



CITY OF NEHALEM

35900 8TH STREET • P.O. BOX 143

NEHALEM, OREGON 97131

PH (503) 368-5627

FX (503) 368-4175

NEHALEM CITY COUNCIL

REGULAR MEETING

MONDAY, September 9, 2019 - 6:00 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

GUESTS:

APPROVAL OF MINUTES: [August 12, 2019 Regular Council Meeting](#)

PUBLIC HEARING: A Public Hearing on an appeal by Mr. & Mrs. Robert Drake of a decision by the Nehalem Planning Commission to grant set-back Variances on property owned by Stanton Symank located at 35795 8th Street in Nehalem.

PUBLIC HEARING: ORDINANCE 2019-02: An Ordinance Amending City of Nehalem Zoning Ordinance 80-02 to Include Certain Changes Required by SB1051, Adopting Rules and Regulations to Allow Accessory Dwelling Units Outside the Nehalem City Limits, but Inside the Nehalem Urban Growth Boundary

OLD BUSINESS:

1. [Police Report](#)
2. [Appeal of Planning Commission Decision](#) - Vacant House, 8th & Tohl (Symank property)
3. [Ordinance 2019-02](#)
4. [Draft Comprehensive Plan update](#)

NEW BUSINESS:

1. EVC Tabletop Exercise on October 17, 2019
2. [New City Website](#)
3. [Mural Proposal for City Park](#)
4. October Council Meeting Date

CORRESPONDENCE/OTHER BUSINESS

None as of this date

STAFF REPORTS

PAYMENT OF BILLS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT - Next Regular Council Meeting: October 21, 2019

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. Please

contact City Hall at 503-368-5627 to make a request for an interpreter or other accommodations for persons with disabilities.

**NEHALEM CITY COUNCIL
COUNCIL MINUTES
REGULAR MEETING
August 12, 2019**

Mayor Dillard called the Regular Council Meeting to order at 6:00 p.m.

COUNCIL MEMBERS PRESENT: Bill L. Dillard Jr., Mayor
Hilary Howell, Councilor
Stacy Jacobsen, Councilor
Jim Welsh, Council President (arrived 6:06 p.m.)

EXCUSED: Jeff Pfeifer, Councilor

STAFF PRESENT: Dale Shafer, City Manager
Melissa Thompson-Kiefer, Asst. City Mgr/Recorder
Brian Moore, Maintenance Specialist I
John Morgan, Planning Consultant

VISITORS: Jacki Hinton, EVCNB
Debbie Moberly, EVCNB
Glenna Gray
Barbara McLaughlin
Tracey Curtis
Lane deMoll
Mary Lynn Morgan

Mayor Dillard led those present in the Pledge of Allegiance.

MINUTES

The Council reviewed the minutes of the July 8, 2019 Regular Council Meeting. Councilor Howell **MOVED** to approve the minutes of the July 8, 2019 Regular Council Meeting as presented. Councilor Jacobsen **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Dillard, Howell, and Jacobsen; No: None).**

PUBLIC HEARING

At 6:03 p.m., Mayor Dillard opened the Public Hearing on **Ordinance 2019-02**: An Ordinance Amending City of Nehalem Zoning Ordinance 80-02 to Include Certain Changes Required by SB1051, Adopting Rules and Regulations to Allow Accessory Dwelling Units Outside the Nehalem City Limits, but Inside the Nehalem Urban Growth Boundary.

OLD BUSINESS

POLICE REPORT

The Council reviewed the Police Report for July 2019.

VACANT HOUSE AT 8TH AND TOHL

City Manager Shafer reported that the Planning Commission granted a variance to the property owner at 35795 8th (Front) St. and the variance has been appealed. She said the appeal will take place in front of the City Council at the September Council Meeting.

NEW BUSINESS

PUBLIC HEARING: Ordinance 2019-02: An Ordinance Amending City of Nehalem Zoning Ordinance 80-02 to Include Certain Changes Required by SB1051, Adopting Rules and Regulations to Allow Accessory Dwelling Units Outside the Nehalem City Limits, but Inside the Nehalem Urban Growth Boundary.

At 6:06 p.m., Council President Welsh arrived.

Planning Consultant John Morgan explained that the city's development code needed to be modified to comply with Senate Bill 1051 (SB1051) to allow accessory dwelling units (ADUs) on land outside city limits, but inside the Urban Growth Boundary. Mr. Morgan reviewed each article and section of the Ordinance. He said both staff and the Planning Commission had reviewed the Ordinance and recommended it to the Council for approval.

There were public comments that the intent was to create more housing opportunities and it was suggested that wording be added to the Ordinance to preclude ADUs from becoming short-term rentals. There were additional public comments recommending that the City apply the Ordinance within city limits.

There was a public comment inquiring about the cost of water System Development Charges (SDCs). City Manager Shafer and Mr. Morgan explained SDCs were a financial policy decision that would be addressed by the City Council. There were public comments requesting that SDCs be kept reasonable. There was additional public comment sharing that an Ordinance was being

proposed by the County Housing Commission that would allow ADUs in the unincorporated parts of the County and would prohibit their use as short-term rentals.

There was Council comment that the public comments regarding short-term rentals and SDCs were valid and should be reviewed. There were additional Council comments that the short-term rental issue should be reviewed and addressed. There was additional public comment suggesting again that the Ordinance be amended to address short-term rentals. In response to a public inquiry, City Manager Shafer confirmed that the Council could amend Ordinance 2019-02 if they wished to do so.

There being no further public comments, Mayor Dillard closed the Public Hearing on **Ordinance 2019-02** at 6:23 p.m.

City Manager Shafer recommended that the short-term rental issue be addressed separately in the short-term rental ordinance. After further discussion, Mr. Morgan explained that the City's short-term rental ordinance only applied within city limits and the County would need to address the regulation of short-term rentals outside city limits. There was Council comment that further discussion and understanding between all jurisdictions involved was warranted before taking action on short-term rentals.

There being no further comments or discussion, Councilor Jacobsen **MOVED** to perform the first reading of **Ordinance 2019-02** by Title only. Council President Welsh **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Welsh, Howell, and Jacobsen; No: None)**. City Manager Shafer read the Ordinance by title only.

Councilor Howell **MOVED** to approve the first reading of **Ordinance 2019-02**. Councilor Jacobsen **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Welsh, Howell, and Jacobsen; No: None)**.

Mayor Dillard said that the second reading of Ordinance 2019-02 would occur at the September Council meeting. He thanked the public for their comments.

EMERGENCY PREPAREDNESS MONTH PROCLAMATION

Councilor Jacobsen **MOVED** to proclaim September 2019 as Nehalem Bay Area Preparedness Month. Councilor Howell **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Welsh, Howell, and Jacobsen; No: None)**.

EMERGENCY VOLUNTEER CORP OF NEHALEM BAY (EVCNB) UPDATE

Jacki Hinton from the Emergency Volunteer Corp of Nehalem Bay (EVCNB) presented an update on emergency preparedness activities in Nehalem Bay, including Prepare Your Neighborhood clusters, Neighborhood Emergency Supplies & Tools (NEST) kits, development of a food plan, facilitation and planning services provided to cities and other agencies, and work toward the long-term sustainability of EVCNB. Ms. Hinton provided the Council with a list of NEST kit contents. Debbie Moberly of EVCNB discussed the success of the picnic that was

held in 2018 and the need to establish leadership in neighborhood clusters. Ms. Moberly explained she was available to meet with any members of the Council and wanted to find ways to bring city support to the Prepare Your Neighborhood program. She shared that citizens will receive a fundraising letter from EVCNB in September and requested that everyone consider donating.

CORRESPONDENCE/OTHER BUSINESS

None.

STAFF REPORTS

CITY MANAGER REPORT

City Manager Shafer reported on meetings she has attended and will attend in August.

PUBLIC WORKS REPORT

Maintenance Specialist I Moore reported that our average daily water usage for July 2019 was 140,000 gallons, turbidity averaged .07 NTU's and both Bacteriological samples were negative.

BILLS

Council President Welsh **MOVED** to approve payment of the bills. Councilor Howell **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Welsh, Howell, and Jacobsen; No: None).**

COUNCIL COMMENTS

None.

PUBLIC COMMENTS

In response to a public inquiry, City Manager Shafer said that a local clear cut was not on city property but was on Weyerhaeuser property. Maintenance Specialist I Moore added that the cut was below the city's dam and the water intake on Bob's Creek. In response to further public inquiry, City Manager Shafer said the city did not have plans to clear cut the Bob's Creek property. She further explained that spraying was not allowed in the city watershed and Weyerhaeuser had to notify the city if they were going to spray nearby, and the city had not

received notice. She confirmed that if the city received notice regarding spraying, public notice would be posted. Mayor Dillard shared that he did not recall Weyerhaeuser spraying that area in the past. Glenna Gray invited the Council to attend a presentation by Lisa Arkin, an expert on pesticide and herbicide spraying, on August 13th at 6:00 p.m. at NCRD.

ADJOURNMENT

Mayor Dillard said the next Council Meeting will be August 12, 2019.

There being no further business, Mayor Dillard adjourned the meeting at 6:57 p.m.

APPROVED: _____
Bill L. Dillard Jr., Mayor

ATTEST: _____
Melissa K. Thompson-Kiefer, Assistant City Manager/Recorder

MANZANITA DEPARTMENT OF PUBLIC SAFETY


August 2019 REPORT

	Manz		18	Neh		18	Whe		18
	Mon	Year	to	Mon	Year	to	Mon	Year	to
			date			date			date
PERSON CRIMES									
Homicide									
Kidnap									
Sexual Assault			1						
Assault Simple			1						
Assault Serious									
Assault/Police Officer									
Domestic Disturbance		1							
Disorderly Conduct			2						
Resisting Arrest							1		
Menacing									
Harassment		1	5						
Escape									
Reckless Endangering									
Weapon									
PROPERTY CRIMES									
Burglary Residence	1	1	1						
Burglary Business		1	1						
Attempted Burglary									
Prowler	1	3	2						
Arson									
Reckless Burning									
Criminal Mischief		5	3						
Theft	2	7	21				1		
Unauth Use Veh			2		2				
Unlawful Entry Veh			3						
Robbery									
Trespass	3	13	10		3				1
Littering		1							
Fraud			1						
NSF Check	2	2							
Forgery		1	3						
OTHER OFF/CRIMES									
City Ordinance	59	209	210	2	3	3	1	2	
Animal Complaint	5	26	30	1	2	2			1
Fish and Game			3						
Civil	1	13	11					1	
Drug/Liquor		1	7		2	2			
Misuse/ Incom 911		3	3		1				
Fireworks	3	18	31						
Susp. Circumstances	3	22	27	1	5	6		4	3
Disturbance		1	4		1	1		2	2
TRAFFIC INCIDENTS									
Accidents	3	14	12		1				
Warnings	13	104	153	7	69	116	10	117	112
Citations	5	31	67	2	11	32	9	106	117
Crimes	1	7	2						1
Parking Warnings	13	46	28		3				
Parking Citations	6	40	45		5	5			
Abandoned Vehicles		1	1					1	
Vehicle(s) Towed			2						

	Manz		18	Neh		18	Whe		18
	Mon	Year	to	Mon	Year	to	Mon	Year	to
			date			date			date
PERSON OTHER									
Death Natural		1							
Suicide/Attempt		1	1						
Missing / Lost		7	6						
Runaway									
Drowning									
ARREST									
Criminal	2	11	8		3	1		1	
Warrant			1	1	1	3			3
Detox									
POH									
OTHER									
Loss/Found Property	5	33	35		1				
Residential Checks	1	80	390	1	1				1
Medical Assist	4	31	20		6	14		3	4
Fire Dept. Assist	2	13	13		2	1	1	3	
Alarms		19	41	1	5	3			1
Unfounded	3	177	18		1	2		3	
Open Window/Door	1	11	15			2			1
Public Assist	20	142	205	2	19	27	2	19	7
Other	2	30	165	2	15	4		8	6

OREGON STATE PARKS REPORT

	Nehalem		18	Oswald		18			
	Mon	Year	to	Mon	Year	to			
			date			date			
No Camp Permit Disp									
Camping Proh. Area									
No Day Use Permit	13	100	80						
Viol. Posted Parking		1	3		12	63	29		
Handicap Parking			1				2		
Traffic Violation	1	2	1				4		
General Reg Viol.		2	8						
Search & Rescue			1			2	1		
Ranger Assist	2	3	3			1			
Vandalism									
Litter									
Minor in Possession									
Furnishing Alcohol									
Security Checks	58	475	461		43	334	369		
Crimes			1			2	1		
Other	7	38	66		6	50	43		
Arrest									
Wheeler				Nehalem			County		
Law Assist	1	9	19	3	15	12	28	143	171


 Erik Harth, Police Chief 09/03/2019
Date



CITY OF NEHALEM CITY COUNCIL
STAFF REPORT

APPEAL OF PLANNING COMMISSION DECISION - VARIANCE CASE 19-03

APPEALANT: Mr. and Mrs. Robert Drake
APPLICANT: Stanton and Lori Symank
OWNER: Stanton and Lori Symank
LOCATION: 35795 8th Street; Nehalem, Oregon
ZONING: RM – Medium Density Residential
LAND USE: House

INTRODUCTION

This is an appeal of the Planning Commission’s approval of the variance request by Stanton and Lori Symank to allow a variance to reduce the required side yard adjacent to a street setback from 15 feet to 6 feet, and a variance to reduce the required front yard setback from 20 feet to approximately 10 feet.

The Council’s responsibility is to review the existing record and expand that record with a new public hearing; consider the applicant’s and the appellant’s arguments in light of the applicable criteria for approving a variance request found in Nehalem Zoning Ordinance Section 17.020; and make a final decision.

The criteria for granting a variance are:

1. *No variance shall be granted by the Planning Commission unless it can be shown that ALL of the following conditions exist:*
 - a. *Exceptional or extraordinary circumstances apply to the property and result from lot size and shape, topography or other circumstances over which the owners of the property have no control.*
 - b. *The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.*

- c. *The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City policy.*
- d. *The variance request is the minimum variance which would alleviate the hardship.*

COUNCIL OPTIONS

There are three options for the Council's decision:

1. Find the applicant's proposal meets the required criteria and uphold the Planning Commission's Decision.
2. Find the applicant's proposal does not meet the required criteria, as argued by the appellant, and reverse the Planning Commission's decision. In this case new findings of fact showing how the criteria are not met must be prepared.
3. Find the applicant's proposal partially meets the required criteria and uphold the Planning Commission's decision, making additional findings of fact and conditions of approval.

THE RECORD

Attached to this report are the following elements of the record:

- Planning Commission Order
- Planning Commission Staff Report (This report gives all the background and analysis of the case).
- Drake letter of appeal
- Drake letter submitted to the Planning Commission
- Symank application

ANALYSIS

The Planning Commission found the applicant met the criteria for granting a variance. The Commissioners approved the variance unanimously.

The appellant offers three reasons the variance should be denied. In summary these are:

1. The house needs to have a lead and asbestos analysis prior to demolition.
2. A geohazard study is needed before construction.
3. The location of a water line serving the appellant's house runs through the applicant's property and might be disturbed during construction.

Staff finds these issues are not relevant to the criteria for granting a variance and cannot be used to deny the variance.

However, these comments on each of the appellant's points are offered as information:

1. Point One is a building codes issue administered by the Tillamook County Building Division at time of consideration of a demolition permit, not the City. If the appellant has concerns, they should be directed to the Building Division.
2. Point Two is a building codes issue administered by the Tillamook County Building Division at time of consideration of a demolition permit or building permit, not the City. If the appellant has concerns, they should be directed to the Building Division.
3. Point Three is likely a civil matter between the two property owners. The City may have some involvement. Staff sees three options:
 - a. If there is an easement from Symank granting Drake a right to have a waterline cross the Symank property, it is a civil matter between the two property owners to determine how any construction on the Symank property affects the waterline without impacting the rights granted in the easement.
 - b. If there is a public easement for the waterline, the City will determine how construction impacts the waterline.
 - c. If there is no easement, Symank and Drake will have to work out an agreement on how the waterline is managed during construction, and how it is recognized permanently.

Staff recommends the Planning Commission Order be upheld, but with an important adjustment. The Commission established specific timelines for demolition and for start of construction. The appeal has rendered these timelines moot. If the Council decides to uphold the appeal, the timelines need to be adjusted.

The Commission set fairly short timelines as it respected the fact it was in the middle of summer and the construction season still had two months before significant rain could be

expected. Given the two-month delay to get to a Council decision, the building season needs to be taken into consideration. Therefore, the new timelines are recommended below.

RECOMMENDATION

It is recommended the Council, by motion, deny the appeal and uphold the Planning Commission decision and findings of fact on Case 19-03, incorporating this staff report into the record and findings, with the following adjustments to the Planning Commission's conditions of approval.

1. The demolition of the existing structure will be completed by April 30, 2020.
2. Construction of the new structure shall be completed by September 30, 2020.
3. Failure to meet the timeframes in Conditions 1 and 2 will void this variance approval.



CITY OF NEHALEM

PLANNING COMMISSION ORDER

VARIANCE CASE 19-03

APPLICANT: Stanton and Lori Symank
OWNER: Stanton and Lori Symank
LOCATION: 35795 Front (8th) Street, Nehalem, Oregon
Map & Tax Lot 3N1027CA08000
ZONING: RM – Medium Density Residential
LAND USE: House

INTRODUCTION

This is an application of Stanton and Lori Symank to allow a variance to reduce the required side yard adjacent to a street setback from 15 feet to 6 feet, and a variance to reduce the required front yard setback from 20 feet to approximately 10 feet.

The purpose of the variance is to allow construction of a new house replacing an old cabin on the property. The cabin violates the current setback standards as it abuts the street right of way on its side yard therefore not having any setback, and it intrudes into the right-of-way on its front side, therefore not having any front yard setback. The property is small and irregularly shaped.

The applicant cites the variance as necessary to allow reasonable construction on the property. The “building envelope” created by the current setback standards would only allow a structure 37 feet deep and 10.86 feet wide. The desired house is 40 feet deep and 20 feet wide.

FINDINGS OF FACT

The criteria for a variance are found in the Nehalem Zoning Ordinance in Section 17.020. Based on the record, the Planning Commission makes the following findings of fact:

CRITERIA a: Exceptional or extraordinary circumstances apply to the property and result from lot size and shape, topography or other circumstances over which the owners of the property have no control.

FINDING: The existing building was built before setback requirements were established and is substantially out of compliance with current setback standards. The placement of a new house with reasonable dimensions is only allowed by granting the variances due to the unusual size and shape of the lot. The criterion is met.

CRITERIA b: The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.

FINDING: The setback variance is necessary to allow for constructing a new dwelling as its allowed for other property owners in the same zone, but which is not allowed in this case because of the unusual size and shape of the lot. The criterion is met.

CRITERIA c: The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City policy.

FINDING: The variance is not materially detrimental to the purposes of this Ordinance, the Comprehensive Plan, or other properties. It actually creates a structure on the property substantially more in compliance with zoning standards than the existing structure which will be replaced. It is important to establish timelines for undertaking the proposed work to assure the improvements to the property are completed in a reasonable timeframe.

CRITERIA d: The variance request is the minimum variance which would alleviate the hardship.

FINDING: The proposed structure is a reasonable size and has reasonable dimensions for construction of a contemporary small house. The criterion is met.

CONCLUSION


The proposed variances meet the standards necessary for approval.

DECISION:

The Planning Commission APPROVES the application and adopts the findings of fact found above with the following conditions:

1. The demolition of the existing structure will be completed by September 18, 2019.
2. Construction of the new structure shall be completed by July 18, 2020.
3. Failure to meet the timeframes in Conditions 1 and 2 will void this variance approval.

Approved by the Planning Commission on July 18, 2019.

 Janet Lease, Vice-Chair

This decision can be appealed to the City Council by any party who participated in the public hearing by written or oral testimony by filing a letter with the City Manager, along with the required appeal fee, within 15 days of the date of decision.

CITY OF NEHALEM PLANNING COMMISSION
STAFF REPORT

VARIANCE CASE 19-03

APPLICANT: Stanton and Lori Symank
OWNER: Stanton and Lori Symank
LOCATION: 35795 8th Street; Nehalem, Oregon
ZONING: RM – Medium Density Residential
LAND USE: House

INTRODUCTION

This is an application of Stanton and Lori Symank to allow a variance to reduce the required side yard adjacent to a street setback from 15 feet to 6 feet, and a variance to reduce the required front yard setback from 20 feet to approximately 10 feet.

The purpose of the variance is to allow construction of a new house replacing an old cabin on the property. The cabin violates the current setback standards as it abuts the street right of way on its side yard therefore not having any setback, and it intrudes into the right-of-way on its front side, therefore not having any front yard setback. The property is small and irregularly shaped.

The applicant cites the variance as necessary to allow reasonable construction on the property. The “building envelope” created by the current setback standards would only allow a structure 37 feet deep and 10.86 feet wide. The desired house is 40 feet deep and 20 feet wide.

The proposed house is substantially more in compliance with the setback standards than the current cabin. It also would not intrude into the right-of-way. The applicant states if the variances are not approved, the existing cabin will be remodeled which perpetuates the existing setback violations.

CRITERIA

The criteria for a variance are found in the Nehalem Zoning Ordinance in Section 17.020. That section reads:

1. *No variance shall be granted by the Planning Commission unless it can be shown that ALL of the following conditions exist:*

- a. *Exceptional or extraordinary circumstances apply to the property and result from lot size and shape, topography or other circumstances over which the owners of the property have no control.*
- b. *The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.*
- c. *The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City policy.*
- d. *The variance request is the minimum variance which would alleviate the hardship.*

FINDINGS OF FACT

Based on the available information, Staff makes the following findings of fact:

CRITERIA a: Exceptional or extraordinary circumstances apply to the property and result from lot size and shape, topography or other circumstances over which the owners of the property have no control.

FINDING: The existing building was built before setback requirements were established and is substantially out of compliance with current setback standards. The placement of a new house with reasonable dimensions is only allowed by granting the variances due to the unusual size and shape of the lot. The criterion is met.

CRITERIA b: The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.

FINDING: The setback variance is necessary to allow for constructing a new dwelling as its allowed for other property owners in the same zone, but which is not allowed in this case because of the unusual size and shape of the lot. The criterion is met.

CRITERIA c: The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City policy.

FINDING: The variance is not materially detrimental to the purposes of this Ordinance, the Comprehensive Plan, or other properties. It actually creates a structure on the

property substantially more in compliance with zoning standards than the existing structure which will be replaced.

CRITERIA d: The variance request is the minimum variance which would alleviate the hardship.

FINDING: The proposed structure is a reasonable size and has reasonable dimensions for construction of a contemporary small house. The criterion is met.

CONCLUSION

The proposed variances meet the standards necessary for approval and should be approved.

RECOMMENDATION:

It is recommended the Planning Commission APPROVE the application and adopt the findings of fact found within the staff report.

Suggested Motion: I move the Planning Commission approve the application of Stanton and Lori Symank for variances to setback requirements and adopt the findings of fact in the staff report as justification for the variances.



CITY OF NEHALEM

35900 8TH STREET · P.O. BOX 143

NEHALEM, OR 97131

PH. (503) 368-5627

FX. (503) 368-4175

July 16, 2019

RE: Stanton Symank Variance

If the Planning Commission decides to grant this application I would recommend that the following conditions be added to the approval.

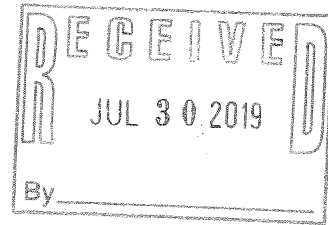
- Existing Non-Conforming residence to be removed within 45 days of approval for the variance.
- New structure to be completed within 6 months of approval for the variance or a new application must be submitted.

I make these recommendations based on the past history of Mr. Symank' s continued neglect of the property in question.

Sincerely,

Dale Shafer
City Manager

26 July 2019



RE: Variance of Symank Property

To Whom it May Concern:

As the adjacent property owners, 35750 8th Str Nehalem, Or 97130, we wish to appeal the decision regarding the variance that was permitted to the property located at 35795 Front (8th) Str, Nehalem Or 97130.

Our concerns regarding not only the demolition but the construction of a new dwelling on said property are as follows:

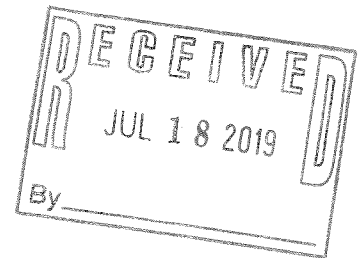
1. Based on the age of the dwelling a Lead Based Paint & Asbestos Abatement testing should be done prior to any demolition. If positive results are found in "discovery", then the appropriate procedures need to be taken to protect all the neighboring properties from contaminants.
2. There is also the "angle of repose" of the bank of land that would affect the adjacent properties. A geohazard study as well as any engineering studies should be completed before putting other properties stability at risk. Any variance needs to take into consideration the construction of a retaining structure. Such as height & width.
3. Currently our water line runs through said property as our property is the adjacent neighboring property. We have concerns that any construction and or demolition could result in damages to our water line. Who will be responsible should any damages occur? Would we be without water for a period of more than 24 hours?

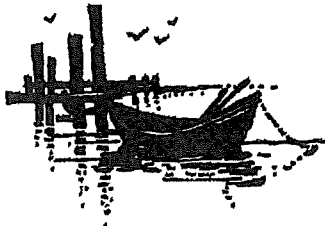
Based on these issues we request the City of Nehalem revokes the decision to grant this variance on behalf of the Symanks. We feel that as the adjacent property that any demolition or re-building should be considered with the neighborhood in mind.

A handwritten signature in cursive script that reads "Mr. & Mrs. Robert Drake". The signature is written in black ink and is positioned at the bottom right of the page.

To The City of Nehalem,
I Disagree with Giving
Stanton Symank any Variances on
his property. Stanton has willingly
and knowingly neglected his property
for over 20 years.

Robert Drake





CITY OF NEHALEM

35900 8TH STREET • P.O. BOX 143

NEHALEM, OREGON 97131

PH. (503) 368-5627

FX. (503) 368-4175

PLANNING APPLICATION

- | | | |
|--|--|--|
| <input type="checkbox"/> Admin Review | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Non Conform Major Rev |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Major / Minor Partition | <input type="checkbox"/> Non Conform Minor Rev |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Ordinance Amend | <input type="checkbox"/> LUC Review |
| <input type="checkbox"/> GHZ Report | <input type="checkbox"/> Sub - Pre Lim | |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Sub - Final Plat | |

REQUEST (Describe request) REQUESTING RIGHT TO BUILD HOME. EXISTING HOME TO BE DEMO'D VIOLATES STREET SIDE SETBACKS (SSS) BY 15' AND FRONT YARD SETBACKS (FYS) BY 20'. NEW HOME INTRUDES SSS + FYS BY 16' EACH

APPLICANT:
Name: Stanton Symank Phone: 503 476 4946

Address: 1008 W SHERIDAN City NEHALEM State: OR Zip 97132

LEGALLY RECORDED OWNER:
Name: SYMANIK, STANTON FLORI Phone: _____

Address: 1008 W SHERIDAN City NEHALEM State: OR Zip 97132

1. LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Township 3N Range 1027 Section CA0 Tax Lot 8000

Subdivision TOHLS 1ST ADD'N Lot 1 & 2 Block 8

2. Zoning RM

3. IS THE PROPERTY DEED RESTRICTED TO PROHIBIT THE USE AS PROPOSED IN THIS APPLICATION?

Yes No

4. I HEREBY APPLY FOR THE ABOVE REQUEST:

I agree to abide by the requirements of the City of Nehalem Comprehensive Plan, Zoning and Land-Use Ordinances as they apply to this request.

PROPERTY OWNER'S SIGNATURE Stanton Symank, Lon Symank Date 4-26-19

5. I AUTHORIZE THIS REQUEST BY THE APPLICANT:

APPLICANT'S SIGNATURE _____ Date _____

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

Date: _____ Received by: _____ Fee Paid: _____ Receipt #: _____

①

Dale Shafer

CITY MGR

CITY OF NEHALEM OR

PO BOX 143

NEHALEM OREGON 97131

Regarding 35795 8TH St.

Nehalem, Oregon

My wife and I own a property in Nehalem that has a cabin on it that is over 100 years old. Since we bought it we have neglected to improve the property.

The time has come that we must make some decisions. One option involves building a new home on the property. That is the reason for this letter.

The house that exists on the property is 720 square feet with additional roofs over the front and rear porches of 186 square feet. Enclosed please find a drawing of the existing home and how it sits on the property. See illustration

(2)

page HD 1. Note that the side of the home facing Tohls street is on the property line. Note also that the front of the house facing 8th street is on or over the property line. The front porch roof is partly in the right of way. The required front yard of 20' is entirely in the right of way.

Considering the placement of the cabin I feel that placing a new home back from the property line would be a great improvement.

Note the footprint of buildable property in the center of the lot. Please find illustration HD-2. The drawing shows that a rectangle of 10.86 x 37 would meet the setback requirements laid out in Developmental Standards 157.053 items D; E; F, but would make an impractical "pullman" floor plan. I have included a developmental standards copy with

this letter. Please find that copy at the very back of this packet.

I will address the articles lettered D; E; F in turn

→ Article D ←

"The minimum front yard shall be 20." Though my proposed placement intrudes into this space slightly, it is far less intrusive than the existing home.

It is important to note that the effective front yard for the last hundred years has been entirely in the right of way that is 8th street.

→ Article E ←

"The minimum side yard shall be 5' except on the street side of a corner lot, it shall be 15 feet" The placement would make a 5' sideyard on the street side which is a tremendous improvement over the setback of zero feet (0') that exists at the existing home. I suspect that this requirement is intended to allow

Traffic coming down 8th street a decent view to the left as they enter traffic. There is approx 37' from the existing home to the edge of the eighth street asphalt. Fund pg HD3
Article F

"The minimum rear yard shall be 20' except on a corner lot, it may be 5'." It is 5' in my plan.

Refer to illustration page HD4. It shows a 20'x40' placed carefully to back away from the property line and get rid of the structure that seems so outdated.

The advantage to the community is clear.

1. Eye-sore eliminated
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3. Tax based on property value will more than triple

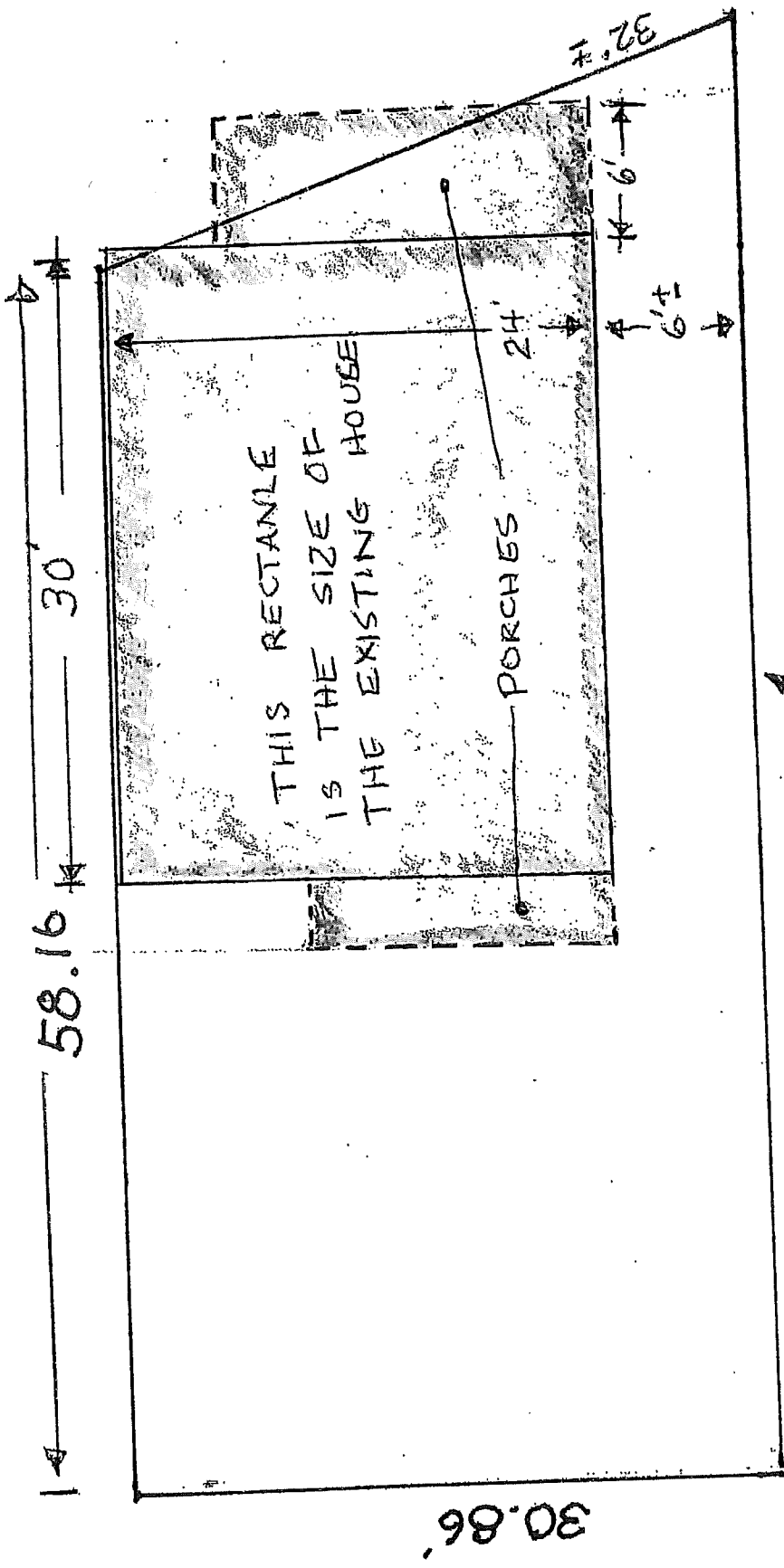
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Regards
Stanton Symantek
503 -476-4946

NORTH
↑

TOHL AVE.



PROPERTY LINE

69.39'

THIS
IRREGULAR TRAPEZOID
IS THE PROPERTY SHAPE

EXISTING PLACEMENT

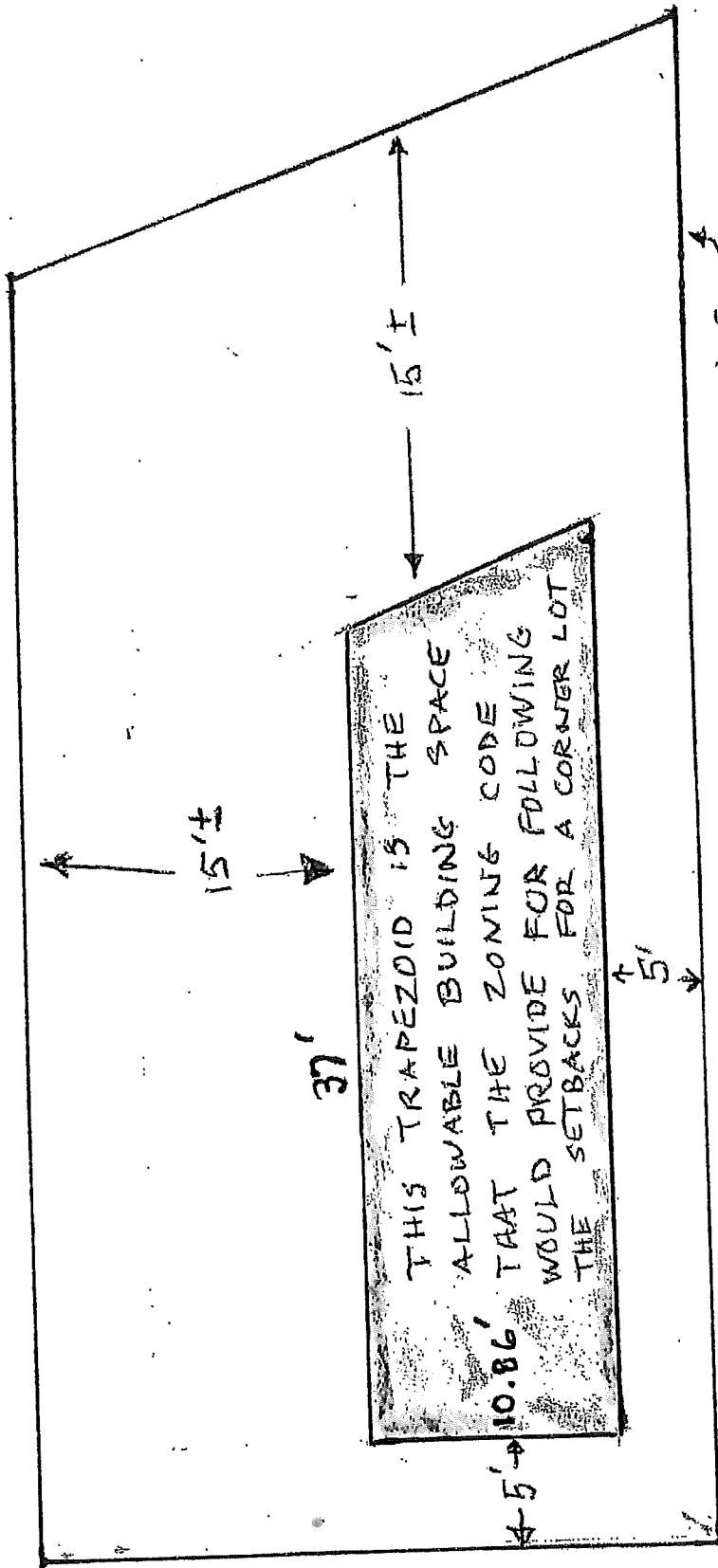
35795 87th ST.

NEHALEM OR

1/8" SCALE PG. HD 1



58.16



30.86

THIS TRAPEZOID IS THE
 ALLOWABLE BUILDING SPACE
 THAT THE ZONING CODE
 WOULD PROVIDE FOR FOLLOWING
 THE SETBACKS FOR A CORNER LOT

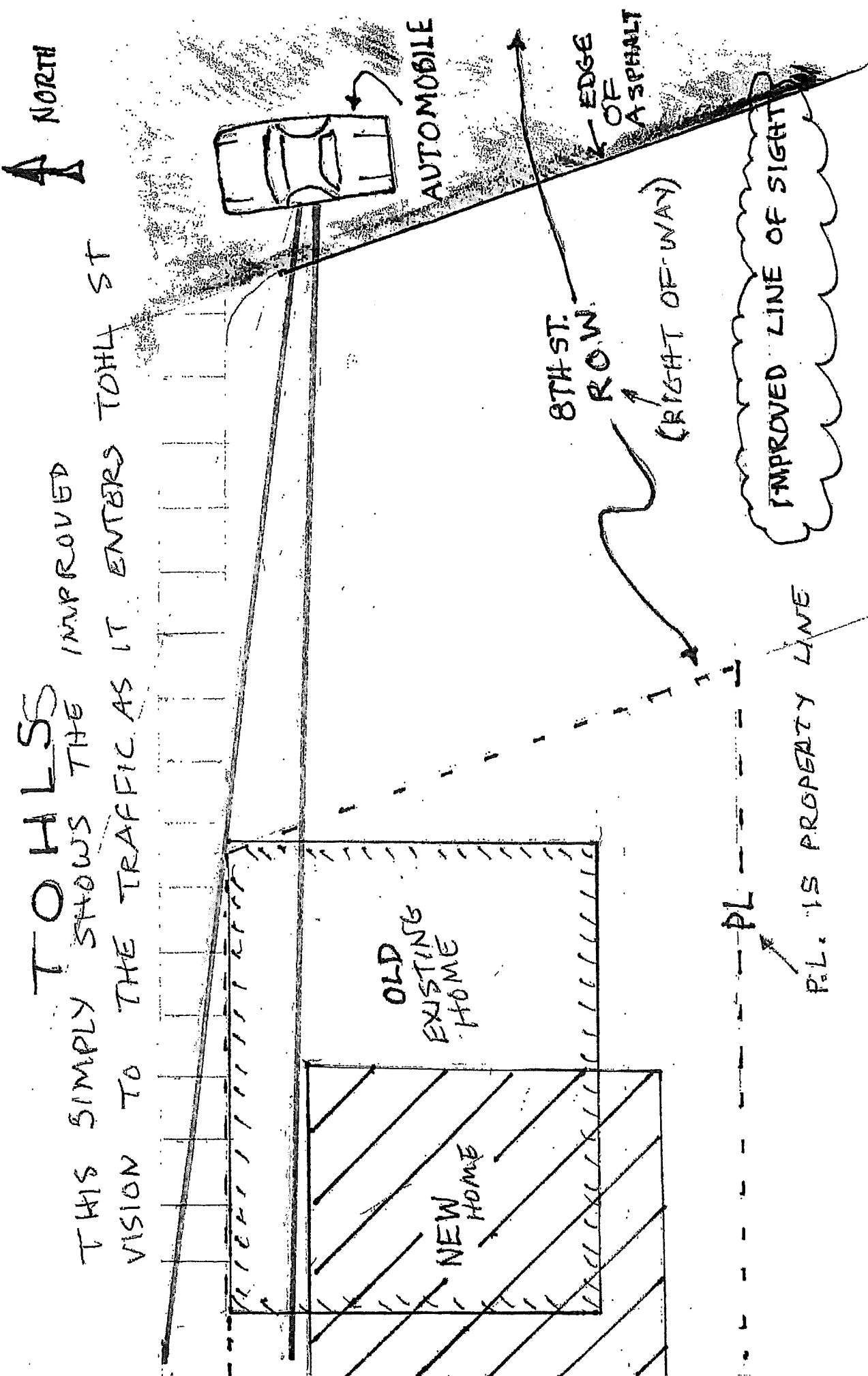
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35795 8TH ST.
 NEHALEM OR

PLEASE NOTE. A HOUSE BUILT THIS
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TO HILLS

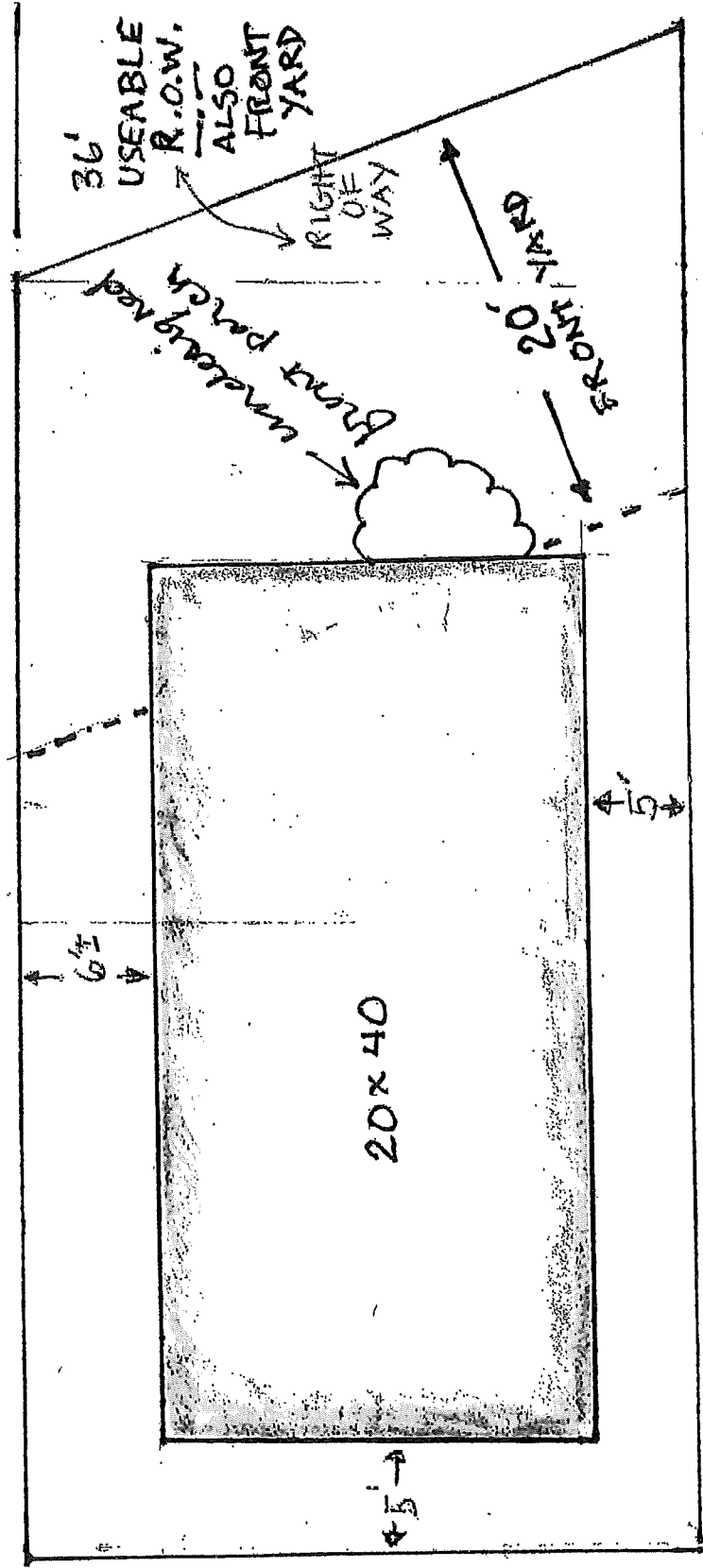
THIS SIMPLY SHOWS THE IMPROVED VISION TO THE TRAFFIC AS IT ENTERS TOHL ST



NORTH
↑

CABIN CAME TO HERE
→

58.16



30.86'

69.39'

PROPOSED NEW HOME

35795 8TH S
NEHALEM OR

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TO BE DEMOLISHED

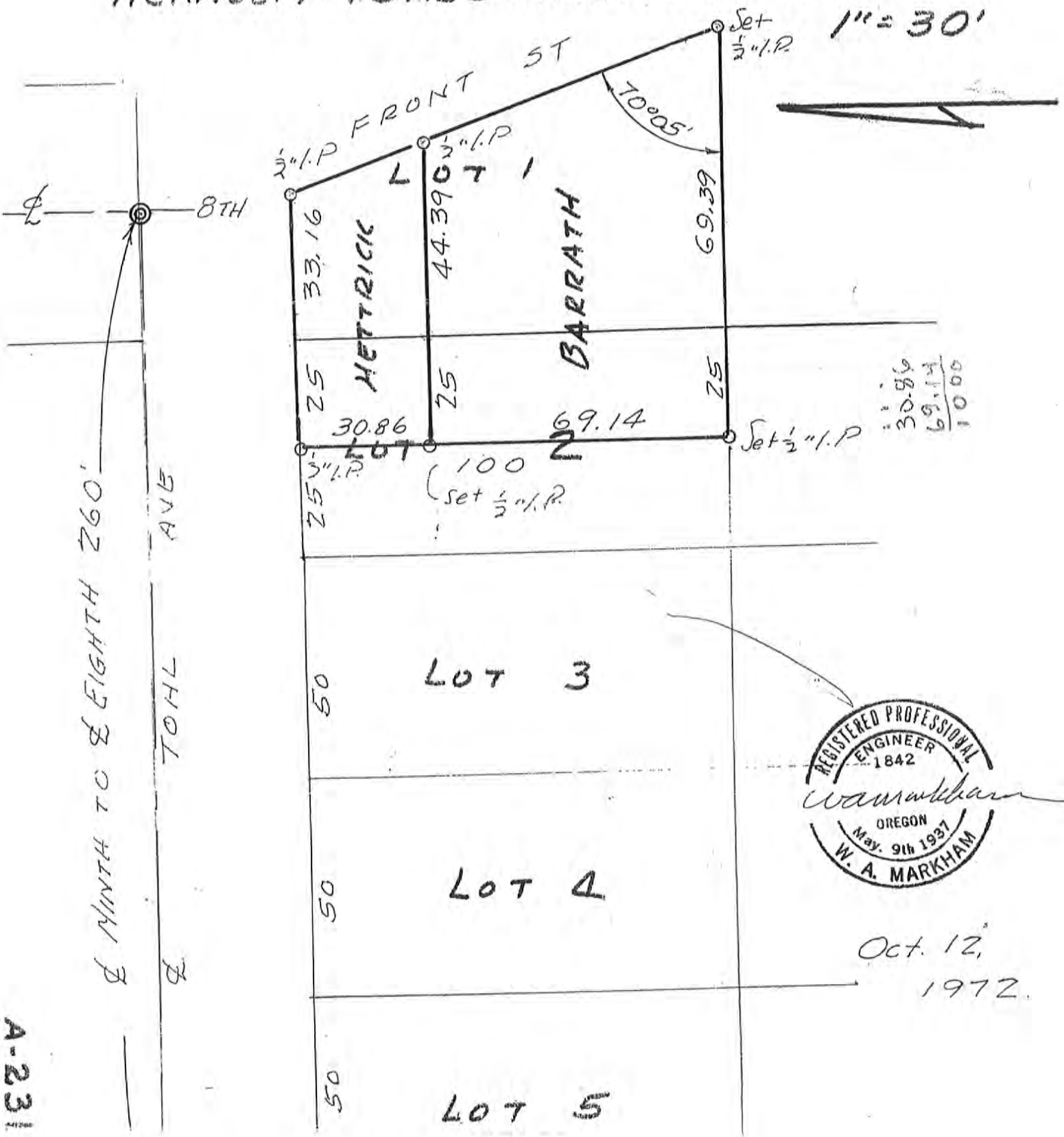
ORANGE IS LOCATION
OF PROPOSED NEW HOME

IF WE CANNOT GET A VARIANCE, WE WILL
BE FORCED TO REBUILD THE OLD CABIN.

Presented by applicant at hearing

BARRETH and HETTRICK - BLOCK 8 NEHALEM-TOHL'S FIRST ADD. LOTS 1-2

1" = 30'



Oct. 12,
1972.

A-231

Dale Shafer
CITY MGR
CITY OF NEHALEM OR
PO BOX 143
NEHALEM OREGON 97131

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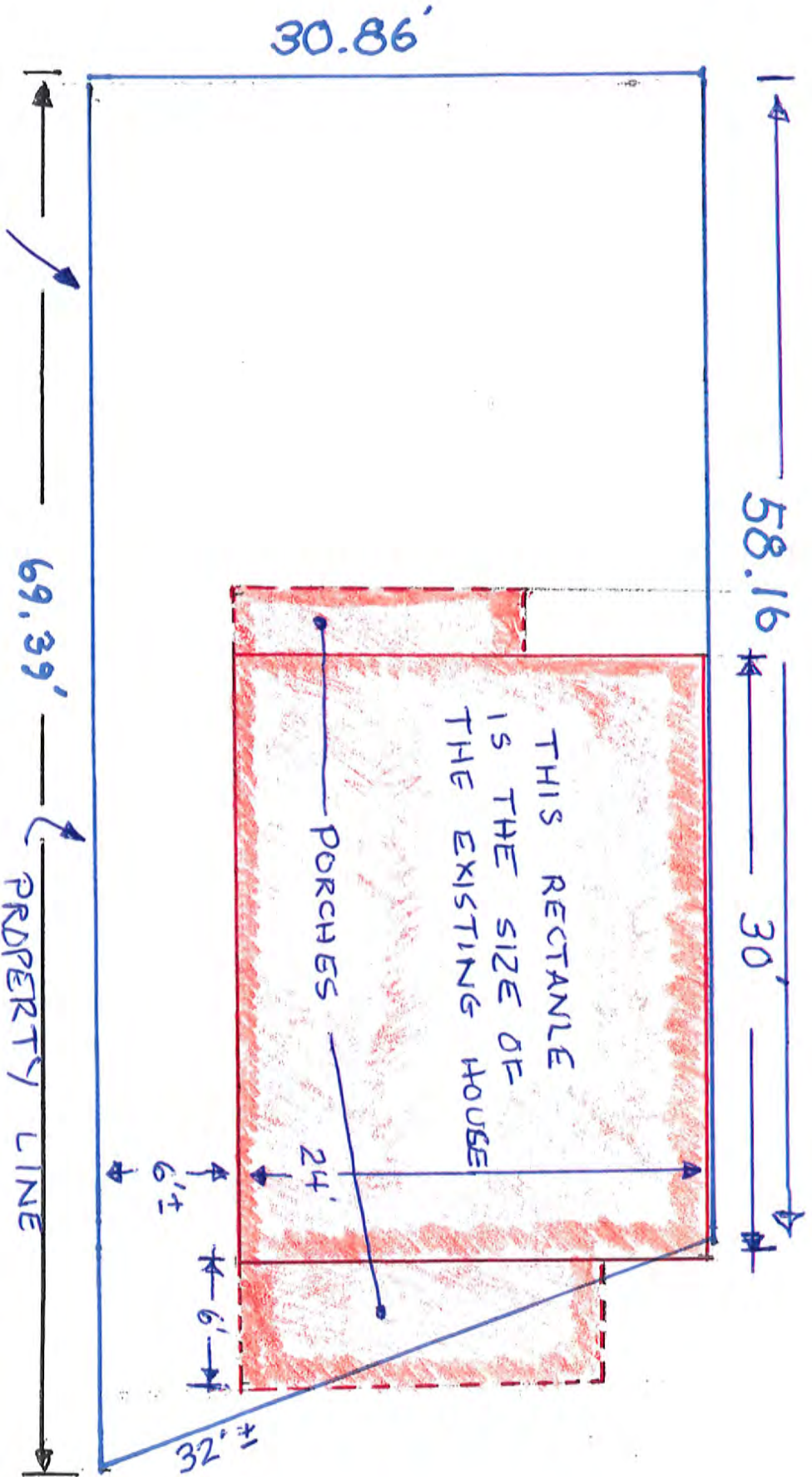
Regards

Stanton Symank

503 -476-4946

TOHL AVE.

NORTH ↑



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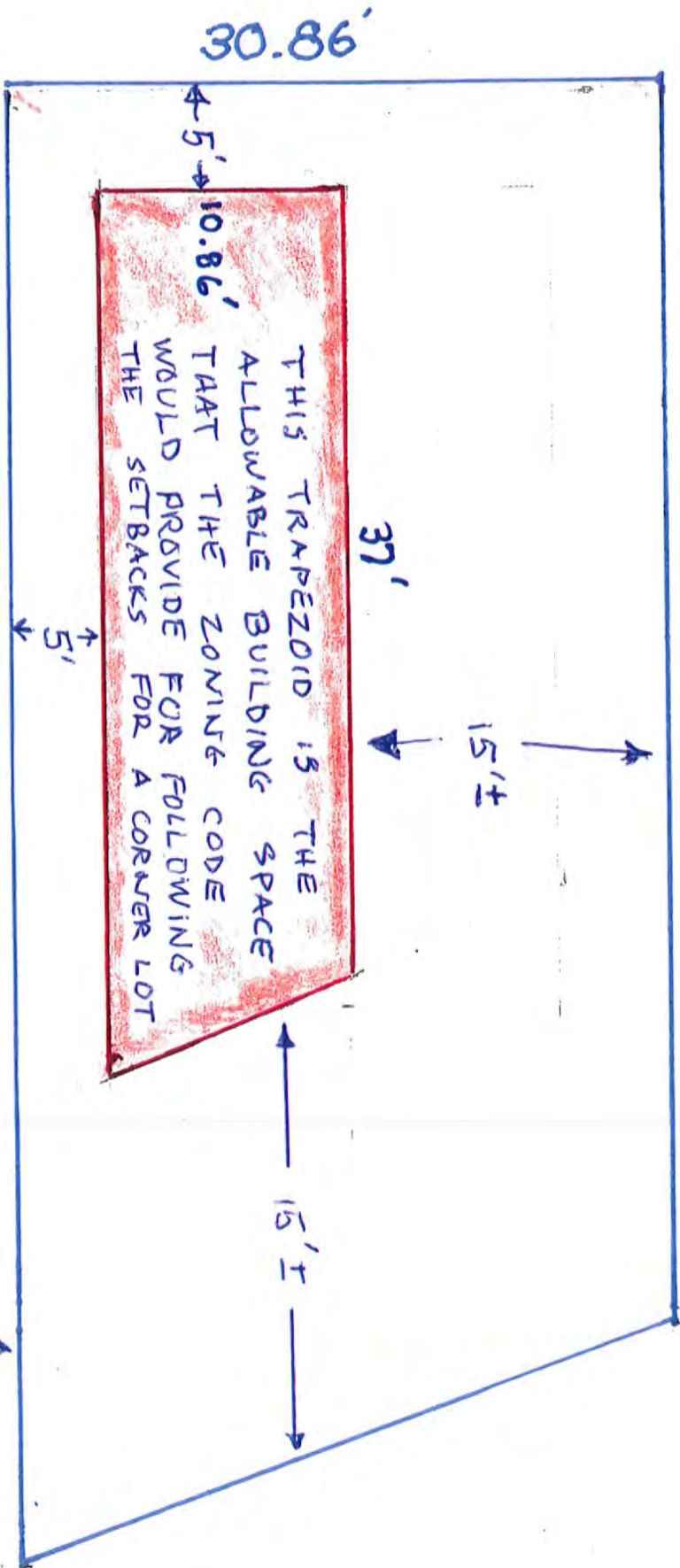
EXISTING PLACEMENT

35795 8TH ST.

NEHALEM OR

1/8" SCALE
P.C. HD 1

NORTH ↑



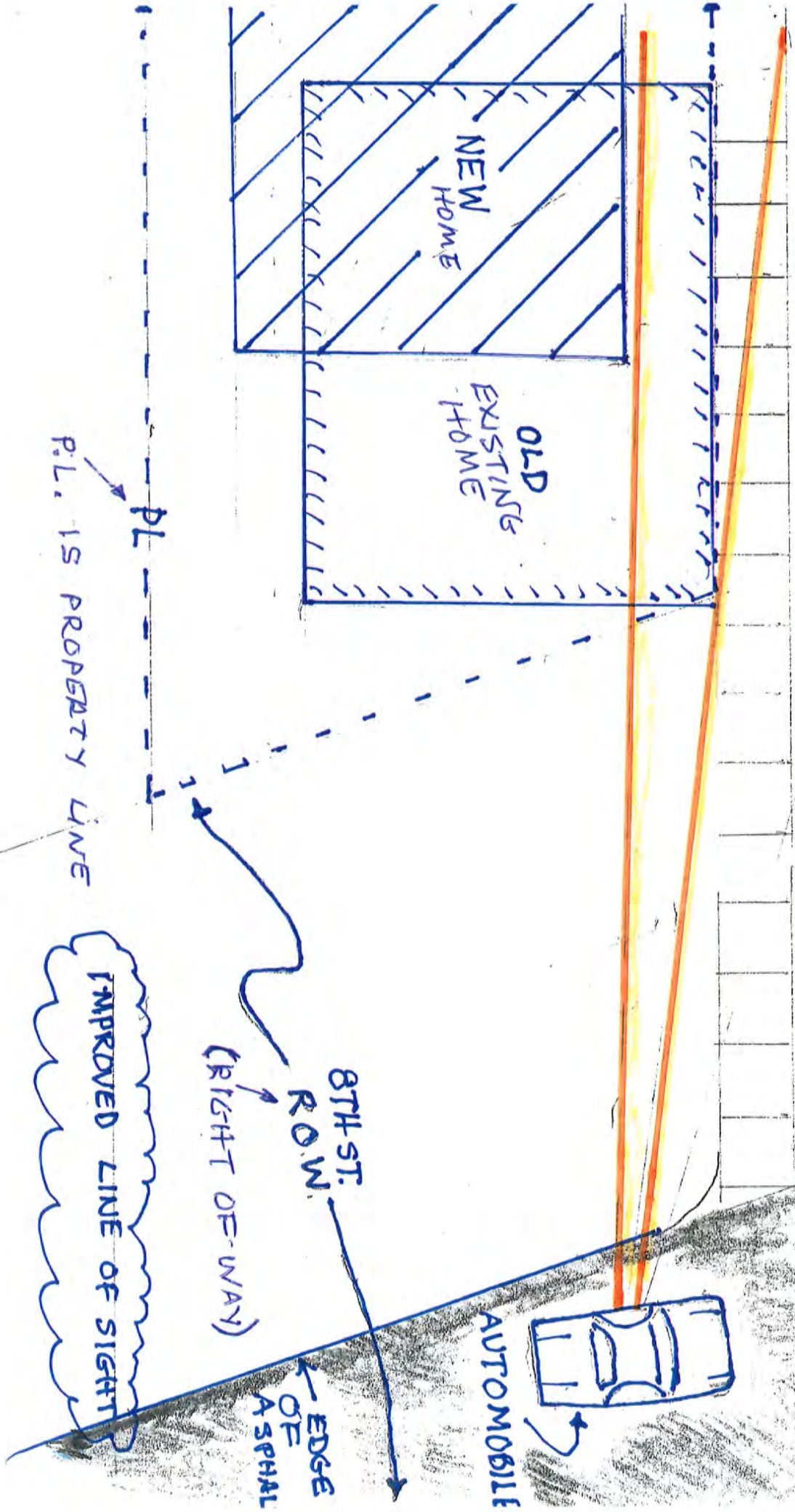
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ALLOWABLE PLACEMENT

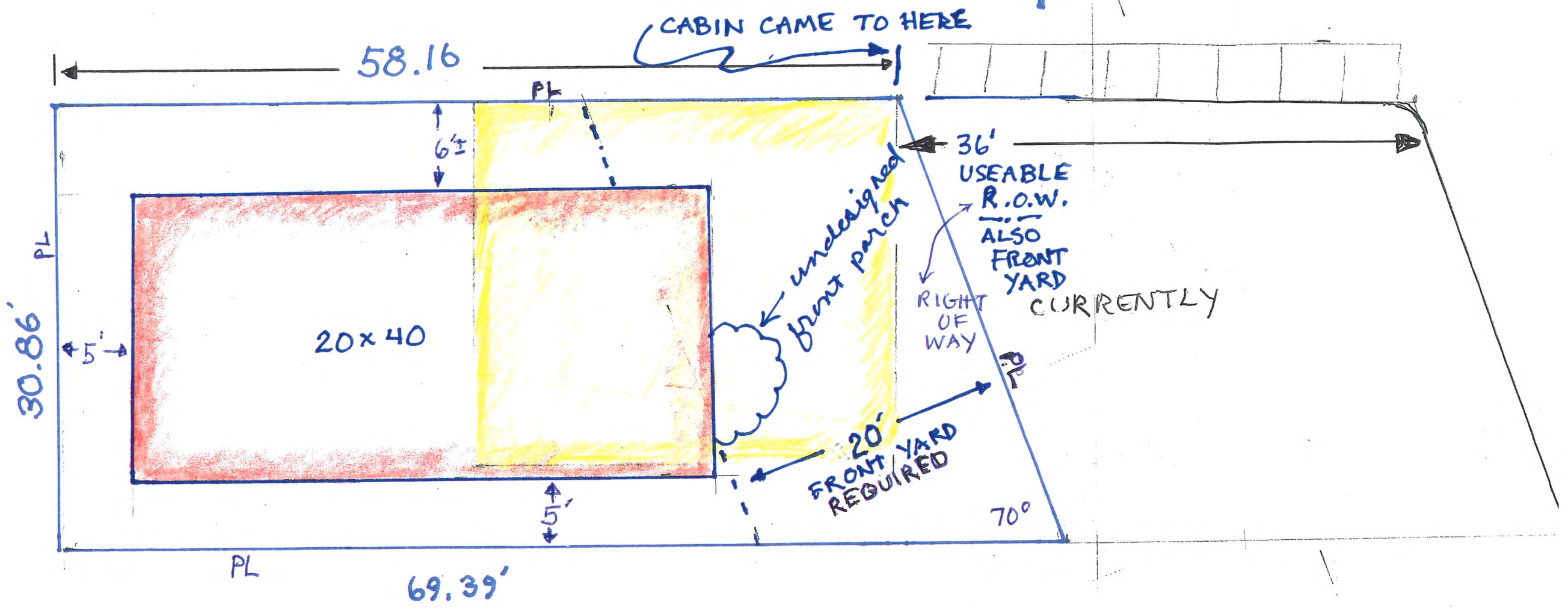
35795 87th ST.
NEHALEM OR

66. HD?

TOLLS IMPROVED
VISION TO THE TRAFFIC AS IT ENTERS TOLL ST



50' ≈ 10'6"



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ORANGE IS LOCATION OF PROPOSED NEW HOME

PROPOSED NEW HOME

35795 8TH S
NEHALEM OR

IF WE CANNOT GET A VARIANCE, WE WILL BE FORCED TO REBUILD THE OLD CABIN



CITY OF NEHALEM

35900 8TH STREET · P.O. BOX 143

NEHALEM, OR 97131

PH. (503) 368-5627

FX. (503) 368-4175

ORDINANCE 2019-02

AN ORDINANCE AMENDING CITY OF NEHALEM ZONING ORDINANCE 80-02 TO INCLUDE CERTAIN CHANGES REQUIRED BY SB1051, ADOPTING RULES AND REGULATIONS TO ALLOW ACCESSORY DWELLING UNITS OUTSIDE THE NEHALEM CITY LIMITS, BUT INSIDE THE NEHALEM URBAN GROWTH BOUNDARY.

WHEREAS the Oregon State Legislature has passed Senate Bill 1051 which requires that cities in Oregon Counties with a population of over 15,000 are required to allow Accessory Dwelling Units inside their Urban Growth Boundary; and

WHEREAS Senate Bill 1051 exempts cities with a population of less than 2500 from having to allow Accessory Dwelling Units inside their city limits; and

WHEREAS Senate Bill 1051 allows cities to pass rules and regulations regarding the siting of Accessory Dwelling Units within their city limits and their Urban Growth Boundaries;

NOW, THEREFORE, the City Council of the City of Nehalem does ordain a follows:

ARTICLE II Marine Residential – MR Zone Section 2.020: Amend to add Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits developed in accordance with Section 14.160 as permitted outright and shown in green on Exhibit A.

ARTICLE III Low Density Residential – RL Zone Section 3.020: Amend to add Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits developed in accordance with Section 14.160 as permitted outright and shown in green on Exhibit A.

ARTICLE IV Medium Density Residential – RM Zone Section 4.020: Amend to add Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits developed in accordance with Section 14.160 as permitted outright and shown in green on Exhibit A.

ARTICLE V Medium Density Residential – R1 Zone Section 5.020: Amend to add Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits developed in accordance with Section 14.160 as permitted outright and shown in green on Exhibit A.

ARTICLE VI Medium Density Residential – R2 Zone Section 6.020: Amend to add Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits developed in accordance with Section 14.160 as permitted outright and shown in green on Exhibit A.

ARTICLE VII Medium Density Residential – R3 Zone Section 7.020: Amend to add Accessory Dwelling Units on land inside the Urban growth Boundary but outside the City Limits developed in accordance with Section 14.160 as permitted outright and shown in green on Exhibit A.

ARTICLE VIII Residential Trailer – RT Zone Section 8.020: Amend to add Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits developed in accordance with Section 14.160 as permitted outright and shown in green on Exhibit A.

ARTICLE XII Planned Development Section 12.030 Potential Uses: Amend as follows and shown in green on Exhibit A.

1. The following uses are allowed in a planned development if the Planning Commission considers them appropriate for the particular development being proposed and if other applicable standards are satisfied.
 - f. Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits wherever a Planned Development incorporates single-family homes. Accessory Dwelling Units are allowed at a ratio not to exceed one Accessory Dwelling Unit per single-family home. Accessory Dwelling Units will be developed in accordance with Section 14.160

ARTICLE XIII Low Density Residential, Agricultural, Forestry and Recreation – A1 Zone Section 13.020: Amend as follows and shown in green on Exhibit A:

1. The following uses and their accessory uses and activities are permitted outright:
 - w. Accessory Dwelling Units on land inside the Urban Growth Boundary but outside the City Limits developed in accordance with Section 14.160

SECTION 14.160 ACCESSORY DWELLING UNITS: Amend as follows and shown in green on Exhibit A:

Where permitted, an accessory dwelling unit may be sited on a lot with an existing or under-construction single-family home, shall conform to all building code requirements, and shall meet the following use and development standards.

1. Location. The accessory dwelling unit, if free standing, shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements.
2. Number. Only one accessory dwelling unit shall be permitted per lot or parcel.
3. Design. All accessory dwelling units shall be set on a continuous concrete foundation; have any wheels, tongues and running gear removed; and be connected to domestic sewer and water. A separate address may be required for the residence.
4. Area. The floor area of a detached accessory dwelling unit or an addition to an existing residence to add an accessory dwelling unit shall not exceed 100% of the floor area of the primary residence or 800 square feet, whichever is less. An accessory dwelling unit created by a remodel of an existing residence may not occupy more than one floor of the residence regardless of size.

5. Setbacks. For a Detached Accessory Dwelling Unit, the minimum rear yard setback shall be 10 feet; the minimum side yard setback shall be 5 feet.
6. Height. The maximum height of a freestanding accessory dwelling unit shall be 25 feet but in no case shall the height exceed the height of the primary residence. Accessory dwelling units built within or as additions to the primary dwelling unit, or over detached garages, shall not exceed the maximum height of the zone.
7. Owner Occupied. Either the primary dwelling unit or the accessory dwelling unit must be owner occupied.
8. Lot Coverage. The impervious surface associated with the accessory dwelling unit, including the unit and driveways, parking, walkways, and patios, is counted toward the maximum lot coverage for the lot.
9. Parking. A minimum of 1 off-street parking space shall be provided for an accessory dwelling unit. The additional space need not be paved but shall remain unobstructed and available for parking.

PASSED and ADOPTED by the Nehalem City Council this ____ day of _____ 2019 and APPROVED by the Mayor this _____ day of _____, 2019

APPROVED:

ATTEST:

Bill L. Dillard Jr., Mayor

Dale Shafer, City Manager

First Reading: _____
 Second Reading: _____
 Adoption: _____
 Ayes: _____
 Nays: _____
 Abstentions: _____

THE CITY OF NEHALEM, OREGON COMPREHENSIVE PLAN



Article I Introduction

This is the City of Nehalem's Comprehensive Plan. Think of it as our community's map to the future. It describes:

- 1) where we are today,
- 2) where we want to be tomorrow, and
- 3) how we plan to get there.

A plan of many parts

As the term "Comprehensive" suggests, this Plan covers a wide variety of topics:

Citizen Involvement and Visioning,	Housing,
Natural and Historic Resources,	Economic Development,
Natural Hazards,	Urban Growth,
Public Facilities,	Land Use, and.
Population,	Climate Change

Although they may seem quite different, these topics all share one thing in common: they are forces and factors that determine how our community will grow and develop.

The area covered by the Nehalem Comprehensive Plan is approximately 861 acres and includes:

- a. the Nehalem city limits; and
- b. land within the Nehalem Urban Growth Boundary (the Urban Growth Area (UGA)) outside the Nehalem city limits.

The Nehalem Comprehensive Plan consists of two parts:

1. The Goals, Objectives and Policies to meet each state goal; and
2. The Background Report consists of inventories, reports, and factual data that describe the resources and features of Nehalem.

The City of Nehalem Comprehensive Plan can influence these forces and factors to shape the community the citizens want, and thereby can grow efficiently and effectively. The City can plan and zone land for new businesses, and new residential growth, in areas free from conflicts with other land uses, other overlay districts, with good access and suitable public services like sewers and water. The City can prepare for growth and development in our community through this Plan.

In doing such planning, the City makes policy choices. It can choose to encourage new businesses in the City. It can choose to direct new businesses toward certain areas in the City. It can choose to provide appropriate infrastructure in those areas. Such choices mean the Plan is a statement of what the community wants, not a prediction or forecast of what must be but what it may potentially become. The Plan is based on the assumption that we can shape our future in relationship to the community's visions and future predictions.

"The future" covered by the City Comprehensive Plan is the period from 2020 to 2040. In this Plan certain accommodations for the future, future growth and development, are made. For example, the Urban Growth Boundary established by this Plan is designed to contain enough vacant land to accommodate the residential, commercial, and industrial development Nehalem expects over the next two decades.

It's the Law

The Comprehensive Plan was adopted as an ordinance by the City. It thus is a law, with the same force and effect as other City ordinances. It prevails and guides other ordinances like zoning ordinances.

It's more than a map

Many people think of a city's plan as just a map showing areas where *different types* of development may occur in the future. The Plan states Nehalem's general policies on land use, visioning, citizen involvement, community growth and development. Nehalem's Comprehensive Plan contains such a map, but there's a lot more to the plan than that. The Plan map shows how various parts of the city are designated for residential, commercial, industrial and public use. It also shows the location of the City Limits, the Urban Growth Boundary and of urbanizable lands where future annexations and urban development are expected to occur. The *crucial* details are found in the text and policies of the plan. It therefore is essential to consider both the Comprehensive Plan Map and the Comprehensive Plan Text when making decisions about growth and development in the City of Nehalem.

Article II of the Plan reflect each of the applicable state goals. They contain several sets of statements after a narrative description, identifying the relationship of the state goal to the City's vision, and the requirements for each state goal as described by the state. Following these sets of statements is the City's goal, objectives and policies.

A goal is the broad statement of the community need, here based on each chapter. This is followed by a set of statements containing one or more "Objectives". Objectives are more specific expressions that break down the community's goals so the goals are more detailed for the subject addressed, and are steps the City can take to realize its goals in that chapter. Objectives are designed to complement the next set of statements; policies. The third set of statements for each of the objectives, contains "Policies" or "Implementing Policies". These policies are specific measures for achieving each of the chapter's goals and objectives. Sometimes these are the "implementing" policies because they are the last set identified to accomplish the objectives and meet the goal. However, a fourth set, if necessary, after, each policy, contains implementing procedures or recommended actions, which describe how the City will carry out and can achieve each of the policies. The goal, objectives, implementing policies, and implementing procedures are located at the end of each chapter.

The local Comprehensive Plan's link to the state

Every city in Oregon has a comprehensive plan. State law requires it. And the state sets broad standards for those plans in the form of 19 statewide planning goals and various administrative rules and statutes. All local plans, including this one, are reviewed under those state standards by Oregon's Land Conservation and Development Commission (LCDC) or the commission's staff, the Department of Land Conservation and Development (DLCD). Nehalem's plan thus is the product of a state-local partnership. It reflects both local and state interests.

After a plan has been reviewed and found to meet state standards, it is said to be "acknowledged," or "in compliance with Oregon's statewide planning goals." Acknowledgment is important, because it means Nehalem's acknowledged Comprehensive Plan - not state law - is the controlling document for all land use decisions made within the City's jurisdiction. The answers to land use questions are determined by the provisions of Nehalem's acknowledged Comprehensive Plan and the implementing ordinances of the plan, such as the Zoning Ordinance. All actions such as zoning, subdivisions, public facility extensions, and annexations must be in conformance with the plan. The comprehensive plan guides a community's land use, conservation of natural resources, economic development, and public facilities.

In the process of updating the Nehalem City Comprehensive Plan each State goal was analyzed as to its applicability to the community. The goals represent State laws, which are flexible in nature to the extent that a community must interpret their validity to the local situation. These relevant statewide goals include the following: 1) Citizen Involvement, 2) Land Use Planning, 3) Agricultural Lands, 4) Forest Lands, 5) Natural Resources, Scenic and Historic Areas, and Open Spaces, 6) Air, Water, and Land Resources Quality, 7) Areas subject to Natural Disasters and Hazards, 8) Recreational Needs, 9) Economic Development, 10) Housing, 11) Public Facilities, 12) Transportation, 13) Energy Conservation, 14) Urbanization, and 16) Estuarine Resources, and 17) Coastal Shorelands , 18) Beaches and Dunes, and 19) Ocean Resources. The City has exercised the local right to prioritize the goals in order to guide the City of Nehalem in those broad land use propositions that make a good Oregon community. Adoption of the Plan commits the City to carry out each recommendation or policy statement. It further puts the City on record as having recognized the validity of the recommendations of and the decisions or actions they imply. In each section of this Plan, the pertinent State Goals shall be identified.

How plans are revised

Communities change, and as they change, their plans change, too. A plan can be changed a little or a lot, with a "plan amendment." Plan amendments can involve changes for only a few properties or one or two strategies in the plan or a major reevaluation and update - an overhaul of the entire plan. There's no set schedule for making plan amendments: they're proposed as needed. Sometimes reviews are done every five to fifteen years in a schedule determined jointly by the state Department of Land Conservation and Development and the local government.

If a reevaluation and update of this Plan is needed, a post-acknowledged plan amendment (PAPA) is required. This post-acknowledged plan amendment ensures that the City's Comprehensive Plan is kept up-to-date and consistent with the State Goals.

Plan amendments are very public processes. Citizens must be notified of any proposal to change the Plan; they must have an opportunity to comment on such a proposal in a public hearing; and the State's Department of Land Conservation and Development must be notified, as well.

As part of a public process, in 2018, the City of Nehalem adopted the Nehalem Vision Statement and Aspirations (hereinafter the Vision, as is shown below). The result of the Vision is a reorganized Comprehensive Plan.

Nehalem's Vision Statement and Aspirations

Vision Statement

In 2040, Nehalem is a livable, economically sustainable, rural coastal community, a place where people know each other and celebrate its setting of natural beauty.

Vision Aspirations

The following aspirations have been identified as the path to achieve our City's vision:

Housing

- Housing is available to meet the diverse needs of Nehalem citizens, and reflects the rural, coastal character of the community.

Social Support and Safety

- Nehalem is noted for its livability for people of all ages, income levels and family sizes. It has many avenues for making connections among neighbors including local businesses, gardening, recreation, gathering places, and events.

Economy

- Nehalem has a strong four-season economy. Encouraging small businesses, vital goods and services, cottage industries, and home-based businesses to locate in Nehalem results in a vibrant year-round economy.

Infrastructure

- Nehalem's infrastructure of water, sewer, storm drains, streets and parks is developed to good standards for a rural community, well-maintained and renewed as needed from well-funded and well-managed reserve funds.

Open Space, Parks and Recreation

- Access to the outdoors is a key part of Nehalem's character and the community's experience of living. Open space, parks, and active and passive recreation are readily available to citizens and visitors.
- Mitigation of our contributions to climate change and adaption to likely impacts are important in protecting the livability and quality of life for our citizens and visitors.

Inclusive and Collaborative Community

- Nehalem is an inclusive and collaborative community where local governments, not-for-profit organizations, businesses, and residents work together to successfully address community issues and opportunities. The City actively promotes citizen involvement. A culture of trust and respect defines the community.

Each Aspiration is integrated into the appropriate section of the Plan, so that the goals, objectives and policies set under each section reflect the City Vision.

Purpose

With updates, amendments, and other adjustments, the purpose of the Nehalem Comprehensive Plan is to manage future growth and development within the City Limits and Urban Growth Boundary in a way that will support the City's vision and preserve the quality of natural amenities and livability that have attracted people to Nehalem. The Plan's goals and

policies will provide the guidance to both public agencies and private individuals when making decisions about the future development of the City.

The area outside the Nehalem City Limits but inside the Urban Growth Boundary is within the jurisdiction of Tillamook County. Tillamook County shall retain responsibility for land use decisions in this area, subject to Nehalem's Comprehensive Plan and Land Use Ordinances.

The entire plan should be considered as (1) a body of technical information about the City of Nehalem Area, our assessment of that and findings of fact to support what we feel from that data analysis and prioritizing of goals, (2) a statement of desired goals, objectives and policies of the Nehalem residents, and (3) a set of recommended actions to reach the goals and resolve issues and problems uncovered by the analysis, and, (4) an appendix of supporting documents.

Those who must make decisions affecting the people of Nehalem shall use the Comprehensive Plan as a basic reference and guideline.

Article II THE PLAN.

GOAL 1: CITIZEN INVOLVEMENT



City Vision (Inclusive and Collaborative Community)

Nehalem is an inclusive and collaborative community where local governments, not-for-profit organizations, businesses, and residents work together to successfully address community issues and opportunities. Awareness of social and environmental justice is integral to ensuring that decisions are made that don't disproportionately affect or make more people and communities more vulnerable. Reviewing decisions around issues such as zoning, uses, hazard, and climate change adaptation through these lenses is necessary and requires transparent and open citizen involvement processes.

The City actively promotes citizen involvement. A culture of trust and respect defines the community.

State Requirements for Goal 1, Citizen Involvement:

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Nehalem's Planning Commission and City Council are guided by the principle that citizen participation in planning and land use issues is essential. The single most important factor influencing the effectiveness of this Plan is the extent of citizen participation in its development.

Nehalem's Citizen Involvement Goal

1. To provide all city and Urban Growth Area residents an opportunity to be involved in all phases of the planning process.

Objectives

1. All people of the community shall be represented.
2. Hearings and changes to plans and codes shall be properly noticed.
3. Citizens shall be informed of meetings and heard.

Policies

1. The Planning Commission shall represent the people in the community and shall be chosen in a fair, well-publicized manner.
2. City Meetings shall be well publicized. Minutes of the meetings shall be made available upon request.
3. The Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and other City Ordinances shall be available at City Hall at a nominal cost.
4. The City Council and Planning Commission shall respond to citizens' concerns and comments through direct response at meetings, by letter, or through the meeting minutes.
5. Comprehensive Plan Changes shall be made only after adequate public discussion and notifications, of interested and affected districts and agencies such as the Nehalem Bay Wastewater Agency, Neah-Kah-Nie School District, and Tillamook County.
6. Plan changes will only be adopted after well-advertised public hearings have been held by the Planning Commission and City Council.
7. The Planning Commission is the citizen involvement committee for the community.

GOAL 2: LAND USE PLANNING

History of Land Use in the City of Nehalem

Nehalem was named for the Nehalem Indians.

First Incorporated by an Act of the Legislature in 1899, the City "...where the people live..." sits on the western bank of the Nehalem River and along the Nehalem Bay in Tillamook County. It is equal distance from both the Cities of Tillamook and Seaside, and 70 miles from the Portland metro area. Each year thousands of visitors discover what long-time residents have always known - Nehalem is the place to live, work and play.

Nehalem was once a thriving logging community. The city used to stretch over the river on log planks, where a lumber mill cut logs that came down a railroad track on the Nehalem River. Wood pilings that held up this track can be found in the North Fork Nehalem River.

Existing Land Use in the City of Nehalem

One of the most important pieces in planning for future land use is identifying the amount, type, and location of existing land use. The location of existing residential, commercial, industrial, public, and open space areas provides a basis for understanding present conditions and for making projections for future land use patterns. The Comprehensive Plan Map and Zoning Map for the City of Nehalem reflect zonation and planned land uses within the City's Urban Growth Boundary. In this chapter, each land use will be discussed with a description of the goals, objectives and policies for the different uses after each.

Land Use Designated Areas

The City of Nehalem Comprehensive Plan and Zoning Map shows the zoning designations for land in the City and the Urban Growth Boundary (UGB), including residentially zoned areas of both low and medium density, commercial areas, industrial areas, public lands, and agriculture, forestry and recreation areas. The Map is a graphic portrayal of how land use in Nehalem will look as the goals, objectives, policies and recommendations are implemented.

State Requirements for State Goal 2, Land Use Planning:

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans are coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Nehalem's Land Use Goal:

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions; to encourage development outside of natural hazard areas including climate-related hazards; and to encourage the use of construction materials and standards that limit greenhouse gas emissions during building use.

Residential

Residential uses include lands used for single-family, duplex and multi-family development. There are essentially two levels of residential development: lower-density development and medium-density development.

(1) Low-Density Residential

Intent/Objective

1. To provide for low-intensity urban residential development in areas that have physical limitations or unique natural values.

Policies

1. The density of low-density residential development shall not include Marsh and tideland areas in calculating the land area of a parcel of land.
2. Cluster or planned-unit developments are strongly encouraged.
3. Special policies for development of Nehalem Point.
 - a. Use of developable land within the UGB above ten-foot elevation.
 - i. These land above ten-foot elevation may be developed for uses consistent with the Low-Density Residential zoning and any additional uses allowed by the planned- development provision.
 - ii. Structures on Nehalem Point shall be designed and sited to maintain the visual integrity of the Nehalem Point skyline and its shore lands.
 - b. Use of land outside the Urban Growth Boundary below ten (10) foot elevation.
 - i. Lands below ten (10) feet in elevation which are within the estuary boundary are designated “EN” (Estuary Natural).
 - ii. Other lands below ten (10) feet in elevation are designated as “RM” (Recreation Management).
 1. These lands shall be reserved for uses such as mitigation for new estuary development projects, estuary enhancement or restoration, outdoor recreation without intensive development and open space in conjunction with planned development uses.

(2) Medium Density Residential

Intent/Objective

1. To provide for moderate intensity residential development in areas that have already been subdivided or where there are few physical constraints on development.

Policies

1. The permitted density may be reduced where a site investigation report by a qualified expert indicates that such a density reduction is required to ensure creation of build able sites.

(3) Marine Residential

Intent/Objective

1. To provide for a mixture of residential and marine commercial uses.

Policies

1. New marinas or an expansion of existing facilities are an appropriate use where it can be shown that the proposal is:
 - a. Consistent with the City's Estuarine Resources policies; and
 - b. Compatible with adjacent residential uses.
2. New individual, single purpose piers and mooring facilities shall be discouraged in favor of public or private community facilities, while the maintenance of existing individual piers and moorage facilities is strongly supported.

(4) Commercial

The lands currently in commercial use and designated for commercial use are identified in commercial areas on the zoning map and is categorized by the designation of downtown (Town Center), highway-oriented (Other), and neighborhood uses.

(5) Town Center Commercial

Intent/Objective

1. To provide for a wide range of retail and personal service uses to serve both City residents and tourists, and Multi-family dwellings.

Policies

1. The City will continue to work with the City merchants to achieve an equitable long-term solution to the problem of flooding in the Downtown.
2. Commercial uses which are consistent with the development of a compact, land-intensive City Center that facilitates pedestrian movement are encouraged.
3. Multi-family housing is encouraged.
 - a. Housing, in conjunction with a commercial use shall also be encouraged.
4. The existing vegetative cover on Deer Island should be maintained.

(6) Other Commercial

Policies

1. Commercial development between Nehalem and Manzanita should be clustered.

(7) Industrial Land

The industrial uses in the City include the area in the northeast area of the UGA, as designated on the Map.

(8) Public Areas

Public areas include lands designed for public buildings, public utilities, schools, playgrounds, churches, meeting halls, and other similar uses which are considered public facilities. The purpose of the public district is to recognize existing public facility land use and areas for those uses, which generate large public gatherings, and to provide for the development of public facility services and other public-oriented uses.

Intent/Objective

1. Recognize certain lands to be designated for public use and recreational activities.

(9) Overlay Zones

The City of Nehalem has a number of overlay zones as described in the Zoning Ordinance that are located in special areas of the City and are applicable in addition to the underlying base zone districts. Properties within the overlay zones are subject to the requirements of the underlying base zone district and additionally the overlay zone district.

Additional Policies:

1. In conjunction with affected regional, state, and federal agencies, the City agrees to assume cooperative responsibility for land use planning
2. The City shall cooperate with the school district to ensure that growth of the City does not outstrip the district's ability to provide facilities. Subdivisions or other major developments that could generate large enrollment increases shall be permitted only after consideration of their impact on schools.

[INSERT ZONING MAP HERE]

GOAL 3: AGRICULTURAL LANDS

Nehalem does not include agricultural lands but supports the community's need to provide food for itself. Supporting local and sustainable agriculture in the region is strongly encouraged by the community and will continue to be a priority into the foreseeable future.

State Goal 3, "To preserve and maintain agricultural lands."

State Requirements for Goal 3:

Oregon Statewide Planning Goal 3 Agricultural Lands does not apply within the Urban Growth Boundary and Nehalem does not have agricultural zoned lands within its boundaries.

Nehalem City Goal: Although this State Goal does not apply to the City, the City supports preservation and maintenance of the agricultural lands.

GOAL 4: FOREST LANDS

The City supports efforts to preserve forest lands with the City's Forest Management Plan approved by the State of Oregon.

State Goal 4, "To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

State Requirements for Goal 4, Forest Lands:

Oregon Statewide Planning Goal 4 Forest Lands does not apply within the Urban Growth Boundary.

Nehalem City Goal: Although this State Goal does not apply to the City, the City supports preservation and maintenance of forest lands.

GOAL 5: NATURAL FEATURES, NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

The City of Nehalem is surrounded by active and passive recreational areas and natural resources that include the downtown waterfront and shoreland, wetlands, estuaries, flood plains, agricultural lands, and forestlands on the surrounding hillsides. A rich geographic setting of natural resources therefore surrounds the urbanized area of the City.

With recognized climate change, the temperature of the earth's surface is warming, and a changing environment is occurring inside and outside of the city. Snowpack is declining, summer stream flow is lowering, wildfire activity is increasing, sea level is rising, and coastal waters are acidifying. The consequences of these climate change are expected to continue for decades to come. This places an impact on natural features, natural resources, and makes it more important to preserve scenic and historic areas, open spaces, and the natural environment.

The City is aware that climate change may greatly affect the community, and the natural features and the natural resources in the community.

Maintaining and providing access to this natural environment that surrounds the City is important. Therefore, minimizing the adverse impacts and protecting the natural environment are important in the growth and development of Nehalem.

City Vision (Open Space, Parks and Recreation)

Access to the outdoors is a key part of Nehalem's character and the community's experience of living. Open space, parks, and active and passive recreation are readily available to citizens and visitors.

State Requirements for Goal 5, Open Spaces, Scenic and Historic

Areas and Natural Resources: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of balance between the resource and the uses that would conflict with it.



Nehalem City Goal

1. To foster high-quality development consistent with the natural environment.

Objectives

1. It is the intent of the City to monitor development to minimize adverse impacts to the natural environment.
2. It is the intent of the City to monitor cluster development to protect the natural environment.
3. Riparian areas shall be preserved.
4. Scenic views are an important part of the City's environment.
5. It is the intent of the City to encourage the idea of Deer Island as a park or land trust, if the island becomes available for purchase.

6. The City encourages open space in developments.

Policies

1. The density of development in a planned-unit development or a cluster subdivision shall be consistent with the density permitted in the zone in which it is developed.
 - a. Increases in density may be permitted where the development provides facilities or areas which help meet community objectives.
 - b. Any density increase shall be compatible with the site and adjacent areas.
2. Land-use management practices and non-structural solutions to problems of erosion are preferred to structural solutions.
 - a. Where shown to be necessary, erosion control structures must be approved by the State and shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns, and on adjacent property.
3. Riparian vegetation shall be maintained, and where appropriate, restored and enhanced consistent with water-dependent uses.
4. Scenic views should be used and protected in the development of land.
5. Developments shall include measures to control erosion and minimize sedimentation during construction.
6. Developments, especially those adjacent to the Nehalem River and Bay, where permitted by FEMA, shall consider the impact on wildlife resources.
 - a. Projects shall be designed to minimize their impact on areas identified as having riparian vegetation.
7. Climate change has the potential to change natural features and as a result the City intends to embrace opportunities to reduce emissions of greenhouse gases, foster sequestration of carbon, and adapt to unavoidable changes.
8. The City recognizes that climate change stresses the forested watersheds upon which the City depends, and that human activity in these watersheds exacerbates these stresses by increasing the potential for wildfire, introduction of pathogens, and spread of invasive species. Furthermore, mature forests are more resilient to climate induced stress. The City intends to manage its watersheds to minimize forest stress due to climate change and will continue to not allow public access to the watershed.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

Air, water and land resources are important factors in the City of Nehalem.

Air quality within the planning area is generally very good. Air pollution from automobiles is not a significant problem even with high volumes of summer tourist traffic going through town. A prevailing wind usually blows in Nehalem and clears the air quickly. Water quality within the area is generally excellent. Rains and tidal actions constantly change the level and velocity of the Nehalem River.

The City recognizes climate change as an issue that may greatly affect air and water quality as well as land resources.

The City of Nehalem vigilantly safeguards its water supply to provide safe drinking water for our community. The City owns 90% of our watershed, with the remaining portion owned by one private timber company.

The Lower Nehalem Watershed Council, while not affiliated with the City of Nehalem's watershed, works on preservation and enhancement of the lower Nehalem River. The Watershed Council is dedicated to the protection, preservation, and enhancement of the lower Nehalem watershed through leadership, cooperation and education.

Significant Water Quality within the UGB depends in part on protecting designated significant wetlands and riparian corridors. The City will ensure that future development occur in a manner that protects all significant wetlands and riparian corridors within the Nehalem UGB.

State Requirements for Goal 6, Air, Water and Land Resources Quality:

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as ground water pollution.

City Goal

1. To maintain, and where necessary, improve the City's air and water resources.

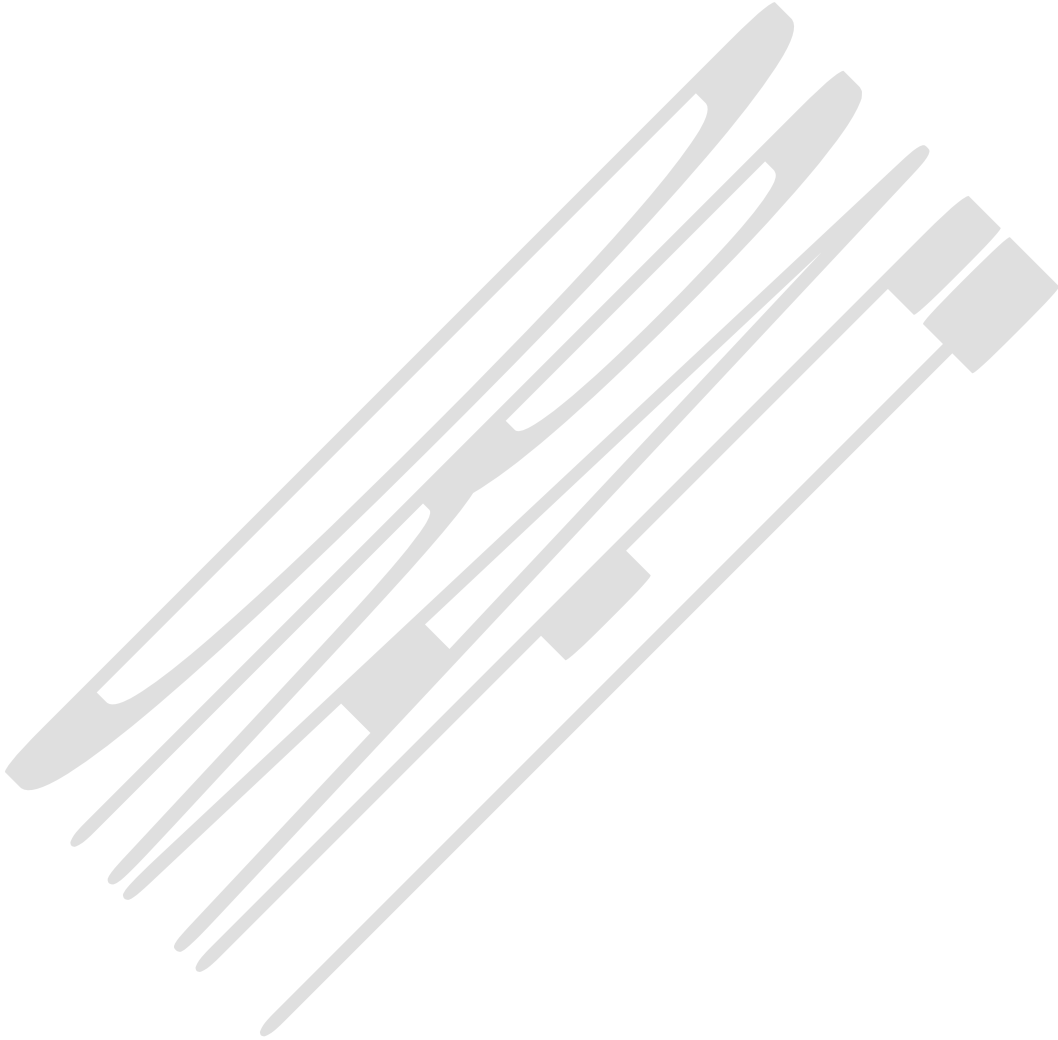
Objectives

1. To ensure the continued quality of air, water and land resources within the City and the UGB.

Policies

1. The City will ensure that the actions it takes are consistent with appropriate state and federal environmental quality standards, statutes, programs and policies, including those for water quality, air quality and noise.
2. The City will control sedimentation and erosion resulting from urban development through its Subdivision Ordinance.
3. The State Department of Forestry should monitor the use of herbicides in the Nehalem area, particularly around the City's Watershed.
 - a. Persons or organizations using herbicides shall notify the City and public prior to use, and in no instances shall herbicides be used in the City's Watershed. Or on land affecting the City's Watershed, without City approval.
4. The City will encourage actions that limit emission of greenhouse gases.

5. The City will continue implementing the City of Nehalem Master Water Plan.
6. All waste and process discharges from future development is not to violate applicable state or federal environmental quality statutes, rules and standards.



GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

The most significant natural hazards in Nehalem are landslides and flooding. In addition, climate change has the potential to make these natural hazards more frequent and severe, and to bring new natural hazards, identified in the Oregon Natural Hazards Mitigation Plan, that haven't typically been experienced.

Landslides occur on steep slopes. Flooding is a condition of partial to complete inundation of normally dry areas from the overflow of inland or tidal water and/or the unusual and rapid accumulation of runoff or surface waters from any source. The city of Nehalem lies within the geomorphic floodplain of the Nehalem River. In Nehalem, there are two types of areas where flooding generally occurs – the floodplain and the floodway – both are part of the Flood Hazard Area.



The floodplain is the area adjoining a stream, river, or lake that is subject to regional flooding. It represents the largest flood which has a one percent chance of occurring in any one year in an area because of periods of higher than normal rainfall or stream flows, high winds, rapid snow melt, natural stream blockages, or combinations thereof.

The Floodway is the channel of a watercourse that must be kept free of any encroachments so that the 1% annual chance flood can be discharged without cumulatively or substantially increasing the water surface elevation and flood height. Generally, the City's Floodway matches the location of the Nehalem River, and includes the island north of the City.

State Requirements for Goal 7, Areas Subject to Natural Disasters and Hazards:

Goal 7 deals with development in places subject to natural hazards such as floods and landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

City Goal

To reduce risk to people and property from natural hazards

Objectives

1. The City intends to protect people and property from harm caused by natural hazards.

Policies

1. The City shall adopt maps, plans, inventories, policies, and implementing measures that reduce risk to people and property from natural hazards.
2. The City shall give special attention to emergency access and evacuation when making development decisions.
3. The City shall seek to devote natural hazard areas as open space or other low intensity uses in so far as such measures will mitigate natural hazards and will maintain public safety and welfare.

4. The City shall maintain and coordinate their local Natural Hazard Mitigation Plan with local, state, and federal agencies.
5. The City shall coordinate with regional planning efforts for emergency preparedness, response, recovery and mitigation.
6. The City shall respond to new hazard inventory information within 36 months if notified to take such action by the Oregon Department of Land Conservation and Development (DLCD) unless such time to respond is extended by DLCD.
7. The physical capabilities and limitations of the land shall be utilized in establishing the type and density of development that can occur.
8. Flexible development approaches such as planned-unit developments and cluster subdivisions are encouraged, particularly in areas where development constraints such as flood hazards or steep slopes exist.
9. Developers of large properties with varied terrain are encouraged to cluster structures on the least steep portions of the site and to leave steep slope areas undisturbed.

Geologic Hazard Policies

10. For the purpose of identifying and mitigating geologic hazards the City shall require geologic site investigation reports prepared by appropriately qualified professionals that evaluate the risk to the site as well as the risk the proposed development may pose to other properties.
11. Site-specific geologic studies and investigations by a qualified expert may be required in areas suspected of being subject to landslide hazard when appropriate to assure safe development consistent with local, state, and federal criteria:
 - a. For all proposals for divisions of land;
 - b. When required by the building official;
 - c. When required by the City to assure public safety and welfare;
 - d. For grading, excavation, and/or the placement of fill in the development of streets and public rights-of-way;
 - e. For the construction of utilities;
 - f. Where ground disturbing activities are proposed; and
 - g. As required in the current Nehalem Zoning Ordinance.When a site report is required, construction shall occur only if the investigation indicates that development is feasible, and construction shall be in conformance with the site report. Where necessary, an engineer approved foundation may also be required.
12. When a geologic site investigation report is required, the report shall be prepared at the subject property owner's expense by an appropriately qualified professional engineer and certified engineering geologist licensed to work in the State of Oregon.
13. The geologic site investigation report shall be provided prior to permit approvals and prior to project commencement and shall be required as a condition of approval for public hearings where a geologic site investigation report will be required for the project.
14. The geologic site investigation report shall provide stormwater drainage management recommendations consistent with the current Nehalem Storm Water Drainage Master Plan.
15. The density of development allowed by the City within a zone shall be supported by the recommendations of the geologic site investigation report.

16. The City encourages site design which utilizes the natural topography and vegetation including but not limited to the following techniques:
 - a. Flexible development approaches such as planned developments; and
 - b. Efforts shall be made to maintain streams in their natural state; and
 - c. Access roads and driveways should follow natural slopes and contours and need not be constructed in block patterns; and
 - d. In cases of undeveloped platted lands, the City supports property line adjustments and the replatting of existing lot lines and/or public right-of-way consistent with natural features.
17. Grading should be minimized in areas with a slope greater than 15%.

Flood Hazard Policies

18. Within the Nehalem Special Flood Hazard Area (SFHA) designated by the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM):
 - a. The City shall ensure that all development is documented by the property owner as consistent with the requirements of the NFIP; and
 - b. The property owner shall submit with any development application evidence that the proposed development will not increase flood hazards on adjacent property or create any adverse impacts to adjacent property.
19. All development inside the City Limits shall be consistent with the City's Flood Hazard Overlay Zone requirements.
 - a. All development inside the Urban Growth Boundary but outside the City's Limits shall be consistent with the City's Flood Hazard Overlay Zone requirements.

Other Natural Hazard Policies

20. The City identifies and plans for its natural hazards such as windstorms, winter storms, coastal and riverine floods, landslides, earthquakes and earthquake related hazards, tsunami, erosion, and wildfires. The City may identify and plan for additional hazards.
21. The City plans for resilience, response, and recovery regarding hazards including and not limited to the anticipated and historically cyclical Tsunami Hazard initiated by a Cascadia Subduction Zone earthquake.
22. The City is aware that climate change may affect the natural hazards in the community and encourages mitigation measures to deal with these and increasing occurrence of natural hazards.
23. The City intends that staff are sufficiently trained to take advantage of Federal and State natural hazard mitigation programs.
24. The City shall utilize the best available information about climate related hazards from the Oregon State Climate Change Research Institute and other related resources.

[INSERT FLOOD MAP HERE]

GOAL 8: RECREATIONAL NEEDS

Nehalem's Urban Growth Boundary is surrounded by forest, estuarine and river areas, and rolling hills. Nehalem Bay State Park, at 34600 Garey Street, is located to the south of town and Oswald West State Park and Short Sands Beach are located to the north of town. Although Nehalem is a small community, it has an abundant amount of recreational opportunities. Maintaining and providing access to this natural environment that surrounds the City and the downtown waterfront and shoreland of the Nehalem River, is important.

Trails

Trails support access to parks, through parks and other recreational opportunities. Nehalem has the opportunity to become the 'connecting hub' between the Oregon Coast Trail and Salmonberry Trail. A water trail along the Nehalem River, the Tillamook County Water Trail, is a nationally recognized recreation trail.

Parks and other Recreational Amenities

The City boasts public parks and boat docks that offer excellent views of the City and a chance to take in the natural beauty of the surrounding area. The Port of Nehalem provides areas alongside the river for fishing.

The parks and recreational areas in the City of Nehalem consists of the following.

Nehalem City Park



Nehalem City Park, at 12705 Hugo Street, offers residents and visitors alike unique views of the Nehalem Bay and the inter-coastal mountain range. The tranquil and natural setting has hosted many family gatherings, community picnics and even weddings. The park boasts excellent playground equipment for ages 2 through 12, several picnic tables and barbeques, along with a restroom facility.

Neil M. Walker Veteran's Park



The Neil M. Walker VFW Veteran's Park, at 35005 Riverside Drive, welcomes travelers along Highway 101 as they head north off from the Nehalem River Bridge. This Memorial Park offers unsurpassed views of the Nehalem River, Valley and Coastal Mountain range, and serves as a reminder of the many sacrifices made by so many for their service to our Country.

Nehalem Boat Docks



The City's two public docks, both located in downtown Nehalem, allow direct access to the Nehalem River. The Lower Dock is located at the end of Tohls Street in Harwood Square, while the Upper Dock is located at the end of H Street, just one block north. Both docks are open to the public and are free to use.

While the Lower Dock is best suited for transient tie-up by the myriad of fishermen and women that take advantage of the excellent steelhead and

chinook fishing, the Upper Dock is the best place to launch a kayak from in order to truly explore the natural beauty of the Nehalem River and Bay.

North County Recreation District



The North County Recreation District (NCRD), at 36155 9th Street, offers many activities for people of all ages - from youth programs to senior services, NCRD boasts many amenities including an indoor heated pool, fitness center, skate ramp and a performing arts center.

Parks and recreation areas encourage passive and active recreational activities and preserve open space, wildlife habitat, and historical and cultural resources. Parks serve aesthetic purposes and create gathering spaces for public activities and events. Parks and recreation areas also provide a number of health and psychological benefits to residents of a community.

Parks are spaces where people can participate in active, outdoor, recreational pursuits, which encourage increased movement and can help reduce the risks of health problems. The trees and plants in the park help clean the air and soil of environmental contaminants, decreasing potential harm to residents. A well-designed park encourages people to leave the solitude of their homes and make more social connections.

Parks provide opportunities for residents of different generations and social classes to mix, strengthening community bonds. Preservation of open space has been shown to enhance a community's livability and character.

Parks can also improve property values. Studies have shown that there is a statistically significant link between location of parks and property values. In summary, parks provide a broad range of community benefits.

City Vision

Open Space, Parks and Recreation

Access to the outdoors is a key part of Nehalem's character and the community's experience of living. Open space, parks, and active and passive recreation are readily available to citizens and visitors.

State Requirements for Goal 8, Recreational Needs:

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

To satisfy park and recreational needs and demands, with input from residents, City employees and other stakeholders, the City will need to implement the following:

City Goal

1. To provide for park facilities and open space.

Objectives

1. Open space, parks, and active and passive recreation are readily available to citizens and visitors.

Policies

1. Subdivisions and planned developments shall, where appropriate, make provisions for a suitable amount of open space or park and recreation facilities.
2. The involvement of local individuals and groups in the donation of land, labor, funds or equipment for the improvements of recreation facilities is encouraged.
3. Improved public access to the river and bay is encouraged, provided that private property rights, public safety and the shoreline are not adversely affected.
4. Subdivisions or planned-unit developments are encouraged to provide public pedestrian access.
5. Remaining Publicly owned street ends which abut the shoreline shall be retained.
 - a. When appropriate, parks, or trails and public access, should be developed to facilitate public shoreline recreational use.
6. Development along year-round streams, the Nehalem River and Nehalem Bay are required to preserve natural stream bank vegetation or provide appropriate replanting.
7. The City and County will continue working with the State Department of Forestry to encourage strict enforcement of the Oregon Forest Practices Act to reduce erosion resulting from logging practices in the vicinity of the City's Watershed.
8. The City will coordinate its parks and recreation planning with appropriate local state and federal agencies and the private sector.

Recommendations

1. The City might consider the establishment of a park and recreation reserve fund to accumulate matching funds for state or federal programs.
2. To reduce conflicts with bicycle and pedestrian use, the State Department of Transportation should continue to improve the Coastal Bike Route along Highway 101 by widening the Highway's shoulders, or where feasible, constructing separate bike lanes.

GOAL 9: ECONOMIC DEVELOPMENT

The City of Nehalem was the first center of culture, commerce and politics in the lower Nehalem River Valley. The Native Americans – the Nehalem People - occupied the region until the mid-1800's. The Nehalem people were reliant on fish trapping in estuaries, hunting, and shellfish gathering. They also devoted time and energy to the development of fine arts and crafts and to religious and social ceremonies.



In the Age of Discovery, in the late 16th century, Sir Francis Drake made a landing in Nehalem Bay. Nehalem Indian tales recount strangers and the discovery of items uncommon to the Pacific Coast. At that time, the Nehalem Tribe welcomed the arrival of Europeans, for the increased trading opportunities.

As time progressed, Nehalem became a commercial and social center with homesteaders who focused on dairies and other agricultural pursuits. Farmers used boats to bring milk to the cheese and butter factories.



When the City was chartered in 1899 by an Act of the State Legislature, it already had a post office, church, general store, school, sawmill and tavern. During the first ten years of the 20th Century it added a bank, high school, telephone exchange, fish cannery and hotel.

The new railroad across the river brought tourists and supplies from Portland and took local produce to distant markets. Boosters had asked the Army Corps of Engineers for jetties at the end of the Nehalem Bay since 1876. In 1909, local leaders formed the Port of Nehalem, then persuaded federal officials to pay half the cost of the construction of the two jetties.

With Nehalem's ideal location, coupled with the rapid development of nearby areas, the economy flourished. The city used to stretch over the river on log planks, where a lumber mill cut logs that came down a railroad track on the Nehalem River. Wood pilings that held up this track can be found in the North Fork Nehalem River.

In the 1920s, the community built a new elementary and high school. They convinced county officials to build a bridge and causeway across the Nehalem River to provide road access to the railroad. During that period of time, the automobile transformed the local economy.

A movie theater, dance hall and restaurant attracted the area's loggers, dairymen, fishermen and families from all of the surrounding hills and valleys. However, as the once-thriving logging industry slowed during the mid-twentieth century, the city's economy also cooled.

Prior to the dedication and construction of Highway 101, State officials saw the highway route through Wheeler and Nehalem as only temporary. The plan, at that time, for the highway was to move it along the Nehalem Spit, offering a longer view of Nehalem Bay and the Pacific Ocean. In the late 1960s the backlash from the two towns was so intense that officials decided to leave the highway in its existing layout.

In the 1990s, leadership from the City helped create a new Recreational District based in the old elementary school that had closed in 1986. Keeping Highway 101 as the City's "main street" and maintaining the community activities and services offered in the old elementary school preserved the City's place as the center of north Tillamook County.

As identified in the 2018 Visioning meetings, Nehalem wants to continue to 'Encourage Small Business & Craft Industry and Stability'.

City Vision

Nehalem has a strong four-season economy. Encouraging small businesses, vital goods and services, cottage industries, and home-based businesses to locate in Nehalem results in a vibrant year-round economy.

State Requirements for Goal 9, Economic Resources:

Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and to plan and zone enough lands to meet those needs.

City Goal 1 for Economic Development

1. Improve the Economic Base of the Community

Objectives

1. Develop efforts to improve the economic base of the community, and support local businesses and regional economic development organizations.

Policies

1. Support efforts to improve the economy of the area, including the maintenance of a viable agriculture industry.
2. Encourage commercial outdoor recreational opportunities that develop a sense of stewardship for the area.
3. Support the restoration economy that impacts infrastructure, clean water, and healthy fish and wildlife populations.
4. Actively participate in the region's key economic development activities and organizations.
5. Participate in and support regional economic development plans/programs.
6. Seek the input of local businesses and carefully consider the economic impacts of proposed programs, regulations and decisions related to implementing the community's Comprehensive Plan.
7. Maintain active working relationships with key economic development players including Col-Pac, EDD, Nehalem Bay Merchants, Nehalem Bay Watershed Council, North Coast Recreation District, NW Oregon Economic Alliance, NW Oregon Regional Partnership, Port of Nehalem, Tillamook Estuaries Partnership (TEP); and attend partnership/stakeholder meetings as often as possible.

City Goal 2 for Economic Development

2. Encourage Successful Home-Based Businesses

Objective

1. It is the intent of the City to allow for home-based businesses.

Policies

1. Allow home-based businesses that are low impact and don't disrupt residential neighborhood character.

City Goal 3 for Economic Development

3. Retain, Strengthen and Expand the Existing Business Base.

Objective

1. To support and provide areas for the growth of a diversity of new and existing businesses.

Policies

1. Zoning for commercial uses should provide areas large enough to accommodate future growth requirements, but not so large as to substantially affect adjacent residential properties.
2. Encourage new and existing businesses and encourage family-wage jobs.

City Goal 4 for Economic Development

4. Strengthen and Enhance a Strong Commercial Core or Downtown Business District within Nehalem.

Objective

1. To support business development and improving the downtown environment.

Policies

1. Maintain and enhance all public infrastructure to create a pleasant and convenient business environment (from signage and pocket parks to sidewalks and parking lots).
2. Encourage small business and infill development in the core and not on the edges of the community.
3. Promote upper story/high-density housing in the downtown.
4. Protect historic resources such as downtown buildings to maintain local character and attract visitors.

GOAL 10: HOUSING

Nehalem's Current Supply of Housing

This chapter's information on current housing stock comes from the 2019 Nehalem Housing Needs Analysis.

Nehalem is a small community marked by a population of small households with incomes above the county average. The household size and composition show that households in Nehalem, at 2.1 persons per household, are smaller than Tillamook County's average household size and the statewide average. About 33% of these households in Nehalem have children. The median income of Nehalem residents is higher than the Tillamook County average but lower than the state average. In Nehalem housing prices are generally consistent with affordability for both rent-paying and mortgage paying households. This relatively prosperous situation creates stability and helps define directions for the future.

Trends in Nehalem's Housing Mix

- Nehalem's Housing stock is predominantly single-family detached housing;
- Nehalem's housing mix focuses on owner-occupied dwellings;
- Single-family detached and attached housing have accounted for the new housing growth in Nehalem between 2000 and 2017.

The housing types that Nehalem has a relatively low inventory of include:

- Apartment,
- Duplexes,
- Tri- and quad-plexes,
- Manufactured housing, and
- Smaller single-family detached and attached housing.

Nehalem's official forecast and projections for population growth show that the City will grow by 326 new residents over the next 20 years. This new population will result in a need for 162 new dwelling units over the 20-year planning period.

The mix of projected new housing needed include:

- About 80% will be single-family detached housing with 130 new detached single-family homes needed;
- Nearly 15% will be single-family attached housing with 24 additional townhouses needed;
- About 5% will be multi-family housing with 8 dwellings in multi-family structures needed.

After reviewing the city's existing land base and zoning, the City will be able to accommodate all needed residential growth based on the projected population increases and housing needs in the City's current urban growth boundary .

City Vision

Housing is available to meet the diverse needs of Nehalem citizens, and reflects the rural, coastal character of the community.

State Requirements for Goal 10, Housing:

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

City Goal for Housing

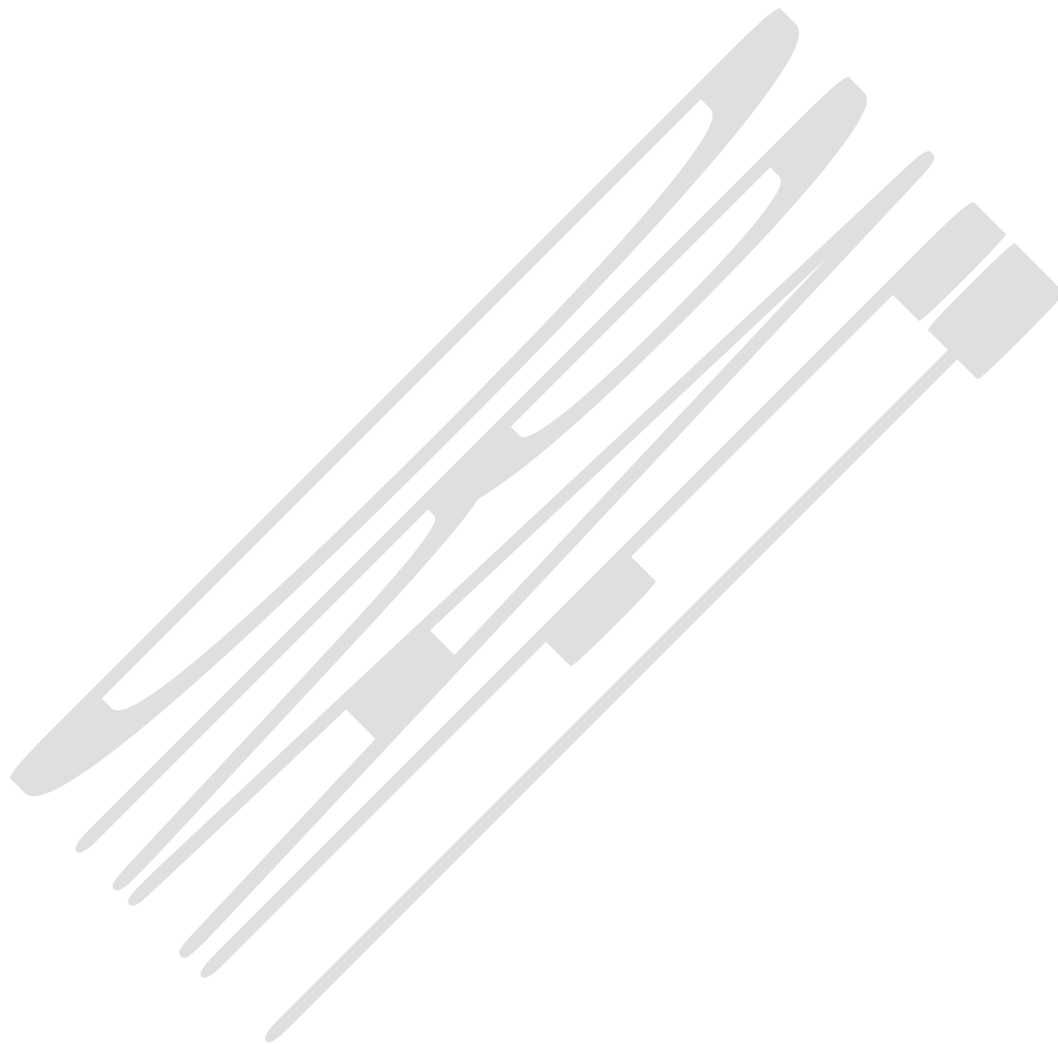
1. To provide for housing which will meet the needs of a variety of age and income groups.

Objectives

To support housing development that meets the needs of the City's residents.

Policies

1. The City recognizes and supports identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, duplexes and multi-family dwellings.
2. The City supports the efforts of the Oregon Housing Authority and the Northwest Oregon Housing Association and other mechanisms that help reduce the cost of or leverage other monies to provide affordable low and moderate income housing for area residents, and continues to provide opportunities for development of the housing needs identified in the Housing Needs Analysis.
3. The City supports the efficient development of housing and land to minimize environmental impacts and provide public services in a cost-effective manner.
4. The City recommends the use of sustainable development and building materials including the use of energy efficient materials and design principles.
5. The City will allow for and encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses) with mixed use buildings to provide diversity and security in commercial areas and a range of housing options.
6. The City will ensure compliance with federal and state fair housing laws which affirm access to housing opportunities for all people in Nehalem.
7. The City may allow for accessory dwelling units (ADU's) in certain residential zones.
8. The City's inventory of buildable land and the City's housing needs analysis should be regularly updated as needed and used to both identify housing development opportunities and assess the ability to meet future housing needs.
9. The Housing Needs Analysis shall be adopted as part of the Comprehensive Plan.



GOAL 11: PUBLIC FACILITIES AND SERVICES

A full range of urban services are provided within the City of Nehalem. These services include water, sanitary sewer, storm sewer, solid waste collection, fire protection, and police protection. This section summarizes those services and lists the city's objectives, policies and implementing procedures for maintaining and improving them.

City Vision

Nehalem's infrastructure of water, storm drains, streets and parks is developed to good standards for a rural community, well-maintained and renewed as needed from well-funded and well-managed reserve funds.

Nehalem Bay Wastewater provides sewer for Nehalem and is a separate Taxing District.

State Requirements for Goal 11, Public Utilities and Services:

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

City Goal

1. Continue to plan and develop orderly and efficient system of public facilities and services.

Objectives

The City should maintain an adequate, orderly and efficient system of public facilities that supports the land uses and densities and necessary extensions throughout the city.

Policies

1. Land uses and densities in the Urban Growth Boundary area shall be consistent with the capacity of existing public facilities or the long-range expansion plans for key public facilities, such as sanitary sewers and water.
2. Public facilities and services shall be extended in an orderly and efficient manner.
3. The cost of public services or facilities shall be distributed equitably among those residents or land developments creating a need for such services.
4. Adequate storm drainage facilities shall be part of all subdivisions, planned-unit developments or other developments which may impact storm drainage patterns.
 - a. Developers shall also make adequate provisions for handling the storm water that leaves their site.
5. The policies of the Nehalem Bay Wastewater Agency shall apply to sewer installations in their Urban Service Area.
6. The City of Nehalem has adopted a system development charge capable of maintaining and improving the water since 2010.
 - a. Review and update system development charges on a regular basis to keep pace with costs.
7. Large developments or heavy water users should make equitable contributions to the improvement of the water system and shall pay all costs associated with the extension of water lines.

8. Water lines within a proposed development shall be adequately sized to meet future needs at the projected density or usage, including fire flow requirements.
9. Fire hydrants shall be installed by developers to the satisfaction of the City of Nehalem and the Nehalem Rural Fire District.
10. The City of Nehalem cooperates with Tillamook County in establishing a solid waste program for Tillamook County that meets the Department of Environmental Quality's standards.
11. The City of Nehalem will continue to provide water service to areas and developments outside its Urban Growth Boundary, consistent with its ability to provide such service.
 - a. The density of new developments for which water service is provided shall be at rural density to be established by the City of Nehalem.
12. School District #56 should coordinate its facility planning activities with the City of Nehalem.



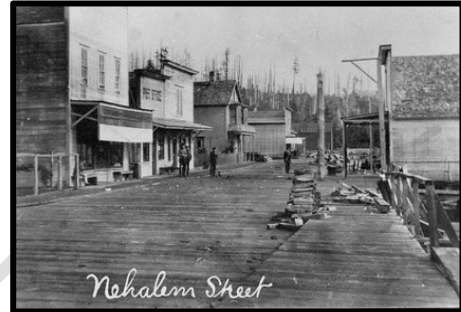
GOAL 12: TRANSPORTATION

Streets, roads, and highways have profound effects on land use. Many forms of development, for example, need to be easy to find, readily seen from a car, and convenient to reach by foot or automobile. A fundamental relationship in planning is land use affecting streets, and streets affecting land use. That relationship is a subject of importance in this chapter of the Comprehensive Plan. The City has addressed that subject by adopting the Nehalem Downtown Transportation Plan.

The three cities of Nehalem, Manzanita and Wheeler may work together to develop a regional transportation system plan (TSP).

The Plan's goals are:

- Improve mobility, safety and accessibility for all travel modes
- Improve pedestrian and bicycle circulation and facilities
- Provide for improvements that can be implemented and comply with applicable standards



Beyond Nehalem's limits lie the Salmonberry Trail to the east and the Oregon Coast Trail to the west. The Tillamook County Water Trail lies along the Nehalem River. Nehalem has the opportunity to become the 'connecting hub' between the Oregon Coast Trail and Salmonberry Trail. Nehalem has the potential to provide the linkage between these trails.

City Vision

Nehalem's infrastructure of water, sewer, storm drains, streets and parks is developed to good standards for a rural community, well-maintained and renewed as needed from well-funded and well-managed reserved funds.

State Requirements for Goal 12, Transportation:

The goal aims to provide "a safe, convenient, and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

City Goal

1. To provide and encourage a safe, convenient and economic transportation system.

Objectives

The City shall support a safe, convenient, accessible and economic transportation system for all modes of transportation.

Policies

1. Street patterns shall minimize the need for cutting and filling.
2. The City may permit narrower street widths in steep slope areas consistent with traffic safety and emergency vehicle access.
3. The City shall accept private streets as public streets only after they have been improved to City standards.

4. The City, County, and the State Department of Transportation shall discourage new access points onto Highway 101.
 - a. Wherever possible, new residential development shall not have a direct access to Highway 101.
 - b. New commercial and multi-family uses should be clustered with access being provided by a consolidated access point, preferably not directly onto Highway 101.
5. Alternative uses of City rights-of-way should be considered where they are not needed as streets.
 - a. These uses may include trails, small parks or natural areas.
6. The City shall be notified prior to the installation of any underground utility in a City right- of-way.
 - a. The City will require reasonable efforts to improve or restore the road after construction.
7. The City supports efforts such as bus service, to provide transportation for people with limited transportation opportunity, and supports the Tillamook County Transit District to maintain bus stops and shelters as described in the Downtown Transportation Plan.
8. The City will work to incorporate (as resources allow) streetscape elements for pedestrian and bicycle friendly street design as illustrated in the Downtown Transportation Plan.
9. The City will encourage (as resources allow) an interpretive trail that provides access to the wetlands and river.
10. Street design standards are contained within the City's Subdivision Ordinance.
11. The City will work with ODOT to improve the design and safety of the U.S. 101/7th Street intersection.
12. The City will work with ODOT to provide pedestrian safety improvements and traffic calming measures and safe routes to school and encourage all types of transportation that limit greenhouse gas emissions.
13. The City recognizes the importance of and encourages a link between the Oregon Coast Trail and the Salmonberry Trail, and the Tillamook County Water Trail.

GOAL 13: ENERGY CONSERVATION

Protecting the environment, livability, and natural beauty of Nehalem is an important piece of the City's Comprehensive Plan. Therefore, encouragement of energy conservation and use of alternative sources of energy in the long-term planning for development is important.

State Requirements for Goal 13, Energy Conservation:

Goal 13 declared that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

City Goal

1. To conserve energy.

Objective

The City supports and will encourage efforts of energy conservation.

Policies

1. The City will encourage the use of domestic energy conservation efforts as applicable.
2. The City will encourage energy conservation in building construction.
3. The City supports the efforts of organizations, such as the Area Agency on Aging, to weatherize and insulate homes of low-income persons, particularly the elderly.

GOAL 14: URBANIZATION

URBAN GROWTH BOUNDARY AND URBAN GROWTH AREA

City Limits

The City Limits is the boundary line that defines the City of Nehalem proper. Within these limits the properties receive all City services (water, sewer, police). The City Limits can be expanded through the process of annexations of land within the Urban Growth Boundary.

City Urban Growth Boundary and Urban Growth Area

The Urban Growth Boundary (also known as the UGB) is the boundary line beyond the City Limits that indicates the outermost limit of the City of Nehalem's planned expansion. The boundary is designed to indicate the planned extent of Nehalem's growth over a period of time. The Urban Growth Area (also known as the UGA) includes the land that is inside the UGB but outside the City Limits. It is the area for future urban development and growth, served by urban services.

In both the City Limits and the Urban Growth Area, a majority of the land is zoned for residential uses. About ¼ of the land is zoned for commercial uses, and even smaller proportions are zoned for industrial, public and open space. A portion of this area is used for the streets and rights-of-ways with the City Limits and Urban Growth Boundary.

The area within the Nehalem Urban Growth Boundary is committed to urban development. The Nehalem Bay Wastewater Agency has the ability to expand its system to meet the anticipated growth within Nehalem. The Urban Growth Boundary generally coincides with the boundary of the Nehalem Bay Wastewater Agency. However, several small areas are included in the Urban Growth Boundary are outside the Wastewater Agency's boundary.

The following are distinct areas in the City's Urban Growth Area, outside the City Limits.

A. Bayside Gardens

This area contains 192 parcels of which 171 are in separate ownerships, with almost all the parcels less than 5 acres in size. The area is committed to urban development because of the nature of existing development and parcel sizes and is served by sewer and water. It is directly abutted on the west by the Urban Growth Boundary of the City of Manzanita.

Alder Creek Farm owned by The Lower Nehalem Community Trust, will require buffering to separate urban uses from agricultural uses and provide an enhanced degree of compatibility with the agricultural activity on the Lower Nehalem Community Trust property.

B. Nehalem Point

The northern portion of Nehalem Point abuts a major Wastewater Agency trunk line. It is an isolated parcel with no other forest production lands adjacent to it. The City requires that any development on Nehalem Point be a Planned-Unit Development that is designed to maintain the visual character of the Point.

C. North Fork Nehalem River

This property is surrounded by County zoned farmland.

State Requirements for Goal 14, Urbanization:

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

City Goal

1. Coordinate land-use, development and annexation strategies with Tillamook County.

Policies

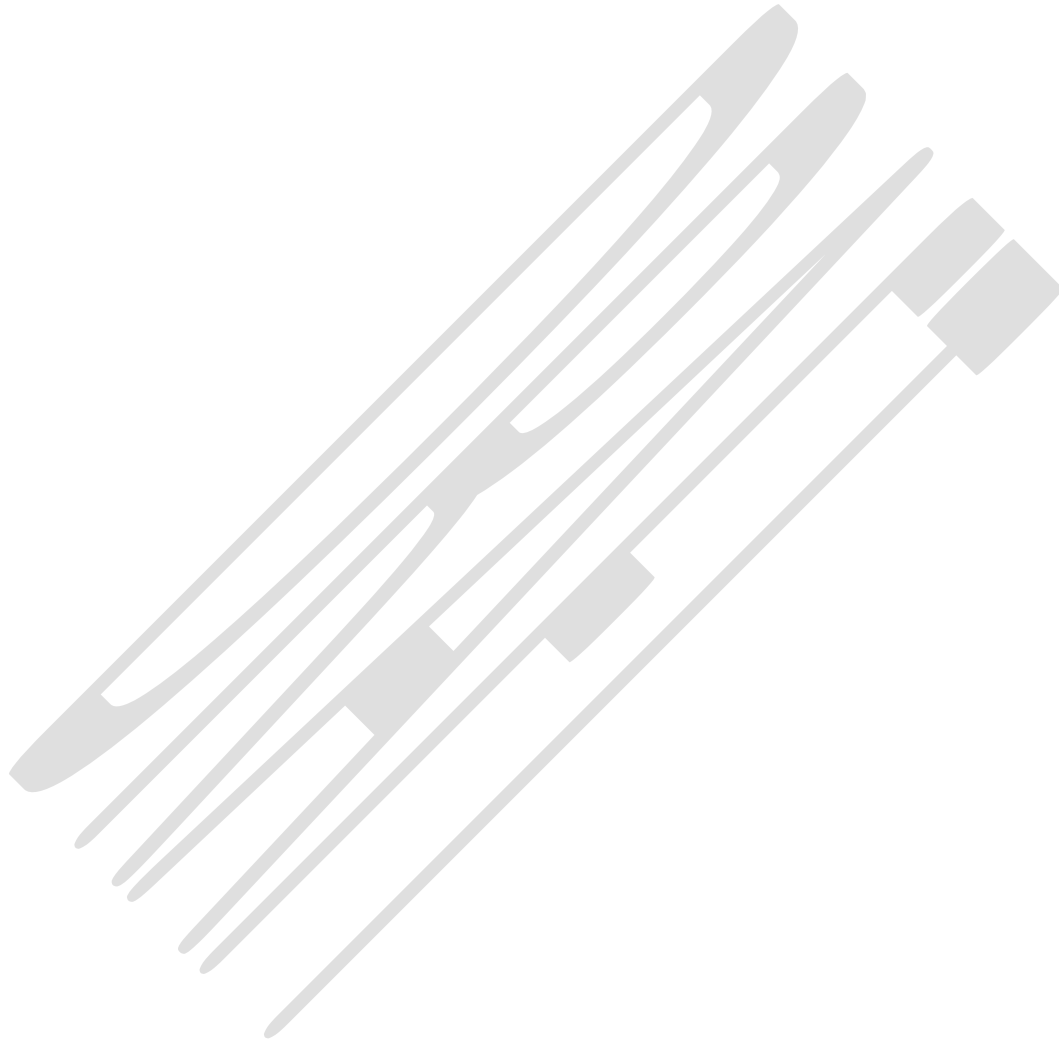
1. The lands within the Nehalem Urban Growth Area, but outside the Nehalem City Limits, are within the jurisdiction of Tillamook County. However, the City of Nehalem’s Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance must be followed by the County.
 - a. It shall be the responsibility of the agency or jurisdiction initiating the action to notify and involve the other jurisdictions conforming to the City of Nehalem’s Subdivision Ordinance.
2. The extension of water service shall be consistent with the City’s Master Water Plan.
3. Changes in the Urban Growth Boundary shall be carried out with the knowledge and participation of Tillamook County, Nehalem Bay Wastewater Agency, State of Oregon and affected property owners.
 - a. Changes in the Urban Growth Boundary shall be based on adequate findings of fact and in full compliance of all state laws and procedures.
4. Undeveloped land within the Urban Growth Boundary shall be converted to urban purposes only where a finding is made by the City that there exists:
 - a. Orderly and economic extension of public facilities and services,
 - b. A need for land for various uses, and
 - c. Encouragement of development within urban areas before conversion of undeveloped areas,
 - d. Compatibility with State Goals and the City’s acknowledged Comprehensive Plan.
5. Annexations within the Urban Growth Boundary and development of land in the City and within the Boundary shall be based on findings of fact which state that:
 - a. The annexation or development represents an orderly, logical extension of public services; and
 - b. Development is encouraged within or adjacent to urban areas prior to development of more remote land.
6. The remainder of the Urban Growth Area abutting the north and west sides of the Lower Nehalem Community Trust, will require buffering to separate urban from agricultural uses.
7. Continued development on Nehalem Point will be a Planned-Unit Development that is designed to maintain the visual character of the Point.

GOAL 15: WILLAMETTE RIVER GREENWAY

State Requirements for Goal 15, Willamette River Greenway:

Oregon Statewide Planning Goal 15 does not apply within the Urban Growth Boundary since Nehalem is not adjacent to the Greenway within its boundaries.

The City supports efforts to implement policies consistent with Oregon Statewide Planning Goal 15.



GOAL 16: ESTUARINE RESOURCES

Nehalem is surrounded by active and passive recreational areas and natural resources that include wetlands, estuaries, flood plains, agricultural lands, and forestlands on the surrounding hillsides. The Nehalem Bay area also has a rich and diverse estuarine environment and its protection is prioritized. This rich geographic setting of natural resources surrounds the urbanized area of the City.

For some of these areas, possible effects of climate change, are sea level rise along with increasing extreme storms. These forces can be a detriment to estuarine resources.

Tillamook County, in co-operation with Nehalem, Wheeler, the Port of Nehalem and state and federal agencies, has prepared and adopted a management plan for the Nehalem River Estuary as part of the Tillamook County Comprehensive Plan. Nehalem adopted the Tillamook County Estuary Management Plan and Policies as they apply to estuary management units and zones within the City of Nehalem's City Limits and Urban Growth Boundary.



State Requirements for Goal 16, Estuarine Resources:

This goal requires local governments to classify Oregon's 22 major estuaries into four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units".

Nehalem City Goal

To conserve, protect the unique environmental, economic and social values of local estuarine resources, where appropriate, recognizing their value for the protection and maintenance of water quality, fish and wildlife habitat, and water dependent uses.

Objective

To recognize, protect, and maintain, the unique environmental, economic and social values of the designated estuaries.

Policies

1. Within the "EC-1" Zone and management unit, the City of Nehalem, individual site-specific determinations as to existing non-estuarine portions of that zone which may be developed in accordance with the regulations of the "MR" Zone north of "B" Street and the "C" Zone south of "B" Street.
2. The City recommends that State and federal agencies should use their management authority to improve water quality and reduce man-induced sedimentation in estuaries.
3. The City intends to work with Tillamook County and other partners to preserve estuarine and shoreline migration zones.
4. The City intends to adhere to Statewide Planning Goal 16 and all applicable buffers that manage development within those areas.

GOAL 17: COASTAL SHORELANDS

The State Coastal Shorelands goal manages the resources and benefits of all coastal shorelands. It recognizes the protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation and aesthetics.

The City is aware that climate change may affect the community, and the surrounding shorelands.

The management of these shoreland areas must remain compatible with the characteristics of the adjacent coastal waters; and reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of these coastal shorelands. It specifies how certain types of land and resources in the shorelands are to be managed.

Nehalem is surrounded by natural resources that include wetlands, estuaries and tidal marshes with a rich and diverse estuarine environment in the Nehalem Bay area that is protected. The North Waterfront area, located along the Nehalem River between C Street and H Street, is an important estuary and shoreland. The Area provides access to the Nehalem River and Bay.

State Requirements for Goal 17, Coastal Shorelands:

Land use plans, implementing actions and permit reviews in the Coastal Shoreland Area shall include consideration of the critical relationships between coastal shorelands and resources of coastal waters, and of the geologic and hydrologic hazards associated with coastal shorelands. Local, state and federal agencies shall within the limit of their authorities maintain the diverse environmental, economic, and social values of coastal shorelands and water quality in coastal waters. Within those limits, they shall also minimize man-induced sedimentation in estuaries, near shore ocean waters, and coastal lakes.

Nehalem City Goal

The City of Nehalem recognizes the interdependence of shoreland and estuarine uses.

Objective

To protect shorelands and estuarine uses.

Policies

1. Areas identified by the U.S. Army Corps of Engineers (ACOE) Dredge Material Management and Disposal Plan for Nehalem Bay shall be protected from uses or activities which would prevent their ultimate use for dredge material disposal, through coordination with ACOE.
2. Areas identified to fulfill the mitigation requirement of the Estuarine Resources Goal shall be protected from uses and activities which would prevent their ultimate restoration or addition to the estuary as stated in the Nehalem Zoning Ordinance.
3. The City recognizes there may be impacts on the shorelands that are a result of climate change and will adhere to the Goal 17 buffers in addition to preserving where possible, landward migration zones.

GOAL 18: BEACHES AND DUNES

State Requirements for Goal 18, Beaches and Dunes:

Oregon Statewide Planning Goal 18 identifies planning standards for development on various types of dunes and therefore does not apply within the Urban Growth Boundary since Nehalem is not adjacent to the Beaches and Dunes within its boundaries.

The City supports efforts to implement policies consistent with Oregon Statewide Planning Goal 18.

GOAL 19: OCEAN RESOURCES

State Requirements for Goal 19, Ocean Resources:

Oregon Statewide Planning Goal 19 deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea, with its main requirements for state agencies rather than cities, and therefore does not apply within the Urban Growth Boundary since Nehalem is not adjacent to the Ocean Resources within its boundaries.

The City supports efforts to implement policies consistent with Oregon Statewide Planning Goal 19, “to conserve the long-term values, benefits, and natural resources of the near shore ocean and the continental shelf.”

Article III Plan Implementation.

Implementation

The Comprehensive Plan revision is only an initial step in implementing a planning process in Nehalem. Specific actions must be undertaken to realize the plan. The Comprehensive Plan sets forth goals, policies, proposals and recommendations to guide the physical development of the community. This section describes ways in which the Comprehensive Plan may be implemented.

The means by which community plans are implemented are many and varied.

Advice and consultation on the part of the Planning Commission, City staff and other City officials can be a very effective tool of implementation. In the course of conducting day-to-day business, individuals can be made aware of the importance of the comprehensive plan and a number of alternatives presented to guide development.

The city implements the Comprehensive Plan through regulatory controls such as zoning and subdivision ordinances, through the timely placement of public facilities and establishment of public programs.

Regulatory Controls

Zoning:

Zoning has been the cornerstone of plan effectuation. It is intended to implement the land use part of the Comprehensive Plan. Zoning divides the community into residential, commercial, industrial and other use types in conformance with the Comprehensive Plan, and is shown on the City Comprehensive Plan and Zoning Map.

State laws and some Oregon Supreme Court decisions have given better definition to the role of zoning and comprehensive plans. Oregon Law (ORS Chapter 197) not only requires cities and counties to adopt comprehensive plans, it also requires that their zoning ordinance conform to the comprehensive plan. This requirement is further amplified by the "Baker vs. City of Milwaukie" court decision. In this decision, the court ruled that in the event of a conflict between a City's zoning ordinance and comprehensive plan, the comprehensive plan shall be the guiding document. Therefore, when the City has adopted its comprehensive plan it must provide, within a reasonable time, amendments to its zoning ordinance to conform to the comprehensive plan. Furthermore, another court decision, "Fasano vs. Washington County", has ruled among other things that all zone changes must conform to the comprehensive plan. Thus, once the City has amended its zoning ordinance to conform to the adopted City Comprehensive Plan, any subsequent zone change in non-conformity with the Comprehensive Plan Map must first be preceded by a change to the City Comprehensive Plan. Changes to the City Comprehensive Plan should be based on special studies or other factual information, which establish public need and justify the particular change.

The City Zoning Ordinance establishes uniform regulations within each zone as to use, maximum building height, lot size, setbacks and other similar requirements. The Zoning Ordinance also establishes the criteria and requirements for the City's overlay districts, site and general development, partitioning, signs, off-street parking and loading, conditional uses, special uses, non-conforming uses, and variances to the criteria.

Subdivision Ordinance and Streets Standards:

The subdivision ordinance provides standards for the development of vacant land. It establishes minimum standards for street, block and lot size and lists improvements to be provided by the land developer. It enables the City to insure the provision of adequate rights-of-way, street improvements and water facilities. Close coordination between the City and Tillamook County is necessary to ensure the extension of logical street and utility systems when subdivision occurs outside city limits.

Building Codes:

The Building codes are managed at the County level. Building construction codes establish minimum standards for new buildings, additions, rehabilitation and changes of use. These codes include fire and life safety, plumbing, mechanical, and electrical and are extensions of national or state uniform standards. These codes help to ensure the safety and welfare of the public, but have little effect in preventing or reversing blight in built-up older neighborhoods.

Article IV City of Nehalem Community Growth Management Report

Urban Growth Management and Urban Service Area Policies and Implementation Guidelines

The unincorporated land within the Urban Growth Boundary requires a coordinated set of policies between the City and the County. These policies relate to zone management and urbanization.

Article V City of Nehalem Buildable Lands Inventory and Housing Needs Analysis

Buildable Lands Inventory Adoption.

The 2017 Buildable Lands Inventory is adopted and made a part of Article V, hereto.

Housing Needs Analysis Adoption.

The 2019 Housing Needs Analysis is adopted and made a part of Article V, hereto.

In compliance with state land-use law, the City will regularly update this inventory of buildable land and housing needs no less than once every fifteen years and use it to both identify housing development opportunities and assess the ability to meet future housing needs within the City's Urban Growth Boundary.

Summary and Conclusion of the Buildable Lands Inventory Report and Housing Needs Analysis

In summary of the 2017 Buildable Lands Inventory Report and the 2019 Housing Needs Analysis, the forecast population and the household size for Nehalem has been identified to reflect the number of households needed to accommodate growth over the next 20 years.

The forecast in the 2017 Report shows projected growth for the Nehalem UGB of 326 new residents, from a current population of 1,240 to a forecast population of 1,566. Using the average household size of 2.1 (based on Figure 14 in the 2017 Report), the 326 new residents will require 162 new housing units.

There is a total of 261 total buildable lots in the UGB. Those 261 buildable lots exceed the required 162 buildable lots needed, meaning that there is enough land for residential development over the next 18 years. There may be enough land within the Nehalem Urban Growth Boundary (UGB) to accommodate 20 years of residential growth.

The goals, policies and strategies contained within the 2017 Buildable Lands Inventory, as adopted, shall replace any other goals, policies and strategies adopted in the past Buildable Lands Inventory.

In summary of 2019 Housing Needs Analysis, the household size and composition show that the household size in Nehalem, at 2.1 persons per household, is smaller than Tillamook County's average household size and the statewide average.

Nehalem's current housing stock is predominantly single-family detached housing, with a relatively low inventory of apartment, duplexes, tri- and quad-plexes, manufactured housing, and smaller single-family detached and attached housing.

Nehalem's official forecast and projections for population growth show that the City will grow by 326 new residents over the next 20 years. This new population will result in a need for 162 new dwelling units over the 20-year planning period.

New housing needed in Nehalem include:

- 130 new detached single-family homes needed;
- 24 additional townhouses needed; and
- 8 dwellings in multi-family structures needed.

After reviewing the city's existing land base and zoning, the City will be able to accommodate all needed residential growth based on the projected population increases and housing needs.

The goals, policies and strategies contained within the 2019 Housing Needs Analysis, as adopted, shall replace the goals, policies and strategies relating to Housing Needs.

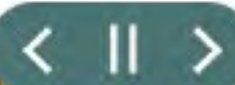


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Agendas & Minutes



City Code



Calendar



Forms, Permits & Applications



Email Subscription

Mural Proposal for Restrooms in the Nehalem City Park

Goals of Mural Project

To beautify the community and to show the community that art is important even in our daily lives. A public mural can capture the community's history and natural wonder while looking towards the future, bring beauty and safety to a blighted area, in addition to transforming any space into an aesthetically uplifting environment.

Murals often become a source of pride for businesses and families. In fact, not unlike a landmark, our stories become historical because of the murals that an artist chooses to create. Murals leave a mark on our society and have the potential to educate generations to come.

Objectives

Educate: The concept is to create an "I-Spy" design in which the composition will incorporate many native plants and animals for children and families to discover— as well as children playing "hide and seek" within the landscape since the mural will be adjacent to a playground.

Community involvement: The artists will engage community member involvement in the painting and the depiction of images by offering a workshop on mural painting in collaboration with NCRD as well as opportunities to paint on the mural itself. The concept is to create an "I-Spy" design in which the composition will incorporate many native plants and animals for children and families to discover— as well as children playing "hide and seek" within the landscape since the mural will be adjacent to a playground.

Beautify the Park: To create a stunning mural which will incorporate native plants and animals of the landscape of the Nehalem area that the community of Nehalem can be proud of.

Budget

Estimate \$5,000 For quality paint and materials and artists. We feel it is important to pay artists that design organize and educate anywhere from \$13-18 an hr. We want to apply for a TCCC grant and and possibly others combined with fundraising within the community. We are open to other creative ideas for funding .

Contacts

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