

SECTION 3.322: NESKOWIN LOW DENSITY RESIDENTIAL ZONE (NeskR-1)

- (1) **PURPOSE:** The purpose of the NeskR-1 zone is to designate areas for low- density residential development and other compatible uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.
- (2) **USES PERMITTED OUTRIGHT:** In the NeskR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
 - (a) Single-family dwelling.
 - (b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.
 - (c) Duplex, in any attached or detached configuration.
 - (d) Triplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (e) Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.
 - (f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.
 - (g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.
 - (h) Farm and forest uses.
 - (i) Home occupations according to the provisions of Section 4.140 of this ordinance.
 - (j) Public park and recreation areas.
 - (k) Public utility lines.
 - (l) Mobile home, manufactured home or recreational vehicle used during the construction of a use for which a building permit has been issued.
 - (m) Signs, subject to Section 4.020.
 - (n) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.

- (3) **USES PERMITTED CONDITIONALLY:** In the NeskR-1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
- (a) Planned development subject to Section 3.080, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.
 - (b) Churches and schools.
 - (c) Nonprofit community meeting buildings and associated facilities.
 - (d) Utility substations and power transmission lines.
 - (e) Swimming, tennis, racquetball and similar facilities.
 - (f) Golf courses and associated facilities.
 - (g) Fire and ambulance stations.
 - (h) Towers for communications, wind energy conversion systems or structures having similar impacts.
 - (i) Water supply or treatment facilities or sewage treatment plants.
 - (j) Aquaculture facilities.
 - (k) Cottage industries, subject to the standards of Section 3.326(4)(a) and (b).
 - (l) Accessory structures or uses without an on-site primary structure.
 - (m) Cemeteries.
 - (n) Foster family homes accommodating six or more children or adults.
 - (o) Bed and breakfast enterprise.

- (p) Temporary placement of a mobile home or recreational vehicle to be used because of Health Hardship subject to Section 6.050.
 - (q) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
 - (r) Home occupations according to the provisions of Section ~~4.140~~ 4.180 of this ordinance.
- (4) STANDARDS: Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size for permitted uses shall be 7,500 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.
 - (b) For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 1,875 square feet for all attached units in a townhouse project.
 - (c) The minimum lot width shall be 60 feet.
 - (d) The minimum lot depth shall be 75 feet.
 - (e) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
 - (1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on-site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
 - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

- (f) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
- (g) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.
- (h) The minimum front yard shall be 20 feet.
- (i) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 10 feet.
- (j) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.
- (k) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.
 - (1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).
 - (2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible), except that townhouses shall not be subject to this standard.
 - (3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.
- (l) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 25 feet. Higher structures may be permitted only according to the provisions of Article 8. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any

building permit application. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

- (m) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.
- (n) Authorization to create a parcel or dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the deed or contract. This statement shall serve as a covenant that runs with the land bindings heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses." The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.