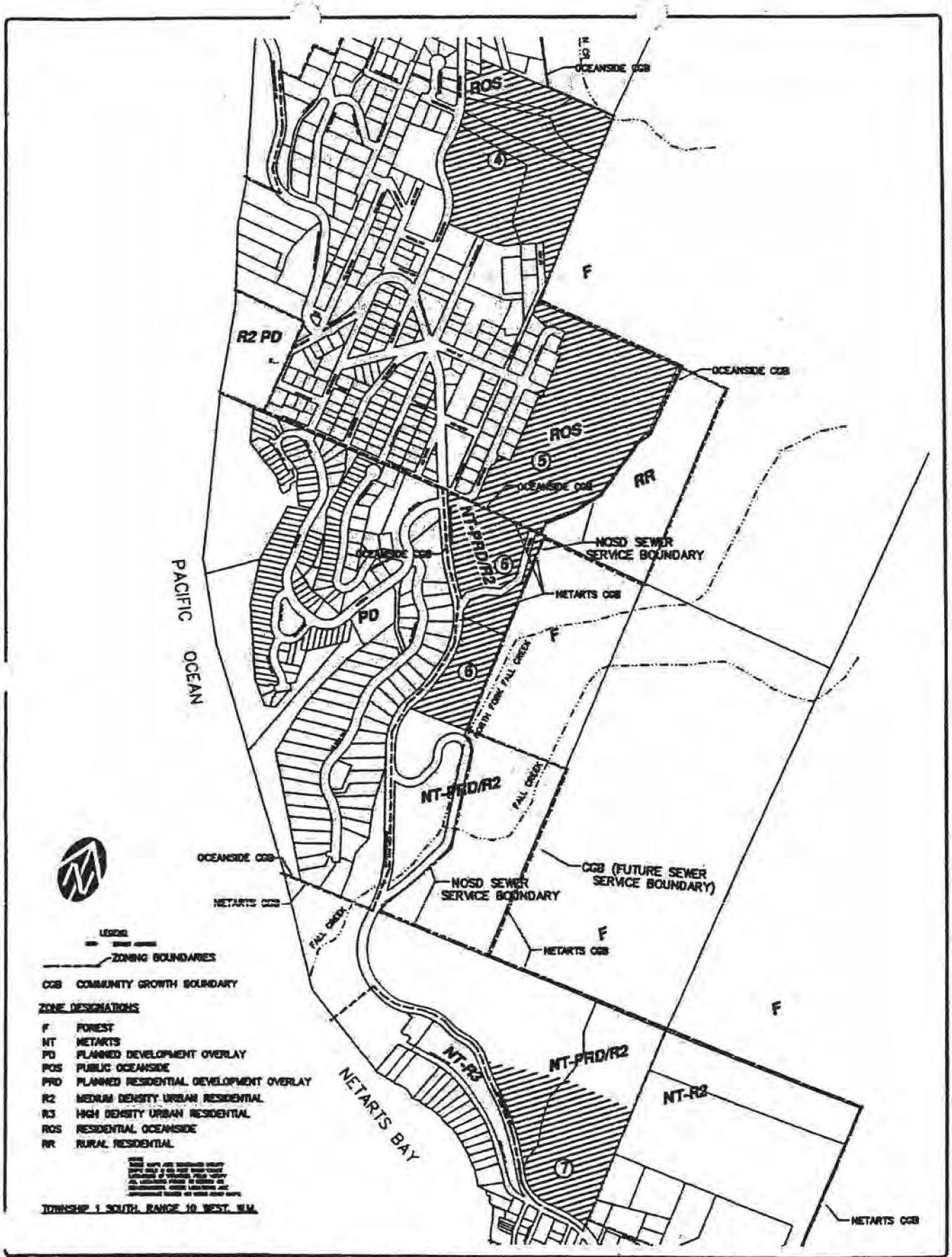


FIGURE 8-2
NEW WWTP LOCATION
OPTIONS EVALUATED

would be ±5300 feet long, with a high point elevation of ±250 feet at the Option 2 site discussed below. The high point is located ±2900 feet from the existing WWTP site.

In addition, unless a new outfall were constructed on the north side of Maxwell Point in Lost Boy Cove or at Short Beach, an effluent pump station would be required to convey the treated wastewater back over the hill to the existing outfall in Oceanside. The effluent pump station will require another ±5300 foot effluent force main back to the existing outfall location. The pressure regime of this force main is reversed from the sewage force main discussed above, with ±2300 feet to the top of the hill, and the remaining ±2900 feet down to the existing outfall.

There are a number of practical difficulties in constructing a new outfall north of Maxwell Point, including steep and geologically unstable slopes, rocky beaches, and lack of access for routine inspection and maintenance. There is evidence of ongoing headland erosion and resultant soil loss on the bluffs overlooking the beach in this area.

The remote nature of Location Option 1, coupled with the geologic instability of the area and the associated difficulties with constructing a new outfall north of Maxwell Point, as well as the potential for impacts to the Oceanside WTP source water, render this site unfeasible, and it will not be considered further.

8.4.1.2 Location Option 2, SE of Maxwell Mtn, east of Cape Meares Loop

This site is on the east side of Cape Meares Loop near the crest of the hill out of Oceanside. It consists of the following parcels, from north to south:

- Tax Lot 1S1019-1000, ±2 acres, ROS zone
- Tax Lot 1S1030-300, ±4.4 acres, ROS zone

This land is within the Oceanside CGB and zoned Residential Oceanside (ROS). As noted above, sewage treatment plants are allowed as a conditional use in the ROS zone.

The property is located at elevations ranging from ±250 feet at Cape Meares Loop to ±320 feet along the east property boundary. Access to either of the sites would be from Cape Meares Loop. It appears that this site was logged approximately 20 years ago, and has grown back with spruce, fir, hemlock, alder, etc. The property is less steep near Cape Meares Loop, and then slopes up the side of the ridge to the east, and would require significant earthwork operations to prepare a site for a new WWTP.

Its location at the extreme east boundary of the Oceanside CBG and behind the shoulder of Maxwell Mountain will minimize the potential for odor impacts to residential properties within the District (with the exception of

The property is located at elevations ranging from ±250 feet at Cape Meares Loop to ±320 feet along the west property boundary. Access to the site would be from Cape Meares Loop. It appears that this site was logged approximately 20 years ago, and has grown back with Douglas fir, hemlock, alder, etc. The property slopes relatively quickly up the side of Maxwell Mountain, and would require significant earthwork operations to prepare a site for a new WWTP.

Use of this site would require essentially the same scope of pump station and force main improvements as Location Option 2 above.

The Forest zoning of the property, coupled with the fact that it is outside the Oceanside CBG, presents a practical difficulty in using this as a WWTP site, since land use regulations typically discourage municipal facilities sited outside the urban boundaries unless it is demonstrated that there are no practicable alternatives. Use of this site would require not only the purchase of this property, but would require that Tillamook County approve the use of the property for construction of a WWTP outside the CGB. Since there are other location alternatives available for the WWTP within the CGB, Location Option 3 is considered less desirable and will not be considered further at this time. If it is later determined that the recommended WWTP location within the CGB cannot be used for reasons beyond the scope of this study, the District should re-examine the use of this site with Tillamook County.

8.4.1.4 Location Option 4, east of Ocean Pines

This site is east of Hillsdale Street uphill from existing developments. It consists of the following parcels, from north to south:

- Tax Lot 1S1030CA-103 (2.33 acres), ROS zone
- Tax Lot 1S1030CA-102 (2.91 acres), ROS zone
- Tax Lot 1S1030CA-100 (2.97 acres), ROS zone
- Tax Lot 1S1030CA-222 (5.41 acres), ROS zone
- Tax Lot 1S1030CA-221 (6.81 acres), ROS zone

This area is located within the Oceanside CBG and is zoned Residential Oceanside (ROS). As noted above, sewage treatment plants are allowed as a conditional use in the ROS zone.

The area is significantly higher than the high point in the Netarts-Oceanside Highway between Oceanside and Netarts. This site is immediately east of the existing Ocean Pines Development and is in the area slated for Ocean Pines II. The property is located at elevations ranging from ±280-320 feet along Hillsdale Street to ±440-480 feet along the east property boundaries. Access to any of the parcels would be from Hilldale Street. Site visits show that it is generally a forested site, with trees range up to about 20 inches in diameter and include pine, fir and some deciduous trees.

This area is located within the Netarts CBG and are zoned Netarts Medium Density Urban Residential Zone (NT-R2) with a Planned Residential Development Overlay (NT-PRD). Sewage treatment plants are not listed as either an outright permitted use or a conditional use in either the zone or the overlay (TCLUO 3.340 & 3.346). Therefore, it would require a special land use approval exemption or variance for the sewage treatment plant to be sited in this area.

A portion of the area is adjacent to the high point in the Netarts-Oceanside Highway between Oceanside and Netarts, while the remainder of the site is south of the crest of the hill. The property is located at elevations ranging from ±250 feet at the crest of Netarts-Oceanside Highway to ±320 feet in the northeast corner, to a low of ±190 feet at the south end of the site. Access to either of the parcels would be from the Netarts-Oceanside Highway. The site is forested with primarily Douglas fir, spruce and pine, with some trees up to 36-inches in diameter.

Based on the large number of trees that are sliding and leaning at precarious angles, there appears to be significant active slide activity in this area. The drainage from this area is down into Fall Creek, which is a known slide zone.

Use of this site would require the construction of a new pump station and force main to convey the Oceanside flows from the existing WWTP site to the new site. As with location option 1, it is anticipated that the new pump station would be located near the existing WWTP pump station.

If the northerly parcel is used, it will require a ±4600 foot force main from Oceanside, with an assumed high point elevation of ±280 feet at the WWTP headworks. It will also require a slightly larger pump station in Netarts to lift the sewage the additional 20-40 feet above the existing Netarts force main discharge point (MH 121, elev ±243'). This site will also require a separate ±4600 foot effluent line back to the existing outfall location.

If the southerly parcel were used, the head conditions for flows from the Netarts Pump Station would not change significantly from the present configuration, while it will add an additional ±700 feet to the Oceanside force main length. The fact that the southerly parcel is located south of the crest of the hill will require an effluent pump station and ±700 foot force main to lift the effluent back over the hill, followed by the a ±4600 foot effluent line back to the existing outfall location.

The use limitations under the land use ordinances, coupled with the apparent geologic instability of the area, render this site unfeasible, and it will not be considered further.

others south of this point are not considered feasible, and it will not be considered further.

8.4.1.8 Summary of New Treatment Plant Location Alternatives

Based on the above evaluation of location alternatives, a decision to abandon the existing WWTP will require that a new plant be constructed at Location Alternative 2, on the east side of Cape Meares Loop near the crest of the hill out of Oceanside.

8.4.2 Effluent Disposal Alternatives

In Oregon, the effluent disposal alternatives must be evaluated under two radically different sets of conditions (i.e., summer/dry weather disposal and winter/wet weather disposal). Effluent disposal alternatives considered include no action (i.e., continued use of existing outfall/diffuser as-is), reconstruction, rehabilitation or replacement of the existing effluent outfall/diffuser, land application (irrigation), and subsurface disposal. For surface water discharges (i.e., alternative 1 & 2), the dry weather criteria typically control the design of the system, whereas with subsurface disposal (alternative 4), infiltration limitations during the wet season are the controlling criteria. Land application or irrigation (alternative 3) is limited to the dry weather months only, with applications at agronomic rates.

Since a detailed evaluation of the alternatives relating to the existing outfall/diffuser are beyond the scope of this study, the following is based on the evaluation contained in the Outfall and Diffuser Rehabilitation Investigation Technical Memorandum prepared by Brown & Caldwell (**Appendix F**). This report was reviewed and extensively considered by the NOSD Board of Directors during 2002, with the final report and recommendations being submitted to NOSD in January 2003.

8.4.2.1 No Action (Continued Use of Existing Outfall/Diffuser As-Is)

The no-action alternative for the existing outfall/diffuser is not acceptable for two fundamental reasons. The first is that the existing outfall/diffuser system does not operate reliably, and results in periodic backup and overflow of treated effluent across the beach (see discussion under Section 5.2.8) in violation of the District's NPDES permit. The second is that the cathodic protection system installed to protect the existing outfall (concrete cylinder pipe) had a maximum anticipated life expectancy of 40 years when installed in 1977. As noted in the Brown & Caldwell report, the last inspection of the cathodic protection system was in 1986, and revealed significant pitting of the sacrificial anodes. Accelerated corrosion of the outfall/diffuser system will occur once the sacrificial anodes are used up. Based on the original design life, this will occur at least 7 years prior to the end of the 20 year study period.

Therefor, the no action alternative is not considered feasible and will not be considered further.

EXHIBIT F

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

May 21, 2008

TELEFAX (503) 842-3759

COPY

Mr. Dan Mello
Netarts Oceanside Sanitary District
5390 Netarts Highway NW
Tillamook, OR 97141

RE: New WWTP Land Use Planning-Alternative WWTP Sites
J.O. 1616.0000.0

Dear Dan:

The purpose of this letter is to provide information as requested by the District's planning consultant, Mr. Vic Affolter, regarding the proposed new WWTP. It is our understanding that as part of the land use planning work associated with the proposed new WWTP that the District must demonstrate as part of the land use application(s) that the proposed solution is sound and that other alternatives were considered. This letter is intended to provide information for the District's use and pertaining to the following areas:

- Alternate WWTP Sites.
- Proposed WWTP Site and Connecting Utility Corridors.

Short discussions on these items follow. It is anticipated that the District will provide Mr. Affolter with a copy of this information.

Alternate WWTP Sites.

The proposed new WWTP location is a 9.75 acre site located on Green Crow owned property nearly due east of the existing WWTP and was selected based upon its topography and suitability for use based upon geotechnical considerations. This site was selected after an examination of other potential sites for the new WWTP.

The Wastewater Facilities Plan was completed in September 2003 and was prepared by Westech Engineering. Section 8.4.1 of the Facilities Plan identifies a total of seven general locations where a new WWTP might be sited. The Facilities Plan recommends that five of the seven sites be dropped from any further consideration. It states that Location Option 2, SE of Maxwell Mountain and East of Cape Meares Loop be carried forward as an alternative for further consideration. It also states that Location Option 3, SE of Maxwell Mountain and West of Cape Meares Loop be considered as an alternative if Location Option 2 was found not to be feasible.

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, Oregon 97302
Phone: (503) 585-2474 Fax: (503) 585-3986

During the course of selecting a site for the proposed new WWTP, both of these sites were found to be not feasible.

Location Option 2 consisted of two parcels with a total land size of about 6.6 acres. The 6.6 acre site surrounds two other residential parcels. The site is an irregular shape (See Figure 8-1 of the Facilities Plan) and has approximately 70 feet of elevation difference across the site. Site inspections of the site were made. The site was dropped from consideration as a potential site for the new WWTP based, in large part, on the following factors.

1. The total site size is only 6.6 acres (compared to the 9.75 acre selected site) and surrounds two existing residential tax lots. The layout of a new WWTP would have to take into consideration and be designed to fit around the existing residential properties.

2. The site has about 70 feet of fall across the site and relatively limited level ground. The design and construction of a WWTP on the site would likely be problematic from a geologic and geotechnical standpoint. The site is moderately steep to very steep. Therefore, the site would require extensive grading including deep fills and extensive cuts. The deep fills would increase the risk of differential settlement of new structures. The deep cuts into the existing hillside would increase the risk of future slope instability. Additionally, it is possible that the deep cuts would encounter bedrock that would further increase the site development costs.

3. Surface water drainage from the hillside above the site would have to be addressed in the design and routed so that it would not adversely impact either of the residential properties. This would place further constraints on the already small site.

4. Based upon a cursory review of the site by Westech personnel, we believe that at least a portion of the site would be characterized as a jurisdictional wetland.

Location Option 3 consisted of a single parcel with a size of about 5 acres. The 5 acre site is an irregular shape (See Figure 8-1 of the Facilities Plan) and has approximately 70 feet of elevation difference across the site. Inspections of the site were made. The site was dropped from consideration as a potential site for the new WWTP based, in large part, on the following factors.

1. The site size is only about 5 acres (as compared to 9.75 acres for the proposed site). The site size would be very constrained and would require a very constricted WWTP site layout with extensive use of walls and essentially no room for future expansion.

2. This site also has about 70 feet of elevation change within the site and very limited level ground. The geologic and geotechnical concerns regarding the design and construction of the WWTP are essentially the same as stated above for Location Option 2 except even more pronounced. The south end of the site is sandwiched between Cape Meares Loop

Road and the toe of Maxwell Mountain. Very extensive and costly sitework would be required.

3. Surface water drainage issues would have to be addressed during the design and construction of the WWTP. Because of the topography of the site, this could prove to be very challenging.

4. It is believed that a portion of the site is a jurisdictional wetland.

For the reasons outlined above Location Options 2 & 3 were dropped from consideration for siting the new WWTP. Conversely, the proposed site for the new WWTP was selected based upon more mild topography, no wetlands, much better conditions from a geotechnical standpoint and sufficient land size and shape to accommodate the proposed new WWTP including adequate land for staging the work, spoils disposal, etc.

Proposed WWTP Site and Connecting Utility Corridors.

The proposed WWTP site is a 9.75 acre parcel that is to be created from a much larger parcel owned by Green Crow. The site is located about 3,000 feet east of the existing WWTP. The elevation of the site ranges from about 370 feet to about 420 feet above sea level. Access to the proposed WWTP site will be from Cape Meares Loop Road to Forest Road 256 to the WWTP site. Forest Road 256 is a major forest road that has been used for many years as part of the commercial forest operation in the area. It is a gravel roadway.

Raw wastewater from the NOSD wastewater collection system is to be pumped to the new WWTP site via a force main from a pump station located on the existing WWTP site. The pipeline will run almost due east from the existing WWTP site and to the extent possible will be located within existing street rights of way. Acquisition of several easements from private property owners will be required. The pipeline is to be installed using the horizontal directional drilling method and will be installed a minimum of 75 feet below grade. No impact to the existing properties is anticipated as a result of the proposed pipeline installation.

Treated final effluent from the WWTP must be conveyed from the new WWTP site back to the original WWTP site so that it can be discharged to the Pacific through the District's ocean outfall. A new pipeline installed in a parallel alignment to the raw wastewater pipeline and within the same easements is proposed.

Potable water for the new WWTP is recommended to come from the Oceanside Water District. The Oceanside Water District has The Capes Reservoir located about 1,300 feet southwest of the new WWTP site. A private water service from the reservoir to the new WWTP is proposed. The water service will cross Green Crow property. Acquisition of an easement from Green Crow for the water service will be required.

Electric power is to be provided from Tillamook PUD. The PUD has plans to construct a new substation immediately to the south of the proposed WWTP site as part of their plans to construct a new power line from Tillamook to Oceanside. If the substation is constructed prior to the WWTP, the power will come from the substation. If the WWTP is to be constructed prior to the PUD's substation, then a temporary power service to the WWTP will have to be installed.

The attached figure shows the general area including the locations of the existing and proposed new WWTP sites, the proposed access roadway and pipeline corridors. Please note that the drawing is a general drawing not based upon detailed designs or surveyed alignments. As such, the pipeline corridors are approximate and subject to changes as the design is prepared.

We hope this information is useful. Should you have any questions or need additional information regarding this matter, please contact us at (503) 585-2474.

Sincerely,

WESTECH ENGINEERING, INC.

John L. Yarnall, P.E.

jly
enc.

PACIFIC
OCEAN
Existing WWTP Site
BAUGHMAN DR
BAUGHMAN
NOSD SEWER SERVICE BOUNDARY
BAUGHMAN DR
Forest Road 256 to Cape Mears Loop Road, Access Roadway to WWTP Site
Proposed Preliminary Alignment for the Two New HDPE Pipelines (Raw Wastewater & Final Effluent) Installed w/ Horizontal Directional Drilling
Proposed New WWTP Site (approximate location & size)
Potable Water Service from The Capes Reservoir. Proposed Preliminary Alignment. Open Cut Construction
NOSD SEWER SERVICE BOUNDARY
NEHALEM OCEANSIDE SANITARY DISTRICT
NEW WWTP
& RELATED IMPROVEMENTS
EXHIBIT MAP
SHEET
1 OF 1
JOB NUMBER
1818.10000.0

TILLAMOOK COUNTY ASSESSOR

Real Property Assessment Report

FOR ASSESSMENT YEAR 2008

12/2/2008 12:32:16 PM

Account #	135295	**Tax Status**	ASSESSABLE
Map #	1S1030-00-00500	**Acct Status**	ACTIVE
Code - Tax #	0901-135295 0923-409213	**Subtype**	NORMAL
Owner	GREEN CROW CORPORATION	**Deed Reference #**	BOOK 2004 PAGE 2907
Agent		**Sales Date/Price**	04-12-2004 / UNK
In Care Of		**Legal Description**	UNKNOWN
Mailing Address		**Appraiser**	UNKNOWN

PO BOX 2469
PORT ANGELES, WA 98362

		MA	SA	NH	Unit
Prop Class	600	01	01	600	10922-1
RMV Class	600				

Situs Address(s)	Situs City

Value Summary

Code Area		AV	RMV	RMV Exception		CPR
0901	Impr.	0	0	Impr.	0	
	Land	100,270	294,240	Land	0	
Code Area Total		100,270	294,240		0	
0923	Impr.	0	0	Impr.	0	
	Land	23,733	90,820	Land	0	
Code Area Total		23,733	90,820		0	
Grand Total		124,003	385,060		0	

Land Breakdown

Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0901	0	R	F	Classified Forest Land	0	A	40.00	OB		
0901	0	R	F	Classified Forest Land	0	A	241.50	OC		
0901	0	R	F	Classified Forest Land	0	A	2.00	OX		
				Code Area Total			283.50			0
0923	0	R	F	Classified Forest Land	0	A	43.75	OC		
0923	0	R	F	Classified Forest Land	0	A	43.75	OE		
				Code Area Total			87.50			0
				Grand Total			371.00			0.00

Improvement Breakdown

Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
				Code Area Total		0	

Exhibit C

Grand Total	0

Exemptions/Special Assessments/Potential Liability

Code Area	Type	Description
0901	SPECIAL ASSESSMENT:	FIRE PATROL NORTHWEST Amount: 242.08 Acres: 283.5
0923	SPECIAL ASSESSMENT:	FIRE PATROL NORTHWEST Amount: 74.72 Acres: 87.5

Oregon
Theodore R. Kulongoski, Governor

Department of Fish and Wildlife
North Coast Watershed District
4907 Third Street
Tillamook, OR 97141
(503) 842-2741
FAX (503) 842-8385
www.dfw.state.or.us

October 28, 2008

RECEIVED
NOV 0 2 2008
COMMUNITY DEVELOPMENT

Bradford Sheets
Tillamook County Dept. of Community Development
201 Laurel Ave.
Tillamook, Oregon 97141

Re: Goal Exception Request for Netarts Oceanside Sanitary (Application # CU-08-10)

Mr. Sheets,

Oregon Department of Fish and Wildlife (ODFW) has reviewed the above referenced request. The following recommendations and concerns are provided for your review and consideration to address any potential adverse impacts to fish and wildlife resources as a result of approving this request.

Riparian Areas
ODFW recommends that facilities be designed to avoid entering County-designated riparian setbacks. This includes all proposed developmental actions. Any development within these areas which could result in a loss of fish and wildlife habitat may require the impact be mitigated consistent with current habitat mitigation standards (OAR 635, Division 415).

Stream Crossings
All stream-road crossings are to comply with fish passage requirements. Laws regarding fish passage may be found in ORS 509.580 through 910, and in OAR 635, Division 412. ODFW shall approve in advance any stream crossing, including instream structures and directional bores under streambeds.

Project Timing
All instream work shall comply with Oregon Guidelines for Timing of Inwater Work.

Wetlands
Any development within or near wetlands should be avoided or minimized. Identification of these areas should be done prior to project design. Activities with the potential to alter the natural function and processes of wetlands may require mitigation as per OAR 635, Division 415. Authorization of such work may also be required by the Oregon Department of State Lands.

Exhibit D

Sensitive Resources

An eagle nest is known to exist in the area. However, it is located over ½ mile from the proposed site for the plant, and currently no additional protective measures are needed. ODFW is not aware of any other sensitive wildlife resources within close proximity of this location.

Thank you for the opportunity to review and provide comment on the proposed project. I am available to assist in any way possible with this matter. If you any further questions regarding this review, please contact me at (503) 842-2741

Sincerely,

Ron Rehn
Habitat Conservation Biologist, ODFW
4907 East Third Street
Phone (503) 842-2741
Fax (503) 842-8385
Email ron.f.rehn@state.or.us

Cc: Dave Nuzum, ODFW

Oregon Dept. of Geology and Mineral Industries (DOGAMI) Maps

1 S 10-11

Exhibit E



The Oregon Administrative Rules contain OARs filed through November 14, 2008

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 4

INTERPRETATION OF GOAL 2 EXCEPTION PROCESS

660-004-0000

Purpose

(1) The purpose of this rule is to explain the three types of exceptions set forth in Goal 2 "Land Use Planning, Part II, Exceptions." Except as provided for in OAR chapter 660, division 14, "Application of the Statewide Planning Goals to Newly Incorporated Cities and to Urban Development on Rural Lands" and OAR chapter 660, division 12, "Transportation Planning", section 0070, "Exceptions for Transportation Improvements on Rural Land", this division interprets the exception process as it applies to statewide Goals 3 to 19.

(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.

(3) The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals. The procedural and substantive objectives of the exceptions process are to:

(a) Assure that citizens and governmental units have an opportunity to participate in resolving plan conflicts while the exception is being developed and reviewed; and

(b) Assure that findings of fact and a statement of reasons supported by substantial evidence justify an exception to a statewide Goal.

(4) When taking an exception, a local government may rely on information and documentation prepared by other groups or agencies for the purpose of the exception or for other purposes, as substantial evidence to support its findings of fact. Such information must be either included or properly incorporated by reference into the record of the local exceptions proceeding. Information included by reference must be made available to interested persons for their review prior to the last evidentiary hearing on the exception.

Stat. Auth.: ORS 197.040

Exhibit F

Stats. Implemented: ORS 195.012, 197.040, 197.712,197.717, 197.732
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-004-0005

Definitions

For the purpose of this division, the definitions in ORS 197.015 and the Statewide Planning Goals shall apply. In addition the following definitions shall apply:

(1) An "Exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(c) Complies with the provisions of this division.

(2) "Resource Land" is land subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).

(3) "Nonresource Land" is land not subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). Nothing in these definitions is meant to imply that other goals, particularly Goal 5, do not apply to nonresource land.

Stat. Auth.: ORS 197
Stats. Implemented ORS 197.015 & 197.732
Hist.: LCDC 5-1982, f. & ef 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDD 3-2004, f. & cert. ef. 5-7-04

660-004-0010

Application of the Goal 2 Exception Process to Certain Goals

(1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:

(a) Goal 3 "Agricultural Lands"; however, an exception to Goal 3 "Agricultural Lands" is not required for any of the farm or nonfarm uses permitted in an exclusive farm use (EFU) zone under ORS chapter 215 and OAR chapter 660, division 33, "Agricultural Lands" ;

(b) Goal 4 "Forest Lands"; however, an exception to Goal 4 "Forest lands" is not required for any of the forest or nonforest uses permitted in a forest or mixed farm/forest zone under OAR chapter 660, division 6, "Forest Lands";

(c) Goal 14 "Urbanization" as provided for in OAR chapter 660, division 14 and the applicable paragraph (1)(c)(A), (B) or (C) of this rule:

(A) An exception is not required for the establishment of an urban growth boundary around or including portions of an incorporated city;

(B) When a local government changes an established urban growth boundary applying Goal 14 as it existed prior to the amendments adopted April 28, 2005, it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning," Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251, 197.625 or 197.626. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

(i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);

(ii) Areas which do not require a new exception cannot reasonably accommodate the use;

(iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(C) When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals;

(d) Goal 11 "Public Facilities and Services" as provided in OAR 660-011-0060;

(e) Goal 16 "Estuarine Resources";

(f) Goal 17 "Coastal Shorelands"; and

(g) Goal 18 "Beaches and Dunes."

(2) The exceptions process is generally not applicable to those statewide goals which establish planning procedures and standards that do not prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services, because these goals contain general planning guidance or their own procedures for resolving conflicts between competing uses. However, exceptions to these goals, although not required, are possible and exceptions taken to these goals will be reviewed when submitted by a local jurisdiction. These statewide goals are:

(a) Goal 5 "Natural Resources";

(b) Goal 6 "Air, Water, and Land Resources Quality";

(c) Goal 7 "Natural Disasters and Hazards";

(d) Goal 8 "Recreational Needs";

(e) Goal 9 "Economy of the State";

(f) Goal 10 "Housing" except as provided for in OAR 660-008-0035, "Substantive Standards for Taking a Goal 2, Part II, Exception Pursuant to ORS 197.303(3)";

(g) Goal 12 "Transportation" except as provided for by OAR 660-012-0070, "Exceptions for Transportation Improvements on Rural Land";

(h) Goal 13 "Energy Conservation";

(i) Goal 15 "Willamette Greenway" except as provided for in OAR 660-004-0022(6); and

(j) Goal 19 "Ocean Resources."

(3) An exception to one goal or goal requirement does not assure compliance with any other applicable goals or goal requirements for the proposed uses at the exception site. Therefore, an exception to exclude certain lands from the requirements of one or more statewide goals or goal requirements does not exempt a local government from the requirements of any other goal(s) for which an exception was not taken.

Stat. Auth.: ORS 197
Stats. Implemented: ORS 197.732
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDC 3-1984, f. & ef. 3-21-84; LCDC 2-1987, f. & ef. 11-10-87; LCDC 3-1988(Temp), f. & cert. ef. 8-5-88; LCDC 6-1988, f. & cert. ef. 9-29-88; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2005, f. & cert. ef. 6-28-05; LCDD 3-2008, f. & cert. ef. 4-18-08

660-004-0015

Inclusion as Part of the Plan

(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrate that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-004-0020(2), and 660-004-0022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

(2) A local government denying a proposed exception shall adopt findings of fact and a statement of reasons which demonstrate that the standards for an exception have not been met. However, the findings need not be incorporated into the local comprehensive plan.

Stat. Auth.: ORS 197
Stats. Implemented ORS 197.732
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

660-004-0018

Planning and Zoning for Exception Areas

(1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.

(2) For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those:

(a) That are the same as the existing land uses on the exception site;

(b) That meet the following requirements:

(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

(c) For which the uses, density, and public facilities and services are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if applicable, or

(d) That are industrial development uses, and accessory uses subordinate to the industrial development, in buildings of any size and type, provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714

(3) Uses, density, and public facilities and services not meeting section (2) of this rule may be approved only under provisions for a reasons exception as outlined in section (4) of the rule and OAR 660-004-0020 through 660-004-0022.

(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required;

(c) When a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022 was previously adopted, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, which ever is more stringent.

Stat. Auth.: ORS 197
Stats. Implemented: ORS 197.732
Hist.: LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1986, f. & ef. 3-20-86; LCDD 4-1998, f. & cert. ef. 7-28-98; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 8-2005, f. & cert. ef. 12-13-05; LCDD 7-2006, f. 10-13-06, cert. ef. 10-23-06

660-004-0020

Goal 2, Part II(c), Exception Requirements

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and

keyed to the appropriate findings.

(4) For the expansion of an unincorporated community defined under OAR 660-022-0010, or for an urban unincorporated community pursuant to OAR 660-022-0040(2), The exception requirements of subsections (2)(b), (c) and (d) of this rule are modified to also include the following:

(a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land;

(b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:

(A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or

(B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or

(C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.

Stat. Auth.: ORS 197
Stats. Implemented ORS 197.732
Hist.: LCDC 5-1982, f. & ef 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 3-2004, f. & cert. ef. 5-7-04

660-004-0022

Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(2) Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing, except as provided for in this section of this rule, assumed continuation of past urban and rural population

distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned which require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.

(3) Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts include, but are not limited to, the following:

(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports; or

(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or

(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages which support the decision.

(4) Expansion of Unincorporated Communities: For the expansion of an Unincorporated Community defined under OAR 660-022-0010(10), appropriate reasons and facts include but are not limited to the following:

(a) A demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3-19 and a demonstration that either:

(A) The use requires a location near a resource located on rural land; or

(B) The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:

(i) For industrial use, it would have a significant comparative advantage due to its location (i.e., near a rural energy facility, or near products available from other activities only in the surrounding area; or it is reliant on an existing work force in an existing unincorporated community);

(ii) For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by existing industrial, commercial, or other economic activity in the surrounding area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodated in an existing exception area or UGB, and is most appropriate at the particular proposed location. The reasons cannot be based on market demand for housing, nor on a projected continuation of past rural population distributions.

(b) Need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and UGBs in the area. Area encompasses those communities, exception areas, and UGBs which may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors;

(c) Expansion requires demonstrated ability to serve both the expanded area and any remaining infill development potential in the community at time of development with the level of facilities determined to be appropriate for the existing unincorporated community.

(5) Expansion of Urban Unincorporated Communities: Expansion of an urban unincorporated community defined

under OAR 660-022-0010(9) shall comply with OAR 660-022-0040.

(6) Willamette Greenway: Within an urban area designated on the approved Willamette Greenway Boundary maps, the siting of uses which are neither water-dependent nor water-related within the setback line required by Section C.3.k of the Goal may be approved where reasons demonstrate the following:

(a) The use will not have a significant adverse effect on the greenway values of the site under consideration or on adjacent land or water areas;

(b) The use will not significantly reduce the sites available for water-dependent or water-related uses within the jurisdiction;

(c) The use will provide a significant public benefit; and

(d) The use is consistent with the Legislative findings and policy in ORS 390.314 and the Willamette Greenway Plan approved by LCDC under ORS 390.322.

(7) Goal 16 X Water Dependent Development: To allow water dependent industrial, commercial, or recreational uses in development and conservation estuaries which require an exception, an economic analysis must show that there is a reasonable probability that the proposed use will locate in the planning area during the planning period considering the following:

(a) Factors of Goal 9 or for recreational uses the factors of Goal 8;

(b) The generally predicted level of market demand for the proposed use;

(c) The siting and operational requirements of the proposed use including land needs, and as applicable, moorage, water frontage, draft, or similar requirements; and

(d) Whether the site and surrounding area are able to provide for the siting and operational requirements of the proposed use;

(e) The economic analysis must be based on Goal 9 element of the County Comprehensive Plan and consider and respond to all economic needs information available or supplied to the jurisdiction. The scope of this analysis will depend on the type of use proposed, the regional extent of the market and the ability of other areas to provide for the proposed use.

(8) Goal 16 -- Other Alterations or Uses: An exception to the requirement limiting dredge and fill or other reductions or degradations of natural values to water dependent uses or to the natural and conservation management unit requirements limiting alterations and uses is justified, where consistent with ORS Chapter 541, in any of the following circumstances:

(a) Dredging to obtain fill for maintenance of an existing functioning dike where an analysis of alternatives demonstrates that other sources of fill material including adjacent upland soils or stockpiling of material from approved dredging projects can not reasonably be utilized for the proposed project or that land access by necessary construction machinery is not feasible;

(b) Dredging to maintain adequate depth to permit continuation of present level of navigation in the area to be dredged;

(c) Fill or other alteration for a new navigational structure where both the structure and the alteration are shown to be necessary for the continued functioning of an existing federally authorized navigation project such as a jetty or a channel;

(d) An exception to allow minor fill, dredging, or other minor alteration of a natural management unit for a boat ramp or to allow piling and shoreline stabilization for a public fishing pier;

(e) Dredge or fill or other alteration for expansion of an existing public non-water-dependent use or a nonsubstantial fill for a private nonwater-dependent use (as provided for in ORS 541.625) where:

(A) A Countywide Economic Analysis based on the factors in Goal 9 demonstrates that additional land is required to accommodate the proposed use; and

(B) An analysis of the operational characteristics of the existing use and proposed expansion demonstrates that the entire operation or the proposed expansion cannot be reasonably relocated; and

(C) That the size and design of the proposed use and the extent of the proposed activity are the minimum amount necessary to provide for the use.

(f) In each of the situations set forth in subsections (7)(a) to (e) of this rule, the exception must demonstrate that proposed use and alteration (including, where applicable, disposal of dredged materials) will be carried out in a manner which minimizes adverse impacts upon the affected aquatic and shoreland areas and habitats.

(9) Goal 17 – Incompatible Uses in Coastal Shoreland Areas: Exceptions are required to allow certain uses in Coastal Shoreland areas:

(a) These Coastal Shoreland Areas include:

(A) Major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources and historic and archaeological sites;

(B) Shorelands in urban and urbanizable areas, in rural areas built upon or irrevocably committed to non-resource use and in unincorporated communities pursuant to OAR chapter 660, division 022 (Unincorporated Communities) that are suitable for water dependent uses;

(C) Designated dredged material disposal sites;

(D) Designated mitigation sites.

(b) To allow a use which is incompatible with Goal 17 requirements for coastal shoreland areas listed in subsection (9)(a) of this rule the exception must demonstrate:

(A) A need, based on the factors in Goal 9, for additional land to accommodate the proposed use;

(B) Why the proposed use or activity needs to be located on the protected site considering the unique characteristics of the use or the site which require use of the protected site; and

(C) That the project cannot be reduced in size or redesigned to be consistent with protection of the site and where applicable consistent with protection of natural values.

(c) Exceptions to convert a dredged material disposal site or mitigation site to another use must also either not reduce the inventory of designated and protected sites in the affected area below the level identified in the estuary plan or be replaced through designation and protection of a site with comparable capacity in the same area;

(d) Uses which would convert a portion of a major marsh, coastal headland, significant wildlife habitat, exceptional aesthetic resource, or historic or archaeological site must use as little of the site as possible, be designed and located and, where appropriate, buffered to protect natural values of the remainder of the site.

(e) Exceptions to designate and protect for water-dependent uses an amount of shorelands less than is required by Goal 17 Coastal Shoreland Uses Requirement 2 must demonstrate compliance with the following:

(A) Based on the factors of Goals 8 and 9, there is no need during the next 20-year period for the amount of water-dependent shorelands required by Goal 17 Coastal Shoreland Uses Requirement 2 for all cities and the county in the estuary. The Goal 8 and Goal 9 analyses must be conducted for the entire estuary and its shorelands, and must consider the water-dependent use needs of all local government jurisdictions along the estuary, including the port authority if any, and be consistent with the Goal 8 and Goal 9 elements of the comprehensive plans of those jurisdictions.

(B) There is a demonstrated need for additional land to accommodate the proposed use(s), based on one or more of the requirements of Goals 3 to 18.

(10) Goal 18 -- Foredune Breaching: A foredune may be breached when the exception demonstrates an existing dwelling located on the foredune is experiencing sand inundation and the grading or removal of sand is:

(a) Only to the grade of the dwelling;

(b) Limited to the immediate area in which the dwelling is located;

(c) Sand is retained in the dune system by placement on the beach in front of the dwelling; and

(d) The provisions of Goal 18 Implementation Requirement 1 are met.

(11) Goal 18 -- Foredune Development: An exception may be taken to the foredune use prohibition in Goal 18 "Beaches and Dunes", implementation requirement (2). Reasons which justify why this state policy embodied in Goal 18 should not apply shall demonstrate compliance with the following:

(a) The use will be adequately protected from any geologic hazards, wind erosion, undercutting ocean flooding and storm waves, or is of minimal value; and

(b) The use is designed to minimize adverse environmental effects;

(c) The provisions of OAR 660-004-0020 shall also be met.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 195.012, 197.040, 197.712,197.717,and 197.732
Hist.: LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDC 3-1984, f. & ef. 3-21-84; LCDC 4-1985, f. & ef. 8-8-85; LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 7-1999, f. & cert. ef. 8-20-99; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 9-2006, f. & cert. ef. 11-15-06

660-004-0025

Exception Requirements for Land Physically Developed to Other Uses

(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.

(2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise

described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

Stat. Auth.: ORS 197
Stats. Implemented ORS 197.732
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

660-004-0028

Exception Requirements for Land Irrevocably Committed to Other Uses

(1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

(a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;

(b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;

(c) An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

(2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

(a) The characteristics of the exception area;

(b) The characteristics of the adjacent lands;

(c) The relationship between the exception area and the lands adjacent to it; and

(d) The other relevant factors set forth in OAR 660-004-0028(6).

(3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resourceprotection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

(a) Farm use as defined in ORS 215.203;

(b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and

(c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).

(4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

(5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.

(6) Findings of fact for a committed exception shall address the following factors:

(a) Existing adjacent uses;

(b) Existing public facilities and services (water and sewer lines, etc.);

(c) Parcel size and ownership patterns of the exception area and adjacent lands:

(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;

(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.

(d) Neighborhood and regional characteristics;

(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;

(f) Physical development according to OAR 660-004-0025; and

(g) Other relevant factors.

(7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

(8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

(a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and

(b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged

comprehensive plan and land use regulations.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.732 & ORS 197.736
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 5-1985, f. & ef. 11-15-85; LCDC 4-1996, f. & cert. ef. 12-23-96

660-004-0030

Notice and Adoption of an Exception

(1) Goal 2 requires that each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(2) A planning exception takes effect when the comprehensive plan or plan amendment is adopted by the city or county governing body. Adopted exceptions will be reviewed by the Commission when the comprehensive plan is reviewed for compliance with the goals, when a plan amendment is reviewed pursuant to OAR chapter 660, division 18, or when a periodic review is conducted pursuant to ORS 197.640.

Stat. Auth.: ORS 197
Stats. Implemented ORS 197.610 - ORS 197.625, ORS 197.628 - ORS 197.646 & ORS 197.732
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

660-004-0035

Appeal of an Exception

(l) Prior to acknowledgment, an exception, or the failure to take a required exception, may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.830, or to the Commission as an objection to the local government's request for acknowledgment, pursuant to ORS 197.251 and OAR 660-003-0000.

(2) After acknowledgment, an exception taken

as part of a plan amendment, or the failure to take a required exception when amending a plan, may be appealed to the Board, pursuant to ORS 197.620 and OAR chapter 660, division 18.

(3) After acknowledgment, an exception taken as part of a periodic review work task submitted under OAR 660-025-0130, or failure to take a required exception when amending a plan, may be appealed to the Commission pursuant to ORS 197.633 and OAR 660-025-0150 and 0160.

Stat. Auth.: ORS 197
Stats. Implemented ORS 197.610 - 197.625, 197.732 & 197.830
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDD 3-2004, f. & cert. ef. 5-7-04

660-004-0040

Application of Goal 14 to Rural Residential Areas

(1) The purpose of this rule is to specify how Statewide Planning Goal 14 (*Urbanization*) applies to rural lands in acknowledged exception areas planned for residential uses.

(2)(a) This rule applies to lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Statewide Planning Goal 3 (*Agricultural Lands*), Goal 4 (*Forest Lands*),

or both has been taken. Such lands are referred to in this rule as rural residential areas.

(b) Sections (1) to (8) of this rule do not apply to the creation of a lot or parcel, or to the development or use of one single-family home on such lot or parcel, where the application for partition or subdivision was filed with the local government and deemed to be complete in accordance with ORS 215.427(3) before the effective date of Sections (1) to (8) of this rule.

(c) This rule does not apply to types of land listed in (A) through (H) of this subsection:

(A) Land inside an acknowledged urban growth boundary;

(B) Land inside an acknowledged unincorporated community boundary established pursuant to OAR chapter 660, division 022;

(C) Land in an acknowledged urban reserve area established pursuant to OAR chapter 660, division 021;

(D) Land in an acknowledged destination resort established pursuant to applicable land use statutes and goals;

(E) Resource land, as defined in OAR 660-004-0005(2);

(F) Nonresource land, as defined in OAR 660-004-0005(3);

(G) Marginal land, as defined in ORS 197.247, 1991 Edition;

(H) Land planned and zoned primarily for rural industrial, commercial, or public use.

(3)(a) This rule shall take effect on the effective date of an amendment to Goal 14 to provide for development of all lawfully created lots and parcels created in rural residential areas prior to the effective date of the amendment to Goal 14.

(b) Some rural residential areas have been reviewed for compliance with Goal 14 and acknowledged to comply with that goal by the department or commission in a periodic review, acknowledgment, or post-acknowledgment plan amendment proceeding that occurred after the Oregon Supreme Court's 1986 ruling in 1000 Friends of Oregon v. LCDC, 301 Or 447 (Curry County), and before the effective date of this rule. Nothing in this rule shall be construed to require a local government to amend its acknowledged comprehensive plan or land use regulations for those rural residential areas already acknowledged to comply with Goal 14 in such a proceeding. However, if such a local government later amends its plan's provisions or land use regulations that apply to any rural residential area, it shall do so in accordance with this rule.

(4) The rural residential areas described in Subsection (2)(a) of this rule are rural lands. Division and development of such lands are subject to Statewide Planning Goal 14 (Urbanization) which prohibits urban use of rural lands.

(5)(a) A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(c) For purposes of this section, "rural residential zone currently in effect" means a zone applied to a rural residential area, in effect on the effective date of this rule, and acknowledged to comply with the statewide planning goals.

(6) After the effective date of this rule, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR 660, division 014.

(7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.

(b) Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area. For the purposes of this rule, that minimum area shall be referred to as the minimum lot size.

(c) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.

(d) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.

(e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (7)(e)(A) through (7)(e)(H) are met:

(A) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10.

(B) The number of new lots or parcels to be created does not exceed 10.

(C) None of the new lots or parcels will be smaller than two acres.

(D) The development is not to be served by a new community sewer system.

(E) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.

(F) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the local government's land use regulations on the effective date of this rule as the minimum lot size for the area.

(G) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there.

(H) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.

(f) Except as provided in subsection (e) of this section, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle.

(g) In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(23) and (30) shall be considered an urban use if the density of manufactured dwellings in the park

exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.

(h) A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:

(A) The parcel to be divided has two or more permanent habitable dwellings on it;

(B) The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;

(C) Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it; and

(D) The partition would not create any vacant parcels on which a new dwelling could be established.

(E) For purposes of this rule, "habitable dwelling" means a dwelling that meets the criteria set forth in ORS 215.283(1)(s)(A)-(D).

(i) For rural residential areas designated after the effective date of this rule, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."

(8)(a) Notwithstanding the provisions of section (7) of this rule, divisions of rural residential land within one mile of an urban growth boundary for any city or urban area listed in paragraphs (A) through (E) of this subsection shall be subject to the provisions of subsections (8)(b) and (8)(c).

(A) Ashland;

(B) Central Point;

(C) Medford;

(D) Newberg;

(E) Sandy.

(b) If a city or urban area listed in subsection (8)(a):

(A) has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR chapter 660, division 21; or

(B) is part of a regional growth plan that contains at least a twenty-year regional urban reserve of land beyond the land contained within the collective urban growth boundaries of the participating cities, and that has been acknowledged through the process prescribed for Regional Problem Solving in ORS 197.652 through 197.658; then any division of rural residential land in that reserve area shall be done in accordance with the acknowledged urban reserve ordinances or acknowledged regional growth plan.

(c) Notwithstanding the provisions of section (7) of this rule, if any part of a lot or parcel to be divided is less than one

mile from an urban growth boundary for a city or urban area listed in subsection (8)(a), and if that city or urban area does not have an urban reserve area acknowledged to comply with OAR chapter 660, division 21, or is not part of an acknowledged regional growth plan as described in subsection (b), paragraph (B), of this section, the minimum area of any new lot or parcel there shall be ten acres.

(d) Notwithstanding the provisions of section (7), if Metro has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR chapter 660, division 21 or division 27, any land division of rural residential land in that urban reserve shall be done in accordance with the applicable acknowledged comprehensive plan and zoning provisions adopted to implement the urban reserve.

(e) Notwithstanding the provisions of section (7), if any part of a lot or parcel to be divided is less than one mile from the urban growth boundary for the Portland metropolitan area and is in a rural residential area, and if Metro has not designated an urban reserve that contains at least a twenty-year reserve of land acknowledged to comply with either OAR chapter 660, division 21 or division 27, the minimum area of any new lot or parcel there shall be twenty acres. If the lot or parcel to be divided also lies within the area governed by the Columbia River Gorge National Scenic Area Act, the division shall be done in accordance with the provisions of that act.

(f) Notwithstanding the provisions of section (7) and subsection (8)(e), a local government may establish minimum area requirements smaller than twenty acres for some of the lands described in subsection (8)(e). The selection of those lands and the minimum established for them shall be based on an analysis of the likelihood that such lands will urbanize, of their current parcel and lot sizes, and of the capacity of local governments to serve such lands efficiently with urban services at densities of at least 10 units per net developable acre. In no case shall the minimum parcel area requirement set for such lands be smaller than 10 acres.

(g) A local government may allow the creation of a new parcel, or parcels, smaller than a minimum lot size required under subsections (a) through (f) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (G) of this subsection exist:

(A) The parcel to be divided has two or more permanent, habitable dwellings on it;

(B) The permanent, habitable dwellings on the parcel to be divided were established there before the effective date of OAR 660-004-0040;

(C) Each new parcel created by the partition would have at least one of those permanent, habitable dwellings on it;

(D) The partition would not create any vacant parcels on which new dwellings could be established; and

(E) The resulting parcels shall be sized to promote efficient future urban development by ensuring that one of the parcels is the minimum size necessary to accommodate the residential use of the parcel.

(F) For purposes of this rule, habitable dwelling means a dwelling that meets the criteria set forth in ORS 215.283(1)(s)(A) - (D); and

(G) The parcel is not in an area designated as rural reserve under OAR chapter 660, division 27.

(9) The development, placement, or use of one single-family dwelling on a lot or parcel lawfully created in an acknowledged rural residential area is allowed under this rule and Goal 14, subject to all other applicable laws.

Stat. Auth.: ORS 197.040, 195.141
Stats. Implemented: ORS 197.175 & 197.732, 195.145, 195.141
Hist.: LCDD 7-2000, f. 6-30-00, cert. ef. 10-4-00; LCDD 3-2001, f. & cert. ef. 4-3-01; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 1-2008, f. & cert. ef. 2-13-08

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LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 6

GOAL 4 FOREST LANDS

660-006-0000

Purpose

(1) The purpose of the Forest Lands Goal is to conserve forest lands and to carry out the legislative policy of ORS 215.700.

(2) To accomplish the purpose of conserving forest lands, the governing body shall:

(a) Designate forest lands on the comprehensive plan map as forest lands consistent with Goal 4 and OAR Chapter 660, Division 6;

(b) Zone forest lands for uses allowed pursuant to OAR Chapter 660, Division 6 on designated forest lands; and

(c) Adopt plan policies consistent with OAR Chapter 660, Division 6.

(3) This rule provides for a balance between the application of Goal 3 "Agricultural Lands" and Goal 4 "Forest Lands," because of the extent of lands that may be designated as either agricultural or forest land.

Stat. Auth.: ORS 183, ORS 197.040, ORS 197.230 & ORS 197.245
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 1-1994, f. & cert. ef. 3-1-94

660-006-0003

Applicability

(1) OAR Chapter 660, Division 6 applies to all forest lands as defined by Goal 4.

(2) Governing bodies shall amend their comprehensive plan and land use regulations to comply with requirements of OAR 660-006-0035(2) and 660-006-0040 by September 6, 1994.

Stat. Auth.: ORS 183, ORS 197.040, ORS 197.230 & ORS 197.245

Exhibit G

Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94

660-006-0004

Notice of Decision in Forest Zones

Governing bodies shall provide the following types of notice:

(1) Notice of all applications for dwellings and land divisions in forest and agriculture/forest zones shall be provided to the Department of Land Conservation and Development at the Salem office. Notice shall be in accordance with the governing body's acknowledged comprehensive plan and land use regulations, and shall be mailed at least ten calendar days prior to the hearing or decision being made.

(2) Notice of proposed actions described in section (1) of this rule shall be provided as required by procedures for notice contained in ORS 197.763 and 215.402 to 215.438.

(3) The provisions of sections (1) and (2) of this rule are repealed on September 6, 1995.

Stat. Auth.: ORS 183, ORS 197.040, ORS 197.230 & ORS 197.245
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 1-1994, f. & cert. ef. 3-1-94

660-006-0005

Definitions

For the purpose of this division, the following definitions apply:

(1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.

(2) "Cubic Foot Per Acre" means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and be approved by the Oregon Department of Forestry.

(3) "Cubic Foot Per Tract Per Year" means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and be approved by the Oregon Department of Forestry.

(4) "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the

reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

(5) "Eastern Oregon" means that portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

(6) "Forest Operation" means any commercial activity relating to the growing or harvesting or any forest tree species as defined in ORS 527.620(6).

(7) "Governing Body" means a city council, county board of commissioners, or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

(8) "Western Oregon" means that portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

(9) "Lot" shall have the meaning set forth in ORS 92.010 and "parcel" shall have the meaning set forth ORS 215.010.

Stat. Auth.: ORS 197.040, 197.230 & 197.245
Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0010

Inventory

Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be inventoried under this rule. Outside urban growth boundaries, this inventory shall include a mapping of average annual wood production capability by cubic foot per acre (cf/ac). If site information is not available then an equivalent method of determining forest land suitability must be used. Notwithstanding this rule, governing bodies are not required to reinventory forest lands if such an inventory was acknowledged previously by the Land Conservation and Development Commission.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0015

Plan Designation Outside an Urban Growth Boundary

(1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR chapter 660, division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247 (1991 Edition), the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370, or is an "abandoned mill site" zoned for industrial use as provided for by Or Laws 2003, Ch 688, Section 3. In areas of intermingled agricultural and forest lands, an agricultural/forest lands designation

may also be appropriate if it provides protection for forest lands consistent with the requirements of OAR chapter 660, division 6. The plan shall describe the zoning designation(s) applied to forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will be applied.

(2) When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

Stat. Auth.: ORS 183, 197.040, 197.230 & 197.245
Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDD 3-2004, f. & cert. ef. 5-7-04

660-006-0020

Plan Designation Within an Urban Growth Boundary

Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245 & Ch. 792, 1993 OL
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90

660-006-0025

Uses Authorized in Forest Zones

(1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

(a) Uses related to and in support of forest operations;

(b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;

(c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.;

(d) Dwellings authorized by ORS 215.720 to 215.750; and

(e) Other dwellings under prescribed conditions.

(2) The following uses pursuant to the Forest Practices Act (ORS Chapter 527) and Goal 4 shall be allowed in forest zones:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(b) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation;

(c) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities; and

(d) For the purposes of section (2) of this rule "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(3) The following uses may be allowed outright on forest lands:

(a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;

(b) Farm use as defined in ORS 215.203;

(c) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

(d) Temporary portable facility for the primary processing of forest products;

(e) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(f) Private hunting and fishing operations without any lodging accommodations;

(g) Towers and fire stations for forest fire protection;

(h) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.213(1)(m) through (p) and 215.283(1)(k) through (n);

(i) Water intake facilities, canals and distribution lines for farm irrigation and ponds;

(j) Caretaker residences for public parks and public fish hatcheries;

(k) Uninhabitable structures accessory to fish and wildlife enhancement;

(l) Temporary forest labor camps;

(m) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head;

(n) Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465 and Goal 8;

(o) Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation; and

(p) Alteration, restoration or replacement of a lawfully established dwelling that:

(A) Has intact exterior walls and roof structures;

(B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal

system;

(C) Has interior wiring for interior lights;

(D) Has a heating system; and

(E) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(q) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division.

(4) The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule:

(a) Permanent facility for the primary processing of forest products;

(b) Permanent logging equipment repair and storage;

(c) Log scaling and weigh stations;

(d) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

(e)(A) Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(B) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by paragraph (4)(e)(C) of this rule.

(C) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(f) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

(g) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

(h) Television, microwave and radio communication facilities and transmission towers;

(i) Fire stations for rural fire protection;

(j) Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004;

(k) Aids to navigation and aviation;

(l) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

(m) Reservoirs and water impoundments;

(n) Firearms training facility;

(o) Cemeteries;

(p) Private seasonal accommodations for fee hunting operations may be allowed subject to section (5) of this rule, OAR 660-006-0029, and 660-006-0035 and the following requirements:

(A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;

(B) Only minor incidental and accessory retail sales are permitted;

(C) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

(D) A governing body may impose other appropriate conditions.

(q) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width;

(r) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;

(s) Home occupations as defined in ORS 215.448;

(t) A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this subsection is not eligible for replacement under subsection (3)(p) of this rule. Governing bodies every two years shall review the permit authorizing such mobile homes. When the hardships end, governing bodies or their designate shall require the removal of such mobile homes. Oregon Department of Environmental Quality review and removal requirements also apply to such mobile homes. As

used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons;

(u) Expansion of existing airports;

(v) Public road and highway projects as described in ORS 215.213(2)(q) through (s) and (10) and 215.283(2)(p) through (r) and (3);

(w) Private accommodations for fishing occupied on a temporary basis may be allowed subject to section (5) of this rule, OAR 600-060-0029 and 660-006-0035 and the following requirements:

(A) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;

(B) Only minor incidental and accessory retail sales are permitted;

(C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;

(D) Accommodations must be located within 1/4 mile of fish bearing Class I waters; and

(E) A governing body may impose other appropriate conditions.

(x) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(y) Any gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.

(5) A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

(6) Nothing in this rule relieves governing bodies from complying with other requirement contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183, 197.040, 197.230 & 197.245
Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780 & Ch. 792, 1993 OL

Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDC 8-1995, f. & cert. ef. 6-29-95; ; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 3-2004, f. & cert. ef. 5-7-04

660-006-0026

New Land Division Requirements in Forest Zones

(1) Governing bodies shall legislatively amend their land division standards to incorporate one or more of the following parcel sizes. Under these provisions, a governing body may not determine minimum parcel sizes for forest land on a case-by-case basis:

(a) An 80-acre or larger minimum parcel size; or

(b) One or more numeric minimum parcel sizes less than 80 acres provided that each parcel size is large enough to ensure:

(A) The opportunity for economically efficient forest operations typically occurring in the area;

(B) The opportunity for the continuous growing and harvesting of forest tree species;

(C) The conservation of other values found on forest lands as described in Goal 4; and

(D) That parcel meets the requirements of ORS 527.630.

(2) New land divisions less than the parcel size in section (1) of this rule may be approved for any of the following circumstances:

(a) For the uses listed in OAR 660-060-0025(3)(m) through (o) and (4)(a) through (o) provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the parcel created from the division is the minimum size necessary for the use.

(b) For the establishment of a parcel for a dwelling on land zoned for forest use, subject to the following requirements:

(A) The parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(B) The dwelling existed prior to June 1, 1995;

(C)(i) The remaining parcel, not containing the dwelling, meets the minimum land division standards of the zone; or

(ii) The remaining parcel, not containing the dwelling, is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

(D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.

(c) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of subsection (1)(a) or (b). Approvals shall be based on findings which demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of subsections (1)(a) or (b) of this rule in order to conduct the forest practice. Parcels created pursuant to this subsection:

(A) Shall not be eligible for siting of new dwelling;

(B) Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(C) Shall not result in a parcel of less than 35 acres, except:

(i) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(ii) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and

(D) If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone or the minimum size required for dwellings approved under OAR 660-006-0027 (1)(e).

(d) To allow the division of a lot or parcel as provided for by OAR 660-006-0055(2)(d), (3), (4) and (6).

(e) To allow a proposed division of land as provided in ORS 215.783.

(3)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this section shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.

(b) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

(c) The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this subsection. The record shall be readily available to the public.

(4) A landowner allowed a land division under section (2) of this rule shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Stat. Auth.: ORS 197.040, 197.230 & 197.245
Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780, 215.783 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7 1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0027

Dwellings in Forest Zones

(1) Dwellings authorized by OAR 660-006-0025(1)(d) are:

(a) A dwelling may be allowed if:

(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (b) of this section:

(i) Since prior to January 1, 1985; or

(ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(B) The tract on which the dwelling will be sited does not include a dwelling;

(C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.

(b) For purposes of subsection (a) of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(c) For purposes of subsection (a) of this section the dwelling must be located:

(A) On a tract in western Oregon that is composed of soil is not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:

(i) A United States Bureau of Land Management road; or

(ii) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(B) On a tract in eastern Oregon that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:

(i) A United States Bureau of Land Management road; or

(ii) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(d) A dwelling authorized under subsection (a) of this section shall comply with the following requirements:

(A) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based;

(B) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

(e) If a dwelling is not allowed pursuant to subsection (a) of this section, a dwelling may be allowed on land zoned for forest use if it complies with other provisions of law and is sited on a tract that does not include a dwelling:

(A) In eastern Oregon of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to section (6) of

this rule for all tracts that are used to meet the acreage requirements of this paragraph;

(B) In western Oregon of at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to section (6) of this rule for all tracts that are used to meet the acreage requirements of this paragraph.

(f) In western Oregon, a governing body of a county or its designate may allow the establishment of a single family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(A) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(i) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(B) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(i) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(C) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(i) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(g) In eastern Oregon, a governing body of a county or its designate may allow the establishment of a single family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(A) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

(i) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(B) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(i) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(C) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(i) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(h) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsections (1)(f) and (1)(g) of this section.

(i) A proposed dwelling provided for by subsection (1)(f) and (1)(g) is not allowed if the tract on which the dwelling will be sited includes a dwelling.

(2) Except as provided by subsection (3) of this section, if the tract under subsection (1)(f) or (g) of this rule abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(3)(a) If a tract 60 acres or larger described under subsection (1)(f) or (g) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with section (2) of this rule. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

(A) Be located within a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or

(B) Be within 1/4 mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.

(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

(4) A proposed dwelling under this rule is not allowed:

(a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law;

(b) Unless it complies with the requirements of OAR 660-006-0029 and 660-006-0035;

(c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (6) of this rule for the other lots or parcels that make up the tract are met.

(5) The following definitions shall apply to this rule:

(a) "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway;

(b) "Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.

(6)(a) The applicant for a dwelling authorized by paragraph (1)(e)(A) or (B) of this rule that requires one or more lot or parcel to meet minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located;

(b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;

(c) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions

and restrictions is located;

(d) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section;

(e) The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(7) Notwithstanding subsection (4)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsections (1)(f) or (g) or sections (2) or (3) of this rule, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 183, 197.040, 197.230 & 197.245
Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 2-1990, f. & cert. ef. 3-9-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 6-2000, f. & cert. ef. 6-14-00; LCDD 2-2006, f. & cert. ef. 2-15-06

660-006-0029

Siting Standards for Dwellings and Structures in Forest Zones

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

(1) Dwellings and structures shall be sited on the parcel so that:

(a) They have the least impact on nearby or adjoining forest or agricultural lands;

(b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

(d) The risks associated with wildfire are minimized.

(2) Siting criteria satisfying section (1) of this rule may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). For

purposes of this section, evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

(5) Approval of a dwelling shall be subject to the following requirements:

(a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;

(b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

(c) If the lot or parcel is more than 10 acres in western Oregon, as defined in ORS 321.257, or more than 30 acres in eastern Oregon, as defined in ORS 321.405, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules.

(d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) The County governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Stat. Auth.: ORS 197.040, ORS 197.245 & ORS 215.730
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDC 7-1994, f. & cert. ef. 9-21-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98

660-006-0031

Youth Camps

(1) A youth camp may be established in compliance with the provisions of this rule. The purpose of this rule is to

provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.

(2) The provisions of this rule shall not apply to youth camps established prior to the effective date of this rule.

(3) A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

(4) An application for a proposed youth camp shall comply with the following:

(a) The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by subsection (4)(b) of this rule a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.

(b) The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under subsection (4)(a) of this rule.

(c) Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp.

(d) The provisions of OAR 660-006-0025(5)(a).

(e) A campground as described in ORS 215.283(2)(c), 215.213(2)(c) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp.

(f) A youth camp shall not be allowed in conjunction with an existing golf course.

(g) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

(5) The youth camp shall be located on a lawful parcel that is:

(a) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least:

(A) 80-acres if located in eastern Oregon.

(B) 40-acres if located in western Oregon.

(b) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(A) The proposed setback will prevent conflicts with commercial resource management practices;

(B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(c) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.

(d) Predominantly forestland if within a mixed agricultural/forest zone as provided for under 660-006-0050.

(6) A youth camp may provide for the following facilities:

(a) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.

(b) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.

(c) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.

(d) Up to three camp activity buildings, not including primary cooking and eating facilities.

(e) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.

(f) Covered areas that are not fully enclosed.

(g) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.

(h) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

(i) A caretaker's residence may be established in conjunction with a youth camp prior to or after the effective date of this rule, if no other dwelling exists on the subject property.

(7) A proposed youth camp shall comply with the following fire safety requirements:

(a) The fire siting standards in OAR 660-006-0035;

(b) A fire safety protection plan shall be developed for each youth camp that includes the following;

(A) Fire prevention measures;

(B) On site pre-suppression and suppression measures; and

(C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(c) Except as determined under subsection (7)(d) of this rule, a youth camp's on-site fire suppression capability shall at least include:

(A) A 1000 gallon mobile water supply that can access all areas of the camp; and

(B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles; and

(C) A sufficient number of fire fighting hand tools; and

(D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(d) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the Oregon Department of Forestry and not served by a local structural fire protection provider.

(e) The provisions of OAR 660-006-0031(7)(d) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(8) The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(9) Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) which exist on forest lands.

(10) The provisions of this rule shall apply directly to any land use decision pursuant to ORS 197.646 and 215.427(3) commencing 120 days following the effective date of this rule. A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this rule, or to ensure compliance with any standards or criteria.

Stat. Auth.: ORS 183, 197 & 215
Stats. Implemented: ORS 184.618, 195.025, 197.040 - 197.717 & 215.750 - 215.755
Hist.: LCDD 6-2000, f. & cert. ef. 6-14-00; LCDD 2-2006, f. & cert. ef. 2-15-06

660-006-0035

Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent shall apply to new dwelling or structures in a forest or agriculture/forest zone:

(1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire

protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.

(3) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.

(4) The dwelling shall have a fire retardant roof.

(5) The dwelling shall not be sited on a slope of greater than 40 percent.

(6) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 183, ORS 197.040, ORS 197.230 & ORS 197.245
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDD 2-1998, f. & cert. ef. 6-1-98

660-006-0040

Fire Safety Design Standards for Roads

The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90

660-006-0050

Uses Authorized in Agriculture/Forest Zones

(1) Governing bodies may establish agriculture/forest zones in accordance with both Goals 3 and 4, and OAR Chapter 660, Divisions 6 and 33.

(2) Uses authorized in Exclusive Farm Use Zones in ORS Chapter 215, and in OAR 660-006-0025 and 660-006-0027, subject to the requirements of the applicable section, may be allowed in any agricultural/forest zone. The county shall apply either OAR Chapter 660, Division 6 or 33 standards for siting a dwelling in an agriculture/forest zone based on the predominant use of the tract on January 1, 1993.

(3) Dwellings and related structures authorized under section (2), where the predominant use is forestry, shall be subject to the requirements of OAR 660-006-0029 and 660-006-0035.

Stat. Auth.: ORS 183, ORS 197.040, ORS 197.230 & ORS 197.245
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.213, ORS 215.283, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 1-1994, f. & cert. ef. 3-1-94

660-006-0055

New Land Division Requirements in Agriculture/Forest Zones

(1) A governing body shall apply the standards of OAR 660-006-0026 and 660-033-0100 to determine the proper minimum lot or parcel size for a mixed agriculture/forest zone. These standards are designed: To make new land divisions compatible with forest operations; to maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands.

(2) New land divisions less than the parcel size established according to the requirements in section (1) of this rule may be approved for any of the following circumstances:

(a) For the uses listed in OAR 660-006-0025(3)(m) through (o) and (4)(a) through (n) provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the land division created is the minimum size necessary for the use.

(b) For the establishment of a parcel for a dwelling on land zoned for mixed farm and forest use, subject to the following requirements:

(A) The parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(B) The dwelling existed prior to June 1, 1995;

(C)(i) The remaining parcel, not containing the dwelling, meets the minimum land division standards of the zone; or

(ii) The remaining parcel, not containing the dwelling, is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.

(E) The minimum tract eligible under subsection (b) of this section is 40 acres.

(F) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321.

(G) The remainder of the tract shall not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.

(c) To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of section (1). Parcels created pursuant to this subsection:

(A) Shall not be eligible for siting of new dwelling;

(B) Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(C) Shall not result in a parcel of less than 35 acres, except:

(i) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(ii) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland; and

(D) If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.

(d) A division of a lot or parcel zoned for mixed farm forest may be allowed if:

(A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(B) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213(1)(u) or 215.283(1)(t);

(C) Except for one lot or parcel, each lot or parcel created under this section is between two and five acres in size;

(D) At least one dwelling is located on each lot or parcel created under this section; and

(E) The landowner of a lot or parcel created under this section provides evidence that a restriction prohibiting the landowner and the land owner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in statewide goal 4 (Forest Land);

(e) To allow a proposed division of land as provided in ORS 215.783;

(3) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed by OAR 660-006-0055(2)(d) and (4). The record shall be readily available to the public.

(4) A lot or parcel may not be divided under OAR 660-006-0055(2)(d) if an existing dwelling on the lot or parcel was approved under:

(a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or

(b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under statewide goal 4 (Forest Lands).

(5)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this rule shall provide evidence that a

restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under section (2) of this rule.

(b) A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forestland.

(c) The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(6) A landowner allowed a land division under section (2) of this rule shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Stat. Auth.: ORS 197.040, 197.230 & 197.245
Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.213. 215.283. 215.700, 215.705, 215.720, 215.740, 215.750, 215.780, 215.783 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0057

Rezoning Land to an Agriculture/Forest Zone

Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

Stat. Auth.: ORS 183, ORS 197.040, ORS 197.230 & ORS 197.245
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.213, ORS 215.283, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94

660-006-0060

Regulation of Forest Operations

The Forest Practices Act (ORS 527.620 to 527.990) as implemented through Oregon Board of Forestry rules (OAR 629-024-0101 to 629-024-0648) regulates forest operations on forest lands. The relationship between the Forest Practices Act and land use planning is described in 527.722 to 527.726. OAR 660-006-0025 does not authorize county governing bodies to regular forest operations or other uses allowed by ORS 527.620 to 527.990 and OAR 629-024-0101 to 629-024-0648.

Stat. Auth.: ORS 183, ORS 197 & ORS 215
Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; Renumbered from 660-006-0030; LCDC 7-1992, f. & cert. ef. 12-10-92

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FOREST LANDS
(Goal 4)

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Exhibit H

FOREST LANDS ELEMENT

(Goal 4)

1. FORESTRY IN TILLAMOOK COUNTY

1.1 Overview

Tillamook County's forests are an essential natural resource. The forest land that covers over 90 percent of the County provides (1) a perpetual harvest of commercial timber; (2) fish and wildlife habitat; (3) maintenance of clean air and water; (4) protection of soil; (5) outdoor recreation activities; and (6) scenic open space.

Tillamook County's forest lands are among the most productive in the United States. The harvesting and processing of timber is by far the County's largest industry. The timber industry generates over 55 percent of the County's combined General Fund, Road Fund, and School Fund revenues, along with a substantial share of the revenues of the County's other taxing districts. They are responsible for over 30 percent of the County's labor and proprietor's income, 30 percent of its total employment, and over 70 percent of its manufacturing employment. They also provide valuable water shed protection, fishing and hunting, and other recreational activities.

The remainder of this section provides an overview of the productivity of the County's forest lands, their ownership and management, the economic benefits that they provide, and the need to maintain them for forest uses.

1.2 Forest Land Productivity

Tillamook County contains some of the most productive forest land in the United States. The productive potential of forest land is determined by such physical characteristics as soil, drainage, rainfall, temperature, altitude, slope and aspect.*1* The combined effect of these characteristics on a timber stand is usually measured in terms of tree height (site index) or tree volume (cubic foot site class). The different systems for measuring productivity and their interrelationships are described in Appendix A. The relatively high productivity of the County's forest land is illustrated in Table 1 which

1 The U.S. Forest Service does have computerized information that includes the productivity of specific stands that range in size form 100 to 1,000 aces. However, this information is not currently digitized and available for mapping. the Bureau of Land Management is in the process of mapping their lands according to productivity.

provides a summary of the cubic foot site class of virtually all of the County's commercial forest land, excluding the 142,000 acres in federal ownership. 36.2 percent of this land is rated as "high site class" (cubic foot site classes 1 and 2). By comparison, only 27.5 percent of the commercial forest land throughout western Oregon receives a high site class rating.(2)

LCDC has interpreted the forest lands goal as requiring the mapping of forest land according to cubic foot site class (see Section 2 of this element). This was done at the urging of the Oregon State Forestry Department because such information enables the governing body to estimate the economic value of the land in timber production when a change of use is being considered. Tillamook County has done as much as possible to comply with this requirement, particularly since the County recognizes the value of having such information available.

TABLE 1

PRODUCTIVITY OF TILLAMOOK COUNTY'S STATE AND PRIVATE FOREST LANDS BY CUBIC FOOT SITE CLASS

Cubic Foot Site Class	Potential Yield Cubic Foot/Acre	Site Rating1	Acres	Percent
1 & 2	165 +	High	172,410	36.2%
3	120 - 164	Medium	153,990	32.3%
4	85 - 119	Low	149,608	31.4%
5	50 - 84	Low	270	0.1%
6 & 7	0 - 49	Low	0	0.0%
ALL	**0 - 165 +**	**High - Low**	**476,278**	**100.0%**

1 This descriptive "high-medium-low" site class rating, which corresponds to cubic foot site class, was designed by McArdle, et.al., op cit, 1961.

SOURCE: Connie Swales, Tillamook County Cartographer, as compiled from forest lands productivity maps available in the County Planning Department.

Tillamook County has developed detailed soil mapping of all of its state and private forest lands. The 308,000 acres of state land and approximately 20,000 acres of private land represent almost 80 percent of the County's

forest land. The mapping of state lands was done by the Weyerhauser Corporation for the State Forestry Department. this information has been compiled in a book of township maps entitled "Soils Survey of Northwest Oregon Area: Tillamook County", and is available in the County Planning Department. The productivity mapping of private forest lands is derived from the State Department of Revenue's Forest Land Classification system. This information is also available in the Planning Department on maps color-coded according to cubic foot site class.

The 141,000 acres of federal forest land that is managed by the U.S. Forest Service and Bureau of Land Management has not been mapped because the required information is not currently available (1) The absence of this information is not significant as federal lands are generally not subject to County regulations and there is virtually no possibility that a land exchange would occur that would permit nonforest development on forest land that is currently in federal ownership.

1.3 Commercial Forest Land Definition

The May 30, 1979 LCDC policy paper entitled "Common Questions on the Forest Lands Goal" points out that "commercial forest land" is not defined in the Forest Lands Goal, and that "jurisdictions which use the phrase "commercial forest land" should clearly define it. The policy paper suggests that "counties may wish to use the State Department of Forestry's Forest Program for Oregon definition of "commercial forest land" as "forest land that is capable of producing crops of industrial wood generally in excess of 20 cubic feet per acre of annual growth".

Tillamook County defines "commercial forest land" as that forest land that is capable of producing 50 cubic feet of wood growth per acre per year without man's management. This definition is consistent with the Oregon Forest Practice Rule which defines commercial forest lands that are subject to the reforestation requirement as those forest lands "which are capable of a mean annual production of at least 50 cubic feet per acre" (OAR 24-501). This rule was referred to as the definition of "viable commercial forest land" in the State Forestry Department's "Forest Land Classification - for Northwest Area Counties Use".

This definition will not encourage the losses of any commercial viable forest land in Tillamook County since the County has no significant acreages with a potential productivity of less than 50 cubic feet per acre per year. (See Table 1 in Section 1.2.) Any less productive land would be isolated rock outcroppings or areas of extremely steep slope that would not be suited for nonforest development.

This definition must be qualified by the fact that potential productivity is not the sole determinant of "viable commercial forest land". There are significant limitations to the forest site classification system. Since it employs physical rather than economic criteria, it provides incomplete information on the economic profitability of growing wood on different forest sites. Other considerations that should be taken into account include differences in ownership size and type, location with respect to market, accessability of a forest tract to existing roads, and ease of cutting and replanting. For example, there are a number of forest land ownerships that are too small for commercial forest use despite their relatively high productive potential on a per-acre basis.

Forest Land Ownership, Management and Revenues

Forest land ownership is an important determinant of forest land management. Each agency, corporation or individual involved with management of the timber resource has developed a different set of management goals and prescriptions for lands under their control. the differences in these management policies reflect the diversity of the motivations of the various land managers and owners.

The federal agencies, and to a lesser extent, the State, counties, and municipalities involved, manage their land on a multiple-use, sustained yield basis. This general policy reflects the fact that these agencies are in some sense representative of society as a whole: a society interested in all aspects of the forest resource. On the other hand, the private timber corporations have as their primary motive the production of the maximum amount of wood fiber per acre, per year. Private non-industrial owners, however, may lack the awareness or incentives needed to commit their land to long-term timber production. If so, they are more likely to hold their forest land for speculative reasons without regard for the forest products that could be grown on it (see subsection 4.5).

The forest land ownership pattern in Tillamook County is shown in Table 2. Seventy percent (470,000 acres) of the County's forest land is in public ownership. The State of Oregon is the largest single landowner with 308,000 acres (46%). Federal ownership totals 142,000 acres (21.2%). Private ownership totals 199,000 acres (29.8%), with 157,000 (23.5%) of these acres in industrial ownership. This leaves only 41,000 acres (6.3%) in private non-industrial ownership.

TABLE 2

TILLAMOOK COUNTY'S FOREST LAND OWNERSHIPS

Ownership	Total Acreage	Percent
U.S. Forest Service	92,000	13.7%
Bureau of Land Management	50,000	7.5%
State Department of Forestry	308,000	46.0%
Other Public	20,000	3.0%
Private Industrial	157,000	23.5%
Private Non-industrial	42,000	6.3%
TOTAL - ALL OWNERSHIPS	**669,000**	**100.0%**

SOURCE: Oregon State Department of Forestry, Summary of Acreage, Forest Protection Districts (July 1, 1979 - June 30, 1980).

TABLE 3

TILLAMOOK COUNTY AVERAGE ANNUAL TIMBER HARVEST, BY CLASS OF OWNERSHIP, 1970 - 76

(In thousands of board feet, Schribner Log Scale)

Ownership	Volume Harvested	Percent
U.S. Forest Service	44,627	17.5%
Bureau of Land Management	41,540	16.3%
State Department of Forestry	35,728	14.0%
Private Industrial*	125,931	49.5%
Private Non-industrial*	6,614	2.6%
TOTAL - ALL OWNERSHIPS	**254,407**	**99.9%**

* *Separate harvest information for industrial and nonindustrial lands was provided only in 1975 and 1976. Form 1970 to 1974, this information was combined into one "private" category. Table 2 assumes that the harvest ratio between industrial and nonindustrial ownerships that existed in 1975 and 1976 is similar to what occurred form 1970 to 1974.*

PUT w/ TABLE Pg. 6 ↖ (SOURCE: "Tillamook County Economic Information", Oregon Department of Economic Development, June 1979, p. TIL-36-38.

Table 3 shows the percent of timber harvested from the different ownership classes during the seven-year period between 1970 and 1976. The significant variations reflect differences in both management objectives and management conditions. The private industrial ownerships provided almost 50 percent of the County's average annual harvest during this period on only 23.5% of the County's timberland. By contrast, private non-industrial ownerships totaled only 2.6 percent of the harvest on 6.3 percent of the land. This reflects differing commitments to timber production on these two different types of private ownership. On the other hand, the State's harvest of only 14 percent of the total from the 46 percent of the land in their ownership reflects different management conditions. The Tillamook Burn covered most of the state's land, and the timber planted on this burned over land has not yet reached harvestable age. (See discussion under subsection 1.41 below.) By 2030, these state lands should be in full production and the percentage of timber harvested should approximate the proportion of forest land in state ownership.

1.41 Public Forest Lands

A. State Ownership

The 308,000 (46%) of County forest land in state ownership represents 47 percent of all the state forest land in Oregon. Most of the state forest land in Tillamook County was acquired as a result of the Tillamook Burn - - the series of fires that devastated the north-west third of the County between 1933 and 1945. As a result of these fires and the Depression of the 1930's, a vast amount of forest land reverted to the County due to nonpayment of taxes. The County was induced to transfer these lands to the state in return for a share of the revenue generated from them. Over the years, 15 Oregon counties have turned over a total of 654,837 acres to the state for management. The statutes governing these lands comprise ORS Chapter 530.

The Tillamook District office in Tillamook administers 251,500 acres (82%) of the state forest land in Tillamook County. The remaining 56,500 acres are administered through the Astoria and Forest Grove District offices.

The goal of the State's forest program is "to optimize the sustained contribution made by the ~~sate~~ state forests to the people

of Oregon by maximizing the growth and harvest of forest products, consistent with the financial resources available and consistent with the need to protect soils, streams, wildlife habitat, recreational opportunities and other environmental values"(1) The overwhelming majority of the state forest land (95.5 percent) in Tillamook County is classified for timber production as a primary uses. One percent is classified for special use (watersheds, research, forest parks, etc.) and 2.5 percent is classified as conservancy(2)

The state-owned forests of Tillamook County are quite young. The average conifer stand is only 20-25 years old because of the Tillamook Burn and the timing of the State's subsequent reforestation program.(3) There will be significant increases in timber harvest on state lands as the forest matures. The current annual harvest of approximately 9 million cubic feet (about 45 million board feet) will remain fairly steady until the year 2000. However, the harvest is expected to double during the first decade of the 21st century, and is projected to double again by the third decade (2020-2030). After that, the annual harvest is expected to be sustained at a rate 3 to 4 times greater than it is today(4) there should be a corresponding increase in forest revenues and employment (see Section 1.5).

The County receives 63.75 percent of the receipts from timber harvested on state lands, with the remainder going to the state. This percentage is significantly higher than the share of timber receipts that are received from other types of forest ownerships. The lands contained in ORS Chapter 530 has been changed a number of times by the State Legislature. The current formula provides 15 percent off the tip to the state for fire protection and intensive management, with 75 percent of the remaining revenues going to the County and the other 25 percent to the state. (The County's share is therefore 75 percent times 85 percent which equals 63.75 percent.)

ORS Chapter 530 also provides a formula for distribution of the County's share of the revenues. After the County's General Fund is reimbursed for any costs of managing the lands, 25 percent of the remaining County share is required to go to the County School Fund and the rest is apportioned to the various taxing districts where the lands are located.(1) Tillamook County received an average of over $2,000,000 a year in revenue from its state forest lands between 1977 and 1981. These revenues totaled $3,392,965 during fiscal year 1981.(1) (See

further discussion in subsection 1.5.)

B. Federal Ownership

The 142,000 acres of federal forest lands in Tillamook County comprise 21 percent of the County's forest ownership. The U.S. Forest Service manages 92,000 of these acres, while the Bureau of Land Management manages the remaining 50,000 acres. A little over half of the BLM lands are O & C lands. The remainder are public domain lands. The management objectives for federal lands have been rather precisely defined. The "balance use" a concept of the O & C lands (Act of August 28, 1937), and the "multiple-use" concept of the National Forests (PL 86-517) place similar responsibilities upon both agencies. Federal laws, regulations, policies and plans govern the management of these lands and they are generally not subject to County planning regulations. However, the County does have input into the management plans for federal lands. The management of these lands is of great importance to the County, particularly because of the revenues received from timber harvests.

(1) National Forest Lands

The 92,000 acres of U.S. Forest Service lands are all within the southern half of the County. They are managed by the Hebo Ranger District of the Siuslaw National Forest, located in Hebo. This District administers 151,222 acres of national forest land, 62 percent of which lies in Tillamook County. The remainder is in Lincoln County (21%) and Yamhill County (17%).

These national forest lands comprise over 80 percent of the southern third of the County. They provide a full array of forest uses, including timber production, wildlife and fisheries habitat, watershed protection, outdoor recreation and scenic open space. The area is characterized by a relatively young, even-aged, "second growth forest", with approximately 65 percent of the standing timber ranging between 55 and 125 years of age. This type of forest resulted from the fire that swept the area in 1849. In 1910, another major fire engulfed the west and south slopes of Mt. Hebo. This largely accounts for the 30,000 acres of alder and brush in the

Hebo District. Very little of this national forest land is within the Tillamook Burn area, consequently these south County forests are more mature than the state forest lands that were burned over one or more times between 1933 and 1945.

The above information is taken from the "Final Environmental Impact Statement for the Hebo Planning Unit", which was adopted in the fall of 1978.

This FEIS, which is the current land management plan for the Hebo District, describes available resources; it evaluates management alternatives, including their relationship to state-wide planning goals and guidelines; and it provides a rationale for the selection of a particular alternative as the plan for the management of these national forest lands. This plan allocates 78 percent of the Districts are to full-yield, commercial forest use; 4 percent is in a 300-year rotation that maintains an older forest community; 5 percent is commercial forest land whose yield is constrained to meet visual objectives; 10 percent has no programmed harvest, with three-fifths of this in the Cascade Head Experimental Forest; and the remaining 3 percent is in the Cascade Head Scenic Research Area, which is in a "productive reserve" category (FEIS, p. 50).

The plan projects a potential annual yield of 133,957 million board feet (about 25 million cubic feet), with a stumpage value of $23,174,561 (based on 1976 values). Annual return to counties would be $5,793,640. Jobs supported include 1,004 in the forest industry, and 2,000 in service and trades. Business income generated is expected to exceed $100 million. The FEIS also describes the plan's impact on wildlife, recreation, soil stability, and other environmental factors (see pp. 57-58). Since about 60 percent of the Hebo District's lands are in Tillamook County, a similar percentage of these effects are likely to occur in the County.

The County receives 25 percent of the receipts from timber sales on the national forest lands within its boundaries (1). These receipts, which appear in the County budget as "Forest Reserve Rentals", averaged

about $1,800,000 a year between 1977 and 1981. By federal law, 75 percent of these forest revenues must go into the County Road Fund and the remaining 25 percent must go into the County School Fund. Over the past five years (1977-81), 73.8 percent of the County's Road Fund budget came from the receipts from timber sales on national forest lands. These receipts also provided an average of $454,662 a year for the County School Fund during the 1977-81 period. (Revenues from all of the County's timber lands provided 93.6 percent of the School Fund budget.)

(2) Bureau of Land Management Lands

The approximately 50,000 acres of BLM lands are located primarily within the southeastern portion of the County. These lands are within BLM's Tillamook Resource Area whose administrative office is at the Industrial Park south of Tillamook. They are administered on a sustained-yield, multiple-use basis according to the O & C Act of 1937 and the Federal Land Policy and Management Act of 1976.

BLM's Tillamook Resource Area is within the Westside Salem District Planning Area. BLM expects to complete an intensive multiple-use planning effort for all lands in this area by late 1982. This effort was begun in 1977 with the objective of preparing a timber management environmental impact statement (EIS) prior to the next 10-year allowable harvest declaration. This process is described in the Westside Salem Timber Management Draft Environmental Impact Statement" (DEIS) and the "Preferred Land Use Alternative for the Westside Salem District Planning Area". These two documents contain useful information on the resources of the planning area as well as a description of proposed decisions, alternatives and outputs for the Westside District Land Use Plan. The DEIS also includes a discussion of the proposed plans relationship to LCDC Statewide and Coastal Goals.

The current annual harvest on the BLM lands in Tillamook County is close to 40 million board feet (about 8 million cubic feet). This can be expected to decline somewhat in 12-15 years because much of the standing

timber is currently of harvestable age.(2) This 75-100-year old "second growth" timber is the result of the natural reseeding that occurred after the fire that burned over most of the area in 1849.

Approximately 27,500 acres (55%) of BLM's ownership in Tillamook County are O & C lands. The remaining 22,400 acres are public domain lands.(3) This distinction is important to the County because of the quite different formulas for calculating the revenue that the County receives from these two different ownership categories.

The O & C lands were revested by the federal government in 1916, after the Oregon and California (O & C) Railroad company violated grant terms. These lands are often in a checkerboard pattern because the original O & C grants called for conveyance of alternate, odd-numbered sections.

TABLE 4

TILLAMOOK COUNTY O & C REVENUES, FISCAL YEARS 1977-81

1977	1978	1979	1980	1981
$386,630	$593,854	$483,223	$541,935	$546,599

SOURCE: Tillamook County Treasurer, October 8, 1981

This complicates management, particularly when the alternative blocks on this checkerboard are in private ownership.

O & C receipts are derived from timber sales, road use fees, and miscellaneous sources such as the sale of rock and other materials. Timber sale receipts are by far the most important of these three sources, with 50 percent of the revenues going to O & C counties. The remainder is evenly divided between the federal treasury and BLM's management program. The latter includes road building and maintenance, recreation improvements, resource protection, and other forest improvements on BLM lands.

There are O & C lands in 18 western Oregon counties.

Under the O & C Act of 1937, the receipts from these lands are placed in a common pool, and then divided among the 18 O & C counties according to a formula based on the proportion of the total assessed value of the O & C lands that were in the County in 1915. Tillamook County receives 0.56 percent of each year's O & C receipts according to this formula.*1* The payments to Tillamook County from O & C receipts for the past five fiscal years are shown in Table 4. The year-to-year variations in O & C revenues are caused by variations in the volume and market price of timber harvested.

TABLE 5
OTHER PUBLIC FOREST LAND OWNERSHIPS

Ownership	Acreage
State Parks	6,289
Division of State Lands	5,584
Tillamook County	4,390
Municipalities	3,748
State Fish and Wildlife	49
OSU/U of O	10
TOTAL	**20,070**

SOURCE: Oregon State Department of Forestry, Summary of Acreage, Forest Protection Districts (July 1, 1979-June 30, 1980).

Unlike other federal forest land receipts, these O & C revenues are not earmarked for any particular purpose, and are therefore allotted to the County's General Fund. They provided 18 percent of the General Fund's total receipts during the five-year, 1977-81 period. (See subsection 1.5 for a comprehensive discussion of forest land timber receipts.)

In addition to its O & C lands, BLM administers 22,400 acres of public domain lands within the County. These are essentially the federal lands that were left over after the original federal ownership was acquired by private

individuals and corporations, state and local governments, and other federal jurisdictions. While these lands are managed the same as the O & C lands, they provide relatively little revenue to the County because of the formula for allocating timber sale receipts from these lands. Seventy-six percent of the receipts from these lands go to the Federal Bureau of Reclamation and 20 percent go into the federal General Fund. The remaining 4 percent goes to the State's Common School Fund.

Tillamook County also receives a little over $10,000 each year from the federal government as a "payment-in-lieu of taxes". This payment was authorized by the U.S. Congress as an additional compensation for tax exempt federal lands within their boundaries. Counties receive from 10 cents to 75 cents an acre for their national forest and public domain land (O&C lands are exempt) under a formula that takes into account population and other revenues from federal lands. Tillamook County receives the minimum because of its relatively low population and relatively high revenues from timber sales on other federal lands.

C. Other Public Forest Lands

In addition to the lands administered by the State Forestry Department and the federal agencies, there are 20,000 acres of other public forest lands in Tillamook County. These ownerships and their respective acreages are shown in Table 5.

Oregon State Parks has 7,521 acres in the County, of which 6,289 acres are included in a forest protection district. Approximately two-thirds of these forested acres are in Cape Lookout (1,946 acres) and Oswald West (2,271 acres) State Parks. Timber is not harvested on State Park lands, except for salvage purposes. these lands are important for other forest uses, including wildlife habitat, recreation, and scenic open space, that directly benefit local citizens and contribute significantly to the County's tourism industry.

TABLE 6
PRIVATE INDUSTRIAL FOREST LAND OWNERSHIP IN TILLAMOOK COUNTY

	Acres	Percent
Publishers Paper	65,482	41.7%
Crown Zellerbach	46,747	29.8%
Longview Fiber	10,742	6.8%
Stimson Lumber	8,723	5.6%
Boise-Cascade	5,780	3.7%
International Paper	5,320	3.4%
Willamette Industries	4,694	3.0%
Miami Corporation	4,212	2.7%
Burlington Northern	3,530	2.2%
Mountain Fir	505	0.3%
Willamina Lumber	485	0.3%
Hampton Tree Farms	469	0.3%
Louisiana-Pacific	368	0.2%
TOTAL	**157,057**	**100.00%**

SOURCE: 1982 Assessment Role, Tillamook County Assessor's Office, Tillamook, Oregon, 1981.

The 5,584 acres in Division of State Lands ownership is managed by the State Forestry Department for timber production. Revenues from these lands go into the State's irreducible School Fund. These monies are invested, with the interest being distributed to the State's school districts on a per-student basis.

The State Forestry Department also manages the timber on 1,600 acres of Tillamook County's 4,390 acre ownership. The County receives 75 percent of the revenues, with the state getting the remainder for managing the land. The remaining 2,800 acres are in other uses, including county parks.

The cities of Tillamook (2,447 acres) and Nehalem (975 acres) own over 90 percent of municipal holdings. Bay City and Manzanita own 175 and 130 acres respectively, and Neahkahnie and Netarts Water District each own approximately 10 acres. Most of the municipalities; acreage is in their respective watersheds. Timber has been harvested on some of this land, with the revenues going to the city or water district that owns the land.

1.42 Private Forest Lands

The 199,000 acres of private forest lands in Tillamook County comprise 29.8 percent of the County's total forest acreage. About 157,000 acres (79.3%) of these private lands are in industrial ownership, with the remaining 42,000 acres being owned by private individuals. As noted earlier in this section, the industrial ownerships provided 49.5 percent of the County's annual average timber harvest between 1970 and 1976 (see Table 3), while the non-industrial ownerships provided only 2.6 percent of the harvest during this period. Table 6 shows that Publishers Paper and Crown Zellerbach together own over 70 percent of the County's industrial timber land. The remaining 30 percent is divided among 11 other industrial ownerships. (An "industrial ownership" is characterized by ownership of a processing facility.)

TABLE 7
PRIVATE NONINDUSTRIAL FOREST LAND OWNERSHIPS

	Number Owners	Number Acres
10 - 100 Acres	567	21,372
100 - 500 Acres	119	22,708
500 + Acres	0	0
TOTAL	**686**	**44,080**

SOURCE: Forestry Program for Oregon, Supplement No. 1, p. 27

The industrial ownership pattern in the County is described on the 1978 Tillamook County Timber Ownership map that was prepared by the Oregon State Forestry Department for the State Department of

Revenue. This map is available in the County Planning Department office.

Table 7 shows that in 1977, 44,000 acres of private non-industrial ownership were divided among 686 forest landowners, 567 of whom owned less than 100 acres. The Oregon State Forest Department most recent assessment (1981) based on the acreage in forest protection districts, shows approximately 42,000 acres in private non-industrial ownership. Since this includes parcels as small as ½ acre, some of the 42,000 acres are in ownerships that are too small for commercial forestry. The management of these lands is described in ore detail in Section 4.5.

Since 1978, most of Tillamook County's private forest land has been taxed according to the provisions of the Western Oregon Forest Land and Severance Tax which was adopted by the 1977 Oregon Legislature. This includes an ad valorem tax on the base land value of forest land and a 6 ½ percent tax on the appraisal stumpage value of trees harvested for use or sale. Under this system, the land on which timber is grown is taxed annually, while the timber itself is not taxed until it is harvested.(1)

(1) *See "The Tillamook County Economy: A Working Model for Evaluating Economic Change", Oregon State University Extension Service, Special Report 478, March 1977.*

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TABLE 8

TILLAMOOK COUNTY TIMBER RECEIPTS

Fiscal Year - Source	General Fund	Road Fund	School Fund
1981			
Timber and Land Sales (1)	$700,986		$654,273
O & C Land Grant (2)	546,599		
Forest Reserve Rental (3)		1,361,058	459,991
Total Fund Receipts (all sources)	**3,845,392**	**1,750,892**	**1,181,201**
1980			
Timber and Land Sales	519,395		438,073
O & C Land Grant	541,935		
Forest Reserve Rental		1,649,612	557,794
Total Fund Receipts			

1 Includes Timber Severance Tax and any county cost of managing state forest lands (see section 1.41A). Receipts from land sales are estimated to be less than 1 percent of total.
2. Revenues from BLM-managed O&C lands (see section 1.41B(
3. Revenues from USFS-managed national forest lands

Keep table together

(all sources)	3,605,120	2,075,860	1,068,878
1979 Timber and Land Sales O & C Land Grant Forest Reserve Rental	438,474 483,223	 1,533,636	284,534 511,414
Total Fund Receipts (all sources)	**3,081,594**	**1,965,574**	**849,201**
1978 Timber ans Land Sales O & C Land Grant Forest Reserve Rental	589,919 593,854	 1,311,298	(1) 437,099
Total Fund Receipts (all sources)	**2,210,552**	**1,790,632**	**437,261**
1977 Timber and Land Sales O & C Land Grant Forest Reserve Rental	221,239 386,630	 110,000 2 921,041	(1) 307,014
Total Fund Receipts	**1,917,827**	**1,597,239**	**363,823**

1 *Prior to 1979, there was no required allocation of Timber and Lands Sales receipts to the School Fund.*

2 *This represents a one-time transfer of O & C Land receipts from the General Fund to the Road Fund.*

SOURCE: Tillamook County Treasurer, October, 1981.

TABLE 9

TILLAMOOK COUNTY'S AVERAGE ANNUAL TIMBER RECEIPTS, BY SOURCE, 1979-81

SOURCE	AMOUNT	PERCENT
State Forest Lands	$2,271,304	41.4%
National Forest Lands	1,514,769	27.6%
O & C Lands	523,919	9.5%
Timber Severance Taxes	1,167,452	21.3%

Payments-in-Lieu of Taxes	10,489	0.2%
TOTAL	$5,487,933	100.0%

SOURCE: Tillamook County Treasurer, October, 1981.

During the three fiscal years (1979-81) since this tax law has been in effect, the County has collected an annual average of $1,167,452 form timber harvested under the severance tax, with a high of $1,303,737 in 1981. 2 These revenues are dispersed to the various taxing districts in the County, including County government, incorporated cities, school districts, port authorities, rural fire protection districts, sanitation authorities, water districts, hospital districts, and the educational service district.

The other taxing approach that is available to private timber land owners is the Western Oregon Small Tract Optional Tax. This tax applies only to the bare land according to its productivity; timber is exempt whether harvested or not. Those who own between 10 and 2,000 acres of forest land may elect this option instead of the severance tax. This includes all 686 of the County's private non-industrial land owners. In 1980, only 18 landowners, with a combined total of 1,406 acres and $434,582 in valuation, had elected to be taxed by this approach. At a tax rate of $15 per thousand, this would result in only $6,519 in revenues.

1.5 Economic Benefits

Tillamook County is highly dependent upon the employment, income, and public revenues that are generated by its forest lands base. The timber industry is by far the largest of the County's four basic industries. (The other are agriculture, recreation/tourism, and marine food production.) The harvesting and processing of timber produces over 55 percent of the County's combined General Fund, Road Fund, and School Fund revenues, and they provide a substantial share of the revenues of the County's other taxing districts. They are responsible for over 30 percent of its total employment, and over 70 percent of its manufacturing employment. They also generate almost 50 percent of the County's export income.1 Other forest uses, including fishing, hunting and other outdoor recreation, also provide substantial benefits to local citizens and contribute to the tourism industry.

1.51 Public Revenues

One of the substantial public benefits generated by the County's

forest lands are the revenues that the County's taxing districts receive from the sale of timber. The sources and amounts of these revenues were discussed in Section 1.4. Their contribution to the County's General Fund, Road Fund and School Fund are described in Table 8.

During the 1977-81 period forest land revenues provided 34.4 percent of the County's General Fund budget, 75.0 percent of its Road Fund budget, and 93.6 of its School Fund budget. this does not include the ad valorem forest lands tax receipts that went to the General Fund and School Fund. Nor does this include the more than $2,000,000 a year in timber revenues that went to other taxing districts in the County. A reduction in these timber revenues would require a corresponding increase in property taxes if the current level of services is to be maintained.

The sources of these timber revenues which were described in Section 1.4, are summarized in Table 9.

TABLE 10

INCOME AND EMPLOYMENT GENERATED BY TILLAMOOK COUNTY TIMBER INDUSTRY, 1978

Worker Earnings in the Timber Industry	$19,223,200
Earnings Multiplier *1*	1,595
Total Earnings Generated by Timber Industry	$30,661,000
Total Labor and Proprietor's Income (all sources)	$103,880,000
Average Earnings per Worker - - - - Timber Industry - - - - All Industries	 $15,966 $12,746
Total Employment Generated by Timber Industry	2,406
Percent of Total County Employment	30%

1 The earnings multiplier provides a measure of the "turn-over effect" of the initial worker earnings in the timber industry. The eventual total earnings generated are 1.595 times as great as the initial earnings because of this turn-over effect.

SOURCE: "Western Salem Draft Timber Management Environmental Impact Statement", Bureau of Land Management, 1981, pp. 2-40.

TABLE 11

TILLAMOOK COUNTY ANNUAL AVERAGE EMPLOYMENT 1974-78, 1960-69

	1978	1977	1976	1975	1974	Average 1960-69
Total Employment	5620	7760	6740	6680	6970	5825
Manufacturing Total	1651	1500	1360	1120	1480	1802
Lumber and Wood Products	1204	1100	990	770	1130	1494

SOURCE: "Tillamook County Economic Information", Oregon Department of Economic Development, P TIL-6 and TIL-9. (1977 and 1978 figures where obtained by phone from the Oregon Employment Division.)

1.52 Income and Employment

A particularly important measure of economic benefit is sales outside of the County (exports). Exports add to the wealth of the community, whereas sales within the community simply redistributes the wealth. In 1973, the timber industry generated over $65,000,000 in exports. This amounted to almost 50 percent of the County's total exports, and over three times the income generated by the agricultural sector, the second most important income generator. (1) See footnote from pg 17

Table 10 shows the income and employment provided by the County's timber industry in 1978. The over $30,000,000 in total earnings generated by the industry was 30% of the County's total labor and proprietors income. The average earnings per worker in the timber industry were $15,966 as compared to $12,746 in all industries. Employment generated was 2,406, which was 30 percent of the County's total employment. These figures somewhat understate the income and employment effects of the timber industry because they omit employment and resultant income from forest management activities.

Table 11 provides another perspective on timber industry employment by comparing it with manufacturing employment and total employment on an annual average basis from 1974 to 1978. During this 5-year period, total employment averaged 6,754 persons a year, with 1,420 of these in manufacturing and 1,038 in wood products. Timber industry employment was 15 percent of the total employment and 73 percent of manufacturing employment. This somewhat understates the employment effects of the

timber industry as it does not include employment generated in other sectors by this basic industry (the multiplier effect).

Forest lands also provide a wide variety of other benefits including fish and wildlife habitat, watershed protection, recreation, and scenic open space. While the benefits of these other forest uses are often difficult to quantify in economic terms, data gathered in 1975 indicates that sport fishing, hunting and trapping annually provides 576,366 days of recreation valued at $13,323,840 in Tillamook County(1) The County's scenic forest vistas and other forest-related recreational activities are not only enjoyed by local citizens, they also contribute significantly to the County's tourism industry.

1.53 Past and Future Trends

Timber industry employment experienced both an absolute and a relative decline during the 1974-78 period as compared with the decade of the 1960's. Lumber and wood products employment averaged 1494 persons a year during the 60's, with a high of 1810 in 1960. This was 26 percent of the total employment and 83 percent of the manufacturing employment for the decade. While some of this decline has resulted from particular local conditions, some of it can also be attributed to the general relative decline in timber industry employment because of the increased use of labor-displacing technology in harvesting and processing. In western Oregon, the number of employees required to process a given amount of lumber is sawmills and plywood plants was cut in half between 1950 and 1970.(1) Since much of this decline was caused by the closure of less efficient mills and the emergence of larger integrated mills, the rates of decline are expected to diminish over time. However, a 1973 Forest Service study revealed that even if wood products output were held constant at 1970 levels through the year 2000, employment would still decline by 36 percent because of capital substitution and increased labor productivity.(2)

Dependence on the timber industry places Tillamook County's economy on a wooden roller coaster, with employment, income, and public revenues all rising and falling to response to changes in the interest rate. Table 11 shows some of the fluctuations in timber industry employment that are caused by changing economic conditions. Employment in the timber industry fell by 360 persons (32%) from 1974 to 1975, with 1975 being a year of high interest rates and the closing of the Oregon-Washington Plywood facility in Garibaldi. Over the next three years, with improved economic conditions, timber industry employment climbed steadily until it reached 1,204 persons in 1978. Now in 1981, the County has experienced another severe decline in timber employment because of high interest rates, low housing starts, and a consequent lack of demand for lumber. With interest rates hovering around 20 percent, timber and industry employment reached 500 persons in

September, 1981. This is over half of the industry's current labor force. the County's largest mill (Publishers) is shut down for an indefinite period, and the second largest mill (Louisiana Pacific) is operating on a reduced, day-to-day basis.

The future health of the County's economy will continue to depend upon the lumber industry to a significant extent even if needed diversification of the economy occurs. Harvest projections place Tillamook County in a relatively favorable position compared to other areas in western Oregon. The 1976 Bueter Report revealed that in western Oregon, under current management policies, only the north coast timber shed can maintain current harvest levels over the next 20 years. For all of western Oregon a harvest decline of up to 22 percent is projected by the year 2000(1) Since western Oregon currently produces 16 percent of the nation's softwood timber, and since national timber demand is projected to increase 47 percent by the year 2000,(2) the north coast areas has a substantial opportunity to increase its share of the timber harvest. This possibility is reinforced by the anticipated four-fold increase in timber harvest by the year 2030 on the 46 percent of the County's forest land that is in state ownership (see Section 1.4). this should not only generate a substantial increase in public revenues (6 to 10 million dollars in 1981 dollars), it could also provide a significant increase in local income and employment if a substantial amount of this timber is harvested by local contractors and processed in the County.

1.6 Conserving the Forest Land Base

The value of Tillamook County's forest resources establishes the need to conserve the County's commercial forest land base. This need is reinforced by the County's opportunity to increase its share of the timber harvest in the future (see end of previous section), and because of anticipated increases in the demand for forest-related recreational activities, including fishing and hunting.

The State Board of Forestry, in their Forestry Program for Oregon, stresses the role of land use planning in the protection of productive forest land. They point out that "a decreasing supply of timber, increasing demands on that supply, a shrinking commercial forest land base and increasing recreational and urban demands have all combined to make the land use planning process crucial". Their concern is underlined by the 1978 Beuter Report's projection of up to 22 percent decline in timber harvest in western Oregon by the year 2000, and reinforced by the State Forestry Department's revelation that 731,000 acres of western Oregon's commercial forest land was converted to nonforest uses between 1973 and 1978 - that's a loss of 5 percent of the area's forest land over a 6-year period(1)

The following State Board of Forestry policy statement on land use planning's contribution to conserving the forest land base is taken from their Forestry Program for Oregon (pp. 6-7):

"The Board of Forestry recognizes:

> The vital impact on the people of Oregon of the existence, classification, dedication, management, and use of commercial forest land within the State.
>
> The need to conserve the commercial forest land base and preserve the present 20 million acres of commercial forest land designated for timber production if community stability, commodity and amenity values demanded by the citizens of Oregon and the nation are to be realized.

Therefore, it is the policy of the Board of Forestry to:

> Promote and support active forest land use planning in Oregon so that the commercial forest land base is preserved and forest land uses are established in accordance with the social and economic needs of the people of Oregon.
>
> Seek adoption, by Oregon forest landowners and agencies, of plans and programs for all commercial forest lands that will not erode the present commercial forest lands that will not erode the present commercial forest land base; and that are consistent with the needs of the people of Oregon through the active participation of the Department of Forestry in such planning.
>
> Encourage the creation and implementation of land use change criteria, including economic evaluation, by which state and local planners can evaluate the impact of withdrawals from the commercial forest land base."

Tillamook County has demonstrated its commitment to protect its commercial forest land base by placing 87 percent (620,541) of its total acreage in a forest zone that is highly restrictive of nonforest development (see Sections 4.1). In addition, 5,000 acres are protected by the County's EFU zones, and about 7,000 acres are given considerable protection by the County's Small Farm and Woodlot 10-Acres zone. Another 5,000 acres of forest land are protected for other, recreation-oriented forest uses by the County's Recreation Management zone.

An Oregon State Forestry Department publication entitled "Estimating the

Economic Consequences of Commercial Forest Land Loss to Alternatives Uses" (January, 1979) is available in the Planning Department. This will be used by staff to evaluate the economic impacts of withdrawals from the commercial forest land base, with assistance from State Forestry's Tillamook District Office. This publication provides a method for estimating employment and payroll impacts, income impacts throughout the economy, total economic activity impacts, and tax revenue impacts.

2. LEGISLATIVE MANDATE

Mandatory statewide forest lands planning standards were initially established by the adoption of the Forest Lands Goal (Goal 4) in 1975. This is one of the original statewide planning goals adopted by the Land Conservation and Development Commission (LCDC) pursuant to the Oregon Legislative Assemblys passage of Senate Bill 100 in 1973.

The purpose of the Forest Lands Goal is "to conserve forest land for forest uses". This is to be accomplished by (1) and inventory of "lands suitable for forest use" and a determination and mapping of the productivity of these lands for commercial use, (2) designation of these lands on the comprehensive plan map as forest lands, and (3) retention of forest uses on designated forest lands. The inventory of Tillamook County's forest lands is described in Section 1.2 and 1.4, and Appendix A of this element. The designation of these lands is described on the County's zoning maps. And the retention of forest uses on these lands is provided by the County's Forest zone and Small Farm and Woodlot 20 and 10-acre zones with support from the forestry findings and policies contained in Section 4.

"Forest lands" are defined by Goal 4 as:

> "lands composed of existing and potential forest lands which are suitable for commercial forest uses; (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; (4) other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife, and fisheries habitat, livestock habitat, scenic corridors and recreation use."

Goal 4 defines "forest uses" as:

> "(1) the production of trees and the processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock."

The requirements of the Forest Lands Goal were clarified by LCDC's adoption of a May 29, 1979 policy paper (revised July 3, 1979) entitled "Common Questions on Forest Lands Goal". The following clarifications were included:

(1) That Goal 4 inventory requirements include a mapping of forest lands by cubic foot site class;

(2) That a county must define "commercial forest land" if they use the term; and

(3) That residential use on forest land is a nonforest use and must be subject to conditional use procedures.

The policy paper also provided clarification on the planning and zoning of federally owned forest lands, minimum lot size requirements for a forest zone, and the relationship between the Oregon Forest Practices Act and the Forest Lands Goal. These issues are discussed in more detail in other sections of this element.

3. FOREST LANDS PLANNING PROCESS

3.1 Overview

Forest lands planning in compliance with current state law (ORS Chapter 197) was begun in the fall of 1978 with the productivity mapping of the County's private forest lands, the discussion of forestry issues at citizen advisory committee meetings, and the formation of a Forestry Advisory Council. The November, 1978 issue of the Morning Star Gazette, the planning team newsletter, described these beginning stages of the forest lands planning process. This issue is included in this element as Appendix B.

The forest lands planning process was somewhat confused and complicated at this stage by the lack of policy direction at the state level with respect to the scope and content of County forest land planning. A particularly obstructive issue was whether the County could adopt forest regulations that ate more restrictive than the Oregon Forest Practices Act. This was finally clarified by the 1979 Oregon Legislatures passage of HB 3008 and LCDC's adoption of a policy paper entitled "Common Questions on the Forest Lands Goal" in July, 1979. (See Section 4.2 for further discussion of the forest practices issue.)

3.2 CAC Issues and Concerns

The County's five citizen advisory committees (CACs) became involved in forest land planning with their identification and discussion of forestry issues and concerns during November and December of 1978. Each CAC

developed a list of "forestry issues and concerns" which were sufficiently similar that they were consolidated into one list which is included in this element as Appendix C. The CACs were also made familiar with the requirements of the Forest Lands Planning Goal.

3.3 Forest Advisory Council

a Forest Advisory Council (FAC) was formed during November, 1978 to provide technical assistance on forest land planning issues. Most members had forest management experience (see Appendix D). a representative from each of the CACs was included to establish direct communication between the CACs and the FAC, and to help assure broad citizen involvement at each stage of the planning process.

The Forest Advisory Council held four long evening meetings late in 1978 and early in 1979. These meetings brought together a broad range of interests and perspectives on forest lands planning issues. A primary function of the FAC was to respond to the issues and concerns raised by the CACs. Detailed minutes of the January 30 meeting are included in Appendix E as an example of the often informative and sometimes frustrating discussions that occurred at these meetings. In retrospect, much of what was said was not directly related to what the LCDC policy paper of the following summer indicated had to be accomplished in the planning process. Some of it was groping in the dark and walls were encountered. however, much was learned about both citizen concerns and the perspectives of those whose decisions affect the use of over 90 percent of the land in the County.

After the final, February 15, 1979 FAC meeting, forestry planning was given minimal attention while the County's natural resource planner was preoccupied with the development and approval of the Agricultural Lands Criteria, a complete staff turnover, the voluntary EFU campaign and finally, throughout most of 1980, the rezoning of all of the County's land. After completion of the Agricultural Lands Element in March 1981, work resumed on the final writing of the Forest Lands Element.

3.4 Forestry Findings and Policies

The Forestry findings and policies (see Section 4) and a revised draft of the Forest Zone were completed by early July, 1981. Copies of this material were sent to the following persons for their review and comment:

Dave Hill, Oregon Business Planning Council
George McKibbin, Publishers Paper
Bob Olsen/Nick Nicholson, Crown Zellerbach
Bill Dryden, Boise-Cascade
Rich McEvoy, Stimson Lumber Co.

W. J. Barzler, International Paper
Carol Wood, Hampton Tree Farms
July Barker, Burlington Northern Timber, Inc.
Ed Oram, U.S. Forest Service, Hebo District
Jerry Heinz, BLM Tillamook Area
Dave Heckeroth/Doug Taylor, Oregon Department of Fish & Wildlife
Tillamook Office
Millard Trout, State Forestry Department Tillamook District

These are the individuals or representatives of organizations that had previously asked to have an opportunity to review this material. The responses that were received from these people are included as Appendix F.

A number of timely and constructive comments were received from the State Forestry Department's Tillamook District and main Salem Offices. These comments were taken into account as much as possible in further revisions of the Forest Zone and forest policies. Millard Trout and Don LaFrance of State Forestry's Tillamook District Office have provided essential assistance throughout this planning process. They deserve credit from many of the positive accomplishments that are reflected in this forest lands element.

The County's five citizen advisory committees reviewed the Forest Zone and the forestry findings and policies as they were being developed and revised from April through July of 1981. This review lead to a number of constructive changes and eventual formal approval by each of the CACs by a cumulative 38-1 vote(1)

4. FINDINGS AND POLICIES

4.1 Forest Land Zoning

Findings

The County's zoning ordinance is a means for implementing the comprehensive plan's goal of retaining forest lands for forest uses. Land that has been identified as "forest land" in the County's Comprehensive Plan has been placed in the Forest Zone (F), Farm Zone (F-1), Small Farm and Woodlot 20 Zone (SFW-20), and Small Farm and Woodlot 10 Zone (SFW-10). Eighty-seven percent (620,541 acres) of the County's total land area has been included in the F zone. Approximately 3,500 acres of the 35,500 acres included in the F-1 zone are predominantly forest land. About 1,500 acres of the 2,000 acres included in the SFW-20 zone are forest lands. An additional 7,000 acres of small woodland are included in the SFW-10 zone.

The purpose of the Forest zone is "to retain forest land for forest use and to encourage the management of forest lands for the growing harvesting and processing of forest crops consistent with the requirements of the Oregon Forest Practices Act". The zone also provides for "other forest uses including watershed and soil protection, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, development of mineral and aggregate resources, and agricultural activities, free from the encroachment of conflicting nonforest use and influences".

Most forest uses are allowed outright in the Forest zone, while nonforest uses are limited by a conditional use process that requires review by the County Planning Commission. Nonforest uses are allowed only if they are compatible with forest and farm uses on adjacent and/or nearby land and if they do not constitute a serious fire hazard. Nonforest-related dwelling units must be situated on land that is least suitable for the production of forest or farm crops. Such dwellings must not interfere with forest or farm practices in the area.

The Forest zone contains a 40-acre minimum lot size requirement for forest and farm uses to help assure that productive forest land is not divided into parcels that are too small for commercial forest use. Such minimum lot size requirements would not be fully adequate for retaining forest land for forest use without the other criteria limiting nonforest uses which are contained in the Forest zone. Lands that are suited for smaller acreage forest-related uses such as nursery stock, forest greenery and Christmas trees have been included in the F-1, SFW-10, and SFW-10 zones which allow parcelization for such uses.

Forest lands included in the SFW-20 zone and the F-1 zone will be retained in forest use or converted to farm use at the discretion of the owner (see Section 4.3). These are both exclusive farm use zones (pursuant to ORS 215.213) which are adequate to protect forest lands because they provide for the forest uses permitted by law, b) and because limitations on nonforest uses are similar to those contained in the Forest zone.

The SFW-10 zone is a modified resource zone which encourages small woodlot management on those portions of an ownership that are economically suited for such use. The County has prepared exceptions for the land included in this zone in recognition of the fact that it is not a primary resource zone in the same sense as the Forest or EFU zones. The County anticipates that approximately 75 percent of the forest type land included in this zone will remain available for commercial forest use, while an even larger percentage will remain suitable for other forest uses. (Further discussion of the provisions of this zone is included in Section 3.3 of the Goal 2 Element.)

Virtually all of the 141,000 acres of federal land in the County has been included in the Forest zone. This is to assure that if any such land is ever transferred to private ownership it will be subject to the provisions of the Forest zone. In the meantime, federal laws, regulations, policies and plans govern the management of these lands, and they are not subject to County zoning regulations. The one qualification is that County lands within the Coastal Zone are subject to the provisions of the Federal Coastal Zone Management Act. This requires that actions on federal lands which significantly affect nonfederal lands within the coastal zone must be consistent with the State of Oregon's Coastal Zone Management Program which includes the County's acknowledged comprehensive plan.

Before forest land is changed to another use, the productive capacity of the land in each use should be evaluated. The Oregon State Board of Forestry has recommended that "an economic impact statement for proposed withdrawals from the commercial forest land base should be submitted to each local planning commission prior to a change in classification" (Forestry Program for Oregon, p. 69). This can be done by staff with assistance from the State Forestry Department (see discussion on p. IV-41).

Policy

Tillamook County will maintain its Forest zone (F) to retain forest land for forest use and to encourage the management of forest lands for the growing, harvesting and processing of forest crops consistent with the requirements of the Oregon Forest Practices Act. This zone will also continue to provide for other forest uses including watershed and soil protection, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities, free from the encroachment of conflicting nonforest uses and influences. All nonforest uses proposed for the Forest zone will be reviewed by the County Planning Commission to assure that they are compatible with forest and farm uses on adjacent and nearby land, and to assure that these uses meet all other criteria and standards described in the zoning ordinance. Before forest land is changed to another use, the productive capacity of the land in each use shall be evaluated. The County will not attempt to regulate actions on federal lands except to assure that those actions which significantly affect nonfederal lands are consistent with the County's comprehensive plan as provided for in Oregon's coastal Zone Management Program and as required by the Federal Coastal Zone Management Act.

4.2 ~~Regualtion~~ Regulation of Forest Practices

Findings

The 1971 Oregon Forest Practices Act (ORS 527.620-527.990) as implemented through State Board of Forestry rules (OAR 629-24-01 through 629-24-648) regulates forest operations on forest land. This act, which was the first of its kind in the United States, attempts to standardize the various management policies on forest lands by providing rules and guidelines which assure at least a minimum level of forest resource protection on the part of all forest land owners and managers. The Act is enforced by the State Department of Forestry and is directly applicable to all nonfederal forest lands within the State. The State of Oregon has an agreement with federal forest management agencies that regulations on federal lands will meet or exceed the requirements of the Forest Practices Act.

The law behind the forest practices rule includes the following policy statement (ORS 527.630):

> "Recognizing that the forest makes a vital contribution to Oregon by providing jobs, tax base and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources and by providing a habitat for wildlife and aquatic life, it is hereby declared to be the public policy of the State of Oregon to encourage forest practices that maintain and enhance such benefits and such resources, and that recognize varying forest conditions."

This policy gives the State Board of Forestry the authority "to develop and enforce regional rules . . . designed to assure the continuous growing and harvesting of forest tree species and to protect the soils, air and water resources, including but not limited to streams, lakes and estuaries . . ." The Board has established three forest regions, each with a forest practices committee designated to recommend forest practice rules appropriate to the forest conditions within its region to the board. Each regional committee is to consist of nine members, two-thirds of whom "shall be private landowners, private timber owners or authorized representatives of such landowners or timber owners who regularly engage in operations". (ORS 527.650) Tillamook County is in the Northwest Oregon Region.

The Forest Practices Act sets minimum standards for the following forest practices (ORS 527.710):

"(a) Reforestation of forest land economically suitable therefore;

(b) Road construction and maintenance operations on forest land;

(c) Harvesting of forest tree species;

(d) Application of chemicals on forest land; and

(e) Disposal of slashing on forest land."

These practices are regulated for the following objectives (ORS 527.630):

(a) maintaining forest tree species;
(b) maintaining soil, air and water resources; and,

(c) providing a habitat for wildlife and aquatic life.

The 1979 Oregon Legislature Assembly amended the Forest Practices Act through enactment of HB 3008 to clarify the authority of local government to regulate forest operations. As codified in ORS 527.722, this provides that "no unit of local government shall adopt any rules, regulations or ordinances regulating the conduct on forest lands of forest operations governed by the Oregon Forest Practices Act or rules promulgated thereunder". This does not preclude cities from regulating forest practices on lands within their boundaries according to standards equal to or more stringent than those established by the Forest Practices Act. Nor, according to ORS 527.726, does it preclude counties from performing their planning duties pursuant to state law with respect to forest lands by:

"(a) Designating in comprehensive plans forested lands to be conserved in accordance with the state-wide planning goals;

(b) Zoning forested lands for uses other than or complimentary to commercial growing and harvesting of forest tree species in implementing a comprehensive plan; or

(c) Adopting rules, regulations or ordinances regulating forest operations on those forested lands zoned for primary uses other than the commercial growing and harvesting of forest tree species in accordance with the use or purpose for which those lands have been zoned."

Policy

Tillamook County recognizes the Oregon Forest Practices Act as the rule regulating the conduct on forest lands of forest operations governed by the act, while reserving the right to perform its planning duties pursuant to state law as provided by ORS 527.726.

4.3 Forestry/Agriculture Interrelationship

Findings

Many ownerships contain some combination of agricultural bottomlands, hill pasture, and forested uplands. The 1978 Census of Agriculture indicates that 9,699 (23%) of Tillamook County's 42,024 farm acres are classified as woodland. Management of these woodlands can be an integral part of a farm operation as income from timber sales may be used to overcome short-term cash flow problems or for needed investment in capital facilities. Landowners also convert land from woodland to pasture or visa versa depending upon the type of land, economic conditions and individual preference. Administration of the state land use planning law recognizes the interchangability of resource land management by not requiring an exception to show why one resource designation is chosen over another when inventoried lands satisfy the definition requirements of both the agricultural and forest goals(1).

The County's two exclusive farm use zones (F-1 and SFW-20) are adequate to protect forest lands because they provide for all forest uses permitted by ORS 215.213, and because they place limitations on nonforest uses similar to those contained in the Forest Zone. Forest-related uses that are allowed either out-right or conditionally include the propagation or harvesting of forest products, public and private parks, private hunting and fishing preserves and a portable or temporary facility for primary processing of forest products.

Tillamook County has taken into account both the resource potential and the preferences of owners in determining the appropriate zoning of land which meets both the agricultural and forest land definitions. The resultant acreage allocation of forest land to the County's resource zones is described in Section 4.1.

Policy

Tillamook County recognizes the interrelationships between agricultural and forest lands management on many ownerships. The conversion of land from one resource use to another shall remain at the discretion of the property owner. The County will continue to permit forest uses in the exclusive farm use zones and to allow farm uses in the Forest Zone. Non-resource uses will continue to be restricted in both zones to assure compatibility with resource use.

4.4. Forest Advisory Committee

Findings

A County-wide forest advisory committee played a useful role in helping

identify and refine forest-related issues during the early stages of the forest lands planning process. The continuation of such a committee could assist the County on appropriate forest-related matters after completion of the current land use planning process.

Among the issues that could be addressed by such a committee are land use planning decisions that affect forest lands, public awareness and availability of financial and technical assistance programs for small woodlot owners, and increased local processing of forest products. This committee could also conduct a quarterly review of important forest-related decisions made by the County's planning bodies.

The committee should be composed of representatives of the public forest management agencies (State DOF, USFS and BLM), the private timber corporations, non-corporate forest interests, forest resource processors, the State Department of Fish and Wildlife, water districts and each of the County's five Citizen Advisory Committees. Membership should be for a specified term, with meetings to be held at least every three months.

Policy

Tillamook County shall establish a Forest Advisory Committee which will advise the County on appropriate forest-related issues, and provide a quarterly review of important forest-related decisions made by the County's planning bodies.

4.5 Small Woodland Management

Findings

use footnote below

Approximately 44,000 acres of Tillamook County's forest lands are in private non-industrial ownership (small woodlands)(1) While this represents only seven percent of the County's forest land, the zoning of this land has presented one of the major challenges for our planning process because of existing and potential conflicts between forest uses and rural residential development. This land has a high potential for productive forest uses and some of it is subject to a high demand for rural residential homesites because of location, ownership, and parcel size. These "small woodlands" are generally found on the fringes of the larger corporate and public holdings near existing public roads. Their development for nonforest uses not only removes some of the County's highest site class (most productive) land from the forest land base, it can also lead to conflicts with forest practices on adjacent corporate and public forest lands. The County's challenge has been to utilize appropriate zoning to provide opportunities for rural homesites on land that isn't suitable for long-term forest management, while minimizing

1 The Oregon State Department of Forestry defines such "small woodlands" as "all private land owners who do not own or control processing facilities" — the definition is based on a distinction between "industrial" and "non-industrial" rather than on size

the adverse impact on nearby productive forest land.

The following table reveals that in 1977 there were 686 nonindustrial private forest land owners in Tillamook County, 567 of whom owned less than 100 acres.

	No. Owners	No. Acres
10-100 Acres	567	21,372
100-500 Acres	119	22,708
500+ Acres	0	0
TOTAL	686	44,080

There are good economic reasons for the County encouraging the management of these lands for timber production despite the property taxes that are realized from residential development. Site Class II forest land produces approximately 57 thousand board feet of lumber per acre on a 70-year rotation. This means that 18 acres can produce a million board feet which according to Western Environmental Trade Association calculations would result in 22.5 jobs, $230,107 in payrolls, $28,286 in County receipts, $6,673 in state taxes, $1,050,000 in total business dollars generated by manufacturing. the total estimated economic contribution to the State of Oregon from the Timber grown on a 18-acre parcel is $1,315,066(1) Since this is based on a 70-year harvest cycle the annual economic benefit is over $18,000 or $1,000 per acre per year.

use foot note below

Despite these long-term benefits from timber production, there will be continued pressure to convert substantial amounts of potentially productive small woodlands to nonforest uses, including rural homesites, unless the individual woodland owner perceives that it is profitable to commit the land to timber production. It is estimated that only 20 percent of Oregon's non-industrial private forests are currently managed for production(1) In western Oregon, the harvest on non-industrial private lands immediately could be increased three times without violating sustained yield principles(2)

The management of Oregon's private non-industrial forest lands has been the focus of statewide concern since Oregon State University published the Beuter Report (Timber for Oregon's Tomorrow) in 1976. This study revealed that the productivity of these so-called "small woodlands" would have to be substantially increased if western Oregon is to avoid a projected 22 percent decline in timber harvest by the year 2000. This concern was reinforced by the State Department of Forestrys revelation that 731,000 acres of western

1 As presented in the Forestry Program for Oregon, Supplement No. 1, p. 35.

Oregon's commercial forest land was converted to nonforest uses between 1973 and 1978 (3) -that's a loss of five percent of the area's forest land over a six-year period. Most of this loss occurred on private non-industrial woodlands.

The Oregon State Board of Forestry approved a Forestry Program for Oregon in 1977 in response to public concern over possible future timber shortages. One of the problems that requires immediate attention according to this study is the under productive private non-industrial forest lands in the coast range.

The Forestry Program for Oregon has identified the following major reasons why non-industrial private forest landowners do not manage their lands for timber production. (1)

(1) Many Landowners are not aware that forest management returns substantial economic benefits (State Forestry estimates that these benefits exceed the typical real rate of return from savings accounts and Grade A corporate bonds). (2)

(2) Many landowners' forest management programs are limited by periodic cash flow. Factors adversely affecting cash flow include high cost of small tract management, fluctuating markets for timber, land and timber taxes, inheritance taxes, income taxes, and landowner demand for income.

(3) Most owners lack sufficient knowledge and skills in forestry to manage their properties efficiently, and are unaware of the educational, financial and technical assistance that is available to them.

(4) There is no public encouragement (land management ethic) to manage these lands.

(5) Many owners have objectives other than forest management, including utilizing the land for rural homesites for themselves or for sale to other persons.

A primary obstacle on the west side of the coast range is the high cost of preparing brush-covered land for tree planting. Site preparation costs, which range from $300-$700 an acre, discourage landowners from planting a crop that they can't harvest for 60-70 years.

One option for small woodland owners has been to sell to the private timber corporations, who have purchased approximately 10,000 acres of woodland in the past 15 years in Tillamook County. These transactions have slowed

to a trickle over the past five years, with small woodlot ownership stabilizing at around 40,000 acres. Anticipation of continued significant increases in land values encourages holding land for speculative reasons without regard for the value of the forest or farm products that could be grown on it.

Where there isn't a long-term commitment to timber production, there will be a growing interest to convert buildable land to rural homesites. Land use regulations will ultimately not be able to stop this from happening if the owner does not have the information, assistance and incentives needed to commit the land to timber production. Much of the substantial economic return from production goes to society as a whole, and if society prefers that more land be intensively managed for timber production, society must assure that the landowner has access to the educational, financial and technical assistance programs, and supportive tax measures that are discussed in the following two subsections (4.6 and 4.7).

Policy

Tillamook County recognizes the substantial private and public benefits that can result from improved management and increased productivity on over 40,000 acres of non-industrial private forest land in the County. The County also recognizes that educational, financial, and technical assistance are necessary if small woodlands are to achieve optimum growth and harvest of forest products consistent with landowner objectives and with protection and enhancement of air and watersheds, fish and wildlife habitats, and recreational and aesthetic considerations.

4.6 Technical and Financial Assistance

Findings

The need to increase productivity on Oregon's non-industrial private forest lands to avoid a projected decline in timber harvest (see subsection 4.5) has focuses attention on the adequacy of public and private programs that educate and assist small woodland owners. Such programs are currently conducted by the Oregon State University Extension Service, the State Department of Forestry, the USDA's Agricultural Stabilization and Conservation Service (ASCS), woodland owners association, timber corporations and private consulting foresters.

The Extension Service of Oregon State University runs the principal educational program in the state for small woodland owners. It operates through county agents and centralized specialists based at OSU in Corvallis. County forestry agents answer questions and run local short courses, workshops and field tours which inform woodland owners about forest

management practices, marketing opportunities, technical and financial assistance programs, and tax alternatives. They also identify sources of direct assistance for landowners. Tillamook County does not have a forestry extension agent, where as Clatsop County does. The two counties have about the same amount of land in small woodland ownership.

The State Department of Forestry (DOF) conducts a service forestry program which provides direct assistance to woodland owners. Designed to be complimentary to the educational services of extension forestry, service forestry provides technical advice, administers federally funded financial assistance programs and helps coordinate other kinds of assistance. Service foresters can help a landowner develop and implement a forest management plan and refer owners to markets, consultants, and other available assistance. The Department also publishes catalogues of sources of technical, financial and educational assistance to woodland owners, including a catalogue entitled "Woodlands Assistance in Oregon". The nearest service forester is located in McMinnville. He is available at the ASCS office in Tillamook several days a month.

Several federally funded cost-share programs are available to small woodland owners. The Forestry Incentives Program (FIP) and the Agricultural Conservation Program (ACP) provide up to 75 percent of the cost of eligible forest practices, which include site preparation, tree planting and timber stand improvement. Applications for assistance can be made at the ASCS office in Tillamook. These programs are administered by state service foresters.

Approximately 1,000 of Oregon's estimated 25,000 small woodland owners belong to the Oregon Small Woodland Owners Association and its member county associations. The association promotes favorable legislation and publishes a newsletter, and county associations have local programs to encourage sound forest practices on small woodland properties. Tillamook County does not presently have a county association.

Several large wood products companies, including Publishers Paper and Crown Zellerbach, have recently begun assistance programs for small woodland owners. Publisher's Management Assistance Program (MAP) provides small woodland owners with the assistance of professional foresters who furnish an inventory of their land and timber, and then develop a management plan. Professional foresters also provide technical assistance in timber management, assist owners in locating and qualifying for state and federal incentive programs for improving their timberland, and assist owners in finding other markets for their timber which is not useable by Publishers. In addition, Publishers provides free seedlings for reforestation of a harvested area. In return, a small woodland owner agrees to grant the

company the right of first refusal to purchase, at a price equal to or higher than the highest bid offered, any timber the owner decides to sell. Since the program began in 1977, 157 private small woodland owners in Oregon, who collectively own more than 20,000 acres, have participated in Publishers' MAP. However, participation in Tillamook County has involved only about several hundred acres.

Private consulting foresters and contractors are also available to provide technical assistance on virtually all aspects of forest management. These services are often provided by local people who are knowledgeable about the conditions in a particular area.

Despite this array of available programs, approximately 80 percent of the non-industrial private forest land in Tillamook County, as in other parts of Oregon, is not actively managed for commercial timber production. This has been a matter of growing statewide concern since the Beuter Report projected a significant timber shortage in Oregon (see subsection 4.5).

The 1977 Legislature directed the Department of Forestry to study and develop legislation which emerged as the Timber Management Act of 1979. Faced by severe budgeting constraints, and the absence of a clear consensus on what should be done, the Legislature's action was limited primarily to those provisions that provided verbal encouragement to woodland owners. A 1980 Senate Interim Task Force on Forestry provided a review of the small woodlands issue along with the specific recommendation that the 1981 Legislature focus on a program that would provide loans to businesses engaged in commercial production of forest crops to conduct forest management projects on small woodland ownerships. The stated intent of this program is to bring together the available timber lands owned by small woodland owners, the expertise and capability of managing those lands by a business entity engaged in timber production, and the financing capability of the State. Some skepticism has been expressed about this approach and the time will tell whether its any more effective than those programs that are already available. A number of alternative programs were proposed to the legislature. Some of these will no doubt be resurrected in future sessions.

In the meantime, the question remains as to what can be done in Tillamook County to increase the commitment to forest management on small woodland ownerships and thereby reduce some of the pressure to convert potentially productive lands to nonforest development. The Service Forestry Program appears to be currently adequate to the extent that the service forester who visits the area can handle all existing requests for assistance. This points to a need for greater awareness by landowners of the substantial long-term benefits of a commitment to forest management. The absence of

an extension forester and of a woodland owners association in Tillamook County limits the availability of local information on the advantages and techniques of forest management. More study would be required to determine appropriate approaches at the County level.

Douglas County addressed the problem of small woodland management by appointing an advisory committee in 1977 to survey small woodland owners and prepare a woodland assistance program for the county. This resulted in the passage of an ordinance in 1980 which "provides technical, financial, physical and tree seed assistance to county woodland owners to bring the non-industrial private woodlands into full production" (1) Douglas County anticipates that this ordinance will help protect their economic and employment base.

This approach could be a primary responsibility of the County's proposed Forest Advisory Committee (see subsection 4.4). This would permit a local approach to a problem that has some unique local characteristics, as well as the local application of the extensive studies and proposals that are now available (1)

Policy

A primary objective of the County's Forest Advisory Committee should be to determine the reasons for the underproductivity of the County's small woodlands, to evaluate the adequacy of existing educational, technical and financial assistance programs, and to recommend to the Board of County Commissioners those local and state actions that would encourage a long-term commitment to timber production on small woodland ownerships. Any proposed public subsidies should result in substantial public benefits.

4.7 Forest Lands Taxation

Findings

Taxes (property, income and estate) have a significant influence on timber production on small woodland ownerships. For the public such taxes are a vital source of revenue; for the landowner they are a cost that can discourage timber management.

Depending upon eligibility and preference, the property of woodland owners will be taxed under either of the following two tax laws:

(1) The Western Oregon Land and Severance Tax, which includes an annual ad valorem tax on the bare land value of forest land and a percent tax on the appraised stumpage value of trees harvested for

use or sale.

(2) The Western Oregon Small Tract Optional Tax, which applies only to the bare land according to its productivity (site class); timber is exempt whether harvested or not(1)

Neither of these approaches includes a tax on timber inventory as it is believed that this stimulates premature harvesting to avoid taxes.

The relative advantages of the two alternatives depends upon the woodland owners particular situation as well as the prevailing tax rates under each alternative. Some prefer the severance tax because it shifts a large portion of the tax burden to the time of harvest when the landowner has the money to pay the tax. However, some find the severance tax objectionable because it leads to double taxation at the time of harvest, with the owner paying both the severance tax and an income tax(1)

The producers of nonforest crops pay only income tax at harvest time (e.g. there is no severance tax on grain or beef). The Small Woodland Option Tax requires that only an income tax be paid at harvest time, but "many woodland owners find the Small Woodland Option Tax objectionable because of considerably higher land taxes than those for grazing and other agricultural purposes"(2)

Estate (inheritance) taxes are perhaps the most objectionable feature of the forest tax system. Estate taxes often discourage timber production, while encouraging the division of land and its conversion to nonforest uses. Landowners may decide not to grow timber as a business or to prematurely liquidate timber when transfer to heirs is imminent.

Heirs must usually sell their timber (often prematurely) or land to pay taxes, thus breaking up family holdings. Many landowners feel compelled to convert their timber value into liquid assets that enjoy more shelter from taxation for inheritance purposes. The inheritance tax places the small woodland owner at a disadvantage relative to the timber corporations which are not subject to this tax. The Oregon State inheritance tax is scheduled for elimination in 1987, but the federal inheritance tax will continue to affect woodland management decisions.

The Forestry Program for Oregon (p. 71) summarizes some of the adverse effects of our forest lands tax system:

> "Tax burdens have become so substantial to some forest landowners that they have chosen to sell or convert their property to higher valued nonforest uses. Other timber managers have made decisions not to

invest in intensive management practices because, under certain tax alternatives, increased productivity leads to higher taxes many years before any returns on the investment are realized. Taxes have also been a factor in decisions to harvest timber prematurely because tax burdens are greater or more mature, higher value timber under certain tax alternatives . . . There is ample reason for concern when tax burdens contribute to reductions in the forest land base, encourage decisions to market immature timber, and discourage investments in management practices that could increase forest growth . . . all at a time when a timber supply decline is projected."

There have been some significant changes in Oregon's forest lands tax laws since 1975. One important addition was a 10 percent income tax credit for reforesting unproductive forest lands. Eligibility is restricted to those people or corporations owning or leasing 10 to 500 acres of Oregon commercial forest land. The Oregon State Department of Forestry has suggested that this tax credit be raised to 50 percent, and that an alternative be provided in the form of an ad valorem property tax credit. This would benefit woodland owners who are in a sufficiently low income tax bracket that they cannot fully utilize the income tax credit①

The Forestry Program for Oregon (p. 81) points out that "State and federal governments with the power to tax must continue to recognize the futility of taxing little forest to the point where investment and development are discouraged". It adds that "It would be far wiser for governmental units to seek new revenue sources that are related more to income than to discourage timber production on Oregon's commercial forest lands by taxation."

Small woodland owners should contribute their fair shares of taxes in support of government. However, tax policies should recognize that ownerships of small woodlands involve investments held for long periods of time, often at high risk, and with many public benefits. Tax policies should encourage and stimulate professional management, profitable investments, maintenance of environmental quality, production of non-market benefits, and stability of private ownerships.

Policy

Tillamook County recognizes that forest lands tax burdens contribute to reductions in forest land base, encourage decisions to market immature timber, and discourage investments in management practices that could increase forest growth. Tax policies should recognize that ownerships of small woodlands involve investments held for long periods of time, often at

high risk, and with many public benefits. Tax policies should encourage and stimulate professional management, profitable investments, maintenance of environmental quality, production of non-market benefits, and stability of private ownerships.

4.8 Erosion and Sedimentation

Findings

The erosion of land in Tillamook Bay Drainage Basin has resulted in the severe sedimentation of Tillamook Bay and its tributary streams. The continued deposition of sediment in the Bay has caused adverse effects on shipping and navigation, commercial and sports fishing, oyster production and clamming, and on environmental and aesthetic qualities of the Basin.

The U.S. Department of Agriculture's "Tillamook Bay Drainage Basin Erosion and Sediment Study" was initiated by local citizens, particularly the Tillamook Bay Task Force, who became concerned about the erosion and sedimentation problems. This comprehensive study, which was completed in 1979, provides substantial information on the causes of this problem and what can be done about it.

The Drainage Basin Study reveals that 61,000 tons of sediment enters Tillamook Bay each year. About 85 percent of this sediment comes from the forested lands in the upper watersheds which comprise about 90 percent of the area. The study claims that "Erosion and sediment delivery rates on forest lands in the basin are among the highest for any forest lands in the state".

The primary causes of this high rate of erosion are the devastating forest fires that burned over 228,600 acres of steep-sloped forest land within the basin between 1933 and 1945 and subsequent salvage logging practices that left the area exposed to the effects of the heavy rainfall that occurs in the area. These effects are shown by the study's estimate that the sediment rate in 1945 was about 160 times greater than what occurred prior to 1875.

Today the average annual sediment rate is only about 12.5 percent of the 1945 rate. This very significant reduction over a 30-year period resulted from the 1949-73 reforestation of about 194,700 acres of the burned area within the basin. This was one of the largest and most successful reforestation efforts ever launched in this country. the resulting reduction of erosion and sediment rates were an important by-product of efforts to put the "burn" area back into production.

The USDA study reveals that "erosion and sediment rates on forest lands still

make significant contributions to the problems of the basin.(1) The mean annual gross erosion amounts to over 280,000 tons, and the average annual sediment yield today is still about 20 times greater than what occurred prior to 1875. Most present day erosion can be attributed to the residual effects of past fires and salvage logging practices, which is enhanced by off-road vehicle use in critical areas. The enactment of the Oregon Forest Practices Act in 1971 helps assure that present and future forest practices will not significantly increase existing erosion problems.

Any further reduction in the sediment load caused by existing problems will require an accelerated program that takes into direct account the costs and benefits of sediment reduction. According to the USDA study the following sediment control measures on forested lands are likely to provide net economic benefits: planting and fertilizing trees and grass, planting brush on stream banks, removing debris and log jams from streams, stabilizing and closing roads, and back sloping and planting brush.(2)

A least-cost combination of these control measures could result in a 30 percent reduction in sediment, with net annual economic benefits in excess of $100,000.*3 There are a number of potential beneficiaries that are not included in this calculation, including the commercial seafoods industry, sports fishing and hunting, the recreation and tourism industry, municipal and industrial water quality, and those who experience less flooding. These and other social and environmental considerations should be taken into account before a sediment reduction goal is selected.

Substantial obstacles stand in the way of realizing the benefits of sediment reduction. These include the time, effort, and commitment that would be required to formulate and implement a sediment reduction plan that would necessarily require the input of many individuals, groups, and agencies - - local, state and federal.

The 500-page study provides an extensive base of information that was not available when the Tillamook Bay Task Force was organized in 1973 to consider the problems and potential of the Tillamook Bay Drainage Basin. Continued local initiative will be required to utilize this study in the development and implementation of a sediment reduction plan.

Mel Williams, past chairman of both the Tillamook Bay Task Force and County Planning Commission and present chairman of the County's Estuary Council has suggested an "implementing committee", made up of representatives from the County Board of Commissioners, Planning commission, Soil and Water Conservation District Board, and Estuary Council, to put the plan into effect. Local representatives from the State Department of Forestry and forest industry would be useful additions to such

a committee.

Similar studies do not presently exist for the Nehalem and Nestucca Bay drainage basins. Consideration should be given to the feasibility of conducting studies in these areas, or of applying measures that are recommended for the Tillamook Bay Drainage Basin.

Policy

Tillamook County recognizes the substantial economic, social, and environmental benefits that would result from the reduction of erosion and sediment in the Tillamook Bay Drainage Basin. The County encourages and supports the local initiative required to develop and implement an erosion and sediment reduction plan, including the establishment of an implementation committee made up of representatives of the County Board of Commissioners, Planning Commission, Soil and Water Conservation District Board, Estuary Council, State Department of Forestry and forest industry. Consideration should also be given to determining and implementing needed erosion and sediment reduction measures in the Nehalem and Nestucca Bay drainage basins.

4.9 Extension of Public Services and Facilities

Findings

The extension of services, such as sewer and water systems into rural forested areas permit a degree of nonforest development that would not otherwise be possible, and encourages the premature conversion of forest land to other uses. The construction of power transmission lines through forested areas can remove significant amounts of forest land from commercial forest use.

Policy

Extension of services, such as sewer and water, into rural forested areas shall be appropriate for the needs of forest management and for those nonforest uses permitted in the Forest Zone. Maximum utilization of utility rights-of-way shall be achieved before new ones are permitted.

4.10 Forest Lands Fire Protection

Findings

J

K E. Schroeder, former head of the Oregon State Department of Forestry has warned that a " sleeping giant' fire hazard . . now exists because many

homes
~~hoes~~ and summer cabins have been built in forested areas without proper fire protection, water supplies or roads"(1)The Department of Forestry has joined with other concerned natural resource agencies in publishing a booklet, "Fire Safety considerations for Development in Forested Areas", to point out safer ways to build forest homes and subdivisions. The purpose of this booklet is to provide guidance for wild-land fire agencies, boards of commissioners, planners, developers and builders. All share a responsibility for providing for the protection of life and property in forested areas through application of minimum fire safety standards.

Many people who have lived in cities assume a level of fire protection in rural forested areas that isn't there. Many of these people are not aware of the fire danger that exists in the heavily vegetated areas, nor are they aware of the essential fire safety measures that can provide protection for their homes and adjoining forestland.

Tillamook County has six rural fire districts which provide protection for residential development on forest lands within their boundaries. Fire equipment access and water supplies must meet minimum standards if these districts are to provide needed protection. Fire protection for residences beyond these rural fire district boundaries are virtually nonexistent. Most wildland fire protection agencies are neither responsible for or equipped to deal with structure fires. Their job is to prevent and extinguish forest and other wildland fires; their response time and pumping capabilities are not suited for structure fires. Furthermore, whatever protection they provide is generally available only during the summer fire season. Once fall rains start, crews are terminated and equipment is assigned to other work or placed in storage.

The fire safety booklet notes that all fire protection agencies are concerned about residential development in forested areas "because many developments lack proper controls or consideration for fire safety measures and are creating a design for disaster"(1) The booklet observes that "very little consideration for fire protection has been given so far in the land use planning process" and that "as the demand and need for . . . developments in forest areas increase, comprehensive land use planning becomes more necessary".

The booklet provides planners and developers with instructions on fire safety standards for development in forested areas. These standards address road access, water supply, fire breaks, solid waste disposal and other fire protection measures that are designed to assure that a structural fire will not spread to adjacent private or public forest land. The substantial public costs of forest fires justify the enforcement of adequate fire safety standards.

Policy

Tillamook County recognizes the significant fire hazard and potential public costs that result from improper residential development in rural forested areas. Further development in the Forest zone shall not be approved unless provision has been made for fire safety measures in accordance with the guide published by the Northwest Inter-Agency Fire Prevention Group entitled "Fire Safety Considerations for Development in Forest Areas".

4.11 Watershed Protection

Findings

Forest management practices, as well as residential development, and other commercial and industrial activities in the County's watersheds have a significant effect on the quality of public drinking water. Tillamook County currently has 48 state-licensed public water systems (those serving four or more hookups), most of which obtain their water from watersheds in commercial forest land.

A recent study by Fredricksen, Moore, and Norris of the USDA's Forest Sciences Laboratory in Corvallis provides a comprehensive discussion of the impacts of forest management practices on stream water quality in the Pacific Northwest.(1) They point out that such practices, including road construction, clearcutting, scarification, slash burning, fertilization, and the application of herbicides "can seriously degrade the quality of stream water" (p. 283). Forest roads crossing steep and unstable slopes are a primary cause of soil erosion and stream sedimentation (p. 286). Clearcuts can be a contributing factor, primarily when they cause landslides which enter streams (pp. 288-93). Forest roads crossing steep and unstable slopes are a primary cause of soil erosion and stream sedimentation (p. 286). Clearcuts can be a contributing factor, primarily when they cause landslides which enter streams (pp. 288-93). Slash burning can increase surface soil erosion and thereby increase suspended sediment concentrations in streams (pp. 294-95). Fertilizers are not likely to pose a health hazard if they are not applied directly to major streams in watershed areas (p. 302). The effect of herbicides can be minimized by avoiding drift or direct application of spray materials to stream surfaces as overland flow and leaching of herbicides are relatively unimportant factors in forest stream pollution (pp. 310-11). Fredricksen, Moore, and Norris contend that proper application of these forest management practices will minimize adverse effects on water quality.

Recreational vehicle use in watersheds can contribute to erosion and sedimentation problems, particularly in areas that have been logged recently. Such use can destabilize road banks and destroy water bars that are

designed to lessen erosion from logging roads. Off-road use can destroy protective vegetation, thereby increasing the livelihood of erosion and sedimentation.

Residential development in watershed areas can reduce the quality of water through failing septic tanks, leaks in sewer lines, chemicals applied to lawns and streets, and erosion from building sites. Problems of this nature are more severe in areas of steep slopes where runoff is faster and infiltration is restricted, erosion is greater, septic tank effluent migrates closer to the surface and there is greater danger of pipeline breaks due to ground movement. Commercial and industrial uses can also have harmful effects on water quality through erosion during and after construction, chemical runoff and street and parking lot runoff.

The focus in this section is on the effect of forest practices on watersheds that are sources of public drinking water. The adverse impacts of nonforest uses are mentioned to provide perspective. These impacts are often greater than those of forest practices because nonforest impacts occur on a regular basis, while potentially harmful timber harvesting may occur only a few times in a 70-year period. It is recognized that during harvesting operations there will be a temporary disturbance of the forest environment. Residual impacts will depend upon terrain and how harvesting is conducted. Growing timber can enhance watershed protection, while harvesting timber need not lead to a serious deterioration of water quality.

The effect of forest management practices on water quality in watersheds was one of the "issues and concerns" raised by all five of the County's Citizen Advisory Committees (CAC's) in late 1978 and early 1979 when they initially addressed forestry planning considerations. This issue was then taken up by the Forest Advisory Committee, with agency and industry representatives generally referring CAC members to the provisions of the Oregon Forest Practices Act which addresses the protection of water quality during the conduct of forest operations.

In 1979, the County conducted several surveys of water districts to obtain information that would be useful in the development of the comprehensive plan and to satisfy a state requirement to determine the needs of small water districts. The initial survey contained the following question: "Has the utility encountered or anticipated problems with land use activities (such as forest management practices) above or within the utility's water source?" Of 12 water districts that responded, five indicated that they had encountered or anticipated problems with logging practices (Bay City, Fairview, Pacific City, Twin Rocks, and Watseco-Barview). Four of these districts plus two others (Northwood and Rockaway) responded affirmatively to the question "Is there a need for the County to address land use activities in watershed areas?" (Twin Rocks did not respond to this question.) One water district

(Neahkahnie) indicated that they weren't concerned because they had a subsurface system and another (Netarts Bay) receives their water from another district.

Forty-three water systems responded to a second survey; however, this survey did not include any questions on the effect of forest management practices. The City of Wheeler, which did not respond to the forest survey, did volunteer their concern for the effects of logging practices in their watershed in their response to the second survey. This survey also revealed that just over one-half of the water systems have surface water sources and approximately one-quarter do not treat water. These systems would be most likely to experience any adverse effects of forest practices in their watersheds.

The City of Wheeler attempted to gain some control over forest practices in their watershed during the development of their comprehensive plan in 1978-80. They discovered that this was not possible since their watershed is outside of their urban growth boundary and therefore not subject to their control. They then proposed that the County develop a "Community Watershed Area Zone" which would be "applied by the County only at the request of special districts or cities which demonstrate a need, desire, and willingness to cooperate in planning for land use activities within their own community watersheds". The intent was to apply the zone "only to land areas from which the quality of surface runoff affects downstream use by a state-licensed water system".

Oregon Business Planning Council (OBPC) strongly objected to the proposed "Community Watershed Area Zone" in a letter that Dave Hill, the Council's Natural Resource Director, wrote to the County Board of Commissioners on January 2, 1980. OBPC is a product of joint participation by Associated General Contractors of Portland, Oregon State Home Builders Association, the Oregon Association of Realtors, and Associated Oregon Industries.

Hill conveyed OBPC's belief that:

> "Citizen concerns expressed in this proposal can best be met through cooperation with existing state agencies, such as the Oregon State Department of Forestry, through cooperation with industrial companies involved and through compliance with existing state law, such as the Oregon Forest Practices Act."

Hill waned that "A 'Community Watershed Area Zone' in its present form, or even some modified version, would result in our (OBPC's) objecting to any request for acknowledgment when the completed plan is submitted to the

Land conservation and Development Commission".

Hill contended that "The maintenance and protection of the State's water resources is one of the priority concerns of the Forest Practices Act administration and intent", and that this would be duplicated by the proposed "Community Watershed Area Zone" (see Findings/Policy 4.2 for a discussion of the Oregon Forest Practices Act.) Hill also pointed out that "Early in 1979, the Environmental Protection Agency (EPA) certified the Oregon Forest Practices Act as Best Management Practices (BMP's) for Oregon with regards to water quality.

In his letter, Hill noted that with the 1979 Oregon Legislature's adoption of House Bill 3008, the County would have to zone forest lands "for primary uses other than the commercial growing and harvesting of forest tree species" if they were to "adopt rules, regulations or ordinances regulating forest operations on those forested lands" (see Findings/Policy 4.2). Hill then asked:

> "Would Tillamook County be prepared at this point in time to zone privately-owned, industrial forest lands for primary uses other than the commercial growing and harvesting of forest tree species? Would the County have sufficient staff and professional forest management expertise to administer and enforce such restrictions? Has the County considered how appropriate compensation would be awarded to property owners who could no longer commercially grow and harvest forest tree species on their lands? These and other hard questions will have to be answered during any discussion of the "Community Watershed Area Zone" proposal."

Paul Steele, Mayor of Wheeler has questioned whether the Forest Practices Act provides adequate protection for watersheds that contain licensed water systems. At the June 29, 1981 North County CAC meeting Steele pointed to three deficiencies in the Forest Practices Act in regard to watershed protection:

(1) The Act does not require notification to downstream water users prior to commencement of forest operations in a watershed (State Forestry must be notified 15 days prior to the beginning of operations; however there is no requirement that they pass this information on to downstream users);

(2) The Act makes no distinction between management practices in watersheds that supply water for human consumption and those that do not;

(3) The Act allows the introduction of chemicals into watersheds.

Steele states that while he believes State Forestry is sincere in their attempts to enforce the Forest Practices Act, enforcement is inadequate because there is currently only one forest practices officer available for all of Tillamook County. (Note: State Forestry has been generally unsuccessful in their effort to obtain funding for additional forest practices officers from the State Legislature.)

Steele suggest four approaches to the watershed protection issue:

(1) Attempt to amend the Forest Practices Act to provide better notification and protection for domestic water users;

(2) Work out management agreements between water districts and forest land owners or managers in watersheds;

(3) City or water district purchase of forest land within watershed;

(4) Have the County address the watershed issue in their comprehensive plan.

There are some good reasons for seeking amendments to the Forest Practices Act from the regional forest practices committee. This Act is an established state law that is acknowledged by all forest land owners and operations, and there is an existing mechanism available for its enforcement. The problem of enforcement can be addressed by convincing the State Legislature that funds are needed for additional forest practices officers.

The management agreement approach has some merit, particularly with public agencies that own forest land within a watershed. Pacific City Water District and the U.S. Forest Service currently have a memorandum of understanding with regard to forest operations and other activities within Pacific City's watershed. Such agreements may be of less value with private parties, including timber corporations, because there is no assurance that the forest land in question will not be sold to another party.

City or water district purchase of forest land is limited by the cost of such an approach. In some cases, such as the Cities of Tillamook and Nehalem, watersheds are already owned by the affected cities.

County action through its comprehensive plan could be taken in conjunction with one or more of the above three approaches. Any such action would depend upon the results of efforts to amend the Forest Practices Act. Whatever the County does is likely to be controversial given the polarization

that exists on this issue. Actual regulation of forest practices within a watershed would require that such land be zoned for primary uses other than the commercial growing and harvest of tree species - e.g. a "watershed management zone" (see Findings/Policy 4.2). Forest operations could be made a conditional use subject to County regulations. Significant question exist regarding the nature of these regulations and how they would be enforced.

County planning staff did develop a draft of a "Community Watershed Area Zone" in 1979. The intent of this zone was stated as follows:

> "The purpose of the community watershed area zone is to provide for implementation of a working relationship among federal and state agencies, land owners, local governments and special districts having programs, land ownerships, or responsibilities within domestic watershed areas. It is intended that watershed area zoning be applied only to land areas from which surface runoff may affect downstream utilization by a state licensed public water system. Furthermore, it is intended that such zoning shall be applied by the county only at the request of special districts or cities which demonstrate a need, desire and willingness to cooperate in planing for land use activities within its own community watershed. The overall purpose of the community watershed zoning classification is two-fold: first, to provide a means for notification of affected local jurisdictions concerning significant activities within watershed areas; second, to assure that acceptable commercial management activities are permitted, consistent with the adequate protection of water quality necessary for individual licensed water systems."

The proposed zone described permitted principle uses, conditional uses, and use standards. It did not include any provision for enforcement.

The time remaining in the County's current comprehensive planning process does not allow for adequate consideration and adoption of a watershed management zone. It does permit recognition of the existence of the watershed management issue and a commitment to give it the attention that it deserves. A committee could be established by the County Commissioners and directed to provide specific recommendations on the watershed protection issue within a specified period of time. Such a committee should include representatives of public forest management agencies, private timber corporations, citizen advisory committees, and water districts. A local discussion of the issue could be useful in establishing a basis for understanding and cooperation between forest managers and water users within watersheds.

Policy

Tillamook County acknowledges that (1) certain forest management practices can introduce contaminants and/or create larger than normal turbidity levels in water systems; (2) after a point certain turbidity and contamination levels are not desirable from a public health standpoint; (3) certain chemicals at certain concentrations should not be introduced into water systems. The County encourages concerned parties to work with the Northwest Region Forest Practices Committee in the development of amendments to the Forest Practices Act that provide needed notification and protection for state-licensed water systems. The County also encourages communication and cooperation between forest and owners and managers and water users within watersheds in the form of written agreements or more informal arrangements. Finally, the County recognizes the need for further study of this issue, and therefore intends to establish a committee of forest managers, CAC members and affected water districts to make specific recommendations to the Board of County Commissioners by no later than one year from the adoption of this plan.

4.12 Fish and Wildlife Protection

Findings

Forest lands provide essential habitat for fish and wildlife which provide substantial recreational and economic benefits to the citizens of Tillamook County. Data gathered in 1975 indicates that sport fishing, hunting and trapping annually provides 576,366 days of recreation valued at $13,323,840 in Tillamook County. Commercial fishing provides an additional $1,387,600 in value, while non-consumptive use of wildlife species, such as photography, bird and animal viewing, etc., provides many additional days of recreation.

Tillamook County's land use classifications most compatible with fish and wildlife habitat are forestry and agriculture. The 620,541 acres that are included in the County's Forest Zone (F) will provide needed habitat for the County's fish and wildlife resources. Proper forest management practices will help assure that the County's waters are suitable for the spawning, rearing, and harvest of migratory fish, shellfish, resident trout and warmwater game fish. The Forest Practices Act (see findings 4.2) is intended to reduce adverse impacts to stream water quality and fish habitat.

Wildlife require the food, water, cover, and freedom from harassment that are provided by forest areas. of particular importance are those sensitive big game areas that are essential to the survival of deer and elk during the critical winter periods. They include gentle south slopes found in forest

openings created by fire and logging operations. Planning efforts must consider the impact of new home and commercial development on game and game habitat.

The County's Forest Zone (F) provides protection for fish and wildlife habitat by limiting outright uses to those that are essential for commercial forest management and fish and game management. All conditional uses are to be consistent with forest uses, including fish and wildlife habitat. Development within sensitive and peripheral big game range areas are to be clustered as much as possible in close proximity to existing roads. Responsibility for protection from wildlife damage is to be assumed by the owners or occupants of dwellings within the Forest one. A minimum lot size requirement of 40 acres will help assure a density of development that is consistent with the maintenance of fish and wildlife habitat. Virtually no residential development is anticipated on the 575,000 acres in public and industrial ownership.

Policy

Tillamook County recognizes the substantial recreational and economic benefits that fish and wildlife provide for the County's citizens. The County is committed to protecting fish and wildlife values on forest lands by requiring that development within the Forest Zone be compatible with these values.

APPENDIX A

FOREST LAND PRODUCTIVITY MAPPING

The Forest Lands Goal requires that "In the process of designating forest lands, comprehensive plans shall include the determination and mapping of forest site classes according tot he United States Forest Service manual 'Forest Instruction for Integrated Forest Survey and Timber Management Inventories - Oregon, Washington and California, 1974' ". The lack of availability of this manual and its questionable relevance left this productivity mapping requirement in a state of confusion and controversy until LCDC adopted a policy paper in July, 1979 that requires a mapping of forest land by cubic foot site class (see Section 2). This was done at the urging of the Oregon State Forestry Department because such information enables the governing body to estimate the economic value of the land in timber production when a change of use is being considered.

The confusion and controversy over the forest lands productivity mapping requirement resulted in part from the number of different productivity measures that are used by the various federal and state agencies and private timber corporations, and the difficulties that are inherent in converting one measure into another. In an attempt to minimize future confusion, this appendix provides a brief description of the most common productivity

measures, and the means by which other measures are converted into cubic foot site class. This provides an opportunity to elaborate upon the productivity mapping of Tillamook County's forest land that was described in Section 1.2.

The productive potential of forest land is usually measured in terms of tree height (site index) or tree volume (cubic foot site class). Site index is based on the total height of a freely growing tree of a particular species at a certain age (usually 100 years). This is usually expressed in terms of the average total height of the dominant trees in a particular stand. Site indexes are usually grouped into site quality classes, which are expressed in terms of Roman numerals I through V, with site class I being most productive. (Since this classification system was first described in a publication entitled Bulletin 201, it is often followed by a reference to this bulletin to distinguish it from the cubic foot measurement system.) Cubic foot site class, on the other hand, expresses productivity in terms of the amount of wood growth produced per acre per year. There are seven cubic foot site class groupings, which are identified by the Arabic numbers 1 through 7, with site 1 being most productive.

These two measures of forest land productivity are the basis for a variety of productivity classification systems. The classification systems used for Douglas fir in western Oregon are summarized in Table 1 below. This includes the Oregon State Department of Revenue Forest Land classification system which places forest land into eight productivity groupings, FA, FB, FC, FD, FE, FG, and FX, with FA being most productive. The productivity mapping of all of Tillamook County's private forest land was derived from this classification system.

TABLE 1

PRODUCTIVITY CLASSIFICATION SYSTEMS FOR DOUGLAS FIRS

(Below 2,500 feet in western Oregon)

Growth Measures / Scale																
Site Index: Height in Ft at 100 years	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Potential Yield: Cubic feet/acre	20	20-49	50 - 84				85-119		120 - 164				165 - 224				
Classification Systems																	
Cubic Foot Site Class	7	6	5				4		3				2				
Site Class (Bulletin 201)			V				IV		III				II		I		
Dept. of Revenue Forest Land Class	FX		FE				FF		FD		FC		FB		FA		

The chart in Table 1 shows the relationship between the two growth measures - - site index (height in feet at 100 years) and potential yield in cubic feet per acres - - and the three classification systems - - cubic foot site class, site class (Bulletin 201), and Department of Revenue Forest Land class. For example, this chart show that land on which Douglas fir would reach an average height of 160 feet in 100 years would produce approximately 164 cubic feet of wood growth per acre per year. Such land would receive a high 3 rating (3+) in the cubic foot site classification system, and a low II rating (II-) in the site class (Bulletin 201) rating system, and a "FC" rating in the Department of Revenue system.

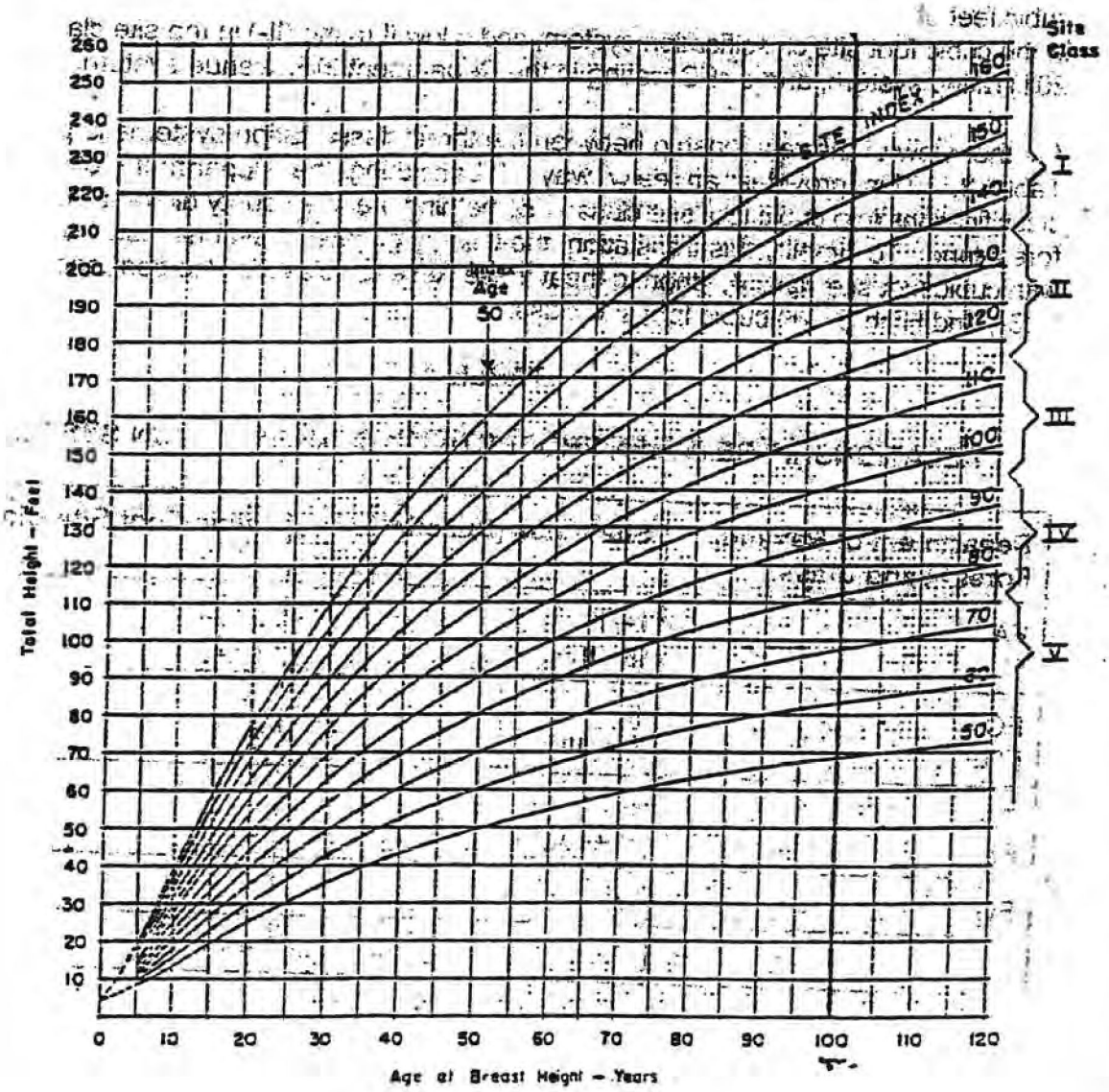
Another view of the relationship between the three classification systems is provided by Table 2. This provides an easy way of translating the Department of Revenue's classifications into cubic foot site class - - something that the county did on all of its private forest land. To simplify this translation, the County equated Revenue classes FE and FF with cubic foot site class 4, ignoring theat these Revenue classes also correspond to a low 3 (3-) and High 5 (5+) cubic foot site class.

TABLE 2

RELATIONSHIP BETWEEN PRODUCTIVITY CLASSIFICATION SYSTEMS

Department of Revenue Forest Land Class	Site Class (Bulletin 201)	Cubic Foot Site Class
FA FB	I+, I II+, II	1 - 2
FC FD	II- III+, III	3
FE FF	III- IV+, IV, IV-	4
FG	V	5
FX		6 - 7

TABLE 3
TRANSLATION OF 50-YEAR SITE INDEX
INTO 100-YEAR SITE INDEX



Another important classification system is the one developed by the Weyerhauser Corporation which the State Forestry Department has use in the productivity mapping of the 308,000 acres of forest land that they manage in Tillamook County. This information has been compiled in a book of township maps entitled "Soils Survey of Northwest Oregon Area: Tillamook County", a copy of which has been provided to the County Planning Department by the State Forestry Department's Tillamook District Office. The maps in this book have been color-coded according to cubic foot site class for easy identification of the soil productivity of a particular area. The productivity mapping of private forest land by the Department of Revenue is also available in the Planning Department of township maps that are color-coded according to cubic foot site class.

The Weyerhauser system is based on tree height at 50 years of age rather than at the 100 years that is referenced by other systems. On Douglas fir-producing lands, 50-year site index information can be converted to 100-year site class by using the graph in Table 3. This is done by taking a horizontal reading from the point where the 50-year site index intersects the vertical 100-year site index line. For example, a 50-year site index of 120 translates into a 100 year site index of 172 - - which is to say that a Douglas fir that achieves a height of 120 feet at 50 years of age can be expected to reach 172 feet at 100 years. The 100-year site index information can then be translated into cubic foot site class by use of the information in Table 1.

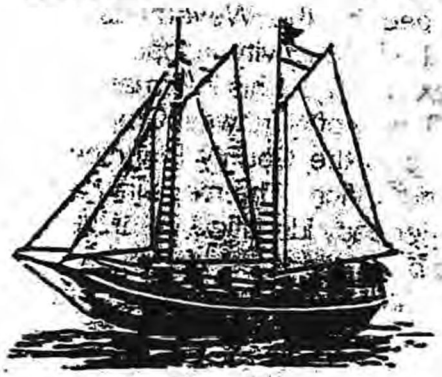
The County has also used soils information contained in the Soil Conservation Service's "Soil Survey of the Tillamook Area" in the evaluation of the productivity of a particular parcel. The primary limitation of the soil survey is the fact that it covers only about one-fifth (136,000 acres) of the County land area, including about 86,000 acres of forest land. However, since this includes most private non-industrial forest land, it does provide productivity information on much of the forest land that is most likely to be subject to conversion to nonforest use.

The information in the "Soil Survey of the Tillamook Area" is supplemented by the so-called OR-1's which provide major soil interpretations for a soil series and its mapping units. This includes a Woodland Suitability section which includes information on productivity (site index), preferred species, and management problems. This information should be used in addition to the more generalized productivity mapping that is provided by the Department of Revenue system whenever consideration is being given to permitting the conversion of a forest parcel to a nonforest use.

all of the above soil survey information is available in the County Planning Department as are several interpretative publications, including "A Technique for Mapping Forest Land by Site Productivity" which was prepared by the State Forestry Department.

APPENDIX B

The Morning Star Gazette



A Newsletter of the Tillamook Coastal Resource and Economic Study

Tillamook County Planning Commission

FOREST ELEMENT UNDERWAY

NOVEMBER, 1978

Work has begun on the forestry component of Tillamook County's comprehensive plan. The specified goal of this portion of the plan is to conserve forest lands for forest uses. Lands suitable for forest uses are to be inventoried and designated as forest lands; a process that includes land classification according to its ability to grow timber. Policies, developed for the appropriate use of forest lands, will depend upon the established practices of the state and federal agencies that manage almost 70% of Tillamook County's forest lands, as well as the needs and values of the citizens of this county. One of the primary purposes of this process is to give citizens an opportunity to express their preferences on the appropriate use of the forests that extend over 90% of our county's land area and employ over 1,000 of our residents.

The Citizen Advisory Committees (CAC's) will play a key role in this process, beginning in November when they will identify and discuss forest issues that concern them. A primary issue is the amount and location of forest land that should be converted to homesites for our growing population and the effect that such conversion will have on the administration of adjacent forest lands. Since public lands are committed to forest uses, much of our attention will be focused on the private lands where development is most likely to occur.

Another important issue is the determination of which forest uses are most appropriate on the lands that remain under forest management. This includes the extent to which intensive timber harvesting and production may be limited by other forest uses. Other uses include watershed protection, wildlife and fisheries habitat, protecting soil from erosion, providing outdoor recreation opportunities, maintaining an attractive forest environment, and the preservation of natural areas for their scientific and aesthetic values. Some of these uses are complimentary; however, others are not, and where conflicts exist, choices must be made. The planning process gives the citizens of this county an opportunity to be involved these choices.

A Forestry Advisory Council is curren being formed to assist the CAC's in the de ignation of forest lands and the developmen of forest policies. The Council will be a primary source of technical information and will include representatives from state and federal forest management agencies, industrial foresters, private, non-industrial forest landowners, the Soil and Water Conservation District Board, and the County Extension Service, along with a representative from each of the County's five CAC's. The CAC's will be asked to select their representative at their November meeting. CAC representation on the Council should assure a close working relationship between the CAC's and the Council and help to insure that citizens are involved at each stage of the planning process.

The work of the Forest Advisory Council will begin during the last week in November and should be concluded by the end of January. The technical material that is developed by this Council, plus a preliminary set forest policies will then be passed on the CAC's for their consideration in Feb ary and March. The forestry component should be ready for review by the Planning Com sion and Board of County Commissioners late spring

APPENDIX C

NOVEMBER CAC MEETINGS AND AGENDAS

SOUTH COUNTY AREA:

Date: Wednesday, Nov. 1
Time: 7:30 p.m.
Place: Neskowin Fire Hall

1. Announcement of new members & election of officers
2. Election of representative to Estuary Council
3. Election of representative to Forestry Council
4. Discussion of local forestry issues and concerns
5. Presentation of generalized work program and planning framework

NORTH COUNTY AREA:

Date: Thursday, Nov. 2
Time: 7:30 p.m.
Place: Nehalem Fire Hall

1. Election of officers
2. Election of representative to Forestry Council
3. Discussion of local forestry issues and concerns
4. Presentation of generalized work program and planning framework
5. Brief review of urban growth policies for City of Wheeler and Nehalem area

BEAVER AREA:

Date: Thursday, Nov. 9
Time: 7:30 p.m.
Place: Beaver Grade School

1. Announcement of new members & election of officers
2. Discussion of new geographic boundary
3. Election of representative to Estuary Council
4. Election of representative to Forestry Council
5. Discussion of local forestry issues and concerns
6. Presentation of generalized work program and planning framework

TILLAMOOK AREA:

Date: Wednesday, Nov. 15
Time: 7:30 p.m.
Place: State Forestry Building

1. Announcement of new members & election of officers
2. Election of representative to Forestry Council
3. Discussion of local forestry issues and concerns
4. Presentation of generalized work program and planning framework

NORTH CENTRAL AREA:

Date: Wednesday, Nov. 29
Time: 7:30 p.m.
Place: Bay City City Hall

1. Announcement of new members & election of officers
2. Election of representative to Forestry Council
3. Discussion of local forestry issues & comments
4. Presentation of generalized work program and planning framework

The Tillamook County Estuary Council will be meeting this month on Monday, November 6, at 7:30 p.m. in the EOC Room of the County Courthouse. Laurie Dull, Coastal Resource Planer will be presenting a progress report on coastal elements of the Comprehensive Plan and discussing the Estuary Council's role and involvement during the current year.

APPENDIX C

CAC's FORESTRY ISSUES & CONCERNS

The following is a consolidated list of the forestry issues and concerns that were raised by the County's five CAC's at their November and December meetings.

1. What are the effects of forest management practices on water quality in watersheds, streams shorelands and estuaries (includes impact on fisheries)? Adequacy of Forest Practices Act?

2. What are the effects of forest management practices on critical wildlife habitats? What is being done to identify and protect wildlife habitats on federal, state and private lands?

3. What are the effects of increased intensity of forest management (increased rate of timber production) on other forest values? Are our forests being converted to "homogenized" tree farms?

4. Can more be done to protect scenic values, including the use of scenic buffer strips?

5. Are recreational needs being adequately provided for on our public and private forest lands? Is there a need for more trails and campsites? Is there need for additional regulations and enforcement of motorbike use on forest roads and trails? What about designation of areas where motorbikes use is or isn't allowed?

6. What are the inherent conflicts between forest practices and residential use of adjacent lands (including herbicide use)? How can any such conflicts be resolved?

7. Is there adequate reforestation of public and private forest lands? What is the species mix? What is the future for cedar and alder?

8. Will private industrial forest land be available for residential development where location of such development is appropriate? (e.g. Concern has been expressed that Publisher's has been buying up land that could be used for farming and/or homesites.)

9. What is being done to coordinate timber management practices in the various public and private ownerships?

10. Are there ways to increase the processing of timber in Tillamook County? (Are we sending too many of our logs out of the County and out of the country?)

APPENDIX D

Millard Trout (Chairman)	State Forestry, Tillamook District Forester
Ed Oram	U. S. Forest Service, Hebo District Ranger
Everett Meier	BLM, Tillamook Area Manager
John Thiebes	Oregon Department of Fish and Wildlife
George McKibbin	Publishers Paper Co., Division Forester
Don Landon	Crown Zellerbach Corp., Production Manager
Russell McKinley	Boise-Cascade
John Massie	County Extension Service
Bob Pedersen	Soil Conservation Service
Archie Pye	Soil and Water Conservation District Board
Russell Cumutt	American Shingle Co. (Garibaldi)
Gerald Sorensen	Contract Logger (Nehalem)
Damon Ogle	Non-industrial Timber Owner (Neskowin)
Marvin Noble	Alder Processor (Hebo)
Ted Pankowski	North County CAC
Herb Sargent	North Central CAC
Violet Vermilyea	Central Area CAC
Leonard Whitmore	South Central CAC
Dick Lawrence	South County CAC

APPENDIX E

FORESTRY ADVISORY COUNCIL MINUTES - January 30, 1979

Those attending were:

Millard Trout	Oregon State Department of Forestry
Ed Oram	U.S. Forest Service
Everett Meier	Bureau of Land Management
John Thiebes	Oregon Department of Fish and Wildlife
Bob Pedersen	Soil Conservation Service
Don Landon	Crown Zellerbach Corp.
George McKibben	Publishers Paper Co.
Russ McKinley	Boise Cascade Corp.
Ted Pankowski	North County CAC
Herb Sargent	North Central CAC
Leonard Whitmore	Beaver Area CAC
Dick Lawrence	South County CAC
Damon Ogle	Neskowin
Gerald Sorensen	Nehalem
Kenneth Lane	Beaver Area CAC
Vic Affolter	County Resource Planning Team

PURPOSE

The purpose of the meeting was a discussion of the consolidated list of forestry issues and concerns that were raised by the County's five CAC's.

WATER QUALITY

A primary topic of discussion was the effect of forest practices on water quality. Reference was made to the technical articles on this topic that were provided by the Forestry Sciences Laboratory at Oregon State University.

Vic Affolter provided FAC members with a 40-pace excerpt of the final draft of the U.S. Department of Agriculture's Tillamook Bay Drainage Basin Erosion and Sediment Study. This recently completed study was done in response to the severe sedimentation problem in Tillamook Bay. It identifies the sources of sedimentation throughout the Tillamook Bay Drainage Basin and proposes methods of reducing them. The major cause of sediment is the erosion that occurs from such sources as channel banks, land slides, roads, old burned areas, and clearcuts. Eighty-five percent (51,600 tons) of the sediment that enters Tillamook Bay is said to originate in the forested upper watershed which comprises about 90% of the total land area of the basin.

A 30% reduction in sediment (about 18,200 tons) would require installation expenditure of about 2.5 million dollars. Average annual costs would be about $171,000. Annual benefits would be about $273,000, leaving a net benefit of $102,000. At the 30% level the appropriate control measures would be stream stabilization; tree planting on landslides, clearcuts and burns; and by closing and stabilizing some roads on forested lands (see p. 1-4 of study).

The Council proceeded to discuss some of the material contained in the study.

Millard Trout observed that the study had been criticized by George Brown at OSU because its basic data was not collected over a long enough period.

John Thiebes pointed out that the study reveals that 90% of the landslides that occur in the basin are man-caused, and that it was the concern of the Department of Fish and Wildlife that logging roads are causing the highest percentage of their problem with siltation in the streambeds. This has the highest impact on fisheries, both in the bay and in the streams where the fish spawn.

EFFECT OF LOGGING ROADS

Affolter noted that there was a consensus in the articles provided by OSU that roads are a significantly greater source of erosion than are clearcuts. There is disagreement on the effect of clearcuts, with some researchers concluding that they are a significant source of erosion and sedimentation, and others (notably Brown at OSU) claiming that their significance tends to be either negligible or hard to determine.

With regard to road closures, Ed Oram noted that the U.S. Forest Service does close roads to vehicle traffic if they aren't to be used within a certain time. They also patrol roads during periods of heavy rainfall to look for plugged culverts and other possible sources of erosion.

Trout stated that State Forestry is able to patrol roads built since 1960, but that the older roads in the burn are in such bad condition that it is too dangerous to have patrols on them during a storm. He state that "The old roads back in the burn were built to whatever standard the logger thought was necessary. A tremendous number of log culverts are all rotting out. The canyons are filled with debris left from fires, and they are going to keep blowing out whenever we get a bad storm".

Trout said that State Forestry maintains about 700 miles of road on this district for fire protection and management activities such as pre-commercial thinning, site preparation work, etc. There have been budget limitations on the State's road maintenance program. They have an additional $500,000 in next years budget for road maintenance. He said that many of their roads need replacement rock, and that log bridged and culverts need to be replaced. This could require expenditures of around 3 ½ million dollars over the next 5-7 years. Trout pointed out that over the past 10-15 years there has been no timber harvesting in the burn to support any road maintenance, and that as trees planted after the burns mature and are harvested, this situation will improve.

Everett Meier pointed out that unlike State Forestry, BLM currently has mature timber on their land to pay for road maintenance.

Trout said that a primary problem is the many cat roads that were built to salvage timber from areas that had been previously burned and/or logged.

(Discussion by Trout and Meier on difficulty of "closing roads" in a way that will prevent 4-wheel drive vehicles and motorcycles form

using them).

Affolter pointed to the study's conclusion that at least 30% level of sediment reduction a $100,000 net annual benefit is realized. This is going to get some peoples attention, and the County may eventually decide on a particular sediment reduction goal.

We could have some of the U.S. Forest and Soil Conservation Service people who worked on the survey come over and hold a special workshop so that questions could be raised about the study's methods and conclusions to help determine if the County should take any action on it. (This couldn't happen until sometime in March or April when published copies of the final draft are available.)

In response to the question of whether this would be soon enough to help the Forestry Advisory Council, Affolter noted that the overall planning process will continue into the summer and if we don't consider this study in the context of forestry, it will likely be considered in some other context such as estuary planning, or water quality. This is clearly an example of a situation where past or present activities on public and private upland forested areas affect our downstream rivers and bays. This issue was brought before the FAC to give those who are familiar with forest practices an opportunity to comment on the study's methods and conclusions.

Ted Pankowski raised the question of who experiences the particular costs and benefits. Affolter responded that this information was not available in his final draft copy, but that it may be available in the final published revision.

Don Landon asked where the money would come from to do what was necessary to obtain the net benefits. Affolter responded that it is possible that the material in this report could provide some leverage for obtaining some grant support or state funding for some measures that couldn't be done in the past because those who decided the budget weren't fully aware of the net benefits that could be derived from specific erosion and sediment reduction measures.

Thiebes pointed out that the study indicates that there are potential beneficiaries that are not included in the $100,000 net annual benefit calculation, including the commercial seafoods industry, sports fishing and hunting, the recreation tourist industry, and municipal and industrial water quality.

Pankowski observed that as far as he is aware "this is the only

document that provides any handles at all on what your going to do about Tillamook Bay, and it does raise what seem to be some really important options that the people of Tillamook County have to decide with regard to what their goal is for the Bay. It doesn't make sense to me that if we have damage occurring on public lands upstream, that the cost should be passed on to other members of the public downstream in the form of degradation of the bay and the reduction of fisheries and whatever. At the same time, if the damage is occurring on private lands up there, it seems like a question of equity. I can't run my business in such a way that it is going to crud up a public stream. I raise this because I think it will take more answers and more time to look at this, but I'd like to see this group come back and perhaps take a stab at some recommendation - or at least raise them as issues for the people of this County to take a look at".

Affolter said that somewhere within the planning process we're going to want to come back to this study because its the most detailed information we have on these issues. We will find out when we can set up a workshop with the people who conducted the study. A majority of those present indicated that they would be interested in participating in such a workshop if it were set up in March or April. Affolter noted that although the FAC was scheduled to conclude its activities with the February 15 meeting, he would continue to keep them informed on what was happening with regard to forestry planning so that they would have the option of continuing their involvement.

MOTORCYCLES

Leonard Whitmore mentioned that power line right-of-ways were a serious source of erosion, particularly since motorcycles use these right-of-ways and cut deep tracks. These tracks cross many small creeks and cause problems whenever it rains.

Trout observed that they have a similar problem with motorcycles on the upper Trask. The power companies want to keep their right-of-way roads open so that they can service their lines.

Meier agreed that this is a very serious problem and that when Bonneville power has their public meetings, someone ought to complain about it. Currently there is no control. BPA is not building their roads at previously agreed locations and standards.

Affolter observed that several of the CAC's had indicated their concern about the need for additional regulations and enforcement of motorbike use on forest roads and trails, and in designated areas where motorbikes are or aren't allowed.

Trout stated that the primary problem is enforcement and that they haven't had the manpower and money to do that. Meier pointed out that no one in his office has any enforcement power, so they have to call the FBI agent out of Astoria. Oram said the Forest Service is a little better off in that they have some people who are designated to write citations in the field. Oram felt that in his district, 4-wheel drive vehicles were a bigger problem than motorbikes. All agreed that whatever the regulations, enforcement was a very difficult problem because of the many miles of remote roads and trails.

WATERSHEDS

Affolter added that several of the CAC's including people from the Pacific City area had expressed a concern over the way forest practices were affecting the quality of their drinking water. Oram commented that the U.S. Forest Service had presented the Pacific City Water Board with a memorandum of understanding spelling out what forest management practices are going to be in that Pacific City watershed. McKibben said that Publishers also owned land around that watershed. Affolter said that before the February 15 meeting of the FAC he would try to get more specific information from those who operate the water systems. McKibben, Landon and Trout observed that when municipalities own their watersheds they log them as a source of revenue, but that they ten to be critical when others who own timber in their watershed do the same thing.

WILDLIFE HABITAT

The Council turned to a discussion of the effects of forest management on critical wildlife habitats - What is being done to identify and protect wildlife habitats on federal, state and private lands?

Affolter observed that much of what Fish and Wildlife was asking for in their Habitat Protection Plan was consistent with managing the land for forest use. he asked Thiebes to identify areas of possible conflict between forest management practices and wildlife protection.

Thiebes responded that "in a lot of areas we are looking at a feast or famine situation where you have gigantic clearcuts. You're looking at that area for producing big game animals for a period of maybe 10 to 15 years, and then after that there is no food for them . . . The trees grow up and shade out all the available forage under them. We're looking at a boom and bust in the hunting situation in those areas, especially in our key point winter ranges which are on gentle south-facing slopes . . . Again on clearcuts snag removal is a problem. I realize that people have a problem with safety requirements on that".

Thiebes refers to Fish and Wildlife's "Cover Guidelines' which states that there should be big game cover within 10 chains of any point in a clearcut. This means that there need be no length limitations on a clearcut as long as it is no more than 20 chains wide.

Thiebes adds that a lot of areas have an over access situation where there are too many roads, and harassment of wildlife even during their winter critical time. Thiebes said that in the future, they will probably be asking for more road closures in key winter range areas. In winter range that is thoroughly criss-crossed by roads, it is hard for big game to get enough feed to survive. The hunting industry in Tillamook County does provide a considerable income to the County.

Ed Oram noted the U.S. Forest Service's current land use plan has put 6,000 acres into old growth rotation with a primary objective being the protection of the bald eagle and the spotted owl. Oram says that they have identified potential nest sites in old growth all over their district.

Thiebes observes that Fish and Wildlife has fairly good input into state and federal agencies in reviewing their timber sales and other forest management activities, but that they have virtually no review of the activities of private industry. However, they do get with them occasionally on things like the bald eagle and herons.

Meier said that when BLM identifies a nesting site for a pair of spotted owls on the upper Nestucca, they have to take the surrounding 300 acres out of their timber base, and at least 50% of the timber in the surrounding 900 acres has to be at least 30 years or older. This comes from a BLM-U.S. Forest Service-State agreement to identify and protect 400 pairs of nesting spotted owns throughout Oregon. Affolter noted that in terms of the County plan there might be more interest in how wildlife is protected on private lands. He asked Millard Trout if the Forest Practices Act provided for any such protection.

Trout responded that this isn't really addressed in the Forest Practices Act, but that it is State Forestry's policy to contact a representative of Fish and Wildlife whenever private foresters identify critical wildlife habitats on their land. Basically State Forestry can make recommendations with regard to wildlife habitats on private lands, but they have no enforcement power.

Affolter noted that attention to fish and wildlife habitat was required by both the Forestry Goal (#4) and the Natural Resources Goal (#5) of

the Statewide Goals and Guidelines, and that the planner (Jeff Christensen) who is responsible for the Resources Goal is currently working with the CAC's on the issue of protecting fish and wildlife habitat.

CLASS II STREAM PROTECTION

Pankowski raised the issue of protection of Class II streams and their effect on Class I streams (Class II streams are the headwater streams or minor drainages that are generally not used by fish for spawning or rearing, but which do influence water quality or quantity downstream in Class I waters). Trout responded that buffer strips are not required for Class II streams, and that material that gets into a Class II stream need not be removed until the logging operation is completed. (With class I streams it must be removed as "an on-going process during the harvesting operations".) Trout stated that mechanical damage done to the stream bank while removing material can often do more harm than is done by leaving material in the stream.

BUFFER STRIPS

Pankowski said that he was more concerned about the possible damage done by cutting all the way down to the stream bank. Thieves pointed out that sedimentation increases as you cut closer to the stream bank.

Trout responded that leaving buffer strips can result in a serious problem with blowdown. Blowdown of large trees, especially hemlock, can cause serious damage to the stream bank.

Affolter called attention to question #3 which asks about "the effects of increased intensity of forest management (increased rate of timber production) on other forest values". He said that there seemed to be some concern among CAC members that wile timber production is pretty well taken care of by both public agencies and private corporations "other forest values" aren't given as much attention. This is reflected in the list of forestry issues and concerns raised by the CAC's. This question also included concern about whether our forests were being converted to "homogenized tree farms".

REDWOODS

Pankowski raised the question of growing redwoods in Tillamook County. Trout and others responded that generally they couldn't survive the amount of frost that occurs in the area. (This was followed by a discussion of the few redwoods that had survived in the area.)

CEDAR

The question was raised about the future of cedar. Landon responded that it was too slow growing to be raised commercially, and that it has no real future in the County, except for some limited natural

reproduction. Oram said that the U.S. Forest Service is planting some cedar in selected locations. and that they are getting some volunteer cedar. (A continued discussion of cedar by Trout, Oram, Landon and McKibben was mostly unintelligible on the tape.)

Thiebes pointed out that a forest monoculture (growing all one species in an area) can have an adverse effect on wildlife. McKibben asked if it made any difference to big game if a well stocked stand of conifer was mixed or not, suggesting that the density of the stand may be more important than the species mix.

SCENIC VALUES

The Council then turned to question #4 which asked what can be done to protect scenic values, including buffer strips. Affolter asked if anything was known about the economic trade-offs between the maintenance of scenic buffer strips and what is given up in terms of timber harvest.

Everett Meier said that 10 years ago BLM established 400-foot buffers along the upper Nestucca and along other state and County roads and it affected allowable cut by about 3%. He said that he was surprised that there wasn't a bigger effect than that. He pointed out there is 23 miles of road on the upper Nestucca and that 400 feet on each side adds up to a lot of land. Meier added that their "visual resource management" program will further reduce the allowable cut as clearcuts won't be seen on BLM land from certain well-traveled roads.

The question was raised (by Ken Lane?) as to how people could expect private landowners to leave their money standing in trees for someone else to look at - that land is theirs to use - to grow trees, to harvest them, and replant them.

Millard Trout said that they have three types of land that State Forestry won't be cutting on. these include areas called Scenic Conservancies which occupy about 2% of their land, some of it along the Wilson River. They also won't harvest areas where there are adverse physical conditions such as steepness or excessively shallow soil. And, they have something called Scenic Production land where they try to minimize the impact of harvesting.

Bob Pedersen asked if the State highway Department had thought about buying scenic easements. Trout responded that the cost involved has generally prevented this.

FUTURE TIMBER SUPPLY

Pankowski said he realized that people can get carried away on subjective aesthetic considerations, but that he is hearing more and more in his community that the timber resource may be exploited to the extent that we'll lose our forest base - "whether we're really going to provide a productive base for the future, or whether we're just going to cut and get out".

Millard Trout replied that the Buetter report indicates that this part of Oregon is in the best shape of any place in the state with respect to future timber supply.

Pankowski responded that "forestry generally has to do a better job of explaining to the public that the world is not coming to an end because we are clearcutting trees". He said that people are concerned that we might replicate the destruction of the timber base that has occurred in other parts of the county.

Trout responded by pointing out the success of the replanting of the Tillamook Burn. In the late 40's the "experts" were saying that it had burned so badly that it would take 50 years to get a crop of trees back on it. "Six years later the trees were taller than my head on the same ground . . . We're growing trees a lot faster than we're cutting them. We have a future out in front of us with the growing stock we have now . . . We're going to be cutting in Tillamook County off State Forest Land by the year 2020 approximately 4 times the annual cut we have now on State lands. . . and that will continue forever . . . I didn't see any great problems with logging systems and logging techniques that we've got now - the road building standards we have in the Forest Practices Act - of ever going back to the things that occurred on that ground between 1940 and 1960 . . . The most favorable picture in the whole state is Northwest Oregon as far as future timber supply".

McKibben added that "a lot of people didn't give a damn whether its going to grow back". They've come here, bought their two acres, and they expect surrounding land owners to provide them with a view of mature timber.

CONFLICTING USES: FORESTRY VS. AGRICULTURE AND HOMESITES

Affolter pointed out that some CAC members expressed concern about Publishers buying up land that could have otherwise been used for farming and/or homesites (question #8 on CAC list). Publishers has been very aggressive in buying up marginal lands and converting them to timber production. Some people are very supportive of this increase in our timber base; others are critical of the loss of potential

farm land or homesites. (Note: The Statewide Planning Goals and Guidelines specifically states that forest uses should be permitted on potential agricultural land.)

Ken Lane stated that Publishers is buying up that land because they are looking to the future, and that if he had the money he'd be doing the same thing.

Millard Trout said that "if I were Publishers and there was a piece of private ground sitting out there that could possibly split up into a number of lots that could affect my management operations from the standpoint of timber harvest or herbicide use - with the pressures that are being brought to date - I would probably be willing to gamble more money than that land is actually worth to protect my operation on the land around it". Trout went on to say that the type of farmland that Publishers is buying up is generally not productive farm units, and that growing trees is the most profitable way of using this land.

McKibben added that he didn't know of any area that Publishers has bought that is predominantly farmland. They have bought large parcels of brush land that includes 20 acres of farmland. He said that "I guess that part of why we're here is to try to decide if some of these lands can be used for other values".

Affolter pointed out that our Small Farm and Woodlot category would apply to some of this sort of "marginal" land. This would allow people to have either a small scale farm and/or engage in timber production. He added that from the standpoint of forestry there seemed to be general agreement that Publishers was doing a good thing. But that there seemed to be some criticism from the standpoint of their reducing the supply of land that is available for homesites. Throughout this County we have to make sure there is enough land available for the homesites that need to be developed, and this will have to come out of marginal forest and/or marginal agricultural land. When Publishers buys up land and puts it into forest, that's land that is no longer available for homesites, and that means you have to turn to other land for development.

FOREST MANAGEMENT PRACTICES VS. RESIDENTIAL USES

Dick Lawrence observed that there is the additional concern of the effect that forest management practices will have on nearby residence.

Trout responded that people who have moved into the rural areas to experience a forest environment often want "a fixed forest

environment".

Meier noted that BLM is managing some scattered acreages up in Columbia County near the bedrooms of Portland, and "its next to impossible" because of the people who are moving out there and the restrictions that their criticisms impose on forest management practices.

Oram observed that "there are hard core people on both sides of the fence (with regard to scenic values). I think that foresters have traditionally sat back with their facts and figures and argued that this is high site timber land . . . and its going to look beautiful in a few years. But I don't think we've done an adequate job of selling this to some of the people who are middle-of-the-road who would support us if they had all of the facts. The answer to question #4 (Can more be done to protect scenic values?) is yes - you can do more, but its got to cost, and are we willing to bear that cost". Oram added that he thought that question was generated because people don't know what the state and federal agencies are doing with regard to visual resource management.

PUBLIC INFORMATION

A discussion followed about how hard it is to inform people of what is actually happening on forest land, with Meier mentioning the efforts that BLM has been making over the past year.

ROLE OF CAC'S

Lawrence responded that perhaps the CAC's could continue to be viable as part of the public involvement and information process beyond the completion of the comprehensive plan.

Pankowski stated there is a great need for a better understanding among residents of how the forest economy works in this County.

CONFLICTS BETWEEN FOREST PRACTICES AND RESIDENTIAL USE

Affolter stated that one of the critical issues that we must deal with is raised by question #6 - "What are the inherent conflicts between forest practices and residential use of adjacent lands? How can such conflicts be resolved? This is something that anyone who manages timber is concerned about, as are people who are affected by the management of timber. There are conflicts between timber management and residential uses. Within the planning process we are trying to alleviate or avoid those conflicts as much as possible. One of the things we're talking about is the Small Farm and Woodlot category which could serve as a buffer between the more intensively managed forested areas and the more intensively developed rural

residential areas. . . . Anything else that can be thought of by members of this group - whether you're involved with managing timber or whether you're experiencing the effects of that management - would be very helpful. This might be something that we could focus on at our next meeting (Feb. 15)

Affolter added that we face a similar problem with regard to agriculture. As more people with urban backgrounds move into this area, there will likely be an increased percentage of people who are critical of certain farm and forest management practices. Therefore, farmers and foresters will have to be increasingly concerned about what's happening on adjacent ownerships and the increased possibility of resulting conflicts.

Affolter asked how people felt about that night's meeting. He observed that it is somewhat frustrating to talk about things that are so subjective and laden with values. "These are very important issues though, in terms of the concerns of the people of this County. If there was a way we could get a little more specific handle on some of this, it would certainly help us."

Ed Oram stated that there were volumes written on each of these issues and that he is frustrated by the fact that there may be no practical way to get the answers back to the CAC's.

Affolter replied that there are some things that we can accomplish in terms of the land use planning process. "We can establish our land use designations in such a way that we can alleviate some of the conflicts between adjacent uses. We can come up with policies that address some of these concerns."

Herb Sargent said he thought we needed to get a list of the positive things that the timber companies were doing to protect our land and water resources.

NEED FOR COORDINATION

Pankowski said that he "sees very little hostility toward the big companies. One of the reasons being that no one really knows who owns the land . . !! What people are concerned about is how the County is going to look in the next 20 years - we don't have anything comparable to a master plan for a forest because there are so many interests involved . . . . .there isn't anything comparable to a multiple use plan for the County as a whole . . . . This can't be done for LCDC in one year.

Affolter noted the question of coordinating timber management also came up in the CAC's (question #9). It applies to the management of a particular watershed and to timber management in the County as a whole. The state in its Forestry Program for Oregon addressed this issue, and said that there must be some coordinating of timber harvesting among different ownerships.

Russ McKinley stated that the extensive clearcutting on Highway 53 may be an example of the need for different ownerships to get together, but there are problems with collusion under antitrust provisions. "I'm not sure you want the companies and all the agencies and everyone else getting together. Our capitalist system is designed for independent private competitive forces."

Pankowski asked if it might not be possible to identify on a map when timber is going to be cut over the next 20 or so years so that people won't be surprised when it happens in their area.

The meeting concluded with further mention of the need to get more specific in the February 15 meeting, and the need to give further consideration to the potential conflicts between forest practices and residential use of adjacent lands.

APPENDIX F

BURLINGTON NORTHERN
BN TIMBERLANDS INC.

650 Central Building
Seattle, WA 98104
(206) 625-6503

Mr. Vic Affolter
Tillamook County Natural Resource
Planner
Tillamook County Planning Commission
Tillamook, OR 97141

August 27, 1981

Dear Vic:

We have reviewed the County's proposed Forest Zone, forestry findings and policies for the Forest Lands Element portion of the County Comprehensive Plan. It appears to us that you have adequately addressed the intent of Statewide Planning Goal #4, to conserve forest lands, as adopted by the Land Conservation and Development Commission.

We commend the work you have done on Goal #4 and encourage its incorporation into the Forest Lands Element. We hope that a similar thorough assessment be taken on Goal #5, Open Spaces, Scenic and Historic Areas, and Natural Resources, as this Goal is a major concern to us and could significantly affect our forest resources.

Sincerely,

Judy A. Barker
District Supervisor
Land Planning

JAB/mlc

cc: L. J. Brady
H. H. Vatheuer
R. G. Frohne

RECEIVED
AUG 31 1981
TILLAMOOK COUNTY
PLANNING COMMISSION

OREGON BUSINESS PLANNING COUNCIL

1149 COURT ST. N.E. SALEM, OREGON 97301 PHONE (503) 370-8112

STAFF:
KATHERINE KEENE
Planning Director

DAVID S. HILL
Natural Resources
Director

JIM JACKS
Associate Planning
Director

August 14, 1981

RECEIVED
AUG 17 1981
TILLAMOOK COUNTY
PLANNING COMMISSION

Mr. Vic Affolter
Natural Resource Planner
Tillamook County Planning Department
Room 7, Courthouse
Tillamook, Oregon 9/141

Dear Vic:

I have reviewed with pleasure the Forest Lands Element for Tillamook County. Most of the plan reviews I make end in a lengthy letter of objection to the local jurisdiction. This is definitely not the case after reading through your material. Tillamook County's Forest Lands Element shows a good balance between protection of the forest resource and understanding of how it will be efficiently managed for its renewable timber supply.

Secion 4.11, Watershed Protection, is a rational discussion of a difficult problem. Incidently, I recently attended a Board of Forestry meeting where Mr. Paul Steele, Mayor of Wheeler, made a presentation outlining his concern and problems relative to watershed protection. The Northwest Regional Forest Practices Committee will be reviewing this topic at its September meeting. Mr. Steele will present his case to the Regional Committe at that time. This is the policy direction suggested by Tillamook County in the Forest Lands Element and we support the County in this approach.

During the past year, the treatment of Goal 5 resource sites in comprehensive plans has been a major concern of the forest industry. We hope the development of a Goal 5 element for your Comprehensive Plan will be as well thought out and reasonable as your Goal 4 element has been. The Forest Advisory Committee mentioned in Section 4.4 could provide one further valuable service by reviewing the impacts associated with identified Goal 5 resource sites and each sites affect on the forest resource in Tillamook County.

In closing, I want to offer my congratulations on a job well done.

Sincerely,

Dave

David S. Hill
Natural Resources Director

DSH:paw

MEMBERS: •ASSOCIATED OREGON INDUSTRIES — Oregon Forest Industries Council — Oregon Retail Council •OREGON ASSOCIATION OF REALTORS •OREGON-COLUMBIA CHAPTER ASSOCIATED GENERAL CONTRACTORS — Construction Industry Management Fund •OREGON STATE HOME BUILDERS ASSOCIATION

CrownZellerbach
Northwest Oregon Managed Forest

September 1, 1981

RECEIVED
SEP 2 1981
TILLAMOOK COUNTY
PLANNING COMMISSION

Mr. Vic Affolter
Natural Resource Planner
Tillamook County Planning Dept.
Room 7, Courthouse
Tillamook, OR 97141

Dear Vic,

I have reviewed the Forest Lands Element for Tillamook County, and I congratulate you on your efforts. This is an exceptionally well thought out and rational approach to forest land use.

I do have one concern in that rock quarries are permitted outright, but the exploration for possible quarry sites requires a conditional permit (3 d). This does not appear to be consistent. This also may be in conflict with the mineral and aggregate resources element of Goal #5.

In closing, I would like to compliment you once again for your fine effort.

Very truly yours,

CROWN ZELLERBACH

By _____
Engineering Manager

NWO
JLBoyd/e
cc: Dave Hilt
Oregon Business Planning Council

Simon Lumber Company

LUMBER & VENEER MANUFACTURERS

FOREST GROVE, OREGON

August 3, 1981

Mr. Vic Affolter
Tillamook County Planning Dept.
Room 7, Courthouse
Tillamook, OR 97141

Dear Vic:

After reviewing Tillamook County's forest lands element I believe you are to be complimented on the balance you have achieved. Considering the diverse pressures that must be dealt with when 87% of the county is forest, you have done a fine job in addressing all the forest elements and in upholding the intended spirit of Goal 4.

The only "but" that I would insert is that until the County's Goal 5 program can be juxtaposed with the forest lands element, any potential conflicts with commercial timberland management cannot be evaluated.

Very truly yours,

Richard F. McEvoy

RFM/m
CC/Mr. Paul Benson

RECEIVED
AUG 4 1981
TILLAMOOK COUNTY
PLANNING COMMISSION

79

Douglas Fir

Timber and Wood Products Group

Route 6, Box 260
Astoria, Oregon 97103
503/458-6111

Boise Cascade

RECEIVED
AUG 25 1981
TILLAMOOK COUNTY
PLANNING COMMISSION

August 21, 1981

Mr. Vic Affolter
Tillamook County Planning Dept.
Room 7, Tillamook County Courthouse
Tillamook, Oregon 97141

Dear Vic:

Thank you for the opportunity to review the draft proposal of the Forest Lands Element for the Tillamook County Comprehensive Plan. I believe your material provides a proper approach to the requirements of Goal 4.

Section 4.11 regarding watershed protection provides a reasonable approach to a difficult situation. Whenever possible, existing governmental mechanism should be utilized to obtain results rather than establishing further controls. Section 4.11 rightfully embodies this principle.

If I can be of further assistance in the development of the Forest Lands Element or the Goal 5 Element, please call me.

Sincerely yours,

BOISE CASCADE CORPORATION

Bill

William A. Dryden
Chief Unit Forester

WAD:lr

SECTION 3.004: FOREST ZONE (F)

Section 3.004: Forest (F) Zone of Tillamook County Land Use Ordinance does not reflect all the current requirements of the Oregon Revised Statues, 215 or Oregon Administrative Rules, Chapter 660, Division 06. In a case where the Land Use Ordinance and the State Law are in conflict the stricter of the two takes precedence. Please contact the Tillamook County Community Development Department, Planning Division at (503) 842-3408 for clarification.

(1) PURPOSE: The purpose of the F Zone is to retain forest land for forest use, and to encourage the management of forest land for the growing, harvesting and processing of forest crops consistent with the Oregon Forest Practices Act. It is also to protect other forest uses from the encroachment of conflicting non-forest uses and influences, including watershed and soil protection; the maintenance of clean air and water; the preservation of fish and wildlife habitat; outdoor recreation; scenic preservation; and agricultural activities.

(2) USES PERMITTED OUTRIGHT: In the F Zone, the following uses and their accessory uses are permitted outright, except that within the Shorelands Overlay Zone, all structures, facilities and quarries are permitted conditionally as provided by Section 3.004 (3) (a). all uses are subject to all applicable supplementary regulations contained in this ordinance.

(a) Commercial forest management consistent with the intent and purposes of the Oregon Forest Practices Act.

(b) Fish and wildlife management.

(c) Structures and facilities necessary for, and accessory to, commercial forest management or fish and wildlife management. The uses served by such structures and facilities may include, but are not limited to, administration; equipment storage and maintenance; communications; fire protection; fish rearing; and residences for property owners, employers or full-time employees directly required for commercial forest management or fish and wildlife management. To assure that structures and facilities are consistent with the requirements of this ordinance, a management plan may be required before a building permit is issued.

(d) A single-family residence on an existing lot of record, in accordance with the provisions of Sections 9 through 11, Chapter 884, Oregon Laws 1981 as amended by Sections 14 and 15, Chapter 826, Oregon Laws 1983.

(e) A recreation vehicle used in conjunction with forest resource management for a period not to exceed six months in a calendar year.

(f) Primary wood-processing facilities, including, but not limited to, pole and piling preparation; small portable saw mills; log sorting yard; wood chipping operations; fence post manufacturing; and fire wood production.

Exhibit I

(g) Facilities and test sites for experimental and research activities associated with the propagation, management, or harvesting of forest tree species.

(h) Forest tree nurseries and their accessory facilities.

(i) Rock quarries, including the crushing, screening and stockpiling of materials when the rock is used for a commercial forest operation, or when an operating permit and reclamation are not required by State Law (ORS 517.790). Commercial forest operations include construction, reconstruction, and maintenance of forest access roads; and forest management support activities such as riprapping, bridge wing wall diversions, culvert bedding and other similar activities located on forest lands and conducted for the purpose of forest management.

(j) Helipad and balloon bedding areas necessary for commercial forest management.

(k) Farm uses as defined by ORS 215.203 (2), including dwellings and other buildings customarily provided in conjunction with a farm use.

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

(m) Repair, maintenance, and minor improvement of existing park structures and facilities.

(n) Signs, subject to Section 4.020.

(3) USES PERMITTED CONDITIONALLY: In the F Zone, the following conditional uses and their accessory uses are permitted subject to the provisions of 3.004 (4) and (5) and all other applicable supplementary regulations contained in this Ordinance. A Conditional Use shall be reviewed according to the provisions of Article 6, except that the review criteria contained in Section 6.040 shall not apply.

(a) Structures, facilities, and quarries subject to the Shorelands Overlay (SH) Zone, that would otherwise be permitted outright in the Forest (F) Zone.

(b) Wood processing facilities other than primary processing.

(c) Operations conducted for the exploration, mining and processing of geothermal, aggregate and other mineral or subsurface resources that are not permitted outright.

(d) Parks, recreation campground and primitive campgrounds, hunting and fishing preserves, and other recreational uses that require roads or structures.

(e) Small-scale solid waste disposal sites or transfer stations not to exceed 20 acres approved by the governing body of a city or county or both and for which a permit

has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities, or buildings necessary for its operation.

(f) Facilities for sewage disposal, water supply and treatment, or other public utilities.

(g) Water impoundments of not greater than 1000 acre-feet.

(h) Utility facilities, including utility corridors for electrical transmission lines of up to 115 kV's, and small electric generation facilities.

(i) Communication facilities used for the purpose of commercial forest management.

(j) Airplane landing strips and accessory facilities provided in conjunction with forest use.

(k) A nonresource-related one-family residential structure subject to Section 3.004 (5).

(l) Storage of construction equipment and materials, including a structure to be used for this purpose.

(m) Home occupation.

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

(4) ALL CONDITIONAL USES PERMITTED IN THE F ZONE SHALL MEET THE FOLLOWING REQUIREMENTS:

(a) The use is consistent with forest and farm uses and with the intent and purpose set forth in the Oregon Forest Practices Act.

(b) The use will not interfere with accepted forest management practices or farm uses on adjacent or nearby lands that are devoted to forest or farm use.

(c) The use will neither materially alter the stability of the overall land use pattern of the area, nor substantially limit or impair the use of surrounding properties for permitted purposes.

(d) The use does not constitute an unnecessary fire hazard, and fire safety measures are provided for in its planning, design, construction and operation.

(e) Public utilities are to develop or utilize rights-of-way that have the least adverse impact on the continued production of forest resources in the vicinity. Existing rights-of-way are to be utilized wherever possible.

(f) Development within major and peripheral big game ranges shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall be located

near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.

(5) RESIDENTIAL STRUCTURES SHALL BEET THE FOLLOWING ADDITIONAL REQUIREMENTS:

(a) Nonresource-related structures provided by Section 3.004 (3) (k) shall be placed only on lad that is generally unsuitable for commercial forestry or agriculture, taking into consideration the terrain; adverse soil or land conditions; drainage; flooding; vegetation; and the location and size of the tract.

(b) Responsibility for protection from wildlife damage on the property shall be assumed by the dwelling's owner or occupant.

(c) The use does not impose any limitation on the operation of a nearby primary wood-processing facility.

(d) To assure that the above requirements are met, a forest management impact statement may be required that shows the relationship between the proposed residential use and surrounding resource uses, and addresses the setbacks of any dwellings from forest or farm uses.

(6) STANDARDS:

(a) The minimum lot size for structures and facilities necessary for, or accessory to, commercial forest management and commercial agriculture shall be 80 acres. The minimum lot size for all other permitted uses shall be 20,000 square feet.

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

(c) The minimum front, rear, and side yards shall all be 30 feet.

(7) PARTITIONS: Any division of land that results in the creation of a parcel smaller than 80 acres must be reviewed and approved by the Department, and either must be for an approved use provided in Subsection 3.004 (3), or for a public fish and wildlife management facility. Such parcels shall not be larger than the minimum size necessary for the use. Divisions of land for the purpose of consolidating existing private or public land holdings are exempt from partition review, provided that the resulting parcels shall not be recognized as new parcels for the purpose of establishing additional homesites unless they are 8- acres in size.

(8) REESTABLISHMENT OF NON-FOREST USE: A non-forest use that is unintentionally destroyed by fire, other casualty, or natural disaster may be reestablished to its previous nature and extent, so long as the reestablishment meets all other building, plumbing, sanitation and other codes, ordinances, or permit requirements, and is in the same location.

(9) NOTIFICATION OF STATE AGENCIES: The Oregon Department of Forestry's Tillamook District Office and the Oregon Department of Fish and Wildlife's Tillamook Office shall be notified and requested to comment on all requests filed under Subsection (3) of this Section, and all building or placement permit applications filed under Subsections (c), (e), (f), (g), (h) and (i), and (k) of Section 3.004 (2). Responses must be received within 10 days of the date of mailing to be assured consideration.

Productivity Classifications on Forest Land

The Oregon Department of Revenue has determined site conditions on much of western Oregon's forest lands. These designations are based on a 40 acre minimum unit classification. Even though site variation exists within a 40 acre unit the revenue designation can serve as the unit average. Revenue site classes are divided into eight divisions whereas, standard site classifications include five divisions for Douglas-fir. The universal cubic foot site classes are divided into seven productivity classifications of which four can be related to Douglas-fir.

Conversion of Revenue site classes to standard site classes and cubic foot site classes can be assigned as follows.

Revenue Designation	Standard Site Class	Cubic Foot Site Class
	I+	1
FA	I	2
FB	II, II+	3
FC	II-, III+	3
FD	III	3
FE	III-, IV+	3,4
FF	IV, IV-	4,5
FG	V	5

Exhibit J

a certain age (usually 100 years). This is usually expressed in terms of the average total height of the dominant trees in a particular stand. Site indeces are usually grouped into site quality classes, which are expressed in terms of Roman numerals I through V, with site class I being most productive. (Since this classification system was first described in a publication entitled Bulletin 201, it is often followed by a reference to this bulletin to distinguish it from the cubic foot measurement system.) Cubic foot site class, on the other hand, expresses productivity in terms of the amount of wood growth produced per acre per year. There are seven cubic foot site class groupings, which are identified by the arabic numbers 1 through 7, with site 1 being most productive.

These two measures of forest land productivity are the basis for a variety of productivity classifcation systems. The classification systems used for Douglas fir in Western Oregon are summarized in Table 1 below. This includes the Oregon State Department of Revenue Forest Land classification system which places forest land into eight productivity groupings, FA, FB, FC, FD, FE, FG and FX, with FA being most productive. The productivity mapping of all of Tillamook County's private forest land was derived from this classification system.

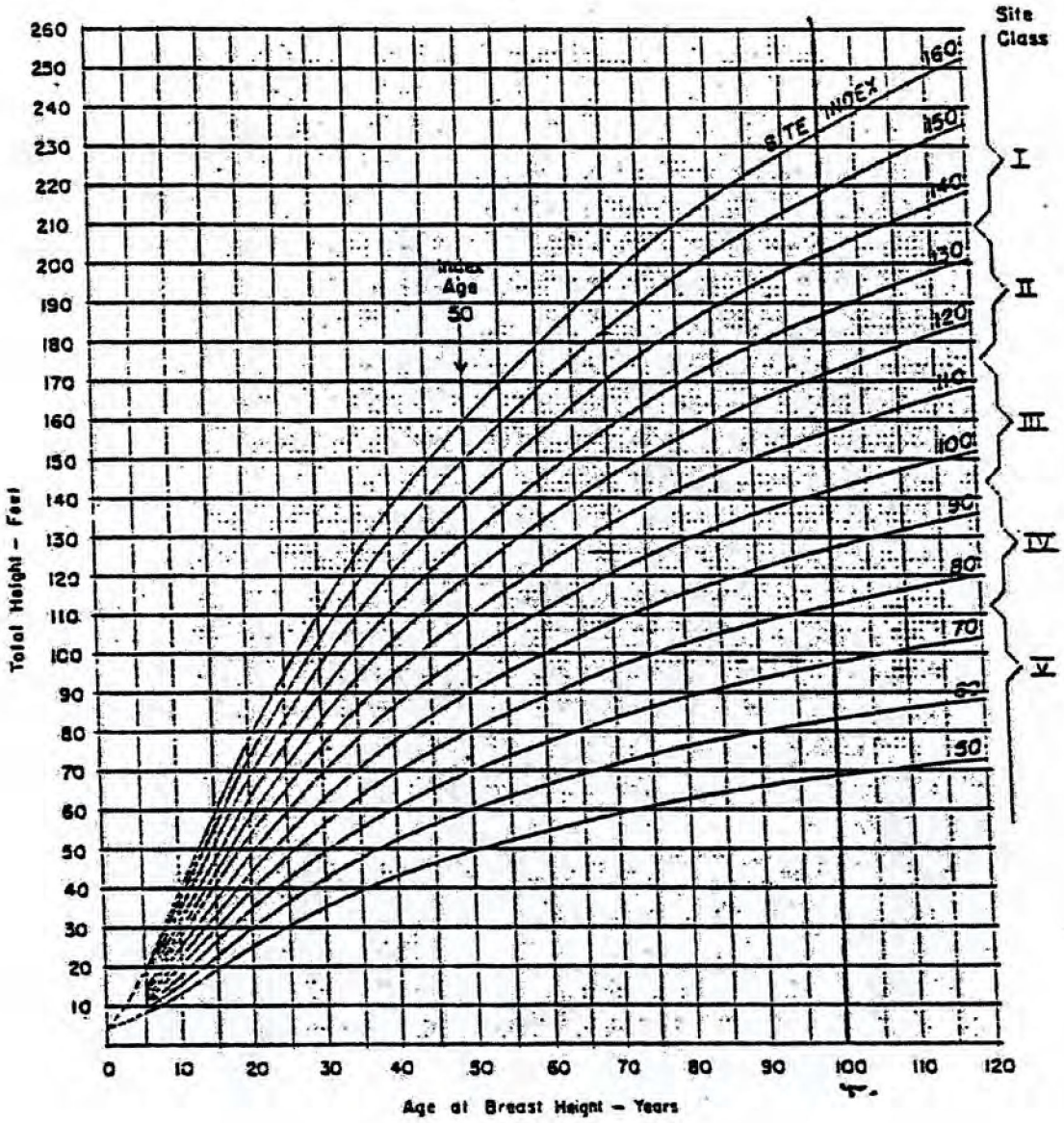
TABLE 1

PRODUCTIVITY CLASSIFICATION SYSTEMS FOR DOUGLAS FIR
(Below 2,500 feet in western Oregon)

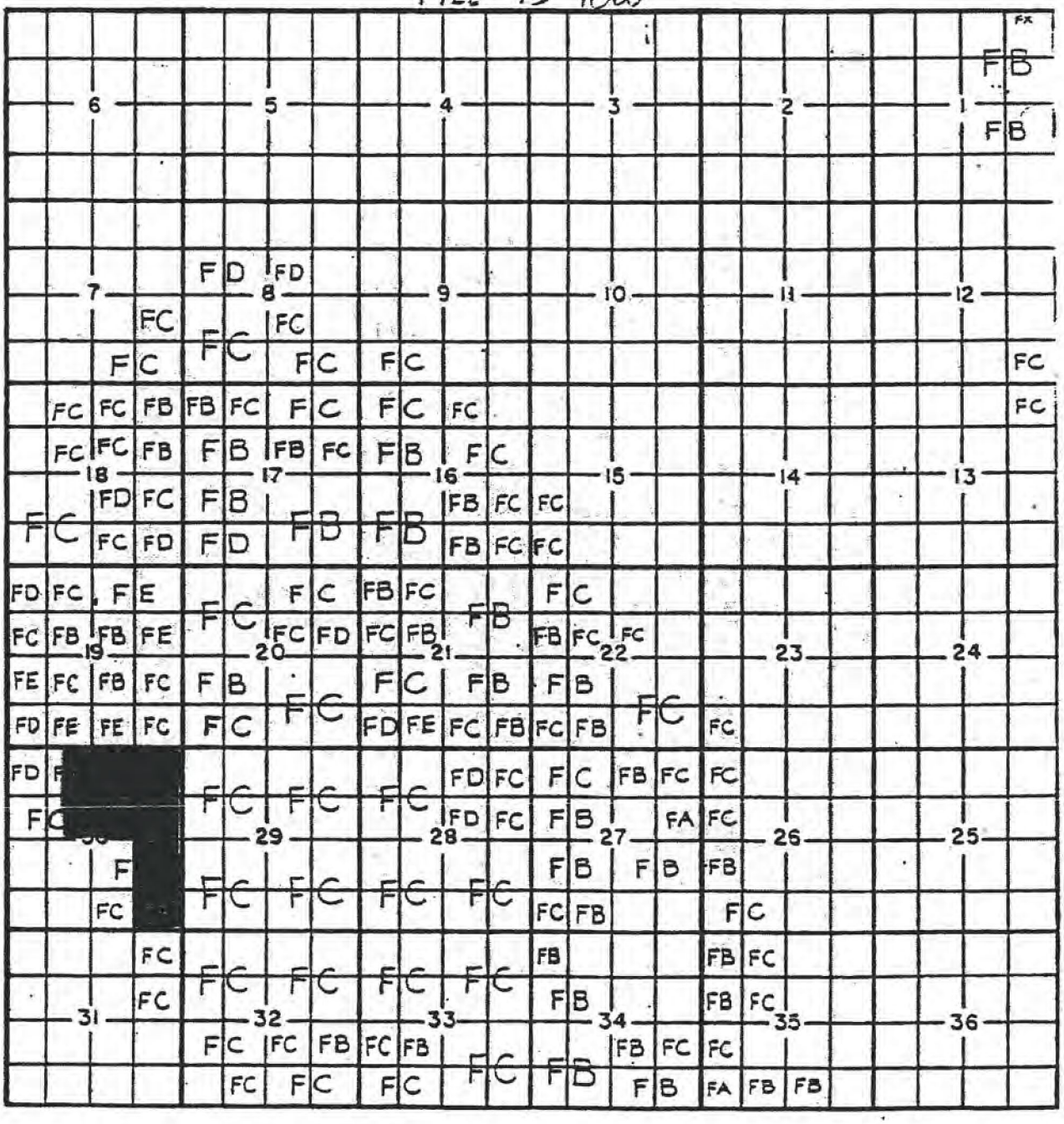
Growth Measures	Scale													
Site Index: Height in Ft at 100 years	50	60	70	80	90	100	110	120	130	140			190	200 210
Potential Yield: Cubic feet/acre	20	20-49	50 - 84				85-119		120				224	
Classification Systems														
Cubic Foot Site Class	7	6	5				4						2	
Site Class (Bulletin 201)			V			IV			III				I	
Dept. of Revenue Forest Land Class	FX		FG		FF		FE		FD				FA	

TABLE 3

TRANSLATION OF 50-YEAR SITE INDEX
INTO 100-YEAR SITE INDEX



TILL IS LOW



T-14

Soil Map—Tillamook County, Oregon
(NOSD Goal 4 Exception)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Units

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other

Special Line Features
- Gully
- Short Steep Slope
- Other

Political Features
- Cities
- PLSS Township and Range
- PLSS Section

Water Features
- Oceans
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

MAP INFORMATION

Map Scale: 1:11,600 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 10N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tillamook County, Oregon
Survey Area Data: Version 1, Sep 21, 2006

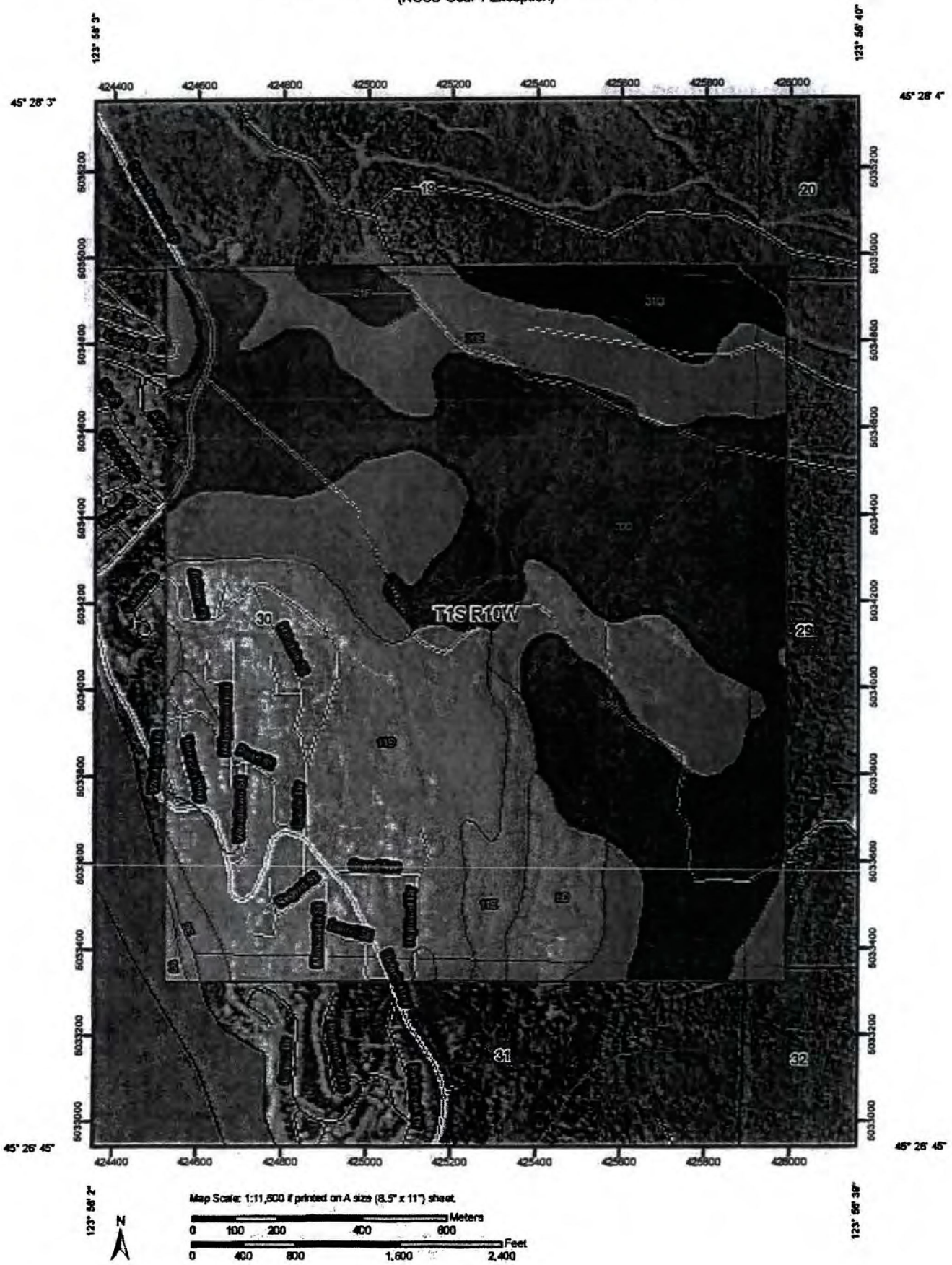
Date(s) aerial images were photographed: 7/17/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Tillamook County, Oregon (OR057)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
6D	Horseprairie-Ferrelo complex, 3 to 20 percent slopes	18.9	3.2%
9E	Waldport fine sand, 30 to 60 percent slopes	7.0	1.2%
11D	Netarts fine sandy loam, 5 to 30 percent slopes	146.3	24.4%
11E	Netarts fine sandy loam, 30 to 60 percent slopes	28.6	4.8%
20D	Klootchie-Necanicum complex, 5 to 30 percent slopes	228.3	38.1%
20E	Klootchie-Necanicum complex, 30 to 60 percent slopes	137.3	22.9%
21F	Necanicum-Ascar-Klootchie complex, 60 to 90 percent slopes	6.4	1.1%
31D	Tolovana-Templeton medial silt loams, 5 to 30 percent slopes	25.0	4.2%
99	Beaches	1.4	0.2%
Totals for Area of Interest		599.2	100.0%

Suitabilities and Limitations for Use—Tillamook County, Oregon
(NOSD Goal 4 Exception)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Units

Soil Ratings
- <= 156.76
- > 156.76 AND <= 165.12
- > 165.12 AND <= 165.76
- > 165.76 AND <= 172.82
- Not rated or not available

Political Features
- Cities
- PLSS Township and Range
- PLSS Section

Water Features
- Oceans
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

MAP INFORMATION

Map Scale: 1:11,600 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

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Survey Area Data: Version 1, Sep 21, 2006

Date(s) aerial images were photographed: 7/17/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Suitabilities and Limitations for Use

Suitabilities and Limitations for Use—Summary by Map Unit—Tillamook County, Oregon				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
6D	Horseprairie-Ferrelo complex, 3 to 20 percent slopes		18.9	3.2%
9E	Waldport fine sand, 30 to 60 percent slopes		7.0	1.2%
11D	Netarts fine sandy loam, 5 to 30 percent slopes		146.3	24.4%
11E	Netarts fine sandy loam, 30 to 60 percent slopes		28.6	4.8%
20D	Klootchie-Necanicum complex, 5 to 30 percent slopes	165.76	228.3	38.1%
20E	Klootchie-Necanicum complex, 30 to 60 percent slopes	165.12	137.3	22.9%
21F	Necanicum-Ascar-Klootchie complex, 60 to 90 percent slopes	156.76	6.4	1.1%
31D	Tolovana-Templeton medial silt loams, 5 to 30 percent slopes	172.82	25.0	4.2%
99	Beaches		1.4	0.2%
Totals for Area of Interest			599.2	100.0%

Description

Forest productivity is the volume of wood fiber that is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

Rating Options

Tree: Douglas-fir

Site Index Base: King 1966 (795)

Aggregation Method: Weighted Average

Component Percent Cutoff: *None Specified*

Tie-break Rule: Higher

Interpret Nulls as Zero: Yes

OREGON SECRETARY OF STATE
► Oregon State Archives

The Oregon Administrative Rules contain OARs filed through November 14, 2008

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 12

TRANSPORTATION PLANNING

660-012-0000

Purpose

(1) This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient and economic transportation system. This division also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in close coordination with urban and rural development. The purpose of this division is to direct transportation planning in coordination with land use planning to:

(a) Promote the development of transportation systems adequate to serve statewide, regional and local transportation needs and the mobility needs of the transportation disadvantaged;

(b) Encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation;

(c) Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation;

(d) Facilitate the safe, efficient and economic flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine transportation;

(e) Protect existing and planned transportation facilities, corridors and sites for their identified functions;

(f) Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans;

(g) Identify how transportation facilities are provided on rural lands consistent with the goals;

(h) Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and

(i) Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.

(2) In meeting the purposes described in section (1), coordinated land use and transportation plans should ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other large urban areas of the country through measures designed to increase transportation choices and make more efficient use of the existing transportation system.

(3) The extent of planning required by this division and the outcome of individual transportation plans will vary depending on community size, needs and circumstances. Generally, larger and faster growing communities and regions will need to prepare more comprehensive and detailed plans, while smaller communities and rural areas will have more general plans. For all communities, the mix of planned transportation facilities and services should be sufficient to ensure economic, sustainable and environmentally sound mobility and accessibility for all Oregonians. Coordinating land use and transportation planning will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.

(a) In all urban areas, coordinated land use and transportation plans are intended to provide safe and convenient vehicular circulation and to enhance, promote and facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected network of streets and supporting improvements for all travel modes.

(b) In urban areas that contain a population greater than 25,000 persons, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting the provision of transit service where feasible and more efficient performance of existing transportation facilities through transportation system management and demand management measures.

(c) Within metropolitan areas, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in reliance on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division promotes increased planning for alternative modes and street connectivity and encourages land use patterns throughout urban areas that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs. The result of applying these portions of the division will vary within metropolitan areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes.

(3) This division sets requirements for coordination among affected levels of government and transportation service providers for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11 and chapter 660, division 11, as they relate to transportation facilities. The rules in this division are not intended to make local government determinations "land use decisions" under ORS 197.015(10). The rules recognize, however, that under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 195.012, 197.040, 197.712,197.717, 197.732
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998 f. & cert. ef. 10-30-98; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0005

Definitions

(1) "Access Management" means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on

the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

(2) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner which provides convenient access for pedestrians.

(3) "Affected Local Government" means a city, county or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.

(4) "Approach Road" means a legally constructed, public or private connection that provides vehicular access either to or from or to and from a highway and an adjoining property.

(5) "At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a major transit stop. The term "generally" is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.

(6) "Committed Transportation Facilities" means those proposed transportation facilities and improvements which are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.

(7) "Demand Management" means actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

(8) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.

(9) "Local streets" means streets that are functionally classified as local streets to serve primarily local access to property and circulation within neighborhoods or specific areas. Local streets do not include streets functionally classified as collector or arterials.

(10) "Local Street Standards" include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.

(11) "Major" means, in general, those facilities or developments which, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:

(a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation facilities means those facilities which are most important to the functioning of the system or which provide a high level, volume or frequency of service;

(b) "Major" as it modifies industrial, institutional and retail development means such developments which are larger than average, serve more than neighborhood needs or which have traffic impacts on more than the immediate

neighborhood;

(c) Application of the term "major" will vary from area to area depending upon the scale of transportation improvements, transit facilities and development which occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.

(12) "Major transit stop" means:

(a) Existing and planned light rail stations and transit transfer stations, except for temporary facilities;

(b) Other planned stops designated as major transit stops in a transportation system plan and existing stops which:

(A) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population major transit stops are generally located along routes that have or are planned for 20 minute service during the peak hour; and

(B) Are located in a transit oriented development or within 1/4 mile of an area planned and zoned for:

(i) Medium or high density residential development; or

(ii) Intensive commercial or institutional uses within 1/4 mile of subsection (i); or

(iii) Uses likely to generate a relatively high level of transit ridership.

(13) "Metropolitan area" means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.

(14) "Metropolitan Planning Organization (MPO)" means an organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier MPO is not considered an MPO for the purposes of this rule.

(15) "Minor transportation improvements" include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways or expressways; new collector or arterial streets, road realignments or addition of travel lanes.

(16) "ODOT" means the Oregon Department of Transportation.

(17) "Parking Spaces" means on and off street spaces designated for automobile parking in areas planned for industrial, commercial, institutional or public uses. The following are not considered parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped parking, and parking spaces for carpools and vanpools.

(18) "Pedestrian connection" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels

and parcels intended for redevelopment, pedestrian connections may also include rights of way or easements for future pedestrian improvements.

(19) "Pedestrian district" means a comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:

(a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high density housing; or

(b) Areas with a concentration of employment and retail activity; and

(c) Which have or could develop a network of streets and accessways which provide convenient pedestrian circulations.

(20) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings. A plaza including 150-250 square feet would be considered "small."

(21) "Pedestrian scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

(22) "Planning Period" means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this rule.

(23) "Preliminary Design" means an engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement.

(24) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(25) "Refinement Plan" means an amendment to the transportation system plan, which resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

(26) "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.

(27) "Roads" means streets, roads and highways.

(28) "Rural community" means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(29) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit oriented development include:

(a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;

(b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;

(c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.

(30) "Transportation Facilities" means any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage and water systems.

(31) "Transportation System Management Measures" means techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

(32) "Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this rule, especially those for avoiding principal reliance on any one mode of transportation.

(33) "Transportation Needs, Local" means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.

(34) "Transportation Needs, Regional" means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county or associated group of counties.

(35) "Transportation Needs, State" means needs for movement of people and goods between and through regions of the state and between the state and other states.

(36) "Transportation Project Development" means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

(37) "Transportation Service" means a service for moving people and goods, such as intercity bus service and passenger rail service.

(38) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

(39) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this division, the area need only meet the definition contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(40) "Urban Fringe" means:

(a) Areas outside the urban growth boundary that are within 5 miles of the urban growth boundary of an MPO area; and

(b) Areas outside the urban growth boundary within 2 miles of the urban growth boundary of an urban area containing a population greater than 25,000.

(41) Vehicle Miles of Travel (VMT): means automobile vehicle miles of travel. Automobiles, for purposes of this definition, include automobiles, light trucks, and other similar vehicles used for movement of people. The definition does not include buses, heavy trucks and trips that involve commercial movement of goods. VMT includes trips with an origin and a destination within the MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO boundary). VMT is estimated prospectively through the use of metropolitan area transportation models.

(42) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712,197.717, 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 3-2005, f. & cert. ef. 4-11-05; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0010

Transportation Planning

(1) As described in this division, transportation planning shall be divided into two phases: transportation system planning and transportation project development. Transportation system planning establishes land use controls and a network of facilities and services to meet overall transportation needs. Transportation project development implements the TSP by determining the precise location, alignment, and preliminary design of improvements included in the TSP.

(2) It is not the purpose of this division to cause duplication of or to supplant existing applicable transportation plans and programs. Where all or part of an acknowledged comprehensive plan, TSP either of the local government or appropriate special district, capital improvement program, regional functional plan, or similar plan or combination of plans meets all or some of the requirements of this division, those plans or programs may be incorporated by reference into the TSP required by this division. Only those referenced portions of such documents shall be considered to be a part of the TSP and shall be subject to the administrative procedures of this division and ORS Chapter 197.

(3) It is not the purpose of this division to limit adoption or enforcement of measures to provide convenient bicycle and pedestrian circulation or convenient access to transit that are otherwise consistent with the requirements of this division.

Stat. Auth.: ORS 183, ORS 197.040 & ORS 197.245
Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95

660-012-0015

Preparation and Coordination of Transportation System Plans

(1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-0035, 660-012-0050, 660-012-0065 and

660-012-0070. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs:

(a) The state TSP shall include the state transportation policy plan, modal systems plans and transportation facility plans as set forth in OAR 731, Division 15;

(b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR 731, Division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.

(2) MPOs and counties shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities:

(a) Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP;

(b) Where elements of the state TSP have not been adopted, the MPO or county shall coordinate the preparation of the regional TSP with ODOT to assure that state transportation needs are accommodated;

(c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction;

(d) Regional TSPs prepared by counties shall be adopted by the county.

(3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division:

(a) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP;

(b) Where the regional TSP or elements of the state TSP have not been adopted, the city or county shall coordinate the preparation of the local TSP with the regional transportation planning body and ODOT to assure that regional and state transportation needs are accommodated.

(4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be adopted as a supporting document to the comprehensive plan.

(5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.

(6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs for those transportation facilities and services they provide. These districts shall prepare and adopt plans for transportation facilities and services they provide. Such plans shall be consistent with and adequate to carry out relevant portions of applicable regional and local TSPs. Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass transit, transportation, airport and port districts adopt a plan consistent with the requirements of this section.

(7) Where conflicts are identified between proposed regional TSPs and acknowledged comprehensive plans, representatives of affected local governments shall meet to discuss means to resolve the conflicts. These may include:

(a) Changing the draft TSP to eliminate the conflicts; or

(b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;

(c) For MPOs which are not metropolitan service districts, if conflicts persist between regional TSPs and acknowledged comprehensive plans after efforts to achieve compatibility, an affected local government may petition the Commission to resolve the dispute.

Stat. Auth.: ORS 183 & ORS 197.040
Stats. Implemented: ORS 184.618, ORS 195.025, ORS 197.040, ORS 197.180, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91

660-012-0016

Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas

(1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation system plans required by this division in coordination with regional transportation plans (RTPs) prepared by MPOs required by federal law. Insofar as possible, regional transportation system plans for metropolitan areas shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division. Nothing in this rule is intended to make adoption or amendment of a regional transportation plan by a metropolitan planning organization a land use decision under Oregon law.

(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:

(a) Make a finding that the proposed regional transportation plan amendment or update is consistent with the applicable provisions of adopted regional and local transportation system plan and comprehensive plan and compliant with applicable provisions of this division; or

(b) Adopt amendments to the relevant regional or local transportation system plan that make the regional transportation plan and the applicable transportation system plans consistent with one another and compliant with applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the RTP amendment or update and shall be adopted no later than one year from the adoption of the RTP amendment or update or according to a work plan approved by the commission. A plan amendment is "initiated" for purposes of this subsection where the affected local government files a post-acknowledgement plan amendment notice with the department as provided in OAR chapter 660, division 18.

(c) In the Portland Metropolitan area, compliance with this section shall be accomplished by Metro through adoption of required findings or an amendment to the regional transportation system plan.

(3) Adoption or amendment of a regional transportation plan relates to compliance with this division for purposes of section (2) if it does one or more of the following:

(a) Changes plan policies;

(b) Adds or deletes a project from the list of planned transportation facilities, services or improvements or from the financially-constrained project list required by federal law;

(c) Modifies the general location of a planned transportation facility or improvement;

(d) Changes the functional classification of a transportation facility; or

(e) Changes the planning period or adopts or modifies the population or employment forecast or allocation upon which the plan is based.

(4) The following amendments to a regional transportation plan do not relate to compliance with this division for purposes of section (2):

(a) Adoption of an air quality conformity determination;

(b) Changes to a federal revenue projection;

(c) Changes to estimated cost of a planned transportation project; or

(d) Deletion of a project from the list of planned projects where the project has been constructed or completed.

(5) Adoption or amendment of a regional transportation plan that extends the planning period beyond that specified in the applicable acknowledged comprehensive plan or regional transportation system plan is consistent with the requirements of this rule where the following conditions are met:

(a) The future year population and employment forecasts are consistent with those adopted by the relevant county or counties for the metropolitan area. Where a county's adopted population or employment forecast is for a period of time shorter than the federally-required planning period, an MPO forecast is consistent with the county's adopted forecast if it extrapolates the adopted county forecast consistent with:

(A) The adopted forecast for long-term growth rate for the county, and

(B) A continuation of metropolitan area share of county population and employment growth;

(b) Land needed to accommodate future urban density population and employment and other urban uses is identified in a manner consistent with Goal 14 and relevant rules;

(c) Urban density population and employment are allocated to designated centers and other identified areas to provide for implementation of the metropolitan area's integrated land use and transportation plan or strategy; and

(d) Urban density population and employment or other urban uses are allocated to areas outside of an acknowledged urban growth boundary only where:

(A) The allocation is done in conjunction with consideration by local governments of possible urban growth boundary amendments consistent with Goal 14 and relevant rules, and

(B) The RTP clearly identifies the proposed UGB amendments and any related projects as illustrative and subject to further review and approval by the affected local governments.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 195.012, 197.040, 197.712,197.717, 197.732
Hist.; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0020

Elements of Transportation System Plans

(1) A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local

transportation needs.

(2) The TSP shall include the following elements:

(a) A determination of transportation needs as provided in OAR 660-012-0030;

(b) A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections. Functional classifications of roads in regional and local TSP's shall be consistent with functional classifications of roads in state and regional TSP's and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b). New connections to arterials and state highways shall be consistent with designated access management categories. The intent of this requirement is to provide guidance on the spacing of future extensions and connections along existing and future streets which are needed to provide reasonably direct routes for bicycle and pedestrian travel. The standards for the layout of local streets shall address:

(A) Extensions of existing streets;

(B) Connections to existing or planned streets, including arterials and collectors; and

(C) Connections to neighborhood destinations.

(c) A public transportation plan which:

(A) Describes public transportation services for the transportation disadvantaged and identifies service inadequacies;

(B) Describes intercity bus and passenger rail service and identifies the location of terminals;

(C) For areas within an urban growth boundary which have public transit service, identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations. Designation of stop or station locations may allow for minor adjustments in the location of stops to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses.

(D) For areas within an urban area containing a population greater than 25,000 persons, not currently served by transit, evaluates the feasibility of developing a public transit system at buildout. Where a transit system is determined to be feasible, the plan shall meet the requirements of paragraph (2)(c)(C) of this rule.

(d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area. The network and list of facility improvements shall be consistent with the requirements of ORS 366.514;

(e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations;

(f) For areas within an urban area containing a population greater than 25,000 persons a plan for transportation system management and demand management;

(g) A parking plan in MPO areas as provided in OAR 660-012-0045(5)(c);

(h) Policies and land use regulations for implementing the TSP as provided in OAR 660-012-0045;

(i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in OAR 660-012-0040.

(3) Each element identified in subsections (2)(b)-(d) of this rule shall contain:

(a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition:

(A) The transportation capacity analysis shall include information on:

(i) The capacities of existing and committed facilities;

(ii) The degree to which those capacities have been reached or surpassed on existing facilities; and

(iii) The assumptions upon which these capacities are based.

(B) For state and regional facilities, the transportation capacity analysis shall be consistent with standards of facility performance considered acceptable by the affected state or regional transportation agency;

(C) The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor).

(3)(b) A system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and performance standards;

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 195.012, 197.040, 197.712,197.717, 197.732
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0025

Complying with the Goals in Preparing Transportation System Plans; Refinement Plans

(1) Except as provided in section (3) of this rule, adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.

(2) Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.

(3) A local government or MPO may defer decisions regarding function, general location and mode of a refinement plan if findings are adopted that:

(a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;

(b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;

(c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;

(d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and

(e) Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.

(4) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.

Stat. Auth.: ORS 183 & 197.040
Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0030

Determination of Transportation Needs

(1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:

(a) State, regional, and local transportation needs;

(b) Needs of the transportation disadvantaged;

(c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR 660-009 and Goal 9 (Economic Development).

(2) Counties or MPO's preparing regional TSP's shall rely on the analysis of state transportation needs in adopted elements of the state TSP. Local governments preparing local TSP's shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSP's.

(3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:

(a) Population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan, including those policies that implement Goal 14. Forecasts and distributions shall be for 20 years and, if desired, for longer periods; and

(b) Measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.

(4) In MPO areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile.

Stat. Auth.: ORS 183 & 197.040
Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-9; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0035

Evaluation and Selection of Transportation System Alternatives

(1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives:

(a) Improvements to existing facilities or services;

(b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;

(c) Transportation system management measures;

(d) Demand management measures; and

(e) A no-build system alternative required by the National Environmental Policy Act of 1969 or other laws.

(2) Local governments in MPO areas of larger than 1,000,000 population shall, and other governments may also, evaluate alternative land use designations, densities, and design standards to meet local and regional transportation needs. Local governments preparing such a strategy shall consider:

(a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas;

(b) Increasing allowed densities in new commercial office and retail developments in designated community centers;

(c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas; and

(d) Designating land uses to provide a better balance between jobs and housing considering:

(A) The total number of jobs and total of number of housing units expected in the area or subarea;

(B) The availability of affordable housing in the area or subarea; and

(C) Provision of housing opportunities in close proximity to employment areas.

(3) The following standards shall be used to evaluate and select alternatives:

(a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan;

(b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;

(c) The transportation system shall minimize adverse economic, social, environmental and energy consequences;

(d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation; and

(e) The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices to reduce principal reliance on the automobile. In MPO areas this shall be accomplished by selecting transportation alternatives which meet the requirements in section (4) of this rule.

(4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile. Adopted standards are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that increase transportation choices and reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

(5) MPO areas shall adopt standards to demonstrate progress towards increasing transportation choices and reducing automobile reliance as provided for in this rule:

(a) The commission shall approve standards by order upon demonstration by the metropolitan area that:

(A) Achieving the standard will result in a reduction in reliance on automobiles;

(B) Achieving the standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;

(C) Achieving the standard is likely to result in a significant increase in the share of trips made by alternative modes, including walking, bicycling, ridesharing and transit;

(D) VMT per capita is unlikely to increase by more than five percent; and

(E) The standard is measurable and reasonably related to achieving the goal of increasing transportation choices and reducing reliance on the automobile as described in OAR 660-012-0000.

(b) In reviewing proposed standards for compliance with subsection (a), the commission shall give credit to regional and local plans, programs, and actions implemented since 1990 that have already contributed to achieving the objectives specified in paragraphs (A)-(E) above;

(c) If a plan using a standard, approved pursuant to this rule, is expected to result in an increase in VMT per capita, then the cities and counties in the metropolitan area shall prepare and adopt an integrated land use and transportation plan including the elements listed in paragraphs (A)-(E) below. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years of the approval of the standard.

(A) Changes to land use plan designations, densities, and design standards listed in subsections (2)(a)-(d);

(B) A transportation demand management plan that includes significant new transportation demand management measures;

(C) A public transit plan that includes a significant expansion in transit service;

(D) Policies to review and manage major roadway improvements to ensure that their effects are consistent with achieving the adopted strategy for reduced reliance on the automobile, including policies that provide for the following:

(i) An assessment of whether improvements would result in development or travel that is inconsistent with what is expected in the plan;

(ii) Consideration of alternative measures to meet transportation needs;

(iii) Adoption of measures to limit possible unintended effects on travel and land use patterns including access management, limitations on subsequent plan amendments, phasing of improvements, etc.; and

(iv) For purposes of this section a "major roadway expansion" includes new arterial roads or streets and highways, the addition of travel lanes, and construction of interchanges to a limited access highway

(E) Plan and ordinance provisions that meet all other applicable requirements of this division.

(d) Standards may include but are not limited to:

(A) Modal share of alternative modes, including walking, bicycling, and transit trips;

(B) Vehicle hours of travel per capita;

(C) Vehicle trips per capita;

(D) Measures of accessibility by alternative modes (i.e. walking, bicycling and transit); or

(E) The Oregon Benchmark for a reduction in peak hour commuting by single occupant vehicles.

(e) Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the standard or standards adopted and approved pursuant to this rule. Such evaluation shall occur at regular intervals corresponding with federally-required updates of the regional transportation plan. This shall include monitoring and reporting of VMT per capita.

(6) A metropolitan area may also accomplish compliance with requirements of subsection (3)(e), sections (4) and (5) by demonstrating to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period. The commission shall consider and act on metropolitan area requests under this section by order. A metropolitan area that receives approval under this section shall adopt interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the regional transportation system plan.

(7) Regional and local TSPs shall include benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at regular intervals over the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule.

(8) The commission shall, at regular intervals, evaluate the results of efforts to achieve the reduction in VMT and the effectiveness of approved plans and standards in achieving the objective of increasing transportation choices and reducing reliance on the automobile.

(9) Where existing and committed transportation facilities and services have adequate capacity to support the land uses in the acknowledged comprehensive plan, the local government shall not be required to evaluate alternatives as provided in this rule.

(10) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and located in an urban fringe may be included in a TSP only if the improvement project identified in the Transportation System Plan as described in section (12) of this rule, will not significantly reduce peak hour travel time for the route as determined pursuant to section (11) of this rule, or the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose of the improvement project:

(a) Improvements to transportation facilities and services within the urban growth boundary;

(b) Transportation system management measures that do not significantly increase capacity; or

(c) Transportation demand management measures. The jurisdiction needs only to consider alternatives that are safe and effective, consistent with applicable standards and that can be implemented at a reasonable cost using available technology.

(11) An improvement project significantly reduces peak hour travel time when, based on recent data, the time to travel the route is reduced more than 15 percent during weekday peak hour conditions over the length of the route located within the urban fringe. For purposes of measuring travel time, a route shall be identified by the predominant traffic flows in the project area.

(12) A "transportation improvement project" described in section (10) of this rule:

(a) Is intended to solve all of the reasonably foreseeable transportation problems within a general geographic location, within the planning period; and

(b) Has utility as an independent transportation project.

Stat. Auth.: ORS 183, 197.040, 197.245

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-2006. f. 7-13-06, cert. ef. 7-14-06

660-012-0040

Transportation Financing Program

(1) For areas within an urban growth boundary containing a population greater than 2,500 persons, the TSP shall include a transportation financing program.

(2) A transportation financing program shall include the items listed in (a)-(d):

(a) A list of planned transportation facilities and major improvements;

(b) A general estimate of the timing for planned transportation facilities and major improvements;

(c) A determination of rough cost estimates for the transportation facilities and major improvements identified in the TSP; and

(d) In metropolitan areas, policies to guide selection of transportation facility and improvement projects for funding in the short-term to meet the standards and benchmarks established pursuant to 0035(4)-(6). Such policies shall consider, and shall include among the priorities, facilities and improvements that support mixed-use, pedestrian friendly development and increased use of alternative modes.

(3) The determination of rough cost estimates is intended to provide an estimate of the fiscal requirements to support the land uses in the acknowledged comprehensive plan and allow jurisdictions to assess the adequacy of existing and possible alternative funding mechanisms. In addition to including rough cost estimates for each transportation facility and major improvement, the transportation financing plan shall include a discussion of the facility provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each transportation facility and major improvement. These funding mechanisms may also be described in terms of general guidelines or local policies.

(4) Anticipated timing and financing provisions in the transportation financing program are not considered land use decisions as specified in ORS 197.712(2)(e) and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or 197.835(4).

(5) The transportation financing program shall provide for phasing of major improvements to encourage infill and redevelopment of urban lands prior to facilities and improvements which would cause premature development of urbanizable lands or conversion of rural lands to urban uses.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.040

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDC 11-1995, f. & cert. ef. 12-22-95; LCDD 6-1998, f. & cert. ef. 10-30-98

660-012-0045

Implementation of the Transportation System Plan

(1) Each local government shall amend its land use regulations to implement the TSP.

(a) The following transportation facilities, services and improvements need not be subject to land use regulations except as necessary to implement the TSP and, under ordinary circumstances do not have a significant impact on land use:

(A) Operation, maintenance, and repair of existing transportation facilities identified in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;

(B) Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;

(C) Uses permitted outright under ORS 215.213(1)(m) through (p) and 215.283(1)(k) through (n), consistent with the provisions of 660-012-0065; and

(D) Changes in the frequency of transit, rail and airport services.

(b) To the extent, if any, that a transportation facility, service or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy or legal judgment;

(c) In the event that a transportation facility, service or improvement is determined to have a significant impact on land use or to concern the application of a comprehensive plan or land use regulation and to be subject to standards that require interpretation or the exercise of factual, policy or legal judgment, the local government shall provide a review and approval process that is consistent with 660-012-0050. To facilitate implementation of the TSP, each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.

(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:

(a) Access control measures, for example, driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;

(b) Standards to protect future operation of roads, transitways and major transit corridors;

(c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

(d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;

(e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

(C) Other applications which affect private access to roads; and

(D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations; and

(g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and performance standards of facilities identified in the TSP.

(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

(a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots;

(b) On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.

(A) "Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;

(B) Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways;

(C) Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section;

(D) Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. Such measures may include but are not limited to: standards for spacing of streets or accessways; and standards for excessive out-of-direction travel;

(E) Streets and accessways need not be required where one or more of the following conditions exist:

(i) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;

(ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

(iii) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

(c) Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;

(d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

(e) Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.

(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)-(g) below:

(a) Transit routes and transit facilities shall be designed to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking restrictions and similar facilities, as appropriate;

(b) New retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the measures listed in (A) and (B) below.

(A) Walkways shall be provided connecting building entrances and streets adjoining the site;

(B) Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable as provided for in OAR 660-012-0045(3)(b)(E). Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;

(C) In addition to (A) and (B) above, on sites at major transit stops provide the following:

(i) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;

(ii) A reasonably direct pedestrian connection between the transit stop and building entrances on the site;

(iii) A transit passenger landing pad accessible to disabled persons;

(iv) An easement or dedication for a passenger shelter if requested by the transit provider; and

(v) Lighting at the transit stop.

(c) Local governments may implement (4)(b)(A) and (B) above through the designation of pedestrian districts and

adoption of appropriate implementing measures regulating development within pedestrian districts. Pedestrian districts must comply with the requirement of (4)(b)(C) above;

(d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;

(f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;

(g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.

(5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:

(a) Allow transit-oriented developments (TODs) on lands along transit routes;

(b) Implements a demand management program to meet the measurable standards set in the TSP in response to 660-012-0035(4);

(c) Implements a parking plan which:

(A) Achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;

(B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);

(C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and

(D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.

(d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:

(A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;

(B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;

(C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;

(D) Exempt structured parking and on-street parking from parking maximums;

(E) Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and

(F) Provide for designation of residential parking districts.

(e) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.

(6) In developing a bicycle and pedestrian circulation plan as required by 660-012-0020(2)(d), local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas. Appropriate improvements should provide for more direct, convenient and safer bicycle or pedestrian travel within and between residential areas and neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.

(7) Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Not withstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement need not be adopted as land use regulations.

Stat. Auth.: ORS 183 & 197
Stats. Implemented: ORS 197.040
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDC 11-1995, f. & cert. ef. 12-22-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0050

Transportation Project Development

(1) For projects identified by ODOT pursuant to OAR chapter 731, division 15, project development shall occur in the manner set forth in that division.

(2) Regional TSPs shall provide for coordinated project development among affected local governments. The process shall include:

(a) Designation of a lead agency to prepare and coordinate project development;

(b) A process for citizen involvement, including public notice and hearing, if project development involves land use decision-making. The process shall include notice to affected transportation facility and service providers, MPOs, and ODOT;

(c) A process for developing and adopting findings of compliance with applicable statewide planning goals, if any. This shall include a process to allow amendments to acknowledged comprehensive plans where such amendments are necessary to accommodate the project; and

(d) A process for developing and adopting findings of compliance with applicable acknowledged comprehensive plan policies and land use regulations of individual local governments, if any. This shall include a process to allow amendments to acknowledged comprehensive plans or land use regulations where such amendments are necessary to accommodate the project.

(3) Project development addresses how a transportation facility or improvement authorized in a TSP is designed and constructed. This may or may not require land use decision-making. The focus of project development is project implementation, e.g. alignment, preliminary design and mitigation of impacts. During project development, projects

authorized in an acknowledged TSP shall not be subject to further justification with regard to their need, mode, function, or general location. For purposes of this section, a project is authorized in a TSP where the TSP makes decisions about transportation need, mode, function and general location for the facility or improvement as required by this division.

(a) Project development does not involve land use decision-making to the extent that it involves transportation facilities, services or improvements identified in OAR 660-012-0045(1)(a); the application of uniform road improvement design standards and other uniformly accepted engineering design standards and practices that are applied during project implementation; procedures and standards for right-of-way acquisition as set forth in the Oregon Revised Statutes; or the application of local, state or federal rules and regulations that are not a part of the local government's land use regulations.

(b) Project development involves land use decision-making to the extent that issues of compliance with applicable requirements requiring interpretation or the exercise of policy or legal discretion or judgment remain outstanding at the project development phase. These requirements may include, but are not limited to, regulations protecting or regulating development within floodways and other hazard areas, identified Goal 5 resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway, and local regulations establishing land use standards or processes for selecting specific alignments. They also may include transportation improvements required to comply with ORS 215.296 or 660-012-0065(5). When project development involves land use decision-making, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval.

(c) To the extent compliance with local requirements has already been determined during transportation system planning, including adoption of a refinement plan, affected local governments may rely on and reference the earlier findings of compliance with applicable standards.

(4) Except as provided in section (1) of this rule, where an Environmental Impact Statement (EIS) is prepared pursuant to the National Environmental Policy Act of 1969, project development shall be coordinated with the preparation of the EIS. All unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to issuance of the Final EIS.

(5) If a local government decides not to build a project authorized by the TSP, it must evaluate whether the needs that the project would serve could otherwise be satisfied in a manner consistent with the TSP. If identified needs cannot be met consistent with the TSP, the local government shall initiate a plan amendment to change the TSP or the comprehensive plan to assure that there is an adequate transportation system to meet transportation needs.

(6) Transportation project development may be done concurrently with preparation of the TSP or a refinement plan

Stat. Auth.: ORS 183 & 197.040
Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712 197.717
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 2-1999, f. & cert. ef. 1-12-99; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0055

Timing of Adoption and Update of Transportation System Plans; Exemptions

(1) MPOs shall complete regional TSPs for their planning areas by May 8, 1996. For those areas within a MPO, cities and counties shall adopt local TSPs and implementing measures within one year following completion of the regional TSP:

(a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional transportation system plan that meets the VMT reduction standard in OAR 660-012-0035(4) and the metropolitan area does not have an approved alternative standard established pursuant to OAR 660-012-0035(5), then the cities and counties within the

metropolitan area shall prepare and adopt an integrated land use and transportation plan as outlined in OAR 660-012-0035(5)(c)(A)-(E). Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years;

(b) When an area is designated as an MPO or is added to an existing MPO, the affected local governments shall, within one year of adoption of the regional transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent with the regional TSP.

(c) Local governments in metropolitan areas may request and the commission may by order grant an extension for completing an integrated land use and transportation plan required by this division. Local governments requesting an extension shall set forth a schedule for completion of outstanding work needed to complete an integrated land use and transportation plan as set forth in OAR 660-012-0035. This shall include, as appropriate:

(A) Adoption of a long-term land use and transportation vision for the region;

(B) Identification of centers and other land use designations intended to implement the vision;

(C) Adoption of housing and employment allocations to centers and land use designations; and

(D) Adoption of implementing plans and zoning for designated centers and other land use designations.

(d) Local governments within metropolitan areas that are not in compliance with the requirements of this division to adopt or implement a standard to increase transportation choices or have not completed an integrated land use and transportation plan as required by this division shall review plan and land use regulation amendments and adopt findings that demonstrate that the proposed amendment supports implementation of the region's adopted vision, strategy, policies or plans to increase transportation choices and reduce reliance on the automobile.

A plan or land use regulation amendment supports implementation of an adopted regional strategy, policy or plan for purposes of this section if it achieves the following as applicable:

(A) Implements the strategy or plan through adoption of specific plans or zoning that authorizes uses or densities that achieve desired land use patterns;

(B) Allows uses in designated centers or neighborhoods that accomplish the adopted regional vision, strategy, plan or policies; and

(C) Allows uses outside designated centers or neighborhood that either support or do not detract from implementation of desired development within nearby centers.

(2) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures by May 8, 1997.

(3) By November 8, 1993, affected cities and counties shall, for non-MPO urban areas of 25,000 or more, adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)-(f) and (5)(d). By May 8, 1994 affected cities and counties within MPO areas shall adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)-(e) and (5)(e). Affected cities and counties which do not have acknowledged ordinances addressing the requirements of this section by the deadlines listed above shall apply OAR 660-012-0045(3), (4)(a)-(g) and (5)(e) directly to all land use decisions and all limited land use decisions.

(4)(a) Affected cities and counties that either:

(A) Have acknowledged plans and land use regulations that comply with this rule as of May 8, 1995, may continue to apply those acknowledged plans and land use regulations; or

(B) Have plan and land use regulations adopted to comply with this rule as of April 12, 1995, may continue to apply the provisions of this rule as they existed as of April 12, 1995, and may continue to pursue acknowledgment of the adopted plans and land use regulations under those same rule provisions provided such adopted plans and land use regulations are acknowledged by April 12, 1996. Affected cities and counties that qualify and make this election under this paragraph shall update their plans and land use regulations to comply with the 1995 amendments to OAR 660-012-0045 as part of their transportation system plans.

(b) Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, shall apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted.

(5) Cities and counties shall update their TSPs and implementing measures as necessary to comply with this division at each periodic review subsequent to initial compliance with this division. Local governments within metropolitan areas shall amend local transportation system plans to be consistent with an adopted regional transportation system plan within one year of the adoption of an updated regional transportation system plan or by a date specified in the adopted regional transportation system plan.

(6) The director may grant a whole or partial exemption from the requirements of this division to cities under 10,000 population and counties under 25,000 population, and for areas within a county within an urban growth boundary that contains a population less than 10,000. Eligible jurisdictions may request that the director approve an exemption from all or part of the requirements in this division. Exemptions shall be for a period determined by the director or until the jurisdiction's next periodic review, whichever is shorter.

(a) The director's decision to approve an exemption shall be based upon the following factors:

(A) Whether the existing and committed transportation system is generally adequate to meet likely transportation needs;

(B) Whether the new development or population growth is anticipated in the planning area over the next five years;

(C) Whether major new transportation facilities are proposed which would affect the planning areas;

(D) Whether deferral of planning requirements would conflict with accommodating state or regional transportation needs; and

(E) Consultation with the Oregon Department of Transportation on the need for transportation planning in the area, including measures needed to protect existing transportation facilities.

(b) The director's decision to grant an exemption under this section is appealable to the commission as provided in OAR 660-002-0020 (Delegation of Authority Rule)

(7) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review shall be reviewed pursuant to OAR chapter 660, division 18, Post Acknowledgment Procedures.

Stat. Auth.: ORS 183, 197.040 & 197.245
Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712 & 197.717
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 1-1993, f. & cert. ef. 6-15-93; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 2-2000, f. & cert. ef. 2-4-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section

(4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to

avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions

which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Stat. Auth.: ORS 183 & 197.040
Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712, 197.717 & 197.732
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99; LCDD 3-2005, f. & cert. ef. 4-11-05

660-012-0065

Transportation Improvements on Rural Lands

(1) This rule identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.

(2) For the purposes of this rule, the following definitions apply:

(a) "Access Roads" means low volume public roads that principally provide access to property or as specified in an acknowledged comprehensive plan;

(b) "Collectors" means public roads that provide access to property and that collect and distribute traffic between access roads and arterials or as specified in an acknowledged comprehensive plan;

(c) "Arterials" means state highways and other public roads that principally provide service to through traffic between cities and towns, state highways and major destinations or as specified in an acknowledged comprehensive plan;

(d) "Accessory Transportation Improvements" means transportation improvements that are incidental to a land use to provide safe and efficient access to the use;

(e) "Channelization" means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes;

(f) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan;

(g) "New Road" means a public road or road segment that is not a realignment of an existing road or road segment.

(3) The following transportation improvements are consistent with Goals 3, 4, 11, and 14 subject to the requirements of this rule:

(a) Accessory transportation improvements for a use that is allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);

(b) Transportation improvements that are allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);

(c) Channelization not otherwise allowed under subsections (a) or (b) of this section;

(d) Realignment of roads not otherwise allowed under subsection (a) or (b) of this section;

(e) Replacement of an intersection with an interchange;

(f) Continuous median turn lane;

(g) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(h) Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road;

(i) Park and ride lots;

(j) Railroad mainlines and branchlines;

(k) Pipelines;

(l) Navigation channels;

(m) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;

(n) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and

(o) Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and performance standards of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.

(4) Accessory transportation improvements required as a condition of development listed in subsection (3)(a) of this rule shall be subject to the same procedures, standards and requirements applicable to the use to which they are accessory.

(5) For transportation uses or improvements listed in subsections (3)(d) to (g) and (o) of this rule within an exclusive

farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of ORS 215.296:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(6) Notwithstanding any other provision of this division, if a jurisdiction has not met the deadline for TSP adoption set forth in OAR 660-012-0055, or any extension thereof, a transportation improvement that is listed in section (5) of this rule and that will significantly reduce peak hour travel time as provided in OAR 660-012-0035(10) may be allowed in the urban fringe only if the jurisdiction applies either:

(a) The criteria applicable to a "reasons" exception provided in Goal 2 and OAR 660, division 4; or

(b) The evaluation and selection criteria set forth in OAR 660-012-0035.

Stat. Auth.: ORS 183, 197.040, 197.245, 215.213, 215.283, 215.296
Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717, 197.232, 215.213, 215.283
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0070

Exceptions for Transportation Improvements on Rural Land

(1) Transportation facilities and improvements which do not meet the requirements of OAR 660-012-0065 require an exception to be sited on rural lands.

(a) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons that demonstrate that the standards in this rule have been met. A local government denying a proposed exception shall adopt findings of fact and a statement of reasons explaining why the standards in this rule have not been met. However, findings and reasons denying a proposed exception need not be incorporated into the local comprehensive plan.

(b) The facts and reasons relied upon to approve or deny a proposed exception shall be supported by substantial evidence in the record of the local exceptions proceeding.

(2) When an exception to Goals 3, 4, 11, or 14 is required to locate a transportation improvement on rural lands, the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this division. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 14 shall not apply. Exceptions adopted pursuant to this division shall be deemed to fulfill the requirements for goal exceptions required under ORS 197.732(1)(c) and Goal 2.

(3) An exception shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement:

(a) The general location shall be specified as a corridor within which the proposed facility or improvement is to be

located, including the outer limits of the proposed location. Specific sites or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse impacts. Where detailed design level information is available, the exception may be specified as a specific alignment;

(b) The size, design and capacity of the proposed facility or improvement shall be described generally, but in sufficient detail to allow a general understanding of the likely impacts of the proposed facility or improvement and to justify the amount of land for the proposed transportation facility. Measures limiting the size, design or capacity may be specified in the description of the proposed use in order to simplify the analysis of the effects of the proposed use;

(c) The adopted exception shall include a process and standards to guide selection of the precise design and location within the corridor and consistent with the general description of the proposed facility or improvement. For example, where a general location or corridor crosses a river, the exception would specify that a bridge crossing would be built but would defer to project development decisions about precise location and design of the bridge within the selected corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;

(d) Land use regulations implementing the exception may include standards for specific mitigation measures to offset unavoidable environmental, economic, social or energy impacts of the proposed facility or improvement or to assure compatibility with adjacent uses.

(4) To address Goal 2, Part II(c)(1) the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Further, the exception shall demonstrate that there is a transportation need identified consistent with the requirements of OAR 660-012-0030 which cannot reasonably be accommodated through one or a combination of the following measures not requiring an exception:

(a) Alternative modes of transportation;

(b) Traffic management measures; and

(c) Improvements to existing transportation facilities.

(5) To address Goal 2, Part II(c)(2) the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility. The exception shall set forth the facts and assumptions used as the basis for determining why the use requires a location on resource land subject to Goals 3 or 4.

(6) To determine the reasonableness of alternatives to an exception under sections (4) and (5) of this rule, cost, operational feasibility, economic dislocation and other relevant factors shall be addressed. The thresholds chosen to judge whether an alternative method or location cannot reasonably accommodate the proposed transportation need or facility must be justified in the exception.

(a) In addressing sections (4) and (5) of this rule, the exception shall identify and address alternative methods and locations that are potentially reasonable to accommodate the identified transportation need.

(b) Detailed evaluation of such alternatives is not required when an alternative does not meet an identified threshold.

(c) Detailed evaluation of specific alternative methods or locations identified by parties during the local exceptions proceedings is not required unless the parties can specifically describe with supporting facts why such methods or locations can more reasonably accommodate the identified transportation need, taking into consideration the identified thresholds.

(7) To address Goal 2, Part II(c)(3), the exception shall:

(a) Compare the long-term economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions. The exception shall describe the characteristics of each alternative

location considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the location for the proposed transportation facility or improvement, and the typical positive and negative consequences resulting from the transportation facility or improvement at the proposed location with measures designed to reduce adverse impacts;

(b) Determine whether the net adverse impacts associated with the proposed exception site, with mitigation measures designed to reduce adverse impacts, are significantly more adverse than the net impacts from other locations which would also require an exception. A proposed exception location would fail to meet this requirement only if the affected local government concludes that the impacts associated with it are significantly more adverse than the other identified exception sites. The exception shall include the reasons why the consequences of the needed transportation facility or improvement at the proposed exception location are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed location. Where the proposed goal exception location is on resource lands subject to Goals 3 or 4, the exception shall include the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base; and

(c) The evaluation of the consequences of general locations or corridors need not be site-specific, but may be generalized consistent with the requirements of section (3) of this rule. Detailed evaluation of specific alternative locations identified by parties during the local exceptions proceeding is not required unless such locations are specifically described with facts to support the assertion that the locations have significantly fewer net adverse economic, social, environmental and energy impacts than the proposed exception location.

(8) To address Goal 2, Part II(c)(4), the exception shall:

(a) Describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or highway oriented development on areas made more accessible by the transportation improvement;

(b) Demonstrate how the proposed transportation improvement is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses; and

(c) Adopt as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility or improvement and support continued rural use of surrounding lands.

(9)(a) Exceptions taken pursuant to this rule shall indicate on a map or otherwise the locations of the proposed transportation facility or improvement and of alternatives identified under subsection (4)(c), sections (5) and (7) of this rule.

(b) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(10) An exception taken pursuant to this rule does not authorize uses other than the transportation facilities or improvements justified in the exception.

(a) Modifications to unconstructed transportation facilities or improvements authorized in an exception shall not require a new exception if the modification is located entirely within the corridor approved in the exception.

(b) Modifications to constructed transportation facilities authorized in an exception shall require a new exception, unless the modification is permitted without an exception under OAR 660-012-0065(3)(b)-(f). For purposes of this rule, minor transportation improvements made to a transportation facility or improvement authorized in an exception shall not be considered a modification to a transportation facility or improvement and shall not require a new exception.

(c) Notwithstanding subsections (a) and (b) of this section, the following modifications to transportation facilities or improvements authorized in an exception shall require new goal exceptions:

(A) New intersections or new interchanges on limited access highways or expressways, excluding replacement of an existing intersection with an interchange.

(B) New approach roads located within the influence area of an interchange.

(C) Modifications that change the functional classification of the transportation facility.

(D) Modifications that materially reduce the effectiveness of facility design measures or land use measures adopted pursuant to subsection (8)(c) of this rule to minimize accessibility to rural lands or support continued rural use of surrounding rural lands, unless the area subject to the modification has subsequently been relocated inside an urban growth boundary.

Stat. Auth.: ORS 183 & 197.040
Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717, 197.732
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

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PUBLIC FACILITIES
(GOAL 11)

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Public Facilities

1. PUBLIC FACILITIES AND SERVICES IN TILLAMOOK COUNTY

1.1 INTRODUCTION

A variety of public facilities and services are available throughout the County at various levels. This section of the Services and Facilities Element describes the following facilities and services available in the County.

a. Water Supply
b. Sewage Treatment
c. Solid Waste Disposal
d. Fire Protection
e. Public Schools
f. Police Protection
g. Storm Drainage
h. Planning, Zoning and Subdivision Control
i. Community Health
j. Energy Utilities
k. Communications Utilities
l. Community Government

Two additional types of facilities and services are also available in the County, recreation and transportation. These are discussed in separate elements of the Comprehensive Plan.

The following descriptions of each type of service include the location of service provision, the location of facilities, the level of service and the capacity of facilities when possible.

It is evident from the following descriptions that community areas in general have higher levels of service than non-community areas. Incorporated communities, however, do not necessarily have higher levels of service than unincorporated communities. Even some non-community areas have levels of service that approach those of incorporated communities.

Most people in the County, 67.9 percent, receive water from a public water system. * An additional 14.3 percent receive water from private water systems. Only 17.8 percent get water from individual wells or surface sources (See Table 1).

In some areas however, the proportion of households with individual water

sources exceeds those on water systems. Communities where this occurs include Beaver, Hebo, Mohair, Tierra Del Mar, and some other unidentified rural areas in the County. For most of these individual supplies, surface water is a more frequently used source than groundwater.

There are 49 water systems in the County that are regulated by the State Health Division or the Environmental Protection Agency; systems having more than 3 hookups. The State Health Division regulates systems with more than three but fewer than 15 hookups. There are 11 of these systems. The remaining 38 systems have 15 or moor hookups and are regulated by the Environmental Protection Agency.

Map 1 shows the location of water systems in the County. It also shows district boundaries and the extent of service where possible. More detailed maps are available in the office of the Tillamook County Planning Department. The descriptions which follow also indicate where water service is available.

The availability of water for individual residences is very variable in the County. Surface water supplies are limited by watershed size and the storage capacity of the watershed. These supplies are more prone to turbidity and contamination than is groundwater.

The availability of groundwater is limited by the water holding capacity of the underlying geology. Some areas have abundant groundwater supplies including the Nehalem, Bayocean, and Nestucca Sand Spits and the area west of Sand Lake.

The Tillamook lowlands are also very productive. Shallow depth groundwater can probably be obtained throughout the lower flood plains of the Nehalem and Nestucca Rivers. The Kilchis River provides groundwater for the Bay City regional water system. Some groundwater supplies are available under more localized conditions because they are perched above relatively impermeable materials. For example, groundwater is volcanic flow braccia commonly remains perched above impermeable sedimentary interbeds. Limited yields of groundwater supplies area available in the marine sedimentary and volcanic rocks which underly much of the county because they are largely impermeable. Also, coastal marine terrace deposits consisting of relatively permeable, unconsolidated sand, silt and gravel could provide groundwater in some areas because they receive large quantities of water during the rainy season. One would expect that these water supplies have less certain quantities of water.

TABLE 1

Source of Water Supply, By Community

	SOURCE					
	Sample Size	Indiv. Source-Surface	Indiv. Source-Sub-surface	Private Company	Public System	Total
All Respondents	1,453	10.2	7.6	14.3	67.9	100.0
Neakahnie	24	0	0	29.2	70.8	100.0
Manzanita	41	0	0	29.2	70.8	100.0
Mohair	10	40.0	50.0	10.0	0	100.0
Necarney	5	0	0	0	100.0	100.0
Wheeler	21	4.8	0	4.8	90.5	100.0
Nehalem	47	4.3	12.8	0	83.0	100.0
Bayside Garden	20	0	0	0	100.0	100.0
Nedonna	15	0	0	0	100.0	100.0
Rockaway	68	3.0	1.5	0	95.5	100.0
Twin Rocks	33	3.0	3.0	39.4	54.5	100.0
Garibaldi	59	3.4	0	0	96.6	100.0
Bay City	78	2.6	0	0	97.4	100.0
Idaville	18	0	11.1	44.4	44.4	100.0
Tillamook City	226	0.9	0	0.5	98.6	100.0
Tillamook Sub	255	7.3	9.7	25.8	57.3	100.0
Oceanside	20	0	0	0	100.0	100.0
Netarts	52	0	0	12.0	88.0	100.0
Cape Meares	10	10.0	20.0	60.0	10.0	100.0
Beaver	44	31.8	25.00	22.7	20.5	100.0

Tierra Del Mar	11	36.4	18.2	45.5	0	100.0
Hebo	40	36.1	38.9	19.4	5.6	100.0
Cloverdale	41	25.0	20.0	45.0	10.0	100.0
Pacific City	47	4.3	2.2	4.3	89.1	100.0
Neskowin	20	0	20.0	75.0	5.0	100.0
Rural Area of County	139	38.6	15.2	15.2	31.1	100.0

Source: Richard L. Ragatz, "A Survey of the Housing Situation in Tillamook County", p 84

Additional information on groundwater availability and quality is included in the Comprehensive Water and Sewerage Planning Study."

Although most systems have their own sources of water, 15 buy water from other providers. Most of these buy water from the Tillamook Water Commission. The Tillamook County Creamery Association, Netarts Water District, Fairview Water District and City of Nehalem also sell water to other water systems. In addition, individual residences outside of the cities of Tillamook, Garibaldi and Nehalem are served along those cities' water lines.

All 49 water systems are described below in alphabetical order. These descriptions include an estimate of the residential population served, number of hookups, source of water and treatment, storage facilities, water quality problems, adequacy of the system to meet present needs, and ability of the system to meet future needs."

1) BASELINE WATER COOPERATIVE - This system currently serves two families living along Brickyard Road just south of the Long Prairie Water District's southern boundary. The Port of Tillamook Bay is co-owner of the four-inch water line which serves the Co-op and has rights to use water from it. Supply is treated water from the Tillamook Water Commission. The system is currently meeting needs and can expand to a maximum of 6 hookups.

2) BAY CITY - This system is expanding and developing a new source from wells adjacent to the Kilchis River. It will be supplying water to the Juno Non-Profit Water Company, Inc., The Latimer Road Water District, and the Tillamook County Creamery Association. The Bay City Plan has more information on this water system.

3) BEAVER WATER DISTRICT #49 - This system serves approximately

250 people living in the community of Beaver (106 residential and commercial hookups). The supply is surface water from Hester Creek and is treated with chlorine. Two reservoirs store 11,000 gallons of treated water. The system has turbidity problems during rainfall. The present system is not meeting present needs and can not meet expansion needs unless improvements are made to it. Current limitations include water supply, storage and distribution. The District is in the process of making the necessary improvements.*

4) BRIGHTON WATER SYSTEM - This system serves approximately 30 people living in the south end of the Brighton Beach subdivision (15 residential hookups). It also serves the Brighton Moorage. The supply is surface water from Donkey Creek and is not treated. One reservoir stores 2,000 gallons of untreated water. The system has turbidity and bacterial problems. The present system is not meeting present needs and can not meet expansion needs. Improvements are needed in source, treatment, storage, and distribution. The Brighton Water System had an easement with Publishers Paper Co. for its water supply site on Donkey Creek that expired in 1980. The system now has to find an alternative supply.

5) CAPE MEARES COOPERATIVE WATER SYSTEM - This system serves approximately 120 permanent residents and 230 seasonal residents of the community of Cape Meares (156 residential hookups). The supply is surface water from Coleman Creek and is treated with chlorine. One reservoir stores 800 gallons of treated with chlorine. One reservoir stores 800 gallons of treated water. The system has turbidity problems. The system is not meeting present needs and can not meet expansion needs. Improvements are needed in treatment, storage and distribution. The majority of the watershed is owned by Crown Zellerbach and has recently been logged, adding to the system's turbidity problems.*

6) CASCADE HEAD RANCH IMPROVEMENT COMPANY - This system serves approximately 20 permanent residents and 100 seasonal residents and visitors of the Cascade Head Ranch development (60 hookups). The supply is surface water from Crowley Creek and is chlorinated, filtered and coagulated. One reservoir stores 100,000 gallons of treated water. There are no water quality problems. The system is meeting present needs and can meet the needs of the 20 additional dwellings possible in the Cascade Head Ranch development.

7) CLOVERDALE WATER DISTRICT - This system serves approximately 70 people residing in Cloverdale, (69 hookups). The

supply is surface water from an unnamed creek located southeast of the community. The water is stored in a small impoundment holding 40,000 to 50,000 gallons and is treated with chlorine. The system does not permit enough contact time for the chlorine. There have been no bacterial contamination problems recently but there are turbidity problems. The system is barely meeting present needs and would require major renovation to meet future development needs in Cloverdale. The District is attempting to acquire a new source and upgrade their system but is uncertain whether they can afford to do so.

8) FAIRVIEW WATER DISTRICT - This system serves approximately 1,800 people living east of the City of Tillamook (500 residential and commercial hookups). The supply is surface water from Hughey, Donaldson and Tillson Creeks, and groundwater from 3 wells located east of Marolf Loop Road. The surface water is treated with chlorine. Three reservoirs store approximately 36,00 gallons of untreated water. The system has no water quality problems and is adequate to meet present needs and the needs of future expansion. The District is in the process of developing an additional well.

9) FALCON COVE BEACH DOMESTIC WATER SUPPLY DISTRICT - This system serves approximately 145 permanent and seasonal residents of the communities of Falcon Cove and Cove Beach in Tillamook and Clatsop Counties (58 residential hookups). Supply is from 2 springs. A large spring yielding 0.25 cfs is in Clatsop County. A smaller spring yielding 0.01 cfs is in Tillamook County. The spring in Tillamook County is chlorinated. It is unknown whether water quality standards are being met. The system has an estimated capacity of 100 hookups but during some summer months they have trouble serving the existing users.

10) FITZPATRICK WATER ASSOCIATION - This system serves approximately 30 people who live along Fitzpatrick Road (11 hookups). The Tillamook Water Commission supplies this system with treated water. The District has no water storage of its own. Present needs are being met. The system would have only 2 or 3 more hookups along Fitzpatrick Road.

11) CITY OF GARIBALDI - The City of Garibaldi water system serves properties within the city limits north of Tillamook Bay and several properties along Miami-Foley Road south of Moss Creek. This system is described in detail in the Garibaldi Comprehensive Plan.

12) HEBO WATER SYSTEM - this system serves approximately 200 people residing in the community of Hebo (42 residential and commercial hookups). The supply is surface water from 2 springs located east of the community. Water is treated with chlorine and stored in a 10,000 gallon reservoir. The system does not have water quality problems and is adequate to meet present needs. The system is not adequate to serve future expansion in the Hebo area. Improvements to the source and storage are necessary if future needs are to be met.

13) HORIZON VIEW HILLS WATER SYSTEM - This system serves approximately 150 permanent and seasonal residents in the Horizon View Hills subdivision (67 residential hookups). Supply is untreated groundwater. Three reservoirs store 74,752 gallons. It is not known whether this system has any water quality problems. The system is adequate to meet present and future service needs. Water treatment is a desired improvement to the system.

14) HUNT WATER DISTRICT - This system serves approximately 50 people living along the southern leg of McCormick Loop Road and along the first half-mile of Nielsen Road (19 residential and farm hookups). The supply is treated water from the Tillamook Water Commission. The District does not have any storage of its own. The adequacy of the system to meet present needs is unknown. The adequacy to meet future needs is dependent on Tillamook Cites capabilities and policies.

15) JACK CREEK WATER DISTRICT - This system serves approximately 20 people living in the Siskeyville area (10 residential, commercial and industrial hookups). Supply is surface water from Jack Creek that is not treated with chlorine. One reservoir stores 5,000 gallons. Water quality standards are being met and the system is meeting the needs of the District. There will be few additional hookups since service is limited to existing lots within the District. A chlorinator will be installed when sufficient funds are available.

16) JUNO NON-PROFIT WATER COMPANY, INC. - This system serves approximately 90 people living along Boquist Road, Suppress Road, Highway 101 north of Latimer Road and south of the Old Coast Highway, Juno Hill, and the Old Coast Highway south of the Kilchis River (45 residential, commercial and farm hookups). Supply is from the Tillamook County Creamery Association but soon will be from Bay City. The Company has no water storage. Its distribution system is provided by the Creamery Association. The system currently meets present needs and will meet future service needs in cooperation with Bay City.

17) KILCHIS WATER DISTRICT - This system serves approximately 300 people living in the Kilchis River Valley including the community of Idaville (140 residential and farm hookups). Supply is surface water from Murphy Creek and groundwater. Water is treated with chlorine and stored in a 50,000 gallon reservoir. The system has no water quality problems. Present needs are being met but sometimes supply shortages are experienced in the summer. This may limit the number of additional hookups that can occur in the District. No more additional hookups are being granted for areas outside of the District.

18) LATIMER ROAD WATER ASSOCIATION - This system serves approximately 150 people living along the first mile and a half of Latimer Road east of U.S. Highway 101 (34 residential hookups). Supply is from the Tillamook County Creamery Association but will be from Bay City. This system has no water storage facilities of its own. The water supply is not adequate to meet present demands. The availability of water from Bay City should help alleviate water supply problems but the Association is pessimistic about being able to expand to meet future growth needs.

19) LONG PRAIRIE WATER DISTRICT - This system serves approximately 550 people living along Long Prairie Road, Chance Road, Mill Creek Road, and Brickyard Road (200 residential and farm hookups). Supply is from the Tillamook Water Commission presently. The District has an intake facility on Mill Creek along with a chlorinator and a storage capacity of 15,00 gallons. These facilities need substantial improvement. The Mill Creek supply is unreliable. The creek was dry from April until October in 1967. The system is having trouble meeting present service needs. Water pressure is a problem. The system has reached its saturation point which was supposed to have been reached in the year 2000. The District in the summer of 1979 began curtailing hookups to its system. It appears as though substantial improvements will be necessary if the District is to serve additional development.*

20) CITY OF MANZANITA - This system serves people within the City of Manzanita and unincorporated areas to the south which have been included within the urban growth boundary. The Manzanita Comprehensive Plan describes this system in detail.

21) MEADOWS WATER ASSOCIATION - This system serves approximately 15 permanent and seasonal residents living in the Nestucca Meadows subdivision (6 residential hookups). The supply is from a well and is untreated. One reservoir stores 100 gallons. It

is unknown whether water quality meets standards. The system meets present needs but is small and can not be expected to serve additional development.

22) MOHLER WATER ASSOCIATION - This system serves 18 people living along Miami-Foley Road east of the junction with Highway 53 and west of the P.U.D. substation (7 residential and farm hookups). Supply is surface water that is not treated with chlorine. One reservoir stores 1,000 gallons. It is unknown whether water quality standards are being met. The system is adequate to meet current needs as well as the addition of 2 or 3 hookups.

23) NARROWS WATER COOPERATIVE - This system serves approximately 70 permanent and seasonal residents of the Narrows subdivision and two additional ownerships on the opposite side of Highway 6 (26 residential hookups). The water source is surface and is untreated. One reservoir stores 1,000 gallons. It is unknown whether water quality meets standards. The system is adequate to meet present needs. Additional hookups are limited to unbuilt lots within the Narrows subdivision of which there are approximately 3.

24) NEAHKAHNIE WATER DISTRICT - This system serves approximately 360 permanent and seasonal residents and a golf course in Neahkahnie (200 hookups). Supply is from 3 springs and is untreated. One reservoir stores 30,000 gallons. There are no water quality problems. The system is currently meeting supply needs and can handle expansion that occurs within the existing platted area. The system needs additional sources of water and additional storage to handle development outside of the platted areas.

25) CITY OF NEHALEM - This system serves people living within the Nehalem Urban Growth boundary and others living along the western half of McDonald Road. The system also provides surplus water to the Tidelands Water Cooperative. Supplies to areas outside of the City UGB are limited because of their status and the Cites limited supply. An additional source is being developed on Cole Creek that won't be available for several years. More detail is contained in the Nehalem Comprehensive Plan.

26) NESKOWIN REGIONAL WATER DISTRICT - This system serves approximately 490 permanent and seasonal residents and visitors and two golf courses in the Neskowin area (300 residential and commercial hookups). Supply is surface water from Hawk Creek and is chlorinated. Two reservoirs store 600,000 gallons of untreated water. The water treatment plant is new so it is unknown whether

there are any water quality problems. This District supersedes several water companies in the Neskowin area that were having water quality problems. The system is meeting present needs and is capable of meeting future service needs.

27) NESTUCCA BEND WATER SYSTEM, INC. - This system serves approximately 40 people living in the Nestucca Bend subdivision (14 residential hookups). The supply is groundwater and is untreated. The system has no water storage. Water quality standards are being met. The system is meeting current needs and can meet the needs of future development within the subdivision.

28) NETARTS WATER DISTRICT - This system serves approximately 1,200 permanent and seasonal residents of the Netarts area (420 residential and commercial hookups). The District also sells treated water to the Netarts Bay Water District. The supply is surface water from the east and west forks of Fall Creek and a spring near the west fork. All water is treated with chlorine. Two reservoirs store 612,000 gallons of untreated water. The system is not experiencing any water quality problems. Present service needs are not being met at times of high water demand. In order to meet those needs, additional treatment facilities must be added as well as larger main pipes. Because of this treated water shortage, the District has put a moratorium on hookups in the Netarts Bay Water District. Future water needs can be met if the above mentioned additions are made to the system.

29) NETARTS BAY WATER DISTRICT - This system serves approximately 110 permanent and seasonal residents living along the eastern shore of Netarts Bay south of the Netarts Water District (53 primarily residential hookups). The supply is treated water from the Netarts Water District. This system has no water storage of its own. Present water needs are being met but expansion is not possible unless the Netarts Water District can and is willing to sell more water. Desired improvements to this system include adding storage and increasing the size of some transmission lines.

30) NORTHWOODS WATER DISTRICT - This system serves approximately 50 people living in the immediate vicinity of the Northwood Acres subdivision (18 residential hookups). Supply is surface water that is treated with chlorine. One reservoir stores 15,000 gallons of treated water. The system has experienced water quality problems, high bacterial counts. The District is connecting to the Bay City regional system to correct its supply and water quality problems.

31) OCEANSIDE WATER DISTRICT - This system serves approximately 525 permanent and seasonal residents and visitors of the Camelot, Oceanside and Short Beach areas (250 residential and commercial hookups). Supply is surface water from Short Creek and is flocculated, filtered and treated with chlorine. Two reservoirs store 140,000 gallons of treated water. The system has no water quality problems and meets present service needs. It will also meet future service needs of anticipated growth in the area.

32) PACIFIC CITY WATER DISTRICT - This system serves approximately 1,800 permanent and seasonal residents and visitors in the Pacific City/Woods area (610 residential and commercial hookups). Supply is groundwater (filtration bed, Horn Creek) and is treated with chlorine. Three reservoirs store 520,000 gallons of treated water. The system is not experiencing water quality problems and is meeting present service needs. Improvements to the system are necessary if it is to service anticipated growth in the area. These improvements include dune wells, replacement and looping of 2-inch transmission lines, installing fire hydrants, meters and reservoirs.

33) PLEASANT VALLEY WATER COMPANY - This system serves approximately 280 people living along U.S. Highway 101 south of Killam Creek (except for one farm) to approximately Grange Road, along South Prairie Road south of Killam Creek, along a portion of Munson Creek Road and along approximately the first mile of Fawcett Creek Road (105 residential and farm hookups). Th supply is untreated water from the Tillamook Water Commission. The system has its own chlorine treatment but it does not have any water storage. There are no water quality problems and present needs are being met. Additional growth can be handled by the system as long as Tillamook City provides sufficient water. Portions of the system, along Munson Creek Road and the upper end of South Prairie Road can not have additional hookups.

34) PORT OF TILLAMOOK BAY INDUSTRIAL PARK - This system serves approximately 700 employees working in the industrial park (27 commercial and industrial hookups). Supply is from the Tillamook City Water Commission. The Port has no storage or treatment facilities of its own. The system is adequate to meet current and future needs but the supply is dependent on the ability and willingness of the Tillamook City Water Commission to supply more water.

35) CITY OF ROCKAWAY WATER SYSTEM - This system serves areas within the Rockaway City limits as well as the Nedonna Beach

subdivision. All areas of service are included in the Rockaway Urban Growth Boundary. Detailed information about the system is available in the Rockaway Comprehensive Plan.

36) ROGERS WATERLINE USERS ASSOCIATION - This system serves approximately 37 people living along Matejeck Road (14 residential and farm hookups). The supply is treated water from the Tillamook City Water Commission. The Association has no reservoirs of its own. Present service needs are being met and the Association anticipates being able to expand to meet future needs. The ability to expand is also dependent on Tillamook Water Commission policies and supply capability.

37) SECLUDED HILLS WATER SYSTEM - This system serves approximately 30 people residing in the Secluded Hills subdivision (12 residential hookups). Supply is from a spring. Storage is minimal. Water treatment and system adequacy is unknown. The source, a spring, has enough volume to handle the needs of Cloverdale.

38) SOUTH PRAIRIE WATER ASSOCIATION - This system serves approximately 230 people living along U.S. Highway 101 south of Long Prairie Road and north of the Pleasant Valley water service area, along Bewley Creek Road, along South Prairie Road near the school, and along a mile of the Tillamook River Loop Road west of the junction with U.S. Highway 101(87 residential and farm hookups). Supply is from the Tillamook City Water Commission. The system has no treatment or storage facilities of its own. Present needs are being met by the system. The system has the capability to meet expansion needs depending on the supply available from Tillamook.

39) TIDELAND WATER COOPERATIVE - this system serves approximately 100 residents and visitors living along Tidelands Road (except for the western most two thirds of a mile) and along Tohl Road. Seventeen homes and 50 trailers are hooked up to the system. Supply is surplus treated of its own. The system has some problems meeting present needs because of limitations in Nehalem's supply. Until Nehalem's supply improves, additional hookups in the Tidelands system area are very limited.

40) TIERRA DEL MAR BEACH WATER COMPANY - This system serves approximately 450 permanent and seasonal residents of Tierra Del Mar (200 residential hookups). Supply is surface water from Beltz Creek that is treated with chlorine. One reservoir provides 10,000 gallons of treated water storage. The system is adequate to meet present and future service needs for Tierra Del Mar.

41) TILLAMOOK COUNTY CREAMERY ASSOCIATION - This system serves the Tillamook County Creamery and the Latimer and Juno water systems. It will join with the Bay City regional water system. Supply is primarily groundwater but surface water from Cole Creek can also be used. If surface water is used, it is treated with chlorine. One reservoir on Cole Creek stores 3 million gallons of untreated water. The Creamery has a reserve reservoir which stores 250,000 gallons. The system has no water quality problems and is adequate to handle present and future service needs.

42) TILLAMOOK WATER COMMISSION - In addition to customers in the City of Tillamook, this system supplies surplus water to the following water systems in outlying unincorporated areas: Baseline Water Cooperative, Fitzpatrick Water District, Hunt Water District, Long Prairie Water District, Pleasant Valley Water Company, Port of Tillamook Bay, Rogers Waterline Users Association, South Prairie Water Association, Tone Water District, West Hills Water Company, Inc. The system also serves the Tillamook Care Center and approximately 100 individual residences and farms in unincorporated areas that are adjacent to the City's water mains. Most of these residences are located along Nielsen Road to the boundary of the Hunt Water District. The Trask River Trailer Park on Gienger Road also has a large number of residential hookups. Properties on which there is an easement for a city water main have a right to hook on for the ownership that existed at the time the easement was granted. Other hookups to the system have to be through existing districts or possibly through new districts. Increases in the number of hookups in outlying districts must be approved by the Water Commission. Water supplies are adequate to meet present needs in unincorporated areas and are expected to be adequate to meet future needs.

43) TONE WATER DISTRICT - this system serves approximately 80 people living along Tone Road (30 residential and farm hookups). Supply is treated water from the Tillamook Water Commission and is adequate to meet present needs. The District does not know whether it can expand. This in part depends on the availability of water from Tillamook.

44) TRASK WATER SYSTEM - This system serves approximately 35 people living along Valley View Drive and along Trask River Road from the edge of Fairview Water District to a little beyond the junction with Long Prairie Road (14 hookups). Treated water is supplied by the Fairview Water District. There are no water quality problems and the supply is adequate for existing uses. This system is at capacity

and would require substantial upgrading to accommodate additional hookups.

45) TWIN ROCKS WATER DISTRICT - This system serves approximately 580 permanent and seasonal residents of Twin Rocks (264 primarily residential hookups). Treated water is purchased from Rockaway. The system has no storage facilities of its own. The entire district is being included in the City of Rockaway Urban Growth Boundary.

46) WATSECO-BARVIEW WATER DISTRICT - This system serves approximately 290 permanent and seasonal residents of Watseco and Barview (130 residential and commercial hookups in addition to Barview County Park and 2 private camps). Supply is groundwater that is not treated. One reservoir stores 300,000 gallons. This system replaces the Barview Water Company and Watseco Water System, both of which had water quality problems. The present system has no water quality problems and is adequate to meet present and future service needs.

47) CITY OF WHEELER - This system serves the City of Wheeler. Detailed information is available in the Wheeler Comprehensive Plan.

48) WEST HILLS WATER COMPANY, INC. - This system serves approximately 230 people living along State Highway 131 from the Tillamook City limits to approximately a mile past Frazer Road, along Tomlinson Road, and along a portion of Bayocean and Frazer Road (86 residential, commercial and farm hookups). Supply is treated water from the City of Tillamook. One reservoir stores 30,000 gallons. The system is meeting present service needs. It has the potential to meet future service needs depending on the supply available from the City of Tillamook.

49) WILSON RIVER WATER DISTRICT - This system serves approximately 350 people residing in the lower Wilson River drainage basin (130 residential, commercial and farm hookups). Supply is groundwater and is not treated. One reservoir stores 40,000 gallons. The system has no water quality problems and is adequate to serve present and anticipated future needs.

50) WINEMA CHURCH WATER SYSTEM - This system serves approximately 16 people and the Winema Church Camp (8 hookups including the camp). Supply is surface and groundwater. Surface water is treated with chlorine. Three reservoirs store 95,000 gallons. The system has had no water quality problems and is adequate to meet present and future needs within the property.

1.3 SEWAGE TREATMENT

The majority of the County's households in 1978, 55.1 percent, relied on septic tanks and drainfields or other types of on-site sewage disposal. (See Table 2.) Households relying on central sewage treatment comprised 44.3 percent of the total. *

A number of communities had a much higher percentage of households relying on individual sewage disposal systems. These included Mohair, Nedonna, Idaville, Suburban Tillamook, Oceanside, Netarts, Cape Meares, Beaver, Tierra Del Mar, Hebo, Cloverdale, Pacific City, and Neskowin. It should be noted however, that the communities of Netarts, Oceanside and Pacific City had initiated sewage service after completion of the housing survey. In addition, 98.5 percent of the remaining rural households relied on individual sewage disposal systems. Central sewage disposal occurred mainly in the incorporated cities of the County.

On site sewage disposal depends on the suitability of the soil to accept septic tank effluent. Important soil characteristics include slope, depth to permanent water table, depth to seasonal water table, flooding, permeability and soil depth. These characteristics are discussed in more detail in the Justification Section of the Goal 2 Element.

There are 11 sewage treatment facilities in the County. These belong to the City of Bay City, City of Garibaldi, City of Rockaway, City of Tillamook, North Tillamook County Sanitary Authority, Cloverdale Sanitary District, Neskowin Lodge Investors Corporation, Netarts-Oceanside Sanitary District, Pacific City Sanitary District, Port of Tillamook Bay, and the Twin Rocks Sanitary District. The first 4 systems only serve incorporated areas. The fifth serves incorporated and unincorporated areas. The last 6 systems serve only unincorporated areas. The areas included in district boundaries and the areas served are shown in Map 2. More detailed maps are available in the office of the Tillamook County Planning Department.

TABLE 2

Type of Sewerage Disposal System, by Community

Community	Sample Size	Type of System: Septic Tank	Sewer System	Other	Total
All Respondents	1,453	55.1	44.3	0.6	100.0
Neahkahnie	24	4.2	95.8	0	100.0
Manzanita	41	2.4	97.6	0	100.0
Mohair	10	100.0	0	0	100.0
Necarney	5	0	100.0	0	100.0
Wheeler	21	42.9	47.6	9.5	100.0
Nehalem	47	25.5	74.5	0	100.0
Bayside Gardens	20	0	100.0	0	100.0
Nedonna	15	100.0	0	0	100.0
Rockaway	68	22.4	76.1	1.5	100.0
Twin Rocks	33	21.2	78.8	0	100.0
Garibaldi	59	10.3	89.7	0	100.0
Bay City	78	11.5	88.5	0	100.0
Idaville	18	100.0	0	0	100.0
Tillamook City	226	7.2	92.3	0.5	100.0
Tillamook Suburban	255	91.7	7.9	0.4	100.0
Oceanside	20	68.4	26.3	5.3	100.0
Netarts	52	87.8	12.2	0	100.0
Cape Meares	10	100.0	0	0	100.0
Beaver	44	100.0	0	0	100.0

Tierra Del Mar	11	100.0	0	0	100.0
Hebo	40	94.9	2.6	2.6	100.0
Cloverdale	41	58.5	41.5	0	100.0
Pacific City	47	100.0	0	0	100.0
Neskowin	20	95.0	5.0	0	100.0
Rural Areas of County	139	98.5	0.7	0.7	100.0

Source: Richard L. Ragatz, "A Survey of the Housing Situation in Tillamook County", p82

In addition to sewage treatment systems in the County, there are two sanitary districts without any collection or treatment facilities, the Highway 101 North Sanitary District and the Neskowin Regional Sanitary Authority. These districts include unincorporated areas.

All providers and potential providers of sewage service to unincorporated areas are discussed below.

1) CLOVERDALE SANITARY DISTRICT * - This system serves the community of Cloverdale including the Nestucca Union High School. It does not serve any areas south of the high school.

The treatment plant is an activated sludge unit with effluent polishing and chlorination. Up to 50,000 gallons of sewage can be treated per day (410 population equivalents). The plant has the capability of reducing 5 day Biological Oxygen Demand (BOD) and suspended solids to a monthly average of 10 mg/1. Effluent is discharged into the Nestucca River.

There are currently 48 residential connections, 24 commercial connections (including one restaurant), and 1 high school connection with 219 students, facility and staff. These connections produce an estimated 23,000 gallons of sewage per day. The treatment plant therefore has 54 percent of its capacity, 27,000 gallons per day (gpd), as surplus.

2) HIGHWAY 101 NORTH SANITARY DISTRICT #53 - This district was formed in 1973 to provide sewer service to an approximately 500-foot strip of land on both sides of U.S. highway 101 north of the Tillamook City limits to the Wilson River. The District has been included within the proposed urban growth boundary of the City of Tillamook Health

hazard annexation proceedings are underway for this area. Information about sewer services to this area is included in the Tillamook City Comprehensive Plan.

3) NESKOWIN LODGE INVESTORS CORPORATION* - this system serves a limited area in Neskowin including the Neskowin Lodge and Condominium, the Proposal Rock Subdivision, the Point Subdivision and several houses near the southern end of Hawk Drive.

The treatment plant is an extended aeration unit with a design capacity of 50,000 gpd (472 population equivalents). Disinfected effluent is discharged into one of two lagoons with a surface area of one acre. Outflow from the lagoon is sent into Neskowin Creek between September 16 and May 14. During other times of the year this effluent is discharged by spray irrigation to an area to the northeast of the treatment plant.

The sewage collection system is in three separate parts owned by three separate owners.

There are currently 48 residential connections in addition to the lodge and condominium complex. Sewage produced by the lodge and condominium is approximately 25,000 gpd. The residences may be producing 8,000 to 11,000 gpd. The system may be operating at 65 to 72 percent of capacity if there is no excessive infiltration and inflow. Although it appears as though there is sufficient capacity for quite a few additional connections, the Neskowin Lodge Investors Corporation feels that it can extend service to fewer than 20 additional residences.

This sewage system is in poor condition resulting in the discharge of partially treated and untreated wastewater. The owners of the treatment plant have been officially cited by the DEQ for waste discharge permit violations on six different occasions. These violations have included summer discharge into Neskowin Creek, failure to use spray irrigation, and bypassing raw sewage into the holding ponds. The plant malfunctioned in February of 1980 and was still not operating in August of that year. Raw sewage leaking from the primary polishing pond has threatened the integrity of the pond by eroding a steep sidehill.

Private collection systems are substandard and not in compliance with DEQ requirements. Numerous complaints have been filed regarding periodic overflow and the surfacing of raw sewage due to pump station.

This system, according to the DEQ waste discharge permit, was intended to be an interim that would serve until an area-wide sewage system was established.

4) NESKOWIN REGIONAL SANITARY AUTHORITY * - The Neskowin Regional Sanitary Authority was formed in 1977 under Chapter 450, Sections 450.705 to 450.980 of the Oregon Revised Statutes. These statutes permit sanitary Authorities to study and regulate the disposal of waste water from within their boundary and adjacent lands, assess property and collect assessment for benefits received, and to negotiate and obtain financial aid from the State and Federal Governments for improvement projects.

The Sanitary Authority would be responsible for the administration, operation and maintenance of regional sewerage facilities within the authority§s boundary.

In the 1979 tax year property within the authority's boundary had a total assessed valuation of $25,394,710 and at the present time, there are approximately 161 registered voters within the boundary.

5) NETARTS-OCEANSIDE SANITARY DISTRICT * - This system serves the communities of Netarts and Oceanside and the intervening area. Construction of the sewage treatment plant, located in the Avalon area, was completed in 1978.

The treatment plant treats sewage through an activated sludge process. Treated and chlorinated effluent is discharged into the ocean in front of the treatment plant. The average capacity is 400,000 gpd with a maximum capacity of 1,000,000 gpd. The design population is 2,400 which is roughly equivalent to 1,200 connections.

There are currently 100 connections to the system. According to the District, the treatment plant nears capacity on peak summer days. On the other hand, it was reported in a General Accounting Office study that the system sometimes had problems with low flows and putrefaction of sewage in the collector lines.* This is most likely the unfortunate result of the recreational nature of the area with large numbers of seasonal residents and visitors.

The District estimates that the plant will satisfy needs until 1990 when some increase in capacity will be needed. It may be necessary to reduce infiltration and inflow into the system which accounts for 25 to 50 percent of flows during the winter.

6) NORTH TILLAMOOK COUNTY SANITARY AUTHORITY* - This system serves the incorporated communities of Manzanita, Nehalem and Wheeler, the unincorporated community of Neahkahnie and some other unincorporated areas. The City of Wheeler is not part of the District but is served on a contract basis.

The treatment plant uses three waste stabilization ponds to reduce BODs and SS to 20 mg/1. The lagoons are located across the Nehalem River from the City of Nehalem. The dry weather load capacity of the treatment plant is 750,000 gpd. This capacity will serve approximately 4,800 population equivalents in the summer and 2,400 population equivalents in the winter.

In 1979, the system had approximately 1,100 residential connections with another 445 commitments for residential connections and 727 commercial connections. The theoretical daily average flow generated from all existing hookups was approximately 382,360 gpd and the total existing and committed connections would have had the potential of generating a total of 492,850 gpd. The theoretical organic loading was equal to 3,753 population equivalents and had the potential of 4,836 population equivalents with the servicing of committed connections. The actual measured loading in the winter was 1,375 population equivalents and 1,916 population equivalents in the summer.

At current growth rates the capacity of the treatment plant will be exceeded before the year 2000. The Sanitary Authority has engaged two consulting firms to analyze the treatment facility and propose changes to increase capacity to be able to handle anticipated loads. One change being pursued is changing the discharge permit to allow 1.3 million gallons per day (MGD) discharge into the Nehalem River instead of the current 0.7 MGD with a discharge of 30 mg/1 of BODs and SS instead of 20 mg/1.

7) PACIFIC CITY SANITARY DISTRICT* - The Pacific City Sanitary District provides sewage treatment service to Pacific city, Woods and Cape Kiwanda. The treatment plant, located on Cape Kiwanda Drive north of th Pacific Avenue Bridge, started operation in November of 1979.

The sewage treatment plant provides tertiary treatment with an activated sludge process and advanced treatment with filtration. This results in effluent with 10 mg/1 of BODs and SS. Treated effluent is discharged into the Nestucca River at a point just north of the Pacific

Avenue Bridge. The plant has a design capacity of 360,000 gpd. It can serve a population of 3,000, assuming a flow of 100 gpd per person and 60,000 gpd infiltration.

Currently there are approximately 120 connections to the system. The estimated peak population of the area, although not all residences and businesses are connected, is 1,600. It appears as though there is enough extra capacity to serve additional development in the area.

8) PORT OF TILLAMOOK BAY * - The Port of Tillamook Bay has a sewage treatment plant serving industrial, office and residential uses in the Port Industrial Park. The plant was constructed in 1967 to treat wastes from the preexisting collection system.

Sewage treatment is provided by 2.1-acre and 0.98-acre stabilization bonds. The plant is designed to accommodate wastewater flows of 70,000 gpd average dry weather and 1,430,000 gpd peak wet weather. An organic loading of 610 population equivalents is discharged into the Trask River and has a maximum BODs and SS of 14 mg/1.

There are currently about 700 people working at the industrial park when the Louisiana Pacific is running at capacity. This may be equal to 17,500 to 35,000 gpd per employee. The system was plagued with infiltration problems but the Port with the help of an EDA grant has cut system is at 20 to 25 percent of capacity.

9) TWIN ROCKS SANITARY DISTRICT* - The Twin Rocks Sanitary District provides sewage treatment service to the Twin Rocks Watseco and Barview areas. The system was constructed in 1969.

The treatment plant provides secondary treatment with a modified activated sludge process. Between September 30 and June 1, treated effluent is discharged into Watseco Creek. Sewage holding ponds store summer sewage flows for the period when discharge into Watseco Creek is prohibited. These ponds can hold up to 18.1 acre feet, the sewage of approximately 1,730 people. The treatment plant can treat 100,000 gpd and has the potential for adding another 100,000 gpd treatment unit. This is equivalent to the waste produced by a population of 1,000 now and 2,000 when the second treatment unit is added.

There are currently approximately 300 residences, 29 motel units and cabins, 2 commercial structures, 81 trailer sites and 3 camps (Barview

County Park, Camp Magruder, Friends Camp) on the system. The system can probably handle approximately 200 more residential connections before an additional treatment unit is added or current inflow problems are corrected.

1.4 SOLID WASTE DISPOSAL

In 1978 Tillamook County obtained a solid waste management planning grant from DEQ for the purpose of locating and acceptable regional sanitary landfill within Tillamook County. Through a series of meetings with the Tillamook County Solid Waste Advisory Committee, siting criteria were established, site feasibility was determined and seventeen proposed disposal sites were selected for analysis. An eliminating process considered such factors as DEQ requirements, Federal Resource Conservation and Recovery Act requirements, including surface water and wetlands criteria; soil workability and availability; public acceptance, haul distance (including energy consumption during transfer), leachate generation and treatment; waste volume and composition.

Four sites were identified for more detailed analysis which resulted in a recommendation for the conversion and expansion of the existing Tillamook open-burning dump to a sanitary landfill. (See Figure 3 for location.) A conditional use permit was granted by the Planning Commission and the Commissioners then approved the site and conversion program. County funding was provided for the program, which also included the closure of the open-burning dumps in Manzanita and Pacific City (See Figure 3) and the conversion of those sites to transfer stations for the haulage of solid waste to the central landfill facility. Completion of the program was basically attained in 1980 and the new facilities in full operation in 1981.

Solid waste collection service is provided by five private companies: City Sanitary Service, Coast Sanitary Service, Nestucca Valley Sanitary Service, Oceanside Sanitary Service, R. Sanitary Service. These companies are franchised by Tillamook County to provide service to specific areas of the County shown in Map 3. Franchise areas cover the entire County and all are distinct except for the areas of Coast Sanitary Service and R. Sanitary Service which overlap in the Rockaway/Twin Rocks area.

1.5 FIRE PROTECTION

Fire protection in Tillamook County is provided by 16 different agencies. Each of the agencies serves a separate area as is shown in figure 4. All of them have signed a County-wide mutual aid agreement pledging to provide assistance to one another.

Map 4 shows that almost all populated areas of the County receive some form of fire protection. The only community without any guaranteed fire protection is Cape Meares although the Tillamook Rural Fire Protection District will respond to a call if possible.

The level of fire protection in each area varies. Major determinants of the level of protection include the distance to the nearest fire station and the presence of fire hydrants. The highest level of protection is in communities where there are fire stations and well developed water systems with hydrants.

Fire departments in the County are predominantly run by volunteers. Only the City of Tillamook and the Tillamook Rural Fire Protection District has some paid fire fighters.

Following is a description of each fire fighting agency in the County. Included in the description is the service area, fire station locations, and the fire insurance rating. The fire insurance rating gives a relative rating of fire fighting capabilities for insurance purposes. As such it provides an indication of the level of fire service provided but it does not provide an absolute measure.

(1) BAY CITY FIRE DEPARTMENT - Bay City has a voluntary fire department providing protection within the City. There are hydrants in the City and the insurance rating is 7.

(2) CANNON BEACH RURAL FIRE DISTRICT - This district serves the community of Falcon Cove as well as areas in Clatsop County. There are fire hydrants in the community and there is a facilities and services in nearby Arch Cape. The insurance rating is 6.

(3) CITY OF GARIBALDI FIRE DEPARTMENT - The City of Garibaldi has a volunteer fire department providing fire protection within its limits. It also provides fire protection to the Garibaldi Rural Fire District on contract. There are hydrants in the City and the insurance rating is 6.

(4) GARIBALDI RURAL FIRE DISTRICT - This district contracts with the City of Garibaldi for fire protection up most of the Miami-Foley Valley and along the coastal strip from Spring Lake to Larson Cove. The facilities and services is located in Garibaldi. There are fire hydrants in the Twin Rocks, Watseco, Barview areas. The fire insurance rating where there are hydrants is 5 for areas within five miles of the fire station, and 6 for areas further away. Elsewhere, the rating is 8 within 5 miles of the facilities and services and 9 for areas further away.

(5) CITY OF MANZANITA FIRE DEPARTMENT - The City of Manzanita has a volunteer fire department providing service within the city limits and the Necarney area. It also provides service on contract to the Neahkahnie Water District. There are hydrants in the City and the insurance rating is 8.

(6) NEAHKAHNIE WATER DISTRICT - This district contracts with the City of Manzanita for fire protection. There are some hydrants in the area. The insurance rating is 8.

(7) CITY OF NEHALEM FIRE DEPARTMENT - The City of Nehalem has a volunteer fire department providing service within the city limits and on contract to the Nehalem Rural Fire District. There are hydrants in the City and the insurance rating is 7.

(8) NEHALEM RURAL FIRE DISTRICT - This district contracts with the City of Nehalem for a large area in north County including Bayside Gardens, the North Fork Valley, the Nehalem Valley to Batterson and the coast to Brighton. There are no hydrants in the area and the insurance rating is 9.

(9) NESTUCCA RURAL FIRE DISTRICT - This district provides fire protection for most of the County from hemlock south. there are fire stations in Beaver, Blaine, Cloverdale, Neskowin and Pacific City. There are hydrants in Neskowin and Pacific City. The Beaver Water District is improving their system and will soon have hydrants. The insurance rating is 7 within most of Pacific City and Neskowin, where there are hydrants. Elsewhere, the rating is 8 for areas within 5 miles of a fire station and 9 for areas further away.

(10) NETARTS RURAL FIRE DISTRICT - this district provides fire protection to the community of Netarts and to areas along Netarts Bay. A facilities and services is located in Netarts. There are fire hydrants in the area and the insurance rating is 6.

(11) NEDONNA RURAL FIRE DISTRICT - This district serves Nedonna Beach and on up the coast to the southern end of the Brighton Beach Subdivision. It also serves unincorporated areas surrounding the city of Rockaway as far south as Spring Lake. It surrounds but does not include Neahkahnie High School. Most of the district is included in the Rockaway UGB. The District contracts with the City of Rockaway for fire protection. There are hydrants in Nedonna Beach and Twin Rocks and the insurance rating is 6.

(12) OCEANSIDE RURAL FIRE DISTRICT - This district provides fire protection to the community of Oceanside and to the Short Beach area. A facilities and services is located in Oceanside. There are fire hydrants in the area and the fire rating is 6.

(13) CITY OF ROCKAWAY FIRE DEPARTMENT - The Rockaway Fire Department serves the City as well as serving the Nedonna Rural Fire District on contract. The City has fire hydrants and the insurance rating is 6.

(14) TAFT-NELSCOTT-DELAKE RURAL FIRE DISTRICT - This district in Lincoln County provides fire protection on contract to the Cascade Head Ranch District Improvement Company. The nearest facilities and services is in Otis. There are fire hydrants in Cascade Head Ranch and the insurance rating is 7.

(15) TILLAMOOK CITY FIRE DEPARTMENT - This department serves the City of Tillamook and also the Tillamook Rural Fire District on contract. The department has paid and volunteer fire fighters. The City has fire hydrants and an insurance rating of 5.

(16) TILLAMOOK RURAL FIRE DISTRICT - This district serves the Tillamook and Kilchis Valley areas as far north as Bay City and as far south as Hemlock. It covers the West Hills area on the west as well as Bewley Creek, Sutton Creek and Yellow Fir. It does not cover any of the Wilson River Canyon. The district splits expenses with the Tillamook City Fire Department. In addition to the station in Tillamook City, there is a station at the southern junction of South Prairie Road and Highway 101. Fire hydrants are scattered within some water districts in the area. Some small rural areas that are more than 5 miles from either fire station have an insurance rating of 9. Other areas that are within 5 miles have a rating of 8 unless they are within 5 miles have a rating of 8 unless they are within 500 feet of a hydrant in which case the rating is 7.

1.6 PUBLIC SCHOOLS

There are 9 public school districts in the County providing educational service (See Map 5).

There is bus service to all public schools. Service is available to practically all residential areas of the County. There was little concern among school administrators about future bus service because of the extensiveness of the present school but network.

Public school facilities are described in more detail below. Most schools appear to have sufficient capacity to meet future growth needs. The Tillamook School District is most likely to need facilities expansion.

(1) BEAVER SCHOOL DISTRICT #8 - This district provides elementary school service, grades 1 through 8, to families living in the Beaver, Blaine, Hemlock, Sandlake and Tierra Del Mar areas. The school is located in Beaver. In the 1979-80 school year, there were 169 students enrolled. The capacity of this school is 225 students. Enrollments have been steady over the past five years.

(2) CLOVERDALE SCHOOL DISTRICT #22C - This district provides elementary school service, grades K through 8, to families living in the Cloverdale, Pacific City, Woods, Oretown and Neskowin areas. The school is located just south of Cloverdale. In the 1979-80 school year there were 191 students enrolled. The capacity of the school is 275 students. Enrollments have been holding steady.

(3) HEBO SCHOOL DISTRICT #13J - This district provides elementary school service, grades K through 8, to families living in the Hebo and Three Rivers areas. The school is located in Hebo. The enrollment in the 1979-80 school year was 83 students. The school capacity is 120. Enrollments have declined with personnel reductions at the Mt. Hebo Radar Station.

(4) NEAHKAHNIE SCHOOL DISTRICT #56 - This district provides elementary and high school service in the north end of the County. There are 3 operating elementary schools and one high school in the district. Two elementary schools, grades K through 6, with a combined capacity of 300 students are located in Nehalem. In the 1979-80 school year, 234 students were enrolled in these schools. In Garibaldi there is one elementary school, grades 1 through 6, with a capacity of 300. In the 1979-80 school year 180 students were enrolled here. Another elementary school with a capacity of 100 is located in Bay City. This school is now being uses by the Tillamook Branch of Clatsop Community College. A kindergarten with a capacity of 50 is located in Rockaway. A high school with a capacity of 500 is located just north of Rockaway. Approximately 430 students were enrolled here during the 1979-80 school year.

(5) NESTUCCA UNION HIGH SCHOOL DISTRICT #UH3 - This district provides high school service, grades 9 through 12, to the south end of the County. The high school is located in Cloverdale and has a capacity of 400. In the 1979-80 school year, the enrollment was 220. Enrollment has been decreasing in recent years.

(6) TILLAMOOK SCHOOL DISTRICT #9 - This district provides school services to the central area of the County. There are 4 elementary schools, grades 1 through 6, 1 junior high school, grades 7 and 8, and 1 high school, grades 9 through 12. A new elementary school with the capacity of 300 was recently completed in the South Prairie area, replacing the old school. The previous school had a 1979-80 school year enrollment of 144. Three other elementary schools, Wilson, capacity 250, Liberty, capacity 125, and East School, capacity 430, are located in the City of Tillamook. In the 1979-80 school year all three had near capacity enrollments. The junior high school also located in the City of Tillamook has a capacity of 370. The 1979-80 school year enrollment was 329. The high school has been extensively remodeled over the past year increasing the capacity to 750. the 1979-80 school year enrollment was 677. The school district had 200 fewer students in 1980 than in 1970 but in recent years enrollment have been increasing.

(7) TILLAMOOK COUNTY EDUCATIONAL SERVICE DISTRICT - This district with offices and facilities located at the Port of Tillamook Industrial Park provides support to school districts in the County. These services include an attendance officer, a speech and hearing program, a physical therapy program, a center for the trainable mentally retarded, a vocational training center for older handicapped students, learning centers for students with severe learning disabilities, special student study programs, a resource center, a special education resource center, assistance to parents of preschool handicapped children, and a vision and hearing testing program.

(8) TILLAMOOK BAY AREA EDUCATION DISTRICT - This district was formed in 1981 to provide post high school education service to Tillamook County. The district contracts with the Clatsop County Community College to provide this service.

(9) YAMHILL SCHOOL DISTRICT #63 - Two unpopulated portions of Tillamook County are included in this district. No service is provided to Tillamook County residents.

1.7 POLICE PROTECTION

There are 5 police agencies in the County, the County Sheriff's Department, the Garibaldi Police Department, the Rockaway Police Department, the Tillamook City Police Department, and the Oregon State Police. Each of these agencies are described below.

(1) TILLAMOOK COUNTY SHERIFF'S DEPARTMENT - The County provides police protection on a call basis in unincorporated areas of the County as well as in the cities of Manzanita, Nehalem, Wheeler and Bay City. The County contracts with the City of Bay City to provide additional police patrol. Three cars patrol and respond to calls during the day, 2 uniformed police and 1 civil officer. AT night, 2 cars patrol and respond to calls. The Sheriff's Department also attempts to place resident patrolmen in all parts of the County to provide additional service. Currently, there are patrolmen in Cloverdale, Manzanita, Nehalem, Oceanside, Pacific City, Tillamook, Wheeler and Woods. Soon there will be a resident patrolman in Beaver.

In addition to contracting with Bay City, the County contracts with the Siuslaw National Forest to patrol the Sandlake Dune Buggy area. The County also has a dog warden for all incorporated and unincorporated areas, and a marine patrol for the County's bays and rivers.

The County acts as the dispatcher for the incorporated cities of Garibaldi, Rockaway and Tillamook on nights, weekends and holidays. The County will also assist these cities when necessary.

The County Sheriff's Department is responsible for emergency services planning and coordination. The County Basic Emergency Services Operation Plan adopted in 1957 and amended in 1970 details the responsibilities of the Sheriff's Department and other agencies. The Department is currently working on a hazardous materials plan.

The County has a jail in the Courthouse built in 1932 which serves the entire County area.

The Sheriff's Department is also responsible for coordinating search and rescue in the County. The Department has the capability of performing search and rescue including underwater search and rescue.

(2) INCORPORATED CITIES WITH POLIC PATROL - The cities of Garibaldi, Rockaway and Tillamook have their own police departments, which patrol within these city limits. They proved their own dispatch during working hours but rely on County dispatch on weekends, nights, and holidays. They do not provide any dog control.

(3) STATE POLICE - The State police provide traffic patrol, game patrol, and criminal investigation services in the County. There are 8 traffic officers, 3 game officers, 1 criminal officer and 2 supervisors. Headquarters are in the City of Tillamook. State Police are on patrol from 7 in the morning to 3 the following morning. A maximum of 3 traffic officers are on duty at any time. The number on duty fluctuates with time according to the need. There are three traffic patrol districts north, south and east. There are three game patrol areas, north, central and south. The State Police will assist the County Sheriff's Department.

1.8 STORM DRAINAGE

Storm drainage in the unincorporated areas of the County is accommodated in natural swales and creeks and in roadways and ditches. Aside from culverts which allow water to flow under roads, there are no developed storm drainage facilities.

Improvement of storm drainage is through ditching next to roads, maintaining the ditches free of obstructions and requiring culverts under driveway access ways to roads. In many older platted communities such as Oceanside, narrow rights-of-way and steep slopes have combined to make the provision of adequate drainage ditches on the sides of the road difficult. The optimum roadside ditch has 6:1 or flatter side slopes. Steeper slopes are more dangerous for cars. It is difficult to achieve these side slopes in some of the areas where drainage ditches are forced by conditions closer to the roadway.

1.9 PLANNING, ZONING AND SUBDIVISION CONTROL

Tillamook County maintains a planning department which along with five Citizen Advisory Committees, the Estuary Council, the Planning Commission, and the Board of Commissioners, is responsible for planning, zoning and subdivision control. The department maintains a permanent staff of 6 which includes a planning director, a zoning administrator, a general planner, an enforcement officer, and a secretary. In addition, the County has hired 3 planners to assist in the preparation of the county's Comprehensive Plan and implementing ordinance.

A one-stop permit system has been recently initiated in conjunction with the Building and Sanitation Departments. This has allowed a more efficient use of personnel and has expedited the permit process and created a more coordinated process.

The Planning Commission besides working on the Comprehensive Plan, reviews zone changes, planned developments, subdivisions, conditional

uses, and variances. Nine members are on the Planning Commission representing all areas of the County. They meet bimonthly to handle regular business or more frequently to work on the Comprehensive Plan.

Five citizens advisory committees and the Estuary Council have been meeting over the past 4 years to wok on the Comprehensive Plan. They have been meeting fairly regularly on a monthly basis. After completion of the Comprehensive Plan, these committees will continue to meet, but less frequently, to assist the Planning Commission with actions that require a more local or specialized perspective and analysis. The will review Planning Commission decisions to ensure citizen and technical concerns are being addressed.

The Board of County Commissioners is also involved in planning, zoning and subdivision control. The Board has actively participated in developing the Comprehensive Plan and implementing ordinances. The Board must review Comprehensive Plan amendments, zone changes, and subdivisions. They also hear all Planning Commission decisions that are appealed. They appoint Planning Commission members and citizen advisory committee members. They have shown a commitment to balanced citizens input in their appointments to these bodies.

1.10 COMMUNITY HEALTH

A variety of health services are provided in the County, including planning, education, hospital care, long-term care, counseling, and emergency transportation, as well as the individual services provided by doctors and physicians in the County. Health facilities and agencies providing health services are discussed below. Individual doctor and dentist offices are not discussed. These are listed however in Health Services in Tillamook County.

(1) NORTHWEST OREGON HEALTH SYSTEMS AGENCY - This agency is responsible for health systems planning in Tillamook County, as well as Clackamas, Multnomah, Washington, Clatsop and Columbia Counties. The agency is responsible for planning health services and for reviewing facilities improvements to assure the most efficient provision of health services in the area. The agency office is in Portland.

(2) HOSPITALS

(a) TILLAMOOK COUNTY GENERAL HOSPITAL - This hospital, built in 1948 in the City of Tillamook, is owned by Tillamook County.

It has a bed capacity for 50 to 63 patients. There is a nursing staff of 55, including 9 Registered Nurses, 5 licensed professional nurses, and 25 aides. Doctors include 5 family practitioners, 2 surgeons, 1 pediatrician, 1 preventative medicine specialist and 1 internist. The hospitals emergency room is open 24 hours a day. Other facilities and services include an intensive care unit, x-ray, physical therapy and an audiometry booth.

(b) HARVEY E. RINEHART MEMORIAL HOSPITAL - This 41-bed hospital located in Wheeler is owned by the North Tillamook County Hospital District. This district includes all parts of the County north of Manhattan Beach. The hospital has an acute care wing with 22 beds and a long-term care facility with 19 beds. The acute care wing provides medical surgery, emergency room and specialized arthritis treatment. The doctors include 1 general and orthopedic surgeon and 6 general practitioners. Several of the doctors specialize in rheumatology.

(3) CLINICS AND COUNSELING CENTERS

(a) RINEHART CLINIC - The Rinehart Clinic located in Wheeler specializes in the treatment of arthritis. Approximately 60% of its patients are seeking treatment for arthritis. The clinic only offers outpatient services but the Rinehart Hospital is available for long-term care. Facilities and services include a complete laboratory, x-ray and physical therapy. The staff numbers 21 and includes 6 doctors.

(b) TILLAMOOK COUNTY HEALTH DEPARTMENT - This department provides a wide variety of services to the residents of Tillamook County. These include the following programs:

1. Communicable Disease Program

   Immunization Clinics
   Venereal Disease Programs and Treatment
   Tuberculosis Screening and Treatment

2. Maternal and Child Health Program

   Prenatal Classes
   Welfare Child Physical Exams
   Women, Infants and Children Food Program

Dental Care Program
Newborn Health Services
Fertility Regulation Clinics

3. Home Care Specialist

Nurse Services
Physical Therapy

4. School Health Program

Multi-Modular School Entrance Health Exams
Dental Care
Hearing Screening and Otology Follow-up
Module Screening
Vision Screening
Communicable Disease Screening
Nutrition Screening Assessment and Education
Health Education
Posture Screening

5. Mental Health Post-hospitalization

6. Adult Dental Health

7. Weight and Hypertension Screening

8. Vital Statistics Registry.

The department is located in the County Courthouse and has a professional staff which includes a registered nurse (director), three consulting doctors and a vital statistics registrar.

(c) TILLAMOOK COUNTY MENTAL HEALTH CLINIC - The Mental Health Clinic located in Tillamook City offers a variety of services including:

1. Alcohol and Drug Information

2. Child Guidance and Family Counseling

3. Adult Mental and Emotional Problems Canceling

4. Marital Canceling Services

5. Pre and Post Hospitalization

6. Psychiatric and Psychological Evaluations

7. Mental Retardation and Developability Disabled Services.

(4) NURSING HOMES

(a) ELMORE NURSING HOME - This nursing home in Rockaway has facilities for 31 intermediate care patients. It has a staff of 16. A registered nurse and physician are on call 24 hours a day.

(b) HARVEY E. RINEHART MEMORIAL HOSPITAL - One wing of this hospital is reserved for long-term care providing 19 beds. The hospital specializes in arthritic care.

(c) TILLAMOOK CARE CENTER - The Tillamook Care Center located just south of the City of Tillamook offers long-term nursing home care and intermediate care facilities for 80 patients. Other services offered include rehabilitation, hospital-to-home care and light care facilities. The staff numbers 60.

(5) AMBULANCE SERVICE

There are six ambulance services in the County. Most of these are provided by fire departments and are staffed by volunteers. The Tillamook County General Hospital ambulance has a full-time paid staff. Following is a listing of ambulance services and their location.

(a) Beaver Ambulance and QRT, Beaver (Nestucca Rural Fire District)

(b) Blaine Ambulance and QRT, Blaine (Nestucca Rural Fire District)

(c) Cloverdale Ambulance and QRT, Cloverdale (Nestucca Rural Fire District)

(d) Garibaldi Ambulance and QRT, Garibaldi (Garibaldi Fire Department)

(e) Nehalem Ambulance and QRT, Nehalem (Nehalem Fire Department)

(f) Pacific City Ambulance and QRT, Pacific City (Nestucca Rural Fire District)

(g) Tillamook Hospital Ambulance, Tillamook (Tillamook County General Hospital)

1.11 ENERGY UTILITIES*

The Tillamook Peoples Utility District is the only energy utility in the County. It provides electricity to most developed areas of the County. A small portion of Clatsop County is also within the district.

Electricity is readily available to almost all areas where development is occurring and is likely to occur. Over ninety-nine percent of the County's households are served with electricity (See Housing element, Table 7). Electrical distribution lines extend to almost all developed areas in the County. Map 6 shows the location of these lines. Planned improvement by the Tillamook PUD will handle additional anticipated needs in growth areas of the County.

There are several power transmission corridors in the County. From the north, a PPL transmission line follows the North Fork of the Nehalem River to a BPA substation near Mohair. This line continues down the Miami-Foley Valley to a BPA substation near Garibaldi. It then continues across to the Kilchis River and then south to a substation near Tillamook City. A BPA transmission line also comes into the Tillamook City substation down the Wilson River Valley from Forest Grove. Another BPA transmission line connects this substation with a substation at the Port of Tillamook Industrial Park. From here, a BPA line runs south to a substation in Beaver. Another BPA line runs east to Carlton. A BPA line runs south out of Beaver to Hebo and then down the Three Rivers Valley. Th PUD is planning an additional substation in Neskowin to handle additional anticipated power loads in; the South County area. A substation in Rockaway is also planned in the near future. Additional lines will be added to Netarts and to Manzanita to handle anticipated growth.

The major source of electrical energy is Columbia River hydropower. This source however is near its limits and can not serve much additional need. Locally the PUD is participating with the BPA, the Water Resources Research Institute at Oregon State University and the Department of Atmospheric Sciences at OSU to identify water and wind generation sites in the County. A study by the U.S. Army Corps of Engineers identified one

hydro site on the Wilson River and 3 sites on the Nehalem River. The PUD is studying a site at Nehalem Falls for a low head dam and diversion. In addition the PUD is cooperating with power producers to develop a 500-KW experimental wind generator near Newport. Currently the PUD is also buying power from Publishers Paper which has a 5 MW cogenerator plant that runs on wood waste.

1.12 COMMUNICATIONS*

The County is served by three phone companies. Map 7 shows the service boundaries. The majority of the County's population is served by Pacific Northwest Bell which serves the central portion of the County, including the communities of Rockaway, Twin Rocks, Barview, Garibaldi, Bay City, Tillamook, Oceanside and Netarts. The northern part of the County is served by the Nehalem Telephone and Telegraph Company which is locally owned and operated. This serves the communities of Wheeler, Nehalem Manzanita and Neahkahnie. The southern part of the county is served by the United Telephone Company of the Northwest. This serves the communities of Beaver, Hebo, Tierra Del Mar, Cloverdale, Pacific City and Neskowin. As with electrical power, the developed areas of the County are served with phone service.

1.13 COMMUNITY GOVERNMENTAL SERVICE*

Tillamook County provides governmental services to the majority of the land area and a majority of the population of the County.* The county is responsible for providing governmental services pursuant to Oregon Laws. Services provided by the County include roads, legal recording, police protection, maintenance of survey records and markers, legal services, land use planning, zoning, subdivision control, sanitation, community health services, building inspection, and solid waste management.

The County has seven incorporated cities within it: Manzanita, Nehalem, Wheeler, Rockaway, Garibaldi, Bay City and Tillamook. Tillamook County is unique in that these incorporated cities are all located in the central and north parts of the County. There are no incorporated cities in the south part. There are however, several fairly large communities with a variety of community services, including water supply, sewage disposal, fire protection, and street lighting. These communities include Oceanside, Netarts, Cloverdale, Pacific City, and Neskowin. These services are provided by water districts, sewer districts, and fire districts. The absence of incorporation places a burden on the County to provide local services such as road repair and storm drainage.

Several other governmental bodies provide community governmental

services. The Soil Conservation District, a locally elected body responsible for agricultural and conservation programs provides services to farmers and homeowners and serves as a conduit for federal conservation funds. The District has also served an important role in agricultural lands planning.

Port districts are also locally elected governmental bodies. These include the Ports of Nehalem, Bay City and Tillamook. Although traditionally focused on water borne economic development these districts have the ability to encourage all forms of economic development. The most active port in this regard is the Port of Tillamook Bay which operates an industrial park and airport located south of Tillamook City and owns a rail line connecting the industrial park to the Southern Pacific tracks in Tillamook.

2.0 PUBLIC FACILITIES AND SERVICES PLANNING REQUIREMENTS

2.1 GOAL 11 AND IT'S PURPOSE

Goal 11, Public Facilities and Services, reads as follows:

"Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served. A provision for key facilities shall be included in each plan. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste shall be included in each plan.

A Timely Orderly and Efficient Arrangement - refers to a system or plan that coordinates the type, location and delivery of public facilities and services in a manner that best supports the existing and proposed land use.

Rural Facilities and Services - refers to facilities and services which the governing body determines to be suitable and appropriate solely for the needs of rural use.

Urban Facilities and Services - refers to key facilities and to appropriate types and levels of at least the following: police protection; fire protection; sanitary facilities; storm drainage facilities; planning zoning and subdivision control; health services; energy and communication services; and community governmental services."

Public facilities and services are defined by the goals as "projects activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare". This does not mean that the service or facilities are publicly owned but that they are necessary for public health, safety and welfare. For example, there are several water systems in the County that are privately owned but are essential for the health of the general public.

The purpose of Goal 11 is to coordinate land use with public services such as sewage treatment, water supply, fire protection, schools, and electrical supply. Development that is not coordinated with the capabilities of local public services and facilities can over stress those services and facilities and cause shortages or overly expensive additions and changes. On the other hand, planning and zoning that is not coordinated with development can provide an unrealistic assessment of the land that is available for development. For example, it is misleading to zone land for urban development if urban services are not going to be made available.

The provisions of facilities and services also affects the ability of local government to conserve resource land with the Comprehensive Plan and zoning. The extension of services, especially sewer and water, encourages the conversion of resource land to non-resource uses.

2.2 KEY PROVISIONS OF GOAL 11

Goal 11 contains four key provisions which are discussed below in turn.

(1) Timely, orderly and efficient arrangement of public facilities and services.

The Goal directs local governments and districts to "Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development". According to the Goal, a timely, orderly and efficient arrangement refers to "a system or plan that coordinates the type, location and delivery of public facilities and services in a manner that best supports the existing and proposed land uses". Basically this says that the provision of public facilities and services shall be coordinated with present development and development proposed by the Comprehensive Plan.

(2) TYPES AND LEVELS OF SERVICE

The Goal requires that "urban and rural development shall be guided by types and levels of urban and rural public facilities and services

appropriate for but limited to the needs and requirements of the urban, urbanizable and rural areas to be served". This provision of the Goal has several important points. First, it indicates that there are two important measurements of the amount of public facilities and services provided, type and level. Type refers to the kind of service such as sewer, water, fire protection, etc. Level refers t the quantity of each service provided. For instance, police protection on a patrol basis is a higher level of service than police protection on a call basis.

Second, the goal states that types and levels of urban and rural facilities and services shall be appropriate for, but limited to the needs and requirements of urban, urbanizable and rural areas to be served. (See the Urbanization Element for discussion of these terms.) These areas have different service needs. Typically, rural areas have fewer types of services and the level of services is lower. Urban areas have more services and higher levels. Urbanizable areas have a level that is somewhere in between.

The Goal requires counties to set maximum as well as minimum amounts of service provision. Minimums are necessary to protect public health, safety and welfare. For example, public serer is necessary in urban areas because densities are too high to permit on-site disposal of waste. Maximums are required because the over provision of facilities and services is costly and can lead to urban sprawl and the premature conversion of resource land to non-resource uses.

(3) PROVISION OF KEY FACILITIES

The Goal requires plans to pay special attention to key facilities. Key facilities are defined by the goals as "base facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development including public schools, transportation, water supply, sewage, and solid waste disposal".

The Goal says that a provision for key facilities shall be included in the Comprehensive Plan. The term provision has been explained by LCDC in its "Common Questions on Urban Development Paper" to mean that the plans must describe a strategy which explains when, how and by whom necessary public facilities and services are to be provided. This is further elaborated by the policy paper as follows:

"a. When services are to be provided (timing). A specific time schedule or capital improvements program could do this. In

the absence of such a program, policies must insure that adequate facilities are provided in advance of or concurrent with development. In addition, the timing mechanism should insure that public facilities are provided in a coordinated manner and in an amount sufficient to meet the need for buildable land.

b. How services are to be provided. This includes an assessment of : 1) the alternative methods of financing needed facilities; and 2) the jurisdiction's ability to provide for such financing. Options to consider include: bonding, grant funding, creation of special districts, creation of local improvement districts (LID's), systems development charges, developer pays system or a combination of these.

c. Who will provide services? The jurisdiction must identify service purveyors, including an assessment of the ability to provide adequate levels of service for the planning period."

LCDC recognizes that local governments cannot guarantee the provision of key facilities due to factors beyond their control.

> "A strategy for type, location and delivery of public facilities and services can not guarantee that financing will exist for all identified project. While the strategy can not compel voters to approve tax levies it represents a commitment by the local government to expend available funds according to the strategy.""

(4) Lastly, the goal requires that "to meet current and long range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan". This requirement is fairly obvious. The County has to plan for solid waste disposal including a strategy for providing a disposal site.

2.3 RELATIONSHIP OF GOAL 11 TO OTHER STATEWIDE PLANNNING GOALS

Goal 11 is integrally related to many of the other statewide planning goals including Goals 2, 3, 4, 5, 6, 9, 10, 14, 16, 17. The relationship of Goal 11 to each of these goals is discussed below:

(1) Goal 2: Land Use Planning

This goal requires that Comprehensive Plans be coordinated with the

plans of service providers. In addition, the plans and actions of special service districts (which provide most services in unincorporated areas) must be consistent with the County's Comprehensive Plan.

(2) Goal 6: Air, Water and Land Resources Quality

The ability of a County to maintain the quality of air, water and land resources is dependent on the availability of adequate public services. For example, if a county is to maintain air, water and land resource quality, it must provide an adequate solid waste disposal site.

(3) Goal 9: Economy of the State

The development of employment opportunities is dependent on the availability of services for commerce and industry. Goal 9 cannot be achieved unless the types and levels of public facilities and services available are adequate to meet the needs of commerce and industry.

(4) Goal 10: Housing

The provision of public facilities and services, especially sewer and water, is essential for meeting housing needs. The provision of sewer and water allows the development of high density low and moderate cost housing. Without sewer and water, development is practically limited to low density single family residences. Goal 11 is therefore integrally related to the Housing Goal.

(5) Goal 14: Urbanization

Goal 14 is related to Goal 11 because the location of an urban growth boundary and the conversion of urbanizable land to urban land must be based on the consideration of "orderly and efficient provision of public facilities and services". Also, Goal 11 requires that types and levels of urban and rural public facilities and services be appropriate for, but limited to the needs and requirements of the urban, urbanizable and rural areas to be served.

(6) Goals 3, 4, 5, 16, 17: Agricultural Lands; Forest Lands; Open Space; Scenic and Historic Areas, and Natural Resources; Estuarine Resources; Coastal Shorelands

The location of public facilities and services can affect the success of protecting resource lands. The availability of sewer and water, especially, can act as an inducement to development and encourage

the conversion of resource lands to non-resource uses. Also, the unavailability of facilities and services in areas that are appropriate for development can force development onto resource lands. The Goal 11 requirement for consideration of the "needs and requirements of urban, urbanizable and rural areas: includes the consideration of resource values.

2.4 COORDINATION REQUIREMENTS OF SENATE BILL 100

Senate Bill 100 with subsequent amendments has special coordination requirements beyond what is required by Goal 2. Of greatest concern is the coordination of city and county plans with the plans and actions of special districts. The following excerpt from the LCDC Special District Coordination Policy Paper summarizes the legal requirements.

"The planning and coordination responsibilities of special districts are specified in ORS 197.185. It requires the following:

1. Special districts shall exercise their planning duties, powers, and responsibilities and take actions that are authorized by law with respect to programs affecting land use, including annexations, in accordance with the statewide planning goals.

2. Each special district operating within the boundaries of a city or county assigned coordination functions shall enter into a cooperative agreement with such city or county. Other coordination bodies may be designated as provided for by ORS 197.190 (1)-(4). The agreement shall include:

   (a) tasks and time schedule to bring the district's plans and programs into conformance with the goals; and

   (b) a program to coordinate the development of the district's plans and programs with other affected government units.

3. Cooperative agreements shall be subject to Commission review.

Special district coordination is also required by ORS 197.190. It states that each county "shall be responsible for coordinating all planning activities affecting land uses within the county, including those of the county, cities, special districts, and state agencies, to assure an integrated Comprehensive Plan for the entire area of the county".

Each county should decide which districts require coordination. This decision should be based on:

a. The definition of a "Comprehensive Plan" in ORS 197.015 (4) which includes sewer and water systems, transportation systems, education systems recreation facilities and natural resources and air and water quality management programs;

b. The definition of a "special district" in ORS 197.015 (9) which includes water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts, and sanitary districts;

c. The degree of impact of the district's activities on land use and the implementation of the Comprehensive Plans of the county and its cities;

d. The degree of impact of the county and cities' Comprehensive Plans on the district's activities; and

e. The existence of a Boundary Commission which regulates and coordinates the activities of individual districts within its jurisdiction."

A county is not required to assure that cooperative agreements are developed with all special districts. The county has responsibility for identifying and initiating contracts with special districts that require coordination. It is the responsibility of the special districts to develop a cooperative agreement in conjunction with the county. If a cooperative agreement is entered into the special district is legally bound by the agreement. All such agreements must be reviewed by LCDC for compliance with the Statewide Planning Goals.

The presence of a cooperative agreement is not a prerequisite for acknowledgment. Moreover, if a cooperative agreement does not exist, a special district cannot contest a request for acknowledgment unless the county has been unwilling to enter into an agreement.

Cooperative agreements are not synonymous with coordination according to the policy paper. Coordination is a broader concept than the cooperative agreement. A cooperative agreement is one means to document how coordination during plan development will occur. However, coordination may occur in other forms and is not dependent on a cooperative agreement per se. Coordination also extends beyond the cooperative agreement because

it is on-going. It applies both before and after a plan is acknowledged. By comparison, the cooperative agreement is intended to be a pre-acknowledgment tool used in the development of the Comprehensive Plan. Any policy or implementation elements of the agreement that are intended to apply after acknowledgment should be included in the plan to ensure their continuity.

3. PUBLIC FACILITIES ANS SERVICES FINDINGS AND POLICIES

3.1 A TIMELY, ORDERLY AND EFFICIENT ARRANGEMENT OF PUBLIC FACILITIES AND SERVICES

Findings

Goal 11 requires local governments and special districts "to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development". This requirement is important for assuring that:

(1) sufficient services are available to meet needs for residential, commercial and industrial development;

(2) service cost burdens are minimized;

(3) the extension of services does not lead to urban sprawl;

(4) different types of services are provided, in a coordinated fashion and the provision of one service does not place unmanageable burdens on other services; and

(5) the availability of services does not prematurely commit resource lands to non-resource uses.

Tillamook County can affect the timely, orderly and efficient arrangement of public facilities and services in several ways. The County can:

(1) plan and provide services for which it has responsibility;

(2) plan and implement a logical pattern of land use;

(3) use its authority to approve or disapprove annexations to service districts; and

(4) through the A-95 review process, encourage or discourage federal financing of service facilities.

Policy

Tillamook County will further the development of a timely, orderly and efficient arrangement of public facilities and services with the following actions;

(1) Planning and providing services for which it has responsibility;

(2) Planning and implementing a logical pattern of land uses;

(3) Using its authority to approve or disapprove annexations to service districts; and

(4) Encouraging or discouraging federal financing of service facilities through the A-95 review process.

3.2 TYPES AND LEVEL OF URBAN AND RURAL FACILITIES AND SERVICES

Findings

(4) Sewage Disposal

Sewer systems are generally urban or quasi-urban facilities. The only such facilities currently located outside of incorporated communities are those at Neskowin, Pacific City, Cloverdale, Netarts-Oceanside, Neahkahnie, and the Port of Tillamook Bay Industrial Park. The expense and operating problems of such systems makes them unmanageable for rural areas. Reductions in federal funding have further reduced the ability of rural areas to afford these systems. Rural areas must rely on on-site sewage disposal individually or with small community septic tanks or sand filters and drainfields.

Sewers are necessary in urban areas because high densities make safe on-site sewage disposal highly impractical.

There are some rural communities that are experiencing on-site sewage disposal problems that would be alleviated with the installation of public sewers. The cost of sewering, however, is usually prohibitive for these communities. (See Urbanization Element section 3.16)

Because sewers are powerful stimulators of growth, they need to be carefully planned in urban areas. Extensions of sewer services to rural areas can result in the conversion of resource land to non-

resource use. It can also result in unmanageable burdens being placed on other public facilities and services. In urbanizable areas the provision of sewer service needs to be coordinated with the provision of other services.

Many of these facilities and services are also appropriate for urbanizable, rural community, and rural noncommunity areas. These facilities and services are:

(1) Public Schools
(2) Transportation
(3) Water Supply
(4) Sewage Disposal
(5) Solid Waste Disposal
(6) Police Protection
(7) Fire Protection
(8) Storm Drainage Facilities
(9) Planning, Zoning and Subdivision Control
(10) Health Services
(11) Recreation Facilities and Services
(12) Energy Service
(13) Communications Services
(14) Community Governmental Service

The first five of these are defined to be key facilities and services by the State Goals.

Following is a summary of available facilities and services in urban, urbanizable, rural community, and rural non-community areas. Also included are findings regarding the need for facilities and services and the reasonableness of their provision.

(1) PUBLIC SCHOOLS

All areas of the County are within public school districts and all populated areas have school bus service. The County's zoning permits future residential development in areas already served with school bus transportation. Most schools are located in urban and rural community areas but several are not.

Neahkahnie High School is located in an urbanizable area. The South Prairie and Cloverdale grade schools are located in rural non-community areas.

School busing and the placement of schools in rural non-community areas and urbanizable areas as well as urban and rural community areas is reasonable give the County's low population density, the resource nature of the county and the economies of scale of providing school service. A rural non-community location may result in less bussing than a community location.

School location in an urbanizable area may be reasonable because of anticipated population increases in that area.

(2) TRANSPORTATION

Rural non-community areas have fewer roads than urban, urbanizable and rural community areas. Houses and other developments in these areas rely primarily on direct access to County or State roads. Access roads are typically unpaved. Rural subdivisions however may have a paved road network.

Community areas generally have paved access road networks. Such networks are desirable for organizing the amount of traffic present in these areas and for preventing accidents. Paved surfaces are desirable because they are durable and they create less dust.

(3) WATER SUPPLY

Public water supplies exist in all types of areas in the County. Community areas generally have a higher level of service than non-community areas. Urban communities have a higher level of services than rural communities. Urban facilities generally include water treatment, water storage, and fire hydrants. These systems generally have a higher level of operation and maintenance. Because of their sizes, urban communities are more able to expand and improve service. Rural communities generally have water treatment and water storage. They generally do not have fire hydrants. They generally have a low level of operation and maintenance. Rural non-community areas that have public water may not have water treatment and generally have limited water storage. Operation and maintenance is generally limited and difficult for these systems to provide although there are exceptions. Some rural non-community areas, primarily near Bay City and Tillamook City, have high levels of water service because they are hooked into urban or regional water systems.

Public water supplies are essential in community areas because densities make the use of wells and surface water unsafe and impractical.

Public water systems can also be desirable and reasonable in rural non-community areas. Water is needed by dairy farms as well as residences in these areas. Public water may be the most reasonable supply in areas where groundwater and surface water is poorly distributed or where it is more cost effective to buy water from adjacent communities.

Hillside areas appropriate for rural residential development tend to have limited groundwater supplies in Tillamook County. Public water supplies are necessary in these areas if development is to occur.

Water systems in rural non-community areas are typically small and maintenance and operation is difficult. These systems generally do not have the personnel to make repairs and operate treatment facilities. It is important for these facilities to be built to high standards according to designs which minimize the need for maintenance. Groundwater is a preferred water source because it generally does not require treatment.

Where water is provided to rural areas by cities and regional systems there needs to be supply guarantees. This is especially important in the Tillamook City area where 10 water systems and over 100 individual residences and farms and the Tillamook Care Center rely on surplus water from the Tillamook City Water Commission. These rural water users are unable to plan for future service in their areas because they do not know what their future supply will be.

(4) SEWAGE DISPOSAL

Public sewage disposal systems are decidedly urban facilities. The only non-urban facility in the county is located at the Port of Tillamook Industrial Park. The expense and operating problems of such systems makes them unmanageable for rural areas. Reductions in federal funding have further reduced the ability of rural areas to afford these systems. Rural areas must rely on on-site sewage disposal individually or with small community septic tanks or sand filters and drainfields.

Public sewage disposal is necessary in urban areas because high densities make safe on-site sewage disposal highly impractical.

There are some rural communities that are experiencing on-site sewage disposal problems that would be alleviated with the installation of public sewers. The cost of sewering however would probably exceed the benefits. (See Urbanization Element section 3.16).

Because public sewers are powerful stimulators of growth, they are generally unsuitable in rural areas and they need to be carefully planned in urban areas. Extensions of sewer services to rural areas can result in the conversion of resource land to non-resource use. It can also result in unmanageable burdens being placed on other public facilities and services. In urbanizable areas the provision of sewer service needs to be coordinated with the provision of other services.

(5) SOLID WASTE DISPOSAL

This service is available throughout the County. Franchise areas for garbage collection cover the entire county area although collection fees can be expected to increase with increased land distances.

Solid waste disposal is necessary throughout the County in order to maintain land, air and water resource quality.

(6) POLICE PROTECTION

Several urban areas, Garibaldi, Rockaway, Tillamook have their own police forces which patrol city streets. Other urban and rural communities and the rest of the County rely on police protection on a call basis. There is moderately higher level of protection in community areas because of the Sheriff Department's resident patrolman program.

Given the low population densities in the County, police protection on a call basis is the most effective means of protection for community and non-community areas.

(7) FIRE PROTECTION

Most developed areas of the County have fire protection.

Exceptions include the community of Cape Meares and the upper Wilson and Trask River Valleys. Forest fire protection is provided by the Oregon Department of Forestry and the Siuslaw National Forest.

The highest level of fire protection is generally found in urban areas. These areas have fire stations, fire hydrants and substantial water reserves. Rural communities and urbanizable areas generally have lower levels of fire protection.

Fire stations may not be located in these areas or fire hydrants may not be present or water storage may be small. Rural non-community areas generally have the lowest level of fire protection. Fire stations are generally far away, fire hydrants if present, are widely spaced, and water storage is generally minimal.

Urban areas generally have insurance ratings ranging from 5 to 7. Ratings for urbanizable areas and rural communities generally range from 6 to 8. Ratings for non-community rural areas generally range from 7 to 10.

Fire protection is an important service in all community areas. The number of households and housing density in communities warrants fire protection. Higher levels of fire protection can be expected in urban areas since populations are greatest and water systems are most highly developed. Cape Meares is the only community without fire protection.

Some level of fire protection is warranted for all rural non-community areas where there is a significant amount of rural housing. The Department of Forestry and the Siuslaw National Forest are not equipped to fight residential fires nor is it their responsibility to do so. Residences in forest areas can be both the cause and casualties of forest fires. The County's disastrous history of forest fires emphasizes the need for rural fire protection in the County. Two rural non-community areas lacking in fire protection are the upper Wilson and Trask River Valleys.

All areas require careful design of residential developments if fire protection is to be effective. For example roads should be designed to provide adequate access to fire trucks. The Northwest Interagency Fire Prevention Group has published

guidelines for developments in forested areas that can be useful in most areas of the County. It is especially important that residential developments in forested areas without fire protection or far from fire stations have adequate fire breaks to stop the spread of fires to or from these developments.

(8) STORM DRAINAGE FACILITIES

Storm drainage facilities are not very extensive in the County. Storm drainage is primarily channeled in natural drainageways, roadside ditches and culverts. Urban areas have the highest level of storm drainage facilities. They also have the greatest need for these facilities because of the proportion of land area covered with impermeable surfaces. urbanizable areas, rural community areas, and rural non-community areas have proportionately lower levels of storm drainage facilities because of lower development densities and smaller proportions of impermeable surfaces.

The cost of providing storm drainage facilities can be minimized if natural drainageways are preserved and used to channel storm water runoff. This also reduces peak storm water discharge.

Minimizing impermeable surfaces and retaining storm water on-site also reduces the need for storm drainage facilities.

(9) PLANNING, ZONING AND SUBDIVISION CONTROL

This service is available fairly uniformly throughout the County in urban and rural areas.

There is a uniform need for planning, zoning and subdivision control throughout the County. Resource protection needs in non-community areas are just as important as community development needs in community areas.

(10) HEALTH SERVICE

Most health services and facilities are located in Tillamook and Wheeler. The level of service available to all residents of the County is uniform. The accessibility of this service though varies with distance from these communities and is unrelated to community type or whether an area is urban or rural.

The proximity of emergency transportation does vary with the

type of community and whether an area is urban or rural. Most ambulance services are located in urban communities. An ambulance is located in Beaver, however, and another is located east of Blaine.

Since ambulance service is mostly provided in conjunction with fire department, the distribution of ambulances will be similar to the distribution of fire stations.

(11) RECREATIONAL FACILITIES AND SERVICES

Because of the generally rural nature of Tillamook County, there is little relationship between location of these facilities and the type of community.

(12) ENERGY SERVICE

Almost all populated areas are served with electricity at a fairly uniform level of service.

(13) COMMUNICATIONS SERVICE

The pattern of this service follows the pattern of electrical service.

(14) COMMUNITY GOVERNMENTAL SERVICE

Incorporated areas have a higher level of community governmental service than unincorporated areas. The level of service in unincorporated areas does not vary between community and non-community areas.

Policies

a) Public schools can be appropriately located in urban areas, urbanizable areas, rural community areas and rural non-community areas. School bus routes are appropriate in all these types of areas.

b) A higher level of transportation service is appropriate in communities than in non-community areas. Urban communities should have a street network of paved access roads. Rural communities should have a street network but it may be impractical for all existing unpaved roads to be paved. New developments should have paved roads. In rural non-community areas a street network may be

appropriate but is not necessary except in subdivisions. New subdivisions should have paved roads.

c) Public water supply is appropriate in urban areas, urbanizable areas, rural community areas and rural non-community areas. Urban areas should have substantial water storage and fire hydrants. Rural communities should have substantial water storage and may have fire hydrants depending on local circumstances. All new water systems in rural non-community areas should be constructed to minimize the need for future operation and maintenance.

d) Sewage disposal is not appropriate outside of urban areas unless there is a significant health and water quality problem and alternatives to central sewer such as repair and rehabilitation of septic systems is infeasible or if there are unusual circumstances in which uses requiring sewer can not be located in urban areas. Sewage disposal is also appropriate for the Port of Tillamook Bay Industrial Park.

e) Solid waste disposal is a necessary service in all areas of the County.

f) Police protection on a call basis is an appropriate service for all areas of the County.

g) All urban communities should have a facilities and services in close proximity. All urbanizable areas and rural community and non-community areas with residential uses should have some level of fire protection. Cape Meares and the upper Wilson and Trask River Valleys should be included in fire districts. Because of the long distances involved, a fire station should be located in the upper Wilson River Valley.

h) New residential developments in forested areas should follow the guidelines outlined in Fire Safety Considerations for Developments in Forested Areas.

i) New developments should be designed to minimize peak storm water discharge. Alteration of natural drainageways should be minimized. Roads in urban areas should have adequate ditches and culverts to transport storm water effectively.

j) Planning, zoning and subdivision control is an appropriate service for all parts of the County.

k) Health services should be available to all County residents. Ambulances should be located where they can most efficiently serve

the population, within the financial capabilities of the local area.

l) Recreational facilities and services should be located where they best meet the needs of Tillamook County residents and visitors to the County.

m) Energy service is appropriate for all areas of the County where there is a significant amount of development.

n) Communications service is appropriate for all areas of the County where there is a significant amount of development.

o) Community governmental services are appropriate for the entire County. A higher level of such services is appropriate for urban areas.

3.3 SEWAGE DISPOSAL ALTERNATIVES IN SMALL UNINCORPORATED COMMUNITIES

Findings

A number of unincorporated communities without sewer service such as Hebo, Beaver, Tierra Del Mar, Cape Meares and Idaville are parceled into lots that are too small to accommodate ordinary septic systems. Sewering these communities in order to allow the use of small lots would place prohibitive cost burdens on existing residents without substantial public subsidy (see section 3.16 of the Urbanization Element). Where there are failures of existing septic systems, sewage disposal problems may be corrected by repairing, upgrading, or replacing existing systems. For undeveloped properties, alternatives such as low pressure systems and sand filters may permit the use of unfavorable sites. Common drainfields or common sand filters may be able to serve a number of lots. Community management of septic systems can prevent septic problems form occurring. All of these alternatives can allow additional development and correct existing problems without building expensive sewage treatment systems which may have as their primary beneficiaries the developers of large tracts of land. The County will have to assist in implementing some of these alternatives because it is difficult for individual property owners to organize sufficiently to institute them.

In some situations it may be demonstrated that only a sewer system will resolve existing public health or water quality problems. In such cases it will be necessary to seek public subsidies and to assure that the system will be appropriate for, but limited to, the needs of the area in which the problem exists.

Policy

Tillamook County encourages the use of alternative sewage disposal technology, drainfield easements, and community drainfields to utilize small lots in rural unincorporated communities where sewers are not present. In rural communities such as Hebo where a sewer system is the only effective method of solving a public health or water quality problem, installation of such a system will be supported by the County so long as the system will be appropriate for, but limited to, the needs of the rural community.

3.4 DEVELOPMENT IN NON-COMMUNITY RURAL AREAS CONSISTENT WITH PUBLIC FACILITIES AND SERVICES CAPABILITIES

Findings

In non-community areas where there isn't commitment to small lot development, it is important that lot sizes be of sufficient size to assure that development minimizes impacts on public facilities and services. In non-community areas, development on lots that are even as small as a half-acre can cause significant public problems in this regard. Tillamook County has large areas that are appropriate for rural residential development and is likely to have problems unless it has reasonable lot sizes to govern future development.

The impacts of dense rural development are not felt immediately because development over small areas is buffered by the large amounts of resource land which surround them. In fact the rural characteristics that people seek by moving to rural areas may not be present on their own property at all. Small lot owners in rural areas are not providing the open space, but instead are getting significant open space benefits from surrounding undeveloped properties. But if all of the surrounding properties are developed at that same density, the area loses its rural characteristics because no one has provided the open space.

This problem is compounded by the desires of property owners to have the same development rights as their neighbors. The first developments at high densities may have little effect on the area because of the buffering provided by neighboring large undeveloped parcels which surround them. By the time that negative public impacts are felt, a lot size precedent has been formed which may be difficult to change. The owners of undeveloped property would think it unfair that they should have less development options that their neighbors had, although continued development at the higher density will mean that corrective actions need to be taken in order to alleviate problems. This can include the installation of costly sewer and water systems.

Sewage disposal is one issue of concern in rural areas. Under good soil conditions with central water available, the minimum lot size capable of on-site sewage disposal is about a half-acre. Lots using well water need a lot size of at least an acre to provide the necessary setbacks between septic tanks, drainfields and wells. If zoning in a rural area allows development down to a half-acre density outright, then lots will be created on poor quality soils which are too small for accommodating septic systems. However, the owners of such lots are not likely to simply accept their losses. Political pressure will be brought to bear on the County Sanitarian or the DEQ to approve septic systems on marginal or substandard lots. What should be an objective procedure for evaluating sites becomes subjective as a result of this pressure.

As a result, systems fail and pollute ground or surface waters. This is a minor problem if only a few systems are involved but with enough systems, the problem can be considerable. For example, pollution of Mill Creek has been traced to failing septic tanks in the Brickyard/Mill Creek Road area. Many of the lots in this area are too small to accommodate septic systems but meet the required lot size of the zoning. Failing septic systems can create a need for building costly sewer treatment plants or extending lines to existing plants.

Dune aquifers are especially prone to pollution from septic systems. Pollution can occur even if present DEQ rules are followed since those rules don't address contamination of dune aquifers.

Sand dune aquifers experience very high infiltration rates. They are especially susceptible to pollution. Fluid pollutants travel significant distances quickly in this sand medium. Because of this, all sand dune areas down stream or in close proximity to sources of pollutants may become polluted. Those areas of particular concern include all deflation plains and their fringes, areas near lakes, streams and marshes, and near beach sites.*

Bacterial have been shown to travel 100 feet or more through dune sand. Sand is also incapable of removing chemical contaminants, including those used in most household detergents which can render water unfit for domestic purposes. Some such contaminants not only produce a potential health hazard, but may also threaten stabilizing vegetation. Sand aquifers also appear incapable of filtering out viruses. Outbreaks of hepatitis in some counties may be linked to septic tank problems in areas of high water tables or ponding.*

Besides the naturally occurring sources of nitrate nitrogen (NO3N) septic tank emissions and fertilizer used on pasture and croplands are significant sources in some areas. There are indications that excessive nitrate

ingestion may cause methemoglobinemia (blue babies). The U.S. Public Health Service prohibits the use of drinking water with greater than 10 mg/liter concentration of NO3N. The U.S. Department of Environmental Quality has set a limit of 5 mg/liter in at least some sand aquifer areas on the Oregon Coast due to seasonal population peaks and associated septic tank discharge.* Currently, the State of Oregon assumes no responsibility for drinking water quality and the U.S. Environmental Protection Agency does not have adequate resources allocated to monitor and enforce the federal regulations. The net result is that little or no sampling is being done and potential problems may be going undetected.

The seriousness of this problem depends on the density of development and where that development occurs in relation to groundwater resources.* A larger lot size, at least permitted outright, will assure that workable septic systems can be accommodated and will provide some protection in dune areas.

Another issue of concern is the adequacy of public water and groundwater supplies to support rural development. Individuals can supply their own water from surface or groundwater supplies. Community water systems can get water from wells, surface sources, or other water systems. All of these types of supply are represented in the County and each has its benefits and limitations.

Public systems are limited by their source, treatment capacity and water line sizes. Many rural water systems were designed and built when they only had to serve scattered homesites and farms. Their capacity may not be adequate to serve large areas of dens rural homesites. Some rural systems depend on surplus water from nearby cities for their supplies as is the case with many systems around the City of Tillamook. These systems don't have their own water sources or treatment facilities or the management to run them. Since these systems buy surplus water, they don't have assurances that they will always have that water available or that water will be made available to handle growth in the area. For example, the Netarts Bay Water District buys surplus water from the Netarts Water District. The Netarts Water District has placed a moratorium on any water hookups in the Netarts Bay Water District because their own supply of treated water is limited.

The availability of groundwater for residential use is limited by the water holding capacity of the underlying geology. If the water demands of development exceed the rate at which the underground aquifers are replenished, the water table is drawn down at the expense of the quality or quantity of water supplies.

Some areas have abundant groundwater supplies including the Nehalem, Bayocean, Nestucca sand spits and the area west of Sand Lake.* The Tillamook lowlands area also very productive.* Shallow depth groundwater can probably be obtained throughout the lower flood plains of the Nehalem and Nestucca Rivers.* The Kilchis River provides groundwater for the Bay City regional water system.

Some groundwater supplies are available under more localized conditions because they are perched above relatively impermeable materials. For example, groundwater in volcanic flow braccia commonly remain perched above impermeable sedimentary interbeds. Limited yields of groundwater supplies are available in the marine sedimentary and volcanic rocks which underly much of the County because they are largely impermeable.* Also coastal marine terrace deposits consisting of relatively permeable, inconsolidated sand, silt and gravel could provide groundwater in some areas because they receive large quantities of water during the rainy season.* One would expect that these water supplies have less certain quantities of water.

If the demands of residential development for groundwater exceed the supply available, the water table will be drawn down. This can happen seasonally or permanently. Typically water withdrawal creates a cone-shaped depression from where the water is extracted. Depending on the rate of water removal and the rate of groundwater replenishment, and the density of development, the water availability on neighboring properties can be affected. New residents in an area can draw down the groundwater table below the wells of existing residents.

In coastal areas, over drawing on the aquifer can result in the reduction of lake levels, the draining of wetlands, and the loss of dune vegetation.* Overdrawing groundwater can also result in salt-water intrusion into the aquifer. Such impairment of the groundwater supply can make expensive public water systems necessary.

Policy

Tillamook County recognizes that development densities in rural areas have significant impacts on public facilities. Tillamook County will set its minimum lot size requirement in rural non-community areas at two acres in order to prevent adverse impacts. higher densities will be allowed on a conditional basis where the cumulative impact of greater densities is not significant.

3.5 CREATION AND EXPANSION OF SEWER AND WATER DISTRICTS OUTSIDE OF THE URBAN GROWTH BOUNDARIES

Findings

The creation and expansion of sewer and water services into resource areas provides incentives to convert those lands to non-resource use. In the past, federal agencies have encouraged and financed water and sewer systems in rural areas without fully considering the impact that this would have on resource lands.

Where significant health and water quality problems exist which can not be corrected through replacement or rehabilitation of septic systems or the use of alternative septic systems, such extensions and their accompanying costs may be justified.

Water systems are more justifiable in rural areas. Their impact on the conversion of resource lands and on costs is less than that of sewer systems. Water systems may be necessary in order to permit development in foothill areas where groundwater is less available. In these areas water systems are desirable because such development reduces the pressure to develop agricultural lands.

Policy

Tillamook County is opposed to the extension of sewer service outside of urban or community growth boundaries unless there is a significant health and water quality problem and alternatives to central sewer such as repair and rehabilitation of septic systems is infeasible or if there are unusual circumstances, such as an approved designation resort, for which uses requiring sewer can not be located in urban areas. In such cases, sewer expansion will be allowed only if guarantees limit connection to the specific area of concern. The County approves of water system creation or expansion only if such systems are limited to the development needs allowed by the Comprehensive Plan. Tillamook County jointly with the Clatsop-Tillamook Intergovernmental Council will actively pursue cooperative agreements with all water and sewer districts and will review cooperative agreements that have already been signed to assure consistency with this policy.

3.6 ESTUARINE AREAS WITHIN SANITARY DISTRICTS AND AUTHORITIES

Findings

Several estuarine areas are within the boundaries of sanitary districts and

authorities. The most notable of these are in the Nestucca and Nehalem Estuaries. In the Nestucca Estuary, a large salt marsh south of the Nestucca Keys subdivision is included in the Pacific City Sanitary District. In the Nehalem Estuary, salt marshes and tidal flats south of Dean's Point are included in the North Tillamook County Sanitary Authority.

Both of these areas are designated as Estuary Natural in the Comprehensive Plan. They have this designation because they include major tracts of salt marsh and tide flats. The uses allowed in Estuary Natural areas are contrary to the provision of sewer services. None of the uses allowed outright or conditionally require sewer service. There may be other estuarine areas in the County that are in sanitary district or authorities. The only estuary designation consistent with sewer service is Estuary Development.

The provision of sewer service to these areas is inconsistent with the Comprehensive Plan and the Statewide Goals. The presence of a sewer district or authority suggests that sewer service would be made available if requested. This conflict causes a landowner to attempt to use this property in a way inconsistent with the long-term public interest and state and County regulations. Otherwise, the landowner is burdened with the cost of a service that cannot be delivered.

Disannexation of these areas from the sewer districts would reduce the financial burden on the landowner and would remove the conflict.

Policy

Tillamook County strongly encourages the disannexation from sanitary districts and authorities of estuarine areas that are designated other than Estuary Development in the County's Comprehensive Plan.

3.7 PROVISION FOR KEY FACILITIES

Findings

Goal 11 requires that a provision for key facilities be included in the Comprehensive Plan. This has been explained in the "Common Questions on Urban Development" paper as meaning a strategy describing when services are to be provided, ho services are to be provided, and who will provide services. key facilities are defined in the Goals as "basic facilities that are . . . essential to the support of more intensive development including public schools, transportation, water supply, sewage and solid waste disposal".

Cities must make this provision in their plan. The County must make the provision in areas outside the urban growth boundaries of unincorporated cities. Since the types and level of services provided is different for urban communities, rural communities and rural non-community areas, the provision for key facilities will be different. Following is the strategy by service.

(1) PUBLIC SCHOOLS

WHO - The school districts listed in section 1.6 are responsible for providing public school service.

WHEN - School enrollments have remained fairly steady or have declined in the south part of the County despite population and housing increases in this area. This is understandable since approximately 53 percent of this area's housing growth between 1970 and 1980 was seasonal household growth. In addition, approximately 60 percent of households have a household head that is 45 years old or older and can't be expected to contribute much to the demand for school service. Given this trend, the existing facilities, all of which have extra capacity, should be adequate for the foreseeable future. In future plan updates, this trend would need to be checked.

Growth is more of a concern to School District #9. This school district has a plan for upgrading facilities in response to growth needs. The South Prairie School has been recently rebuilt, greatly increasing elementary school capacity in the District. The high school's capacity has also been increased through additions to the facility.

Enrollments in School District #56 schools, covering the north part of the County, have remained fairly steady. The situation in this part of the County is similar to that existing in the south. Although there was substantial housing growth, only about 27 percent of that growth was for permanent residents. Approximately 70 percent of the household heads in the area are older than 45. Given this trend, the existing facilities, all of which have extra capacity, should be adequate for the foreseeable future. In future plan updates, this trend would need to be checked.

HOW - School districts rely on bond issues and taxation for financing capital improvements. It does not appear that any

major capital improvements bond issues will be necessary in the near future.

(2) TRANSPORTAION

WHO - The County has responsibility for most of the roads in unincorporated areas.

WHEN and HOW - The County has just completed a Roadway and Traffic Safety Management Plan.* This plan includes a capital improvements program which describes types, timing and funding of improvements (see also the Transportation Element).

(3) WATER SUPPLY

WHO - Water is supplied to areas outside the boundaries of incorporated cities by a variety of providers including cities, districts, associations, cooperative, and companies. A listing of these is included in section 1.4 along with a description of the facilities and an assessment of capabilities to meet growth needs.

WHEN - Most water systems in the County either have enough system capacity to meet needs for the foreseeable future, or have capital improvements programs and the resources necessary to make necessary expansion and improvements, or have limited systems not intended for expansion and have no obligation to expand. A number of systems however must expand or must make substantial improvements. These are:

Beaver Water District #49
Brighton Water System
Cape Meares Cooperative Water System
Cloverdale Water District
Hebo Water System
Long Prairie Water District
Neahkahnie Water District
Netarts Water District
Netarts Bay Water District

The improvements needed to be made to these systems are described in section 1.4. Most of these improvements should be made in the near future if possible.

HOW - Water systems can fund improvements by a variety of methods according to their legal status. Districts and cities have the ability to tax and issue bonds as well as charge user fees and secure loans and grants. Associations, cooperatives and companies must rely on user fees, loans and grants.

The Farmers Home Administration (FmHA) by supplying grants and loans has been an important source of funding for capital improvements to rural water systems. Cutbacks in the federal budget have severely reduced the amount of money available. Beaver Water District has been fortunate enough to recently get approval of a loan from FmHA. Other systems probably won't be so fortunate. More than likely, they will have to finance their own improvements or go without.

High interest rates and the unavailability of money will force water systems to raise fees and encourage water conservation. It is likely that hookup fees and user Charges will be increased. Conservation measures such as metering, instituting water rates that increase with increased water usage, and instituting peak water use rates will probably be necessary.

The County can do little to assist these water systems directly. It can, however, assist them in other ways. The County can offer whatever technical assistance it has available to help water systems plan improvements and secure financing. The County can also encourage the State Health Division and the U.S. EPA to provide adequate technical assistance to water providers to plan improvements and assess the work of contracted engineers for cost effectiveness.

The County can also assist these water systems through the planned development, subdivision, and partition processes. If the County approves such developments in areas where water systems can not serve them along with existing lots, the County is increasing the problems of those systems. Even if a system is not legally obligated to provide service it may have difficulty refusing once the development is in place. In such cases, the County should approve developments only if alternate sources of water are available.

(4) SEWAGE DISPOSAL

WHO - The providers of sewage disposal in the County are identified in section 1.3.

WHEN - Most systems have enough capacity to meet growth needs for the next 20 years. Systems that may run into shortages before this time include the following:

Neskowin Lodge Investors Corporation - This system has severe problems. Its capacity for additional hookups is very limited. The Corporation has no obligation to expand service however.

Neskowin Regional Sanitary Authority - This authority recently failed to get a grant to build a regional sewage treatment facility. It would be very difficult to build any facility in the foreseeable future.

Netarts-Oceanside Sanitary District - This system should be able to handle needs in the area until 1990 at least. Because of the very seasonal nature of the area and useful life of the system may be extended by providing some storage for peak sewage loads. The District currently has no expansion plans although sufficient time is available to analyze growth trends and plan for future expansions.

North Tillamook County Sanitary Authority - The current treatment plant does not have enough capacity to meet anticipated growth needs. However, the Sanitary Authority is making necessary plans and alterations to keep up with growth in the area. A study has been completed to determine what future sewage disposal needs are and how the Authority can meet those needs.* Section 1.3 describes recent actions that have increased sewage handling capacity. The Authority feels that it has the capabilities and resources necessary to plan ahead and make needed alterations and expansions.

HOW - Sewer districts and authorities are able to secure funding by issuing bonds, taxing, charging user fees and securing grants and loans.

Federal grants and loans have been the mainstay of sewer projects in the past. Due to cutbacks in the federal budget, these funds are now much less available. Sewer systems will have to rely more on local resources to finance improvements.

The County has limited means to help the providers of sewage disposal service. The County can offer whatever technical resources it can spare to assist in planning and securing state and federal funding for needed expansions. The County can also encourage the DEQ and the EPA to provide adequate technical assistance to plan needed improvements and assess the work of contracted engineers for cost efficiency.

(5) SOLID WASTE DISPOSAL

Tillamook County has a solid waste disposal site adequate to meet its long-term needs (see Policy 3.8).

Policies

a) Tillamook County will assist water and sewage providers in planning and securing funding for improvements needed to serve development proposed by the Comprehensive Plan.

b) Tillamook County strongly encourages state and federal agencies to provide adequate technical assistance to water and sewer providers to plan needed improvements and assess the work of contracted engineers for cost efficiently.

c) Tillamook County will not approve planned developments, subdivisions Or partitions unless an adequate supply of water is available from existing water systems or alternate sources.

3.8 SOLID WASTE DISPOSAL

Findings

Tillamook County has established and is operating a central regional sanitary landfill serving the entire County which is operated in accordance with state and federal standards. Two transfer stations have been established and together with the central landfill site provide facilities and opportunities for materials recycling and resource recovery.

Tillamook County is cooperating with the Clatsop-Tillamook Intergovernmental Council in an application to the Bonneville Power Administration for funding to examine the energy potential of the solid waste at the landfill site. The County believes that there is the potential to operate

a small steam plant utilizing burnable wastes that would both generate power and extend the life of the landfill.

This project would quantify and qualify the types of materials going into the landfill and determine what type of equipment could be used to generate power and the cost of the equipment. The landfill is near the Port of Tillamook Bay's Industrial Park, so an energy market survey would be undertaken to attract a small industry to the Industrial Park to utilize the energy resource. The benefit to BPA and the County would be to create new jobs in the area and to not increase the firm load requirements of BPA.

Policies

a) Tillamook County will continue to operate its sanitary landfill facility in accordance with state and federal standards to dispose of solid waste in the County.

b) Recycling of materials and resources will continue to be encouraged by the County as part of its solid waste disposal program.

c) Establishment of a steam electric power generating facility utilizing burnable material at the County's sanitary landfill facility shall be pursued by the County if found to be practical and economically feasible.

3.9 COORDINATION WITH SERVICE PROVIDERS

Findings

Coordination of County Comprehensive Plans with the plans and actions of special districts is an important part of Oregon's planning program. This assures that sufficient types and levels of services are available to meet residential, commercial and industrial needs. It also prevents the provision of services from encouraging sprawl and hastening the conversion of resource land to non-resource uses.

Coordination of land use plans with service districts is especially important in the case of urban growth boundaries. One of the important functions of the urban growth boundary is to indicate where services will be made available over the next 20 years. This tells the developer which areas can be assured of eventually receiving urban services. For the governing body, it indicates where the impacts of urban development will be limited to. It is important that this boundary be respected. Extending services beyond the boundary negates the purposes of the boundary by spreading the effects of urban development beyond where they are intended and by reducing the

efficiency of providing public services. Such considerations are especially important for functionally urban unincorporated communities since services are provided by districts and not by the County. It is important for the County to coordinate its plans with service districts and use its powers to assure that actions by these districts do no circumvent the Comprehensive Plan.

The County has coordinated its Comprehensive Plan with service providers in a number of ways. It has worked with the Clatsop-Tillamook Intergovernmental Council (CTIC) to coordinate planning for unincorporated areas. CTIC is the body designated as being responsible for planning coordination pursuant to ORS 197.190. CTIC has sent notices to all special districts advising them of ORS requirements and affording assistance in developing agreements of cooperation.. Only seven special districts in the County had responded and entered into such cooperative agreements (see Appendix). The County's Comprehensive Plan is consistent with these agreements.

The County has also surveyed special districts to determine the extent and size of their services and facilities and identify concerns that districts have about future development and its effect on future service provision. Tillamook County has compared the capacity of service facilities against the demands of anticipated growth. Surveying was accomplished with mail out surveys, phone calls to managers and district board members, and meeting with district boards.

The County has also frequently included board members of special districts on Citizen Advisory Committees. These members have contributed valuable information about service availability and have helped to articulate the policies of special district boards.

The County also has a long standing policy to review all subdivisions and planned developments with special service districts. This is being continued in the county's Comprehensive Plan, Land Use Ordinance and Subdivision Ordinance.

Policies

a) Tillamook County will coordinate its Comprehensive Plan with service providers.

b) Tillamook County will consult with service providers regarding major land use decisions which affect them such as Comprehensive Plan amendments, zone changes, planned developments and subdivisions.

c) Proposed annexations and disannexations to serve districts and extensions of source on a contract basis will be reviewed by the County Planning Department to assure consistency with the Comprehensive Plan.

d) Tillamook County will coordinate the establishment and change or urban growth boundaries around unincorporated communities with affected service districts. The County will work with service districts to assure that all areas within the urban growth boundaries will be served.

3.10 HAZARDOUS MATERIALS PLAN

Findings

The management of emergencies involving hazardous materials presents special challenges to the providers of emergency services, fire departments, sheriff's department, ambulance and search and rescue. Land use planning can affect the outcome of hazardous materials emergencies and the ease with which they can be handled by emergency services providers. The County Department of Emergency Services is in the process of developing a hazardous materials plan. When finished, this plan can be used in conjunction with the County Comprehensive Plan and Land Use Ordinance to help prevent hazardous materials emergencies in the County.

Hazardous materials such as radioactive materials, liquefied petroleum gas, chlorine gas, oils and other flammable, toxic, corrosive, oxidizing and explosive chemicals have become a common part of industrial processes. The general public is increasingly exposed to the dangers posed by those chemicals. The Federal Emergency Management Agency notes that "while major spills are rare, spills in general are not, and in some areas there are daily occurrences in which tanks, drums, bags, bottles, puddles, streams, piles, and clouds of materials of varying degrees of hazard are encountered dispersed in a manner that no one ever intended. These messes can be further complicated by such factors as terrain, population, location, weather, and human elements".* Natural disasters such as floods and forest fires can be complicated by spills or other releases of hazardous materials occurring at the time.

Major spills, fires and explosions when they do occur can cause the evacuation of homes, schools and businesses.

The County Department of Emergency Services is developing a plan for coping with disasters involving hazardous materials. This will involve the

identification of hazardous materials in the County and the planning of appropriate responses to hazardous materials emergencies.

Land use planning can assist in reducing personal injuries, economic losses, and environmental degradation resulting in hazardous materials emergencies.

Industries that have the potential for causing major hazardous materials spills, fires, explosions or other releases should be located in areas where the consequences of any accidents will be minimized. They should not be located in hazardous areas such as flood plains and areas prone to landsliding. If possible, they should be located away from densely populated areas but near adequate emergency service facilities.

All industries using significant amounts of hazardous materials should have adequate safeguards to prevent their release and to contain releases which do occur to the greatest extent possible. The Oregon Department of Environmental Quality (DEQ) is responsible for assuring that proper safety precautions are taken. The DEQ must rely, however on voluntary notification by hazardous materials users. Tillamook County could assist the DEQ in discharging its responsibilities and protect County residents by requiring DEQ approval before a building permit or other planning approvals are issued for industries using hazardous materials.

Policy

Tillamook County will complete a hazardous materials plan and will include relevant features of this plan into County land use ordinances.

3.11 WATERSHED PROTECTION
(See also Section 4.11 of the Forestry Element)

Findings

Forest management practices, as well as residential development, and other commercial and industrial activities in the County's watersheds have a significant effect on the quality of public drinking water. Tillamook County currently has 49 state-licensed public water systems (those serving four or more hookups), most of which obtain their water from watersheds in commercial forest land.

A recent study by Fredricksen, Moore, and Norris of the USDA's Forest Sciences Laboratory in Corvallis provides a comprehensive discussion of the impacts of forest management practices on stream water quality in the Pacific Northwest.* They point out that such practices, including road

construction, clearcutting, scarification, slash burning, fertilization, and the application of herbicides "can seriously degrade the quality of stream water" (p. 283). Forest roads crossing steep and unstable slopes are a primary cause of soil erosion and stream SEDIMENTATION (P. 286). Clearcuts are a contributing factor, particularly when they cause landslides which enter streams (pp. 288-93). Slash burning can increase surface soil erosion and thereby increase suspended sediment concentrations in streams (pp. 294-95). Fertilizers are not likely to pose a health hazard if they are not applied directly to major streams in watershed areas (p. 302). The effect of herbicides can be minimized by avoiding drift or direct application of spray materials to stream surfaces as overland flow and leaching of herbicides are relatively unimportant factors in forest stream pollution (pp. 310-11). Fredricksen, Moore and Norris contend that proper application of these forest management practices will minimize adverse effects on water quality.

The effect of forest management practices on water quality in watersheds was one of the "issues and concerns" raised by all five of the County's Citizen Advisory Committees (CACs) in late 1978 and early 1979 when they initially addressed forestry planning considerations. This issue was then taken up by the Forest Advisory Committee, with agency and industry representatives generally referring CAC members to the provisions of the Oregon Forest Practices Act which addresses the protection of water quality during the conduct of forest operations.

Residential development in watershed areas can reduce the quality of water through failing septic tanks, leaks in sewer lines, chemicals applied to lawns and street, and erosion from building sites. Problems of this nature are more severe in areas of steep slopes where runoff is faster and infiltration is restricted, erosion is greater, septic tank effluent migrates closer to the surface and there is greater danger of pipeline breaks due to ground movement. Commercial and industrial uses can also have harmful effects on water quality through erosion during and after construction, chemical runoff and street and parking lot runoff.

In 1979, the County conducted several surveys of water providers to obtain information that would be useful in the development of the Comprehensive Plan and to satisfy a state requirement go determine the needs of small water providers. The initial survey contained the following question: "Has the utility encountered or anticipated problems with land use activities (such as forest management practices) above or within the utility's water source?" Of 12 water providers that responded, five indicated that they had encountered or anticipated problems with logging practices (Bay City, Fairview, Pacific City, Twin Rocks, and Watseco-Barview). Four of these districts plus two others (Northwood and Rockaway) responded affirmatively to the question "Is there a need for the County to address land use activities

in watershed areas?" (Twin Rocks did not respond to this question.) One water provider (Neahkahnie) indicated that they weren't concerned because they had a subsurface system and another (Netarts Bay) receives their water from another district. No water providers responded that they encountered or anticipated problems with residential, commercial or industrial uses in their watersheds.

The time remaining in the County's current Comprehensive Planning process does not allow for adequate consideration and adoption of a watershed management zone or other measures to protect the quality of watersheds. It does permit recognition of the existence of the watershed issue and a commitment to give it that attention that it deserves. A committee could be established by the County Commissioners and directed to provide specific recommendations on the watershed protection issue within a specified period of time. Such a committee should include representatives of public forest management agencies, private timber corporations, Citizen Advisory Committees, and water providers. A local discussion of the issue could be useful in establishing a basis for understanding and cooperation between watershed users and water providers.

Tillamook County acknowledges that (1) certain forest management practices and other land uses in watersheds can introduce contaminants and/or create larger than normal turbidity levels in water systems; (2) that after a point certain turbidity and contamination levels are not desirable from a public health standpoint; and (3) that certain chemicals at certain concentrations should not be introduced into water systems. The County encourages concerned parties to work with the Northwest Region Forest Practices Committee in the development of amendments to the Forest Practices Committee in the development of amendments to the Forest Practices Act that provide needed notification and protection for state-licensed water systems. The County also encourages communication and cooperation between watershed users and water providers in the form of written agreements or more informal arrangements. Finally, the County recognizes the need for further study of this issue, and therefore intends to establish a committee of forest managers, CAC members and affected water providers to make specific recommendations to the Board of County Commissioners by no later than one year from the adoption of this plan.

COOPERATIVE AGREEMENT

BETWEEN

THE CLATSOP-TILLAMOOK INTERGOVERNMENTAL CONFERENCE

And

THE NORTH TILLAMOOK COUNTY SANITARY AUTHORITY

THIS AGREEMENT, dated November 16, 1977, is by and between the Clatsop-Tillamook Intergovernmental Council, called CTIC, and the North Tillamook County Sanitary Authority, called Authority.

WHEREAS, cities and counties are required to prepare comprehensive plans under ORS 197; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State Legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals; and

WHEREAS, CTIC is the entity charged with planning coordination, as defined by ORS 197.190, for Tillamook County; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State Legislature, requires special districts to enter into cooperative agreements with the Countycoordinating body, as defined by ORS 197.190, outlining a program for bringing their plans and programs into conformity with the statewide planning goals, if they are to retain their right to contest a city or county's request for compliance acknowledgement of their comprehensive plans,

NOW THEREFORE, both Authority and CTIC deem it mutually advantageous to cooperate and hereby agree as follows:

1. General purpose units of local government operating within Authority's boundary shall be responsible for preparing comprehensive plans which include the development of urban growth boundaries.

2. Authority shall take an active role in assisting those general purpose units of government in defining the area in which Authority may provide services.

3. Plans, programs and capital improvement projects developed by Authority for service provisions shall be in conformance with statewide planning goals and the service areas designated by the appropriate general purpose unit of government.

4. Any plan or programs which Authority may have in existence for service provision shall be brought into conformance with the service areas determined by the appropriate general purpose units of government.

5. CTIC will assist Authority in coordinating its planning efforts with affected local, state and federal agencies through its agency coordination program.

6. CTIC will inform Authority of the plans and programs of local, state and federal agencies that may have an impact on Authority, through its agency coordination program.

7. CTIC will encourage its member jurisdictions to consult with Authority on major land use decisions affecting Authority's interests. (e.g. zone changes and subdivisions)

NORTH TILLAMOOK COUNTY SANITARY AUTHORITY

By: _____
Chairman

By: _____
Manager

CLATSOP-TILLAMOOK INTERGOVERNMENTAL CONFERENCE

By: _____

APR 24 REC'D

WATSECO-BARVIEW WATER DISTRICT

BOX 295 — ROCKAWAY, OREGON 97136

RESOLUTION 73-2

WHEREAS ORS 197.185, as amended by the 1977 Oregon State Legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals;

WHEREAS an integral part of this process is the establishment of appropriate urban growth boundaries;

WHEREAS it is desirable and required for special districts to work cooperatively with county coordinating bodies in reviewing their plans and programs to retain right of appeal; now, therefore,

BE IT RESOLVED that the Watseco-Barview Water District, as authorized by unanimous vote of the Board of Directors on March 16, 1978, agrees to work cooperatively with the Tillamook County Planning Department and the Clatsop-Tillamook Intergovernmental Council in reviewing its plans and programs; and, further,

BE IT RESOLVED that the Board of Directors of the Watseco-Barview Water District will work cooperatively with all other special districts providing and planning for services in their common or contiguous service areas in establishing an appropriate urban growth boundary for the Twin Rocks Services Area, which extends from the joint southern boundary of the Watseco-Barview Water District and the Twin Rocks Sanitary District to the northern boundary of the Twin Rocks Sanitary District.

ADOPTED at the regular meeting of the Board of Directors of the Watseco-Barview Water District this 20th day of April, 1978.

Signed: Gary Dill
Chairman

Attest:

Mary Mackey
Secretary

Twin Rocks Sanitary District

Serving Twin Rocks, Watseco and Barview

Post Office Box 36
Rockaway, Oregon 97136

RESOLUTION 78-1

WHEREAS ORS 197.185, as amended by the 1977 Oregon State Legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals;

WHEREAS an integral part of this process is the establishment of appropriate urban growth boundaries;

WHEREAS it is desirable and required for special districts to work cooperatively with county coordinating bodies in reviewing their plans and programs to retain right of appeal; now, therefore,

BE IT RESOLVED that the Twin Rocks Sanitary District, as authorized by unanimous vote of the Board of Directors on March 9, 1978, agrees to work cooperatively with the Tillamook County Planning Department and the Clatsop-Tillamook Intergovernmental Council in reviewing its plans and programs; and, further,

BE IT RESOLVED that the Board of Directors of the Twin Rocks Sanitary District will work cooperatively with all other special districts providing and planning for services in their common or contiguous service areas in establishing an appropriate urban growth boundary for the Twin Rocks Services Area, which extends from the joint northern boundary of the Twin Rocks Sanitary District and the Twin Rocks Water District to the joint southern boundary of the Twin Rocks Sanitary District and the Watseco-Barview Water District.

ADOPTED at the regular meeting of the Board of Directors of the Twin Rocks Sanitary District this 13th day of April, 1978.

Signed: _____
Chairman

Attest: Margaret M Cook
Secretary-Treasurer

COOPERATIVE AGREEMENT

JAN 9 REC'D

BETWEEN

THE CLATSOP-TILLAMOOK INTERGOVERNMENTAL CONFERENCE

AND

PORT OF TILLAMOOK BAY

This agreement, dated January 4, 1978, is by and between the Clatsop-Tillamook Intergovernmental Council, called CTIC, and the Port of Tillamook Bay, called the Port.

WITNESSETH:

WHEREAS, cities and counties are required to prepare comprehensive plans under ORS 197; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals; and

WHEREAS, CTIC is the entity charged with planning coordination, as defined by ORS 197.190, for Tillamook County; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State legislature, requires special districts to enter into cooperative agreements with the county coordinating body, as defined by ORS 197.190, outlining a program for bringing their plans and programs into conformity with the state-wide planning goals, if they are to retain their right to contest a city or county's request for compliance acknowledgement of their comprehensive plans.

THEREFORE, both the Port and CTIC deem it mutually advantageous to cooperate and hereby agree as follows:

Port:

The Port has reviewed its activities and determined that three elements of its work program are covered by ORS 197; they are Airport planning, Industrial Park planning and Waterway Development planning.

The Airport Plan Will:

1. Cover the general aviation needs of the Tillamook area
2. Establish Airport land suitable for development
3. Undertake off-airport land-use planning in the vicinity of the Airport to insure compatibility between the Airport and its environs.

4. Be completed by September 30, 1978.

5. Be fully coordinated with Tillamook County, CTIC and the City of Tillamook as outlined in cooperative agreements attached to the grant proposal submitted to the Federal Aviation Administration.

The Industrial Plan Will:

1. Designate permitted land-uses for various portions of the Port of Tillamook Bay Airport facility.

2. Be undertaken as part of Tillamook County's overall comprehensive planning effort.

3. Be completed by July 1,1978.

Waterway Development Planning Will:

1. Include participation in Tillamook County's Estuary Resources planning program.

2. Provide that future facility plans are developed in conjunction with Tillamook County and the City of Tillamook.

The Port will work to insure that each of these planning efforts is developed in conformance with state-wide planning goals and is fully coordinated with local comprehensive planning efforts.

CTIC:

1. To assist the Port in coordinating its planning efforts with affected local, state and federal agencies, through its agency coordination program.

2. To inform the Port of the plans and programs of local, state and federal agencies that may have an impact on the Port, through its agency coordination program.

3. To encourage its member jurisdictions to consult with the Port on major land-use decisions affecting the Port's interests (e.g., zone changes, and subdivisions).

PORT OF TILLAMOOK BAY

Nancy Beeman

Nancy Beeman, President

CLATSOP-TILLAMOOK INTERGOVERNMENTAL COUNCIL

Walter Ackley

Walter Ackley, Chairman

COOPERATIVE AGREEMENT

BETWEEN

THE CLATSOP-TILLAMOOK INTERGOVERNMENTAL CONFERENCE

AND

TWIN ROCKS WATER DISTRICT

This agreement, dated March 4,1978, is by and between the Clatsop-Tillamook Intergovernmental Council, called CTIC, and the Twin Rocks Water District called the District.

WITNESSETH:

WHEREAS, cities and counties are required to prepare comprehensive plans under ORS 197; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals; and

WHEREAS CTIC is the entity charged with planning coordination, as defined by ORS 197.190, for Tillamook County; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State Legislature requires special districts to review their plans and programs to determine their conformance to state-wide planning goals, and to outline a program for bringing those plans and programs which do not presently conform to the state-wide planning goals into conformance with these goals; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State Legislature, requires special districts to enter into cooperative agreements with the County coordinating body, as defined by ORS 197.190, if they are to retain their right to contest a city or county's request for comprehensive plan acknowledgement.

THEREFORE, both the District and CTIC deem it mutually advantageous to cooperate and hereby agree as follows:

1. General purpose units of local government operating within the District's boundary shall be responsible for preparing comprehensive plans which will include a public facilities element and an Urban Growth Boundary(s) and supporting policies.

2. The District shall take an active role in assisting general purpose units of government in the preparation of their comprehensive plan, particularly the public facilities element and the Urban Growth Boundary(s) and supporting policies.

RESOLUTION OF THE TWIN ROCKS WATER DISTRICT

WHEREAS ORS 197.185, as amended by the 1977 Oregon State Legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals;

WHEREAS an integral part of this process is the establishment of appropriate urban growth boundaries;

WHEREAS it is desirable and required for special districts to work cooperatively with county coordinating bodies in reviewing their plans and programs to retain right of appeal; now, therefore,

BE IT RESOLVED that the Twin Rocks Water District, as authorized by unanimous vote of the Board of Directors on March 17, 1978, agrees to work cooperatively with the Tillamook County Planning Department and the Clatsop-Tillamook Intergovernmental Council in reviewing its plans and programs; and, further,

BE IT RESOLVED that the Board of Directors of the Twin Rocks Water District will work cooperatively with all other special districts providing and planning for services in their common or contiguous service areas in establishing an appropriate urban growth boundary for the Twin Rocks Services Area, which extends from the joint northern boundary of the Twin Rocks Water District and the Twin Rocks Sanitary District to the southern boundary of the Twin Rocks Sanitary District.

Adopted at the regular meeting of the Board of Directors of the Twin Rocks Water District this 21st day of April, 1978.

Signed: Earl F. Ingram

Chairman

Attest:

Secretary

COOPERATIVE AGREEMENT

BETWEEN

THE CLATSOP-TILLAMOOK INTERGOVERNMENTAL CONFERENCE

AND

This agreement, dated JAN 26 1978, is by and between the Clatsop-Tillamook Intergovernmental Council, called CTIC, and the N. O. S. D. , called the District.

WITNESSETH:

WHEREAS, cities and counties are required to prepare comprehensive plans under ORS 197; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals; and

WHEREAS, CTIC is the entity charged with planning coordination, as defined by ORS 197.190, for Tillamook County; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State legislature, requires special districts to enter into cooperative agreements with the county coordinating body, as defined by ORS 197.190, outlining a program for bringing their plans and programs into conformity with the state-wide planning goals, if they are to retain their right to contest a city or county's request for compliance acknowledgement of their comprehensive plans.

THEREFORE, both the District and CTIC deem it mutually advantageous to cooperate and hereby agree as follows:

1. General purpose units of local government operating within the District's boundary shall be responsible for preparing comprehensive plans which include the development of urban growth boundaries.

2. The District shall take an active role in assisting those general purpose units of government in defining the area in which the District may provide services.

3. Plans, programs and capital improvement projects developed by the District for service provision shall be in conformance with state-wide planning goals and the service areas designated by the appropriate general purpose unit of government.

MAR 7 REC'D

3. The District will review its existing plans, programs, and capital improvement projects for service provision, if any, and bring them into conformance with the comprehensive plan of the appropriate general purpose unit of government.

4. Any plan or program which the District may have in existance for service provision shall be brought into conformance with the service areas as outlined by the Urban Growth Boundary(s) and supporting policies of the appropriate general purpose unit of government's comprehensive plan.

5. The District shall notify the appropriate general purpose unit of government of its intent to undertake the following actions: siting of new facilities; extension of service lines; and extension of service boundaries

6. The development of future District plans will be coordinated with the appropriate general purpose unit of government and be consistent with its comprehensive plan.

7. CTIC will assist the District in coordinating its planning efforts with affected local, state and federal agencies, through its agency coordination program.

8. CTIC will inform the District of the plans and programs of local, state and federal agencies that may have an impact on the District, through its agency coordination program.

9. CTIC will encourage its member jurisdictions to consult with the District on major land-use decisions affecting the Districts interests. (e.g. zone changes and subdivisions)

Walter S. Ackley, Chairman CTIC

Mr. Bartl:

I am sure we will need some assistance in submitting our cooperative agreement to comply with State of Oregon requirements pertaining to our future plans and programs.

We are in the process of formulating a comprehensive program, which will be submitted as soon as complete. We will in all likelyhood call upon your office for assistance.

Yours Very Truly,

Charles W. Wilks
Secy. Twin Rocks Water Board.
for Mr. Earl Ingram, Chairman.

4. Any plan or programs which the District may have in existance for service provision shall be brought into conformance with the service areas determined by the appropriate general purpose unit(s) of government.

5. CTIC will assist the District in coordinating its planning efforts with affected local, state and federal agencies, through its agency coordination program.

6. CTIC will inform the District of the plans and programs of local, state and federal agencies that may have an impact on the District, through its agency coordination program.

7. CTIC will encourage its member jurisdictions to consult with the District on major land-use decisions affecting the Districts interests. (e.g. zone changes and subdivisions)

APPROVED:

CLATSOP-TILLAMOOK INTERGOVERNMENTAL CONFERENCE

Representative

DATE: Feb. 9-78

NETARTS-OCEANSIDE SANITARY DISTRICT, a municipal corpo

President

Secretary

Date: Jan 26, 197

MAY 8 REC'D

COOPERATIVE AGREEMENT

BETWEEN

THE CLATSOP-TILLAMOOK INTERGOVERNMENTAL CONFERENCE

AND

This agreement, dated May 5, 1978, is by and between the Clatsop-Tillamook Intergovernmental Council, called CTIC, and the Little Nestucca Drainage District called the District.

WITNESSETH:

WHEREAS, cities and counties are required to prepare comprehensive plans under ORS 197; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State legislature, requires special districts to bring their plans and programs into conformity with the state-wide planning goals; and

WHEREAS CTIC is the entity charged with planning coordination, as defined by ORS 197.190, for Tillamook County; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State Legislature requires special districts to review their plans and programs to determine their conformance to state-wide planning goals, and to outline a program for bringing those plans and programs which do not presently conform to the state-wide planning goals into conformance with these goals; and

WHEREAS, ORS 197.185, as amended by the 1977 Oregon State Legislature, requires special districts to enter into cooperative agreements with the County coordinating body, as defined by ORS 197.190, if they are to retain their right to contest a city or county's request for comprehensive plan acknowledgement.

THEREFORE, both the District and CTIC deem it mutually advantageous to cooperate and hereby agree as follows:

1. General purpose units of local government operating within the District's boundary shall be responsible for preparing comprehensive plans which will include a public facilities element and an Urban Growth Boundary(s) and supporting policies.

2. The District shall take an active role in assisting general purpose units of government in the preparation of their comprehensive plan, particularly the public facilities element and the Urban Growth Boundary(s) and supporting policies.

3. The District will review its existing plans, programs, and capital improvement projects for service provision, if any, and bring them into conformance with the comprehensive plan of the appropriate general purpose unit of government.

4. Any plan or program which the District may have in existance for service provision shall be brought into conformance with the service areas as outlined by the Urban Growth Boundary(s) and supporting policies of the appropriate general purpose unit of government's comprehensive plan.

5. The District shall notify the appropriate general purpose unit of government of its intent to undertake the following actions: siting of new facilities; extension of service lines; and extension of service boundaries

6. The development of future District plans will be coordinated with the appropriate general purpose unit of government and be consistent with its comprehensive plan.

7. CTIC will assist the District in coordinating its planning efforts with affected local, state and federal agencies, through its agency coordination program.

8. CTIC will inform the District of the plans and programs of local, state and federal agencies that may have an impact on the District, through its agency coordination program.

9. CTIC will encourage its member jurisdictions to consult with the District on major land-use decisions affecting the Districts interests. (e.g. zone changes and subdivisions)

Thelma A. Hegarty
Secretary
Little Deschutes Drainage Dist
9625 Meda Loop
Cloverdale Oregon 97112

Walter S. Ackley, Chairman CTIC

5-9-78
Date

Tillamook County

PUBLIC WORKS DEPARTMENT

503 Marolf Loop Road
Tillamook, Oregon 97141
Roads (503) 842-3419
Solid Waste (503) 815-3975
FAX (503) 842-6473
Email: pubwks@co.tillamook.or.us
TTY Oregon Relay Service

Land of Cheese, Trees and Ocean Breeze

December 3rd 2008

Bradford Sheets
Associate Planner
Department of Community Development
201 Laurel Avenue
Tillamook, OR 97141

RE: Goal Exception for Netarts-Oceanside Sanitary District
T1SR10W Section 30 TAX LOT#500
Cape Meares Loop - County Road

Dear Bradford Sheets,

I have read the Notice for the GOAL EXCEPTION REQUEST and reviewed the site with you on November 10th 2008. After review of the request notification and the field/site visit, I have the following observations;

[1] The approach entry to Cape meares Loop shall require a new Road Approach Permit. The approach apron needs to be defined and improved to Commercial Standard, i.e., asphalt paved apron 40-foot radii a width of 24 feet for a length of 30 feet from edge of Cape Meares Loop.

[2] The application indicated that the road access, "*..right of way shall be dedicated by Seller to Tillamook County, Oregon. Upon acceptance by the County, buyer shall construct the road required by Tillamook County to serve the constituents of Buyer.*" This statement leads me to believe that a Major Partition will be part of this process if the GOAL EXCEPTION is approved. Dedication may be a future issue.

[3] The road sub-grade surface width appeared to be capable of a 20-foot travel width at most locations.

[4] The road grades appeared within limits but steep enough to require the road to be paved. The use by the public as presented, would result in a recommendation of paving as part of a Major Partition review.

[5] Several culvert crossings on this alignment need to be inspected for proper size and current condition.

If you have any questions, please feel free to contact me. Sincerely,

George W. Urrey, Eng. Tech.

cc: Liane Welch, Tillamook County Director of Public Works

Exhibit M

Tillamook County

Public Works

DEPARTMENT OF COMMUNITY DEVELOPMENT

BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

201 Laurel Avenue
Tillamook, Oregon 97141

Land of Cheese, Trees and Ocean Breeze

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

RECEIVED
OCT 21 2008
TILLAMOOK COUNTY ROAD DEPT.

11-3-08 Carl
LANE
WALT
KIP

Notice to Property Owner: GOAL EXCEPTION

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER

NOTICE OF PUBLIC HEARING
Date of Notice: October 22, 2008

Notice is hereby given that Quasi-Judicial public hearing will be held by the Tillamook County Planning Commission at 7:00 p.m. in the Board of Commissioners Meeting rooms on the second floor of the Tillamook County Courthouse on **Thursday, December 11, 2008** for the purpose of considering the following:

GOAL EXCEPTION REQUEST

GOAL EXCEPTION: A request for an Exception to Statewide Planning Goal 4, Forest Lands, to site a Wastewater Treatment Plant on a 9.76-acre portion of a property in the Forest Zone. The subject property is designated as Tax Lot 500 of Section 30, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The property owner is Green Crow Management Services, LLC., and the applicant is the Netarts-Oceanside Sanitary District. The application and information regarding this Goal Exception request can be found in file CU-08-10.

Notice of public hearing, a map of the request area, applicable specific request review criteria and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing are being mailed to all property owners within 750-feet of the exterior boundary of the subject property for which application has been made at least 20-days prior to the date of the hearing. The application and information regarding this Goal Exception request can be found in file CU-08-10.

Statements will be heard at the hearing. Written testimony to be incorporated into the staff report may be submitted to the Department of Community Development, 201 Laurel Avenue, Tillamook, Oregon 97141, prior to 5:00 p.m. November 19, 2008. Materials submitted between November 20, 2008 and December 4, 2008 will be submitted to the Planning Commissioners on December 4, 2008 in a packet mailed to them for their consideration. Materials submitted after December 4, 2008 will be submitted at the Planning Commission hearing on December 11, 2008.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to LUBA on that issue.

A copy of the applicable application, all documents and evidence relied upon by the applicant will be available for inspection at no cost and will be provided at reasonable cost.

A copy of the applicable Staff Report will be available for inspection at no cost at least seven days prior to the hearing and will also be provided at reasonable cost. In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Land Division Ordinance, Tillamook County Comprehensive Plan, and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to these requests are also available for review at the Department of Community Development.

The Tillamook County Courthouse is handicapped accessible. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearings, please contact 1-800-488-8280 at least 24 hours prior to the hearings in order that appropriate communications assistance can be arranged.

If you need additional information, please call (503) 842-3408 any weekday between 8:00 a.m. and 5:00 p.m.

Sincerely,
Tillamook County Department of Community Development

Bradford Sheets
Associate Planner

Enclosures: Request area maps
Goal Exception Criteria
Citizen Testimony to the Planning Commission information

DRAFT

I. NEW BUSINESS:

a. **Exception for Conditional Use 08-10:** A request for an Exception to Statewide Planning Goal 4 (Forest Lands) and Comprehensive Plan Text Amendment by the Netarts-Oceanside Sanitary District to allow for a use – a wastewater treatment plan, accessory structures, and access road – that would otherwise not be allowed on a property zoned Forest (F). (Brad Sheets)

Chair Ousele announced that a signup sheet was being circulated for those who wished to testify and for those who wished to provide their name and address so they may be formally notified of the results of the hearing. Staff handed out copies of the applicable criteria. She then read aloud the Quasi-Judicial statement for the public hearings according to ORS 197.763.

There was no challenge to the Tillamook County Planning Commission hearing this matter.

There was no conflict of interest or personal bias declared by any member of the Commission.

There was no exparte contact declared by any member of the Commission

Chair Ousele stated for the record that Commissioner Mizee has stepped into the audience for this presentation.

Brad Sheets, Tillamook County Associate Planner gave the presentation. He started his presentation by handing out a letter received from the Oceanside Neighborhood Association received after the Planning Commission packets were mailed. If approved it will go into a. He then explained about the GIS map that he showed the Planning Commission.

Exhibit N

Mr. Sheets stated that this is a Goal Exception to the Tillamook County Comprehensive plan, Goal 4 requested by the Netarts/Oceanside Sanitary District (NOSD). It is for a Waste-Water Treatment Plant and related uses in a Forest zone. He said that if this is approved it will then move to a Conditional Use application process. He then showed the Planning Commission a GIS map with the 371-acre parcel owned by Green Crow and within that parcel is 9.76 acres for the Waste-Water Treatment Plant. Ms. Sheets said that the proposed site is several 1000 feet from the current Waste-Water Treatment Plant and 1000 feet away from the Community Growth Boundary. Mr. Sheets made it clear that this was not a zone change but a use that is permitted conditionally in the Tillamook County Land Use Ordinance but since the Tillamook County's Ordinance in the Farm and Forest zones does not meet the Oregon Administrative Rules which are stricter staff must go with the stricter of the two. He clarified that a Waste-Water Treatment plant and related facilities are not listed within the Oregon Administrative Rules for a Forest Zone.

Mr. Sheets said that the access to this property is off Cape Meares Loop via an existing forest road. He then showed the access to the Planning Commission on the GIS map. He went on the say that there are 7 lots zoned Forest and 21 lots zoned Residential Oceanside, two of which abut the subject property. Mr. Sheets said that within the 371-acre parcel there are Geologic Hazard issues within the area ranging from inactive landslide topography to landslide topography that would trigger a Geologic Hazard report during the building permit process if slopes were greater than 29%. Mr. Sheets then went on to give a brief history of the property. It was zoned A-1, which was Low Density Residential/Agricultural/Forestry/Recreation Zone in 1969. With the adoption of Ordinance 33, the zone was changed to Forest.

Mr. Sheets said that exceptions to State Wide Planning Goals give flexibility in Land Use for uses that are not outlined specifically in the State Wide Planning Goals. This gives staff the flexibility to site a use if there are no other places to place it.

He said that this exception is required by the Oregon Administrative Rule (OAR). Staff looked at Goal 2 to establish the criteria to look at a Reasons Exception for this use. The first criteria are why this use cannot be accommodated on other available lands and why the State Wide Planning Goal should not apply.

Mr. Sheets said that thirty years ago when the Netarts/Oceanside Sanitary Plant was built there were only 100 connections to the district. Today there are over 1,000 connections. This is an aging facility with capacity issues. The proposed property can accommodate the existing size of the facility plus future growth.

Mr. Sheets said that Westech Engineering did an analysis of properties available in the area that would accommodate the facility plus future growth. He said that in reviewing those properties they came up with the proposal that the Planning Commission will consider tonight. He went on to say that looking at the map the Planning Commission can see that there are a lot of small lots but not many large enough to accommodate the acreage needed for this type of facility.

Mr. Sheets went on to inform the Planning Commission that they have the ability to curb the types of uses to the specific use requested. He said what NOSD has requested are Waste Water Treatment Plant processing unit, operating office space, shop buildings, equipment storage, sufficient parking to accommodate these and related uses and the possibility of future expansion. He said that NOSD has been proactive in this matter and has done a lot of progressive planning for what their needs will be now and in the future. Mr. Sheets said that the applicant considered eight properties but did not come up with any that would accommodate the proposed use. They eliminated some areas due to topography or residential use located near the current plant. Two potential properties out of eight were outside the community growth boundary and located within the Forest Zone. One was eliminated due to Geologic Hazards and wetlands concerns.

Mr. Sheets said that staffs findings concurred with the findings of the applicant that there are not a lot of properties within the Netarts/Oceanside Community Growth Boundary (CGB) that can accommodate this facility. He said that the proposed site is close enough to the current site to connect the two systems together. This provides a more logical progression in their development of a new facility.

Mr. Sheets said that the applicant looked at different options, from doing nothing to running a pipe to within the Tillamook Urban Growth Boundary UGB). He said that the applicant eliminated the pipe to the Tillamook UGB due to the distance and expense.

Mr. Sheets said staff looked at the long-term impacts of putting this facility in a Forest zone. He said the impacts they looked at were environmental, economic, social, and energy consequences. He indicated, after examination of the engineering report from Westech, staff felt that the site the applicant choice was based on the criteria and did its best to avoid wetlands.

Mr. Sheets said that staff received three letters of commentary from Tillamook County Public Works Dept. (TCPW), the Oceanside Neighborhood Association (ONA), and the Oregon Dept. of Fish and Wildlife (ODFW). Mr. Sheets indicated that ODFW, in their letter, stated that there were no sensitive areas that would preclude this area from being developed. Mr. Sheets said that in looking at the Development Standards for riparian areas, stream crossings, and wetlands will still apply and may carry over to future applications when sighting the plant on the proposed area. He said that after reading the commentary letters the applicant was avoiding potential environmental impacts now and in the future.

Mr. Sheets stated that he did research on the productivity classification on forestlands and determined through the US Dept. of Agricultures website that the proposed exception area is not the highest in production soils. He said that other areas of the 371-acre parcel have higher productivity soils. Mr. Sheets

concluded that the impacts to environmental, economic, and social and energy consequences were not that high and the applicant is trying to mitigate against any environmental issues. He felt economically that taking 10-acres out of a 371-acre parcel has some impact. He said that he walked the road on the site with George Urrey from TCPW and the site has not been replanted since the last time the trees were cut and is out of production. Mr. Sheets said that socially it is removed from the Community Growth Boundary so smells and sounds are less likely in this area.

Mr. Sheets then looked at the proposed use of the NOSD plant in relation to other adjacent uses. He said that the closed property from the exception site is a Rural Residential piece that is approximately 300-feet from the proposed exception site. He said that staff took into account the potential for an active rock quarry on the site, the routing of the pipelines. Mr. Sheets felt that where ever a facility of this size is sighted there would be new sights and sounds. He felt that this site is fairly isolated and from the site, there were no visible houses.

Mr. Sheets said that this process is similar to a Variance process with a specific use being granted. He again stated that this is not a zone change but allowing a potential use on the property. He said that one concern was whether or not this would allow for the CGB to be expanded. He said that to expand the CGB another Goal Exception would be required plus 7-criteria within Goal 14.

Mr. Sheets said that this application is for the sighting of a Waste Water Treatment Plant outside the CGB to serve the properties within a CGB not to promote future growth and development on natural resource land.

Mr. Sheets then said that in addition to the criteria for Goal 4 for an exception staff must consider if there are other potential Goal Exceptions that are pertinent to this process. He spoke with staffs contact at the Oregon Department of Land Conservation and Development (DLCD) and it was declared staff needed to address Goal 12, which deals with

transportation. It was determined that since the use was not allowed outright on Forestland, the access was also not allowed on Forestland. He said that staff looked at the Tillamook County Comprehensive Plan and the Tillamook County Land Use Ordinance (TCLUO), which clearly outlines that a Sewage Treatment Plant is allowed conditionally in the Forest zone. He said that access to something that is permitted conditionally is assumed as allowing access. Mr. Sheets said that along with looking at access the best route through Forest land needs to be considered. He said the applicant look at potential access from HWY 131 to the site through residential neighborhoods. He said that improving the existing forest road for ingress and egress would take the least amount of productive land out of the Forest zone.

Mr. Sheets then recommended approval of Reasons Exception for CU-08-10 subject to the conditions listed on page 13 of the staff report.

Commissioner Jones asked if there is a stream near the site. Mr. Sheets answered that he did not locate any wet areas when he did his site visit. He indicated that the site visit was done after a rainstorm. Commissioner Jones asked where the run off for the property would go. Mr. Sheets then directed the Commissions attention to the GIS map and indicated the area and that the drainage issue would need to be addressed during future development applications.

APPLICANTS PRESENTATION

Craig Wakefield
Board Chair of the Netarts/Oceanside Sanitary District
1605 Oceanside Lane
Oceanside, OR.

Mr. Wakefield introduced the consultants who have been involved in this project.
Dan Mellow- NOSD Superintendant
Jim Maitland- Foundation Engineering
John Yarnall - Westech Engineering

Vic Affolter – NOSD Land Use Consultant

Mr. Wakefield said that the NOSD plant was constructed in the mid to early seventies and that it is at the end of its useful life. Mr. Wakefield said that he and his team put together a 20-year analysis of the loads to determine the size of plant needed. NOSD then looked at either rehabilitating the old plant or building a new plant on the old site. He said that this was not feasible due to poor soil conditions, limited footprint, etc. Mr. Wakefield said that in this process, many alternative sites were looked at and the proposed site was determined to be acceptable. He then turned it over to John Yarnall.

John Yarnall
West Tech Engineering.
3841 Fairview Ind. Dr. SE
Suite 100
Salem, OR 97302

Mr. Yarnall said that his firm is the author of the proposed plan before the Planning Commission and the lead consultant on the project location. He said that, the current plant, after 30-years of being submitted to the salt air has resulted in capacity problems and corrosion issues. He said that it is a constrained site with problematic soils. Mr. Yarnall said that what he and his company were looking for was planning for the next 20+ years resulting in the facility plan effort and reliable treatment plant service for the existing use plus the planned growth within the community. He said that one of the milestones in the mutual agreement order was the District had to look at alternate sites or renovating the existing site. Mr. Yarnall then showed the Planning Commission the different sites looked at on the map. He then explained that most of the other sites where eliminated early due to soil issues, wetlands and proximity to the treatment plant. He said that after considerable searching they decided on the proposed site. NOSD then hired a Natural Recourse Consulting Firm and did a

wetlands survey, a cultural resources survey, and a geohazard survey. Mr. Yarnall said there were no wetlands or archeological sites. Mr. Yarnall said that Mr. Maitland would discuss the geotechnical part in his presentation. He then went on to explain where the treatment plant would go on the proposed site along with the pipelines. Mr. Yarnall said the access would be off Forest Road 256.

Jim Maitland
Geo Tech consultant.
Foundation Engineering
820 Cornell Ave.
Corvallis, OR 97330

Mr. Maitland explained what the adverse impacts of the natural hazards on the proposed plant. He said that many of the other sites that were looked at had geotechnical issues i.e. limited footprint, steep slope hazards that made them unappealing. Mr. Maitland said that he has also done some work at the existing site on sinkholes and pipeline problems. Mr. Maitland said that due to the topography of the proposed site it has a lower risk compared to the alternative. He said that the soil at the proposed site is weathered bedrock that goes down approximately 100 feet. Mr. Maitland said that he has prepared recommendations on a grading plan and how to build to minimize the impact on the slopes. He said that the grading plan was done as to have a modest change to the loading on the slopes. He said that they have been monitoring the soils since June and have seen no appreciable movement. He said that all sites would have an inherent risk and the proposed site is lower than other sites in this area. His recommendation is that the proposed site be approved for this use.

Commissioner Jones asked what the depth of the soil is before you get to bedrock. Mr. Maitland said it varies. Roughly 25 feet above the bedrock.

Commissioner Ousele asked if a GEO hazard review was done on the access road. Mr. Maitland said that if you were

not making any major changes then the road would stay as it is.

Vic Affolter
300 Marvin Rd.
Tillamook, OR 97141
Land Use consultant

Mr. Affolter said that there are no perfect sites and the proposed site is the best for NOSD. He then went on to talk about public involvement. He said that last April he made presentations to the ONA, and the Netarts/Oceanside CPAC. The information presented at those meetings is posted on the ONA website.

Commissioner Hoffman asked about the potential blasting impact memo regarding Green Crow's quarry operations. She wanted to know where the quarry is. John Yarnall showed her on the map that the potential quarry site was above the proposed Treatment site. He said that there were questions raised, that if Green Crow were to put in a rock quarry would the blasting operation damage the concrete tanks at the new treatment plant. He said that the answer is no, it would not affect the new treatment plant. Mr. Affolter said that in the negotiation of the contract Green Crow had to be satisfied that the construction of the treatment plant would not affect their forest or quarry operations.

Public testimony

Kurt Mizee
1590 Netarts HWY
Netarts, OR 97143

Mr. Mizee said that he is about 300 feet down wind of the proposed site. He said that the drainage would run down between the ridge to his west property line and about half way down there are wetlands. He said that one of his issues is that neither he nor his family was noticed about this

meeting. Mr. Mizee went on to say that, his family has owned the property since 1950 and as far as he knew, he was next to forest property and residential property to the west. He never intended to be down wind from a sewer treatment plant. He is concerned about fire provisions and that the road access is steeper than current county code. He feels that the applicant is in a rush to get this done due to poor planning and not prepared for the growth. Mr. Mizee does not feel that is a good reason to move quickly to find a piece of property to place the treatment plant on. He said that what bothers him is that it is going on forestland when there are sites within the community boundary, which the applicant said is not appealing, not that it is unacceptable. He feels that there should be more information on alternative sites before the Commission decides on this Exception. He said that site #2, next to Maxwell Mt. is within the community boundary, close access to the HWY, and does not require as many goal exceptions. He said it is a little smaller than the proposed site.

Commissioner McFarlane asked if Mr. Mizee's major issue was the odor from the proposed treatment plant. Mr. Mizee said that after 10:00 am starting in May and ending in November there is a wind that comes down the raven in a straight line to his home from the proposed site.

Commissioner Hoffman asked if there was an odor issue with the current site where the residences are closer. Mr. Mizee said he does not know but the existing site is partially protected due to the topography.

Beth Moore
DEQ Water Quality
2020 SW 4th Ave.
Portland, OR 97201

Ms. Moore said that she is here to stress the importance of a new site for the NOSD and that NOSD and DEQ have

entered into a Mutual Agreement and Order (MAO). She said that the current wastewater treatment plant is beyond its useful life. The site the plant is on cannot be used to expand for a twenty-year planning period, which is a requirement of DEQ. Commissioner Hoffman asked if there was a time line on the agreement. Ms. Moore said that the current agreement is to have the facility constructed by 2010. Ms. Moore said that the need to move forward includes the signed agreement/order. Commissioner Hoffman asked if it was polluting the Ocean. Ms. Moore said yes, at times. There was a major component failure in 2006, which was predicted in previous studies. Commissioner Hoffman asked if there was a penalty for this failure. Ms. Moore said no, there was not a penalty for that failure but there is a penalty for not meeting the mutual agreement and order on the scheduled date. Commissioner Hoffman asked if DEQ has looked at the proposed site. Ms. Moore said that in the MAO it gives NOSD the power to decide where or if they want to move.

APPLICANTS REBUTTAL:

Vic Affolter
300 Marvin Rd.
Tillamook, OR 97141
Land Use consultant

Mr. Affolter said he is surprised about the concerns heard this evening. He said that this has been an open ongoing process for the last eight-months. He said that it was not about what was appealing but what site worked. He then directed the Planning Commission to exhibit F in their packets that list the reasons why other sites did not work. He said in general the following evaluations were done on alternative properties, access, zoning, geologic stability, constructability, up-station forest main requirements, south fall requirements, impacts on adjacent property etc. Mr. Affolter said that some of the reasons the other sites were no suitable was due to steep topography, geologic instability,

distance from the existing Ocean outfall, and wetlands. He said that anywhere within the community growth boundary would be closer to existing properties than the 300 feet from Mr. Mizee's property.

Craig Wakefield
Board Chair of the Netarts/Oceanside Sanitary District
1605 Oceanside Lane
Oceanside, OR.

Mr. Wakefield spoke about the odor of a treatment plant. He said that one of the reasons you get a bad odor out of a treatment plant is incorrect running of the plant. He said the proposed facility has a lot of flexibility in the way it can handle high/low flows, many of the sensors are electronic. He also said that it is one of the most effective and safe ways to treat sewage today. He said that when sludge is removed and hauled away from the current facility there is often an odor problem. With the new system, there is a water cap over the facultative sludge lagoons, which will become habitat for wildlife and will remove the need to haul the sludge on a monthly basis. The sludge will remain in the lagoons from 18-20 years before it is needed to be removed. This will deal with the odor problem.

Mr. Wakefield then spoke about the concern of being in a hurry. He said that the previous board started dealing with this plan about five years ago and there have been numerous meetings and consultations with Engineers. He wanted it made clear that this was not a haphazard process but a well-studied and thoroughly covered process. Mr. Wakefield then said that the proposed facility is not being constructed for expansion in the community it is to accommodate future growth within the boundaries of the community.

Commissioner Jones asked Mr. Wakefield what the projected maximum number of houses within the community boundary is. Mr. Wakefield said he could not answer that but the new facility could service just over two-thousand and the current facility services thirteen-hundred.

Vic Affolter said that they are not trying to expand the community growth boundary (CGB) and that the law does allow for a sewage treatment facility to be outside the community growth boundary and says nothing about expanding the CGB to include the facility.

Commissioner Jones said the reason he asked the question is to see if the proposed facility will be able to accommodate expansion within the CGB. Mr. Wakefield said they did a thorough study of the projection of growth. He said the amount of land they are proposing will allow the NOSD to expand and double their capacity if needed.

Mr. Wakefield then mentioned the fact that in their agreement with Green Crow, Green Crow has addressed the visual impact and that it requires NOSD to do certain landscaping. He said the tanks sit below the ground so there are no large cement tanks above ground.

Mr. Affolter said that any location within the CGB would place the facility closer to a number of residences and is one of the reasons for the proposed site.

STAFF

Brad Sheets said that the process will go through a GEO hazard report if the slopes are greater than 29%. He said that the notification was notified to all the agencies, CPAC's etc. It does appear that Mr. Mizee was not notified directly, there is one section that was omitted when the mailing list was generated. He then addressed the smell issue; he said that in factor D it says that compatible is not intended as absolute term meaning no interference or adverse impacts of any type with adjacent uses. He said that in sitting this with in the CGB where the development is dense the impacts are higher than the proposed site.

Commissioner Hoffman asked if there was any repercussion on adjacent property owners not being notified. Mr. Sheets

said that it is covered because the notice was put in the local paper notified all the people notified in the past.

Commissioner Jones said that Mr. Mizee should have the opportunity to ask for a continuation. Commissioner Ousele agreed.

Mr. Mizee asked for a continuance because not all his neighbors received the notice.

Lisa Phipps, Long Range Senior Planner for Tillamook County said that the Commission can make the decision to continue the meeting on their own without putting that burden on the property owner. She also agreed with Vic Affolter in the notice can go to all property owners when it is noticed for the Board of County Commissioners meeting, but then the Planning Commission would not have the benefit of their input.

Commissioner Jones felt that for benefit of the property owners not notified, the decision should be postponed for a month to prevent longer delays due to appeals.

Commissioner Hoffman asked in the matter of CU-08-10 move that we continue the meeting to January 8, 2009 to allow for the notice of the neighboring property owners and the record will remain open.
Commissioner Jones seconded motion. The motion passed 4:0

DRAFT

Continuation Exception for Conditional Use CU-08-10: A request for an Exception to Statewide Planning Goal 4 (Forest Lands) and Comprehensive Plan Text Amendment by the Netarts-Oceanside Sanitary District to allow for a use – a wastewater treatment plan, accessory structures, and access road – that would otherwise not be allowed on a property zoned Forest (F). Bradford Sheets, Associate Planner.

Commissioner Ousele decided not to read the entire Quasi-Judicial statement but asked the following:
Where there any challenges to the Tillamook County Planning Commission hearing this matter. None.

Was there any conflict of interest or personal bias declared by any member of the Commission? Commissioner Mizee said he would be excusing himself from this portion of the meeting.

Was there any exparte contact declared by any member of the Commission. Commissioner Jones said he made a site visit this afternoon to the Mizee property and the Green Crow property.

STAFF

Bradford Sheets, Associate Planner, Tillamook County gave a brief update on the original staff report heard in front of the Planning Commission on December 11, 2008. He reiterated that this is a continuation of a previous hearing held on December 11, 2008. He told the Commission that this item had been re-mailed to all property owners and that staff received three public comments (one from the applicant, one from a property owner) to the re-mailing. He made it clear that this was a Goal Exception to allow a use not permitted in a forest zone and is not an application to site structures.

APPLICANTS PRESENTATION:
Craig Wakefield
Board Chair of Netarts/Oceanside Sanitary District
1605 Oceanside Lane
Oceanside, OR 97143

Mr. Wakefield gave a brief summary of their presentation given on December 11, 2008 for the purpose of informing Commissioner Heckeroth so that he may participate in the discussion and decision on this issue.

Exhibit O

He went over the following:

- DEQ's concerns over the failing current Waste Water Treatment Plant (WWTP)
- The old WWTP cannot handle the current capacity
- The proposed plan started 5-years ago.
- The proposed plan takes into consideration the next 20-years of the district and its needs.
- That the NOSD board looked at both relocating and upgrading the current facility and decided to relocate as the current site is not big enough.
- Where the other sites where that NOSD looked at.
- The proposed site was found to have the least impact on residential development.
- The proposed site has enough room for future expansion and a buffer around the plant.
- Explained what the facility would entail and how it would work.
- Explained how often the sludge ponds would need to be dredged. (5-10 years)
- Access off an existing forest road.
- Odor

Commissioner Heckeroth asked what the applicant meant by buffering. Mr. Wakefield said that the plant would not abut the forest. He also said that Green Crow put into the purchase agreement that the applicant must landscape the area around the plant.

Commissioner Jones asked if there was room to double the size in the future. Mr. Wakefield said yes and that none of the board of directors wants to make a wrong decision.

Vic Affolter
300 Marvin Rd.
Tillamook, OR 97141

Mr. Affolter said that there is buffering within the site as well as the 100-foot setback on residential property that abuts a resource (Forest) zone. He also spoke about his Addendum to NOSD Application for Goal 4 Exception (CU-08-10) comments dated December 22, 2008. This document spoke about how close single-family dwellings were located on the alternative properties.

PUBLIC COMMENT

Kurt Mizee
5190 Netarts HWY W
Netarts, OR 97143

Mr. Mizee went through Vic Affolter's letter dated January 8, 2009.

- Application incomplete- Was not submitted in the form of the application or on file and available for the public to look at.
- Plant design- Does not feel it can have less of an impact on neighboring homes. Whether it is fifty houses, one home, either it has an impact, or it dose not have an impact.
- Distance from property line- His family just went through a partition and the new home will be 400-feet from property line and within the line of site of the proposed plant
- Netarts Plant alternative- Why pay to pump things that far and have potential problems. With the amount of growth in the Netarts area, he feels it is a viable alternative.
- Conditions if recommended for approval- Odor and noise should not be detected more than 300-feet from the boundary of the facility. Notify all neighboring properties when the facultative ponds are to be cleaned

Commissioner Heckeroth asked Mr. Mizee to describe what an "Air Scrubbing Measure" is. Mr. Mizee said it is a way of bringing down the particles in the air that cause odor. Commissioner Heckeroth then asked about the 300-foot buffer and where that would be and if trees exist now. Mr. Mizee pointed it out on the map and said that the trees between his property and the proposed WWTP site have been logged. Commissioner Heckeroth then asked if where the trees have been logged is part of the proposed WWTP site is. Mr. Mizee said no, the WWTP would site in a clear cut.

Commissioner Heckeroth then said that if the Planning Commission where to condition some type of vegetative buffer would it go on the proposed site. Mr. Mizee said that Green Crow would need to agree with it or NOSD would have to purchase additional property. Commissioner Jones asked what the purpose of the buffer. Mr. Mizee answered that there where two reasons. He said that first, they naturally scrub the air and secondly they would catch runoff and be a filter strip.

Commissioner Hoffman asked if the 300-foot buffer would be in addition to what is in NOSD's agreement with Green Crow. Mr. Mizee said yes, landscaping does not have the height of trees to block the proposed plant from his view. Commissioner Hoffman then asked if it was forested on Mr. Mizee's side. Mr. Mizee said that they had recently logged the back section of his property. Commissioner Jones asked where Mr. Mizee's parents planned to build their home. Mr. Mizee indicated the site on the map. Commissioner Ousele asked that Mr. Mizee elaborate more on the buffer. She said that in his letter he acknowledges the cutting of trees in a Forest Zone and seems to be in conflict with the requirement for the buffer. Mr. Mizee said he does not have a problem with Forest management as long as it is retained as forest but when the use changes then the management needs to change. Commissioner Hoffman asked what the zoning was on Mr. Mizee's property. Mr. Mizee said it was Rural Residential 2 (RR-2) with a 100-foot setback from the Forest zone.

Commissioner Jones asked if NOSD were to plant trees around their site by the time it is logged again they should be mature enough to block the view of the

WWTP. He asked if the trees were planted to block his view of the plant would this be acceptable. Mr. Mizee said that as long as there are measure in place to catch the runoff and the odor issue is negligible as long as there is a visual screen then the buffer is not necessary.

Commissioner Hoffman asked if she could see the proposed site from where his home is currently located. Mr. Mizee said no, it is up the hill about 150-feet before it crests.

Commissioner Heckeroth asked if Mr. Mizee's property was the only property that would be affected visually. Mr. Mizee said to the left of the property it is zoned Residential Oceanside (ROS) but as far as any developed property, his property would be it.

APPLICANTS REBUTTAL:

Vic Affolter
300 Marvin Rd.
Tillamook, OR 97141

Mr. Affolter said that the application was a challenge and that he felt there was a lot of information in the application without being overwhelming. Mr. Affolter then spoke about the criteria addressing impact on adjacent sites and compatibility criteria, which says, "Compatibility is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses." He went on to say that, there are no ideal WWTP there are better or worse sites. Mr. Affolter feels that the proposed site is the best available and that it will have very little impact on neighboring residences. He then went on to address the Netarts site that Mr. Mizee brought up. He said that this site had more than 36 dwellings within 250-feet of its boundary.
Mr. Affolter then spoke about the condition of the 300-foot buffer. He said that it would double the impact on forestland by taking that 300-foot buffer out of forest production. He does not see the need for the buffer being that pervasive and would be a taking of the forestland from Green Crow by taking it out of production uses allowed by Goal 4. He told the Planning Commission that he felt it was important to be careful of the kind of conditions attached, if they are necessary and what their consequences could be. He then asked that John Yarnall address the second site in Netarts and any other pertinent information he feel necessary.

John Yarnall
Westech Engineering
3841 Fairview Ind. Dr. SE
Suite 100
Salem, OR 97302

Mr. Yarnall said that by sitting a second WWTP would result in a bifurcation of the existing facilities into one sewage system to serve the community of Oceanside and one to serve the community of Netarts. It is his belief, from and engineering standpoint would not be a wise decision and could pose a problem with the Department of Environmental Quality. He then went to the map to show that the proposed site is in the center of the service area and if the service area were to be split into two it would require the reworking of the piping system. He went on to say if they were to build a second WWTP where would the sewage go after it was treated. NOSD would have either to build a new pipeline to the existing plant or to try to go into Netarts Bay or build a second ocean out fall. Mr. Yarnall said that all of these options face very rigorous regulatory problems. He then said that NOSD would only be getting rid of one pumping station but would need to operate another WWTP, which would not be cost effective. He said it would be bad engineering, very expensive and he believes not permitted from a regulatory standpoint. Mr. Yarnall then said that in terms of visual impact from Mr. Mizee's property the entire site will not be equipped with buildings. He said that the office will be approximately 1000-feet from the edge of Mr. Mizee's property and that the facultative sludge ponds will be built underground. He also said that the concrete tanks would be largely built into the ground and poke out only about 3-feet. Mr. Yarnall said there is about 100-feet of buffer within the existing site between the facility and the Mizee property, which would serve to mitigate a view shed or run-off. He then spoke about spills and that at other WWTP the sewage flows by gravity to the treatment plant, the proposed plant would pump the sewage uphill and if there were to be a failure in the system the water would not come to the top of the hill.

Commissioner Heckeroth said that it sounds like NOSD is willing to vegetate the southeast portion of the proposed property with trees. Mr. Yarnall said yes, this is not a public utility where they have a lot of money and personnel to spend on landscaping. The landscaping will be of the native variety with no irrigation and he does not feel that panting trees would cause any sort of restriction. Commissioner Heckeroth then asked if it would create a problem for the treatment process. Mr. Yarnall said that the only problem would be if NOSD were required to plant trees between the gravel drive and the sludge lagoons. Planting trees and such on the exterior slopes would not cause a problem for the treatment process.

Commissioner Jones asked how tall the landscaping would need to be to block the view from the Mizee property. Craig Wakefield answered that in the purchase agreement it talks about a visual shielding of the plant. He said that NOSD would be amenable to do what ever needs to be done to execute the purchase agreement and anything reasonable as far as buffering goes.

Commissioner Hoffman asked what the proposed heights of the office building and shop would be. Mr. Yarnall said they would be single story structures with a loft in the shop. Mr. Wakefield interjected that the square footage of the office building may be scaled down. Commissioner Hoffman then asked when they

decided that the proposed site was the one for them. Mr. Yarnall answered about a year and a half ago. Commissioner Hoffman asked if NOSD was aware of the Mizee property when they were looking at this piece. Mr. Yarnall said he was aware of Mr. Mizee's driveway. Mr. Wakefield interjected that very few people are aware of Mr. Mizee's property and that it sits a ways away from the highway. Commissioner Hoffman said that there seems to have been a communication error as Mr. Mizee is next to the proposed property but outside NOSD's service/notification area. Mr. Wakefield said he did not feel NOSD was remiss in their doing their homework. He said that this has been going on for three years and has been a heated topic in the community with numerous editorials and letters to the editor. Mr. Affolter said that compared to the alternative sites the Mizee home if further away than most.

STAFF

In response to some of the issues raised, Mr. Sheets indicated that notification concerns were addressed through the continuation of this hearing and the notification/re-notification of the property owners within 750-feet of the subject property. He said the subject property is within the Oregon Department of Forestry's coverage area for fire protection, however, if the applicant can get an intergovernmental agreement with the Netarts/Oceanside Fire District, then that is good too. The Exception Requirement's, Factor "D" of the four factors for a Reason's Exception states the compatibility is not intended as an absolute term meaning no interference. Mr. Sheets went on to say that there is a 100-foot buffer for dwellings to be sited in the Rural Residential zone when abutting the Forest (F) zone. He said there is no height limit for structures located in the Tillamook County Land Use Ordinance's Forest (F) zone. He said as with most zones the Department would likely have a 35-foot height limit for structures due to aviation/FFA regulations integrated into the Building Codes outlined in the OARs/ORSs.

Mr. Sheets said that this Exception, if approved, is the first step in potentially several land use processes. He said a Geological Hazard report would likely be the next step as it would be required for the Major Partition process. He said a site-specific Geological Hazard Report review is contingent upon the slopes located on-site.

Mr. Sheets said that if the slopes are 29% or greater where they want to site the structures will require a GEO Hazard report first due to the fact that in a Conditional Use you have to site the structures. Commissioner Heckeroth asked if one of the other land use application will come back before the Planning Commission. Mr. Sheets said that both a Geo Hazard and Condition Use to site in a Forest zone can be done administratively. Commissioner Heckeroth then asked if now was the time for the Planning Commission to address the buffering. Mr. Sheets said they could but they should be cautious because firebreaks for structures and the planting of trees for a visual barrier may contradict each other. The OARs for siting structures in the Forest zone are criteria based. He said the Fire Breaks are based on the slopes surrounding the proposed structures and Firebreaks would take precedence over the vegetation used for a visual

barrier/buffer. Commissioner Hoffman said that if it is handled administratively and the Planning Commission does not agree with the conditions they can ask for additional conditions.
Commissioner Heckeroth did not agree. Commissioner Hoffman then asked staff. Butch Parker, Director of the Department of Community Development, Tillamook County, and Mr. Parker said that he can bring it before the Commission if they would like. Anyone who received a notice has the right to appeal the decision. Commissioner Heckeroth felt that the best time to address the buffering would be during the Conditional Use process. Commissioner Ousele asked it the Planning Commission could place a condition, if approved, on this that the Conditional Use needs to be conducted as a public hearing and not as an administrative review. Mr. Parker said that after listening to the Planning Commissions concerns he could make the decision to bring it before the Commission administratively. Commissioner Jones asked if they could instruct staff to address the buffer when they prepare the conditional use. Mr. Parker said yes, the Planning Commission can instruct staff to do that at this time. Mr. Sheets suggested that if the Planning Commission is going to instruct staff on the buffer to outline what they would like to see as a buffer and it must be within the proposed Exception area, not on Green Crow's property.
Commissioner Jones asked if NOSD is sure, they can plant native trees and shrubs' around the property and have them thrive to maturity. Mr. Yarnall said absolutely but will not guarantee that during a high windstorm no trees will be blown down.
Commissioner Ousele is NOSD making a commitment to maintain those trees. Mr. Wakefield said repeated that it is part of their purchase agreement with Green Crow.

Commissioner Jones felt that NOSD could notify adjacent property owners every 7-10 years when the pond will be emptied. Dan Mello, Netarts/Oceanside Sanitary District (NOSD), said that now that he is aware of Mr. Mizee he will give Mr. Mizee his card and put him on the NOSD call list to notify neighbors of any disturbance that will be happening.

Chair Ousele closed the hearing to public comment and opened it up for discussion among Commission members.

Commissioner Jones said that he did a site visit today and walked around the property. He said he was in the middle of nowhere and could see no one. His first impression was that this was neat, all other sewer treatment plants in Tillamook County you can see it from a major highway or public roads. He was very impressed with NOSD's choice of proposed site. He said there is an exterior road that goes around the infrastructure and that there is enough room between the road and the property line to plant trees for a buffer.

Commissioner Hoffman said that this decision is difficult because the public comment is coming from one of their fellow Commissioners and would like to

think that any other property owner in this situation would get the same consideration as Mr. Mizee is getting. She felt knowing the height of the structures was helpful and any planting of a buffer. She also felt that the 100-foot set back on the residential property is something the property owner can manage and take some of the responsibility in planting a buffer. Commissioner Hoffman said that this is the best location, it is allowed in this zone and that the applicants have satisfied the requirements. She would also like to take steps to make sure the final approved project will have the appropriate buffers.

Commissioner Heckeroth said that he agrees with Mr. Mizee's concerns but that the process NOSD went through gave the public plenty of opportunity to find out about this project. He felt that it was the property owner's responsibility, when purchasing a piece of property, to find out what the zone is and what is allowed on adjacent properties. Commissioner Heckeroth said that by providing an Exception to allow a wastewater treatment plant in the Forest zone the Planning Commission should mitigate anything that could alter adjacent property uses. He feels that the buffering is significant and would like to see direction given to staff to consider it when preparing the Conditional Use. He said he is for this project.

Commissioner Jones said that the Planning Commission could make a separate motion on the buffer. Commissioner Ousele agreed. She also said that she is sympathetic to the impact of living next door to something that was not looked at when reviewing the zoning of the adjacent property. She feels that between impact and absolute compatibility the proposed site is the best. She would like for the Mizee's to be included in NOSD's good neighbor program and provide instruction to staff for this to be included in the Conditional Use so that the Mizee's will be notified of any disruptive work done on the proposed site.

Commissioner Jones moved to recommend approval of reasons exception for CU-08-10 to the Board of County Commissioners based on the staff report, findings of fact and public testimony and written testimony at this meeting and the December 11, 2008 meeting. Subject to the following conditions that are listed in the staff report subsections A-D

Commissioner Hoffman seconded the motion. The motion passed 4:0

DISCUSSION ON SECOND MOTION

Commissioner Heckeroth said that if NOSD is going to create a successful buffer they need to use specific species such as spruce and hemlock. He recommended to staff that the applicant be directed to use the correct species when planting the buffer. He feels that this should be included in the second motion.

Commissioner Jones said that an arborist should give NOSD advice on what to plant. Commissioner Heckeroth felt that if NOSD is going to plant conifers that it should be spruce and hemlock.

Commissioner Hoffman asked if there should be something regarding notification to the neighbors in this second motion. Commissioner Ousele said yes, specifically regarding the periodic cleaning of the sledge ponds.

Commissioner Heckeroth said typically that when the Planning Commission looks at issues they build their recommendation/approval/denials based on the footprint of the project site and that Mr. Sheets is correct that the Planning Commission has no jurisdiction to ask Green Crow for any part of the buffer.

Mr. Parker said that since this is Green Crow property, they may want some input into what is planted. Commissioner Jones said that the Planning Commission is not trying to inhibit Green Crow property after NOSD purchases the 9.7 acres from them. Mr. Parker clarifies by saying that Green Crow would still own the surrounding property and may have input on what types of tress to plant. Commissioner Hoffman said that the motion could read, "Fast growing conifers such as spruce and hemlock. Commissioner Jones said that with the purchase agreement, Green Crow will have some input anyway. Mr. Sheets said that in considering the buffer, the firebreak surrounding the structures would be the first priority with the buffer being secondary. Commissioner Jones said it would be the Southern and Western property lines with the structures being approximately 300-feet away. Mr. Sheets said he wanted it on the table that when considering the structures that the fire breaks is a priority.

Commissioner Hoffman moved that the Planning Commission direct staff that in any subsequent Conditional Use requests relative to this property that in their recommendation they include conditions of approval that require the applicant to provide a buffer to the neighboring properties using fast growing conifers such as spruce and hemlock and the applicant assure that all neighboring properties are included in any notification program that NOSD has relative to activities that will be going on at the facility that could impact those neighbors.

Commissioner Heckeroth seconded the motion.

Commissioner Ousele asked for a discussion as the motion left out the firebreak being a requirement on land sited in a Forest zone. Commissioner Jones does not feel it would be a problem. Commissioner Heckeroth said that the Planning Commission cannot require trees be planted in an area that requires a firebreak.

The motion passed 4:0

ITY DEPARTMENT
DEVELOPMENT
L AVENUE
REGON 97141

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