

CITY OF BAY CITY
ORDINANCE NO. 704

AN ORDINANCE ADOPTING AND MAKING AMENDMENTS
TO THE BAY CITY COMPREHENSIVE PLAN, AND THE
BAY CITY DEVELOPMENT ORDINANCE NO. 374, AND
REPEALING ORD 647 AND 693.

WHEREAS, the City of Bay City (City) desires to amend The Bay City Comprehensive Plan and the Bay City Development Ordinance No. 374 (“Development Ordinance”) to adopt an updated Comprehensive Plan and Development Codes; and

WHEREAS, the amendments to the Comprehensive Plan and Development Ordinance #374 are based on a Transportation and Growth Management Grant from the Department of Land and Conservation Development (DLCD) and the Bay City Transportation and Growth Management (TGM) Code Assistance Project; and

WHEREAS, the goal of the Bay City Transportation and Growth Management (TGM) Code Assistance Project is to make recommendations for updating the Bay City Comprehensive Plan and the Bay City Development Ordinance #374, in order to remove barriers to creating a vibrant, multimodal community, consistent with the mission, goals, and objectives of the TGM program and “smart growth” principles.

WHEREAS, an amendment to the text of the ordinance is considered legislative under Section 8.060 of the Development Ordinance;

WHEREAS, Section 8.060(a) of the Development Ordinance requires the City to provide notice of public hearings for legislative amendments in accordance with Sections 10.010 to 10.030 of the Development Ordinance and to hold public hearings for legislative amendments in accordance with the procedures established in Article 10 of the Development Ordinance; and

WHEREAS, the City provided notice of the proposed amendments to the Department of Land Conservation and Development on October 5, 2023, to affected property owners citywide on October 26, 2023, published online on October 26, 2023, and in the Headlight Herald on November 1, 2023.

WHEREAS, Section 8.020 of the Development Ordinance provides the Bay City Planning Commission with authority to initiate amendments to the Development Ordinance; and

WHEREAS, Section 8.040 of the Development Ordinance requires the City Recorder to initiate an investigation into the consistency of proposed amendments with the City’s Comprehensive Plan and to provide a recommendation on whether to adopt the proposed amendments in a report to the Planning Commission; and

WHEREAS, the City completed its investigation and found consistency with Section 8.050 and Section 8.070 of the Development Ordinance, and provided a report to the Planning Commission recommending adoption of the proposed amendments on November 15, 2023;

WHEREAS, the Planning Commission held a public hearing on November 15, 2023 that satisfied the notice and procedural requirements of Article 10 of the Development Ordinance, then forwarded its recommendation to adopt the proposed amendments to the City Council, and the City Council held a public hearing on December 12, 2023 that satisfied the notice and procedural requirements of Article 10 of the Development Ordinance; and

WHEREAS, Section 8.070(a) of the Development Ordinance establishes approval criteria for legislative amendments that require such amendments to be consistent with the City's adopted Comprehensive Plan; and

WHEREAS, the City finds that the proposed amendments are consistent with Goal IX of the Comprehensive Plan because the City Planning Commission and the City Council held properly noticed public hearings on November 15, 2023 and December 12, 2023 to consider the proposed amendments and to gather and incorporate citizen input; and

WHEREAS, the City finds that the proposed amendments are consistent with the Comprehensive Plan because amended Goal II, Policy 4 will direct commercial, mixed use and higher density residential land uses toward the town center and the high intensity districts; Goal III, Policy 1 will allow a variety of housing types in the City, including single-family homes, duplexes, triplexes, apartments, cottage cluster development, middle housing, accessory dwellings, and mobile homes, to accommodate a wide range of incomes, tastes, and other desires; the Agricultural Lands Policies, Policy 1 will allow the integration of urban farming; Goal V, Policy 2 will clarify that Great Blue Heron Rookeries and wetlands are regulated by the State; Goal VI, Policy 6 and Policy 7, will provide recognition of City Recreational Areas, and potential recognition of other City-owned properties in natural areas; and Goal VIII will provide clarification of lot sizes; and recognition of all land use categories in the City, and permit the proposed amendments of the Development Ordinance; and

WHEREAS, the City finds that no other goals, policies, or provisions of the Comprehensive Plan are applicable to the proposed amendments and thus, the proposed amendments satisfy the approval criteria contained in Section 8.070(a) of the Development Ordinance; and

WHEREAS, the proposed amendments would adopt or amend the Development Ordinance in a manner that limits or prohibits land uses previously allowed in the affected zones within the meaning of ORS 227.186(9) and thus, the City provided notice to affected property owners on October 26, 2023 in the manner required by ORS 227.186(4) and 227.186(5); and

WHEREAS, at its regularly scheduled meeting on December 12, 2023, the City Council considered and voted to adopt the proposed amendments, as set forth in this ordinance.

NOW, THEREFORE, THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Amendments to the Bay City Comprehensive Plan, is hereby amended to read as follows in Attachment A.

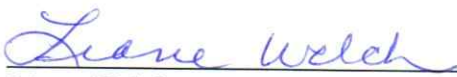
Section 2. Amendment to the Bay City Development Ordinance No. 374, is hereby amended to read as follows in Attachment B.

Section 3. Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections of subsections.

Section 4. Unamended Provisions. All unamended provisions of The Development Ordinance shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall become effective thirty days after final passage and its signature by the Mayor.

PASSED and ADOPTED by the City Council this 13th day of February, 2024, and APPROVED by the Mayor this 13th day of February, 2024.

By: 
Liane Welch, Mayor

ATTEST: 
Lindsey Gann, City Recorder

First Reading: January 9, 2024
Second Reading: February 13, 2024
Adoption: February 13, 2024
Ayes: 5
Nays: 0
Abstain: 1

THE BAY CITY COMPREHENSIVE PLAN

THE CITY OF BAY CITY COMPREHENSIVE PLAN

Enacted September 1978

With Amendments through
June 9, 2015
January 2024

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INTRODUCTION

Bay City is a community with a varied history. Although it is a residential town today, Bay City witnessed the establishment of dairy farms, the cutting of great old growth Spruce forests, the construction of the first jetty, the beginning of the salmon industry, and the growth of Tillamook County. There were expectations that Bay City would become the center of a great metropolitan area.

An early description of Bay City stated:

"Dead indeed is the soul which is not elevated and inspired by nature's masterpiece in the Tillamook Country."

And warned the reader:

"...do not conflict (Bay City) with San Francisco. ...There is no comparison now, but there will come a time when there will be competition and possibly conflict between Bay City on Tillamook Bay and the southern metropolis."

At that time (1913), Bay City was touted by its developers as "soon to be Oregon's second metropolis"; it had a "bank with a paid up capital of \$25,000, three hotels, opera house, large public wharf, two sawmills, two sash and door factories, salmon cannery, two furniture stores, drug store, food, fish and meat markets, restaurants, livery stables, confectionery stores, general stores, one weekly newspaper, two churches, a commercial club, and fraternal and other societies."

The people of Bay City today have different hopes for their town. They feel, according to one community survey, that Bay City should retain its quiet residential character, that development should take advantage of the natural environment and that growth should be planned and controlled.

It is the purpose of the Comprehensive Plan to provide the City with a guide to future growth in accordance with the desires of the citizens of the town.

A Comprehensive Plan is "a generalized, coordinated land use map and policy statement of the governing body, that interrelates all functional and natural systems and activities relating to the use of land". (ORS 197.015). It is intended to be a constitution for the City, reflecting its desires and concerns, to be used as a tool in regulating and directing the use of land.

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GENERAL GOALS AND POLICIES

GOAL I: TO MAINTAIN A HIGH QUALITY OF LIFE IN KEEPING WITH THE NATURAL ENVIRONMENT.

POLICIES:

1. The Plan and City ordinances shall promote development that complements and protects the Bay City environment.
2. These documents shall be developed to provide for flexibility in regulating growth; to direct growth into areas that can best support it, based on the physical suitability of the land, and availability of public facilities.
3. Social, environmental, and economic considerations should guide the land use decisions of the City.
4. The best use of the land is that which is best for the community at large, rather than special interests.
5. Long range benefits and costs must be considered in all planning decisions.
6. Scenic views of Bay City and Tillamook Bay shall be used and protected in the development of land.
7. The City shall promote the use of natural topography, **native vegetation** and retention of trees, compatible with development, through the City's Development Ordinance in both public and private development.
8. The desires and needs of the townspeople of Bay City shall be considered in the application of all development policies.

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GOAL II: TO ENCOURAGE A CITY FORM WHICH IS COMPACT, EFFICIENT, AND ATTRACTIVE POLICIES:

1. Public facilities and services such as sewer, water, **streets** and fire protection, shall be extended in an orderly, efficient fashion.
2. Annexations shall be carried out only where there is a clear demonstration that public facilities and services are adequate to support future development. The capacity of the City's sewage treatment plant shall be evaluated and a finding made that the annexation will not exceed that capacity. An engineering report addressing sewage capacity shall accompany each annexation application, and shall be carefully reviewed by City staff.
3. Growth or development, as a general rule, should be directed toward undeveloped lands within existing built-up areas.
4. Commercial, **mixed use and higher density residential** land uses shall be directed toward the town center, **and the high intensity districts** rather than toward highway commercial types of use.
5. The City should encourage all new power, telephonic and TV cable wires to be installed underground wherever practical.

GOAL III: TO MAINTAIN THE QUIET RESIDENTIAL NATURE OF BAY CITY.

POLICIES:

1. There shall be a wide variety of housing types **allowed** in the City, including **single-family homes, duplexes, triplexes**, apartments, **cottage cluster development, middle housing, accessory dwellings**, and **mobile manufactured** homes, to accommodate a wide range of incomes, tastes, and other desires.
2. Higher density residential development should occur where the streets, public facilities, and services are capable of handling it.
3. The physical capabilities of the land, as indicated by **on the Natural Hazards Maps** the Physical Inventory Section of the Plan, should be a controlling factor in designating the types of development that occurs. Particular attention should be paid to flood and landslide potential, steep slopes, lowlands, **and the scenic nature** of the area.
4. Flexible development approaches should be promoted to **reduce the removal of trees or the disturbance of slopes** **the impacts to the physical characteristics and native vegetation of the land**

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GOAL IV: TO SUPPORT THE EFFORTS OF TILLAMOOK COUNTY IN ATTRACTING INDUSTRY WHICH IS COMPATIBLE WITH THE ENVIRONMENT AND IS SUPPORTIVE OF THE NATURAL RESOURCES **AND CULTURE** OF THE AREA.

POLICIES:

1. Industries locating in the area should be consistent with the ~~marine orientation, agricultural, or forest~~ **cultural and environmental resources** of the area.
2. There should be a favorable ratio of jobs to investment for industries locating here; **investment for industries of all employment levels should be encouraged** ~~that is industry should be labor intensive rather than capital intensive.~~
3. Protection of the existing quality of air, water, and land should be assured prior to the establishment of any new industry in the area.

POLICIES PERTAINING TO THE PORT OF GARIBALDI, PROPERTY WITHIN THE BAY CITY, CITY LIMITS:

1. Limited recreation facilities for tourists shall be considered, but large scale tourist facilities with major impacts are not felt to be compatible with Bay City's character.
2. Any improvement of the boat launch area near the jetty shall avoid large-scale disruptive activities such as large marinas, RV or trailer parking area, and similar developments which would cause traffic hazards. The boat launch area shall remain a low-key informal facility.
3. The viewpoint at the end of Hayes Oyster Drive (The Jetty) beyond the oyster plant shall remain an undeveloped recreational site at the present time.
4. The City will work with the Port of Garibaldi in implementing the Port **Master Plan**, with the exceptions stated above concerning the boat launch area and viewpoint.

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AGRICULTURAL LANDS POLICIES:

1. The City supports the Statewide Agricultural Lands Goal and, through its development ordinances, shall protect active farms around the City from development of the encroachment of conflicting uses, **and the integration of urban farming**.
2. The City Planning Commission and City Council recognize the need to maintain the character of Bay City as a semi-rural area in which small farms and ownerships are interspersed among larger parcels and acreages; the City recognizes the traditional compatibility of these uses **but cautions against types and levels of uses detrimental to surrounding properties**.
3. The City recognizes that, although higher public facilities, energy, and general public costs result from this pattern of development, the social and environmental character of the community depend on this form, rather than a denser lot pattern. Much of this public cost has already been incurred in these areas, such as the placement of roads, sewer and water lines.

JUSTIFICATION FOR INCLUDING AGRICULTURAL LANDS IN THE URBAN GROWTH BOUNDARY

1. Much of Bay City has been built on **SCS Soils** Class III and IV soils since its beginnings as a community; ~~this land consists primarily of pasture land, although there is a mink ranch within the City limits.~~ It is the intention of the City to continue occupying these areas for development.
2. Because of its semi-rural character, there are scattered parcels of land within the City limits which fall into the SCS Soils Classification III and IV. Most of these **soils parcels** are scattered among existing developments, ~~except for a mink ranch~~ and adjacent pasture lands and the ~~Class IV Soils in the~~ fringes of the Kilchis River Basin. ~~Most of~~ These soils are interlaced with poorer soils and drainages. Development in this area can be considered essentially "infilling".
3. The portion of the proposed Urban Service Area known as Bewley's Addition, just east of the existing City limits, contains approximately 140 acres of land, approximately all of which are Class III and IV soils. Although the area is outside the City limits, it is felt that it is an important part of the City's Urban Service Area since it contains several City water lines, paved streets, and is divided into ~~approximately twenty separate~~ **multiple** ownerships. Considerable development has occurred on this land throughout the years.

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GOAL V: TO PROTECT THE NATURAL RESOURCES OF THE AREA.

POLICIES:

1. Agricultural lands in the vicinity shall only be converted to urban land use when they are necessary for the growth of the City inside the approved urban service area boundary. (Please refer to the urban growth policies.)
2. Commercial forest lands shall be protected from urban encroachment. **Large scale forest management activities that cause significant ground disturbance of areas greater than one acre shall be regulated through the conditional use process and standards in the development ordinance.** Non-commercial forest lands **or small scale commercial forest lands being converted to another allowable use** shall be regulated by the City's tree cutting ordinance. **However,** All areas with identified Great Blue Heron Rookeries and wetlands shall be regulated by **the State and** the City development ordinance.
3. The integrity of Tillamook Bay and its shorelands shall be protected through cooperation with the Tillamook County and policies in the Plan relating to shoreland uses. (Refer to Land Use section)
4. The Plan encourages land and water uses which do not degrade the quality of the Bay City environment, including its air, water, and land. The City shall have an opportunity to review any use of the Bay which has a significant impact on the community in a public hearing and to require changes where appropriate.

WETLAND GOALS AND OBJECTIVES

1. It shall be the overall goal of the Bay City Wetlands Goals and Policies to protect the important wetlands within the City's Urban Growth Boundary (UGB) and to allow development consistent with the functional values of each wetlands area. The objectives under this goal are to protect wetlands which provide wildlife habitat, particularly along the major fish bearing streams, which provide open space, flood control and pollution control or filtration areas, particularly those wetlands which have been identified as high value.
2. It is the goal of the City to promote the use of wetlands as educational and recreational resources. The objective of this goal is to enhance the wetlands values of the City Park and City owned property, and the wetlands associated with the major streams and Goose Point. This can be done through restoration projects similar to those done by Patterson Creek Pals, through the use of the areas for an outdoor interpretive area for the Tillamook County Museum, and other means of public awareness.
3. It shall be a goal of the City to require appropriate buffers from lakes and wetlands. The objective of this goal is to require reasonable buffers **(generally 25')** adjacent to wetlands bordering streams,

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and smaller buffers (generally 15') adjacent to isolated wetlands. Insignificant structures such as raised walkways or bridges should be permitted in wetlands with proper review.

GOAL VI: TO PROVIDE RECREATION OPPORTUNITIES FOR TOWNSPEOPLE AND VISITORS AND PROTECT THE OPEN SPACE AND UNIQUE AREAS OF THE CITY.

1. The City, within its financial capabilities, shall provide diverse recreational activities within the community for its residents and its visitors.
2. Opportunities for funding recreation through State and Federal sources shall be pursued by the City. Recommendation: The City should consider the establishment of a parks and recreation sinking fund in order to accumulate matching funds for state and federal programs.
3. The City recognizes the importance of providing recreational opportunities to young people as an incentive to live in the community.
4. Unique historic structures within the City, including the Methodist Church and the Masonic Temple, shall be protected from destruction, inappropriate alteration, or incompatible development in the immediate vicinity through standards in the development ordinance and review by the Planning Commission.
5. If archaeological sites are identified in the City, the City will coordinate with the State Historic Preservation Office in establishing a review procedure that meets the requirements of Administrative Rule 660-16-000 through 660-16-025.
6. **Recreational Areas shall include the following City owned park areas:**
 - a. **Al Griffin Memorial Park**
 - b. **Watt Family Park**
 - c. **Hilltop Park,**

And other areas:

 - a. **Kilchis Point Reserve**
7. **Other City owned properties could be used as recreational space including the following:**
 - a. **Property between 101 and 3rd Street, B Street and Hayes Oyster Drive for public gatherings;**
 - b. **Property north of Trade Street along the sides of the 3rd Street ROW for wetlands enhancement;**
 - c. **Property between Trade Street and A Street, 7th Street and 8th Street for wetlands enhancement.**

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GOAL VII: TO ENCOURAGE DEVELOPMENT WHICH IS PROTECTIVE OF NATURAL TOPOGRAPHY AND VEGETATION, WHICH AVOIDS NATURAL HAZARDS, AND WHICH PROTECTS THE ENVIRONMENTAL QUALITY OF THE SURROUNDING AREA.

POLICIES:

1. Development Ordinance standards shall be written to encourage high quality development that supports this goal.
2. Information contained in the Hazards Section of the Plan shall be used in the regulation of development and shall be updated as new information becomes available.
3. The City shall use the FEMA Flood Insurance program in the regulation of development in flood areas.
4. Setbacks and buffers from all streams in the City **as determined in City Ordinance #374**, shall be required for the protection of stream bank vegetation and for the prevention of flooding and erosion.
5. The City Building Official shall use information contained in the Comprehensive Plan and Development Ordinance in conjunction with Chapter 70 of the Uniform Building Code.
6. Site specific geologic hazards assessment and geotechnical engineering reports shall be a prerequisite in all areas **zoned or otherwise** identified as a geologic hazard for all exterior construction that involves ground disturbing activities, and all development applications subject to Planning Commission review under the provisions of Bay City Development Ordinance Article 5 Subdivisions, Partitions, and Planned Development.
7. Engineered stormwater, grading and erosion and sedimentation control plans shall be required for all large scale development based on standards in the development ordinance. The City shall rely on the DEQ and the Nonpoint Source Pollution Control Guidebook to regulate development which may impact streams and the Bay.
8. Development and other activities shall not encroach on streams or natural drainages reduce their ability to drain the land, or cause or increase erosion of the banks. Site specific geologic assessment and geotechnical engineering reports and site plans shall be required to mitigate potential adverse impacts.
9. Geologic assessments shall be conducted by an appropriately licensed professional geologist licensed to work in the State of Oregon using the Guidelines for Preparing engineering Geologic Reports in Oregon, adopted by the Oregon State Board of Geologist Examiners (OSBGE).

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10. Geotechnical assessments shall be conducted by an appropriate licensed professional engineer using guidelines adopted by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) standards of care for engineering practices.
11. In cases where both geologic assessments and geotechnical engineering are required, reports shall contain the signatures and stamps of both and shall define for which part each professional is responsible. The extent and detail of the reports shall be commensurate with the degree of the suspected or mapped hazard. (Amended Ord. #630, 05-07)
12. When funding opportunities are available, the City shall endeavor to relocate City Hall, the Fire Station, and other critical facilities to a disaster resilient location outside the tsunami inundation zone. (Amended Ord. #663, 14-03)
13. All uses in the City shall continuously maintain waste management and water service approved by the City. (Amended Ord. #663, 14-03)

GOAL VIII: TO PROVIDE A WIDE VARIETY OF HOUSING OPPORTUNITIES IN BAY CITY.

POLICIES:

1. Manufactured dwellings shall be permitted anywhere conventionally built single family dwellings are permitted, subject to standards in the development ordinance.
2. The minimum size building lot for new developments shall be ~~10,000~~ **5,000** square feet, ~~except that existing platted areas with 5,000 square foot lots may be developed for single family residential uses~~ **development**. Areas of unbuildable land (significant wetlands, slopes greater than 25%), shall not be used for density calculations.
3. Larger lot sizes or lower densities may be required in the Low Intensity Zone, ~~or in unplatted areas of the City.~~ **Performance Standards in the Development Ordinance shall require** an ~~regulate the specific lot size based on degree of slope,~~ amount of open space, and other factors.
4. The Development Ordinance shall provide for varying density levels and housing types in support of this goal.
5. Density incentives or bonuses shall be provided to encourage high quality housing development.
6. Planned developments and subdivisions shall be encouraged as a method of reducing housing and public facilities costs and increasing open space area. (Amended Ord. #630, 05-07)

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ADDITIONAL POLICIES

Forestry:

1. Logging and associated road construction should be allowed on a conditional use basis to insure that the City can assess its impacts on water quality, adjacent development, and geologic stability. The Oregon Forest Practices Act shall be adhered to in all cases.
2. Most of the City's **public and private** forests are among residential areas and in the City parks. The Comprehensive Plan and Development Ordinance encourage the retention of these areas for visual buffers, recreation purposes, and slope stability. Incentives should be provided to developers wishing to retain **tree cover** **native vegetation** through variable setbacks and the clustering of lots or structures. Stream and Bay setbacks shall be required for the protection of stream banks. The City's Hilltop Park, **between 9th and 14th Street along C Street**, shall remain in a natural condition.

Bicycles:

1. The Oregon Coast Bicycle Route passes through the City on U.S. Highway 101. Development along the route or changes to the Highway should be compatible with its use by bicyclists.
2. The Street Section of the Public Facilities Plan generally does not require sidewalks as part of street improvements. However, as traffic becomes heavier along City arterials and in the **commercial high intensity** areas, consideration should be given to the requirement of **sidewalks or safe pedestrian zones**. Sidewalks would be built as part of new public or private street or land development.

Energy:

1. City-owned lands north of the existing power substation should be reserved for possible expansion of power facilities. The existing substation is nearing capacity at present and additional space may be needed if electrical usage continues to increase.
2. Renewable energy sources such as solar and wind shall be encouraged as a means to conserve existing supplies. The City's Development Ordinance should allow for flexibility in design to promote these sources.
3. Building sites with good solar exposure, such as on south-facing hillsides, should be considered for the use of solar energy devices such as space heaters and water heaters. Through the use of variable height limits, setbacks, and selective tree removal solar opportunities should be taken advantage of.

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Air Quality:

1. Bay City will review all DEQ Air Quality Permits (notice of construction, air contaminant discharge permits, and indirect source construction permits) to insure their consistency with the Comprehensive Plan and shall notify DEQ when there is a conflict.

Water Quality:

1. The City shall participate in and support local and regional planning efforts to eliminate new **paint point** sources of water pollution. Standards in the Development Ordinance shall address storm water runoff controls, lot coverage, and stream and Bay setbacks.
2. The City supports the efforts of the Patterson Creek Pals and Tillamook Bay National Estuary Program (TBNEP) to improve water quality in the City's streams and to enhance Tillamook Bay's environment.

Land Quality:

1. Bay City is presently and will continue to cooperate with a County or regional solid waste disposal plan.
2. To facilitate efficient solid waste collection in the City, the City shall maintain an exclusive franchise with a private solid waste collector. Mandatory collection shall be required to discourage illegal dumping of solid waste.

Historic Structures:

1. The City will establish a review and notification procedure for historic buildings proposed for demolition or alteration.

Noise:

1. The City will cooperate with the Department of Environmental Quality to prevent noise pollution problems in the area.

Hazardous Waste:

1. The City's actions shall be consistent with State and Federal hazardous waste regulations.

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Sensitive Aquifers:

1. The City has been identified as major water table area with a sensitive aquifer by the D.E.Q. The D.E.Q. has not yet implemented this program. At the appropriate time, the City will coordinate with the D.E.Q. in the implementation of its program for water table areas with sensitive aquifers. The D.E.Q. anticipates this program may have an effect on the placement of septic tanks and underground storage tanks.

GOAL IX: TO DEVELOP A CITIZEN INVOLVEMENT PROGRAM THAT INSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

POLICIES:

1. The City Council shall act as the City's Committee for Citizen Involvement and shall insure that a cross section of Bay City citizens are involved in the planning process, primarily through their appointments to the Planning Commission. (Approved by LCDC)
2. Town meetings shall be well publicized; meetings shall be held at regular times during the evenings and minutes shall be made available to all citizens.
3. Citizens have been and shall be involved in the planning process. (Refer to the Citizen Involvement Section of the Plan).
4. All planning documents, background data, and minutes of meetings shall be available to all citizens at the City Hall.
5. The City Council and Planning Commission shall take into account the recommendations of citizens during the planning process and shall respond to participants through written minutes of meetings or other records.
6. Funds for citizen involvement purposes shall be part of each year's Planning Commission budget.

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BAY CITY - TILLAMOOK COUNTY URBAN SERVICE AREA POLICIES

POLICIES:

1. The area outside the City limits, but within the Urban Service Area of Bay City is considered a joint management area between the City and the County. Although this area is in the jurisdiction of Tillamook County, all actions shall be coordinated between the County and the City. These include subdivision requests, planned developments, sewer or water extensions, septic tank requests, street or road construction, zone changes, variances, and similar activities.

The substantive portions of the Bay City Comprehensive Plan and Development Code shall be applicable to all planning actions in the joint management area. It shall be the responsibility of the County to notify the City of all activities within the Urban Service Area and to solicit the City's comments and recommendations. Any actions the City takes, such as sewer or water extensions, shall also be carried out only after the County has had the opportunity to review and comment on the proposal. Procedure for review shall be as follows:

- A. The County shall give the City a written notification of a proposed application or action within five (5) working days of the receipt of the **completed** application.
 - B. In turn, the City's recommendation shall be given to the County with fifteen (15) days of receipt of the proposed application or action.
 - C. If additional time is required by the City to respond, the City will notify the County of the period of time needed to finalize a decision.
2. It is the intent to encourage cluster or planned unit developments where excessive slopes (20% or greater) or geologic hazards limit buildable sites. Additionally, for those areas that have excessive slopes and/or constitute a geological hazard, the proposed development shall be keyed to the degree of hazard and to the limitation on the use imposed by such hazard. In addition:
 - A. Care shall be taken to minimize excavation on hillsides or removal of trees or other natural vegetation to insure slope stability. All slopes shall be planted as soon as practical after construction.
 - B. Depending on the location of a structure on steep slopes, provisions shall be made for the disposal of roof and surface water, whether on-site or in approved drainage ways such as ditches, storm sewers, or natural waterways.

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- C. Due to the steep topography of some of the Urban Service Area, site investigation by qualified persons may be required prior to the issuance of building permits. Subdivision and PUD proposals shall be subject to the same evaluation prior to final plat approval.
- 3. Planned developments or subdivisions shall be allowed only if adequate water or sewer capacity is available for the proposed density.
- 4. Septic tanks or individual treatment systems may be allowed if the City Council finds that connection to the sewer system is prohibitively expensive or other good reason exists. This would only be allowable on a single lot basis and individual systems must be approved by the County Sanitarian.
- 5. Sewer service shall be extended only to those areas which are annexed.
- 6. Annexation and changes in the Urban Service Area shall be done only with the mutual finding that the following factors are considered:
 - A. There is a demonstrated need to accommodate long-range growth;
 - B. A need for housing, employment opportunities, and livability;
 - C. An orderly and economic provision for public facilities;
 - D. Efficient land use and utility patterns;
 - E. Environmental, energy, economic, and social consequences;
 - F. Preservation of prime farm lands, especially Class I-IV soils;
 - G. Compatibility of proposed uses with nearby agricultural activities.

A proposed change in the Urban Service Area shall also meet the requirements for a Goal Exception:

- A. Reasons justify why the state policy embodied in the applicable goals should not apply;
- B. Areas which do not require a new exception cannot reasonably accommodate the use;
- C. The long-term environmental, economic, social and energy consequences resulting from the use at the proposal site with measures designed to reduce adverse impacts are not

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significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

- D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.
7. At such time that additional sewage treatment capacity is provided, consideration should be given to providing service to Idaville on a contract basis, so long as agricultural lands between Bay City and Idaville are protected.

WATER SYSTEM POLICIES AND RECOMMENDATIONS

POLICIES:

1. Extensions of the water system shall be paid for by the developer of the property receiving the services. This responsibility shall include any necessary fire hydrants, pumps, and/or other improvements needed to provide adequate storage capacity, pressure, and service to the property.
2. The City's water rates shall be indexed and adjusted annually to provide sufficient funds for system maintenance and improvement.
3. The Kilchis Regional Water District may serve all property within its service area.
4. New water lines shall be adequately sized to support projected development and future growth in the area.
5. The cost of extensions of water lines, water mains and upgrading the water reservoir capacity and treatment system through agricultural, forest and other resource lands shall not fall on those properties until they are developed.
6. Plans for all water system improvements and water line extensions shall be submitted to the Oregon State Health Division, or other appropriate regulatory authority, for review and approval prior to construction.
7. The City shall make reasonable efforts to work toward compliance with Federal Safe Drinking Water Act requirements by encouraging regional participation of other water providers.
8. All costs of extension of water lines and upgrades to the water treatment system shall be borne by those property owners or developers benefiting from the extension or development.

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9. No development of any site shall be permitted until all costs for review, inspection, and upgrades to the system necessary to provide adequate capacity to serve the proposed development have been paid. (Amended Ord. #630, 05-07)

Recommendations:

1. A capital improvements sinking fund should be maintained for replacement of capital equipment and water system development in the future.
2. A five-year capital improvements program should be maintained for each budget year and updated regularly.

SEWER SYSTEM POLICIES AND RECOMMENDATIONS

POLICIES:

1. Extensions of sewer lines shall be only within the City limits.
2. All costs of extension of sewer lines and upgrading the wastewater treatment system shall be borne by those property owners or developers benefitting from the extension or development.
3. Future extensions of sewer lines shall be adequately sized.
4. System improvement charges shall be adequately priced to make equitable contributions to eventual upgrading of the facilities.
5. Where major developments place extraordinary requirements on sewerage treatment facilities, equitable cost of upgrading the system shall be assessed as determined by the City Council.
6. Extensions of sewer lines shall take into account future development potential of adjacent properties. Agricultural and forest lands not planned for development shall be exempted from assessment; future development of the property can make an equitable contribution to system costs at the time of development.
7. All development within the City limits shall be connected to the sewer system. Development outside the City limits, but inside the Urban Service Area shall connect to the sewer system when it becomes available; in the interim period, septic systems or other approved disposal systems shall be allowed.

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8. Plans for all sewer line extensions and treatment plant improvements shall be submitted to the State Department of Environmental Quality, Water Quality Division, for review and approval prior to construction.

Recommendations:

1. The City should consider the need for long range capital replacement costs with respect to the sewer system and budget system improvement funds accordingly.
2. Service and hookup charges should be adjusted periodically to provide sufficient funds for long term capital improvements. Capital improvement funds should be allocated yearly according to a capital improvements program. A sinking fund should be established to accumulate system improvement charges.
3. The State Department of Environmental Quality should keep the City informed of their requirements well enough in advance to plan for any system upgrading. As changes in the law become known, the City and DEQ should begin to plan for eventual impacts.

STORM DRAINAGE POLICIES:

1. Adequate storm drainage facilities, including culverts, catch basins, and natural, surface or subsurface channel systems (approved by the Public Works Superintendent) shall be part of all development which is subject to the Planning Commission review.
2. Subdivision of areas that have drainage problems shall have adequate provision for storm runoff. This may be accomplished by larger lot sizes, mechanical means, maximum lot coverage requirements, or other methods approved by the City Engineer.
3. Natural drainage ways shall be maintained and protected from filling or other alteration. Wetlands should be used wherever possible for stormwater retention, and enhancement of water quality.
4. Storm water standards concerning runoff shall be included in the Development Ordinance and City Engineering Standards. Use of culverts, natural drainages, retention ponds, and other devices to reduce runoff and erosion shall be required where appropriate.
5. The City should evaluate storm drainage needs during its yearly budgeting process and provide funds for improvement of the system, if funds are available.
6. Storm drainage or runoff from new commercial developments, particularly those which have large parking lots or service stations, shall have catch basins or other treatment facilities for oil, grease drippings, or other contaminants. Where possible, parking areas should be porous.

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7. Development of low areas, such as those near Goose Point, shall be allowed to fill only after adequate drainage is provided so that the filling does not adversely affect other property.
8. The City should seek funding for an engineering study and recommendation as to an overall storm drainage plan within the City.
9. The City should adopt policies whereby the abutting property owner should be responsible for maintenance of any storm drainage ways and facilities which may be located on their respective properties or on a public way abutting their respective properties.
10. The City should review each street vacation request for possible use by the City for storm drainage prior to granting any vacation request.

STREET POLICIES

1. The City shall continue to endorse the County's efforts in maintaining arterial roads through the area. It is the policy of the City that as long as these roads have regional significance beyond the City limits, and therefore benefit County residents in the general area, the County Road Department should be responsible for maintaining them.
2. The City Street Standards shall apply to all proposed subdivisions of land, planned developments, and major street improvements (beyond routine maintenance) sponsored by the City, County, or adjacent property owners. In order to vary from these standards, the party proposing the street or road improvement should show to the satisfaction of the City Council why a lesser improvement is adequate based on topography or other unusual circumstances.
3. Construction of streets in new partitions subdivision, planned unit developments, and rights-of-way where no street existed previously shall be the responsibility of the adjacent property owners, except where the street is an arterial or feeder.
4. The City shall have the opportunity to approve or deny all access permits along County roads within the urban growth boundary. The objective will be to reduce the number of driveways along major streets.
5. The City should consider the use of unimproved street rights-of-way for bicycle and walking paths or trails rather than for street vacations.
6. In new developments, the City shall not accept streets into the City system until they are in conformance with City standards and all utilities are installed which would require future street excavation.

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7. Efforts should be made to build streets and roads to conform to the natural contours of the land; where road cuts are necessary, they should be made so as not to cause future soil slippage or other geologic problems.
8. Wherever possible, new streets should avoid using active farm or timber lands.

SCHOOL DISTRICT - CONCLUSIONS AND RECOMMENDATIONS

1. ~~The Tillamook Bay Community College Service District will use the old primary building until needs indicate otherwise.~~
2. ~~It is probable that the~~ school children in grades 1-6 will continue to attend Garibaldi School and 7- 12 will attend Neah-Kah-Nie High School until enrollment from the City increases.

COMPREHENSIVE PLAN PROCEDURAL POLICIES

1. Discussions of various aspects of land use in Bay City are contained under each of the Plan elements and their sections: Natural Resources, Agricultural Lands, Forest Lands, Coastal Shorelands, Open Space, and so forth. The policies contained in this section draw on and are related to each of those sections; if conflicts exist, they must be eliminated through amendments to the Plan.
2. The Planning Commission is responsible for developing land use policies, mainly based on needs brought forward by the public; the City Council must formally adopt, by ordinance, policies to be included in the Comprehensive Plan. At least one public hearing must be held by both the Planning Commission and City Council in order to change the Plan. Public hearing notice shall be published at least 7 days prior to the date set for the public hearing. Plan review will be carried out as required by law.
3. Major revisions in the Plan affect a large geographical area or wide-ranging policy. They should be carefully considered and instituted infrequently, generally not more often than every two years. Minor Plan changes affecting smaller areas or specific properties should be also carefully considered and should occur no more than once per year. Changing the Comprehensive Plan is not a trivial matter. Not only must adequate finding of public need be established and factual information developed for such a change, but the Plan and Zoning Ordinance must agree and surrounding jurisdictions must be involved. All policies within the Plan must also be compatible.
4. Factual information may be added to the Plan by resolution of the Council upon recommendation by the Planning Commission.

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5. The Plan is to be used for normal land use decisions, such as development control, park improvements, or sewer planning; it should be consulted for budget formulation, economic development, and the writing of grant applications. In short, the Plan is to be used as an active tool. Implementation of the Plan shall be through the Development Ordinance, Capital Improvements Program, or other City ordinance relating to land use.
6. Other governmental agencies and jurisdictions have been consulted and involved in the preparation of this Plan. As the Plan is changed or updated, those entities must be involved in the process. These include Tillamook County, the Port of Garibaldi, the school districts, and State and Federal agencies, where applicable.
7. Where Plan changes require an exception from a Statewide Planning Goal, the procedures as established by ORS Chapter 197 must be followed.
8. Goal Statements are intended to be broad and directive, suggesting purpose and intent of the City. Policies are more specific, but still must be considered directive subject to interpretation of the Planning Commission and City Council. The standards contained in the Development Ordinance are to be applied as though they are written, unless the Planning Commission or City Council grants a variance from them.
9. Findings of fact for land use decisions must include the following points:
 - A. Which of the criteria, policies, or standards in the Plan or Ordinance are applicable; and
 - B. Which facts, instead of conclusions or assumptions, are used in making a decision; and
 - C. Why the decision being reached will serve the appropriate goals, policies, or standards.
10. Bay City will coordinate with Tillamook County during the County's periodic review of the Tillamook Bay Estuary Plan.

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LAND USE CATEGORIES

PURPOSE:

The land use element of the Bay City Comprehensive Plan establishes five broad categories or zones of land and water use with the City. These are:

1. High Intensity
2. Moderate Intensity
3. Low Intensity
4. Coastal Shorelands (1, 2, 3)
5. Estuarine Areas

Goals and policies of the Plan apply to the entire City, including all of the land use categories. Performance standards in the Development Ordinance are applicable to each of the zones in that Ordinance.

The land uses which are allowed in each category are subject to the goals and policies in the rest of the Plan. Particular attention must be paid to the Physical Limitations Section of the Plan and Development Ordinance, including geologic and flood hazards.

The overall purpose of the land use categories is to designate land areas where various uses can be carried out in a manner that protects the character and environment of Bay City.

The Plan and Development Ordinance attempt to regulate the effects of land uses as well as the uses themselves.

LAND USE CATEGORIES:

1. HIGH INTENSITY:

The High Intensity **category Area** is where most intensive uses are carried out, such as commercial retail, wholesale, service, governmental, commercial recreation, high intensity residential, and light manufacturing **and industrial**. Some of these uses are also allowed in the Moderate Intensity and Low Intensity categories, but are generally encouraged, through less strict standards, in the High Intensity **category Area**. Standards for these uses shall be provided in the Development Ordinance. Residential density in the High Intensity Zone shall range from **8 to 12 dwellings per net acre** **[Add new density]**.

At the present time the High Intensity **category Area** encompasses three **distinct areas regions/nodes** of the City (Refer to the City Land Use Map) **including:**

- **North High Intensity Zone**
- **South High Intensity Zone**
- **East High Intensity Zone**

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A. THE TOWN CENTER – **THE NORTH HIGH INTENSITY ZONE:**

This area is the central commercial (**Historic Downtown**) portion of the City. The uses here are intended to be those which are important to the daily life of the City **such as** grocery stores, the post office, cafes, a tavern, shops, the City Hall, the park, church, and meeting halls. This is considered a good location for apartments, especially for elderly persons who could walk to the activities mentioned above.

Standards of community design in this area should promote compact, land intensive uses, such that people can park their cars in one place and walk to several shops or locations. As the community grows, a well designed and located parking lot could be necessary to maintain this town center concept.

Types of uses which would not be permitted in this area are those which require large land areas, such as service stations, fast food carryout places or drive-ins or car lots, **large commercial outlets**. Warehousing or light industrial uses should also be located elsewhere.

An important consideration in Downtown Bay City is architectural control. The community is central to its being a desirable place to live and shop and important in attracting new business. The old church, parsonage, and Masonic Hall are architectural and historic assets to the community and deserve to be protected from garish or incompatible uses. As new construction occurs in this area, whether it be a tavern, laundromat, or apartment house, the City should have the opportunity to control the appearance of the buildings and its location on the site. Through a site design and architectural control ordinance, the City could have a choice in prescribing how the community should look.

B. THE SOUTH HIGH INTENSITY ZONE:

The south commercial area in the city has traditionally contained highway oriented uses, such as a service station and crab stand. Other commercial ventures, such as the meat processing plant, have and will locate in this area because of the proximity to the Highway and the flat land.

It is the intent of the Comprehensive Plan to promote high intensity uses in these areas which would not be appropriate in the town center area. Uses permitted are light industrial activities, **mobile manufactured** home parks, highway commercial uses, warehousing or large land uses, recreation vehicle parking areas, and similar uses.

Highway commercial activities should be close to U.S. 101, either on highway frontage or immediately adjacent. Other uses should be attractively designed, and buffered from less intensive uses, particular residences. Although design review in these areas is less important than in the town center, it still should be used.

C. **THE EAST HIGH INTENSITY ZONE:**

The east industrial area in the city, once home of the paint brush ~~door~~ handle factory, has traditionally contained industry-oriented uses, such as warehousing and small-scale industry. Other ventures, such as the meat processing plant, have and will locate in this area because of the proximity to the Highway and the flat land.

It is the intent of the Comprehensive Plan to promote high intensity uses in this area which would not be appropriate in the town center area. Additional high intensity uses and greater lot coverages are allowed in this area subject to buffering and screening requirements to separate industrial and residential uses. Performance standards concerning smoke, noise, and glare must be carefully observed in this area. Uses permitted are light industrial activities, warehousing, and similar uses.

Performance standards in the Development Ordinance should be designed to insure that uses in this area are beneficial to the community at large.

2. **THE MODERATE INTENSITY ZONE:**

A. The purpose of this category is to designate a large area of mostly platted (subdivided) land within the City limits. The largest land use is residential, with a few scattered pastures, forests and other uses. ~~The school is located within this area.~~

B. It is the intention of the Plan that the moderate intensity area develop at moderate density residential levels, at **about** ~~4~~ 8 dwelling units per acre. These can develop on a lot-by-lot basis, on ~~10,000~~ **5,000** square foot lots (~~10~~ **50** x 100) or as cluster developments. The Development Ordinance should provide incentives during subdivision and development in order to preserve open space and reduce public facility costs. (Amended Ord. #630, 05-07)

C. ~~It is not the intent of the Plan to deprive owners of 50 x 100 foot lots the use of their property. Owners of single lots at the time of passage of the Development Ordinance shall be allowed to build on or sell them. However,~~ the density standards shall apply to all partitioning or subdivision of property in the future, and to developments of over two dwellings at one time.

D. ~~Other~~ Allowable uses in the moderate intensity category shall **include single-family dwellings, duplex, middle housing or cluster developments, and shall** ~~be those which are not capable of locating in the high intensity areas, can~~ meet the standards established in the Development Ordinance, and above all are compatible with the surrounding neighborhoods.

~~E.~~ Carefully-devised standards to insure that these uses are compatible with the areas in

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which they are located should be included in the Development Ordinance. The Planning Commission shall be empowered to review any new development other than a single family house or duplex to insure that the standards are applied and that the development is harmonious with Bay City's character.

- F. **Other** Permitted uses should include **some uses allowed in the Low Intensity Zone** a wide range of activities, but the Planning Commission **City** shall be empowered to not permit those uses which do not meet the performance standards.
- G. Development Ordinance standards shall be devised to control the design, traffic generation, lot coverage, buffering and other impacts of uses in this area.

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3. THE LOW INTENSITY ZONE:

- A. The purpose of this category is to identify the lands within the Urban Service Area which are less developable due to their physical limitations (flooding, slope, etc.), their distance from City services such as sewer and water, or their present use for agricultural purposes.
- B. This area constitutes the "phased growth" portion of Bay City; as vacant lands in the moderate intensity areas become developed, it is anticipated that these areas will become more built up, subject to their physical limitations.
- C. The residential density of this area shall range from 1 to **3** ~~four~~ dwelling units per acre, depending on the building suitability and whether the lots or dwellings are clustered. Standards should be detailed in the Development Ordinance establishing specific lot sizes and building criteria.
- D. It is the intention of the Plan that the land in steep, hard-to-build areas be developed at lower densities with minimal disturbance of the landscape and that hazards to life and property are avoided. Development standards shall address these goals. **Lands that are more favorable for building shall be evaluated for reduced lot sizes through the variance process.**
- E. Permitted uses in the low intensity zone shall include single family, duplex, **middle housing** and multifamily dwellings, agricultural, aquacultural and horticultural activities, cottage industries, home occupations, **Child Care Center and Family Home** and other non-residential uses with careful review of the Planning Commission.
- F. Existing active farm units within the Urban Service Area shall be converted to other uses only upon showing that there is need for new residential subdivisions, that the farm is not economically productive, and that there is sufficient sewer and water capacity to serve the development.

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4. COASTAL SHORELANDS:

The **State of Oregon** Coastal Shorelands Goal states that based upon inventories, Comprehensive Plans for coastal areas adjacent to the ocean, estuaries, or coastal lakes shall identify coastal shorelands. This shoreland area is to include at least:

- A. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
- B. Adjacent areas of geologic instability, where the geologic instability is related to or will impact a coastal water body;
- C. Natural or man-made riparian resources;
- D. Areas of significant shoreland or wetland biological habitat, whose habitat quality is primarily derived from or related to the association with coastal water areas;
- E. Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
- F. Areas of exceptional aesthetic or scenic quality; and
- G. Coastal headlands.

The Coastal Shoreland portion of the Background Report outlines how this coastal shoreland boundary was established. The extent of the Coastal Shoreland Area is shown on the map titled "Coastal Shoreland Boundary".

In establishing its Shoreland Area, the City has used a broader definition than that required by the Statewide Planning Goals. U.S. Highway 101 forms a logical boundary because it separates the portion of Bay City adjacent to Tillamook Bay from the remainder of the City. Therefore, Bay City has defined its Coastal Shoreland area as that portion of the City west of Highway 101. In the vicinity of Larson Cove, the Shoreland Area is defined by the 25-foot contour line and the wetland area surrounding the outlet of Larson Creek. The waterward extent of the Shoreland Area is the line of non-aquatic vegetation.

Because of the variety of physical features and existing land use patterns in the Bay City Shoreland Area, the Shoreland Area has been divided into three subareas.

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Shoreland 1 Zone, a natural subarea that extends from Larson Cove to the Main Street extension'

Shoreland 2 Zone, a water-dependent, water-related management unit in the vicinity of the Bay City jetty; and

Shoreland 3 Zone, a non-water dependent / related subarea in the southern portion of the town.

The Coastal Shoreland Uses section of the Coastal Shorelands Goal states that "local governments shall determine whether there are any existing, developed commercial/industrial waterfront areas which are suitable for redevelopment which are not designated as especially suited for water-dependent uses." The City of Bay City has determined that no such areas exist within its Urban Growth Boundary.

GENERAL SHORELAND POLICIES:

The following policies apply to all uses and activities in the Shoreland Area.

1. The requirements of the City's Flood Hazard Overlay Ordinance shall be used to regulate development in flood hazard areas.
2. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. When shown to be necessary, structural shoreline stabilization (rip-rap and bulkheads) shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
3. Public access to publicly owned shoreland and estuarine areas shall be maintained and improved wherever possible, consistent with authorized uses. (See Estuarine Policies - Public Access to the Estuary and its Shoreland.)
4. The multiple use of shoreland area is encouraged when the integration of compatible uses and activities is feasible, and is consistent with other Plan policies.

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SHORELAND 1: LARSON COVE TO MAIN STREET EXTENSION

The northern portion of this Shoreland Area, around Larson Cove, consists primarily of the Southern Pacific Railroad right-of-way and a narrow upland area between the railroad and Larson Cove. Larson Creek enters Larson Cove in this area. Larson Creek supports an anadromous fish run.

South of Larson Cove, to the Main Street Extension, the shoreland consists of a narrow strip between Highway 101 and the shoreline. The area consists primarily of the rip-rapped railroad right-of-way, extending from the U.S. Highway 101 crossing, around Sandstone Point to Main Street.

POLICIES applicable to Shoreland 1 are:

1. The Larson Cove area shall be designated Natural, with permitted uses consisting of wildlife management, recreation such as fishing or clamming, and other passive forms of recreation activity. With Planning Commission review, resource uses such as a fish hatchery or logging may be undertaken.
2. Aquaculture is permitted in the mudflats west of Sandstone Point, as a conditional use.
3. Any activity taking place in the Larson Cove area shall be carried out in such a manner that erosion and resulting siltation of Tillamook Bay is avoided.
4. Access to the water along Larson Cove shall be maintained wherever possible. Setbacks and buffers from the water's edge shall be included in the Development Ordinance.
5. The scenic and habitat value of Larson Cove shall be preserved by all uses of the area.
6. The area from the Highway 101 crossing of the railroad tracks to the Main Street Extension shall provide for passive recreation such as fishing and walking and the maintenance of the railroad right-of-way.
7. Riparian vegetation shall be protected and retained. All vegetation west of the Southern Pacific Railroad right-of-way is considered riparian vegetation.

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SHORELAND 2: JETTY AREA

This area extends from Main Street, as extended, to Portland Avenue, as extended. The shoreland consists of a narrow strip of land between Highway 101 and Tillamook Bay. Almost all of this strip is comprised of the Southern Pacific Railroad right-of-way. The area also includes two filled estuary areas. The southern area forms a jetty that is used by Hayes Oyster Company. The jetty has access to the Tillamook Bay Channel. The eastern end of the jetty also contains a small boat launch facility. The dredge material disposal site, adjacent to Patterson Creek, east of Highway 101, is included in the Shoreland 2 area.

POLICIES applicable to Shoreland 2 are:

1. This area is designated for water-dependent development. Water-dependent uses have the highest priority, followed by water-related uses. Uses which are not water-dependent or water-related may be provided for only on findings that the use will not preclude or conflict with existing or probable future water-dependent uses of the site and the vicinity. Temporary uses which involve minimal capital investment and no permanent structures or a use in conjunction with and incidental to a water-dependent use are also permitted.
2. Seafood processing, water-dependent recreation facilities, and other water-dependent uses have the highest priority in this area.
3. All development in this area shall be reviewed by the City's Planning Commission to insure that it meets the following guidelines:
 - A. The use is supportive of the resource base of Tillamook County, such as fishing, logging, **tourism** or agriculture;
 - B. The use is labor intensive, i.e. produces a reasonable number of jobs in relation to its capital investment;
 - C. The use has limited social or fiscal impact on Bay City, i.e. it does not cause a major influx of people, or a major strain on public facilities at one time;
 - D. The use does not impair the scenic value of the waterfront or block access to the water for recreation purposes.
4. Parking and storage shall be allowed only to the extent necessary to support water-dependent or water-related uses, such as limited employee parking for processing plants or staging areas for shipping.

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5. Any support activity which may reasonably be located east of U.S. Highway 101, such as boat trailer storage or parking, shall be established there.
6. Crosswalks or other pedestrian safety devices shall be considered as part of any development related to uses on the opposite side of U.S. Highway 101.
7. The City will protect the dredge material disposal site adjacent to Patterson Creek from pre-emptive uses which would prevent its use as a dredge disposal site.
8. Prior to the placement of any dredge material at the Patterson Creek dredge material disposal site, a survey shall establish the area that is in Port of Garibaldi ownership.
9. Riparian vegetation shall be protected and retained. A 25-foot riparian zone is established on each bank of Patterson Creek.

SHORELAND 3 ZONE (Amended Ord. #663, 14-03)

The Shoreland 3 Zone area occupies land that is west of the US Highway 101 right-of-way, south of Tillamook Avenue, to the South City Limits. Vehicular access from the area to US Highway 101 is provided by Warren Street. The City is evaluating opportunities to create a second emergency access. The Shoreland 3 Zone is located adjacent to estuaries and includes wetlands associated with Goose Point and Kilchis Point. The land is suitable for residential development and for non-residential development where it is determined to be compatible with development standards. The Tillamook County Pioneer Museum operates Kilchis Point Reserve here. The City wastewater treatment plant, sewage treatment lagoons, and public works offices and shops are located here.

POLICIES applicable to the Shoreland 3 Zone are:

1. The Shoreland 3 Zone allows residential uses outright and allows other uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.
2. All development except for single family dwellings, duplexes, accessory uses, and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:
 - a. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided.

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- b. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes.
 - c. The use is consistent with specified performance standards.
 - d. The use is consistent with the Bay City Comprehensive Plan.
3. Riparian vegetation shall be protected and retained. A 50-foot riparian zone is established on the bank of Tillamook Bay.
4. The Shoreland 3 area is susceptible to the following identified natural hazards. Therefore it is City policy to allow a maximum density for new development is one dwelling unit per 10,000 square feet.
 - a. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) identifies the Shoreland 3 area as having property located in the Velocity Flood Zone.
 - b. Bay City is required to participate in the National Flood Insurance Program (NFIP).
 - c. The Oregon Department of Geology and Mineral Industries (DOGAMI) identifies property within the Shoreland 3 area as being susceptible to tsunami inundation hazards.
 - d. The Shoreland 3 area has a single vehicular access point at Warren Street.
 - e. Structures in the Shoreland 3 area are required to have fire sprinklers installed with development until such time as a second access meeting Oregon Fire Code access standards is installed.

ESTUARINE AREAS

The objective of the Estuarine Resources Goal is "to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetland and to protect, maintain, where appropriate develop, and where appropriate restore the long term environmental economic and social values, diversity and benefits of Oregon's estuaries". In order to accomplish this objective, a comprehensive management plan for the Tillamook Bay Estuary has been developed. The management plan incorporates the three elements of the Estuarine Resources Goal: inventory requirements, Comprehensive Plan requirements, and implementation requirements.

The Estuarine Resources Goal requires that the Land Conservation and Development Commission classify Oregon's estuaries to specify the most intensive levels of development or alteration to be allowed within each estuary. On October 7, 1977, the Land Conservation and Development Commission adopted an Administrative Rule classifying Oregon's estuaries.

The classification system consists of four classes: (1) natural estuaries, (2) conservation estuaries, (3) shallow-draft development estuaries, and (4) deep-draft development estuaries.

The intent of the classification system adopted is to:

1. Specify the most intensive level of development or alteration allowable within each estuary;
2. Direct the kinds of management units appropriate and allowable for each estuary;
3. Affect the extent of detail required and items inventoried for each estuary;
4. Affect the issuance of conditions attached to permits by State and Federal agencies;
5. Provide guidance for the disposal of State and Federal public works funds; and
6. Indirectly affect decisions concerning private investments in and around estuaries.

The Tillamook Bay Estuary is classed as a shallow-draft development estuary. Shallow-draft estuaries are estuaries with maintained jetties and a main channel maintained by dredging at 22 feet or less.

The Estuary Classification Rule states:

"Both shallow and deep-draft development estuaries shall be managed to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses consistent with the overall Estuarine Resources Goal requirements. Other appropriate uses include those uses listed as permissible uses in the development management units in the Estuarine Resources Goal. Minor and major navigational