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# Tillamook County Oregon

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This web version of the Tillamook County Comprehensive Plan is provided for the convenience of the public. The official version is available at the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141. Tillamook County cannot be held responsible for differences between this web version and the official version of the Comprehensive Plan.

The Tillamook County Comprehensive Plan is organized into sections corresponding the the [state land use goals](#) . Each section includes Comprehensive Plan text. Some sections also have additional plan documents. The year after each document is when it was last updated.

This is not a complete list. We are continually working to add more information to the web site.

 All Comprehensive Plan files are in PDF format. Some files are very large.

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## Goal 1, The Planning Process

[Comprehensive Plan Text](#) 1982

More Information:

The Department is helping communities form [Community Planning Advisory Committees \(CPACs\)](#), which will help update this portion of the Comprehensive Plan

## Goal 2, The Land Use Plan

[Comprehensive Plan Text](#) 1982

## Goal 3, Agricultural Lands

[Comprehensive Plan Text](#) 1982

## Goal 4, Forest Lands

## Goal 5, Natural Resources

## Goal 6, Air, Water & Land Resources Quality

## Goal 7, Hazards

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## Goal 11, Public Facilities

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## Goal 12, Transportation

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## Goal 13, Energy Conservation

## Goal 14, Urbanization

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Unincorporated Community Plans:

- Urban Unincorporated Communities
- [Barview/Twin Rocks/Watseco](#) 2002
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Rural Service Center

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Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches & Dunes

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# THE PLANNING PROCESS

## Goal 1

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# THE PLANNING PROCESS

## Goal 1

### PLANNING GOALS FOR TILLAMOOK COUNTY

Preparation of this Comprehensive Plan has provided the County with an important opportunity to make a detailed statement describing the needs and desires of its citizens for the future use of the County's land and water resources. While the Comprehensive Plan is a legally required document by ORS Chapter 197, its principal function is to guide future development of the County through agreed upon policy statements which give direction to County actions and programs. The policies provide a basis for coordination of the programs of other governmental entities, local, state and federal, through the County Plan. They are also intended to assist the private sector in reaching development decisions which are beneficial to the citizens of the County generally as well as to the private property owner.

The plan must also be in conformance with the adopted statewide planning goals in order that statewide interests be balanced with local needs. The policy statements are to be based upon required inventories of resource and other pertinent information and findings related to analysis of problems and opportunities existing in the County. In order that the plan will be used to guide actions for problem-solving, the state goals also require local adoption of implementation measures appropriate for dealing with the identified problems and needs.

The Tillamook County plan is directed toward the preservation of the County's fundamental rural character, reflecting its orientation of life-style to the County's natural resources and amenities. The predominance of productive forest land interspersed by small river valleys eminently suited by climate and soil characteristics to dairy farming, in further combination with five estuaries and an extensive mileage of ocean coast line, create an ideal resource setting for the forest, agriculture, fishing and recreation and tourism industries. The County plan recognizes that there are problems inherent in the characteristics of an economy so heavily dependent on both natural resource supply and demand. Yet, it emphasizes the benefits to be gained by dealing with these problems in constructive and imaginative ways.

Each section of the plan deals with one or more of the subject areas of statewide goals. These are identified as clearly as possible by means of reference to the specific requirements of the goals and how they are being met by the County plan. In those instances where goal exceptions are being requested by the County, findings to support the exception are also described in accordance with state requirements.

### MEETING STATE REQUIREMENTS

1. Description of the planning process in Tillamook County.  
State Goal 1 - Citizen Involvement

Five Citizen Advisory Committees have been meeting on a continuous basis for over four years to provide guidance to the technical planning team in formulating with Comprehensive Plan. The land use and zoning designations which are being presented in the plan is the culmination of this effort.

2. Description of Tillamook County's land use plan.  
State Goal 2 - Land Use Planning  
State Goal 9 - Economy of the State

This section of the plan presents the growth potential of the County for the next 20 years and the rationale for formulation of the land use plan, the cornerstone element of the overall comprehensive plan.

The factual basis for the plan is presented by means of data summaries and references to specific reports used as data sources. Implementation measures needed to accomplish the plan policies are also included in the plan.

3. Description of Tillamook County's upland resources management needs.

State Goal 3 - Agricultural Lands  
State Goal 4 - Forest Lands  
State Goal 5 - Open spaces, scenic and historic areas and natural resources  
State Goal 6 - Air, water and land resources quality  
State Goal 7 - Areas subject to natural disasters and hazards  
State Goal 8 - Recreational needs

This section of the plan presents findings and policies for guiding County programs dealing with the management of all of the County's valuable upland natural resources. It provides for coordination with related programs of federal, state and other local agencies and with the private sector.

4. Description of Tillamook County's coastal resources

State Goal 16 - Estuarine Resources  
State Goal 17 - Coastal Resources  
State Goal 18 - Beaches and Dunes  
State Goal 19 - Ocean Resources

This section of the plan presents findings and policies for guiding County programs dealing with the management of the county's diverse coastal resources. Particular attention has been given to preparing a detailed management plan for each of the County's five estuaries. A special planning and management area has also been defined for coastal shorelands including beaches and dunes. Provision is made for coordination with related programs of federal state and other local agencies and with the private sector.

5. Description of the County's community development needs.

State Goal 10 - Housing  
State Goal 11 - Public Facilities and Services  
State Goal 12- Transportation  
State Goal 13 - Energy Conservation  
State Goal 14 - Urbanization

This section of the plan presents findings and policies for guiding County programs intended to help meet community development needs in the unincorporated communities and rural areas of the County. It provides for coordination of planning with the incorporated cities in the County by means of County adoption of urban growth boundaries policies and implementing ordinances for each city.

## IMPORTANCE OF LAND USE AND ZONING DESIGNATIONS

The Comprehensive Plan is most directly applied to the use of public and private lands in the County by means of the land use designations contained in the County's zoning ordinance. A major section of the plan describes how the plans policies are used to help in preparing these designations. An overall strategy is presented for meeting resource management and community development needs. This is followed by an analysis of buildable lands in the County, the establishment of community urban growth boundaries, selection of areas for rural development and designation of the major areas for farm and forest resource management and coastal zone management. This section for the plan will conclude with designation and justification of land uses which must be considered exceptions to the state planning goal requirements.

1. CITIZEN INVOLVEMENT PROGRAM. Following designation of the planning Commission as the County's Committee for Citizen Involvement, an extensive program to support the development of the new Comprehensive Plan was established during the 1976-77 planning year. Four Citizen Advisory Committees were initially organized and a fifth was added in September, 1977. These committees have represented geographic areas of the County as shown on the accompanying map. (Figure 1)

The Committees consisted of from 11 to 18 members appointed by the County Commissioners based on expressions of interest from members of the community or from persons knowledgeable on planning issues and problems in the County. Committees met regularly on a monthly basis, and more frequently as needed, particularly in the final months of the program. A log of Committee meeting dates for each of the five committees, the most current rosters of committee membership and lists of persons who served on the committees over the duration of the planning program, are included in the plan documentation material. (Exhibit 1)

Communication of land use planning concerns and responses was a primary objective of the citizen involvement program. A first publication from the planning program, "A Citizens Planning Handbook", was issued in June 1977. (Plan documentation material, Exhibit 2). This report generally outlined the program being undertaken to prepare a new County plan in compliance with statewide planning goals and presented a first comprehensive basic inventory of resource and economic facts for guidance of the CAC's. CAC objectives noted in this report included:

- a. Identify local problems and concerns related to planning;
- b. Develop community planning goals and priorities;
- c. Assist in planning for land conservation and development actions in accordance with long-range public needs;
- d. Recommend policies to guide future growth;
- e. Provide monitoring and review of the County Comprehensive Plan, working to update and revise it as necessary.

Communication was further emphasized and accomplished by means of a monthly newsletter, "The Morning Star Gazette", which was initiated in October of 1977. The first issue crisply phrased the role of the CAC's as follows: "The CAC's will identify local problems, explore alternatives and recommend policies to the Planning Commission". (A complete set of the newsletters is included in the plan documentation material , Exhibit 3) The newsletters were distributed on a countywide basis with a mail circulation of copies. Additional distribution was made in response to individual articles reviewed progress on different parts of the planning



program as staff studies were carried out. CAC activities were reviewed and meeting schedules highlighted in each issue.

Technical information was provided to the CAC's in the form of planning reports and working papers directed toward compliance with each statewide planning goal requirement. (Copies of the working papers are included in the plan documentation material, **Exhibit ?**. Other reports are also referenced from other sections of the plan.)

October 1980 CAC meetings were utilized to report back to the CAC membership on Planning Commission response to C.A.A. zoning recommendations. A special joint meeting was held in December 1980 at which the CAC's, Planning Commission and Board of Commissioners reviewed and discussed the planning process and Board's actions on zoning designations. Influence and contribution of the CAC's to plan development is described in further detail in the next section which outlines the overall process for developing the plan land use designations.

Regular CAC meetings were resumed in April 1981, with several important objectives for accomplishment in the final stages of preparing the plan. These included review of major plan policy statements on agricultural lands, forest lands, shorelands and urbanization. Proposed revisions of land use designations since the 1980 hearings were reviewed in each Committee area. General review of the complete plan and ordinance texts was the final stage in the CAC plan review process.

Additional citizen involvement, as well as technical input and agency coordination, was accomplished through special committees organized to assist in plan development for specific goal topics.

- a. TILLAMOOK COUNTY ESTUARY COUNCIL. This group played a key role in development of plan elements for Goal 16, Estuaries, and Goal 17, Shorelands. These included policies and standards, management unit designations and implementation measures as well as special plan elements for dredged material disposal sites and restoration-mitigation sites needed for projects having fill or dredging requirements. A log of Council meeting dates and membership list is included in Exhibit 1.
- b. DREDGED MATERIAL DISPOSAL STEERING COMMITTEES. These groups were formed to assist the consultation in preparing the dredged material disposal plan elements for Tillamook and Nehalem Bays. Meeting dates and membership lists are included in Exhibit 1.
- c. OVERALL ECONOMIC DEVELOPMENT PROGRAM COMMITTEE. This group was formed in 1977 as the County's Economic Improvement Council. It assisted in preparation of the County's 1978 OEDP and continued in this capacity to prepare the 1980-81 OEDP which provides in part the basis for the economic element of this plan. Membership lists are included in Exhibit 1.
- d. FORESTRY ADVISORY COUNCIL. This group was made up of public agency and private forestry representatives having expertise in forest management requirements. This group assisted in development of the forest lands element of this plan.
- e. TILLAMOOK COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD. The Board served as the principal advisory group in preparing the agricultural lands element of this plan.

Tillamook County's Citizen Involvement Program will continue on a regular basis following submission of the Comprehensive Plan for state acknowledgement. The CAC's will be re-

appointed annually and will review any major plan changes required for receiving acknowledgement, as well as plan amendments which may be proposed as part of the regular plan maintenance and update process. Important plan implementation questions will also be referred to the CAC's for recommendation as may be requested by the Planning Commission or Board of County Commissioners.

The advisory groups for particular elements of the plan will also be continued. These include the Estuary Council, O.E.D.P. Committee, Forestry Advisory Council and the Soil and Water Conservation District Board. In addition, a Goal 4 plan policy recommends formation of a special committee to review possible needs for County protection of watershed areas.

CITIZEN INVOLVEMENT POLICY. Tillamook County shall continue use of Citizen Advisory Committees and special advisory group to provide advice and recommendations on issues concerning maintenance, update and implementation of the Comprehensive Plan. The Tillamook County Planning Commission shall continue as the County's Committee for Citizen Involvement.

2. CITIZEN INVOLVEMENT IN THE LAND USE DESIGNATION PROCESS. Illustrative of the County's program is the means by which the land use and zoning designations were developed using the basic CAC committees.

The zoning proposals that were brought before the Planning Commission and Board of Commissioners were the result of a long process of staff evaluation and citizen involvement. That process is as important as the zoning proposals and policies that have resulted from it. Involvement and equity were the keys to this process. Staff attempted to involve as many people as possible and tried to treat similar situations in a similar way.

The Soil and Water Conservation District Board and the Estuary Council played key roles in the development of policies and criteria that helped determine the zoning of agricultural and estuarine lands. The five Citizen Advisory Committees were involved in every facet of the development of the zoning proposals for their areas.

The five Citizen Advisory areas were divided into from three to seven subareas to give interested citizens an opportunity to comment on appropriate zoning for their immediate area. All available time was utilized to contact affected property owners to ask them how they want to use their land. In addition to meetings at the subarea and CAC levels, hundreds of individual landowners were contacted by phone. In many cases, staff met with landowners on their property.

Every possible effort was made to develop zoning proposals that were consistent with landowners' interests while still being within the bounds of state law and locally established criteria. Agreement was reached with well over 95 percent of the affected landowners.

The Citizen Advisory Committees reviewed all zoning proposals for their area. This required three to four special zoning meetings in each CAC area. The CAC's gave very careful consideration to all cases where there was a known disagreement between staff proposals and the wishes of the individual property owners. In some cases, staff changed their recommendations in response to a vote by the CAC. In other cases, staff felt it necessary to continue their recommendation to the Planning Commission, while noting the CAC's contrary recommendation.

#### SOUTH CENTRAL AREA

The zoning proposals for this area were reviewed by the Planning Commission on July 17, 1980. The development of these proposals began with a subarea meeting at Blaine on February 27. This was followed by six additional subarea meetings in the Beaver-Hemlock, Hebo-Three Rivers

and Cloverdale areas during March and April. These meetings and other staff contacts with property owners (including over 100 phone calls) led to zoning proposals that were reviewed by the South Central CAC on April 29 in Beaver, on May 20 in Hebo, and on July 14 in Cloverdale. All of these meetings were publicized by newsletter and in the Headlight Herald. There were also direct mailings to many affected property owners, informing them of the zoning proposals and the time and location of meetings in their area.

#### SOUTH COUNTY AREA

The development of zoning proposals for this area began with over 200 people attending a total of nine subarea meetings in Sandlake, Pacific City, Oretown and Neskowin during April and May. These meetings and other staff contacts with property owners (including over 100 phone calls) led to zoning proposals that were reviewed by the South County CAC on May 12 in Sandlake, on May 27 in Neskowin, and on June 17 and July 15 in Oretown. Between 30 and 40 people attended each of these meetings which were publicized by newsletter and in the Headlight Herald. There were also direct mailings to many affected property owners.

#### NORTH COUNTY AREA

The development of zoning proposals began with five subarea meetings in the North County area during May to discuss zoning alternatives with interested citizens. These meetings and other staff contacts with interested property owners (including over 100 phone calls) led to zoning proposals that were reviewed by the North County CAC on June 10, June 24, and July 22 in Wheeler. Between 20 and 40 people attended each of these meetings which were publicized by newsletter and in the Headlight Herald and Nehalem Bay Fishrapper. There were also direct mailings to many affected property owners.

#### NORTH CENTRAL AREA

The development of zoning proposals for this area began with four subarea meetings in the North Central area during May and early June to discuss zoning alternatives with interested citizens. These meetings and other staff contacts with interested property owners (including over 100 phone calls) led to zoning proposals that were reviewed by the North Central CAC on June 11, June 25, and July 29 in Bay City. These meetings were publicized by newsletter and in the headlight Herald and Nehalem Bay Fishrapper. There were also direct mailings to many affected property owners.

#### CENTRAL COUNTY AREA

The development of these proposals began with discussions of zoning alternatives with interested citizens at seven subarea meetings during May and June. These meetings and other staff contacts with interested property owners (including hundreds of phone calls) led to zoning proposals that were reviewed by the Central County CAC at public meetings in the County Courthouse on August 6, 18, 20, 25, and September 3 and 9. Several hundred people attended these meetings which were publicized by newsletter in the Headlight Herald. There were also direct mailings to many affected property owners.

FIGURE 1  
CITIZENS ADVISORY COMMITTEES MAP

Insert Map

# THE LAND USE PLAN

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# THE LAND USE PLAN

## (Goal 2)

### 1. OVERVIEW

#### 1.1 PREVIOUS PLANNING AND LAND USE REGULATIONS IN TILLAMOOK COUNTY

The need for land use planning was given increasing attention in Tillamook County during the mid-1960's as evidenced by the County actions and planning reports of that period. Subdivision regulations were adopted in 1966 and the text of the Zoning Ordinance was adopted in 1969. All lands in the County were placed in zone designations by means of a series of zoning maps adoption which took place in the 1969-1974 period.

The County issued a long-range planning report in 1968 which was the result of a cooperative conference jointly sponsored by the County and the Oregon State University Extension Service. Following this, the County contracted with the Bureau of Governmental Research and Services, University of Oregon for the preparation of a County Comprehensive Plan. This was completed and adopted by the County in 1972.

Following passage of Senate Bill 100 and formulation and adoption of the statewide planning goals, the existing plan and ordinances were evaluated for compliance with the goals. It was found that they did not comply with goal requirements. As a result, the County undertook, with state financial assistance, the preparation of this new Comprehensive Plan and implementing ordinances designed to meet the state planning goal requirements.

#### 1.2 STATE LAND USE PLANNING REQUIREMENTS

##### 1.21 LEGISLATIVE MANDATE

ORS Chapter 215 contains the original legislative authorization for County land use planning and regulations. Its remaining sections largely procedural in nature, however, since the substantive requirements for a comprehensive plan are now contained in Chapter 197 (Senate Bill 100). Policy and requirements for agricultural land protection through exclusive farm use zoning is contained in Chapter 215, however.

ORS Chapter 92 contains the legislative authorization for regulation of land subdivision and partitioning. According to the language of the chapter as it now stands, subdivision and major partition regulation is mandatory while regulation of minor partition is discretionary at the local level.

ORS Chapter 197 mandates the substance and effect of the CP as described in Section 197.010 Policy. "The Legislative Assembly declares that, in order to assure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans: (1) must be adopted by the appropriate governing body at the local and state levels; (2) are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines; (3) shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plans; (4) shall be prepared to assure that all public actions are consistent and

coordinated with the policies expressed through the comprehensive plans; and (5) shall be regularly reviewed and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve”.

Chapter 197 also defines the comprehensive plan as: “a generalized, coordinated land use map and policy statement or the governing body of a state agency, city, county or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. ‘Comprehensive’ means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. ‘General nature’ means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is ‘coordinated’ when the needs of all levels of governments, semi-public and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. ‘Land’ includes water, both surface and subsurface, and the air”.

Chapter 197 further provides for state establishment of statewide planning goals consistent with regional, county and city concerns and mandates each city and county to prepare and adopt comprehensive plans consistent with the statewide planning goals.

#### 1.22 APPLICATION OF THE GOALS

All statewide planning goals have been applied directly in the Tillamook County Comprehensive Plan except Goal 15 and Goal 19. Goal 15 applies only to the immediate vicinity of the Willamette River which is not within Tillamook County boundaries. Goal 19 applies to ocean resources which are in part within the County’s jurisdiction but there was no method available to the County for formulating a plan element in response to this goal. Coastwide Development best meet the requirements of Goal 19 at this time and pertinent excerpts from those studies of ocean resources have been included in the Goal 9 element of this plan.

Goals 1 and 2 deal generally with the process of planning detailing the basis for citizen involvement in planning and the methods by which an acknowledgeable comprehensive plan may be prepared. Goals 6, 8, 9, 10, 11, 12 and 13 fall into the category of general planning goals for which competing uses, values and objectives are weighed and balanced against each other in the course of plan preparations. Goals 5,7, 14, 16 (part) and 18 (part) contain built-in conflict resolution mechanisms for resolving conflicts between the goal and competing land use needs. Finally, Goals 3, 4, 16 (part), 17 and 18 (part) are considered site-specific in their application to land uses and the exceptions process outlined in Goal 2 must be applied in order to resolve conflicts between a particular goal and the over-riding local land use need.

A plan element has been prepared for each goal presenting an overview of goal importance followed by planning requirements for the goal and findings and policies established for the goal in Tillamook County.



## 2. DEVELOPMENT OF THE LAND USE PLAN

### 2.1 CONSERVATION AND DEVELOPMENT NEEDS IN TILLAMOOK COUNTY

#### STATEWIDE GOALS MAKE CONSERVATION NEEDS SPECIFIC, DEVELOPMENT NEEDS GENERAL

Conservation needs are made specific by the statewide planning goals. These needs are spelled out according to type of land, vegetation, habitat and other features. The specificity of conservation needs is apparent from the fact that the five goals to which the Goal 2 exceptions process is normally limited are all resource goals. The same specificity is not present in goals which address development needs. These needs are not represented by specific standards in the applicable goals and are not under the test of the Goal 2 exceptions process.

The primary goals which identify development needs are Goal 9, Economy of the State, and Goal 10, Housing. Needs are expressed in general terms by these goals.

Goal 9 requires the following inventories to determine economic development needs: “areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability; labor market factors; transportation; current market forces; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.”<sup>1</sup> The Goal recognizes a need to encourage development in areas having under-utilized human and natural resource capabilities which are defined to be “cities, counties or regions which are characterized by chronic unemployment or a narrow economic base, but have the capacity resources to support additional economic activity.” It can be seen that these requirements are not nearly as specific as the requirement to protect SCS Class I, II, III and IV land for commercial farming.

The expression of residential needs in Goal 10 is similarly general. This goal recognizes the need for “adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of O households and allow for flexibility of housing location, type and density.”<sup>2</sup> There are no standards contained in this Goal for determining what are adequate numbers of housing units and how much flexibility of housing location, type and density should be provided.

Given the general nature of the description of development needs in comparison with the description of conservation needs, it appears as though the Goals grant local governments the discretion to determine what those needs are. This has not been the way in which development needs have been reviewed by LUBA and LCDC.

**DEFINITION OF NEED:** It is not explicitly stated whether the establishment of development needs by a local government is to be reviewed by the State as a local policy determination or according to an objective State standard. LUBA referee Cox explained this question in the case of DLCD v. Tillamook County, LUBA No. 81-004.

What is meant when ‘need’ is used in land use activities? Does its use in the Statewide Goals call for a policy statement, which in turn is reviewed for arbitrariness. See *Neuberger v. City of Portland*, 288 Or 155, 603 P2d 771 (1979). Or, is it to be used as an objective standard to which local governments must comply and that compliance reviewed in terms of

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<sup>1</sup> LCDC Statewide Goals and Guidelines, p. 9

<sup>2</sup> *Ibid.* p. 10

substantial evidence?

The Oregon Supreme Court stated in *Marbet v. Portland General Electric*, 277 Or 447, 469, 561 P2d 154 (1977), referring to ORS 469.060 et seq. 'Need is a conclusion that involves policy judgment'. If 'need' as used in Goals 2 and 10 refers to policy judgment, then LCDC, this Board and the courts have been reviewing compliance with those goals improperly. Traditionally, a determination of 'need' has been reviewed for the existence of findings supported by substantial evidence and not by the less stringent standard of arbitrariness. (See *Still v. Marion County*, 42 Or App 115, 600 P2d 433 (1979), rev den 288 Or 493 (1980).

If 'need' refers to an objective standard which calls for substantial evidence review, then LCDC should indicate the type of need the goals contemplate"<sup>1</sup>

In the case of the majority of resource conservation goals, objective standards exist within the goals themselves (e.g. SCS Class I through IV land). This is not the case with the development Goals. Because the Goals were specific in defining needs in some instances and general in others, it appears as though the Goals granted authority to local governments to further define generally defined needs. If the Goals intended development needs to be reviewed according to objective standards then it seems reasonable that the appropriate standards would have been included in Goals 9 and 10 as in the case with Goals 3, 4, 16, 17 and 18.

The reasonable conclusion is that the Goals call for a local development needs policy statement that is reviewed for arbitrariness. Such a policy statement should be faithful to the intent of the statewide goals and the principles of comprehensive planning.

There are two main issues that need to be resolved before a policy statement on need can be developed. To what extent should development needs be viewed as preferences or essential requirements? To what extent should development needs represent individual needs or public needs?

LUBA Referee Cox discussed the first issue in the context of Marlow's hierarchy of needs and Goal 10. From this perspective, it appears as though development needs are decidedly preferential.

Goal 9, by its very nature, relates to essential needs more than Goal 10 since economic activity and employment are essential to modern day survival. There is however a preferential component to this goal also. The Goal doesn't limit the improvement of the State's economy to what is necessary for meeting essential needs of the population. The amount of improvement possible is left open-ended.

Given that the Goals recognize development needs as being preferential in nature, to what extent are they individual needs or public needs. Planning and zoning law and the Statewide Goals indicate that development needs are community needs. The power of local communities to plan and zone is a police power granted by the State. The purpose as with all police powers is to protect the public health, safety and welfare. The foundations of land use planning are based on public or community needs.

The Statewide Goals also refer to public needs. Goal 9 has the purpose of diversifying and improving the economy of the State. Goal 10 has the purpose of providing for the housing needs of citizens of the State.

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<sup>1</sup> DLCD v. Tillamook County, LUBA No. 81-004. p. 10

Planning law and the Statewide Goals are clear that comprehensive plans are not to be based on individual desires. This is reflected in the State Court of Appeals statement in the case of *Still v. Marion County*. “A need is not represented simply by the fact that someone wants to buy land for a use”.

This does not mean that individual desires are not represented in the comprehensive planning process. First of all, local government only has the power to limit individual desires when they are detrimental to public health, safety and welfare. Secondly, public needs represent an aggregate of individual needs. In relation to housing, the Housing Goal requires local governments to provide for individual desires by allowing flexibility of housing location, type and density in comprehensive plans.

#### MEASUREMENT OF NEED

To prevent a local government’s need policies from being interpreted in an arbitrary manner, findings of need must be based on substantial data. There are several available sources of information on public need including population estimates and projections, employment estimates and projections, community surveys, and market studies. These sources measure community-wide needs and not the desires of any particular person. Each source has its limitations and the use of several sources together may be necessary to obtain a reasonable estimate of need.

The Court of Appeals stated, however, in *Still v. Marion County*, that market demand is not a measurement of need. The Court stated:

“A market demand for rural residential development, however, does not constitute a ‘need’ for it, as that word is used in Goal No. 2.”

This ruling is unfortunate since market demand can be a valuable indicator of community preferences. Market demand indicates general community wants as they vary with price.

This ruling may be the result of confusion on the part of the Marion County Board of Commissioners and the Court of Appeals about market demand. Both bodies confused demand with supply and demand interactions. In addition, the Court of Appeals viewed demand from an individual rather than a community perspective.

The Marion County Board of Commissioners stated that there was a need for residential development based on a finding “that there is a scarcity of similar lots, as indicated by the price and small number of similar lots on the market”. The Court interpreted this to mean that there was a market demand for the type of development proposed. Both of the interpretations are wrong.

The number of available lots is an indication of supply, not demand. Although the supply of residential lots may be low if there is a large demand for them the supply may also be low if few developers are making lots available. Supply information is insufficient for determining need.

Price information even with supply information is also insufficient for determining need. Price is determined just as much by the cost of production as by consumer willingness to pay. High prices may be a reflection of high land development costs. Price and supply information make suggestions about demand but are insufficient for making any conclusions about demand or need.

The Court went on to say that market demand is not need and “land is not excepted from the

agricultural goal merely because somebody wants to buy it for a house”. This may be a common colloquial use of the word demand to put it in terms of an individual buyer and a particular piece of land, but it is not the use which has meaning in the study of economics. Demand is an aggregate of preferences of the population. It indicates general community wants as they vary with price.

Just as need determinations should not be based solely on market demand, they should not be based solely on the continuation of past trends. Many of the goals had been adopted to change past trends which resulted in the loss of productive farmland or other resources. Both market demand and past trends need to be used along with other information to determine public need.

## LOCATION OF DEVELOPMENT NEEDS AND INTERPRETATION OF GOAL 10

Determining the appropriate locations for meeting a locality’s growth needs is a main task of comprehensive planning and is the focus of the Statewide Goals. The basic intent of the Statewide Goals is to concentrate development in cities and towns. This is apparent from the presence of Goal 14, Urbanization, and Goal 17, coastal Shorelands. Goal 14 makes it clear that there are development needs to be met in urban growth boundaries. Goal 17 requires special findings if development is allowed outside of urban growth boundaries. Other goals are less explicit but act to encourage development in urban areas.

Goal 10 has also been interpreted to be location specific with respect to housing development needs. According to this interpretation, housing needs are to be satisfied by land within urban growth boundaries. The validity of this interpretation is debatable however because it creates problems conceptually and in practice.

Both LUBA and the Oregon Court of Appeals have stated that Goal 10 requires that housing needs are to be satisfied by land within urban growth boundaries. The decisive case was *Still v. Marion County Board of Commissioners* in which the Court of Appeals made this interpretation. Unfortunately, the Court did not provide any reasons why this is the most reasonable interpretation of Goal 10 and did not analyze the consequences of that interpretation.

The Goal does not explicitly state that housing needs are to be satisfied within UGB. If it had been the intention of the drafters of the Goals to limit the Goal in this way, then an awkward way was chosen to express that intention. There are clearer and simpler ways to express this important statewide policy issue. Since, in general, state planning requirements are described quite clearly in the Goals, it seems doubtful that the Housing Goal would have been written in such an awkward way.

## CONSEQUENCES OF A LIMITED HOUSING GOAL INTERPRETATION

The Goal 10 interpretation limiting the satisfaction of housing needs to areas within urban growth boundaries has serious implications for Tillamook County. This interpretation severely limits the County’s ability to meet legitimate housing needs. An analysis of the impacts of this interpretation has to be made in the context of the requirements of Goal 14, Urbanization.

Goal 14 requires local governments to establish urban growth boundaries around urban and urbanizable areas. Urban areas are defined by the Statewide Goals as follows:

“Urban areas are those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

- (a) have concentrations of persons who generally reside and work in the area
- (b) have supporting public facilities and services”.<sup>1</sup>

In Tillamook County urban areas include the incorporated cities of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway Beach, Tillamook and Wheeler, as well as developed areas outside of these communities. The definition however is not clear on whether conditions (a) and (b) are mandatory if land adjacent to an incorporated city is to be considered as urban. It is only logical though that urban areas adjacent to cities are only as extensive as concentrated populations and urban services. Otherwise, the whole County could be considered to be an urban area.

Assuming that urban areas adjacent to incorporated cities must have population concentrations and supporting public services and facilities, unincorporated urban areas in the County include Neahkahnie, Necarney, Bayside Gardens, Nedonna Beach, Twin Rocks, Barview and some areas north and east of the City of Tillamook.

Urbanizable lands are defined by the Goals to be “lands within the urban growth boundary and which are identified and (a) Determined to be necessary and suitable for future urban areas (b) Can be served by urban services and facilities (c) Are needed for expansion of an urban area.”<sup>2</sup> Urbanizable lands then are essentially undeveloped or sparsely developed lands that surround incorporated cities and are necessary and suitable for urban development and can be serviced with urban services and facilities. They differ from rural lands in that they are inside an urban growth boundary although they may be physically no different.

According to this definition, urbanizable lands in Tillamook County include lands within the acknowledged UGB of the cities of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway Beach, Tillamook and Wheeler. They also include land within the separate urban growth boundary of Neahkahnie and Twin Rocks/Barview.

The Goals define rural lands as follows:

“Rural lands are those outside the urban growth boundary and are:

- (a) non-urban agricultural, forest or open space lands; or
- (b) other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.”<sup>3</sup>

According to this definition, rural lands in Tillamook County include lands outside of the urban growth boundaries of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway Beach, Tillamook, Wheeler, Neahkahnie and Twin Rocks/Barview that meet conditions (a) or (b). Since there is some land outside of UGBs which does not meet conditions (a) or (b), not all lands outside of UGBs are rural.

Condition (a) describes most areas of the County, since most of the land outside of urban growth boundaries is agricultural, forest or open space land.

Much of the remaining area is described by condition (b). There are some areas outside of

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<sup>1</sup> LCDC Statewide Goals and Guidelines, p. 24

<sup>2</sup> LCDC Statewide Goals and Guidelines, p. 24

<sup>3</sup> LCDC Statewide Goals and Guidelines, p. 24

UGB that do not meet this condition, however, because they are either not sparsely settled without public services or they are suitable, necessary or intended for urban use. The functionally urban unincorporated communities of Oceanside, Netarts, Cloverdale, Pacific City, and Neskowin can not be described as sparse settlement, small farms or acreage homesites nor do these communities have no or hardly any urban services. In all physical respects, these communities are no different from the incorporated communities of the County.

It is not apparent why the Statewide Goals do not recognize functionally urban unincorporated communities. In all respects except government, these communities are no different than incorporated communities. The population of these communities is comparable to the population of incorporated communities in the County as the following table shows.

TABLE 1  
COMPARISON OF COMMUNITY POPULATIONS

Unincorporated Communities	Permanent Population (1980)	Incorporated Communities	Permanent Population (1980)
Cloverdale	359	Bay City	986
Neskowin	367	Garibaldi	986
Netarts/Oceanside	1052	Manzanita	443
Pacific City	665	Nehalem	258
		Rockaway	906
		Tillamook	3955
		Wheeler	399

Cloverdale is bigger than two cities in Tillamook County and 40 other cities in Oregon. Pacific City is bigger than three cities in Tillamook County and 71 other cities in the State.

These communities are also like incorporated communities in terms of development density and available services. Residential densities are typically greater than four dwelling units per acre and much higher densities are common. A full complement of services including sewer, water and fire protection, among others, is available in all of these communities.

It seems reasonable that these functionally urban unincorporated communities should have an urban status and have UGB. If then the Housing Goal applies to these communities as well as incorporated communities, what are the consequences for housing in Tillamook County?

With recognized UGB around some of the communities, the south, south central and central coast areas of the County would have recognized housing needs and places to satisfy those needs. Because of the largely rural nature of the County however, there may be housing needs that can't be satisfied within urban growth boundaries. DLCD and the Commission have recognized this despite the Appeals Court interpretation that there are no housing needs outside of urban growth boundaries. Their latest position is represented in the Benton County Plan Review.

“In order to allow residential development outside an urban growth boundary it must be determined that the rural resource land location of the proposed residential development is necessary to satisfy the housing needs generated by the location of rural industrial, commercial or other economic activities in this area.

It is commercial, industrial or other economic activities which result in employment

opportunities that create the 'need' for housing in rural locations. Thus 'need' cannot be based solely on market demand for housing, arbitrary assumptions about urban/rural allocations of population or even housing types and cost characteristics. The 'need' must be a consequence of commercial, industrial or economic activities which themselves require a rural location. 'Need' is the effect part of a causal relationship. The County must show why, based on the economic analysis of the plan, there is a need for the type and density of housing planned which requires this particular location on resource lands."<sup>1</sup>

While this may be a reasonable policy for Benton County, it does not reflect the conditions existing in Tillamook County. Benton County has a larger population than Tillamook County, 68,211 people compared to 21,164 people. Population density is 102 persons per square mile in Tillamook County. In addition, only 37 percent of the population live in incorporated cities in Tillamook County compared to 65 percent in Benton County. Tillamook County has a much larger retired population than Benton County and has a seasonal population that is probably non-existent in Benton County.

Tillamook County differs in many ways from Willamette Valley counties in general and metropolitan counties in particular.

Although there are urban areas in the County, these retain a rural character and do not have nearly the scope of urban problems that are present in the metropolitan area cities of the Willamette Valley. There are few rush hour traffic or automobile pollution problems. There is much less need for open space within cities because there is ready access to open space areas outside. The largest city, Tillamook, has a population of under 4,000.

Rural residential living with attendant farming and livestock production is a tradition in Tillamook County. It is not simply an escape from living in the city as is the case for the Portland exurbanite who must commute a half hour or more to get to work. The pattern of rural development is also not the metropolitan pattern of sprawling rings of suburbanization. It is primarily located according to topography in foothill areas that have the least potential for resource production.

The economy of the County is more tied to primary production than are the economies of metropolitan areas. The principal service industry in the County, tourism, is oriented toward rural features. Forty-three percent of principal wage earners in the County work in unincorporated areas.<sup>2</sup> Comparatively, only 28 percent of the workers in the Portland SMSA work in unincorporated areas. (Tillamook County Planning Department calculation based on 1980 census data supplied by the Metropolitan Service District.)

In order to examine the consequences of a limited Goal 10 interpretation, it is instructive to examine housing needs in Tillamook County in more detail. There are two types of areas in the County. The south, south central, central coast, north central and north areas of the County are primarily oriented towards tourism and retirement and seasonal households. The central inland area is oriented towards non-retired permanent households.

In the north and north central areas, approximately a third of the households are seasonal. Of the permanent households, approximately 40 percent have a retired household head. Household growth over the past decade has been dominated by seasonal households, 73 percent of total growth.

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<sup>1</sup> Benton County Plan Review, p. 14

<sup>2</sup> A Survey of the Housing Situation in Tillamook County, Table 62, p. 85

The same pattern is true in the south and south central areas. Thirty-nine percent of the households are seasonal and of the permanent households, about 40 percent of permanent households have a retired household head. As far as growth, 53 percent of the area's household growth between 1970 and 1980 was seasonal household growth.

In the central coast area, 46 percent of all households are seasonal and of the permanent households, 48 percent of permanent households have a retired household head. Although census information is not complete enough to determine proportions of seasonal and permanent household growth it can be inferred that most growth between 1970 and 1980 was seasonal because the character of this area is similar to the character of the north and south areas.

Locations for seasonal and retirement homes are not oriented towards employment. The Benton County review policy does not apply in these parts of Tillamook County. Seasonal and retirement homes are oriented towards attractive settings and particularly the coast. This orientation represents the needs of seasonal and retired household.

In the central inland area, approximately 94 percent of the households are permanent households. Only 23 percent of those households have a retired household head. In this area, employment is a major factor for determining housing need.

The Port of Tillamook Bay Industrial Park, located 2 miles south of the City of Tillamook, is the only industrial park in the County. It has services and facilities to support industrial development including sewer, water, electricity, railroad spur, an airport, highway access, and park management. Before the recession and the slump in housing that closed down the local wood products industry, there were about 700 people working at the industrial park.

The Tillamook County Creamery, also a major employer, is located approximately 1½ miles north of the Tillamook city limits. The Creamery employs approximately 200.

There are other small businesses located in rural areas around the City of Tillamook including, among others, truck frame assembly, oyster harvesting, and jerky production. Some of these are located near resource materials, others are located where the business first started, in someone's home or outbuilding.

If housing needs are to be satisfied within UGBs, there are no rural housing needs that accompany rural employment. DLCD and the Commission have not agreed with this point of view, however, when they recognized, in the Benton County Plan Review, that there are rural housing needs where there is rural employment. DLCD and the Commission stated, however, that the most suitable alternative location for housing must be found and that this location may be within a nearby urban growth boundary.

While employment is a major factor determining housing location, it is not the only factor. There is a strong public desire for rural housing in the central inland area (See page 18 of the Housing Element). According to the Benton County review, this strong public desire does not constitute a need for rural housing. This conclusion by DLCD and the Commission is based on the assumption that a need is an essential requirement, not a preference.

There simply is no basis for this conclusion. First of all, the structure of the Goals indicates that development needs were to be defined by local governments (See earlier discussion). Secondly, Goal 10 indicates that housing needs are preferential (See earlier discussion). Finally, there are problems with the interpretation of the Goal 2 exceptions process to mean that only essential requirements justify exceptions.



Despite the conceptual difficulties presented, it might be argued that rural residential needs are provided for under the Goal 2 exceptions process and not as residential needs under Goal 10. Even so, it is a misinterpretation of Goal 2 to conclude that only essential rural residential needs can be provided for. The term need is a short cut term developed by DLCD and the Commission for the Goal 2 language “why should these uses be provided for”. LUBA has concluded that this is an appropriate short cut that does not do “undue violence to the meaning and intent of Goal 2”. (DLCD v. Tillamook County, LUBA No. 81-004). LUBA however did not judge the appropriateness of the short cut given the way it was used in the Benton County Plan Review.

The short cut term “need” is viewed as an essential requirement is not an appropriate substitute for goal 2 language. The phrase “why these other uses should be provided for” does not indicate a consideration of only essential requirements. If the Goal had intended this then it would have been written as “why these other uses must be provided for” or “why is it essential to provide for these other uses”. The requirement for compelling reasons and facts does not make the Goal language any less discretionary. Compelling reasons and facts could be given for the existence of public preferences.

In summary, there is nothing in the Goals that preclude local governments from identifying rural residential needs that are based on factors other than employment. The term need indicates public preference and in the case of Tillamook County includes a strong preference for rural housing.

The recognition of preferential need, however, particularly rural housing need, does not have to result in the destruction of Oregon's resources. Just because a need is recognized does not mean that it should be accommodated if accommodation would have undesirable public impacts. Needs have to be weighed against consequences to determine what is appropriate. This is precisely what comprehensive planning and the statewide planning program is about.

#### A BROAD INTERPRETATION OF NEED AND THE HOUSING GOAL DOES NOT THREATEN RESOURCE CONSERVATION.

There are many aspects of the SP goals which assure that resource conservation needs will be met. The goals work together to protect the Oregon resource base while providing for development needs. The exceptions process plays a key role.

The Statewide Goals have the clear intention of channeling development into urban areas and their immediate surroundings. The existence of Goal 14 and 17 requirements is a demonstration of that intention. In order for a local plan to receive acknowledgment, it should show that it is meeting this intention. The continuation of past rural residential trends into the future would not be meeting this intention.

An important cause of the loss of resource land is urban sprawl. The premature extension of services and facilities into undeveloped areas results in an inefficient land use pattern and the premature conversion of resource lands to non-resource uses. Goals 11 and 14, working together, control urban sprawl and reduce the amount of resource land conversion.

Goal 14 and the definition of urban, urbanizable and rural lands reduce the amount of urban use of rural lands. There are numerous instances in Tillamook County where in the past urban lot sizes were created in rural areas. Any rural benefits in these areas are attributed to surrounding properties, not to the residential lots themselves. Goal 14 and these definitions require that urban lot sizes be located only in urban areas. People who live on urban size lots should live in urban areas. As a result, the amount of resource land lost to urban type development in rural areas is diminished.

The exceptions process of Goal 2 is the key provision of the Statewide Goals which guards Oregon's resource base. One major aspect of this provision is the requirement that local governments give compelling reasons and facts to justify converting resource land to non-resource uses. This requirement prevents the conversion of resource lands based on arbitrary or insubstantial arguments.

The exceptions process requires local governments to analyze the consequences of converting resource lands. These include environmental, economic, social and energy consequences. If the net consequence of converting resource lands to non-resource uses is adverse, then the conversion should not occur. One way of analyzing the consequences is suggested from LCDC's opinion in 1000 Friends of Oregon v. Marion County, LCDC No. 75-006.

"The use of undeveloped and uncommitted agricultural lands for nonfarm use purposes is much more serious. These are the lands which have not been committed and which the legislature in ORS 215.243 and the commission in statewide planning goal 3 expect to be maintained for farm use unless there are compelling reasons for their nonfarm uses. Again, such lands must be identified during the exceptions process. The four points of the exceptions requirement must be carefully addressed to justify nonfarm uses of agricultural lands. This justification is especially necessary if the historical attitude towards agricultural lands is to be changed. It is not to be viewed generally as space, available for development but as the basic resource upon which a major segment of Oregon's economy rests. As the nonreplaceable foundation for crops and livestock, it is to be viewed as a primary resource of its own rights." (pp. 7-8) (Emphasis added.)

Tillamook County's plan although allowing rural development does not diminish the agricultural resource upon which a major segment of Tillamook County's economy rests. The same line of reasoning can be applied to other resource lands.

In this sense, consequence should be viewed in the context of the local planning area as well as the State. For example, planning for Benton County would be different than planning for Tillamook County. Population density in Benton County is much greater than in Tillamook County. It is likely that there is less marginal resource land in Benton County that can accommodate rural housing without diminishing the agricultural resources which contribute to that County's economy.

The exceptions process also requires local governments to assure that rural development on resource land is compatible with surrounding resource uses. If residential development is not compatible, then it can not be allowed.

Alternatives for accommodating rural residential development must be considered by local governments. The alternative having lowest impact on resource lands should be chosen. Alternatives that have minimal impact on resource lands include rural development located on non-resource land or development located on lands that are committed to development. The alternative of expanding nearby UGB should also be considered. If resource land is used, lower quality resource land should have precedence for use.

DLCD and the Commission have taken the position in the Benton County Plan Review that urban growth boundaries must be used to accommodate housing needs if they can be.

"The identified housing need must be satisfied by land within the urban growth boundary, or by amending the urban growth boundary or increasing densities within it if the urban growth boundary is close enough to the economic activity creating the housing need to make location

of housing inside the urban growth boundary reasonable.”<sup>1</sup>

Presumably, this position is based on the assumption that the resource base will be better protected if development occurs within urban growth boundaries rather than outside. This is not necessarily true.

The City of Tillamook provides an example of this. The City is surrounded by some of the best agricultural lands in the County and some of the most viable dairy farms. Residentially zoned areas around the City, however, have poorer soils, smaller ownerships and fewer agricultural improvements. The City is hemmed in on the north, south and west by floodlands. Expansion of the City is only possible to the east but expansion in this direction will result in the conversion of some of the County’s most productive dairies. In contrast, development of the low hill land zoned for residential development in the central inland area and lands zoned for development in the South Prairie and Pleasant Valley areas will not impair the operation of any productive dairies.

The indirect loss of farmland through conflicts with development depends on the amount of development in the area and the length of boundary between farm and nonfarm uses. Farms near urban areas have a greater likelihood of having their farm practices curtailed or sustaining other nuisances because more people live nearby. For example, in the case of *State of Wisconsin v. Quality Eggs Farms, Inc.* the operations of a chicken farm were not curtailed by the courts because it was determined that an insufficient number of people were harmed by the farm practices.<sup>2</sup>

Small communities generally have a larger perimeter for the amount of population included within than do large cities. Figure 1 shows the relationship between population contained within a city and the city’s perimeter. This graph is based on the example of a city with a circular boundary and a land need of 14.7 acres per 100 people, the average for Oregon cities. (See Table 2).

TABLE 2  
LAND USE IN 33 OREGON CITIES (Average)

	Percent	Acres/100 Persons
Residential	37.8	5.4
Single Family	34.7	5.1
Multi Family	2.1	0.3
Mobile Home	---	---
Commercial	4.2	0.6
Industrial	11.2	1.7
Public & Semi-public	15.4	2.3
Streets & Right-of-ways	<u>32.4</u>	<u>4.8</u>
Total	100.0	14.7

Source: Bureau of Municipal Research - Land Use in 33 Oregon Cities.

This graph shows that a population increase for a small city requires a much greater increase in city perimeter than would be the case with a large city. Actually, the graph would probably flatten out more rapidly because population densities tend to increase with increasing city size. Therefore it is likely that the number of agricultural conflicts added for each increment of

<sup>1</sup> Benton County Plan Review, p.15

<sup>2</sup> Ag Lands Exchange, Agricultural Lands, Project National Association of Counties Research Foundation, March-April, 1981, Vol. 12, No. 4, p. 3

population to a small city would be greater than for a large city. In a rural county with small cities it may be more appropriate to site new development in rural locations than would be the case in a metropolitan county where added conflicts caused by city growth are small.

**FIGURE 1  
CITY PERIMETER IN MILES**

Insert Figure

## SUMMARY

In summary, although the Statewide Goals are specific in defining conservation needs, they only describe development needs in general terms.

Given the general nature of the description of development needs in comparison with the description of conservation needs, it appears as though the Goals grant local governments the discretion to determine what those needs are.

Need is a relative term. For planning purposes it is best described as a public or community preference. This description is consistent with the Statewide Planning Goals. Goal 10 indicates the preferential nature of residential need through the phrase “flexibility of housing location, type, and density”. The exceptions process of Goal 2 indicates flexibility by the phrase “why these other uses should be provided for” rather than “why these other uses must be provided for” or “why is it essential to provide for these other uses”.

The Housing Goal should not be interpreted to mean that all housing needs should be satisfied within urban growth boundaries. This interpretation is impractical in Tillamook County. Some of the problems created by this interpretation can be alleviated if LCDC recognized that urban growth boundaries can be placed around functionally unincorporated communities.

Recognizing the existence of preferential rural residential needs does not have to result in the destruction of Oregon’s resources. Just because a need is recognized does not mean that it should be accommodated if accommodation would have undesirable public impacts. Needs have to be weighed against consequences to determine what is appropriate. This is precisely what comprehensive planning and the Statewide Planning program is about.

## POLICIES

- a. Tillamook County will meet conservation and development needs in its comprehensive plan as required by the Statewide Planning Goals.
- b. Where needs are not defined by the Statewide Planning Goals, Tillamook County interprets the Goals to be requiring a County policy statement.
- c. Tillamook County defines need to be public wants and preferences. This includes essential requirements and more discretionary wants and preferences. Need in this sense is an aggregate of wants and not the want of any specific individual to use any specific parcel of land. Findings of need are based on data such as population estimates and projections, employment estimates and projections, community surveys and opinions, and market studies. Needs will be evaluated consistent with the rural nature of the County.
- d. Tillamook County recognizes that there are several communities in the County that are neither urban or rural as defined by the Statewide Planning Goals and which are necessary, suitable and intended for urban development. The County will plan for these communities in accordance with the Urbanization Goal (Goal 14) because this goal best meets planning needs in these communities. The County will include procedural and substantive findings that fulfill the requirements of the exceptions process of Goal 2.
- e. Tillamook County interprets the Housing Goal (Goal 10) as applying to all areas of the County, not just to incorporated areas and their UGB.

## RESIDENTIAL LAND NEEDS/FINDINGS

For each of the housing market areas, the need for urban and rural residences was projected in the Population Element of the plan. A study of building trends on parcel sizes was done for a five-year period including 1975 and 1979. All home building that occurred in cities (including functionally urban unincorporated communities) and on lots of a half-acre or less was considered to represent urban housing need. Residential building on larger lots was counted as rural housing need. The reasons for this half-acre cutoff are discussed in Section 3.3 of the Urbanization Element.

It was also assumed that building which occurred in cities regardless of lot size was an expression of preference for a city location.

This projection meets the intent of the Goals by separating out small lot development (a half-acre or less) that occurred in rural areas. This development is appropriate for urban and rural community areas. All development regardless of parcel size that occurred in urban and rural community areas was also considered to represent future community development.

## POLICY

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

In determining urban residential needs, the County bases its estimates on the past use of lots in urban locations and of lots less than a half acre in size.

## 2.2 COUNTY DEVELOPMENT STRATEGY

The development strategy is based on the recognition of three types of living opportunities in the County: urban areas having a high level of community-provided services and relatively dense settlement; rural communities having a modest level of services and less dense settlement; and other rural areas having few services and relatively sparse settlement.

Most of the County's future development will be directed to areas within and around existing urban settlements.

There are several reasons for this. First, development in urban areas requires the least amount of land to accommodate a given number of people. Second, services are available in more urban communities which permit relatively dense development and which enable these communities to accommodate a large proportion of future growth. Third, it is less costly to provide services and transportation to urban areas than rural areas, assuming that the same level of services is provided in both cases.

Urban development is defined here to mean a density of development that requires a significant amount of community investment to maintain the quality of the environment. These investments are in facilities such as public sewers, public water, and storm drainage facilities. The size and density of urban development allows other services such as library, police, fire and street lighting to be provided relatively efficiently. Urban communities are identified in Section 3 of the urbanization element.

Rural development is defined to mean a density of development that requires little community investment to maintain the quality of the environment. Such development is characterized by the following:

Individual or small community sewage disposal systems and enough land to operate them properly, wells or small community water system, sufficient land to accommodate storm water runoff from pavement and roads.

The density of development allowed is different for each category Urban development will be relatively dense and yet allow adequate fire protection, light, air, and views, and not exceed the ability of the land to safely accommodate development. Rural community development will be at a density which permits safe installation of septic tanks given that public water is available. The density of non-resource related rural development will permit the installation of individual septic and water systems. Rural development that is resource related will have a density related to the parcel size needed to manage the land for resource use and to buffer residences from adjacent resource lands.

In order to protect the prime resource lands of Tillamook County, the County will not permit the removal of these lands from protective potential without justification. In the case of an urban community, high quality resource land can be taken out of productive use for urban development if a need for using this land is shown and if there is no other land adjacent to the community of lower resource value than can be used for the purpose. In the case of rural communities, high quality resource land could not be taken out of resource use but moderate quality land could if similar findings are shown. In the case of other rural land, only lower quality resource land can be taken out of production if need and alternatives findings can be shown.

If a choice must be made between taking forest land or agricultural land out of resource use, a higher priority will be given to the taking of forest land; providing that the forest land under consideration does not contain any particularly significant natural features.

For the first time, recognition will be given in the plan to the value of the County's estuarine resources which are given land use designations in accordance with the requirements of Goal 16. Likewise, a specific land use designation has been accorded to the County's most outstanding recreation lands which are currently held in public ownership.

## 2.3 LAND USE DESIGNATIONS

As noted in the natural resources element (Goal 5), the 713,600 acres of land in Tillamook County divide generally into the three major categories of forest land (92%), agricultural (5%) and other land (3%). Land ownership data show 66% of the land in public ownership (Federal, State and local), 22% in private corporate ownership (commercial forests) and 12% in other private ownership. Of this latter 12% in private, non-corporate ownership (87,000 acres), about 42,000 acres have been identified as forest land, leaving a remainder of 45,000 acres divided between agriculture and other uses, including all development uses. These general quantity guidelines set plan boundaries as the land use designations were formulated.

It was determined that there would be no advantage from using separate designations for land uses in the plan and for use zones in the land use ordinance. Therefore the same designation is used for each. Resource lands and areas are designated and protected with 10 zones: Farm, Forest, Small Farm and Woodlot 20-Acres, Recreation Management, Estuary Natural, Estuary Conservation Aquaculture, Estuary Conservation 1, Estuary Conservation 2, Estuary Development, and Shoreland Overlay.

Rural development is provided in the Rural Residential and Small Farm and Woodlot 10-Acres zones. Urban development, mostly within UGB, is provided for in the R-1, R-2, R-3



and RMH Residential Zones, C-1 and C-2 Commercial Zones and LM and M-1 Industrial Zones. Some development is permitted in non-urban areas for maintenance of the County's economic base in C-1, C-2, LM and M-1 Zones and a WDD Water-Dependent Development Zone. Overlay Zones are provided to protect against flood hazards and airport obstructions, and to provide the flexibility of planned unit development concepts.

Descriptions of the specific purposes of each zone are contained in the land use ordinance in the zone regulations article. These purpose statements reflect the County's general strategy of maintaining valuable resource lands in resource use while designating sufficient land to meet development needs in areas that are clearly urban, or on non-resource lands, or on resource lands with only marginal value for resource use.

The importance of the new plan in achieving the County's land use objectives in accordance with goal requirements is well-illustrated by the following table giving a comparison of major zones under the new plan with similar zones on the existing plan.

TABLE 3  
LAND USE - ZONING REVISIONS

<b>Zone</b>	<b>Area Now in Zone (acres)</b>	<b>% of County</b>	<b>New Plan (acres)</b>	<b>% of County</b>	<b>Change (acres)</b>
Forest	597,260	83.77	620,541	87.03	23,281
Farm	12,775	1.79	35,490	4.98	22,715
SFW-20	---	---	1,950	0.27	1,950
SFW-10	---	---	9,732	1.36	9,732
RR	83,449	11.70	10,902	1.53	(72,547)
R-1	5,415	0.76	1,230	0.17	(4,185)
R-2	3,289	0.46	1,033	0.14	(2,256)
RM	---	---	6,366	0.89	6,366
Estuary	---	---	17,101	2.40	17,101

New land use designations and zones are thus being brought into close conformity with the County's resource base as outlined in the inventories in Goals 3, 4, 5, 16, 17 and 18.

2.4 LAND USE AND ZONING MAPS

Work maps were used to develop the proposed land use maps by means of citizen participation and involvement as described in the planning process element of this plan (Goal 1). The County's five Citizen Advisory Committees made recommendations to the Planning Commission and Board of County Commissioners for zoning of all lands in the County. A series of hearings were held by the Commission and the Board at which preliminary decisions were made for zoning all lands in the County. These decisions then formed the basis for finalizing the plan and bringing it before the Commission and Board for final review and adoption.

2.41 LAND USE PLAN MAPS

The land use plan maps are township maps at 1:1/2 mile scale showing the Forest Zones, Farm Zones, SFW-20 Zones, Recreation Management Zones, boundaries of Estuary areas containing estuary zones, urban growth boundaries and boundaries of rural development areas (RR Zones and SFW-10). These maps depict the overall land use strategy of the County, particularly delineating the separation of resource

zones from development zones. These maps also serve as index maps for the exception areas. Maps depicting estuary management units are contained in the Goal 16 plan element. Maps showing the coastal shorelands management area are contained in the Goal 17 plan element.

#### 2.42 ZONING MAPS

The zoning maps are presented at 1:400 scale and show boundaries and designation of all land use zones in the Bounty, including all zones within County-established urban growth boundaries. A special set of maps at 1:1000 scale is used to show the boundaries of the estuary zones and the shoreland overlay zone. The latter group also depicts the outer boundary of the flood hazard overlay zone.

#### 2.43 EXCEPTION AREAS

A special set of maps at 1:400 scale shows each rural area zoned for development either under the built or committed criteria of Goal 2 or under the exception needs criteria. These are keyed to the land use plan index maps as noted under 2.41 above and are accompanied by 2 additional index maps for each group of exceptions showing forest soils site class and agricultural soils class. Each of these maps is supported by data sheets stating how the exceptions criteria are being met for each area shown. In some cases property owners or their representatives have provided additional documentation in support of the exception. (See Section 3.2 for a more complete description of these maps.)

### 2.5 MAINTENANCE OF THE COMPREHENSIVE PLAN

#### FINDINGS

Nearly all data used in the preparation of this plan is subject to revision and update in the future. Much of this data changes on a monthly or annual basis or at other intervals which indicate need for review on a regular, periodic basis. State legislative policy with respect to land use may change on a biennial basis.

As this plan was being completed it became apparent that the Small Farm and Woodlot 20-acre zone would not be as useful as had been anticipated in the early stages of the planning process. It is recognized that during the first full plan update the relatively small amount of land placed in this land use category (about 2,000 acres) should be re-evaluated for possible inclusion in one of the more widely used designations.

#### POLICY

The County shall review and provide necessary changes in this plan, including land use and zoning designations, within five years of the date of acknowledgment of this plan by the Land conservation and Development Commission.

### 3. JUSTIFICATION ELEMENT - EXCEPTIONS AND COUNTY-ESTABLISHED URBAN GROWTH BOUNDARIES

#### 3.1 INTRODUCTION-COMMITMENT, "NEED" EXCEPTION AND URBAN GROWTH BOUNDARIES.

Tillamook County is almost entirely resource land; agricultural land, forest land, estuaries, or coastal shorelands. Because of this, a justification is required for almost all non-resource

zoning that has been applied by the County to unincorporated areas.

Four kinds of justifications are provided by this portion of the Comprehensive Plan. An overall justification is provided for the County's Small Farm and Woodlot 10-Acre Zone (SFW-10). This zone has been established to accommodate rural lands which do not readily fall into either the rural development or large-acreage resource zone categories. Another justification is provided for lands that are physically developed or lands no longer available for resource use because of commitment do not require a Goal 2 exception. Lands which are not committed are justified with the Goal 2 exceptions findings. Finally, special justifications are provided for County-established urban growth boundaries around functionally urban unincorporated communities. These justifications combine commitment findings, Goal 2 exceptions findings and Goal 14 urbanization findings.

An extensive series of maps and data sheets provides the technical information necessary to make required findings and conclusions. The information presented is analyzed according to criteria which are presented in the relevant sections which follow. In several cases, property owners or their representatives have prepared supplementary statements in support of the exception.

In all cases, the County has estimated the amount of additional development that can be accommodated by the County's proposed zoning. This should be equal to the need for development projected in the plan. The criteria used for estimating development capacity are shown in Table 4.

### 3.2 MAPPING OF JUSTIFICATION (EXCEPTION) AREAS

Mapping at two scales provides the geographic information necessary for justifying the County's zoning. An overview of county zoning is provided on township area maps with a scale of 1 inch = ½ mile. These maps cover the entire County. Detailed information is shown on maps having a scale 1 inch = 400 feet. These maps only show areas that require justification.

A set of three township maps is provided for each township which included an area to be justified. These maps are based on U.S.G.S. topography maps. They show topography and various natural and cultural features. They also show urban growth boundaries, and resource zoning, farm zone, forest zone and small farm and woodlot 20-acre zone as well as recreation management zoning. The first township map in each set is an index map to the more detailed maps. The second in the set shows forest values in terms of cubic foot site class in justification areas. The last township map shows agricultural values in terms of the County's agricultural soils groups.<sup>1</sup>

Detailed maps show individual justification areas, outlined in heavy black, as well as neighborhood and regional characteristics. Features shown on these

Maps include roads, power transmission lines, rivers, lakes, ownerships, parcels, urban growth boundaries, zoning, acreage of larger parcels, dwellings and other developments, and the shorelands boundary. Developed ownerships are shown blacked in. In rural areas where parcel sizes are large, a two-acre area is blacked in. In communities, a smaller area is blacked in.

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<sup>1</sup> Soils in Tillamook County were rated according to their suitability for dairying, the predominant form of commercial agriculture. The resulting soils groups include SCS Class II, III and IV lands. There are no Class I lands in the County. The agricultural Element provides more detail.

Individual justification areas are delineated so that they represent a fairly homogeneous set of characteristics. This allows more consistent findings and conclusions. Three factors were analyzed in order to delineate these areas; zoning, parcel and ownership sizes, and natural and man-made boundaries.

TABLE 4  
CRITERIA FOR EVALUATING BUILDABLE LANDS

Category	Rating
<b>A. Earth Movement Problems</b>	
1. Active Landslide and Mudflows	A
2. Land Adjacent to Active Landslides	B
3. Inactive Landslides	B
4. Landslide Topography	B
5. Foredunes*	A
6. Dune Areas, Wave Undercut & Overtopped	A
7. Active Dune Faces	A
8. Land Adjacent to Active Dune Faces	B
9. Stabilized Dunes	B
10. Land Adjacent to Coastal Cliffs	B
11. Land Adjacent to Eroding Streambanks	B
12. Organic Soils	B
<b>B. Water Problems</b>	
1. Floodways	A
2. Interdune Areas Subject to Ocean Flooding	A
3. Areas Where Floodway Not Defined	B
4. One Percent Floodfringe	B
5. Poorly Drained Land	C
<b>C. Other Problems</b>	
1. Slopes Over 30 Percent	C
2. Perimeter of Wetlands, Rivers, Streams, Lakes	B
3. Suitability for Septic Tank Drainfields (DEQ) Criteria	B
4. Shallow Soils	C

- KEY: A - Shall not be build on because public safety is endangered or the stability of surrounding lands is jeopardized.
- B - Building is allowed but development standards are necessary to protect the public and surrounding lands. Development may be costly.
- C - Building is allowed and no development standards are necessary but construction will be relatively expensive.
- D - No effect on building.

- NOTES: \* In areas that are irrevocably committed, building is allowed if standards can be met.
- \*\* In unsewered area, building may be precluded by wastewater disposal limitations.
- \*\*\* The County Planning Department in 1979 categorized areas as suitable, marginally suitable, or unsuitable for septic tank drainfields. The evaluation was based on detailed soils information compiled by SCS and on DEQ criteria for judging site suitability for septic tank drainfields. Suitable soils ere judged on the average to require 2 acres per dwelling where public water is not available and 1 acres where public water is available. Marginal soils were judged to require 2 acres per dwelling where public water is available and 5 acres where not. Unsuitable soils were judged to require 15 acres per dwelling.

Proposed zoning indicates the intensity and type of development allowed. Zoning relates to the protection of resource values, the satisfaction of development needs, and the types of impacts and the intensity of conflicts created by future development.

Parcel and ownership sizes indicate the availability of land for resource use. This factor is an essential part of commitment justification.

Natural and artificial boundaries physically separate areas and limit the effects of land use conflicts. These boundaries also limit the ability of resource lands to be used in conjunction with neighboring lands. Examples of boundaries include rivers, roads and power transmission lines.

### 3.3 OVERALL JUSTIFICATION, SMALL FARM AND WOODLOT 10-ACRE ZONE.

Tillamook County has established a Small Farm and Woodlot 10-Acre (SFW-10) zone for those rural lands within the County which do not readily fall into either the rural development or large-acreage resource zone categories. The SFW-10 zone recognizes a “third” category of uncommitted rural lands which are not presently “needed” for small-acreage residential development and whose ownerships size and type, location, or soil characteristics limit their long-term resource use. The County has identified approximately 9,700 acres of such rural lands, about 7,000 acres of which are predominantly “forest-type” lands.

This zone has a number of significant advantages: (1) It adds an important element of choice and flexibility to the County’s rural land use designations; (2) It encourages continued resource use on those portions of an ownership that are economically suited for that use, while allowing some acreage residential uses on other parts of the property; (3) It allows some uses that are more suitable for rural areas, but which are not allowed in the County’s primary resource zones or rural residential zones; (4) It provides a transition or buffer area between lands that are designated for small-acreage rural residential development and lands that have been committed to long-term resource uses; and (5) It establishes a reserve of land that can be converted to smaller acreage rural residential use as the need arises, helping to assure that such conversion will occur in an orderly and economical manner that is consistent with the continued protection of nearby lands that have long-term resource value.

Tillamook County realizes that the primary issues raised by this zone are the amount of “resource” land included and the extent to which it protects “resource” values. The County does not contend that the SFW-10 zone is a resource zone in the same sense as the County’s EFU or forest zones. These latter zones are more restrictive of non-resource uses and are appropriate for the bulk of the land that is suited for long-term, large-acreage commercial resource use.

The County has prepared exception data sheets for the land included in the SFW-10 zone in recognition of the fact that this zone does not qualify under current interpretations of State law as a primary resource zone. However, the County contends that since this zone provides substantial protection for resource values, these exceptions require significantly less justification for individual parcels or areas than must be provided for lands included in rural residential zones.

The approximately 2,700 acres of “farm-type” lands that were included in the SFW-10 zone were not placed in an EFU zone because of their relatively low rating by the County’s agricultural lands criteria. This reflects limitations in soil suitability, parcel size, and/or compatibility of adjacent land uses that are consistent with the more generalized requirements of the state-mandated exceptions process. Much of this land can still satisfy a need for small-acreage agricultural uses such as mink, rabbit, poultry and hog farming (none

of which requires good soil), and the growing of small fruits and berries, Christmas trees, nursery stock, forest greenery and holly. The availability of land for such uses in the SFW-10 zone should help preserve most of the land in the County's EFU zones for the predominant agricultural enterprise within the area, dairy farming, which requires both larger parcels and good soil.

Approximately 7,000 acres of small or woodland parcels are included in the SFW-10 zone. This represents about 17 percent of the 42,000 acres of private, non-industrial forest land ownership in Tillamook County, and only about one percent of the County's total forest acreage. These small woodlands are generally found on the fringes of the larger corporate and public holdings near existing public roads. The County's challenge has been to utilize appropriate zoning to provide opportunities for rural homesites on land that is not suitable for long-term forest management, while minimizing the adverse impact on nearby productive forest land.

Most of this small woodland has a relatively high potential for timber production according to the forest site classification system. However, this measure of potential productivity fails to take into account the many obstacles to long-term timber management on these lands (See Subsections 4.5, 4.6, and 4.7 of the Forest Lands Element). These obstacles are such that the Oregon State Board of Forestry's Forestry Program for Oregon estimates that only about 20 percent of Oregon's non-industrial private forest lands are currently managed for timber production.

The size and type of these ownerships is one factor that reduces the incentives for a long-term commitment to timber production. (While there are other "forest uses", timber production is the only one that is likely to provide a long-term monetary return for the private land owner.) the following table reveals that of the 686 small woodland ownerships in Tillamook County, 567 (83%) contain less than 100 acres. The average size of these ownerships is 37.7 acres.

TABLE 5  
TILLAMOOK COUNTY PRIVATE NON-INDUSTRIAL OWNERSHIPS

Ownership Size	Number of Owners	Number of Acres
10 - 100 Acres	567	21,372
100 - 500 Acres	119	22,708
500 + Acres	<u>0</u>	<u>0</u>
Total	686	44,000

SOURCE: Forestry Program for Oregon. Supplement No. 1, pp. 27

While timber can be grown on parcels as small as 10 acres, the small, private, non-industrial landowner often lacks the incentive or means to make a substantial investment in a crop that won't be harvested in his or her lifetime. Much of the small woodland ownerships are covered predominantly with alder and brush. Site preparation costs on such land in Tillamook County can exceed \$700 and acre. Many owners simply cannot afford to carry such costs over the 60-70 years that must elapse before harvesting can occur. Tax burdens are a further discouragement to increasing productivity on small woodland ownerships (See Subsection 4.7 of the Forest Lands Element).

These and other barriers to timber production on small woodland ownerships have been recognized by the Oregon State Board of Forestry's Forestry Program for Oregon and by the State Legislative Assembly during its last three sessions.

The Legislature has considered a number of financial and technical assistance programs for small woodland owners. However, very little of substance has been adopted to provide the information, assistance and incentives needed to commit small woodland ownerships to timber production. Instead, the State of Oregon appears to be relying on the County's administration of state-mandated land use planning regulations to assure that private noncorporate ownerships will be reserved for timber production and other forest uses. While much of the substantial return from timber production and the preservation of other forest uses goes to society as a whole, the costs of such production and preservation are borne largely by the owner of the land that has been restricted to forest use.

These circumstances have encouraged small woodland owners to sell to private timber corporations who have purchased approximately 10,000 acres of woodland in Tillamook County over the past 15 years. These transactions have slowed to a trickle over the past five years, with small woodland ownerships stabilizing at a little more than 40,000 acres, much of which is not being actively managed for timber production.

Tillamook County took these considerations into account by creating a SFW-10 zone that allows both continued resource use and a degree of residential development that is appropriate for the type of land included in the SFW-10 zone. Farm and forest uses are permitted out-right in this zone. Residences are permitted either on 10-acre lots or at an average density of one per eight acres if the homesites are grouped in a contiguous area that is not larger than 25 percent of the total property. In the case of such residential group development, the Planning Commission may approve lot sizes at the minimum required to obtain County approval for sewage disposal. This grouping provision was included as an incentive for keeping at least 75 percent of the land in the SFW-10 zone in resource use. This provision also provides for more efficient residential development on portions of the property that are most suited for such use. For example, five homesites may be established on a 40-acre parcel if they are located within a 10-acre area. This area would likely be adjacent to an existing residential development or at least a public road. The remaining undeveloped 30 acre portion of the parcel would likely be adjacent to land committed to one of the County's primary resource zones. This also shows how the SFW-10 zone can serve as a buffer area between lands that are designated for small acreage rural residential use and those that are most suitable for long-term resource uses. This development pattern is likely to occur on a significant amount of land included in the county's SFW-10 zone because of the relationship between existing roads and rural development, terrain, and resource lands. Much of the County's SFW-10 land lies between existing roads and/or rural residential development and commercial resource land. The SFW-10 land adjacent to existing roads and development is usually less steep and therefore more suitable for development.

The division of land into parcels as small as 10 acres in the SFW-10 zone does not preclude further resource use. A 10-acre parcel is adequate for raising mink, rabbits, poultry, hogs, small fruits and berries, Christmas trees, nursery stock, forest greenery and holly. State and federal programs recognize that forestry can occur on parcels as small as the minimum allowed in the SFW-10 zone. The Western Oregon Forest Land and Severance Tax provides that parcels as small as two acres are eligible for forest land designation and may be taxed at the forest rate. The Western Oregon Small Tract Optional Tax has an acreage requirement of between 10 and 2,000 acres. When the 1979 Oregon Legislative Assembly provided a 10 percent income tax credit for bringing idle forest land back into production, eligibility was extended to those owning or leasing parcels as small as 10 acres. There is no minimum acreage eligibility requirement for cost-share assistance for forest management practices under the Federal Agricultural Conservation program. Oregon State Department of Forestry's service foresters will assist private landowners in the management of lands as small as 10 acres.



This is not to argue that 10 acres is the ideal size for forest management. Tillamook County recognizes that larger parcels are generally more suited for forest management and has accordingly placed over 620,000 acres (87%) of the County's 713,600 total acres in the forest zone which has a forty-acre minimum lot size requirement. However, the County also contends that the parcel sizes that result from the provisions of the SFW-10 zone will generally be large enough and residential densities will be low enough to conserve a substantial amount of forest land included in this zone for forest use. With the previously discussed grouping provisions, up to 75 in the SFW-10 zone may remain in forest use. This means that the zone is likely to lead to the ultimate conversion of no more than 1,750 acres of forest-type land to nonforest uses. This is less than three-tenths of one percent (0.3%) of the County's forest land. Such conversion will occur as needed, primarily for rural residential development.

While this justification focuses on timber production because of economic considerations, there are other forest uses that also must be taken into account. The average densities provided by the SFW-10 zone are less than those preferred for big game habitat. However, the grouping provision modifies this effect by encouraging the maintenance of large undeveloped areas within the zone. Furthermore, with over 620,000 acres of land in the forest zone and with substantial amounts of land in the County's estuary and recreation management zones, well over 90 percent of the County's 713,600 acres is available for big game habitat.

Most of the County's 9,700 acres in the SFW-10 zone will remain available for small game habitat, and it will continue to provide for a number of other forest uses, including open space, buffers from noise, visual separation of conflicting uses, soil protection from wind and water, maintenance of clean air and water, outdoor recreation activities and grazing land for livestock. The accommodation of these use in a zone with an effective density greater than one dwelling per 10 acres (some land will not be suitable for development) should be sufficiently apparent that there is no need to provide specific examples.

Another advantage of the SFW-10 zone is that it provides locations for uses that are suitable for rural area, but which are not appropriate for the County's primary resource zones or rural residential zones. These uses include rural and light industry which is allowed conditionally. The provision for rural and light industry is particularly important as it provides a greater amount of choice in the location of needed rural industrial development. The alternative approach of placing a few specific sites in the County's light industrial zone has the negative effect of limiting that site to industrial development without assuring that such development will occur in the foreseeable future. Since rural or light industrial development is a conditional use in the SFW-10 zone, Planning commission review can assure that such development is compatible with the use of adjacent land.

Finally, the SFW-10 zone identifies the land that is most suited for needed conversion to rural residential use in the future. This provides further protection for the resource lands that have been included in the EFU or forest zones as it eliminates the "need" to convert these lands to rural development as long as SFW-10 lands are available. This helps assure that the needed conversion of land to small-acreage rural development will occur in an orderly and economical manner that is protective of resource values.

As previously noted, data sheets are included with the exception area maps, supporting the need for the parcel or groups of parcels to be excepted from goal requirements.

### 3.4 COMMITMENT ANALYSIS

#### 3.41 LCDC REQUIREMENTS

The Land Conservation and Development Commission has determined that exceptions to the requirements of Goals 3, 4, 17, and 18 can be justified if it is shown that land is physically developed or irrevocably committed. This Commission policy was established for agricultural land in the Marion County Opinion and Order<sup>1</sup> and was explained further in the policy papers for Goals 2 and 3.<sup>2,3</sup> The Goal 2 policy paper extended the applicability of this policy to Goal 4 as well. The legitimacy of this policy for Goal 17 and 18 requirements was established in the reviews of the comprehensive plans of Lincoln County and the City of Manzanita respectively.

The following discussion relates to commitment exceptions to Goals 3, 4, and 17. The justification of exceptions to Goal 18 based on commitment is included in the Beaches and Dunes Element of the Comprehensive Plan.

LCDC has not defined physically developed and irrevocably committed since such determinations depend on individual and local circumstances. The commission has stated that the determination of physically developed or irrevocably committed is a judgment call that should be left up to local jurisdictions. In making this determination, local governments must consider the following five factors:

- (1) Adjacent uses;
- (2) Public services (water and sewer lines, etc);
- (3) Parcel size and ownership patterns;
- (4) Neighborhood and regional characteristics; and
- (5) Natural boundaries.

Local governments must show on maps the exact nature and extent of areas that are physically developed or irrevocably committed and must provide a precise statement of conclusion in order to assure that decisions are not made arbitrarily.

The Marion County Opinion and Order provided examples of physically developed and irrevocably committed that give some definition of the meanings of those terms.

- (1) Land Physically Developed or Built Upon  
Examples of lands which are physically developed and no longer available for farm use would be a 100-acre subdivision with 100 houses uniformly distributed throughout the subdivision or a house on a one-acre lot.
- (2) Lands not Developed but Irrevocably Committed to Urban or Rural Uses  
In some cases, a county might treat a 10-acre parcel of land suitable for farm use as “committed” even though a residence only occupies a one-acre portion of the parcel in a corner of the property.

Whether the land is, in fact, “committed” will depend on the specific factors on and adjacent to the 10 acres. For instance, the land may be surrounded by intensive development which may make cultivation or grazing impracticable.

On the other hand, the ten acres may only have a few acreage homesites nearby whose residents keep livestock and do small scale or intensive farming. In such a

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<sup>1</sup> Petition for Review, Opinion and Order; Marion County; LCDC No. 75-006; March 1977

<sup>2</sup> “LCDC Policy, Exceptions Process,” 3/10/78, Amended 5/3/79

<sup>3</sup> “Common Questions About Goal #3, Agricultural Lands,” 8/8/77

situation, the preservation of the ten acres in an exclusive farm use zone would be proper as would the inclusion of the acreage homesites in the EFU as a pre-existing situation.

Another form of “commitment” could consist of significant earlier public decisions, such as the approval and recording of a subdivision upon which construction has been started. Such construction might be the laying of a water or sewer line specifically designed and sized to permanently serve the subdivision.

On the other hand, the mere existence of a subdivision plat or a water or sewer district with service available to an area or parcel of agricultural land does not alone constitute a basis of “commitment” there are many examples of subdivisions or service districts within which land is being farmed. Some of these subdivisions are the old “fruit farms” type of five and ten-acre lot divisions which never go beyond the “paper” stage. Others are more recent subdivisions which have not had any significant improvements. These agricultural lands obviously should be protected with an EFU zone.

In referring to physically developed or irrevocably committed, the County is using the short-cut term “committed.” This term is easier to use and it reflects the fact that physically developed is a special case of irrevocable commitment. This short-cut term does not detract from the intent of the LCDC policy.

As the examples above show, there are two forms of commitment, a social and economic commitment, and a physical commitment. Social and economic commitment is defined as “significant earlier public decisions, such as the approval and recording of a subdivision on which construction has been started.” Physical commitment results from ownership and parcelization patterns, land developments, and other factors which physically make the land no longer available for resource use.

### 3.42 SOCIAL AND ECONOMIC COMMITMENT

Social and economic commitment in the absence of physical commitment occurs in a limited number of instances in the County. There are a number of types of public actions that have resulted in this type of commitment. Most notable among these is the approval of subdivisions and planned developments and the creation of sanitary districts and construction of sewage treatment facilities.

The approval of a subdivision or planned development prior to the adoption of the Statewide Goals is one significant form of commitment. It is not necessary for construction to have started to constitute economic commitment since considerable investments can be made prior to construction. These investments include site studies, planning, legal assistance, engineering, etc.

The formation of a sewer district or authority and the construction of treatment facilities is another example of substantial economic commitment. In several instances in the County sewage facilities have been constructed to serve expected development within a sewage district. Public commitment occurred through the establishment of the district and the construction of the collection and treatment facilities. The cost of these actions represents a sizable public commitment.

Private commitments have been made based on these public commitments as well. These include taxes to pay off sewer bonds and property purchases based on the

expectations of receiving sewer service.

### 3.43 PHYSICAL COMMITMENT

Physical commitment refers to the concept that development and other factors make an area unavailable for resource use. Factors which influence this form of commitment include ownership and parcelization patterns, residences and other developments in the area, natural and artificial barriers, and topographic and other characteristics of the land. Most often, where there is physical commitment, there is also social and economic commitment.

Physical commitment is expressed in degrees rather than simply existing or not existing. This is so because land is not just available or unavailable for resource use. There are various levels of resource values that may be available on any given piece of land.

Forest land, for example, has quite a number of forest values and uses. These include:

- “(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.”<sup>1</sup>

Among these values and uses the ones most sensitive to commitment are industrial timber production, big game habitat, watershed protection, wilderness values and grazing. Tillamook County has established a 40-acre minimum and has limited development to protect these values and uses.<sup>2</sup> At greater levels of development, these uses and values may be no longer available.

Higher levels of development can still retain significant forest values. These values can include:

- (1) The production of trees on a more limited scale for fire-wood, lumber or other use;
- (2) The harvesting of forest greenery;
- (3) Open space, buffers from noise, and visual separation of conflicting uses;
- (4) Watershed protection to a more limited extent;

---

<sup>1</sup> “Goals and Guidelines,” p. 6

<sup>2</sup> Grazing is not a forest use in Tillamook County. There are no wilderness areas in Tillamook County.

- (5) Small game and fisheries habitat;
- (6) Soil protection from wind and erosion;
- (7) Outdoor recreational activities and related support services.

Tillamook County recognized that different levels of forest values existed when it created the Small Farm and Woodlot 10-acre zone.

The same relationship holds true with agricultural land. The County has established that 20 acres is the minimum lot size necessary for assuring the availability of agricultural land for dairying, the predominant existing commercial agricultural enterprise in the County. Although smaller ownerships may not be available for dairying, they still can have significant farm values. Agricultural uses which are still possible in the SFW-10 zone include mink, rabbits, poultry and hogs and growing small fruits, berries, Christmas trees, nursery stock, forest greenery and holly.

Levels of commitment considered by the County therefore include commitment to SFW-10 uses and commitment to more intense uses.

Commitment of rural shorelands and exemption from the rural shorelands findings is analyzed in the same way. Most rural shorelands values that are not specifically protected by Goal 17 are open space and habitat values. These are also forest and farm values. Since most shorelands areas have either forest values or farm values or both, commitment of rural shorelands will be analyzed in the context of agricultural or forest commitment.

### 3.44 COMMITMENT CRITERIA

Criteria used for analyzing commitment fall into the following 5 categories based on LCDC requirements:

- (1) Ownership and Parcelization Patterns: Ownership and parcelization patterns are represented by the following five categories:
  - (a) Subdivisions and planned developments;
  - (b) Individual or groups of ownerships less than 10 acres;
  - (c) Individual or groups of ownerships less than 20 acres but greater than or equal to 10 acres;
  - (d) Individual or groups of ownerships greater than or equal to 20 acres;
  - (e) Individual or groups of ownerships greater than or equal to 40 acres.
- (2) Adjacent Uses and Neighborhood Characteristics: Adjacent uses and neighborhood characteristics are measured in two ways. Each measurement assigns a rating of very low, low, moderate, high or very high.

- (a) Level of Development<sup>1</sup> within the study area
  - (i) Very Low - Density<sup>2</sup> of less than or equal to 1/40
  - (ii) Low - Density less than or equal to 1/20
  - (iii) Moderate - Density less than or equal to 1/10
  - (iv) High - Density less than or equal to
  - (v) Very high - Density greater than
- (b) Level of Surrounding Development Conflicts
  - (i) Very Low - If none of the adjacent<sup>3</sup> land and not more than 10% of the surrounding<sup>4</sup> area is committed<sup>5</sup> to non-resource<sup>6</sup> uses.
  - (ii) Low - If not more than 10% of the adjacent land and not more than 25% of the surrounding area is committed to non-resource uses.
  - (iii) Moderate - If not more than 25% of the adjacent land and not more than 50% of the surrounding area is committed to non-resource uses.
  - (iv) High - If not more than 50% of the adjacent land and not more than 75% of the surrounding area is committed to non-resource uses.
  - (v) Very High - If none of the above standards are met.
- (3) Regional Characteristics: Regional Characteristics are also indicated in two ways:
  - (a) Type of Area
    - (i) Urban
    - (ii) Urbanizable
    - (iii) Rural Community
    - (iv) Rural

---

<sup>1</sup> Refers to dwellings, commercial structures, industrial structure. Does not include accessory structures to the above.

<sup>2</sup> Refers to uses per acres.

<sup>3</sup> Abutting and not separated by a major river or road.

<sup>4</sup> Within 1/4 mile of the perimeter of the area.

<sup>5</sup> Analysis proceeds from those areas which are committed regardless of the factor.

<sup>6</sup> RR zone, Industrial zones, Commercial zones or Urban Residential zones.

- (b) Level of Urbanization Within the Region<sup>1</sup>
  - (i) Very High Urban - Areas having a core area comprised of at least 160 acres, the majority of which has an average density of two or more dwelling units per acre.
  - (ii) High Urbanizing - Areas having a core area comprised of at least 160 acres, the majority of which has an average density of at least one dwelling unit per one to five acres.
  - (iii) Moderate Suitable for Urbanization - Areas having a core area comprised of at least 160 acres, part of which has reached urban or urbanized density, but not to the extent required for ratings one or two above.
  - (iv) Low Suitable for Urbanization - Areas comprised of at least 160 acres of which little or none reached urban or urbanizing levels of residential density, but includes a substantial amount of land developed to one unit per six or more acres.
  - (v) Very Low - None of the above.

(4) Public Services:<sup>2</sup>

- (a) Very High - Sewer and water service is available
- (b) High - Water service is available, sewer service is not available but the area is within a sewer district.<sup>3</sup>
- (c) Moderate - Water is available
- (d) Low - The area is within a water district
- (e) Very Low - None of the above.

(5) Other Considerations: A number of other considerations affect commitment including the following:

- (a) Resource quality, topography and the condition of the land;
- (b) Parcel and ownership shapes;
- (c) Adjacent ownerships.

### 3.45 COMMITMENT DATA SHEETS

Page 2-34 shows the format of the commitment data sheet used to justify placing land in a non-resource land use designation.

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<sup>1</sup> "An Inventory of Development Pressures in the Coastal Zone," OCC & DC, February, 1975

<sup>2</sup> Lines are within 1/4 mile.

<sup>3</sup> Or is otherwise guaranteed service.

AREA CODE T \_\_\_\_\_ R \_\_\_\_\_, MAP \_\_\_\_\_, # \_\_\_\_\_

Zones \_\_\_\_\_ Total Acreage \_\_\_\_\_

GOAL EXCEPTIONS

Goal \_\_\_\_\_, Goal \_\_\_\_\_, Goal \_\_\_\_\_

Reasons:

COMMITMENT FINDINGS

A. Ownership and Parcelization Pattern:

B. Adjacent Uses and Neighborhood Characteristics

- Level of development in study area \_\_\_\_\_
- Level of surrounding development conflicts \_\_\_\_\_

C. Regional Characteristics

- Type of Area: \_\_\_\_\_
- Level of urbanization within the region \_\_\_\_\_

D. Public Services

- Level of Services \_\_\_\_\_

E. Other Considerations:

COMMITMENT CONCLUSIONS

CONSEQUENCES

A. Building Potential

B. Potential conflicts:



### 3.5 RURAL RESIDENTIAL “NEEDS” EXCEPTION

There is in Tillamook County a remaining need for rural residential development which cannot be met by rural lands which have been determined to be built or committed to development. These lands are insufficient to meet the need for the area, where this land is the most suitable alternative for further development, where there is lack of conflict with nearby resource uses and where the net long-term environmental, energy, social and economic consequences of development are positive.

Need exceptions follow the basic procedure outlined in the “Exceptions Process Paper”<sup>1</sup> adopted by LCDC. This procedure is as follows:

- “(1) Set forth the facts and assumptions used as a basis for determining that the need exists.
- (2) Show on a map the location of the alternative areas considered for the use which would or would not require an exception. Identify the particular area selected.
- (3) Describe the characteristics of each alternative area, and advantages and disadvantage of using the area for a use not consistent with the goal and the impacts of the loss of the area for another use. List the reasons why the selected area is the best site available to meet the need.
- (4) Describe how the proposed use will not adversely affect adjacent land uses.”

Tillamook County’s “need” exception analysis differs from the above procedure in one important way. A priority list of alternatives is developed that has the most favorable environmental, economic, social and energy consequences. Development needs allocation follows this priority list. If special circumstances merit a departure from this priority system for a particular area, then individual findings on consequences are given.

#### 3.51 ALTERNATIVES PRIORITIES

- |             |  |
|-------------|--|
| Priority 1: | Non-resource land                          |
| Priority 2: | Infill in developed areas                  |
| Priority 3: | Development of committed areas             |
| Priority 4: | Low Quality forest land <sup>2</sup>       |
|             | a. Non-shoreland locations                 |
|             | b. Shoreland locations                     |
| Priority 5: | Low quality agricultural land <sup>3</sup> |
|             | a. Non-shoreland locations                 |
|             | b. Shoreland locations                     |

---

<sup>1</sup> “Exceptions Process Paper”, 3/15/78, Question # 4.

<sup>2</sup> Class 3, 4 or 5 forest land in ownerships smaller than 40 acres or Class 1 or 2 forest land in ownerships smaller than 40 acres and a high level of conflicts.

<sup>3</sup> Land scoring below 50 points on Tillamook County’s agricultural criteria.

- Priority 6: High quality forest land
  - a. Non-shoreland locations
  - b. Shoreland locations
- Priority 7: High quality agricultural land
  - a. Non-shoreland locations
  - b. Shoreland locations

### 3.52 CONSEQUENCES OF THE ALTERNATIVE PRIORITY SYSTEM

#### (a) Environmental Consequences

The environmental consequences of this priority system are positive because development is discouraged on resource land, especially on high quality farm and forest lands. By protecting farm and forest lands, the County is also preserving air, water and land quality, open space, and wildlife habitat.

#### (b) Economic Consequences

The County's economy is based on its natural resources, farmland, forestland, shorelands and open space. By favoring the preservation of resource lands, this priority system is protecting Tillamook County's economy. Thus, the economic consequences are favorable. By favoring further development in already developed areas, this priority system also keeps the cost of public services down.

#### (c) Social Consequences

The priority system favors development in already developed areas. This preserves the social structure of the County's communities. By discouraging development in farmland forest areas the priority system reduces the social frictions resulting from land use conflicts. Thus, adverse social impacts are minimized.

#### (d) Energy Consequences

Mass transit and car-pooling are encouraged by further development in already developed areas. The energy needed to create capital improvements such as roads is most efficiently used by that same development pattern. In addition, energy inputs are minimized by preserving the best resource lands. These are all accomplished with the alternatives priority.

3.53 NEEDS EXCEPTION DATA SHEET

AREA CODE T \_\_\_\_\_ R \_\_\_\_\_ MAP \_\_\_\_\_ # \_\_\_\_\_

Description:

Zones \_\_\_\_\_ Total Acreage \_\_\_\_\_

GOAL EXCEPTIONS

GOAL \_\_\_\_\_, GOAL \_\_\_\_\_, GOAL \_\_\_\_\_

Reasons:

ALTERNATIVES

Priority Rating \_\_\_\_\_

Special Circumstances:

Modified Priority Rating \_\_\_\_\_

Consequences of Modified Rating:

BUILDABILITY AND COMPATIBILITY

Building Potential:

Potential Conflicts:

### 3.54 RURAL RESIDENTIAL NEEDS

The need for rural residential development was demonstrated in Section 2.1 of this element. **Table 42 on page ??** of the Housing Element (Goal 10) shows the total amount of need by market area and community. The following summary of buildable sites by priority and market areas shows the portion of the total housing need which will be met from the exceptions.

**(NOTE: TABLE TO BE INSERTED)**

### 3.6 RURAL ECONOMIC ENTERPRISE ZONES

In addition to the rural residential zones, there are some areas outside urban growth boundaries which have been zoned to support maintenance and development of the County's economic base. These include several relatively small C-1 and C-2 commercial zones from the previously existing County comprehensive plan and zoning maps where business enterprises have existed over many years.

Also included is the Port of Tillamook Bay airport and industrial park which is zoned M-1. This outstanding site was returned to the County and Port after being declared surplus by the federal government and was committed to industrial development by the U.S. governments action in releasing the property for that use.

Six individual sites totaling about 160 acres in all have been placed in a light industry zone to accommodate economic development on a basis other than the "lease-only" policy of the Port of Tillamook Bay. Finally, as noted in the previous section in the overall justification for the SFW-10 zone, rural and light industry may be permitted in that zone as appropriate on a conditional use basis with approval of the Planning Commission.

Economic justification of these land use and zoning designations is contained in the population and economy element of this plan (Goal 9). Both general findings (Sections 3.61 and 3/62 following), and exceptions findings are provided in support of the zoning map designations shown on the exception area maps.

### 3.61 COMMERCIAL LAND NEEDS

#### FINDINGS

There are needs for commercial uses in urban and rural areas. In rural areas, there are needs to serve rural residents where there are no nearby communities available to meet those needs. Here there are also the needs of tourists to be served if there are no communities nearby to meet those needs or if there are specific tourist attractions in a rural area. Urban areas must provide commercial land to meet the needs of urban residents and also provide for broader regional commercial needs.

Rural locations are often desired for commercial development because of low land prices, land availability for parking, and the flexibility of working with large land parcels. Such development however can result in significant public costs by precipitating the decline of existing urban commercial areas, using resource land, increasing the need to use cars, increasing road congestion and air pollution, requiring the extension of urban services, and limiting access for those who can't afford cars or who are physically incapable of driving. (See Economy Element for projection of commercial land needs.)

Commercial land needs can vary from .103 acres per employee for wholesale trace to .007

acres per employee for finance, insurance, and real estate.<sup>1</sup> More information on commercial land needs is included in the Economic Element of the plan.

### 3.62 INDUSTRIAL LAND NEEDS

#### FINDINGS

Often the best location for industrial development is within urban areas because there is ready transportation, public services such as sewer and water, and a nearby labor force. There are several reasons, however, why rural locations are appropriate for industry in a rural county such as Tillamook. First, heavy industries having large off site impacts may be best located away from community areas where they would be a nuisance. Resource based industries in this heavily resource oriented County may best be located near the source of those resources. Examples include primary wood processing and rock processing. There are several old mill sites in rural areas that are unsuitable for resource use and which are suitable for some future industrial use. The Port of Tillamook Bay operates an industrial park at the site of the old Naval Air Station south of the City of Tillamook. This facility has central sewer and water and development. Finally, rural areas are suitable for small-scale rural industries for which urban services aren't required because the owner can live at the site of his business, land is available for storage and buffering from adjacent uses, and there are few neighbors who will be affected by the use.

Industrial land needs can vary from .403 acres per employee for lumber and wood processing industries to .016 acres per employee for printing and publishing.<sup>2</sup> More information on industrial land needs is included in the Economic Element of the plan.

### 3.7 JUSTIFICATION OF COUNTY-ESTABLISHED URBAN GROWTH BOUNDARIES

The justification for County-established urban growth boundaries combines elements of both commitment and "need" justifications. These justifications are out into a overall urbanization framework. The seven factors listed in Goal 14 provide this framework. How all these justification factors are met for each area is described in the urbanization Element of the plan (Goal 14).

### 3.8 ADDITIONAL JUSTIFICATION BY PROPERTY OWNERS

For certain specific properties, additional justification statements in support of the required goal exception were submitted by the property owners or their representatives. These statements as listed below, are hereby incorporated into, and made a part of, this exception justification element of the comprehensive plan, (Appendix II-A).

1. K. Healy, east side of Highway 101 at Little Nestucca River, "C-1" Commercial.
2. K. Jenck, Geinger Road, south of City of Tillamook, "RR" Rural Residential.
3. Citadel, Inc., Trask River Road, east of Tillamook "RR" Rural Residential.
4. Brighton Beach Estates, Inc., existing platted but unincorporated townsite, City of Wheeler, "R-1" Low Density Urban Residential.
5. P. Cross, Forest Mecca, Wilson River Highway near Lee's Camp, "RR-PD" Rural Residential Planned Development.

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<sup>1</sup> Metropolitan Service District. "Urban Growth boundary Findings"

<sup>2</sup> Metropolitan Service District. "Urban Growth boundary Findings"

6. Staats Corp., Whitewater, Beaver-Blaine Road. "RR-PD" Rural Residential Planned Development.

### 3.9 COASTAL GOAL EXCEPTIONS

Coastal goal exceptions have been limited to the minimum necessary to present a plan meeting local needs. Exceptions to the beaches and dunes goal are contained at the conclusion of the Goal 18 element of the plan. These exceptions cover existing platted lots or parcels in the beach communities of Cape Meares, Tierra Del Mar, Pacific City and Neskowin.

Exceptions to Goal 16 requirements for estuarine resources are included in this section. These exception justifications have been provided by the property owners in each case. (Appendix II-A). The first two listed exceptions are for salt marsh areas in the Nehalem estuary and the third exception is for an intertidal area in Tillamook Bay.

1. Scovell and McCoy, Botus Marsh, Nehalem estuary, adjacent on the north to Wheeler UGB, "ED" Estuary Development.
2. Miller, Thomas Marsh, Fisher's Point, Nehalem estuary, southwest of Wheeler, "ED" estuary Development.
3. Harper, Larson Cove, Tillamook Bay estuary, adjacent on the north to Bay City UGB, "ED" Estuary Development.

# AGRICULTURAL LANDS

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# AGRICULTURAL LANDS

## (Goal 3)

### 1. AGRICULTURE IN TILLAMOOK COUNTY

#### 1.1 Overview

Agriculture has played a very prominent role in Tillamook County's economy and way of life since the middle of the last century. Farming produces almost 20 percent of the County's income on only 5 percent (approximately 35,000 acres) of its land.<sup>1</sup> The County's farm sales reached 37.8 million dollars in 1979 - a 200 percent increase over 1971.<sup>2</sup> This increase is still 47 percent when we take inflation into account.

The economic benefits of farming are shared by the entire County, with every dollar in farm sales generating a total of \$2.75 in local economic activity.<sup>3</sup> The County's farmland also provides attractive open space that is enjoyed by residents and visitors alike. This scenic farmland and famous Tillamook Cheese contribute significantly to the County's tourist industry.

The 1978 Census of Agriculture (preliminary report) lists 388 "farms"<sup>4</sup> in Tillamook County with an average size of 108 acres (see Table 1). These farms contain 42,000 acres, almost 10,000 acres of which are in woodland. Two-thirds (261) of these farms are larger than 50 acres, and 225 (58%) are dairies.<sup>5</sup> Farm sales exceeded 20,000 dollars on 196 (51%) of the County's farms. Farming is the principal occupation of 250 (64%) of the owners or occupants of these farms. These figures indicate that approximately 2/3 of the County's farms are full-time commercial operations, most of which are dairies. The remaining third are part-time "hobby" farms.

Agriculture in Tillamook County is a dynamic, growing industry, not only in absolute terms, but also relative to both statewide agriculture and nonfarm economic activities within the County. From 1971 to 1979 total farm sales increased 196 percent for the County and 165 percent for the State as a whole, while dairy sales increased 185 percent for the County and 128 percent for the State (see Table 2). After allowing for inflation, the County's increases during this period were still 47 percent for total farm sales and 41 percent for dairy sales. By comparison the respective deflated statewide figures were only 31 percent and 13 percent.

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<sup>1</sup> Source: "Tillamook Co. Economic Information" June 1979. p. TIL-25, Economic Information Clearinghouse, Oregon Dept. of Economic Development

<sup>2</sup> Source: John Massie, Tillamook County Extension Agent

<sup>3</sup> Source: "Tillamook Co. Economy: A Working Model for Evaluating Change", OSU Extension Service, Special Report 478, March 1977. Stanley Miles, Extension Economist at OSU, explains this so-called multiplier effect in the following way: "As farmers and ranchers go about their business, they generate other economic activity. Agricultural production involves making investments, hiring labor, buying inputs such as fertilizer and fuel, buying machinery and equipment, incurring family and household expenses, etc. Those that farmers buy from also make purchases and generate other business activity. Thus, the original dollar spent by farmers keeps turning over in the economy. The total impact of these dollars being injected into the economy is called Multiplier effect." (In December 15, 1977 report to Ag. Agents)

<sup>4</sup> The Census defines a farm as "any place from which \$1000 or more of agricultural products were sold, or normally would have been sold."

<sup>5</sup> Source: John Massie, Tillamook County Extension Agent

TABLE 1  
SUMMARY OF AGRICULTURAL CHARACTERISTICS – TILLAMOOK COUNTY 1978

Total Acreage (All Uses)	713,600 Acres
Total Acreage in Farms	42,024 Acres (5.9%)
Farmland according to use:	
Cropland and pasture	29,242 Acres (4.2%)
Woodland including woodland pasture	9,699 Acres
Land in house lots, ponds, roads, wetland, etc.	2,383 Acres (.3%)
Land In Farm Zone (EFU)	35,500 Acres
Number of Farms	388
Average Farm Size	108 Acres
Farms by Size:	
Less than 50 acres	127 (32.7%)
50 to 179 acres	194 (50.0%)
180 acres or more	67 (17.3%)
Farms by Value of Sales:	
\$100,000 or more	98 (25.3%)
\$20,000 to \$99,000	98 (25.3%)
\$2,500 to \$19,000	93 (24.0%)
Less than \$2,500	99 (25.5%)
Farms Operated by Owner(s)	374 (96.4%)
Farming as Principal Occupation of Farm Resident	250 (64.4%)

Source: 1978 Census of Agriculture (preliminary report)

From 1970 to 1978 Tillamook County's farm income increased by 224 percent, while the County's nonfarm income increased by only 94 percent (see Table 3). After taking inflation into account, the County's real farm income still increased by 75 percent, while nonfarm income increased by only 5 percent. Even if we look at the longer 1950 to 1978 period, we still see a 110 percent real increase (allowing for inflation) in farm income as compared to a 54 percent real increase in nonfarm income.

Tillamook County is the State's leading dairy county in terms of both milk production and dairy-related income, and it ranks 13th among Oregon's 36 counties in total farm income.<sup>1</sup> Dairy-related agriculture produced 90 percent of the County's farm income in 1979, with 78 percent coming from milk production and the remaining 12 percent from the sale of cattle and calves produced in conjunction with dairy operations (see Table 4). Five percent of the county's farm income came from such specialty products as nursery stock, forest greenery and holly; 2.3 percent came from miscellaneous small farm animals and products (primarily mink), and 2.1 percent came from nondairy-related beef production.<sup>2</sup> Tillamook County's dairy industry benefits from a cool marine climate, a long pasture season, low irrigation requirements in most seasons, a tradition of expert, efficient dairymen and highly successful marketing procedures.

<sup>1</sup> Source: "Oregon 1979 Gross Farm Sales" (preliminary estimates) as compiled by the Extension Economic Information Office, OSU.

<sup>2</sup> Source: John Massie, Tillamook County Extension Agent. For a more detailed discussion of existing and potential types of agriculture in Tillamook County, see "A Citizens Planning Handbook," prepared by Monty Hempel and Paul Levesque, Tillamook County Planning Department, June 1977, p. C-22 to C-27.

TABLE 2  
 GROSS FARM AND DAIRY PRODUCT SALES, TILLAMOOK COUNTY AND STATE COMPARISONS  
 (in thousands of dollars)

	1971	1975	1979
<b>TOTAL FARM SALES</b>			
Tillamook County	12,845 (2.2%)	21,501 (2.0%)	38,030 (2.5%)
Oregon	575,394	1,080,246	1,523,731
<b>DAIRY PRODUCT SALES</b>			
Tillamook County	10,056 (16.5%)	17,200 (19.4%)	28,690 (20.6%)
Oregon	61,050	88,637	138,947

Source: "Tillamook County Economic Information," Oregon Department of Economic Development, June 1979, and "Oregon 1979 Gross Farm Sales," Extension Economic Information Office, Oregon State University, December 21, 1979.

TABLE 3  
 TILLAMOOK COUNTY PERSONAL INCOME  
 FARM AND NONFARM, FOR SELECTED YEARS, 1950 - 78(in thousands of dollars)

YEAR	FARM	NONFARM	TOTAL
1950	3,303 (14.0%)	20,337 (86.0%)	23,640
1959	2,476 (8.6%)	26,398 (93.4%)	28,874
1962	1,775 (5.9%)	28,179 (94.1%)	29,954
1970	4,734 (11.8%)	35,370 (88.2%)	40,104
1974	6,896 (12.9%)	50,335 (88.0%)	57,231
1978	15,325 (18.2%)	68,862 (81.8%)	84,187

Source: "Tillamook County Economic Information," Oregon Department of Economic Development, June 1979.

TABLE 4  
 VALUE OF FARM PRODUCTION, TILLAMOOK COUNTY REVENUES (in thousands of dollars)

COMMODITY	1971	1975	1979	1980 (1)
Dairy Products	\$10,056 (78.3%)	\$17,200 (80.0%)	\$27,968 (74.0%)	\$34,654 (80.1%)
Dairy-Related Cattle & Calves (2)	1,604 (12%.5)	2,652 (12.3%)	5,927 (15.7%)	NA (3)
Nondairy-Related Cattle and Calves	456 (3.6%)	435 (2.0%)	849 (2.2%)	NA (3)
Misc. Animals & Products (Primarily Mink)	351 (2.7%)	643 (3.0%)	962 (2.5%)	963 (2.2%)
Specialty Products (4)	87 (0.7%)	400 (1.9%)	1,900 (5.0%)	1,650 (3.8%)
Hay & Forage (5)	21 (0.2%)	97 (0.5%)	74 (0.2%)	124 (0.3%)
All other commodities (6)	<u>270 (2.1%)</u> <sub>7</sub>	<u>74 (0.3%)</u>	<u>107 (0.3%)</u>	<u>130 (0.3%)</u>
TOTAL RECEIPTS	\$12,845 (100%)	\$21,501 (100%)	\$37,787 (100%)	\$43,266

1 Preliminary data.

2 Dairy-related cattle and calves are those produced in conjunction with a dairy operation, including bull calves and cull cows.

3 Estimates for dairy and nondairy cattle and calf sales are not yet available for 1980. Total cattle and calf sales are estimated to be \$5,745,000.

4 this includes nursery stock, forest greenery and holly.

5 The value of hay and forage produced is greatly understated by the fact that most of what is grown is not sold, but is consumed on the farm where it is produced.

6 This includes field, crops, small fruits and berries, vegetable crops, hogs and pigs, sheep and lambs, and chicken eggs.

7 This includes \$224,000 in vegetable sales, which reflects Birds Eye's 1965-72 broccoli venture in Tillamook COUNTY. With the discontinuation of broccoli production, total vegetable sales dropped to \$5,000 by 1973. By 1979 total vegetable sales had risen to only \$20,000, still less than 10 percent of 1971 sales.

SOURCE: John Massie Tillamook COUNTY Extension Agent.

The Tillamook County Creamery Association (TCCA), a producer-owned cooperative, has played a key role in the development of the County's dairy industry for the past 60 years. TCCA had gross sales of over 46 million dollars in 1979-- a 200 percent increase over 1970. Payments to milk producers within the County reached 24 ½ million dollars in 1979--also a 200 percent increase over 1970. These increases are still as high as 40 percent when inflation is taken into account. The estimated 1980 return to the County's dairymen is 29.3 million dollars - a 20 percent increase over 1979. TCCA is one of the County's largest employers, with over 200 employees and a 1980 payroll of approximately \$4,000,000.<sup>1</sup>

The Creamery Association produced 23.5 million pounds of natural cheddar cheese in 1979-- approximately 80 percent of Oregon's total production. In 1979, TCCA received 197 million pounds of locally produced milk, and an additional 83 million pounds from producers outside

<sup>1</sup> The source of all TCCA data is Pete Sutton, General Manager of the Association.

of the County. At the same time 39 million pounds of locally produced milk was being shipped to processors outside of the County. TCCA's capacity is such that during peak production periods during the year, it receives and processes up to 30 percent of the milk produced in Oregon. The Creamery still has excess capacity which would permit the processing of an increased supply of locally produced milk.

## 1.2 Agricultural Lands Inventory

Tillamook County has a limited amount of land that is suited for agricultural production. The more recent comprehensive agricultural soil survey--which occurred in 1957-- identified 48,218 acres of SCS Class I-IV soils, 36,472 acres of which were in agricultural use (see Table 5).<sup>1</sup> These are the soils that should be retained for agricultural use according to the state agricultural lands goal. An additional 3,959 acres of SCS Class IV-VIII soils were also being used for agricultural purposes. 8,967 acres of Class I-IV soils were in forest use in 1957, while 2,230 were in urban use. Since then approximately 1,500 additional acres of these soils have been committed to nonfarm development.

TABLE 5  
AGRICULTURAL SOILS, ACREAGE BY CLASS AND USE

	<b>Cropland</b>	<b>Pasture</b>	<b>Forest</b>	<b>Urban</b>	<b>Other</b>	<b>Total</b>
Class I	0	0	0	0	0	0
Class II	18,767	908	1,624	1,194	5	22,498
Class III	6,058	857	2,484	236	2	9,637
Class IV	<u>6,683</u>	<u>3,199</u>	<u>4,859</u>	<u>800</u>	<u>542</u>	<u>16,144</u>
TOTAL	31,508	4,964	8,967	2,230	549	48,218

## 1.3 The Need to Protect Farmland

The quality and reputation of Tillamook County's dairy products assures that there will be a market for all the milk and cheese that can be produced in the County in the foreseeable future. What can actually be produced depends upon the amount of land that remains available for farming. There have been growing pressures to convert the County's productive farmlands to other uses. The best agricultural land is physically attractive, is relatively flat, exhibits good drainage, and has an available water supply. Such land is also easiest to develop for housing and other urban uses.

The sale of productive farmland to nonfarmers leads to its irreversible transfer to nonfarm uses. An extension of this trend in Tillamook County could lead to the transformation of the County's dairy industry into a second-home and retirement community. The long-term production and economic returns from the County's farmlands would be replaced by the short-term profitability of selling land and building houses.

Nonfarm development not only takes farmland out of production, it can also lead to restrictions on farm practices on nearby land. Farming can be adversely affected by noise and human and animal trespass from nearby nonfarm development. Many accepted and customary farming practices are not compatible with residential or other nonfarm uses on

<sup>1</sup> Soils Survey of Tillamook Areas, Oregon, pp. 39 and 75. This survey contains soil maps of the County's agricultural lands. In addition, the County Planning Department has color-coded maps which describe the County's agricultural soils according to capability class (I-VIII) and the five groups that are identified in Tillamook County's Soil Suitability Rating System (see appendix D).

nearby lands. Conflict between farm and nonfarm uses can lead to restrictions on such necessary farm practices as the spreading of animal manure and the use of herbicides and pesticides. Opposition to these farm practices is likely to increase in the future as more people who were raised in an urban environment move to Tillamook County. Nonfarm development can thereby affect an area much larger than the acreage upon which the development occurs. The intrusion of nonfarm development into a farm area can ultimately remove the entire areas from agricultural production as adjacent farmers, tired of conflicts with their nonfarm neighbors, are induced to irreversibly convert their land to other uses.

The National Association of Counties Agricultural Lands Study has examined the wide range of conflicts that arise as nonfarm residential development invades agricultural areas.<sup>1</sup> This study concludes that these conflicts:

“...are the unmistakable signal that local agriculture is in trouble, that a traditional way of life--and making a decent living--is threatened...realistically speaking, the only way to avoid threatening land use conflicts is not for farmers to change the way they use their land--because odors and noise are an integral part of agriculture--but rather to change the way in which communities are developed. Ideally, they should be developed so that residences, agriculture, and other industries all have their place and are insulated from one another.”

The study points out that the farmer is becoming the “underdog” - he is becoming scarcer all the time - in part because land use conflicts are leading to the demise of local agriculture. “And that means that, when new land use conflicts arise, the community as a whole--composed more and more of people who do not understand agriculture--is less sympathetic to the farmer's point of view.” The booklet concludes that “unless something is done at the local level to guide community growth and development, so that residential development is kept at a respectable distance from the farming industry, the future of agriculture in any localities around the nation looks gloomy.”

## 2. LEGISLATIVE MANDATE

### 2.1 Overview

The loss of agricultural land served as a primary impetus for the State Legislature's establishment of Oregon's land use planning program with the passage of Senate Bill 100 in 1973. The Legislature has specifically adopted four key elements which address the protection of farmland: (1) their Agricultural Lands Policy statement; (2) the Statewide Agricultural Lands Planning Goal; (3) the provisions governing exclusive farm use (EFU) zones; and (4) preferential tax treatment for agricultural land.

### 2.2 Agricultural Lands Policy

The Legislature's 1973 Agricultural Lands Policy (ORS 215.243) made the following points:

- (1) Open land for agricultural use... constitute(s) an important physical, social, aesthetic and economic asset to all of the people of this state.
- (2) The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the state and for

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<sup>1</sup> Edward Thompson, Jr., “Farming in the Shadow of Suburbia: Case studies in Agricultural Land Use conflicts,” National Association of Counties Research Foundation, Washington, D.C., December, 1980.

the assurance of adequate, healthful and nutritious food for the people of this state and nation.

- (3) Expansion of urban development into rural areas is a matter of public concern because of the (resultant) unnecessary increases in costs of community services, (and) conflicts between farm and urban activities.
- (4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.

### 2.3 Agricultural Lands Planning Goal

The Agricultural Goal is one of the most specific of the 19 Statewide Planning Goals, reflecting the concern for the protection of farmland that prompted the legislatures adoption of the state land use planning law (ORS Chapter 197).

The goal states that “Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215.”

Farmland that is to be included in such farm use zones in western Oregon includes:

“land up predominantly class I, II, III and IV soils...., and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for ram irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.”

Minimum lot sizes that are utilized for farm uses are to be “appropriate for the continuation of the existing commercial agricultural enterprise within the area.” (The County’s minimum lot size requirements are discussed in Section 5.2 below).

The exclusion of rural agricultural land from the farm use zone requires a Goal 2 “exception” to the agricultural lands goal. Such as exception must provide “compelling reasons and facts” for the exclusion, including:

- (a) Why these other uses should be provided for;
- (b) What alternative locations within the area could be used for the proposed uses;
- (c) What are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative uses;
- (d) A finding that the proposed uses will be compatible with other adjacent uses.

### 2.4 The Exclusive Farm Use Zone

The exclusive farm use zone (EFU) was created by the State Legislative to provide areas

where farming can take place free of interference and to help local assessors decide which land qualifies for farm tax assessment. This zone is the implementation method for the preservation of agricultural lands that are identified in the County's comprehensive plan.

The legislature has defined farm use (ORS 215.203), and specifically enumerated all nonfarm uses that a county can include in an EFU zone (ORS 215.213). The inclusion of any other uses can disqualify all land within that zone from receiving an automatic assessment at its farm use value (ORS 308.343). Tillamook County's EFU zone includes all of the uses that are permitted by state law (see Section 4.1 below).

## 2.5 Farm Tax Assessment

Oregon is one of a majority of states that assesses farmland at its farm value as opposed to the higher value that it might have if it were converted to nonfarm development. The legislature's expressed intent is that bona fide farm properties "shall be assessed at a value that is exclusive of values attributable to urban influences or speculative purchase." (ORS 308.345) The legislature has specified that "any land which is within a farm use zone..., and which is used exclusively for farm use as defined in subsection(2) or ORS 215.203, shall be assessed at its true cash value for farm use and not at the true cash value it would have if applied to other than farm use." [ORS 308.370 (1)] The farm use value assessment ranges from, 40 to 50 percent of the nonfarm use assessment. The legislature has also exempted land in the farm zone from certain special district assessments, including those for sewer and water (ORS 308.401).

The legislature currently permits a farm use assessment for land that is not within an exclusive farm use zone if certain minimum income requirements are met to assure that the land is being used exclusively for farming [ORS 308.370 (2) and ORS 308.372].

## 3. TILLAMOOK COUNTY'S AGRICULTURAL LANDS PLANNING PROCESS

### 3.1 Overview

Agricultural lands planning on compliance with state law (ORS 197) was initiated by the Tillamook Soil and Water Conservation District Board in the Spring of 1978 with an attempt to develop criteria for evaluating the County's agricultural lands. The County's comprehensive team began to address agricultural lands planning in September, 1978 with the addition of a Natural Resources Planner who was assigned responsibility for the agricultural and forestry elements of the County's comprehensive plan.

The County's efforts focused on the development of the agricultural lands criteria until these were adopted by the Board of County commissioners on July 27, 1979. This was followed by a campaign to bring land into the County's farm zone on a voluntary basis during the Fall of 1979 and early in 1980, which increased the acreage in the farm zone from 13,000 to 25,000 acres. The identification and zoning of agricultural lands were completed from March to October of 1980 with the development and approval of zoning proposals for all of the land in the County. This brought another 10,500 acres into the farm zone, bringing the total to 35,500 acres. The final step in the agricultural lands planning process was the composition of the Agricultural Lands Element, including the drafting and approval of Agricultural Findings and Policies that reflect what has been learned during the past two years about the County's agricultural resources and needs. The exceptions that have been taken to the Agricultural Lands Goal are included in the County's "justification" document.

### 3.2 Agricultural Lands Criteria



Tillamook County's "Criteria for Evaluating Agricultural Lands" was adopted unanimously by the County's Board of Commissioners on July 27 after two public hearings. This action concluded a year-long process of technical assistance and public review that involved the Tillamook Soil and Water Conservation District Board, the U.S. Soil Conservation Service, the Oregon State Agricultural Extension Service, the Tillamook Farm Bureau, the County's five Citizen Advisory Committees, the County Planning Commission and the comprehensive planning team. This process is described in Appendix A.

The County Board of Commissioners' July 27 action included not only the adoption of the agricultural lands criteria (Appendix C), but also the approval of the supplementary "Soil Suitability Rating for Tillamook County's Land Use Plan," (Appendix D) and a resolution which describes the use of the criteria and identified other factors that can be taken into account when decisions are made that affect agricultural lands (Appendix B).

The resolution explicitly recognizes the need to preserve agricultural land consistent with local needs and state law. It stipulates that the criteria and soil suitability rating system will be used prior to the adoption of the County's updated comprehensive plan "in a determination of the agricultural suitability of land that is involved in a land use decision or action," and that they "will be further used in the actual updating of the comprehensive plan to identify SCS Class I-IV soils and other agricultural and related lands that upon the owner's request could be excluded from the County's farm zone."

The four criteria that are used to determine the agricultural suitability of any given ownership are (1) soil suitability, (2) subject's parcel size, (3) surrounding parcel size, and (4) compatibility of surrounding land use (see Appendix C). Any contiguous farm ownership can be rated with a numerical value that is determined by standards that have been set for each criteria. A weighting system which reflects the relative importance of each criteria is used to aggregate these numerical values on a 100-point scale for any particular ownership. For example, an ownership can receive up to 52 points for soil suitability, 16 points for subject's parcel size, 8 points for surrounding parcel size, and 24 points for compatibility of surrounding land use.

Soil suitability is determined by the soil suitability rating system (Appendix D). Each of the County's agricultural soils are initially rated according to their natural ability to produce agricultural goods without managerial inputs. Soils are divided into five agricultural potential groups according to their texture, slope, depth, natural drainage, and available water holding capacity. Each of these groups receives a numerical value which is then modified to take into account artificial drainage, the availability of irrigation water and whether or not the ownership is within the 100-year floodplain.

The County's soil suitability rating system is designed to supplement the Soil Conservation Service's land capability classification system by providing more specific information on the agricultural productivity of local soils. The County's system was reviewed and approved by the Soil Conservation Service's State Soil Scientist (see Appendix E).

The agricultural lands criteria have subsequently received national recognition, for which the Board of County Commissioners received a congratulatory letter from Governor Vic Atiyeh (see Appendix F).

### 3.3 Voluntary EFU Campaign

A campaign for the voluntary inclusion of land in the County's farm zone was conducted by the planning team during November and December of 1979. This campaign was sponsored by the Tillamook County Soil and Water Conservation District Board and had the official

support of the Tillamook County Farm Bureau, the Tillamook County Creamery Association, and the County Pomona Grange. This effort provided an opportunity to inform people about the need to protect farmland and the advantage of the farm zone.

The campaign focused on the 325 owners of approximately 19,000 acres that were receiving a farm tax but were not included in the County's farm zone. (Less than 13,000 acres were already in the farm zone.) Each of these owners received a letter from the Chairman of the Tillamook County Soil and Water Conservation District which stressed the need to protect farmland and the advantages of the farm zone. An application to bring land into the farm zone was enclosed along with specific information on the acreage and tax lot numbers of parcels that were currently receiving the farm tax but were not in the farm zone.

An extensive public information effort occurred at the time of these mailings. The local radio station (KTIL) provided free air space for statements by members of the County's Soil and Water Conservation District Board, Farm Bureau and Creamery Association which encouraged people to bring their land into the farm zone. Informative articles appeared in the County-wide newspaper, the "Headlight Herald" (Appendix G).

By January 1980, applications had been received to bring over 12,000 acres into the farm zone as a result of the campaign. This included 336 parcels in 144 ownerships. Their approval by the County Planning Commission on February 28, and the Board of County Commissioners on April 11, increased the total acreage in the County's farm zone to 25,000 acres, which was approximately 75 percent of what staff estimated should eventually be included in the farm zone.

#### 3.4 Completion of Rezoning

The rezoning of the remainder of the County's lands was accomplished during the period from March to October of 1980. Agricultural land which had not come into the farm zone by the end of the voluntary EFU campaign was evaluated to determine which additional parcels should be included in the farm zone. The agricultural lands criteria were used to make this determination.

Every possible effort was made to develop zoning proposals that were consistent with land owners' preferences while still being within the bounds established by local criteria and state law. Agreement was reached with over 98 percent of the affected land owners.

The County's five Citizen Advisory Committees (CACs) reviewed all zoning proposals for their area. This required from three to six special four-hour meetings in each CAC area. The CACs gave very careful consideration to those cases where there was a known disagreement between staff proposals and the preferences of individual property owners. The property owners were usually present to argue their case which was decided with a public vote by the CAC. Staff changed their recommendation in response to a contrary vote by a CAC in all but a few disagreements that occurred in the South County area.

After CAC review and approval, the zoning proposals were brought before the County Planning Commission who focused on disputed proposals within each CAC area. The Commission received a staff report and then heard testimony from CAC members and affected or interested property owners. Disputes were carried on to the Board of County Commissioners only if the Planning Commission supported the staff position in opposition to the affected property owners.

The Board of County Commissioners concluded their public hearings on zoning proposals in October 1980 with the inclusion of an additional 10,500 acres in the County's farm zone. This

brought the total acreage in this zone to 35,500 acres. An additional 2,000 acres was brought into the County's Small Farm and Woodlot 20-Acre zone which also qualifies as an EFU zone. Approximately 600 of these acres are farmland, with the remainder being forest land.

### 3.5 Agricultural Findings and Policies

The agricultural findings and policies which were written at the conclusion of the agricultural planning effort reflect the preceding two years of discussions at CAC meetings and with agricultural people throughout the County. Many of the findings and policies area based on the Tillamook Soil and Water Conservation District's Natural Resource Conservation Program. The SWCD Board reviewed all policies as did other interested members of the agricultural community, including the ASCS Committee, the County Extension Agent, the Soil Conservation Service's District Conservationist, and the president of the Tillamook Farm Bureau.

These findings and policies were reviewed by the County's five Citizen Advisory Committees between April and August of 1981. This review led to a number of constructive changes and eventual formal approval by each CAC by a cumulative 34-2 vote.<sup>1</sup>

## 4. AGRICULTURAL FINDINGS AND POLICIES

### 4.1 Agricultural Land Zoning

#### Findings

Zoning regulations are one means that is available to the County to protect farmland while assuring that an adequate supply of buildable land is available for nonfarm development. The County's commercial agricultural land has been placed in the Farm Zone (F-1) and the Small Farm Woodlot 20-Acres Zone (SFW-20). These zones are based on local resources and needs as well as being in compliance with the state laws exclusive farm use requirements (ORS 215.213). The inclusion of over 35,000 acres in the F-1 Zone and 2,000 acres in the SFW-20 Zone will help assure that the County's agricultural sector can continue to grow and contribute to the economic well being of the entire County.

The objectives of these zones would be undermined if parcels are created and sold that are too small to support the continuation of the existing commercial agricultural enterprise within the area. Dairying is the predominant type of agriculture in Tillamook County, with over 90 percent of the County's gross farm sales coming from dairy-related agriculture in 1979. The Tillamook County Soil and Water Conservation District and the County's citizen advisory committees have concluded that 40 or more acres are normally required for a viable dairy farm, and that a 40-acre minimum lot size requirement in the County's F-1 Zone will help protect agricultural land from conversion to nonfarm use.

The F-1 Zone does allow the creation of parcels smaller than 40 acres if approved by the County Planning Commission according to conditions described in subsection 3.002(5) of the County's zoning ordinance, while the SFW-20 Zone allows parcels smaller than 20 acres under the same conditions. This takes into account the fact that parcels smaller than 40 acres can be used for dairy farming if such use is in conjunction with other farmland in the area. And it permits the establishment of alternative commercial farm uses of greater

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<sup>1</sup> The vote and date of each CAC's approval is as follows: North; 5-0 (6/29/81), North Central; 6-0 (7/15/81, Central; 9-1 (8/5/81), South Central; 8-0 (6/23/81), South; 6-1 (6/30/81)

intensity (such as a nursery) than commercial firms in the area. However, it must be recognized that some legitimate intensive farm uses such as rabbit or poultry farms need not be located on the County's more productive lands. Nor are the F-1 Zone or the SFW-20 Zone appropriate locations for so-called "hobby farms" whose owner's primary vocation is other than commercial agriculture. These uses can best be accommodated in the County's Small Farm and Woodlot 10-Acre Zone which is designed for small-scale agriculture and forest uses.

The County's F-1 Zone currently contains many parcels smaller than 40 acres. Many of these parcels will be used in conjunction with other farmland in the area as they are not by themselves large enough to support the continuation of existing commercial agriculture. The placement of dwellings on many of these parcels would contribute to the conversion of productive land to nonfarm uses. The County's F-1 Zone does permit the placement of dwellings on ownerships smaller than 40 acres if they meet conditions described in subsection 3.002 (3) (n) of the zoning ordinance. The SFW-20 Zone allows parcels smaller than 20 acres according to the same conditions. These conditions are designed to assure that such dwelling will be used in conjunction with commercial agricultural enterprise in the area.

Nonfarm development is also permissible in the F-1 Zone and the SFW-20 Zone if it does not utilize productive farmland and if it does not interfere with farm practices on adjacent or nearby land. These zones conditionally permit all nonfarm uses that are allowed under state law.

#### Policy

Tillamook County will maintain its F-1 and SFW-20 Zones to protect farmland and farm practices from the unnecessary encroachment of nonfarm development. The County's Agricultural Lands Criteria will be used to establish priorities for the availability of farmland for conversion to nonfarm uses. Land will not be removed from the farm zones without appropriate consideration of need, consequences, alternatives and compatibility. Minimum lot size requirements will be enforced to help protect agricultural land from conversion to nonfarm use. The creation of parcels smaller than the prescribed minimum and/or the placement of dwellings on such parcels shall be permitted if approved by the County Planning Commission according to the criteria required by state law and following the procedures prescribed in the County's zoning ordinance.

#### 4.2 Agricultural Advisory Committee

##### Findings

The Tillamook Soil and Water Conservation District (SWCD) Board has served as the County's Agricultural Advisory Committee for the past 3 years during the revision of the County's Comprehensive Plan. They have had an essential role in the Agricultural planning process, reviewing every product to assure consistency with local resources and needs as well as compliance with State law.

This relationship was anticipated by a Memorandum of Understanding that the District entered into with the Tillamook Board of County Commissioners on April 19, 1978. This memorandum recognizes that "the District has been duly established under the authority of ORS 568.210 to 568.800 with responsibility for establishing and administering programs for planning and management of renewable resources lying within its jurisdictional boundaries..." The County agreed to:

- (1) “Recognize the District’s Natural Resources Conservation Program as official input to the comprehensive planning process,
- (2) Recognize the District’s Annual Work Program as the implementing mechanism for appropriate Natural Resource Conservation Program objectives and policies which have been included in the comprehensive plan,
- (3) Recognize the District as the local leader in matters pertaining to the planning and management of renewable natural resources.”

The SWCD’s Natural Resource Conservation Program objectives and policies have been incorporated into the County Comprehensive Plan’s Agricultural Findings and Policies with additions that have been approved by the District Board. Moreover, the District played an essential role in the development of the County’s Agricultural Lands Criteria and in the County’s successful campaign to bring land into the Exclusive Farm Use Zone on a voluntary basis.

The SWCD can continue to assist the County by providing technical advice on all aspects of the County’s agricultural planning process, consistent with their Memorandum of Understanding with the Board of County Commissioners. The SWCD’s Annual Work Program can serve as an implementing mechanism for many of the agricultural policies that are adopted as part of the comprehensive plan. The District can make recommendations on agriculturally-related land use actions that come before the County Planning Commission, and they can conduct a quarterly review of important agricultural-related decisions that have been made by the County’s Planning Department, Planning Commission, and Board of Commissioners. This review would provide a perspective on the cumulative effect of these decisions on the protection of the County’s productive agricultural lands.

#### Policy

Tillamook County recognizes the essential contributions of the Tillamook Soil and Water Conservation District Board to the County’s agricultural lands planning process and supports the continued involvement of the District in all aspects of Agricultural lands planning. This includes technical advice, policy implementation recommendations on land use actions, and a quarterly review of important agriculturally related decisions made by the County Planning Department, Planning Commission, and Board of Commissioners.

### 4.3 Technical and Financial Assistance

#### Findings

The Oregon State University Extension Service, and the USDA’s Soil conservation Service, Agricultural Stabilization and Conservation Service, and Farmers Home Administration have local offices which provide technical and financial services for agricultural producers in Tillamook County.

The Extension Service, with its local Extension Agent, provides information, education and technical support to local agricultural organizations and individual producers. This service literally extends many of Oregon State University’s educational and technical resources into the local community. The Extension Agent serves as an advisor to the Tillamook County Soil and Water Conservation District and has provided technical assistance in the development of the Agricultural Element of the County’s comprehensive plan, including the Agricultural Lands Criteria.

The Soil Conservation Service (SCS) has a cooperative working arrangement with the locally-elected Tillamook County Soil and Water Conservation District (SWCD) which includes assistance in the development and implementation of the SWCD's Natural Resource Conservation Plan. SCS provides direct technical assistance to individuals and groups of landowners or units of government with direction from the SWCD. This assistance that SCS provided in the development of the County's Agricultural Lands Criteria is described in Exhibit A. The SWCD's authority and role in the County's agricultural lands planning process is described in Section 3 and subsection 4.2.

In addition, SCS has administrative responsibility for the following project-type activities: 1) River Basin Surveys such as the USDA "Tillamook Bay Drainage Basin Sediment and Erosion Study;" 2) The Small Watershed Program which provides financial assistance for the protection and beneficial use of water resources in the County's watersheds; 3) The Watershed Emergency Operation Program which provides financial support for the rehabilitation of watersheds damaged by natural disasters such as flooding and fire; and 4) the Resource Conservation and Development Program which has broad application to the orderly development of rural and urban areas, consistent with the protection and enhancement of natural resources.

SCS also provides technical assistance for the following cost-share programs and projects administered by the Agricultural Stabilization and Conservation Service (ASCS): 1) The Agricultural conservation Program (ACP) which provides financial support for the protection and enhancement of soil and water resources; 2) The Emergency Conservation Program which provides financial support for the rehabilitation of farm land damaged by erosion, floods and other natural disasters; and 3) Rural Clean Water Projects. ASCS has a current application in for a Rural Clean Water Project, which, if approved, would make an additional two million dollars available to farmers in the Tillamook Bay Drainage Basin for ACP-type projects.

ASCS also administers the Forestry Incentive Program (FIP) which provides financial assistance to private landowners for tree planting and timber stand improvement. The Oregon State Department of Forestry provides technical assistance for FIP through their service forestry program.

A county ASCS Committee provides overall direction for ASCS-administered programs and projects, and approves individual applications for financial assistance. This Committee is made up of three agricultural producers who are elected by the County's farmers. These programs are administered by ASCS's County Executive Director.

The ASCS Committee and the SWCD work closely together in their common effort to bring about the conservation, development and wise use of land, water and related resources. ASCS and SCS staffs have a similar relationship which is facilitated by their sharing an office in Tillamook.

The Farmers Home Administration (FmHA) channels credit to farmers, rural residents and communities, while providing counseling and technical assistance to borrowers. FmHA programs which preserve and enhance agricultural resources and promote agricultural enterprise include loans for farm ownerships, operations and emergencies, along with loans for irrigation and drainage, grazing watersheds, soil and water conservation and resource conservation and development.

Some other FmHA programs have been criticized for contributing to the conversion of productive farmland to nonfarm uses. This includes loans for financing nonfarm dwellings and sewer and water systems outside of established communities in agricultural areas.

These loans can promote a degree of nonfarm development on agricultural land that would not otherwise be possible.<sup>1</sup>

#### Policy

The County recognizes and encourages the financial and technical service provided by the Oregon State Extension Service and the USDA's Soil Conservation Service, Agricultural Stabilization and Conservation Service and Farmers Home Administration which preserve and enhance agricultural resources and promote agricultural enterprise. The County particularly supports and encourages those programs which require local initiative and direction.

### 4.4 Farm Taxation

#### Findings

Oregon is one of a majority of states which has adopted a farm use value taxation program whereby farmland is assessed for its value in farm use and not at any higher value it might have if it were converted to a nonfarm use. The legislature recognized that farmers can be financially compelled to convert their land to nonfarm uses when it is taxed at its full development value. The acreage requirements of farming are such that farmers cannot afford to pay the same per acre tax rate as can the owners of nonfarm businesses or homesites that require substantially less acreage.

The legislature has specifically provided that "Any land which is within a farm use zone... and which is used exclusively for farm use as defined in subsection (2) of ORS 245.203, shall be assessed at its true cash value for farm use" [ORS 308.370 (1)]. The legislature has also exempted land in the farm zone from certain special district assessments, including those for sewer and water (ORS 308.401).

The reduced farm tax rate for land in the farm zone is reasonable and equitable as farmers still pay their own way when it comes to taxes. Even with the lower farm rate, the tax returns to the community from farms are generally greater than required public service and facility outlays to service farms. An 80-acre farm does not require as much public expenditures for school services, fire protection, road maintenance, and utility services as does 80 acres of more dense nonfarm development. Moreover, substantial public benefits are derived from the incentive that the lower farm tax rate provides for keeping land in farm use as this helps assure an adequate and affordable food supply in the future.

The inclusion of a little more than 35,000 acres in the Farm Zone should not lead to significant increases in the property taxes paid by nonfarmers in the County. In 1979, prior to the current rezoning of the County's land, the County Assessor had already certified over 32,000 acres as qualified by state law of the farm tax rate. Less than 13,000 acres were in the farm zone at that time. The approximately 3,500 acres that has not been receiving the farm tax, but which are not included in the farm zone are made up primarily of woodland which qualifies for a forest tax or is farm land that already qualified for the farm tax but whose owner had not filed the necessary application with the County Assessor.

One questionable feature of current State law is the provision for a farm use tax assessment for land that is not within a farm zone [ORS 308.370 (2)] if certain minimum farm income

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<sup>1</sup> See, for example, the Comptroller General's Report to the Congress, Preserving America's Farmland - A goal the Federal Government Should Support", September 20, 1979, pp 39-40.

requirements are satisfied to assure that the land is currently being used for agricultural purposes. The owners of such land have not made the same long-term commitment to continued agricultural production as have those whose land is included in the farm zone, and consequently are not providing the same public benefits.

A recent congressional report indicates that farm value assessment for land not in an exclusive farm use zone tends to encourage speculation without actually protecting farmland.<sup>1</sup> This report concludes with the recommendation that “States and localities that offer preferential farmland assessments should insist that... tax advantages apply only to acreages where exclusive farmland zoning or other legally binding covenants will keep the land in agricultural use.”

#### Policy

Tillamook County, recognizing the public benefits that are derived from a long-term commitment of productive land to farm use, supports continued farm use value taxation for land that is included in the exclusive farm use zone. The County requests that the state legislature repeal the State law which permits a farm use assessment for land that is not in an exclusive farm use zone. The owners of such land have not made the same long-term commitment to continued agricultural production as have those whose land is in exclusive farm use, and consequently are not providing the same public benefits. However, land that is removed from the exclusive farm use zone following an action by the governing body that was not requested or initiated by the owner should continue to be eligible for farm use assessment until the owner actually stops farming and converts the land to a nonfarm use.

### 4.5 Protection of Farm Practices

#### Findings

Tillamook County’s relatively narrow valleys and existing development patterns make it impossible to isolate farmland from nonfarm development. Even in areas where most of the land is committed to agriculture, farmers may still be outnumbered by nonfarm neighbors who may object to such farm practices as the spreading of animal manure or the use of herbicides. Such objections can take the form of nuisance lawsuits resulting in financial liability for the farmer or the suspension of agricultural operations. Opposition to various farm practices is likely to increase in the future as more people who were raised in an urban environment move to Tillamook County.

Oregon State law currently prohibits the enactment of local ordinances that “would unreasonably restrict or regulate farm structures or... accepted farm practices because of noise, dust, odor or other materials carried in the air or other conditions arising therefrom is such conditions do not extend beyond the boundaries for the exclusive farm zone within which they are created in such manner as to interfere with the use of adjacent lands.” (ORS 215.213)

This law provides limited protection for farmers in the farm zone as the question of what constitutes any “reasonable” restriction or regulation and what constitutes “accepted” farm practices are still subject to litigation and legal interpretation. Moreover, farmers are NOT protected by state law when the effects of their practices extend beyond the boundaries of the exclusive farm use zone. This is a particular problem for farmers in areas where

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<sup>1</sup> US House of Representatives Committee on Banking, Finance, and Urban Affairs, “Compact Cities: Energy Saving Strategies for the 80’s.” 7/80



commitments to nonfarm development have caused the County to intersperse nonfarm zoning with exclusive farm use zoning. This concession to nonfarm development in predominantly farm areas could lead to significant restrictions on farm practices without further recognition of the right of farmers to continue the reasonable and customary farm practices that are required to maintain a profitable farm enterprise.

So called "right to farm" laws, which are designed to protect farmers from nuisance law suits, provide only limited protection no matter how well these laws are worded. In a comprehensive review of this approach in the November-December 1980 issue of the *Aglands Exchange*, the Director of the National Association of Counties Research Foundation's "Agriculture Lands Project" concludes that "right to farm" laws are of questionable value as a means of protecting the farmer from nuisance suits that result from land use conflicts that, in turn, stem from the encroachment of residential development into agricultural areas. This review further concludes that:

"The most that can be said for the 'right to farm' laws... is that they offer just a bit more protection to the farmer than does the common law of nuisance. The worst that can be said about the 'right to farm' laws is that, if indeed they are constitutional, they hold out to farmers a false promise of security that cannot be fulfilled. In this sense, they are a poor substitute for the one method of protecting agriculture from land use conflicts that offers real hope for its future security...discouraging residential development of agricultural areas in the first place."

The most effective and equitable way to avoid land use conflicts that may lead to restrictions on farm practices is not for farmers to change the way they use their land because odors and noise are an integral part of agriculture - but rather to utilize appropriate zoning to separate agricultural uses from nonfarm development as much as possible, given topography and existing land use patterns.

#### Policy

Tillamook County recognizes that many customary farm practices may be offensive to nonfarm neighbors, and that the most effective way to protect farm practices is to discourage nonfarm development in agricultural areas. Moreover, the County regards the effect of farm practices coming from farms located within the exclusive farm use zone as reasonable and not subject to restrictions so long as they are no more offensive than what is customarily required to maintain a profitable farm operation and they are in conformity with existing federal, state and local laws.

### 4.6 Extension of Public Services and Facilities

#### Findings

The extension of services, such as sewer and water systems, into rural farm areas permit a degree of nonfarm development that would not otherwise be possible, and encourages the premature conversion of farmland to other uses. Public sewer systems are seldom, if ever, necessary to facilitate farm-related development. Public water systems are often necessary in farm areas but they need not be constructed in such a way that their long-term economic feasibility depends upon nonfarm development of productive farmland.

#### Policy

Extension of services, such as sewer and water systems, into rural farm areas should be appropriate for the needs of agriculture and those nonfarm uses permitted in the exclusive

farm use zone. Services that need to pass through the exclusive farm use zone should not be connected with any use that is not allowed in that zone, should not be assessed as part of the farm unit, and should be limited in capacity to serve specific service areas and identified needs.

#### 4.7 Highway Location

##### Findings

Highway construction has eliminated valuable agricultural land, adversely affected the use of adjacent pastures and undermined the viability of entire farms in Tillamook County. The County's narrow valleys are especially susceptible to the adverse effects of highway construction as farmland can be divided in a way that makes it impossible to conduct a profitable farm enterprise, particularly if adequate livestock and equipment access is not provided under or across highways. Highway construction on farmland also encourages nonfarm developments which can ultimately lead to the removal of an entire area from agricultural production.

##### Policy

Federal, state and local government decisions on the location of highways within Tillamook County must take into account the County's commitment to protect productive agricultural lands. Highways should not be constructed on land within the farm zone unless it is absolutely necessary. The realignment of highway corridors should occur along the edge of foothills above farmland whenever possible. When farmland is divided by highway construction access should be provided under or across highways for livestock and equipment. Culvert sizing and placement shall be consistent with the drainage needs of adjacent farmland. Proposals for the construction of new highways or the alteration of existing ones shall be reviewed by the Tillamook Soil and Water Conservation District to determine their effect on farmland.

#### 4.8 Agricultural/Forestry Interrelationship

Many farm ownerships contain both agricultural bottomlands 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. Farmers also convert land from woodland to pasture or visa versa over time depending upon the type of land, economic conditions and individual preference. Administration of the state land use planning law recognizes the interchangeability 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.<sup>1</sup>

Whether resource land is placed in a farm or forest zone has no significant effect on its tax status. The inclusion of woodland in the farm zone does not disqualify it from the forest lands tax, nor does the inclusion of farmland in the forest zone disqualify it from the farmland tax. However, inclusion of land in the farm zone does increase the probability that it will qualify for the farm tax (see ORS 308.370 and ORS 308.372), and up to 20 acres of woodland may receive a farm tax, if it is contiguous to land in the same ownership that is assessed at the farm rate even if the woodlot is not utilized in conjunction with farm use [see ORS 215.203 (2) (b)].

Tillamook County has taken into account both the resource potential and the preferences of the owners in determining the appropriate zoning of woodland that is included in a farm ownership. Approximately 3,500 acres of woodland in farm ownerships have been included

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<sup>1</sup> See, for example, LCDC's discussion of Agricultural/Forestry Goals Interrelationships (720618/6903)

in the farm zone (EFU). Approximately 2,000 acres have been included in the Forest Zone, and about 4,000 acres in the Small Farm and Woodlot 10-Acre Zone. With 90 percent of the County's land in forest use and only 5 percent in farmland, the County has been inclined to include land with mixed (farm/forest) resource value in the farm zone unless there were compelling reasons to do otherwise.

#### Policy

Tillamook County recognizes the interrelationships between agricultural and woodlot management on many farm ownerships. The conversion of land from one resource use to another shall remain at the discretion of the property owner. The interchange of such lands should not be subject to tax penalties. The County will continue to permit forest uses in the Farm Zone and farm uses in the Forest Zone. The inclusion of woodlot acreage in the Farm Zone should not disqualify it from woodlot management assistance programs.

#### 4.9 Agricultural Diversification

##### Findings

Tillamook County's agriculture is dominated by its dairy industry, with dairy-related agriculture producing 90% of the County's farm income in 1979. (See Table 4, p. 6). Five percent of the County's farm income came from such specialty products as nursery stock, forest greenery, and holly; 2.2 percent came from non-dairy-related beef production; 2.5 percent from miscellaneous animals and produces, primarily mink; and 0.2 percent from the sale of hay and forage. All other farm commodities, including field crops, small fruits and berries, truck crops, hogs and pigs, sheep and lamb, and poultry and eggs, produced only 0.3 percent of the County's total farm income. These percentages have remained relatively constant during the decade of the 1970's.

While dairy farming is likely to maintain its strong position in the foreseeable future, there is potential for significant increases in nondairy-related agriculture. The County's climate and soils are well-suited for a number of nondairy products, including beets, potatoes and other truck crops; blueberries, cranberries, raspberries, boysenberries and other berries; nursery stock and holly; poultry and eggs; and such nondairy animals as beef, hogs, rabbits and mink.

The potential for diversification is shown by the fact that in 1968 vegetable sales reached \$225,000 which was 2.3 percent of total farm sales for that year.<sup>1</sup> (The 1980 estimates are \$30,000 and 0.07 percent respectively.) The 1968 figures reflect the high point of Birds Eye's commercial broccoli venture, which produced high yields, excellent quality and an early harvesting date. The cool marine air made possible early plantings of broccoli with early harvest starting in June and continuing until late August or early September. The operation at first proved successful, and in 1968 the acreage was increased to 400 acres. However, it was determined that transportation costs to the processing plant in the valley outweighed the advantages and production was discontinued.<sup>2</sup>

Transportation costs are one of the primary constraints on the development of nondairy-related agriculture, given the County's relative isolation from markets and suppliers of raw materials. Another factor is inexperience in alternative forms of agricultural production. The success of the County's dairy industry demonstrates that the negative effects of the County's

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<sup>1</sup> Source: OSU Extension Service, "Oregon Commodity Date Sheets." OSU, 1971-72

<sup>2</sup> This information is taken from Monty Hempel and Paul Levesque's "A Citizen's Planning Handbook." p C-25

relative isolation can be overcome by expert producers, the development of a local processor, and successful marketing procedures. For example there has been a recent significant increase in rabbit production in the County as a result of the development of a rabbit marketing cooperative. In fact, the County's relative isolation from heavily populated areas can be advantageous to agriculture to the extent that it limits potential conflicts between farmers and nonfarm neighbors.

#### Policy

Tillamook County recognizes the potential of nondairy agriculture, and encourages efforts to diversify the agricultural sector in a manner that is consistent with the continued vitality of the dairy industry.

#### 4.10 Flood Control

##### Findings

More than 15,000 acres of agricultural land are subject to periodic flooding in Tillamook County. Flooding restricts the use of land because of resulting sediment deposition, debris, and limitations placed on animal waste disposal. Flood problems result from both natural factors and man's use of the land.

The two main natural causes of floodwaters are the rapid runoff from the mountains and high tides which block floodwater outlets. These natural causes are compounded by man's intensive use of the land including timber harvesting and road construction in steep forested areas, improper pastureland management, and construction in areas that are subject to periodic flooding.

Floods are more likely to occur during the November to March heavy precipitation period, and may occur as early as September or as late as May. Fairly continuous rainfall during this period saturates the soil and causes heavy runoff from the steep, upper portions of the watersheds. When this heavy runoff reaches the lower portions of the streams in the flatter valleys, water overflows the channels, floods many of the fields, and drops sediment and debris.

Inundation from ocean tidal waters is common along the lower parts of the coastal watersheds. Most damage occurs when the abnormally high tides and severe winter storms coincide. Dikes and tidegates have been installed to protect many areas, but some of these structures are inadequate or in need of repair and many other areas are entirely without such protection.<sup>1</sup>

Flood control generally requires coordinated and comprehensive measures. Individual efforts to control flooding, such as the construction of dikes, may adversely affect neighbors by diverting water onto their property. Efforts to control flooding and its effects are being undertaken by the Tillamook Soil and Water Conservation District, the North Coast RC & D Project, the Oregon Department of Forestry, the Oregon Department of Water Resources, the County Planning Commission and other agencies. Measures to decrease flood damage include enforcing the Forest Practices Act on forestlands, strengthening and enforcing the provisions of the County's Flood Hazard Zone, identifying flood-control reservoir sites, dredging and removing debris from slough and river channels to improve water flow,

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<sup>1</sup> Much of this discussion originated with the US Dept. of Agriculture; "North Coast Resource Conservation Development Projects Resource Action Plan;" September 1973, p. 37-38

maintaining dikes and installing and maintaining pumping stations.

#### Policy

Tillamook County supports coordinated and comprehensive efforts to control flooding on agricultural land by enforcing the State Forest Practices Act and the County's Flood Hazard Zone, improving slough and river channels, maintaining dikes and installing and maintaining pumping stations.

### 4.11 Soil Conservation

#### Findings

Soil may be the County's most valuable resource as it provides forest trees, pasture grasses and other life basic to our survival. The County's heavy annual rainfall and the steepness of over 90 percent of its land create serious soil erosion problems, particularly along more than 250 miles of the County's rivers and streams. Soil erosion eliminates agricultural land and wildlife habitat, and is contributing sediment to the County's waters adversely affecting shipping and navigation, commercial and sports fishing, oyster production and clamming, and other environmental and aesthetic features of the area.

The USDA's "Tillamook Bay Drainage Basin Erosion and Sediment Study"<sup>1</sup> reveals that stream bottom scour and channel bank cutting results in the annual erosion of over 8,200 tons of agricultural soil in the Tillamook Basin, 7,700 tons of which is deposited as sediment in Tillamook Bay. Sheet and rill erosion result in the annual loss of an additional 5,152 tons of agricultural soil in the Basin over 1,000 tons of which is deposited as sediment in Tillamook Bay. The Tillamook Basin contains about one-half of the County's agricultural land; these lands are the source of approximately 15 percent of the sediment that reaches Tillamook Bay.

This study indicates that the following erosion control measures are likely to provide economic benefits: removing of stream debris, riprapping of critically eroding streambed areas, applying pit run gravel on eroding cattle trails, and deferring grazing in problem areas.

Other measures that merit consideration include plowing, seeding, fertilizing and irrigation eroding areas, resloping and revegetating, and installing portable electric fencing to keep livestock away from eroding areas.

Efforts to establish conservation practices that will maintain soils on agricultural lands are being undertaken by the Tillamook Soil and Water Conservation District in cooperation with local, state and federal resource management agencies.

#### Policy

Tillamook County supports efforts to control soil erosion on agricultural lands, including implementation of economically feasible recommendations of the USDA's "Tillamook Bay Drainage Basin Erosion and Sediment Study" that are consistent with Tillamook Soil and Water Conservation District's Coordinated Resource Management planning for stream corridors.

### 4.12 Animal Manure Management

#### Findings

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Animal manure runoff from agricultural operations has been identified as a source of pollution in Tillamook Bay and its tributary streams. The Tillamook Bay Basin contains approximately 60 percent of the County's agricultural land and about one-half of its dairy farms.

In 1974 and 1977, the Federal Food and Drug Administration found that Tillamook Bay shellfish growing waters did not meet the national Shellfish Sanitation Program standards. High fecal coliform bacterial counts were found. Dairy cattle and other farm animals were identified as contributing fecal coliform to streams which flow into Tillamook Bay. This was confirmed in 1980 by the Oregon Department of Environmental Quality's Bacterial Study.

High fecal coliform concentrations, organic materials and suspended solids adversely affect beneficial water uses such as shellfish harvesting, fishing, swimming and other recreational uses. Depletion of oxygen in the water suffocates fish and may create offensive odors. A high concentration of fecal coliforms, indicating the possible presence of pathogenic bacterial and viruses, may pose a health threat to people consuming uncooked shellfish or ingesting contaminated water. The relative contribution of animal manure to these problems is presently undetermined and subject to considerable controversy.

The 1972 Federal Water Pollution Control Act (PL 92-500) and its subsequent amendments set broad water quality goals of fishable and swimmable waters to be attained wherever possible by 1983. Section 208 of this Act establishes Congresses intent to abate pollution from non-point sources.

The Department of Environmental Quality is the designated 208 planning agency in Oregon. In January 1979, Governor Victor Atiyeh designated the State Soil and Water Conservation Commission as the implementing agency for Oregon's 208 Agricultural Nonpoint Source/Water Quality Program on private agricultural lands. The Tillamook County Soil and Water Conservation District (SWCD) had agreed to serve as the local management agency for 208 implementation on agricultural lands in Tillamook County.

The Tillamook County SWCD has developed an Agricultural Non-Point Source Pollution Abatement Plan for the Tillamook Bay Drainage Basin to achieve the objectives of federal and state law for reducing the agricultural pollution problems that exist in the Basin. The SWCD was assisted by the Tillamook Bay Water Quality Committee, the US Soil Conservation Service, the Oregon Department of Environmental Quality and representatives of numerous other state and local entities. The Water Quality Committee is made up of local citizens who have spent more than 15 months working on the plan.

The purpose of the plan is to reduce agricultural pollution in Tillamook Bay through a voluntary program developed and administered at the local level. Agricultural producers will be given reasonable time, technical assistance and available financial support needed to correct pollution problems. However, if satisfactory progress is not being achieved, a local mandatory program will be implemented.

The Tillamook County SWCD has responsibility for determining if a mandatory phase should be implemented. This determination will be based on the recommendation of an evaluation committee that will be made up of representatives from local and state entities, including the Tillamook Board of County Commissioners. Eight of the 11 representatives will be from Tillamook County. Their evaluation of satisfactory progress will be based on the following considerations: (1) progress in developing agricultural pollution abatement plans; (2) progresses in implementing best management practices; (3) water quality monitoring results; and (4) extent of valid agricultural related water quality complaints.

A two-thirds vote is required before the committee can recommend a mandatory phase. Such a mandatory phase can be recommended for the entire Tillamook Bay Drainage Basin, a specific watershed within the Basin or individual agricultural enterprises.

The successful implementation of this plan will ensure continued local control of efforts to reduce agricultural pollution of Tillamook Bay. This will help avoid conflicts between agricultural producers and federal and state agencies.

The animal waste produced on farm throughout the County can be utilized in productive, efficient and non-polluting ways. All manure can be returned as fertilizer to the County's 30,000 acres of hay and pasture soil. The Tillamook County SWCD provides technical assistance and is seeking additional cost-share funds for the construction of dry storage facilities, pumping equipment, liquid holding tanks and improved drainage systems. The SWCD is also sponsoring studies to determine the manure loading capacity of pasture soils.

#### Policy

Tillamook County supports the Tillamook Bay Drainage Basin Agricultural Pollution Abatement Plan's approach to reducing agricultural pollution of Tillamook Bay through a voluntary program developed and administered at the local level. Agricultural producers will be given reasonable time, technical assistance and available financial support needed to achieve the satisfactory progress that is required to avoid implementation of a mandatory program. The objective throughout the County is to utilize animal manure in productive, efficient and non-polluting ways by returning it as fertilizer to the County's hay and pasture land.

### 4.13 Pastureland Management

#### Findings

More than 30,000 acres of highly productive hay and pasture lands, the basis of Tillamook County's dairy and cattle economy, must be carefully managed in order to maintain and enhance their productivity for present and future generations. Forage production on many pastures in the County can be greatly increased if management is improved.

Cooperative efforts to improve 5,000 acres of hay and pasture land annually are being undertaken by private landowners, the Soil and Water Conservation District, the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, the County Extension, and the State Department of Agriculture through weed control, drainage, soil testing, efficient irrigation water management, fencing, rotation grazing plan, and periodic reseeded for improved forage and soil stabilization. The Tillamook Soil and Water Conservation District is also seeking to establish adequate cost share programs for permanent pasture management.

#### Policy

Tillamook County supports appropriate cooperative efforts between private landowners and local, state and federal management land agencies to improve pastureland management, recognizing that increases in productivity will ultimately benefit a majority of the County's citizens.



#### 4.14 Drainage

##### Findings

Poorly drained soils and heavy rainfall combine to limit animal manure management and productivity on more than 15,000 acres of the County's agricultural bottom lands. Artificial drainage is necessary on Brallier, Brenner, Coquille, Hebo and Yaquina soils, and it is helpful on Chitwood, Ginger, and Nestucca soils.

Efforts to improve drainage on the County's farmlands include coordinated planning and technical and cost-share assistance in the installation and maintenance of ditches, tile lines, pumping stations and tide gates. Landowners are currently being assisted by drainage districts, the Tillamook SWCD, SCS, ASCS, North Coast RC&D and other government agencies.

The twelve drainage districts that have been established during the past 70 years can levy taxes for the construction and maintenance of drainage district structures. Consolidation of these districts could provide a more efficient and equitable basis for addressing drainage problems.

##### Policy

Tillamook County supports efforts to improve drainage on existing farmland through coordinated planning and technical and cost-share assistance on such measures as ditches, tile lines, pumping stations and tide gates. Consideration should be given to consolidation of existing drainage districts.

#### 4.15 Irrigation

##### Findings

Most of Tillamook County's soils can benefit from supplemental irrigation during dry summer months through the use of sprinkler systems. Well-drained soils, or those that have been adequately drained artificially, respond well to sprinkler irrigation, with the application of water causing no special management problems. A high percentage of the bottomland is irrigated because water is available. Irrigation of the soils on terraces and on uplands is limited by lack of available water. Irrigation water is obtained mainly from perennial streams, with availability depending upon the possession of legal water rights that are on file with the State Watermaster. According to the 1978 Census of Agriculture, 95 farms utilize sprinkler irrigation on a total of 4,958 acres within the County.

##### Policy

Tillamook County will cooperate with local, state and federal agencies in the effort to secure an increased supply of irrigation water and an equitable distribution among the County's farmers, while maintaining adequate stream flows.

#### 4.16 Weed Control

##### Findings

Noxious weeds, particularly tansy ragwort, continue to infest thousands of acres of private and public land in Tillamook County. All weeds displace more useful vegetation, while tansy ragwort also causes injury, illness and death to livestock.

ORS Chapter 570 recognizes that “noxious weeds... are a menace to the public welfare” and establishes “that steps leading to eradication and control are necessary... and that county, state and federal government should cooperate with individual owners in the control and eradication of noxious weed pests.” ORS 570.515 to 570.600 authorizes county government to establish a weed control district, identify “noxious” weeds, appoint a weed inspector, and take the steps necessary to control noxious weeds. This includes authority for county employees to go upon private land to eradicate weeds when the owner or occupant refuses to do so. In such cases, the cost of eradication can be billed to the owner, and, if necessary, collected by the tax collector in the same manner as taxes are collected.

County government is also authorized to establish a weed control fund (ORS 570.560) and provide cost-share assistance grants to any person owning or occupying land within a weed control district who conducts a weed control project in accordance with state law. The State Department of Agriculture has provided cost-share assistance to the County for weed control since 1976. Such assistance is available for up to 50 percent of the costs of chemicals used, with a current total expenditure limit of \$5,000.

ORS 570.540 provides for the eradication of weeds on public lands and rights-of-way. The State Highway Commission, County government, reclamation districts and municipalities are required “to destroy or prevent the spread or seeding of any noxious weed... on any land owned by them or constituting the right-of-way for any highway, county road, drainage or irrigation ditch, power or transmission line, or other purposes under their respective jurisdictions.”

Tillamook County established a weed control district on August 7, 1925, with burdock, Canadian thistle, Chinese thistle, mustard, and Russian thistle identified as noxious weeds. Tansy ragwort was added to this list on October 2, 1940. The County Commissioners reaffirmed the weed control district and the list of noxious weeds on June 5, 1953. This list needs to be revised to reflect current opinions on what should be included as noxious weeds.

Efforts to control weed infestation on more than 10,000 acres annually through an integrated program of pastureland management, natural predators, approved chemical sprays, cost-share assistance, and enforcement of weed control legislation are currently being undertaken by the County in cooperation with the State Department of Agriculture, County Extension, and the Directors of the Tillamook County Soil and Water Conservation District, who serve as the County’s designated Noxious Weed Advisory Board.

Efforts are currently underway to improve the effectiveness of the County’s weed control program. Such improvement requires the cooperative and coordinated efforts of the landowners of all affected property because individual property owners’ incentives to control weeds are significantly reduced if control isn’t practiced on neighboring properties. The voluntary cooperation of the landowners of all affected properties is being encouraged by assurance that weeds will be controlled on neighboring properties by use of available financial and technical assistance and by enforcement of the relevant provisions of ORS Chapter 570. The State Department of Agriculture has indicated that it will continue to provide cost-share assistance and County extension will continue to provide needed technical assistance.

## Policy

Tillamook County recognizes that continued noxious weed infestation of thousands of acres of private and public land in the County constitutes a menace to public welfare, and that the eradication of such weeds depends upon the cooperative efforts of the owners of all affected

land. The County is committed to maintaining available technical and financial assistance and enforcing the regulations in ORS Chapter 570 that assure the effective and equitable control of noxious weeds on lands within the County.

## 5. TILLAMOOK COUNTY'S EXCLUSIVE FARM USE ZONE

### 5.1 Overview

Tillamook County's Farm (F-1) zone and its Small Farm and Woodlot 20 (SFW-20) zone both qualify under state law (ORS 215.213) as exclusive farm use zones. The purpose of the F-1 zone is "to protect farmland and farm practices and to promote agricultural enterprise on land that qualifies for farm use according to state and county requirements." The purpose of the SFW-20 zone is "to protect and promote farm and forest uses on lands which have resource value, but which are not suited for either the Farm (F-1) zone or the Forest (F) zone because of smaller parcel size, conflicting adjacent uses, adverse physical features or other limiting factors."

Approximately 35,000 acres are in the F-1 zone, with an additional 2,500 acres of farmland in the SFW-20 zone. The protection of farmland afforded by these two zones helps assure that the County's agricultural industry can continue to grow and contribute to the economic well-being of the County.

### 5.2 Consistency with State Law

The state Legislature has stipulated that land within exclusive farm use zones shall be used for those farm and nonfarm uses that are defined or enumerated by state law. ORS 215.203 defines "farm use" and ORS 215.213 enumerates those nonfarm uses that may be allowed in an exclusive farm use zone. Tillamook County's farm zones includes all uses that are allowed under state law. ORS 308.343 provides that the inclusion of any additional uses would disqualify all land within the County's farm zone from receiving an automatic assessment at its farm use value.

The farm zone is designed to be as flexible as possible given the need to protect farmland and farm practices. All farm uses are permitted outright without Planning Commission review as is the propagation or harvesting of a forest product. Uses that are permitted conditionally include commercial activities that provide agriculture products or services such as a feed and seed store or a veterinary clinic; the mining and processing of rock or other subsurface resources; parks, playgrounds, campgrounds and hunting and fishing preserves; and home occupations. Nonfarm dwellings are allowed on the condition that they are situated on land that is not generally suited for agricultural production and if they do not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

### 5.3 Minimum Lot Size Requirements

The purpose of a minimum lot size requirement for land in the County's farm zones is to assure that productive agricultural land will not be divided into parcels that are too small for commercial farm use. The state agricultural planning goal stipulates that "such minimum lot sizes as are utilized for any farm use zones shall be appropriate for the continuation of the existing commercial agricultural enterprise within the area."

Dairying is the predominant type of agricultural enterprise conducted in Tillamook County,

with 78 percent of the County's gross farm sales coming from dairy products in 1979.<sup>1</sup> An additional 12 percent came from dairy-related cattle and calf production. The 1978 Census of Agriculture (Preliminary Report) lists a total of 388 farms in Tillamook County, with an average size of 108 acres, 25 of which are in woodland. One-third of these farms were smaller than 50 acres. Since "farms" are defined to include "all lands under the day-to-day control or supervision of one person or partnership," and each farm is likely to contain two or more tax lots (either contiguous or noncontiguous), the size of the average farm lot is substantially smaller than 108 acres.

It is convenient, but not necessary, for a farmer to have all of his land in one contiguous area. Many farmers with operating dairies are interested in purchasing or leasing additional land that may be several miles away and in parcels as small as 20-40 acres. This additional land may have a number of dairy-related purposes, including the production of hay or silage or the pasturing of replacement heifers, dry stock, or beef.

While it is difficult to identify a specific critical minimum acreage that will assure continued farm use, Tillamook County's Soil and Water Conservation District Board and a majority of the County's Citizen Advisory Committee members agreed that 40 or more acres are normally required for a viable dairy farm, and that a 4-acre minimum lot size requirement in the County's primary exclusive farm use zone - the F-1 - will help protect commercial agricultural land from conversion to nonfarm uses.<sup>2</sup> In addition to the 35,500 acres placed in the F-1 Zone, approximately 2,500 acres of more marginal agricultural land is among the 7,000 acres in the SFW-20 Zone, which has a 20-acre minimum lot size requirement.

The Small Farm and Woodlot Zone (SFW-20) is designed for areas where a 20-acre minimum is sufficient to provide for farm or forest uses. These lands are generally less suited for resource use than land included in the Farm Zone (F-1) or Forest Zone (F) because of smaller parcel size, conflicting adjacent uses, adverse physical features and other factors. This includes narrow river valleys where ownerships include both steep hill and fairly level bottom land which is not sufficient to sustain either a commercial farm or a commercial forest operation.

Approximately 7,000 acres have been placed in this zone, representing less than one percent of the County's land area. While at least one-third of these acres have mixed farm-forest characteristics, about 2,500 acres are predominantly farm-type land, while the remaining 4,500 acres are predominantly forest-type land. The parcels that contain predominantly farm land average less than 40 acres while those containing forest land average less than 75 acres.

The SFW-20 Zone provides adequate protection for the resource value of the type of land included in the zone. The 20-acre minimum assures that land in the zone will not be divided in acreage rural lots. Moreover, land in this zone is retained for farm and forest uses through restrictions on the types of uses allowed in the zone. The SFW-20 zone qualifies as an EFU zone. Apart from the 20-acre minimum, the zone is more restrictive than either the F-1 or F zones as it combines the restrictive provisions of both zones. The SFW-20 Zone does not allow golf courses as does the F-1 Zone and it contains essentially the same criteria for reviewing conditional use requests as does the F zone. All land divisions in this zone must be reviewed and approved, with particular consideration given to on-site and off-site impacts on farm and forest uses.

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<sup>1</sup> All data included in this paragraph is discussed and documented in Section 1.1 of this report.

<sup>2</sup> Four of the five citizen advisory committees supported the 40-acre minimum, while the Central County CAC preferred a 20-acre minimum.

The F-1 Zone does allow the creation of parcels smaller than 40 acres if approved by the County Planning Commission according to conditions described in subsection 3.002(5) of the County's zoning ordinance, while the SFW-20 Zone allows parcels smaller than 20 acres under the same conditions. This takes into account the fact that parcels smaller than 40 acres can be used for dairy farming if such use is in conjunction with other farmland in the area. And it permits the establishment of alternative commercial farm uses of greater intensity (such as nursery) than commercial farms in the area. However, it must be recognized that some legitimate intensive farm uses such as rabbit or poultry farms need not be located on the County's more productive lands. Nor are the F-1 Zone or the SFW-20 Zone appropriate locations for so-called "hobby farms" whose owner's primary vocation is other than commercial agriculture. These uses can best be accommodated in the County's Small Farm and Woodlot 10-Acres Zone or Rural Residential Zone.

## APPENDIX A DEVELOPMENT OF TILLAMOOK COUNTY'S AGRICULTURAL LANDS CRITERIA

The first draft of the Agricultural Lands criteria was developed during the Fall of 1978 by a committee comprised of Vic Affolter, County Natural Resource Planner, John Massie, County Extension Agent, Bob Pedersen, Soil Conservation Service (SCS) Tillamook District Conservationist, and George Smith, former SCS Tillamook District Conservationist. Technical assistance was provided by Roger Pfenninger, SCS Soils Scientist and Herb Huddleston, Oregon State University Extension Soils Scientist.

These criteria were reviewed and revised by the Tillamook Soil and Water Conservation District Board at three special meetings held during January and February of 1979. A presentation was made to a meeting of the Tillamook Farm Bureau on February 26. Special agricultural planning meetings were held at five locations throughout the County in March. Background for these meetings was provided in a special March issue of the "Morning Star Gazette," the planning team newsletter, which was distributed throughout the County. The March 7 issue of the Tillamook "Headlight Herald" newspaper featured a front-page article describing the agricultural planning process, as well as publicizing the March meetings (see attached articles).

The criteria were reviewed by the County's five Citizen Advisory Committees during their April meetings. Field tests were conducted in May by Affolter, Massie and Pederson. The results of these field tests, along with comments reviewed at public meetings, were incorporated in the final draft that was endorsed by the Tillamook Farm Bureau on June 28 and approved unanimously by the Tillamook Soil and Water Conservation District Board on May 30 (see attached letters), the Tillamook County Planning Commission on June 28, and the Board of County Commissioners on July 27 after extensive public hearings.

## Appendix A INSERTS

**Appendix A IINSERTS**



**Appendix A IINSERTS**

**Appendix A IINSERTS**

APPENDIX B  
BOARD OF COUNTY COMMISSIONERS RESOLUTION

**INSERT APPENDIX B**

**INSERT APPENDIX B**

**INSERT APPENDIX B**

## APPENDIX C CRITERIA FOR EVALUATING TILLAMOOK COUNTY'S AGRICULTURAL LANDS

Four criteria have been developed to evaluate the agricultural suitability of the land in Tillamook County. There may be a need to utilize some of the County's existing and potential agricultural lands for urban and rural nonfarm uses. Therefore, it is important that farmland is not only identified, but is given priorities for its availability for nonfarm uses. This is not done to encourage a process of conversion, but rather to 1) promote preservation of agricultural land, and to 2) guide conversion of the least valuable agricultural land to nonfarm uses if and when such conversion becomes advisable.

The criteria are:

1. Soil Suitability (13)
2. Subject's Parcel Size (4)
3. Surrounding Parcel Size (2)
4. Compatibility of Surrounding Land Use (6)

A weighting system has been devised to indicate the relative importance of each criterion. The respective weights are the numbers in parentheses that follow each criterion. For example, the weights indicate that "surrounding parcel size" is one-third as important as "surrounding land use."

Land will be given a best, very good, good, fair or limited rating according to standards set for each criterion. Four (4) points will be given for a "best" rating, three (3) for "very good", two (2) for "good", one (1) for "fair", and zero (0) for "limited". These ratings will be multiplied by a criterion's relative weight. For example, if the soil on a particular parcel receives a best rating, the parcel would be given 52 points. (We multiply the 4 points it receives for its best rating by its weighting factor of 13.) If the soil had received a very good rating, the parcel would have been given 39 points (3 X 13). The soil rating is then adjusted if the parcel has artificial drainage, if irrigation water is available, or if it is within the 100-year flood plain.

The next step is to rate the parcel according to its size. If it receives a best rating for parcel size, it would be given an additional 16 points (4 X 4). The process continues until the parcel is given points according to its rating on each of the four criteria. These points are then added up to determine the parcels relative suitability for agriculture. Possible scores range from zero (all limited) to 100 (all best).

Priorities are assigned to agricultural land according to its suitability rating:

Priority I:	75 - 100 points
Priority II:	50 - 74 points
Priority III:	25 - 49 points
Priority IV:	0 - 24 points

These priority groupings will be used in determining whether nonfarm development should occur on a particular parcel of land. Priority IV should be given first consideration when there is a demonstrated need for converting existing or potential agricultural land to nonfarm use.

1. SOIL SUITABILITY (Wt. of 13)
  - a. OBJECTIVE

To rate land for agricultural use according to the suitability of the soil for producing agricultural goods.

b. JUSTIFICATION

While the Soil Conservation Service's land capability classification is useful for identifying agricultural lands, a more specific evaluation of each of Tillamook County's soil map units is needed to justify the nonfarm use of any of these lands.

c. STANDARDS

See "Soil Suitability Rating for Tillamook County Land Use Plan" for a discussion of the specific standards used, and the priority groupings of the individual soil map units based on these standards.

2. SUBJECT'S PARCEL SIZE (Wt. of 4)

a. OBJECTIVE

To rate land for agricultural use according to the size of the subject's parcel, including any adjoining parcels under the same ownership.

b. JUSTIFICATION

To assure that a parcel's size is sufficient to support a current or potential farm use.

c. STANDARDS

(16 pts)	Best:	If the parcel is 80 acres or large in size.
(12 pts)	Very Good:	If the parcel is between 40 and 80 acres in size.
(8 pts)	Good:	If the parcel is between 20 and 40 acres in size.
(4 pts)	Fair:	If the parcel is between 5 and 20 acres in size.
(0 pts)	Limited:	If the parcel is less than 5 acres in size.

3. SURROUNDING PARCEL SIZE (Wt. of 2)

a. OBJECTIVE

To rate land for agricultural use according to parcel size within one-quarter mile of the perimeter of the subject site.

b. JUSTIFICATION

Large parcel areas are more suitable for the continuance of agriculture than area areas that have been divided in relatively small parcels.

c. STANDARDS

(8 pts)	Best:	If more than 50% of the surrounding area contains parcels of at least 80 acres in size.
(6 pts)	Very Good:	If between 25% and 50% of the surrounding areas contains parcels of a t least 80 acres in size, or more than 50% of that area contains parcels of at least 40 acres in size.
(4 pts)	Good:	If between 25% and 50% of the surrounding area contains parcels of at least 40 acres in size, or more than

(2 pts)	Fair:	50% of that area contains parcels of at least 20 acres in size. If between 25% and 50% of the surrounding area contains parcels of at least 20 acres in size or more than 50% of that area contains parcels of at least 5 acres in size.
(0 pts)	Limited:	If none of the above standards are met (i.e., less than 25% of the surrounding area contains parcels of at least 20 acres in size, and less than 50% of that area contains parcels of at least 5 acres in size).

NOTE: A parcel should be given the highest rating for which it qualifies according to the above standards.

#### 4. COMPATIBILITY OF SURROUNDING LAND USES (Wt. of 6)

##### a. OBJECTIVE

To rate land for agricultural use according to the compatibility of adjacent land uses and those that exist within one-quarter mile of the perimeter of the subject parcel.

##### b. JUSTIFICATION

To restrict the close association of agricultural uses and non-agricultural uses which have the potential of adversely affecting one another.

##### c. STANDARDS

(24 pts)	Best:	If none of the adjacent land AND not more than 10% of the surrounding area <sup>1</sup> is committed to non-agricultural uses. <sup>2</sup>
(6 pts)	Very Good:	If not more than 10% of the adjacent land AND not more than 25% of the surrounding area is committed to non-agricultural uses.
(4 pts)	Good:	If not more than 25% of the adjacent land AND not more than 50% of the surrounding area is committed to non-agricultural uses.
(2 pts)	Fair:	If not more than 50% of the adjacent land AND not more than 75% of the surrounding area is committed to non-agricultural uses.
(0 pts)	Limited:	If none of the above standards are met (i.e., if either more than 50% of the adjacent land OR more than 75% of the surrounding area is committed to non-agricultural uses.

<sup>1</sup> "Surrounding area" is that area which is within one-quarter mile of the perimeter of the subject parcel.

<sup>2</sup> "Non-agricultural uses" are those uses that are not allowed within the County's Exclusive Farm Use Zone.



## APPENDIX D SOIL SUITABILITY RATING FOR TILLAMOOK COUNTY'S LAND USE PLAN

### AGRICULTURAL POTENTIAL

Tillamook County's soils are initially rated according to their natural ability to produce agricultural goods without managerial inputs such as artificial drainage or irrigation. Texture, slope, depth, natural drainage, and available water holding capacity are the properties<sup>1</sup> that are utilized to divide the soils into five agricultural potential groups: Group I (Best), Group II (Very Good), Group III (Good), Group IV (Fair), and Group V (Limited).

Tillamook County has approximately 40,000 acres in cropland and pasture according to the most recent Soil Conservation Service survey. 8,392 acres (20.8%) have been included in Group I, 7,745 acres (19.2%) in Group II, 8,029 acres (19.9%) in Group III, 12,316 acres (30.6%) in Group IV, and 3,818 acres (9.5%) in Group V.

Four (4) points are given to those soils in Group I, three (3) to those in Group II, two (2) to those in Group III, one (1) to those in Group IV, and zero (0) to those in Group V. These rating points are multiplied by 13 (the relative weight for soil suitability) to determine the number of points that are given a parcel for the agricultural potential of its soil. Adjustments are made for artificial drainage, irrigation water, and flooding to determine the total score for soil suitability.

### MULTIPLE SOILS

If a parcel has two or more soils which fall into different suitability groups, a weighted average is taken to determine the overall soil suitability value. For example, if one-half of a parcel is made up of a Group II soil (which has a 39 point value) and the other half is a Group IV soil (which has a 13 point value), the soil suitability score for the entire parcel is 26 points ( $1/2$  of 39 plus  $1/2$  of 13 = 20).

### ARTIFICIAL DRAINAGE

Drainage is a major problem on much of Tillamook County's agricultural land because of heavy rainfall and the low position and slow permeability of many soils. Artificial drainage is necessary on the Brallier, Brenner, Coquille, Hebo, and Yaquina soils. It is helpful on the Chitwood, Ginger and Nestucca soils.

Artificial drainage increases the soil's potential for agricultural use. This is taken into account by giving the soil the rating it receives if it is well or moderately well drained as the result of the installation of appropriate drainage measures. The cost of installation is accounted for by deducting 8 points if dikes, tidegates, and pumping stations were required (Brallier, Brenner and Coquille). Four points are deducted if only field ditches or tile lines were required (Hebo, Yaquina, Nestucca, Chitwoods, and Gingers).

### IRRIGATION

Most of Tillamook County's soils can benefit from irrigation during dry summer months. This is taken into account by subtracting 5 points if the parcel does not have irrigation water available. (The availability of irrigation water is determined by the legal water rights that are on file with the state watermaster).

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<sup>1</sup> The sources of this information are the Soil Conservation Service's "Tillamook Area Soil Survey" (1946), and their more current "Soil Interpretations for Oregon" (OR-1's). These OR-1's are the Soil Conservation service's description of the characteristics or properties of each soil.

## FLOODING

Flooding can restrict the use of agricultural lands because of resulting sediment disposition, debris, and limitations placed on waste disposal. The effect of flooding is taken into account by subtracting 5 points if the parcel is within the 100-year flood plain as defined on CH2M Hill's Flood Insurance Rate Map.

### GROUP I: BEST SOILS (52 pts)

Soils with best agricultural potential are those that are 60 inches or more deep. They have a total available water holding capacity of 9 or more inches. Slopes are 3 percent or less. They are well to moderately well drained. Soil surface textures allowed in this group are loam and silt loam. Total acreage is 8,392 (20.8%).

DEPTH	AWC	SLOPE
60" or more	9" or more	3% or less
DRAINAGE CLASS	TEXTURE	
Well or moderately well	Loam and silt loam	

#### SOILS INCLUDED IN THE BEST GROUP:

1. Nehalem silt loam, 0-3% slopes (IIC)<sup>1</sup> (8,392)<sup>2</sup>

### GROUP II: VERY GOOD SOILS (39 pts)

Soils with very good agricultural potential are those that are 60 inches or more deep. They have a total available water holding capacity of 7.5 or more inches. Slopes are 7 percent or less. They are somewhat poorly to somewhat excessively drained. Soil surface textures allowed in this group are loam and silt loam. Total acreage is 7,745 (19.2%).

DEPTH	AWC	SLOPE
60" or more	7.5 or more	7% or less
DRAINAGE CLASS	TEXTURE	
Any in Group I, plus somewhat poor or somewhat excessive	silt loam and loam	

#### SOILS INCLUDED IN THE VERY GOOD GROUP:

1. Quillayute silt loam 0-% (IIE) (2,664)
2. Knappa silt loam, 0-7% slopes (IIE) (3,669)
3. Nestucca silt loam, 0-3% slopes (IIW) (1,412)

### GROUP III: GOOD SOILS (26 pts)

Soils with a good agricultural potential are those that are at least 40 inches deep. They have a total available water holding capacity of 5.0 inches or more. Slopes are 12 percent or less. These soils are

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<sup>1</sup> SCS Land Capability Classification

<sup>2</sup> Acreage in cropland and pasture

somewhat poorly to somewhat excessively drained. Surface textures allowed in this group are loam, silt loam, sandy loam, gravelly loam, clay loam, sandy clay loam, silty clay loam, or fine sandy loam. Total acreage is 8,029 (19.9%).

DEPTH	AWC	SLOPE
40" or more	5" or more	12% or less
DRAINAGE CLASS		TEXTURE
Any in group I or II (somewhat poor to somewhat excessive)		Any in Group I or II plus sandy loam, gravelly loam, clay loam, sandy clay loam, silty clay loam, or fine sandy loam

SOILS INCLUDED IN THE GOOD GROUP:

1. Gardiner fine sandy loam, 0-3% slopes (IIs) (330)
2. Gardiner fine sandy loam overwash, 3-7% slopes (IVe) (298)
3. Nehalem silt loam, overwash, 3-7% slopes (IVe) (173)
4. Quillayute silt loam, moderately deep, 0-12% slopes (IIIe) (150)
5. Knappa silt loam, 7-12% slopes (IIIe) (214)
6. Knappa silt loam, moderately deep, 0-12% slopes (IIIe) (631)
7. Meda gravelly loam, 3-12% slopes (IIIe) (1,235)
8. Gaudy loam, 0-7% slopes (IIs) (931)
9. Astoria silt loam, 3-12% slopes (IIIe) (1,026)
10. Winema silt loam, 3-12% slopes (IIIe) (360)
11. Chitwood silt loam, 0-7% slopes (IIIw) (1,322)
12. Chitwood silt loam, 7-12% slopes (IIIw) (82)
13. Ginger silt loam, 0-7% slopes (IIw) (955)

GROUP IV: FAIR SOILS (13 pts)

Soils with a fair agricultural potential are those that are at least 20 inches deep. They have a total available water holding capacity of 2.5 inches or more. Slopes are 20 percent or less. These soils are very poorly to excessively drained. Surface textures allowed in this group are loam, silt loam, sandy loam, gravelly loam, clay loam, sandy clay loam, silty clay loam, fine sandy loam, loamy fine sand and peat. Total acreage is 12,316 (30.6%).

DEPTH	AWC	SLOPE
20" or more	2.5" or more	20% or less
DRAINAGE CLASS		TEXTURE
Any in group I – III plus poor, very poor or excessive		Any in Group I - III plus loamy fine sand and peat

SOILS INCLUDED IN THE GOOD GROUP:

1. Gardiner fine sandy loam, 0-3% slopes (IIs) (330)
2. Gardiner fine sandy loam overwash, 3-7% slopes (IVe) (298)
3. Nehalem silt loam, overwash, 3-7% slopes (IVe) (173)
4. Quillayute silt loam, moderately deep, 0-12% slopes (IIIe) (150)
5. Knappa silt loam, 7-12% slopes (IIIe) (214)
6. Knappa silt loam, moderately deep, 0-12% slopes (IIIe) (631)
7. Meda gravelly loam, 3-12% slopes (IIIe) (1,235)
8. Gaudy loam, 0-7% slopes (IIs) (931)

9. Astoria silt loam, 3-12% slopes (IIIe) (1,026)
10. Winema silt loam, 3-12% slopes (IIIe) (360)
11. Chitwood silt loam, 0-7% slopes (IIIw) (1,322)
12. Chitwood silt loam, 7-12% slopes (IIIw) (82)
13. Ginger silt loam, 0-7% slopes (IIw) (955)

**GROUP V: LIMITED SOILS (0 pts)**

These are SCS class VI-VIII soils or those with a slope greater than 20 percent. They fail to qualify for our best, very good, good or fair rating primarily because of limitations in their depth or slope. Most of these soils have a high risk of erosion if protective cover isn't maintained. With proper management they can be used for pasture and hay or other specialized crops. Total acreage is 3,818 (9.5%).

**SOILS INCLUDED IN THE LIMITED GROUP: (Listed in alphabetical order)**

1. Astoria silt loam, 20-40% slopes (VIe) (1,300)
2. Astoria silt loam, 40-60% slopes (VIIe) (165)
3. Gaudy loam, shallow, 0-7% slopes (VI) (275)
4. Hembre silt loam 20-40% slopes (VIe) (233)
5. Hembre silt loam 40-60% slopes (VIIe) (274)
6. Hembre silt loam, moderately deep, 20-40% slopes (VIe) (16)
7. Hembre silt loam, moderately deep,
8. Made land (VIII) (151)
9. Neskowin silty clay loam, 20-40% slopes (IVe) (165)
10. Neskowin silty clay loam, 40-60% slopes (VIe) (405)
11. Netarts fine sandy loam (VIIe) (30)
12. Riverwash (VIII) (150)
13. Tide flats (VIIIw) (106)
14. Winema silt loam, 20-40% slopes (VIe) (483)
15. Winema silt loam, moderately deep, 20-40% slopes (VIe) (133)

**TABLE D1  
STANDARDS FOR SOIL SUITABILITY GROUPINGS**

<b>Soil Characteristics</b>	<b>Group I Best</b>	<b>Group II Very Good</b>	<b>Group III Good</b>	<b>Group IV Fair</b>	<b>Group V Limited</b>
Texture	Loam and silt loam	Loam and silt loam	Loam, silt loam, sandy loam, clay loam, sandy clay loam, silty clay loam, and fine sandy loam	All in Group II, plus loamy fine sand and peat	Any
Slope	3% or less	7% or less	12% or less	20% or less	Any
Depth	60" or more	60" or more	40" or more	20" or more	Any
Available Water Capacity	9" or more	7.5" or more	5" or more	2.5" or more	Any
Drainage	Well or moderately well	Somewhat poor to somewhat excessive	Somewhat poor to somewhat excessive	Very poor to very excessive	Any

APPENDIX E  
US DEPARTMENT OF AGRICULTURE LETTER

**INSERT APPENDIX E**

APPENDIX F  
JERRY WOODWARD & HEADLIGHT-HERALD ARTICLES

**INSERT APPENDIX F**

APPENDIX G  
HEADLIGHT-HERALD ARTICLES

**INSERT APPENDIX G**

**INSERT APPENDIX G**



# HAZARDS

## (Goal 7)

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# HAZARDS

## (Goal 7)

### 1. OVERVIEW

The demand for land in Tillamook County is increasing rapidly and problems related to developing these lands are mounting. Because of the tractable ground already in use, new developments are being directed toward areas that were previously passed over. Unfortunately, many of the new areas are subject to some type of natural hazard such as landsliding, flooding, erosion, ground instability, or other geologic condition, unknown to the citizen who plans to occupy this ground.

The purpose of addressing hazards then, is not meant to restrict properties from development, but rather to institute policies concerning potential problems, so that they can be considered before financial losses and possible injury may be avoided by the application of the policies formulated in the Comprehensive Plan.

Goal 7, Areas Subject to Natural Disasters and Hazards, reads:

“To protect life and property from natural disasters and hazards, developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazard.”

Hazards listed include: ocean and stream flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils, and other unique local hazards.

#### 1.1 State Planning Requirements

##### a. Planning guidelines specify that:

1. Developments should be keyed to the degree of hazard present;
2. Plans for flood areas should prefer uses that do not require structural protection;
3. Low density and open space uses should be preferred in floodplains, and especially in floodways;
4. Land conservation and development actions should not exceed resource carrying capacities; and,
5. Planning for known areas of natural hazards and disasters should include an evaluation of the beneficial impact on natural resources and the environment from letting such events naturally re-occur.

##### b. Implementation guidelines specify:

1. Cities and counties not already enrolled should qualify for inclusion in the National Flood Insurance Program;
2. Density of development should be limited by degree of natural hazard

present;

3. The potential impacts of both regulatory programs and engineering projects should be considered; and,
4. The possible creation of new natural hazards by proposed developments should be considered, evaluated, and provided for.

c. Definitions for planning purposes are:

**ACTIVE LANDSLIDE:** These are areas where ground movement is continuous or periodic or areas in which historic (within about 100 years) movement has taken place. The areas indicated include debris and rockfalls on the headlands, shallow slump failures along terraces fronting the ocean and bays, and areas of local slump in upland areas.

**BASALT:** A dark, fine-grained volcanic rock composed primarily of calcic plagioclase and pyroxene, occurs in flows, dikes, and sills.

**DEBRIS SLIDE:** Rapid downslope movement of unconsolidated earth and debris which has no planar slide plane and which is characterized by a hummocky topography.

**EARTHFLOW:** The downslope movement of unconsolidated earth or fragmented rock debris in a manner which resembles the flow of a highly viscous fluid.

**LANDSLIDE:** In this report, the term **LANDSLIDE** is restricted to downslope movement of a rapid nature.

**MANTLE CREEP:** Mantle creep (also soil creep) is the slow movement of earth material downslope over prolonged periods of time.

It generally is restricted to moderate slopes varying between approximately 10 percent and 25 percent, but also occurs in association with active and historic landslides on steeper slopes. Mantle creep is similar to landsliding in most respects except for a much slower rate of movement. It may involve soil, weathered bedrock, or both. Diagnostic features are the same as those for landslides, but are much more subtle in their development, owing to the lesser rates of movement. Irregularities of slope, drainage, soil distribution, and vegetative cover are the main criteria for recognition.

**MASS WASTING:** Downslope movement of earth material under the influence of gravity without the aid of running water.

**MUDFLOW:** Downslope movement of a wet, viscous mud and rock mixture.

**ROCKFALL:** The free fall of a newly detached segment of bedrock from a cliff or steep slope.

**ROCKSLIDE:** Perceptible downslope movement of rocky material down moderate to steep slopes.

**SEDIMENTARY ROCKS:** Rocks formed by the deposition of individual grains from a transporting medium, as opposed to igneous and metamorphic rocks.

**SLUMP:** The downward movement of unconsolidated material in response to gravity characterized by backward rotation of the moving material and by movement along a curved basal slip plane.

**SOIL CREEP:** Slow particle-by-particle downslope movement of unconsolidated material with no well-defined basal slip plane and no backward rotation of the slide mass.

**TERRACE DEPOSIT:** A bench topped by marine sediments or alluvium. Represents the eroded remnant of a former beach or floodplain before uplift or lowering of sea level.

## 1.2 Information Base

Data for identifying potential hazard areas were drawn from the following state publications. The maps following are illustrative of these data.

- a. Oregon Department of Geology and Mineral Industries. "Environmental Geology of Inland Tillamook and Clatsop Counties, Oregon". Portland, Oregon. 1972. 65 pp.
- b. Oregon Department of Geology and Mineral Industries. "Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon". Portland, Oregon. 1972. 164 pp.
- c. Oregon Department of Geology and Mineral Industries. "Geologic Hazards Inventory of the Oregon Coastal Zone". Portland, Oregon. 94 pp.
- d. Oregon State Soil and Water Conservation Commission. "Streambank Erosion in Oregon". Salem, Oregon. 151 pp.

Additional information sources for the Natural Hazards element are the following:

Information Source	Description	Author/ Agency	Date
Appraisal of Chronic Hazard Alleviation Techniques, with Special Reference to the Oregon Coast	Hazards management. Describes geomorphic, oceanic and human factors affecting shoreline stability, then discusses approaches for identifying and evaluating hazard avoidance technique options. Contains brief section relating the above to the specific context of the Oregon Coast.	Report to DLCD, from Oregon Coastal Zone Management Association, prepared by Shoreland Solutions	December 1994
Inventory of Critical and Essential Facilities Vulnerable to Earthquake or Tsunami Hazards on the Oregon Coast	Quantification of risk faced by facilities(such as hospitals, fire stations, communications centers, etc.) in Tillamook County, in the event of earthquake or tsunami. Database file (included on disk) lists these facilities, their location, data used in assessing risk, the risk determination, and other data.	Oregon Dept. of Geology and Mineral Industries (DOGAMI)	January 1995
A Unified National Program for Floodplain Management	Broad scale policy direction pamphlet (43 pages) describing floodplain management in theory, the history of floodplain management, a discussion of the Unified National Program and its implementation, including goals for the next 30 years.	Federal Interagency Floodplain Management Task Force	1994
Reducing Losses in High Risk Flood Hazard Areas: A Guidebook for Local Officials	Identifies types of flood hazards, describes regulatory approaches for addressing specific types of flood hazards, provides examples of innovative community programs, and provides a bibliography of more-detailed information sources. Arranged by type of flood hazard.	Prepared by The Association of State Floodplain Managers, for The Federal Emergency Management Agency	1985
Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-Year) Flood Elevations	Includes computer program (diskette) for computing water surface elevations in open channels.	Federal Emergency Management Agency (FEMA-265)	July 1995

Also included is a chart prepared by RNKR Associates of Corvallis illustrating potential relationships between land uses and geologic hazards. Additional charts are also available from the firm covering more detailed aspects of potential county response to development problems caused by geologic hazards.

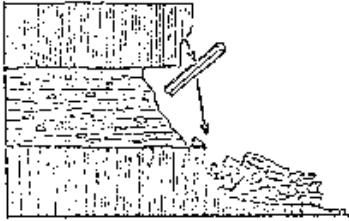
Although the groundwater resource and groundwater quality are covered to some degree in the Goal 5, Goal 6 and Goal 18 elements of this plan, they are also included in this element because of their fundamental relationship to the geology of the County.

# MASS MOVEMENT

(d downslope movement of earth material)

## FALL

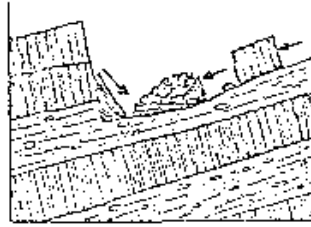
(rapid vertical descent)



Rockfall

## SLIDE

(few shear planes)



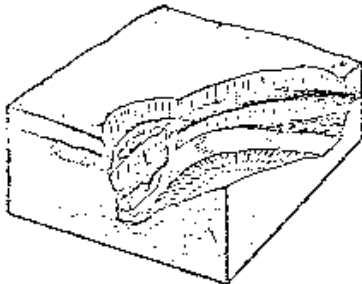
Rockslide

## FLOW

(innumerable shear planes)

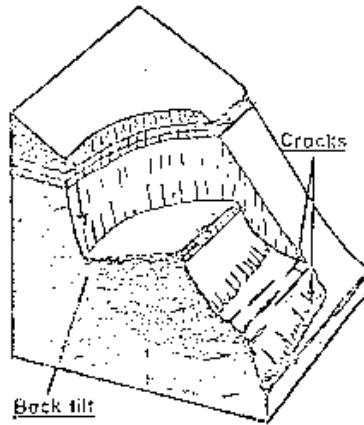


Creep

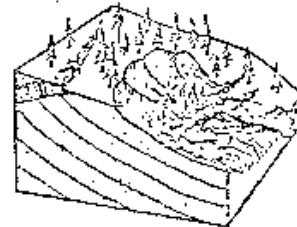


Soil Fall

(Streambank erosion)



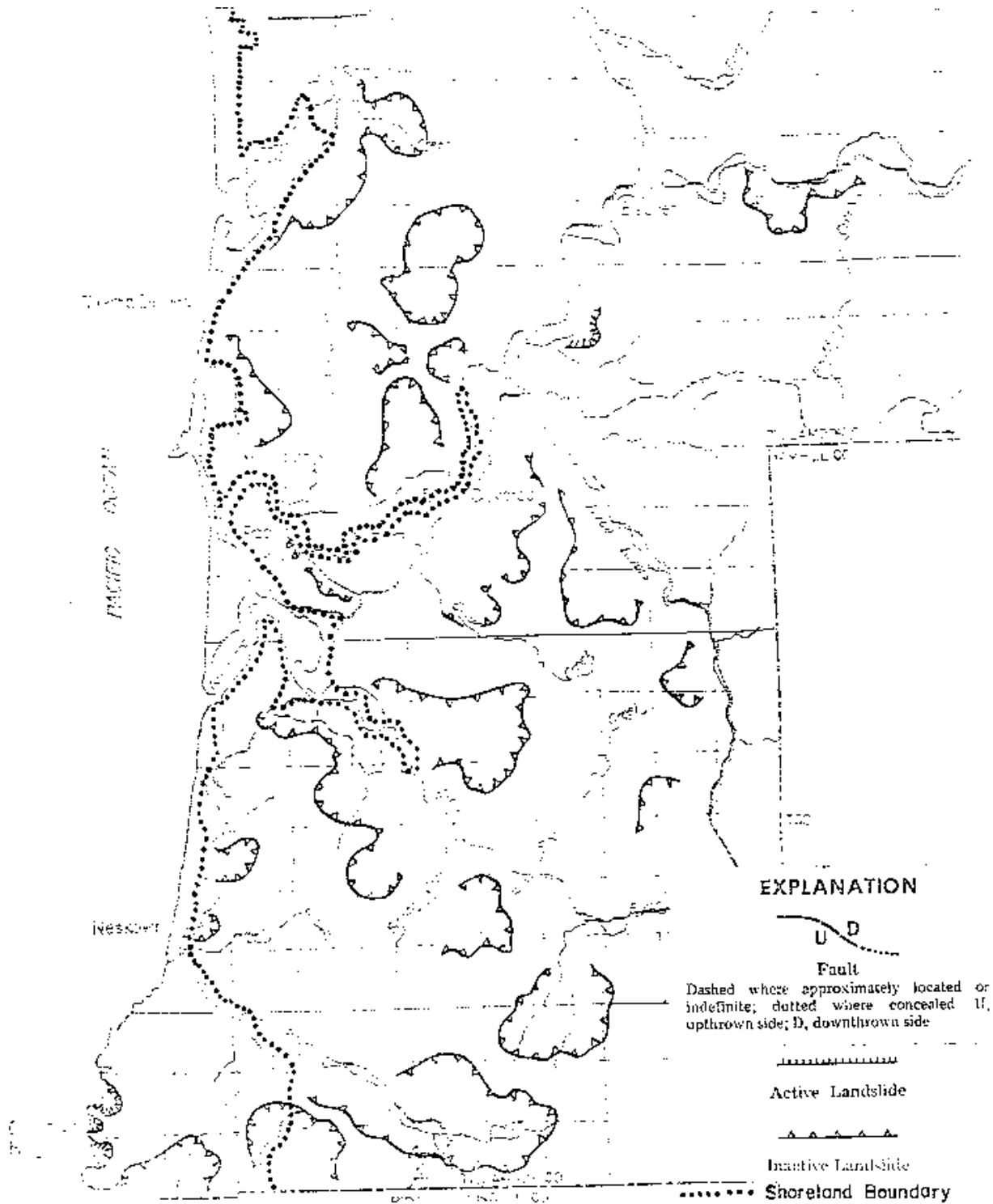
Slump



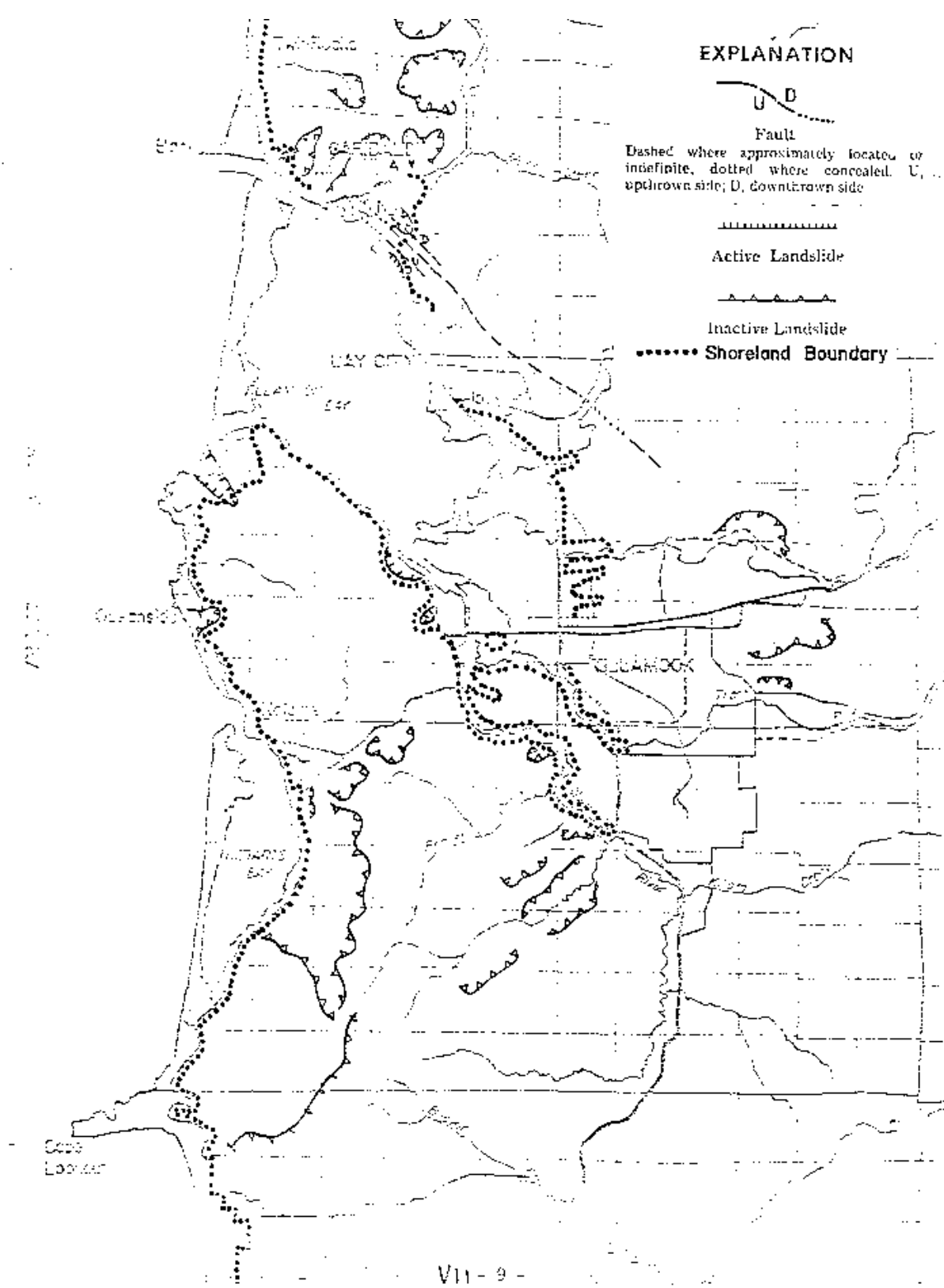
Earthflow



Mudflow



VII - e -

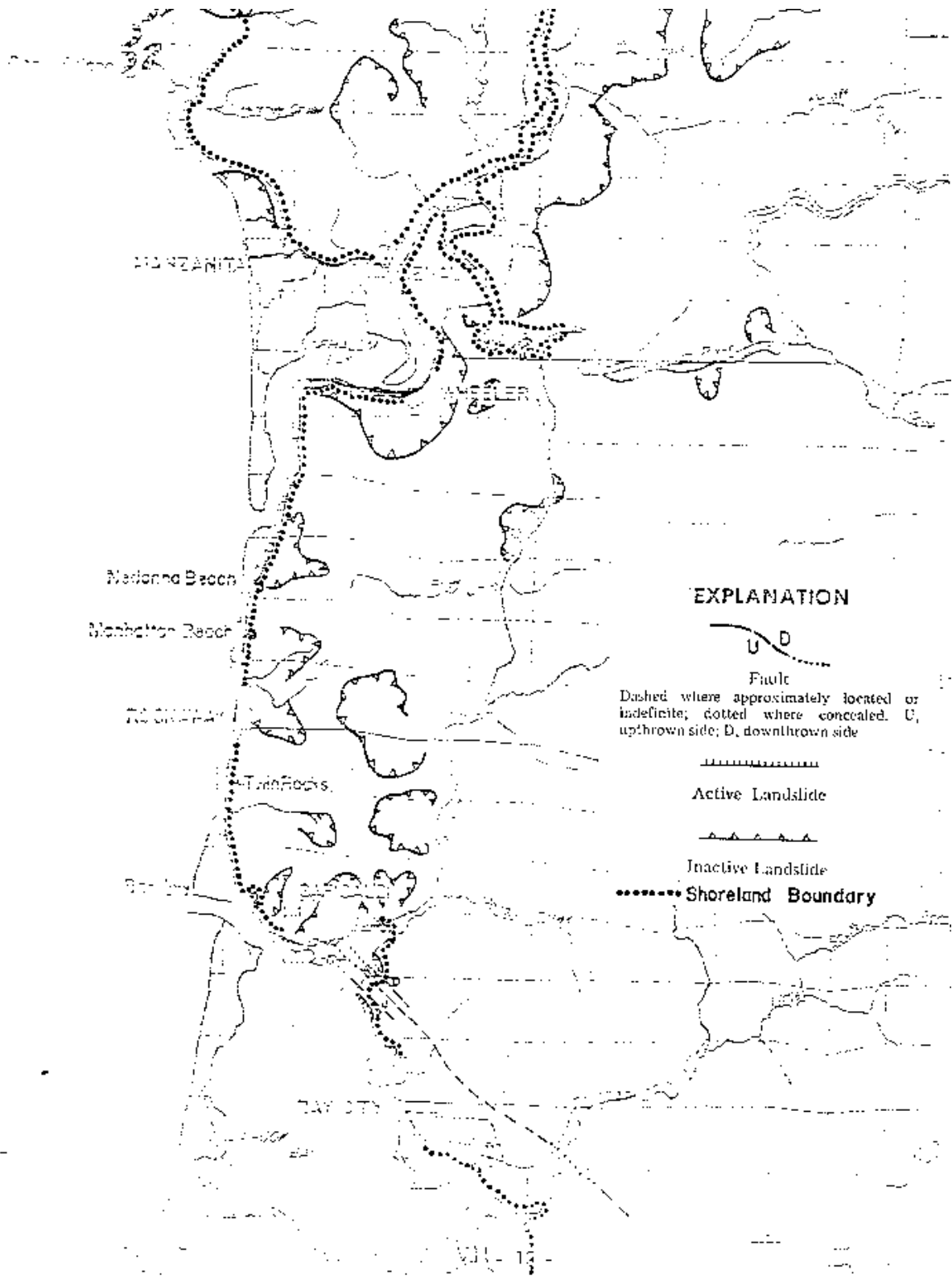


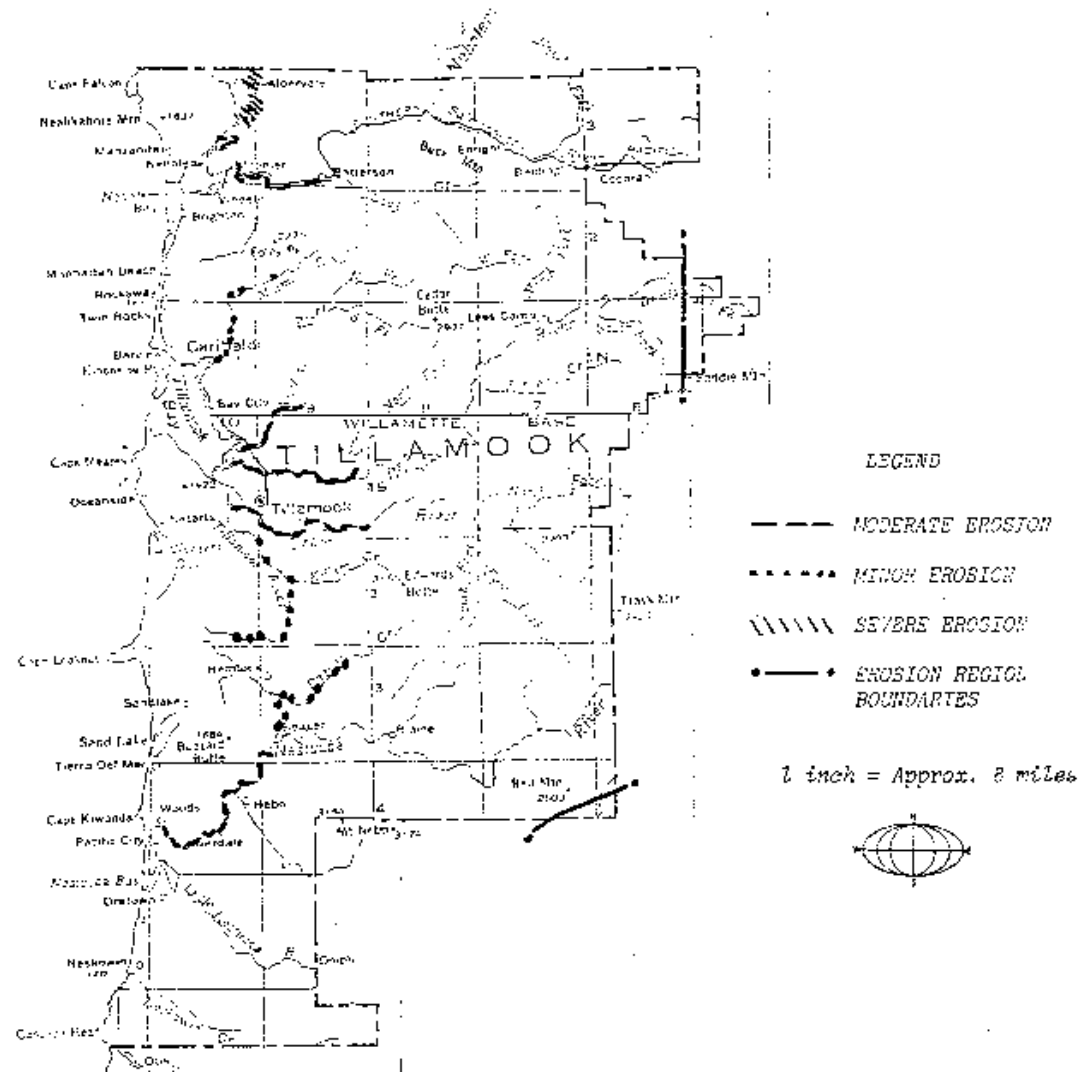
**EXPLANATION**

- Fault  
Dashed where approximately located or indefinite, dotted where concealed. U, upthrown side; D, downthrown side
- Active Landslide
- Inactive Landslide
- Shoreland Boundary

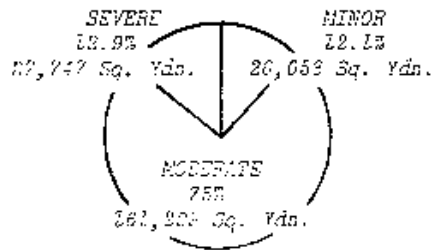
VII - 9 -



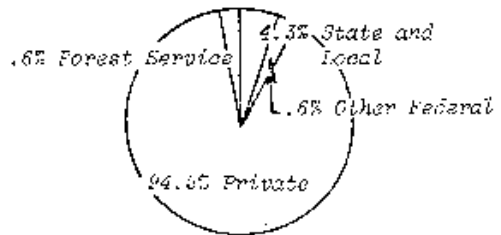




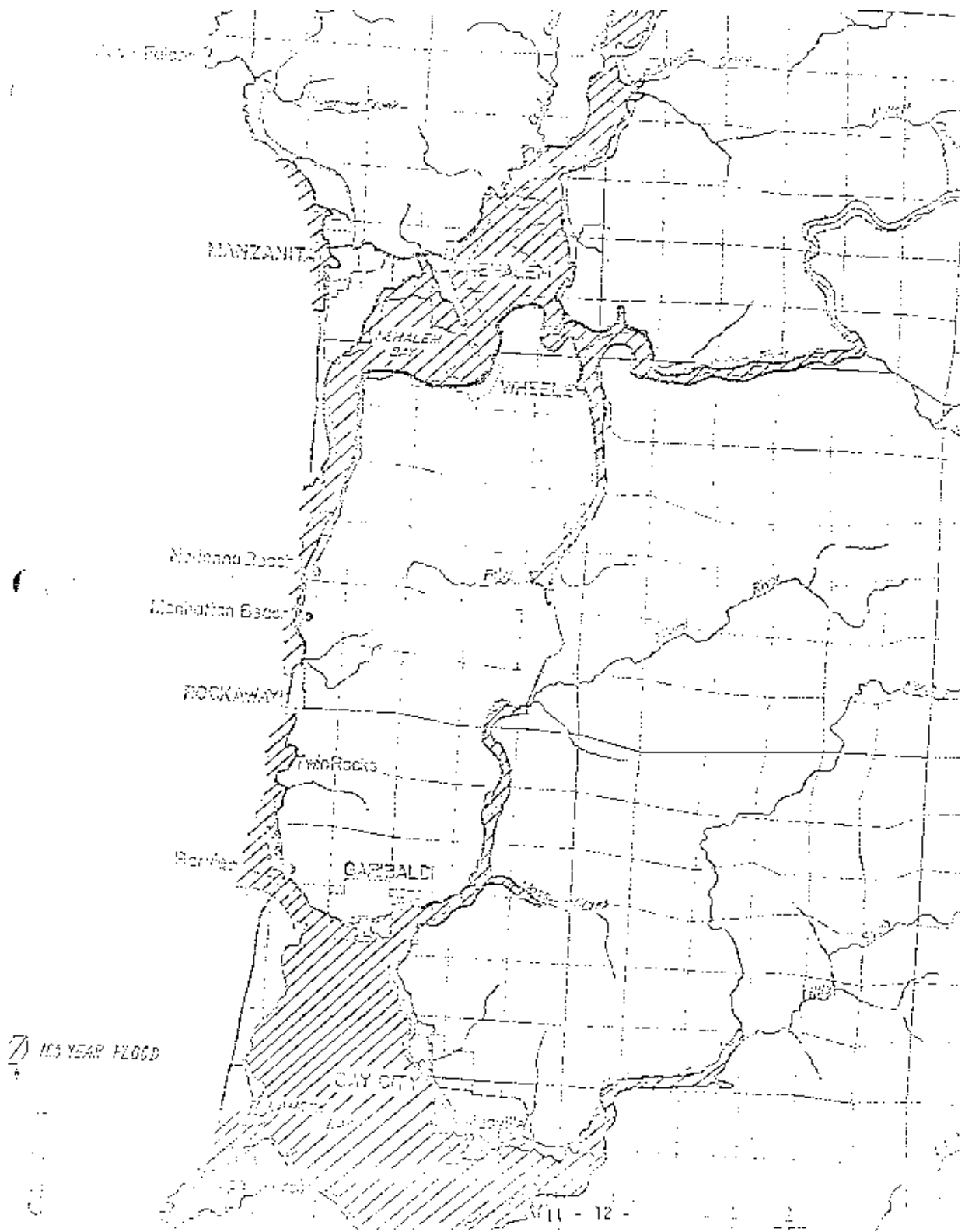
Severity of Erosion

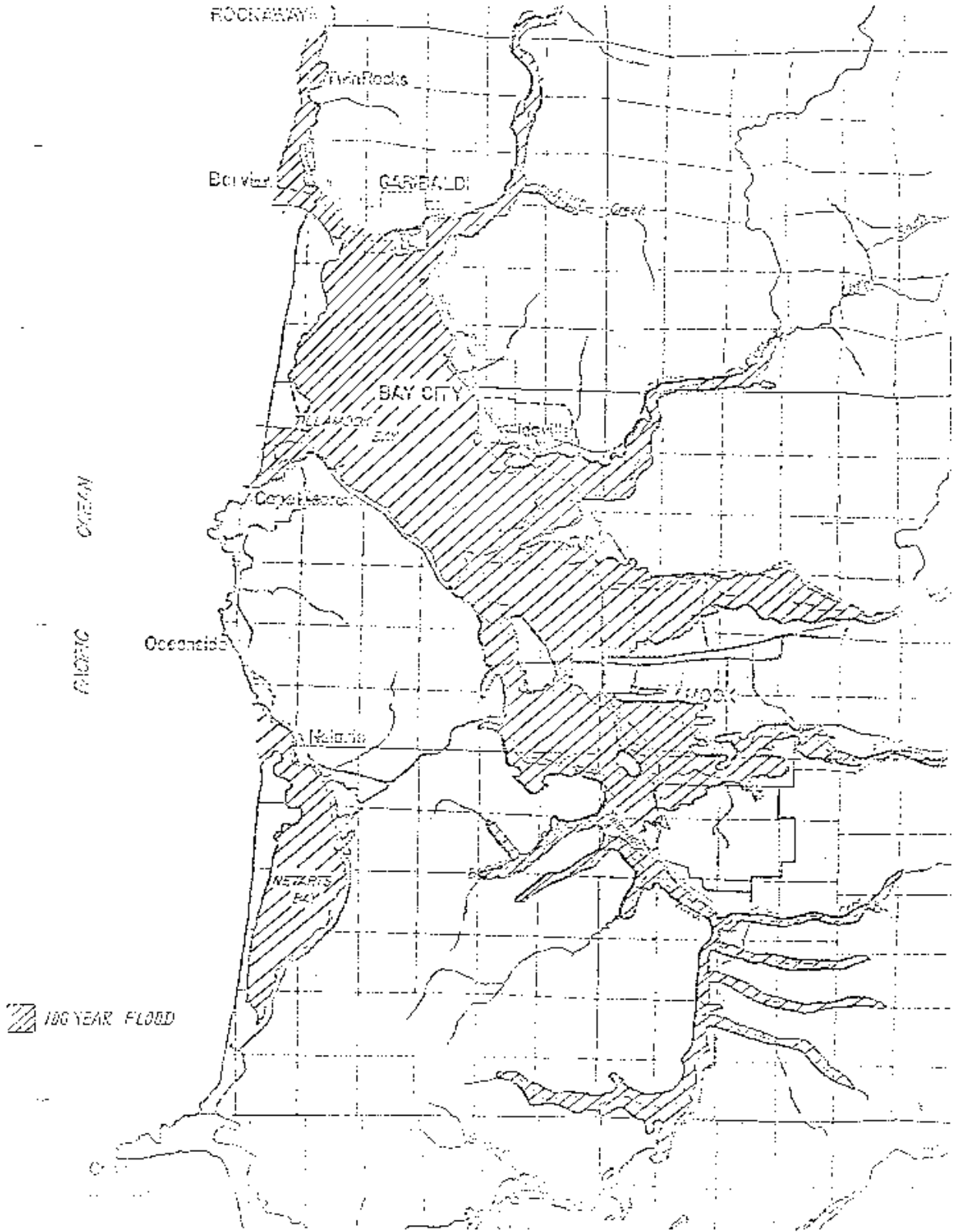


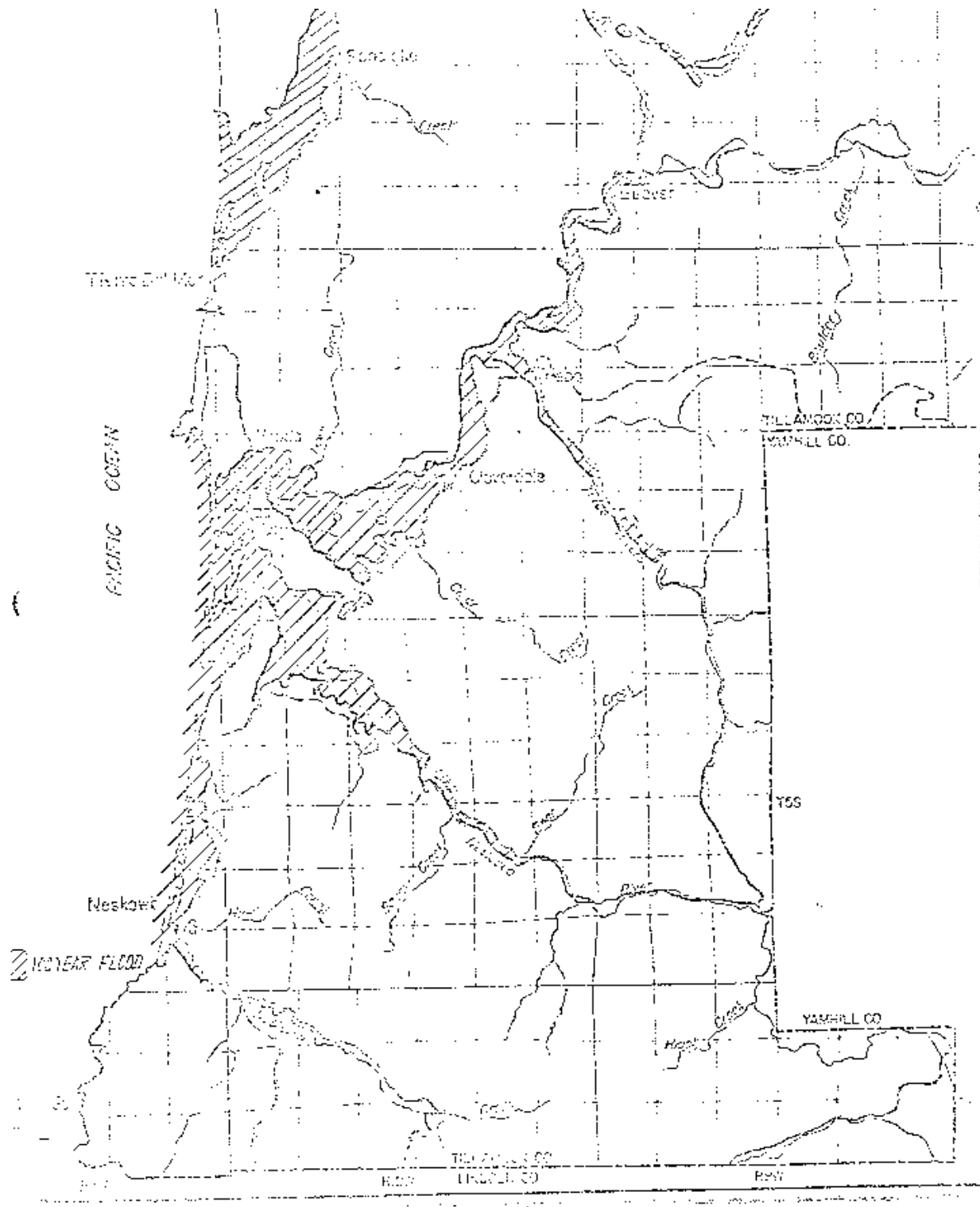
Ownership of Lands Affected



SOURCE: S.C.C. "Sediment Erosion in Oregon", 1973, p. 14, 90 and Plate 27.  
 VIII-11 -







VII - 14 -

TABLE 1  
TILLAMOOK COUNTY

River/Stream	Eroded Length (Miles)	Total Erosion in County (Square Yards)	Erosion In Region Per Mile of Eroded Length (Square Yards)	Severity By Region
Beaver Creek	.4	1,462	3,655	Minor
East Beaver Creek	1.1	1,584	1,742	Minor
Bible Creek	.4	704	1,760	Minor
Boulder Creek	.3	468	1,560	Minor
Clear Creek	.2	820	4,100	Moderate
Edwards Creek	1.2	1,404	1,170	Minor
Fawcett Creek	1.4	3,801	2,715	Minor
Kilchis River	1.6	25,669	16,039	Moderate
Little South Fork Kilchis River	.3	1,056	3,520	Minor
Miami River	1.3	4,744	3,880	Minor
Moon Creek	.2	584	2,920	Minor
Nehalem River**	3.2	22,205	6,939	Moderate
	<u>1.4</u>	<u>38,846</u>	<u>27,747</u>	Severe
	4.6	61,051		
Big Nestucca River	5.7	49,801	8,719	Moderate
Little Nestucca River	.3	468	1,560	Minor
South Fork Trask River	1.0	3,520	3,520	Minor
Trask River	3.6	24,552	6,823	Moderate
Wilson River	<u>3.5</u>	<u>26,664</u>	7,618	Moderate
Total	27.1	215,041		

\*\* This stream falls within two or more erosion regions.

LAND USE VS. GEOLOGIC HAZARD

LAND USE  
 High Density Housing  
 Low Density Housing  
 Heavy Foundation Loads  
 Roads and Streets  
 Drainfield Disposal  
 Landfill  
 Basements  
 Underground Fuel Storage  
 Underground Utilities

GEOLOGIC HAZARD

Landslide  
 Steep Slope  
 Rock Fall  
 High Water Table  
 Ponding  
 Weak Foundation Soil  
 Heavy Clay Soil  
 Erosion  
 Near Surface Bedrock  
 Pollution  
 Eventual Slope Failure  
 Marine Erosion  
 Flooding

	High Density Housing	Low Density Housing	Heavy Foundation Loads	Roads and Streets	Drainfield Disposal	Landfill	Basements	Underground Fuel Storage	Underground Utilities
Landslide	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕
Steep Slope	⊕	⊕	⊕	⊕	⊕	⊕	○	○	⊕
Rock Fall	⊕	⊕	NA	⊕	NA	NA	NA	NA	NA
High Water Table	⊕	⊕	○	⊕	⊕	○	⊕	⊕	○
Ponding	⊕	⊕	○	○	⊕	⊕	⊕	⊕	○
Weak Foundation Soil	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕
Heavy Clay Soil	⊕	⊕	⊕	⊕	⊕	⊕	○	○	○
Erosion	⊕	○	○	⊕	○	⊕	NA	○	○
Near Surface Bedrock	⊕	⊕	○	○	⊕	○	⊕	⊕	⊕
Pollution	⊕	⊕	NA	NA	⊕	⊕	NA	○	○
Eventual Slope Failure	⊕	○	⊕	⊕	⊕	⊕	○	NA	○
Marine Erosion	⊕	⊕	⊕	⊕	⊕	NA	NA	NA	○
Flooding	⊕	⊕	○	⊕	⊕	⊕	⊕	⊕	⊕

HIGH POTENTIAL FOR PROBLEMS      ⊕  
 MODERATE POTENTIAL FOR PROBLEMS      ⊕  
 LOW POTENTIAL FOR PROBLEMS      ○  
 NOT APPLICABLE      NA

## 2. FINDINGS AND POLICIES

### 2.1 Landslides

#### Findings

- a. In Tillamook County, approximately 70% of the upland area has undergone some type of downslope movement. At present, these areas of old landslides remain in various stages of instability, ranging from active movement locally to temporarily stable conditions in which changes of slope or drainage could reactivate movement (Bulletin 74, p. 75).
- b. Massive land failure is caused primarily by the high winter rainfall (80-150 inches per year) which saturates the weathered and soft sedimentary rocks underlying much of the area (Bulletin 74, p. 77).
- c. One of the major causes of slope failure along the coast is wave erosion on the headlands and terraces. Sea stacks adjacent to the larger headlands testify to the former position of the coastline and to the erosive force of the sea. At present, the ocean is undercutting headlands and terraces, causing continual retreat of the shoreline (Bulletin 74, p. 77).
- d. Many areas along the coast from Tillamook Head to Cascade Head exhibit active landslide movement. Slides occur on basalt headlands, marine bedrock, marine terrace deposits, and dune sands. Debris slides and rockfalls are characteristic of the basalt headlands, whereas slump failure and slope retreat are typical of marine bedrock, terrace deposits, and dune sand (Bulletin 74, p. 77).
- e. Active slides can be generated by acts of man which alter the balance of nature. Excavations, cuts, fills, and drainage modifications may decrease the stability of an area and initiate sliding. Water introduced into the subsurface by drainfields, septic tanks, and improper handling of runoff may also initiate slides (Geologic Hazards Inventory, p. 23).
- f. Piecemeal hillside development will eventually reach a density of housing sufficient to create instability and slope failure (Bulletin 74, p. 130).
- g. Cape Falcon is a basalt headland with extensive rockfalls from Falcon Cove to Short Sands Beach. On the south side of Cape Falcon, large blocks of sandstone are sliding over the south-dipping beds of Astoria formation to the beach (Bulletin 74, p. 80).
- h. A cross section of the Neahkahnie hillside on the north shows vegetation and soil creep on the upper hillside, debris slump or shift in the middle, and block slide on the headland area is eroded by block falling. Near Neahkahnie Beach there is a vegetated remnant of an old debris shift consisting of Astoria rocks or terrace deposits (Bulletin 74, p. 80).
- i. Just south of the Neahkahnie headland, active wave erosion is causing slope retreat and slump movement in a marine bedrock slope that has undergone landslide movement in the past. The slopes above the beach are crudely terraced in landslide slump blocks, some of which appear to be unstable (Bulletin 74, p. 80). Some sliding has occurred in the Neahkahnie area as a result of residential development in the recent past.



- j. A major landslide is located on the north side of Cape Meares. The slide is more than 3000 feet long and averages 1000 feet wide; the elevation of the head of the slide is about 400 feet above mean sea level. The toe of the landslide is on the beach and erosion of the toe is rapid and continual (Bulletin 74, p. 80).
- k. Between Oceanside and Netarts, dune sand and marine terrace deposits are eroding in many places. South from Netarts to Cape Lookout the elevated marine terraces along the east shore of Netarts Bay are extensively slumped. On Cape Lookout erosion takes place by rockfall directly into the ocean. A large slump block occurs immediately south of the headland and minor slope failures occur in the dune sand south about as far as Chamberlain Lake (Bulletin 74, p.80).
- l. Mass movement in the middle reaches of the Wilson River varies from rockfall and rockslide along the volcanic ridge crests to earthflow and slump in isolated patches of unsupported sedimentary rocks on the lower slopes. Sheets of talus are draped over bedrock in many areas, and thick vegetative cover blankets much of the terrain. Although much of the area is known to be unstable owing to the moderate to steep slopes, more precise analysis is difficult (Bulletin 79, p. 34).
- m. Many of the streams draining into the Trask occupy short steep channels in bedrock. As is true of the Wilson River, such channels have a potential for mudflow activity. Owing to the relative lack of soil and sedimentary rock, however, flash flooding is the most immediate danger. This is discussed in a later section (Bulletin 79, p. 34).
- n. Slumping has occurred in weathered siltstone an eighth of a mile south of Sears Lake. Numerous small scarps are exposed upslope from the highway cut, and sliding extends west to the beach. At Cape Kiwanda rockfall occurs on the south side of the Cape (Bulletin 74, p. 80).
- o. South of Neskowin on U. S. Highway 101 near the Tillamook-Lincoln County border, an active landslide extends along the west side of the highway for more than 1000 feet. The landslide is a deep failure in siltstone of the Eocene sedimentary rock unit. Previous attempts to stabilize the landslide have not been successful (Bulletin 74, p. 80).

#### Policies

- a. Development shall not be allowed in areas of active sliding.
- b. Zoning regulations should incorporate the grading requirements as stipulated under Chapter 70 of the Uniform Building Code.
- c. Standards of the Uniform Building Code and the density and nature of developments should be keyed to slide potential.
- d. All excavations, fills and drainage changes, and vegetation removal programs in areas of mass movement topography shall be engineered to minimize the possibility of sliding.
- e. Any development on the headlands shall consider the degree of safety which exists in terms of ground stability and the rate of beachfront erosion.
- f. Where strata slope toward cuts, slides are easily initiated, and excavation in areas with

such unfavorable bedrock conditions should be properly excavated.

- g. Projects involving modifications of established drainage patterns should be evaluated in terms of the effect these changes would have on drainage and slope stability.
- h. Projects which include plans for modifying the topography of sloping areas should be evaluated in terms of the effect these changes would have on drainage and slope stability.
- i. Projects or long-range plans involving urbanization of given areas should be evaluated in terms of the long-range influence the proposed land use would have on land stability; drainage is particularly critical.
- j. Closely spaced drainfields and septic tanks should be restricted from moderate to steeply sloping areas because of the potential for sliding.
- k. Proposed development in close proximity to active or inactive landslides shall require site investigation.

## 2.2 Weak Bearing Soils

### Findings

- a. Compressible soils are soils which undergo a significant decrease in volume when subject to loading. They commonly contain types of clay or organic matter which release water under pressure. Compressible soils are associated with marshland, tidal flats, estuaries, lake margins, and interdune areas (Geologic Hazards Inventory of the Oregon Coastal Zone, p. 30).
- b. Construction on compressible soils can result in differential settling of a wide variety of structures including large buildings, homes, roads, railroads, airport runways, and pipelines (Geologic Hazards Inventory of the Oregon Coastal Zone, p. 31).
- c. The moisture content of the soil at time of test is basically important. For instance, a clay soil having a moisture content below the shrinkage limit may be almost as hard as kiln-dried brick and have a very high supporting power; yet when it has a moisture content near the liquid limit it is almost a liquid and has very low supporting power (Bulletin 74, p. 163).

### Policies

Proper engineering investigations should precede all medium to large construction in regions of possible compressible soils. Engineering solutions include excavation and backfilling with more suitable material, preloading, and the use of piling, or spread footings, depending upon the nature of the specific structure being considered and the degree of severity of the hazard.

## 2.3 Earthquakes

### Findings

- a. In general, earthquake activity is important to the area only insofar as it may trigger mass wasting in previously unstable areas. Earthquake activity is just one of many factors which may initiate sliding, and it should be regarded as a hazard of secondary importance (Bulletin 74, p. 107).

- b. A few faults have been indicated on the geologic maps for the Tillamook area, but no attempt was made to conduct detailed mapping of rock structure (Bulletin 74, p. 107).
- c. Most of the Oregon Coast is categorized as a zone of minor potential damage for which quakes of Mercalli Intensity V-VI may occur. Moderate quakes (Intensity VIII) are accompanied by general alarm, the cracking of walls, and the falling of plaster in a wide variety of structures. Minor quakes (Intensity V-VI) are associated with swaying trees and the overturning of loose objects (Geologic Hazards Inventory of the Oregon Coast, p. 41).
- d. On November 16, 1957 an earthquake of Intensity VI (Modified Mercalli Scale) occurred near Beaver (12 miles south of Tillamook) and was felt over a total area of 4,500 square miles. As far away as Salem, household furnishings shifted location and some objects were broken.

Policies

Care shall be taken when reviewing development proposals to insure that development does not take place on faults which are highly susceptible to earthquakes.

2.4 Erosion

Findings

- a. Erosion is the loss of land by stream, ocean, wind, or other hydraulic action and includes streambank erosion, channel scour, and gullying (Geologic Hazards Inventory of the Oregon Coastal Zone, p. 15).
- b. Causes of erosion include rapid precipitation, lack of vegetation, steep to moderate and sometimes gentle slopes, low infiltration rates, and erodibility of bedrock or soil. Because land use can affect slope, vegetative cover, infiltration rate, and degree of consolidation, it is a primary factor in gullying in areas of development (Geologic Hazards Inventory of the Oregon Coast, p. 15).
- c. The impacts of erosion may include the undercutting of structures of all sizes, the interruption of linear developments such as highways, railroads, and pipelines, the loss of topsoil in forestry and agricultural areas, increased sediment load, degradation of water quality, and the destruction of spawning grounds (Geologic Hazards Inventory of the Oregon coast, p. 15).
- d. Slopes in excess of 15% are highly susceptible to erosion.

Policies

- a. Prevention or remedial action shall include any or all of the following:
  - 1. Maintenance of existing vegetation in critical areas;
  - 2. Rapid revegetation of exposed areas following construction;
  - 3. The stabilization of shorelines and stream banks with vegetation and/or riprap;
  - 4. Maintenance of riparian buffer strips;

5. Structural accommodation of increased runoff in areas of development;
  6. Seasonal restriction of construction in critical areas;
  7. Set-back requirements for construction or structures near slope edge, stream banks, etc.; and,
  8. Any other measures deemed appropriate to deal with site specific problems.
- b. Development on slopes of 15% or greater shall require the submission of topography and other information to show that no significant detrimental effects will occur.

## 2.5 Flooding

### Findings

- a. Flooding of streams in Tillamook is an annual winter occurrence and some streams may overflow their banks several times a year. This condition is due to various combinations of heavy rainfall, steep topography, low bedrock permeability, extensive flood plains, log jams, gravel- and silt-clogged rivers and bays, high tides, and strong westerly winds from storms at sea (Bulletin 74, p. 91).
- b. Stream flooding is most likely to occur during December and January, although a combination of stream and tidal flooding can also be expected throughout the November-February period. Coastal streams respond quickly to rapid runoff from higher elevations experiencing heavy rainfall or melting snow, or combination of both (Bulletin 74, p. 91).
- c. Preliminary investigation reveals that clogging of the lower streams and the bays by silt is not the primary cause of flooding in the floodplain areas. The effect of the high ocean tides driven farther ashore by gale winds is far greater. Consequently, any advantage in getting stream flood waters to sea as quickly as possible by dredging would depend on the simultaneous occurrence of flooding conditions and ebb and slack tides. Such an occurrence would be purely coincidental and could not be depended upon. Commonly the high ocean flood tides would combine with the stream flooding to overflow the deepened channelways regardless of dredging (Bulletin 74, p. 91).
- d. In general, precipitation ranges from 80 to 110 inches with up to 150 inches in the headwaters of the Kilchis to 89 inches at Tillamook (Bulletin 74, p. 91).
- e. Flooding by streams constitutes one of the major hazards to Tillamook County with damage to developments through the effects of moving water, standing water, erosion, and siltation. Commercial establishments, homes, and other structures can experience considerable structural damage and transportation by highways and roads can be severed or impeded.
- f. The major problem associated with flooding in the Nehalem River basin is stream-bank erosion. The terraces are composed of unconsolidated sand and silt, and the main channel follows a sinuous course through the terraced valley. Lateral erosion is characterized mainly by slump and may be a potential threat to highways where abrupt turns in the river are situated very near the roads (Bulletin 79, p. 41).

- g. The major hazard throughout much of the Wilson River drainage basin is flash flooding. In its lower reaches, Deadman Creek, Negro Jack Creek, Smith Creek, Slide Creek, and Fern Creek exhibit potential for flash flooding. Because of the primary governing factors, which include steep slope, impermeability, and heavy rainfall, are beyond human control; prevention of flash floods is not possible. During the floods of 1972 and 1977 torrents from side channels swept over the Wilson river Highway in dozens of places causing major damage at several localities (Bulletin 79, p. 43).
- h. Mudflows are an additional hazard, especially in the lower reaches. The actual channel of the river is scoured in bedrock throughout its entirety and lateral migration under natural conditions is minimal. However, bank erosion in areas of fill constitutes a hazard. In addition, floodwaters laden with logs can inflict considerable damage on man-made structures extending into the river (Bulletin 79, p. 43).
- i. In terms of flooding, the major hazards along the Trask River are landslide damming in the upper reaches and flash flooding of the side channels in the upper and lower reaches. In the valley bottom, terrace levels are fairly high and bedrock is near or at the surface. Danger of appreciable streambank erosion in the main channel is minimal. Streambank erosion of some of the tributaries and parts of the upper main channel, however, is significant.  
  
Flash flooding due to steep slopes, impermeable bedrock, and intense winter rains is a hazard along many of the short streams in the lower Trask drainage including Cedar Creek, Panther Creek, Burton Creek, and others. In 1972, considerable upstream flash flood damage was done to the main road one mile south of Trask House, where a short unnamed stream washed out the road (Bulletin 79, p. 43).
- j. The upper Nestucca river basin is characterized by gentle relief, more vegetative cover, and longer side channels than the more hazardous parts of either the Wilson or the Trask Rivers. The dangers of flash flooding are correspondingly diminished. Terraces are relatively high west of Blaine, and the stream channel is scoured out of bedrock east of Blaine. Stream-bank erosion, although still a hazard, is not extreme. No stream-flow data are available for the study area (Bulletin 79, p. 44).

#### Policies

- a. Tillamook County's flood control regulations as stipulated under the "F-H" Flood Hazard Zone shall apply to all areas designated as flood areas on the County's Flood Insurance Rate Maps.
- b. The County shall continue cooperation with other local governmental units to seek out and implement solutions to flooding problems in the Lower Wilson River area.
- c. Roads crossing channels subject to flash flooding shall be founded on culverts of adequate size to accommodate maximum runoff.
- d. Permanent structures shall not be placed in channels subject to flash flooding.
- e. Where development within floodplains is allowed, the developer shall provide appropriate safeguards to insure public safety and protect individuals residing in the flood zone.
- f. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage (floodproofing).

- g. Flood zone regulations shall be based on the most current and reliable flood plain data and meet the minimum requirements established by the Federal Insurance Administration.
- h. Development within the regulatory flood way shall meet minimum Federal requirements.
- i. Protective measures shall be taken to insure that the cumulative effect of a proposed development or fill, when combined with all other development or previous placement of fill, will not increase the water surface elevation above a specified level.

## 2.6 Tsunamis (Seismic Waves)

### Findings

- a. Tsunami is the term applied to waves generated at sea by earthquakes (Richter magnitude of 7.5 or greater) or particularly violent volcanic activity. At sea, tsunamis are difficult to detect because of their long wavelengths (a hundred miles or more) and low amplitudes (seldom exceeding a foot or so). Velocity is determined by the depth of the oceans and approaches 450 miles per hour in parts of the Pacific Ocean. As tsunamis approach land, the shallower depths cause the water to pile upon itself, thus increasing the amplitude. In some parts of the world, wave heights of 100 feet are recorded in the literature (Geologic Hazards Inventory of the Oregon Coastal Zone, p. 39).
- b. At the present time, because each harbor, bay, or estuary reacts differently to tsunamis, only the arrival time can be estimated accurately. No reliable system is available for the prediction of wave height or other wave characteristics (Bulletin 74, p. 103).

### Policies

Coastal flood zone regulations shall meet the minimum requirements established by the Federal Flood Insurance Program.

## 2.7 Groundwater

### Findings

- a. Groundwater pollution is technically not a geologic hazard in that the main cause of the problem lies in the activities of man rather than acts of nature. Because an understanding of geologic conditions is fundamental to the prevention or treatment of groundwater pollution, however, it is included here (Geologic Hazards Inventory of the Oregon Coastal Zone, p. 29).
- b. The study area is characterized by heavy winter rains, dry summers, impermeable bedrock, variable vegetative cover, and gentle to steep slopes. Relatively little water is retained by the ground. Total runoff amounts to approximately three-fourths of the annual precipitation and it is concentrated in the winter months (Bulletin 79, p. 52).
- c. Bedrock consists of "tight" volcanic and sedimentary rocks in the Nestucca, Trask, and Wilson River drainages and in the lower Nehalem Basin. Bedrock in the upper Nehalem Basin consists of impermeable clay siltstone and minor sandstone (Bulletin

79, p. 52).

- d. The lack of consolidation and the flat topography expression of the terrace deposits in the upper Nehalem River Basin apparently favor the storage of groundwater and the overall well production there is significantly higher than in the valleys to the south (Bulletin 79, p. 52).
- e. In the upland areas water wells are basically restricted to valley and canyon bottoms. Because stream flow is so low in the dry summer months and runoff is so abrupt following winter storms, it can be inferred that infiltration on the mountain slopes is minimal and water potential away from the major valleys is very low. Almost all producing wells are drilled in sedimentary rock (Bulletin 79, p. 52).
- f. Static water level is 50 feet or less in most wells of the Nehalem River Valley and it is 30 feet or less in most of the wells of Tillamook County. Total depth of producing wells is generally less than 200 feet. Water production is erratic even within small areas (Bulletin 79, p. 52).
- g. Most of the producing wells yield approximately 10 gallons per minute in inland Tillamook County. However, the Tillamook Valley is underlain by extensive alluvial sand and gravel layers which locally can produce large volumes from high-yield wells. The total potential sustained yield of the area has not been determined, but it undoubtedly is much greater than is presently produced. Individual large-diameter wells in Tillamook Valley can produce more than 1000 gallons per minute (Bulletin 74, p. 133).

#### Policies

- a. Measures shall be recognized that assure the protection of recharge areas of groundwater aquifers that have immediate or future potential use.
- b. Future planning for the uplands shall consider the restrictions inherent in the low groundwater potential of the area.
- c. Buoyant structures such as basements, buried gas tanks, and swimming pools shall not be permitted in areas of high groundwater table.



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# Tillamook County Oregon

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Tillamook County Department of Community Development

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Tillamook, OR 97141

(503) 842-3408  
FAX: (503) 842-1819

## [Population Estimates](#) - [Demographics](#) - [Population Projections](#) - [Historic Population](#)

This page contains information pertaining to Tillamook County's Population & Demographics. For more information, contact [Bill Holmstrom](#), Associate Planner.

# Population Estimates

A population **estimate** is a guess of how many people live in the county in the present or past. The Census taken every 10 years provides the official estimate, with periodic updates



available in between. Estimates for Tillamook County are produced by the [U.S. Census Bureau](#) and the [Population Research Center \(PRC\)](#) at Portland State University.

## Census Estimates

The Census is taken every 10 years, as required by the U.S. Constitution. The original purpose of the Census was to fix the number of Representatives each state received in Congress. It is still used for this purpose, as well as a number of other purposes. In 2000, the number of people in Tillamook County was **24,262**.

The Census Bureau also creates annual population estimates between Censuses. The Bureau's estimate for Tillamook County as of July 1, 2005 is **25,277** persons.

[Census Bureau estimates page](#)

## PRC Estimates

The Population Research Center (PRC) at Portland State University provides population estimates for the state and cities and counties in Oregon. The PRC's estimate for Tillamook County as of July 1, 2005 is **25,205** persons.

The PRC also estimates population for cities in Oregon. The table below lists the estimated population of Tillamook County's 7 cities.


City	Population Estimate 1 Jul 2005
Bay City	1,170
Garibaldi	900
Manzanita	660
Nehalem	210
Rockaway Beach	1,345
Tillamook	4,300
Wheeler	420

[PRC estimates page](#)

## Comparing Census & PRC Estimates

	1 Apr 2000	1 Jul 2000	1 Jul 2001	1 Jul 2002	1 Jul 2003	1 Jul 2004	1 Jul 2005
Census	24,262	24,261	24,449	24,499	24,701	24,918	25,277
PRC		24,300	24,600	24,600	24,900	24,950	25,205

## Demographics

The Census Bureau collects a variety of information about the population of the country. The [QuickFacts](#)  page for Tillamook County highlights some of the collected demographic information from the 2000 census, including:

### Age

Under 5 Years old: 4.8%  
 Under 18 years old: 22.2%  
 Over 65 years old: 19.8%

### Gender

Female: 49.9%  
 Male: 50.1%

### Race

White: 93.9%  
 Black or African American: 0.2%  
 American Indian and Alaska Native: 1.2%  
 Asian: 0.6%  
 Native Hawaiian and Other Pacific Islander: 0.2%  
 Persons reporting some other race: 1.9%  
 Persons reporting 2 or more races: 2.0%  
 White, not of Hispanic/Latino origin: 91.0%  
 Hispanic or Latino origin: 5.1%

### Education

High school graduates: 84.1% (of persons 25 years and older)  
 Bachelor's degree of higher: 17.6% (of persons 25 years and older)

## Housing

Housing Units: 16,294

Homeownership rate: 71.8%

Housing units in multi-unit structures: 8.0%

## Population Projections

A population **projection** is a guess of how many people will live in the county in the future. Projections for Tillamook County are produced by the [Oregon Office of Economic Analysis](#). The [U.S. Census Bureau](#) does not produce projections at the county level.

The current estimates were prepared in April of 2004:

2010	2015	2020	2025	2030	2035	2040
26,589	27,897	29,097	30,094	30,887	31,538	32,146

## Historic Population

Tillamook County's population in each Census since 1900:

1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000
4,471	6,266	8,810	11,824	12,263	18,606	18,955	17,930	21,164	21,570	24,262

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# PUBLIC FACILITIES

## (GOAL 11)

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# PUBLIC FACILITIES

## (Goal 11)

### 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.

#### 1.2 WATER SUPPLY

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, Mohler, 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 more 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.

TABLE 1  
SOURCE OF WATER SUPPLY, BY COMMUNITY

Community	Sample Size	Source			Public System	Total
		Individual Source – Surface	Individual Source – Sub-surface	Private Company		
All Respondents	1,453	10.2%	7.6%	14.3%	67.9%	100.0%
Neahkahnie	24	0	0	29.2	70.8	100.0
Manzanita	41	0	0	29.2	70.8	100.0
Mohler	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

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 in volcanic flow braccia commonly remains perched above impermeable sedimentary interbeds. Limited yields of groundwater supplies are available in the marine sedimentary and volcanic rocks which underlie 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.

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 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 City’s 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 15,000 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). The 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 water from the City of Nehalem. The system has no storage 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 Mohler, 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.

TABLE 2  
TYPE OF SEWERAGE DISPOSAL SYSTEM, BY COMMUNITY

Community	Type of System				Total
	Sample Size	Septic Tank	Sewer System	Other	
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
Mohler	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

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.

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 side hill.

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 the 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 ponds. 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 infiltration by 58 percent. The Port estimates that the 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 are 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. Facilities and services are 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 are 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 bus 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 used 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 enrollments 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 POLICE PATROL** – The cities of Garibaldi, Rockaway and Tillamook have their own police departments, which patrol within these city limits. They provide 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 work 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. They 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 hospital's 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 Counseling
  - 4. Marital Counseling 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 Mohler. 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. The 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 to 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 sewer 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 (LIDs), 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 projects. 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) PROVISION FOR SOLID WASTE DISPOSAL

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 PLANNING 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, and 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 AND 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

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.

Neahkahnne 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 given 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 shall have paved access road networks consistent with the adopted Tillamook County Transportation System Plan. 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 sewerage 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. The street network shall conform to the adopted Transportation System Plan (TSP). All roads in unincorporated Tillamook County shall be designed and constructed according to the functional classification and cross sections in the County TSP.
- 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 from 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 than 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.\*

Bacteria 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 (NO<sub>3</sub>N) 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 NO<sub>3</sub>N. 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 dense 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 is 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 underlie 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.

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, how 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) TRANSPORTATION

WHO – The County has responsibility for most of the roads in unincorporated areas.

WHEN and HOW – The County adopted the Tillamook County Transportation Plan (TSP) in 2004. The TSP is adopted as an appendix to Goal 12 of the Comprehensive Plan, and it describes types, timing and funding of improvements (see also the Transportation Element). The TSP supersedes the Roadway and Traffic Safety management Plan.

(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 the 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 efficiency.
- 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. 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 not 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 of 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 forestland.

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 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.

## APPENDIX

Insert Cooperative Agreement between The CTIC & North Tillamook Sanitary



Insert Cooperative Agreement between the CTIC & North Tillamook Sanitary

Insert Watseco-Barview Water District Resolution 78-2

Insert Twin Rocks Sanitary District Resolution 78-1

Insert Cooperative Agreement between the CTIC & Port of Tillamook Bay

Insert Cooperative Agreement between the CTIC & Port of Tillamook Bay

Insert Resolution of the Twin Rocks Water District

Insert Cooperative Agreement between the CTIC & Twin Rocks Water District

Insert Cooperative Agreement between the CTIC & Twin Rocks Water District



Insert Cooperative Agreement between the CTIC & Netarts-Oceanside Sanitary District

Insert Cooperative Agreement between the CTIC & Netarts-Oceanside Sanitary District

Insert Cooperative Agreement between the CTIC & Little Nestucca Drainage District

Insert Cooperative Agreement between the CTIC & Little Nestucca Drainage District

# TRANSPORTATION

## (Goal 12)

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# TRANSPORTATION

## GOAL 12

### 1. GENERAL TRANSPORTATION POLICIES

- a. The Tillamook County Transportation System Plan (TSP) has been adopted as an appendix to the Tillamook County Comprehensive Plan.
- b. Tillamook County shall protect the function, operation and safety of existing and planned roadways as identified in the TSP.
- c. Tillamook County shall include a consideration of land use impacts on existing or planned transportation facilities in all land use decisions.
- d. New subdivisions should provide pedestrian & bicycle connectivity, consistent with the Tillamook County TSP.
- e. The County shall coordinate its Transportation System Plan with the planning process of other jurisdictions to assure adequate connections to streets and transportation systems between incorporated and unincorporated areas.
- f. The County shall plan for a multi-modal network of transportation facilities and services including but not limited to air, water, rail, auto, pedestrian, bicycle and public transit.

### 2. ROAD AND HIGHWAY TRANSPORTATION

#### 2.1 Road Network Planning Policies

The following planning policies are included in this element of the Comprehensive Plan in order to implement the Tillamook County Transportation System Plan (TSP).

- a. Transportation systems and roadway networks are not restricted to jurisdiction boundaries. The County shall promote cooperation and coordination with other jurisdictions in roadway maintenance and improvement.
- b. The County shall provide regulation and control for development along roads in order to maintain the function of major roads consistent with the adopted TSP.
- c. Cluster development shall be encouraged in preference to “Strip” commercial development.
- d. The County shall provide regulations to implement access management and level of service standards included in the TSP:
- e. The County shall make provisions for all modes of transportation for moving people and goods and encourage the use of public transportation, consistent with the adopted TSP.

- f. The County shall make promote the development of a continuous interconnected street pattern that connects adjacent developments and minimizes the use of cul-de-sacs.

## 2.2 Functional Classification Policies

- a. The location and classification of County road network should include public transportation, bicycle, and pedestrian travel to complete the County transportation system.
- b. The functional classification of roads in Tillamook County shall be broken into three major categories: Arterial Roadway, Collector Roadways and Local Roadways.

### 2.21 Arterial Roads

By definition, arterial roads connect principal State highways and areas of principal traffic generation within the County. The arterial network will provide the collection and distribution of traffic (including public transportation) onto the minor road network of collector and local roads. The location of an arterial should help define and strengthen "land use."

Arterial roads should form a "continuous road network," and these routes should be given preferential treatment over collector and local roads in the signing and signaling of intersections. The intersection of local roads directly with principal arterials should be discouraged. Local road access to the arterial should be provided only through the collector road network.

### 2.22 Collector Roads

Collector roads carry internal traffic within areas having a predominant land use. The collector roads join arterial roads and minor traffic generators such as schools and shopping centers.

### 2.23 Local Roads

Local roads constitute all rural roads not classified as principal arterials, minor arterials or collectors.

## 2.3 Road Design Policies

- a. Tillamook County road improvement standards, adopted separately from the County's Transportation System Plan (TSP), shall be implemented so that roads are safe, durable, convenient, provide adequate drainage, allow flexibility in design and minimize costs to the extent practicable.
- b. The County will invite the participation of fire districts, sewer and water districts, utilities and local developers in establishing these standards.

- c. The road design standards shall be administered by the County Public Works Department in coordination with the Department of Community Development.
- d. The following planning and design criteria are utilized for roads in Tillamook County:

#### Arterial Roads

- 1. Should connect County public services and other neighborhoods.
- 2. Should provide direct collection and distribution of local traffic through local collector roads.
- 3. Should strengthen community identity within the County and help define land use patterns.
- 4. Should have preference over collector and local (land access) roads for traffic control.
- 5. May have direct access from local (land access) roads.

#### Collector Roads

- 1. Should serve internal traffic.
- 2. Should carry traffic between minor traffic generators such as neighborhood activity centers, including shopping, community centers, and schools.
- 3. Should serve as links between minor traffic generators and arterial roads.
- 4. Should have STOP sign traffic control from all local roads.
- 5. May provide same access to abutting property as local roads.

#### Local Roads

- 1. Should have the primary function of providing direct access to property.
- 2. Through traffic should be discouraged.
- 3. Shall provide safe location and design for driveways, loading and parking facilities.
- 4. Provide STOP control for local road with collector and minor arterial roads.
- 5. Discourage direct intersections with principal arterial roads.
- 6. A function of local roads is to provide for convenient bicycle and pedestrian circulation within unincorporated communities.



## 2.4 Access Management Policies

The following policies are applicable to any major arterial-collector roadway within Tillamook County. Policies are divided into the following two categories:

Existing Development Sections

Existing Undeveloped Sections

### 2.41 Existing Developed Sections

The following policies apply to developed sections of major arterial collector roadways:

1. Driveways along the arterial should be removed to the maximum extent possible.
2. As a condition of any permit, if land use changes, or a business is “substantially changed,” driveway access and internal parking should be reevaluated and/or modified to be consistent with the access management policies, the County Land Use Ordinance and Land Division Ordinance.
3. The City and County shall continue with plan and site reviews, including the requirement for an impact analysis indicating the impact of the new development on roadways.
4. Developers of undeveloped land parcels shall pay their fair share of traffic-oriented improvements as required.
5. The County shall design vehicular access and circulation so that roads will be able to accommodate the needs of development and serve their transportation function.

### 2.42 Existing Undeveloped Sections

The following policies apply to the undeveloped sections major arterial-collector roadways in Tillamook County:

1. Access to new commercial areas shall be primarily from major cross streets.
2. Minimum desirable distance between major access cross streets shall be 2,000 feet. The 2,000 feet minimum spacing distance is based upon the potential need of signalization and coordinating vehicle speeds for signal progression.
3. Develop standard four-way intersections instead of “T” intersections close together. The County shall determine a minimum desirable distance between offset “T” intersections. The minimum desirable distance is based upon two offset intersections requiring left turn vehicle storage between intersections.

4. The appropriate City/County staff shall continue with plan and site reviews, including the requirement for an impact analysis indicating the impact of the new development the roadways.

#### General Access Management Policy

The County shall apply appropriate access and road approach management and spacing standards as part of its Road Approach Ordinance to enhance traffic operation and safety on County roads. The access spacing standards apply to traffic signals, intersections, private driveways, and non-traversable median openings. The standards shall be applied to new street construction, reconstruction of existing streets, and new street access associated with development.

#### 2.5 Pedestrian and Bicycle Facilities

- a. The County shall encourage the formation of a County Advisory Committee having responsibility for developing a County bikeway plan. The Countywide Plan would need to be coordinated with urban area plans and unincorporated community plans throughout the County. Initial bikeway routes might connect to parks, schools, points of interest, and recreation routes. Specific goals for the Bicycle Committee include determining the needs and interest of the County, designing a system that will function as part of the overall transportation system, providing for maximum safety, establishing an equitable priority system for construction of bike paths, and encouraging the use of bicycles and bicycle paths for transportation and recreation.
- b. The County shall continue to disapprove the establishment of the State's Coast Highway bike route along county roads until State funds are provided to improve those roads to meet safe bike route standards.
- c. The County shall coordinate the development of an integrated pedestrian and bicycle system consistent with the County TSP that provides for connections between and through adjacent development and that provides convenient links to community destinations.

#### 2.6 Schools, Playgrounds, and Parks

New elementary schools should be located on local or collector roads away from arterial roads. Schools should be planned to minimize pedestrian midblock crossings and to encourage the use of crosswalks and controlled intersections.

Vehicular access to schools should be designed with a view toward pupil safety, and to provide ready access by firefighting and emergency equipment. Access should be located away from play areas and should be designed to facilitate the safe loading and unloading of students. Sufficient turnaround space should be provided so that buses and emergency service vehicles do not have to perform backing maneuvers.

Where an existing major thoroughfare is near the school, school signals with pedestrian-actuated push buttons should be considered. The County Director of Public Works will evaluate the safety warrants for such traffic signal installation in conjunction with a comprehensive school zone safety review.

When feasible, new playgrounds should be located adjacent to schools to provide optimum utilization and minimum walking distance for students who use this facility after school hours. Schools and playgrounds should never be on opposite sides of a road. Playground entrances should be located to encourage the use of protective crossings. Where playgrounds front major roadways, fences should be installed to prevent activity of any form from entering the road.

Parks generate major bicycle traffic and should be interconnected with bicycle paths.

At larger parks with swimming pools, or with facilities designed to accommodate spectators, vehicular traffic should be anticipated and provided for in the design. Adequate off-street parking should be provided for these vehicles.

Schools, Playgrounds and Parks Policies:

1. County road improvement standards, consistent with the adopted Tillamook County Transportation System Plan shall include provision for pedestrian safety at schools, playgrounds and parks.
2. Sidewalks should be constructed on both sides of the road near schools, parks and playgrounds.
3. Whenever possible, these Bicycle paths connecting activity centers such as parks should be separated from existing roadways.

### 3. PUBLIC TRANSPORTATION POLICIES

- a. The County shall support efforts to increase public transit options for area residents.
- b. The County shall continue to explore means of obtaining supporting state and federal public transportation funds.
- c. The County supports the maintenance of the existing intercity bus service to Tillamook County. The County encourages expansion of that service wherever possible.
- d. The County shall encourage the development of park and ride lots for the convenience of its residents making use of public transportation, carpooling and vanpooling

### 4. AIR, WATER AND RAIL TRANSPORTATION POLICIES

- a. The County shall encourage the maintenance and viability of existing rail, water and air transport systems.
- b. The County shall maintain within its land use ordinances ~~an~~ airport overlay zones containing special height and land use compatibility restrictions for safety and livability at public airports and surrounding areas.
- c. The land use designations in the vicinity of the Tillamook airport shall be compatible with the noise and approach safety zone recommendations of the Tillamook Airport Master Plan.

- d. The County shall encourage the use of properties adjacent to the airport for industrial parks and related commercial activities in order to maximize airport services and provide a buffer for nearby residences.
- e. The County supports the continued full maintenance by the federal government of the Tillamook Bay entrance jetties and the Corps of Engineers authorized navigation channel in Tillamook Bay.
- f. The County supports the rehabilitation and full maintenance by the federal government of the Nehalem Bay entrance jetties.
- g. The County shall support efforts by the Port of Nehalem to establish a natural channel maintenance program in Nehalem Bay for navigation.
- h. The County shall support efforts by the Port of Nehalem to obtain Corps of Engineers authorization of a navigation channel in Nehalem Bay.
- i. The County supports the continued provision of rail freight service to northern and central Tillamook County and to the cities of Wheeler, Rockaway, Garibaldi, Bay City and Tillamook.
- j. The County supports the program of the Port of Tillamook Bay to maintain rail freight service to the Port's airport industrial park.

# URBANIZATION

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# URBANIZATION

## GOAL 14

### 1. NEED TO PLAN URBAN DEVELOPMENT

#### 1.1 Overview

Unplanned development at urban densities can and has unnecessarily degraded resource values and has raised the cost of providing public services. It prematurely removes or limits the use of productive resource lands, reduces water quality, and results in costly unplanned extensions of sewer, water, and other services. The resulting pattern of development is relatively expensive to serve. These problems are ultimately reflected in the price that people have to pay for living in a community and the quality of community life.

#### 1.2 Effect of Urban Development on Resource Lands

Unplanned urban development can and has unnecessarily degraded resource values by creating conflicts that make continued resource use difficult, using more land than is necessary to accommodate urban uses, overburdening inadequate sewage disposal facilities, and inadequately accommodate the effects of storm water runoff.

Sprawling or leapfrogging urban development in farm areas increased the conflicts between residences and farms over what would occur with a more compact urban form. Sprawling development leaves farm parcels surrounded or partially surrounded by residential development. This condition makes it difficult for the farmer to continue to farm because of the number of conflicts present. (See Agricultural Element for discussion of residential/agricultural conflicts.) Such farm parcels are likely to be sold to speculators who than only rent the land for farming. Under these conditions, few long-term investments will be made to keep the land in optimal production. The land may not be used at all and will just remain vacant. In Tillamook County a residential subdivision east of the City of Tillamook, Valley View and subsequent additions around Bluebird and Hummingbird Lanes, are examples of leapfrog development that have and will continue to create conflicts with surrounding farms.

Leapfrog and sprawl development takes more land out of production than a compact urban growth form. It over consumes land and leaves many small parcels of unmanaged land. Santa Clara County in California provides an example of the waste of land that results from sprawling and leapfrogging development. Whereas 200 square miles of valley bottom land was covered with urban uses in 1974, only 30 square miles would have been needed to accommodate development which occurred since 1947, tripling the population. Residential densities no greater than they are now would be needed to accommodate this population.<sup>1</sup>

Unplanned urban development can lead to the overburdening of sewage disposal facilities and result in pollution of groundwater or surface water. Failure of septic systems on small platted lots can force the extension of sewer lines to alleviate health and water quality problems. If such additions to existing sewage treatment systems are not planned for, overloading of the treatment facility can result. This can result in insufficient sewage treatment or the need to bypass the treatment systems to handle excess flows.

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Examples of these kinds of problems exist throughout Tillamook County. Several large subdivisions including Brighton Beach, Cape Meares, Tierra Del Mar and Nedonna, platted at densities which can not accommodate on site sewage disposal systems. In many cases this has meant that individual lots can not be built on and yet ownerships are so fragmented that it is difficult to accumulate a sufficient number to allow development on septic tanks. In the case of Nedonna Beach, small lots and high groundwater tables have contributed to contamination of the groundwater used for Rockaway's water supply. Sewering is necessary if water quality is to be protected. Urban development also affects the quantity and quality of storm water runoff. This in turn affects the seriousness of flooding, water quality in streams, rivers, lakes and bays, and habitat quality for fish and other animals.

The quantity of storm water runoff increases with intensity of development. Table 1 shows that at densities of ten or more dwelling units per acre up to twenty-five percent of the land is covered with impermeable surfaces and storm water runoff increases the mean annual flood by two or more times what exists on undeveloped land. It is unlikely that in Tillamook County, where urban development occupies a small portion of watershed areas, the course of major flood events will be altered by the additional runoff from urban development. However, this additional runoff creates a nuisance, contributes to soil erosion, pollutes streams and other water bodies, and can trigger landsliding.

The density of development dramatically increases erosion and sedimentation. Figure 1 shows the amount of sediment generated from the erosion of land under various uses. Land used for light development can produce 100 times the amount of sediment produced by woodland. As development density increases, so does sediment yield. This is shown in Table 1.

FIGURE 1

Insert Figure 1

*Source: Joachim Tourbier, Water Resources Protection Measures in Development, p.*



TABLE 1  
IMPACTS OF LAND DEVELOPMENT

Land Use Intensity	Gross Percentage of Impermeable Cover (1)					Permeable Surfaces	Assumed Runoff Generation (Increase in Mean Annual Flood)						Assumed Sedi. Ylds t/sq. mi./yr.		Average Assumed Residential User Characteristics									
	Total (2)	Roofs	Roads	Parking	Other	% Perm. Surface Mowed Grass	% Perm. Surface Wood, Pasture or Abandoned	% of Area Served by Storm Sewers (3, 6)						During Construction (5)	After Construction (4)	Gross Lot Size (Acres)	Gross Land-Use Intensity (7)	Persons Per Gross Acre (8)	Sewage Generation Gal Per Day (9)	Water Usage GPD (10)	Length of Utility Lines per Acre	Length of Untility Lines per DU	Assumed Sewerage Assumed Water	
								0	20	40	60	80	100											
1	0-2½	< 1	< 2½	<1	-	<25	>75	1.0	1.1	1.1	1.1	1.1	1.1	400	400	>5	-	<1	<100	<125	200	1000	-	-
2	2½ - 5	1- 1½	1- 2½	½-1	-	25-50	50- 75	1.1	1.2	1.2	1.2	1.2	1.2	600	600	2-5	-	1-2	100- 200	125- 250	200	750	-	-
3	5-10	1½- 3½	2½- 5	1-1½	-	50-80	10- 50	1.2	1.3	1.4	1.4	1.4	1.4	1000	750	1-2	-	2-4	200- 400	250- 500	200	300	-	X
4	10- 20	3½-7	5-10	1½-3	-	100	0	1.3	1.4	1.7	2.0	2.1	2.1	2500	1000	½-1	-	4-6	400- 800	500- 1000	200	150	-	X
5	20- 33	7-10	10- 16	3-7	-	100	0	1.4	1.8	2.0	2.4	2.5	2.5	5000	1250	¼-½	-	6-12	800- 1600	1000- 2000	145	55	X	X
6	33- 50	10-17	16- 23	7-10	-	100	0	1.5	2.2	2.4	2.7	2.8	3.0	10000	1500	1/8-¼	3.5	12- 24	1600- 3200	2000- 4000	145	30	X	X
7	50- 75	17-25	23- 25	10-20	0-5	100	0	1.8	2.5	3.0	3.8	4.0	4.2	20000	1750	1/8- 1/16	4.5	24- 40	3200- 6400	4000- 8000	140	15	X	X
8	70- 100	25	25	>20	5-15	100	0	2.5	3.0	4.2	5.0	5.4	6.0	50000	2000	<1/16	-	>40	>6400	>8000	140	<15	X	X

1. This includes collector roads, streets, etc.
2. This is a low estimation of % impermeable cover for lot sizes shown based on Leopold's references in Hydrologic Data for Land Planners, 1968, p.2.
3. Squares indicate most usual combination of % impermeable cover and % storm sewers. Data from Leopold, 1968.
4. Figures for the higher land uses are largely due to increased streambank erosion caused by increased runoff.
5. Figures estimated from references quoted by Leopold, 1968.
6. DRBC Compact report (April 1971) estimates increase for 20% cover and 20% storm sewer = 2, and increase due to 50% cover and 50% storm sewer = 5.
7. Land-Use Intensity Index as used by the Urban Land Institute in the Community Builders Handbook for a dwelling size of 1089 sq. ft.
8. Four persons per unit assumed for lower densities; 2.5 persons per unit for high densities.
9. Based on New Castle County (DE) Design Flow Standards.
10. Based on 125 gallons per day per person; Urban Land Institute, Community Builders Handbook.



Another interesting relationship between development and sedimentation is that sediment yields are the same during and after construction for lot sizes of more than two acres, but for smaller lots sediment yields are greater during construction than after. Construction sediment yields increase in comparison with post construction sediment yields as density increases. At lot sizes of an eight acre or less (5000 square feet), construction sediment yields are more than 10 times post construction yields. This is understandable since the proportion of land area that is disturbed during construction increases with increasing density.

Sedimentation is a problem because it results in the filling in of ditches, culverts, streams, river, bays, ponds and lakes. This filling in reduces the water carrying capacity of drainways and increases flooding. It can block roadside drainage ditches and clog culverts thus eliminating orderly storm drainage. Sediment can reduce the habitat value of water bodies for fish and other animals by covering spawning grounds, increasing turbidity and reducing light penetration.

Storm water runoff from urban developments can also carry other pollutants such as organic matter, fertilizers and pesticides into streams and other water bodies. Runoff from suburban lawns has been found to contain high nitrogen and orthophosphate counts. These pollutants can also ruin the habitat value of water bodies.

### 1.3 Effect of Urban Development on Service Costs

Unplanned urban development can and has unnecessarily raised service costs by creating unplanned costs and a pattern of development that is expensive to serve.

A low density sprawling or leapfrog development pattern costs more to service with sewer lines, water lines and other utilities than does a compact development pattern. This was the conclusion of a study done by the Real Estate Research Corporation, The Costs of Sprawl. This stands to reason since more miles of utility lines and streets are needed per swelling with low density development patterns. Figure 2 shows the relationship between population density and the per capita cost of streets.

FIGURE 2  
RELATIONSHIP OF POPULATION DENSITY TO ANNUAL PER CAPITA  
EXPENDITURES ON CITY STREETS

Insert Figure 2

Source: *Preston S. Pattie, Impacts of Urban Growth on Local Costs and Revenues, p. 19*

Likewise, the per capita cost of utilities increases with decreasing density. Table 1 shows the length of utility lines needed to serve developments of various densities. What this means in terms of the cost of electrical distribution lines, is shown in Table 2.

Table 2  
COST OF ELECTRICAL DISTRIBUTION LINES FOR DIFFERENT CUSTOMER DENSITIES\*

	Customers** Per Mile of Line		
	10	40	100
Average Distance between poles	300'	200'	120'
Cost of pole and wire per mile of line	\$4,806	\$12,714	\$20,592
Services per transformer	1	8	15
Cost of transformers per mile of line	\$2,890	\$2,895	\$5,845
Investment per mile of line	\$7,696	\$15,609	\$26,437
Investment per customer	\$770	\$390	\$264
Annual Cost per customer (20% of investment)	\$154	\$78	\$53

\*Puget Sound Power and Light Company

\*\*Customer is used in this study to mean a home or hookup to electrical service.

Since these expenditures are probably not part of a long-term expansion program there is less control over the borrowing of funds at the best rates or of making use of the best bond market conditions. In some cases these extensions may be difficult to intertie with existing facilities.

Greater service costs increase the cost of living in a community. Table 3 shows the impact of development density on the cost of municipal services per dwelling. As can be seen from this example, where street frontage is reduced by 28 percent from 86 feet to 61 feet, the costs per dwelling decrease by 19 percent. Similar reductions could logically be expected from a reduction of sprawl and leapfrog development.

TABLE 3  
IMPACT OF HIGH DENSITY DEVELOPMENT IN JEFFERSON – HYPOTHETICAL EXAMPLE

Municipal Service	Expenditure per dwelling of present low density development	Expenditure per dwelling of hypothetical high density development	Difference
Streets	\$60	\$46	\$-14
Water	\$76	\$45	\$-31
Sewer	\$89	\$62	\$-27
Total	\$225	\$153	\$-72
Total of all municipal services	\$377	\$305	\$-72

Source: *Pattie, p. 20*

Many of the costs of services and roads are included in the price of the dwelling. Since these costs are paid for by the developer and then must be passed on to the consumer, they are magnified because the developer has to borrow money at relatively high interest rates.

Lack of planning can be particularly expensive for small communities that have to build their own sewage treatment system to alleviate health and water quality problems resulting from failing septic systems. This has been the experience of the communities of Oceanside, Netarts, Pacific City, and Woods. The high cost of sewer projects in these communities has caused economic and social problems. The elderly population has particularly felt financial hardships. Such problems have included difficulty in managing the systems given the voluntary nature of sewer board positions and the limited amount of time and expertise available. Sewer district residents are reluctant to approve rate increases to operate the

system because of high capital costs.

## 2. STATE URBANIZATION PLANNING REQUIREMENTS

### 2.1 Overview

The State Planning Goals require that incorporated communities be planned for according to the Urbanization Goal (Goal 14). The purpose of this goal is to delineate where development will occur at urban densities and where services will be available to support that level of development. This is accomplished by establishing an urban growth boundary (UGB). This goal applies explicitly to incorporated areas but not to unincorporated communities that are functionally urban. The State Planning Goals are not clear on how to plan for these functionally urban unincorporated communities. The Urbanization Goal is integrally related to several other planning goals, including Agricultural Lands (Goal 3), Forest Lands (Goal 4), Housing (Goal 10), Services (Goal 11), and Coastal Shorelands (Goal 17). There are four key provisions in the Urbanization Goal. These govern the requirement for UGBs around urban areas, the method of establishing urban growth boundaries, the method of changing urban growth boundaries, and the process of converting land to urban uses within UGBs.

### 2.2 Definition of Urban Areas

Urban areas are defined by the Statewide Planning Goals as follows:

“Urban areas are those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

- (a) have concentrations of persons who generally reside and work in the area
- (b) have supporting public facilities and services.”<sup>1</sup>

In Tillamook County urban areas include the incorporated cities of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway, Tillamook, and Wheeler, as well as developed areas outside of these communities. The definition however is not clear on whether conditions (a) and (b) are mandatory if land adjacent to an incorporated city is to be considered as urban. It is only logical though that urban areas adjacent to cities are only as extensive as concentrated populations and urban services. Otherwise the whole county could be considered to be an urban area.

Assuming that urban areas adjacent to incorporated cities must have population concentrations and supporting public services and facilities unincorporated urban areas in the county include Neahkahnie, Necarney, Bayside Gardens, Nedonna Beach, Twin Rocks, Barview and some areas north and east of the City of Tillamook (See Figure 3).

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## FIGURE 3

Insert Figure 3

### 2.3 Definition of Urbanizable Lands

Urbanizable lands are defined by the Goals to be “lands within the urban growth boundary and which are identified and (a) Determined to be necessary and suitable for future urban areas (b) Can be served by urban services and facilities (c) Are needed for expansion of an urban area.”<sup>1</sup> Urbanizable lands then are essentially undeveloped or sparsely developed lands that surround incorporated cities and are necessary and suitable for urban development and can be serviced with urban services and facilities. They differ from rural lands in that they are inside an urban growth boundary although they may be physically no different.

According to this definition, urbanizable lands in Tillamook County include lands within the acknowledged urban growth boundaries of the cities of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway, Tillamook, and Wheeler. They also include land within the separate urban growth boundaries of Neahkahnie and Twin Rocks/Barview. (More about separate urban growth boundaries for Neahkahnie and Twin Rocks/Barview in Section 3.2).

### 2.4 Definition of Rural Lands

“Rural land are those outside the urban growth boundary and are:

- (a) non-urban agricultural, forest or open space lands; or
- (b) Other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.”<sup>2</sup>

According to this definition, rural lands in Tillamook County include lands outside of the urban growth boundaries of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway, Tillamook, Wheeler, Neahkahnie and twin Rocks/Barview that meet conditions (a) or (b). Since there is some land outside of UGBs which does not meet conditions (a) or (b), not all lands outside of UGBs are rural.

Condition (a) describes most of the area of the County since most land outside of urban growth boundaries is agricultural, forest or open space land.

Condition (b) describes most of the remaining land outside of urban growth boundaries. There are some areas outside of urban growth boundaries that do not meet this condition, however, because they are either not sparsely settled without public services or they are

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<sup>1</sup>  
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suitable, necessary or intended for urban use. The functionally urban unincorporated communities of Oceanside, Netarts, Cloverdale, Pacific City, and Neskowin can not be described as sparse settlement, small farms, or acreage homesites nor do these communities have no or hardly any urban services. In all physical respects, these communities are no different from the incorporated communities of the County.

Similarly, the semi-urban communities described in Section 3.4 do not fit this definition of rural lands very well although they are more rural than the functionally urban unincorporated communities. Whereas the fictionally urban unincorporated communities are “suitable, necessary, and intended for urban use,” these communities are not. These communities while not fitting the Goal definition of rural lands well, nevertheless do not fit a description of urban and better and problems would be created if they were planned for as urban areas.

## 2.5 Purpose of the Urbanization Goal, Goal 14

The purpose of the Urbanization Goal is “to provide an orderly and efficient transition from rural to urban land use.” There are several aspects of an orderly and efficient transition of land uses. One is minimizing the loss of productive resource land by reducing sprawl and leapfrog development. Another is providing the most efficient and therefore least costly arrangement of public services. A third is planning the most efficient arrangement of residential, commercial, and industrial uses. Another is coordinating land development occurring outside city limits so that it is compatible with city standards when it is finally annexed.

The Urbanization Goal specifies that the urban growth boundary will be used to manage urban growth. The Goal also established the method for delineating an urban growth boundary and for changing the position of the boundary in the future. Finally, the Goal sets out criteria for controlling the phasing of development within an urban growth boundary.

## 2.6 Establishment of Urban Growth Boundaries Around Incorporated Communities

The Urbanization Goal requires that “Urban growth boundaries be established to identify and separate urbanizable land from rural land.”<sup>1</sup> These boundaries must be placed around incorporated communities and must be site specific. Land inside of these boundaries is considered to be urban and urbanizable while land outside is rural.

Establishing and changing an urban growth boundary is a cooperative process between the County and the cities. The County adopts a joint management agreement with each city which spells out the manner of administration of the area within the boundary but outside the city limits.

The Goal also requires that UGBs established prior to January 1, 1975 be reviewed according to the Goal requirement if undeveloped rural land is included within these boundaries.

The Goal sets out seven criteria which govern the location of the UGB.

These include the following:

- “1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

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- 2) Need for housing, employment opportunities, and livability;
- 3) Orderly and economic provision for public facilities and services;
- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- 5) Environmental, energy, economic and social consequences;
- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
- 7) Compatibility of the proposed urban uses with nearby agricultural activities.”<sup>1</sup>

## 2.7 Changing the Location of an Acknowledged Urban Growth Boundary

According to the Goal, future changes in the location of an urban growth boundary must follow the “procedures and requirements as set forth in the Land Use Planning Goal (Goal 2) for goal exceptions.”<sup>2</sup> The procedural requirements of Goal 2 include notices for public hearing that “summarize the issues in an understandable and meaningful manner.”<sup>3</sup> Justification of the boundary change must include compelling reasons and facts regarding the following:

- “(a) Why these other uses should be provided for;
- (b) What alternative locations within the area could be used for the proposed use;
- (c) What are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;
- (d) A finding that the proposed uses will be compatible with other adjacent uses.”<sup>4</sup>

In addition, the Urbanization Goal requires that changes of the UGB be based on the seven considerations for establishing a boundary mentioned before.

## 2.8 Conversion of Urbanizable Land to Urban Land

Although land in the UGB is to be considered available for urban use over time, the Goal specifies the manner in which urbanizable land, undeveloped or underdeveloped, within the UGB is to be used for urban developments. The purpose of this is to promote the orderly and efficient transition of land uses and the provision of services. Four considerations guide this transition of land uses.

- “1) Orderly, economic provision for public facilities and services;
- 2) Availability of sufficient land for the various uses to insure choices in the market place;

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- 3) LCDC goals; and
- 4) Encouragement of development within urban areas before conversion of urbanizable areas.”<sup>1</sup>

## 2.9 Goal 3, Agricultural Lands, and Urbanization

Goal 3 specifies conditions and procedures for including agricultural land, SCS Class I through IV land, in an urban growth boundary. To do so, the governing body “shall follow the procedures and requirements set forth in the Land Use Planning Goal (Goal 2) for goal exceptions.”<sup>2</sup> In addition, this conversion shall be based on the consideration of the following five factors:

- “1) Environmental, energy, social, and economic consequences;
- 2) Demonstrated need consistent with LCDC goals;
- 3) Unavailability of an alternative suitable location for the requested uses;
- 4) Compatibility of the proposed use with related agricultural land; and
- 5) The retention of Class I, II, III, and IV soils in farm use.”<sup>3</sup>

## 2.10 Goal 4, Forest Lands, and Urbanization

The Forest Lands Goal requires local jurisdictions to conserve forest lands for forest uses. The means for doing so differs for land within or without an urban growth boundary although not substantially. Forest lands inside and outside of urban growth boundaries must be inventoried. If forest land outside of an urban growth boundary is not zoned to protect forest uses, the process and requirements of Goal 2 for exceptions must be followed. Where forest lands occur within an urban growth boundary the exceptions process does not have to be followed but the requirements for establishing the urban growth boundary are “roughly equivalent to those required by the Exceptions Process.”<sup>4</sup> The LCDC policy paper on Forest Lands Goal does state that “efforts should be made to protect existing forest uses.”<sup>5</sup> The policy paper also suggest that the following actions may be taken to protect urban forest uses:

- “1) Designate and zone forest lands as forest lands, open space or park land;
- 2) Provide for the retention of vegetation in subdivision and planned unit development ordinances;
- 3) Require a permit to fall street or other trees;
- 4) Preserve forest lands along streambanks and in hazard areas;
- 5) Encourage wind breaks; and

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- 6) Develop an urban forestry program.”<sup>1</sup>

#### 2.11 Goal 9, Economy of the State, and Urbanization

The Urbanization Goal has as one of its factors for consideration, the need for employment opportunities. Therefore, there is a need to consider Goal 9 when planning for urban areas. It can be expected that a large proportion of total employment will be provided within urban growth boundaries. The LCDC policy paper, “Common Questions on Urban Development” lists factors that should be considered when determining how much land is necessary for commercial and industrial uses. These include:

- a. Community attitudes
- b. Population and labor force projection
- c. Employment projection by economic sector
- d. Analysis of commercial and industrial activities:
  - 1) Types of existing activities and whether they are growing, stable or declining; projected employment in these existing activities;
  - 2) Types of new industries that must be introduced in order to meet any gap that may exist between projected total employment and employment in existing activities, including consideration of any resulting secondary impacts;
  - 3) Characteristics of land required for these areas and estimates of land needs based on employment density factors;
  - 4) Inventory of land currently being used for these purposes, and of vacant land suitable for development.
- e. Land use supply and demand considerations in your entire region, including the area not in your jurisdiction.”

#### 2.12 Goal 10, Housing, and Urbanization

The Housing Goal requires local governments to inventory buildable lands within urban growth boundaries. Buildable lands are defined in the Goal as lands in urban and urbanizable areas that are suitable, available, and necessary for residential use . 1 Factors that should be considered in determining suitability and availability include:

- a) Topographic and soil conditions such as slope.
- b) Flood plain and hazard considerations such as erosion, flooding, ground movements, ground and surface water pollution and industrial pollution.
- c) Market suitability considerations such as land ownership (public or private), market availability, cost of providing services and facilities.

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- d) Availability of public facilities and services.
- e) Conflicting land uses.”<sup>1</sup>

The Housing Goal has been interpreted to mean that all housing needs are to be met within urban growth boundaries by the State Appeals Court and by the State Land Use Board of Appeals.<sup>2</sup> This interpretation results from the buildable lands inventory requirement of the Housing Goal. The following excerpt from the amicus brief of the Real Estate Loan Fund for the case of DLCD v. Tillamook County Board of Commissioner, LUBA No. 81-004, demonstrates that a broader interpretation of the applicability of the Housing Goal is both logical and consistent with past LCDC decisions.

“Goal 10 requires two things. The first is an inventory of ‘buildable lands.’ Since the goal defines ‘buildable lands’ as ‘lands in urban and urbanizable areas that are suitable, available, and necessary for residential use,’ this inventory requirement applies only within urban growth boundaries. This is certainly reasonable, since a large proportion of the land within urban growth boundaries will eventually be put to residential use, whereas, in any conceivable instance, only a relatively small portion of the land outside of urban growth boundaries will be used for residential purposes. Furthermore, the designation of land outside of urban growth boundaries for residential purposes will almost always (unless the land is non-resource land) require exceptions from Goals 3 and/or 4. The justification of such exceptions will itself require consideration of whether the areas are ‘suitable, available and necessary for residential use.’ Thus, it is unreasonable to conclude that, because Goal 10’s buildable lands inventory requirement applies only within urban growth boundaries, all housing needs must be satisfied within urban growth boundaries.

In addition, the second requirement of Goal 10, that ‘plans shall encourage the availability of adequate numbers of housing units and allow for flexibility of housing location, type and density,’ is not limited by the goal to land within urban growth boundaries. LCDC, in reviewing County Comprehensive Plans for compliance with Goal 10, has frequently referred to whether or not the County has provided for its rural housing needs. See, e.g. LCDC, Deschutes County Continuance Order, Staff Report of March 26, 1980, page 33; LCDC, Wasco County Continuance Order, Staff Report of July 21, 1980, page 41. Also LCDC has acted specifically to delete from a hearings officer’s recommendation the statement that ‘Goal 10 does not apply to rural agricultural and forest lands.’ 1000 Friends of Oregon v. Multnomah County, LCDC No. 77-031, Final Order of February 25, 1980, page 3; Supplemental Recommendation Merits, revised September 28, 1979, page 27.

Thus, although certain provisions of Goal 10 and other goals (such as the resource protection provisions of Goals 3, 4, 5, 16 and 17; energy conservation provisions of Goal 13) can be said to encourage the provision of needed housing within urban growth boundaries, there is nothing in the goals requiring that all housing needs be satisfied within urban growth boundaries.”<sup>3</sup>

The more limited interpretation, saying that all housing needs will be met within urban growth boundaries, creates internal contradictions within the Goal. Within a rural county such as

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Tillamook County, it is not possible “to provide for the housing needs of citizens of the state”<sup>1</sup> and simultaneously attempt to provide for those needs within urban growth boundaries. (Additional discussion on this point is included in Section 3.7).

The amount of land necessary for residential use is determined by the following factors:

- “a. population forecast or target that considers employment characteristics;
- b. income analysis to determine financial capability of households;
- c. household size determination;
- d. vacancy rate determination;
- e. existing housing in terms of type, condition and cost;
- f. determination of future housing needs - - by cost and type level - - i.e., the number of units that will be needed during the plan period, based on a-e above;
- g. determination of additional residential land requirements based upon density calculations of future housing needs from f above.
- h. assessment of jurisdiction’s role in meeting regional housing needs.”<sup>2</sup>

2.13 Goal 11, Public Services and Facilities, and Urbanization

Goal 11 is integrally related to the Urbanization Goal. First, the location of the urban growth boundary must be based on the consideration of “orderly and efficient provision of public facilities and services.”<sup>3</sup> The purpose of Goal 11 is “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.”<sup>4</sup> Goal 11 makes a distinction between the types and levels of public facilities and services that are appropriate for urban areas and rural areas. This Goal also requires that a plan for the provision of key services be included in the Comprehensive Plan. Service and facilities policies between development within and without.

Goal 11 requires “a provision of key facilities shall be included in each plan.”<sup>5</sup> As defined by the Goals, key facilities are “basic 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.”<sup>6</sup> According to the Urban Development policy paper, the provision for key facilities means a strategy which includes the type, location and delivery of public facilities and services. “Type refers to urban or rural facilities as defined by Goal 11. Location includes designating buildable areas where various services will be provided. Delivery includes when services are to be provided, how services are to be provided, and who will provide services.”<sup>7</sup>

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The conversion of urbanizable land to urban land must be based on the considerations of “orderly, economic provision for public facilities and services.”<sup>1</sup> Services policies in the plan should therefore reinforce this transition of land uses.

#### 2.14 Goal 17, Coastal Shorelands, and Urbanization

Goal 17 distinguishes between uses that are appropriate within urban and rural shorelands. Within urban growth boundaries, sites that are especially suited for water-dependent uses must be protected for those uses. Outside of urban growth boundaries, the uses which are allowed in the shorelands are listed below.

- “(a) Farm uses as provided in ORS Chapter 215;
- (b) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
- (c) Private and public water-dependent recreation developments;
- (d) Aquaculture;
- (e) Water-dependent commercial and industrial uses and water-related uses only upon a finding by the governing body of the County that such uses satisfy a need which cannot be accommodated on shorelands in urban and urbanizable areas;
- (f) Subdivision, major and minor partitions and other uses only upon a finding by the governing body of the County that such uses satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas and are compatible with the objectives of this goal to protect riparian vegetation and wildlife habitat; and;
- (g) A single family residence on existing lots, parcels or units of land when compatible with the objectives and implementation standards of this goal.”<sup>2</sup>

### 3. URBANIZATION FINDINGS AND POLICIES

#### 3.1 Planning for Incorporated Communities According to the Urbanization Goal

##### Findings

The incorporated communities of Manzanita, Nehalem Wheeler, Rockaway, Garibaldi, Bay City and Tillamook and areas outside of these cities are urban as defined by the statewide planning goals. They therefore fall within the jurisdiction of the Urbanization Goal.

##### Policy

Tillamook County recognizes that incorporated communities are urban. The County will cooperate with those communities to plan for them in accordance with the Urbanization Goal (Goal 13.2 Planning for Unincorporated Communities

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### 3.2 Planning for Unincorporated Communities

#### 3.2(A) Findings

(1) Unincorporated communities are an essential and valued part of life in Tillamook County. More than 25% of the county's citizens reside in these communities. They include some of the county's most livable places.

(2) On October 28, 1994, the Land Conservation and Development Commission (LCDC) adopted new administrative rules and goal amendments establishing planning and zoning requirements and opportunities for unincorporated communities. The new rules were amended by LCDC on January 30, 1997. These rules are contained in OAR 660, Division 22. The expressed purpose of the unincorporated community rule is

“to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities.”

(3) Prior to the adoption of these new rules and goal amendments, established unincorporated communities like Neahkahnie, Oceanside, Netarts, Pacific City and Neskowin existed only as “exceptions” or “nonconforming uses” in Oregon's land use system. They were neither “urban” (i.e., incorporated) nor “rural” (i.e., agricultural, forest or sparsely settled). This ambiguous status questioned the legitimacy and value of communities and complicated needed planning for them.

(4) The need for planning in unincorporated communities is indicated by citizens concerns about the quantity and quality of growth in these communities. In 1995 more residential development (94 residences) occurred within the five unincorporated coastal communities of Neahkahnie, Netarts, Oceanside, Pacific City and Neskowin than within the growth boundaries of the County's seven incorporated cities combined (92 residences). There was more residential development (35) in Pacific City than in any other city or community in the county.

(5) Public response to recent surveys in the unincorporated communities of Oceanside, Netarts, Pacific City and Neskowin indicate concern about the quantity and quality of the growth that is occurring in their communities. Proposed developments have received increased attention and objections from those who perceive that they will have adverse impacts on their community. This in turn creates uncertainty for those who are interested in purchasing and developing property as they face the prospect of lengthy hearings and extended appeals.

(6) The key to resolving concerns about and conflicts over growth is to involve citizens in a planning effort that helps assure that inevitable growth will occur in a manner that enhances livability rather than degrades it. The unincorporated communities rule requires citizen involvement in all phases of the planning process (OAR 660-22-060). Coordination with special districts and affected cities is also required.

(7) The unincorporated communities rule (OAR 660-22-010) distinguishes the following four types of unincorporated communities (emphasis added).

(a) A “Rural Community... consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial or public

uses...”

(b) A “Resort Community... established primarily for and continues to be used primarily for recreation or resort purposes; and includes residential and commercial uses...”

(c) A “Rural Service Center... consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.”

(d) An “Urban Unincorporated Area... which... includes at least 150 permanent residential dwellings; contains a mixture of land uses, including three or more public, commercial or industrial land uses; (and) includes areas served by a community sewer system... and a community water system.”

(8) The rule requires that county comprehensive plans designate and identify unincorporated communities in accord with the above definitions. Such a community must have all of the following characteristics described in OAR 660-22-010(10):

(a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;

(b) It was either identified in a county’s acknowledged comprehensive plan as a “rural community,” “service center,” “rural center,” “resort community,” or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development’s January 30, 1997 “Survey of Oregon’s Unincorporated Communities;”

(c) It lies outside the urban growth boundary of any city;

(d) It is not incorporated as a city; and

(e) It met the definition of one of the four types of unincorporated communities and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).

(9) Tillamook County has 16 communities that have all of the required characteristics: Barview, Beaver, Cape Mearns, Cloverdale, Falcon Cove, Hebo, Idaville, Neahkahnie, Neskowin, Netarts, Oceanside, Pacific City/Woods, Siskeyville, Tierra Del Mar, Twin Rocks and Watseco.

(10) Counties must identify boundaries for unincorporated communities in order to distinguish them from adjacent exception areas, resource lands and other rural lands. The criteria for including land within an unincorporated community boundary is contained in OAR 660-22-020. There is a presumption that land is qualified for inclusion if it is within a site specific unincorporated community boundary that is shown on an acknowledged plan map on October 28, 1994, particularly if the land is not designated for farm or forest use.

(11) Individual plan and zone designations are to be adopted for all unincorporated communities, except rural service centers, in accord with OAR 660-22-030. Industrial and commercial development, including motels and hotels, is limited, depending upon the type of community and distance from incorporated cities.

(12) OAR 660-22-030(6) requires that county plans and land use regulations shall ensure that new uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

(13) OAR 660-22-030(7) requires that county plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-12-069(1)(a) through (c).

(14) OAR 660-22-030(f) requires that zoning applied to lands within unincorporated communities shall ensure that the cumulative development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations and will not exceed the carrying capacity of the soil or of existing water supply resources or sewer services.

(15) OAR 660-22-040 provides for the adoption of plans and land uses for urban unincorporated communities and describes the circumstances under which the boundaries of these communities may be expanded.

(16) Community public facility plans are required in circumstances described in OAR 660-22-050.

### 3.2(B) Policies

(1) Tillamook County will plan for unincorporated communities in accordance with Statewide Planning Goal 14 (Urbanization) and the unincorporated communities rule (OAR 660, Division 22) as available resources permit. Such planning is a high priority given the importance of these communities to the county and citizen concerns about the quantity and quality of growth that is occurring within them.

(2) Tillamook County will provide for and encourage citizen involvement in all phases of the community planning process in accord with the requirements of OAR 660-22-060.

(3) Tillamook County will designate unincorporated communities in accord with OAR 660-22-010, establish boundaries for these communities in accord with OAR 660-22-030. Community public facility plans will be developed where required by OAR 660-22-050.

(4) Tillamook County will prioritize the need for planning for unincorporated communities, beginning with the five coastal communities that have been experiencing significant development pressure, and whose residents and property owners have expressed concern about the impact of development on the livability of their communities. These communities are Neahkahnie, Oceanside, Netarts, Pacific City/Woods and Neskowin. Tillamook County will proceed with planning for the other identified rural communities as resources permit.

### 3.3 Planning for the Unincorporated Communities of Netarts, Oceanside, Pacific City, and Neskowin in Accordance with the Urbanization Goal.

#### Findings

The unincorporated communities of Oceanside, Netarts, Cloverdale, Pacific City, and Neskowin are not urban as defined by the Goals because they are not incorporated nor are they adjacent to any incorporated communities. Neither do these communities fit the definition of rural lands in the Goals because they are not “non-urban agricultural, forest or open space lands” nor are they “other lands suitable for sparse settlement, small farms or



acreage homesites with no or hardly any public services.” Functionally, these communities are urban and they experience communities in the county face.

A general discussion follows which describes the characteristics of functionally urban communities and distinguished their planning problems from those of rural areas. Then a description of the urban characteristics of each community is included.

Although the term urban is relative, most people would probably agree that urban development is fairly dense and it typically includes clusters of commercial and industrial development. It is typified by communities, town, and cities. Rural development generally is sparse rather than dense and with few or no clusters of commercial or industrial development.

A functional definition for planning purposes should indicate a cutoff that recognizes where planning issues differ according to density of development.

The density of development has many impacts on the landscape and the community. Some of these impacts include water usage, storm water runoff, sewage generation, and road requirements and are shown in Table 1. The impacts of development are valid community concerns that justify community regulation because they extend beyond the boundaries of any individual property. Where densities are high and development is extensive community services and facilities are necessary for managing impacts in order to prevent unreasonable community burdens. Such service and facilities include sewage disposal, water, storm drainage and roads. In addition, some control over the siting of land uses is necessary to reduce conflicts between incompatible uses. The most critical public service needed for managing the impact of dense development is central sewer. This service also is important for defining functionally urban communities.

The availability of public sewer is the major determinant of development density. All individual sewage disposal systems are limited by the amount of land needed to accept effluent. With septic tanks and drainfields, a minimum lot area of approximately one acre is necessary if drinking water comes from a well. This assures adequate separation between the water supply and the septic tank drainfield. Where soils are of poorer quality for drainfields, a larger lot size is necessary. If central water is available, the minimum lot size that assures septic tank functioning and protection of surface and groundwater quality is approximately ½ acre. The availability of public sewers greatly decreases lot size requirements because individual lots no longer have to accept sewage effluent. With public sewer, densities much greater than two dwellings per acre are possible over a large area. Public sewer also allows concentrations of commerce and industry that would not be possible without it.

The availability of central sewer also sets limits on the minimum community size and the maximum lot size. Small communities are costly to serve with central sewer. In such cases, on-site sewage treatment with septic tanks and drainfields is more cost effective. (See Section 3.19) In addition, sewer fees and taxes make it difficult to maintain larger lot sizes for any length of time. Only in affluent communities can residents afford larger lots such as 20,000 square feet and central sewers.

Central sewers provide the primary criterion for determining whether an area is urban or rural. Where sewers are available, densities can be and typically will be greater than two dwelling units per acre and other urban planning problems will be present. Where sewers are not available, densities, population size and growth, and the presence of commercial or industrial centers which attract population growth may characterize an area as urban to justify the development of sewers.

There is a gray area that might be best described as semi-urban development where some urban problems exist but which are not likely to develop to an extent that require sewerage. Such areas include older platted subdivisions with lots too small to accommodate on-site sewage disposal (See Sections 3.4 and 3.19) and larger areas of development at densities of one to two dwellings per acre.

The communities of Oceanside, Netarts, Cloverdale, and Pacific City have public sewers. Development has occurred at high densities and further high density development is possible. These communities have relatively large populations for the County, and a limited central sewer but the community has grown substantially growth. Further information on each community follows.

Oceanside and Netarts are two unincorporated communities bound together under the common administration of one sewer district. They are separated by a distance of about one and one-half miles and are about 7 miles away from Tillamook City. These communities have a permanent population of approximately 1,050 and a seasonal population of 1,030. The population of the areas has grown by approximately 26 percent over the last decade. Residential densities range from 5 to 10 dwellings per acre.

Services available include sewage disposal, public water, street lighting and fire protection as well as a range of county-wide services. There is a fire hall and a post office in each community. There are a variety of commercial services in the communities, including grocery and general stores, gas stations, laundromat, restaurants and taverns.

Cloverdale is a small residential community and relatively important commercial center in the south central part of the County, 22 miles south of Tillamook City, the nearest incorporated place. Its 359 permanent residents live at urban densities of about 4 to 6 dwelling units per acre. A sewer system serves the area as does a water system. The Nestucca Rural Fire Protection District serves the area and a fire station is located in the community. There is also a high school and a post office. The community as a variety of commercial services making it a commercial center for the south central county. These services include a bank, hardware store, auto parts store, supermarket, feed store, pharmacy, clothes store, barber shop, beauty salon, gun shop, liquor store, gas station, restaurant and lounge.

Pacific City and Woods are two communities located in close proximity to one another along the Nestucca River 27 miles from Tillamook City. Over the last decade, the population of these communities grew by 41 percent to the current total of approximately 665 permanent residents and 935 seasonal residents. Residential densities range from 4 to 8 dwelling units per acre. This is a commercial fishing center. 325,548 pounds of Salmon worth \$640,806 were landed in Pacific City in 1979. This was more Salmon than was landed in Garibaldi during the same year.<sup>1</sup> This is also a tourist center oriented toward the ocean, adjacent state parks, Nestucca Bay, and the Nestucca River.

The commercial services available in the communities include several gas stations, restaurants, fish processors and markets, supermarkets, taverns, building supplies, laundromat, beauty and barber shops, marinas, motels, bank, construction companies, florist, auto repair, clothes store, and cabinet making. Public services include both central sewer and water. The communities are within the Nestucca Rural Fire Protection District with a fire station located there. A post office is also located in Pacific City.

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Neskowin is a resort and residential community located in the south end of the County, 31 miles from Tillamook City and 13 miles north of Lincoln City. It is a community which has grown appreciably over the past decade, 47 percent, despite the limitations that soil has placed on the installation of septic drainfields. (The bulk of the community is unsewered.) The community has 367 permanent residents and 570 seasonal residents living mainly at densities of from 3 to 10 dwelling units per acre. Residential density in condominium units is considerably higher.

There are few commercial services in the community and most are oriented toward recreation. These services include a gas station, two golf courses, grocery stores, motels and restaurants.

Central water serves the community. A small private sewer serves a portion of the community. A sewer district has been formed and is applying for grants to build a sewer system to replace the existing one and to extend service other areas. The community is part of the Nestucca RFPD and there is a fire station in the community.

This community is likely to grow at a much faster rate than previously if a new sewer system is installed in the area. Soil conditions currently limit building. A growth rate that is more like the one occurring in Lincoln City, 7 to 8 percent per year, is likely if central sewer is provided. Neskowin has similar access from the Willamette Valley. Route 18 is 7 miles away from Neskowin compared to five miles away from Lincoln City.

Planning for these unincorporated communities does not fit well into the framework of the Goals. Although they are not defined as urban communities, development can not be planned for at rural densities given the existence of urban services and the need for urban housing. They do not have types and levels of services appropriate for rural areas as Goal 11 requires.

The Urbanization Goal is more appropriate means of planning for these communities than the exceptions process. Moreover, as the Common Questions on Urban Development paper states, the Urbanization goal roughly approximates the exceptions process.<sup>1</sup> This is especially true when the requirements of Goal 3 for UGBs are taken into account.<sup>2</sup> These communities could be planned for in accordance with the Urbanization Goal and still be more consistent with the character of planning problems presented. The Urbanization Goal along with Goal 3 urbanization requirements is less restrictive than the exceptions process in four ways: the exceptions process requires special notice; there is explicit mention of the consideration of alternatives; there is explicit mention of conflicts that would apply to forest and shoreland areas; and the exception process is considered when proposing the conversion of uncommitted forest or shorelands to urban use. If the planning for functionally urban unincorporated communities follows the Urbanization Goal along with these four requirements, then the requirements of the Goals will be met.

The Urbanization Goal is a more appropriate framework to use for planning these communities because it requires the consideration of services and facilities, the phasing of urban development, land use deficiency, housing and employment needs, and through the Housing Goal, a buildable lands inventory.

## Policy

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Tillamook County recognizes that there are several communities in the County that are neither urban or rural as defined by the statewide planning goals and which are necessary, suitable and intended for urban development. The County will plan for these communities in accordance with the Urbanization Goal (Goal 14) because this goal best meets planning needs in these communities. The County will include procedural and substantive findings that fulfill the requirements of the exceptions process of Goal 2.

### 3.4 Planning for Unincorporated Communities That Are Not Rural as Defined by the Statewide Planning Goals and Which Are Not Necessary, Suitable or Intended for Urban Use.

#### Findings

The unincorporated communities of Falcon Cove, Idaville, Cape Meares, Beaver, Hebo and Tierra Del Mar are semi-urban in character. These communities do not fall within the definition of rural in the Goals because they are not characterized by sparse settlement, small farms, or acreage homesites. They do, however, more closely fit the definition of rural than to the functionally urban unincorporated communities. Because of existing public and commercial services and facilities, population size and densities and parcel sizes, these communities display some urban characteristics and urban problems. These problems are not great enough however to warrant planning for these areas in terms of the Urbanization Goal.

Falcon Cove together with adjacent Cove Beach in Clatsop County forms a community of approximately 175 people, most of whom are seasonal, living at densities of from one-half to 6 units per acre. There is a community water system serving the area. Fire protection is available from the Cannon Beach Rural Fire Protection District.

Idaville is a small residential community located just east of Bay City. The population of approximately 190 live at densities of 1 to 4 units per acre although much higher densities exist in the mobile home park.

The community has a convenience store and gas station. Water service is from the Kilchis Water District and fire protection is from the Tillamook Rural Fire Protection District.

Cape Meares is a residential community of approximately 360, many of whom are seasonal residents. The area is extensively platted and residential development is predominantly at densities of from 2 to 6 units per acre. There are no commercial services in the community. The Cape Meares Water Cooperative provides water to the community. There is no guaranteed fire protection service to the community since it is not part of any fire district. The Tillamook Rural Fire Protection District will respond to fire calls if it can.

The community of Beaver is a commercial and residential center with a population of approximately 250 permanent residents who live at densities of from less than 1 to over 4 dwelling units per acre although higher densities exist in the mobile home park. Commercial services in the community include grocery stores, two gas stations, and a nursery. A large construction company is headquartered in the community. The community has a grade school, a post office and a fire station. The Beaver Water District provides the community with water service.

The community of Hebo is also a commercial and residential center in the south central part of the County. The approximately 300 residents live at densities from under 1 to over 3 units per acre. Much higher densities exist in the two mobile home parks in the community. Hebo is also the headquarters of the Siuslaw National Forest in this area.

Commercial services include several restaurants, a grocery store, a combined grocery and hardware store, two gas stations, a tavern, and a sports shop. A grade school and a post office are also located in the community. A portion of Hebo is served with central water. The Nestucca Rural Fire Protection District provides fire protection but there is no fire station in the community.

Tierra Del Mar is a seasonal residential community with approximately 500 part-time residents living at densities of from 4 to 12 dwelling units per acre. The Tierra Del Mar Water Company provides water service to the community and the Nestucca Rural Fire Protection District provides fire protection. The nearest fire station is in Pacific City. Commercial services in the community are limited to souvenir sales.

#### Policy

Tillamook County recognizes the existence of a number of rural communities including Falcon Cove, Idaville, Cape Meares, Beaver, Hebo and Tierra Del Mar which are not rural as defined by the goals because they are not lands characterized by sparse settlement, small farms, or acreage homesites. These communities are also not functionally urban and are not necessary, suitable or intended for urban uses. Although the County recognizes the commitment to development in these communities, it will not plan for them in accordance with the Urbanization Goal (Goal 14).

### 3.5 Planning for Rural Areas Outside of Communities

#### Findings

Although most of the County is undeveloped and being managed as forest land or farm land there are a number of areas that are primarily in rural residential use. These areas do by and large fit the description of acreage homesites and sparse settlement. Although there are specific locations where development is fairly dense, these are small and do not take on a community character. Such areas are discussed and mapped in much more detail in; the Justification Section of the Goal 2 plan element. Many of these residential areas are served by public or private water systems and most are in fire districts. Densities are typically less than two dwelling units per acre. Commercial services in these areas are limited. Generally, these areas fit the Goal definition of rural.

#### Policy

Tillamook County recognizes that the majority of the land area of the County is rural as defined by the statewide planning goals. The County will plan these areas as rural lands defined by the goals.

### 3.6 Establishing Urban Growth Boundaries to Separate Urban and Rural Uses

#### Findings

A major purpose of the statewide planning goals is to clearly distinguish between areas that are intended for urban development and receive urban services. Where the distinction between urban and rural areas has not been made in the past, the public has incurred the costs of unplanned service extensions, underutilized land, and the loss of resource land.

The urban growth boundary acts as the dividing line between urban and rural areas. (See Sections 1.1, 1.2 and 1.3). Urban growth boundaries include enough land to meet urban

development needs for 20 years and indicate where urban services will be made available. Areas outside of these boundaries are not intended for either urban services or high density development.

#### Policy

Tillamook County will establish urban growth boundaries to separate urban and rural uses. Land within these boundaries will be available for urban use over time. Land outside of these boundaries will not be available for urban use.

### 3.7 Establishing Urban Growth Boundaries Around Incorporated Communities

#### Findings

The Urbanization Goal requires counties and incorporated cities to cooperate in establishing and changing urban growth boundaries. Establishment of a UGB is to be guided by the seven factors listed in Goal 14. Changing the location of an acknowledged UGB is to be guided by the procedures and requirements of the exceptions process included in Goal 2, as well as the seven factors of Goal 14. (See Sections 2.6 and 2.7).

#### Policy

Tillamook County will cooperate with incorporated cities in the County to establish urban growth boundaries in accordance with the Urbanization Goal (Goal 14). The County will manage unincorporated lands within those boundaries in conformance with comprehensive plans and implementing ordinances adopted in cooperation with the cities and in accordance with Goal 14. Future urban growth boundary changes will be made in accordance with the seven factors listed in the Urbanization Goal (Goal 14) and the procedures and requirements set forth in the Land Use Planning Goal (Goal 2) for goal exceptions. Appropriate citizen advisory committees and service districts will be involved in the urban growth boundary planning process.

### 3.8 Establishing Community Growth Boundaries Around Unincorporated Communities

#### Findings

Since the functionally urban unincorporated communities will be planned for according to the Urbanization Goal (See Section 3.2 and 3.3), community growth boundaries need to be established around them to separate urban and rural land uses. The burden for establishing these boundaries rests with the County. The residents of Neahkahnie and Twin Rocks/Barview wish to maintain identities separate from adjacent incorporated communities by having separate community growth boundaries.

#### Policy

Tillamook County will establish community growth boundaries around the functionally urban unincorporated communities of Neahkahnie, Twin Rocks/Barview, Oceanside/Netarts, Cloverdale, Pacific City/Woods, and Neskowin. The boundaries for the communities of Neahkahnie and Twin Rocks/Barview will be separate from those of adjacent incorporated communities.

### 3.9 Procedure for Establishing Community Growth Boundaries Around Unincorporated Communities

## Findings

Community growth boundaries for the communities of Neahkahnie and Twin Rocks/Barview may be based on the consideration of the seven factors listed in the Urbanization Goal because these communities are defined as being urban by the goals. Community growth boundaries for the other functionally urban unincorporated communities, Oceanside/Netarts, Cloverdale, Pacific City/Woods, and Neskowin must be based on the procedures and requirements of the Goal 2 exceptions process because these communities are not defined as being urban by the goals.

The Urbanization findings requirements along with the Goal 3 findings requirements for conversion of rural agricultural land to urbanizable land, can with modification provide all the findings required by the exceptions process. The findings required by the Urbanization Goal for establishing a community growth boundary are roughly equivalent to those required by the exceptions process.<sup>1</sup> With respect to agricultural lands, the Goal 3 findings requirements for conversion of rural agricultural land to urbanizable land are more rigorous than the exceptions requirements. The Urbanization Goal is weaker with respect to forest lands and coastal shorelands. However, if alternatives and conflicts are considered when proposing forest lands or coastal shorelands for urban use in addition to the seven urbanization factors, all of the substantive exceptions requirements will be met.

The procedural requirements of the exceptions process, notification must also be met for approval of community growth boundaries around these functionally urban communities.

In establishing these community growth boundaries, it is important to involve County residents. Where these boundaries are adjacent to incorporated cities, as with Neahkahnie and Twin Rocks/Barview, it is also important to involve these cities.

## Policy

Tillamook County will establish community growth boundaries around unincorporated communities in accordance with the seven factors listed in the Urbanization Goal (Goal 14) with the Agricultural Lands Goal (Goal 3) requirements, along with necessary modification in substance and process to fulfill the procedures and requirements of the Goal 2 exceptions process. Appropriate citizens advisory committees will be involved in the establishment and change of these boundaries. Tillamook County will coordinate the establishment and change of community growth boundaries around Neahkahnie with the City of Manzanita and around Twin rocks/Barview with the cities of Rockaway and Garibaldi.

### 3.10 Coordination of community Growth boundaries with Service Districts

#### Findings

One of the important functions of the community 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 reducing the efficiency of providing public services. Such considerations are especially important for functionally urban unincorporated communities since services are provided by

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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 not circumvent the Comprehensive Plan.

#### Policy

Tillamook County will coordinate the establishment and change of community growth boundaries around unincorporated communities with affected service districts. The County will work with service districts to assure that all areas within the community growth boundaries will be serviced. Proposed annexations and disannexations to service districts will be reviewed by the County Planning Department to assure consistency with the Comprehensive Plan.

### 3.11 Development Within Community Growth Boundaries

#### Findings

Community growth boundaries indicate where urban development is appropriate and where urban services will be made available over the next 20 years. Although all areas within the boundary are planned to eventually receive services, it may be a number of years before any specific property is serviced. Ideally, the most efficient sequence of service extensions and development within the boundary is stepwise outward from existing developed areas. Departure from such an ideal sequence may be necessary depending on terrain and the availability of land for development. The Urbanization Goal lists four criteria governing development within community growth boundaries (See Section 2.8).

#### Policy

The County will review land development actions and service district expansions according to the following four criteria listed in Goal 14:

- 1) Orderly, economic provision for public facilities and services;
- 2) Availability of sufficient land for the various uses to insure choices in the market place;
- 3) LCDC goals;
- 4) Encouragement of development within urban areas before conversion of urbanizable areas.

### 3.12 Changing Established Community Growth Boundaries for Unincorporated Communities

#### Findings

Community growth boundaries are not meant to be forever fixed. Changing conditions and community needs require changes in CGB location. In addition, the long term population projections which determine, in part, CGB location are only crude estimates of future population. Population projections are based on the continuation of past trends and are dependent on community values, the economy and other factors. With time, the projections will become increasingly inaccurate. It is important, therefore, to review and revise CGBs periodically.

The Urbanization Goal specifies that future changes in an acknowledged CGB must be



based on the seven factors listed in the Goal as well as the procedures and requirements set forth in the Land Use Planning Goal for goal exceptions (See Section 2.7).

#### Policy

Tillamook County will periodically review community growth boundaries, every 3 to 5 years, to see if they meet community needs. Boundary revisions will be made where necessary. Future community growth boundary changes will be made in accordance with the seven factors listed in the Urbanization Goal (Goal 14) and the procedures and requirements set forth in the Land Use Planning Goal (Goal 2) for goal exceptions.

### 3.13 Review of Zoning Within Unincorporated Communities

#### Findings

It is especially important that there be a review of zoning within the urban growth boundaries of unincorporated communities. None of these six communities have their own governing body to make planning recommendations and decision. These responsibilities have fallen on the citizen advisory committees, the County Planning Commission, and the County Board of Commissioners. Each of the five citizen advisory committees had one or more of these communities to plan for in addition to the non-community areas. Limited time precluded lengthy citizen meetings in these areas and only immediately identifiable needs and the requirements of the Statewide Planning Goals could be considered. Additional planning is necessary if the aspirations of community residents are to be met.

#### Policy

Upon adoption of the Comprehensive Plan, Tillamook County has as its first priority, review of the plan and zoning within the urban growth boundaries of unincorporated communities.

### 3.14 Request for Citizen Advisory committee (CAC) and Service District Comment on Planning Actions within community Growth Boundaries of Unincorporated Communities

#### Findings

Citizen advisory committees can continue to provide valuable advice to the County Planning Commission and Board of Commissioners after the Comprehensive Plan is adopted. These committees are an important source of information about local opinion and properties. They also have a greater knowledge about the decisions made during the comprehensive planning process.

Service districts should also be involved in planning decisions on a continuing basis. Service districts are inevitably affected by such decisions since property values and the demand for services is affected by their outcome.

#### Policy

Tillamook County will continue to involve appropriate citizen advisory committees and service districts in important planning decisions within the community growth boundaries of unincorporated communities.

### 3.15 Zoning of Rural Areas Consistent with the Need to Protect Resource

#### Findings

Just as it is important to recognize that land within urban growth boundaries is available over time for urban use, it is important to recognize that land outside is intended for rural use and primarily for the protection of resource land.

### Policy

Tillamook County recognizes that lands outside of urban growth boundaries are rural. The County will zone those lands in a way that is consistent with rural needs and the need to protect resource lands.

## 3.16 Development in Rural Communities

### Findings

Tillamook County recognizes the existence of a number of rural communities including Falcon Cove, Idaville, Cape Meares, Beaver, Hebo, and Tierra Del Mar which don't fit the Goal definition of rural and which are not well suited for urban development. (See Section 3.4.) These communities have a large supply of vacant lots that are a resource for accommodating residential development. However, because of small lot sizes and small populations, these communities face a dilemma. Parcel sizes are predominantly too small for on site sewage disposal and ownership patterns limit the use of several lots together. Sewering these communities could eliminate this problem but the costs are likely to exceed the local resources available to provide such a service.

A General Accounting Office study of nine small communities with populations of under 10,000 including Oceanside/Netarts and Pacific City/Woods found that sewerage small communities has several major drawbacks. These include high service costs, community conflicts, management problems, and problems of managing secondary impacts.<sup>1</sup>

Central sewer systems are more costly than individual septic systems in large part because the cost of collection systems which comprise about two-thirds of total sewer system costs.<sup>2</sup> These costs create problems for lower income families and the elderly on fixed incomes.<sup>3</sup> In some communities, families have had to sell their home or defer other necessary expenses because of sewer costs.<sup>4</sup> Such costs can cause community conflicts with a substantial number of people refusing to pay required charges.<sup>5</sup>

It is difficult for small communities to operate a central sewage system because typically the volunteer board members do not have sufficient time or experience. It is difficult for them to adequately review the work of consulting engineers as has been the case with Oceanside/Netarts and Pacific City/Woods.<sup>6</sup> Even greater management problems could result if the smaller rural communities received sewer service. Sewer service also may bring an increased growth which results in other community impacts. These secondary impacts are

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<sup>1</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements."

<sup>2</sup> Comptroller General, U.S. General Accounting Office, "Community Managed Septic Systems," 12

<sup>3</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements." 10

<sup>4</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements."

<sup>5</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements."

<sup>6</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements." 18-19

difficult for an unincorporated community to manage.

Individual waste disposal systems have advantages over central sewers. These systems treat sewage as well or better than central sewage treatment and are more cost effective over their life span.<sup>1</sup> They also replace groundwater.<sup>2</sup>

A number of existing sewage disposal problems in rural communities can be solved without resorting to central sewage systems.<sup>3</sup> Some can be solved by repairing or replacing existing septic systems. Alternative systems such as sandfilters can replace other failing systems. Funds for repairs are available as a result of the Clean Water Act of 1977.<sup>4</sup>

Alternative individual sewage disposal systems can increase land utilization in rural communities. Some of these alternatives include sharing of septic systems or sand filters by several homes, using individual sand filters, using low pressure systems, and obtaining easements to secure drainfield placements on nearby property. A community maintenance program for individual sewage disposal systems would assure that properly installed systems will continue to function.<sup>5</sup>

The development of a sewer system may be advisable if the financial resources are available and a significant public health or water quality problem exists within an established rural community that cannot be resolved in a less expensive way. The provision of any such system shall be appropriate for but limited to the needs of the rural community.

#### Policy

Tillamook County recognizes the commitment to development in the communities of Falcon, Idaville, Cape Meares, Beaver, Hebo and Tierra Del Mar because of the existence of small lots in disjointed ownerships, services and roads, and structures. These areas are not urban, however, and Tillamook County discourages the establishment of urban services in these areas unless such services are needed to accommodate urban expansion which can not be accommodated through the expansion of nearby urban communities or to solve existing health and water quality problems that can not be solved in other ways. Tillamook County will respect the use of existing lots within sewage disposal limitations and will allow the development of unplatted land within these communities at the maximum density possible with public water systems and individual sewage disposal systems if such development is consistent with the requirements of Goal 7, hazards, and Goal 17, Coastal Shorelands. 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 is appropriate for but limited to the needs of the rural community.

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<sup>1</sup> Comptroller General, U.S. General Accounting Office, "Community Managed Septic Systems," 12

<sup>2</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements." 5

<sup>3</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements." 15-22

<sup>4</sup> Comptroller General, U.S. General Accounting Office, "Community Managed Septic Systems," 5

<sup>5</sup> Comptroller General, U.S. General Accounting Office, "EPA Should Help Small Communities with Federal Pollution Control Requirements." 15, 22

FIGURE 3  
TILLAMOOK COUNTY, OREGON DEVELOPMENT AREAS

Insert Figure 3

FIGURE 4  
CHANCE ROAD DEVELOPMENT PATTERN  
(Scale: 1" = 400')

Insert Figure 4

Source: Tillamook County Assessor's Office

FIGURE 5  
BRICKYARD ROAD DEVELOPMENT PATTERN  
(Scale: 1" = 200')

Insert Figure 5

Source: Tillamook County Assessor's Office

### 3.17 Development in Noncommunity Rural Areas

#### Findings

In noncommunity areas where there isn't commitment to small lot development, it is important that lot sizes are sufficient to assure that development minimizes impacts on roads, services and resources. In noncommunity areas, development on lots that are even as small as a half-acre can cause significant public problems. 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. There are four major areas of concern affected by rural lot sizes. These include traffic congestion, water quality, water availability, and impacts on resource lands.

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 due to their property at all. Those who live on small lots are getting their rural benefits from surrounding undeveloped properties. But if all of the surrounding properties are developed with small lots, 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 surrounding. 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 than their neighbors had although continued development at the higher density will mean that the County will have to take other corrective action in order to alleviate problems.

The effect of uncoordinated development on roads is one area of concern. A common way of developing land in rural areas involves partitioning land off next to existing county and state roads with each lot having its own access onto these roads

The effect of access ways is even greater when left hand turns are involved. In addition, a greater impact would be noticed on the two lane roads which predominate in the County.

Small lot development allowed by existing zoning can significantly degrade traffic capacity of county and state roads. Conceivably 81 homes could line each side of a mile of county road in the current A-1 Zone (60 foot minimum lot width). For each home, we can expect cars to turn into or out of each driveway ten times a day.<sup>1</sup> Therefore, 1,620 cars would be turning into or out of driveways along this mile of road. Half of these would probably be making left hand turns. Traffic flows would be significantly impacted and road capacity would be degraded to a point where the road does not do the job as an arterial or an access road.

The problem is actually more complicated because roads in rural areas become pedestrian and bicycle routes since there are no sidewalks.

The streets can also become play areas for children. The highway that once was a blessing to rural residents because it afforded easy access to town, now becomes a nightmare because of the danger it presents to their children. Understandably, these residents will lobby the County or the State to reduce speed limits on these roads for increased safety. For

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example, rural residents along McCormick Road and along Brickyard Road have expressed concern about the traffic along these roads. Of course, with lower speeds, the road becomes a less effective traffic arterial. In Pleasant Valley for example, the speed limit on Highway 101 drops from 55 MPH to 50 MPH because of development along the highway.<sup>1</sup> More development in this area may require further reductions in the speed limit.

Water quality is also a concern in rural areas. Under good soil conditions with central water available, the minimum lot size capable of on site sewage disposal is about one half-acre. Lots using well water need a lot size of at least an acre to provide the necessary setbacks between the septic tanks, drainfields and wells. If the 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.

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.<sup>2</sup>

Bacteria 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 filtering out viruses. Outbreaks of Hepatitis in some counties may be linked to septic tank problems in areas of high water tables or ponding.<sup>3</sup>

Besides the naturally occurring sources of nitrate nitrogen (NO<sub>3</sub>N), 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 NO<sub>3</sub>N. 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 discharges.<sup>4</sup> 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

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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.<sup>1</sup> A large lot size, at least permitted outright, will assure that workable septic systems can be accommodated and will provide some protection in dune areas.

A third development concern is with 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 dense 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 treatment 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 of 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, and Nestucca sand spits and the area west of Sand Lake.<sup>2</sup>

The Tillamook lowlands are also very productive.<sup>3</sup> Shallow depth groundwater can probably be obtained throughout the lower flood plains of the Nehalem and Nestucca Rivers.<sup>4</sup> 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 remains perched above impermeable sedimentary interbeds. Limited yields of groundwater supplies are available in the marine sedimentary and volcanic rocks which underlie much of the county because they are largely impermeable.<sup>5</sup> 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.<sup>6</sup> One would expect that these water supplies have less certain quantities of water.

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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.<sup>1</sup> Overdrawing groundwater can also result in saltwater intrusion into the aquifer.

Rural development also affects resource lands. As the number of rural residents increase, so do the complaints about farm and forest practices. As density increases, the farmer has more neighbors along his fence lines; more dogs and more children. At the same time, there is less residential open space for play areas.

Several acres of open space land are needed for children to play field games such as football or baseball. In areas where the lot size is half-acre the only large open spaces may be on farmlands, because public playgrounds are not provided in rural areas. Conflicts are caused if farmlands are used for play areas. Such conflicts include gates left open, cut fences, littering (which fouls farm machinery), and liability problems for the farmer.

Estuaries and wetlands are also adversely affected by dense rural development. Sediment from residential lots washes into waters during and after construction. Domestic sewage and lawn and garden fertilizers also adversely affect nearby water bodies. (See Section 1.2).

#### Policy

Tillamook County recognizes that development densities in rural areas have significant impacts on roadways, sewage disposal, water quality and quantity and nearby resource lands. 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.

### 3.18 Creation and Expansion of Sewer and Water Districts Outside of Urban Growth Boundaries

#### Findings

The creation and expansion of sewer and water service 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.

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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 discourages the extension of sewer service outside of urban 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 in 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 only meet the needs of development 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.

### 3.19 Community Growth Boundary Findings

#### Cloverdale (Refer to exception map 4S 10W #13)

- 1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals:

The community growth boundary will accommodate the need for approximately 100 more housing units by the year 2000.

- 2) Need for housing, employment opportunities and livability:

The expansion of Cloverdale is limited by topography and surrounding agricultural and forestry uses. Although there is sufficient room to meet housing needs there is little room for commercial or industrial expansion. The community growth boundary will guide growth according to the existing pattern of development and will retain the community's existing level of livability.

- 3) Orderly and economic provision of public facilities and services:

Most of the southern half of the area has sewer and water service. The northern half has only water service. Unsewered areas could have this service fairly readily extended.

- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area:

The community growth boundary encourages the maximum efficiency of land uses because it focuses growth on committed lands. This pattern creates a minimal increase in the amount of conflicts with surrounding resource uses.

- 5) Environmental, energy, economic and social consequences:

Environmental consequences are beneficial because development will occur on committed lands having limited potential for resource use.

Energy consequences are favorable because the community growth boundary maintains a compact urban growth form.

Economic consequences are favorable because growth is being accommodated in a way that doesn't take valuable resource land out of production and that creates a minimum of conflicts with surrounding resource uses.

Social consequences are favorable because the existing community pattern is retained.

- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority:

All areas within the community growth boundary are committed and have low agricultural value. The largest ownership is 20 acres and has Group 4 and 5 soils. It also has a very high level of surrounding development conflicts.

- 7) Compatibility of the proposed urban uses with nearby agricultural activities:

Agricultural lands border on the west and north. To the north, the Nestucca River and Highway 101 act as buffers. In addition there is already a high level of development and the effect of additional development would be marginal. To the west, Highway 101 and Krebs Mill Road act as buffers. Here also there is existing development.

#### Neahkahnie (Refer to Exception Map 3N 10W #2)

- 1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals:

There will be a need for approximately 276 additional housing units by the year 2000. The community growth boundary can accommodate approximately 366 additional dwellings.

- 2) Need for housing, employment opportunities and livability:

Neahkahnie is a residential community primarily housing retired and seasonal populations. Because of this, employment needs are small and are met in surrounding communities. There is ample room in the community growth boundary to meet housing needs. The community growth boundary retains the same community character and retains the current level of livability. The extra room available for development assures that adequate open space can be maintained in areas that are most prone to geologic hazards.

- 3) Orderly and economic provision of public facilities and services:

The community growth boundary is included within water and sewer districts. Developed areas currently receive those services and undeveloped areas could receive those services in the future if capacities are upgraded to meet future growth needs.

- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area:

Highway 101 forms the boundary defining the area which can be developed at urban

densities with maximum efficiency. All areas contained within have very limited resource use potential because they are either physically committed or economically and socially committed. These areas also have the potential of being served by sewer and water.

5) Environmental, energy, economic and social consequences:

Environmental consequences are beneficial because all lands included in the community growth boundary are committed to non-resource use and because sufficient land is included to allow retention of open space in hazardous areas.

Energy consequences are beneficial because a compact growth form is maintained.

Economic consequences are favorable because sufficient land that can be efficiently provided with public services is included within the boundary.

Social consequences are favorable because the existing community pattern is maintained.

6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority:

The limited areas having some agricultural potential are all committed to development.

7) Compatibility of the proposed urban uses with nearby agricultural activities:

The area is not adjacent to any agricultural activities.

Neskowin (refer to exception maps 5S 10W & 11W #3, 5, 6, 7, 8 & 9)

1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals:

There is a need to accommodate approximately 420 additional homes by the year 2000. The community growth boundary can provide for approximately additional dwellings at urban densities.

2) Need for housing, employment opportunities and livability:

Neskowin is a residential community primarily housing retired and seasonal populations. Sufficient land is included within the boundary to meet future housing needs. There are few employment opportunities in the community and the future need will be small given the nature of the community. Future commercial needs can be met on the 14 acres of vacant commercial land located near the community's center. Livability is maintained by the wide variety of housing choices made available by this boundary.

3) Orderly and economic provision of public facilities and services:

Most of the area is included within sewer and water districts. Developed areas are currently served and undeveloped areas may be with water. Public sewers are currently available in the central Neskowin area.

- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area:  

The community growth boundary area is well bounded by topographical and physical man-made features. It is well separated from the forest lands behind.
- 5) Environmental, energy, economic and social consequences:  

Environmental consequences have some beneficial aspects. The agricultural land is of relatively low quality and important wetland areas have been placed in protective zones. Forest lands are separated by topography.

Beneficial energy impacts result from the provision of a large area attractive for second home developments within easy driving distance of the Salem metropolitan area.

Beneficial economic impacts would result from the stimulation of the housing industry in this area.

Beneficial social impacts would result from the use of this area as a seasonal and retirement retreat.
- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority:  

Agricultural lands included within the community growth boundary have primarily Group 4 or 5 soils. Most of the Group 4 soils are wetland or used by a golf course. A small area of Group 2 soil is also occupied by a golf course. A 20 acre area of Group 1 soil is included because it is separated from the remainder of the farm ownership.
- 7) Compatibility of the proposed urban uses with nearby agricultural activities:  

The surrounding area has limited agricultural use and development will pose few conflicts in the future.

Netarts-Oceanside (refer to exceptions maps 1S 10 & 11W #12 & 13 and 2S 10W #1)

- 1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals:  

There is a need to accommodate approximately 1,150 additional housing units in the central coast area which includes the communities of Netarts and Oceanside. The community growth boundary can accommodate approximately 985 additional dwellings.
- 2) Need for housing, employment opportunities and livability:  

These are primarily second home and retirement communities. Permanent residents find employment mainly in the Tillamook City area although some local employment is available. Sufficient land is included to meet the area's housing and vacant commercially zoned land and some use conversion is possible. The placement of the undeveloped area between the two communities is a planned development zone will assure that livability is maintained.

- 3) Orderly and economic provision of public facilities and services:  

The entire area could be served with water and sewer. It is all part of a sewer district. Most of it is included in either of the water districts could be included at some future time.
- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area:  

The area can be efficiently served and committed areas are used for development. Efficiency is achieved by using the undeveloped land between the two communities which are served by a common sewer system.
- 5) Environmental, energy, economic and social consequences:  

Environmental consequences are beneficial because committed areas are included within the boundary and because urban development is not expanded southward along Netarts Bay.

Energy consequences are beneficial because development will occur when energy has been invested in capital facilities.

Economic consequences are beneficial because land which has services available will be used for development.

Social consequences are beneficial because existing community centers will retain their existing character.
- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority:  

There is no agricultural land within the community growth boundary.
- 7) Compatibility of the proposed urban uses with nearby agricultural activities:  

There are no agricultural uses adjacent to the community growth boundary.

Pacific City (refer to maps 4S 10 & 11W #3, 4 & 5)

- 1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals:  

There is a need to accommodate approximately 670 additional housing units in the Pacific City area by the year 2000. The community growth boundary can accommodate approximately 530 additional housing units.
- 2) Need for housing, employment opportunities and livability:  

The community growth boundary will meet housing needs for most of the period to the year 2000. Future plan updates will be able to reassess growth trends and include additional land if needed. Although the community has a very high proportion of seasonal and retirement households there is some local employment in fishing, services and construction. The community growth boundary provides 16 acres of vacant land for commercial expansion and additional acreage for residential to commercial conversion. The area will retain its existing sense of livability with

beach and bay views and defined community centers.

- 3) Orderly and economic provision of public facilities and services:

Most of the area is within sewer and water districts with the exception of the extension to the southeast. The area within the districts can be sewerred. Water and sewer lines about the northwest side of the area excluded from the districts.

- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area:

Future growth of the area can be most efficiently accommodated along the south side of Brooten Mountain. This is a forest area that is isolated from other forest areas and has limited long term forest potential. Growth of the area to the north is limited by State and Federal land and other land in commercial, farm, forest or recreation use. To the south, Nestucca Bay and the Nestucca Spit limit development.

- 5) Environmental, energy, economic and social consequences:

Environmental consequences are beneficial because future expansion along the south side of Brooten Mountain will minimize the impact on forest or farm resources. The effects on Nestucca Bay will be minimized by the buffering land that is too narrow to develop.

Energy consequences are favorable because a fairly compact growth form is retained and the south facing slopes of Brooten Mountain favor solar development.

Economic consequences are favorable because development needs can be met in a pattern that can be efficiently served.

Economic consequences are favorable because development needs can be met in a pattern that can be efficiently served.

Social consequences are favorable because the existing community centers are maintained.

- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority:

The boundary does not include any productive uncommitted agricultural land.

- 7) Compatibility of the proposed urban uses with nearby agricultural activities:

Conflicts with agricultural uses are most likely to occur in the north. Most of this area however, is already developed with urban uses. The potential for additional conflicts will be moderated by topography.

Twin Rocks-Barview (refer to exception maps 1N 10W #1, 2 & 3)

- 1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals:

There is a need to accommodate approximately 130 additional housing units by the year 2000. The community growth boundary will accommodate approximately 320



dwellings.

- 2) Need for housing, employment opportunities and livability:

The Twin Rocks-Barview area is primarily residential in nature with a high proportion of seasonal and retirement households. Sufficient land is included within the community growth boundary to meet housing needs. Employment needs for permanent residents have been primarily met in surrounding communities. Approximately 4 acres of vacant commercial land is included to meet the communities' commercial growth needs. Approximately 14 acres of vacant industrial land can meet future industrial needs in the North Central Coast area. A community growth boundary separate from that of the City of Rockaway has been developed so that Twin Rocks-Barview residents could retain their own sense of livability.

- 3) Orderly and economic provision of public facilities and services:

The entire area is included within sewer and water districts. Developed areas are currently served and undeveloped areas are in close proximity to existing lines.

- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area:

Lands included within the community growth boundary are committed to development and can be easily served with sewer and water.

- 5) Environmental, energy, economic and social consequences:

Environmental consequences are beneficial because committed areas are used for development.

Energy consequences are favorable because development areas are fairly compact.

Economic consequences are favorable because sufficient land that can be easily served is included within the boundary.

Social consequences are favorable because existing community centers are retained.

- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority:

The boundary does not include any agricultural land.

- 7) Compatibility of the proposed urban uses with nearby agricultural activities:

No agricultural uses are adjacent to the community growth boundary.

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# **Barview/Watseco/Twin Rocks Community Plan Tillamook County, Oregon**

December 4, 2002

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# **Executive Summary**

## **Planning Overview**

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. The Rural Communities Rule (OAR 660-22) requires planning for Unincorporated Communities. Barview/Watseco/Twin Rocks is classified as a Rural Urban Community, one of twelve Unincorporated Communities in Tillamook County that meet the state's criteria. As part of its Periodic Review, The Tillamook County Department of Community Development has undertaken planning for each of these communities. Planning for the county's five Urban Unincorporated Communities occurred first, in the late 1990's.

Planning for Barview/Watseco/Twin Rocks and the county's five Rural Communities and one Rural Service Center began in 2000, with the adoption of Unincorporated Community Boundaries. In March and April of 2002, Community Development staff conducted a Community Survey by mail and held a Community Meeting in Barview/Watseco/Twin Rocks. The complete results of these community involvement measures are in Appendices B and C.

## **Community Profile**

Barview-Watseco-Twin Rocks is an unincorporated community formed by three neighboring coastal settlements. It lies ten miles northwest of the City of Tillamook, just north of Tillamook Bay. The community is bounded on the north by the City of Rockaway Beach and on the west by the Pacific Ocean. Highway 101 passes through it.

The area is served by the Tillamook County Sheriff's office and is part of the 911 system. The Port of Tillamook Bay Railroad travels through the community although no passenger stops are established.

There are identified areas of flooding and this information can be found on the following Flood Insurance Rating Maps (FIRM): 410196 0090A, date August 1, 1978. These areas of flooding are primarily along the coast.

## **Community Zoning**

With a total of 269 acres, Barview-Watseco-Twin Rocks has about 150 dwelling a few small businesses. It also has a small industrial district and two large church camps zoned for Recreation Management. The community has a wide variety of residential lots (many of them quite small) and an equally wide variety of residential zoning as described below. The community has 230 acres of undeveloped land zoned for residential use. An additional four acres of undeveloped commercially zoned land could be developed for residential use.

## **Community Goals and Policies**

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Barview/Watseco/Twin Rocks:

**Goal 1:** Barview/Watseco/Twin Rocks will be an attractive, safe and clean community

**Goal 2:** Barview/Watseco/Twin Rocks will support the park and beach.

**Goal 3:** Barview/Watseco/Twin Rocks will be surrounded protect natural resources.

**Goal 4:** Barview/Watseco/Twin Rocks will have a thriving business district supported by local residents and travelers.

Each goal is supported by several County policies.

# Chapter 1: Planning Overview

## 1.1 The Planning Process

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990' s. A court decision ruled that Oregon counties had to plan for their unincorporated communities. The Oregon Land Conservation and Development Commission adopted the Rural Communities Rule (OAR 660-22) in 1994 in order to comply with the ruling of the court.

Tillamook County has identified twelve Unincorporated Communities that meet the state' s criteria. Barview/Watseco/Twin Rocks has been classified as a Urban Unincorporated Community. The other communities identified in the county are:

### Urban Unincorporated Communities:

Neahkahnie

Neskowin

Netarts

Oceanside

Pacific City

**Barview/Watseco/Twin Rocks**

### Rural Communities:

Hebo

Beaver

Cloverdale

Idaville

Siskeyville

### Rural Service Center:

Mohler

The Tillamook County Department of Community Development has undertaken planning for each of these communities. The department has included these efforts as part of its periodic review tasks. Planning for the county' s five of the Urban Unincorporated Communities occurred first, in the late 1990' s. Each of the Urban Unincorporated Communities went through a separate planning process guided by a committee in each community. Planning for the county' s five Rural Communities, one Rural Service Center, and the remaining Urban Unincorporated Community of Barview/Watseco/Twin Rocks began in 2000. The planning processes involved in creating and adopting the Unincorporated Community Boundaries and Community Plans are detailed in the rest of this chapter.

## 1.2 The Unincorporated Community Boundary

The Unincorporated Community Boundaries for Barview/Watseco/Twin Rocks and the other Rural Communities were determined through a public process in 2000 and 2001. The County adopted the boundaries in 2001. Barview/Watseco/Twin Rocks' s adopted Unincorporated Community Boundary contains 241 acres of land. Appendix A contains maps of the community growth boundary.

## 1.3 The Community Survey

In May of 2002, Community Development staff conducted a community survey. All registered property owners within the community boundary received a survey in the mail. The survey asked four questions of residents:

1. What do you feel is the most important issue facing Barview/Watseco/Twin Rocks?
2. What one thing would you like to change about Barview/Watseco/Twin Rocks in the next 20 years?
3. What is your favorite thing about Barview/Watseco/Twin Rocks?
4. What is your least favorite thing about Barview/Watseco/Twin Rocks?

246 surveys were mailed out to property owners and staff and community members distributed additional surveys. Twenty surveys were returned to Community Development. Appendix B contains the responses in detail. The most popular themes to come out of the surveys are summarized below:

### *What do you feel is the most important issue facing Barview/Watseco/Twin Rocks?*

The majority of responses were directed toward water quality issues. Second was the “overly tight control of construction.” Respondents identified trees in conjunction with shore erosion; increasing traffic; and the repair of the North Jetty.

### *What one thing would you like to change about Barview/Watseco/Twin Rocks in the next 20 years?*

Respondents identified encouraging growth; residents to clean up properties; improve night lighting; lengthen North Jetty; Unified Water district for Barview/Watseco/Twin Rocks and Rockaway Beach; and reroute Highway 101 east.

### *What is your favorite thing about Barview/Watseco/Twin Rocks?*

Many of the responses focused on the natural character of the surrounding area, followed by Barview/Watseco/Twin Rocks' s location as a part of Highway 101; and the beach and its impact.

### *What is your least favorite thing about Barview/Watseco/Twin Rocks?*

Responses focused on the worry about erosion on the beach; feeling disenfranchised by County government; potholes; and Port of Tillamook Bay leftover railroad ties. Some responses decried a lack of pride and community in the town and in individual properties. Other responses dealt with noise and lack of businesses and services.



#### 1.4 Community Open House

On May 13, 2002, Community Development staff held an open house for the Barview/Watseco/Twin Rocks community to discuss the community plan. Staff held the open house at the Twin Rocks Friends Camp in Twin Rocks. Staff notified citizens of the open house through a mailing to all property owners within the community growth boundary along with a community survey (see section 1.2). Notice of the meeting was also placed in the Headlight-Herald newspaper. Approximately 12 people attended the meeting.

At the meeting, staff briefly introduced those present to the process, and solicited suggestions. A question and answer technique was used to gather suggestions for changes in Barview/Watseco/Twin Rocks. Respondents were asked to “brainstorm” and a staff member wrote down what they most would like to change about Barview/Watseco/Twin Rocks in the next 20 years. Appendix C contains the responses in detail. A summary of the most popular themes to come out of the ensuing discussion are below:

Shore erosion/North Jetty

Traffic/ Highway 101, particularly the Barview/Watseco/Twin Rocks Inn

Encouraging business development

Water Quality

The beach experience

# Chapter 2: Community Profile

## 2.1 Historic Information

The community boundary includes the three smaller beach communities of Barview, Watseco, and Twin Rocks. According to the book, *Oregon Geographic Names*, Barview received its name from L.C. Smith in 1884. It is just north of the bar at the entrance to Tillamook Bay and affords a fine view of the bay, bar and ocean. The style, “Barview” has been adopted by the United States Board of Geographic Names and not Bar View although Bar View was the original spelling. Barview supports a commercial and residential mix. Tourism has become a significant contributor to the community. Highway 101 is the primary access north to south and brings travelers year around.

Twin Rocks, according to *Oregon Geographic Names*, was named for the two large rocks more than a hundred feet high in the Pacific Ocean just below low tide line. The community at time was a resort community and a petition was circulated to establish the post office. The post office was established in summer of 1914, and the first Postmaster was William E. Duns Moor. The post office was a part of the community until the Eisenhower administration. Much of Twin Rocks is now part of the City of Rockaway Beach Urban Growth Boundary. Twin Rocks remains a primarily residential community with beautiful vistas, beaches and accommodations.

The name Watseco is the shortened version of “Watt’s Sea Coast.” The Watts family originally developed Watseco Addition. The family initiated the stopping of the train by constructing a sign of black letters on a white background. Watseco remains a residential community.

Much of the history of this area is similar in nature to the majority of Tillamook County. Initially the draw was and still remains the natural resources of fishing and timber and the ever-present tourist. As identified above, these communities began and continue to be supported by these industries.

## 2.2 Community Form

The communities of Barview/Watseco/Twin Rocks is located on Tillamook Bay and the Pacific Ocean. The Oregon Coast Highway, U.S. Route 101, crosses Barview/Watseco/Twin Rocks. The community is made up of three beach communities and is predominately residential, with a commercial area along Highway 101. Route 101 runs from the north and to the south through the town, with a major curve in the center of the business district.

There are 241 acres within the Barview/Watseco/Twin Rocks Unincorporated Community Boundary. Of these, 237 acres are in residential areas with the remaining 4 acres in the commercial zone. Commercial uses in Barview/Watseco/Twin Rocks include several stores, the US Coast Guard, and Barview/Watseco/Twin Rocks is also home to two private camps, Magruder and Friends Camp. The residential areas are urban in character. Small lots are common. The housing stock is mostly 20 years old or older.

## 2.3 Economics

Barview/Watseco/Twin Rocks' s economy, like that of much of the county, rests on tourism as a significant element. The Barview/Watseco/Twin Rocks area in general supports tourist based businesses catering to travelers passing through on the highway or stopping to enjoy nearby outdoor recreational opportunities including the two private camps.

## 2.4 Buildable Land

Tillamook County completed a Buildable Lands Inventory in 2001. The information gathered during the inventory process provides the County with an estimate of how much more residential development can occur within the Community Growth Boundary.

Within the community's 240 acres of residential land, there are is a total of 1,065 (gross) potential parcels, 340 of which are developed. Since much of the commercially zoned land was already developed, it was not included in the Buildable Lands Inventory analysis. Multiplying the by standard .75 coefficient, the Buildable Lands Inventory determined that 798 potential residential lots could be developed in Barview/Watseco/Twin Rocks.

## Chapter 3: Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Barview/Watseco/Twin Rocks. Each of these goals is supported through specific policies that the county should work toward implementing in all its activities.

**Goal 1:** Barview/Watseco/Twin Rocks will be an attractive, safe and clean community

**Goal 2:** Barview/Watseco/Twin Rocks will have safe drinking water and sanitation

**Goal 3:** Barview/Watseco/Twin Rocks will be surrounded by outstanding protected natural resources.

**Goal 4:** Barview/Watseco/Twin Rocks will have a thriving business district supported by local residents and travelers.

### Goal 1: Barview/Watseco/Twin Rocks will be an attractive, safe and clean community

Policy 1.1: The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Barview/Watseco/Twin Rocks in their community-building activities.

Policy 1.2: The County will work with community groups and organizations, business and property owners and agencies to improve the general appearance of Barview/Watseco/Twin Rocks.

Policy 1.3: The County will work with the Oregon Department of Transportation to improve the function of Highway 101 within Barview/Watseco/Twin Rocks in order to make auto traffic travel at appropriate speeds and improve safety for pedestrians and bicyclists.

Policy 1.4 The County recognizes the character of Barview/Watseco/Twin Rocks and will work with community groups and organizations, business and property owners and agencies to maintain and enhance Barview/Watseco/Twin Rocks' s character.

### Goal 2: Barview/Watseco/Twin Rocks will have safe drinking water and sanitation

Policy 2.1: The County will work with property owners, community groups and organizations and agencies to secure safe drinking water and sanitation in Barview/Watseco/Twin Rocks.

Policy 2.2: The County will work with property owners, community groups and organizations and agencies to provide assistance for community infrastructure needs in Barview/Watseco/Twin Rocks.

### Goal 3: outstanding, protected natural resource lands will surround Barview/Watseco/Twin Rocks.

Policy 3.1: The County will continue to protect beaches along Barview/Watseco/Twin Rocks from inappropriate development.

Policy 3.2: The County will work with the Corps of Engineers, Oregon Department of State Parks, Tillamook County Department of Park sand the Division of State Lands and other agencies, groups and organizations to conserve and improve outdoor recreational activities near Barview/Watseco/Twin Rocks.

Goal 4: Barview/Watseco/Twin Rocks will have a thriving business district supported by local residents and travelers.

Policy 4.1: The County will work with business and property owners to improve the appearance of properties in the business district.

Policy 4.2: The County will work with community groups and organizations, business and property owners and agencies to create a supportive environment for new and existing local businesses in Barview/Watseco/Twin Rocks.

Policy 4.3: The County will work with the Oregon Department of Transportation to improve the appearance and function of Highway 101 within Barview/Watseco/Twin Rocks in order to support healthy businesses along the highways.

# Chapter 4: Community Zoning

Community Single Family Residential (CSFR)  
 Community Low Density Urban Residential (CR-1)  
 Community Medium Density Urban Residential- (CR-2)  
 Community High Density Urban Residential (CR-3)  
 Community Commercial (CC)

	Zoning	CSFR	CR-1	CR-2	CR-3	CC	Totals
1	Min Lot Size In Square Feet	20,000 sq. ft	7,500	5,000	5,000	*	*
2	Acre in Zone	122	40	73	2	4	241
3	Existing Lots	40	31	235	11	23	340
4	Developed Lots	2	16	133	11	12	174
5	Vacant Lots	38	15	102	0	*	155
6	Max Additional Lots	264	207	436	3	*	910
7	Gross Total Rows 5+6	302	222	538	3	*	1,065
8	Net Total lots Row 7 X0.75	226	166	404	2	*	798

\* Not Applicable

## Constraints on Development

Steep slopes and unstable sandy soils present a significant constraint to residential development on much of the remaining undeveloped land in Barview-Watseco-Twin Rocks. Access for most areas in the community is generally good but is a problem for some properties that lack frontage on Highway 101.

## Public Services and Facilities

A community water system and a community sewer system serve this area.

## Development Patterns and Potential

The predominant land use in Barview-Watseco-Twin Rocks is and will continue to be residential. The community has a large number of vacant residential lots (many of which are quite small) and the potential to create hundreds more through partitions and subdivisions. Most of the potential for new lots and subsequent residential development is found in areas zoned R-1 and R-2, which allow urban densities of development. The higher densities are made possible by community water and sewer systems.

# **Appendix A: Maps**

**Sections 5, 7, 8, 13, 14, 17 and 30 of Township 1 North, Range 10 West**

# Appendix B: Community Survey Results

## BARVIEW/WATSECO/TWIN ROCKS

14 Responses to Survey, May 14, 2002

### Most important issue?

- Overly tight control of construction.
- 6 X Water quality, charge more and go on new water service.
- 2 X Repair North Jetty before breaches.
- Appreciate effort to clean up water.
- Do not allow trees to be cut close to shore, erosion problem.
- Deal with increasing traffic.
- Over-development of mountain.
- One outlet at Old Pacific Highway, in emergency could be a hazard.

### What would you change?

- 2 X Encourage growth, businesses, tax breaks.
- Require property owners to clean up property.
- Buying water from Rockaway Beach.
- Do not change anything.
- Trees in county park need to be topped.
- Improve night lighting. Fines for cutting trees by shore.
- 2 X Lengthen North jetty.
- Re-route 101 further east.
- Achieve living wage.
- Signs to attract tourists to parks.
- Unified water district for Barview/Watseco/Twin Rocks/Rockaway Beach/Garibaldi

### Favorite thing?

- 2 X Quiet, views, close to fishing, ocean.
- X beach, livability, people.
- Walk beaches and look up to beauty of woods.
- Like area, enjoyed it for 35 years.
- X Community run, responsive to member needs.
- Natural beauty.



## Least favorite?

- No new growth. People think of beach as Chinook Winds, & Outlet stores.
- Hardness and smell of water.
- County ignores us, requested street repair three times.
- Pot holes.
- Worrying about beach erosion.
- 2 X None.
- Narrow highway, major thoroughfare.
- Port of Tillamook Bays leftover railroad ties.
- Commercial and recreational facilities.

## Appendix C: Community Meeting Results

What one thing would you change about Barview/Watseco/Twin Rocks?

- Could we have signage on beach re: fires.
- Port of Tillamook Bay needs to pick up ties, safety issue, falling into bay.
- In past overall Comp Plan, what were the most important issues for the planning department? What were they focusing on, accomplished?
- Are you trying to keep as commercial, smaller, recreational or develop with commercial?
- Widen highway? Possibly an extra lane.
- 45% left for building, 1200 projected.
- Traffic studies done re: increased growth? Bypass seems preferable.
- Speed limits vary so much, need more consistency.
- Could US Coast Guard go out farther in ocean for training? Confusion on highway, panic. (Love it, very entertaining.)
- When are you going to get rid of railroad? We could have third lane.
- Should have taken advantage of company putting in cable, made turnouts as 3 Graces.
- Jetty eroding, are more rocks going to be put in? Commissioner Hurliman said it is being studied and needs to be lengthened and work should start next year. It is high on screen. There are applications for wave generators on the Internet.
- Water system a big problem, after a shower you stink, stench in water. Some have good luck with a filter system, but filters need to be changed in one to three weeks. There seems to be no answer to the problem. Rockaway Beach wants \$900,000 to hook up to their system, Garibaldi wants 1.3 million. We would be the first ones cut off. Dig new well but hill has lots of iron in it so any water will have stench.
- Proposal for a bike lane?
- Speeder cars are great.
- How often do you have Committee meetings? Barview was 18 years ago.
- Community Association? Get together and have input for Planning Department.
- Excursion in use? Summers
- Excursion train at night, 21 blasts. Why?

- Any plans for mass transit? Trains from Portland to Coast?
- Only one access to Watseco, can we develop a second?
- Twin Rocks Sewer District Board had planned to be under construction rebuilding plant when the rates were raised. Engineering phase has been approved. Should be in works by next summer, a year from now. Will dig 20' down and pump effluent a mile out under the ocean, or pump down to Rockaway Beach. Cost is 3.25 million. Now it is being dumped into creek.
- Ken Beebe gave a presentation on the pedestrian bridge being planned for crossing Highway 101. It will not be handicap assessable, so will drive handicapped across the highway.

# Appendix D: Community Zoning

## SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)

- (1) **PURPOSE:** The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.
- (2) **USES PERMITTED OUTRIGHT:** In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the CSFR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.

This shall apply only to CSFR/PD zoned property located within a community growth boundary.

- (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.
- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (l) Public utility facilities, including substations and transmission lines.
- (m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (o) Rural industries on a contiguous ownership of 10 or more acres.
- (p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.
- (q) Foster family homes accommodating six or more children or adults.
- (r) Bed and breakfast enterprise.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.

- (t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.
  - (u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (v) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 for permitted uses.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (g) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:
    1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    2. The property has been taxed at the farm use rate during three of the past five year.
    3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.

- (h) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.
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### SECTION 3.022: COMMUNITY COMMERCIAL ZONE (CC)

- (1) **PURPOSE:** The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC-2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.
- (2) **USES PERMITTED OUTRIGHT:** In the CC zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General and specialty retail trade establishments.
  - (b) Personal and business services such as barbers, tailors, printers, funeral homes, shoe repair shops, upholsterers, and cleaners.
  - (c) Business, government, professional, and medical offices; financial institutions; and libraries.
  - (d) Animal hospitals, kennels and similar animal boarding facilities.
  - (e) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, and fast food restaurants.
  - (f) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical, and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (g) Shopping centers.
  - (h) Warehousing, including mini-storage.
  - (i) Eating and drinking establishments.

- (j) Lodges, clubs, or meeting facilities for private organizations.
  - (k) Motels, hotels, and cabin camps.
  - (l) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.
  - (m) Mobile or manufactured homes or recreational vehicles used during the construction or placement of a use for which a building or placement permit has been issued.
  - (n) Community meeting buildings and associated facilities.
  - (o) Schools.
  - (p) Water supply and treatment facilities.
  - (r) Off-site advertising signs.
  - (s) Dwelling units accessory to an active commercial use, when located above the first story.
  - (t) Bed and breakfast enterprises.
  - (u) Swimming.
  - (v) Public park and recreation uses.
  - (w) Temporary produce stand- Not to exceed 45 days.
- (3) **USES PERMITTED CONDITIONALLY:** In the CC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) One or two-family dwelling not associated with an active business.
  - (b) Light industries.
  - (c) Multifamily dwellings, including townhouses, and condominiums.
  - (d) Mobile home or recreational vehicle.
  - (e) Hospitals, sanitariums, rest homes, and nursing homes.

- (f) Fire and ambulance stations.
  - (g) Utility substations and power transmission lines.
  - (h) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (i) Commercial amusement or entertainment establishments.
  - (j) Sewage treatment plants.
  - (k) Recreational campground.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Temporary mobile kitchen units.
  - (n) Mixed Use Developments subject to Section 4.130.
  - (o) Mobile/Manufactured Home Park.
  - (p) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (q) Car wash.
  - (r) Outdoor Retail
- (4) STANDARDS: Land divisions and development in the CC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the R-3 zone.
  - (b) In the CC zone, motels, hotels, and cabin camps shall be considered a commercial use.
  - (c) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.



- (d) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b)
- (e) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.
- (f) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (g) Buildings shall not exceed 45 feet in height.
- (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (i) Maximum Floor Area Per Use: Individual uses shall not exceed 4,000 square feet of gross floor area.

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

- (1) **PURPOSE:** The purpose of the CR-1 zone is to designate areas for low-density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.
- (2) **USES PERMITTED OUTRIGHT:** In the CR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) Single-family dwelling.
  - (b) Farm and forest uses.
  - (c) Home occupations according to the provisions of Section 4.140 of this ordinance.
  - (d) Public park and recreation areas.
  - (e) Public utility lines.
  - (f) Mobile home, manufactured home or recreational vehicle used during the construction of a use for which a building permit has been issued.
  - (g) Signs, subject to Section 4.020.

- (3) **USES PERMITTED CONDITIONALLY:** In the CR-1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
- (a) Two-family dwelling.
  - (b) Planned developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.
  - (c) Churches and schools.
  - (d) Nonprofit community meeting buildings and associated facilities.
  - (e) Utility substations and power transmission lines.
  - (f) Swimming, tennis, racquetball and similar facilities.
  - (g) Golf courses and associated facilities.
  - (h) A temporary real estate sales office.
  - (i) Fire and ambulance stations.
  - (j) Towers for communications, wind energy conversion systems or structures having similar impacts.
  - (k) Water supply or treatment facilities or sewage treatment plants.
  - (l) Aquaculture facilities.
  - (m) Cottage industries.
  - (n) Accessory structures or uses without an on-site primary structure.
  - (o) Cemeteries.
  - (p) Foster family homes accommodating six or more children or adults.
  - (q) Bed and breakfast enterprise.
  - (r) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.

- (s) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (t) Home occupations according to the provisions of Section 4.140 of this ordinance.
- (4) **STANDARDS:** Land divisions and development in the CR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems.
  - (b) The minimum lot width shall be 60 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) The minimum front yard shall be 20 feet.
  - (e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
  - (f) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.
  - (g) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII.
  - (h) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

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

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

- (2) **USES PERMITTED OUTRIGHT:** In the CR-2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
- (a) One or two-family dwelling.
  - (b) Farm and forest uses.
  - (c) Public park and recreation uses.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Public utility lines.
  - (f) Mobile homes or recreational vehicles used during the construction of a use for which a building permit has been issued.
  - (g) Signs, subject to Section 4.020.
- (3) **USES PERMITTED CONDITIONALLY:** In the CR-2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this Ordinance.
- (a) Three or four-family dwelling.
  - (b) Planned Development subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single-family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.
  - (c) Mobile or manufactured homes subject to the exception contained in Section 5.160.
  - (d) Churches, schools, and colleges.
  - (e) Nonprofit community meeting buildings and associated facilities.
  - (f) Utility substation and power transmission lines.
  - (g) A temporary real estate sales office.
  - (h) Cemeteries.
  - (i) Hospitals, sanitariums, rest homes, and nursing homes.

- (j) Swimming, tennis, racquetball and similar facilities.
  - (k) Accessory structures and accessory uses without an on-site primary use.
  - (l) Fire and ambulance stations.
  - (m) Towers for communications, wind energy conversion systems or structures having similar impacts.
  - (n) Water supply and treatment facilities and sewage treatment plants.
  - (o) Temporary mobile kitchen units.
  - (p) Cottage industries.
  - (q) Foster family homes accommodating six or more children or adults.
  - (r) Bed and Breakfast enterprise.
  - (s) Temporary placement of a mobile home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.
  - (t) Golf course.
  - (u) Mobile/Manufactured Home Park.
  - (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (w) Home occupations according to the provisions of section 4.140 of this s Ordinance.
- (4) **STANDARDS:** Land divisions and development in the CR-2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single-family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single-family dwelling. A two-family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 3750 square feet. Where public sewers are unavailable, the County Sanitarian may require lot sizes

greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.

- (b) The minimum lot width shall be 50 feet; on a corner lot, the minimum width shall be 65 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard shall be 20 feet.
- (e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.
- (g) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII.
- (h) Livestock shall not be located closer than 100 feet to a residential building on an adjacent lot.

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

- (1) **PURPOSE:** The purpose of the CR-3 zone is to designate areas for a medium- to high-density mix of dwelling types and other, compatible, uses. The CR-3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.
- (2) **USES PERMITTED OUTRIGHT:** In the CR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.
  - (a) One, two, three, or four-family dwelling.
  - (b) Mobile or manufactured home subject to the exception contained in Section 5.160.
  - (c) Farm and forest uses.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Public park and recreation areas.

- (f) Utility lines necessary for public service.
  - (g) A mobile home, manufactured home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (h) Bed and Breakfast enterprise.
  - (i) Signs subject to Section 4.020.
- (3) **USES PERMITTED CONDITIONALLY:** In the CR-3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
- (a) Mobile or manufactured home not subject to Section 5.160, and mobile or manufactured home park.
  - (b) Multifamily dwellings, including townhouses and condominiums.
  - (c) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.
  - (d) Motel and hotel, which may include eating and drinking establishments.
  - (e) Churches and schools.
  - (f) Nonprofit community meeting buildings and associated facilities.
  - (g) Accessory structures or uses without an on-site primary use.
  - (h) Swimming, tennis, racquetball or other similar facilities.
  - (i) Utility substation and power transmission lines.
  - (j) Cemeteries.
  - (k) Hospitals, sanitariums, rest homes, or nursing homes.
  - (l) Fire or ambulance stations.

- (m) Towers for communications, wind energy conversion systems or structures having similar impacts.
  - (n) Water supply and treatment facilities and sewage treatment plants.
  - (o) Temporary mobile kitchen units.
  - (p) Cottage industries.
  - (q) A temporary real estate sales office.
  - (r) Mobile/Manufactured Home Park and recreational campground.
  - (s) Foster family home accommodating six or more children or adults.
  - (u) Temporary placement of a mobile or manufactured home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.
  - (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (w) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) **STANDARDS:** Land divisions and development in the CR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single-family dwelling. Each additional dwelling unit shall require 2500 square feet additional area on slopes of 20 percent or less, and 3000 square feet additional area otherwise. Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.
  - (b) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) The minimum front yard shall be 20 feet.



- (e) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 15 feet.
- (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.
- (g) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
- (h) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.
- (i) Lot size and yard setback standards shall apply to motels or hotels in the CR-3 zone.
- (j) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.

**COMMUNITY PLAN  
FOR THE  
UNINCORPORATED COMMUNITY OF NESKOWIN**

**CONSISTING OF:**

- A. NESKOWIN COMMUNITY PLAN**
- B. TILLAMOOK COUNTY LAND USE ORDINANCE REVISIONS**
- C. COMPREHENSIVE PLAN AND ZONING MAP FOR NESKOWIN**
- D. NESKOWIN WETLANDS MAP**

# NESKOWIN COMMUNITY PLAN

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NOTE: OTHER DOCUMENTS REFERRED TO IN THE PLAN ARE ON FILE IN THE OFFICE OF THE TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT.

# NESKOWIN COMMUNITY PLAN

## 1. EXECUTIVE SUMMARY

The Neskowin Community Plan has been developed, in a very large part, by volunteers. Neskowin is indeed very fortunate to have a significant number of citizens who are not only deeply committed to the community, but also bring a rich variety of professional skills to the complex task of preparing a community plan. While it was not possible to keep an accurate count of the number of volunteer hours, it is safe to say that it was over ten thousand. Professional assistance was obtained from Stan Geiger and Denny Egner of SRI/SHAPIRO/AGCO Incorporated, a firm specializing in Natural Resource issues. It is also important to mention the professional assistance which we have received from the Tillamook County Department of Community Development, particularly Greg Verret.

The people of Neskowin care deeply about their community, and desire to be actively involved in shaping its future. During the five years of this process there have been numerous community meetings to hear reports, engage in dialogue, and make decisions. The Vision Committee adopted a norm of consensus decision making at the outset, and that has been followed throughout. If there was not consensus about a recommendation, it was dropped from the process.

The vision which emerged from the community through the values identification process is described in detail in the plan. The values have driven all of the work that has been done, and have been and will continue to be the standard against which we measure every community decision.

The people of Neskowin recognize that growth will continue to occur in their community. But we are determined to have an active role in shaping that growth so that it will support and enhance those aspects of this community that we all value. We recognize that this Community Plan is not the end of a process, but rather a significant milestone along the way. It represents a map that we can stop and look at as we try to see where we are headed. Periodic Review has provided an impetus for us all to figure out what actions we can agree upon to make Neskowin better, or at least, to keep it special. Periodic Review will be upon us again in a decade, but we don't have to wait until then to talk about, and act on, other things we need to do.

The recommendations could be categorized in two ways. First, there are those that are "housekeeping", or that clean up language in existing ordinances. For example we are suggesting that some conditional uses be dropped that are either outdated or clearly do not fit our community values. Secondly, we are recommending new ordinances in areas such as erosion control, preservation of natural resources, limiting size and bulk of new buildings, and the preservation and enhancement of pedestrian access and open space. We do not make these recommendations lightly. Rather, they have been carefully researched, subjected to public scrutiny, and approved unanimously at community meetings.

We offer this plan for careful consideration, and with high hopes for its complete approval.

## **2. INTRODUCTION**

Neskowin is an unincorporated community on the Oregon Coast which, due to its geographical isolation, grew very slowly from the time it was platted in 1910 until the new Highway 101 was cut over Cascade Head in the 1960's. Many small beach cottages survive from that era, and since the highway bypasses the core residential area of older cottages, Neskowin enjoys a serenity and intimacy found in few other communities.

Continuing a long history of local citizen involvement in land use planning, members of the Neskowin community met with representatives of Tillamook County in June, 1993, to prepare for the Periodic Review process mandated by the State of Oregon. In 1994, Neskowin adopted the Community Visioning Process as a proactive tool for developing a workable long range plan grounded in the expressed values and unique character of our community.

The citizens of Neskowin have prepared this Community Plan in accordance with Oregon land use law for incorporation into the Tillamook County Comprehensive Plan. The Community Plan sets forth policies to guide Tillamook County in making future land use decisions. The Community Plan applies to all lands within the Community Growth Boundary ("CGB"), which is shown on the Tillamook County Comprehensive Plan and Zoning Map. The vision which underlies and informs the policies grew out of values commonly shared by people in the community.

### 3. NESKOWIN'S PAST

The story of Neskowin's past provides the cultural framework for the values that the community holds today and sets the stage for its vision of tomorrow.

The village of Neskowin is nestled up against the forested hills of the Coast Range and Cascade Head. The fertile soil and rich bottom land attracted homesteaders and early settlers who wanted to farm. There was an abundance of clean water for people and stock and crops. Creeks were alive with fish. The forests yielded timber for homes and work for loggers. The clean, sandy beach was a place where families from the Willamette Valley and from local farms could gather for rest and recreation.

The land, which now evokes a sense of calm and peacefulness, was tumultuously formed by volcanic flows and uplifts of the ocean floor, the tilted layers of which can be seen on Proposal Rock today. The sedimentary sandstones and siltstones are eventually eroded down to the harder basalt typical of Cascade Head. Evidence of the erosive nature of the sedimentary rocks is displayed on the cliffs of South Beach.

Proposal Rock, at the mouth of Neskowin Creek, is perhaps the most treasured of Neskowin's natural features. Children and their parents have explored its trails, young couples have become engaged there, and eagles have perched on the sturdy limbs of its giant trees. It is said that Mrs. Henry Page, who with her husband homesteaded the surrounding land, named it "Proposal Rock" because her daughter Della became engaged there to Charlie Gage (Rock, p. 20).

If Proposal Rock is the treasure of Neskowin, the submerged forest of stumps on the beach south of Neskowin Creek is its mystery. The stumps are only visible when the sands have washed out and the tide is low. "Radiocarbon dating analysis in 1958 of samples of the stumps showed them to be 1730 years old, plus or minus 160 years.≅ (Science, vol 127, p. 1477, June 27, 1958). Another radiocarbon analysis in 1988 by Beta Analytic Inc. reported them to be somewhat older, 1,970 +/- 50 RCYBP (radiocarbon years before 1950 AD). (Peterson, personal communication, July 19, 1988).

A Nestucca Indian encampment at the mouth of Neskowin Creek was reportedly abandoned before the time of the white settlers (S. Beckham, personal communication with Frank Boyden, August 4, 1975). The Indians knew the creek for "plenty of fish" and the beach for its little round rocks (Pearson, p.123). Sarah Page and her husband Henry settled on Neskowin Creek in the 1880's. Mrs. Page was responsible for naming the creek, the town and the rock. Neskowin Creek was originally called Slab Creek because a ship had wrecked at the site and lost a large cargo of lumber in the surf.

Although the United States Bureau of Geographical Names officially changed the name of the creek to Neskowin Creek in 1925, locals still call it Slab Creek (Rock, p. 75). When Mrs. Page became postmaster in 1887, she named the post office Neskowin (Rock, p. 81). There is some controversy about the origin of the name, but Lewis McArthur, in *Oregon Geographic Names*, reports that, "One day she (Mrs. Page) heard an Indian say as he pointed to the nearby stream, 'Neskowin, Neskowin.' She asked him what Neskowin meant and he said, 'plenty fish, plenty fish.'"

Early on, Neskowin became a campground and picnic area where families came for fun, relaxation and relief from the stresses of city life. John Meldrum mentioned in his survey notes that Neskowin was a campground used by folks from the interior in 1872 (Johnson, Fred Johnson interview, p. 18). Alexandria Rock (nee Ley), who came to teach school in Oretown in 1887, and who in 1949 wrote "The History of Little Nestucca Country," recalls that settlers from the Little Nestucca River area journeyed to the mouth of Neskowin Creek for picnics on the beach in the 1880's and 90's (Rock, p. 14). A Community Kitchen was constructed adjacent to the campground in 1927 . After the building was destroyed by the 1939 storm, a new kitchen with shower and toilet facilities was constructed (Rock, p. 23). On drippy wet days, families gathered in the kitchen to cook and eat, dry wet camping gear, laugh and commiserate. (Fairbank, pp. 19-20).

### **3.1 Roads**

Travel was difficult for early settlers, who journeyed across the mountains along horse trails. The first wagon-worthy road from Salem and Sheridan was completed by settlers in 1882 and followed the Little Nestucca River (Schmidt, p 26). Alexandria Rock traveled on this road in 1887, describing the roads as "extremely muddy with dangerous fords in Little Nestucca River" (Rock, p. 5). When William King and his family came from Salem along this road in 1893, the trip took 48 hours with stops for meals and sleep. Their actual travel time was 27 hours (King, p. 28).

Between 1880 and 1885 a road was built between Oretown and Neskowin. Before that, settlers traveled along the beach (Johnson, D. Wortman-Gunness interview, p 16).

A new highway was built from Neskowin to Otis in 1923 (Schmidt, p. 26), and the Van Duzer Corridor and Highway 18 were completed in the 1930's (Johnson, Ruth Henry interview, p 17). The completion of Highway 101 over Cascade Head in the 1960s made access to Neskowin much easier.

### **3.2 Settlers**

The Hellenbrands, John and Leona, arrived by horseback in 1876 bringing with them 15 or 20 head of cattle. Their homestead was large (between 200 and 320 acres) and stretched north from the north golf course (Fairbank, p. 3). By the turn of the century the Hellenbrands operated a store and post office (Beckham, p. 33). They had six children, and their descendants (the Kinmans) were still living on the property in the 1980's.

Families homesteaded along the Creek and on the north side of Cascade Head. The 154-acre homestead of James and Jessie Taggart on Cascade Head, which they acquired in 1896, was sold to Charles Hart in 1916 for \$2,500.00. Hart built a log cabin, ran cattle, grew vegetables in the meadow, and sold his potatoes to tourists camping at Neskowin (Beckham, p. 31). Hart's Cove, now on land administered by the Siuslaw National Forest, bears his name.

In 1895, Sarah and Henry Page remodeled their home to accommodate a growing family and



boarders. The home eventually became the Neskowin Inn. In order to make room for the size structure he wanted, Page dynamited part of the rocky beachside, a procedure which was repeated in 1923 when the new highway was built from Neskowin to Otis (Schmidt, p. 26). The Inn was remodeled in 1925 and continued operating for the next four decades, much of that time under the capable management of Gladys Pierce. It was burned January 21, 1968. (Federman, p 8r).

## **Building a Community**

### **3.3 The Town**

The Page property was very popular with campers, and there was interest in developing a resort at the site. Page eventually sold his property, and after passing through several hands, the land was purchased by James Walton of the First National Bank of Tillamook. Mr. Walton acquired additional Neskowin properties, and in 1909, the Neskowin Subdivision was surveyed. A plat of the town was filed in Tillamook County, April 9, 1910 (Beckham, p. 34).

In 1912, James Walton turned most of the property over to his brother William who envisioned a wholesome summer resort for families. Bill Walton didn't think the pool hall and dance hall belonging to Jim Myers were acceptable businesses for a family-oriented community, so he shut them down. Myers' store, on the other hand, was allowed to remain (Schmidt, p.26). Beachgrass planted in dune areas made more land available for development of building sites.

Timed deed restrictions (fifty years) controlled building usage. In a 1935 deed, no building could be "erected, maintained, or used for stables, chicken houses, commercial garages, or filling stations, stores, theaters, public amusement places or business or manufacturing purposes...." (Irish letter). Not only did deed restrictions shape the community into one of primarily single family residences, they may have been a big factor in discouraging commercial development. The initial fifty-year deed restrictions expired in 1959, but the family oriented values of the community were well established and commercialism was still not welcomed.

Many of the properties in what is now called the core area, were purchased by families who built summer beach homes. Today, many Neskowin residents are living in homes that their parents or grandparents built.

At first, full-time residents were small in number. The *1915 Herald Map and Directory* reported the population to be 50. This number no doubt included families living on farms in the area surrounding the village. In 1960, there were approximately 70 year-round residents (Fairbank, p. 8), and by 1988, the estimate had risen to 180 (Schmidt, p. 27).

### **3.4 The Economy**

Although there were sawmills on Hawk Creek, Slab Creek, and on what was the Hellenbrand farm (sawmills moved to fit demand because it was more efficient to move the mill than to transport raw logs), the principal economy of the Neskowin area was dairy farming (Rock, p. 69, and Johnson, F. Johnson interview, p.7). Dairy farms throughout the county began marketing butter in the Willamette Valley but switched to cheesemaking because they had difficulty getting the butter to market before it got rancid. Local cheese factories included one started by Charles Goeres on a piece of land donated by John Hellenbrand. It became cooperative in 1912 and later consolidated with the Oretown factory. Marie Bauer had a private cheese factory at the upper end of Slab Creek valley from 1914 to 1929 (Rock, pp. 32-33).

Rose Bauer, who owned 160 acres across the highway from the village, also built a dairy farm. Harold Schlicting bought the land in 1960 and ran the 40-cow dairy for three more years. The dairy was one of only two farms in Tillamook County to have bulk milk storage. When the Neskowin Beach Golf Course came up for sale, Schlicting was approached by a potential buyer to sell some of the farm to create an 18-hole course. Although the deal did not work out, Schlicting eventually built the 9-hole Hawk Creek Golf Course. The barn became the clubhouse (Schlicting interview).

The cranberry bog represents the area's failed industry. Planted in 1912-13 in the wetlands north of the golf course, the plants failed to grow and the project was abandoned. It is believed that salt water from high tides killed the plants (Rock, p. 69).

Businesses which have become local "institutions" include Neskowin Beach Golf Course, built in the early 1930's; Hawk Creek Golf Course, built in 1968; the grocery store, originally opened in 1912 and replaced in 1984 after fire destroyed the original structure; and Brandt's horse riding stables. The horse barns were built in the 1940=s to house horses ridden by the shore patrol, though the public also rode the horses for pleasure (Schmidt, p. 27). The Brandts ran the stables with 24 horses, 2 ponies and a donkey. Half-hour rides cost \$.75 and an hour ride was \$1.50 (Fairbank, p. 22).

Cottage industry over the years, though less visible, has made a significant contribution to the community's economy. For many decades families supplemented their farm income by selling berries, ferns, foxglove, mushrooms and cascara bark. More recent enterprises have included pottery and tile making, painting, jewelry, photography, teepee construction, and glass blowing. In the 1990's, full-time residents employed outside their homes often commute long distances to work, and are willing to do so for the privilege of living in Neskowin.

### **3.5 Schools**

The first school district, organized in 1877, took in all land south of the Little Nestucca. The district divided three ways in 1886, creating Oretown, Meda and Neskowin districts. Neskowin has had two public schoolhouses. The more recent, a one-room building constructed in 1927, operated as a

school until 1948 when the Neskowin District united with the Union School District. In 1895, a school district was organized up Slab Creek which joined with Neskowin in 1946 (Rock, pp. 89-90). The privately funded Neskowin Valley School, located on Slab Creek, was founded in 1972.

### **Serving the Community**

#### **3.6. Utilities**

Neskowin Inn installed **electricity** in 1929, making laundry facilities and modern stoves possible (Schmidt, pp. 26-27). Many residents, however, did not request electricity until the late 1930's. The value of electricity was recognized by one farmer, Steve Bauer, as early as 1910. He built a large wooden waterwheel in upper Slab Creek to operate a light plant. In 1918, he built a new wheel to light his new barn and to chop feed for his cattle (Rock, p. 111).

It isn't known exactly when **telephone** service came to Neskowin, but Mrs. Rock -- recounting events surrounding the drowning of two local boys on July 4, 1914 -- says, "They had phoned an order to Neskowin for chicken dinner" (Rock, p. 39).

A **water** system was laid out in 1924 (Rock, p. 11), and the **Neskowin Regional Water District** was established in 1980. The **Neskowin Regional Sanitary Authority** was established at approximately the same time (NCA files, 1980).

### **3.7. Community Service**

Community volunteerism dates back at least to 1922 when the Nesko Ladies Club (now Nesko Women's Club) was organized with eleven charter members (Rock, p. 36). The club began as a sewing group for needy families but also provided educational and social activities for women of the entire community. Over the years its fund-raising efforts have provided fire and rescue equipment, as well as food, clothing and other necessities for people in need.

Fire protection and emergency medical care have been provided by local volunteers with the Nestucca RFPD since the district was formed in 1949.

Since the 1940's, the Neskowin Community Association has been a volunteer organization of property owners dedicated to serving and protecting the interests of the community. In addition to organizing social events like the 4<sup>th</sup> of July activities and the Golf Scramble, the Association has funded street lights, sheriff's patrols on holiday weekends, beach cleanups, donations to the Nestucca Fire Department for equipment and training of volunteers, and printing and mailing of newsletters.

The Neskowin Chamber Music Series is a recent example of individuals working to enhance life in the community. Another is the fund-raising effort that resulted in purchase and preservation of a five-acre piece of wetland adjacent to the Wayside.

### **Why We're Neskowin**

From earliest days, Neskowin has attracted people who love the natural setting, place family and friends first in their lives, and work hard to be self-sufficient and self-determining. Working together, the people of Neskowin hope to preserve and enhance the beauty of the land and the community's relaxed rural way of life.

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#### 4. VISION PROCESS AND RESULTS

The vision process was initiated by the Neskowin Community Association (NCA) to prepare for Tillamook County's Periodic Review of its Comprehensive Plan under the statewide land use planning laws. Pursuant to these laws, Neskowin has prepared this Neskowin Community Plan for approval by the County and State. In Summer, 1994, the Neskowin Community Association sent the first Community Association questionnaire to its members. The purpose was to initiate the visioning process by asking members to identify the characteristics they value in Neskowin. One hundred forty-seven responses were received and the results of this questionnaire were presented at the Labor Day, 1994 Community Association meeting. At that time the Association members endorsed the idea of a community wide visioning process.

In Fall, 1994, the NCA Board created the Neskowin Vision Committee whose mandate was to facilitate a consensual, community process, including all Neskowin citizens, to develop a shared vision for Neskowin's future which would be used in Periodic Review. The Vision Committee used the format outlined in the *Guide to Community Visioning*. This guide was developed by the Oregon chapter of the American Planning Association and is endorsed by the Oregon Department of Land and Conservation Development (DLCD), which administers the State's land use planning program. Funds to support the vision process were received from the Neskowin Community Association, and a \$9500 Coastal Landscape Visioning grant was awarded by DLCD in 1995. The Vision Committee defined its mission as "facilitators of the vision process," and "the functions of the committee... as communicators and listeners who reflect back to the community members what they identify as their vision and help organize these ideas into a workable long range plan." (Neskowin Vision Committee Minutes, February 14, 1995 B see Appendix File in Dept. of Community Development).

The Vision Committee held a public meeting on February 25, 1995 to explain the visioning process as defined in the *Guide to Community Visioning* and to receive public reactions, comments, and suggestions. Vic Affolter, Director of the Tillamook Department of Community Planning, attended the meeting to explain Periodic Review. This was the first of six community visioning meetings held over the next two and a half years, all of which were widely publicized. Every effort was made to include the entire community in these meetings because the Vision Committee firmly believed that the development of a successful, shared community vision depended on an open, inclusive, and consensus based process.

The Vision Committee believed that identifying the values that citizens hold about their community was the necessary first step to develop a shared vision. From the early fall of 1994 through the summer of 1995, the Vision Committee worked to identify the important collective values of the Neskowin area people and the values that should be guides in developing the preferred scenario for the future of the village and environs.

Using responses of the original Neskowin Community Association questionnaire sent out in 1994, the Vision Committee crafted a survey asking citizens to identify and rank the qualities

they value for Neskowin's future (See Appendix File in Dept. of Community Development). Response was an excellent 22% with 197 returned surveys. In addition, large numbers of respondents wrote notes and letters to supplement their checked responses. Three town hall meetings were held to inform the community members of the survey results and to receive additional comments, suggestions, and ideas. Each meeting was attended by at least 70 persons. Two interim reports, including an eight page report, detailing the results of the surveys and meetings and asking for further comments were distributed. All of this information was then collated to develop the Neskowin Values Statement which was unanimously approved at the town hall meeting held on February 18, 1996. What follows is the Neskowin Values Statement which is the foundation for the Neskowin Community Plan.

#### **4.1 Neskowin Values Statement**

Neskowin citizens want Neskowin to be:

*a place where safety, adequate utility services, and essential pedestrian streets are priorities.*

*a place where a quiet, natural, beach atmosphere is found in individually owned properties as well as along the streets and on public property.*

*a place where the environment and beauty of natural setting is prized.*

*a village predominantly made up of private residences with a minimum of commercial activity and a respect for appropriate construction guidelines.*

*a place that has a community spirit and friendly atmosphere, and yet also has a respect for individual privacy.*

*a place where children and their education are prized and the arts are encouraged.*

*a place that is committed to preserving its village feel and special qualities through seeking the opinions of its permanent and intermittent residents and then conveying those opinions collectively and democratically to county and state agencies as well as to all individuals thinking about becoming a part of the community and its future.*

#### **4.2 Community Survey Responses - The Basis for Creating the Neskowin Community Values Statement**

The following list shows the total points for each survey item receiving 300 or more points according to the responses received from several hundred individuals to the Neskowin Vision Committee Survey (see Appendix File in Dept. of Community Development). The total points ranged from a high of 512 to a low of 148. The items are listed in rank order, with brief



descriptions and the points totaled for each item.

<u>Rank</u>	<u>Item</u>	<u>Total Points</u>
1	Safety and security	512
2	Quiet, calm, peaceful, informal	509
3	"Beachy"	493
4	Pedestrian friendly	477
5	Respect environment	471
6	Natural beauty, esthetics	456
7	Single family-prevailing housing	455
8	Family atmosphere and friendships	447
9	Respect natural wildlife habitat	440
10	Commercial stays small	431
11	"Village Feel", human and physical	430
12	Democratic, open discourse	428
13	Utilities, essential services	425
14	Invested, committed citizenry	398
15	Construction guidelines	382
16	Sense of community, cooperation	356
17	Encourage the arts	318
18	Children, schools, education	314

In October, 1996, the Vision Committee created three subcommittees whose mandate was to use the Neskowin Values Statement to develop recommendations for implementing these values into specific actions. (Neskowin Vision Committee minutes, October 10, 1996; see Appendix File in Dept. of Community Development for a description of each committee, its tasks and projected outcomes). The subcommittees were:

- Natural Features/Environment (or Environment/Natural Resources Group)
- County Development Standards (or Land Use Group)
- Community-building and Local Action (or Non-governmental Actions Group)

These subcommittees offered their initial recommendations to the Neskowin community at a town hall meeting in February, 1997, and received citizen input at that time. The February 16, 1997 Land Use Group Report was unanimously approved at that meeting. The final recommendations were distributed by mail and at the Neskowin Community Association meeting on May 25, 1997. (see Appendix File in Dept. of Community Development). These recommendations received 100% support from the nearly 100 persons in attendance. Also, at the same May 25 meeting, by a motion from the floor, the community voted to create a permanent Standing Land Use Committee of the Neskowin Community Association to serve as the neighborhood planning organization point of contact to Tillamook County and to provide a

liaison to the Neskowin Vision Committee.

On July 1, 1997, Tillamook County formally began the Periodic Review Work Plan Process for Neskowin. At this time the Vision Committee, having completed its mission to develop the Community Values Statement, disbanded, and a Periodic Review Committee was appointed by the Neskowin Community Association. This group immediately began work to write the Neskowin Community Plan using the Values Statement as the basis for all elements of the plan. (Refer to Appendix File in Dept. of Community Development for a complete record of all public meetings.)

The Neskowin community recognizes the importance of keeping goals and directions clear and understood by all. For this reason the Non-governmental Action subcommittee recommended to the community, and the community approved, the establishment of a standing "vision committee" whose purpose is to work with all interested parties to assure that the Neskowin Values Statement is implemented as fully as possible. Neskowin residents are committed to the Values Statements and are willing to accommodate their actions to assure that the future they envisioned is attained. This Neskowin Community Plan is presented as a tool to achieve that future.

## **5. LAND USE PLANNING OVERVIEW**

### **5.1 Periodic Review**

In 1981, the Oregon Legislative Assembly adopted a process for "periodic review" of local government plans and implementing regulations to assure their continued compliance with statewide land use goals. The periodic review process, in a nutshell, has two key steps: 1) Tillamook County reviews its Comprehensive Plan (including the plans of unincorporated communities) and implementing ordinances and adopts a work program to make recommended changes, and 2) implements that work plan.

In the fall of 1994, the Oregon Land Conservation and Development Commission (DLCD) adopted a new administrative rule, OAR 660-22, Unincorporated Communities. In 1996, Tillamook County and the DLCD agreed upon a schedule to complete the first step of periodic review as an unincorporated community. Also in 1996, as part of periodic review, the Neskowin Community Association (NCA) formed a Land Use Group as a part of the NCA's Vision Committee to develop recommendations to the Vision Committee and the community for improving Tillamook County land use and development ordinances in support of the Neskowin Community Values Statement.

Following the Neskowin Vision Process, work on periodic review began for the Neskowin Community in September, 1996, when the NCA held a public meeting and formed a Land Use Subcommittee from the community at large to begin evaluating Tillamook County land use regulations. The Land Use Subcommittee worked with Tillamook County throughout 1997 to produce final recommendations for the June, 1997, deadline to submit recommendations to the County for adoption and subsequent approval by DLCD. The first product of the NCA Land Use Subcommittee was a Report of Recommendations for changes to Tillamook County land use regulations and practices. The Report of Recommendations was presented to the Neskowin Community at a public meeting on February 16, 1997, attended by over a hundred Neskowin property owners. At the February 16 meeting the community reviewed and unanimously approved the recommendations. At a subsequent public meeting held on May 25, 1997, after meetings with developers and other interested parties to discuss the February 16 recommendations, the Neskowin community again reviewed and unanimously approved the February 16 report and recommendations summarized in a land use committee report dated May 25, 1997. Both the February 16 and May 25 reports are attached to this Plan (see Appendix File in Dept. of Community Development).

At Tillamook County's request, DLCD agreed to extend the deadline for completing step one of Periodic Review until June, 1998. The community also voted to dissolve the Land Use Subcommittee and form the Neskowin Standing Land Use Committee to be the official liaison between the NCA and Tillamook County. The Standing Land Use Committee continues to work with Tillamook County, the NCA, and the community to complete the Neskowin Plan, draft ordinance language where applicable for the Plan, and develop work plans and schedules with

the County to create ordinances and implement recommendations of the February 16 and May 25 reports. The description of the policies in this section of the Plan reflect the outcome of the planning process undertaken by the Neskowin Community for periodic review.

## **5.2 Neskowin Community Growth Boundary**

The Tillamook County Comprehensive Plan adopted in 1982 created a Community Growth Boundary (CGB) for the Neskowin area as illustrated on the Neskowin Comprehensive Plan and Zoning Map attached to this plan. At both the February 16 and May 25 public meetings, community members unanimously voted to retain or reduce the existing CGB. Many community members voiced concerns in the public process that the CGB, as originally drawn, is too large to maintain growth consistent with the adopted Neskowin Values.

- (a) **Policy:** The CGB shall be maintained in its current location because there is ample room within the Boundary to accommodate growth consistent with the Rural Community designation into the foreseeable future and because maintenance of the Boundary protects and preserves farm, forest and open space uses adjacent to the CGB.

## **5.3 Existing Land Uses, Comprehensive Plan Designations**

The predominant land use in Neskowin is single-family residences, including a manufactured home subdivision with single-family units. Commercial land uses include a market, professional offices, motels, a restaurant, parking lots, and two public golf courses. Publicly owned and maintained properties include a Neskowin Wayside park with parking and bathroom facilities, a fire hall with community meeting facilities, drinking water and toilet facilities, public roads, beaches and beach access.

The Neskowin CGB is bordered by Recreation Management (largely wetlands) land to the north, Small Farm Woodlot (SFW) 10, SFW 20 and Forest land to the east, Forest land to the south, and Shore lands, Beach Dunes and the Pacific Ocean to the west. The current Tillamook County Comprehensive Plan for the Neskowin Community has the following comprehensive plan designations (see Appendix File in Dept. of Community Development):

**Low-Density Urban Residential (R-1):** The land designated R-1 on the Neskowin comprehensive plan map includes the core residential area of Neskowin. It is intended to accommodate urban density residential uses, served mostly by community water and sewer services.

**High-Density Urban Residential (R-3):** One small area of R-3 land is located in the residential area near the Commercial zones. The purpose of the R-3 zone is to designate areas for a medium- to high-density mix of dwelling types and other compatible uses.

**Rural Residential (RR):** The land designated RR includes several parcels of land

adjacent to SFW land. The RR designation is intended to maintain the rural character of the community by retaining large lots, and in many cases is located in areas not served by community water and sewer.

**Rural Residential with a Planned Development Overlay (RR-PD):** The PD overlay is intended to allow the application of new technology and more flexible design in land development while accomplishing the standards and objectives of the underlying RR zone. The RR-PD area is limited to several parcels in the northern part of Neskowin.

**Small Farm Woodlot 10 and 20 Acre Minimum (SFW-10 and SFW-20):** A significant number of parcels of SFW-10 and SFW-20 land are located at and adjacent to the CGB. These parcels were zoned SFW to create a buffer between residential zoning and resource lands surrounding Neskowin. SFW zones are intended to protect and promote farm and forest uses similar to Farm and Forest zones.

**Forest Zone (F):** Hillsides to the east and south of Neskowin are zoned Forest. The purpose of this zone is to retain land for forest uses and related amenities such as fish and wildlife habitat, clean air and water, recreation, etc. Residential uses are secondary to resource uses.

**Neighborhood Commercial (C-1):** Neskowin's commercial land designations accommodate commercial uses serving the Neskowin Community and persons traveling through the area. The purpose of the C-1 zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas.

**Recreation Management (RM):** Much of the wetlands in the center of Neskowin stretching to the north are zoned RM. The purpose of the RM zone is to designate areas for public and private parks and day-use facilities, including areas that contain significant natural or scenic values.

**Utilities Facilities Overlay (UFO):** One small parcel contains the UFO designation, intended to accommodate the facilities necessary to supply the foreseeable utility needs of the area.

## **5.4 Population and Growth; Buildable Lands Inventory**

In selecting a Rural Unincorporated Community designation and developing a rural community plan, Neskowin recognizes existing land uses, both conforming and non-conforming, and sets the stage for future growth based upon the buildable lands inventory recently conducted by Tillamook County. Population and growth impacts comprise the most significant characteristic of Neskowin's current land use activities, illustrated by the increasing development of single-

family residences. As the population of the Willamette Valley and the state continues to rapidly expand, Neskowin will continue to grow.

### Neskowin Community Growth Boundary Vacant Lands Inventory

The following table is the Vacant Lands Inventory for Neskowin, provided by Tillamook County on November 19, 1997:

Zone	Existing Lots	Existing Dwellings	Potential New Lots	Existing Lots W/O Dwellings	Total Possible New Dwellings
<b>R-1</b>	834	460	898	374	1272
<b>R-3</b>	53	47	9	6	15
<b>RR&amp;RR-PD</b>	197	24	617	173	790
<b>Total Res.</b>	1084	531	1524	553	2077
<b>C-1*</b>	135	----	----	----	----
<b>RM</b>	8	----	----	----	----
<b>Roads/Util.</b>	12	----	----	----	----
<b>Beach</b>	8	----	----	----	----

*\* Note: The C-1 (Commercial) zoned lots include 118 condominium units designated as individual lots. Ignoring these condo lots, there are 17 lots zoned C-1, comprising approximately 17 acres. The RM (Recreation Management) zoning covers a total of 131 acres.*

The residential numbers are estimates, based on full buildout of all usable land. No time-frame is attached to the estimate. Thus, for example, with a 2.5% annual growth rate (similar to that experienced over the past seven years), in 20 years the number of dwellings would increase from the 531 currently existing to 848. It would take 56 years to reach the projected 2077 total additional dwellings possible. At a more moderate 1.7% growth rate, it would take 82 years to reach the projected full buildout.

These estimates include two parcels zoned for residential development but currently in use as a golf course. Eventual residential development of these parcels is possible, though perhaps unlikely, given their current use. Removing these parcels from the analysis (128 and 47 potential new lots, respectively) changes the above totals to 1349 potential new lots and 1902 total additional dwellings possible.

In determining the Vacant Lands Inventory, the County considered a number of environmental constraints such as wetlands and steep slopes, although no complete evaluation has been conducted to conclusively determine buildable capacity of individual lots.

## **6. LAND USE POLICIES CONTEXT, RECOMMENDATIONS AND REGULATIONS**

The State of Oregon has established a system of land use planning to assure the protection of our local and statewide resources and guide growth to foster the area's quality of life. As part of that program, the following 19 land use goals have been created: 1. Citizen involvement; 2. Land use planning; 3. Agricultural lands; 4. Forest lands; 5. Open spaces, scenic and historic areas, and natural resources; 6. Air, water and land resources quality; 7. Areas subject to natural disasters and hazards; 8. Recreational needs; 9. Economic development; 10. Housing; 11. Public facilities and services; 12. Transportation; 13. Energy conservation; 14. Urbanization; 15. Willamette River Greenway; 16. Estuarine resources; 17. Coastal shorelands; 18. Beaches and dunes; and 19. Ocean resources. These goals influence comprehensive plan policies which are important to Neskowin's future, and have been considered in the preparation of this Neskowin Community Plan.

### **Goal 1. Citizen involvement**

Beginning with the Vision Process, the Neskowin Community Plan reflects substantial community involvement and participation. Four public work sessions were held after the adoption of the May 25, 1997 Land Use Group Report to develop the plan and were attended by over 100 people. For a community with 600 households, this level of public involvement can only be described as exceptional. Each public work session was preceded by one or two preparatory work sessions. Mailings were sent to Neskowin Community Association members, property owners (Tillamook County provided this list) and zip code 97149 mail recipients. This massive communication effort was done with local volunteers and primarily with local contributions. In addition, to incorporate oral and written comments into the draft plan at these public meetings, participants were encouraged to submit their comments in writing at each meeting.

### **Goal 2. Land use planning**

This Goal is central to Tillamook County's periodic review of its Comprehensive Plan for Neskowin, creating the framework for the Neskowin Community Plan.

### **Goals 3 and 4. Agricultural lands; Forest lands**

Neskowin has retained its current levels of agricultural and forest lands in this Community Plan by not revising resource land designations, particularly with regard to the buffer surrounding the Community Growth Boundary.

### **Goals 5, 6, and 7. Natural resources, scenic and historic areas and open spaces; Air, water and land resources quality; Areas subject to natural disasters and hazards**

In keeping with its Vision Statement, Neskowin has gone to great lengths in the community planning process to ensure that it is "A place where the environment and beauty of the natural setting is prized." This included hiring the firm of SRI/SHAPIRO/AGCO Incorporated to complete work initiated by the community to identify wetlands and other significant natural resources and to prepare implementing ordinances (See Appendix B). The community has also proposed changes to Tillamook County's Land Use Ordinance in areas such as erosion control and geologic hazard analyses to foster safe development practices. The community has done work on tsunami disaster preparation, including distribution of a "refrigerator door" information piece, and would like to do more in this area in the future.

### **Goal 8. Recreational needs**

Neskowin has many recreational opportunities, including golfing, horseback riding, hiking, a recreational vehicle park (immediately adjacent to the community growth boundary), fishing and all the opportunities provided by the public beach front. The community has a sufficient amount of land designated "recreation management" to accommodate buildout projections.

### **Goal 9. Economic development**

Neskowin supports economic development in accordance with its rural community designation, consistent with the stated Neskowin Values and confined to the appropriate zoning and land use designations outlined in this community plan.

### **Goal 10. Housing**

Neskowin has provided for a range of housing types consistent with its rural community designation. (See Neskowin Comprehensive Plan and Zoning Map, and Neskowin Community zone descriptions, attached to this plan).

### **Goal 11. Public facilities and services**

See Section 10 of this document. Although not required by Oregon law, the community has spent significant time planning for its future in terms of water and sewer services.

### **Goal 12. Transportation**

Neskowin has identified "essential pedestrian streets" as a priority in the Neskowin Values Statement and makes specific street policy recommendations including the adoption of "skinny street" standards in this Neskowin Community Plan. It is important to recall that Highway 101 runs through the community and planning on both sides of the



highway must reflect this fact. It is a state highway, not a local roadway or street, and has distinct transportation mode and safety requirements.

### **Goal 13. Energy conservation**

Neskowin's current land uses west of Highway 101 generally encourage pedestrian and bicycle uses. Sewer and water district policies shall promote resource conservation.

### **Goal 14. Urbanization**

Neskowin supports retention of the established Community Growth Boundary with the surrounding buffer of farm and forest resource lands. Its rural community designation indicates the desired level of urbanization.

### **Goal 15. Willamette River Greenway**

Not applicable.

### **Goals 16, 17, and 18. Estuarine resources; Coastal shorelands; Beaches and dunes**

Neskowin, as stated above, has spent considerable volunteer time and effort to identify these resources and implement measures to protect them. For more discussion of Goals 16 and 17, see the Natural Resource section. The community has not had the resources to adequately address the dune resources, however, and believes further analysis of dune characteristics and stabilization must be performed prior to any development. The community understands ocean resources to be largely the purview of state and federal agencies, and supports their efforts to protect these resources.

Goals 5 and 17 both provide protection for natural resources such as wetlands, riparian areas, and wildlife habitat. Goal 5 applies throughout the community and Goal 17 applies to coastal shorelands. A key difference between the two goals is the extent to which natural resources must be protected. Under Goal 5, the uses that conflict with natural resources may be determined to be of such importance to the community that the natural resource is not protected. Goal 5 sets forth the "ESEE" (economic, social, energy, environmental) consequences evaluation process under which the resources and proposed conflicting uses are evaluated and a program is developed to resolve the conflicts. Generally, these programs result in protection ordinances and development standards. Since Goal 5 and Goal 17 may overlap in coastal areas and natural resources may be subject to both goals, the Neskowin Community Plan acknowledges that the more stringent Goal 17 requirements satisfy Goal 5 requirements in coastal shorelands.

Appendix C is a summary of Tillamook County regulations that pertain to Neskowin. This summary describes the various county land use regulations and processes that affect

lands within our community. Our plan addresses these and other Tillamook County Land Use Regulations and proposes additional regulations to comply with the requirements of Periodic Review and to achieve our community objectives for the future. These objectives were approved at the May 25, 1997, community meeting

## **Goal 19. Ocean Resources**

Public beaches and ocean resources significantly influence the character of Neskowin's rural unincorporated community.

## **7. RURAL UNINCORPORATED COMMUNITY DESIGNATION, GENERAL LAND USE POLICIES**

### **7.1 Rural Community Designation**

Under OAR 660, Division 22, Unincorporated Communities, Neskowin meets the definition of a "Rural Community." OAR 660-22-010(6) defines "rural unincorporated community" as follows:

[A]n unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.

Related definitions include:

"Permanent Residential Dwellings" includes manufactured homes, but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground. OAR 660-22-010(5)

"Commercial Use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distributions centers. OAR 660-22-010-(1)

"Industrial Use" means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods or materials. It does not include commercial uses.

Neskowin meets the definition of Rural Unincorporated Community because it is primarily a residential community, which also has a fire hall community center, a school, a public wayside recreation area, public golf courses and a handful of local businesses that serve the community, the surrounding rural area or persons traveling through the area.

A public meeting of Neskowin citizens and property owners was held on October 25, 1997 to receive community input on the most appropriate unincorporated community designation for Neskowin. Public notice of the date, time, place and meeting purpose was given to tax lot owners, Neskowin Community Association members, the 97149 zip code sort, and was publicly posted. At that meeting, participants reviewed copies of the Unincorporated Communities Rule, and broke into many small groups to discuss, evaluate and debate the different designations as they applied to Neskowin. Participants voted to adopt the Rural Unincorporated Community designation based on a comparison of the various designations with past, present and future planned land uses, and in consideration of the Values Statement adopted earlier by the community. There was only one property ownership that opposed, preferring instead a resort designation.

- (a) **Policy:** The Neskowin Community Plan recommends that Tillamook County's Comprehensive Plan designate Neskowin as a Rural Community and provide for its land uses accordingly.

This designation supports these Neskowin Values Statements:

A place where a quiet, natural beach atmosphere is found in individually owned properties as well as along the streets and on public property.

A place where the environment and beauty of natural setting is prized.

A village predominantly made up of private residences with a minimum of commercial activity and a respect for appropriate construction guidelines.

## 7.2 Recommended Neskowin Zoning Ordinance

- (a) **Policy:** The community has adopted the following changes to the Tillamook County Zoning Ordinance:

RR: Delete these conditional uses: temporary real estate office; mining and quarrying; mobile home parks; hunting preserves; recreational campgrounds; small scale trade/retail, and commercial uses in a mixed use development.

R-1: Delete these conditional uses: mixed use development and all conditional uses deleted in Rural Residential.

R-3: Delete these conditional uses: mobile homes and mobile home parks; delete all conditional uses deleted from RR and R-1 above; motels and hotels which may include eating and drinking establishments.

- C-1: Delete from uses allowed outright: miniature golf courses.  
Delete from conditional uses: RV parks, billboards; commercial amusement and entertainment; dwellings, including townhouses and condominiums
- RM: Delete from uses allowed outright: signs; farm uses and forest uses
- Move from uses allowed outright to conditional uses: dwellings or residential quarters for caretakers and staff members.
- Delete these conditional uses: recreational vehicle campgrounds; meeting, recreational that will increase visitor capacity or off-site impacts; retail facilities; rock quarries; hydroelectric power generating facilities; and golf courses.
- PD: No commercial development, including new resorts, hotels and motels, shall be allowed in this zone. No wetland or otherwise unbuildable land can be counted as developable land for clustered development.

### 7.3 General Land Use Policies

- (a) **Policy:** Land use regulations shall conform to the requirements of OAR Chapter 660, Division 22 as amended.
- (b) **Policy:** County plans and land use regulations shall ensure that new uses authorized within the Neskowin Rural Community do not adversely affect forest and agricultural uses in the zones at and surrounding the Community Growth Boundary.
- (c) **Policy:** When making land use decisions, the County shall adhere as closely as possible to the policy objectives of this Neskowin Community Plan in order to preserve Neskowin's historical and natural features, according to the Neskowin Values Statement, whenever it may consider proposals for development either inside, adjacent to or on lands surrounding the CGB.

### 7.4 Residential Area Policies

- (a) **Policy:** The land designated RR is intended to maintain the rural character of the community by retaining large lots where typically community water and sewer are not available.

### 7.5 Commercial Area Policies

- (a) **Policy:** New commercial and industrial uses are allowed only if they are small-scale, low impact uses as defined in OAR 660-22-030, or are uses intended to serve the community

and surrounding rural area or the travel needs of people passing through the area. Any commercial or industrial use which exceeds the definition of a "small-scale, low impact use" may be allowed only if the proposed use is consistent with the policies of the Neskowin Community Plan, is compatible with the rural character of the community, and the size and type of development does not dominate the character of the commercial uses in the community.

**(b) Policy:** Insert the following language into the Neskowin Commercial Zone ordinances:

The commercial uses allowed in this zone shall occur in a building or buildings not exceeding 4,000 square feet. The industrial uses allowed in this zone (light industries, storage of industrial equipment, warehousing) shall occur in a building or buildings not exceeding 10,000 square feet. No single structure nor the total of floor space devoted to a particular use in multiple structures may exceed these square foot limits without meeting the requirements of the following section.

Larger structures or uses are allowed only by obtaining approval as a Conditional Use. In addition to the Conditional Use criteria of Article VI of the Tillamook County Land Use Ordinance, the following criteria shall be met in order to approve this Conditional Use:

For commercial uses:

The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

The use is compatible with the rural character of the community.

The size and type of development does not dominate the character of the commercial uses in the community.

The use is consistent with the applicable goals and policies of the Comprehensive Plan.

The commercial uses shall occur in a building or buildings not exceeding 8,000 square feet.

For industrial uses:

The use is compatible with the rural character of the community;

The size and type of development does not dominate the character of the commercial and industrial uses in the community;

The use is consistent with the applicable goals and policies of the

Comprehensive Plan;

The industrial uses shall occur in a building or buildings not exceeding 15,000 square feet;

and either:

The use requires proximity to a rural resource, as defined in OAR 660-004-0022(3)(a)

or

The use will not exceed the capacity of water and sewer service available to the site on the effective date of the Unincorporated Communities Rule (December 5, 1994), or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage.

## **8.0 RECOMMENDATIONS FOR AMENDMENTS TO THE TILLAMOOK COUNTY COMPREHENSIVE PLAN AND LAND USE ORDINANCE**

The following amendments to the Tillamook County Comprehensive Plan and the Tillamook County Land Division Ordinance are based on recommendations made to and adopted by the Neskowin community as previously discussed in Section 5.1 of this Neskowin Community Plan.

This Section 8.0 includes a summary of each recommended change and the Neskowin Community Values Survey Responses supported by the change. Where additional work with Tillamook County is needed to develop and adopt ordinances implementing these recommendations, a work plan task and commencement deadline to achieve the community recommendation is included.

### **8.1 Retain the Existing Community Growth Boundary ("CGB").**

This recommendation supports the following Community Values Survey Responses: 2, 3, 5, 7, and 11.

- (a) Policy:** The CGB shall be maintained in its current location because there is ample room within the Boundary to accommodate growth consistent with the Rural Community designation into the foreseeable future and because maintenance of the Boundary protects and preserves farm, forest and open space uses adjacent to the CGB.

### **8.2 Maintain Existing SFW and Forest Zones at the CGB.**

This recommendation supports the following Community Values Survey Responses:

2, 3, 5, 7, and 11.

Section 3.008(1) of the Tillamook County Zoning Ordinance (Ordinance 33) defines the purpose of the Small Farm Woodlot (SFW) zone to "permit small-scale farms and large-acreage rural residential home sites on land that has potential for small-scale farm or forest uses," and to provide "a buffer between non-resource uses and lands that are managed for farm or forest uses . . . ."

Despite significant growth in Neskowin over the last few years, especially at the edges of the CGB, the buffer of SFW and forest-zoned land at the CGB remains mostly intact. Neskowin strongly supports maintenance of these lands only for farm and forest uses.

- (a) **Policy:** To maintain the quiet, village-like atmosphere ranked so highly by the Neskowin Community, and to protect existing family farms and other smaller agricultural and silvicultural activities, the Neskowin Community Plan recommends that parcels adjacent to the Community Growth Boundary which are currently zoned SFW or forest use remain in their current zoning. Tillamook County shall provide notice to the NCA, the Standing Land Use Committee, and the community for any subdivision or major partition development application within the SFW and forest zones, and provide an opportunity for public comment prior to action.

### **8.3 Revise Planned Development-Mixed Use Standards in Neskowin to Preclude Development of Resorts or Any Development that Functions Like a Resort.**

This recommendation supports the following Neskowin Value Statements:

A place where the environment and beauty of natural setting is prized.

A village primarily made up of private residences, with a minimum of commercial activity, and a respect for appropriate construction guidelines.

- (a) **Policy:** No commercial development, including new resorts, hotels and motels, shall be allowed in Planned Developments or Mixed Use Developments. No wetland or otherwise unbuildable land can be counted as developable land for clustered development.

### **8.4 Develop Policies to Address Changes in Land Use Brought About by Forest and/or Agricultural Activities in SFW and Forest Zones**

This recommendation supports the following Community Values Survey Responses:  
2, 3, 5, 7, 10, and 12.

Community residents, as well as federal and state resource agencies, as expressed in recent media reports, are concerned about a trend in coastal communities from Astoria to Depoe Bay

concerning the change in land use from forest production to housing and commercial development simply by timber harvest activities. Because timber owners can harvest trees under state statutes regulating forest practices, community planning departments are not involved. The planning agencies do not get involved until the timber has been removed (usually by clear-cutting) and the affected community has lost a variety of natural resources and its ability to influence land uses. Affected communities have no practical and effective way to protect community values related to such things as erosion control, protection of natural resources, preservation of scenic areas, and protection of economic interests related to fisheries and tourism. Tillamook County reports that this practice occurs on SFW-10 parcels under current zoning regulation. Since SFW-10 makes up an important portion of the buffer area near or at the CGB, this circumstance must be addressed.

- (a) **Policy:** The Neskowin Community encourages Tillamook County to coordinate with the Oregon Department of Forestry to develop policies and procedures requiring pre-harvest identification of conversion of forestland to residential or commercial development, requiring pre-harvest development plan approval by Tillamook County Department of Community Development, and imposing appropriate penalties for failure to meet these requirements.

### **8.5 Adopt Erosion, Sediment Control, and Grading Permit Requirements for Ground Disturbing Activities.**

This recommendation supports the following Community Values Survey Responses: 1, 2, 5, 7, 10, 11, 15, and 16

Coastal Cities and Counties from Brookings to Astoria are evaluating and, in some cases have adopted, ordinances to control erosion and sediment from construction sites. It is beyond debate that nonpoint<sup>1</sup> source pollution from construction sites is affecting Oregon's waterways and threatening beneficial water uses. The problems caused by nonpoint source pollution result in unacceptable environmental, economic, and social costs to communities and their citizens. Of particular concern to the Neskowin Community is the impact of non-point source pollution on threatened salmon and steelhead habitat because the Governor's salmon restoration initiatives are focusing on streams and waterways like the ones threading throughout the community and local area.

One of the first areas of consensus among the members of the Land Use Subcommittee was that ground disturbing activities such as land clearing, removal of trees and other vegetation, grading, excavation and other similar activities occur routinely on individual lots and in proposed subdivisions before the County has issued a single approval for any work on the site. This

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<sup>1</sup> Nonpoint source pollutants are substances of widespread origin which run off, wash off, or seep through the soil, eventually entering surface waters or ground waters. They are from diffuse sources rather than from discharge at a specific location. (DEQ, 1997).



effectively prohibits local community involvement where County ordinances governing the development in question otherwise give community members opportunity to provide input and be heard. In addition, such grading and land clearing activities permanently destroy features and values of importance to the community, often creating erosion and sedimentation and related damage to sensitive creeks and wetlands that is too difficult to enforce against the developer once the permit has been issued and the site has stabilized. The long-term effect is gradual and permanent damage to the values we enjoy while the responsible party is not held accountable.

According to the Community Development Department, there are no effective code provisions to prevent developers from such activity while the County processes the preliminary plat or subdivision request. State and federal resource agencies we contacted agreed this is a real problem which hinders their ability to do their jobs, pointing out that without more effective land use control at the local level, they are helpless to solve the problem. Therefore, the problem continues unabated and the opportunity to protect community values is permanently lost. By the time the situation has degraded to an enforcement status, the damage is done. Functions and values of the site are rarely replaced.

Also, the current exemption of driveways from land division requirements often results in under-engineered or poorly designed roads or connections to roads which fail, particularly in ecologically sensitive or steep areas in the hills around Neskowin. Watersheds can be and are compromised, soils are eroded, slides are created and streams are silted because roads are not properly constructed. This is a local problem, especially near the CGB and in the Hawk Creek and Butte Creek watersheds due to steep slopes where recent construction of "driveways" has created slides and erosion damage.

The effect of unregulated road construction in areas like the hills surrounding Neskowin is well documented. In studies published by the U.S Forest Service, among others, roads are the single biggest cause of soil erosion in forested areas. Poorly constructed roads are a hazard, and lawsuits are currently pending in Oregon courts by property owners against companies that allegedly constructed roads improperly and clear cut forests which caused significant slides, erosion and property damage.

To effectively implement erosion and sediment control, and to assure adequate public involvement in development decisions affecting the community and values of Neskowin, grading permits should be required for all ground disturbing activities, and these permits must be issued prior to any grading, clearing, or road building activities (including the construction of driveways). Grading permits would not be required for specific activities of limited impact, including individual gardens on a single lot, maintenance and landscaping not in conjunction with a building permit.

- (a) **Policy:** The Neskowin Community strongly supports Tillamook County's regulation of erosion, sedimentation, grading and related ground-disturbing activities at construction and other land development sites within and immediately adjacent to the Neskowin

Community Growth Boundary ("Erosion Control").

- (a) **Policy:** The Neskowin Community urgently requests that Tillamook County acquire additional staffing to be dedicated to the development and enforcement of Erosion Control in the 1999 budget process and/or apply for grant money for the same purpose.
- (c) **Policy:** Tillamook County shall place top priority on revising the Tillamook County Land Division Ordinance to include Erosion Control regulations.
- (d) **Policy:** Tillamook County shall place top priority on scheduling meetings with the Standing Land Use Committee and the Neskowin Community to develop Erosion Control regulations for the Tillamook County Land Division Ordinance and individual lots.
- (e) **Policy:** Tillamook County shall include pre-ground disturbing permits and penalties where necessary in the Erosion Control regulations to assure adequate public involvement in land development decisions affecting the Neskowin Community.
- (f) **Policy:** Tillamook County shall apply erosion control regulations to the construction of driveways in addition to road rights-of-way and easements.

### **8.6 Change Zoning and Construction Regulations to Support Neskowin Community Values.**

Neskowin's citizens have expressed themselves emphatically about what they value about Neskowin -- what makes this place special. Of the eleven values ranked highest, eight speak directly about the built or unbuilt environment, and the other three, while specifically about the social fabric, are also directly affected by the way houses, yards, driveways and streets relate to nature and to the community.

The things we value, we naturally wish to protect, and certain land use practices we have seen in this community and elsewhere in the County indicate that present zoning laws do not adequately protect what we value about Neskowin.

Present setbacks and height restrictions allow buildings to be built which overwhelm the delicate scale and character of existing neighborhoods or the natural environment. Much of the remaining open space is paved; building fronts are primarily garage doors. Tall, wedge-shaped, empty towers are built on hillsides to support single-story houses. Essentially all of the Community Values Survey Responses ranked from 1 to 11 are threatened by development of this type, which is to say that if we do not impose controls, what we value about Neskowin will be lost. The following concerns and proposed remedies are supported by the community.

- (a) **Policy:** The Neskowin Community Plan recommends that the County adopt the measures and definitions listed below for building permit applications within the CGB to

protect Neskowin and support our values:

**Limit Driveways.**

Driveway Connection to the street shall be limited to 25% of the street frontage of the lot, but not less than twelve feet.

This recommendation supports the following Community Values Survey Responses: 2, 3, 4, 5, 6, 7, 8, 11, 15

**Provide Open Space.**

Present side yard setbacks do an adequate job of fire separation, but do not provide significant open space, as would be required, for example, for visual separation of buildings on hillsides. Maximum building dimension shall be limited to seventy percent of lot dimension, measured along the same line, except on lots smaller than 3000 square feet which are already covered by a special section of the Tillamook County Land Use Ordinance.

This recommendation supports the following Community Values Survey Responses: 1, 2, 3, 4, 5, 6, 7, 8, 11, 15

**Change "Building Height" and "Grade" Definitions**

(See May 25, 1997, Land Use Group Recommendations in Appendix File in Dept. of Community Development).

This recommendation supports the following Community Values Survey Responses: 1, 2, 3, 4, 5, 6, 7, 8, 11, 15

**New definitions:**

**Building Height:** The vertical distance from Grade to the surface of the roof or highest surface of any building element or projection.

**Grade:** The elevation of the undisturbed surface of the earth below a proposed building or structure.

**8.7 Streets and Driveways - Adopt "Skinny Streets" Standards for Public and Private Roadways.**

This recommendation supports the following Community Values Survey Responses: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, and 18.

Like many older, small communities throughout Oregon, Neskowin was developed with streets

that are smaller than modern widths usually built in today's urban environments. Neskowin residents generally support the absence of sidewalks because these narrow streets are pedestrian-friendly. These "skinny streets" in Neskowin give the community much of its beachy, village-feel.

As Neskowin demonstrates, the benefits of skinny streets are more efficient use of land, lower maintenance costs, a decrease in stormwater runoff, improved traffic safety, an increase in the market value of property, a decrease in construction costs and a heightened sense of "community" which comes from neighbors walking and bicycling.

Skinny streets standards developed by the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation ("ODOT") are safe and legal in Oregon. Many of Oregon's cities have already adopted skinny street standards. These communities are both large and small. We believe this concept is just what Neskowin has in mind.

This Plan eliminates the need for unnecessarily wide streets in appropriate areas of Neskowin both inside and outside of the CGB through "skinny streets" standards.

- (a) **Policy:** Skinny Streets standards shall be added to existing Tillamook County subdivision standards. The Standing Land Use Committee and Tillamook County shall meet no later than sixty (60) days following the adoption of this plan by DLCD to formalize a work plan and schedule to identify key elements of such standards, consult Tillamook County emergency services providers, and develop standards.

## **8.8 Mitigate Impacts from Development on Highway 101 Traffic Flow**

This recommendation supports the following Community Values Survey Response: 1.

- (a) **Policy:** Develop policies and procedures to mitigate direct, indirect, and cumulative impacts of subdivision development on Highway 101 traffic flow and ingress/egress to and from the highway.

## **8.9 Adopt Increased Regulatory Protection for Significant Natural Resources**

This recommendation supports the following Community Values Survey Responses: 2, 3, 5, 7, 10, 15.

- (a) **Policy:** Adopt more stringent regulatory protection for areas specified through the process described in Policy 8.9(b) within and outside (adjacent to) the CGB to protect significant natural resources and to provide for environmentally sensitive growth.

- (b) **Policy:** The Standing Land Use Committee and Tillamook County shall meet no later than sixty (60) days following the adoption of this plan by DLCD to formalize a work plan and schedule to complete any remaining inventorying of significant resources (if any) and to develop ordinances for conservation and protection of significant resources.

To support and maintain the integrity of the buffer zone of SFW and forest zoning at the CGB, and to protect significant natural resources throughout Neskowin, a Natural Resource or environmental overlay zone(s) was researched and recommended for lands both within and outside of (adjacent to) the CGB where the natural features of the landscape are not amenable to development either because of the need to provide aesthetic, livestock or wildlife buffers between developed land and working farms or silvicultural activities, or because the natural resources on that land are fragile or have important functions and values (for example, wetlands, estuaries, anadromous fish habitat, steep canyon walls and special forest ecosystems). Environmental overlay or "E-Zones" have been successfully implemented in other Oregon communities to protect resources that have been identified by the community as providing public benefits. The single zoning overlay, when properly and carefully drawn, encourages innovation and flexibility in site planning and provides for development that is carefully designed to be sensitive to the site's resources. These kinds of zoning overlays also carry out Comprehensive Plan objectives and policies.

There are two types of E-Zones: Environmental Protection Zones ("EP Zones") and Environmental Conservation Zones ("EC Zones"). EP Zones provide the highest level of protection to the most important resources and values. The EC Zones conserve important resources and values in areas where the resources and values can be protected while allowing environmentally sensitive development. EP and EC Zones are "overlay zones" which allow some development to occur and apply in addition to zoning requirements of the base zone.

Tillamook County opposed the creation of E-Zones stating the following reasons:

We have serious concerns about both the need for and the implementability of E-zones. Current Tillamook County regulations protect natural resources and sensitive features. While we agree that the existing regulations could be improved in some areas, we are not convinced E-zones improve upon our existing regulations such that implementing an entirely new regulatory method is warranted. Adding to the difficulty is the fact that there is very little detail in the proposal regarding how the E-zone would function. (*See Tillamook County Department of Community Development written comments to Draft Neskowin Community Plan dated April 11, 1998.*)

The community does not agree with the County that there is little need for an E-Zone (or similar overlay zone), that such regulation is not implementable, or that current regulations adequately protect natural resources. However, at the April 25, 1998 Neskowin community meeting, a consensus between the County and the community was reached that the existing regulatory framework of resource protection zones and overlay zones, if significantly enhanced, could

achieve the level of environmental protection required under state land use law.

The community and the County further agreed to identify natural resources, and regulations needed to protect resources, through a collaborative process to begin as soon as possible, but no later than upon completion of the Neskowin Community Plan. Because the development of protective regulations depends upon an inventory of natural resource areas where the rules will apply, rules for implementing these zones should be developed by a joint subcommittee of the Standing Land Use Committee and the Natural Resources Group.

### **8.10 Protect Natural Features in Land Development.**

This recommendation supports the following Community Value Survey Responses: 5, 7, 10, 14, and 15.

- (a) **Policy.** Identify and Protect Natural Features in Land Development Plans and Proposals
- (b) **Policy.** Any plan for subdivision or other development (such as major partition, planned development, or similar development) shall identify the listed features:

- Wetlands
- Surface Water Bodies
- Riparian Areas
- Trees (dbh greater than 48")
- Rock Outcroppings
- Drainage Swales
- Scenic Areas and Vistas

Significant natural features of land inside and outside the CGB benefit the entire Neskowin community. These features include such things as rock outcroppings, large trees or stands of trees, wetlands and creeks, fish and wildlife habitat and outstanding views.

Currently there is no overlay zone in the Zoning Ordinance which adequately inventories and protects these features while allowing balanced development and growth to occur. While the Neskowin community and Tillamook County have agreed to improve existing regulations, it will take some time to conduct and complete the work for Neskowin.

## **9. NATURAL RESOURCES**

Appreciation for and protection of the natural environment are recurring themes in the Neskowin Community Values Statement. These values are addressed under State Planning Goals 5, 7, 16, 17, and 18.

The Neskowin Community Growth Boundary (CGB) extends north from the Cascade Head Scenic Research Area of the Siuslaw National Forest to the southern boundary of the Daley Lake wetlands. Within the Neskowin Community Growth Boundary are diverse geological and hydrological features: beach, dune, basalt intrusions, wetlands, low and high gradient streams, forested uplands, rocky ocean cliffs and landslide topography. Initial settlement occurred primarily in the dunes and floodplains of Neskowin, Sutton, Butte, Hawk and Meadow Creeks. As the floodplains have been developed for residential, agricultural and recreational uses, the creeks, which naturally meandered within their floodplains, have now been confined to single channels. Neskowin's lowlands (dunes and floodplains) are surrounded by the slopes of the Coast Range and Cascade Head.

## 9.1 Hillsides and Cliffs

Hillsides and cliffs are subject to sliding, especially after vegetation has been removed and the soil becomes saturated with water. Several slides have occurred within the CGB because roads have been constructed at the toe of a slope or in the middle of a slope around headwalls and springs (see Map of Natural Features in Appendix File in Dept. of Community Development). The occurrence of sliding or slumping in certain local land forms and soil types (see Disturbance History, Appendix A) in combination with the steepness of Neskowin's slopes emphasizes the need for geological hazard analysis and erosion control measures.

Under Tillamook County Land Use Ordinance 4.070 (5/87), geologic hazard analysis reports must be done for development of areas meeting certain criteria. Within the Neskowin CGB, these areas are inactive landslides, landslide topography, mass movement topography where slopes are greater than 19%, and other locally known areas of geologic hazard based on evidence of past occurrences. (See Appendices 8 and 11)

## Recommendations and Background

- (a) **Policy:** Both the County and the Neskowin Community will continue to map and photograph areas of slides, slumps and cracks to add to County inventory of areas where geologic hazard analysis may be required.
- a. Several slides have been initiated by road construction: the late 1960s slide across Highway 101 from the western slope of the ridge separating Hawk and Neskowin Creeks, a 1996 slide across a portion of road above Neskowin Woods, a slide from an old logging road on southern side of Butte Creek, a slide/slump from a crack along the edge of a cleared lot on the northern slope above Butte Creek, and a slide from old logging road below the same cleared lot.
  - b. The southern slope of the ridge between Hawk and Neskowin Creeks is prone to sliding and slumping, as evidenced by a slide which carried a standing tree downhill in 1996.

**(b) Policy:** The Community supports countywide adoption of a policy requiring independent review of geologic hazard reports.

## 9.2 Streams

As displayed on the Map of Natural Features (see Appendix File in Dept. of Community Development), Neskowin Creek enters the Neskowin CGB from the southeast. Butte Creek joins Neskowin Creek in the small estuary east of Proposal Rock.

Butte Creek enters the CGB from the northeast and joins with the ditched portion of Meadow Creek (flowing from the north) in the Neskowin Golf Course. Hawk Creek flows westward through the Hawk Creek Golf Course and under Highway 101 before entering Butte Creek south of the Neskowin Golf Course. (Hawk Creek is the community water supply; the water treatment plant is located upstream of the Hawk Creek Golf Course.) Sutton Creek flows into Neskowin Creek upstream of the estuary.

The tidal influence extends up Butte Creek to the tide gates south of the Neskowin Golf Course clubhouse, up Neskowin Creek to the RV Park and up Sutton Creek through the Proposal Rock Subdivision.

Neskowin Creek has been proposed as a coho salmon source stream under the Coastal Salmon Recovery Initiative (CSRI). Neskowin Creek has runs of coho, fall chinook, chum salmon, winter steelhead and searun cutthroat trout (Oregon Department of Fish and Wildlife). Butte Creek and Hawk Creeks have historically had runs of coho, searun cutthroat and, likely, winter steelhead. The Meadow Creek wetland has habitat for resident cutthroat trout and overwintering habitat for chum and coho salmon, as well as searun cutthroat trout. The golf courses and the agricultural lands east of Highway 101 provide little streamside vegetation for fish and wildlife food and cover or for stream temperature moderation and sediment trapping.

### Recommendations:

- (a) Policy:** Amend the Tillamook County Comprehensive Plan to include documented use of Neskowin streams by anadromous fish.
- (b) Policy:** Include Butte and Hawk Creeks as streams with documented use by anadromous fish.
- (c) Policy:** Protect riparian areas and streams by applying the Goal 5 setbacks. At the minimum, Tillamook County shall apply and enforce existing setbacks along streams, as set forth in Section 4.080.
- (d) Policy:** Add previously unmapped perennial streams (see Map of Natural Features,



Appendix File in Dept. of Community Development) to the Tillamook County Comprehensive Plan.

- (e) **Policy:** Add estuary designation to the tidally influenced riparian area along Butte Creek from the estuary up to the Neskowin Golf Course tide gates.
- (f) **Policy:** Encourage the establishment of riparian vegetation through the Hawk Creek and Neskowin Golf Courses.

### 9.3 Beach, Dunes and Wetlands

From Neskowin Creek north to Daley Lake, the lowlands are dominated by beach and dune features. Definitions used in the following paragraphs are from the Oregon Coastal Zone Management Association's *A System of Classifying and Identifying Oregon's Coastal Beaches and Dunes* (1979). A **beach** is a relatively narrow, sloping zone of unconsolidated materials extending from the low tide line landward to the uppermost line of tidal action. Neskowin's beach is relatively stable, with no net loss or gain of sand on an annual basis. Summer waves generally replace sand lost in winter. The **foredune** is the first ridge of sand situated immediately above the high tide line and parallel to the beach. Active foredunes are subject to wind-caused erosion or accretion and wave erosion or breaching. Areas of periodic wave incursion through the foredunes are shown on the Map of Natural Features (see Appendix File in Dept. of Community Development).

**Deflation plains** develop inland from the foredune where wind has scoured the sand down to the level of the summer water table. The small **wetland** at South Beach and Neskowin Marsh (Meadow Creek Wetland) likely originated as deflation plains. The South Beach wetland was dry in the summer months until its natural drainage was blocked by a road and the establishment of vegetation. Streams flowing into the Neskowin Marsh from upslope deposited sediment and organic materials and increased the permanent water supply into the wetland. Wetland vegetation develops according to the amount of water coverage during the year: rush and willow where the water table stands on the surface for 3-4 months and sedge where water stands for 6 or more months. Neskowin Marsh originally extended south through the present day Neskowin Golf Course to the estuary. Hawk Street was constructed through the western edge of the Neskowin Marsh, separating small portions of wetland from the larger wetland east of the road.

Other **wetlands** within the Neskowin CGB are within the floodplains of streams and/or have been created by road construction and ditching of stream channels. The Sutton Creek Wetland units were one wetland until separated by road construction beginning in the 1960s and continuing through the 1990's. The wetlands east of Highway 101 at the southern edge of the CGB were impounded when the construction of Highway 101 in the 1960's channelized a portion of Neskowin Creek and blocked the junction of an unnamed tributary with the main creek. In addition, fill from the slide across 101 was placed in the northern portions of the Highway 101 wetland unit.

Statewide Planning Goals 5 and 17 are protection goals for natural resources such as shorelands, estuaries, wetlands, riparian areas and wildlife. Under Goal 17, natural resources west of Highway 101 which have been determined to be significant **shall** be protected. Under Goal 5, natural resources **may be** protected after potential conflicting uses are evaluated for their economic, social, energy and environmental (ESEE) consequences. The SRI/Shapiro/AGCO Report (1998) documents the significance of these resources.

For all wetlands not given the designation of "significant", proposals to alter the wetland by draining or filling will require state (DSL) and federal (COE) permits, with associated wetland determinations, and mitigation appropriate to compensate for functions being performed by the wetland.

Wetlands within the CGB are described in the SRI/Shapiro/AGCO document on file with Tillamook County and the Neskowin Community Association.

### **Recommendations and Background**

- (a) **Policy:** Require Dune Hazard Reports (Tillamook Co. Land Use Ordinance 3.085 (BD) (5-B) for any subdivision or major partition of Neskowin's beach or dune areas.

This recommendation reflects the high impact that beaches and dunes have on Neskowin's Community Values, as well as State Land Use Goal 18.

Neskowin's first houses were built on the ridge west of the golf course and on the ridge parallel to Hawk Street as far north as the current location of Neskowin North. The Core residential area (zoned R-1 and R-3) is built on a foredune stabilized by the planting of European beach grass (*Ammophila arenaria*) in the 1930's. In the 1960s, The Point was created by riprapping and filling of the beach and stabilized with beach grass plantings. Beach front lots at South Beach were also developed by riprapping.

In 1979, Neskowin North was considered an active foredune area (CZMA) and may not have been developed under Goal 18 standards.

- (b) **Policy:** Rezone the county-owned property in Kiawanda Beach from R-1 to RN.

The relevant Community Values are: a place where a quiet, natural beach atmosphere is found on individually owned properties as well as along the streets and on public property; and a place where the environment and beauty of natural setting is prized.

Tillamook County owns approximately 20 acres of dunes at Kiawanda Beach extending south 2370 feet from the Neskowin North development. In a letter to the Neskowin Community Planning Participants dated April 1, 1998 (see Appendix File in Dept. of Community

Development), the Department of Community Development and the County Board of Commissioners concur that the property cannot be developed, and state that they are "open to alternative zoning" such as Recreation Natural (RN). The beach front area between the Core and Neskowin North shall remain zoned R-1.

(c) **Policy:** To comply with Goal 17, permit only the following uses in significant shoreland and wetland biological habitat:

1. Low impact recreational uses consistent with Section (4)(b)(1).
2. Existing park or golf course facilities which exist as of March 1, 1999 and maintenance of existing facilities. Improvements and additions, provided adverse impacts to shoreland and wetland habitat are not measurably increased, or are mitigated.
3. Repair, replacement or maintenance of existing structures and drainage facilities, provided that size or capacity is not increased (*unless necessary for improved fish passage, i.e., culverts or tide gates*).
4. Bank stabilization.
5. Vegetation management of non-native plants.
6. Maintenance and improvement of stream corridors for storm drainage purposes or for fish and wildlife enhancement.
7. Stormwater discharge.

(d) **Policy:** To meet Goal 17 guidance, apply 25-foot building setbacks to the edge of significant shoreland and wetland biological habitat areas.

Variances to the buffer requirement shall follow standard variance procedures. The variance shall only be granted where it is demonstrated that encroachment, along with any proposed mitigation, will not have negative impacts on the natural functions and values of the resource area.

Note: The additional buffer may impact the buildable area of existing lots in the community. The variance procedure would allow individuals to follow a process to obtain the right to build.

(e) **Policy:** Adopt the SRI/Shapiro/AGCO report, *Riparian, Wetland and Wildlife Resources within the Neskowin, Oregon Community Growth Boundary*, as part of the Neskowin Community Plan. Appendix A of the Shapiro Report is a map identifying wetlands; Table 2 of the report contains the findings and significance determination for each wetland. This significance determination shall be amended as follows, with the attached

wetland map produced by Tillamook County serving as the official significant wetlands inventory map:

- (i) Significant wetlands are: DCW-W; SW1-W; SW2-W; HCW2-W; SCW3-W; MC(NM)W1-W; MCW2-W; excluding all portions of these wetlands which occur west of Los Angeles Street (Hawk Street) or on residential lots in the Neskowin North Subdivision as of March 11, 1999.
- (ii) Non-significant wetlands are: BCW-E; HCW1-E; H101W-E; SCW1-W; SCW2-W; SBW-W
- (iii) The Shapiro wetlands map shows approximate location of wetlands; on-site wetland delineations shall be required prior to development activities which appear to be within 25 feet of a significant wetland, in order to determine precisely the extent of such wetland.
- (iv) Recognize that the Neskowin Golf Course is a continuing established use of a wetland, and allow improvements and expansion of facilities provided adverse impacts to wetland and shoreland habitat are not increased.
- (v) The community encourages Tillamook County to recognize the potential significance of the Highway 101 and Butte Creek Wetlands, and recommends protecting these areas from impact during the Goal 5 review process.

**Sub-Policy 1:** Recognize that the Neskowin Golf Course is a continuing established use of a wetland.

The Neskowin Golf Course is unique in its position in Neskowin, with Meadow Creek and Butte Creek traversing the course and flooding it in winter for extended periods of time. This flooding provides unique winter waterfowl habitat. (See discussion of fish use under *Streams* section.) There is diverse wetland vegetation at the northern and southern ends of the golf course, reflecting what the area would have been like prior to course development.

**Sub-Policy 2:** Recognize the potential significance of the Highway 101 and Butte Creek Wetlands and recommend protecting these areas from impact during the Goal 5 review process.

- (f) **Policy:** Support the community in developing and implementing a plan to restore and maintain natural areas (i.e. dunes and wetlands) which have been reserved from development.

Maintenance activities will include the reduction and control of populations of noxious and

invasive plants, such as Scot's broom and English ivy.

## **10. PUBLIC FACILITY PLANNING**

### **10.1 Special Districts**

There are three special districts existing in the Neskowin community: the Neskowin Regional Sanitary Authority; the Neskowin Regional Water District; and the Nestucca Rural Fire Protection District. Each provides services critical to our community's health and safety. Coordination agreements either exist or are being prepared by Tillamook County to ensure coordination of planning between these agencies, Tillamook County, and the Neskowin Community Plan.

The Sanitary Authority created a Capital Improvement Plan in 1997. The Water District developed a Master Plan in 1993.

The Unincorporated Communities Rule (OAR 660-22) requires that a public facilities plan be developed for water and sewer if existing facilities are insufficient for current needs or are projected to become insufficient, or if the community plan provides for additional growth or in-fill that cannot be adequately served with individual water or sanitary systems or by existing community facilities.

The Neskowin Regional Water District (NRWD) developed a Master Water Plan in April, 1993 (see Appendix File in Dept. of Community Development). This plan identifies improvements necessary to meet the 20-25 year projected demand, including prioritization and cost estimates. Information from the water district shows that several of the necessary improvements have already been completed. However, because the current facilities are inadequate to meet the development allowed in the plan, development restrictions are necessary to ensure that development occurs in such a way as to neither exceed the capacity of the land to provide potable water nor exceed the capacity of public facilities.

The combination of water service from NRWD within the district service area and individual water systems on land outside the district service area should be adequate for the projected growth over the next 20-25 years, as well as the ultimate buildout potential allowed under the Neskowin zoning. Only a small portion of the Community Growth Boundary lies outside the water district, and these areas are zoned for 20,000 square foot minimum lot sizes. Individual water systems should be adequate here. Given the extent of coverage of the water district within the community growth boundary, and given the progress the NRWD is making in implementing the Master Water Plan, it seems probable that individual water systems would be necessary in a limited number of cases, and that these cases would not exceed the capacity of the land to provide potable water.

The Neskowin Regional Sanitary Authority (NRSA) Capital Improvement Plan (see Appendix File in Dept. of Community Development) addresses the improvements necessary to serve the existing Service District, plus Neskowin Crest which is currently not in the Service District, as

the area develops toward full buildout. The improvements necessary total approximately \$1.2 million. Improvements necessary to expand service to the entire Neskowin Community Growth Boundary would substantially exceed this amount, and are therefore unlikely to occur in the near future.

The Neskowin Community Plan provides for development in areas where individual septic systems are unlikely to be sufficient for development of lots at the density allowed in the underlying zone. For example, R-1 zoning at the south end of Neskowin Heights would allow 7,500 square foot lots; however this area is currently outside the NRSA and on-site septic systems are unlikely to be feasible on 7,500 square foot lots here. Therefore, a public facilities plan is required by the Unincorporated Communities rule.

The NRSA is not able to expand to the CGB now or in the near future. In this situation, the Unincorporated Communities Rule requires either: (a) a list of improvements necessary, potential funding sources, and a requirement that development not occur until the necessary facilities are available; or (b) development restrictions to ensure development will not exceed the capacity of the land to absorb waste and will not exceed the capacity of public facilities. Because the more immediate concern of serving the current district is the dominant priority over expansion of the NRSA to the CGB, the appropriate method is to establish development restrictions as described in the rule.

It is clear that the objectives of the Neskowin Vision Statement and the Neskowin Community Plan cannot be achieved unless there is congruency between the special districts' plans and this Neskowin Community Plan. As an example, annexation decisions by special districts must be based on Neskowin Community Plan policies.

## **10.2 Public Facility Policy Recommendations**

- (a) **Policy:** All actions and decisions by the Neskowin Regional Sanitary Authority and the Neskowin Regional Water District to provide or expand water or sewer service or capacity shall be consistent with the policies of this Neskowin Community Plan.
- (b) **Policy:** Approval for development shall not be granted until confirmation of water availability from the water district, or evidence of an alternative functioning domestic water supply, is presented to Tillamook County.
- (c) **Policy:** At this time, there appears to be substantial water available for development in Neskowin. In the future, if evidence of potential water supply limitations or depletion of surface or groundwater supplies becomes known, Tillamook County shall research the situation and adopt any necessary regulations to ensure that the capacities of the land and public facilities to provide water are not exceeded.
- (d) **Policy:** If sewer service is available to a lot, hookup shall be required prior to development.

- (e) **Policy:** If sewer service is not available to a lot, approval for on-site sanitation disposal shall be required prior to development, partition or subdivision of the lot.
- (f) **Policy:** Tillamook County will work with the Department of Environmental Quality (and where appropriate, the NRSA) to establish policies and procedures for assessing cumulative impacts of multiple septic systems in an area. Tillamook County shall impose regulations to ensure adverse cumulative impacts do not occur.
- (g) **Policy:** The Neskowin Regional Sanitary Authority, Neskowin Regional Water District, and Nestucca Rural Fire Protection District shall each adopt a Cooperative Planning Agreement with Tillamook County that is consistent with this Neskowin Community Plan.
- (h) **Policy:** Schedule and initiate a process for community dialogue concerning the CGB, Water District and Sanitary Authority boundaries.
- (i) **Policy:** Provision of sewer service shall be consistent with the policies of the Tillamook County Comprehensive Plan, particularly policy 3.5 of the Goal 11 Element which precludes provision of sewer service outside community growth boundaries except in certain situations involving health and water quality problems.

## 11. TOPICS FOR FUTURE DISCUSSION

Appropriately, and in accordance with the law, this process is not finished. There remain several unresolved topics which merit the consideration of the community, but which, due to time constraints, the Vision Committee could not present fairly to the community for inclusion in this plan. More issues will continue to arise as Neskowin continues to evolve.

Among possible topics for future discussion:

Are the county's sign ordinances appropriate for Neskowin?

Should Neskowin have a community Center?

How can offensive outdoor lights become attractive?

Should Neskowin's core area be designated a district with special design restrictions?

How can proper public access to the stumps be provided?

Should the speed limit on Highway 101 be decreased to 45 mph within the community growth boundary?



Should motor vehicles be prohibited on the beach?

Throughout the Vision Process and Periodic Review, the citizens of Neskowin have shown that what really makes Neskowin special is that so many competent people will take time from their busy lives to work for the good of the community. This level of engagement and commitment is priceless. It is our greatest resource.

## **APPENDIX A**

### **SUMMARY OF NESKOWIN DISTURBANCE HISTORY**

Neskowin land use has been shaped by natural and human-caused disturbances. Natural disturbances include fire, earthquakes, tsunamis, severe storms and associated floods and landslides. Human-caused disturbances include land-clearing (logging and farming), ditching and filling of streams, riprapping stream banks and sand dunes, road building, landslides caused by roads, filling of land and the introduction of invasive non-native plants.

The land was formed over millions of years of volcanic activity, sedimentary deposition by streams and rivers, uplift and subsidence. The Coast Range bedrock consists of basalts overlain by sediments (sand, silt, mud and volcanic debris) deposited in shallow seas. Younger volcanic flows intruded between these older rocks. For the past 10 million years, the Juan de Fuca plate of the Pacific Ocean floor has been dragged (subducted) beneath the North American plate. As a result, the Coast Range is rising and tilting eastward, and in the northern Coast Range, slightly southward (USDA 1998).

South of Neskowin is Cascade Head, an igneous headland predominantly composed of erosion-resistant basalt but surrounded by more erodible sedimentary rocks. Neskowin rises eastward to igneous marine hills comprised of volcanics and fine-grained sedimentary rocks, which are moderately erodible. Most of Neskowin is in the coastal lowlands, which are underlain by easily eroded sediments such as sand dunes. The hills east and south of Daley Lake, including Sahhali Shores, are marine siltstones and fine-grained sandstones, which are erodible to highly erodible; earth flows and deep-seated landslides are common in such areas. The Hills of Neskowin development is located in a geological type formed by landslide deposits and debris flows; this area is erodible and potentially unstable with regard to future landslides (USDA 1998 and State of Oregon Geologic Map, 1991).

#### **Earthquakes**

Earthquakes release energy built up as the ocean floor tries to slide under the continent. When the energy is released, the coastline subsides (drops) 3-6 feet, i.e. the sea level becomes 3-6 feet higher (Orr, Orr and Baldwin 1992). The stumps at South Beach resulted from an episode of subsidence approximately 2,000 years ago.

## **Tsunamis**

Tsunamis are water waves generated by a sudden vertical displacement of the water surface, such as may occur during an earthquake. Wave velocities and heights depend upon water depth. The effects of the waves are modified by tide levels and weather conditions (NOAA 1993). Tsunamis affecting Neskowin would most likely be generated by earthquakes in Alaska. One model predicts that the maximum tsunami amplitude to hit Neskowin would be 4.35 meters (14.75 feet) (Whitmore 1994). The most recent large tsunamis to reach the Oregon Coast occurred in 1946 and 1964. The April 1, 1946 tsunami, resulting from a magnitude 7.8 quake in the Aleutian Islands, Alaska, was 5 to 7 feet high at Depoe Bay. The March 28, 1964, tsunami, resulting from a magnitude 8.4 earthquake in Prince William Sound, Alaska, caused extensive damage to the West Coast (especially Crescent City, California). Waves 10 to 11.5 feet high traveled up rivers and creeks along the Oregon Coast (NOAA 1993). No tsunami damage to Neskowin has been verified.

## **Storm Waves**

Storm waves are generated by strong winds operating over a long stretch of water. (NOAA, 1993). Storm winds drive large waves against the dunes, resulting in dune erosion and, in January, 1939, the destruction of Neskowin homes, a barn and the campground's community kitchen (Rock 1997, p.108). Seasonal flooding results when winter storms interact with high tides.

## **Human-Caused Disturbances**

Neskowin's beaches have been altered by riprapping (piling rocks to protect a bank) and the planting of European beach grass to stabilize the sand. Planting of beach grass in the 1930's created the foredune, a ridge of sand paralleling the shore and immediately above the high tide line. Beach grass has stabilized the foredune enough to reduce the amount of sand moving inland (Wiedemann, Dennis and Smith 1974). The lee side of a foredune may appear stable while the windward side of the dune is eroding. Construction requiring any excavation of the foredune exposes the site and adjacent areas to erosion, interruption of natural sand movement and wind-blown sands. The installation of riprap to protect structures can accelerate dune erosion by deflecting and intensifying the problem elsewhere (OCZM 1979).

Riprap has also been used to stabilize stream banks and redirect channel flow. This has been done in association with development and road-building.

Many roads have been built in locations subject to slope failure, as evidenced by the slide across Highway 101 in 1968 and slides from old logging roads in the Butte Creek drainage. Other roads have been built across wetlands or streams, blocking drainage and making continued road maintenance difficult.

One controversial road at South Beach resulted in the State's first court test of the July, 1967, Beach Law. As described in the 1977 Oregon State Parks publication about the Beach Bill, the developer began work on a private road which extended onto the beach approximately 200 feet seaward of the vegetation line. Less than two months before the Beach Bill passed, the developer pushed dirt, gravel and rock from his property over a 60 foot cliff onto the beach below until there was enough material to build the road. Prior to the bill becoming law, the developer applied for a beach (fill) permit and began extending the road northward parallel to the ocean for about 200 feet. After the Beach Bill was signed, he applied for a permit to complete the road and build a revetment. The permit was denied and a lawsuit followed. The developer removed part of the road and the rest was eroded by waves; the cliff continues to erode where it was exposed by the road-building.

Two more Neskowin cases challenged Oregon's Beach Bill. In January, 1968, sand was hauled across Hawk Creek in order to fill the area where the motel and restaurant complex was to be built. The bulldozers formed a new creek channel and a pool several hundred feet long in back of Proposal Rock. All the sand needed was moved before the case reached court (Sunday Oregonian, January 14, 1968). In March, 1968, G. W. Kanoff started work on "The Point" on beach grass stabilized dunes adjacent to the old bathhouse. The circular road was stabilized with riprap and land protection diking. Although a temporary restraining order was issued, work was later completed (Tillamook Headlight Herald, March 7, 1968).

As previously mentioned, a portion of Neskowin Creek was moved and riprapped to accommodate the "new" Highway 101 in the early 1960's. Sutton Creek was channelized through the pasture and forested wetland in South Beach. The rich bottomlands along the major Neskowin drainages were all farmed: Neskowin Creek, Hawk Creek, Butte Creek, and Meadow Creek. Old drainage ditches are still evident in the Butte and Meadow Creek wetland areas. At one time, Neskowin Marsh (Meadow Creek) was dry enough to pasture horses and cattle; Neskowin Marsh was also the site of a cranberry bog experiment in 1912-13. Other creeks and wetlands have been diverted and/or filled.

Another disturbance is the spread of noxious and invasive weeds. For example, Scot's broom and Himalayan blackberry are encroaching in disturbed areas (along roads and streams) where they out-compete all other species. English ivy climbs up into trees, smothering them, adding weight and making them more susceptible to wind throw.

The photos (under separate cover) illustrate many of the disturbances discussed in this section.

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**APPENDIX B:  
SRI/SHAPIRO/AGCO INCORPORATED WETLANDS REPORT**

## **APPENDIX C:**

### **Summary of Tillamook County Land Use Regulations Relevant to the Neskowin Community**

This document summarizes various portions of the Tillamook County Land Use Ordinance and Land Division Ordinance for the purpose of education and facilitating discussion during the community planning process in Neskowin. These summarized portions are not all-inclusive, and should not be substituted for the actual ordinance in determining compliance with land use regulations. The regulations discussed below are subject to change. Zone definitions (R-1, R-2, C-1, etc.) are not summarized here; the appropriate sections of the Land Use Ordinance should be used directly for these zones.

#### ***Definitions and Abbreviations used in this summary***

*LUO = Tillamook County Land Use Ordinance -- deals with land use activities*

*LDO = Tillamook County Land Division Ordinance -- deals with subdivisions and partitions*

*The Department = Tillamook County Department of Community Development*

#### **Off-Street Parking Requirements (LUO Section 4.030)**

Applicants are required to maintain 8-ft-by-20-ft off-street parking spaces adequate for the use of the property. For residential use, 2 spaces are required for a single-family dwelling and 1 space for each additional dwelling unit. Parking requirements for specific commercial and industrial uses are listed in the LUO.

#### **Mobile Home and Recreation Vehicle Placement Standards (LUO Section 4.040)**

Only certain zones allow Mobile Homes and RVs. Mobile Homes are allowed outright in the Rural Residential, R-3, and RMH zones, and as a Conditional Use in the R-2 zone. Recreation Vehicles are allowed outright in the Silver Valley Mobile Home Ranch (zoned RR), and as a Conditional Use in the Rural Residential and RMH zones.

In the Rural Residential, R-1, R-2, and R-3 zones, temporary placement of a mobile home or recreation vehicle to be used because of a Health Hardship can be allowed as a Conditional Use.

In any residential, commercial, or industrial zone, a temporary mobile home or RV placement can be allowed for use during construction of a use for which a building permit has been issued.

## **Setback Requirements and Height Restrictions (LUO Sections 3.010 - 3.032)**

Each zone (e.g. Rural Residential, Neighborhood Commercial) includes standards for setbacks and building height. In residential zones, the setbacks are 20 ft from the front property line, 20 ft from the rear, and 5 ft from the side property lines. On corner lots, the setbacks are 20 ft from the front, 15 ft from the street side property line, and 5 ft from the rear and non-street-side property lines. A residential use in a commercial zone has the same setbacks as in a residential zone. Other uses in a Commercial zone require 5 ft side and 10 ft front setbacks for parcels adjacent to residential zones, and no setback for parcels not abutting residential zones. In the case of a zero setback, the structure shall be placed on the property line or else set back at least 3 ft from the property line.

Building heights are limited to 24 ft for oceanfront or bayfront properties, and 35 ft elsewhere. Building height is measured as the distance between the peak of the roof and the existing (pre-development) grade, measured at the midpoint of each exterior wall and averaged.

## **Exceptions to Dimensional Standards (LUO Sections 5.100 and 5.110)**

Yard setbacks may be reduced under certain circumstances. On a lot 7500 sq ft or less in size, either the front or rear yard may be reduced to 10 ft, provided certain requirements are met. On a lot less than 3000 sq ft in size, front and rear setbacks combined must be at least 30 ft, but no more than 50% of the lot can be covered with any structure. On narrow lots, side setbacks may be 10% of lot width (minimum 3 ft). In certain cases, the average front setback of neighboring lots may be used as the front setback. In the Hawk Creek Hills and the First Addition to Hawk Creek Hills Subdivisions, front setbacks are 5 ft.

Structures are excluded from setbacks, with the following exceptions. Detached accessory structures may be located in the rear and side setback, but no closer than 3 ft to a property line. Projections from buildings such as eaves and chimneys can project 18 inches into setbacks. Decks, porches and steps <30 inches high may extend into setbacks provided they maintain half the front setback, 10 ft on a street side setback (corner lot), and 3 ft for other sides setbacks and the rear setback. Higher decks, etc., can project 24 inches into any setback. Decks that extend into setbacks cannot be covered or enclosed.

## **Geologic Hazard Areas (LUO Section 4.070)**

The most common Geologic Hazard Areas include: areas mapped as active landslides; oceanfront bluffs where erosion and sliding are identified as problems in the Comprehensive Plan (e.g. the AOcean Ridge≅ area); locally known hazard areas based past occurrences; and areas of mapped Alandslide topography≅ where slopes exceed 19%.

In geologic hazard areas, all development must comply with standards minimizing



vegetation removal, controlling runoff and erosion, and requiring prompt revegetation. Most development activity\* in these areas also requires a Geologic Hazard Report completed by a geologist and an engineer and reviewed the Department. The Geologic Hazard Report is required to address the conditions of the site and surrounding area, and standards for development that will minimize the risk of geologic hazards.

\* (Specifically, planned developments, coast resorts, subdivisions, partitions, building permits, mobile home permits, and sand mining. On lots 20,000 sq ft or larger, building and mobile home permits require Hazard Reports for areas of landslide topography only where the proposed structure is to be sited on slopes greater than 29%.)

### **Riparian Protection** (LUO Section 4.080)

Riparian areas are defined as: 50 ft from lakes larger than 1 acre, estuaries, and the main stems of the following rivers where the river channel is >15 ft in width: Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem, and North and South Fork Nehalem River; 25 ft from other streams with channel widths of >15 ft; 15 ft from all other perennial streams. The riparian area for estuaries is measured horizontally (not as a slope distance) from the mean high-water line or the line of non-aquatic vegetation, whichever is more landward. For other water bodies the measurement is made from the ordinary high-water line.

Development is prohibited within the riparian area with the exception of: bridges; waterdependent uses; where natural features allow a smaller riparian area to protect equivalent habitat values; where an area is so degraded that additional development will have minimal negative impact. Exemptions from the riparian setback may be granted in certain areas where pre-existing lots are not large enough to provide a reasonable building envelope when the riparian setback is applied. These exemptions are required to be the minimum necessary to accommodate the use after the opposite yard setback has been reduced to half.

In addition to restricting development, the ordinance limits removal of riparian vegetation by prohibiting removal of trees or more than 50% of the understory vegetation within the riparian area (with certain exceptions).

### **Flood Hazard** (LUO Section 3.060)

This section contains standards for development activities within flood-prone areas. By enforcing this ordinance section, Tillamook County qualifies for federal flood insurance. Specific development standards depend on the flood zone, which is determined from maps provided by the Federal Emergency Management Agency (FEMA). In general, structures are required to have the first finished floor at least 1 ft (and in some areas at least 3 ft) above the 100-year flood elevation. Stricter standards are established for floodways. In Flood Hazard Areas, construction materials and utility installations are required to be resistant to flood damage. Recreation Vehicles must be Ahighway ready≡

or else meet the flood standards as manufactured homes. Development activities that could affect or be affected by flooding and which are not covered by a building permit or other permit are require a Development Permit under this Ordinance section (an example is the placement of fill in a floodplain).

### **Wetlands (LUO Section 3.092)**

Wetland areas that are mapped and identified in the Tillamook County Comprehensive Plan as Significant Goal 5 (freshwater) or Goal 17 (coastal) wetlands are protected under the LUO. Development is allowed only if it will not result in major impact to significant wetlands. The relevant sections of the LUO are 3.090 Shoreland Overlay Zone (coastal wetlands) and 3.092 Freshwater Wetlands Overlay Zone.

All wetlands, whether or not they are identified as Significant in the Comprehensive Plan, are under the jurisdiction of the Oregon Division of State Lands (DSL) and the US Army Corps of Engineers and are regulated accordingly.

### **Beach and Dune Overlay Zone (LUO Section 3.085)**

The purpose of this zone is to protect natural values of beaches, foredunes, interdune areas, deflation plains, stabilized dunes, and conditionally stable open sand areas, and to reduce the hazards to human life and property associated with these areas. The zone establishes uses allowed outright, conditionally, and with specific standards, and establishes site development requirements for those uses. Except in already developed beachfront areas, development is generally restricted to stabilized or conditionally stable foredune areas not subject ocean undercutting or wave overtopping. Oceanfront structures are required to be landward of the Oceanfront Setback Line (OSL), which is generally defined by the most oceanward points of the nearest structures to the north and south of the proposed structure. Placement of structures in hazard areas requires a Dune Hazard Report which reviews hazards present and methods for minimizing those hazards in design and construction of the structure.

Activities such as foredune breaching and grading, and sand stabilization have specific standards. Site development requirements for all development include protections of deflation plain areas and groundwater, and standards for land grading practices to minimize erosion.

### **Conditional Use (LUO Article VI)**

Conditional Uses are uses which can be allowed when review shows them to be appropriate at a particular site within a zone. Notice of a pending Conditional Use decision is sent to all property owners within 250 ft of the subject property and notice is placed in the *Headlight Herald* newspaper. A 10-day public comment period is provided.

At the end of this period the Department reviews the proposal relative to the Conditional Use criteria, which include such considerations as: whether the parcel is suitable for the

proposed use; whether the proposed use is compatible with the surrounding area and uses on surrounding properties; and whether there are adequate public facilities for the proposed use. The proposal is also reviewed for compliance with all other applicable ordinance provisions. The Department renders a decision, completes a staff report, and sends notice of the decision to all property owners within 250 ft. There is a 10-day appeal period, during which any party to the decision may appeal the Department's decision to the Planning Commission. At the end of the appeal period, if no appeal has been filed, the decision is final.

### **Variance (LUO Article VIII)**

A Variance is a deviation from a dimensional requirement of the ordinance, which is granted to avoid causing undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. The procedure is the same as that described above for a Conditional Use. The criteria which a Variance request must meet serve to establish whether: requiring a specific standard be met on the property would preclude the enjoyment of a substantial property right; the proposal will preserve the rights of adjoining property owners; there are no reasonable alternatives requiring lesser or no variance.

### **Non-Conforming Use or Structure (LUO Article VII)**

...is a use or structure which does not conform to one or more standards of the LUO, yet which existed prior to those standards going into effect. (Also known as a Grandfathered use or structure) Non-conforming structures may be altered so long as there is no change in the external dimensions. If a Variance is approved, a non-conforming structure can be expanded up to 20%. Any additional expansion requires the structure be brought into compliance with all applicable standards. There are similar standards for non-conforming uses.

### **Minor Partition**

A Minor Partition is the creation of two or three parcels from a single parcel within one calendar year, and does not involve creation of an access easement. Each parcel created must abut a public or private road for at least 25 ft. A Minor Partition is completed by a Registered Surveyor, is submitted to the Tillamook County Surveyor's office, and is reviewed by Community Development only for compliance with the lot dimension standards of the zone.

### **Major Partition (LDO Sections 10-16)**

A Major Partition is either the creation of an access easement, or the creation of an access easement and two or three parcels from a single parcel within one calendar year. A Major Partition is required to meet the standards of the Tillamook County Land Division Ordinance (LDO), including construction of improvements (e.g. roads) to the standards

of the LDO. The applicant submits a Tentative Partition Plan, which is reviewed by this department for completeness and compliance with LDO and LUO standards. Upon approval of the Tentative Plan, there is a 21-day appeal period. Following this appeal period, the applicant has 45 days to complete improvements and obtain Final Plan approval. Unlike for a Subdivision, there is no public hearing for a Major Partition.

### **Subdivision (LDO Sections 20-43)**

A Subdivision is the creation of more than three lots from a single lot or parcel within a calendar year. The applicant submits a Tentative Plat, along with sufficient supporting documentation to show compliance with all applicable standards of the LUO and LDO. The proposal is sent to agencies having an area of responsibility affected by the subdivision (e.g. the appropriate water district, the Oregon Department of Fish and Wildlife, the appropriate fire district) for their review and input. The applicant is given an opportunity to amend the proposal based on agency input. This department prepares a staff report for the Planning Commission, including a recommendation of approval or denial. Then a public hearing is held before the Planning Commission. If the Planning Commission approves the Tentative Plat, the applicant has 12 months to complete improvements (e.g. roads and utilities) and obtain Final Plat approval. Time extensions are possible.

### **Planned Development (LUO Section 3.084)**

A Planned Development is a specific type of Subdivision that is allowed in areas where natural features or other factors make flexibility in subdivision design essential. Subdivision layout, lot dimensions, and setback requirements are established through the Planned Development process (the requirements of the underlying zone do not apply). The applicant submits a development plan (a conceptual proposal, not a hard-and-fast plat), which is reviewed by this department and appropriate agencies. Based on staff's Planned Development Review, the applicant can amend the development plan before presenting it to the Planning Commission. The Planned Development typically is heard by the Planning Commission in conjunction with at least the first phase of the Subdivision(s) that will implement the development plan.

### **Appeal (LUO Article X)**

Administrative land use decisions made by the department may be appealed to the Planning Commission. Decisions of the Planning Commission, whether on appeal or a decision originating with the Planning Commission (such as a Subdivision), may be appealed to the Board of County Commissioners. Board decisions may be appealed to the state Land Use Board of Appeals (LUBA). LUBA decisions are appealable to the state Court of Appeals, and from there to the Oregon Supreme Court.

Prepared by: Greg Verret, Associate Planner

Tillamook County Department of Community Development

# NETARTS COMMUNITY PLAN

*[Revisions from 1997 Draft are identified with underlining (new text) and ~~strikeouts~~ (deleted text)]*

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Sue Cameron, Gina Firman, Tim Josi  
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by the Tillamook County Department of Community Development

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Created by and for the Citizens of Netarts  
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# **I. Executive Summary**

The Netarts Community Plan is an important guide to the future. Prepared as part of an ambitious program for involving local residents and property-owners in making effective land use decisions, this plan has several key elements.

The Purpose and Process section describes the general purposes for the plan and gives a description of how the plan was developed. Particular attention is given to the extensive public involvement activities and on-going commitment to involving local residents in local planning activities.

The Introduction to Netarts provides a description of Netart's history and its growth. There is an extensive inventory of current conditions, with associated estimates about the area's ability to accommodate further development. The following section is the Netarts Vision, a description of the preferred evolution of the community over the next 20 years. The Vision is based on the responses to the community survey completed in July of 1994, and on the work of the Vision Committee, and was adopted by the community in September of the same year.

The Netarts Community Plan Policies describe the various actions, priorities and programs the community sees as needed to carry-out the desired future described in the Vision. Community desires to retain significant natural resources, the important "village" character of Netarts, and to foster a future based upon "quality-not-quantity", are listed and guidance provided for how development and change should proceed.

The segment identified as the Regulatory and Policy Framework contains several important elements. First, there is a description of the State Land Use Goals, Oregon Administrative Rules, and portions of the Tillamook County Comprehensive Plan that pertain to planning for the Netarts Community. Included within that listing is an explanation of why Netarts is identified as an Unincorporated Urban Community under Oregon's Rural Communities Rule. A description of the County and community's response to, and compliance with, each indicated goal follows. Included within this section is a description of the Public Facilities Plans for sewer and water that are required to satisfy Oregon Administrative Rule requirements.

The Appendix contains the various supporting documents prepared and used in the creation of the Plan and development regulations. This information serves as the basic building blocks upon which the community plan is founded. Also attached separately to this plan are the land use zoning provisions to be used to implement the Plan.

## **II. Plan Purpose and Process**

### **Purpose**

The purpose of the Netarts Community Plan is to provide guidance to, and predictability in, the development of the community as it transitions to the Netarts described in the Community Vision. While change is inevitable there are many different futures that can be achieved. The residents and property-owners of Netarts believe that by working together, communicating effectively and properly preparing it will be possible to obtain the future they desire.

### **Netarts Planning Process**

The Netarts Community Plan is primarily a result of the work of residents and property owners who served on committees, of the members of the Netarts Steering Committee, and citizens who attended meetings and expressed their views. The process began at meetings on January 22 and February 5, 1994, which were each attended by over 100 people. The Department of Community Development offered an opportunity to area property owners to participate in a planning process to guide development in the Netarts area over the next decade, to designate a planning advisory committee to represent community concerns to the County, and to coordinate with a similar process begun the month before in Oceanside. Issues were raised, prioritized, and committees formed by those in attendance, and this energy remarkably continued throughout the process. A copy of the first public notices, and the issues identified is included as part of Appendix AD≡.

The community organization and process have evolved over time. The Netarts Steering Committee has incorporated as a non-profit corporation, the Netarts Community Council, with members elected from property owners in the area. The standing committees, Public Services, Emergency Preparedness, Environment, Transportation, and Planning, continue to serve community wide interests beyond the limited scope of this planning process. In addition, the Steering Committee is designated as the Netarts Bay Watershed Council in order to work to protect and improve Netarts Bay habitat.

The planning process has evolved by inclusion as a Periodic Review Work Task in August of 1994. The work task description includes demonstrating compliance with the Division 22 Administrative Rules for Unincorporated Communities, which were not completed at that time. These rules were adopted in October of 1994, and added substantial legal requirements to the process. Additional details of the Netarts Community Plan process are included in part IV. Goal 1 Citizen Involvement of this plan.

### **III. Introduction to Netarts**

#### **Netarts Previously**

An historical sketch of Netarts was compiled by Steering Committee member William Hawkins and presented to the committee working on the Netarts Vision in July of 1994, near the beginning of the planning process. This document entitled A General History of the Town of Netarts, Tillamook County, Oregon, is included as Appendix AC of this plan. It is both an interesting time line and a key research element which was used in forming the Vision Statement and to guide the community classification decision.

The history reveals that Netarts Bay was used extensively by Killamook Indians who named the area A Ne ta at, which meant A near the water. Land surveying in the area began in 1855, and an 1859 survey shows the A Netarts Wagon Road extending from the South Prairie area to the bay. Homesteading began at about the same time, with the first post office opening in 1871, a school established by the 1890s, and store in 1902. The early settlers relied on collecting and processing oysters, lumber, and game for sale and subsistence, with mention of livestock grazing on the sandspit.

Netarts appears to have been used as a vacation area from early in its settlement history. The name, A Happy Camp, appears associated with a photograph of an 1890's summer training camp, but also implies recreation use. A hotel appears in the same photograph, and the history also includes a 1906 photograph of a campsite. Pictures of Happy Camp in 1918 and 1920 show seasonal structures, and a second lumber mill which supplied pre-cut cottages for tourist camps was built on Netarts Bay in 1917.

These early uses of the Netarts Bay area continue to the present. Resource extraction of timber harvest and management of the watershed is on-going with nearly all of the forest land owned by commercial forest products companies. Two commercial oyster companies continue to operate in the bay, and resource extraction in the form of commercial rock quarrying also occurs. Approximately half of the dwellings within the Netarts Community Growth Boundary (CGB) area are second homes, which reflects vacation and retirement uses. In addition, boating on the bay noted as common in 1939, continues to be a popular activity.

#### **Netarts Now**

##### **An inventory with projections to the future.**

##### **Purpose**

The primary purpose of the inventory is to estimate how many additional dwellings and people can be accommodated within the CGB so that public facilities can be planned to meet the needs. The facilities which we are required to plan for under the Rural Communities Rule are sewer

and water. However, transportation and storm water (non-point source pollution) are facilities which should be evaluated for Netarts as the community grows. The information in this section is based on the data collection process and results contained in the tables and inventory report in Appendix "E". An expanded summary is also included at the end of the appendix.

**Summary and Conclusions**

The total number of dwellings which could be accommodated on land within the urban area of the Netarts Water District is estimated to be 1,572. The Netarts Water District Master Plan contains an estimate of service area population in the year 2014 of 3,537 ( 2.54 people per dwelling unit). Using the assumption of 2.54 people per unit, the urban portion of the service area would have a population of 3,990 people when fully developed. By way of comparison, the City of Tillamook population in 1980 was 3,981 according to the City of Tillamook Comprehensive Plan. The next largest city in the county was Garibaldi with a 1980 population of 999. Netarts has the potential to grow to the stature of a city the size of Tillamook in 1980 on the land currently within the existing CGB. The density would be significantly lower than the City of Tillamook, due in part to the lack of multi-family zoning in Netarts, and its hilly topography in contrast to the flat land on which Tillamook is built. As an unincorporated community, Netarts will continue provide a significant housing base for the City of Tillamook area, while continuing to rely on Tillamook County for urban services such as streets and drainage, police, planning and zoning, and parks.

**Growth Projection**

Three estimates of the amount of new dwellings which may be built in Netarts over time are possible from available data. The Netarts Water District Master Plan assumes a 4.3% annual rate of growth which results in a 20 year population of 3,537 in 1,392 dwelling units by the year 2014. This is approximately double the 1994 population estimated in the study. The Netarts-Oceanside Sanitary District uses an estimate of 2.25% per year which yields a year 2014 population of approximately 4,100 persons in the Sanitary District service area which includes both Netarts and Oceanside. A third method is to project the average annual water connections in the Netarts Water District out to 2014.

Netarts Water District Connections 1958 - 1994									
Connection Year	1957	1960	1965	1970	1975	1980	1985	1990	1994
Number	279	11	20	81	30	76	46	29	60
Total		290	310	391	421	497	543	572	632

Netarts Water District connection records from 1960 to 1995 show that connections ranged from a low of 20 for the five year period ending 1965, to a high of 81 during the five year period ending 1970. The average annual growth rate for the period 1960 through 1994 equals 2.3% per year. This growth rate would result in a year 2014 population of 2,537 in 999 dwellings.

1994 Occupancy and Potential (source: Vacant Land Inventory Table 2)					
Existing population	Assumed persons per dwelling unit	Existing dwellings	Potential additional dwellings	Total dwellings in	Total population
1,524	2.54	475	874	1,349	3,426

Projection of future population increase can only be a guide to what is possible, and is an inexact process. A number of variables exist for a small community like Netarts which has a significant second home ownership component, is relatively close to the major population area of the state in the Portland metro area, and is in a county with a significant retirement age population. The table above shows the total dwellings and population which could occur on land within the CGB based on vacant lands and an assumed 2.54 persons per dwelling unit. The table below depicts the results after twenty years for the three growth rates. These growth rates should be viewed as representing a range of possible futures and revised over time.

2014 Potential Dwellings and Population, Three Scenarios				
	Growth Rate	Addl Dwellings	Total Dwell Units	Total Population
Netarts H20 District Rate	4.3%	917	1,392	3,537
NOSD Rate	2.5%	461	936	2,378
H20 Connection History	2.3%	524	999	2,537









## **IV. Netarts Community Plan Policies**

The Community Plan Policies are intended to describe the actions, priorities and programs needed to carry-out the future described in the Vision. The policies below are incorporated into the Tillamook County Comprehensive Plan to guide development in order to achieve the Community Vision.

### **Policy 1. Community Form**

- 1.1 Netarts shall be designated as an Urban Unincorporated Community under the State Rule for Unincorporated Communities to permit greater flexibility in the area's development.
- 1.2 The community prefers to continue its current growth form with increased density at the core, an emphasis on better public facilities and increased flexibility to assure quality development and affordable homes (to the extent feasible).
- 1.3 There shall be no expansion of the community growth boundary until in-fill development within the existing boundary requires expansion to accommodate further growth.

### **Policy 2. Transportation Element**

- 2.1 Streets are to be kept narrow and without sidewalks, unless it is determined to be necessary for public safety that a wider street be required. The additional width shall be the minimum required to assure public ingress and egress.
- 2.2 Because of inadequate access due to few connections to and through the community, improved connectivity throughout the community will be developed to assure public access.
- 2.3 The County will work with the Oregon Department of Transportation to develop an access management plan for Netarts.
- 2.4 Non-auto dependent (transit, bicycle and pedestrian) travel will be encouraged.

### **Policy 3. Housing**

- 3.1 A variety of housing costs and styles will be encouraged through a variety of zoning densities and regulations.

- 3.2 Programs to clean-up existing poor condition homes will be encouraged within the community.
- 3.3 Small scale attached housing projects of up to four units attached together, and a maximum of eight units on a parcel or ownership will be allowed on parcels of appropriate size in order to achieve higher core area densities.
- 3.4 Small lots of 2,500-3,500 s.f. will be allowed in the central area.
- 3.5 Larger lots (10-15,000 s.f.) will be permitted at the edge of the community.
- 3.6 A maximum lot coverage standard should be implemented in order to place a maximum upward limit on the bulk of structures as a measure to maintain community scale and livability. Lot coverage standards should allow higher coverage for small lots and be consistent with the resolution of the "small lots" issue reflected in Tillamook County Land Use Ordinance Section 5.100.

#### **Policy 4. Community Character**

- 4.1 Netarts Bay's current condition is an environmental, cultural and economic resource of such rare value that no additional docks, marinas, boat ramps, other facilities, housing or any other constructed development will be allowed in the water. This policy applies to the aquatic or estuary area of the bay as defined in the Tillamook County Land Use Ordinance.
- 4.2 Development along Netarts Bay will be compatible with maintaining the natural qualities of this valuable and sensitive estuary.
- 4.3 Stream and Bayside buffers of at least 15-50 feet shall be maintained (depending on the size and sensitivity of the stream), and are to be kept in a natural condition.
- 4.4 Watershed protection is the critical element in maintaining and rehabilitating the water quality and habitat of Netarts Bay and its tributary streams. The Community Council will work with the County and other appropriate authorities and landowners on implementation of the Oregon Forest Practices act and other applicable regulations to achieve this goal.
- 4.5 Continue the existing rural-type (low density) zoning, except for those uses that are shown to pose a hazard to the existing character of the area. A hazard is not just anticipated growth; it must pose a threat to the health or safety of the community's residents or visitors.

- 4.6 The County shall regulate building heights in a manner that assures equity and predictability in obtaining views. Changes in height regulations will occur only if they provide equal or greater limitation than the provisions that were in place on January 1, 1997.
- 4.7 Billboards shall be prohibited inside the community growth boundary.
- 4.8 Other signs shall be adequately regulated to retain a village appearance.
- 4.9 Utility lines will be placed underground for new subdivisions, and planned developments. When existing areas redevelop underground utilities should be installed.
- 4.10 In areas with potential geologic hazards, higher densities in non-hazardous areas to compensate for not developing in the hazardous area will be allowed. This is intended to occur within the same ownership, unless the County establishes a Transferable Development Right system.
- 4.11 Open spaces along streamways, in steeply sloped areas, between new and existing neighborhoods will be required of new development and purchased where possible.
- 4.12 The Community Council, with the support of the Department of Community Development, will prepare a community education program about the value of maintaining trees within the urban areas of the community.
- 4.13 Native plant species will be encouraged in all landscaping by distribution of a recommended landscaping materials guidebook.
- 4.14 New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the deed or contract. This statement shall serve as a covenant that runs with the land bindings heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.
- 4.15 Commercial development shall be limited to the three current locations. No additional

linear commercial zoning will be allowed.

- 4.16 Home occupations and cottage industries will be allowed in Netarts.
- 4.17 Tillamook County will assist the Netarts Community Council and local property owners to develop a Village Center plan in the Crab Avenue Area to provide a focus for retail and service uses in the community.

### **Policy 5. Public Involvement**

- 5.1 The Netarts community will continue to participate in the Tillamook County's planning efforts, and provide comments and recommendations as appropriate. Tillamook County agrees to consider those suggestions and to communicate to the Netarts Community Council how they have dealt with the suggestions made by the community.
- 5.2 Tillamook County and the Netarts Community Council will continue to find ways to effectively involve local residents and property-owners in local planning decisions.

## **V. Regulatory and Policy Framework**

### **Applicable Planning Goals and State Administrative Rules**

The regulations below are the framework for achieving compliance with the Tillamook County Comprehensive Plan, with the new Oregon Administrative Rules (OAR) for Rural Communities, with applicable Statewide Planning Goals, and with the requirements for Periodic Review Work Task 6A, Community Planning for Oceanside and Netarts. The Netarts Community Plan is a legislative amendment to the Tillamook County Comprehensive Plan and Land Use Ordinance, and is accompanied by a staff report which details how the provisions of the Plan and ordinances comply with the OAR.

#### **Statewide Planning Goals:**

Statewide Planning Goal 1 Citizen Involvement, Goal 11 Public Facilities, and Goal 14 Urbanization all apply to this plan. The Oregon Administrative Rules for Unincorporated Communities Division 22, contain specific requirements which, when satisfied, demonstrate compliance with the Goals.

#### **Oregon Administrative Rules (OAR):**

OAR Chapter 660, Division 22, the Rural Communities Rule was adopted by the Land Conservation and Development Commission on October 28, 1994 and became effective on November 15, 1994. These rules establish statewide policy for planning and zoning of unincorporated communities, and are the framework used for the acknowledgment process, and are addressed in this plan and implementing ordinances.

660-22-010(8): the definition of a urban unincorporated community.

660-22-010(9): the definition of an unincorporated community.

660-22-030(1): requires plans for an unincorporated community.

660-22-030(3): sets out the basic requirements for industrial uses.

660-22-030(4): sets out the basic requirements for commercial uses.

660-22-030(5): sets out the basic requirements for motels.

660-22-03(6, 7, 8, 10 & 11): sets out the basic planning criteria.

660-22-040: sets out additional requirements for urban unincorporated communities.

660-22-050: sets out the requirements for public facilities plans.

OAR Chapter 660 Division 25 Periodic Review. This rule defines the process for approval of a Work Task which has been included in a Periodic Review Work Program. The portions of the rule which apply to the approval of the plan, appeals and resolution thereof, begin with the requirements for submission of a Work Task under OAR 660-25-130.

## **Community Classification**

The community classification of AUrban Unincorporated Community≅ (UUC) proposed for Netarts is a basic determinant of which Administrative Rule requirements apply to planning for the community. The Oregon Administrative Rules for Unincorporated Communities (OAR 660-Division 22) provide a framework for planning and zoning of lands which contain urban levels of development and are therefore not rural under the Statewide Planning Goals, and which are outside of the Urban Growth Boundaries of incorporated cities. The rules define four types of communities as a way to distinguish between settlement patterns which have different levels of public services and which have different social characteristics. The rules allow different intensities of new uses, require varying levels of public facilities planning, and implement standards for expansion based on the community classification.

Netarts is identified in the current Tillamook County Comprehensive Plan Goal 14 element under section 3.3 as a Afunctionally≅ urban community because it has relatively dense residential development of 5 to 10 dwelling units per acre, and has a range of urban services including public sewer and water, street lighting, and fire protection. This level of existing development allowed the County to justify Goal 4 Forest, and Goal 17 Coastal Shorelands exceptions for the area. The plan also identifies a range of commercial uses including grocery stores, gas stations, Laundromat, restaurants and taverns. The policy under section 3.3 states that the County will plan for Netarts as an urban area in accordance with Goal 14, Urbanization.

The Netarts Community Council and Tillamook County have determined that Netarts best fits the OAR definition of AUrban Unincorporated Community≅ (UUC). The January 20, 1996 letter from the Netarts Community Council included in Appendix AF≅ of this plan describes the decision by the community. The other community type considered was a Aresort community,≅ however the history of homesteading and current split between full and part time residents support the UUC designation. The difference in rule requirements in the case of Netarts is that the UUC designation allows larger commercial and industrial uses, and smaller motels than would be the case under a resort community.

## **Tillamook County Comprehensive Plan Overview**

### Goal 1 Citizen Involvement

The County Comprehensive Plan Goal 1 element does not contain specific policies or process to be followed for a community plan. In the absence of such guidelines, compliance is measured against Statewide Planning Goal 1 requirements, and the Coordination and Citizen Involvement provisions of OAR 660-22-060.

### Goal 10 Housing

The Goal 10 element of the Tillamook County Comprehensive Plan contains a broad policy under Section 3.1 which states that planning for housing needs will occur in rural areas and

unincorporated urban communities as well as within Urban Growth Boundaries (UGB). This policy recognizes that while Netarts is not incorporated as a city and therefore is not subject to Statewide Planning Goal 10 requirements for provision of housing, that it is developed as an urban area and should therefore provide for a portion of Tillamook County's housing needs consistent with service providers ability to provide urban levels of facilities. The rules for unincorporated communities however, appear to not require compliance with Goal 10 in section OAR 660-22-040. Housing in the community and additional comp plan policies under Goal 10 are discussed in part 2 Housing Element of this section.

#### Goal 11 Public Facilities

This goal contains a brief description of sewer and water services in Netarts as of the early 1980's, and contains a broad policy statement under Section 3.1. Public facilities for sewer and water are addressed in part 3. Public Facilities Element of this section.

#### Goal 12 Transportation

Section 2, of the Goal 12 element contains findings and policies for highway transportation which are adapted from the 1981 ARoadway and Traffic Safety Management Plan for the County. The study was not adopted as part of the comprehensive plan but serves as a Abackground reference source.≡ A description of transportation facilities and discussion of applicable policies is included in part 4. Transportation Element of this section.

#### Goal 14 Urbanization.

The Community Classification section above explains the general policy in the plan under section 3.2 which the County applies to unincorporated urban communities. The plan provides for Community Growth Boundaries to separate urban from rural land, for coordination of the boundaries with service districts, and for zoning ordinances that regulate urban levels of residential development and commercial uses consistent with community needs. Compliance of the Netarts Plan with the applicable policies of Goal 14 is discussed in part 5. Urbanization of this section.

### **Planning Goals Compliance:**

#### 1. GOAL 1 CITIZEN INVOLVEMENT ELEMENT

Evidence to satisfy Goal 1 Citizen Involvement and OAR 660-22-060.

The Netarts Plan is substantially a citizen generated product which was guided and facilitated by the Steering Committee. This committee was made up of representatives chosen by each of the issues committees which were formed to investigate concerns raised by the public at the first two meetings which took place early in 1994. This committee took the responsibility of scheduling meetings of both the committee and for the general public, and for finding as much consensus around the difficult issues addressed in the planning process as possible. The Steering

Committee is also incorporated as a non-profit body, the Netarts Community Council, with the purpose of providing a forum for community involvement, of setting priorities for local public services and land use, and of facilitating communication within the Netarts community, as well as other pertinent issues that may arise.

The process followed by the committee consists of monthly Steering Committee meetings and quarterly general community meetings. All meetings are open to the public, with notice of the general meetings published in the Headlight Herald. Examples of the substantial public outreach which occurred during the planning process are in Appendix AD≅. These examples include notices of the original meetings and issues identified, a memo and copy of the survey results, lists of notices mailed by the County and community meetings held, and examples of flyers of meeting announcements.

The results of the process were guided by the issues raised at the initial meetings, by the community survey, the Community Vision, and testimony to the Steering Committee during public meetings. The survey was created, distributed, and results tabulated by participants. The survey was mailed to all property owners of record and the committee received a nearly 50% response rate. The survey results were used to draft the Vision Statement, which was also mailed to all property owners of record. Notice of the final Town Hall meeting on May 11, 1996 was also mailed to all property owners of record. Citizens were afforded an opportunity to comment to the Steering Committee at all of these times, and at any of the other meetings.

## 2. GOAL 10 HOUSING:

Netarts currently has a broad range of housing sizes, values, and ages. Although a housing study was not done for this process, a visual inspection of the housing stock indicates small older homes in relatively poor repair, homes of moderate size and price, and large new dwellings. Netarts also has a relatively large number of manufactured dwellings and some RV=s used as dwellings due to current zoning ordinances which date from 1982. The perception is that a trend toward replacement and improvement of older housing with higher value structures is under way, especially in areas which have a view of the ocean or bay. Another significant aspect of housing in Netarts is that approximately half of the dwellings appear to be second homes based on the number of out of area tax assessor addresses.

The County Comprehensive Plan interprets Statewide Planning Goal 10 as applicable to all areas of the county, and includes additional policies intended to encourage adequate housing choices in the county. The findings under policy 3.1 explain that this interpretation is necessary since a strict interpretation of the state planning goals that needed housing must only be provided within UGB eliminates all communities south of the City of Tillamook from the housing goals. This represented housing for approximately one-fourth of the permanent, and 48% of the 1980 peak population in the South, South Central, and Central Coast areas of the county. Further, these areas are identified in the plan as having the highest growth rate in the county, and



continue to provide substantial growth.

The policies listed below are the most directly applicable to the Netarts CGB area and plan.

#### POLICY 3.2

Tillamook County will plan to meet housing needs by encouraging the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Tillamook County's households and allow for flexibility of housing location, type and density while preserving the County's resource base.

The Netarts Community Plan meets this policy through zoning provisions which continue to allow placement of manufactured dwellings outright in the NT-RMD and NT-R3 zones, and as a conditional use in the NT-R2 and NT-PRD zones. Other flexibility of housing type, location, and density is achieved in the proposed NT-R3 zone which allows creation of new lots as small as 3,000 square feet and combined front and rear yard setbacks of 30'.

#### POLICY 3.4

Tillamook County will reduce its lot sizes in its medium and high density urban residential to 5,000 square feet if sewer is available in order to increase the utilization of land within urban growth boundaries.

The Netarts Plan maintains the existing lot area standard of 5,000 square feet for lots with slopes less than 20% and 6,000 square feet for steeper slopes in the existing R-2 (NT-R2) zone areas. This minimum lot size is reduced to 3,000 square feet in the NT-R3 zone.

#### POLICY 3.6

Tillamook County encourages the use of planned developments in urban and rural areas in order to efficiently use land, provide public services efficiently, and reduce the impact of residential development on natural resources.

The Netarts Plan maintains consistency with this policy by retaining a revised planned development zone in the NT-PRD designation. This zone will apply to all areas within the Netarts CGB planning area which currently have the R2-PD zone. The proposed zone retains all of the residential uses of the existing ordinance, as well as the flexibility to reduce impacts on natural resources while maintaining urban density.

#### POLICY 3.8

Tillamook County will modify its zoning ordinance to increase possibilities for constructing multi-family housing in medium density urban residential zones.

The Netarts Plan zone which corresponds to the existing medium density R-2 zone is the NT-R2 zone. The proposed zone retains the provisions for multi-family dwellings of up to four units available as a conditional use, and increases flexibility by allowing attached or detached units.

### POLICY 3.9

Tillamook County will designate a sufficient amount of land to meet needs for siting mobile homes in urban and rural areas in mobile home parks and on individual lots. The County will work with incorporated cities to provide an equitable distribution of mobile home sites.

The Netarts Plan provides a substantial amount of land to meet these needs as indicated in policy 3.2. Under the proposed zones, approximately 136 acres of land is zoned for manufactured dwelling use outright, allows an additional 112 acres zoned to allow manufactured dwellings as conditional use, and an additional 135 acres zoned to allow mobile home parks through the conditional use process.

### 3. GOAL 11 PUBLIC FACILITIES ELEMENT:

#### **Netarts Community Public Facilities Plan**

##### **Purpose**

The Community Public Facilities Plan is intended to describe the water and sewer services and facilities which are needed to support the land uses allowed in the Netarts plan. It is a support document to the Netarts Community Plan element of the Tillamook County Comprehensive Plan pursuant to Goal 11: Public Facilities and Services. It is also intended to comply with the new Oregon Administrative Rules for Unincorporated Communities under OAR 660-22-050.

##### **Description**

Netarts is an urban unincorporated community which has shared a Community Growth Boundary (CGB) with Oceanside, the urban unincorporated community to the north, since the Comprehensive Plan and current zoning designations were implemented in 1982. Sewer service is provided in both communities within the CGB by a special service district, the Netarts-Oceanside Sanitary District (NOSD). Each community receives water from a special service district, the Oceanside Water District, and the Netarts Water District, which are both public water systems under ORS Chapter 448.

Netarts is primarily a residential community of approximately 460 gross acres, 443 dwellings, and has a mixture of other land uses including stores, restaurants, and RV parks. Approximately half of the existing dwellings are second homes, and the community has a significant recreational aspect due to Netarts Bay and adjacent ocean beaches. The community is approximately 7 road miles from the City of Tillamook via State Highway 131, which continues north through the community to Oceanside. Based on the vacant land inventory report, sufficient vacant developable land exists to provide for an additional 874 dwellings within the CGB area of Netarts. Land within the Netarts Water District but which is outside the CGB

contains 74 dwellings, with the potential for an additional 154 dwellings when all of the land currently in the Rural Residential zone is developed at rural density.

### **Netarts Water District**

The Netarts Water District Board of Directors commissioned the engineering firm, BST Associates, Inc., Engineers and Planners, to prepare the 1994 Water System Master Plan on which this water system element of the facilities plan is based. This plan, and amendments, is adopted as part of the Public Facilities Element of the Netarts Community Plan, and is designated as **Appendix AH** but not attached. The plan is based on a 20 year planning period, and contains a detailed inventory of the condition and capacity of the existing system, projects water supply and system improvements needed to serve the expected population of the service area, a capital improvement program, and recommendations for financing needed improvements.

The Netarts Water District was created in November of 1938 by special election, and has expanded to include the old Netarts Bay Water District and additional land to reach its present service area indicated on the attached map. The 1984 comprehensive plan indicated a combined total of 473 service connections, a storage capacity of 612,000 gallons, and some difficulty meeting peak demand for water. The majority of the 600 service connections are within the Netarts CGB which extends from Fall Creek north of Netarts town center to Martin Avenue on the south. The service area also includes 70 acres of land within the CGB and the Oceanside planning area, and approximately 460 acres of land zoned for rural residential density south along Netarts Bay.

### **Existing Water System, Condition and Capacity**

An inventory of the existing water system and its general condition is included in Chapter 4 of the Master Plan. The system elements discussed in the plan include water supply, treatment, storage, and distribution. The existing water source is surface water from the East Fork of Fall Creek, which has a watershed of approximately 383 acres of forest land. The raw water is conveyed through the 30 year old impoundment system to the treatment site, and is treated in a .288 million gallons per day (mgd) package filtration plant. The treatment capacity could be doubled by addition of another package filtration plant within the existing building. A 600,000 gallon reservoir at the filtration plant site on forest land east of the community provides the primary storage capacity, with a second 60,000 gallon reservoir near the north end of the district in the Avalon area. Both reservoirs are assessed as in good to excellent condition.

The distribution system as described in the Master Plan contains many miles of pipe of varying types ranging in size from 2" to 10" in diameter. A map of the transmission and distribution mains is included as page 4-3 of the plan. The configuration of the system is described in

Chapter 10 as "a centralized treatment/storage system combined with long undersized distribution pipe runs without significant looping". The system contains a 10" steel transmission main which is 30 years old but in good condition, and contains lines made of other materials which last from 40 years to indefinitely. The plan notes that the number of known leaks and other problems in the distribution system are relatively low for the circumstances.

The system capacity is based on the match between existing water demand and the capability of the infrastructure to store, treat, and deliver enough water to meet the demand. An assessment of the current water demand is in Chapter 6 of the plan. The estimated current population of the service area is 1524 persons and the current Average Annual (daily) Demand (AAD) is .126 (mgd). On a per capita basis, the average day demand is 83gpcd. The plan states that the required supply source must meet the maximum daily demand (MDD)pg. 8-1., and that the district currently uses a maximum of .295 million gallons per day (mgd). The district has a water right for the current developed water source on East Fork Fall Creek for .187mgd. Factoring in the existing storage capacity of the system, the plan estimates that this source is adequate for 827 connections and an equivalent population of 2100 persons.

The distribution system needs to be improved in order to meet fire fighting water storage requirements and to provide for future demand. The recommended approach is to increase distribution line size and add looping where needed, and to add water storage facilities near the ends of the system to improve and equalize flow. Fire flow requirements are discussed in Chapter 6 of the plan. Fire insurance rates for communities are set based in part on the amount of water available for fire suppression, with 1,500 gpm the maximum recommended amount for residential dwellings. The distribution system must be able to supply the necessary flow, which in the plan is based on a design flow of 1,000 gpm for a duration of 3 hours. Most of the Priority I improvements in the plan are designed to address distribution system needs.

### **Facilities Needed to Serve Land Within CGB**

Planned buildout of all of the land within the CGB would result in 1,572 dwellings with an equivalent population of 3,990, and occur over a time frame longer than the 20 years used as the Master Plan time frame. Therefore, this section contains assessments within the Master Plan time frame. Since this facilities planning element will be updated within the Master Plan time frame, and since the Master Plan is recommended for update in not less than 10 years, there is adequate time to evaluate the estimates for infrastructure needs at build out, and to plan to provide needed facilities. Cost estimates based on level of priority and divided by system area are included in the Capital Improvement Program in Chapter 13.

Based on the detailed assessment in the Master Plan, and given needed distribution line improvements, the existing system is adequate to serve the existing development within the service area, and has capacity to add additional dwellings. The plan estimates of a 4.3% compounded annual growth rate point to a need for connection of an additional water source in

approximately the year 2002 (840 dwellings). Chapter 8 of the plan contains a list of existing water rights and identifies a combination of raw water sources which could be developed in order to meet year 2014 demand. Improvements needed to utilize the new source include a reservoir and pump in the Avalon area, and a new surface water impoundment.

Additional treatment capacity in the form of an additional 100gpm unit is estimated to be needed by the year 2006. Chapter 9 of the plan includes recommendations for needed treatment system improvements. If the existing water right for a new water source from the West Fork Spring is developed to serve the Avalon area, the added treatment unit is estimated to be adequate until approximately 2014 (1392 dwellings).

The distribution system improvements needed to provide adequate fire flow will also provide adequate line sizes to accommodate future capacity needs. The list of specific water main projects is prioritized in Chapter 10 of the plan.

The water storage requirements in Chapter 11 indicate that additional storage of 205,000 gallons is needed to satisfy expected demand during the planning time frame. This would provide enough capacity to meet needs for one maximum demand day (MDD) and fire flow requirements of 1,000 per minute for 3 hours. Needed improvements include construction of a 130,000 gallon reservoir near the existing Oceanside Water District reservoir, and relocation of the 60,000 gallon reservoir from the Avalon area to the east side of Whiskey Creek Road in the south part of the system.

### **Water System Improvements Financing**

The Capital Improvements Program estimates Priority I improvements costs at \$856,000 and Priority II costs at \$233,368. The plan contains a proposed new metered water rate structure which consists of increased costs for higher consumption. Chapter 14 of the plan is devoted to analysis of Systems Development Charges for cost recovery of improvements needed to serve new development, but which are not within the boundaries of the new project. Allowable cost recovery for specific improvements and a SDC amount is recommended. The District is also aware that in the near term, if one or two large developments occur at the same time, temporary financing for capacity related capital improvements would be needed.

### **Netarts-Oceanside Sanitary District**

The Netarts-Oceanside Sanitary District began operations to treat sewage within the communities of Netarts and Oceanside in 1978. With the exception of one small area in Netarts, sewer service is limited to land within the existing CGB. The District does not have a master plan at this time, however the District has begun a sewer study in order to evaluate and plan for the system. The available information consists of information in the Comprehensive Plan which

dates from 1980, a summary of system capacity as of May 16, 1991, and a June 19, 1996 letter from the District Manager about system capacity. This information is included as **Appendix AG** of this plan.

### **Existing Sewer System, Condition and Capacity**

The Goal 11 Public Facilities element of the Comprehensive Plan indicates that sewage is treated through an activated sludge process, with treated and chlorinated effluent discharged into the ocean west of the plant. The design capacity is an average of 400,000 gallons per day with a design peak summer population of 2,400 persons by 1990 according to the July 1975 Environmental Impact Statement (EIS). The comp plan states that the 2,400 persons are equivalent to 1,200 service connections, and that the initial system would be adequate for the projected 1990 population. The EIS also contains a growth projection of District population to the year 2025, and assumes a 20 year facility planning period which ends in 1997. Peak population was projected to be 2800 persons by 1997, which equates to 1,400 service connections using the comp plan 2 persons per dwelling population estimate.

Recent information about system capacity from the District is included in the two letters listed above. The 1991 letter indicates current service to 1,001 equivalent single family dwelling units and an estimated 1,200 to 1,500 people (equal to 1.5 persons per dwelling). Peak weekend flows are to 140,000 dry weather gallons, 35% of the D.E.Q. permit capacity. The letter notes that as the mix of users changes from part to full time residents, the effluent generated by the same number of connections will increase. The 1996 letter estimates a service population of 1800 people in an equivalent of 1,197 single family dwellings. This estimate is consistent with the total number of existing dwelling units of 1,119 within the CGB estimated in the inventories for Netarts and Oceanside. The letter estimates that the flow currently generated by the existing dwellings represents 50% of the treatment capacity of the plant.

### **Facilities Needed to Serve Land Within CGB**

Planned buildout of all of the land within the current CGB of Netarts and Oceanside could result in 2715 dwelling units. This figure is derived from adding the existing and potential dwellings within the existing CGB areas of the Netarts and Oceanside water districts. The planned population depends upon the assumption of the number of persons per dwelling unit. The Netarts Water District assumes 2.54 persons per dwelling assuming a higher proportion of full-time occupancy. The Sanitary District information based on current flow equates to 1.5 persons per dwelling unit, and recognizes that demographic changes toward full-time residents would increase the flow per unit.

Given the current treatment plant capacity utilization of approximately 50%, a moderate growth rate, and given a commitment by the Sanitary District to a sewer plan, a conclusion can be drawn that capacity is adequate for the near term.

## **Sewer System Improvements Financing**

No plan is available for how any improvements are to be financed. However, a combination of bonds and user fees is the traditional method for financing needed system capital improvements.

### **4. GOAL 12 TRANSPORTATION**

Section 2, of the Goal 12 element of the County Comprehensive Plan contains findings and policies for highway transportation which are adapted from the 1981 ARoadway and Traffic Safety Management Plan for the County. These policies are intended in part to guide land use decisions toward minimizing traffic accidents and unnecessary congestion by maintaining a road network that avoids conflicts between through traffic and local traffic.

The road network in Netarts extends from either side of Highway 131 which is classified as a Minor Arterial Road in the 1981 plan. Traffic along this road through Netarts will continue to increase as development in Netarts and Oceanside continues. The pattern of development along the highway consists of two commercial districts separated by residential zoning and uses. The south commercial area zoning includes highway frontage and land adjacent to the boat launch. The north commercial area consists of commercial zoning along both sides of the highway, with the substantial majority located west of the highway and forming a bloc which extends to the bay. Intersecting local roads extend from either side of the highway, and existing residential uses access the highway directly between the commercial areas. The vacant lands inventory map indicates that substantial numbers of additional dwellings and traffic will access the highway in this area in the future.

Section 2.1 Road Network Planning provides: AIn keeping with the Roadway Traffic Safety Management Plan previously referenced, the following planning policies are included in this transportation element of the comprehensive plan.

- c. Cluster development shall be encouraged in preference to AStrip≅ commercial development.≅

The Vision Statement policy goal of preventing additional strip commercial development along Highway 131 is consistent with Comprehensive Plan policy 2.1 c, and directly addresses the circumstances along the highway in Netarts.

In addition to congestion and safety issues associated with Highway 131, other transportation infrastructure related issues raised during the process are circulation in general, including the currently limited access points to Hwy 131, and local street improvements. Circulation and access to existing developed areas and potential development areas north and east of Hwy 131 is limited to three public roads, Crab Avenue, Silver Sands, and Alder Cove Rd., and one easement road which intersects the highway south of Crab Avenue. Both Silver Sands and Alder

Cove Rd. present access problems due to the limited sight distance at their intersections with the highway. Crab Avenue has a platted right-of-way width of less than 30' and intersects the highway at a AT≅ intersection with limited sight distance to the north.

The local roads in Netarts are generally platted with narrow widths of 30 or 40 feet and are minimally improved with traveled surfaces less than the right-of-way width and gravel or minimal paving. Some of the platted roads are entirely unimproved. These roads are public roads but were never accepted by the County for maintenance, leaving adjacent property owners with this responsibility. These roads were never constructed to county standards and most have substandard rights-of-way. A road financing and improvement program is needed to facilitate improvement of these roads, and is outside the scope to this plan.

5. GOAL 14 URBANIZATION  
3.2(B) Policies:

The Goal 14 Urbanization element of the Comprehensive Plan 3.2 identifies Netarts as an urban community and commits the county to planning for Netarts the area under the provisions of the goal. This and additional policies in the plan apply and are addressed below.

- (1) Tillamook County will plan for unincorporated communities in accordance with Statewide Planning Goal 14 (Urbanization) and the unincorporated communities rule (OAR 660, Division 22) as available resources permit. Such planning is a high priority given the importance of these communities to the county and citizen concerns about the quantity and quality of growth that is occurring within them.

The Netarts Community Plan was developed in accordance with Goal 14 and the Unincorporated Communities Rule.

- (2) Tillamook County will provide for and encourage citizen involvement in all phases of the community planning process in accord with the requirements of OAR 660-22-060.

The development of the Netarts Community Plan involved much work by a large number of Netarts citizens, at all stages of the process.

- (3) Tillamook County will designate unincorporated communities in accord with OAR 660-22-010, establish boundaries for these communities in accord with OAR 660-22-030. Community public facility plans will be developed where required by OAR 660-22-050.

The designation of Netarts as an urban unincorporated community, the established community growth boundary, and the public facility plan are consistent with the



Unincorporated Communities Rule. The existing Community Growth Boundary (CGB) which was approved by the County in 1982 remains unchanged in this plan. Although the CGB is shared with Oceanside, the communities are distinguished by a mutually agreed upon zone boundary in the Fall Creek Area.

- (4) Tillamook County will prioritize the need for planning for unincorporated communities, beginning with the five coastal communities that have been experiencing significant development pressure, and whose residents and property owners have expressed concern about the impact of development on the livability of their communities. These communities are Neahkahnie, Oceanside, Netarts, Pacific City/Woods and Neskowin. Tillamook County will proceed with planning for the other identified rural communities as resources permit.

The Netarts Community Plan has been developed to implement a vision for the future of Netarts in which the livability of the community is maintained.

~~POLICY 3.3—~~

~~Tillamook County recognizes that there are several communities in the County that are neither urban or rural as defined by the statewide planning goals and which are necessary, suitable and intended for urban development. The County will plan for these communities in accordance with the Urbanization Goal (Goal 14) because this goal meets planning needs in these communities. The County will include procedural and substantive findings that fulfill the requirements of the exceptions process of Goal 2.~~

~~The Netarts Plan meets this policy by continuing to zone the land within the CGB for urban levels of development, by planning for and coordinating with the service districts which provide water, sewer, and fire protection, and by adopting a zoning code which provides for a range of housing choices and needs.~~

~~POLICY 3.8—~~

~~Tillamook County will establish community growth boundaries around the functionally urban unincorporated communities of Neahkahnie, Twin Rocks/Barview, Oceanside/Netarts, Cloverdale, Pacific City/Woods, and Neskowin. The boundaries for the communities of Neahkahnie and Twin Rocks/Barview will be separate from those of adjacent incorporated communities.~~

~~The existing Community Growth Boundary (CGB) which was approved by the County in 1982 remains unchanged in this plan. Although the CGB is shared with Oceanside, the communities are distinguished by a mutually agreed upon zone boundary in the Fall Creek Area.~~

~~POLICY 3.9—~~

~~Tillamook County will establish community growth boundaries around unincorporated communities in accordance with the seven factors listed in the Urbanization Goal (Goal 14)~~

~~with the Agricultural Lands Goal (Goal 3) requirements, along with necessary modification in substance and process to fulfill the procedures and requirements of the Goal 2 exceptions process. Appropriate citizens advisory committees will be involved in the establishment and change of these boundaries. Tillamook County will coordinate the establishment and change of community growth boundaries around Neahkahnie with the City of Manzanita and around Twin Rocks/Barview with the cities of Rockaway and Garibaldi.~~

~~The applicable portion of this goal, citizen involvement, is addressed in this plan under Goal 1. Tillamook County involved the Steering Committee and interested citizens during consideration of whether the CGB should be extended south to include current rural exception areas along Whiskey Creek Road. The February 3, 1996 Steering Committee decision, and a copy of the meeting notice and map of the area considered for inclusion within the CGB are included as **Appendix AF**. During this process, the Committee identified an area of forest zoned land east of Hwy 131 which could be considered for inclusion within the CGB when the need can be justified through the goal exception process.~~

#### ~~POLICY 3.10~~

~~Tillamook County will coordinate the establishment and change of community growth boundaries around unincorporated communities with affected service districts. The county will work with service districts to assure that all areas within the community growth boundaries will be serviced. Proposed annexations and disannexations to service districts will be reviewed by the County Planning Department to assure consistency with the comprehensive plan.~~

~~Service district coordination is discussed in the Goal 11 portion of this plan. Tillamook County and the Netarts Water District and Netarts Oceanside Sanitary District have implemented Cooperative Agreements as of 1996. These agreements are included as **Appendix AI**.~~

#### ~~POLICY 3.12~~

~~Tillamook County will periodically review community growth boundaries, every 3 to 5 years, to see if they meet community needs. Boundary revisions will be made where necessary. Future community growth boundary changes will be made in accordance with the seven factors listed in the Urbanization Goal (Goal 14) and the procedures and requirements set forth in the Land Use Planning Goal (Goal 2) for goal exceptions.~~

~~The need for additional land within the CGB was evaluated as part of the Netarts planning process based on the Vacant Land Inventory. The results of the inventory indicate that substantial additional development can occur on land within the current CGB, assuming adequate access can be provided.~~

#### ~~3.14 — POLICY~~

~~Tillamook County will continue to involve appropriate citizen advisory committees and~~

~~service districts in important planning decisions within the community growth boundaries of unincorporated communities.~~

~~The planning process fulfills this policy through the citizen involvement process which led to this plan and the County=s commitment to continue to involve the Steering Committee through providing notice of pending land use decisions.~~

## **VI. Appendices**

## *Oceanside Community Plan*

*"Oceanside's ideal is to safeguard our natural resources and preserve those elements of our community that enrich the spirit and quality of life for those living and visiting here."*

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## *Oceanside Planning Overview*

The Oceanside Community Plan represents a vital guide to our future. This plan evolved out of a planning process which included active participation of local residents and property owners over a three-year period.

The purpose of the Oceanside Community Plan is to provide guidance to, and predictability in, the development of the community as it transitions to the Oceanside described in the Oceanside Community Vision Statement. While change is inevitable there are many different futures that can be achieved. The residents and property owners of Oceanside believe that by working together, communicating effectively and preparing properly it will be possible to obtain the future they desire.

The Oceanside Community Plan is primarily, a result of the work of residents and property owners who served on committees, members of the Oceanside Neighborhood Association, and citizens who attended meetings and expressed their views. The process began at a Community Club meeting held in December of 1993 which was attended by more than 70 individuals. The Department of Community Development offered an opportunity, to area residents and property owners to participate in a planning process to guide development in the Oceanside area over the next decade, to designate a planning advisory committee to represent the community concerns to the County and to begin a community planning effort within the community to prepare a comprehensive planning study of the community to bring the community zoning into compliance with a recently adopted Rural Community Rule. Issues were raised, prioritized, and committees formed by those in attendance, and this energy remarkably continued throughout the process.

The community organization and process have evolved over time. The Oceanside Neighborhood Association elects officers elected its members which consists of all property owners and residents of the community. Special committees were formed and continue to serve the community wide interests beyond the limited scope of this planning process.

The planning process has evolved by inclusion as a Periodic Review Work Task in August of 1994. The work task description includes demonstrating compliance with the Division 22 Administrative Rules for Unincorporated Communities, which were not completed at that time. These rules were adopted in October of 1994, and added substantial legal requirements to the process.

Oceanside was initially zoned in 1969 by Tillamook County. In 1982 the zoning was updated as a result of a county-wide rezoning which took place to bring the county land use regulations into compliance with the State mandated LCDC Goals & Guidelines. During that time a Community Growth Boundary was established around the communities of Netarts and Oceanside and urban zones were applied within that boundary.

Subcommittees were formed to carry out the task of working with the department to develop the Oceanside Community Plan:

- Community Vision
- Small Lots
- Community Rights
- Roads/Circulation
- Environment
- Short Term Rentals
- Planning & Zoning
- Vegetation/Trees
- Commercial Zoning

In July of 1994 the Steering Committee mailed a questionnaire to each of the 600- property owners in Oceanside.

Of the 600- questionnaires that were mailed to Oceanside property owners 277 were returned. With these results the Steering Committee and other subcommittees started to develop the Oceanside Community Plan.

After thoroughly reviewing the questionnaire results, several subcommittee and Steering Committee meetings, as well as, two well-attended Town Hall meetings, the community of Oceanside agreed by consensus, to their vision for the community.

Due to the difficulty in obtaining septic approval and the failure and difficulties in maintenance of existing approved septic systems on property located to the north of the existing community growth boundary (CGB) the citizens decided to include this area, up to and including Radar Road, within the CGB.

In February of 1995 Tillamook County contracted with McKeever/Morris, Inc. to work with the communities of Netarts and Oceanside to come to a consensus regarding where the division line should be located between the two communities; to define what areas were of mutual interest to each other, and, to provide a mechanism for each community to have input from the other community, on land use actions occurring within the mutual interest area.

Members from each community were selected to form a Task Force to work with McKeever/Morris to resolve the issues. After several meetings of the Task- Force an agreement was reached. This agreement was subsequently approved by each community and it established the delineation between both communities, the mutual interest area and the process to be utilized for land use requests within the mutual interest area.



In July of 1995 the Oceanside Neighborhood Association was established. A substantial part of the purpose of the Association is to function as an organized advisory body for effective citizen involvement in the planning and development of matters affecting the quality of life and livability of the community.

Tillamook County has launched corresponding community planning efforts in Neahkahnie, Netarts, Pacific City, and Neskowin since adoption of the Unincorporated Communities Rule in October 1994. This work is nearing completion. These unincorporated communities share with Oceanside a concern about the impact of increased growth in coastal communities. Tillamook County's response is to give citizens an opportunity to plan for the future of their communities. Citizen participation in each community has been exceptional, which helps assure that the product represents community interests.

## *Oceanside Community Findings*

1. The Oceanside Community Growth Boundary is defined by the Pacific Ocean to the west, The Capes PD southern boundary to the south, Highway 131 (Netarts-Oceanside Highway) and Forest zoning, to the east, and north of Radar Road to the north.
2. Oceanside was originally zoned “Medium and High Density Residential” and “Community Commercial” in 1969, with minimum lot size requirements ranging from 5,000 square feet to 6,000 square feet. The community growth boundary was established in 1982, however, the underlying zone was not changed. The new residential zone establishes new larger minimum lot sizes starting at 7,500 square feet where the slope averages less than 19 percent. Where the slope averages between from 19 to 29 percent, the minimum lot size shall be 10,000 square feet, and where the slope averages greater than 29 percent, the minimum lot size shall be 20,000 square feet, except that in both of these sloped areas and in unsewered or geologic hazard areas, a larger minimum may be required. These lot size minimums are more appropriate for the Oceanside Community than the previous lot size requirements considering the steep topography and soil type of the area.
3. Oceanside is predominantly a second home and retirement community.
4. Oceanside contained approximately 372 acres, 882 parcels, and 471 residences.
5. Oceanside is primarily a one-family residential community, with a sufficient number of commercial uses and public facilities to qualify as an “urban unincorporated community” with respect to the requirements of the Unincorporated Communities Rule. There currently exists a post office, fire station, community meeting building, sewer and water district building and facilities, a state park wayside and beach access, several motels, an espresso shop, a tavern and a restaurant.
6. Oceanside has averaged 15 new dwellings per year over the last three years (95-97), an annual growth rate of about 3%. This growth rate is on par with other coastal communities and is about twice Tillamook County’s average annual growth rate over the same period.
7. A majority of the area within the Oceanside CGB is serviced by public water and sewer facilities. The water and sewer districts have assured the county that they both have the ability to serve the entire CGB area with water and sewer service in accordance with the requirements of OAR 660-22-030 (8) (13). Affirmation of this will be provided once they have completed the respective master plans. The master plans are being prepared by Westech Engineering. A finished product for each of the district is anticipated to be available within two years.
8. Due to the difficulty in obtaining septic approval and the failure and maintenance of existing approved septic systems on property located to the north of the existing community growth boundary, the citizens decided to include the portion of land north of the existing CGB up to and including Radar Road. According to County records of the 55 parcels proposed for inclusion within the CGB that are currently unsewered, 31 parcels have had a history of sewer system failure or on-site subsurface sewage disposal system denial.
9. The Oceanside community planning effort that began in December of 1993 provided a very clear sense of the uses and densities that are preferred by a substantial majority of the community citizens. These opinions were obtained by a representative group of individuals that attended the committee and subcommittee meetings, the community survey that was

mailed to every property owner, the numerous Town Hall meetings that were held in the community, and the County public hearings held.

10. The primary objectives that emerged from this planning effort are to:
  - a. Limit permitted uses to those that are most suited for a coastal community that wishes to maintain a primarily single-family residential character. This was accomplished by the creation of the ROS zone that is specific to Oceanside. This zone contains the preferences expressed in the survey. This zone is essentially a more restrictive version of the previous zoning.
  - b. Provide for minimum lot sizes that bring permitted densities and ultimate build out in line with what is actually physically possible for an area with steep and varying topography and ecologically hazardous areas if not developed properly.

These outcomes will greatly assist future planning for the Oceanside community, including a more precise projection of demand for such services as sewer, water, road improvements and other infrastructure.

## ***Oceanside Community Policies***

Over time, Oceanside has evolved and grown without losing its “coastal village charm”. In order to protect this ambiance while allowing growth and development to occur within Tillamook County regulations, specific policies are being introduced.

The community growth boundary is expanded to include an area to the north which has had a long history of septic denials and failures. Inclusion in the growth boundary and the resultant access to public sewers will eliminate potential environmental hazards. Density within Oceanside’s core area will continue to be higher as currently platted, while new lots surrounding the core will be platted with a lower density urban residential lot size. Emphasis will be placed on improvement of public facilities and expansion of the community growth boundary only where absolutely necessary.

The following Oceanside Community Policies are incorporated into the Tillamook County Comprehensive Plan to guide development within the Oceanside CGB in order to achieve the Oceanside Community Vision.

### ***Policy 1. Community Form***

- 1.1 Oceanside shall be designated as an Urban Unincorporated Community.
- 1.2 Every effort shall be made to preserve the "rustic coastal village atmosphere” the natural resources and the beauty of Oceanside for the benefit of residents, visitors and future generations.

### ***Policy 2. Transportation***

- 2.1 Where feasible, roadways in the core area will be improved to allow for more adequate public and emergency vehicle access.
- 2.2 Encourage the maximization and utilization of required off-street parking areas to enable residents and guests of Oceanside the ability to adequately access roadways and to assure that roadways remain uncluttered and accessible to emergency vehicles.
- 2.3 Development of walkways and bike paths throughout the community and between Oceanside, Netarts and Cape Meares and non-automobile dependent (transit., bicycle and pedestrian) travel will be encouraged.
- 2.4 The County will work with the community and the Oregon State Department of Transportation to develop an access management and on-street parking plan.

**Policy 3. Housing**

- 3.1 Building design and landscape that enhance the aesthetic quality of the community are encouraged. Examples include:
- minimizing structural intrusions into open space on home sites;
  - minimizing clutter on home sites;
  - providing for home storage that enhances the beauty of the home site;
  - minimizing large, blank walls;
  - fitting the dwelling into the contour of the hillside so that structures work with the topography rather than against it;
  - minimizing impervious surfaces and providing for adequate drainage;
  - maximizing and using off-street parking so roadways remain uncluttered;
  - maintaining outdoor lighting design and placement so that it does not cast direct light onto adjacent properties and adversely affect the neighbors; and
  - encouraging native plant species to be utilized for landscaping.
- 3.3 Encourage programs that focus on cleaning up existing poor condition homes and structures located within the community.
- 3.4 Small existing lots of less than 7,500 square feet will be allowed to be built upon consistent with all applicable regulations. Small lot coverage standards consistent with the resolution of the “small lots” issue reflected in the Tillamook County Land Use Ordinance. Section 5.100, shall be met.
- 3.5 Future development and lot partitioning shall occur only after the minimum zone standards, topography, geologic hazards, and public facility availability factors are taken into consideration to assure that adequate lot sizes are created which will not require future variances and which will not pose potential health hazards to life and/or property.

**Policy 4. Community Character**

The residents place high value on many qualities of the Oceanside community, such as

- Scenic ocean and bay vistas
- abundant vegetation and wildlife
- serenity and privacy
- natural lighting (moon & stars)
- natural noise (ocean & wildlife)

They encourage visitors, future property owners and residents to understand, respect and embrace these values through adherence to the following policies:

- 4.1 Every means should be taken to assure that development along the ocean and Highway 131 be compatible with maintaining the existing natural character of the area by maintaining or creating a vegetative buffer between development and the ocean and highway.
- 4.2 When developing, design considerations shall be given for retention of existing vegetation, the existence of wildlife, valued property rights, and the desire for solitude of surrounding property owners and residents.
- 4.3 A program to support and possibly create a regional land trust shall be encouraged.
- 4.4 Construction of man-made structures which consider environmental effects and consequences shall be-encouraged.
- 4.5 Encourage creation of programs that would promote a safe community environment with regard to fire, traffic, crime, personal property and health.
- 4.6 Preserve and enhance the use of open spaces to avoid a crowded feel in the community, including the preservation and enhancement of trees and natural vegetation. Native plant species are encouraged in all landscaping by distribution of a recommended landscaping materials guidebook.
- 4.7 Reduction of intrusion such as noise, harsh lighting, view obstructions, clutter, drainage runoff by completing new construction within a reasonable period of time and in a timely fashion; utilizing off-street parking areas for resident and guest parking so that roadways may remain uncluttered and accessible to emergency vehicles; maintain outdoor lighting design and placement so that it does not cast direct light onto adjacent properties and adversely affect neighbors.
- 4.8 Preserve neighborhood attractiveness by encouraging placing power distribution lines for new buildings underground and limiting satellite dish size to as small as possible. Utility lines will be placed underground for new subdivisions and planned developments. When existing areas redevelop underground utilities shall be installed unless placement will jeopardize the stability of adjacent properties.
- 4.9 Commercial developments, when possible, should be designed with natural siding, weathered wood, durable and rustic sign material to preserve the natural appearance of the community.
- 4.10 Maintain the low density urban residential zoning classification.
- 4.11 Retain the existing county building height regulations.
- 4.12 Limit commercial development to the existing commercial core area and allow no additional commercial zoning. Limit the size of commercial structures other than motels to 8000 square feet to blend in with the existing nature of the Oceanside commercial area.

- 4.13 Tillamook County will assist the Oceanside Neighborhood Association and the local property owners in developing a plan for the commercial area to establish guidelines for future commercial development which will retain the unique characteristics of the community.
- 4.14 The Oceanside Neighborhood Association, with the support of the Department of Community Development, will prepare a community education program about the value of maintaining trees and vegetation within the community.
- 4.15 New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they “do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses.” The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.
- 4.16 Water shed protection is the critical element in maintaining and rehabilitating the water quality in the Oceanside watershed area. The ONA will work with the County and other appropriate authorities and landowners on implementation of the Oregon Forest Practices Act and other applicable regulations to achieve this goal.
- 4.17 Off-site advertising signs shall be prohibited inside the community growth boundary
- 4.18 Other signs shall be adequately regulated to retain a village appearance.

***Policy 5. Public Involvement***

- 5.1 The County will refer all proposed projects, formal application requests and applications affecting the community to the Oceanside Neighborhood Association for review and input.
- 5.2 The ONA will identify common goals with the neighboring communities so that they can work together to achieve these goals.
- 5.3 The ONA will serve as an advocate for the community and fulfill the statewide goal of encouraging “grassroots” citizen involvement in the public and decision making processes.
- 5.4 The ONA will formulate policy to insure that responsible long term use of the community’s resources are consistent with community goals.

- 5.5 The Association will develop a System of mediation for the resolution of problems and disputes within the community as they pertain to land use planning.
- 5.6 Tillamook County and the Oceanside Neighborhood Association will continue to find ways to effectively involve residents and property owners in the planning decision making process.



### **SECTION 3.310 RESIDENTIAL OCEANSIDE (ROS) ZONE**

- (1) **PURPOSE:** The purpose of the ROS zone is to designate areas for low-density one and two-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer services, and limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features. Where any provision of the ROS zone imposes a restriction on the use of land greater than is provided by other ordinance provisions, then the ROS zone shall prevail.
- (2) **USES PERMITTED OUTRIGHT:** In the ROS zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) Single-family dwelling.
  - (b) Home occupation according to the provisions of Section 4.140 (b) of this ordinance.
  - (c) Public park with associated uses.
  - (d) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building permit has been issued. Limited to I year.
  - (e) Unlighted signs, four square feet or less in area, and securely attached to the ground or structure.
- (3) **USES PERMITTED CONDITIONALLY:** In the ROS zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
  - (a) Two-family dwelling
  - (b) Church or school.
  - (c) Non-profit community meeting building and associated facilities.
  - (d) Fire and ambulance station with appropriate communications towers.
  - (e) Screened Utility substation and power transmission lines.
  - (f) Swimming, tennis, racquetball and similar facilities.
  - (g) On-site temporary real estate sales office in subdivision.

- (h) Water supply or treatment facilities or sewage treatment plants.
  - (i) Accessory structure or use without on-site primary structure.
  - (i) Temporary placement of mobile home or recreation vehicle to be used because of health hardship subject to Section 6.050.
  - (k) Owner occupied Bed & Breakfast enterprise provided that no more than two bedrooms for guests are provided. The Conditional Use is subject to periodic review.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as “Adult Foster Homes” or “Foster Family Homes”.
- (4) **STANDARDS:** Land divisions and development in the ROS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size for permitted uses shall be 7,500 square feet where the slope averages less than 19 percent. Where the slope averages from 19 to 29 percent the minimum lot size shall be 10,000 square feet, and where the slope averages greater than 29 percent, the minimum lot size shall be 20,000 square feet, except that in both of these sloped areas and in unsewered or geologic hazard areas, a larger minimum may be required. **[Refer to Article V Exceptions for existing legally platted lots and parcels]**
  - (b) The minimum lot width shall be 60 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) The minimum front yard setback shall be 20 feet.
  - (e) The minimum side yard setback shall be 5 feet, on the street side of a corner lot, it shall be 15 feet.
  - (f) The minimum rear yard setback shall be 20 feet; on a corner lot, it shall be 5 feet.
  - (g) All setback standards may be subject to the exceptions in Tillamook County Land Use Ordinance Section 5.110.
  - (h) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII.

- (i) Structures shall not occupy more than 50% of the lot area.
- (j) A property survey of the lot shall be performed including elevations, and all corners shall be monumented by a registered surveyor prior to land division and/or submittal of a permit for construction/location on lots containing less than 7,500 square feet. A copy of the survey shall be submitted with the application and other required material.
- (k) Off-street parking shall conform to Section 4.030.
- (l) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they “do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses.” The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

**PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS CGB YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY.**

### **SECTION 3.312 COMMERCIAL OCEANSIDE (COS) ZONE**

- (1) **PURPOSE:** The purpose of the COS zone is to permit a moderate level of commercial activities in the community. Commercial use in the COS zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the COS zone because it: (a) is needed; (b) is physically capable of being developed; (c) can obtain access to a public road without causing traffic hazards or congestion; and (d) will not cause significant conflicts with nearby residential uses.

The COS zone classification is intended to provide a variety of commercial uses which enhance a rural communities viability and livability. It is also intended to provide development that results in rural employment opportunities. Commercial activities in this zone generally consist of small scale low impact uses which serve the community and surrounding rural area.

- (2) **USES PERMITTED OUTRIGHT:** In the COS zone, the following small scale low impact commercial uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 square feet of floor space and are subject to the general provisions and exceptions set forth in the Land Use Ordinance.
- (a) Oceanside community service buildings
  - (b) General retail trade establishment such as a grocery store, drug store, or a hardware store, provided that such establishments do not require over 5 parking spaces.
  - (c) Personal and business services such as barber, tailor, beauty and shoe repair shop.
  - (d) Business, government, professional, and medical offices, financial institutions, library, and fire station.
  - (e) Eating and drinking establishment, excluding walk-up and/or drive-in services.
  - (f) Single-family residential structure for the owner of an active business on the same lot.
  - (g) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building or placement permit has been issued. Limited to one (1) year.
  - (h) Signs, subject to Subsection 5 of this section.
  - (i) Dwelling unit or units accessory to an active commercial use, located above the first story.

- (j) Owner occupied Bed & Breakfast enterprise provided that no more than two bedrooms for guests are provided.
  - (k) Public park and recreation uses.
- (3) **USES PERMITTED CONDITIONALLY:** In the COS zone, the following uses and their accessory uses are permitted subject to the provisions in Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) Walk-up eating establishment.
  - (b) Mini-storage.
  - (c) Small retail shoppe complex.
  - (d) Lodge, club or meeting facility.
  - (e) Motel or hotel containing not more than 35 units.
  - (f) Temporary mobile kitchen unit.
  - (g) One- or two-family dwelling, including townhouses, row houses and condominiums.
  - (h) Church or school.
- (4) **STANDARDS:** Land divisions and development in the COS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential uses shall be the same as in the ROS zone. In the COS zone, motels and hotels shall be considered a commercial use.
  - (b) Minimum yards for any structure on a lot or parcel adjacent to a the ROS zone shall be 5 feet on the side adjacent to the ROS zone, and 10 feet in the front. No rear yard is required.
  - (c) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or set back 3 feet or as required in Section (4) (b) of this section.
  - (d) All structures shall meet the requirements for clear vision areas specified in Section 4.010.
  - (e) All uses shall meet off-street parking requirements as provided in Section 4.030.

- (f) All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the County Engineer.
  - (g) A property survey of the lot shall be performed and all comers shall be monumented by a registered surveyor prior to land division and/or prior to submittal of a permit for construction/location and a copy of the survey shall be submitted with the application and other required material.
  - (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
  - (i) The maximum building height for commercial structures shall be 35 feet except of ocean front lots where it shall be 24 feet.
- (5) SIGNS: A total of 100 square feet or less in area per business frontage. No sign shall be larger than 32 square feet in size. Temporary banner for grand opening, business change, etc. if allowed for a maximum of two weeks. The following types of signs shall be prohibited:
- (a) Off-premise sign.
  - (b) Flashing sign.
  - (c) Billboard.
  - (d) Signs/signs extending in setback area.
  - (e) Beach-side signs on beach front property.

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### **SECTION 3.314 PARK OCEANSIDE (POS) ZONE**

- (1) **PURPOSE:** The purpose of the POS zone is to permit open space recreation activities in the community. Park use in the POS zone typically provides for visual and outdoor recreation aesthetic qualities in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the POS zone because it: (a) is needed; (b) is physically capable of being retained as outdoor low-intense recreation use and/or needed off-street parking for the community; and (c) will not cause significant conflicts with nearby residential uses and commercial uses. Land should be kept as much as possible in it's pristine state with regard to vegetation and terrain.
- (2) **USES PERMITTED OUTRIGHT:** In the POS zone, the following uses are permitted outright, subject to all applicable supplementary regulations contained in the ordinance:
  - (a) Oceanside community service buildings and fire station.
  - (b) Public open-space park or recreation area.
- (2) **USES PERMITTED CONDITIONALLY:** In the POS zone, the following uses are permitted subject to the provisions in Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
  - (a) Retaining walls, barriers, fences other screening or stabilization structures.
  - (b) Accessory structures.
  - (c) On-premise signs.
- (4) **STANDARDS:** No land divisions within the POS zone shall occur.

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# *Pacific City/Woods Community Plan*





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## *Pacific City/Woods Planning Overview*

### **Purpose of the Pacific City/Woods Community Plan**

The Pacific City/Woods Community Plan represents a vital guide to our future. This plan evolved out of a planning process which included active participation of local residents and property owners over a four-year period between April 1995 and June 1999.

The purpose of the Pacific City/Woods Community Plan is to provide guidance to, and predictability in, the development of the community as it transitions to the Pacific City/Woods described in the Pacific City/Woods Community Vision Statement. While change is inevitable there are many different futures that can be achieved. The residents and property owners of Pacific City/Woods believe that by working together, communicating effectively, and preparing properly, it will be possible to obtain the future they desire.

### **The Planning Process and Community Involvement**

The planning process for developing a community plan for the Pacific City/Woods area has occurred over a four-year period and included significant time and effort of Pacific City/Woods residents. A chronological summary of the planning process and community involvement is provided below.

#### *April 1995*

A Steering Committee consisting of several citizens in the PC-Woods area was formed. The Committee included a representative of the PC Water District and the PC Sanitary District. The Committee met monthly. The first few months of meetings were spent learning about the process and about each other.

After several months, the Committee began to discuss the need to expand to better represent the different segments of the Community. The Committee added members to represent part-time residents, long-time residents, commercial dory fishermen, no-growth interests, and farmers. The Committee had approximately 15 people each representing a different segment of the community.

During the summer of 1995, the Committee developed a survey to solicit community input on important issues.

#### *September - October 1995*

The **first Town Hall meeting** was held to introduce the community to the planning process, to the members of the Steering Committee, and to the goals of the survey. Over 100 people attended the meeting which was held on a Saturday morning to accommodate the part-time residents.

The survey was mailed out in early October. The committee asked for volunteers to assist with the mailing. Nearly 1,200 surveys were mailed (one to every property owner). In addition, surveys were located in various businesses around the community to allow renters and those with different opinions to complete a survey. The community paid for the postage with donations from the sewer and water districts.

*November 1995*

Of the 1,200 mailed surveys, over 400 were returned by mid-November. The surveys were tabulated into three summary sheets and were combined into a single response sheet. Volunteers from the community donated their time to tabulate and document survey comments.

*February 1996*

Following the survey tabulation, a **second Town Hall Meeting** was called to discuss the results of the survey. The meeting was held on a Saturday morning and was attended by over 100 people.

A review of the survey and responses indicated four areas of concern which would need further study. The Steering Committee issued a call for volunteers to serve on:

- Growth Committee – to review growth issues and the Community Growth Boundary
- Zoning Committee – to study uses in the zones, setbacks, other zoning related issues
- Housing Committee - to look at the available housing in PC-Woods and to work on strategies to ensure affordable housing
- Transportation Committee - to review transportation-related issues

The Zoning, Housing and Transportation Committees were consolidated into a single committee.

*March 1996*

Tillamook County Department of Community Development held a “Planning 101” workshop to familiarize people with planning concepts and procedures. The workshop was attended by approximately 75 people.

The Zoning and Growth Sub-Committees began work. They met almost every Saturday for two months.

Early in March, an inventory of all tax lots in Pacific City-Woods was completed. The process involved sending teams of volunteers on a street by street walk of every tax lot in the area. They mapped dwellings, structures, and commercial buildings using assessment plat maps and selected assessor data. A report was developed documenting the information.

*May 1996*

After two months of meeting every Saturday, the Growth Committee completed work and issued recommendations. In order to ensure that all committees and sub-committees were on the same track, the first joint meeting of Growth, Zoning, and Steering Committees was held. It was well attended by most of the committee members. The membership on all three committees by this time was approximately 43 volunteers.

*June 1996*

On June 1, 1996, the **third Town Hall Meeting** was held to present the Community Vision and receive input from the community. The vision was developed by a group of volunteers who are members of the various Committees. The information from the survey, inventory data, and historical data was utilized to develop the draft vision statement.

*November 1997*

The Steering Committee completed work and provided the information to Tillamook County. At this point, the next logical step was to develop a Pacific City/Woods Community Plan, utilizing the information developed by the Steering Committee and various sub-committees.

*March - June 1999*

Tillamook County contracted TriLand Design Group, Inc. and Dispute Resolution Services to complete the previous planning efforts, and to develop the Pacific City Community Plan. Meetings were held with the Pacific City/Woods Steering Committee, Tillamook County Community Development Department, TriLand Design Group, and Dispute Resolution Services March 19, 1999 and April 9, 1999 to review and comment on the draft Community Plan and to identify unresolved conflicts.

On April 30, 1999, an Open House/Community Meeting was held where citizens were invited to review and comment on the draft Plan. A joint meeting was held with the Pacific City/Woods Steering Committee and the Pacific City Transportation Task Force on May 14, 1999 to discuss and reach consensus on the Pacific City Transportation Plan Policies. Based on the results of the Open House/Committee Meeting and joint Steering Committee and Transportation Task Force meeting, the final Pacific City/Woods Community Plan was prepared for hearings and approval by the Tillamook County Board of Commissioners.

## *Pacific City/Woods Vision Statement*

### **Introduction**

At the request of the Tillamook County Department of Community Development, the people of Pacific City - Woods have met in Steering Committee meetings, sub-committee meetings, and Town Hall meetings to develop an image of what we desire our community to be in the next 10 years. All meetings have been open to the public and attended by a good representation of new and old residents, full and part time residents, business people, retired people, senior citizens, developers and preservationists. The Steering Committee prepared and sent out a citizen survey to 1,200 property owners to gather their response and ideas about community values and important issues concerning change and growth. Over 400 people completed this four-page survey. The results were tabulated by a group of volunteers and shared with the community at a second Town Hall Meeting. The County used available tax information and took a group of volunteers on a street by street survey to inventory available buildable land. The Growth Committee used this information and survey results to come up with their recommendation for community boundaries. The Zoning and Transportation Committee addressed road widths, parking, pedestrian safety, speed limits, and the possibility of developing a community-wide bike system connecting Pacific City, Woods, and Cape Kiwanda. Since the capacity of our sewer and water facilities are a major factor in all growth decisions, members of the Sanitary and Water District served on the Steering Committee.

The results of all these meetings and gathering of information is a Vision Statement profiling our Past, Present, and Future.

### **The Past**

Before 19<sup>th</sup> Century settlers arrived in the Nestucca Valley in the 1870's, it was populated by Indian tribes from the Nestuggas, Killamooks, Clatsops, and Nehalems. They were forced from their homes in 1876, to a reservation on the Salmon River. At that time there were around 200. Somewhere between 1876 and 1880, the last tribe paddled down the Little Nestucca, into the Bay to cross the bar and heading out to sea.

From 1880 to 1926, the community equaled or exceeded many other coastal centers in population. It was a land of plenty, and promise- a land teeming with natural resources that enticed families to settle in the Nestucca Valley. It was along the Little Nestucca that early pioneers arrived, or by one of three steamers which traveled the rivers, bays, and bars from San Francisco to Astoria. Many pioneers traveled over the mountains by rough trails, with many rivers crossings without bridges. Descendants of the early settlers still live in the area. Wet weather made all routes (via Dolph, Hebo-Otis, or Cloverdale to Pacific City almost impassable. It was a two-day trip from Sheridan to Pacific City with a team and wagon. Much of what was Pacific City, was a dairy farm owned by Fred Beals. Hunting, trapping and fishing, clamming, and mink farming provided other turn of the century means of income.

Sport and Commercial salmon fishing always played a significant role here. Most commercial fishing utilized set nets in the Nestucca River. Fishing in the ocean began with 20-foot dory boats rowed out through the surf at Cape Kiwanda. The dory fleet boomed to 600 boats with the community employing five boat builders in the 1960's. Square-stern versions were replacing double-end rowing dories and Pacific City ranked in the top three ports on the Oregon Coast for commercial landing of

salmon. Hydraulic power replaced hand-operated gear and Pacific City dories were shipped to Samoa and the Pribilof Islands.

The town of Woods developed before Pacific City, offering a general store, drug store, Rebecca Lodge, sawmill, cabinet shop, photography gallery, postmaster, and two weekly newspapers. Pacific City was originally called Ocean Park and was homesteaded by Thomas Malaney, who platted the town in 1883 along the south bank of the river directly across from Woods. Malaney's family sold a number of lots, but before anyone could build, a flood covered the area in 1894. The flood resulted in moving the town to higher ground just down the river. Pacific City was becoming a thriving town which brought competition to Woods. Pacific City hosted celebrities, wrestling matches, rodeos, dances, ball games, barnstorming exhibitions, and clam and salmon bakes. Pacific City was also the site of the renowned "Brooten Baths", a spa where, for the first quarter of this century, thousands of sufferers came seeking relief from their illnesses using Kelp ore baths.

Some of these visitors decided to settle permanently in the secluded coastal town, building rows of cottages along the river front and along the town's four unpaved streets. A hand-operated ferry at Woods that carried automobiles and passengers and a boat ferry in Pacific City were the only way across the river before 1916 when a foot bridge was built. Two other bridges followed including a drawbridge for masted ships. A cannery operated at the mouth of the river.

In 1926, a statewide voter initiative closed the Nestucca River to commercial fishing. The depression of the 1930's and WWII left the areas with limited travel possibilities and only a handful of residents. The Coast Guard had a horse patrol here to warn of an enemy attack during the 1940's. Dairy farming was the only consistent mainstay in the lower Nestucca Valley.

In 1950, the airport was dedicated, dune grass was planted to stabilize the sand dunes along the shoreline, and a rock road was built to Cape Kiwanda. The first Dory Derby was held in 1959 and continues in the summer to this day. This period saw little development.

In 1965, the state highway division proposed a controversial routing of Hwy 101 through the Nestucca sand spit and over Cape Kiwanda. The fight raged with Tom McCall in favor and Bob Straub opposed. The highway division finally withdrew all alternate routes. Bob Straub Park at the south end of the beach was later named for his role helping Pacific City save its shoreline.

The Tillamook County Planning Commission held its first public hearing in 1966 on the county's new land use comprehensive plan. A year later, the State legislature deadlocked over the rights to build on Oregon's dry sand beach areas, known as the Oregon Beach Bill. A coordinate line was finally set in 1969, determining where beach property owners could build, and that line stands essentially unchanged today.

In 1973, Barney McPhillips offered all of Cape Kiwanda and the land along McPhillips Drive for sale. The McPhillips family had owned the Cape and uplands for 100 years. The State Parks Division refused to purchase the Cape because of hazards to hikers, but an appropriation from the legislature and pressure from Governor McCall forced a compromise deeding the Cape proper to the public. In 1980, an area was sold to Thousand Trails.

Portland General Electric came to the Pacific City/Woods Chamber of commerce simultaneously with the McPhillips exchange to propose construction of a nuclear power plant north of the Cape. PGE

maintained the ocean outfall would warm water on the offshore reef for improved fishing, and tax rates would decline from the multimillion-dollar investment. Local opinion was generally not supportive, and the McPhillips land agreement made the issue moot.

In the 1970's, dory fishing remained strong, land was being developed on Pacific City Heights, small farms were merging into larger dairy operations and Pacific City voters defeated an attempt at incorporation. The U.S. Air Force closed its base on Mount Hebo creating a decline in population and payroll to the area.

1980 brought a drastic reduction in salmon harvest for both recreational and commercial fishermen. The dory fleet declined to 100 regular boats. Vacation home construction continued at a modest pace, and a proposed condominium project for 50 units at the Cape failed to develop. Dune wells were replacing the surface waters of Horn Creek. Highway improvements shortened the drive to Lincoln City to only 21 minutes.

### **The Present**

The 1990's brought the prospect of accelerated growth and change from a small rural fishing and farming community to a popular summer home and tourist community. The mid-1990's have seen rapid change to the "Home of the Dory Fleet". Second homes now make up 60% of the community and property values are increasing. In 1996, several commercial and planned developments were under construction while others were in the planning stages. A motel at Cape Kiwanda began construction in 1996. The emphasis on traditional natural resource jobs in logging and fishing is slowly being replaced by service industry employment opportunities. Several historic buildings in the main commercial area of Pacific City have been renovated as small retail shops. Other new commercial structures have also been built along Brooten Road. A new library and community center have greatly expanded services to all residents.

### **The Vision**

The **Pacific City/Woods** area should continue to be a small, residential family-oriented community with a high quality of life. We envision a community which:

- values its unspoiled beaches, estuary, and river
- values friendliness, diversity, and privacy
- welcomes new residents, visitors, and new ideas, yet retains and values the contributions of longer-term residents.
- values quality educational opportunities for all levels
- preserves a quiet, uncongested environment
- offers diverse housing options
- acknowledges the needs and contributions of its senior citizens
- grows at a rate that is commensurate with the capacities of sewer and water systems
- grows deliberately (slowly, moderately) and thoughtfully, so it retains its unique characteristics, natural environment, and livability

- hopes that people with competing interests can coexist and share common goals
- works to encourage the participation of its citizens planning for its future

### **The Future**

The Pacific City/Woods area of the 21<sup>st</sup> century will have the same rural coastal atmosphere based on a long tradition of being a fishing and summer home community. Housing options range from campground, small travel trailer, old beach cabins, to newer upper-end housing and planned developments. The character is defined by the narrow roads, general lack of sidewalks, a wide variety of building setbacks, an occasionally flooded airport, and “HIGH WATER” signs. The area within the current growth boundary will be quite dense as each buildable lot is built upon. Height and building regulations will protect privacy, views and livability. The surrounding hills to the east of town will see much future growth. A bike path system will link Pacific City, Woods, and Cape Kiwanda.

Commercial development is clustered in three areas. One area is at Cape Kiwanda where tourist facilities such as restaurants, RV accommodations, motels, camping, and convenience stores are located. A large parking lot in this area operated by the County makes it convenient beach access for surf boat launching, surfing, tide pool exploration, etc. The second area is the four-way intersection in the center of town which has historically been the main commercial area. This area (including two blocks in each direction) remains much the same as it did 100 years ago providing post office, retail shops, motels, gas station, restaurants, etc. The third area north of that intersection along Brooten Road has additional commercial development interspersed with new and old houses. This area borders the river and includes a marina, bakery, grocery store, restaurants, etc. The people of Pacific City do not want to see a “strip type” commercial density connecting these three areas. Commercial development greatly increases the traffic patterns in and off roads. With the high summer use of our roads for The Three Capes Scenic Route, Thousand Trails, motels, restaurants, Sandlake recreation, and beach access, the roads are already used at capacity. People feel that most of their service needs are presently being met in the Pacific City area and bringing tourist for tourism sake does not create the livability they desired.

We need to protect, and in some cases restore, the unique natural resources and natural beauty of our area. The most distinctive natural features of our area are the Nestucca River, estuary, tide pools, beaches, dunes, and Cape Kiwanda. Pacific City will have an active group of people working with State and Federal agencies to ensure native wildlife and vegetation are here for future generations. We appreciate the dairy farming tradition, and hope to retain the dairies in our area.

Citizens need to CONTINUE to remember the community’s PAST, evaluate its PRESENT, and plan for its FUTURE.



## *Pacific City/Woods Community Findings*

1. The Pacific City/Woods Community Growth Boundary is generally defined by the Pacific Ocean to the west, Cape Kiwanda and Woods to the north, Brooten Mountain to the east, and Nestucca Bay to the south.
2. The Pacific City/Woods community includes eight zoning classifications including a park zone, four residential zones, two commercial zones, and an airpark zone. The Pacific City/Woods Low Density Residential Zone (PCW-R1) allows single family dwellings as an outright use and two-family dwellings as a conditional use. The Pacific City/Woods Medium Density Residential Zone (PCW-R2) allows one and two family dwellings as outright uses, and three and four units dwellings as a conditional use. The Pacific City/Woods High Density Residential Zone (PCW-R3) allows one to four unit dwellings as outright uses, and higher densities as a conditional use.
3. Approximately 60% of development in Pacific City/Woods consists of second homes.
4. As of March, 1996, Pacific City/Woods contained 624.58 acres of residential zoned land, including 1,487 tax lots, and 854 existing residential dwellings. There were 573 lots without dwellings, an estimate of 2,352 additional lots possible, for a total of 2,925 additional dwellings possible.
5. Pacific City/Woods is primarily a one-family residential community, with a sufficient number of commercial uses and public facilities to qualify as an “urban unincorporated community” with respect to the requirements of the Unincorporated Communities Rule. Commercial development is clustered in three areas. One area is at Cape Kiwanda where tourist facilities such as restaurants, RV accommodations, motels, camping, and convenience stores are located. The second area is the four-way intersection in the center of town which has historically been the main commercial area. This area includes a post office, retail shops, motels, gas station, restaurants, etc. The third area is located on north Brooten Road and has additional commercial development interspersed with new and old houses. This area borders the river and includes a marina, bakery, grocery store, restaurants, etc.
6. Pacific City/Woods has averaged 24 new dwellings per year over the last four years (94-98), an annual growth rate of about 2½%. This growth rate is on par with other coastal communities and is about twice Tillamook County’s average annual growth rate over the same period.
7. A majority of the area within the Pacific City/Woods Community Growth Boundary (CGB) is serviced by the Pacific City Joint Water – Sewer Authority (JWSA). JWSA has developed both a water plan and sewer plan. Both plans assure the County that JWSA has the ability to serve the entire CGB area with water and sewer service in accordance with the requirements of OAR 660-22-030 (8) (13).
8. The Pacific City/Woods community planning effort that began in April of 1995 provided a very clear sense of the uses and densities that are preferred by a substantial majority of the community citizens. These opinions were obtained by members of the Steering Committee and sub-committees, results of the Pacific City questionnaire that was mailed to every property owner, and Town Hall meetings that were held in the community.

## ***Pacific City/Woods Community Policies***

Over time, Pacific City/Woods has evolved and grown while attempting to maintain its rural coastal atmosphere. In order to protect this ambience and to achieve the Pacific City/Woods Community Vision, growth shall be managed in accord with the following policies and applicable land use regulations.

### ***Policy 1. Community Form***

- 1.1 Pacific City/Woods shall be designated as an Urban Unincorporated Community.
- 1.2 Every effort shall be made to preserve the rural coastal atmosphere and the natural resources of Pacific City/Woods for the benefit of residents, visitors, and future generations.

### ***Policy 2. Community Growth***

- 2.1 The community growth boundary (CGB) will be expanded at the time of the 1999 adoption of the community plan to include the 33.20-acre Tillamook County park property (Tax Map 4S 11 13D, Tax Lot 100) and the 6.21-acre BLM property (Tax Map 4S 1D 19, Tax Lots 300 and 301). These Tax Lots will not be developed to accommodate additional growth. Both parcels are an integral part of the community therefore it is appropriate for the parcels to be within the CGB. The 33.20 acre parcel will be park, and the BLM property will be used for future expansion of the sewer treatment facility.
- 2.2 No other CGB expansion will occur at this time. The Vacant Lands Inventory indicates there is enough vacant land to accommodate future growth over the next ten years.
- 2.3 If expansion of the CGB is considered in the future, the Pacific City/Woods Citizen Planning Advisory Committee (CPAC) will first consider the Brooten Mountain Reserve.

### ***Policy 3. Transportation***

The 1998-1999 Pacific City/Woods Transportation Plan identifies the following transportation policies.

- 3.1 Create an interconnected bicycle/pedestrian system throughout Pacific City/Woods.
- 3.2 Create a system of bicycle/pedestrian loops.
- 3.3 Provide bicycle and pedestrian facilities on major roads.
- 3.4 Create off-road bicycle/pedestrian facilities that connect destinations and provide for recreational users, i.e. bicyclists, walkers and runners.
- 3.5 Ensure collector road intersections are safe and have adequate travel lane, bicycle and pedestrian facilities to accommodate traffic.

- 3.6 Collector streets should remain as two-lane roads with center left-turn lanes and right-deceleration lanes where necessary to accommodate traffic flow. Collector streets should include bicycle and pedestrian facilities.
- 3.7 Local streets should be limited to no more than two travel lanes with minimal right-of-way necessary to accommodate safe and adequate facilities. To maintain the existing character of the community, the use of curbs on a piecemeal basis shall be discouraged. However, nothing in this policy is intended to discourage neighborhood developments from using curbs. Storm drainage facilities should be wider and shallower rather than narrow, deep ditches.
- 3.8 Ensure adequate Dory boat beach access, parking, and safe pedestrian beach access.
- 3.9 Ensure adequate downtown parking, access, and pedestrian facilities are provided.
- 3.10 Maintain and improve parking and circulation at boat launch facilities.
- 3.11 Encourage traffic speed enforcement and traffic calming improvements, particularly at the community entrances (gateways).
- 3.12 Maintain and improve streets.
- 3.13 Ensure adequate sight distances are provided on streets.
- 3.14 Preserve public land and access to amenities and where better connectivity can occur.
- 3.15 Improve public transportation to Tillamook, Lincoln City, Portland, and Salem.
- 3.16 Establish a community shuttle system to transport people and goods throughout Pacific City/Woods.
- 3.17 An airport in Pacific City is a unique asset that needs to be preserved.
- 3.18 Establish and post/distribute a tsunami warning system, routing, and awareness plan.
- 3.19 Ensure streets and pathways have and maintain a pleasing appearance.
- 3.20 Ensure that future development has adequate and safe transportation connections without adversely effecting established developed areas.
- 3.21 Encourage the preparation of a community-wide storm drainage master plan.
- 3.22 Encourage utilities to be placed underground.

***Policy 4. Public Facilities***

- 4.1 The community recognizes and supports the Pacific City Joint Water – Sewer Authority (JWSA) developed Water System Master Plan and Sanitary Capital Improvement Plan. Both

plans assure the County that JWSA has the ability to serve the entire CGB area with water and sewer service in accordance with the requirements of OAR 660-22-030 (8) (13).

- 4.2 The County and PCJWSA shall work collaboratively to assure that water and sewer service is available when development occurs.
- 4.3 The Pacific City Joint Water – Sanitary Authority shall work with Tillamook County to update, when necessary, the Cooperative Planning Agreement with Tillamook County, consistent with the Pacific City / Woods Community Plan.
- 4.4 Confirmation of water availability from the Pacific City Joint Water – Sanitary Authority, or evidence of an alternative functioning domestic water supply, shall be required prior to development, partition plat or subdivision plat approval.
- 4.5 Confirmation of availability of connection to the sewer system from the Pacific City Joint Water – Sanitary Authority if within the sanitary district, or an approval for on-site sanitation disposal, if outside the sanitary district, shall be required prior to development, partition plat or subdivision plat approval. In some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone.
- 4.6 Provision of sewer service shall be consistent with the policies of the Tillamook County Comprehensive Plan, particularly Policy 3.5 of the Goal 11 Element. Sewer service shall not be extended beyond Pacific City / Woods Community Growth Boundary (CGB) except in limited situations where there are no alternative means to address health and water quality problems resulting from the failure of existing systems. Any such extension must be consistent with Department of Environmental Quality regulations. In such cases, sewer expansion shall be limited to connections in the specific area of concern.

***Policy 5. Housing***

- 5.1 Encourage diversity in housing.
- 5.2 Promote housing opportunities that are affordable for those living and working in Pacific City/Woods.
- 5.3 Planning and building regulations shall assure livability to the extent possible including setbacks and height restrictions that protect views and privacy.

***Policy 6. Public Involvement***

- 6.1 The County will refer all applications that require public notice affecting the community, including street vacations, to the Pacific City/Woods Citizen Planning Advisory Committee (CPAC) for review and input. Responses must take into account the legal time constraints imposed upon land use decisions.
- 6.2 The CPAC will provide for and foster greater communication between the Board of County Commissioners, the Planning Commission, and the citizens within the Pacific City/Woods

community. The CPAC can represent effectively local needs and concerns to County decision-makers, and members can help explain complex planning issues to the public

- 6.3 The CPAC shall communicate and coordinate its activities with the Pacific City Water – Sewer Authority (JWSA), Nestucca Rural Protection Fire District, Nestucca Valley School District, civic organizations and other local interests as necessary to facilitate effective citizen participation in the County’s land use planning process.
- 6.4 The CPAC will help the County fulfill its legal obligation under Statewide Planning Goal 1: “to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process, as well as the coordination and citizen involvement requirements of the State Unincorporated Communities Rule (OAR 660-22-060).

## *Pacific City/Woods Zones*

### **SECTION 3.330 PACIFIC CITY/WOODS PARK (PCW-P) ZONE**

- (1) **PURPOSE**: The purpose of the PCW-P is to regulate development and other activities in a manner that conserves, protects, and where appropriate, restores the natural resources, benefits, and values of open areas for the good of the community.
- (2) **USES PERMITTED OUTRIGHT**: In the PCW-P zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) Congregation and assembly for public events.
  - (b) Public water and sanitary sewer pump stations, water storage, and wastewater treatment plants.
  - (c) Displays and signage for natural resource and heritage education.
  - (d) Public restrooms.
  - (g) Public footpaths and bike trails.
  - (h) Swimming, volleyball, or other similar recreational uses.
  - (i) Weather shelters.
  - (j) Parking facilities necessary to serve park uses.
  - (k) Special event uses, such as Dory Days, which may include overnight parking and storage of equipment accessory to the event if authorized by a temporary use permit.
- (3) **USES PERMITTED CONDITIONALLY**: In the PCW-P zone, the following uses and their accessory uses are permitted subject to the provisions of Article VI and the requirements of all applicable supplementary regulations contained in this ordinance.
  - (a) Utility substations and power transmission lines.
  - (b) Towers for communication or structures having similar impact.
  - (c) Parking lots.
  - (d) Overnight dory parking.
  - (e) Campgrounds.
  - (f) Buildings and kiosks for informational purposes.

- (e) Temporary mobile kitchen units for public events.
- (4) **STANDARDS:** Land divisions and development in the PCW-P zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) Structures shall be limited to one-story.
  - (b) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
    - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
    - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
    - (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
      - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;
      - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

**PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS CGB YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY.**

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

- (1) **PURPOSE:** The purpose of the PCW-RR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.
  
- (2) **USES PERMITTED OUTRIGHT:** In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
  
- (3) **USES PERMITTED CONDITIONALLY:** In the PCW-RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary.
  - (b) Two-family dwelling.
  - (c) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.



- (d) Cottage industries.
- (e) Recreational vehicle where not allowed outright by Section 5.130.
- (f) A temporary real estate sales office.
- (g) Churches and schools.
- (h) Accessory structures or accessory uses without an on-site primary structure.
- (i) Nonprofit community meeting buildings.
- (j) Cemeteries.
- (k) Fire or ambulance stations.
- (l) Swimming, tennis, racquetball and similar facilities.
- (m) Golf course and associated facilities.
- (n) Animal hospital, kennel, or other animal boarding service.
- (o) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (p) Public utility facilities, including substations and transmission lines.
- (q) Temporary mobile kitchen units.
- (r) Mobile or Manufactured Home park.
- (s) Foster family homes accommodating six or more children or adults.
- (t) Bed and breakfast enterprise.
- (u) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
- (w) Home occupations according to the provisions of Section 4.140 of this Ordinance.

- (4) STANDARDS: Land divisions and development in the PCW-RR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 square feet.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except that the maximum building height shall be 24 feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).
  - (g) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:
    - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    - 2. The property has been taxed at the farm use rate during three of the past five years.
    - 3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
  - (h) No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential uses; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.
  - (i) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
    - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

- (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
  - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;
  - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (j) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they “do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses.” The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

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

- (1) **PURPOSE:** The purpose of the PCW-R1 zone is to designate areas for low-density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.
  
- (2) **USES PERMITTED OUTRIGHT:** In the PCW-R1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) Single-family dwelling.
  - (b) Farm and forest uses.
  - (c) Home occupations according to the provisions of Section 4.140 of this ordinance. . Home occupation signs shall be unlighted and limited to 2 square feet.
  - (d) Public and private park and recreation areas.
  - (e) Public utility lines and sewer and water pumping stations.
  - (f) Mobile home or recreational vehicle used during the construction of an approved use.
  - (g) Signs subject to Section 4.020 except a sign shall not exceed 30 square feet identifying a non-residential use such as the sale of farm produce, a golf course, or a church.
  - (h) Manufactured home subject to Section 5.160.
  
- (3) **USES PERMITTED CONDITIONALLY:** In the PCW-R1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
  - (a) Two-family dwelling.
  - (b) Planned Development subject to Section 3.080, or Mixed Use Developments subject to Section 4.130.
  - (c) Churches or schools.
  - (d) Nonprofit community meeting buildings and associated facilities.
  - (e) Utility substations and power transmission lines.
  - (f) A temporary real estate sales office.
  - (g) Police, fire and ambulance stations.

- (h) Towers for communications, wind energy conversion systems or structures having similar impacts.
  - (i) Accessory structures or uses without an on-site primary structure.
  - (j) Foster family homes accommodating six or more children or adults.
  - (k) Bed and breakfast enterprises.
  - (l) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.
  - (m) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (n) Home occupations according to the provisions of Section 4.140 of this ordinance. Home occupation signs shall be unlighted and limited to 2 square feet.
  - (o) Signs exceeding size allowed in Section 3.332 (2)(g), subject to Section 4.020.
- (4) **STANDARDS:** Land divisions and development in the PCW-R1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems.
  - (b) Small existing lots of less than 7,500 square feet will be allowed to be built upon consistent with all applicable regulations. Small lot coverage standards consistent with the resolution of the “small lots” issue reflected in the Tillamook County Land Use Ordinance Section 5.100, shall be met.
  - (c) The minimum lot width shall be 60 feet.
  - (d) The minimum lot depth shall be 75 feet.
  - (e) The minimum front yard shall be 20 feet.
  - (f) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
  - (g) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.

- (h) The maximum building height shall be 35 feet, except that the maximum building height shall be 24 feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).
- (i) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.
- (j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
  - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
  - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
  - (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
    - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;
    - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (k) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they “do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses.” The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

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

- (1) **PURPOSE:** The purpose of the PCW-R2 zone is to designate areas for medium-density single-family and duplex residential development, and other, compatible, uses. Land that is suitable for the R-2 zone has public sewer service available, and has relatively few limitations to development.
  
- (2) **USES PERMITTED OUTRIGHT:** In the PCW-R2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) One or two-family dwelling.
  - (b) Farm and forest uses.
  - (c) Public and private park and recreation uses.
  - (d) Home occupations subject to provisions of Section 4.140. Home occupation signs shall be unlighted and limited to 2 square feet.
  - (e) Public utility lines, water and sewage pump stations.
  - (f) Mobile home or recreational vehicle used during the construction of a use for which a building permit has been issued.
  - (e) Manufactured home subject to Section 5.160.
  - (g) Signs subject to Section 4.020 except a sign shall not exceed 30 square feet identifying a non-residential use such as the sale of farm produce, a golf course, or a church.
  
- (3) **USES PERMITTED CONDITIONALLY:** In the PCW-R2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article IV and the requirements of all applicable supplementary regulations contained in this Ordinance.
  - (a) Three or four-family dwelling.
  - (b) Planned Development subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single-family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.
  - (c) Churches, schools, or colleges.
  - (e) Nonprofit community meeting buildings and associated facilities.
  - (f) Utility substation and power transmission lines.

- (g) A temporary real estate sales office.
  - (h) Accessory structures and accessory uses without an on-site primary use.
  - (i) Police, fire and ambulance stations.
  - (j) Towers for communications, wind energy conversion systems or structures having similar impacts.
  - (k) Water supply and treatment facilities.
  - (l) Cottage industries. A sign shall not exceed 16 square feet identifying a cottage industry.
  - (m) Foster family homes accommodating six or more children or adults.
  - (n) Bed and Breakfast enterprises.
  - (o) Temporary placement of a mobile home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.
  - (p) Golf courses.
  - (q) Mobile Home Park.
  - (r) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (s) Home occupations subject to provisions of Section 4.140. Home occupation signs will be unlighted and limited to 2 square feet.
  - (t) Signs exceeding size allowed in Section 3.333 (2) (g), subject to Section 4.020 .
- (4) **STANDARDS:** Land divisions and development in the PCW-R2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single-family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single-family dwelling. A two-family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 3750 square feet. Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.
  - (b) The minimum lot width shall be 50 feet; on a corner lot, the minimum width shall be 60 feet.



- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard shall be 20 feet.
- (e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.
- (g) The maximum building height shall be 35 feet, except that the maximum building height shall be 24 feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).
- (h) Livestock shall not be located closer than 100 feet to a residential building on an adjacent lot.
- (j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
  - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
  - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
  - (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
    - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;
    - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (k) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be

subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they “do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses.” The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

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

- (1) **PURPOSE:** The purpose of the PCW-R3 zone is to designate areas for a medium- to high-density mix of dwelling types and other, compatible, uses. The PCW-R3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.
- (2) **USES PERMITTED OUTRIGHT:** In the PCW-R3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.
  - (a) One, two, three, or four-family dwelling, including townhouses, rowhouses, and condominiums.
  - (b) Mobile home subject to Section 5.160.
  - (c) Farm and forest uses.
  - (d) Home occupations subject to provisions of Section 4.140. Home occupation signs shall be unlighted and limited to 2 square feet.
  - (e) Public and private park and recreation areas.
  - (f) Utility lines necessary for public service, water and sewage pump stations.
  - (g) A mobile home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (h) Bed and Breakfast enterprise.
  - (i) Signs subject to Section 4.020 except a sign shall not exceed 32 square feet identifying a multi-family dwelling or motel in the R-3 zone and a sign shall not exceed 30 square feet identifying a non-residential use such as the sale of farm produce, a golf course, or a church.
  - (j) Manufactured home subject to Section 5.160.
- (3) **USES PERMITTED CONDITIONALLY:** In the PCW-R3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
  - (a) Mobile home not subject to Section 5.160, and mobile home parks.
  - (b) Multifamily dwellings exceeding 4 units, including townhouses, row houses and condominiums and apartments. A sign shall not exceed 32 square feet identifying a multi-family dwelling or motel in the R-3 zone.

- (c) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.
- (d) Motels and hotels, limited to 100 units. Motels and hotels may include eating and drinking establishments.
- (e) Churches or schools.
- (f) Nonprofit community meeting buildings and associated facilities.
- (g) Accessory structures or uses without an on-site primary use.
- (h) Swimming, tennis, racquetball or other similar facilities.
- (i) Utility substation and power transmission lines.
- (j) Hospitals, sanitariums, rest homes, or nursing homes and assisted living.
- (k) Fire, police, or ambulance stations.
- (l) Towers for communications, wind energy conversion systems or structures having similar impacts.
- (m) Water supply and treatment facilities.
- (n) Temporary mobile kitchen units.
- (o) Cottage industries. A sign shall not exceed 16 square feet identifying a cottage industry.
- (p) A temporary real estate sales office.
- (q) Mobile Home Park and recreational campground.
- (r) Foster family home accommodating six or more children or adults.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.
- (t) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
- (u) Home occupations subject to provisions of Section 4.140. Home occupation signs shall be unlighted and limited to 2 square feet.

- (v) Signs exceeding size requirements in Section 3.334 (2)(i), subject to Section 4.020.
- (4) **STANDARDS:** Land divisions and development in the R-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single family dwelling. Each additional dwelling unit shall require 2000 square feet additional area. For multifamily structures with separately owned units with common walls, area requirements shall apply to the gross lot area and not to individual lots.
  - (b) The minimum lot width shall be 50 feet, except on a corner lot it shall be 60 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) The minimum front yard shall be 15 feet.
  - (e) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 15 feet.
  - (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.
  - (g) The maximum building height shall be 35 feet, except the maximum building height shall be 24 feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).
  - (h) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.
  - (i) Lot size and yard setback standards shall apply to motels or hotels in the PCW-R3 zone.
  - (j) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.
  - (j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
    - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
    - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a

structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

- (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
  - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;
  - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
  
- (k) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they “do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses.” The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

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### **SECTION 3.335 PACIFIC CITY/WOODS AIRPARK (PCW-AP) ZONE**

- (1) **PURPOSE:** The purpose of the PCW-AP zone is to support and encourage the continued operation and vitality of the Pacific City airport and to designate areas for uses including residential homes, aircraft hangars and aircraft related businesses, while promoting safety in the airport area. Land that is suitable for the PCW-AP zone is contiguous to the Pacific City Airport. It is acknowledged that the airport has adverse impacts to the surrounding area, i.e. noise and prop-wash, however, the community desires that the airport be maintained.
  
- (2) **USES PERMITTED OUTRIGHT:** In the PCW-AP zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) One or two-family dwelling.
  - (b) Aircraft hangars.
  - (c) Aircraft fueling facilities.
  - (d) Landing strip and taxiways.
  - (e) Commercial or retail establishments only if dependent upon or related to aircraft and related components. Shall meet standards in Section 3.337 (4)(a) or (b).
  - (f) Aircraft navigational aids.
  - (g) Home offices or occupations according to the provisions of Section 4.140 of this ordinance. Home occupation signs shall be unlighted and limited to 2 square feet.
  - (h) Bed and breakfast enterprises.
  - (i) Signs, subject to Section 4.020 except a sign shall not exceed 30 square feet identifying a non-residential use.
  - (j) Public park and recreation uses.
  
- (3) **USES PERMITTED CONDITIONALLY:** In the PCW-AP Zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
  - (a) Planned Development subject to Section 3.080, which may include a temporary real estate office.
  - (b) Cottage industries.
  - (c) Foster family homes accommodating six or less children or adults.

- (4) **STANDARDS:** Land divisions and development in the PCW-AP zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single family dwelling, the minimum size for lots shall be 5,000 square feet. A two-family dwelling shall require 2,500 square feet additional area.
  - (b) The minimum lot width shall be 50 feet; on a corner lot, the minimum width shall be 65 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) The minimum front yard shall be 20 feet.
  - (e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
  - (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.
  - (g) The maximum building height shall be in conformance with the Pacific City Airport Overlay. A survey shall be submitted with a building permit application to determine compliance with Section 3.210 Pacific City Airport Obstruction Overlay Zone (PAO) maximum building height requirements. Maximum building height shall be 35 feet unless the Airport Overlay Zone requires lesser height.
  - (h) All uses shall meet off-street parking requirements as provided in Section 4.030.
  - (j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
    - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
    - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
    - (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
      - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;



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

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**SECTION 3.337: PACIFIC CITY/WOODS NEIGHBORHOOD COMMERCIAL ZONE (PCW-C1)**

- (1) **PURPOSE:** The purpose of the PCW-C1 zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas. Commercial uses in the PCW-C1 zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the PCW-C1 zone because it:
  - (a) Is needed;
  - (b) Is physically capable of being developed;
  - (c) Can obtain access to a public road without causing traffic hazards or congestion;
  - (d) Will not cause significant conflicts with nearby residential uses; and
  - (e) Has sufficient land area to accommodate off-street parking.
  
- (2) **USES PERMITTED OUTRIGHT:** In the PCW-C1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General retail trade establishments such as grocery stores, drug stores, or hardware stores, provided that such establishments do not require over 25 parking spaces.
  - (b) Repair and maintenance services for the type of goods to be found in the above permitted retail trade establishments, provided that such services are performed either off-site or entirely within an enclosed building.
  - (c) Personal and business services such as barbers, tailors, printing shops, funeral homes, and laundry and dry cleaning services.
  - (d) Business, government, professional, and medical offices, financial institutions, and libraries.
  - (e) Eating and drinking establishments, excluding drive-in or fast food restaurants.
  - (f) A single-family residential structure for the owner of an active business located on the same lot or parcel.
  - (g) Mobile homes or recreational vehicles used during the construction of a use for which a building or placement permit has been issued.
  - (h) Swimming, tennis, racquetball, or other similar facilities.
  - (i) Signs, subject to Section 4.020.

- (j) Dwelling unit or units accessory to an active commercial use, located above the first story.
  - (k) Bed and breakfast enterprises.
  - (l) Public park and recreation uses.
  - (m) Miniature Golf Course.
- (3) **USES PERMITTED CONDITIONALLY:** In the PCW-C1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article VI and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) General retail trade establishments such as grocery stores, drug stores, and hardware stores, that require over 25 parking spaces.
  - (b) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, fast food restaurants, and car washes.
  - (c) Sales and service activities requiring a large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery and marine craft; the storage of construction, plumbing, heating, paving, electrical and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (d) Warehousing, including mini-storage.
  - (e) Shopping centers.
  - (f) Animal hospitals, kennels or other animal boarding facilities.
  - (g) Lodges, clubs, or meeting facilities for private organizations.
  - (h) Motels, hotels, and cabin camps not exceeding 100 units.
  - (I) Commercial amusement or entertainment establishments.
  - (j) Temporary mobile kitchen units.
  - (k) Light industries.
  - (l) Multifamily dwellings exceeding 4 units, including townhouses, row houses and condominiums and apartments.
  - (m) Mobile homes or recreational vehicles.
  - (n) Churches or schools.
  - (o) Community meeting buildings and associated facilities.

- (p) Hospitals, sanitariums, rest homes, and nursing homes.
  - (q) Fire and ambulance stations.
  - (r) Utility substations and power transmission lines.
  - (s) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (t) Water supply and treatment facilities, and sewage treatment plants and pump facilities.
  - (u) Mobile home parks or recreational vehicle parks.
  - (v) Foster family homes accommodating six or more children or adults.
  - (w) Planned development subject to section 3.08.
  - (x) Recreational campgrounds.
  - (y) Off-site advertising sign.
  - (z) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (aa) Commercial Uses allowed in this zone exceeding 8000 square feet according to provisions of Section 3.337(4)(b).
- (4) **STANDARDS:** Land divisions and development in the PCW-C1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) A Commercial Use allowed in this zone shall not exceed 8000 square feet of floor space whether occurring in a single building or multiple buildings, except as provided for in (4)(b).
  - (b) A Commercial Use allowed in this zone exceeding 8000 square feet as defined in (4)(a) can be authorized through a Conditional Use, under the provisions of Article VI. In addition to the Conditional Use criteria of Article VI, the following review criteria shall apply:
    - (1) The use is intended to serve the community and surrounding rural area; or
    - (2) The use is intended to serve the travel needs of people passing through the area.
  - (c) Motels and hotels are exempt from the 8000 square-foot limit, but are limited to 100 units.

- (d) An Industrial Use allowed in this zone (including light industries, storage of industrial equipment, warehousing, rural industries, some cottage industries) shall not exceed 20,000 square feet in a single or multiple buildings.
- (e) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the PCW-R3 zone. In the PCW-C1 zone, motels, hotels and cabin camps shall be considered a commercial use.
- (f) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.
- (g) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b).
- (h) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.
- (i) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (j) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (k) The maximum building height shall be 35 feet, except on ocean or bay front lots, it shall be 24 feet. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).
- (l) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
  - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
  - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
  - (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:

- (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;
  - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (m) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they “do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses.” The signed and notarized covenant must be approved by the County Planning Director or representative thereof and recorded with the Tillamook County Clerk.

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**SECTION 3.338: PACIFIC CITY/WOODS COMMUNITY COMMERCIAL ZONE (PCW-C2)**

- (1) **PURPOSE:** The purpose of the PCW-C2 zone is to designate areas for high intensity commercial and some light industrial activities. The zone is intended to accommodate all commercial needs of nearby communities, surrounding rural areas, and visitors. Land that is suitable for the PCW-C1 zone is suitable for the PCW-C2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.
- (2) **USES PERMITTED OUTRIGHT:** In the PCW-C2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General and specialty retail trade establishments.
  - (b) Personal and business services such as barbers, tailors, printers, funeral homes, shoe repair shops, upholsterers, and cleaners.
  - (c) Business, government, professional, and medical offices; financial institutions; and libraries.
  - (d) Animal hospitals, kennels and similar animal boarding facilities.
  - (e) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, and fast food restaurants.
  - (f) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical, and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (g) Shopping centers.
  - (h) Warehousing, including mini-storage.
  - (i) Eating and drinking establishments.
  - (j) Lodges, clubs, or meeting facilities for private organizations.
  - (k) Motels, hotels, and cabin camps not exceeding 100 units.
  - (l) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.
  - (m) Mobile or manufactured home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (n) Community meeting buildings and associated facilities.

- (o) Schools.
  - (p) Water supply and treatment facilities.
  - (r) Off-site advertising signs.
  - (s) Dwelling units accessory to an active commercial use, when located above the first story.
  - (t) Bed and breakfast enterprises.
  - (u) Swimming facilities.
  - (v) Public park and recreation uses.
- (3) **USES PERMITTED CONDITIONALLY:** In the PCW-C2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) One or two-family dwelling not associated with an active business.
  - (b) Light industries.
  - (c) Multifamily dwellings, including townhouses, and condominiums.
  - (d) Mobile home or recreational vehicle.
  - (e) Hospitals, sanitariums, rest homes, and nursing homes.
  - (f) Fire and ambulance stations.
  - (g) Utility substations and power transmission lines.
  - (h) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (i) Commercial amusement or entertainment establishments.
  - (j) Sewage treatment plants.
  - (k) Recreational campground.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Temporary mobile kitchen units.
  - (n) Mixed Use Developments subject to Section 4.130.



- (o) Mobile/Manufactured Home Park.
  - (p) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (q) Car wash.
  - (r) Commercial Uses allowed in this zone exceeding 8000 square feet according to provisions of Section 3.338 (4)(b).
- (4) STANDARDS: Land divisions and development in the C-2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) A Commercial Use allowed in this zone shall not exceed 8000 square feet of floor space whether occurring in a single building or multiple buildings, except as provided for in (4)(b).
  - (b) A Commercial Use allowed in this zone exceeding 8000 square feet as defined in (4)(a) can be authorized through a Conditional Use, under the provisions of Article VI. In addition to the Conditional Use criteria of Article VI, the following review criteria shall apply:
    - (1) The use is intended to serve the community and surrounding rural area; or
    - (2) The use is intended to serve the travel needs of people passing through the area.
  - (c) Motels and hotels are exempt from the 8000 square-foot limit, but are limited to 100 units.
  - (d) An Industrial Use allowed in this zone (including light industries, storage of industrial equipment, warehousing, rural industries, some cottage industries) shall not exceed 20,000 square feet in a single or multiple buildings.
  - (e) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the PCW-R3 zone. In the PCW-C1 zone, motels, hotels and cabin camps shall be considered a commercial use.
  - (f) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.

- (g) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b).
- (h) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.
- (i) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (j) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (k) The maximum building height shall be 35 feet, except on ocean or bay front lots, it shall be 24 feet. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).
- (l) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:
  - (1) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
  - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
  - (3) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
    - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process; in some cases on-site sanitation may require larger lot sizes than the minimum allowed by the zone;
    - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (m) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal

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

**PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS CGB YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY.**

*Pacific City Comprehensive Plan/Zoning Map*

# Beaver Community Plan Tillamook County, Oregon

December 18, 2002

Tillamook County Board of Commissioners

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# Executive Summary

## Planning Overview

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. The Rural Communities Rule (OAR 660-22) requires planning for Unincorporated Communities. Beaver is classified as a Rural Community, one of twelve Unincorporated Communities in Tillamook County that meet the state's criteria. As part of its Periodic Review, The Tillamook County Department of Community Development has undertaken planning for each of these communities. Planning for four of the county's five Urban Unincorporated Communities and one Rural Community occurred first, in the late 1990's.

Planning for Beaver and the county's remaining Urban Unincorporated Community, five Rural Communities and one Rural Service Center began in 2000, with the adoption of Unincorporated Community Boundaries. In March and April of 2002, Community Development staff conducted a Community Survey by mail and held a Community Meeting in Beaver. The complete results of these community involvement measures are available in Appendices B and C.

## Community Profile

The community of Beaver is located on the banks of Beaver Creek where it joins the Nestucca River, 7 miles inland from the Pacific Ocean. Beaver straddles the Oregon Coast Highway, U.S. Route 101, 13 miles south of Tillamook. The town is predominately residential, with a small commercial area in the center of town along the highway. Beaver's economy is based in the dairy, forestry, and tourism industries.

## Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Beaver:

**Goal 1:** Beaver will be an attractive, safe and clean small town.

**Goal 2:** Beaver will have an appropriate level of public services.

**Goal 3:** Beaver will be surrounded by outstanding, protected natural resources.

**Goal 4:** Beaver will have a thriving business district supported by local residents and travelers.

Each goal is supported by several County policies.

## Community Zoning

The community uses three different zoning designations. Community Single Family Residential (CSFR) is the residential zone, Community Commercial (CC) is the commercial zone, and Community Industrial (CI) is the industrial zone.

# Chapter 1: Planning Overview

## 1.1 The Planning Process

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. A court decision ruled that Oregon counties had to plan for their unincorporated communities. The Oregon Land Conservation and Development Commission adopted the Rural Communities Rule (OAR 660-22) in 1994 in order to comply with the ruling of the court.

Tillamook County has identified twelve Unincorporated Communities that meet the state's criteria. Beaver has been classified as a Rural Community. The other communities identified in the county are:

### Urban Unincorporated Communities:

- Barview-Watseco-Twin Rocks
- Neahkahnie
- Netarts
- Oceanside
- Pacific City

### Rural Communities:

- Beaver**
- Cloverdale
- Hebo
- Idaville
- Neskowin
- Siskeyville

### Rural Service Center:

- Mohler

The Tillamook County Department of Community Development has undertaken planning for each of these communities. The department has included these efforts as part of its periodic review tasks. Planning for four of the county's five Urban Unincorporated Communities and one Rural Community occurred first, in the late 1990's. Each community went through a separate planning process guided by a committee in each community. Planning for the county's remaining Urban Unincorporated Community, five Rural Communities and one Rural Service Center began in 2000. The planning processes involved in creating and adopting the Unincorporated Community Boundaries and Community Plans are detailed in the rest of this chapter.



## 1.2 The Unincorporated Community Boundary

The Unincorporated Community Boundaries for Beaver and several other Rural Communities were determined through a public process in 2000 and 2001. The County adopted the boundaries in 2001. Beaver's adopted Unincorporated Community Boundary contains 262 acres of land. Appendix A contains a map of the Unincorporated Community Boundary.

## 1.3 The Community Survey

In March and April of 2002, Community Development staff conducted a community survey. All registered property owners within the Unincorporated Community Boundary received a survey in the mail. The survey asked four questions of residents:

1. What do you feel is the most important issue facing Beaver?
2. What one thing would you like to change about Beaver in the next 20 years?
3. What is your favorite thing about Beaver?
4. What is your least favorite thing about Beaver?

76 surveys were mailed out to property owners and staff and community members distributed additional surveys. Six surveys were returned to Community Development. Appendix B contains the responses in detail. The most popular themes to come out of the surveys are summarized below:

### *What do you feel is the most important issue facing Beaver?*

Several responses focused on the need to improve the appearance of the town and on the lack of a sewer system. Some responses were received that cited careful development, highway congestion, a lack of good jobs, and government interference.

### *What one thing would you like to change about Beaver in the next 20 years?*

Respondents continued to focus on appearance, with responses asking for a community park, giving owners the ability to improve their property, and to instill pride of ownership at some properties. Other responses included improvements to Route 101, installation of a sewer system and keeping the school. One respondent asked for no changes.

### *What is your favorite thing about Beaver?*

Many of the responses focused on the natural character of the surrounding area and small town atmosphere. One respondent cited a lack of government offices.

### *What is your least favorite thing about Beaver?*

Several responses were transportation related, with highway congestion, speed and a lack of sidewalks specifically cited. One respondent called Beaver an "ugly town," and another noted its run down areas. Another response observed a lack of jobs.

## 1.4 Community Open House

On April 18, 2002, Community Development staff held an open house for the Beaver community to discuss the community plan. Staff held the open house at the Nestucca Valley Middle School in Beaver. Staff notified citizens of the open house through a mailing to all property owners within the Unincorporated Community Boundary along with a community survey (see section 1.2). Notice of the meeting was also placed in the Headlight-Herald newspaper. Over twenty people attended the meeting.

At the meeting, staff briefly introduced those present to the process, and solicited suggestions. A snow card technique was used to gather suggestions for changes in Beaver. Respondents were asked to write down what they most would like to change about Beaver in the next 20 years. Appendix C contains the responses in detail. A summary of the most popular themes to come out of the snow cards and ensuing discussion is below:

- Zoning & the Unincorporated Community Boundary
- Installation of a sewer system
- Providing community park space, with walk and bikeways.
- Increasing business opportunities
- Increasing residential development

# Chapter 2: Community Profile

## 2.1 Historic Information

Members of the Killamook tribe originally inhabited the area where Beaver is located today. White settlement of the area began in the late 19th century. Settlers moved into the area to take advantage of farming and lumbering opportunities. The town became a center for forestry and agriculture. As timber harvests slowed, however, Beaver fell into decline. In more recent times, Beaver has begun to see some renewal as increased recreational traffic in the area has brought new opportunities. According to *Oregon Geographic Names*, Beaver is named after the industrious state animal. Beavers were once common throughout much of the state, and their name has been attached to many towns, creeks, mountains, and other features of the state's geography.

## 2.2 Community Form

The community of Beaver is located on the banks of Beaver Creek where it joins the Nestucca River, 7 miles inland from the Pacific Ocean. Beaver straddles the Oregon Coast Highway, U.S. Route 101, 13 miles south of Tillamook. The town is predominately residential, with a small commercial area in the center of town along the highway. Route 101 runs along Beaver Creek to the north and along the Nestucca River to the southwest through the town, with a major curve in the center of the business district. At this curve, Route 101 intersects Blaine Road, which runs to the east along the Nestucca River.

There are 262 acres within the Beaver Unincorporated Community Boundary. Of these, 207 acres are in residential areas, 36 acres are in commercial zones, and 19 acres are zoned for industrial uses. Commercial uses in Beaver include several stores, a real estate office, repair shops, and two gas stations. Beaver is also home to a school, church, fire station and a post office. The residential areas are rural in character. Large lots are common. The housing stock is mostly 20 years old or older.

## 2.3 Economics

Beaver's economy, like that of the rest of the county, rests on the dairy, forestry, and tourism industries. The Beaver area supports a number of dairy farms, providing employment for farming families and various support businesses. Beaver also contains businesses catering to travelers passing through on the highways or stopping to enjoy nearby outdoor recreational opportunities.

## 2.4 Buildable Land

Tillamook County completed a Buildable Lands Inventory in 2001. The information gathered during the inventory process provides the County with an estimate of how much more residential development can occur within the Unincorporated Community Boundary.

Within the community's 207 acres of residential land, there are 74 parcels, 55 of which are developed. Commercially zoned land was not included in the Buildable Lands Inventory analysis. Assuming a minimum lot size of 20,000 square feet, 367 more residential parcels could be created. Adding the current 19 vacant residential parcels and multiplying the by standard 0.75 coefficient, the Buildable Lands Inventory determined that 289 potential residential lots could be developed in Beaver. A smaller minimum lot size would allow for a greater number of potential lots.

## 2.5 Public Facilities

The Beaver Water District provides areas of Beaver with water services. Beaver does not have a community sewer system. The Beaver Water District currently serves approximately 165 hookups, with capacity for 10-15 more. The Water District is currently in the process of working on a capital improvement study.

## Chapter 3: Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Beaver. Each of these goals is supported through specific policies that the county should work toward implementing in all its activities.

**Goal 1:** Beaver will be an attractive, safe and clean small town.

**Goal 2:** Beaver will have an appropriate level of public services.

**Goal 3:** Beaver will be surrounded by outstanding, protected natural resources.

**Goal 4:** Beaver will have a thriving business district supported by local residents and travelers.

**Goal 1:** Beaver will be an attractive, safe and clean small town.

**Policy 1.1:** The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Beaver in their community-building activities.

**Policy 1.2:** The County will work with community groups and organizations, business and property owners and agencies to improve the general appearance of Beaver.

**Policy 1.3:** The County will work with the Oregon Department of Transportation to improve the function of Route 101 within Beaver in order to make auto traffic travel at appropriate speeds and improve safety for pedestrians and bicyclists.

**Policy 1.4** The County recognizes the small town character of Beaver and will work with community groups and organizations, business and property owners and agencies to maintain and enhance Beaver's small town character.

**Goal 2:** Beaver will have an appropriate level of public services.

**Policy 2.1:** The County will work with community groups and organizations, property owners and agencies to investigate the feasibility of providing sewer service to properties within Beaver's Unincorporated Community Boundary.

**Policy 2.2:** The County will work with community groups and organizations and the Nestucca Valley School District to ensure the continued use of the middle school building in Beaver as a school or for other public purposes.

**Policy 2.3:** The County will work with community groups and organizations, property owners and agencies to secure land for parks and greenways in Beaver.

**Policy 2.4:** The County will review the zoning designations and extents of the Unincorporated Community Boundary from time to time in order to accurately reflect the changing needs of the community.

Goal 3: Beaver will be surrounded by outstanding, protected natural resource lands.

Policy 3.1: The County will continue to protect productive farm and forest lands surrounding Hebo from incompatible development.

Policy 3.2: The County will work with the U.S. Forest Service, the Bureau of Land Management and other agencies, groups and organizations to conserve and improve outdoor recreational activities near Beaver.

Goal 4: Beaver will have a thriving business district supported by local residents and travelers.

Policy 4.1: The County will work with business and property owners to improve the appearance of properties in the business district.

Policy 4.2: The County will work with community groups and organizations, business and property owners and agencies to create a supportive environment for new and existing local businesses in Beaver.

Policy 4.3: The County will work with community groups and organizations, business and property owners and agencies to create living wage job opportunities in and around Beaver.

Policy 4.4: The County will work with the Oregon Department of Transportation to improve the appearance and function of Route 101 within Beaver in order to support healthy businesses along the highway.

# Chapter 4: Community Zoning

## 4.1 Zoning Overview

Zones present in Beaver:

Community Single Family Residential (CSFR)

Community Commercial (CC)

Community Industrial (CI)

	<b>Zoning</b>	<b>CSFR</b>	<b>CC</b>	<b>CI</b>	<b>Total</b>
1	<b>Total Acreage</b>	207	36	19	262
2	<b>Minimum Lot Size (sq. ft.)</b>	20,000	*	*	*
3	<b>Existing Lots</b>	74	53	1	128
4	<b>Developed Lots</b>	55	35	1	91
5	<b>Vacant Lots</b>	19	*	*	19
6	<b>Maximum Additional Lots</b>	367	*	*	367
7	<b>Gross Total (Rows 5+6)</b>	386	*	*	386
8	<b>Net Total (Row 7 X 0.75)</b>	289	*	*	289

\* Not Applicable

## 4.2 Constraints on Development

Beaver has relatively few constraints to residential development. A few parcels have moderate to steep slopes, but most are nearly level and have good access. The community is not sewered, so development is limited by the necessity to provide onsite sewage treatment.

## 4.3 Public Services and Facilities

All land in this community is served by a community water system. All sanitation is provided by onsite sewage treatment systems.

## 4.4 Development Patterns and Potential

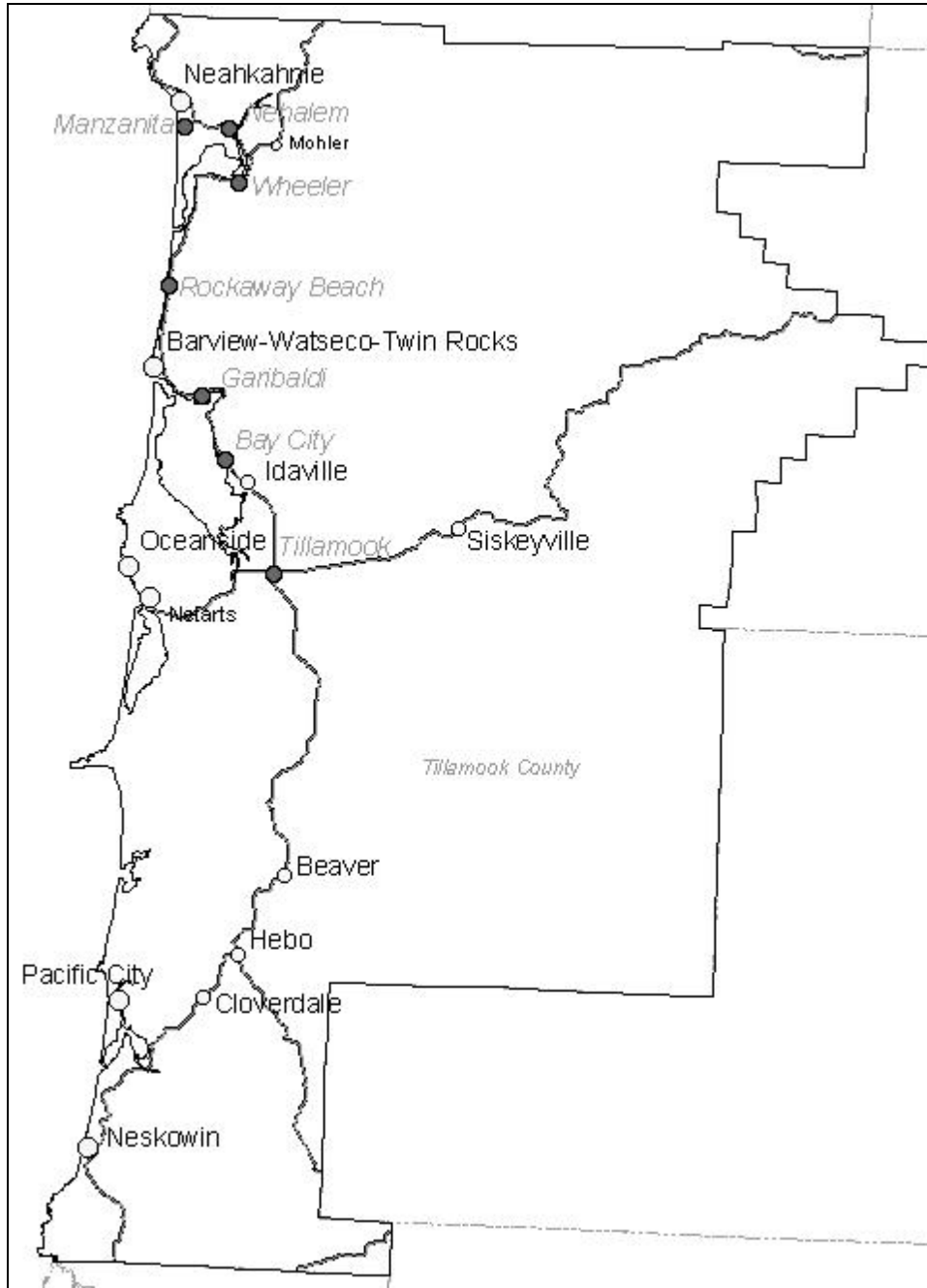
The predominant land use in Beaver is residential. The community also has some retail businesses along Highway 101 and some small industrial uses.

The community now has relatively few vacant lots. Several are quite large, however, so the potential to create new lots through partition or subdivision is substantial.

There has been one request for a zone change from CC to CSFR within the Unincorporated Community Boundary. The parcel is Tax Lot 200, Section 30DD, Range 9 West, Township 3 South, Willamette Meridian. The parcel is approximately 4.7 acres in size. The parcel abuts existing CSFR zoned land.

# Appendix A: Maps

Sections 29 and 30 of Township 3 South, Range 9 West





## Appendix B: Community Survey Results

What is the most important issue facing Beaver?

- Business & residents should make it better looking (paint the building, weedeat, mow, etc.)
- Careful Development
- Lack of living wage jobs, sewage disposal affordable housing, 101 congestion. More housing will necessitate enlarging water system
- Sewer System
- Something should be done about the cleaning up of the trailers and yards which are located across from the Beaver fire station & Nestucca school. It is a real eye pollution... it is a shame the children and traffic must pass by it. This area must be well out of the county codes. At least the front yard areas that face the street.
- To have YOU leave us ALONE. This whole idea is an omen that we are about to get screwed up by the government. There is no reason to change anything- except to charge more money for similar conditions AND to give YOU a job.

What one thing would you change about Beaver?

- A community park would be nice, a place with picnic tables and playground equipment, where people could go
- Give land owners a free hand to improve their property
- Improve 101. Install sewer, retain the school. Bring in living wage jobs
- Make it so people want to stop and look around or spend some \$.
- Nothing. Beaver is fine- stay in Tillamook! We need no changes.
- There are several homes in Beaver that are fixed up very well and look real good. The balance really should take some pride in ownership.

What is your favorite thing about Beaver?

- Beaver is a small quite friendly outgoing community
- Climate and the lay of the land
- Climate, friendly people, out of the wind
- Scenery
- Small town feel and the people are very nice.
- The fact we have no government offices. We need no "help" from anyone.

What is your least favorite thing about Beaver?

- Its an ugly town. The speed limit is not enforced. Its hard to pull in and out of traffic because everyone goes too fast. The local people are the worst.
- Lack of jobs- Highway congestion
- No sidewalks
- The obvious Run down areas as noted above.
- THIS SURVEY- LEAVE BEAVER ALONE!! We will fight any changes- tooth and nail!!

## Appendix C: Community Meeting Responses

What one thing would you change about Beaver?

- Business opportunity for locals i.e. Laundromat
- Change Septic System so that the school can expand
- Change Zoning
- Community growth in the form of residential development
- Develop Community Park/ walk & bikeways. Generally leave it alone
- Like to see things pretty much the same, with possible addition of park space- safe walking route through town
- Sewer district that includes areas outside the so called boundary at present.
- Sewer System
- Utility Infrastructure- community sewer system. Zoning changes
- Zoning! Community Boundary!

# Appendix D: Community Zoning

## SECTION 3.032: COMMUNITY-INDUSTRIAL ZONE (CI)

- (1) **PURPOSE:** The purpose of the CI zone is to accommodate uses that cannot be accommodated in other zones due to off-site impacts that could, without sufficient buffers, interrupt the use or enjoyment of surrounding properties. Land is suitable for the CI zone if it:
  - (a) Is needed;
  - (b) Is physically capable of accommodating heavy industrial activities;
  - (c) Has access to transportation routes capable of accommodating heavy traffic;
  - (d) Is buffered from residential areas so as not to create conflicts; and
  - (e) Is or can be adequately served by public utilities and services.
- (2) **USES PERMITTED OUTRIGHT:** In the CI zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance:
  - (a) Light industries.
  - (b) Heavy industries.
  - (c) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical , and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (d) Warehousing, including mini-storage, wholesaling, truck dispatch, or storage facilities.
  - (e) Rock quarries, and the mining and processing of sand, gravel, peat and other earth products.
  - (f) Farm uses, including aquaculture, and forest uses.
  - (g) Energy resource exploration and extraction.
  - (h) Public park and recreation uses.
  - (i) Utility substations and power transmission lines.

- (j) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (k) Sanitary landfills, waste transfer stations or processing facilities, and recycling centers.
  - (l) Water supply and treatment facilities and sewage treatment plants.
  - (m) Airports.
  - (n) Dwellings for caretakers or watchmen that are accessory to an established use, including mobile home or recreational vehicle.
  - (o) Mobile homes or recreational vehicles used during the construction of a use for which a building permit has been issued.
  - (p) Signs, subject to Section 4.020.
  - (q) Off-Site Advertising Sign.
- (3) **USES PERMITTED CONDITIONALLY:** In the CI zone, except as provided in Subsection (2) (q) of this Section, the following uses and their accessory uses are permitted subject to the provisions of Article VI and the requirements of all applicable supplementary regulations contained in this Ordinance:
- (a) Industries with exceptionally heavy environmental impacts according to State Department of Environmental Quality standards.
  - (b) Mining and processing activities not specifically listed in Section 3.032 (2).
  - (c) Power generating facilities.
  - (d) Business, government, or professional offices.
  - (e) Convention facilities, including motels and restaurants.
  - (f) Fire or ambulance stations.
  - (g) Schools.
  - (h) Community meeting buildings and associated facilities.
  - (i) Temporary mobile kitchen units.
  - (j) Auto wrecking yards.

- (k) Recreational campground, provided that in addition to the conditional use criteria contained in Section 6.040 the following criteria are met and/or applied as conditions if approval is granted.
  - 1. The proposed development will not conflict with any existing or emerging patterns of industrial development;
  - 2. Permanent facilities and structures are limited so that they can easily be removed to accommodate an industrial siting; and,
  - 3. Periodic review of the decision shall be conducted by the County Planning Staff to determine if a need is present for the subject parcel to be converted to industrial use.
- (l) Correctional facility.
- (4) STANDARDS: Land development in the CI zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
  - (a) The minimum yard adjacent to a residential use or zone shall be 20 feet.
  - (b) Building heights shall not exceed 75 feet.
  - (c) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
  - (d) Off-street parking and loading areas shall be provided as specified in Section 4.030.
  - (e) Maximum industrial use floor area:
    - a. A total of 10,000 square feet of floor area per except for the primary processing of raw material produced in rural areas, where there is no square footage of floor area per use limitation.
    - b. Standard for Existing Industrial Uses: Lawfully established uses that existed on or before the date of this ordinance (\*\*\*\*\* ), not otherwise listed in the zone, are allowed outright and shall not be classified as non-conforming uses.
    - c. A lawfully established use that existed on (December 4, 2002) may expand to occupy 10,000 square feet of floor area within a building(s) or an additional 50% of floor area currently occupied, whichever is greater.

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**SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)**

- (1) **PURPOSE:** The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.
- (2) **USES PERMITTED OUTRIGHT:** In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the CSFR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to CSFR/PD zoned property located within a community growth boundary.
  - (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.

- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (l) Public utility facilities, including substations and transmission lines.
- (m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (o) Rural industries on a contiguous ownership of 10 or more acres.
- (p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.
- (q) Foster family homes accommodating six or more children or adults.
- (r) Bed and breakfast enterprise.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.
- (u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that

provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

- (v) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 for permitted uses.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (g) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:
    - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    - 2. The property has been taxed at the farm use rate during three of the past five year.
    - 3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
  - (h) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

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SECTION 3.022: COMMUNITY COMMERCIAL ZONE (CC)



- (1) **PURPOSE:** The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC-2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.
- (2) **USES PERMITTED OUTRIGHT:** In the CC zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General and specialty retail trade establishments.
  - (b) Personal and business services such as barbers, tailors, printers, funeral homes, shoe repair shops, upholsterers, and cleaners.
  - (c) Business, government, professional, and medical offices; financial institutions; and libraries.
  - (d) Animal hospitals, kennels and similar animal boarding facilities.
  - (e) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, and fast food restaurants.
  - (f) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical, and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (g) Shopping centers.
  - (h) Warehousing, including mini-storage.
  - (i) Eating and drinking establishments.
  - (j) Lodges, clubs, or meeting facilities for private organizations.
  - (k) Motels, hotels, and cabin camps.
  - (l) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.

- (m) Mobile or manufactured homes or recreational vehicles used during the construction or placement of a use for which a building or placement permit has been issued.
  - (n) Community meeting buildings and associated facilities.
  - (o) Schools.
  - (p) Water supply and treatment facilities.
  - (r) Off-site advertising signs.
  - (s) Dwelling units accessory to an active commercial use, when located above the first story.
  - (t) Bed and breakfast enterprises.
  - (u) Swimming.
  - (v) Public park and recreation uses.
  - (w) Temporary produce stand- Not to exceed 45 days.
- (3) USES PERMITTED CONDITIONALLY: In the CC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) One or two-family dwelling not associated with an active business.
  - (b) Light industries.
  - (c) Multifamily dwellings, including townhouses, and condominiums.
  - (d) Mobile home or recreational vehicle.
  - (e) Hospitals, sanitariums, rest homes, and nursing homes.
  - (f) Fire and ambulance stations.
  - (g) Utility substations and power transmission lines.
  - (h) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (i) Commercial amusement or entertainment establishments.

- (j) Sewage treatment plants.
  - (k) Recreational campground.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Temporary mobile kitchen units.
  - (n) Mixed Use Developments subject to Section 4.130.
  - (o) Mobile/Manufactured Home Park.
  - (p) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (q) Car wash.
  - (r) Outdoor Retail
- (4) STANDARDS: Land divisions and development in the CC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the R-3 zone.
  - (b) In the CC zone, motels, hotels, and cabin camps shall be considered a commercial use.
  - (c) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.
  - (d) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b)
  - (e) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.
  - (f) All uses shall meet off-street parking requirements as provided in Section 4.030.
  - (g) Buildings shall not exceed 45 feet in height.

- (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (i) Maximum Floor Area Per Use: Individual uses shall not exceed 4,000 square feet of gross floor area.

# Cloverdale Community Plan Tillamook County, Oregon

December 18, 2002

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# Executive Summary

## Planning Overview

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. The Rural Communities Rule (OAR 660-22) requires planning for Unincorporated Communities. Cloverdale is classified as a Rural Community, one of twelve Unincorporated Communities in Tillamook County that meet the state's criteria. As part of its Periodic Review, The Tillamook County Department of Community Development has undertaken planning for each of these communities. Planning for four of the county's five Urban Unincorporated Communities and one Rural Community occurred first, in the late 1990's.

Planning for Cloverdale and the county's remaining Urban Unincorporated Community, five Rural Communities and one Rural Service Center began in 2000, with the adoption of Unincorporated Community Boundaries. In March and April of 2002, Community Development staff conducted a Community Survey by mail and held a Community Meeting in Cloverdale. The complete results of these community involvement measures are available in Appendices B and C.

## Community Profile

The community of Cloverdale is located on the banks of the Nestucca River, 4 miles inland from the Pacific Ocean. Cloverdale straddles the Oregon Coast Highway, U.S. Route 101, 18 miles south of Tillamook. The town is predominately residential, with a commercial district along the highway. Cloverdale's economy is based in the dairy, forestry, and tourism industries.

## Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified three community goals for Cloverdale:

**Goal 1:** Cloverdale will be an attractive, safe and clean small town.

**Goal 2:** Cloverdale will have a thriving business district supported by local residents and travelers.

**Goal 3:** Cloverdale will be surrounded by outstanding, protected natural resources.

Each goal is supported by several County policies.

## Community Zoning

The community uses five different zoning designations. There are three different residential zones, Community Single Family Residential (CSFR), Community Low Density Urban Residential (CR-1) and Community Medium Density Urban Residential (CR-2). Community Commercial (CC) is the commercial zone, and Community Industrial (CI) is the industrial zone.

# Chapter 1: Planning Overview

## 1.1 The Planning Process

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. A court decision ruled that Oregon counties had to plan for their unincorporated communities. The Oregon Land Conservation and Development Commission adopted the Rural Communities Rule (OAR 660-22) in 1994 in order to comply with the ruling of the court.

Tillamook County has identified twelve Unincorporated Communities that meet the state's criteria. Cloverdale has been classified as a Rural Community. The other communities identified in the county are:

### Urban Unincorporated Communities:

- Barview-Watseco-Twin Rocks
- Neahkahnie
- Netarts
- Oceanside
- Pacific City

### Rural Communities:

- Beaver
- Cloverdale**
- Hebo
- Idaville
- Neskowin
- Siskeyville

### Rural Service Center:

- Mohler

The Tillamook County Department of Community Development has undertaken planning for each of these communities. The department has included these efforts as part of its periodic review tasks. Planning for four of the county's five Urban Unincorporated Communities and one Rural Community occurred first, in the late 1990's. Each community went through a separate planning process guided by a committee in each community. Planning for the county's remaining Urban Unincorporated Community, five Rural Communities and one Rural Service Center began in 2000. The planning processes involved in creating and adopting the Unincorporated Community Boundaries and Community Plans are detailed in the rest of this chapter.



## 1.2 The Unincorporated Community Boundary

The Unincorporated Community Boundaries for Cloverdale and several other Rural Communities were determined through a public process in 2000 and 2001. The County adopted the boundaries in 2001. Cloverdale's adopted Unincorporated Community Boundary contains 262 acres of land. Appendix A contains a map of the Unincorporated Community Boundary.

## 1.3 The Community Survey

In March and April of 2002, Community Development staff conducted a community survey. All registered property owners within the Unincorporated Community Boundary received a survey in the mail. The survey asked four questions of residents:

1. What do you feel is the most important issue facing Cloverdale?
2. What one thing would you like to change about Cloverdale in the next 20 years?
3. What is your favorite thing about Cloverdale?
4. What is your least favorite thing about Cloverdale?

76 surveys were mailed out to property owners and staff and community members distributed additional surveys. Six surveys were returned to Community Development. Appendix B contains the responses in detail. The most popular themes to come out of the surveys are summarized below:

### *What do you feel is the most important issue facing Cloverdale?*

The most common response was traffic and speeding through town. The next most common response regarded the shrinking economy and the need for more family wage jobs. Other responses dealt with the deteriorating school building and loose dogs.

### *What one thing would you like to change about Cloverdale in the next 20 years?*

Responses centered around revitalization, with suggestions for new businesses including a gas station, cleaning up the town, and bringing a fiber optic line into town. Several respondents specifically wanted to make Cloverdale more inviting for visitors.

### *What is your favorite thing about Cloverdale?*

Respondents overwhelmingly liked the small town atmosphere, setting, and natural beauty of the area.

### *What is your least favorite thing about Cloverdale?*

Respondents cited problems with a lack of economic activity, problems with crime and police protection, having to travel long distances to do many activities, the poor appearance of the town. Other responses included loose dogs, noisy traffic, and unreasonable prices.

## 1.4 Community Open House

On April 25, 2002, Community Development staff held an open house for the Cloverdale community to discuss the community plan. Staff held the open house at Nestucca High School in Cloverdale. Staff notified citizens of the open house through a mailing to all property owners within the Unincorporated Community Boundary along with a community survey (see section 1.2). Notice of the meeting was also placed in the Headlight-Herald newspaper. Over twenty people attended the meeting.

At the meeting, staff briefly introduced those present to the process, and solicited suggestions. A snow card technique was used to gather suggestions for changes in Cloverdale. Respondents were asked to write down what they most would like to change about Cloverdale in the next 20 years. Appendix C contains the responses in detail. A summary of the most popular themes to come out of the snow cards and ensuing discussion is below:

- Attractive storefronts along the highway
- More commercial activity
- Public wayside with restrooms
- More job opportunities
- Highway improvements
- Sewer system extensions

# Chapter 2: Community Profile

## 2.1 Historic Information

Members of the Killamook tribe originally inhabited the area where Cloverdale is located today. White settlement of the area began in the late 19th century. Settlers moved into the area to take advantage of farming and lumbering opportunities. Cloverdale was founded and named by Charles Ray. The town became a center for forestry and agriculture. In more recent times, Cloverdale has begun to see some renewal as increased recreational traffic in the area has brought new opportunities. According to *Oregon Geographic Names*, Cloverdale was named after Cloverdale, California, where Charles Ray occasionally visited.

## 2.2 Community Form

The community of Cloverdale is located on the banks of the Nestucca River, 4 miles inland from the Pacific Ocean. Cloverdale straddles the Oregon Coast Highway, U.S. Route 101, 18 miles south of Tillamook. The town is predominately residential, with a commercial district along the highway. Route 101 runs along the Nestucca River from the northeast and to the south through town, with a major curve in the center of the business district. A block east of this curve, Route 101 intersects Old Woods Road, which crosses the Nestucca River and heads to the north.

There are 156 acres within the Cloverdale Unincorporated Community Boundary. Of these, 137 acres are in residential areas, 11 acres are in commercial zones, and 8 acres are zoned for industrial uses. Commercial uses in Cloverdale include several shops, a farm store, a grocery, a hardware store, a pharmacy, several restaurants and repair shops. Cloverdale is also home to a high school, churches, a fire station, a County road maintenance facility and a post office. The residential areas are urban to rural in character. The housing stock is mostly 20 years old or older.

## 2.3 Economics

Cloverdale's economy, like that of the rest of the county, rests on the dairy, forestry, and tourism industries. The Cloverdale area supports a number of dairy farms, providing employment for farming families and various support businesses. The Tillamook County Creamery Association maintains a farm store in the Cloverdale business district. Cloverdale also contains businesses catering to travelers passing through on the highways or stopping to enjoy nearby outdoor recreational opportunities.

## 2.4 Buildable Land

Tillamook County completed a Buildable Lands Inventory in 2001. The information gathered during the inventory process provides the County with an estimate of how much more residential development can occur within the Unincorporated Community Boundary.

Within the community's 137 acres of residential land, there are 143 parcels, 96 of which are developed. Commercially zoned land was not included in the Buildable Lands Inventory analysis. Assuming a varying minimum lot size of between 10 acres and 5,000 square feet, 640 more residential parcels could be created. Adding the current 47 vacant residential parcels and multiplying the by standard 0.75 coefficient, the Buildable Lands Inventory determined that 515 potential residential lots could be developed in Cloverdale. A smaller minimum lot size would allow for a greater number of potential lots.

## 2.5 Public Facilities

The Cloverdale Water District and the Cloverdale Sanitary District provide areas of Cloverdale with water or sewer services, respectively. The Cloverdale Water District currently serves approximately 114 hookups. The Sewer District currently serves approximately 90 hookups. Both districts are currently in the process of updating their System Development Charges and beginning to work on a new water and sewer plan. Each district employs 2 personnel.

## Chapter 3: Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified three community goals for Cloverdale. Each of these goals is supported through specific policies that the county should work toward implementing in all its activities.

**Goal 1:** Cloverdale will be an attractive, safe and clean small town.

**Goal 2:** Cloverdale will have a thriving business district supported by local residents and travelers.

**Goal 3:** Cloverdale will be surrounded by outstanding, protected natural resources.

**Goal 1:** Cloverdale will be an attractive, safe and clean small town.

Policy 1.1: The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Cloverdale in their community-building activities.

Policy 1.2: The County will work with community groups and organizations, business and property owners and agencies to improve the general appearance of Cloverdale.

Policy 1.3: The County will work with the Oregon Department of Transportation to improve the function of Route 101 within Cloverdale in order to make auto traffic travel at appropriate speeds and improve safety for pedestrians and bicyclists.

Policy 1.4 The County recognizes the small town character of Cloverdale and will work with community groups and organizations, business and property owners and agencies to maintain and enhance Cloverdale's small town character.

Policy 1.5: The County will continue to work to provide Cloverdale and surrounding areas with high quality law enforcement services.

Policy 1.6: The County will work with community groups and organizations, property owners and agencies to secure land for parks and waysides in Cloverdale.

**Goal 2:** Cloverdale will have a thriving business district supported by local residents and travelers.

Policy 2.1: The County will work with business and property owners to improve the appearance of properties in Cloverdale's business district.

Policy 2.2: The County will work with community groups and organizations, business and property owners and agencies to create a supportive environment for new and existing local businesses in Cloverdale.

Policy 2.3: The County will work with the Oregon Department of Transportation to improve the appearance and function of Route 101 within Cloverdale in order to support healthy businesses along the highway.

Policy 2.4: The County will work with the Oregon Department of Transportation, community groups and organizations, business and property owners and agencies to provide appropriate, adequate and convenient parking for travelers and customers of local businesses.

Policy 2.5: The County will work with community groups and organizations, business and property owners and agencies to create family wage job opportunities in and around Cloverdale.

Goal 3: Cloverdale will be surrounded by outstanding, protected natural resource lands.

Policy 3.1: The County will continue to protect productive farm and forest lands surrounding Hebo from incompatible development.

Policy 3.2: The County will work with agencies, groups and organizations to conserve and improve outdoor recreational activities near Cloverdale.

# Chapter 4: Community Zoning

## 4.1 Zoning Overview

Zones present in Cloverdale:

Community Single Family Residential (CSFR)

Community Low Density Urban Residential (CR-1)

Community Medium Density Urban Residential (CR-2)

Community Commercial (CC)

Community Industrial (CI)

	<b>Zoning</b>	<b>CSFR</b>	<b>CR-1</b>	<b>CR-2</b>	<b>CC</b>	<b>CI</b>	<b>Total</b>
1	<b>Total Acreage</b>	19	91	27	11	8	156
2	<b>Minimum Lot Size (sq. ft.)</b>	20,000	7,500	5,000	*	*	*
3	<b>Existing Lots</b>	4	120	19	27	11	181
4	<b>Developed Lots</b>	3	79	14	22	7	125
5	<b>Vacant Lots</b>	1	41	5	*	*	47
6	<b>Maximum Additional Lots</b>	19	408	213	*	*	640
7	<b>Gross Total (Rows 5+6)</b>	20	449	218	*	*	687
8	<b>Net Total (Row 7 X 0.75)</b>	15	337	163	*	*	515

\* Not Applicable

## 4.2 Constraints on Development

Cloverdale's main constraints to development are some moderate to steep slopes and related geological hazards. Because Cloverdale has a community sewage treatment system, development is not constrained by the limitations of onsite sewage disposal systems.

## 4.3 Public Services and Facilities

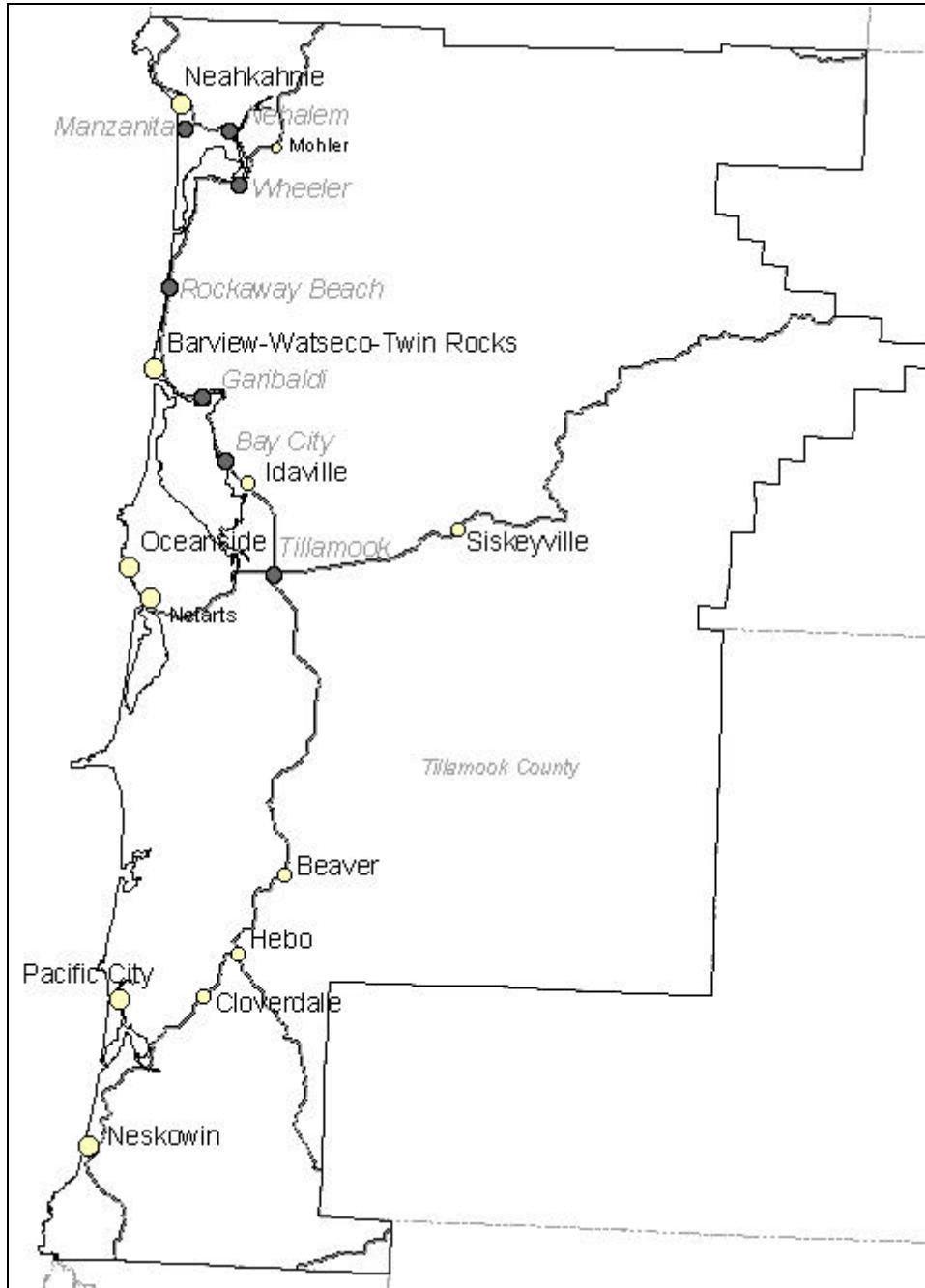
Cloverdale has a community water system and a community sewage treatment system. Both have adequate capacity to serve additional development.

## 4.4 Development Patterns and Potential

Cloverdale has many small lots, but most are already developed. The community's greatest potential for residential development lies in the division and development of a few larger vacant or underdeveloped holdings. Cloverdale has 25 residential lots larger than one acre. The largest, with 11.76 acres, has CR-2 zoning. Several lots of comparable size are zoned CR-1. These larger, mostly vacant lots and the higher density allowed there create a potential for several hundred more homesites in Cloverdale. The community has 19 acres zoned for commercial and industrial uses. Residential uses are allowed on some of the 38 lots in these zones. However, more than three-fourths of these commercial and industrial lots already are developed.

# Appendix A: Maps

Sections 22, 23, 26 and 27 of Township 4 South, Range 10 West





## Appendix B: Community Survey Results

What is the most important issue facing Cloverdale?

- How to promote a vital economy in a shrinking economic phase.
- South Tillamook County become one Chamber Commerce. Low Police Patrols & Pet law enforcement. Speeding through city on 101. School Deterioration
- Speed and noise of traffic, on highway and side roads 2. Loose dogs damaging & fouling private property
- Speeding traffic not only on Hwy 101 through Cloverdale but on residential streets- to and from High School. Stop the wild parties at the VFW Hall- Drinking & Drugs- Please not in my back yard!
- The Economy- No industry, i.e. Timber, Fishing, -> Bad Idea: No Dredging -> Flooding ruins economy, drives people away, keeps people from coming, worried about roads, washouts, etc. etc.
- The traffic through town
- There isn't enough income. We need family wage jobs

What one thing would you change about Cloverdale?

- Better economy, more community action and involvement, A gas station would help! Tourists need & want one, they'd be more apt to want to come this way, Signage into Cloverdale Not just for Hebo, Newport (or) Tillamook!
- Clean up some of the junker cars and parking on residential sidewalks blocking access to homes and the Catholic Church. Abandoned cars left in the area and trailers. Keep dogs tied or penned up instead of running loose.
- Enforced leash laws for dogs, penalties for irresponsible dog owners.
- Incorporate City. Repair Schools
- Make it more attractive visually. Perhaps pick a theme, give economic incentives and clean and spruce the place up. Make it a place people want to come and see and do business. Make it user friendly with decent sidewalks and parking areas, crosswalks.
- The Fiber Optic line needs to come through town
- Thriving businesses in town... a bakery, gas station, deli/fast food shop, antiques stores, resale boutiques, art studio, retail shops, etc

## What is your favorite thing about Cloverdale?

- Beautiful setting- no make the most of it.
- Community attitude
- Rural, quiet, beauty, nature, pace, and people. Yes, I understand industry, gas station, etc. Would change the "pace"- but this community is withering away yearly.
- Small hometown community with people who care about their neighbors and try to help each other. Are considerate of others & strive to keep our children safe.
- Small size & Friendly People. Good Water & Sewer facilities
- Small town advantages- low crime rate, nice neighbors
- The environment. Clean air, pure water, living trees & flowers & fields, thriving livestock.. PEACEFULNESS.

## What is your least favorite thing about Cloverdale?

- Having to drive half an hour to run errands, to earn a living and for family entertainment.
- Horrible cow pasture smells 2. Loose dogs 3. Noisy speeding cars (hasn't anyone heard of a muffler?)
- It looks dumpy. Clean it up; Theme it out; Open it up for business; Make the most of the beautiful setting. Then advertise to your consumer market (i.e.: Portland/Salem areas). Provide riverside walks/fishing areas.
- Lack of Police protection
- Low Tourism Attraction
- People moving in and not respecting others and dealing drugs out of their homes. Blocking residential streets with all their drug customers- High School traffic speeding and causing so much trouble and noise.
- Unreasonable prices (a coastal thing to scalp the tourists but gauges the locals tho are always here!) 2. Our economy- no real job opportunities, no reason for graduates to want to "build" here other than their ties of family.

## Appendix C: Community Meeting Responses

What one thing would you change about Cloverdale?

- Attractive (repaired) storefronts with active businesses (no vacancies) 2. Gas station
- Defined & vital commercial core including furniture building. Public facility, river overlook w/ restrooms
- Gas station
- Highway 101 Exude prosperity
- Highway 101 improved, or bypassing Cloverdale
- More local job opportunities
- More open retail shops & parking for larger vehicles
- More retail businesses with more incentive put in by the county
- No changes
- Parking. Day Use Park. More use of the river.
- Recreation, IE park, playground, skatepark. Something for the youth.
- Sewer services to Misty Drive
- The Sewer and Water district to have the same boundaries.
- Utilize the vacant buildings

# Appendix D: Community Zoning

## SECTION 3.032: COMMUNITY-INDUSTRIAL ZONE (CI)

- (1) **PURPOSE:** The purpose of the CI zone is to accommodate uses that cannot be accommodated in other zones due to off-site impacts that could, without sufficient buffers, interrupt the use or enjoyment of surrounding properties. Land is suitable for the CI zone if it:
  - (a) Is needed;
  - (b) Is physically capable of accommodating heavy industrial activities;
  - (c) Has access to transportation routes capable of accommodating heavy traffic;
  - (d) Is buffered from residential areas so as not to create conflicts; and
  - (e) Is or can be adequately served by public utilities and services.
  
- (2) **USES PERMITTED OUTRIGHT:** In the CI zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance:
  - (a) Light industries.
  - (b) Heavy industries.
  
  - (c) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical , and painting materials; and parking for trucks as part of a construction or shipping operation.
  
  - (d) Warehousing, including mini-storage, wholesaling, truck dispatch, or storage facilities.
  
  - (e) Rock quarries, and the mining and processing of sand, gravel, peat and other earth products.
  
  - (f) Farm uses, including aquaculture, and forest uses.
  
  - (g) Energy resource exploration and extraction.
  
  - (h) Public park and recreation uses.
  
  - (i) Utility substations and power transmission lines.

- (j) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (k) Sanitary landfills, waste transfer stations or processing facilities, and recycling centers.
  - (l) Water supply and treatment facilities and sewage treatment plants.
  - (m) Airports.
  - (n) Dwellings for caretakers or watchmen that are accessory to an established use, including mobile home or recreational vehicle.
  - (o) Mobile homes or recreational vehicles used during the construction of a use for which a building permit has been issued.
  - (p) Signs, subject to Section 4.020.
  - (q) Off-Site Advertising Sign.
- (3) **USES PERMITTED CONDITIONALLY:** In the CI zone, except as provided in Subsection (2) (q) of this Section, the following uses and their accessory uses are permitted subject to the provisions of Article VI and the requirements of all applicable supplementary regulations contained in this Ordinance:
- (a) Industries with exceptionally heavy environmental impacts according to State Department of Environmental Quality standards.
  - (b) Mining and processing activities not specifically listed in Section 3.032 (2).
  - (c) Power generating facilities.
  - (d) Business, government, or professional offices.
  - (e) Convention facilities, including motels and restaurants.
  - (f) Fire or ambulance stations.
  - (g) Schools.
  - (h) Community meeting buildings and associated facilities.
  - (i) Temporary mobile kitchen units.
  - (j) Auto wrecking yards.

- (k) Recreational campground, provided that in addition to the conditional use criteria contained in Section 6.040 the following criteria are met and/or applied as conditions if approval is granted.
  - 1. The proposed development will not conflict with any existing or emerging patterns of industrial development;
  - 2. Permanent facilities and structures are limited so that they can easily be removed to accommodate an industrial siting; and,
  - 3. Periodic review of the decision shall be conducted by the County Planning Staff to determine if a need is present for the subject parcel to be converted to industrial use.
- (l) Correctional facility.
- (4) STANDARDS: Land development in the CI zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
  - (a) The minimum yard adjacent to a residential use or zone shall be 20 feet.
  - (b) Building heights shall not exceed 75 feet.
  - (c) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
  - (d) Off-street parking and loading areas shall be provided as specified in Section 4.030.
  - (e) Maximum industrial use floor area:
    - a. A total of 10,000 square feet of floor area per except for the primary processing of raw material produced in rural areas, where there is no square footage of floor area per use limitation.
    - b. Standard for Existing Industrial Uses: Lawfully established uses that existed on or before the date of this ordinance (\*\*\*\*\*), not otherwise listed in the zone, are allowed outright and shall not be classified as non-conforming uses.
    - c. A lawfully established use that existed on (December 4, 2002) may expand to occupy 10,000 square feet of floor area within a building(s) or an additional 50% of floor area currently occupied, whichever is greater.

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**SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)**

- (1) **PURPOSE:** The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.
- (2) **USES PERMITTED OUTRIGHT:** In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the CSFR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to CSFR/PD zoned property located within a community growth boundary.
  - (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.

- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (l) Public utility facilities, including substations and transmission lines.
- (m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (o) Rural industries on a contiguous ownership of 10 or more acres.
- (p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.
- (q) Foster family homes accommodating six or more children or adults.
- (r) Bed and breakfast enterprise.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.
- (u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that



provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

- (v) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 for permitted uses.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (g) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:
    - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    - 2. The property has been taxed at the farm use rate during three of the past five year.
    - 3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
  - (h) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

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SECTION 3.022: COMMUNITY COMMERCIAL ZONE (CC)

- (1) **PURPOSE:** The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC-2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.
- (2) **USES PERMITTED OUTRIGHT:** In the CC zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General and specialty retail trade establishments.
  - (b) Personal and business services such as barbers, tailors, printers, funeral homes, shoe repair shops, upholsterers, and cleaners.
  - (c) Business, government, professional, and medical offices; financial institutions; and libraries.
  - (d) Animal hospitals, kennels and similar animal boarding facilities.
  - (e) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, and fast food restaurants.
  - (f) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical, and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (g) Shopping centers.
  - (h) Warehousing, including mini-storage.
  - (i) Eating and drinking establishments.
  - (j) Lodges, clubs, or meeting facilities for private organizations.
  - (k) Motels, hotels, and cabin camps.
  - (l) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.

- (m) Mobile or manufactured homes or recreational vehicles used during the construction or placement of a use for which a building or placement permit has been issued.
  - (n) Community meeting buildings and associated facilities.
  - (o) Schools.
  - (p) Water supply and treatment facilities.
  - (r) Off-site advertising signs.
  - (s) Dwelling units accessory to an active commercial use, when located above the first story.
  - (t) Bed and breakfast enterprises.
  - (u) Swimming.
  - (v) Public park and recreation uses.
  - (w) Temporary produce stand- Not to exceed 45 days.
- (3) **USES PERMITTED CONDITIONALLY:** In the CC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) One or two-family dwelling not associated with an active business.
  - (b) Light industries.
  - (c) Multifamily dwellings, including townhouses, and condominiums.
  - (d) Mobile home or recreational vehicle.
  - (e) Hospitals, sanitariums, rest homes, and nursing homes.
  - (f) Fire and ambulance stations.
  - (g) Utility substations and power transmission lines.
  - (h) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (i) Commercial amusement or entertainment establishments.

- (j) Sewage treatment plants.
  - (k) Recreational campground.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Temporary mobile kitchen units.
  - (n) Mixed Use Developments subject to Section 4.130.
  - (o) Mobile/Manufactured Home Park.
  - (p) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (q) Car wash.
  - (r) Outdoor Retail
- (4) STANDARDS: Land divisions and development in the CC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the R-3 zone.
  - (b) In the CC zone, motels, hotels, and cabin camps shall be considered a commercial use.
  - (c) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.
  - (d) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b)
  - (e) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.
  - (f) All uses shall meet off-street parking requirements as provided in Section 4.030.
  - (g) Buildings shall not exceed 45 feet in height.

- (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
  - (i) Maximum Floor Area Per Use: Individual uses shall not exceed 4,000 square feet of gross floor area.
- 

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

- (1) **PURPOSE:** The purpose of the CR-1 zone is to designate areas for low-density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.
- (2) **USES PERMITTED OUTRIGHT:** In the CR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) Single-family dwelling.
  - (b) Farm and forest uses.
  - (c) Home occupations according to the provisions of Section 4.140 of this ordinance.
  - (d) Public park and recreation areas.
  - (e) Public utility lines.
  - (f) Mobile home, manufactured home or recreational vehicle used during the construction of a use for which a building permit has been issued.
  - (g) Signs, subject to Section 4.020.
- (3) **USES PERMITTED CONDITIONALLY:** In the CR-1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
  - (a) Two-family dwelling.
  - (b) Planned developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.

- (c) Churches and schools.
  - (d) Nonprofit community meeting buildings and associated facilities.
  - (e) Utility substations and power transmission lines.
  - (f) Swimming, tennis, racquetball and similar facilities.
  - (g) Golf courses and associated facilities.
  - (h) A temporary real estate sales office.
  - (i) Fire and ambulance stations.
  - (j) Towers for communications, wind energy conversion systems or structures having similar impacts.
  - (k) Water supply or treatment facilities or sewage treatment plants.
  - (l) Aquaculture facilities.
  - (m) Cottage industries.
  - (n) Accessory structures or uses without an on-site primary structure.
  - (o) Cemeteries.
  - (p) Foster family homes accommodating six or more children or adults.
  - (q) Bed and breakfast enterprise.
  - (r) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.
  - (s) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (t) Home occupations according to the provisions of Section 4.140 of this ordinance.
- (4) **STANDARDS:** Land divisions and development in the CR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (a) The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems.
- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard shall be 20 feet.
- (e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.
- (g) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII.
- (h) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

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

- (1) **PURPOSE:** The purpose of the CR-2 zone is to designate areas for medium-density single-family and duplex residential development, and other, compatible, uses. Land that is suitable for the CR-2 zone has public sewer service available, and has relatively few limitations to development.
- (2) **USES PERMITTED OUTRIGHT:** In the CR-2 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) One or two-family dwelling.
  - (b) Farm and forest uses.
  - (c) Public park and recreation uses.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Public utility lines.

- (f) Mobile homes or recreational vehicles used during the construction of a use for which a building permit has been issued.
  - (g) Signs, subject to Section 4.020.
- (3) **USES PERMITTED CONDITIONALLY:** In the CR-2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this Ordinance.
- (a) Three or four-family dwelling.
  - (b) Planned Development subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single-family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering.
  - (c) Mobile or manufactured homes subject to the exception contained in Section 5.160.
  - (d) Churches, schools, and colleges.
  - (e) Nonprofit community meeting buildings and associated facilities.
  - (f) Utility substation and power transmission lines.
  - (g) A temporary real estate sales office.
  - (h) Cemeteries.
  - (i) Hospitals, sanitariums, rest homes, and nursing homes.
  - (j) Swimming, tennis, racquetball and similar facilities.
  - (k) Accessory structures and accessory uses without an on-site primary use.
  - (l) Fire and ambulance stations.
  - (m) Towers for communications, wind energy conversion systems or structures having similar impacts.
  - (n) Water supply and treatment facilities and sewage treatment plants.
  - (o) Temporary mobile kitchen units.
  - (p) Cottage industries.



- (q) Foster family homes accommodating six or more children or adults.
  - (r) Bed and Breakfast enterprise.
  - (s) Temporary placement of a mobile home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.
  - (t) Golf course.
  - (u) Mobile/Manufactured Home Park.
  - (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (w) Home occupations according to the provisions of section 4.140 of this s Ordinance.
- (4) STANDARDS: Land divisions and development in the CR-2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single-family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single-family dwelling. A two-family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 3750 square feet. Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.
  - (b) The minimum lot width shall be 50 feet; on a corner lot, the minimum width shall be 65 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) The minimum front yard shall be 20 feet.
  - (e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
  - (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.

- (g) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII.
- (h) Livestock shall not be located closer than 100 feet to a residential building on an adjacent lot.

# Hebo Community Plan Tillamook County, Oregon

December 18, 2002

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# Executive Summary

## Planning Overview

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. The Rural Communities Rule (OAR 660-22) requires planning for Unincorporated Communities. Hebo is classified as a Rural Community, one of twelve Unincorporated Communities in Tillamook County that meet the state's criteria. As part of its Periodic Review, The Tillamook County Department of Community Development has undertaken planning for each of these communities. Planning for four of the county's five Urban Unincorporated Communities and one Rural Community occurred first, in the late 1990's.

Planning for Hebo and the county's remaining Urban Unincorporated Community, five Rural Communities and one Rural Service Center began in 2000, with the adoption of Unincorporated Community Boundaries. In March and April of 2002, Community Development staff conducted a Community Survey by mail and held a Community Meeting in Hebo. The complete results of these community involvement measures are available in Appendices B and C.

## Community Profile

The community of Hebo is located on the banks of Three Rivers just before it joins the Nestucca River, 5 miles inland from the Pacific Ocean. Hebo surrounds the junction of the Oregon Coast Highway, U.S. Route 101 and the Three Rivers Highway, Oregon Route 22. The town is predominately residential, with a small commercial area in the center of town. Hebo's economy is primarily based in the dairy, forestry, and tourism industries.

## Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Hebo:

**Goal 1:** Hebo will be an attractive, safe and clean small town.

**Goal 2:** Hebo will have parks and other community gathering spaces.

**Goal 3:** Hebo will be surrounded by outstanding protected natural resources.

**Goal 4:** Hebo will have a thriving business district supported by local residents and travelers.

Each goal is supported by several County policies.

## Community Zoning

The community uses three different zoning designations. Community Single Family Residential (CSFR) is the residential zone and Community Commercial (CC) is the commercial zone. The Community Public (CP) zone will be applied to a 19-acre addition to the Hebo Unincorporated Community Boundary and will allow specific public and not-for-profit uses.

# Chapter 1: Planning Overview

## 1.1 The Planning Process

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. A court decision ruled that Oregon counties had to plan for their unincorporated communities. The Oregon Land Conservation and Development Commission adopted the Rural Communities Rule (OAR 660-22) in 1994 in order to comply with the ruling of the court.

Tillamook County has identified twelve Unincorporated Communities that meet the state's criteria. Hebo has been classified as a Rural Community. The other communities identified in the county are:

### Urban Unincorporated Communities:

- Barview-Watseco-Twin Rocks
- Neahkahnie
- Netarts
- Oceanside
- Pacific City

### Rural Communities:

- Beaver
- Cloverdale
- Hebo**
- Idaville
- Neskowin
- Siskeyville

### Rural Service Center:

- Mohler

The Tillamook County Department of Community Development has undertaken planning for each of these communities. The department has included these efforts as part of its periodic review tasks. Planning for four of the county's five Urban Unincorporated Communities and one Rural Community occurred first, in the late 1990's. Each community went through a separate planning process guided by a committee in each community. Planning for the county's remaining Urban Unincorporated Community, five Rural Communities and one Rural Service Center began in 2000. The planning processes involved in creating and adopting the Unincorporated Community Boundaries and Community Plans are detailed in the rest of this chapter.

## 1.2 The Unincorporated Community Boundary

The Unincorporated Community Boundaries for Hebo and several other Rural Communities were determined through a public process in 2000 and 2001. The County adopted the boundaries in 2001. Hebo's adopted Unincorporated Community Boundary contains 122 acres of land. An additional 19 acres are to be added with the adoption of this plan, for a total of 141 acres. Appendix A contains a map of the Unincorporated Community Boundary.

## 1.3 The Community Survey

In March and April of 2002, Community Development staff conducted a community survey. All registered property owners within the Unincorporated Community Boundary received a survey in the mail. The survey asked four questions of residents:

1. What do you feel is the most important issue facing Hebo?
2. What one thing would you like to change about Hebo in the next 20 years?
3. What is your favorite thing about Hebo?
4. What is your least favorite thing about Hebo?

76 surveys were mailed out to property owners and staff and community members distributed additional surveys. 12 surveys were returned to Community Development. Appendix B contains the responses in detail. The most popular themes to come out of the surveys are summarized below:

### *What do you feel is the most important issue facing Hebo?*

The majority of responses were directed toward cleaning up the town. Respondents identified junk, abandoned cars, and general shabbiness as important issues. Other issues included the increasing service costs, crime, and traffic.

### *What one thing would you like to change about Hebo in the next 20 years?*

Respondents continued the theme of cleaning up, with suggestions including restoring older structures and planting trees and flowers. Responses also included creating more businesses and community spaces and parks.

### *What is your favorite thing about Hebo?*

Many of the responses focused on the natural character of the surrounding area, followed by Hebo's location at a crossroads, small town atmosphere, and favorite local businesses and services.

### *What is your least favorite thing about Hebo?*

Responses continued to focus on the poor appearance of the town. Some responses decried a lack of pride and community in the town and in individual properties. Other responses dealt with noise and lack of businesses and services.

## 1.4 Community Open House

On April 16, 2002, Community Development staff held an open house for the Hebo community to discuss the community plan. Staff held the open house at the U.S. Forest Service Hebo Ranger District Offices in Hebo. Staff notified citizens of the open house through a mailing to all property owners within the Unincorporated Community Boundary along with a community survey (see section 1.2). Notice of the meeting was also placed in the Headlight-Herald newspaper. Over forty people attended the meeting.

At the meeting, staff briefly introduced those present to the process, and solicited suggestions. A snow card technique was used to gather suggestions for changes in Hebo. Respondents were asked to write down what they most would like to change about Hebo in the next 20 years. Appendix C contains the responses in detail. A summary of the most popular themes to come out of the snow cards and ensuing discussion is below:

Cleaning up, revitalizing the town

Restoring run-down structures, particularly the Hebo Inn

Encouraging business development, particularly a gas station

Providing park space, activities for children

Creating a community center



# Chapter 2: Community Profile

## 2.1 Historic Information

Members of the Killamook tribe originally inhabited the area where Hebo is located today. White settlement of the area began in the late 19th century. Settlers moved into the area to take advantage of farming and lumbering opportunities. The town became a center for forestry and agriculture at the junction of two highways. As timber harvests slowed, however, Hebo fell into decline. In more recent times, Hebo has begun to see a renewal as increased recreational traffic in the area has brought new opportunities. According to *Oregon Geographic Names*, Hebo is named after nearby Mount Hebo. The name of Mount Hebo was derived from Mount "Hevo," which probably came from the original "Heave Ho."

## 2.2 Community Form

The community of Hebo is located on the banks of Three Rivers just before it joins the Nestucca River, 5 miles inland from the Pacific Ocean. Hebo surrounds the junction of the Oregon Coast Highway, U.S. Route 101 and the Three Rivers Highway, Oregon Route 22. The town is predominately residential, with a small commercial area in the center of town. Route 101 runs from the north and to the southwest through the town, with a major curve in the center of the business district. At this curve, Route 101 meets Route 22, which runs to the east along the Three Rivers.

There are currently 122 acres within the Hebo Unincorporated Community Boundary. Of these, 98 acres are in residential areas with the remaining 24 acres in commercial zones. 19 Acres are to be added to the Unincorporated Community Boundary. Commercial uses in Hebo include several stores, an auto maintenance shop, a tavern and a restaurant. Hebo is also home to a church, post office, ranger station, and maintenance yard for the Oregon Department of Transportation. The residential areas are rural in character. Large lots are common. The housing stock is mostly 20 years old or older.

## 2.3 Economics

Hebo's economy, like that of the rest of the county, rests on the dairy, forestry, and tourism industries. The Hebo area supports a number of dairy farms, providing employment for farming families and various support businesses. Hebo is home to the Ranger Station for the Hebo Ranger District of the Siuslaw National Forest. Hebo also contains businesses catering to travelers passing through on the highways or stopping to enjoy nearby outdoor recreational opportunities.

## 2.4 Buildable Land

Tillamook County completed a Buildable Lands Inventory in 2001. The information gathered during the inventory process provides the County with an estimate of how much more residential development can occur within the Unincorporated Community Boundary.

Within the community's 98 acres of residential land, there are 47 parcels, 37 of which are developed. Since much of the commercially zoned land was already developed, it was not included in the Buildable Lands Inventory analysis. Assuming a minimum lot size of 20,000 square feet, 168 more residential parcels could be created. Adding the current 10 vacant residential parcels and multiplying the by standard 0.75 coefficient, the Buildable Lands Inventory determined that 133 potential residential lots could be developed in Hebo. A smaller minimum lot size would allow for a greater number of potential lots.

## 2.5 Public Facilities

The Hebo Joint Water/Sewer Authority (Hebo JWSA) provides areas of Hebo with water and sewer services. Development has been constrained in recent years due to a lack of wastewater treatment capacity. The Hebo JWSA is currently in the process of updating their sanitation and water facilities to meet current demand and provide capacity for future growth.

## Chapter 3: Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Hebo. Each of these goals is supported through specific policies that the county should work toward implementing in all its activities.

**Goal 1:** Hebo will be an attractive, safe and clean small town.

**Goal 2:** Hebo will have parks and other community gathering spaces.

**Goal 3:** Hebo will be surrounded by outstanding protected natural resources.

**Goal 4:** Hebo will have a thriving business district supported by local residents and travelers.

**Goal 1:** Hebo will be an attractive, safe and clean small town.

**Policy 1.1:** The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Hebo in their community-building activities.

**Policy 1.2:** The County will work with community groups and organizations, business and property owners and agencies to improve the general appearance of Hebo.

**Policy 1.3:** The County will work with the Oregon Department of Transportation to improve the function of Routes 22 and 101 within Hebo in order to make auto traffic travel at appropriate speeds and improve safety for pedestrians and bicyclists.

**Policy 1.4** The County recognizes the small town character of Hebo and will work with community groups and organizations, business and property owners and agencies to maintain and enhance Hebo's small town character.

**Policy 1.5:** The County will work with community groups and organizations, business and property owners and agencies to conserve and restore historic structures in Hebo.

**Goal 2:** Hebo will have parks and other community gathering spaces.

**Policy 2.1:** The County will work with property owners, community groups and organizations and agencies to secure land for parks in Hebo.

**Policy 2.2:** The County will work with property owners, community groups and organizations and agencies to provide multi-purpose spaces for community gatherings in Hebo.

**Policy 2.3:** The County will work with community groups and organizations, business and property owners and agencies to create rest areas for travelers in or around Hebo.

Goal 3: Hebo will be surrounded by outstanding, protected natural resource lands.

Policy 3.1: The County will continue to protect productive farm and forest lands surrounding Hebo from incompatible development.

Policy 3.2: The County will work with the U.S. Forest Service and other agencies, groups and organizations to conserve and improve outdoor recreational activities near Hebo.

Policy 3.3: The County will work with the Oregon Department of Fish and Wildlife and other agencies, groups and organizations to continue fish hatchery operations on Three Rivers or its tributaries.

Goal 4: Hebo will have a thriving business district supported by local residents and travelers.

Policy 4.1: The County will work with business and property owners to improve the appearance of properties in the business district.

Policy 4.2: The County will work with community groups and organizations, business and property owners and agencies to create a supportive environment for new and existing local businesses in Hebo.

Policy 4.3: The County will work with the Oregon Department of Transportation to improve the appearance and function of Routes 22 and 101 within Hebo in order to support healthy businesses along the highways.

# Chapter 4: Community Zoning

## 4.1 Zoning Overview

Zones present in Hebo:

Community Single Family Residential (CSFR)

Community Commercial (CC)

Community Public (CP)

	<b>Zoning</b>	<b>CSFR</b>	<b>CC</b>	<b>CP</b>	<b>Total</b>
1	<b>Total Acreage</b>	98	24	19	141
2	<b>Minimum Lot Size (sq. ft.)</b>	20,000	*	*	*
3	<b>Existing Lots</b>	47	44	1	92
4	<b>Developed Lots</b>	37	*	*	37
5	<b>Vacant Lots</b>	10	*	*	10
6	<b>Maximum Additional Lots</b>	168	*	*	168
7	<b>Gross Total (Rows 5+6)</b>	178	*	*	178
8	<b>Net Total (Row 7 X 0.75)</b>	133	*	*	133

\* Not Applicable

## 4.2 Constraints on Development

Hebo has moderate physical constraints to development: some steep slopes, and some limitations from wet soils.

## 4.3 Public Services and Facilities

Development right now is tightly constrained by infrastructure limitations: both the community water system and sewer system are at capacity. However, efforts are under way to develop additional capacity. When it becomes available, Hebo will have greater potential for residential development.

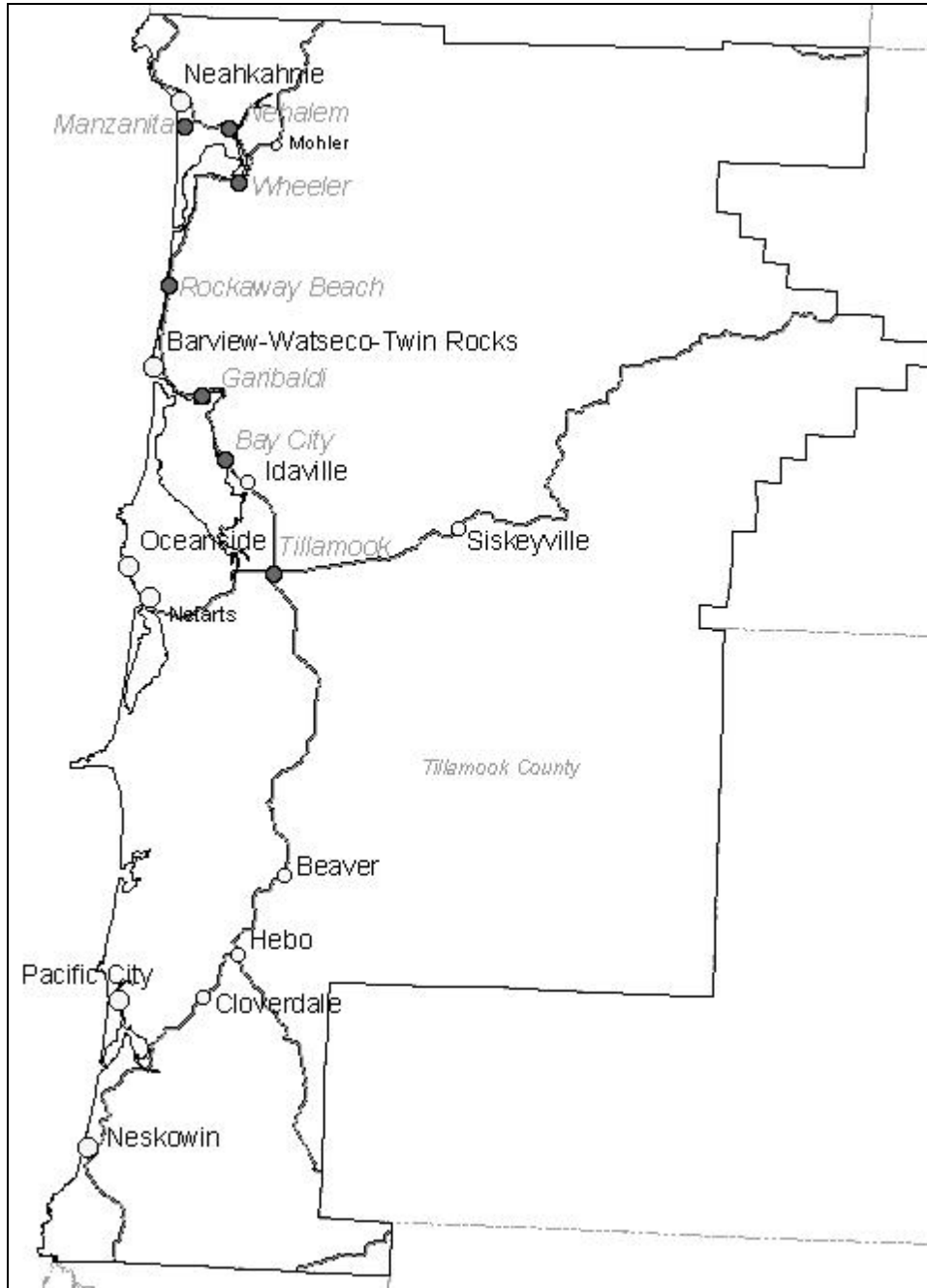
## 4.4 Development Patterns and Potential

More than three-fourths of Hebo's residential lots now have some development on them. Hebo has many large residential lots: there are twenty-two lots with areas greater than one acre. Together, these larger, mostly undeveloped lots have 87 acres of land that could be divided into lots as small as 20,000 square feet. The community thus has a gross potential for 178 residential lots. Assuming that access and development constraints would limit development by 25 percent, the community has a net potential for 133 home sites.

Residential development is also permitted in the CC zoning that has been applied to 24 acres of land in Hebo. Most of the CC properties have already been developed, however For that reason, the Buildable Lands Inventory does not count any of the CC land in evaluating the community's potential for future residential development.

# Appendix A: Maps

Sections 10-14, 22, and 23 of Township 4 South, Range 10 West.



## Appendix B: Community Survey Results

What is the most important issue facing Hebo?

- Clean Up Area- Get rid of junk cars at junction, tear down Hebo Inn
- Cleanup our town- especially the old Hebo Inn restaurant. And stop parked cars under the Shilo Inn Sign. Because of the litter they through out & no one cleans up - but I- and now I quit! Who's in charge of that property?
- Currently there is essentially no business community and very limited infrastructure. Moreover, "affordable" housing consists of trailer parks- all of this engenders a transient and apathetic population base. This is not conducive to any type of growth.
- Get rid of drug dealers. Preserving out farmland & managing our forest in a prudent manner. Put in a gas station Hebo or Cloverdale
- -Improved low-income housing, which is desperately needed (what's there now- trailer facilities- need much improvement) -Improvement of Hebo Inn and its vicinity - Improvement of Hebo Creamery (keep it!) and vicinity.
- Rising cost of water & sewer. People can't afford to live here.
- Start enforcing the speed zone through town. Set up photo radar.
- The Hebo Inn, The Trailer Park
- The sewer system. I live alone and pay about \$70.00 a month. Higher than any other place in Tillamook Co. (outrageous)
- The water & sewer rates are too high
- Too many dumpy cars parked at corner. Hebo Inn needs finishing.

What one thing would you change about Hebo?

- (sewer system) Hebo Inn- Make it into a nice restaurant- A gas station. A place for children to play.
- A new restaurant, where the old run down building now exists and is an ugly sight
- Both the Trailer Park and the Mobile Home Park could stand a great deal of cleaning up.
- -Economic improvement- addition of 2 or 3 viable, thriving businesses -More green space
- Either tear down or restore the building (Hebo Inn) Maybe put in a gas station
- Have the sewer & water system in good shape & have the rates more in line with other communities.
- I would like to see a more vibrant & healthy business community. I would like to see the fire department here and a "sheriff" presence, along with a housing alternative to "trailer parks."
- Intersection of Highway 101 Highway 22. Plant trees & flowers in Downtown area. Have Paint available for lower income people to paint houses
- Put speed bumps on Highway 22 to the Forest Service building. Incorporate so the county will have to give us some of our tax money back.
- Reduce the speed to 25 miles per hour and stop the Jake brakes through town.
- Some colorful flowers. Restore Cheese Factory- community center? Neighborhood watch. Playground.

## What is your favorite thing about Hebo?

- All the nice things no longer exist.
- Hebo is perfectly situated to allow one to go East, North or South to larger cities. The weather here is actually nicer than to the north or right on the coast.
- It's a nice small community
- Post Office
- River- Fish Hatchery- People
- Small town charm
- The Baumgartner Auto Repair Shop & having a nicely run Post Office
- -The fact that it is a junction (crossroads)- The potential for being an interesting place for people to visit. -Highway 22 along the river is beautiful, as you approach Hebo.
- The quaintness of it all. We pretend to nothing but what we are (a small town). Everyone is friendly we've all known each other for over fifty years ( a lot of us anyway)
- The slow pace of life
- Three Rivers, The fish hatchery, The Hebo Ranger Station

## What is your least favorite thing about Hebo?

- Hebo Inn Eyesore 2. Drug Dealers
- Dumpy cars
- Jake brake noise twenty four hours a day.
- Junk cars of Highway Junction corner- Lack of Pride in homes. No gas station for "miles."
- -Looks economically depressed (it is), run down and uncared for. -Lacks sense of community.
- No gas station
- Right now the town looks as though it is dying. Our sewer & water service is very limited.
- The junk cars on the street in front of the Hebo Inn
- The lack of pride in some of the people. Not keeping their businesses & houses clean and well cared for.
- The store has too many signs. It distracts from the building. A place next to the river could add to its character. Of course the state of the Hebo Inn.
- The ugly sight of the Hebo Inn restaurant and the Building that used to be Bones Grocery Store, is an ugly sight, half the Building is gone & the other half there & messy



## Appendix C: Community Meeting Responses

What one thing would you change about Hebo?

- Area for small shops such as antique shops. Service areas. Small park area for travelers with restrooms.
- Business revitalization
- Buy and restore creamery- Historical landmark?
- Clean it up!
- Clean up abandoned buildings & run down areas.
- Cleaned up
- Cleaner looking "town center"
- Commercial district defined on Highway 101 by slowing down traffic using pedestrian friendly traffic calmers i.e. sidewalks, bumpouts "A Main Street Runs Through It"
- Either restore the Hebo Inn or demolish it. Maybe put a gas station in its place. Get rid of drug dealers
- Figure out how to take care of the sewer system- outrageous!
- Flourishing Businesses. No junk cars. Gas station. Pretty corner with plants/flowers.
- Gas station
- Gas station. Clean up the town
- Hebo inn reopened or taken down
- Hebo looks so shabby- would like to see Hebo cleaned up
- Hebo needs a park. Our prime economic asset is the highways. There is little or no place for visitors, and a park can help to make Hebo a destination. Our children need a park. We need a park!
- I would like there to be a community center in place.
- I would like to see a service station return to Hebo
- I'd like to see changes in community. Fire stations, order for buildings
- I'd like to see the eyesore looking Hebo Inn building either burnt down or fixed up & let' s see a good restaurant in Hebo
- Improve and develop- parks- Housing.
- More activities for local children, i.e. baseball fields, basketball court, playground & activity center.
- More increased population & homes. Businesses & parks for kids.
- Property Improvements
- See no need for much change
- We need a community center, open to all.
- What can be done about the vacant buildings

# Appendix D: Community Zoning

## SECTION 3.024: COMMUNITY PUBLIC USE ZONE (CP)

- (1) **PURPOSE:** The purpose of the CP zone is to designate areas for public uses in unincorporated communities. The zone is intended to accommodate public service, recreational and open space needs of the community, surrounding rural areas, and visitors.
- (2) **USES PERMITTED OUTRIGHT:** In the CP zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) Not-for-profit child daycare facilities.
  - (b) Community meeting buildings and associated facilities.
  - (c) Fire and ambulance stations.
  - (d) Public and semipublic buildings, structures and uses essential to the physical, social, cultural and economic welfare of the area.
  - (e) Public park and open space uses, including rest areas and waysides.
  - (f) Public recreational facilities, including playing fields.
- (3) **STANDARDS:** Land divisions and development in the CP zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
  - (a) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.
  - (b) Structures shall be either constructed on the property line or setback at least 3 feet.
  - (c) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.
  - (d) All uses shall meet off-street parking requirements as provided in Section 4.030.
  - (e) Buildings shall not exceed 35 feet in height.
  - (f) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.

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## SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)

- (1) **PURPOSE:** The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.
- (2) **USES PERMITTED OUTRIGHT:** In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the CSFR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to CSFR/PD zoned property located within a community growth boundary.

- (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.
- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (l) Public utility facilities, including substations and transmission lines.
- (m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (o) Rural industries on a contiguous ownership of 10 or more acres.
- (p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.
- (q) Foster family homes accommodating six or more children or adults.
- (r) Bed and breakfast enterprise.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

- (u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (v) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 for permitted uses.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (g) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:
    1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    2. The property has been taxed at the farm use rate during three of the past five year.
    3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
  - (h) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on

the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

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### SECTION 3.022: COMMUNITY COMMERCIAL ZONE (CC)

- (1) **PURPOSE:** The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC-2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.
- (2) **USES PERMITTED OUTRIGHT:** In the CC zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General and specialty retail trade establishments.
  - (b) Personal and business services such as barbers, tailors, printers, funeral homes, shoe repair shops, upholsterers, and cleaners.
  - (c) Business, government, professional, and medical offices; financial institutions; and libraries.
  - (d) Animal hospitals, kennels and similar animal boarding facilities.
  - (e) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, and fast food restaurants.
  - (f) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical, and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (g) Shopping centers.
  - (h) Warehousing, including mini-storage.
  - (i) Eating and drinking establishments.
  - (j) Lodges, clubs, or meeting facilities for private organizations.
  - (k) Motels, hotels, and cabin camps.

- (l) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.
  - (m) Mobile or manufactured homes or recreational vehicles used during the construction or placement of a use for which a building or placement permit has been issued.
  - (n) Community meeting buildings and associated facilities.
  - (o) Schools.
  - (p) Water supply and treatment facilities.
  - (r) Off-site advertising signs.
  - (s) Dwelling units accessory to an active commercial use, when located above the first story.
  - (t) Bed and breakfast enterprises.
  - (u) Swimming.
  - (v) Public park and recreation uses.
  - (w) Temporary produce stand- Not to exceed 45 days.
- (3) USES PERMITTED CONDITIONALLY: In the CC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) One or two-family dwelling not associated with an active business.
  - (b) Light industries.
  - (c) Multifamily dwellings, including townhouses, and condominiums.
  - (d) Mobile home or recreational vehicle.
  - (e) Hospitals, sanitariums, rest homes, and nursing homes.
  - (f) Fire and ambulance stations.
  - (g) Utility substations and power transmission lines.
  - (h) Towers for communications, wind energy conversion systems, or structures having similar impacts.

- (i) Commercial amusement or entertainment establishments.
  - (j) Sewage treatment plants.
  - (k) Recreational campground.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Temporary mobile kitchen units.
  - (n) Mixed Use Developments subject to Section 4.130.
  - (o) Mobile/Manufactured Home Park.
  - (p) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (q) Car wash.
  - (r) Outdoor Retail
- (4) STANDARDS: Land divisions and development in the CC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the R-3 zone.
  - (b) In the CC zone, motels, hotels, and cabin camps shall be considered a commercial use.
  - (c) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.
  - (d) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b)
  - (e) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.



- (f) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (g) Buildings shall not exceed 45 feet in height.
- (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (i) Maximum Floor Area Per Use: Individual uses shall not exceed 4,000 square feet of gross floor area.

# Idaville Community Plan Tillamook County, Oregon

December 18, 2002

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# Executive Summary

## Planning Overview

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. The Rural Communities Rule (OAR 660-22) requires planning for Unincorporated Communities. Idaville is classified as a Rural Community, one of twelve Unincorporated Communities in Tillamook County that meet the state's criteria. As part of its Periodic Review, The Tillamook County Department of Community Development has undertaken planning for each of these communities. Planning for four of the county's five Urban Unincorporated Communities occurred first, in the late 1990's.

Planning for Idaville and the county's five other Rural Communities, one Rural Service Center and remaining Urban Unincorporated Community began in 2000, with the adoption of Unincorporated Community Boundaries. In March and April of 2002, Community Development staff conducted a Community Survey by mail and held a Community Meeting in Idaville. The complete results of these community involvement measures are in Appendix B.

## Community Profile

Idaville is a small community located approximately four miles north of the town of Tillamook just off of Highway 101. The community is just north of where the Kilchis River enters Tillamook Bay. Idaville is a quiet community that takes pride in the nearby natural resources such as the Kilchis River and nearby State and private forests.

## Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff identified a community goal for Idaville:

**Goal 1:** Idaville will be an attractive, safe and clean small town.

Each goal is supported by several County policies.

## Community Zoning

Idaville is zoned with approximately 34 acres of Community Single Family Residential (CSFR) (Appendix C).

# Chapter 1: Planning Overview

## 1.1 The Planning Process

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. A court decision ruled that Oregon counties had to plan for their unincorporated communities. The Oregon Land Conservation and Development Commission adopted the Rural Communities Rule (OAR 660-22) in 1994 in order to comply with the ruling of the court.

Tillamook County has identified twelve Unincorporated Communities that meet the state's criteria. Idaville has been classified as a Rural Community. The other communities identified in the county are:

### Urban Unincorporated Communities:

- Barview-Watseco-Twin Rocks
- Neahkahnie
- Netarts
- Oceanside
- Pacific City

### Rural Communities:

- Beaver
- Cloverdale
- Hebo
- Neskowin
- Siskeyville

### Rural Service Center:

- Mohler

The Tillamook County Department of Community Development has undertaken planning for each of these communities. The department has included these efforts as part of its periodic review tasks. Planning for four of the county's five Urban Unincorporated Communities occurred first, in the late 1990's. Each Urban Unincorporated Community went through a separate planning process guided by a committee in each community. Planning for the county's five Rural Communities, one Rural Service Center and remaining Urban Unincorporated Community began in 2000. The planning processes involved in creating and adopting the Unincorporated Community Boundaries and Community Plans are detailed in the rest of this chapter.

## 1.2 The Unincorporated Community Boundary

The Unincorporated Community Boundaries for Idaville and the other Rural Communities were determined through a public process in 2000 and 2001. The County adopted the boundaries in 2001. Idaville's adopted Unincorporated Community Boundary contains approximately 34 acres of land. Appendix A contains maps of the Unincorporated Community Boundary.

## 1.3 The Community Survey

In March and April of 2002, Community Development staff conducted a community survey. All registered property owners within the Unincorporated Community Boundary received a survey in the mail. The survey asked four questions of residents:

1. What do you feel is the most important issue facing Idaville?
2. What one thing would you like to change about Idaville in the next 20 years?
3. What is your favorite thing about Idaville?
4. What is your least favorite thing about Idaville?

67 surveys were mailed out to property owners and staff and community members distributed additional surveys. 4 surveys were returned to Community Development. Appendix B contains the responses in detail. The most popular themes to come out of the surveys are summarized below:

*What do you feel is the most important issue facing Idaville?*

Responses included housing density, fires, and traffic enforcement.

*What one thing would you like to change about Idaville in the next 20 years?*

Several respondents stated that installation of a sewer system would be important. Another response addressed "junky" homes.

*What is your favorite thing about Idaville?*

Many of the responses focused on the rural character of the area, as well as the neighborly atmosphere of the town.

*What is your least favorite thing about Idaville?*

Several responses dealt with animals roaming around without control. Another response addressed traffic speeds.

## 1.4 Community Open House

On May 16, 2002, Community Development staff held an open house for the Idaville community to discuss the community plan. Staff held the open house at the Idaville Bible Church in Idaville. Staff notified citizens of the open house through a mailing to all property owners within the Unincorporated Community Boundary along with a community survey and advertised a notice in the Tillamook Headlight-Herald Newspaper. (see section 1.2). Approximately seven people from the community and nearby area attended the meeting.

At the meeting, staff briefly introduced those present to the process, and solicited suggestions. Staff opened the meeting up to comments and discussion about Idaville. Some topics that were discussed included:

Traffic speed, noise & enforcement  
Improving the appearance of town

# Chapter 2: Community Profile

## 2.1 Historic Information

Idaville has historically been a logging community with mills with some of the first mills. Idaville was platted about 1870 by Warren N. Vaughn, and the land was part of his donation land claim. Idaville was named after his oldest daughter Ida Vaughn. As the lumber industry began to decline in Tillamook County, the mills in Idaville closed. Much of the adjacent land is currently home to large dairy operations that support the Tillamook County Creamery Association.

## 2.2 Community Form

The community of Idaville is located approximately four miles north of the City of Tillamook. U.S. Highway 101 goes through a small portion of the community with much of the community off the highway. Highway 101 is a major North/South route that begins in Washington and ends in California. The other heavily traveled main road in Idaville is Alderbrook Road and goes through a majority of the community. Loggers, rock hauling, farmers, local citizens, and tourists traveling to the Kilchis River County Park or people fishing or hunting rely on Alderbrook Road.

There are no creeks that flow through the community, however it is located just outside of a floodplain in a zone "C". It is relatively close to the Kilchis River and a few other small tributaries. The Flood Insurance Rate Map, Community Panel Number is 410196 0160 B, Effective September 30, 1983. To the south of Idaville along the Kilchis River the area has been known to flood regularly.

The Kilchis River Water District provides domestic water needs. There area has approximately 140 connections. The system is near capacity and the Water District is currently applying for various grants to update the capacity and system. Sanitary Sewer service is not available in the Idaville area and have on-site septic systems. Due to some of the small lots, it may be necessary in the future to create a sewer district and provide sewer service to Idaville.

Along the southwestern boundary there is a railway, the Port of Tillamook Bay Railroad. The Port of Tillamook owns and operates the rail line and there are currently no established stops on the line. The community is not close enough to Tillamook Bay for commerce via water transport.

The Tillamook County Sheriff's Office and the Oregon State Police provide services to Idaville. The Tillamook Fire District provides fire protection services to the area. Tillamook County General Hospital provides ambulances and Hospital services for the Idaville area.

There are approximately 34 acres within the Idaville Unincorporated Community Boundary. The zone changing with adoption of this plan are Rural Residential (RR), which will change to Community Single Family Residential (CSFR). There are some commercial uses in Idaville such as a small store, an RV park and a church. The residential areas are rural in character. Larger lots are common in Idaville.



## 2.3 Economics

Idaville's economy is primarily based upon local residents who purchase items from the local store, visit the golf course, recreationalists or those who do business with the nearby gravel quarries and dairies. The towns of Tillamook and Bay City support and provide many consumer needs.

## 2.4 Buildable Land

Tillamook County completed a Buildable Lands Inventory in 2001. The information gathered during the inventory process provides the County with an estimate of how much more residential development can occur within the Unincorporated Community Boundary.

Within the community's 34 acres of residential land, there are 84 parcels, 69 of which are developed. Assuming a minimum lot size of 20,000 square feet, 23 more residential parcels could be created. Multiplying the by standard 0.75 coefficient, the Buildable Lands Inventory determined that 17 potential residential lots could be developed in Idaville. A smaller minimum lot size would allow for a greater number of potential lots.

## Chapter 3: Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Idaville. Each of these goals is supported through specific policies that the county should work toward implementing in all its activities.

**Goal 1:** Idaville will be an attractive, safe and clean small town.

Goal 1: Idaville will be an attractive, safe and clean small town.

Policy 1.1: The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Idaville in their community-building activities.

Policy 1.2: The County will work with community groups and organizations, business and property owners and agencies to improve the general appearance of Idaville.

Policy 1.2: The County will work with the Oregon Department of Transportation and the County Public Works Department to improve the function of Highway 101 and roads within Idaville in order to make auto traffic travel at appropriate speeds and improve safety for pedestrians and bicyclists.

Policy 1.4 The County recognizes the small town character of Idaville and will work with community groups and organizations, business and property owners and agencies to maintain and enhance Idaville's small town character.

# Chapter 4: Community Zoning

Idaville is comprised of one zone designation. There is approximately 35 acres of Community Single Family Residential (CSFR) zone.

## Inventory of Residential Lands for Idaville (Based on Data from June 2001)

<b>Zoning</b>	<b>CSFR</b>	<b>TOTAL</b>
1 How many acres are in this zone?	34	<b>34</b>
2 What is the zone’s minimum lot size?	20,000 sq. ft.	*
3 How many lots exist there now?	84	<b>84</b>
4 How many lots are developed?	69	<b>69</b>
5 How many residential lots are vacant? (Row 3 - Row 4)	15	<b>15</b>
6 How many more residential lots could be created?	8	<b>8</b>
7 What is the gross total of potential residential lots that could be developed? (Row 5 + Row 6)	23	<b>23</b>
8 What is the net total of potential residential lots that could be developed? (Row 7 X 0.75)	17	<b>17</b>

\* *Not Applicable*

### Constraints on Development

Idaville has few physical constraints to development. Its land is mostly flat, but some vacant holdings have wetlands that reduce their development potential.

### Public Services and Facilities

Idaville is served by a community water system. Sewage treatment is provided by onsite systems.

### Development Patterns and Potential

Idaville has little potential for development. It is small, and more than 80 percent of its lots are already developed. Moreover, it has no large properties that can be divided. Only three of the community’s 84 lots exceed one acre . None exceeds two acres.

The community’s gross potential for future residential development totals 23 lots. Using the standard constraint factor of 25 percent, Idaville’s net potential is 17 lots.

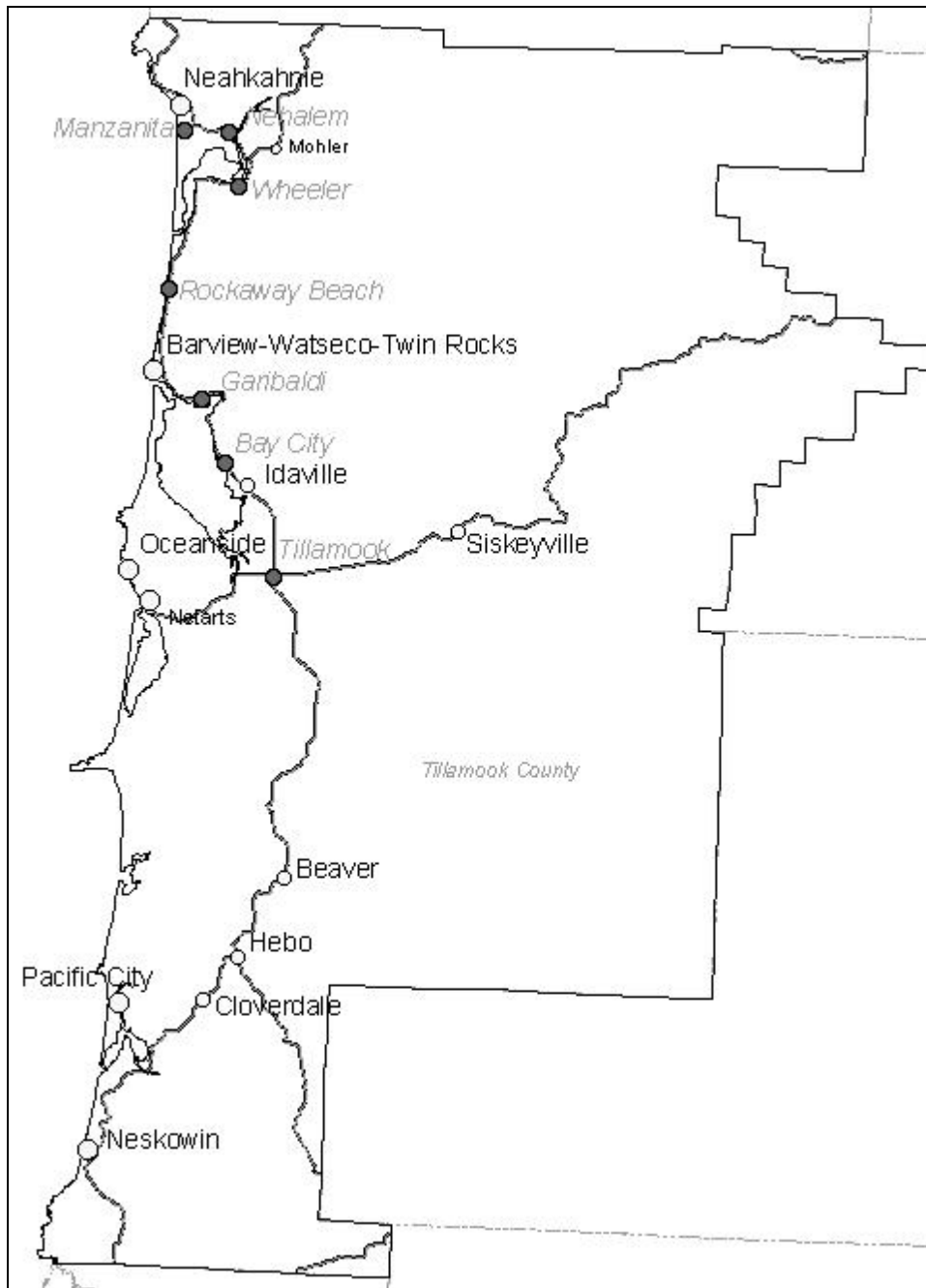
The purpose of the Community Single-Family Residential (CSFR) zone is to provide for the creation and use of small acreage residential homesites. Land that is suitable for Community Single Family Residential use has limited value for farm or forest use; is physically capable of having homesites on small parcels of five acres or less; and it can be utilized for residential

purposes without constraining the use of surrounding resource zoned properties for resources production purposes. In Idaville the allowable parcel size is 20,000 square feet.

Idaville is the only community that has one zone designation within the Unincorporated Community Boundary. The Tillamook County Department of Community Development would support the addition of a commercial zone in Idaville. The purpose of the Community Commercial (CC) zone is to permit a moderate level of commercial activities to serve the commercial need of neighborhoods, rural areas, and tourist area. Commercial uses in the CC zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. The most favorable areas for a zone change would be at the corner of Alderbrook Road and Vaughn Road, and at the corner of Highway 101 and Idaville County Road.

# Appendix A: Maps

Sections 1 and 2 of Township 1 South, Range 10 West.



## Appendix B: Community Survey Results

What is the most important issue facing Idaville?

- Controlling future growth, density of homes in the area, which is suppose to be rural is unbelievable.
- There has been a lot of fires in our Idaville area in the last 40 years. I would think fire hydrogen's would be the most important issue.
- Speeding. We have a 25 mph speed limit. Even the police who occasionally drive thru go 35-40 mps. The police have never arrested anyone for speeding.

What one thing would you change about Idaville in the next 20 years?

- Installation of a public sewage system.
- The junky homes in Idaville road area, A lot soon than 20 years though, (All over Idaville area also)
- Idaville should be on a sewer system. Many of the lots are very small and have old and antiquated septic tank systems.

What is your favorite thing about Idaville?

- Weather and the rural atmosphere, the small grocery store and some neighbors who care for their yards and flowers.
- Lots of peace.
- A real nice place to live.
- Everyone keeps their property mowed landscaped and their homes painted. Good neighbors and a friendly community.

What is your least favorite thing about Idaville?

- Dogs running around mostly at night.
- Population density, the area is overwhelmed with feral cats (from households) and dogs roam at large with no control. The accumulation of trash by the homes, the homes and the trailer parked by the store.
- Again it's the speeding problem. The golf course doe not cause a traffic problem.

# Appendix C: Community Zoning

## SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)

- (1) **PURPOSE:** The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.
- (2) **USES PERMITTED OUTRIGHT:** In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the CSFR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to CSFR/PD zoned property located within a community growth boundary.

- (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.
- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (l) Public utility facilities, including substations and transmission lines.
- (m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (o) Rural industries on a contiguous ownership of 10 or more acres.
- (p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.
- (q) Foster family homes accommodating six or more children or adults.
- (r) Bed and breakfast enterprise.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.



- (u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (v) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 for permitted uses.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (g) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:
    1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    2. The property has been taxed at the farm use rate during three of the past five year.
    3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
  - (h) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on

the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

DRAFT:11-17-97

# NEAHKAHNIE COMMUNITY PLAN

COMPLETION OF PERIODIC REVIEW  
WORK TASK 6. A. 2.

COMPLIANCE WITH RURAL COMMUNITIES  
RULES OAR DIVISION 22

## NEAHKAHNIE PLANNING OVERVIEW

The Neahkahnie Community west of Highway 101 was first zoned in 1969 before most development had occurred. This helps explain why average lot sizes are larger in Neahkahnie than they are in communities like Oceanside, Netarts and Neskowin where considerable platting of lots occurred before zoning was in place. The initial zoning in Neahkahnie was about equally divided between the R-1 and R-2 urban residential zones which have a minimum lot size of 7,500 and 5,000 square feet respectively.

In June 1982, all of Neahkahnie was zoned R-1 at the request of local citizens during the state-mandated, countywide comprehensive planning effort. The R-1 zone was the county's most restrictive urban residential zone until the advent of community planning in the 1990's, beginning with Neahkahnie in September 1992. The R-1 zone raised some concerns in Neahkahnie because the 7,500 square foot minimum lot size appeared to permit too much density in physically constrained areas, and some permitted uses were thought to be inconsistent with the character of the community. For example, concerns were expressed about such permitted uses as duplexes, cottage industries, bed and breakfast enterprises and sewage treatment plants, even though they required conditional use approval. The matter of duplexes became an issue in part because their allowance permitted an exaggerated estimate of ultimate buildout relative to available water supply.

The most recent planning effort in Neahkahnie began with the Tillamook County Community Development Director's participation in a September 1992 Neahkahnie Community Club meeting that featured a discussion of community land use issues and concerns. More than 100 persons attended that meeting. Strong support was expressed for a process that involved the community in identifying needed changes in the land use regulations that affect Neahkahnie. This led to the formation of a representative Neahkahnie Land Use Task Force, chaired by Howard Harris, who was then president of the Community Club. The process and product of that extended planning effort is described in a March 2, 1994 memo which is attached as Exhibit 6. The principle outcome was to implement two primary objectives:

- (1) Limit permitted uses to those that are most suited for a coastal community that wishes to maintain a primarily single-family residential character.
- (2) Provide for minimum lot sizes that permit densities and ultimate buildout that is more in line with what is actually physically possible in a community with varying terrain and other physical constraints.

This planning effort was completed in June 1994 with adoption of new zoning densities and uses by the County Board of Commissioners. Substantial consensus was achieved at the conclusion of this planning effort, with only three objectors to the outcome at the final public hearings before the Planning Commission and Board of Commissioners. One of the objectors appealed the unanimous Board approval to the Land Use Board of Appeals (LUBA), who remanded the decision on March 13, 1995, primarily because an "exception" wasn't taken to State Land Use Planning Goal 14.

LUBA identified two approaches that the County can take to sustain the rezoning. These are to take an exception to Goal 14 or to utilize the amendments to Goal 14 and new administrative rules for unincorporated communities that were adopted by LCDC in October 1994 after planning was completed for Neahkahnie. The expressed purpose of the new Unincorporated Communities Rule is "to recognize the importance of communities in rural Oregon . . ." and "to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities". This new rule is clearly intended to facilitate the kind of community-based planning that was done in Neahkahnie. The final step is to reframe the product in terms of the Unincorporated Communities Rule as part of Tillamook County's current Periodic Review Work Program.

Tillamook County has launched corresponding community planning efforts in Oceanside, Netarts, Pacific City and Neskowin since adoption of the Unincorporated Communities Rule in October, 1994. This work is nearing completion. These unincorporated communities share with Neahkahnie a concern about the impact of increased growth in coastal communities. Tillamook County's response is to give citizens an opportunity to plan for the future of their communities. Citizen participation in each community has been exceptional, which helps assure that the product represents community interests.

## NEAHKAHNIE COMMUNITY FINDINGS

- (1) The Neahkahnie Community Growth Boundary is defined by the Pacific Ocean to the west, Highway 101 to the north and east, and the City of Manzanita to the south. This boundary has not changed since it was established by Tillamook County in June 1982 and acknowledged by LCDC in March 1984.
- (2) Neahkahnie was originally zoned "urban residential" in 1969, with minimum lot sizes ranging from 5,000 to 7,500 square feet. The zoning was amended in 1982 to place the entire community in the urban residential R-1 zone which has a minimum lot size of 7,500 square feet. The proposed new zoning would divide Neahkahnie into three approximately equal zones, with minimum lot sizes of 7,500, 15,000 and 30,000 square feet.
- (3) Neahkahnie contained approximately 365 acres, 520 parcels, 350 ownerships and 260 residences as of May 1996.
- (4) Neahkahnie is primarily a single-family residential community, with a sufficient number of other land uses to qualify as a "rural community" with respect to the requirements of the Unincorporated Communities Rule. Howard Harris, the chair of the Neahkahnie Land Use Task Force identified 14 such uses in a May 5, 1996 memo. These include the Neahkahnie Water District office, a bed and breakfast, three architects offices, a truck farm, several construction offices, a CPA and a computer service.
- (5) Neahkahnie is predominantly a second home and retirement community. Among the 155 respondents to the 1993 land use survey, 65% (101) were "part-time" residents.
- (6) Neahkahnie averaged 8.67 new dwellings per year from 1991-96, an annual growth rate of about 3.3%. This growth rate is on a par with other coastal communities and is about twice Tillamook County's average annual growth rate over the same period.
- (7) The entire Neahkahnie community is served by the Neahkahnie Water District and the Nehalem Bay Waste Water Agency (public sewer). There are no individual water or sewer systems within the community. The ability of these service districts to provide continuing water and sewer service in accordance with the requirements of OAR 660-22-030 (8) (13) is affirmed in their respective master plans.
- (8) The Neahkahnie Water District's Water master Plan and Rate Study, which was prepared by Ron Larson PE, of Handforth, Larson & Barrett, Inc. in Manzanita, has projected an ultimate buildout in Neahkahnie at around 700 connections. He projects that 505 of these connections will occur by the year 2015. This assumes an average of about 11 new connections per year. The Neahkahnie Water District

is planning their water supply accordingly.

- (9) The Neahkahnie planning effort that began in September 1992 provided a very clear sense of the uses and densities that are preferred by a substantial majority of the community's citizens. These opinions were obtained by a representative "task force", a community survey that was mailed to every resident and property owner (50% response) and six community meetings.
- (10) The primary objectives that emerged from this planning effort are to:
  - (a) Limit permitted uses to those that are most suited for a coastal community that wishes to maintain a primarily single-family residential character. This was accomplished by the creation of three NK zones that are specific to Neahkahnie. These zones each contain the same permitted uses which were determined by preferences expressed in the 1993 land use survey. They are essentially more restrictive versions of the previous R-1 zone.
  - (b) Provide for minimum lot sizes that bring permitted densities and ultimate buildout in line with what is actually physically possible for an area with varying topography and other physical constraints. This was accomplished by requiring minimum lot sizes of 7,500, 15,000 and 30,000 square feet in the three NK zones to permit zoning in accord with identified physical constraints, including topography and drainage.

These outcomes will greatly assist future planning for the Neahkahnie community, including a more precise projection of demand for such services as sewer, water, road improvements and other infrastructure.

- (11) Currently, access from Highway 101 to Beulah Reed Road and the lower or western portion of Neahkahnie is provided exclusively by Nehalem Road. The community has expressed on various occasions opposition to any additional roads that connect Highway 101 and Beulah Reed Road. In the November, 1992 Neahkahnie Land Use Questionnaire, 79 (59%) of the 134 who responded opposed even an additional road that could be "used for emergency purposes only". Since that survey was completed, increased awareness of the potential for a tsunami impacting lower Neahkahnie suggests that prohibiting additional emergency access would be contrary to reasonable provisions for public safety. Accordingly, at a November 17, 1997 meeting, the Neahkahnie Land Use Steering Committee agreed unanimously to insert a finding and policy into the Neahkahnie Community Plan that stipulates that any new roads that connect Highway 101 to Beulah Reed Road be limited to emergency access at some point.

## NEAHKAHNE COMMUNITY POLICIES

- (1) Neahkahnie is designated as a “rural community” in accord with the State Unincorporated Communities Rule (OAR 660-22).
- (2) Permitted land uses in Neahkahnie are limited to those that are suited for a coastal community that wishes to maintain a primarily residential character. For Neahkahnie this expressly excludes hotels and motels.
- (3) Neahkahnie will maintain its three NK zones which provide for relatively low density, single-family, urban residential development and other compatible uses. The differences in these zoning designations are provision for three different minimum lot sizes of 7,500, 15,00 and 30,000 square feet based upon varying physical constraints within the community.
- (4) The Neahkahnie Drainage Enhancement Area (Beaver Pond) special zoning shall be maintained to assure continued protection of the wetland, drainage, wildlife, and open space amenities intrinsic to that area.
- (5) Building height regulations shall be maintained which assure equity and predictability in obtaining ocean views where available.
- (6) Utility lines shall be placed underground for new subdivisions and planned developments.
- (7) Riparian setbacks along streams shall be maintained to protect riparian values.
- (8) Neahkahnie citizens will continue to have opportunities to participate in land use decisions that affect their community. Notice of decisions that affect Neahkahnie will be mailed to any designated planning group as well as to the normal notice area.
- (9) Any road, excepting Nehalem Road, that connects Highway 101 to Beulah Reed Road shall be limited to emergency access at some point to prevent the through flow of traffic except for emergency purposes.



(d)

DRAFT: 6/12/97

SECTION 3.300: NEAHKAHNIE URBAN RESIDENTIAL ZONES  
(NK-7.5, NK-15, NK-30)

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

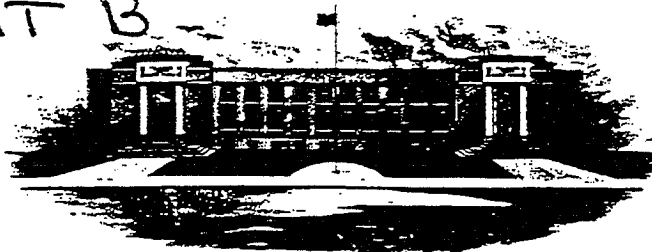
- (a) Planned developments subject to Section 3.080.
  - (b) Churches and schools.
  - (c) Nonprofit community meeting buildings and associated facilities.
  - (d) Utility substations.
  - (e) Fire station.
  - (f) Ambulance station.
  - (g) Sewage collection system appurtenances larger than 120 square feet.
  - (h) Structures for water supply and treatment that are larger than 120 square feet.
  - (i) Communication structures that serve more than one residence.
  - (j) Bed and breakfast facilities within an owner-occupied primary residence which provide for no more than two guest rooms.
  - (k) Accessory apartment within a residence or accessory structure. Such a unit must be subordinate in size, location and appearance to the primary residence, and shall not be larger than 800 square feet.
  - (l) Temporary subdivision sales office located within an approved subdivision which shall sell only properties within that subdivision.
- (4) STANDARDS: Land divisions in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:
- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:
    1. The provisions of the "cluster subdivision" section of the Land Division Ordinance or of the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet.
    2. In the Neahkahnie Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.070 of the Land Use Ordinance, but such lots shall not be smaller than the

minimums provided in the NK-7.5, NK-15 and NK-30 zones.

- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard setback shall be 20 feet.
- (e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.
- (g) The maximum building height shall be 17 feet west of the line shown on the zoning maps and 24 feet east of that line. (That line is approximately 500 feet east of the Beach Zone Line.)
- (h) Livestock may be located no closer than 100 feet to a residential building on an adjacent lot.



# EXHIBIT "B"



DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
Vic Affolter, Director  
(503) 842-3408

Tillamook County  
*Land of Cheese, Trees and Ocean Breeze*

201 Laurel Avenue  
Tillamook, OR 97141  
1-800-488-8280  
FAX #842-2721

March 2, 1994

TO: Board of Commissioners  
Planning Commission  
Other Interested Persons

FROM: Vic Affolter

RE: Proposed Creation of NK-7.5, NK-15 and NK-30  
Zones Within the Current Neahkahnie Community  
Growth Boundary South of Highway 101

## SUMMARY

The planning area within the current Neahkahnie Community Growth Boundary consists of approximately 365 acres. This area contains 495 parcels, 332 ownerships and 245 residences.

The proposed creation of three new zones (NK-7.5, NK-15 and NK-30) is the product of an 18-month planning process in Neahkahnie. These zones provide new minimum lot sizes and permitted uses for the community. A substantial majority of those who were involved with the process supported the following two primary objectives:

- (1) Limit permitted uses to those that are most suited for a coastal community that wishes to maintain a primarily single-family residential character.
- (2) Provide for minimum lot sizes that bring the zones' permitted density and ultimate buildout more in line with what is actually physically possible for an area with varying terrain, and other physical constraints.

These outcomes will greatly assist planning for the Neahkahnie community, including a more precise projection of demand for such services as sewer, water, road improvements and other utilities.

## PROCESS

This planning process began with my participation in a September, 1992 Neahkahnie Community Club meeting that featured a discussion of community land use issues and concerns. More than 100 persons attended that meeting. Strong support was expressed for a process that involved the community in identifying needed changes in the land use regulations that affect Neahkahnie. There was agreement that a representative "task force" would be formed to work with me in identifying and addressing community land use issues.

Howard Harris, who was then the Neahkahnie Community Club president, consulted with other citizens to form a five-person Neahkahnie Land Use Task Force with himself as Chair. Mr. Harris is a retired school administrator. The other members are (or were) Tom Ayres (architect), Marylyn Facchini (realtor), Richard Hehn (MD), and Gordon King (retired Hampton Lumber executive). This Task Force was involved in every step of the 18-month planning process, including the formulation of the final proposals.

The development of digitized mapping and a community questionnaire were important first steps in formulating the proposals for Neahkahnie. The creation of the digitized mapping was made possible in part by a \$5,000 dispute resolution grant from LCDC in early 1993. This mapping was done in an Autocad format that shows existing parcelization, current development, drainages and topography (slope) at 20' contours. The resulting maps were produced at a 1" = 200' scale for evaluation of terrain and existing development and for display at public meetings.

A subcommittee of the Task Force (Harris and Ayres) was assisted by Ron Larson, PE, of Handforth Larson and Barrett Engineering in Manzanita in the evaluation of the maps and the development of proposed density (minimum lot size) designations that are based upon physical constraints. This was accomplished on a voluntary basis (no monetary compensation) at Friday afternoon meetings over a period of several months. Their product would have cost in excess of \$25,000 had it been contracted to a private firm.

A land use questionnaire was developed by the Task Force and mailed in March, 1993 to all 332 property owners in the community. The questionnaire was designed to obtain information on the respondent's property (size and extent of development) and their preferences for development density and permitted uses in

Neahkahnie. The response rate was about 50 percent, with many providing additional written comments. Responses indicated that a substantial majority (82%) want to see permitted development densities based upon physical constraints. There was also strong support for eliminating some of the uses that are permitted by the current R-1 zoning. These preferences were taken into account as much as possible in formulating the uses that are permitted in the NK zones.

Additional public meetings were held in the community on May 8, 1993, December 4, 1993 and January 29, 1994 to discuss the results of the questionnaire and the evolution of the land use proposals. Public notice, containing substantial information, was mailed prior to each of these meetings to assure informed participation. Attendance at the May and November meetings exceeded 100 persons, with about 50 attending the January meeting.

#### PRODUCT

The principle product of this planning effort is a proposed set of three new zones for Neahkahnie (NK-7.5, NK-15 and NK-30). The only difference in these zones is the minimum size requirements for the creation of new lots. The proposed new minimums are 7,500 square feet for the NK-7.5 zone, 15,000 square feet for the NK-15 zone, and 30,000 square feet for the NK-30 zone. (The current minimum lot size for all of Neahkahnie is 7,500 square feet within the current R-1 zone.)

The uses that are permitted in the proposed new zones are somewhat more restrictive than those permitted by the current R-1 zone. The principle changes are as follows:

- (1) Some uses that were permitted either outright or conditionally have been deleted because they weren't supported by respondents to the questionnaire. These include duplexes, cottage industries, golf courses, temporary real estate offices, cemeteries, and foster family homes and residential care facilities for six or more persons.
- (2) Home occupations are permitted but with substantial additional restrictions assuring that there be no external manifestations of a business. This permits home office activities that have been encouraged by new computer technology.
- (3) Bed and breakfast facilities continue to be permitted as a conditional use, but are limited to four guests at a time. (The previous limit was 15.)

Proposed Creation of NK-7.5, NK-15 and NK-30 Zones

Page 4

March 2, 1994

- (4) Duplexes are deleted, but accessory apartments are permitted as conditional uses subject to specific limitations and a public review process.
- (5) Height restrictions are maintained essentially as they are currently, with a fixed line drawn on the zoning map which shows which parcels are subject to the 17-foot restriction and which may have structures up to 24 feet. There are a few parcels north of Pirates Bluff Subdivision which now fall completely within the 24-foot area where previously a portion was restricted to 17 feet. This change will not affect anyone's viewshed.

VA:ns



# Siskeyville Community Plan Tillamook County, Oregon

December 18, 2002

Tillamook County Board of Commissioners

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Tillamook County Planning Commission

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# Executive Summary

## Planning Overview

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. The Rural Communities Rule (OAR 660-22) requires planning for Unincorporated Communities. Siskeyville is classified as a Rural Community, one of twelve Unincorporated Communities in Tillamook County that meet the state's criteria. As part of its Periodic Review, The Tillamook County Department of Community Development has undertaken planning for each of these communities. Planning for four of the county's five Urban Unincorporated Communities occurred first, in the late 1990's.

Planning for Siskeyville and the county's four other Rural Communities, Rural Service Center, and remaining Urban Unincorporated Community began in 2000, with the adoption of Unincorporated Community Boundaries. In March and April of 2002, Community Development staff conducted a Community Survey by mail and held a Community Meeting in Siskeyville. The complete results of these community involvement measures are in Appendix B.

## Community Profile

Siskeyville is a small community located approximately eight miles east of the town of Tillamook on Oregon Highway 6. It is a linear community consisting mainly of lots adjoining the highway and the northern bank of the Wilson River. Siskeyville is a quiet community, which takes pride in nearby natural resources such as the Wilson River and State and private forests.

## Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff identified community goals for Siskeyville:

**Goal 1:** Siskeyville will be an attractive, safe and clean small town.

**Goal 2:** Siskeyville surrounded by outstanding protected natural resources.

Each goal is supported by several County policies.

## Community Zoning

Siskeyville consists of (133) acres zoned Community Single Family Residential (CSFR) and 18 acres zoned Community Commercial (CC).

# Chapter 1: Planning Overview

## 1.1 The Planning Process

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990' s. A court decision ruled that Oregon counties had to plan for their unincorporated communities. The Oregon Land Conservation and Development Commission adopted the Rural Communities Rule (OAR 660-22) in 1994 in order to comply with the ruling of the court.

Tillamook County has identified twelve Unincorporated Communities that meet the state' s criteria. Siskeyville has been classified as a Rural Community. The other communities identified in the county are:

### Urban Unincorporated Communities:

- Neahkahnie
- Netarts
- Oceanside
- Pacific City
- Barview-Watseco-Twin Rocks

### Rural Communities:

- Beaver
- Cloverdale
- Hebo
- Idaville
- Neskowin

### Rural Service Center:

- Mohler

The Tillamook County Department of Community Development has undertaken planning for each of these communities. The department has included these efforts as part of its periodic review tasks. Planning for five of the county' s Urban Unincorporated Communities occurred first, in the late 1990' s. Each Urban Unincorporated Community went through a separate planning process guided by a committee in each community. Planning for four of the county' s five Rural Communities, one Rural Service Center and remaining Urban Unincorporated Community began in 2000. The planning processes involved in creating and adopting the Unincorporated Community Boundaries and Community Plans are detailed in the rest of this chapter.

## 1.2 The Unincorporated Community Boundary

The Unincorporated Community Boundaries for Siskeyville and the other Rural Communities were determined through a public process in 2000 and 2001. The County adopted the boundaries in 2001. Siskeyville' s adopted Unincorporated Community Boundary contains approximately 151 acres of land. Appendix A contains maps of the Unincorporated Community Boundary.

## 1.3 The Community Survey

In March and April of 2002, Community Development staff conducted a community survey. All registered property owners within the Unincorporated Community Boundary received a survey in the mail. The survey asked four questions of residents:

1. What do you feel is the most important issue facing Siskeyville?
2. What one thing would you like to change about Siskeyville in the next 20 years?
3. What is your favorite thing about Siskeyville?
4. What is your least favorite thing about Siskeyville?

59 surveys were mailed out to property owners and staff and community members distributed additional surveys. 4 surveys were returned to Community Development. Appendix B contains the responses in detail. The most popular themes to come out of the surveys are summarized below:

*What do you feel is the most important issue facing Siskeyville?*

The majority of responses were directed toward maintaining a small town atmosphere with limited government control. Respondents would like to see the natural resources of the area protected.

*What one thing would you like to change about Siskeyville in the next 20 years?*

Respondents commented that they would like things to remain relatively the same but with a little more culture. Many would like to see the name of the community changed, perhaps to Shengri-La.

*What is your favorite thing about Siskeyville?*

Many of the responses focused on the natural character of the surrounding area, followed by Siskeyville' s location and lack of "Dairy Air." One of the favorite things is the peace and quiet of the area.

*What is your least favorite thing about Siskeyville?*

Responses continued to focus on the name of the community, speeding of traffic, jake brakes and the lack of services such as fire and police presence in the area.

## 1.4 Community Open House

On May 7, 2002, Community Development staff held an open house for the Siskeyville community to discuss the community plan. Staff held the open house at the Alice' s Country House in Siskeyville. Staff notified citizens of the open house through a mailing to all property owners within the Unincorporated Community Boundary along with a community survey and advertised a notice in the Tillamook Headlight-Herald Newspaper. (see section 1.2). Approximately seventeen people from the community and nearby area attended the meeting.

At the meeting, staff briefly introduced those present to the process, and solicited suggestions. Staff opened the meeting up to comments and discussion about Siskeyville. Some topics discussed were:

Criteria for Unincorporated Community designation

Water and sewer service

Highway traffic and maintenance

Commercial development

# Chapter 2: Community Profile

## 2.1 Historic Information

Siskeyville grew up along the banks of the Wilson River as a stop along the Wilson River Highway. The highway was first constructed in the early part of the 20<sup>th</sup> century. Siskeyville, which has been called Shengri-La in the past, developed to serve travelers passing through as well as the timber industry. Today, Siskeyville still serves travelers and the timber industry working in the surrounding forests.

## 2.2 Community Form

The community of Siskeyville is located north of the banks of the Wilson River approximately 8 miles east of the town of Tillamook along Highway 6. Highway 6 is one of the main eastern routes out of Tillamook County. Highway 6 connects into US Highway 101 in Tillamook, which is the main north/south route through Tillamook County. Highway 6 is a major route for commerce and tourists traveling to and from Tillamook County. East of Siskeyville towards the pass of Highway 6, the highway is located along active slide areas, which have been known to close the highway for several months.

The Wilson River is due east of Siskeyville and flows westwards. The Wilson River defines the southern boundary of Siskeyville. The Wilson River has a channel greater than fifteen (15) feet and there is a fifty (50) foot riparian protection setback for development along the river bank. There are several small tributaries which flow through the community and into the Wilson River. Fern Creek, Slide Creek, Smith Creek and Jack Creek are each less than fifteen (15) feet wide at the channel. This requires a minimum of a fifteen (15) foot riparian protection setback.

The Wilson River has been known to periodically flood over its banks. Development along the river or along one of the tributaries could potentially be subject to flood or other natural hazards associated with flood events. The Flood Insurance Rate Map, Community-Panel Number 410196-0200 A, effective August 1, 1978 shows the potential flood hazard areas.

There are no railways to Siskeyville.

The Tillamook County Sheriff's Office and the Oregon State Police provide service and protection to Siskeyville. The Tillamook Fire District provides fire protection to Siskeyville. Tillamook County General Hospital provides ambulance and hospital services to the community. School services are provided by the Tillamook School District #9.

Public utility services for Siskeyville are limited due to the location of the community and the topography of the area. Power is provided by the Tillamook People's Utility District (PUD), phone service is provided by Sprint. Recently a Fiber Optic line was placed through the community along Highway 6. The domestic water supply is provided by on-site wells on each individual parcel. Sanitary disposal is provided by on-site septic systems.

There are approximately 151 acres within the Siskeyville Unincorporated Community Boundary. The zones changing with adoption of this plan are Rural Residential (RR), which will change to Community Single Family Residential (CSFR), and Neighborhood Commercial (C-1) which will change to Community Commercial (CC). 133 acres are zoned CSFR with the remaining 18 acres designated as CC. Commercial uses in Siskeyville include a small store, restaurant and nursery. The residential areas are rural in character. Large lots are common.

## 2.3 Economics

Siskeyville' s economy, like that of the rest of the county, rests primarily on the tourism industry. Siskeyville area businesses rely on the traffic flow from Highway 6 tourists, recreationalists who fish the Wilson River for Steelhead or Salmon or who hunt deer and elk on nearby forest land.

## 2.4 Buildable Land

Tillamook County completed a Buildable Lands Inventory in 2001. The information gathered during the inventory process provides the County with an estimate of how much more residential development can occur within the Unincorporated Community Boundary.

Within the community' s 133 acres of residential land, there are 54 parcels, 41 of which are developed. Within the community' s 18 acres of commercially zoned land, there are 13 parcels, 8 of which are developed. Assuming a minimum lot size of 20,000 square feet, 239 more residential parcels could be created. Adding the 239 current possible residential lots and multiplying the by standard 0.75 coefficient, the Buildable Lands Inventory determined that 179 potential residential lots could be developed in Siskeyville. A smaller minimum lot size would allow for a greater number of potential lots.



## Chapter 3: Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified four community goals for Siskeyville. Each of these goals is supported through specific policies that the county should work toward implementing in all its activities.

**Goal 1:** Siskeyville will be a safe, quiet rural community.

**Goal 2:** Siskeyville will be surrounded by outstanding protected natural resources.

**Goal 1:** Siskeyville will be a safe, quiet rural community.

**Policy 1.1:** The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Siskeyville in their community-building activities.

**Policy 1.2:** The County will work with community groups and organizations, business and property owners and agencies to improve the general safety of Siskeyville.

**Policy 1.3:** The County will work with the Oregon Department of Transportation to improve the function of Highway 6 within Siskeyville in order to make auto and truck traffic travel at appropriate speeds and improve safety for pedestrians and bicyclists.

**Policy 1.4** The County recognizes the small rural town character of Siskeyville and will work with community groups and organizations, business and property owners and agencies to maintain and preserve the small rural community character.

**Goal 2:** Siskeyville will be surrounded by outstanding, protected natural resource lands.

**Policy 2.1:** The County will continue to protect productive farmland/forest lands surrounding Siskeyville from non-agricultural development.

**Policy 2.2:** The County will work with the U.S. Forest Service and other agencies, groups and organizations to conserve and improve outdoor recreational activities near Siskeyville.

# Chapter 4: Community Zoning

Siskeyville has two zoning designations. They are the Community Single-Family Residential (CSFR) zone and a Community Commercial (CC) zone. There are approximately 133 acres of CSFR and 18 acres of CC zone.

Inventory of Residential Lands for Siskeyville  
(Based on Data from June 2001)

<b>Zoning</b>	<b>CSFR</b>	<b>CC</b>	<b>TOTAL</b>
1 How many acres are in this zone?	133	18	<b>151</b>
2 What is the zone's minimum lot size?	20,000 sq. ft.	*	*
3 How many lots exist there now?	54	13	<b>67</b>
4 How many lots are developed now?	41	8	<b>49</b>
5 How many residential lots are vacant? (Row 3 - Row 4)	13	*	<b>13</b>
6 How many more new residential lots could be created?	226	*	<b>226</b>
7 What is the gross total of potential residential lots that could be developed? (Row 5 + Row 6)	239	*	<b>239</b>
8 What is the net total of potential residential lots that could be developed?(Row 7 X 0.75)	179	*	<b>179</b>

\* *Not Applicable*

## Constraints on Development

Siskeyville has few geological constraints to residential development, and almost all parcels adjoin Highway 6 and thereby have good access. The main constraint to development is a lack of infrastructure: Siskeyville has neither community water nor a community sewer system.

## Public Services and Facilities

All sanitation is provided by onsite sewage treatment systems. Water for most properties is taken from individual wells.

## Development Patterns and Potential

In terms of vacant land, Siskeyville has a very large potential for development. Although many of its CSFR lots have some development, many of those lots are quite large and could be divided. Of the 54 lots in the community, 22 exceed one acre. One property has 35 acres. These large and mostly undeveloped lots have a combined area of 115 acres. As a result, Siskeyville's CSFR lands have a gross potential for more than 200 new residential lots.

In addition, the CC zoning on Siskeyville's 18 acres of commercial lands allows residential development. Several of these commercially zoned lots are vacant or large enough to be divided.

Counting only its residentially zoned lands, Siskeyville has a gross potential for 239 residential lots. Assuming that constraints would limit develop on 25 percent of those lands, the net potential for residential development is 179 lots.

The purpose of the Community Single-Family Residential (CSFR) zone is to provide for the creation and use of small acreage residential homesites. Land that is suitable for Community Single Family Residential use has limited value for farm or forest use; it is physically capable of having homesites on small parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource zoned properties for resources production purposes. In Siskeyville the allowable parcel size is 20,000 square feet.

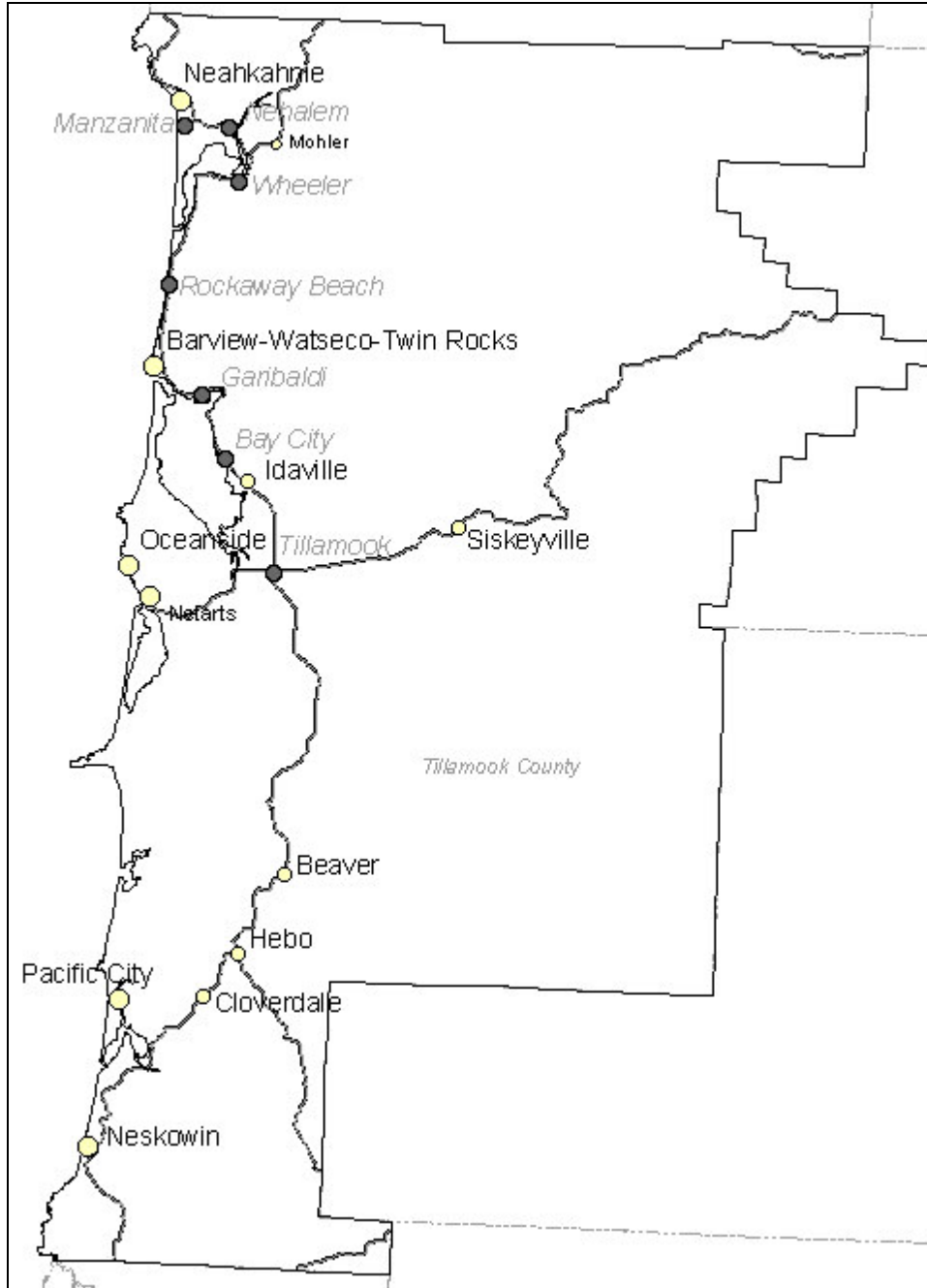
The purpose of the Community Commercial (CC) zone is to permit a moderate level of commercial activities to serve the commercial need of neighborhoods, rural areas, and tourist area. Commercial uses in the CC zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas.

The zoning surrounding the community of Siskeyville is predominantly resource land. To the north and south of Siskeyville' s Unincorporated Community Boundary the zoning is Forest (F). At the western boundary the zoning is designated as Farm (F-1) and on the eastern boundary the zoning is Farm (F-1) and Small Farm and Woodlot 20-acre zone (SFW-20).

Due to the resource land, expansion and rezoning of the Unincorporated Community Boundary would be very difficult. There has been one request for a zone change from CSFR to CC within the Unincorporated Community Boundary. The parcel is located at 17050 Wilson River Highway, Tax Lot 1800, Section 8DC, Range 8 West, Township 1 South, Willamette Meridian. The parcel is approximately .5 acre in size. The parcel abuts existing CC zoned land. The parcel has historically operated as a commercial use but has retained the CSFR zone designation.

# Appendix A: Maps

Sections 8, 9 and 17 of Township 1 South, Range 8 West



## Appendix B: Community Survey Results

What is the most important issue facing Siskeyville?

- To remain a rural community or not.
- DLCD and State politicians trying to confiscate our streams and riverside lands on pretext of adhering to "Goal 5" Fish don' t nest on riverbanks or climb trees. They don' t need 50' to 75' setbacks.
- Defining the future characteristic of the community. It think the important issues here in this valley is protecting the old growth stands on the surrounding mountains, they' re quite rare in this area.
- I don' t know if there is one.

What one thing would you change about Siskeyville in the next 20 years?

- Nothing.
- Well, it really needs a bit of cultural flavor, perhaps an art gallery?
- Get rid of the ugly sounding, erroneous designation name of "Siskeyville"!!! "Shangri-la" used to appear on maps designation this area, due to country house café owners, the Shenks, who called their place "Shengri-La" (or some such spelling), according to (Deceased Postal Carrier) Glen Barber who delivered mail here.
- Nothing, it' s fine the way it is.

What is your favorite thing about Siskeyville?

- Being out in the country.
- Definitely the fairly unwrapped nature of the surrounding mountain forest. It' s beautiful as it is an we hop it can remain unlogged.
- Privacy, lack of obnoxious populace, lack of "Dairy Air," Road-blocking landslides up-river where we actually had some quiet nights once.
- Peace and quiet.

What is your least favorite thing about Siskeyville?

- The speed of traffic on the highway.
- The name.
- High taxation for few services like lackadaisical sheriff & state police coverage and response. Too high speed limit on Highway 6 between mile post 8 and 9. Jake breaking truckers!
- I don' t have a least favorites.

# Appendix C: Community Zoning

## SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)

- (1) **PURPOSE:** The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.
- (2) **USES PERMITTED OUTRIGHT:** In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the CSFR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to CSFR/PD zoned property located within a community growth boundary.

- (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.
- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (l) Public utility facilities, including substations and transmission lines.
- (m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (o) Rural industries on a contiguous ownership of 10 or more acres.
- (p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.
- (q) Foster family homes accommodating six or more children or adults.
- (r) Bed and breakfast enterprise.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

- (u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (v) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 for permitted uses.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (g) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:
    - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    - 2. The property has been taxed at the farm use rate during three of the past five year.
    - 3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
  - (h) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on



the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

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### SECTION 3.022: COMMUNITY COMMERCIAL ZONE (CC)

- (1) **PURPOSE:** The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC-2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.
- (2) **USES PERMITTED OUTRIGHT:** In the CC zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General and specialty retail trade establishments.
  - (b) Personal and business services such as barbers, tailors, printers, funeral homes, shoe repair shops, upholsterers, and cleaners.
  - (c) Business, government, professional, and medical offices; financial institutions; and libraries.
  - (d) Animal hospitals, kennels and similar animal boarding facilities.
  - (e) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, and fast food restaurants.
  - (f) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical, and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (g) Shopping centers.
  - (h) Warehousing, including mini-storage.
  - (i) Eating and drinking establishments.
  - (j) Lodges, clubs, or meeting facilities for private organizations.
  - (k) Motels, hotels, and cabin camps.

- (l) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.
  - (m) Mobile or manufactured homes or recreational vehicles used during the construction or placement of a use for which a building or placement permit has been issued.
  - (n) Community meeting buildings and associated facilities.
  - (o) Schools.
  - (p) Water supply and treatment facilities.
  - (r) Off-site advertising signs.
  - (s) Dwelling units accessory to an active commercial use, when located above the first story.
  - (t) Bed and breakfast enterprises.
  - (u) Swimming.
  - (v) Public park and recreation uses.
  - (w) Temporary produce stand- Not to exceed 45 days.
- (3) USES PERMITTED CONDITIONALLY: In the CC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) One or two-family dwelling not associated with an active business.
  - (b) Light industries.
  - (c) Multifamily dwellings, including townhouses, and condominiums.
  - (d) Mobile home or recreational vehicle.
  - (e) Hospitals, sanitariums, rest homes, and nursing homes.
  - (f) Fire and ambulance stations.
  - (g) Utility substations and power transmission lines.
  - (h) Towers for communications, wind energy conversion systems, or structures having similar impacts.

- (i) Commercial amusement or entertainment establishments.
  - (j) Sewage treatment plants.
  - (k) Recreational campground.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Temporary mobile kitchen units.
  - (n) Mixed Use Developments subject to Section 4.130.
  - (o) Mobile/Manufactured Home Park.
  - (p) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (q) Car wash.
  - (r) Outdoor Retail
- (4) STANDARDS: Land divisions and development in the CC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the R-3 zone.
  - (b) In the CC zone, motels, hotels, and cabin camps shall be considered a commercial use.
  - (c) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.
  - (d) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b)
  - (e) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.

- (f) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (g) Buildings shall not exceed 45 feet in height.
- (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (i) Maximum Floor Area Per Use: Individual uses shall not exceed 4,000 square feet of gross floor area.

# Mohler Community Plan Tillamook County, Oregon

December 18, 2002

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# Executive Summary

## Planning Overview

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990's. The Rural Communities Rule (OAR 660-22) requires planning for Unincorporated Communities. Mohler is classified as a Rural Service Center. As part of its Periodic Review, The Tillamook County Department of Community Development has undertaken planning for Mohler and eleven other Rural Communities. Planning for four of the five county's Urban Unincorporated Communities occurred first, in the late 1990's.

Planning for Mohler, the county's five Rural Communities and remaining Urban Unincorporated Community began in 2000, with the adoption of Unincorporated Community Boundaries. In March and April of 2002, Community Development staff conducted a Community Survey by mail and held a Community Meeting in Mohler.

## Community Profile

Mohler is the smallest Unincorporated Community in Tillamook County and is considered a Rural Service Center because it provides services for local residents and residents from other communities. Mohler is located approximately 17 miles north of the town of Tillamook on the Nehalem River, near the junction of Highways 101 and 53.

## Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff identified a community goal for Mohler:

**Goal 1:** Mohler will be an attractive, safe and clean small town.

The goal is supported by several County policies.

# Chapter 1: Planning Overview

## 1.1 The Planning Process

Planning for unincorporated communities in Tillamook County began with changes in the state land use rules in the early 1990' s. A court decision ruled that Oregon counties had to plan for their unincorporated communities. The Oregon Land Conservation and Development Commission adopted the Rural Communities Rule (OAR 660-22) in 1994 in order to comply with the ruling of the court.

Tillamook County has identified twelve Unincorporated Communities that meet the state' s criteria. Mohler has been classified as a Rural Service Center. The other communities identified in the county are:

### Urban Unincorporated Communities:

- Neahkahnie
- Netarts
- Oceanside
- Pacific City
- Barview-Watseco-Twin Rocks

### Rural Communities:

- Beaver
- Cloverdale
- Hebo
- Idaville
- Neskowin
- Siskeyville

The Tillamook County Department of Community Development has undertaken planning for each of these communities. The department has included these efforts as part of its periodic review tasks. Planning for four of the county' s five Urban Unincorporated Communities occurred first, in the late 1990' s. Each Urban Unincorporated Community went through a separate planning process guided by a committee in each community. Planning for the county' s five Rural Communities, one Rural Service Center and remaining Urban Unincorporated Community began in 2000. The planning processes involved in creating and adopting the Unincorporated Community Boundaries and Community Plans are detailed in the rest of this chapter.

## 1.2 The Unincorporated Community Boundary

The Unincorporated Community Boundaries for Mohler and the other Rural Communities were determined through a public process in 2000 and 2001. The County adopted the boundaries in 2001. Mohler' s adopted Unincorporated Community Boundary contains approximately 8 acres of land. Appendix A contains maps of the Unincorporated Community Boundary.



### 1.3 The Community Survey

In March and April of 2002, Community Development staff conducted a community survey. All registered property owners within the Unincorporated Community Boundary received a survey in the mail. The survey asked four questions of residents:

1. What do you feel is the most important issue facing Mohler?
2. What one thing would you like to change about Mohler in the next 20 years?
3. What is your favorite thing about Mohler?
4. What is your least favorite thing about Mohler?

Nine surveys were mailed out to property owners and staff and community members distributed additional surveys. No surveys were returned to Community Development.

### 1.4 Community Open House

On May 9, 2002, Community Development staff held an open house for the Mohler community to discuss the community plan. Staff held the open house at the Nehalem Bay Winery, in Mohler. Staff notified citizens of the open house through a mailing to all property owners within the Unincorporated Community Boundary along with a community survey and advertised a notice in the Tillamook Headlight-Herald Newspaper. (see section 1.2). Approximately three people from the community and near by area attended the meeting.

At the meeting, staff briefly introduced those present to the process, and solicited suggestions. Staff opened the meeting up to comments and discussion about Mohler.

Conversation with the local citizens consisted of talking about the history of the community, what they liked and disliked about the Mohler and what they would like to see in the future. The common theme, was that everyone likes the current small quite rural character of Mohler. Residents enjoy the quietness and slow pace of life.

# Chapter 2: Community Profile

## 2.1 Historic Information

Mohler was developed when the railroad was built, linking Tillamook to Hillsboro. The railroad was completed in 1911 and there was daily activity along the line. Mohler was named in memory of A.L. Mohler, a prominent railroad official and one-time president of the Union Pacific. The Mohler cheese factory was one of the early predominant businesses in town, however the cheese factory went out of business and the building now houses the Nehalem Bay Winery. The Mohler Co-Op is another long time establishment serving the community

## 2.2 Community Form

The community of Mohler is approximately seventeen miles north of the town of Tillamook. Highway 53 goes through the community and is located approximately one mile from Highway 101 which is a major North/South route that begins in Washington and ends in California. Highway 53 is a well-traveled highway that connects Highway 101 to Highway 26.

The community is located just west of the Nehalem River. Portions of the community are located within an numbered "A" zone floodplain. The floodplain area is the portion of the community north of the Port of Tillamook Bay Rail Road. The Flood Insurance Rate Map Community Panel Number is 41096 0020 A, Effective August 1, 1978. This area has flooded in the recent past and future development of buildings should be built to flood standards and codes.

Through the community, running west by southeast is an active railway, the Port of Tillamook Bay Railroad. The Port of Tillamook Bay owns and operates the rail line and there are currently no established stops within the community. The community is not close enough to Nehalem Bay for commerce via water.

The Tillamook County Sheriff' s Office provides police service and protection to Mohler. The Nehalem Rural Fire Protection District provides fire protection. Tillamook County General Hospital provides ambulance and hospital services.

Public utility services for Mohler are limited due to the location of the community and the topography of the area. Power is provided by the Tillamook People' s Utility District (PUD), Phone service is provided by Sprint. Recently a fiber optic line and a water main line for the City of Manzanita was placed through the community along Highway 53. Domestic water is currently supplied by on-site wells. The City of Manzanita is working on a new master plan and in the future is may be possible for Mohler to connect to the water system. Sanitary disposal is provided by on-site septic systems.

There are approximately 8 acres within the Mohler Unincorporated Community Boundary. Currently 3 of these 8 acres are designated as Community Single Family Residential (CSFR) areas. The remaining 5 acres are designated as Community Commercial (CC) zone. The predominate Commercial uses in Mohler are Nehalem Bay Winery and the Mohler Co-Op Store. The residential areas are rural in character. Large and small lots are common in Mohler.

## 2.3 Economics

Mohler economy is primarily based upon local residents and tourists who buy items from the local winery and Co-Op store. For other needs, residents travel to other nearby communities such as Wheeler, Nehalem or Tillamook.

## 2.4 Buildable Land

Tillamook County completed a Buildable Lands Inventory in 2001. The information gathered during the inventory process provides the County with an estimate of how much more residential development can occur within the Unincorporated Community Boundary.

Within the community's 8 acres of residential land and community commercial land , there are 15 parcels, 7 of which are developed. Assuming a minimum lot size of 20,000 square feet, 3 more residential parcels could be created. Adding the current potential residential lots 3 and multiplying the by standard 0.75 coefficient, the Buildable Lands Inventory determined that 2 potential residential lots could be developed in Mohler. A smaller minimum lot size would allow for a greater number of potential lots.

## Chapter 3: Community Goals and Policies

With the input of residents and other stakeholders through the community survey and community meeting, and with an understanding of the current state of the community, staff has identified a community goal for Mohler. Each of these goals is supported through specific policies that the county should work toward implementing in all its activities.

**Goal 1:** Mohler will be an attractive, safe and clean small town.

Goal 1: Mohler will be an attractive, safe and clean small town.

Policy 1.1: The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Mohler in their community-building activities.

Policy 1.2: The County will work with community groups and organizations, business and property owners and agencies to improve the general appearance of Mohler.

Policy 1.3: The County will work with the Oregon Department of Transportation to improve the function of Highway 53 within Mohler to improve safety for autos, pedestrians and bicyclists.

Policy 1.4: The County recognizes the rural character of Mohler and will work with community groups and organizations, business and property owners and agencies to maintain and enhance Mohler.

## Chapter 4: Community Zoning

Mohler has two zoning designations. They are the Community Single-Family Residential (CSFR) zone and the Community Commercial (CC) zone. There is approximately 3 acres of CSFR zoned land and 5 acres of CC zoned land.

### Inventory of Residential Lands for Mohler

(Based on Data from June 2001)

<b>Zoning</b>	<b>CSFR</b>	<b>CC</b>	<b>TOTAL</b>
1 How many acres are in this zone?	3	5	<b>8</b>
2 What is the zone's minimum lot size?	20,000 sq. ft.	*	*
3 How many lots exist there now?	5	10	<b>15</b>
4 How many lots are developed now?	4	3	<b>7</b>
5 How many residential lots are vacant?(Row 3 Row 4)	1	*	<b>1</b>
6 How many more new residential lots could be created?	2	*	<b>2</b>
7 What is the gross total of potential residential lots that could be developed?	3	*	<b>3</b>
8 What is the net total of potential residential lots that could be developed? (Row 7 X 0.75)	2	*	<b>2</b>

\* *Not Applicable*

### Constraints on Development

Mohler has few constraints to development. The land is mostly flat and free of geological hazards.

### Public Services and Facilities

Mohler is served by a community water system. Sewage treatment is provided by onsite systems.

### Development Patterns and Potential

With a store, winery, gas station and shops, Mohler's commercial buildings outnumber its dwellings. The community is quite small to begin with, and its residential lands all are in small lots, most of which have been developed. The community's potential for future residential development thus is negligible.

The purpose of the Community Single-Family Residential (CSFR) zone is to provide for the creation and use of small acreage residential homesites. Land that is suitable for Community Single Family Residential use has limited value for farm or forest use; it is physically capable of having homesites on small parcels of five acres or less; and it can be utilized for residential

purposes without constraining the use of surrounding resource zoned properties for resources production purposes. In Mohler the allowable parcel size is 20,000 square feet.

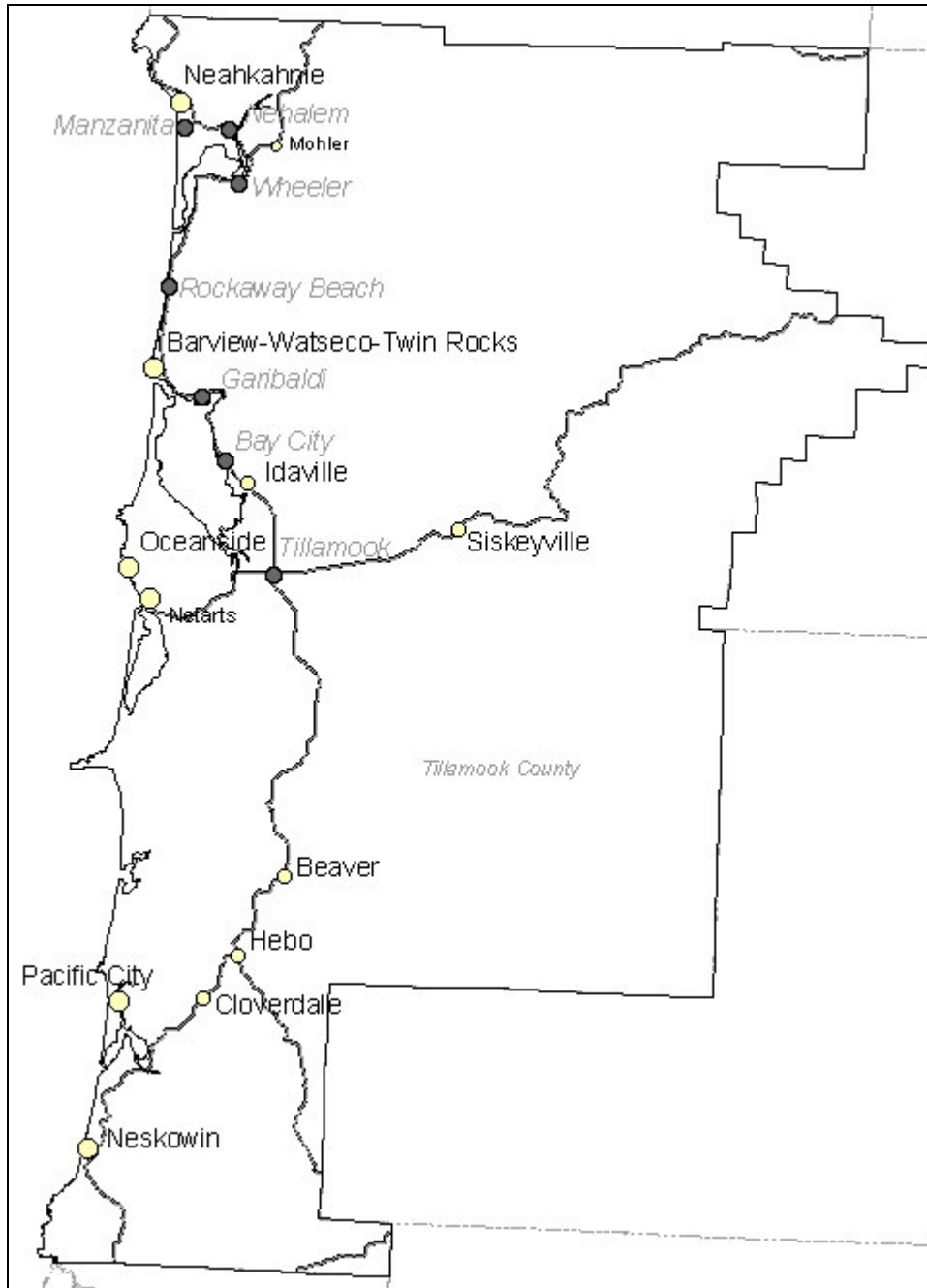
The purpose of the Community Commercial (CC) zone is to permit a moderate level of commercial activities to serve the commercial need of neighborhoods, rural areas, and tourist area. Commercial uses in the CC zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas.

The zoning surrounding the community of Mohler is predominantly resource land. To the north, east and west of the Mohler Unincorporated Community Boundary the zoning is Farm (F-1). On the southern boundary the zoning is designated as a Forest (F) zone.

Due to the resource land, expansion of the Unincorporated Community Boundary would be very difficult. The citizens of Mohler indicated they are pleased with the current zoning areas within the community boundary.

# Appendix A: Maps

Section 35 of Township 3 North, Range 10 West.



# Appendix B: Community Zoning

## SECTION 3.011: COMMUNITY SINGLE FAMILY RESIDENTIAL ZONE (CSFR)

- (1) **PURPOSE:** The purpose of the CSFR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Community Single Family Residential use is located within an unincorporated community boundary and is physically capable of having homesites.
- (2) **USES PERMITTED OUTRIGHT:** In the CSFR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the CSFR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to CSFR/PD zoned property located within a community growth boundary.



- (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.
- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (l) Public utility facilities, including substations and transmission lines.
- (m) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (n) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (o) Rural industries on a contiguous ownership of 10 or more acres.
- (p) Mobile or Manufactured Home park on a contiguous ownership of 10 or more acres.
- (q) Foster family homes accommodating six or more children or adults.
- (r) Bed and breakfast enterprise.
- (s) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (t) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

- (u) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (v) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 for permitted uses.
  - (b) The minimum lot width and depth shall both be 100 feet.
  - (c) The minimum front yard shall be 20 feet.
  - (d) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (e) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (f) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (g) Livestock can be located closer than 100 feet to a non-farm residential building on an adjacent lot only if one of the following conditions are met:
    - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
    - 2. The property has been taxed at the farm use rate during three of the past five year.
    - 3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
  - (h) No residential structure shall be located within 50 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on

the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

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### SECTION 3.022: COMMUNITY COMMERCIAL ZONE (CC)

- (1) **PURPOSE:** The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC-2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.
- (2) **USES PERMITTED OUTRIGHT:** In the CC zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General and specialty retail trade establishments.
  - (b) Personal and business services such as barbers, tailors, printers, funeral homes, shoe repair shops, upholsterers, and cleaners.
  - (c) Business, government, professional, and medical offices; financial institutions; and libraries.
  - (d) Animal hospitals, kennels and similar animal boarding facilities.
  - (e) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, and fast food restaurants.
  - (f) Sales and service activities requiring large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery, and marine craft; the storage of construction, plumbing, heating, paving, electrical, and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (g) Shopping centers.
  - (h) Warehousing, including mini-storage.
  - (i) Eating and drinking establishments.
  - (j) Lodges, clubs, or meeting facilities for private organizations.
  - (k) Motels, hotels, and cabin camps.

- (l) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.
  - (m) Mobile or manufactured homes or recreational vehicles used during the construction or placement of a use for which a building or placement permit has been issued.
  - (n) Community meeting buildings and associated facilities.
  - (o) Schools.
  - (p) Water supply and treatment facilities.
  - (r) Off-site advertising signs.
  - (s) Dwelling units accessory to an active commercial use, when located above the first story.
  - (t) Bed and breakfast enterprises.
  - (u) Swimming.
  - (v) Public park and recreation uses.
  - (w) Temporary produce stand- Not to exceed 45 days.
- (3) USES PERMITTED CONDITIONALLY: In the CC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
- (a) One or two-family dwelling not associated with an active business.
  - (b) Light industries.
  - (c) Multifamily dwellings, including townhouses, and condominiums.
  - (d) Mobile home or recreational vehicle.
  - (e) Hospitals, sanitariums, rest homes, and nursing homes.
  - (f) Fire and ambulance stations.
  - (g) Utility substations and power transmission lines.
  - (h) Towers for communications, wind energy conversion systems, or structures having similar impacts.

- (i) Commercial amusement or entertainment establishments.
  - (j) Sewage treatment plants.
  - (k) Recreational campground.
  - (l) Foster family home accommodating six or more children or adults.
  - (m) Temporary mobile kitchen units.
  - (n) Mixed Use Developments subject to Section 4.130.
  - (o) Mobile/Manufactured Home Park.
  - (p) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (q) Car wash.
  - (r) Outdoor Retail
- (4) STANDARDS: Land divisions and development in the CC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the R-3 zone.
  - (b) In the CC zone, motels, hotels, and cabin camps shall be considered a commercial use.
  - (c) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.
  - (d) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b)
  - (e) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.

- (f) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (g) Buildings shall not exceed 45 feet in height.
- (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (i) Maximum Floor Area Per Use: Individual uses shall not exceed 4,000 square feet of gross floor area.