



# CITY OF NEHALEM

35900 8th Street - P.O. Box 143

Nehalem, OR 97131

Tel. (503) 368-5627

Fax (503) 368-4175

## NEHALEM PLANNING COMMISSION MEETING THURSDAY MAY 23, 2019 - 6:00 p.m.

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

**APPROVAL OF MINUTES: April 18, 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 NCRD 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  
APRIL 18, 2019**

Chair Coopersmith called the Planning Commission Meeting to order at 6:02 p.m.

**PLANNING COMMISSION  
MEMBERS PRESENT:**

John Coopersmith, Chair  
Janet Lease, Vice-Chair  
Lance Stockton, Commissioner

**EXCUSED:**

Mary Jo Anderson, Commissioner  
Julie Chick, Commissioner

**STAFF PRESENT:**

Dale Shafer, City Manager  
Melissa Thompson-Kiefer, Asst. City Mgr./Recorder  
John Morgan, Planning Consultant  
David Mattison, Planning Consultant

**VISITORS:**

Lane deMoll  
Lark Miller  
Vivi Tallman  
Fred Lackaff  
Kathy Jean Hrywnak  
Barbara McLaughlin  
Lynda Chick

Chair Coopersmith led those present in the Pledge of Allegiance.

**MINUTES**

The Commission reviewed the minutes of the March 21, 2019 Planning Commission meeting. Commissioner Stockton **MOVED** to approve the minutes from the March 21, 2019 meeting as presented. Vice-Chair Lease **SECONDED** the motion. **MOTION APPROVED 3-0 (Yes: Coopersmith, Lease, and Stockton; No: None).**

## **OLD BUSINESS**

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

City Manager Shafer explained that DLCD will have the wording to address climate change in the Comprehensive Plan available for the next Planning Commission meeting.

## **NEW BUSINESS**

### **HOUSING NEEDS ANALYSIS (HNA)**

Chair Coopersmith turned the meeting over to Planning Consultant John Morgan. Mr. Morgan presented an overview of the *City of Nehalem Housing Needs Analysis*, dated February 2019. Key findings from the HNA included: the population within the Urban Growth Boundary (UGB) including City Limits is forecast to grow from 1,240 people in 2018 to 1,566 people in 2038; the population growth will result in demand for 162 new dwelling units; Nehalem does not need to expand its existing UGB to accommodate the forecasted growth. Key recommendations from the HNA included: continue to provide opportunities for development of single-family attached and multifamily housing; expand development opportunities for multifamily housing; and update Comprehensive Plan policies to reflect the findings and recommendations of the HNA. Mr. Morgan noted that it is important to watch the data used for the analysis over time, as it is hard to predict changes in small communities. Mr. Morgan answered clarifying questions for the public and Commission.

There was extensive public comment, staff and Commission discussion regarding the HNA finding that while Nehalem does not meet the technical definition of a rent-burdened community, affordable/workforce housing is still a serious community and regional issue. There were comments and discussion encouraging the City to be part of the regional conversation regarding housing issues. There was public comment regarding work being done by the Tillamook County Housing Commission. There was public comment regarding concerns about the safety of building in Tsunami Inundation Zones. Mr. Morgan reiterated that State law doesn't impose constraints on building within the Tsunami Inundation Zones. There was public comment suggesting allowing Accessory Dwelling Units (ADUs) to increase housing. There was public comment regarding personal property that is outside the City UGB that was envisioned as mixed-use elder housing with small cottages. City Manager Shafer suggested that a request be submitted to the County to change the zoning for that property to allow the desired use.

### **GOAL 10: HOUSING & SCHEDULE REVIEW**

City Manager Shafer said a draft of Goal 10 based on the input from tonight's meeting will be prepared for the Planning Commission meeting in May.

City Manager Shafer noted that the Commission will be presented with an application for a variance from the North County Recreation District (NCRD) at their next meeting. Chair Coopersmith will recuse himself from the hearing. Chair Coopersmith requested that City Manager Shafer provide guidelines on ex parte contact. She agreed to provide information in the agenda packet.

The next Planning Commission meeting was scheduled for May 23, 2019.

**PUBLIC COMMENTS**

Members of the public thanked the Commission for their work.

**ADJOURNMENT**

There being no further business, Chair Coopersmith adjourned the meeting at 7:12 p.m.

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

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

## GOAL 10: HOUSING

### Nehalem's Current Supply of Housing

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

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

### Trends in Nehalem's Housing Mix

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

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

- *apartment,*
- *duplexes,*
- *tri- and quad-plexes,*
- *manufactured housing, and*
- *smaller single-family detached and attached housing.*

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

*The mix of projected new housing needed include:*

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

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

### City Vision

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

### State Requirements for Goal 10, Housing:

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

### City Goal for Housing

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

### Objectives

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

### Policies

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

Date: March 19, 2019

To: Dale Shafer, City Manager  
35900 8<sup>th</sup> St PO Box 143  
Nehalem, OR 9131

Re: Variance request, NCRD Performing Arts Center

Dale-

We are hereby requesting a variance to section §157.053.E of the Nehalem land use ordinance. Owing to the special circumstances of this specific lot, strict interpretation of the city's site development requirements would provide an undue hardship to both the owner and the community in general.

#### Overview

North County Recreation District (NCRD) has been serving Nehalem and northern Tillamook County since 1994, providing the community with a cultural center, fitness facilities, and pool. In 2002, NCRD purchased the historic Nehalem school and gymnasium buildings and have since engaged in a comprehensive program of facility repair, restoration, and modernization. In 2016, they completed the final phase of the Performing Arts Center remodel, providing a 300-seat venue for public performance right in the heart of Nehalem. This facility attracts nationally renowned performers year-round, enhancing the culture and economy of Nehalem. Due to the limitations of the century-old structure, however, handicap restroom facilities are still not available. NCRD proposes to construct a new lobby addition for the Performing Arts Center that will provide accessible toilets to better serve elderly and disabled patrons, as well a lobby for gathering before performances.

#### Background Information

The property in question is the northwestern lot occupied by NCRD, at the corner of 9<sup>th</sup> St. and B Street, parcel T3NR10S27bd1400. The zoning for this lot is "RM", medium density residential. §157.053.E requires a minimum side yard of 5 feet, except for corner lots, which require 15 feet. The lot in question is a corner lot.

#### Variance Request

For the project in question, the owner would like the corner lot side yard requirement of 15' be reduced to the 5' required for non-corner lots.

#### Variance applicability

The gymnasium at NCRD was built in the early 1900s before the adoption of modern zoning regulations, when access for disabled persons and proximity to the right-of-way weren't considered. As a result, the performing arts center and gymnasium in their current configuration make no accommodation for disabled users and do not provide the minimum number of toilet facilities that would be required by modern building codes and the Americans with Disabilities Act. The building's configuration and location on the site in relationship to the property lines are exceptional circumstances over which the current owner has no control.

This variance will allow NCRD to preserve its right to serve disable customers to the same extent as neighboring landowners with more modern structures.

This proposed variance would not be detrimental to the other provisions of the land use regulations or to adjacent property owners. The new lobby/ restroom addition would not encroach on the traffic visibility triangle, would not be in the public right of way, and there would still be over 25 feet of grass and yard between the proposed building and the current edge of the paved road surface. Nearly all of the land served by B Street has been developed, so no increase in traffic (and road width) is anticipated in the foreseeable future.

Relaxing the 15' setback to 5' is the minimum needed to alleviate the hardship. Due to space requirements to provide adequate maneuvering clearance for wheelchairs in toilet areas for both men and women, the minimum width for the lobby/ restroom addition is such that it cannot be any farther away from the property line. Alternately, the lobby/ restroom addition cannot be located on any of the other three sides of the building, because it would reduce the amount of parking provided (east and south sides) or be in the 9<sup>th</sup> Street right-of-way (west side).

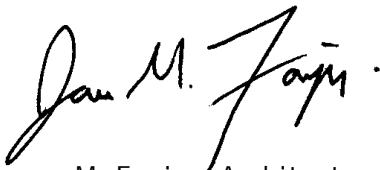
#### Additional Materials

The following supplemental materials are attached to this application:

- completed City of Nehalem Planning Application
- check for \$250 for application fee
- site plan showing the entire property
- site plan detail of the area of interest
- schematic floorplans of the proposed lobby addition (2)
- exterior renderings of the proposed lobby addition (2)

If you require any further information, please let me know.

Respectfully,

A handwritten signature in black ink that reads "James M. Fanjoy". The signature is written in a cursive, flowing style.

James M. Fanjoy, Architect

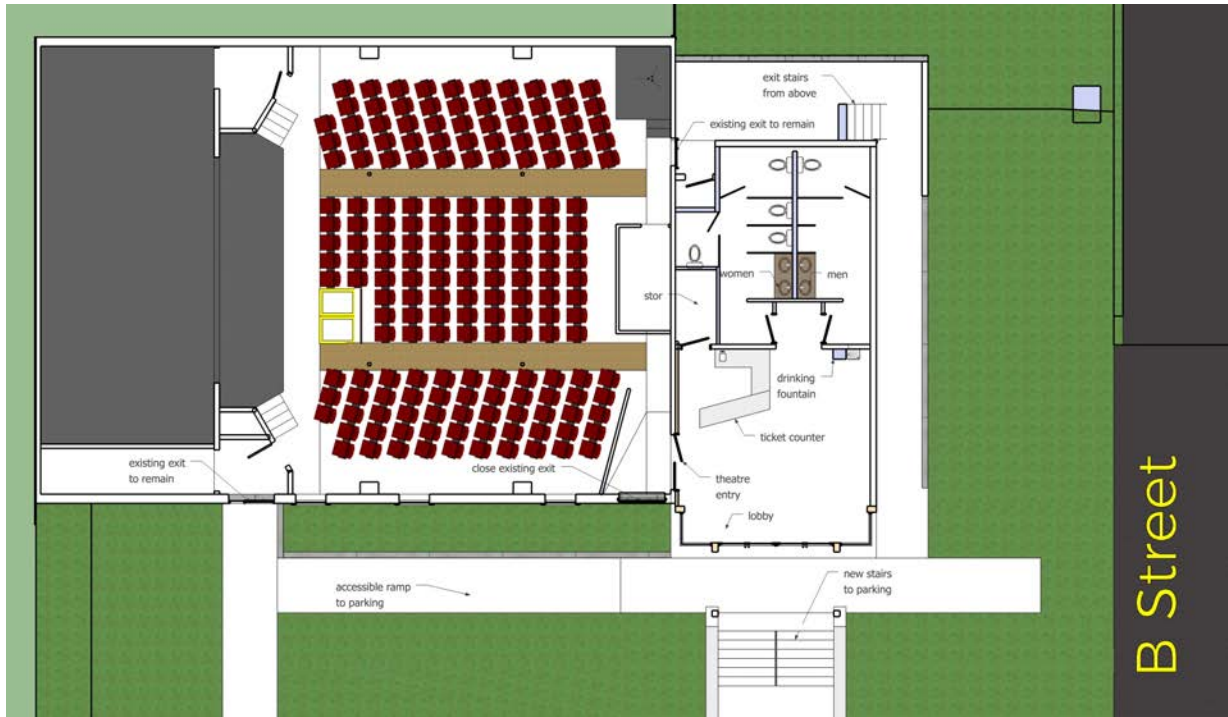
35820 7<sup>th</sup> St  
Nehalem, OR 97131  
Ph: 360-636-5074





Photographs of existing site, showing location of corners of proposed addition.





Ground floor plan



Second floor plan

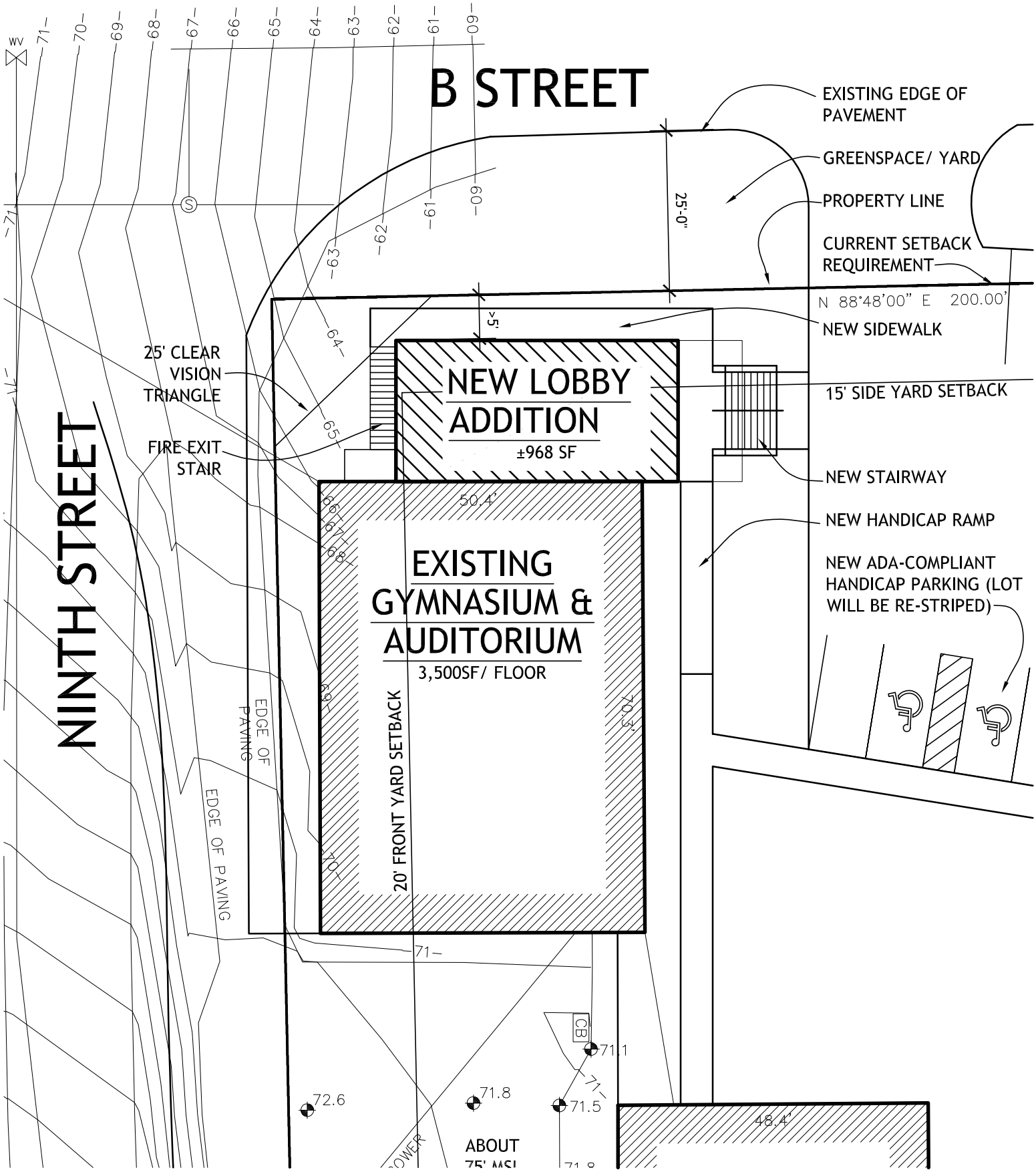




View from northeast



View from northwest



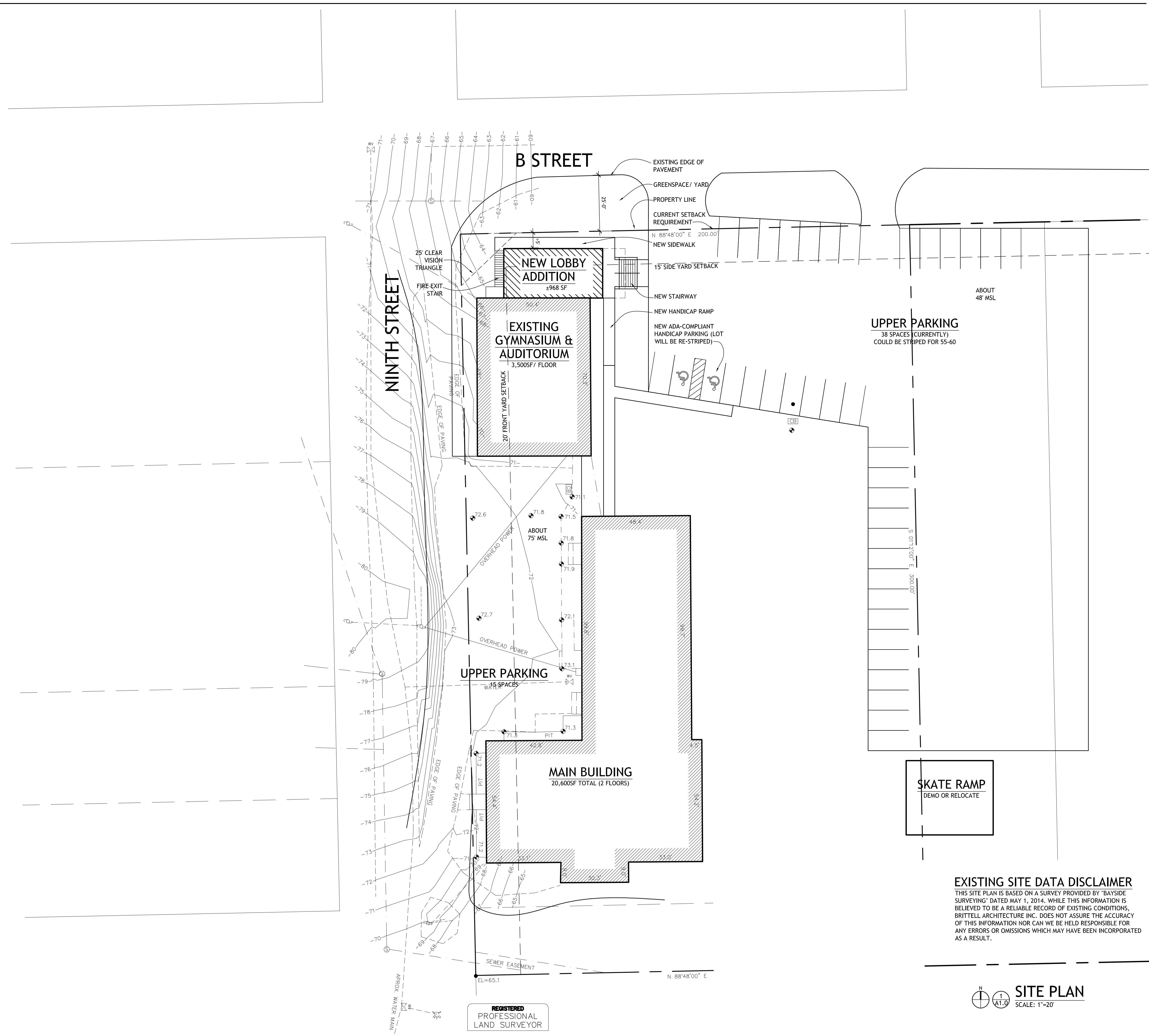
**EXISTING SITE DATA DISCLAIMER**

THIS SITE PLAN IS BASED ON A SURVEY PROVIDED BY "BAYSIDE SURVEYING" DATED MAY 1, 2014. WHILE THIS INFORMATION IS BELIEVED TO BE A RELIABLE RECORD OF EXISTING CONDITIONS, BRITTELL ARCHITECTURE INC. DOES NOT ASSURE THE ACCURACY OF THIS INFORMATION NOR CAN WE BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED AS A RESULT.

**SITE PLAN  
DETAIL**

1  
A1.0

SCALE: 1"=20'



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

**EXISTING SITE DATA DISCLAIMER**  
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**SITE PLAN**  
 SCALE: 1"=20'

**NEW LOBBY FOR  
 PERFORMING ARTS CENTER**  
 North County Recreation District  
 36155 9TH ST  
 NEHALEM, OR 97131

Date	Description	No.
3/18/2018	REVIEW	

Project number 1837

**A0**  
 ARCHITECTURAL  
 SITE PLAN

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

DUE: a week prior  
MTG: APRIL 18



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

REQUEST (Describe request) Reduction of side yard (corner) setback as described in attached narrative.

APPLICANT: David Wiegman  
 Name: North County Recreation District Phone: 855-444-6273  
 Address: PO Box 207 City Nehalem State: OR Zip 97131

LEGALLY RECORDED OWNER:  
 Name: North County Recreation District Phone: (855) 444-6273  
 Address: PO Box 207 City Nehalem State: OR Zip 97131

- LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION  
 Township 3N Range 10 Section 27 BD Tax Lot 1400  
 Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_
- Zoning RM
- 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 [Signature] Date 4/1/19

5. I AUTHORIZE THIS REQUEST BY THE APPLICANT:  
 APPLICANT'S SIGNATURE [Signature] Date 4/1/19

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

Date: \_\_\_\_\_ Received by: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_

CITY OF NEHALEM PLANNING COMMISSION  
STAFF REPORT

VARIANCE CASE 19-01

APPLICANT: North County Recreation District  
OWNER: North County Recreation District  
LOCATION: 36155 9th Street; Nehalem, Oregon  
ZONING: RM – Medium Density Residential  
LAND USE: Performing Arts Center

INTRODUCTION

This is an application of the North County Recreation District (NCRD) to allow a variance to reduce the required corner lot side yard from 15 feet to 5 feet.

The purpose of the variance is to allow construction of a lobby/restroom addition to the existing building housing the Performing Arts Center. The proposed addition will have a 968 square foot footprint. It will house a new lobby and restrooms and will be fully compliant with the Americans with Disabilities Act allowing access to the building and restrooms by people with disabilities.

The applicant cites the variance as necessary to meet ADA requirements, to allow service to all citizens, and responding to the fact the primary structure was built in the early 1900's before zoning setback standards had been established. Also, the auditorium area faces west therefore all public access must come from the east side of the building, where the addition is proposed. There is no room for the proposed expansion without building into the setback area.

The applicant notes the proposed addition will still allow for approximately 25 feet of landscaped yard between the addition and the paved street.

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. The placement of the building and the configuration of its interior make the only practical place to build the addition is where it is proposed. Conforming to the 15 foot setback does not allow room to build a workable lobby and restroom area. Providing access for those with disabilities to the lobby and to restrooms, in compliance with the Americans with Disabilities act, is not possible without granting the variance. 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 compliance with the Americans with Disabilities Act, as is applicable to all other properties in the zone or vicinity. The existing building, being sited before setback standards were established, is hampered by those standards making expansions of any kind difficult.

*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 provides for a needed, and legally required, expansion without violating the clear vision area at the street intersection. It still leaves a substantial landscaped area between the new expansion and the paved street. The criterion is met.

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

FINDING: The proposed lobby is designed to allow for free passage and movement of those with wheelchairs and other mobility limitations to the waiting area within the lobby, the ticket counter, the drinking fountain, and the restrooms. Reduction of this space would limit that functionality. The criterion is met.

### CONCLUSION

The proposed variance meets 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 the North County Recreation District for a variance to corner lot setback requirements and adopt the findings of fact in the staff report as justification for the variance.*