



City of Nehalem Comprehensive Plan



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Article I. Introduction

The purpose of the Nehalem Comprehensive Plan is to manage future growth and development within the City's urban growth boundary area in a way that will 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 County land-use decisions for this area.

The Plan consists of:

1. A Background Report, policies that apply to the whole Urban Growth Boundary area, a land-use map, the Nehalem Downtown Transportation Plan, and specific area policies that apply to geographical areas such as the town center or Dean Point.

*(Adopted: 80-1)
(Amended: 99-02, 2004-01)*

Article II. Plan Policies

Section 2.010 Citizen Involvement

(1) Goal

1. To provide all city residents an opportunity to be involved in the City's planning decisions.

(2) Policies

1. The Planning Commission shall represent a cross-section of 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. Financial support for citizens participation shall be made available through the Planning Commission Budget.

(Adopted: 80-1)

Section 2.020 Comprehensive Plan Procedure

(1) Policies

1. The Planning Commission and City Council shall review the Comprehensive Plan as needed to insure that it continues to reflect the community's needs and desires.
 - a. The Planning Commission and City Council shall review the Comprehensive Plan at least once every five years.
 - b. The Plan shall also be reviewed when the revised County Comprehensive Plan is complete to insure compatibility between the two Plans.
2. Changes in the Comprehensive Plan 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.

3. Private individuals requesting a Plan change shall show:
 - a. What conditions have changed since Plan adoption that require a Plan change;
 - b. How such a change will promote the general welfare of the City; and,
 - c. How the change is consistent with other relevant portions of the Plan.
4. Plan changes will be adopted only after well advertised public hearings have been held by the Planning Commission and City Council.

*(Adopted: 80-1)
(Amended: 99-02)*

Section 2.030 *Natural Features*

(1) *Goal*

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

(2) *Policies*

1. The physical capabilities and limitations of the land shall be utilized in establishing the type and density of development that can occur.
2. 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.
3. 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.
4. 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 such as riprap shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns, and on adjacent property.
5. Riparian vegetation shall be maintained, and where appropriate, restored and enhanced consistent with water-dependent uses.
6. Scenic views should be used and protected in the development of land.
7. Developments shall include measures to control erosion and minimize sedimentation during construction.
8. 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.
9. Grading should be minimized in areas with a slope greater than 15%.
10. Site-specific geologic studies by a qualified expert may be required in areas suspected of being subject to landslide hazard.
 - a. When a site report is required, construction shall occur only if the investigation indicates that development is feasible.
 - b. Construction shall be in conformance with the site report.
 - c. Where necessary, an engineer approved foundation may also be required.
11. All development inside the City Limits shall be consistent with the City's Flood Hazard Overlay Zone.
 - 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.
12. Developments, especially those adjacent to the Nehalem River and Bay, shall consider the impact on wildlife resources.
 - a. Projects shall be designed to minimize their impact on areas identified as having riparian vegetation.

Section 2.040 *Recreation and Open Space*

(1) Goal

1. To provide for park facilities and open space.

(2) 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. Publicly owned street ends which abut the shoreline shall be retained.
 - a. When appropriate, they should be developed to facilitate public shoreline recreational use.
6. Development along year-round streams, the Nehalem River and Nehalem Bay shall be required to preserve natural stream bank vegetation or provide appropriate replanting.
7. The City and County should work 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 state and federal agencies and the private sector.

(3) 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.

*(Adopted: 80-1)
(Amended: 81-6, 99-02)*

Section 2.050 *Air and Water Quality*

(1) Goal

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

(2) Policies

1. The City will insure that the actions it takes are consistent with appropriate state and federal environmental quality standards, including those for water quality, air quality and noise.
2. The City will control sedimentation and erosion resulting from urban development through its Subdivision Ordinance.
3. The State Department of Forestry should monitor the use of herbicides in the Nehalem area, particularly around the City's Watershed.

- a. Persons or organizations using herbicides shall notify the City and public prior to use, and in no instances shall herbicides be used in the City's Watershed or land affecting the City's Watershed without City approval.
- 4. The City will implement the Master Water Plan as applicable.

*(Adopted: 80-1)
(Amended: 81-6, 99-02)*

Section 2.060 Housing

(1) Goal

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

(2) Policies

- 1. The City will zone adequate land to meet 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 Tillamook County Housing Authority and the Northwest Oregon Housing Association to provide low and moderate income housing for area residents.
- 3. The City supports both public and private efforts to conserve and rehabilitate existing housing.
- 4. The City supports the efficient development of housing and land to minimize environmental impacts and provide public services in a cost effective manner.
- 5. The City will encourage the use of sustainable development and building materials including the use of energy efficient materials and design principles.
- 6. 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) to provide diversity and security in commercial areas and a range of housing options.
- 7. The City will ensure compliance with federal and state fair housing laws which affirm access to housing opportunities for all people in Nehalem.
- 8. The City will allow for accessory dwelling units in residential zones.

(3) Strategies

- 1. Explore and provide information about opportunities to consolidate buildable land where it will promote more efficient development.
- 2. Regularly update the City's inventory of buildable land (at least every five years) and use it to both identify housing development opportunities and assess the ability to meet future housing needs. If growth is occurring at a faster rate than previously predicted, work with the County to update the County's coordinated population forecast and the City's housing needs analysis.
- 3. Work with the development community to ensure creation of new housing that meets identified future needs.
- 4. Monitor public facility capacity to ensure that proposed new residential developments can be adequately served by water, sewer, transportation, drainage and other public facilities.
- 5. Update the City's Zoning Ordinance to include provisions for accessory dwelling units.
- 6. Encourage mechanisms that help reduce the cost of or leverage other monies to develop affordable housing.
- 7. Consider the use of density bonuses or other incentives to encourage the development of affordable housing.

*(Adopted: 80-1)
(Amended: 2007-04)*

Section 2.070 Economics

(1) Goal – Improve the Economic Base of the Community

1. Policies

- a. Support efforts to improve the economy of the area, including the maintenance of a viable agriculture industry.
- b. Actively participate in the region’s key economic development activities and organizations.
- c. Participate in and support regional economic development plans/programs.
- d. 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.

2. Strategies

- a. Develop active working relationships with Col-Pac, EDD, NW Oregon Economic Alliance, NW Oregon Regional Partnership and other key economic development players, and attend partner meetings as often as possible.
- b. Identify programs that could benefit local businesses.

(2) Goal – Encourage Successful Home-Based Businesses

1. Policies

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

(3) Goal – Retain, Strengthen and Expand the Existing Business Base

1. Policies

- a. 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.
- b. Encourage, support and assist new and existing businesses

(4) Goal – Strengthen and Enhance a Strong Commercial Core or Downtown Business District Within Nehalem

1. Policies

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

(5) Goal – Be Ready for Business with Ready Properties

1. Strategies

- a. Develop active working relationships with key economic development players; attend partnership meetings as often as possible: Col-Pac, EDD, NW Oregon Economic Alliance, NW Oregon Regional Partnership.
- b. Identify programs that could benefit local businesses.

*(Adopted: 80-1)
(Amended: 2007-04)*

Section 2.080 *Energy*

(1) Goal

1. To conserve energy.

(2) Policies

1. The City will promote the use of domestic energy conservation efforts as applicable.
2. The City will promote energy conservation in building construction.
3. The City encourages all developers to show how proposed housing design will encourage proper solar orientation.
4. 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.

(Adopted: 80-1)

Section 2.090 *Transportation*

(1) Goal

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

(2) 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, Tillamook 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 right-of-ways should be considered where they are not needed as streets.
 - a. These uses may include trails, small parks or natural areas.
 - b. Where no alternative uses exist, the City should consider initiating Street vacations.
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.
8. The City will work to incorporate (as resources allow) streetscape elements for pedestrian and bicycle friendly street design as illustrated in the Downtown Transportation Plan.
9. The City will develop (as resources allow) an interpretive trail that provides access to the wetlands and river as shown in the Oregon Downtown Development Association (ODDA) plan and the Downtown Transportation Plan.
10. The City will develop a gateway or gateways (as resources allow) to mark the entrance to downtown Nehalem and to help reduce traffic speeds on U.S. 101 as described in the Downtown Transportation Plan.

11. The City will work with ODOT to develop pedestrian crossing treatments along U.S. 101 and 7th and “H” Streets as described in the Downtown Transportation Plan.
12. Street design standards are contained within the City’s Subdivision Ordinance. The Downtown Transportation Plan also identifies design standards for future transportation improvements to 8th Street between “H” and Tohls Streets. The Plan also includes cross sections for consideration on City streets with forty foot (40’) and fifty foot (50’) right-of-way widths.
13. The City will work with ODOT to improve the design and safety of the U.S. 101/7th Street intersection by working to implement the measures described in the Downtown Transportation Plan, including:
 - a. Widening the northbound receiving lane to accommodate a larger turning path and relocate existing utilities per design standards.
 - b. Extending “A” Street between 7th Street (North Fork Road) and 8th Street.
 - c. Providing a curb extension on both sides of “H” Street on the east side of the U.S. 101/7th Street intersection and crosswalks on the side streets and U.S. 101 to improve safety.
14. The City will work with ODOT to provide pedestrian safety improvements and traffic calming measures, such as curb extensions (where practical) as established in the Downtown Transportation Plan.
15. The City will work with the Tillamook County Transit District to site bus stops and shelters as described in the Downtown Transportation Plan.
16. The City will continue to explore “Special Transportation Area (STA)” designation by working with ODOT to develop an STA Management Plan according to the requirements of the Oregon Highway Plan.
17. The City will work to improve the safety of the walking connection between the school and community center by providing a sidewalk on 8th Street between “B” and “C” Streets.

(3) Recommendations

1. Changes in the scheduling of Public Transportation should be publicized in advance to allow citizens the opportunity to comment to the appropriate public authority.
2. The City should maintain the joint venture street paving and drainage program in a manner that continues the shared cost program for upgrading streets.

*(Adopted: 80-1)
(Amended: 99-02, 2004-01)*

Section 2.100 Urban Growth Boundary

(1) Goal

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

(2) Policies

1. The lands within the Nehalem Urban Growth Area, but outside the Nehalem City Limits, are within the jurisdiction of Tillamook County.
 - a. Tillamook County shall retain responsibility for land-use decisions in this area.
 - i. However, for the purpose of controlling development, the City and County agree to designate this area as a area of joint cooperation for reaching decisions on each major planning action involving requests for re-zones, subdivision applications, planned-unit development and comprehensive plan amendments for this area.
 - b. It shall be the responsibility of the agency or jurisdiction initiating the action to notify and involve the other jurisdictions.

- i. The procedure shall assure timely response to proposed actions by 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.
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.

(3) General Findings in Support of the Urban Growth Boundary

1. The area within the Nehalem Urban Growth Boundary is built or committed to urban development. The Nehalem Bay Wastewater Agency has the ability to expand its system to meet the anticipated growth within Nehalem. The following findings are provided in support of the location of the Urban Growth Boundary.
 - a. The Urban Growth Boundary generally coincides with the boundary of the Nehalem Bay Wastewater Agency.
 - i. Several small areas are included in the Urban Growth Boundary that are outside the Wastewater Agency's boundary.
 - b. The Nehalem Bay Wastewater Agency has been in existence since 1970.
 - i. It has assessed lands within its boundary for the last twenty-eight years.
 - ii. The current assessment is a flat rate equal to .00770243 of percentage schedule.
 - c. Property owners who have been paying the assessment have had the expectation that they would have access to the sewer system when they required it.
 - d. There are major sewer trunk lines serving the entire Urban Growth Boundary.
 - e. There are 340 parcels of land in the Urban Growth Boundary (outside of the present City Limits), 27 of which are in separate ownership.
 - i. Of the 27 parcels in separate ownership, there are only 3 tax lots and 17 subdivision lots that do not have a portion of their property within 300 feet of a major trunk sewer line. (300 feet is taken as a criteria for ready sewer access).
 - f. All the largest tracts of un-built land within the Urban Growth Boundary are directly adjacent to a major sewer trunk line.
 - g. The City of Nehalem is located in the center of a regional sanitary authority and has no control over the location of the collections system outside of its Urban Growth Boundary, nor can it control the rate of growth which occurs in other jurisdictions within the Wastewater Agency's service boundary.
 - i. However, because Nehalem is located between other communities and the Wastewater Agency's treatment plant, its access to "sewer trunk line capacity" may be severely affected by growth in these other communities.

- h. An analysis of the capacity of the major sewer trunk line serving Neahkahnie, Necarney City, Nehalem Bay State Park and Manzanita and Bayside Gardens found that this line would be overloaded to 210% of capacity prior to reaching the boundary of the Nehalem Urban Growth Boundary.
 - i. Using population projections to the year 2000 for the Manzanita, Neahkahnie area to derive loading for the major sewer trunk line, the system would still be at 100% of capacity at the boundary of the Nehalem Urban Growth Boundary.
- i. The Manzanita Urban Growth Boundary has been approved as part of the City of Manzanita's Acknowledgment.
 - i. There was no requirement placed on Manzanita to justify the capacity of Wastewater's major trunk lines.
- j. As findings 8 and 9 indicate, the existing capacity of the sewer trunk lines is not a valid criteria for determining whether land is built or committed within the Nehalem Urban Growth Boundary because all such capacity is committed by an area that already has received plan acknowledgment.
- k. The Nehalem Bay Wastewater Agency has a twenty year Facilities and Capital Improvement Plan that deals with system upgrades required by community growth.
- l. The City of Nehalem has obtained water rights to Coal Creek.
 - i. Full development of this water source would be more than adequate to meet the water requirements of the projected growth for the Nehalem Urban Growth Boundary.

(4) Specific Findings for Urban Growth Boundary Sub-areas

(i) Bayside Gardens

- 1. This area has been subject to extensive parcelization.
 - a. Within the area there are 192 parcels, of which 171 are in separate ownership.
 - b. Almost all the parcels are less than 5 acres in size.
 - c. The area is committed to urban development because of the nature of existing development and parcel sizes.
- 2. The area is served by sewer and water lines.
- 3. There are a number of larger parcels within this area (Brentano, Schollmeyer, Knight).
 - a. Each of these parcels directly abuts a major sewer trunk line.
- 4. The Knight property abuts a major sewer trunk line, is not on farm or forest deferral and has received a Priority III rating under Tillamook County's criteria for evaluating Farmlands.
 - a. Priority III is a low-priority area (the property rated 30 out of a possible 100).
- 5. The Schollmeyer property abuts a major sewer trunk line and has received a Priority III rating under Tillamook County's criteria for evaluating farmlands.
 - a. Priority III is a low-priority area (the property rated 42.5 out of a possible 100).
- 6. The Brentano property is adjacent to a major sewer trunk line.
- 7. The 60 acre Anderson Farm is being excluded from the Urban Growth Boundary.
 - a. It is being zoned Exclusive Farm Use by Tillamook County.
 - b. The area is surrounded on three sides by lands zoned for more intensive development.
 - i. The fourth side is the Nehalem Bay Estuary.
 - c. The existing agricultural use is grazing for dairy cattle.
 - d. The farm is the smallest operating dairy in Tillamook County.
 - e. The area to the South is estuarine wetlands and will not be developed.
 - f. In allowing urban development adjacent to the farm, the City shall require that buffers be provided to separate urban from agricultural uses.

- g. Therefore, the City finds that the proposed urban uses will be compatible with agricultural activity.

(ii) Dean Point

1. The northern portion of the property abuts a major Wastewater Agency trunk line.
2. The area has a high suitability for forest production (Site Class 1 and 2).
 - a. However, the Point has also been identified as an important scenic resource of the area.
 - b. Reserving Dean Point for forest production would have a far greater adverse impact on the Point's scenic character than would residential development.
 - c. The City requires that any development on Dean Point be a Planned-Unit Development that is designed to maintain the visual character of the Point.
3. Reserving Dean Point for forest production would also cause conflicts with adjacent areas planned for medium-density residential development.
 - a. Forest management practices that may cause conflicts are application of herbicides and final harvesting.
4. Forest practices on Dean Point could have an adverse impact on the water quality of Nehalem Bay that would be far more substantial than residential development.
5. Dean Point is an isolated parcel, there are no other forest production lands adjacent to it.
6. The property has been held since the late 1950's in anticipation of being developed for urban uses.

(iii) North Fork Nehalem River – Scovell

1. The sewer trunk line serving the North Fork of the Nehalem River has the capacity to accommodate the development at "build-out" densities.
2. The Scovell property is not on farm or forest deferral.
 - a. It received a Priority III rating under Tillamook County's criteria for evaluating farmland. Priority III is a low priority area.
3. The property adjoins a major water line.

(5) Supplemental Statements: Findings for Urban Growth Boundary Sub-areas

(i) Dean Point, a.k.a. Nehalem Point

1. **Demonstrated need** to accommodate long-range urban population growth requirements consistent with LCDC goals.
 - a. **Economic characteristics of the City of Nehalem.**
 - i. Since the demise of the local lumber mills resulting from the Depression and the Tillamook Burn, the City has continued with small local businesses oriented to second-home and retirement residence construction and use, tourism and the local dairying and remaining limited logging activity.
 - ii. While Tillamook Burn forest resources will be coming back into production near the end of this century, it is most reasonable to plan for projected growth based on the attractiveness of the community for recreation and tourism, certainly a major potential for most if not all communities along the Oregon Coast.
 - b. **Special factors of need in planning for growth of Nehalem.** Two important considerations for Nehalem are "long-range" and "consistency with LCDC goals."
 - i. "Long-range." For any Oregon Coastal community to realize its potential for contributing to the recreation and tourism sector of the State's economy and for that community to make its contribution to Oregon's famous "livability" image, its planning should strongly oriented to long-term maintenance of community attractiveness and amenities. It should look ahead to a logical growth area within which the community can accommodate development over a long period of time while maintaining

its attractiveness for residents and visitors. It should also identify specific sites which the community can accommodate developments such as a resort motel and recreational facilities oriented to its tourism potential. If logical physical and other planning boundaries can be identified for this purpose, then such planning factors should be given great weight in establishing the town's Urban Growth Boundary under LCDC Goal 14 requirements. Examples of such factors are potential community boundaries formed by large bodies of water, and major land ownerships by public bodies or large private corporations. Such factors do exist in the Nehalem situation and are further described under factor #4 of these findings.

- ii. "Consistency with LCDC goals." Goals 5, 8, 9, 16 and 17 place strong emphases on the importance of open space, visual amenity, recreation, economic development, shore lands and estuary resources as elements of the community's comprehensive plan. In Nehalem's case the interaction of all of these elements is very important, especially in regard to Dean Point's location in relation to the existing City, and to these resources, as they come together along the shore of the Nehalem River and Bay. It is clearly to the City's best advantage to include this property in its Urban Growth Boundary as a means of insuring utilization of the best development strategy for recognizing and balancing the requirements of these goals.

c. Modification of Nehalem's Urban Growth Boundary.

- i. Nehalem has presented boundary changes in another portion of its planning area, and in the Dean Point area, which reduce the overall area within the Urban Growth Boundary by 133 acres.
 - 1. 49 of these deleted acres are specifically from the Dean Point property and comprise the area now in the County's estuary zone which will be maintained for open space, low-intensity recreation and estuarine-related uses.
- ii. The City had performed for it by the Modern Problems Class at Neah-Kah-Nie High School a special survey of the build ability and availability of land within the proposed Urban Growth Boundary which was of great assistance in determining these boundary reductions.
 - 1. This was a direct mail and follow-up survey to property owners which has produced data and maps giving a more detailed analysis of how Nehalem can expect to develop over the immediate years ahead.
- iii. The owners of the Dean Point property have agreed with the City on Comprehensive Plan Policies and Zoning requirements calling for 136 individual dwellings on the developable land.
 - 1. The residential density for this property in the City's RL Zone will be about 1.6 dwelling units per acre.
 - 2. The remaining 100 acres of the 180 acre property will be designated in part as estuary natural and in part as open space and low intensity recreation under the Tillamook County Comprehensive Plan.
- iv. Both the City's revised Urban Growth Boundary and the place of the Dean Point property within that Boundary present a sound land-use planning approach for meeting the City's future development needs and potentials.

2. **Need for housing, employment opportunities and livability**
 - a. Meeting the need for a broad spectrum of housing opportunities in the community is adequately provided for in the Nehalem Comprehensive Plan. The Dean Point property will, however, make particularly important additional contributions in the form of livability.
 - i. **Livability**
 1. The Nehalem Comprehensive Plan emphasizes the livability of this Coastal community and contains policies on development of Dean Point which will maintain and enhance this community asset.
 2. These policies provide for maintenance of all the shoreline area of this property below 10 feet elevation for estuarine, open space and low-intensity recreation uses.
 3. Provision is also made in these policies for retention of the existing attractive skyline and atmosphere of coastal Shore lands vegetation.
3. **Orderly and economic provision for public facilities and services**
 - a. **Sewer service**
 - i. There are two alternatives for the Dean Point property to receive service from the Nehalem Bay Wastewater Agency's sewer system.
 1. An existing sewer main is located along the northern boundary of the property. Connection may be made to this main.
 2. Provision has also been made for a new sewer main connection from the Dean Point property under the Highway approach to the new Nehalem River Bridge. This would connect to an existing sewer main servicing properties between Highway 101 and the Nehalem River.
 3. Either of these mains would accommodate sewage from the Dean Point development; the Nehalem Bay Wastewater Agency is prepared to provide service to the development.
 - b. **Water supply**
 - i. Necessary water main connections can be made at the North boundary of Dean Point property.
 1. Repair of leaks in the City's existing distribution system and revised residential water use regulations have improved existing supply capacity by approximately 40%.
 2. Supply from the existing Bob's Creek source can be further improved by installation of a revised water intake facility in the creek at a modest cost to the City.
 - ii. Longer-range needs have been extensively documented in the recent report, City of Nehalem Master Water Plan, for the City of Nehalem.
 1. Bob's Creek can be greatly enhanced by the installation of an up-to-date storage reservoir capacity for that supply.
 2. In fact, such action would probably meet most of the City's needs for property development as provided for in this plan for the 20 year planning period.
 3. The Coal Creek project would add supply more than sufficient for all of the Urban Growth Boundary areas, as well as adjacent areas for an even longer period into the future.
 - c. **Road access**
 - i. Design of the North bridge approach to the new Highway 101 Nehalem River Bridge has made provision for a left-turn refuge lane for northbound

traffic turning into the property, and for a deceleration lane for southbound traffic.

4. **Maximum efficiency of land uses** within and on the fringe of the existing urban area.
 - a. In the case of the Dean Point property, strongest consideration should be given to this factor in determining the best location for the Nehalem Urban Growth Boundary. Good land use planning has long been satisfactorily justified on the basis of the purely physical characteristics of the community being planned for. This approach is based on the overriding importance of these characteristics in planning for the orderly future growth and development of that community. Dean Point is a classic example of this overriding necessity, which is expressed both in the location of the property with respect to the City of Nehalem and to the Nehalem River and Bay, and in the physical characteristics of the property itself.
 - b. **Location**
 - i. The property is bounded by the City on the east; south and west by the Nehalem River and Bay. It forms the only possible extension to the south for further development of the City along the shoreline of the river and the bay.
 1. Inclusion of this property in the Nehalem Urban Growth Boundary ensures that the City's policies for development will be followed in an area having a major impact on the City's community image.
 - ii. Use of this property for commercial forest would be highly inappropriate in light of the overall thrust of the Nehalem Comprehensive Plan to enhance the attractiveness of the community for development of the recreation and tourism sectors of its economic base.
 1. A clear-cut of Dean Point would obviously be a visual disaster for the community.
 2. The operational characteristics of logging on this property would also be detrimental to the community.
 - a. Such problems as noise, heavy truck traffic, dust, smoke from slash burning, and the like should be avoided in such close proximity to the town.
 3. Reforestation practices involving herbicide and pesticide spraying could not be tolerated in this location adjacent to the City and surrounded by river and estuary.
 4. There is no adjacent commercial forest land with which management of this property could be logically associated.
 5. The size of this property would be uneconomical for management for this purpose on isolation from other forest tracts.
 6. There are no known funds or opportunities for the property to be acquired by the City or the State as a public park.
 - a. Even if this were done to preserve the property in its present undeveloped condition, little or no additional contribution to the economic base of the community could be expected from another public park on the bay, since the existing Nehalem Bay State Park already provides an outstanding facility of this type.
 7. It is obvious that the owner of the property cannot be expected to leave it in an undeveloped, park-like state in perpetuity.
 - iii. By all reasonable locational principles of physical land-use planning, and in order to achieve the best consistency among all requirements of all of Oregon's Statewide Planning Goals, this property should be included in the Nehalem Urban Growth Boundary.

- c. **Physical characteristics of the property**
 - i. The topography of this property lends itself in particular to quality residential development of the type envisioned by the owners and provided for in the Dean Point policies in the Nehalem Comprehensive Plan.
 - d. **Planning coordination with Tillamook County**
 - i. If this property is not included within the Nehalem Urban Growth Boundary, it would have to be assigned a land-use designation by Tillamook County.
 - 1. However, the County's position is that the only way to logically plan for the use of this property is as part of the Nehalem Urban Growth Boundary in accordance with the location imperatives as outlined above.
5. **Environmental, energy, economic and social consequences.**
- a. All consequences are considered to be positive for inclusion of the Dean Point property in the Nehalem Urban Growth Boundary.
 - i. The Nehalem Comprehensive Plan Development Policies for Dean Point, as previously referenced, provide for maintenance of the visual and other environmental amenities of the property.
 - ii. The alternative of commercial forest use of the property would destroy these amenities.
 - b. The level of development provided for this property in the Nehalem Comprehensive Plan, and the methods for providing necessary services to the property, show no adverse energy impacts arising from its development.
6. **Retention of agricultural lands.**
- a. The Dean Point property would be classified as forest lands under the resource category. Reasons for not retaining this land for commercial forest use have been previously reference.
 - i. The site is not related to other forest uses because it is surrounded on the north by the City and on the east, south and west by the Nehalem River and Bay.
7. **Compatibility** of the proposed urban uses with nearby agricultural activities.
- a. Dean Point is separated from the dairy farming area to the east by the Nehalem River and Highway 101 on the east shore of the river.
 - b. One small dairy farm has been retained in exclusive farm use at the northwest corner of the Dean Point property.
 - i. However, this farm is well buffered from the developable portion of the property by the extensive lowlands area below 10 feet elevation comprising the northwesterly portion of the property.
 - 1. This area, which has been deleted from the Urban Growth Boundary, will be retained in estuary, open space and low-intensity recreational uses under the Tillamook County Comprehensive Plan.

(ii) Bayside Gardens

- 1. This area has been subject to extensive parcelization, containing 192 parcels of which 171 are in separate ownerships.
 - a. Almost all of the parcels are less than 5 acres in size.
 - b. The area is committed to urban development because of the number of existing homes in the area and the small parcel sizes.
 - c. It is directly abutted on the west by the Urban Growth Boundary of the City of Manzanita.
- 2. The area is served by sewer and water lines.

3. There are two large parcels within this area (Knight and Schollmeyer).
 - a. Each of these parcels directly abuts a major sewer trunk line.
4. The Knight property is not on farm or forest property tax deferral and has received a Priority III rating under Tillamook County's Criteria for evaluating farmlands.
 - a. Priority III is a low-priority area (this property rated only 30 out of a possible 100 points).
5. The Schollmeyer property has received a Priority III rating under Tillamook County's criteria (the property rated only 42.5 out of 100).
 - a. However, the lowland pasture has been deleted from the Urban Growth Boundary and placed in the County's "SFW-20" resource zone.
 - i. This is a reduction of 18 acres within the Urban Growth Boundary.
 - b. The portion remaining within the Urban Growth Boundary is a low, wooded ridge directly north of U.S. Highway 101 and entirely within the service boundary of the Nehalem Bay Wastewater Agency.
 - i. This remaining area is particularly suitable for home site development consistent with the pattern of development in the Bayside Gardens area generally.
 - ii. Its topography provides good separation and buffering for continued resource use of the portion of the property remaining outside the Urban Growth Boundary.
6. A large property formerly called the Brentano property has been partitioned into seven parcels.
 - a. Four smaller parcels fall within the service boundary of the Nehalem Bay Wastewater Agency and have been retained within the Urban Growth Boundary.
 - b. The three larger parcels north of and outside the Nehalem Bay Wastewater Agency's boundary have been deleted from the Urban Growth Boundary.
 - i. This is a reduction of 43.33 acres in the Urban Growth Boundary area.
7. The 60 acre Anderson farm is excluded from the Urban Growth Boundary and is zoned "F-1" by Tillamook County.
 - a. The existing agricultural use is grazing for dairy cattle, the farm being the smallest operating dairy in Tillamook County.
 - b. Two additional parcels are being deleted from the Urban Growth Boundary on the east boundary of the farm and will be placed in the "F-1" Zone by Tillamook County.
 - c. A 15 acre parcel is not intended for development and will be continued by the private owner as open space and wildlife habitat.
 - i. An 8 acre parcel is now occupied by a home, with some beef cattle, and is intended for further development.
 - ii. This is an additional reduction of 23 acres from the area within the Urban Growth Boundary.
 1. These two parcels will also provide a buffer to the farm along a large part of its east property line.
 - d. The farm will be buffered along its south property line by an "RM (Recreation Management)" Zone being established by Tillamook County on a portion of the Dean Point property also being deleted from the Urban Growth Boundary.
 - e. For the remaining Urban Growth Boundary areas abutting on the north and west of the farm, the City of Nehalem will require that buffers be provided to separate urban from agricultural uses.
 - f. Therefore, the City of Nehalem finds that the revised Urban Growth Boundary will provide an enhanced degree of compatibility with the agricultural activity on the Anderson Farm.

(iii) North Fork Nehalem River

1. The Scovell-Hayes property is not on farm or forest tax deferral.
 - a. It received a Priority III rating under Tillamook County's farm evaluation criteria, scoring 43 out of a possible 100 points.
2. The sewer trunk line serving this portion of the Nehalem Bay Wastewater Agency's service area has the capacity to accommodate the development projected for this property.
 - a. The River Road Lift Station serving this area may need to be enlarged in the future as development of the area approaches "build-out."
3. The property adjoins the main line from the Nehalem water supply source.
4. Discussion with Tillamook County led to a determination that all of this 73 acre parcel should remain within the Nehalem Urban Growth Boundary.
 - a. Particularly an approximate 15 acre portion of the property, which is surrounded on three sides by land in the County "F" and "F-1" Zones, would be best developed in its proposed use as a Recreational Vehicle Park if retained within the Nehalem Urban Growth Boundary.
 - i. There is no County resource zone which would accommodate this use nor is there any likelihood that this portion of the parcel would be managed by itself for forest uses.
 - b. It is therefore concluded that a Recreational Vehicle oriented use on the property would involve the least amount of conflict with the use of the adjacent resource lands.

(6) Summary of Specific Urban Growth Boundary Deletions

1. Northwest Sector
 - a. Three parcels outside NBWA service Area
 - i. Total acreage = 43.33
 - b. Deletion from Schollmeyer property
 - i. Total acreage = 17.84
2. South Sector
 - a. Dean Point property
 - i. Total acreage = 49.16
 - b. Two parcels abutting Anderson Farm
 - i. Total acreage = 22.95
3. Total acreage deleted = 133.28

*(Adopted: 80-1)
(Amended: 81-6, 83-4, 99-02, 2007-04)*

Section 2.110 Public Facilities

(1) Goal

1. Plan and develop an orderly and efficient system of public facilities and services.

(2) 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 1997.
 - 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 will cooperate 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 Tillamook County.
12. School District #56 shall coordinate its facility planning activities with the City of Nehalem.

(3) Recommendations

1. To develop a twenty year water system capital improvements program.
2. Water system development charges should be accumulated in a fund for capital improvements to the water system.

*(Adopted: 80-1)
(Amended: 81-6, 99-02, 2007-04)*

Section 2.120 Estuarine Resources

1. Tillamook County, in co-operation with the Cities of Nehalem and 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.
 - a. The City of Nehalem hereby adopts 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.
2. Within the "EC-1" Zone and management unit, it shall be the policy of the City of Nehalem to make, in coordination with Tillamook County, 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.

*(Adopted: 80-1)
(Amended: 81-6, 83-4)*

Section 2.130 Recommendations

1. The State Department of Fish and Wildlife should evaluate tributary streams to the Nehalem River to determine their potential for future artificial and/or natural fish production.
2. State and federal agencies should use their management authority to improve water quality and reduce man-induced sedimentation in estuaries.
 - a. A monitoring program should be established to determine the sources of sedimentation and their magnitude.

Section 2.140 Coastal Shore lands

1. The City of Nehalem recognizes the interdependence of shore land and estuarine uses.

(Adopted: 80-1)

(Amended: 83-4, 84-1)

Section 2.150 Policies

1. Areas identified by the dredge material disposal plan for Nehalem Bay as suitable for dredge material disposal shall be protected from uses or activities which would prevent their ultimate use for dredge material disposal.
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.
3. 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 such as rip-rap shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns, and on adjacent property.
4. Riparian vegetation shall be maintained, and where appropriate, restored and enhanced, consistent with water-dependent uses.

(Revised: 80-1)

Article III. Findings and Conclusion for North Nehalem Waterfront

Section 3.010 Findings

1. The City of Nehalem adopted the Comprehensive Plan in May of 1980.
 - a. The City, as part of the Comprehensive Plan, adopted policies for estuarine resources and for coastal shore lands.
 - i. The Plan stated that Tillamook County, in conjunction with the City of Nehalem, the City of Wheeler, the Port of Nehalem, and State and Federal agencies was preparing a Master Plan for the Nehalem River Estuary.
2. The area in question is general east of 7th Street, south of a continuation of "C" Street, and north of "H" Street.
 - a. The area is bordered on the east by a fork of the Nehalem River.
 - i. The area also includes the upland north of "C" Street adjacent of the river.
 - b. The subject parcel does not include other areas within the City Limits of the Urban Growth Boundary that might be subject to Statewide Planning Goals 16 and 17.
 - c. The Area is hereinafter referred to as the North Waterfront.
3. The North Waterfront is within the City Limits of the City of Nehalem.
4. The full range of municipal services are available to the North Waterfront, including water and sewer.
5. The North Waterfront has been previously developed with two motels and there is a dredged canal that was previously used for a marina and currently provides access to the Nehalem River and Bay for a private moorage.
6. The definitions adopted with the Statewide Planning Goals by the Land Conservation and Development Commission define estuary as..."A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (1) Estuarine water; (2) Tidelands; (3) Tidal marshes; and (4) Submerged lands. Estuaries extend upstream to the head of tidewater, except for the Columbia River Estuary, which by definition is considered to extend to the western edge of Puget Island."

7. The only portion of the above definition that is possibly applicable to the North Waterfront is “tidal marshes.”
 - a. Tidal marshes are defined in the Statewide Planning Goals to be “Wetlands from lower high water (LHW) to the line of non-aquatic vegetation.”
8. The North Waterfront immediately inland from the LHW of the Nehalem River is an upland area.
 - a. This is shown by the vegetation which includes mature conifers in the age range of 50 to 80 years and other upland vegetation, such as salmonberry, blackberry, deer fern and several species of clover.
9. The upland area described above acts as a dike separating any wetland in the North Waterfront from tidal action of the Nehalem River.
 - a. This is reflected in the determination of Ted Boss of the Environmental Protection Agency dated January 26, 1981, where he states that tidal influence in the area occurs only when extreme high tide and river flooding combine to produce river levels that overtop the dikes.
 - b. The upland area is further identified by the contours and the preliminary designations of estuary set forth by the Tillamook County Planning Department on the Nehalem River Estuary Zoning Map, Sheet #2 of 2, 1980.
10. In addition to the above, site inspection of the area shows no direct hydraulic tie between the Nehalem River and the North Waterfront.
 - a. The dike running along the northern boundary of the North Waterfront supports a road that was used to service a recent mobile home placement and motel adjacent to the river.
 - i. There are no breaches or culverts in the dike.
 - b. In addition, the upland area running south from the dike along the river has no openings to or other hydraulic links with the Nehalem River until it meets the canal.
 - i. The upland area surrounds the canal and the canal forms the only link with the river.
 - ii. Similar to the above, the portion of the North Waterfront south of the canal is separated from the river by an extensive upland area.
11. When tide and river levels coincide as described in the EPA letter a large portion of Nehalem is inundated as well as the North Waterfront area.
 - a. This occurs on an infrequent basis and is attributable to flooding, not tidal action.
12. The marsh area westward of the uplands, although including certain vegetation evidencing a wetland, also include much upland vegetation, including alder, pine, maple and Sitka spruce.
13. The wetland area of the North Waterfront composes approximately 8 acres, or 60% of the North Waterfront.
14. The wetland portion of the North Waterfront has as a major water source, artificially channeled drainage from developed areas within the City of Nehalem.
15. The wetlands exist in a severely altered state as a result of past filling, diking and dredging that were part of the early 20th Century Nehalem waterfront activities.

*(Adopted: 80-1)
(Amended: 81-6, 83-4)*

Article IV. Findings for the Cardwell Property

Section 4.010 Findings

1. The Definitions section of the Statewide Planning Goals & Guidelines defines estuary as “a body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land.
 - a. The estuary includes: (1) Estuarine waters; (2) Tidelands; (3) Tidal marshes; and (4) Submerged lands.
 - b. Estuaries extend upstream to the head of the tidewater, except for the Columbia River Estuary, which by definition is considered to extend to the western edge of Puget Island.”
2. An examination of the site was made on October 25, 1981 to assess whether the site met the criteria of the Statewide Planning Goals and Guidelines for estuary.
3. The property was found to be part of the Nehalem River Floodplain and is separated from the tidal water body of the river by a levee, probably of natural origin.
4. The site has no tide channels, but contains a non-tidal slough which is man-made.
 - a. This slough drains via a small over flow channel into the river.
5. Hydrologic-ally, it was evident at the time of the visit (following an 8 foot-plus tide) that the site is unaffected by mean or by spring tides.
 - a. As part of the river floodplain it is, however, inundated by extremely high water resulting from a combination of high river flow or storm surge and spring tides, which probably occurs a few times each year.
 - i. Such a hydrological regime is essentially riverine, not estuarine.
 - b. The same conditions also apply to large areas of floodplain pasture on the Nehalem and other coastal rivers, and occurring outside the plant growing season, do not give rise to wetlands.
 - i. The wetlands at this site are caused by the accumulation of run-off in a poorly drained area.
6. The site is located within the City of Nehalem’s Coastal Shore land planning area because it is within 1000 feet of the shoreline of an estuary.
7. The Coastal Shore lands Goal requires that major marshes and significant wildlife habitats within the Coastal Shore land Planning area be protected.
8. The Definition section of the Statewide Planning Goals and Guidelines does not define major marshes.
 - a. It does define significant habitat areas as “...a land or water area where sustaining the resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.”
9. The site investigation undertaken on October 25, 1981 included an examination of the vegetation of the site.
10. The levee and the banks of the artificial slough supported upland grassland communities.
 - a. Two areas of wetlands were found; one dominated by emergent plants (marsh), and the other by shrubs (swamp).
 - b. The main dominant plant of the marsh area was reed-canary grass, a weedy species of disturbed places.
 - c. Both marsh and swamp areas showed evidence of heavy disturbance.
11. On the basis of the high degree of disturbance and the small size of the wetland areas, the area was found to have little importance as a natural wetland ecosystem or as an important area for wildlife species.
12. Therefore, the area does not meet the Coastal Shore lands Goal criteria for either a major marsh or a significant wildlife habitat.
13. The full range of municipal services are available to the site, including water and sewer.

(Adopted: 80-1)

Article V. City of Nehalem Community Growth Management Report

(Adopted: 99-02)

Article VI. City of Nehalem Build-able Lands Inventory

(Adopted: 99-02)

Section 6.010 Buildable Lands Inventory Adoption.

The 2007 Buildable Lands Inventory is adopted and made a part of Article VI. hereto. In compliance with state land-use law, the City will regularly update this inventory of buildable land no less than once every five years and use it to both identify housing development opportunities and assess the ability to meet future housing needs within the City's Urban Growth Boundary. The goals, policies and strategies contained within the 2007 Buildable Lands Inventory, as adopted, are hereby replaced by those goals, policies and strategies adopted by Ordinance 2007-04.

(Adopted: 2007-04)

Section 6.020 Residential

(1) Low-Density Residential (RL)

(i) Intent

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

(ii) Policies

1. The density of residential development shall be one to four dwelling units per gross acre.
 - a. Marsh and tideland areas shall not be included in calculating the land area of a parcel of land.
2. Filling water ward of the line of non-aquatic vegetation shall be consistent with the policies of the Estuarine Resource Section of the Plan.
3. Cluster or planned-unit developments are strongly encouraged.
4. The maximum building height shall be 24 feet, except that building heights of up to 35 feet may be authorized for conditional uses as part of the conditional use review and approval process.
5. Flexibility in street widths and other street design standards shall be provided to minimize grading and the removal of mature trees.
6. Special policies for development of Dean Point.
 - a. Use of developable land within the UGB (land above ten foot elevation).
 - i. The land above ten foot elevation may be developed for uses consistent with the "RL" zoning and any additional uses allowed by the planned-development provision of development provisions of the zoning ordinance.
 1. Density shall not exceed 3.1 dwelling units per gross acre for the developable area within the Urban Growth Boundary.
 2. Development plans shall be submitted for approval in accordance with the planned development section of the zoning ordinance.
 - ii. The land outside the Urban Growth Boundary and below ten feet in elevation and zoned "RM" is suitable for recreational development and shall be sufficient to satisfy any common or other open space requirement imposed by the planned development section of the Zoning Ordinance.
 1. This land shall be included within any planned development proposal which is submitted under the City of Nehalem's Zoning Ordinance.

- 2. Its use as open space need not be approved separately under the County's Zoning Ordinance.
- iii. Structures on Dean's Point shall be designed and sited to maintain the visual integrity of the Dean Point skyline and its shore lands.
- b. Use of land outside the Urban Growth Boundary (land below ten (10) foot elevation).
 - i. Lands below ten (10) feet in elevation which are within the estuary boundary are designated by Tillamook County's Comprehensive Plan and Land Use Ordinance as "EN" (Estuary Natural).
 - ii. Other lands below ten (10) feet in elevation are designated by Tillamook County's Comprehensive Plan and Land Use Ordinance 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 (R1, R2, R3, RM & RT)

(i) Intent

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

(ii) Policies

- 1. The density of single-family residential development shall be five to eight dwelling units per gross acre.
- 2. 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. Provision for duplexes, multi-family housing and manufactured homes shall be made through the City and County Zoning Ordinances.

(3) Marine Residential (MR)

(i) Intent

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

(ii) 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;
 - b. Compatible with adjacent residential uses; and
 - c. Adequate parking can be provided.
- 2. A restaurant may be permitted in conjunction with a marina.
- 3. Boat building, boat repair and other similar marine commercial activities shall be allowed in conjunction with a marina, or in other locations where it is demonstrated that the use is compatible with adjacent residential uses.
- 4. New individual, single purpose piers and mooring facilities shall be discouraged in favor of public or private community facilities.
 - a. The maintenance of existing individual piers and moorage facilities is strongly supported.
- 5. The density of residential development shall be five to eight dwelling units per gross acre.

*(Adopted: 80-1)
(Amended: 81-6, 83-4, 86-4, 96-01.)*

Section 6.030 Commercial (C)

(1) Town Center Commercial

(i) Intent

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

(ii) Policies

1. The City will continue to work with the Nehalem Waterfront Restoration Committee and City merchants to achieve an equitable long-term solution to the problem of flooding in the Downtown.
 - a. Should a dike be built, the City shall give consideration to designating the area between the dike and the North Fork road for commercial use.
2. The City, in conjunction with City merchants, will work to improve parking in the Downtown.
 - a. The feasibility of more efficient use of street parking and the development of a municipal parking lot should be explored.
 - i. Possible sites for a municipal parking lot include the area to the east of the Fire Hall and the School playfield along North Fork road.
3. The City will work with City merchants to rehabilitate the area directly adjacent to the Nehalem River through the development of walkways, street furniture and tree plantings.
 - a. Such activities will be coordinated with any flood-proofing measures that are to be undertaken.
4. Those businesses that are adjacent to the Nehalem River are encouraged to provide building orientation toward the river.
5. Commercial uses which are consistent with the development of a compact, land-intensive City Center that facilitates pedestrian movement are encouraged.
 - a. Commercial uses which require large land areas, such as service stations and drive-in restaurants, or non-commercial uses such as churches and schools shall be conditional uses.
6. The City, through its Zoning Ordinance, will establish off-street parking standards that are consistent with maintaining a compact City Center.
7. Multi-family housing is encouraged.
 - a. Housing, in conjunction with a commercial use shall also be provided for.
8. The existing vegetative cover on Small Island should be maintained.

(iii) Recommendations

1. If elementary school operations are consolidated, the City should explore the feasibility of locating a community center/City Office complex in the Lower Elementary School Building.
2. The City should investigate the feasibility of obtaining Small Island as a park for use in conjunction with boating activities.
 - a. The City should request that the State dedicate its portion of the Island to the City.

(2) Other Commercial

(i) Policies

1. Commercial development between Nehalem and Manzanita should be clustered.
 - a. Access to Highway 101 should be provided by consolidated access points, preferably not directly onto Highway 101.
2. Landscaping and screening shall be provided along Highway 101.

*(Adopted: 80-1)
(Amended: 81-6)*

Section 6.040 *Public Areas (P)*

(i) Intent

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

(Adopted: 80-1)