

THE LAND USE PLAN

(Goal 2)

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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.”¹ 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.”² 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

¹ LCDC Statewide Goals and Guidelines, p. 9

² *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"¹

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.

¹ 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”.¹

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.”² 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.”³

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

¹ LCDC Statewide Goals and Guidelines, p. 24

² LCDC Statewide Goals and Guidelines, p. 24

³ 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."¹

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.² 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.

¹ Benton County Plan Review, p. 14

² 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.”¹

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.²

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

¹ Benton County Plan Review, p.15

² 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

Zone	Area Now in Zone (acres)	% of County	New Plan (acres)	% of County	Change (acres)
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.¹

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.

¹ 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
A. Earth Movement Problems	
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. Water Problems	
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
C. Other Problems	
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 Order¹ and was explained further in the policy papers for Goals 2 and 3.^{2,3} 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

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

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

³ “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.”¹

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.² 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;

¹ “Goals and Guidelines,” p. 6

² 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 Development¹ within the study area
 - (i) Very Low - Density² 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 adjacent³ land and not more than 10% of the surrounding⁴ area is committed⁵ to non-resource⁶ 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

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

² Refers to uses per acres.

³ Abutting and not separated by a major river or road.

⁴ Within 1/4 mile of the perimeter of the area.

⁵ Analysis proceeds from those areas which are committed regardless of the factor.

⁶ RR zone, Industrial zones, Commercial zones or Urban Residential zones.

- (b) Level of Urbanization Within the Region¹
 - (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:²

- (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.³
- (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.

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

² Lines are within 1/4 mile.

³ 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”¹ 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 ² |
| | a. Non-shoreland locations |
| | b. Shoreland locations |
| Priority 5: | Low quality agricultural land ³ |
| | a. Non-shoreland locations |
| | b. Shoreland locations |

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

² 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.

³ 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.¹ 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.² 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.

¹ Metropolitan Service District. "Urban Growth boundary Findings"

² 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.