

DRAFT:11-17-97

NEAHKAHNIE COMMUNITY PLAN

COMPLETION OF PERIODIC REVIEW
WORK TASK 6. A. 2.

COMPLIANCE WITH RURAL COMMUNITIES
RULES OAR DIVISION 22

NEAHKAHNIE PLANNING OVERVIEW

The Neahkahnie Community west of Highway 101 was first zoned in 1969 before most development had occurred. This helps explain why average lot sizes are larger in Neahkahnie than they are in communities like Oceanside, Netarts and Neskowin where considerable platting of lots occurred before zoning was in place. The initial zoning in Neahkahnie was about equally divided between the R-1 and R-2 urban residential zones which have a minimum lot size of 7,500 and 5,000 square feet respectively.

In June 1982, all of Neahkahnie was zoned R-1 at the request of local citizens during the state-mandated, countywide comprehensive planning effort. The R-1 zone was the county's most restrictive urban residential zone until the advent of community planning in the 1990's, beginning with Neahkahnie in September 1992. The R-1 zone raised some concerns in Neahkahnie because the 7,500 square foot minimum lot size appeared to permit too much density in physically constrained areas, and some permitted uses were thought to be inconsistent with the character of the community. For example, concerns were expressed about such permitted uses as duplexes, cottage industries, bed and breakfast enterprises and sewage treatment plants, even though they required conditional use approval. The matter of duplexes became an issue in part because their allowance permitted an exaggerated estimate of ultimate buildout relative to available water supply.

The most recent planning effort in Neahkahnie began with the Tillamook County Community Development Director's participation in a September 1992 Neahkahnie Community Club meeting that featured a discussion of community land use issues and concerns. More than 100 persons attended that meeting. Strong support was expressed for a process that involved the community in identifying needed changes in the land use regulations that affect Neahkahnie. This led to the formation of a representative Neahkahnie Land Use Task Force, chaired by Howard Harris, who was then president of the Community Club. The process and product of that extended planning effort is described in a March 2, 1994 memo which is attached as Exhibit 6. The principle outcome was to implement two primary objectives:

- (1) Limit permitted uses to those that are most suited for a coastal community that wishes to maintain a primarily single-family residential character.
- (2) Provide for minimum lot sizes that permit densities and ultimate buildout that is more in line with what is actually physically possible in a community with varying terrain and other physical constraints.

This planning effort was completed in June 1994 with adoption of new zoning densities and uses by the County Board of Commissioners. Substantial consensus was achieved at the conclusion of this planning effort, with only three objectors to the outcome at the final public hearings before the Planning Commission and Board of Commissioners. One of the objectors appealed the unanimous Board approval to the Land Use Board of Appeals (LUBA), who remanded the decision on March 13, 1995, primarily because an "exception" wasn't taken to State Land Use Planning Goal 14.

LUBA identified two approaches that the County can take to sustain the rezoning. These are to take an exception to Goal 14 or to utilize the amendments to Goal 14 and new administrative rules for unincorporated communities that were adopted by LCDC in October 1994 after planning was completed for Neahkahnie. The expressed purpose of the new Unincorporated Communities Rule is "to recognize the importance of communities in rural Oregon . . ." and "to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities". This new rule is clearly intended to facilitate the kind of community-based planning that was done in Neahkahnie. The final step is to reframe the product in terms of the Unincorporated Communities Rule as part of Tillamook County's current Periodic Review Work Program.

Tillamook County has launched corresponding community planning efforts in Oceanside, Netarts, Pacific City and Neskowin since adoption of the Unincorporated Communities Rule in October, 1994. This work is nearing completion. These unincorporated communities share with Neahkahnie a concern about the impact of increased growth in coastal communities. Tillamook County's response is to give citizens an opportunity to plan for the future of their communities. Citizen participation in each community has been exceptional, which helps assure that the product represents community interests.

NEAHKAHNIE COMMUNITY FINDINGS

- (1) The Neahkahnie Community Growth Boundary is defined by the Pacific Ocean to the west, Highway 101 to the north and east, and the City of Manzanita to the south. This boundary has not changed since it was established by Tillamook County in June 1982 and acknowledged by LCDC in March 1984.
- (2) Neahkahnie was originally zoned "urban residential" in 1969, with minimum lot sizes ranging from 5,000 to 7,500 square feet. The zoning was amended in 1982 to place the entire community in the urban residential R-1 zone which has a minimum lot size of 7,500 square feet. The proposed new zoning would divide Neahkahnie into three approximately equal zones, with minimum lot sizes of 7,500, 15,000 and 30,000 square feet.
- (3) Neahkahnie contained approximately 365 acres, 520 parcels, 350 ownerships and 260 residences as of May 1996.
- (4) Neahkahnie is primarily a single-family residential community, with a sufficient number of other land uses to qualify as a "rural community" with respect to the requirements of the Unincorporated Communities Rule. Howard Harris, the chair of the Neahkahnie Land Use Task Force identified 14 such uses in a May 5, 1996 memo. These include the Neahkahnie Water District office, a bed and breakfast, three architects offices, a truck farm, several construction offices, a CPA and a computer service.
- (5) Neahkahnie is predominantly a second home and retirement community. Among the 155 respondents to the 1993 land use survey, 65% (101) were "part-time" residents.
- (6) Neahkahnie averaged 8.67 new dwellings per year from 1991-96, an annual growth rate of about 3.3%. This growth rate is on a par with other coastal communities and is about twice Tillamook County's average annual growth rate over the same period.
- (7) The entire Neahkahnie community is served by the Neahkahnie Water District and the Nehalem Bay Waste Water Agency (public sewer). There are no individual water or sewer systems within the community. The ability of these service districts to provide continuing water and sewer service in accordance with the requirements of OAR 660-22-030 (8) (13) is affirmed in their respective master plans.
- (8) The Neahkahnie Water District's Water master Plan and Rate Study, which was prepared by Ron Larson PE, of Handforth, Larson & Barrett, Inc. in Manzanita, has projected an ultimate buildout in Neahkahnie at around 700 connections. He projects that 505 of these connections will occur by the year 2015. This assumes an average of about 11 new connections per year. The Neahkahnie Water District

is planning their water supply accordingly.

- (9) The Neahkahnie planning effort that began in September 1992 provided a very clear sense of the uses and densities that are preferred by a substantial majority of the community's citizens. These opinions were obtained by a representative "task force", a community survey that was mailed to every resident and property owner (50% response) and six community meetings.
- (10) The primary objectives that emerged from this planning effort are to:
 - (a) Limit permitted uses to those that are most suited for a coastal community that wishes to maintain a primarily single-family residential character. This was accomplished by the creation of three NK zones that are specific to Neahkahnie. These zones each contain the same permitted uses which were determined by preferences expressed in the 1993 land use survey. They are essentially more restrictive versions of the previous R-1 zone.
 - (b) Provide for minimum lot sizes that bring permitted densities and ultimate buildout in line with what is actually physically possible for an area with varying topography and other physical constraints. This was accomplished by requiring minimum lot sizes of 7,500, 15,000 and 30,000 square feet in the three NK zones to permit zoning in accord with identified physical constraints, including topography and drainage.

These outcomes will greatly assist future planning for the Neahkahnie community, including a more precise projection of demand for such services as sewer, water, road improvements and other infrastructure.

- (11) Currently, access from Highway 101 to Beulah Reed Road and the lower or western portion of Neahkahnie is provided exclusively by Nehalem Road. The community has expressed on various occasions opposition to any additional roads that connect Highway 101 and Beulah Reed Road. In the November, 1992 Neahkahnie Land Use Questionnaire, 79 (59%) of the 134 who responded opposed even an additional road that could be "used for emergency purposes only". Since that survey was completed, increased awareness of the potential for a tsunami impacting lower Neahkahnie suggests that prohibiting additional emergency access would be contrary to reasonable provisions for public safety. Accordingly, at a November 17, 1997 meeting, the Neahkahnie Land Use Steering Committee agreed unanimously to insert a finding and policy into the Neahkahnie Community Plan that stipulates that any new roads that connect Highway 101 to Beulah Reed Road be limited to emergency access at some point.

NEAHKAHNE COMMUNITY POLICIES

- (1) Neahkahnie is designated as a “rural community” in accord with the State Unincorporated Communities Rule (OAR 660-22).
- (2) Permitted land uses in Neahkahnie are limited to those that are suited for a coastal community that wishes to maintain a primarily residential character. For Neahkahnie this expressly excludes hotels and motels.
- (3) Neahkahnie will maintain its three NK zones which provide for relatively low density, single-family, urban residential development and other compatible uses. The differences in these zoning designations are provision for three different minimum lot sizes of 7,500, 15,00 and 30,000 square feet based upon varying physical constraints within the community.
- (4) The Neahkahnie Drainage Enhancement Area (Beaver Pond) special zoning shall be maintained to assure continued protection of the wetland, drainage, wildlife, and open space amenities intrinsic to that area.
- (5) Building height regulations shall be maintained which assure equity and predictability in obtaining ocean views where available.
- (6) Utility lines shall be placed underground for new subdivisions and planned developments.
- (7) Riparian setbacks along streams shall be maintained to protect riparian values.
- (8) Neahkahnie citizens will continue to have opportunities to participate in land use decisions that affect their community. Notice of decisions that affect Neahkahnie will be mailed to any designated planning group as well as to the normal notice area.
- (9) Any road, excepting Nehalem Road, that connects Highway 101 to Beulah Reed Road shall be limited to emergency access at some point to prevent the through flow of traffic except for emergency purposes.

(d)

DRAFT: 6/12/97

SECTION 3.300: NEAHKAHNIE URBAN RESIDENTIAL ZONES
(NK-7.5, NK-15, NK-30)

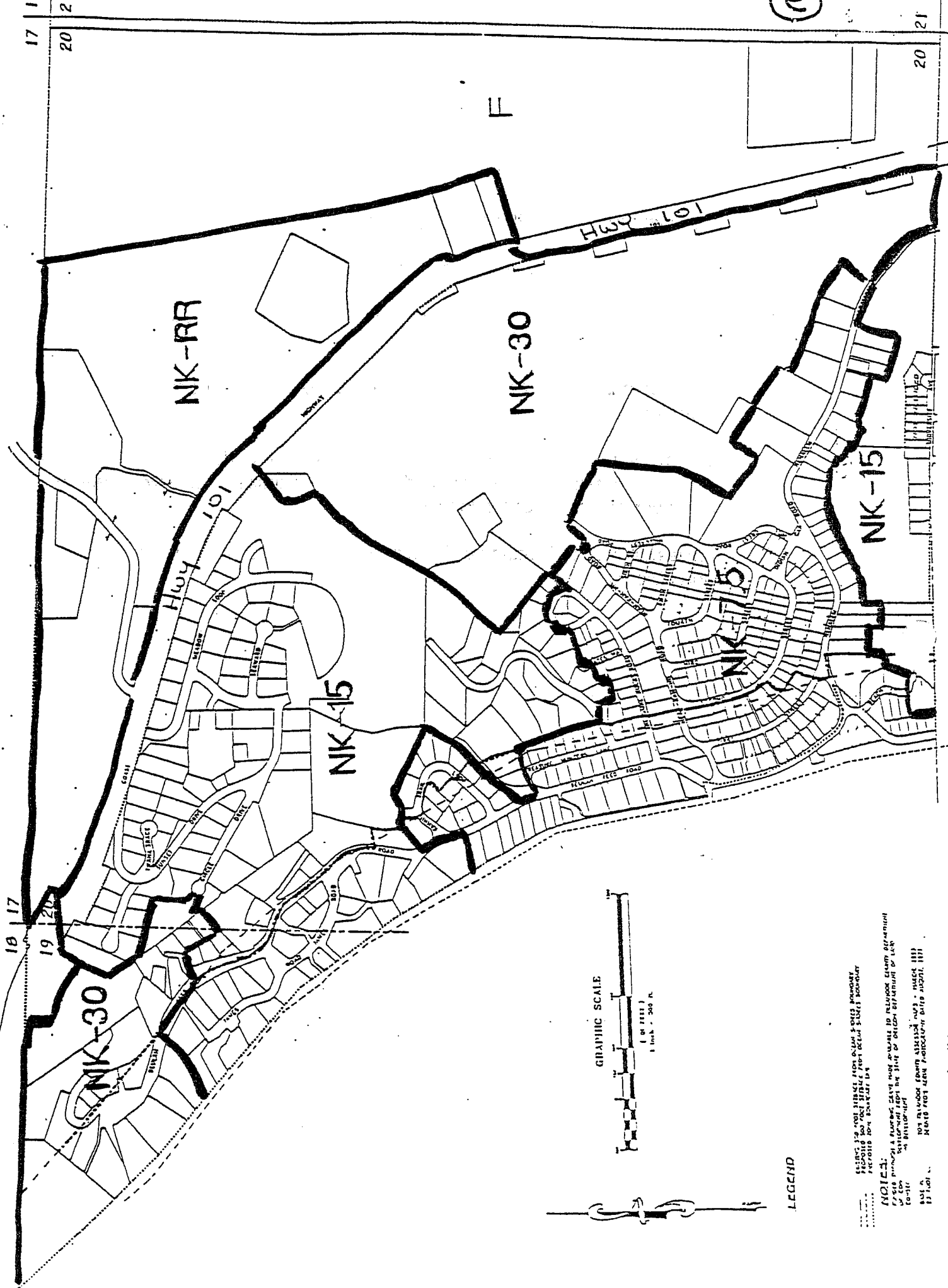
- (1) **PURPOSE:** The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, single-family, urban area has public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that wished to maintain a primarily single-family residential character. The only differences in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.
- (2) **USES PERMITTED OUTRIGHT:** In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
 - (a) Single-family dwellings.
 - (b) Farm and forest uses.
 - (c) Public park and recreation areas.
 - (d) Utility lines.
 - (e) Utility structures that are less than 120 square feet in size.
 - (f) Mobile homes or recreational vehicles used for a period of no more than 12 months during the construction of a use for which a building permit has been issued.
 - (g) Signs, subject to Section 4.020.
 - (h) Home occupations within a residence or accessory structure which may employ no more than two persons who do not live within the home, provided that there are no external manifestations of a business and that an additional off-street parking site be provided for each non-resident employee.
- (3) **USES PERMITTED CONDITIONALLY:** In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted subject to the provisions of Article VI and all applicable supplementary regulations contained in this ordinance.

- (a) Planned developments subject to Section 3.080.
 - (b) Churches and schools.
 - (c) Nonprofit community meeting buildings and associated facilities.
 - (d) Utility substations.
 - (e) Fire station.
 - (f) Ambulance station.
 - (g) Sewage collection system appurtenances larger than 120 square feet.
 - (h) Structures for water supply and treatment that are larger than 120 square feet.
 - (i) Communication structures that serve more than one residence.
 - (j) Bed and breakfast facilities within an owner-occupied primary residence which provide for no more than two guest rooms.
 - (k) Accessory apartment within a residence or accessory structure. Such a unit must be subordinate in size, location and appearance to the primary residence, and shall not be larger than 800 square feet.
 - (l) Temporary subdivision sales office located within an approved subdivision which shall sell only properties within that subdivision.
- (4) STANDARDS: Land divisions in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:
- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:
 1. The provisions of the "cluster subdivision" section of the Land Division Ordinance or of the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet.
 2. In the Neahkahnie Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.070 of the Land Use Ordinance, but such lots shall not be smaller than the

minimums provided in the NK-7.5, NK-15 and NK-30 zones.

- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard setback shall be 20 feet.
- (e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.
- (g) The maximum building height shall be 17 feet west of the line shown on the zoning maps and 24 feet east of that line. (That line is approximately 500 feet east of the Beach Zone Line.)
- (h) Livestock may be located no closer than 100 feet to a residential building on an adjacent lot.

NEAR-KAHLIE ZONING



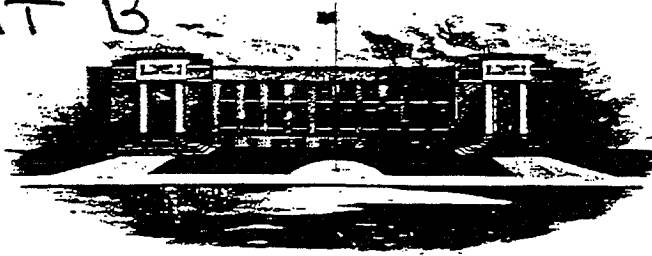
GRAPHIC SCALE
 (IN FEET)
 1 inch = 200 ft.

LEGEND

..... PROPOSED NEW ROADWAY
 - - - - - EXISTING ROADWAY
 - - - - - EXISTING RAILROAD
 - - - - - EXISTING WATERWAY
 - - - - - EXISTING UTILITY LINE
 - - - - - EXISTING POWER LINE
 - - - - - EXISTING TELEPHONE LINE
 - - - - - EXISTING GAS LINE
 - - - - - EXISTING SEWER LINE
 - - - - - EXISTING DRAINAGE CANAL
 - - - - - EXISTING FLOOD CONTROL WALL
 - - - - - EXISTING EARTH DAM
 - - - - - EXISTING LEVEE
 - - - - - EXISTING DIKE
 - - - - - EXISTING TUNNEL
 - - - - - EXISTING BRIDGE
 - - - - - EXISTING OVERPASS
 - - - - - EXISTING UNDERPASS
 - - - - - EXISTING CULVERT
 - - - - - EXISTING GULLY
 - - - - - EXISTING DITCH
 - - - - - EXISTING CANAL
 - - - - - EXISTING RIVER
 - - - - - EXISTING LAKE
 - - - - - EXISTING POND
 - - - - - EXISTING RESERVOIR
 - - - - - EXISTING DAM
 - - - - - EXISTING WEIR
 - - - - - EXISTING LOCK
 - - - - - EXISTING TOWER
 - - - - - EXISTING MOUND
 - - - - - EXISTING WALL
 - - - - - EXISTING FENCE
 - - - - - EXISTING CURB
 - - - - - EXISTING GUTTER
 - - - - - EXISTING SIDEWALK
 - - - - - EXISTING DRIVEWAY
 - - - - - EXISTING ALLEY
 - - - - - EXISTING LOT
 - - - - - EXISTING BLOCK
 - - - - - EXISTING NEIGHBORHOOD
 - - - - - EXISTING CITY BLOCK
 - - - - - EXISTING DISTRICT
 - - - - - EXISTING ZONE
 - - - - - EXISTING CITY

NOTES:
 1. THIS ZONING MAP IS BASED ON THE LATEST AVAILABLE AERIAL PHOTOGRAPHY AND FIELD SURVEYS.
 2. THE BOUNDARIES OF THE ZONING DISTRICTS ARE APPROXIMATE.
 3. THE ZONING DISTRICTS ARE SUBJECT TO CHANGE WITHOUT NOTICE.
 4. THE ZONING DISTRICTS ARE SUBJECT TO REVISION.
 5. THE ZONING DISTRICTS ARE SUBJECT TO AMENDMENT.
 6. THE ZONING DISTRICTS ARE SUBJECT TO DELETION.
 7. THE ZONING DISTRICTS ARE SUBJECT TO ADDITION.
 8. THE ZONING DISTRICTS ARE SUBJECT TO CONSOLIDATION.
 9. THE ZONING DISTRICTS ARE SUBJECT TO DIVISION.
 10. THE ZONING DISTRICTS ARE SUBJECT TO MERGER.
 11. THE ZONING DISTRICTS ARE SUBJECT TO SPLITTING.
 12. THE ZONING DISTRICTS ARE SUBJECT TO RECLASSIFICATION.
 13. THE ZONING DISTRICTS ARE SUBJECT TO REZONING.
 14. THE ZONING DISTRICTS ARE SUBJECT TO REDESIGNATION.
 15. THE ZONING DISTRICTS ARE SUBJECT TO REORGANIZATION.
 16. THE ZONING DISTRICTS ARE SUBJECT TO RESTRUCTURING.
 17. THE ZONING DISTRICTS ARE SUBJECT TO REFORMING.
 18. THE ZONING DISTRICTS ARE SUBJECT TO RECONSTRUCTING.
 19. THE ZONING DISTRICTS ARE SUBJECT TO REPAIRING.
 20. THE ZONING DISTRICTS ARE SUBJECT TO REBUILDING.
 21. THE ZONING DISTRICTS ARE SUBJECT TO RECREATING.
 22. THE ZONING DISTRICTS ARE SUBJECT TO REGENERATING.
 23. THE ZONING DISTRICTS ARE SUBJECT TO REINVENTING.
 24. THE ZONING DISTRICTS ARE SUBJECT TO REIMAGINING.
 25. THE ZONING DISTRICTS ARE SUBJECT TO RECONSTRUCTING.

EXHIBIT "B"



DEPARTMENT OF
COMMUNITY DEVELOPMENT
Vic Affolter, Director
(503) 842-3408

Tillamook County
Land of Cheese, Trees and Ocean Breeze

201 Laurel Avenue
Tillamook, OR 97141
1-800-488-8280
FAX #842-2721

March 2, 1994

TO: Board of Commissioners
Planning Commission
Other Interested Persons

FROM: Vic Affolter

RE: Proposed Creation of NK-7.5, NK-15 and NK-30
Zones Within the Current Neahkahnie Community
Growth Boundary South of Highway 101

SUMMARY

The planning area within the current Neahkahnie Community Growth Boundary consists of approximately 365 acres. This area contains 495 parcels, 332 ownerships and 245 residences.

The proposed creation of three new zones (NK-7.5, NK-15 and NK-30) is the product of an 18-month planning process in Neahkahnie. These zones provide new minimum lot sizes and permitted uses for the community. A substantial majority of those who were involved with the process supported the following two primary objectives:

- (1) Limit permitted uses to those that are most suited for a coastal community that wishes to maintain a primarily single-family residential character.
- (2) Provide for minimum lot sizes that bring the zones' permitted density and ultimate buildout more in line with what is actually physically possible for an area with varying terrain, and other physical constraints.

These outcomes will greatly assist planning for the Neahkahnie community, including a more precise projection of demand for such services as sewer, water, road improvements and other utilities.

PROCESS

This planning process began with my participation in a September, 1992 Neahkahnie Community Club meeting that featured a discussion of community land use issues and concerns. More than 100 persons attended that meeting. Strong support was expressed for a process that involved the community in identifying needed changes in the land use regulations that affect Neahkahnie. There was agreement that a representative "task force" would be formed to work with me in identifying and addressing community land use issues.

Howard Harris, who was then the Neahkahnie Community Club president, consulted with other citizens to form a five-person Neahkahnie Land Use Task Force with himself as Chair. Mr. Harris is a retired school administrator. The other members are (or were) Tom Ayres (architect), Marylyn Facchini (realtor), Richard Hehn (MD), and Gordon King (retired Hampton Lumber executive). This Task Force was involved in every step of the 18-month planning process, including the formulation of the final proposals.

The development of digitized mapping and a community questionnaire were important first steps in formulating the proposals for Neahkahnie. The creation of the digitized mapping was made possible in part by a \$5,000 dispute resolution grant from LCDC in early 1993. This mapping was done in an Autocad format that shows existing parcelization, current development, drainages and topography (slope) at 20' contours. The resulting maps were produced at a 1" = 200' scale for evaluation of terrain and existing development and for display at public meetings.

A subcommittee of the Task Force (Harris and Ayres) was assisted by Ron Larson, PE, of Handforth Larson and Barrett Engineering in Manzanita in the evaluation of the maps and the development of proposed density (minimum lot size) designations that are based upon physical constraints. This was accomplished on a voluntary basis (no monetary compensation) at Friday afternoon meetings over a period of several months. Their product would have cost in excess of \$25,000 had it been contracted to a private firm.

A land use questionnaire was developed by the Task Force and mailed in March, 1993 to all 332 property owners in the community. The questionnaire was designed to obtain information on the respondent's property (size and extent of development) and their preferences for development density and permitted uses in

March 2, 1994

Neahkahnie. The response rate was about 50 percent, with many providing additional written comments. Responses indicated that a substantial majority (82%) want to see permitted development densities based upon physical constraints. There was also strong support for eliminating some of the uses that are permitted by the current R-1 zoning. These preferences were taken into account as much as possible in formulating the uses that are permitted in the NK zones.

Additional public meetings were held in the community on May 8, 1993, December 4, 1993 and January 29, 1994 to discuss the results of the questionnaire and the evolution of the land use proposals. Public notice, containing substantial information, was mailed prior to each of these meetings to assure informed participation. Attendance at the May and November meetings exceeded 100 persons, with about 50 attending the January meeting.

PRODUCT

The principle product of this planning effort is a proposed set of three new zones for Neahkahnie (NK-7.5, NK-15 and NK-30). The only difference in these zones is the minimum size requirements for the creation of new lots. The proposed new minimums are 7,500 square feet for the NK-7.5 zone, 15,000 square feet for the NK-15 zone, and 30,000 square feet for the NK-30 zone. (The current minimum lot size for all of Neahkahnie is 7,500 square feet within the current R-1 zone.)

The uses that are permitted in the proposed new zones are somewhat more restrictive than those permitted by the current R-1 zone. The principle changes are as follows:

- (1) Some uses that were permitted either outright or conditionally have been deleted because they weren't supported by respondents to the questionnaire. These include duplexes, cottage industries, golf courses, temporary real estate offices, cemeteries, and foster family homes and residential care facilities for six or more persons.
- (2) Home occupations are permitted but with substantial additional restrictions assuring that there be no external manifestations of a business. This permits home office activities that have been encouraged by new computer technology.
- (3) Bed and breakfast facilities continue to be permitted as a conditional use, but are limited to four guests at a time. (The previous limit was 15.)

Proposed Creation of NK-7.5, NK-15 and NK-30 Zones

Page 4

March 2, 1994

- (4) Duplexes are deleted, but accessory apartments are permitted as conditional uses subject to specific limitations and a public review process.
- (5) Height restrictions are maintained essentially as they are currently, with a fixed line drawn on the zoning map which shows which parcels are subject to the 17-foot restriction and which may have structures up to 24 feet. There are a few parcels north of Pirates Bluff Subdivision which now fall completely within the 24-foot area where previously a portion was restricted to 17 feet. This change will not affect anyone's viewshed.

VA:ns