



# CITY OF NEHALEM

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## NEHALEM PLANNING COMMISSION MEETING THURSDAY July 18, 2019 - 6:00 p.m.

**CALL TO ORDER:  
PLEDGE OF ALLEGIANCE  
ROLL CALL:  
GUESTS:**

**APPROVAL OF MINUTES: June 26, 2019 Planning Commission Minutes**

### **OLD BUSINESS:**

1. Draft Comprehensive Plan Review
2. DLCDC Addressing Climate Change in Plan

### **NEW BUSINESS:**

#### **1. Public Hearing**

A Quasi-Judicial Public Hearing on the application from Stanton Symank for a variance. All public hearing notices and the required mailed notice to area property owners and neighborhood associations have been sent.

**ANY OTHER BUSINESS  
PUBLIC COMMENTS**

**ADJOURNMENT**

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 PLANNING COMMISSION  
PLANNING MINUTES  
REGULAR MEETING  
JUNE 26, 2019**

Chair Coopersmith called the Planning Commission Meeting to order at 6:03 p.m.

**PLANNING COMMISSION  
MEMBERS PRESENT:**

John Coopersmith, Chair  
Janet Lease, Vice-Chair  
Lance Stockton, Commissioner  
Mary Jo Anderson, Commissioner

**EXCUSED:**

Julie Chick, Commissioner

**STAFF PRESENT:**

Dale Shafer, City Manager  
Melissa Thompson-Kiefer, Asst. City Mgr. /Recorder  
John Morgan, Planning Consultant  
David Mattison, Planning Consultant (arrived 6:11)

**VISITORS:**

Sarah Absher, Tillamook County Comm. Dev. Director  
Erin Skaar, CARE Executive Director (arrived 6:06)  
Lisa Phipps, DLCDC North Coast Rep. (arrived 6:13)  
James Ray Streinz, Hilltop Estates HOA Board  
Sarah Smyth McIntosh, Law Manzanita  
Lark Miller Lane deMoll  
Vicki Chase Brian M. Chase  
Karin Walczak Maureen Walczak (and infant)  
Peter Walczak Paul Walczak  
Ed Gallagher Kate Romanov  
Kathleen Marvin Kathy Jean Hrywnak  
Mark Zawadzki Lori Welch  
Tina Chick Glenda Sonies  
Gail Downie Lynda Chick (arrived at adjournment)

Chair Coopersmith led those present in the Pledge of Allegiance.

**MINUTES**

The Commission reviewed the minutes of the May 23, 2019 Planning Commission meeting. Commissioner Anderson **MOVED** to approve the minutes from the May 23, 2019 meeting as

presented. Vice-Chair Lease **SECONDED** the motion. **MOTION APPROVED 4-0 (Yes: Coopersmith, Lease, Stockton, and Anderson; No: None).**

## **OLD BUSINESS**

### **DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT (DLCD) ADDRESSING CLIMATE CHANGE IN PLAN**

City Manager Shafer explained that the *Draft Comments on Nehalem Comp Plan Modifications to Include Climate Change* were suggestions prepared by Christine Shirley of DLCD. City Manager Shafer clarified for Sarah Smyth McIntosh that Lisa Phipps of DLCD previously gave a presentation to the Planning Commission on ethics and the role of the Planning Commission, not climate change. City Manager Shafer also clarified for Ms. McIntosh that DLCD has not issued guidelines regarding climate change, they only provided suggestions for language to include in the Comprehensive Plan. Ms. Phipps arrived and reconfirmed that there is currently no requirement to adopt climate change policies, but it will be eventually be included in the Statewide Planning Goals.

There was a Commissioner comment in favor of the idea of electric vehicle charging stations. There was a Commissioner suggestion to add comments urging the Oregon Department of Transportation (ODOT) to plan for sea level rise effects on Highway 101. Chair Coopersmith suggested that the Commission could consider a motion to request that the City Council request that ODOT plan for sea level rise. City Manager Shafer suggested that the Commissioner attend a Council Meeting to make the request to the City Council. Maureen Walczak commented that she is a climate scientist and offered education on climate change.

Ms. Phipps shared that she prepared a draft incorporating Ms. Shirley's climate change comments into the Draft Comprehensive Plan. Commissioner Anderson clarified that only Christine Shirley's comments were in the Planning Commission agenda packet and online. Once the Commission approves the comments, the draft incorporating Ms. Shirley's climate change comments into the Draft Comprehensive Plan will be available.

Vice-Chair Lease **MOVED** to add the Comprehensive Plan modifications to include climate change into the Draft Comprehensive Plan. Commissioner Stockton **SECONDED** the motion. **MOTION APPROVED 4-0 (Yes: Coopersmith, Lease, Stockton, and Anderson; No: None).**

## **NEW BUSINESS**

**PUBLIC HEARING: A Quasi-Judicial Land Use Hearing on an application from Mark Zawadzki requesting a variance to allow him to build on a smaller lot of 3,360 square feet instead of 5,000 square feet, allow a shorter driveway 18 feet in length instead of 20 feet and allow a rear setback of only 5.5 feet instead of 20 due to topography. The property in question is 3N10W27AB0808, it is in Hilltop estates and is zoned RM.**

At 6:26 p.m., Chair Coopersmith opened the public hearing.

## **DECLARATION OF EX-PARTE CONTACT**

Commissioner Anderson declared ex-parte contact, explaining that she visited the site on June 26, 2019 in order to confirm the location. There were no conflicts of interest to declare and were no objections to the ability of a Commissioner to make a fair decision.

Chair Coopersmith described the hearing process and performed the required statements for the hearing.

## **STAFF REPORT**

Planning Consultant David Mattison presented the staff report. Mr. Mattison explained that the marker on the map in the staff report was not in the correct location. Mr. Mattison noted that the existing foundation did not meet setback requirements and other existing townhouses do not meet setback requirements.

Mr. Mattison's staff report concluded that the three variance requests met the standards necessary for approval and recommended approval subject to the following conditions:

- a. The property will be developed in compliance with the intent expressed on the record of this proceeding and as identified in section 157.403(a).
- b. Any change in plans for development will require submittal of a new application to the City and hearing before City Planning Commission as identified in section 157.403(c).

(A copy of the staff report is attached to and made a part of these minutes as Attachment A.)

Mr. Mattison answered clarifying questions for the Commission. Commissioner Anderson noted that the only access road to the property was having issues with sloughing off the hill.

## **APPLICANT PRESENTATION**

Mark Zawadzki explained that the Hilltop Estates Homeowner's Association (HOA) would not allow him to build anything other than a one-story house on the property because they did not want to lose the view. Mr. Zawadzki said he would do anything he needed to do to build on the property and requested approval. Mr. Zawadzki answered a clarifying question from the Commission.

## **TESTIMONY IN FAVOR**

James Ray Streinz, Hilltop Estates HOA Board Secretary, testified in support of the application. Mr. Streinz shared that the HOA was aware of the issues with the access road and explained how they will be addressing the issue. He noted that the HOA will have a condition limiting Mr. Zawadzki's use of large trucks and an engineer will be supervising construction of the property. Mr. Streinz stated that at an HOA meeting on June 15, 2019, a motion to support Mr. Zawadzki's variance application passed unanimously. The HOA has approved Mr. Zawadzki's design.

### **TESTIMONY OPPOSED**

Chair Coopersmith shared that a letter received from Linda Govednik indicating that she would be ok with the variance if Mr. Zawadzki performed a geological survey on the driveway area and repaired it. Mr. Streinz noted that Ms. Govednik was not present at the HOA Board meeting.

### **APPLICANT REBUTTAL**

Mr. Zawadzki explained that he would not damage or repair the driveway. He said he would be using smaller trucks. He said if the driveway was damaged, he would address it with the HOA.

### **DELIBERATION & DECISION**

There being no further testimony, request for continuance or request to hold the record open, Chair Coopersmith closed the record and public hearing at 6:58 p.m. The applicant waived the opportunity to submit final written argument after the close of the record.

Vice-Chair Lease **MOVED** to approve the application of the Mark Zawadzki for three variances as submitted. Commissioner Stockton **SECONDED** the motion. **MOTION APPROVED 4-0 (Yes: Coopersmith, Lease, Stockton, and Anderson; No: None).**

### **PUBLIC HEARING: A Public Hearing on proposed rules/regulations for allowing Accessory Dwelling Units (ADUs) in the Nehalem Urban Growth Boundary as required by SB1051.**

Planning Consultant John Morgan explained that the consideration of the proposed rules and regulations for ADUs is a legislative process, not a quasi-judicial hearing. Mr. Morgan read aloud portions of the state statute (SB1051) and explained it was intended to allow affordable housing to be made in an easier manner by permitting them outright. He explained that Nehalem must allow ADUs in the Urban Growth Boundary because it is required for counties with a population greater than 15,000. Mr. Morgan presented the proposed regulations for ADUs. Mr. Morgan noted that the proposed regulations were numbered according to the Zoning Ordinance before it was codified and would be renumbered according to the codified version if adopted by the City Council.

There was a Commissioner question about requiring separate sewer and water connections. Mr. Morgan suggested that details regarding water and sewer connections were Public Works standards and processes that should be decided by Council outside of the zoning code document. City Manager Shafer and Mr. Morgan clarified for the Commission that the City was not required to address ADUs within city limits at this time but could if they choose to.

There was public comment that Section 2.060 (2)(8) of the current Comprehensive Plan states that the City will allow for accessory dwelling units in residential zones. Mr. Morgan noted that it had obviously never been implemented within the development code.

There was additional comment that normally there would be more density within the city and less within the UGB, and that there must be resistance to density within city limits.

There was public comment suggesting the description of the floor area requirement within the proposed regulations should state “whichever is less,” rather than “whichever is greater.” Mr. Morgan agreed that was the intent and noted the correction.

Ms. Absher, Tillamook County Director of Community Development, noted that Nehalem’s development code currently allows short-term rentals outright in residential zones as outright permitted use. She suggested that if the Planning Commission and City Council desire to preserve the intent of the ADUs for housing opportunities to address the housing crisis, the regulations should be clarified whether the primary dwelling unit or ADU could be converted into a short-term rental. Ms. Absher shared that she was one of the staff liaisons to the Housing Commission. She also encouraged the City Council to look at alternatives to System Development Charges (SDCs) to ensure the construction of ADUs is not cost prohibitive.

There were public comments that the intent of ADUs was workforce/affordable housing and SDCs would make it cost prohibitive. There was public comment encouraging the Planning Commission to recommend that the City Council allow ADUs within the City. There was public comment that ADUs were an important option for the aging population for additional income or caregiver housing. There was public comment regarding concern about ADUs being used as short-term rentals. There was public comment encouraging providing long-term rentals. There was public comment that ADUs don’t provide a path to home ownership. There was public comment suggesting that SDCs should not be waived, but there could be reduced fees. There was additional discussion regarding SDCs. Chair Coopersmith reiterated that water hookups and short-term rental were issues for the City Council to address and citizens can request that the Council take up the issues.

There was a public question regarding perceived fear about short-term rentals or desire to restrict them. City Manager Shafer explained that at a public visioning meeting about a year ago, there were community members on both sides of the issue.

City Manager Shafer noted that the proposed regulations require that either the primary dwelling or ADU be owner occupied.

There was Commissioner comment that ADUs can be used by low income homeowners as a short-term rental to provide additional income. It was suggested that the City consider a cap or quota for short-term rentals.

There being no further comments, Commissioner Anderson **MOVED** to strike “greater” and replace with “less” in number 4. Area. Vice-Chair Lease **SECONDED** the motion. **MOTION APPROVED 4-0 (Yes: Coopersmith, Lease, Stockton, and Anderson; No: None)**.

At the recommendation of Mr. Morgan, Commissioner Stockton **MOVED** to modify number 5. Setbacks to read “For a detached accessory dwelling unit, the minimum rear yard setback shall be 10 feet; the minimum side yard setback shall be 5 feet.” Vice-Chair Lease **SECONDED** the motion. **MOTION APPROVED 4-0 (Yes: Coopersmith, Lease, Stockton, and Anderson; No: None)**.

Commissioner Anderson **MOVED** to accept the new code updates for the accessory dwelling units pertaining to the Urban Growth Boundary and recommend approval to the City Council. Commissioner Stockton **SECONDED** the motion. **MOTION APPROVED 4-0 (Yes: Coopersmith, Lease, Stockton, and Anderson; No: None).**

**PUBLIC COMMENT**

There was a question from the public regarding a reference to wetlands in the Buildable Lands Inventory. There was discussion regarding the tsunami inundation zones and recent state legislation. Ms. Phipps clarified that tsunami inundation zones and wetlands may be included in the Buildable Lands Inventory but are still subject to other regulatory conditions for building in those types of conditions. Ms. Absher concurred. After brief discussion, Mr. Morgan said he would clarify or answer additional questions by correspondence. Chair Coopersmith clarified for the public that the Commission had already reviewed and discussed Goal 5.

There was public comment from a member of the Housing Commission that the discussion regarding ADUs was helpful.

There was public comment regarding the change to the June meeting date. City Manager Shafer explained that the meeting date changed so that Mr. Morgan could attend.

**ADJOURNMENT**

The next Planning Commission meeting is scheduled for July 18, 2019.

There being no further business, Chair Coopersmith closed the public hearing and adjourned the meeting at 7:55 p.m.

**APPROVED:** \_\_\_\_\_  
John Coopersmith, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Melissa Thompson-Kiefer, Assistant City Manager/Recorder

**City of Nehalem  
Zawadzki Variance Request  
PRELIMINARY PLANNING COMMISSION STAFF REPORT**

Request: The applicant is requesting three (3) variances to the City Zoning Requirements

- 1) Allow for a variance of 1,640 square feet for a lot size of 3,360 square feet instead of the required 5,000 square feet for a detached single-family dwelling in the R3 zone district.
- 2) Allow for a variance of 2 feet for a driveway of 18 feet instead of the required 20 feet.
- 3) Allow for a variance of 14 ½ feet for a rear yard setback of 5 ½ feet instead of the required 20-foot setback.

Applicant: Mark Zawadzki, MZ Construction LLC  
4862 SW Garden Home Road  
Portland, OR 97219

Location: 13150 D Street, Nehalem. Map #3N 10W Sec 27AB, Tax Lot 808. Lots 8 and 9 of the Hilltops Estates Subdivision.

Zone: R3, Medium Density Residential Zone District. In §157.098, Development Standards, for the R3 Zone, the following standards apply.

- (A) The minimum lot size for a single-family dwelling and mobile home shall be 5,000 square feet. For multiple-family dwellings (duplexes and larger), the minimum lot size shall be 5,000 square feet for the first dwelling and 2,500 square feet for each additional dwelling.
- (B) The minimum lot width shall be 40 feet; except on a corner lot, it shall be 60 feet.
- (C) The minimum lot depth shall be 85 feet.
- (D) The minimum front yard shall be 20 feet.
- (E) The minimum side yard shall be five feet.
- (F) The minimum rear yard shall be 20 feet.

Parcel Size: The total size of Tax Lot 808, lots 8 and 9, is approximately 3,360 square feet.

Adjacent Uses: Adjacent uses include townhouses in the Hilltop Subdivision to the north and west respectively, and sloped open space to the south and sloped open space and off-street parking to the east respectively, prior to Northfork Road. An Aerial view is shown on Page 5.

Hearing Date: June 26, 2019

**Background:**

The applicant purchased 2 adjoining lots at Hilltop Estates, 13150 D Street. The developer intended to build two connected three-story units on those lots and had put in the foundations and utility hook-ups. The developer abandoned the project before building on these lots.

The Hilltop Estates HOA opposes building three-story units. It would only agree to two-story units with only one-story on the driveway level. The second story is a 'daylight basement' built into the natural slope of the hill.

The applicant states that two units on the property would not be economically feasible and would not work with the foundation already in place. The applicant designed a single three-bedroom unit using the existing foundations, and needs these three variances approved to build this unit.



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The two lots are designed for condominium units and are smaller than normal lots. The total size of the two lots is 3,360 square feet, smaller than the 5,000 square foot lot size required for a detached house. Because of the size of the lots, the driveway is only 18 feet in length rather than the 20-foot driveway required by code with the 20-foot front yard setback. Due to the size of the lot, the rear lot setback is proposed to be only 5 ½ feet rather than the required 20-foot setback.

Applicable Criteria for a Variance Request: The applicable conditions to consider for granting a variance are found in the Nehalem City Zoning Ordinance, a part of the City of Nehalem Development Code.

The Nehalem Development Code establishes these City standards in Section 157.400 – 157-403 as described below.

§ 157.400 Intent.

- (A) The purpose of this subchapter is to allow for the granting of a variance permit from specified site-development requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict interpretation of the site-development requirements would cause undue or unnecessary hardship.
- (B) In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property, or vicinity and otherwise achieve the purpose of this chapter.

§ 157.401 Conditions For Granting a Variance. 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 this chapter, 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; and
- (D) The variance request is the minimum variance which would alleviate the hardship.

§ 157.402 Application.

- (A) A request for a variance may be initiated by a property owner, or his or her authorized agent, by filing an application with the City Manager/Recorder.
- (B) The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development.
- (C) For waterfront property, the location of mean higher high water shall also be shown.
- (D) The City Manager/Recorder or Planning Commission may request other drawings or materials essential to an understanding of the proposed use and its relationship to surrounding properties.

§ 157.403 Time Limit.

- (A) Authorization of a variance shall be void after one year unless substantial construction has taken place.
- (B) Upon request, the Planning Commission may grant one six-month extension.
- (C) A change in plan requires a new application.

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Analysis of the Variance Request: The applicant has provided responses to the Conditions for Granting a Variance (the required conditions are underlined and the responses are in plain text).

- (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.

According to the applicant, the lots were permitted for attached condominium unit and are generally consistent with other lots at Hilltop Estates. However, the HOA will not allow the applicant to build the three-story units which were planned for these lots, and building two units with one story in front would be too small to sell. One lot is only 21 feet in width, which would require the applicant to build a unit only 16 feet in width.

The topography of the site is reason to allow the variance for the rear setback. Behind these lots is a sharp drop-off from the hill to North Fork Road below. This is common area and nothing can ever be built in this area.

The information the applicant was provided when purchasing the two lots showed that both were 26 feet in width. However, the developer changed the plans to reduce the width of one lot to 21 feet. If the applicant built two connecting units one would be a very narrow unit.

The next exceptional circumstance is a condition put upon the applicant by the HOA. The HOA required that the exterior of this proposed unit be similar to the other units at Hilltop Estates. That dictates the applicant's plans especially the size of the unit, the length of the driveway, and the rear setback.

The final exceptional circumstance is the location of the existing foundation in place on site. Although there will be some changes required for the side setbacks, to have a 20-foot driveway and a 20-foot setback would require major changes in the foundation which may not even be possible. In the rear, the applicant would be very concerned about taking out 15 feet of the foundation and the effect it may have on the stability of the hillside.

- (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.

According to the applicant, the property right that the applicant seeks to preserve is the right to build a home that will fit in with the condominium units that already exist at Hilltop Estate. The other owners already have homes on lots less than 5,000 square feet, with lots generally around 1,770 square feet. All the units with garages have driveways that are 18 feet in length. All the existing units have limited rear setbacks. All units have common areas behind the units which keeps them more than 20 feet from one another.

- (C) The variance would not be materially detrimental to the purposes of this chapter, 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.

According to the applicant, the requested variances are not intended to be detrimental to the Zoning Code, to the Comprehensive Plan, or towards any City policy. The need for the variances is an unusual situation in which a detached home is being built in an existing condominium development of attached townhouses. The code does not contemplate the situation. As far as detrimental to the property in the vicinity, the applicant argues that these variances are beneficial.

Most of the condominium units were sold to the homeowners in a 2009 auction. Since that time these two vacant lots have been an eyesore, as weeds and ugly trees have grown up around the foundations. The foundations are on two levels, with no barrier at the edge of the top foundation, creating a hazard for children who might play on them. By allowing these variances the site will be

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used for a single-family home which will be consistent with the surrounding condominium units and no longer an eyesore and a danger.

(D) The variance request is the minimum variance which would alleviate the hardship.

According to the applicant, as discussed above, the restrictions on building on the two lots, and the limited width of the one lot make it impractical to build anything but a single detached unit on these lots. The variances to the restrictions are necessary if the applicant is going to be able to build a house on these lots. The lots are not going to get any bigger. Lengthening the driveway is impractical, and unnecessary in a development with 18-foot long driveways. Finally, a shorter rear setback is necessary to give the house enough size and keep the reasonable by using what is already on the property.

It appears these are the minimum variances that will alleviate this hardship.

Comments Received: None.

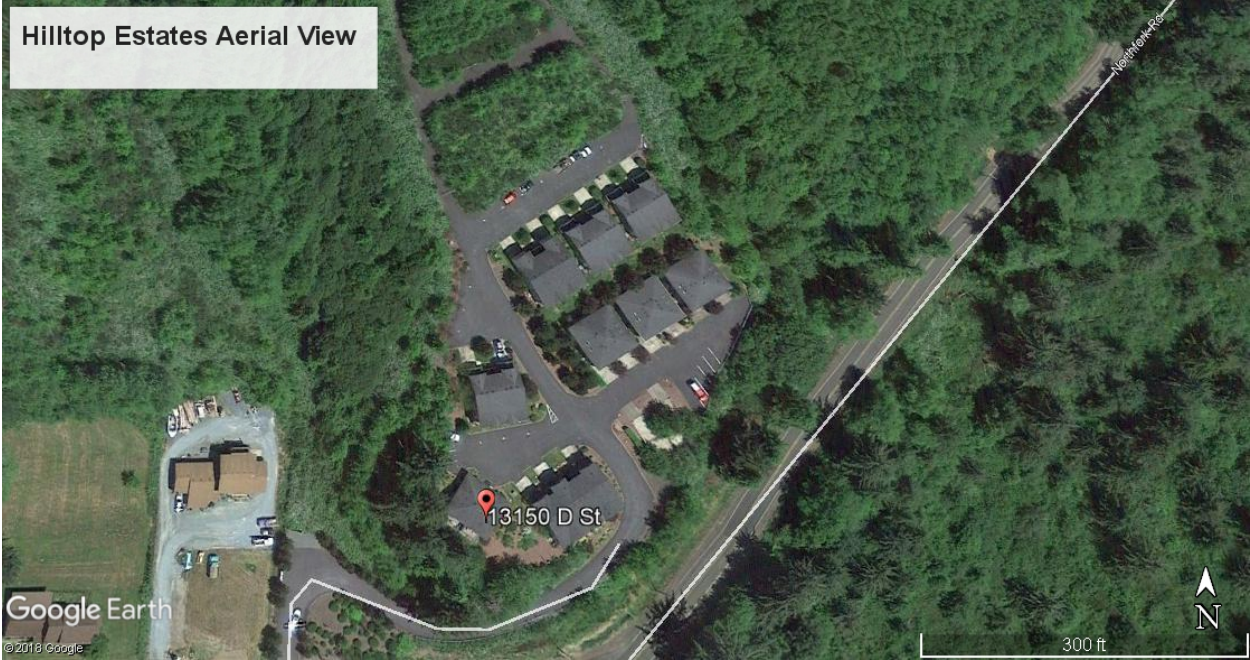
Conclusion: The applicant has provided sufficient evidence and analysis to justify the request for the variances in lot size, driveway length and rear yard setback. Any approval, however, must bind the applicant to the development activities portrayed in the application and upon which the analysis is predicated.

There is sufficient evidence to justify the approval of the lot size variance of 1,640 square feet, the driveway length variance of 2 feet, and the rear yard setback variance of 14 ½ feet.

Recommended Conditions: It is recommended the Planning Commission:

1. Open and conduct the public hearing for this application.
2. Close the hearing and deliberate based on the record.
3. Approve the application for three variance requests (a variance of the required Lot Size, Driveway Length, Rear Yard Setback), adopting the analysis and findings within both the application and staff report as justifications for the approval, subject to the following conditions:
  - a. The property will be developed in compliance with the intent expressed on the record of this proceeding and as identified in section 157.403(a).
  - b. Any change in plans for development will require submittal of a new application to the City and hearing before City Planning Commission as identified in section 157.403(c).

**City of Nehalem  
Zawadzki Variance Request  
PRELIMINARY PLANNING COMMISSION STAFF REPORT**



# 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,  
Natural and Historic Resources,  
Natural Hazards,  
Public Facilities,  
Population, Housing,  
Economic Development,  
Urban Growth,  
Land Use, and-  
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.

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#### 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. However, the policies contained in this Plan will provide the major basis for shaping land-use decisions for this area.

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.

**Commented [PL1]:** Would it be useful to say "...in this area, subject to Nehalem's Comprehensive Plan and Land Use Ordinances.?"

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## 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.

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## 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 insure 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 under 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]***

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### **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 streamflow is lowering, wildfire activity is increasing, sea level is rising, and coastal waters are acidifying. The consequences of these climate changes 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 induces stress. The City intends to manage its watersheds to minimize forest stress due to climate change.

The City recognizes there may be impacts on the community that are a result of climate change and looks forward to cooperating with opportunities for climate change mitigation.

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## 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 insure the continued quality of air, water and land resources within the City and the UGB.

### Policies

1. The City will insure 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. 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.

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

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## 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.
- ~~1. All development in the Special Flood Hazard zone will be done according to the rules and regulations of the Nehalem Zoning Ordinance, subject to the rules for the Flood Hazard Overlay Zone as mandated by FEMA.~~

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### Policies

1. The City shall adopt maps, plans, inventories, policies, and implementing measures that reduce risk to people and property from natural hazards.

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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 wind storms, winter storms, coastal and riverine floods, landslides, earthquakes and earthquake related hazards, tsunamis, 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 climate change and these and increasing occurrence of ed-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]**

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## 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 should 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 16<sup>th</sup> 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, saw mill and tavern. During the first ten years of the 20<sup>th</sup> 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. ~~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.
2. Actively participate in the region's key economic development activities and organizations.
3. Participate in and support regional economic development plans/programs.
4. 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.
5. 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.

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### 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: (not included at this time)**

You may want to include a policy that talks about other limiting factors that may not be included in a BLI but are limiting factors for development and encouraging avoidance of those areas – things like Sea Level Rise, etc.

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## **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.

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## 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.

~~Transportation may also be affected by climate change, and possibly impact the City.~~

### 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 may 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 may 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. 101/7<sup>th</sup> 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.

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.

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## 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. ~~recognizes there may be impacts on the estuaries that are a result of climate change and looks forward to opportunities for climate change mitigation.~~



## 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. d looks forward to including opportunities for climate change mitigation.

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## **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.

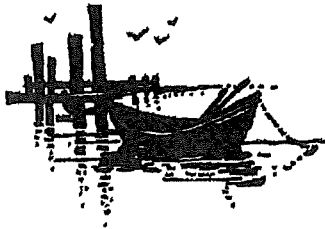
## **GOAL 19: OCEAN RESOURCES**

### 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.”

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# 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 INTRODUCES 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: SYMANK, 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 CAO 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 8<sup>TH</sup> 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 8<sup>th</sup> 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
2. setbacks improved dramatically in 2 perpendicular directions
3. Tax based on property value will more than triple



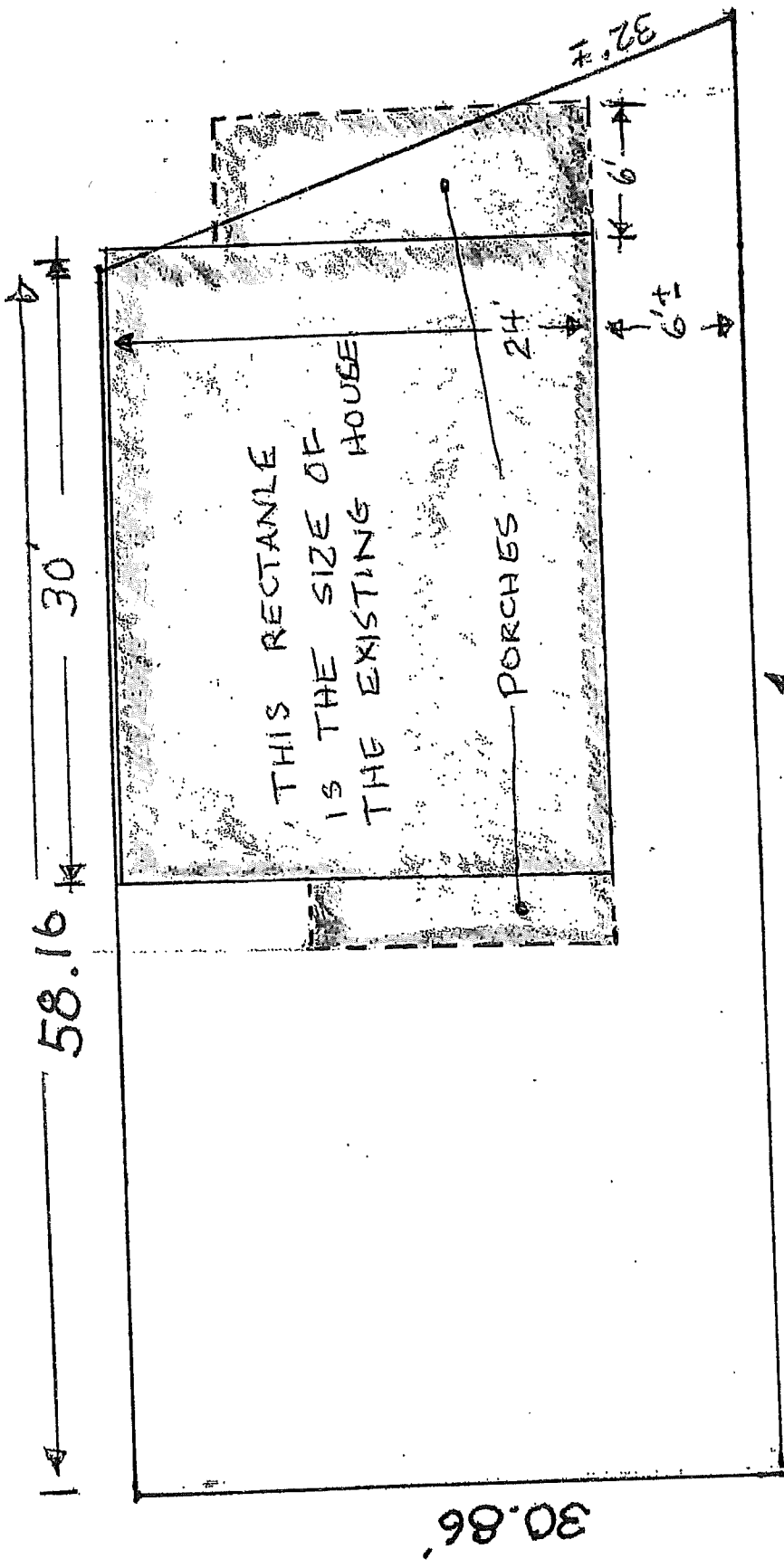
If you recognize the community enhancement that is bound to occur by approving this variance then my hope will be to build a legacy for my children & grandchildren.

If you do not approve it I still thank you for considering it, and I will begin preparing the existing cabin as a living space for a renter who needs affordable housing as an option

Regards  
Stanton Symantek  
503 -476-4946

NORTH  
↑

TOHL AVE.



EXISTING PLACEMENT

35795 87th ST.

NEHALEM OR

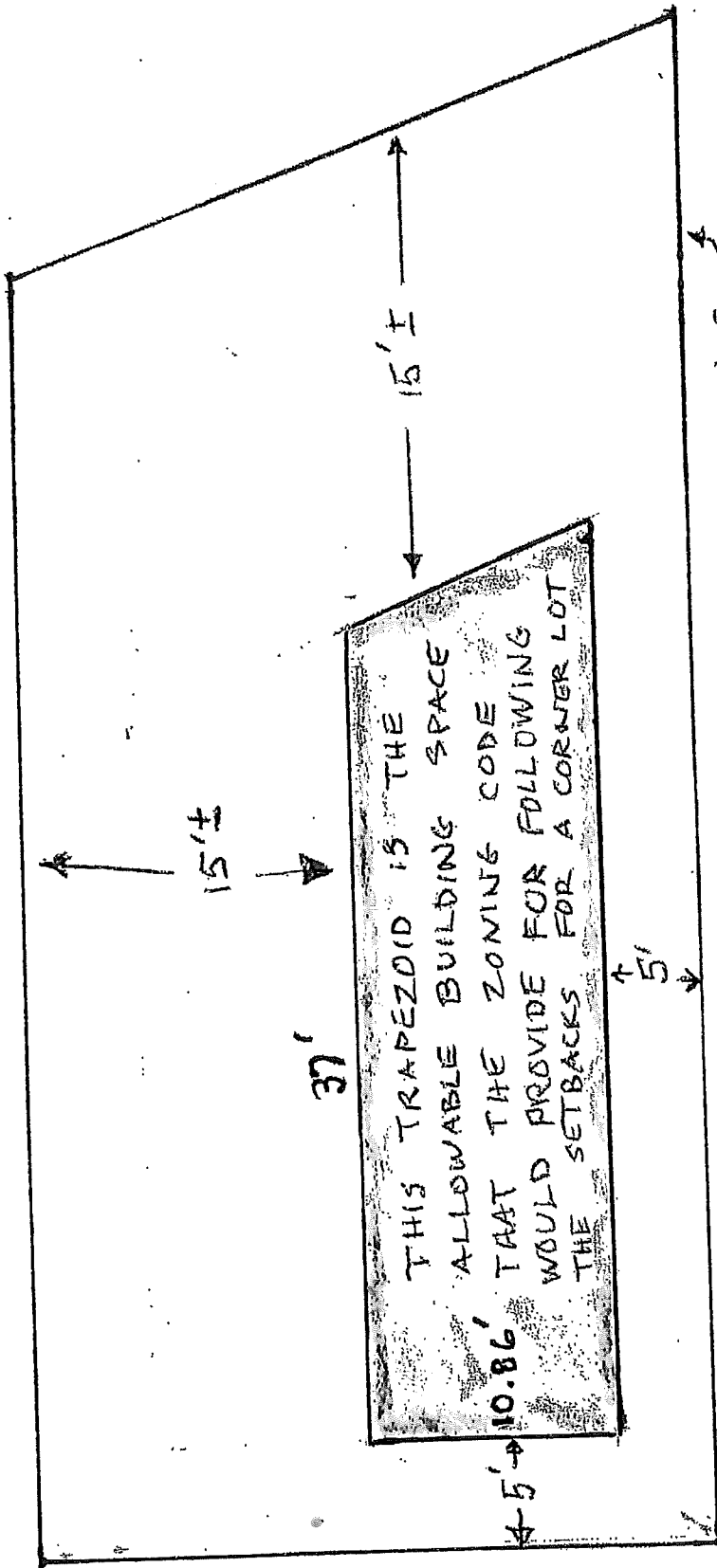
1/8" SCALE PG. HD 1

THIS IRREGULAR TRAPEZOID IS THE PROPERTY SHAPE

PROPERTY LINE



58.16



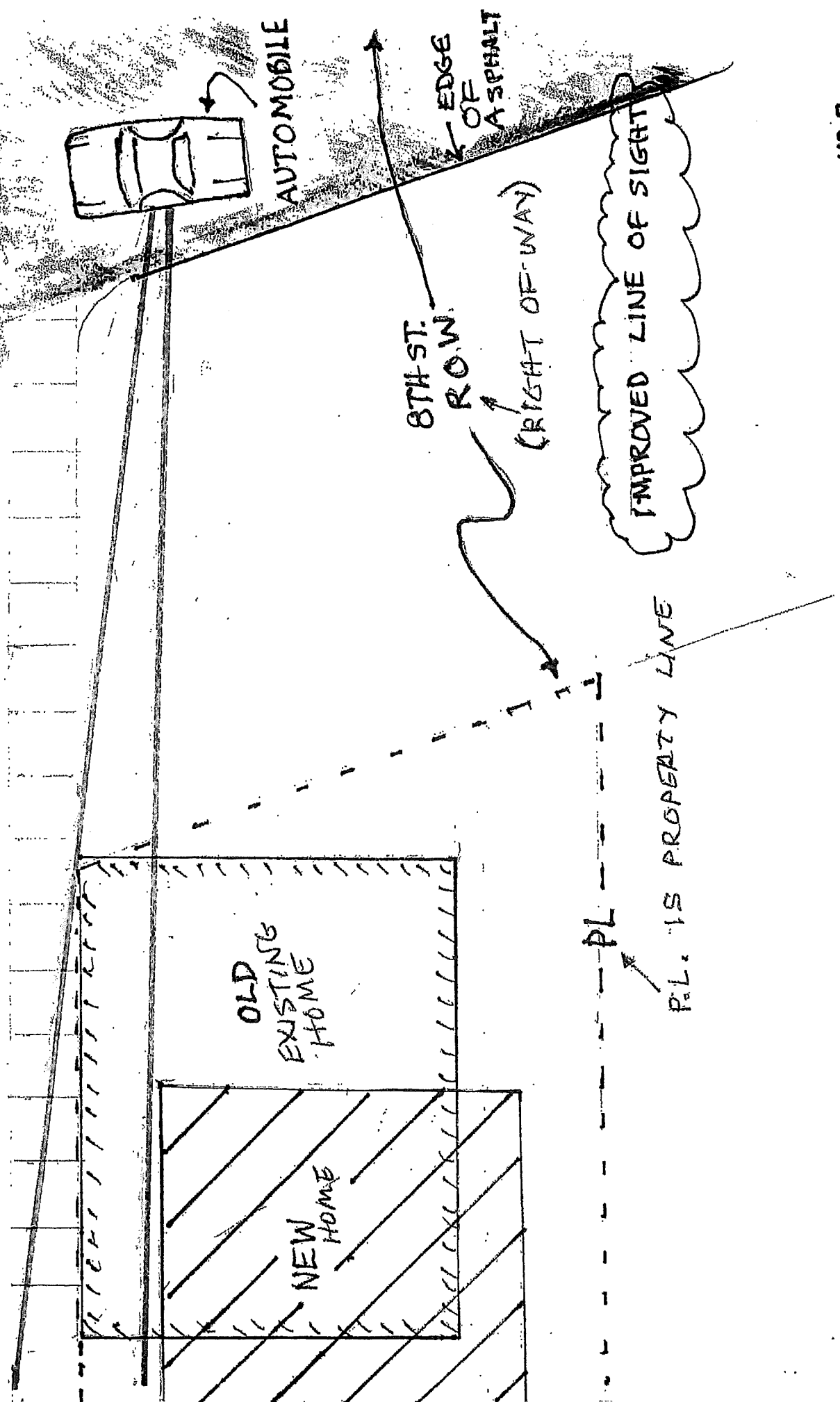
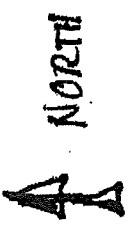
ALLOWABLE PLACEMENT

35795 8TH ST.  
NEHALEM OR

PLEASE NOTE. A HOUSE BUILT THIS SIZE IS REDICULOUS.

# TO HILLS

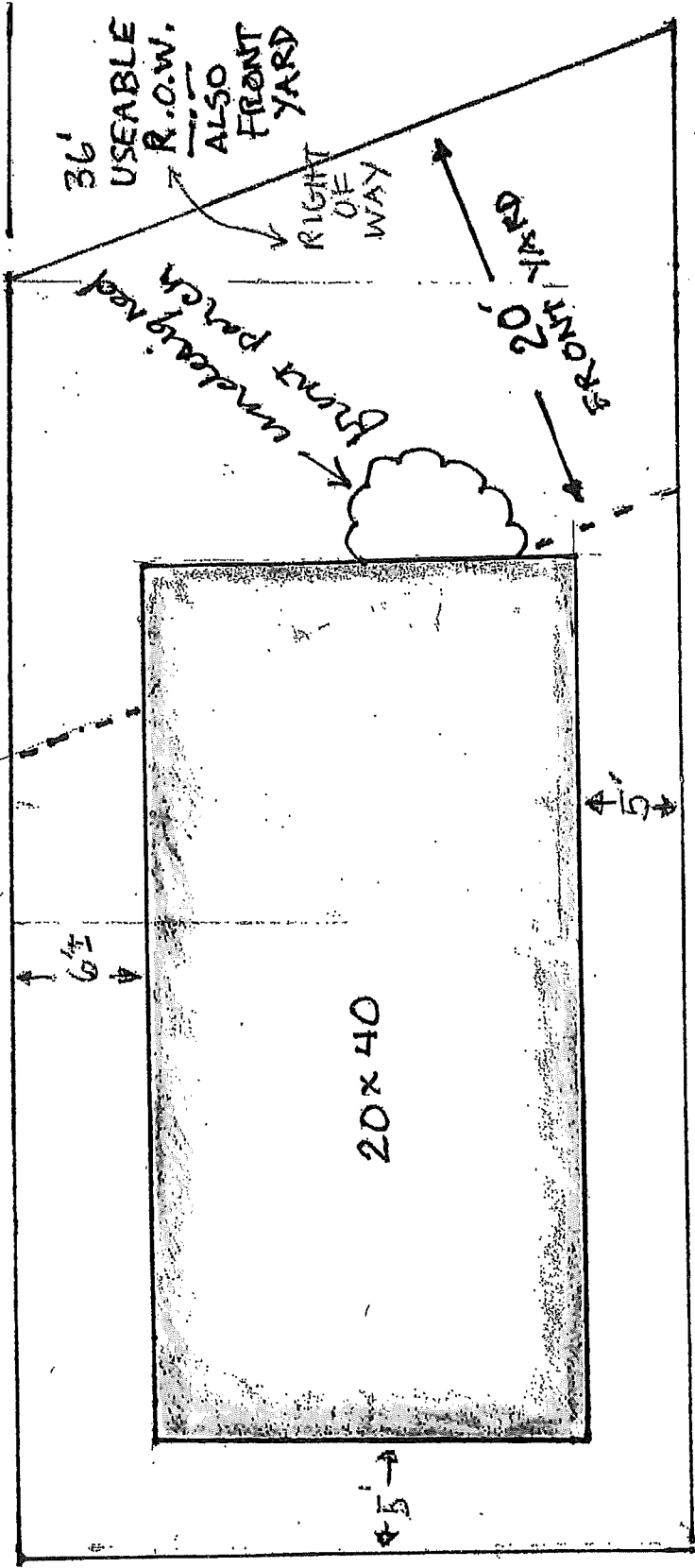
IMPROVED  
THIS SIMPLY SHOWS THE  
VISION TO THE TRAFFIC AS IT ENTERS TOHL ST



NORTH  
↑

CABIN CAME TO HERE  
→

58.16



36' USEABLE R.O.W. ALSO FRONT YARD

RIGHT OF WAY

winding road  
burnt patch

FRONT YARD 20'

20 x 40

30.86'

69.39'

PROPOSED NEW HOME

35795 8TH S  
NEHALEM OR

YELLOW IS OLD HOUSE 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.

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