

**COMMUNITY PLAN
FOR THE
UNINCORPORATED COMMUNITY OF NESKOWIN**

CONSISTING OF:

- A. NESKOWIN COMMUNITY PLAN**
- B. TILLAMOOK COUNTY LAND USE ORDINANCE REVISIONS**
- C. COMPREHENSIVE PLAN AND ZONING MAP FOR NESKOWIN**
- D. NESKOWIN WETLANDS MAP**

NESKOWIN COMMUNITY PLAN

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NOTE: OTHER DOCUMENTS REFERRED TO IN THE PLAN ARE ON FILE IN THE OFFICE OF THE TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT.

NESKOWIN COMMUNITY PLAN

1. EXECUTIVE SUMMARY

The Neskowin Community Plan has been developed, in a very large part, by volunteers. Neskowin is indeed very fortunate to have a significant number of citizens who are not only deeply committed to the community, but also bring a rich variety of professional skills to the complex task of preparing a community plan. While it was not possible to keep an accurate count of the number of volunteer hours, it is safe to say that it was over ten thousand. Professional assistance was obtained from Stan Geiger and Denny Egner of SRI/SHAPIRO/AGCO Incorporated, a firm specializing in Natural Resource issues. It is also important to mention the professional assistance which we have received from the Tillamook County Department of Community Development, particularly Greg Verret.

The people of Neskowin care deeply about their community, and desire to be actively involved in shaping its future. During the five years of this process there have been numerous community meetings to hear reports, engage in dialogue, and make decisions. The Vision Committee adopted a norm of consensus decision making at the outset, and that has been followed throughout. If there was not consensus about a recommendation, it was dropped from the process.

The vision which emerged from the community through the values identification process is described in detail in the plan. The values have driven all of the work that has been done, and have been and will continue to be the standard against which we measure every community decision.

The people of Neskowin recognize that growth will continue to occur in their community. But we are determined to have an active role in shaping that growth so that it will support and enhance those aspects of this community that we all value. We recognize that this Community Plan is not the end of a process, but rather a significant milestone along the way. It represents a map that we can stop and look at as we try to see where we are headed. Periodic Review has provided an impetus for us all to figure out what actions we can agree upon to make Neskowin better, or at least, to keep it special. Periodic Review will be upon us again in a decade, but we don't have to wait until then to talk about, and act on, other things we need to do.

The recommendations could be categorized in two ways. First, there are those that are "housekeeping", or that clean up language in existing ordinances. For example we are suggesting that some conditional uses be dropped that are either outdated or clearly do not fit our community values. Secondly, we are recommending new ordinances in areas such as erosion control, preservation of natural resources, limiting size and bulk of new buildings, and the preservation and enhancement of pedestrian access and open space. We do not make these recommendations lightly. Rather, they have been carefully researched, subjected to public scrutiny, and approved unanimously at community meetings.

We offer this plan for careful consideration, and with high hopes for its complete approval.

2. INTRODUCTION

Neskowin is an unincorporated community on the Oregon Coast which, due to its geographical isolation, grew very slowly from the time it was platted in 1910 until the new Highway 101 was cut over Cascade Head in the 1960's. Many small beach cottages survive from that era, and since the highway bypasses the core residential area of older cottages, Neskowin enjoys a serenity and intimacy found in few other communities.

Continuing a long history of local citizen involvement in land use planning, members of the Neskowin community met with representatives of Tillamook County in June, 1993, to prepare for the Periodic Review process mandated by the State of Oregon. In 1994, Neskowin adopted the Community Visioning Process as a proactive tool for developing a workable long range plan grounded in the expressed values and unique character of our community.

The citizens of Neskowin have prepared this Community Plan in accordance with Oregon land use law for incorporation into the Tillamook County Comprehensive Plan. The Community Plan sets forth policies to guide Tillamook County in making future land use decisions. The Community Plan applies to all lands within the Community Growth Boundary ("CGB"), which is shown on the Tillamook County Comprehensive Plan and Zoning Map. The vision which underlies and informs the policies grew out of values commonly shared by people in the community.

3. NESKOWIN'S PAST

The story of Neskowin's past provides the cultural framework for the values that the community holds today and sets the stage for its vision of tomorrow.

The village of Neskowin is nestled up against the forested hills of the Coast Range and Cascade Head. The fertile soil and rich bottom land attracted homesteaders and early settlers who wanted to farm. There was an abundance of clean water for people and stock and crops. Creeks were alive with fish. The forests yielded timber for homes and work for loggers. The clean, sandy beach was a place where families from the Willamette Valley and from local farms could gather for rest and recreation.

The land, which now evokes a sense of calm and peacefulness, was tumultuously formed by volcanic flows and uplifts of the ocean floor, the tilted layers of which can be seen on Proposal Rock today. The sedimentary sandstones and siltstones are eventually eroded down to the harder basalt typical of Cascade Head. Evidence of the erosive nature of the sedimentary rocks is displayed on the cliffs of South Beach.

Proposal Rock, at the mouth of Neskowin Creek, is perhaps the most treasured of Neskowin's natural features. Children and their parents have explored its trails, young couples have become engaged there, and eagles have perched on the sturdy limbs of its giant trees. It is said that Mrs. Henry Page, who with her husband homesteaded the surrounding land, named it "Proposal Rock" because her daughter Della became engaged there to Charlie Gage (Rock, p. 20).

If Proposal Rock is the treasure of Neskowin, the submerged forest of stumps on the beach south of Neskowin Creek is its mystery. The stumps are only visible when the sands have washed out and the tide is low. "Radiocarbon dating analysis in 1958 of samples of the stumps showed them to be 1730 years old, plus or minus 160 years.≅ (Science, vol 127, p. 1477, June 27, 1958). Another radiocarbon analysis in 1988 by Beta Analytic Inc. reported them to be somewhat older, 1,970 +/- 50 RCYBP (radiocarbon years before 1950 AD). (Peterson, personal communication, July 19, 1988).

A Nestucca Indian encampment at the mouth of Neskowin Creek was reportedly abandoned before the time of the white settlers (S. Beckham, personal communication with Frank Boyden, August 4, 1975). The Indians knew the creek for "plenty of fish" and the beach for its little round rocks (Pearson, p.123). Sarah Page and her husband Henry settled on Neskowin Creek in the 1880's. Mrs. Page was responsible for naming the creek, the town and the rock. Neskowin Creek was originally called Slab Creek because a ship had wrecked at the site and lost a large cargo of lumber in the surf.

Although the United States Bureau of Geographical Names officially changed the name of the creek to Neskowin Creek in 1925, locals still call it Slab Creek (Rock, p. 75). When Mrs. Page became postmaster in 1887, she named the post office Neskowin (Rock, p. 81). There is some controversy about the origin of the name, but Lewis McArthur, in *Oregon Geographic Names*, reports that, "One day she (Mrs. Page) heard an Indian say as he pointed to the nearby stream, 'Neskowin, Neskowin.' She asked him what Neskowin meant and he said, 'plenty fish, plenty fish.'"

Early on, Neskowin became a campground and picnic area where families came for fun, relaxation and relief from the stresses of city life. John Meldrum mentioned in his survey notes that Neskowin was a campground used by folks from the interior in 1872 (Johnson, Fred Johnson interview, p. 18). Alexandria Rock (nee Ley), who came to teach school in Oretown in 1887, and who in 1949 wrote "The History of Little Nestucca Country," recalls that settlers from the Little Nestucca River area journeyed to the mouth of Neskowin Creek for picnics on the beach in the 1880's and 90's (Rock, p. 14). A Community Kitchen was constructed adjacent to the campground in 1927 . After the building was destroyed by the 1939 storm, a new kitchen with shower and toilet facilities was constructed (Rock, p. 23). On drippy wet days, families gathered in the kitchen to cook and eat, dry wet camping gear, laugh and commiserate. (Fairbank, pp. 19-20).

3.1 Roads

Travel was difficult for early settlers, who journeyed across the mountains along horse trails. The first wagon-worthy road from Salem and Sheridan was completed by settlers in 1882 and followed the Little Nestucca River (Schmidt, p 26). Alexandria Rock traveled on this road in 1887, describing the roads as "extremely muddy with dangerous fords in Little Nestucca River" (Rock, p. 5). When William King and his family came from Salem along this road in 1893, the trip took 48 hours with stops for meals and sleep. Their actual travel time was 27 hours (King, p. 28).

Between 1880 and 1885 a road was built between Oretown and Neskowin. Before that, settlers traveled along the beach (Johnson, D. Wortman-Gunness interview, p 16).

A new highway was built from Neskowin to Otis in 1923 (Schmidt, p. 26), and the Van Duzer Corridor and Highway 18 were completed in the 1930's (Johnson, Ruth Henry interview, p 17). The completion of Highway 101 over Cascade Head in the 1960s made access to Neskowin much easier.

3.2 Settlers

The Hellenbrands, John and Leona, arrived by horseback in 1876 bringing with them 15 or 20 head of cattle. Their homestead was large (between 200 and 320 acres) and stretched north from the north golf course (Fairbank, p. 3). By the turn of the century the Hellenbrands operated a store and post office (Beckham, p. 33). They had six children, and their descendants (the Kinmans) were still living on the property in the 1980's.

Families homesteaded along the Creek and on the north side of Cascade Head. The 154-acre homestead of James and Jessie Taggart on Cascade Head, which they acquired in 1896, was sold to Charles Hart in 1916 for \$2,500.00. Hart built a log cabin, ran cattle, grew vegetables in the meadow, and sold his potatoes to tourists camping at Neskowin (Beckham, p. 31). Hart's Cove, now on land administered by the Siuslaw National Forest, bears his name.

In 1895, Sarah and Henry Page remodeled their home to accommodate a growing family and

boarders. The home eventually became the Neskowin Inn. In order to make room for the size structure he wanted, Page dynamited part of the rocky beachside, a procedure which was repeated in 1923 when the new highway was built from Neskowin to Otis (Schmidt, p. 26). The Inn was remodeled in 1925 and continued operating for the next four decades, much of that time under the capable management of Gladys Pierce. It was burned January 21, 1968. (Federman, p 8r).

Building a Community

3.3 The Town

The Page property was very popular with campers, and there was interest in developing a resort at the site. Page eventually sold his property, and after passing through several hands, the land was purchased by James Walton of the First National Bank of Tillamook. Mr. Walton acquired additional Neskowin properties, and in 1909, the Neskowin Subdivision was surveyed. A plat of the town was filed in Tillamook County, April 9, 1910 (Beckham, p. 34).

In 1912, James Walton turned most of the property over to his brother William who envisioned a wholesome summer resort for families. Bill Walton didn't think the pool hall and dance hall belonging to Jim Myers were acceptable businesses for a family-oriented community, so he shut them down. Myers' store, on the other hand, was allowed to remain (Schmidt, p.26). Beachgrass planted in dune areas made more land available for development of building sites.

Timed deed restrictions (fifty years) controlled building usage. In a 1935 deed, no building could be "erected, maintained, or used for stables, chicken houses, commercial garages, or filling stations, stores, theaters, public amusement places or business or manufacturing purposes..." (Irish letter). Not only did deed restrictions shape the community into one of primarily single family residences, they may have been a big factor in discouraging commercial development. The initial fifty-year deed restrictions expired in 1959, but the family oriented values of the community were well established and commercialism was still not welcomed.

Many of the properties in what is now called the core area, were purchased by families who built summer beach homes. Today, many Neskowin residents are living in homes that their parents or grandparents built.

At first, full-time residents were small in number. The *1915 Herald Map and Directory* reported the population to be 50. This number no doubt included families living on farms in the area surrounding the village. In 1960, there were approximately 70 year-round residents (Fairbank, p. 8), and by 1988, the estimate had risen to 180 (Schmidt, p. 27).

3.4 The Economy

Although there were sawmills on Hawk Creek, Slab Creek, and on what was the Hellenbrand farm (sawmills moved to fit demand because it was more efficient to move the mill than to transport raw logs), the principal economy of the Neskowin area was dairy farming (Rock, p. 69, and Johnson, F. Johnson interview, p.7). Dairy farms throughout the county began marketing butter in the Willamette Valley but switched to cheesemaking because they had difficulty getting the butter to market before it got rancid. Local cheese factories included one started by Charles Goeres on a piece of land donated by John Hellenbrand. It became cooperative in 1912 and later consolidated with the Oretown factory. Marie Bauer had a private cheese factory at the upper end of Slab Creek valley from 1914 to 1929 (Rock, pp. 32-33).

Rose Bauer, who owned 160 acres across the highway from the village, also built a dairy farm. Harold Schlicting bought the land in 1960 and ran the 40-cow dairy for three more years. The dairy was one of only two farms in Tillamook County to have bulk milk storage. When the Neskowin Beach Golf Course came up for sale, Schlicting was approached by a potential buyer to sell some of the farm to create an 18-hole course. Although the deal did not work out, Schlicting eventually built the 9-hole Hawk Creek Golf Course. The barn became the clubhouse (Schlicting interview).

The cranberry bog represents the area's failed industry. Planted in 1912-13 in the wetlands north of the golf course, the plants failed to grow and the project was abandoned. It is believed that salt water from high tides killed the plants (Rock, p. 69).

Businesses which have become local "institutions" include Neskowin Beach Golf Course, built in the early 1930's; Hawk Creek Golf Course, built in 1968; the grocery store, originally opened in 1912 and replaced in 1984 after fire destroyed the original structure; and Brandt's horse riding stables. The horse barns were built in the 1940=s to house horses ridden by the shore patrol, though the public also rode the horses for pleasure (Schmidt, p. 27). The Brandts ran the stables with 24 horses, 2 ponies and a donkey. Half-hour rides cost \$.75 and an hour ride was \$1.50 (Fairbank, p. 22).

Cottage industry over the years, though less visible, has made a significant contribution to the community's economy. For many decades families supplemented their farm income by selling berries, ferns, foxglove, mushrooms and cascara bark. More recent enterprises have included pottery and tile making, painting, jewelry, photography, teepee construction, and glass blowing. In the 1990's, full-time residents employed outside their homes often commute long distances to work, and are willing to do so for the privilege of living in Neskowin.

3.5 Schools

The first school district, organized in 1877, took in all land south of the Little Nestucca. The district divided three ways in 1886, creating Oretown, Meda and Neskowin districts. Neskowin has had two public schoolhouses. The more recent, a one-room building constructed in 1927, operated as a

school until 1948 when the Neskowin District united with the Union School District. In 1895, a school district was organized up Slab Creek which joined with Neskowin in 1946 (Rock, pp. 89-90). The privately funded Neskowin Valley School, located on Slab Creek, was founded in 1972.

Serving the Community

3.6. Utilities

Neskowin Inn installed **electricity** in 1929, making laundry facilities and modern stoves possible (Schmidt, pp. 26-27). Many residents, however, did not request electricity until the late 1930's. The value of electricity was recognized by one farmer, Steve Bauer, as early as 1910. He built a large wooden waterwheel in upper Slab Creek to operate a light plant. In 1918, he built a new wheel to light his new barn and to chop feed for his cattle (Rock, p. 111).

It isn't known exactly when **telephone** service came to Neskowin, but Mrs. Rock -- recounting events surrounding the drowning of two local boys on July 4, 1914 -- says, "They had phoned an order to Neskowin for chicken dinner" (Rock, p. 39).

A **water** system was laid out in 1924 (Rock, p. 11), and the **Neskowin Regional Water District** was established in 1980. The **Neskowin Regional Sanitary Authority** was established at approximately the same time (NCA files, 1980).

3.7. Community Service

Community volunteerism dates back at least to 1922 when the Nesko Ladies Club (now Nesko Women's Club) was organized with eleven charter members (Rock, p. 36). The club began as a sewing group for needy families but also provided educational and social activities for women of the entire community. Over the years its fund-raising efforts have provided fire and rescue equipment, as well as food, clothing and other necessities for people in need.

Fire protection and emergency medical care have been provided by local volunteers with the Nestucca RFPD since the district was formed in 1949.

Since the 1940's, the Neskowin Community Association has been a volunteer organization of property owners dedicated to serving and protecting the interests of the community. In addition to organizing social events like the 4th of July activities and the Golf Scramble, the Association has funded street lights, sheriff's patrols on holiday weekends, beach cleanups, donations to the Nestucca Fire Department for equipment and training of volunteers, and printing and mailing of newsletters.

The Neskowin Chamber Music Series is a recent example of individuals working to enhance life in the community. Another is the fund-raising effort that resulted in purchase and preservation of a five-acre piece of wetland adjacent to the Wayside.

Why We're Neskowin

From earliest days, Neskowin has attracted people who love the natural setting, place family and friends first in their lives, and work hard to be self-sufficient and self-determining. Working together, the people of Neskowin hope to preserve and enhance the beauty of the land and the community's relaxed rural way of life.

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4. VISION PROCESS AND RESULTS

The vision process was initiated by the Neskowin Community Association (NCA) to prepare for Tillamook County's Periodic Review of its Comprehensive Plan under the statewide land use planning laws. Pursuant to these laws, Neskowin has prepared this Neskowin Community Plan for approval by the County and State. In Summer, 1994, the Neskowin Community Association sent the first Community Association questionnaire to its members. The purpose was to initiate the visioning process by asking members to identify the characteristics they value in Neskowin. One hundred forty-seven responses were received and the results of this questionnaire were presented at the Labor Day, 1994 Community Association meeting. At that time the Association members endorsed the idea of a community wide visioning process.

In Fall, 1994, the NCA Board created the Neskowin Vision Committee whose mandate was to facilitate a consensual, community process, including all Neskowin citizens, to develop a shared vision for Neskowin's future which would be used in Periodic Review. The Vision Committee used the format outlined in the *Guide to Community Visioning*. This guide was developed by the Oregon chapter of the American Planning Association and is endorsed by the Oregon Department of Land and Conservation Development (DLCD), which administers the State's land use planning program. Funds to support the vision process were received from the Neskowin Community Association, and a \$9500 Coastal Landscape Visioning grant was awarded by DLCD in 1995. The Vision Committee defined its mission as "facilitators of the vision process," and "the functions of the committee... as communicators and listeners who reflect back to the community members what they identify as their vision and help organize these ideas into a workable long range plan." (Neskowin Vision Committee Minutes, February 14, 1995 B see Appendix File in Dept. of Community Development).

The Vision Committee held a public meeting on February 25, 1995 to explain the visioning process as defined in the *Guide to Community Visioning* and to receive public reactions, comments, and suggestions. Vic Affolter, Director of the Tillamook Department of Community Planning, attended the meeting to explain Periodic Review. This was the first of six community visioning meetings held over the next two and a half years, all of which were widely publicized. Every effort was made to include the entire community in these meetings because the Vision Committee firmly believed that the development of a successful, shared community vision depended on an open, inclusive, and consensus based process.

The Vision Committee believed that identifying the values that citizens hold about their community was the necessary first step to develop a shared vision. From the early fall of 1994 through the summer of 1995, the Vision Committee worked to identify the important collective values of the Neskowin area people and the values that should be guides in developing the preferred scenario for the future of the village and environs.

Using responses of the original Neskowin Community Association questionnaire sent out in 1994, the Vision Committee crafted a survey asking citizens to identify and rank the qualities

they value for Neskowin's future (See Appendix File in Dept. of Community Development). Response was an excellent 22% with 197 returned surveys. In addition, large numbers of respondents wrote notes and letters to supplement their checked responses. Three town hall meetings were held to inform the community members of the survey results and to receive additional comments, suggestions, and ideas. Each meeting was attended by at least 70 persons. Two interim reports, including an eight page report, detailing the results of the surveys and meetings and asking for further comments were distributed. All of this information was then collated to develop the Neskowin Values Statement which was unanimously approved at the town hall meeting held on February 18, 1996. What follows is the Neskowin Values Statement which is the foundation for the Neskowin Community Plan.

4.1 Neskowin Values Statement

Neskowin citizens want Neskowin to be:

a place where safety, adequate utility services, and essential pedestrian streets are priorities.

a place where a quiet, natural, beach atmosphere is found in individually owned properties as well as along the streets and on public property.

a place where the environment and beauty of natural setting is prized.

a village predominantly made up of private residences with a minimum of commercial activity and a respect for appropriate construction guidelines.

a place that has a community spirit and friendly atmosphere, and yet also has a respect for individual privacy.

a place where children and their education are prized and the arts are encouraged.

a place that is committed to preserving its village feel and special qualities through seeking the opinions of its permanent and intermittent residents and then conveying those opinions collectively and democratically to county and state agencies as well as to all individuals thinking about becoming a part of the community and its future.

4.2 Community Survey Responses - The Basis for Creating the Neskowin Community Values Statement

The following list shows the total points for each survey item receiving 300 or more points according to the responses received from several hundred individuals to the Neskowin Vision Committee Survey (see Appendix File in Dept. of Community Development). The total points ranged from a high of 512 to a low of 148. The items are listed in rank order, with brief

descriptions and the points totaled for each item.

<u>Rank</u>	<u>Item</u>	<u>Total Points</u>
1	Safety and security	512
2	Quiet, calm, peaceful, informal	509
3	"Beachy"	493
4	Pedestrian friendly	477
5	Respect environment	471
6	Natural beauty, esthetics	456
7	Single family-prevailing housing	455
8	Family atmosphere and friendships	447
9	Respect natural wildlife habitat	440
10	Commercial stays small	431
11	"Village Feel", human and physical	430
12	Democratic, open discourse	428
13	Utilities, essential services	425
14	Invested, committed citizenry	398
15	Construction guidelines	382
16	Sense of community, cooperation	356
17	Encourage the arts	318
18	Children, schools, education	314

In October, 1996, the Vision Committee created three subcommittees whose mandate was to use the Neskowin Values Statement to develop recommendations for implementing these values into specific actions. (Neskowin Vision Committee minutes, October 10, 1996; see Appendix File in Dept. of Community Development for a description of each committee, its tasks and projected outcomes). The subcommittees were:

- Natural Features/Environment (or Environment/Natural Resources Group)
- County Development Standards (or Land Use Group)
- Community-building and Local Action (or Non-governmental Actions Group)

These subcommittees offered their initial recommendations to the Neskowin community at a town hall meeting in February, 1997, and received citizen input at that time. The February 16, 1997 Land Use Group Report was unanimously approved at that meeting. The final recommendations were distributed by mail and at the Neskowin Community Association meeting on May 25, 1997. (see Appendix File in Dept. of Community Development). These recommendations received 100% support from the nearly 100 persons in attendance. Also, at the same May 25 meeting, by a motion from the floor, the community voted to create a permanent Standing Land Use Committee of the Neskowin Community Association to serve as the neighborhood planning organization point of contact to Tillamook County and to provide a

liaison to the Neskowin Vision Committee.

On July 1, 1997, Tillamook County formally began the Periodic Review Work Plan Process for Neskowin. At this time the Vision Committee, having completed its mission to develop the Community Values Statement, disbanded, and a Periodic Review Committee was appointed by the Neskowin Community Association. This group immediately began work to write the Neskowin Community Plan using the Values Statement as the basis for all elements of the plan. (Refer to Appendix File in Dept. of Community Development for a complete record of all public meetings.)

The Neskowin community recognizes the importance of keeping goals and directions clear and understood by all. For this reason the Non-governmental Action subcommittee recommended to the community, and the community approved, the establishment of a standing "vision committee" whose purpose is to work with all interested parties to assure that the Neskowin Values Statement is implemented as fully as possible. Neskowin residents are committed to the Values Statements and are willing to accommodate their actions to assure that the future they envisioned is attained. This Neskowin Community Plan is presented as a tool to achieve that future.

5. LAND USE PLANNING OVERVIEW

5.1 Periodic Review

In 1981, the Oregon Legislative Assembly adopted a process for "periodic review" of local government plans and implementing regulations to assure their continued compliance with statewide land use goals. The periodic review process, in a nutshell, has two key steps: 1) Tillamook County reviews its Comprehensive Plan (including the plans of unincorporated communities) and implementing ordinances and adopts a work program to make recommended changes, and 2) implements that work plan.

In the fall of 1994, the Oregon Land Conservation and Development Commission (DLCD) adopted a new administrative rule, OAR 660-22, Unincorporated Communities. In 1996, Tillamook County and the DLCD agreed upon a schedule to complete the first step of periodic review as an unincorporated community. Also in 1996, as part of periodic review, the Neskowin Community Association (NCA) formed a Land Use Group as a part of the NCA's Vision Committee to develop recommendations to the Vision Committee and the community for improving Tillamook County land use and development ordinances in support of the Neskowin Community Values Statement.

Following the Neskowin Vision Process, work on periodic review began for the Neskowin Community in September, 1996, when the NCA held a public meeting and formed a Land Use Subcommittee from the community at large to begin evaluating Tillamook County land use regulations. The Land Use Subcommittee worked with Tillamook County throughout 1997 to produce final recommendations for the June, 1997, deadline to submit recommendations to the County for adoption and subsequent approval by DLCD. The first product of the NCA Land Use Subcommittee was a Report of Recommendations for changes to Tillamook County land use regulations and practices. The Report of Recommendations was presented to the Neskowin Community at a public meeting on February 16, 1997, attended by over a hundred Neskowin property owners. At the February 16 meeting the community reviewed and unanimously approved the recommendations. At a subsequent public meeting held on May 25, 1997, after meetings with developers and other interested parties to discuss the February 16 recommendations, the Neskowin community again reviewed and unanimously approved the February 16 report and recommendations summarized in a land use committee report dated May 25, 1997. Both the February 16 and May 25 reports are attached to this Plan (see Appendix File in Dept. of Community Development).

At Tillamook County's request, DLCD agreed to extend the deadline for completing step one of Periodic Review until June, 1998. The community also voted to dissolve the Land Use Subcommittee and form the Neskowin Standing Land Use Committee to be the official liaison between the NCA and Tillamook County. The Standing Land Use Committee continues to work with Tillamook County, the NCA, and the community to complete the Neskowin Plan, draft ordinance language where applicable for the Plan, and develop work plans and schedules with

the County to create ordinances and implement recommendations of the February 16 and May 25 reports. The description of the policies in this section of the Plan reflect the outcome of the planning process undertaken by the Neskowin Community for periodic review.

5.2 Neskowin Community Growth Boundary

The Tillamook County Comprehensive Plan adopted in 1982 created a Community Growth Boundary (CGB) for the Neskowin area as illustrated on the Neskowin Comprehensive Plan and Zoning Map attached to this plan. At both the February 16 and May 25 public meetings, community members unanimously voted to retain or reduce the existing CGB. Many community members voiced concerns in the public process that the CGB, as originally drawn, is too large to maintain growth consistent with the adopted Neskowin Values.

- (a) **Policy:** The CGB shall be maintained in its current location because there is ample room within the Boundary to accommodate growth consistent with the Rural Community designation into the foreseeable future and because maintenance of the Boundary protects and preserves farm, forest and open space uses adjacent to the CGB.

5.3 Existing Land Uses, Comprehensive Plan Designations

The predominant land use in Neskowin is single-family residences, including a manufactured home subdivision with single-family units. Commercial land uses include a market, professional offices, motels, a restaurant, parking lots, and two public golf courses. Publicly owned and maintained properties include a Neskowin Wayside park with parking and bathroom facilities, a fire hall with community meeting facilities, drinking water and toilet facilities, public roads, beaches and beach access.

The Neskowin CGB is bordered by Recreation Management (largely wetlands) land to the north, Small Farm Woodlot (SFW) 10, SFW 20 and Forest land to the east, Forest land to the south, and Shore lands, Beach Dunes and the Pacific Ocean to the west. The current Tillamook County Comprehensive Plan for the Neskowin Community has the following comprehensive plan designations (see Appendix File in Dept. of Community Development):

Low-Density Urban Residential (R-1): The land designated R-1 on the Neskowin comprehensive plan map includes the core residential area of Neskowin. It is intended to accommodate urban density residential uses, served mostly by community water and sewer services.

High-Density Urban Residential (R-3): One small area of R-3 land is located in the residential area near the Commercial zones. The purpose of the R-3 zone is to designate areas for a medium- to high-density mix of dwelling types and other compatible uses.

Rural Residential (RR): The land designated RR includes several parcels of land

adjacent to SFW land. The RR designation is intended to maintain the rural character of the community by retaining large lots, and in many cases is located in areas not served by community water and sewer.

Rural Residential with a Planned Development Overlay (RR-PD): The PD overlay is intended to allow the application of new technology and more flexible design in land development while accomplishing the standards and objectives of the underlying RR zone. The RR-PD area is limited to several parcels in the northern part of Neskowin.

Small Farm Woodlot 10 and 20 Acre Minimum (SFW-10 and SFW-20): A significant number of parcels of SFW-10 and SFW-20 land are located at and adjacent to the CGB. These parcels were zoned SFW to create a buffer between residential zoning and resource lands surrounding Neskowin. SFW zones are intended to protect and promote farm and forest uses similar to Farm and Forest zones.

Forest Zone (F): Hillsides to the east and south of Neskowin are zoned Forest. The purpose of this zone is to retain land for forest uses and related amenities such as fish and wildlife habitat, clean air and water, recreation, etc. Residential uses are secondary to resource uses.

Neighborhood Commercial (C-1): Neskowin's commercial land designations accommodate commercial uses serving the Neskowin Community and persons traveling through the area. The purpose of the C-1 zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas.

Recreation Management (RM): Much of the wetlands in the center of Neskowin stretching to the north are zoned RM. The purpose of the RM zone is to designate areas for public and private parks and day-use facilities, including areas that contain significant natural or scenic values.

Utilities Facilities Overlay (UFO): One small parcel contains the UFO designation, intended to accommodate the facilities necessary to supply the foreseeable utility needs of the area.

5.4 Population and Growth; Buildable Lands Inventory

In selecting a Rural Unincorporated Community designation and developing a rural community plan, Neskowin recognizes existing land uses, both conforming and non-conforming, and sets the stage for future growth based upon the buildable lands inventory recently conducted by Tillamook County. Population and growth impacts comprise the most significant characteristic of Neskowin's current land use activities, illustrated by the increasing development of single-

family residences. As the population of the Willamette Valley and the state continues to rapidly expand, Neskowin will continue to grow.

Neskowin Community Growth Boundary Vacant Lands Inventory

The following table is the Vacant Lands Inventory for Neskowin, provided by Tillamook County on November 19, 1997:

Zone	Existing Lots	Existing Dwellings	Potential New Lots	Existing Lots W/O Dwellings	Total Possible New Dwellings
R-1	834	460	898	374	1272
R-3	53	47	9	6	15
RR&RR-PD	197	24	617	173	790
Total Res.	1084	531	1524	553	2077
C-1*	135	----	----	----	----
RM	8	----	----	----	----
Roads/Util.	12	----	----	----	----
Beach	8	----	----	----	----

** Note: The C-1 (Commercial) zoned lots include 118 condominium units designated as individual lots. Ignoring these condo lots, there are 17 lots zoned C-1, comprising approximately 17 acres. The RM (Recreation Management) zoning covers a total of 131 acres.*

The residential numbers are estimates, based on full buildout of all usable land. No time-frame is attached to the estimate. Thus, for example, with a 2.5% annual growth rate (similar to that experienced over the past seven years), in 20 years the number of dwellings would increase from the 531 currently existing to 848. It would take 56 years to reach the projected 2077 total additional dwellings possible. At a more moderate 1.7% growth rate, it would take 82 years to reach the projected full buildout.

These estimates include two parcels zoned for residential development but currently in use as a golf course. Eventual residential development of these parcels is possible, though perhaps unlikely, given their current use. Removing these parcels from the analysis (128 and 47 potential new lots, respectively) changes the above totals to 1349 potential new lots and 1902 total additional dwellings possible.

In determining the Vacant Lands Inventory, the County considered a number of environmental constraints such as wetlands and steep slopes, although no complete evaluation has been conducted to conclusively determine buildable capacity of individual lots.

6. LAND USE POLICIES CONTEXT, RECOMMENDATIONS AND REGULATIONS

The State of Oregon has established a system of land use planning to assure the protection of our local and statewide resources and guide growth to foster the area's quality of life. As part of that program, the following 19 land use goals have been created: 1. Citizen involvement; 2. Land use planning; 3. Agricultural lands; 4. Forest lands; 5. Open spaces, scenic and historic areas, and natural resources; 6. Air, water and land resources quality; 7. Areas subject to natural disasters and hazards; 8. Recreational needs; 9. Economic development; 10. Housing; 11. Public facilities and services; 12. Transportation; 13. Energy conservation; 14. Urbanization; 15. Willamette River Greenway; 16. Estuarine resources; 17. Coastal shorelands; 18. Beaches and dunes; and 19. Ocean resources. These goals influence comprehensive plan policies which are important to Neskowin's future, and have been considered in the preparation of this Neskowin Community Plan.

Goal 1. Citizen involvement

Beginning with the Vision Process, the Neskowin Community Plan reflects substantial community involvement and participation. Four public work sessions were held after the adoption of the May 25, 1997 Land Use Group Report to develop the plan and were attended by over 100 people. For a community with 600 households, this level of public involvement can only be described as exceptional. Each public work session was preceded by one or two preparatory work sessions. Mailings were sent to Neskowin Community Association members, property owners (Tillamook County provided this list) and zip code 97149 mail recipients. This massive communication effort was done with local volunteers and primarily with local contributions. In addition, to incorporate oral and written comments into the draft plan at these public meetings, participants were encouraged to submit their comments in writing at each meeting.

Goal 2. Land use planning

This Goal is central to Tillamook County's periodic review of its Comprehensive Plan for Neskowin, creating the framework for the Neskowin Community Plan.

Goals 3 and 4. Agricultural lands; Forest lands

Neskowin has retained its current levels of agricultural and forest lands in this Community Plan by not revising resource land designations, particularly with regard to the buffer surrounding the Community Growth Boundary.

Goals 5, 6, and 7. Natural resources, scenic and historic areas and open spaces; Air, water and land resources quality; Areas subject to natural disasters and hazards

In keeping with its Vision Statement, Neskowin has gone to great lengths in the community planning process to ensure that it is "A place where the environment and beauty of the natural setting is prized." This included hiring the firm of SRI/SHAPIRO/AGCO Incorporated to complete work initiated by the community to identify wetlands and other significant natural resources and to prepare implementing ordinances (See Appendix B). The community has also proposed changes to Tillamook County's Land Use Ordinance in areas such as erosion control and geologic hazard analyses to foster safe development practices. The community has done work on tsunami disaster preparation, including distribution of a "refrigerator door" information piece, and would like to do more in this area in the future.

Goal 8. Recreational needs

Neskowin has many recreational opportunities, including golfing, horseback riding, hiking, a recreational vehicle park (immediately adjacent to the community growth boundary), fishing and all the opportunities provided by the public beach front. The community has a sufficient amount of land designated "recreation management" to accommodate buildout projections.

Goal 9. Economic development

Neskowin supports economic development in accordance with its rural community designation, consistent with the stated Neskowin Values and confined to the appropriate zoning and land use designations outlined in this community plan.

Goal 10. Housing

Neskowin has provided for a range of housing types consistent with its rural community designation. (See Neskowin Comprehensive Plan and Zoning Map, and Neskowin Community zone descriptions, attached to this plan).

Goal 11. Public facilities and services

See Section 10 of this document. Although not required by Oregon law, the community has spent significant time planning for its future in terms of water and sewer services.

Goal 12. Transportation

Neskowin has identified "essential pedestrian streets" as a priority in the Neskowin Values Statement and makes specific street policy recommendations including the adoption of "skinny street" standards in this Neskowin Community Plan. It is important to recall that Highway 101 runs through the community and planning on both sides of the

highway must reflect this fact. It is a state highway, not a local roadway or street, and has distinct transportation mode and safety requirements.

Goal 13. Energy conservation

Neskowin's current land uses west of Highway 101 generally encourage pedestrian and bicycle uses. Sewer and water district policies shall promote resource conservation.

Goal 14. Urbanization

Neskowin supports retention of the established Community Growth Boundary with the surrounding buffer of farm and forest resource lands. Its rural community designation indicates the desired level of urbanization.

Goal 15. Willamette River Greenway

Not applicable.

Goals 16, 17, and 18. Estuarine resources; Coastal shorelands; Beaches and dunes

Neskowin, as stated above, has spent considerable volunteer time and effort to identify these resources and implement measures to protect them. For more discussion of Goals 16 and 17, see the Natural Resource section. The community has not had the resources to adequately address the dune resources, however, and believes further analysis of dune characteristics and stabilization must be performed prior to any development. The community understands ocean resources to be largely the purview of state and federal agencies, and supports their efforts to protect these resources.

Goals 5 and 17 both provide protection for natural resources such as wetlands, riparian areas, and wildlife habitat. Goal 5 applies throughout the community and Goal 17 applies to coastal shorelands. A key difference between the two goals is the extent to which natural resources must be protected. Under Goal 5, the uses that conflict with natural resources may be determined to be of such importance to the community that the natural resource is not protected. Goal 5 sets forth the "ESEE" (economic, social, energy, environmental) consequences evaluation process under which the resources and proposed conflicting uses are evaluated and a program is developed to resolve the conflicts. Generally, these programs result in protection ordinances and development standards. Since Goal 5 and Goal 17 may overlap in coastal areas and natural resources may be subject to both goals, the Neskowin Community Plan acknowledges that the more stringent Goal 17 requirements satisfy Goal 5 requirements in coastal shorelands.

Appendix C is a summary of Tillamook County regulations that pertain to Neskowin. This summary describes the various county land use regulations and processes that affect

lands within our community. Our plan addresses these and other Tillamook County Land Use Regulations and proposes additional regulations to comply with the requirements of Periodic Review and to achieve our community objectives for the future. These objectives were approved at the May 25, 1997, community meeting

Goal 19. Ocean Resources

Public beaches and ocean resources significantly influence the character of Neskowin's rural unincorporated community.

7. RURAL UNINCORPORATED COMMUNITY DESIGNATION, GENERAL LAND USE POLICIES

7.1 Rural Community Designation

Under OAR 660, Division 22, Unincorporated Communities, Neskowin meets the definition of a "Rural Community." OAR 660-22-010(6) defines "rural unincorporated community" as follows:

[A]n unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.

Related definitions include:

"Permanent Residential Dwellings" includes manufactured homes, but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground. OAR 660-22-010(5)

"Commercial Use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distributions centers. OAR 660-22-010-(1)

"Industrial Use" means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods or materials. It does not include commercial uses.

Neskowin meets the definition of Rural Unincorporated Community because it is primarily a residential community, which also has a fire hall community center, a school, a public wayside recreation area, public golf courses and a handful of local businesses that serve the community, the surrounding rural area or persons traveling through the area.

A public meeting of Neskowin citizens and property owners was held on October 25, 1997 to receive community input on the most appropriate unincorporated community designation for Neskowin. Public notice of the date, time, place and meeting purpose was given to tax lot owners, Neskowin Community Association members, the 97149 zip code sort, and was publicly posted. At that meeting, participants reviewed copies of the Unincorporated Communities Rule, and broke into many small groups to discuss, evaluate and debate the different designations as they applied to Neskowin. Participants voted to adopt the Rural Unincorporated Community designation based on a comparison of the various designations with past, present and future planned land uses, and in consideration of the Values Statement adopted earlier by the community. There was only one property ownership that opposed, preferring instead a resort designation.

- (a) **Policy:** The Neskowin Community Plan recommends that Tillamook County's Comprehensive Plan designate Neskowin as a Rural Community and provide for its land uses accordingly.

This designation supports these Neskowin Values Statements:

A place where a quiet, natural beach atmosphere is found in individually owned properties as well as along the streets and on public property.

A place where the environment and beauty of natural setting is prized.

A village predominantly made up of private residences with a minimum of commercial activity and a respect for appropriate construction guidelines.

7.2 Recommended Neskowin Zoning Ordinance

- (a) **Policy:** The community has adopted the following changes to the Tillamook County Zoning Ordinance:

RR: Delete these conditional uses: temporary real estate office; mining and quarrying; mobile home parks; hunting preserves; recreational campgrounds; small scale trade/retail, and commercial uses in a mixed use development.

R-1: Delete these conditional uses: mixed use development and all conditional uses deleted in Rural Residential.

R-3: Delete these conditional uses: mobile homes and mobile home parks; delete all conditional uses deleted from RR and R-1 above; motels and hotels which may include eating and drinking establishments.

- C-1: Delete from uses allowed outright: miniature golf courses.
Delete from conditional uses: RV parks, billboards; commercial amusement and entertainment; dwellings, including townhouses and condominiums
- RM: Delete from uses allowed outright: signs; farm uses and forest uses
- Move from uses allowed outright to conditional uses: dwellings or residential quarters for caretakers and staff members.
- Delete these conditional uses: recreational vehicle campgrounds; meeting, recreational that will increase visitor capacity or off-site impacts; retail facilities; rock quarries; hydroelectric power generating facilities; and golf courses.
- PD: No commercial development, including new resorts, hotels and motels, shall be allowed in this zone. No wetland or otherwise unbuildable land can be counted as developable land for clustered development.

7.3 General Land Use Policies

- (a) **Policy:** Land use regulations shall conform to the requirements of OAR Chapter 660, Division 22 as amended.
- (b) **Policy:** County plans and land use regulations shall ensure that new uses authorized within the Neskowin Rural Community do not adversely affect forest and agricultural uses in the zones at and surrounding the Community Growth Boundary.
- (c) **Policy:** When making land use decisions, the County shall adhere as closely as possible to the policy objectives of this Neskowin Community Plan in order to preserve Neskowin's historical and natural features, according to the Neskowin Values Statement, whenever it may consider proposals for development either inside, adjacent to or on lands surrounding the CGB.

7.4 Residential Area Policies

- (a) **Policy:** The land designated RR is intended to maintain the rural character of the community by retaining large lots where typically community water and sewer are not available.

7.5 Commercial Area Policies

- (a) **Policy:** New commercial and industrial uses are allowed only if they are small-scale, low impact uses as defined in OAR 660-22-030, or are uses intended to serve the community

and surrounding rural area or the travel needs of people passing through the area. Any commercial or industrial use which exceeds the definition of a "small-scale, low impact use" may be allowed only if the proposed use is consistent with the policies of the Neskowin Community Plan, is compatible with the rural character of the community, and the size and type of development does not dominate the character of the commercial uses in the community.

(b) Policy: Insert the following language into the Neskowin Commercial Zone ordinances:

The commercial uses allowed in this zone shall occur in a building or buildings not exceeding 4,000 square feet. The industrial uses allowed in this zone (light industries, storage of industrial equipment, warehousing) shall occur in a building or buildings not exceeding 10,000 square feet. No single structure nor the total of floor space devoted to a particular use in multiple structures may exceed these square foot limits without meeting the requirements of the following section.

Larger structures or uses are allowed only by obtaining approval as a Conditional Use. In addition to the Conditional Use criteria of Article VI of the Tillamook County Land Use Ordinance, the following criteria shall be met in order to approve this Conditional Use:

For commercial uses:

The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

The use is compatible with the rural character of the community.

The size and type of development does not dominate the character of the commercial uses in the community.

The use is consistent with the applicable goals and policies of the Comprehensive Plan.

The commercial uses shall occur in a building or buildings not exceeding 8,000 square feet.

For industrial uses:

The use is compatible with the rural character of the community;

The size and type of development does not dominate the character of the commercial and industrial uses in the community;

The use is consistent with the applicable goals and policies of the

Comprehensive Plan;

The industrial uses shall occur in a building or buildings not exceeding 15,000 square feet;

and either:

The use requires proximity to a rural resource, as defined in OAR 660-004-0022(3)(a)

or

The use will not exceed the capacity of water and sewer service available to the site on the effective date of the Unincorporated Communities Rule (December 5, 1994), or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage.

8.0 RECOMMENDATIONS FOR AMENDMENTS TO THE TILLAMOOK COUNTY COMPREHENSIVE PLAN AND LAND USE ORDINANCE

The following amendments to the Tillamook County Comprehensive Plan and the Tillamook County Land Division Ordinance are based on recommendations made to and adopted by the Neskowin community as previously discussed in Section 5.1 of this Neskowin Community Plan.

This Section 8.0 includes a summary of each recommended change and the Neskowin Community Values Survey Responses supported by the change. Where additional work with Tillamook County is needed to develop and adopt ordinances implementing these recommendations, a work plan task and commencement deadline to achieve the community recommendation is included.

8.1 Retain the Existing Community Growth Boundary ("CGB").

This recommendation supports the following Community Values Survey Responses: 2, 3, 5, 7, and 11.

- (a) Policy:** The CGB shall be maintained in its current location because there is ample room within the Boundary to accommodate growth consistent with the Rural Community designation into the foreseeable future and because maintenance of the Boundary protects and preserves farm, forest and open space uses adjacent to the CGB.

8.2 Maintain Existing SFW and Forest Zones at the CGB.

This recommendation supports the following Community Values Survey Responses:

2, 3, 5, 7, and 11.

Section 3.008(1) of the Tillamook County Zoning Ordinance (Ordinance 33) defines the purpose of the Small Farm Woodlot (SFW) zone to "permit small-scale farms and large-acreage rural residential home sites on land that has potential for small-scale farm or forest uses," and to provide "a buffer between non-resource uses and lands that are managed for farm or forest uses"

Despite significant growth in Neskowin over the last few years, especially at the edges of the CGB, the buffer of SFW and forest-zoned land at the CGB remains mostly intact. Neskowin strongly supports maintenance of these lands only for farm and forest uses.

- (a) **Policy:** To maintain the quiet, village-like atmosphere ranked so highly by the Neskowin Community, and to protect existing family farms and other smaller agricultural and silvicultural activities, the Neskowin Community Plan recommends that parcels adjacent to the Community Growth Boundary which are currently zoned SFW or forest use remain in their current zoning. Tillamook County shall provide notice to the NCA, the Standing Land Use Committee, and the community for any subdivision or major partition development application within the SFW and forest zones, and provide an opportunity for public comment prior to action.

8.3 Revise Planned Development-Mixed Use Standards in Neskowin to Preclude Development of Resorts or Any Development that Functions Like a Resort.

This recommendation supports the following Neskowin Value Statements:

A place where the environment and beauty of natural setting is prized.

A village primarily made up of private residences, with a minimum of commercial activity, and a respect for appropriate construction guidelines.

- (a) **Policy:** No commercial development, including new resorts, hotels and motels, shall be allowed in Planned Developments or Mixed Use Developments. No wetland or otherwise unbuildable land can be counted as developable land for clustered development.

8.4 Develop Policies to Address Changes in Land Use Brought About by Forest and/or Agricultural Activities in SFW and Forest Zones

This recommendation supports the following Community Values Survey Responses:
2, 3, 5, 7, 10, and 12.

Community residents, as well as federal and state resource agencies, as expressed in recent media reports, are concerned about a trend in coastal communities from Astoria to Depoe Bay

concerning the change in land use from forest production to housing and commercial development simply by timber harvest activities. Because timber owners can harvest trees under state statutes regulating forest practices, community planning departments are not involved. The planning agencies do not get involved until the timber has been removed (usually by clear-cutting) and the affected community has lost a variety of natural resources and its ability to influence land uses. Affected communities have no practical and effective way to protect community values related to such things as erosion control, protection of natural resources, preservation of scenic areas, and protection of economic interests related to fisheries and tourism. Tillamook County reports that this practice occurs on SFW-10 parcels under current zoning regulation. Since SFW-10 makes up an important portion of the buffer area near or at the CGB, this circumstance must be addressed.

- (a) **Policy:** The Neskowin Community encourages Tillamook County to coordinate with the Oregon Department of Forestry to develop policies and procedures requiring pre-harvest identification of conversion of forestland to residential or commercial development, requiring pre-harvest development plan approval by Tillamook County Department of Community Development, and imposing appropriate penalties for failure to meet these requirements.

8.5 Adopt Erosion, Sediment Control, and Grading Permit Requirements for Ground Disturbing Activities.

This recommendation supports the following Community Values Survey Responses: 1, 2, 5, 7, 10, 11, 15, and 16

Coastal Cities and Counties from Brookings to Astoria are evaluating and, in some cases have adopted, ordinances to control erosion and sediment from construction sites. It is beyond debate that nonpoint¹ source pollution from construction sites is affecting Oregon's waterways and threatening beneficial water uses. The problems caused by nonpoint source pollution result in unacceptable environmental, economic, and social costs to communities and their citizens. Of particular concern to the Neskowin Community is the impact of non-point source pollution on threatened salmon and steelhead habitat because the Governor's salmon restoration initiatives are focusing on streams and waterways like the ones threading throughout the community and local area.

One of the first areas of consensus among the members of the Land Use Subcommittee was that ground disturbing activities such as land clearing, removal of trees and other vegetation, grading, excavation and other similar activities occur routinely on individual lots and in proposed subdivisions before the County has issued a single approval for any work on the site. This

¹ Nonpoint source pollutants are substances of widespread origin which run off, wash off, or seep through the soil, eventually entering surface waters or ground waters. They are from diffuse sources rather than from discharge at a specific location. (DEQ, 1997).

effectively prohibits local community involvement where County ordinances governing the development in question otherwise give community members opportunity to provide input and be heard. In addition, such grading and land clearing activities permanently destroy features and values of importance to the community, often creating erosion and sedimentation and related damage to sensitive creeks and wetlands that is too difficult to enforce against the developer once the permit has been issued and the site has stabilized. The long-term effect is gradual and permanent damage to the values we enjoy while the responsible party is not held accountable.

According to the Community Development Department, there are no effective code provisions to prevent developers from such activity while the County processes the preliminary plat or subdivision request. State and federal resource agencies we contacted agreed this is a real problem which hinders their ability to do their jobs, pointing out that without more effective land use control at the local level, they are helpless to solve the problem. Therefore, the problem continues unabated and the opportunity to protect community values is permanently lost. By the time the situation has degraded to an enforcement status, the damage is done. Functions and values of the site are rarely replaced.

Also, the current exemption of driveways from land division requirements often results in under-engineered or poorly designed roads or connections to roads which fail, particularly in ecologically sensitive or steep areas in the hills around Neskowin. Watersheds can be and are compromised, soils are eroded, slides are created and streams are silted because roads are not properly constructed. This is a local problem, especially near the CGB and in the Hawk Creek and Butte Creek watersheds due to steep slopes where recent construction of "driveways" has created slides and erosion damage.

The effect of unregulated road construction in areas like the hills surrounding Neskowin is well documented. In studies published by the U.S Forest Service, among others, roads are the single biggest cause of soil erosion in forested areas. Poorly constructed roads are a hazard, and lawsuits are currently pending in Oregon courts by property owners against companies that allegedly constructed roads improperly and clear cut forests which caused significant slides, erosion and property damage.

To effectively implement erosion and sediment control, and to assure adequate public involvement in development decisions affecting the community and values of Neskowin, grading permits should be required for all ground disturbing activities, and these permits must be issued prior to any grading, clearing, or road building activities (including the construction of driveways). Grading permits would not be required for specific activities of limited impact, including individual gardens on a single lot, maintenance and landscaping not in conjunction with a building permit.

- (a) **Policy:** The Neskowin Community strongly supports Tillamook County's regulation of erosion, sedimentation, grading and related ground-disturbing activities at construction and other land development sites within and immediately adjacent to the Neskowin

Community Growth Boundary ("Erosion Control").

- (a) **Policy:** The Neskowin Community urgently requests that Tillamook County acquire additional staffing to be dedicated to the development and enforcement of Erosion Control in the 1999 budget process and/or apply for grant money for the same purpose.
- (c) **Policy:** Tillamook County shall place top priority on revising the Tillamook County Land Division Ordinance to include Erosion Control regulations.
- (d) **Policy:** Tillamook County shall place top priority on scheduling meetings with the Standing Land Use Committee and the Neskowin Community to develop Erosion Control regulations for the Tillamook County Land Division Ordinance and individual lots.
- (e) **Policy:** Tillamook County shall include pre-ground disturbing permits and penalties where necessary in the Erosion Control regulations to assure adequate public involvement in land development decisions affecting the Neskowin Community.
- (f) **Policy:** Tillamook County shall apply erosion control regulations to the construction of driveways in addition to road rights-of-way and easements.

8.6 Change Zoning and Construction Regulations to Support Neskowin Community Values.

Neskowin's citizens have expressed themselves emphatically about what they value about Neskowin -- what makes this place special. Of the eleven values ranked highest, eight speak directly about the built or unbuilt environment, and the other three, while specifically about the social fabric, are also directly affected by the way houses, yards, driveways and streets relate to nature and to the community.

The things we value, we naturally wish to protect, and certain land use practices we have seen in this community and elsewhere in the County indicate that present zoning laws do not adequately protect what we value about Neskowin.

Present setbacks and height restrictions allow buildings to be built which overwhelm the delicate scale and character of existing neighborhoods or the natural environment. Much of the remaining open space is paved; building fronts are primarily garage doors. Tall, wedge-shaped, empty towers are built on hillsides to support single-story houses. Essentially all of the Community Values Survey Responses ranked from 1 to 11 are threatened by development of this type, which is to say that if we do not impose controls, what we value about Neskowin will be lost. The following concerns and proposed remedies are supported by the community.

- (a) **Policy:** The Neskowin Community Plan recommends that the County adopt the measures and definitions listed below for building permit applications within the CGB to

protect Neskowin and support our values:

Limit Driveways.

Driveway Connection to the street shall be limited to 25% of the street frontage of the lot, but not less than twelve feet.

This recommendation supports the following Community Values Survey Responses: 2, 3, 4, 5, 6, 7, 8, 11, 15

Provide Open Space.

Present side yard setbacks do an adequate job of fire separation, but do not provide significant open space, as would be required, for example, for visual separation of buildings on hillsides. Maximum building dimension shall be limited to seventy percent of lot dimension, measured along the same line, except on lots smaller than 3000 square feet which are already covered by a special section of the Tillamook County Land Use Ordinance.

This recommendation supports the following Community Values Survey Responses: 1, 2, 3, 4, 5, 6, 7, 8, 11, 15

Change "Building Height" and "Grade" Definitions

(See May 25, 1997, Land Use Group Recommendations in Appendix File in Dept. of Community Development).

This recommendation supports the following Community Values Survey Responses: 1, 2, 3, 4, 5, 6, 7, 8, 11, 15

New definitions:

Building Height: The vertical distance from Grade to the surface of the roof or highest surface of any building element or projection.

Grade: The elevation of the undisturbed surface of the earth below a proposed building or structure.

8.7 Streets and Driveways - Adopt "Skinny Streets" Standards for Public and Private Roadways.

This recommendation supports the following Community Values Survey Responses: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, and 18.

Like many older, small communities throughout Oregon, Neskowin was developed with streets

that are smaller than modern widths usually built in today's urban environments. Neskowin residents generally support the absence of sidewalks because these narrow streets are pedestrian-friendly. These "skinny streets" in Neskowin give the community much of its beachy, village-feel.

As Neskowin demonstrates, the benefits of skinny streets are more efficient use of land, lower maintenance costs, a decrease in stormwater runoff, improved traffic safety, an increase in the market value of property, a decrease in construction costs and a heightened sense of "community" which comes from neighbors walking and bicycling.

Skinny streets standards developed by the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation ("ODOT") are safe and legal in Oregon. Many of Oregon's cities have already adopted skinny street standards. These communities are both large and small. We believe this concept is just what Neskowin has in mind.

This Plan eliminates the need for unnecessarily wide streets in appropriate areas of Neskowin both inside and outside of the CGB through "skinny streets" standards.

- (a) **Policy:** Skinny Streets standards shall be added to existing Tillamook County subdivision standards. The Standing Land Use Committee and Tillamook County shall meet no later than sixty (60) days following the adoption of this plan by DLCD to formalize a work plan and schedule to identify key elements of such standards, consult Tillamook County emergency services providers, and develop standards.

8.8 Mitigate Impacts from Development on Highway 101 Traffic Flow

This recommendation supports the following Community Values Survey Response: 1.

- (a) **Policy:** Develop policies and procedures to mitigate direct, indirect, and cumulative impacts of subdivision development on Highway 101 traffic flow and ingress/egress to and from the highway.

8.9 Adopt Increased Regulatory Protection for Significant Natural Resources

This recommendation supports the following Community Values Survey Responses: 2, 3, 5, 7, 10, 15.

- (a) **Policy:** Adopt more stringent regulatory protection for areas specified through the process described in Policy 8.9(b) within and outside (adjacent to) the CGB to protect significant natural resources and to provide for environmentally sensitive growth.

- (b) **Policy:** The Standing Land Use Committee and Tillamook County shall meet no later than sixty (60) days following the adoption of this plan by DLCD to formalize a work plan and schedule to complete any remaining inventorying of significant resources (if any) and to develop ordinances for conservation and protection of significant resources.

To support and maintain the integrity of the buffer zone of SFW and forest zoning at the CGB, and to protect significant natural resources throughout Neskowin, a Natural Resource or environmental overlay zone(s) was researched and recommended for lands both within and outside of (adjacent to) the CGB where the natural features of the landscape are not amenable to development either because of the need to provide aesthetic, livestock or wildlife buffers between developed land and working farms or silvicultural activities, or because the natural resources on that land are fragile or have important functions and values (for example, wetlands, estuaries, anadromous fish habitat, steep canyon walls and special forest ecosystems). Environmental overlay or "E-Zones" have been successfully implemented in other Oregon communities to protect resources that have been identified by the community as providing public benefits. The single zoning overlay, when properly and carefully drawn, encourages innovation and flexibility in site planning and provides for development that is carefully designed to be sensitive to the site's resources. These kinds of zoning overlays also carry out Comprehensive Plan objectives and policies.

There are two types of E-Zones: Environmental Protection Zones ("EP Zones") and Environmental Conservation Zones ("EC Zones"). EP Zones provide the highest level of protection to the most important resources and values. The EC Zones conserve important resources and values in areas where the resources and values can be protected while allowing environmentally sensitive development. EP and EC Zones are "overlay zones" which allow some development to occur and apply in addition to zoning requirements of the base zone.

Tillamook County opposed the creation of E-Zones stating the following reasons:

We have serious concerns about both the need for and the implementability of E-zones. Current Tillamook County regulations protect natural resources and sensitive features. While we agree that the existing regulations could be improved in some areas, we are not convinced E-zones improve upon our existing regulations such that implementing an entirely new regulatory method is warranted. Adding to the difficulty is the fact that there is very little detail in the proposal regarding how the E-zone would function. (*See Tillamook County Department of Community Development written comments to Draft Neskowin Community Plan dated April 11, 1998.*)

The community does not agree with the County that there is little need for an E-Zone (or similar overlay zone), that such regulation is not implementable, or that current regulations adequately protect natural resources. However, at the April 25, 1998 Neskowin community meeting, a consensus between the County and the community was reached that the existing regulatory framework of resource protection zones and overlay zones, if significantly enhanced, could

achieve the level of environmental protection required under state land use law.

The community and the County further agreed to identify natural resources, and regulations needed to protect resources, through a collaborative process to begin as soon as possible, but no later than upon completion of the Neskowin Community Plan. Because the development of protective regulations depends upon an inventory of natural resource areas where the rules will apply, rules for implementing these zones should be developed by a joint subcommittee of the Standing Land Use Committee and the Natural Resources Group.

8.10 Protect Natural Features in Land Development.

This recommendation supports the following Community Value Survey Responses: 5, 7, 10, 14, and 15.

- (a) **Policy.** Identify and Protect Natural Features in Land Development Plans and Proposals
- (b) **Policy.** Any plan for subdivision or other development (such as major partition, planned development, or similar development) shall identify the listed features:

- Wetlands
- Surface Water Bodies
- Riparian Areas
- Trees (dbh greater than 48")
- Rock Outcroppings
- Drainage Swales
- Scenic Areas and Vistas

Significant natural features of land inside and outside the CGB benefit the entire Neskowin community. These features include such things as rock outcroppings, large trees or stands of trees, wetlands and creeks, fish and wildlife habitat and outstanding views.

Currently there is no overlay zone in the Zoning Ordinance which adequately inventories and protects these features while allowing balanced development and growth to occur. While the Neskowin community and Tillamook County have agreed to improve existing regulations, it will take some time to conduct and complete the work for Neskowin.

9. NATURAL RESOURCES

Appreciation for and protection of the natural environment are recurring themes in the Neskowin Community Values Statement. These values are addressed under State Planning Goals 5, 7, 16, 17, and 18.

The Neskowin Community Growth Boundary (CGB) extends north from the Cascade Head Scenic Research Area of the Siuslaw National Forest to the southern boundary of the Daley Lake wetlands. Within the Neskowin Community Growth Boundary are diverse geological and hydrological features: beach, dune, basalt intrusions, wetlands, low and high gradient streams, forested uplands, rocky ocean cliffs and landslide topography. Initial settlement occurred primarily in the dunes and floodplains of Neskowin, Sutton, Butte, Hawk and Meadow Creeks. As the floodplains have been developed for residential, agricultural and recreational uses, the creeks, which naturally meandered within their floodplains, have now been confined to single channels. Neskowin's lowlands (dunes and floodplains) are surrounded by the slopes of the Coast Range and Cascade Head.

9.1 Hillsides and Cliffs

Hillsides and cliffs are subject to sliding, especially after vegetation has been removed and the soil becomes saturated with water. Several slides have occurred within the CGB because roads have been constructed at the toe of a slope or in the middle of a slope around headwalls and springs (see Map of Natural Features in Appendix File in Dept. of Community Development). The occurrence of sliding or slumping in certain local land forms and soil types (see Disturbance History, Appendix A) in combination with the steepness of Neskowin's slopes emphasizes the need for geological hazard analysis and erosion control measures.

Under Tillamook County Land Use Ordinance 4.070 (5/87), geologic hazard analysis reports must be done for development of areas meeting certain criteria. Within the Neskowin CGB, these areas are inactive landslides, landslide topography, mass movement topography where slopes are greater than 19%, and other locally known areas of geologic hazard based on evidence of past occurrences. (See Appendices 8 and 11)

Recommendations and Background

- (a) **Policy:** Both the County and the Neskowin Community will continue to map and photograph areas of slides, slumps and cracks to add to County inventory of areas where geologic hazard analysis may be required.
- a. Several slides have been initiated by road construction: the late 1960s slide across Highway 101 from the western slope of the ridge separating Hawk and Neskowin Creeks, a 1996 slide across a portion of road above Neskowin Woods, a slide from an old logging road on southern side of Butte Creek, a slide/slump from a crack along the edge of a cleared lot on the northern slope above Butte Creek, and a slide from old logging road below the same cleared lot.
 - b. The southern slope of the ridge between Hawk and Neskowin Creeks is prone to sliding and slumping, as evidenced by a slide which carried a standing tree downhill in 1996.

(b) **Policy:** The Community supports countywide adoption of a policy requiring independent review of geologic hazard reports.

9.2 Streams

As displayed on the Map of Natural Features (see Appendix File in Dept. of Community Development), Neskowin Creek enters the Neskowin CGB from the southeast. Butte Creek joins Neskowin Creek in the small estuary east of Proposal Rock.

Butte Creek enters the CGB from the northeast and joins with the ditched portion of Meadow Creek (flowing from the north) in the Neskowin Golf Course. Hawk Creek flows westward through the Hawk Creek Golf Course and under Highway 101 before entering Butte Creek south of the Neskowin Golf Course. (Hawk Creek is the community water supply; the water treatment plant is located upstream of the Hawk Creek Golf Course.) Sutton Creek flows into Neskowin Creek upstream of the estuary.

The tidal influence extends up Butte Creek to the tide gates south of the Neskowin Golf Course clubhouse, up Neskowin Creek to the RV Park and up Sutton Creek through the Proposal Rock Subdivision.

Neskowin Creek has been proposed as a coho salmon source stream under the Coastal Salmon Recovery Initiative (CSRI). Neskowin Creek has runs of coho, fall chinook, chum salmon, winter steelhead and searun cutthroat trout (Oregon Department of Fish and Wildlife). Butte Creek and Hawk Creeks have historically had runs of coho, searun cutthroat and, likely, winter steelhead. The Meadow Creek wetland has habitat for resident cutthroat trout and overwintering habitat for chum and coho salmon, as well as searun cutthroat trout. The golf courses and the agricultural lands east of Highway 101 provide little streamside vegetation for fish and wildlife food and cover or for stream temperature moderation and sediment trapping.

Recommendations:

- (a) **Policy:** Amend the Tillamook County Comprehensive Plan to include documented use of Neskowin streams by anadromous fish.
- (b) **Policy:** Include Butte and Hawk Creeks as streams with documented use by anadromous fish.
- (c) **Policy:** Protect riparian areas and streams by applying the Goal 5 setbacks. At the minimum, Tillamook County shall apply and enforce existing setbacks along streams, as set forth in Section 4.080.
- (d) **Policy:** Add previously unmapped perennial streams (see Map of Natural Features,

Appendix File in Dept. of Community Development) to the Tillamook County Comprehensive Plan.

- (e) **Policy:** Add estuary designation to the tidally influenced riparian area along Butte Creek from the estuary up to the Neskowin Golf Course tide gates.
- (f) **Policy:** Encourage the establishment of riparian vegetation through the Hawk Creek and Neskowin Golf Courses.

9.3 Beach, Dunes and Wetlands

From Neskowin Creek north to Daley Lake, the lowlands are dominated by beach and dune features. Definitions used in the following paragraphs are from the Oregon Coastal Zone Management Association's *A System of Classifying and Identifying Oregon's Coastal Beaches and Dunes* (1979). A **beach** is a relatively narrow, sloping zone of unconsolidated materials extending from the low tide line landward to the uppermost line of tidal action. Neskowin's beach is relatively stable, with no net loss or gain of sand on an annual basis. Summer waves generally replace sand lost in winter. The **foredune** is the first ridge of sand situated immediately above the high tide line and parallel to the beach. Active foredunes are subject to wind-caused erosion or accretion and wave erosion or breaching. Areas of periodic wave incursion through the foredunes are shown on the Map of Natural Features (see Appendix File in Dept. of Community Development).

Deflation plains develop inland from the foredune where wind has scoured the sand down to the level of the summer water table. The small **wetland** at South Beach and Neskowin Marsh (Meadow Creek Wetland) likely originated as deflation plains. The South Beach wetland was dry in the summer months until its natural drainage was blocked by a road and the establishment of vegetation. Streams flowing into the Neskowin Marsh from upslope deposited sediment and organic materials and increased the permanent water supply into the wetland. Wetland vegetation develops according to the amount of water coverage during the year: rush and willow where the water table stands on the surface for 3-4 months and sedge where water stands for 6 or more months. Neskowin Marsh originally extended south through the present day Neskowin Golf Course to the estuary. Hawk Street was constructed through the western edge of the Neskowin Marsh, separating small portions of wetland from the larger wetland east of the road.

Other **wetlands** within the Neskowin CGB are within the floodplains of streams and/or have been created by road construction and ditching of stream channels. The Sutton Creek Wetland units were one wetland until separated by road construction beginning in the 1960s and continuing through the 1990's. The wetlands east of Highway 101 at the southern edge of the CGB were impounded when the construction of Highway 101 in the 1960's channelized a portion of Neskowin Creek and blocked the junction of an unnamed tributary with the main creek. In addition, fill from the slide across 101 was placed in the northern portions of the Highway 101 wetland unit.

Statewide Planning Goals 5 and 17 are protection goals for natural resources such as shorelands, estuaries, wetlands, riparian areas and wildlife. Under Goal 17, natural resources west of Highway 101 which have been determined to be significant **shall** be protected. Under Goal 5, natural resources **may be** protected after potential conflicting uses are evaluated for their economic, social, energy and environmental (ESEE) consequences. The SRI/Shapiro/AGCO Report (1998) documents the significance of these resources.

For all wetlands not given the designation of "significant", proposals to alter the wetland by draining or filling will require state (DSL) and federal (COE) permits, with associated wetland determinations, and mitigation appropriate to compensate for functions being performed by the wetland.

Wetlands within the CGB are described in the SRI/Shapiro/AGCO document on file with Tillamook County and the Neskowin Community Association.

Recommendations and Background

- (a) **Policy:** Require Dune Hazard Reports (Tillamook Co. Land Use Ordinance 3.085 (BD) (5-B) for any subdivision or major partition of Neskowin's beach or dune areas.

This recommendation reflects the high impact that beaches and dunes have on Neskowin's Community Values, as well as State Land Use Goal 18.

Neskowin's first houses were built on the ridge west of the golf course and on the ridge parallel to Hawk Street as far north as the current location of Neskowin North. The Core residential area (zoned R-1 and R-3) is built on a foredune stabilized by the planting of European beach grass (*Ammophila arenaria*) in the 1930's. In the 1960s, The Point was created by riprapping and filling of the beach and stabilized with beach grass plantings. Beach front lots at South Beach were also developed by riprapping.

In 1979, Neskowin North was considered an active foredune area (CZMA) and may not have been developed under Goal 18 standards.

- (b) **Policy:** Rezone the county-owned property in Kiawanda Beach from R-1 to RN.

The relevant Community Values are: a place where a quiet, natural beach atmosphere is found on individually owned properties as well as along the streets and on public property; and a place where the environment and beauty of natural setting is prized.

Tillamook County owns approximately 20 acres of dunes at Kiawanda Beach extending south 2370 feet from the Neskowin North development. In a letter to the Neskowin Community Planning Participants dated April 1, 1998 (see Appendix File in Dept. of Community

Development), the Department of Community Development and the County Board of Commissioners concur that the property cannot be developed, and state that they are "open to alternative zoning" such as Recreation Natural (RN). The beach front area between the Core and Neskowin North shall remain zoned R-1.

(c) **Policy:** To comply with Goal 17, permit only the following uses in significant shoreland and wetland biological habitat:

1. Low impact recreational uses consistent with Section (4)(b)(1).
2. Existing park or golf course facilities which exist as of March 1, 1999 and maintenance of existing facilities. Improvements and additions, provided adverse impacts to shoreland and wetland habitat are not measurably increased, or are mitigated.
3. Repair, replacement or maintenance of existing structures and drainage facilities, provided that size or capacity is not increased (*unless necessary for improved fish passage, i.e., culverts or tide gates*).
4. Bank stabilization.
5. Vegetation management of non-native plants.
6. Maintenance and improvement of stream corridors for storm drainage purposes or for fish and wildlife enhancement.
7. Stormwater discharge.

(d) **Policy:** To meet Goal 17 guidance, apply 25-foot building setbacks to the edge of significant shoreland and wetland biological habitat areas.

Variances to the buffer requirement shall follow standard variance procedures. The variance shall only be granted where it is demonstrated that encroachment, along with any proposed mitigation, will not have negative impacts on the natural functions and values of the resource area.

Note: The additional buffer may impact the buildable area of existing lots in the community. The variance procedure would allow individuals to follow a process to obtain the right to build.

(e) **Policy:** Adopt the SRI/Shapiro/AGCO report, *Riparian, Wetland and Wildlife Resources within the Neskowin, Oregon Community Growth Boundary*, as part of the Neskowin Community Plan. Appendix A of the Shapiro Report is a map identifying wetlands; Table 2 of the report contains the findings and significance determination for each wetland. This significance determination shall be amended as follows, with the attached

wetland map produced by Tillamook County serving as the official significant wetlands inventory map:

- (i) Significant wetlands are: DCW-W; SW1-W; SW2-W; HCW2-W; SCW3-W; MC(NM)W1-W; MCW2-W; excluding all portions of these wetlands which occur west of Los Angeles Street (Hawk Street) or on residential lots in the Neskowin North Subdivision as of March 11, 1999.
- (ii) Non-significant wetlands are: BCW-E; HCW1-E; H101W-E; SCW1-W; SCW2-W; SBW-W
- (iii) The Shapiro wetlands map shows approximate location of wetlands; on-site wetland delineations shall be required prior to development activities which appear to be within 25 feet of a significant wetland, in order to determine precisely the extent of such wetland.
- (iv) Recognize that the Neskowin Golf Course is a continuing established use of a wetland, and allow improvements and expansion of facilities provided adverse impacts to wetland and shoreland habitat are not increased.
- (v) The community encourages Tillamook County to recognize the potential significance of the Highway 101 and Butte Creek Wetlands, and recommends protecting these areas from impact during the Goal 5 review process.

Sub-Policy 1: Recognize that the Neskowin Golf Course is a continuing established use of a wetland.

The Neskowin Golf Course is unique in its position in Neskowin, with Meadow Creek and Butte Creek traversing the course and flooding it in winter for extended periods of time. This flooding provides unique winter waterfowl habitat. (See discussion of fish use under *Streams* section.) There is diverse wetland vegetation at the northern and southern ends of the golf course, reflecting what the area would have been like prior to course development.

Sub-Policy 2: Recognize the potential significance of the Highway 101 and Butte Creek Wetlands and recommend protecting these areas from impact during the Goal 5 review process.

- (f) **Policy:** Support the community in developing and implementing a plan to restore and maintain natural areas (i.e. dunes and wetlands) which have been reserved from development.

Maintenance activities will include the reduction and control of populations of noxious and

invasive plants, such as Scot's broom and English ivy.

10. PUBLIC FACILITY PLANNING

10.1 Special Districts

There are three special districts existing in the Neskowin community: the Neskowin Regional Sanitary Authority; the Neskowin Regional Water District; and the Nestucca Rural Fire Protection District. Each provides services critical to our community's health and safety. Coordination agreements either exist or are being prepared by Tillamook County to ensure coordination of planning between these agencies, Tillamook County, and the Neskowin Community Plan.

The Sanitary Authority created a Capital Improvement Plan in 1997. The Water District developed a Master Plan in 1993.

The Unincorporated Communities Rule (OAR 660-22) requires that a public facilities plan be developed for water and sewer if existing facilities are insufficient for current needs or are projected to become insufficient, or if the community plan provides for additional growth or in-fill that cannot be adequately served with individual water or sanitary systems or by existing community facilities.

The Neskowin Regional Water District (NRWD) developed a Master Water Plan in April, 1993 (see Appendix File in Dept. of Community Development). This plan identifies improvements necessary to meet the 20-25 year projected demand, including prioritization and cost estimates. Information from the water district shows that several of the necessary improvements have already been completed. However, because the current facilities are inadequate to meet the development allowed in the plan, development restrictions are necessary to ensure that development occurs in such a way as to neither exceed the capacity of the land to provide potable water nor exceed the capacity of public facilities.

The combination of water service from NRWD within the district service area and individual water systems on land outside the district service area should be adequate for the projected growth over the next 20-25 years, as well as the ultimate buildout potential allowed under the Neskowin zoning. Only a small portion of the Community Growth Boundary lies outside the water district, and these areas are zoned for 20,000 square foot minimum lot sizes. Individual water systems should be adequate here. Given the extent of coverage of the water district within the community growth boundary, and given the progress the NRWD is making in implementing the Master Water Plan, it seems probable that individual water systems would be necessary in a limited number of cases, and that these cases would not exceed the capacity of the land to provide potable water.

The Neskowin Regional Sanitary Authority (NRSA) Capital Improvement Plan (see Appendix File in Dept. of Community Development) addresses the improvements necessary to serve the existing Service District, plus Neskowin Crest which is currently not in the Service District, as

the area develops toward full buildout. The improvements necessary total approximately \$1.2 million. Improvements necessary to expand service to the entire Neskowin Community Growth Boundary would substantially exceed this amount, and are therefore unlikely to occur in the near future.

The Neskowin Community Plan provides for development in areas where individual septic systems are unlikely to be sufficient for development of lots at the density allowed in the underlying zone. For example, R-1 zoning at the south end of Neskowin Heights would allow 7,500 square foot lots; however this area is currently outside the NRSA and on-site septic systems are unlikely to be feasible on 7,500 square foot lots here. Therefore, a public facilities plan is required by the Unincorporated Communities rule.

The NRSA is not able to expand to the CGB now or in the near future. In this situation, the Unincorporated Communities Rule requires either: (a) a list of improvements necessary, potential funding sources, and a requirement that development not occur until the necessary facilities are available; or (b) development restrictions to ensure development will not exceed the capacity of the land to absorb waste and will not exceed the capacity of public facilities. Because the more immediate concern of serving the current district is the dominant priority over expansion of the NRSA to the CGB, the appropriate method is to establish development restrictions as described in the rule.

It is clear that the objectives of the Neskowin Vision Statement and the Neskowin Community Plan cannot be achieved unless there is congruency between the special districts' plans and this Neskowin Community Plan. As an example, annexation decisions by special districts must be based on Neskowin Community Plan policies.

10.2 Public Facility Policy Recommendations

- (a) **Policy:** All actions and decisions by the Neskowin Regional Sanitary Authority and the Neskowin Regional Water District to provide or expand water or sewer service or capacity shall be consistent with the policies of this Neskowin Community Plan.
- (b) **Policy:** Approval for development shall not be granted until confirmation of water availability from the water district, or evidence of an alternative functioning domestic water supply, is presented to Tillamook County.
- (c) **Policy:** At this time, there appears to be substantial water available for development in Neskowin. In the future, if evidence of potential water supply limitations or depletion of surface or groundwater supplies becomes known, Tillamook County shall research the situation and adopt any necessary regulations to ensure that the capacities of the land and public facilities to provide water are not exceeded.
- (d) **Policy:** If sewer service is available to a lot, hookup shall be required prior to development.

- (e) **Policy:** If sewer service is not available to a lot, approval for on-site sanitation disposal shall be required prior to development, partition or subdivision of the lot.
- (f) **Policy:** Tillamook County will work with the Department of Environmental Quality (and where appropriate, the NRSA) to establish policies and procedures for assessing cumulative impacts of multiple septic systems in an area. Tillamook County shall impose regulations to ensure adverse cumulative impacts do not occur.
- (g) **Policy:** The Neskowin Regional Sanitary Authority, Neskowin Regional Water District, and Nestucca Rural Fire Protection District shall each adopt a Cooperative Planning Agreement with Tillamook County that is consistent with this Neskowin Community Plan.
- (h) **Policy:** Schedule and initiate a process for community dialogue concerning the CGB, Water District and Sanitary Authority boundaries.
- (i) **Policy:** Provision of sewer service shall be consistent with the policies of the Tillamook County Comprehensive Plan, particularly policy 3.5 of the Goal 11 Element which precludes provision of sewer service outside community growth boundaries except in certain situations involving health and water quality problems.

11. TOPICS FOR FUTURE DISCUSSION

Appropriately, and in accordance with the law, this process is not finished. There remain several unresolved topics which merit the consideration of the community, but which, due to time constraints, the Vision Committee could not present fairly to the community for inclusion in this plan. More issues will continue to arise as Neskowin continues to evolve.

Among possible topics for future discussion:

Are the county's sign ordinances appropriate for Neskowin?

Should Neskowin have a community Center?

How can offensive outdoor lights become attractive?

Should Neskowin's core area be designated a district with special design restrictions?

How can proper public access to the stumps be provided?

Should the speed limit on Highway 101 be decreased to 45 mph within the community growth boundary?

Should motor vehicles be prohibited on the beach?

Throughout the Vision Process and Periodic Review, the citizens of Neskowin have shown that what really makes Neskowin special is that so many competent people will take time from their busy lives to work for the good of the community. This level of engagement and commitment is priceless. It is our greatest resource.

APPENDIX A

SUMMARY OF NESKOWIN DISTURBANCE HISTORY

Neskowin land use has been shaped by natural and human-caused disturbances. Natural disturbances include fire, earthquakes, tsunamis, severe storms and associated floods and landslides. Human-caused disturbances include land-clearing (logging and farming), ditching and filling of streams, riprapping stream banks and sand dunes, road building, landslides caused by roads, filling of land and the introduction of invasive non-native plants.

The land was formed over millions of years of volcanic activity, sedimentary deposition by streams and rivers, uplift and subsidence. The Coast Range bedrock consists of basalts overlain by sediments (sand, silt, mud and volcanic debris) deposited in shallow seas. Younger volcanic flows intruded between these older rocks. For the past 10 million years, the Juan de Fuca plate of the Pacific Ocean floor has been dragged (subducted) beneath the North American plate. As a result, the Coast Range is rising and tilting eastward, and in the northern Coast Range, slightly southward (USDA 1998).

South of Neskowin is Cascade Head, an igneous headland predominantly composed of erosion-resistant basalt but surrounded by more erodible sedimentary rocks. Neskowin rises eastward to igneous marine hills comprised of volcanics and fine-grained sedimentary rocks, which are moderately erodible. Most of Neskowin is in the coastal lowlands, which are underlain by easily eroded sediments such as sand dunes. The hills east and south of Daley Lake, including Sahhali Shores, are marine siltstones and fine-grained sandstones, which are erodible to highly erodible; earth flows and deep-seated landslides are common in such areas. The Hills of Neskowin development is located in a geological type formed by landslide deposits and debris flows; this area is erodible and potentially unstable with regard to future landslides (USDA 1998 and State of Oregon Geologic Map, 1991).

Earthquakes

Earthquakes release energy built up as the ocean floor tries to slide under the continent. When the energy is released, the coastline subsides (drops) 3-6 feet, i.e. the sea level becomes 3-6 feet higher (Orr, Orr and Baldwin 1992). The stumps at South Beach resulted from an episode of subsidence approximately 2,000 years ago.

Tsunamis

Tsunamis are water waves generated by a sudden vertical displacement of the water surface, such as may occur during an earthquake. Wave velocities and heights depend upon water depth. The effects of the waves are modified by tide levels and weather conditions (NOAA 1993). Tsunamis affecting Neskowin would most likely be generated by earthquakes in Alaska. One model predicts that the maximum tsunami amplitude to hit Neskowin would be 4.35 meters (14.75 feet) (Whitmore 1994). The most recent large tsunamis to reach the Oregon Coast occurred in 1946 and 1964. The April 1, 1946 tsunami, resulting from a magnitude 7.8 quake in the Aleutian Islands, Alaska, was 5 to 7 feet high at Depoe Bay. The March 28, 1964, tsunami, resulting from a magnitude 8.4 earthquake in Prince William Sound, Alaska, caused extensive damage to the West Coast (especially Crescent City, California). Waves 10 to 11.5 feet high traveled up rivers and creeks along the Oregon Coast (NOAA 1993). No tsunami damage to Neskowin has been verified.

Storm Waves

Storm waves are generated by strong winds operating over a long stretch of water. (NOAA, 1993). Storm winds drive large waves against the dunes, resulting in dune erosion and, in January, 1939, the destruction of Neskowin homes, a barn and the campground's community kitchen (Rock 1997, p.108). Seasonal flooding results when winter storms interact with high tides.

Human-Caused Disturbances

Neskowin's beaches have been altered by riprapping (piling rocks to protect a bank) and the planting of European beach grass to stabilize the sand. Planting of beach grass in the 1930's created the foredune, a ridge of sand paralleling the shore and immediately above the high tide line. Beach grass has stabilized the foredune enough to reduce the amount of sand moving inland (Wiedemann, Dennis and Smith 1974). The lee side of a foredune may appear stable while the windward side of the dune is eroding. Construction requiring any excavation of the foredune exposes the site and adjacent areas to erosion, interruption of natural sand movement and wind-blown sands. The installation of riprap to protect structures can accelerate dune erosion by deflecting and intensifying the problem elsewhere (OCZM 1979).

Riprap has also been used to stabilize stream banks and redirect channel flow. This has been done in association with development and road-building.

Many roads have been built in locations subject to slope failure, as evidenced by the slide across Highway 101 in 1968 and slides from old logging roads in the Butte Creek drainage. Other roads have been built across wetlands or streams, blocking drainage and making continued road maintenance difficult.

One controversial road at South Beach resulted in the State's first court test of the July, 1967, Beach Law. As described in the 1977 Oregon State Parks publication about the Beach Bill, the developer began work on a private road which extended onto the beach approximately 200 feet seaward of the vegetation line. Less than two months before the Beach Bill passed, the developer pushed dirt, gravel and rock from his property over a 60 foot cliff onto the beach below until there was enough material to build the road. Prior to the bill becoming law, the developer applied for a beach (fill) permit and began extending the road northward parallel to the ocean for about 200 feet. After the Beach Bill was signed, he applied for a permit to complete the road and build a revetment. The permit was denied and a lawsuit followed. The developer removed part of the road and the rest was eroded by waves; the cliff continues to erode where it was exposed by the road-building.

Two more Neskowin cases challenged Oregon's Beach Bill. In January, 1968, sand was hauled across Hawk Creek in order to fill the area where the motel and restaurant complex was to be built. The bulldozers formed a new creek channel and a pool several hundred feet long in back of Proposal Rock. All the sand needed was moved before the case reached court (Sunday Oregonian, January 14, 1968). In March, 1968, G. W. Kanoff started work on "The Point" on beach grass stabilized dunes adjacent to the old bathhouse. The circular road was stabilized with riprap and land protection diking. Although a temporary restraining order was issued, work was later completed (Tillamook Headlight Herald, March 7, 1968).

As previously mentioned, a portion of Neskowin Creek was moved and riprapped to accommodate the "new" Highway 101 in the early 1960's. Sutton Creek was channelized through the pasture and forested wetland in South Beach. The rich bottomlands along the major Neskowin drainages were all farmed: Neskowin Creek, Hawk Creek, Butte Creek, and Meadow Creek. Old drainage ditches are still evident in the Butte and Meadow Creek wetland areas. At one time, Neskowin Marsh (Meadow Creek) was dry enough to pasture horses and cattle; Neskowin Marsh was also the site of a cranberry bog experiment in 1912-13. Other creeks and wetlands have been diverted and/or filled.

Another disturbance is the spread of noxious and invasive weeds. For example, Scot's broom and Himalayan blackberry are encroaching in disturbed areas (along roads and streams) where they out-compete all other species. English ivy climbs up into trees, smothering them, adding weight and making them more susceptible to wind throw.

The photos (under separate cover) illustrate many of the disturbances discussed in this section.

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**APPENDIX B:
SRI/SHAPIRO/AGCO INCORPORATED WETLANDS REPORT**

APPENDIX C:

Summary of Tillamook County Land Use Regulations Relevant to the Neskowin Community

This document summarizes various portions of the Tillamook County Land Use Ordinance and Land Division Ordinance for the purpose of education and facilitating discussion during the community planning process in Neskowin. These summarized portions are not all-inclusive, and should not be substituted for the actual ordinance in determining compliance with land use regulations. The regulations discussed below are subject to change. Zone definitions (R-1, R-2, C-1, etc.) are not summarized here; the appropriate sections of the Land Use Ordinance should be used directly for these zones.

Definitions and Abbreviations used in this summary

LUO = Tillamook County Land Use Ordinance -- deals with land use activities

LDO = Tillamook County Land Division Ordinance -- deals with subdivisions and partitions

The Department = Tillamook County Department of Community Development

Off-Street Parking Requirements (LUO Section 4.030)

Applicants are required to maintain 8-ft-by-20-ft off-street parking spaces adequate for the use of the property. For residential use, 2 spaces are required for a single-family dwelling and 1 space for each additional dwelling unit. Parking requirements for specific commercial and industrial uses are listed in the LUO.

Mobile Home and Recreation Vehicle Placement Standards (LUO Section 4.040)

Only certain zones allow Mobile Homes and RVs. Mobile Homes are allowed outright in the Rural Residential, R-3, and RMH zones, and as a Conditional Use in the R-2 zone. Recreation Vehicles are allowed outright in the Silver Valley Mobile Home Ranch (zoned RR), and as a Conditional Use in the Rural Residential and RMH zones.

In the Rural Residential, R-1, R-2, and R-3 zones, temporary placement of a mobile home or recreation vehicle to be used because of a Health Hardship can be allowed as a Conditional Use.

In any residential, commercial, or industrial zone, a temporary mobile home or RV placement can be allowed for use during construction of a use for which a building permit has been issued.

Setback Requirements and Height Restrictions (LUO Sections 3.010 - 3.032)

Each zone (e.g. Rural Residential, Neighborhood Commercial) includes standards for setbacks and building height. In residential zones, the setbacks are 20 ft from the front property line, 20 ft from the rear, and 5 ft from the side property lines. On corner lots, the setbacks are 20 ft from the front, 15 ft from the street side property line, and 5 ft from the rear and non-street-side property lines. A residential use in a commercial zone has the same setbacks as in a residential zone. Other uses in a Commercial zone require 5 ft side and 10 ft front setbacks for parcels adjacent to residential zones, and no setback for parcels not abutting residential zones. In the case of a zero setback, the structure shall be placed on the property line or else set back at least 3 ft from the property line.

Building heights are limited to 24 ft for oceanfront or bayfront properties, and 35 ft elsewhere. Building height is measured as the distance between the peak of the roof and the existing (pre-development) grade, measured at the midpoint of each exterior wall and averaged.

Exceptions to Dimensional Standards (LUO Sections 5.100 and 5.110)

Yard setbacks may be reduced under certain circumstances. On a lot 7500 sq ft or less in size, either the front or rear yard may be reduced to 10 ft, provided certain requirements are met. On a lot less than 3000 sq ft in size, front and rear setbacks combined must be at least 30 ft, but no more than 50% of the lot can be covered with any structure. On narrow lots, side setbacks may be 10% of lot width (minimum 3 ft). In certain cases, the average front setback of neighboring lots may be used as the front setback. In the Hawk Creek Hills and the First Addition to Hawk Creek Hills Subdivisions, front setbacks are 5 ft.

Structures are excluded from setbacks, with the following exceptions. Detached accessory structures may be located in the rear and side setback, but no closer than 3 ft to a property line. Projections from buildings such as eaves and chimneys can project 18 inches into setbacks. Decks, porches and steps <30 inches high may extend into setbacks provided they maintain half the front setback, 10 ft on a street side setback (corner lot), and 3 ft for other sides setbacks and the rear setback. Higher decks, etc., can project 24 inches into any setback. Decks that extend into setbacks cannot be covered or enclosed.

Geologic Hazard Areas (LUO Section 4.070)

The most common Geologic Hazard Areas include: areas mapped as active landslides; oceanfront bluffs where erosion and sliding are identified as problems in the Comprehensive Plan (e.g. the AOcean Ridge≅ area); locally known hazard areas based past occurrences; and areas of mapped Alandslide topography≅ where slopes exceed 19%.

In geologic hazard areas, all development must comply with standards minimizing

vegetation removal, controlling runoff and erosion, and requiring prompt revegetation. Most development activity* in these areas also requires a Geologic Hazard Report completed by a geologist and an engineer and reviewed the Department. The Geologic Hazard Report is required to address the conditions of the site and surrounding area, and standards for development that will minimize the risk of geologic hazards.

* (Specifically, planned developments, coast resorts, subdivisions, partitions, building permits, mobile home permits, and sand mining. On lots 20,000 sq ft or larger, building and mobile home permits require Hazard Reports for areas of landslide topography only where the proposed structure is to be sited on slopes greater than 29%.)

Riparian Protection (LUO Section 4.080)

Riparian areas are defined as: 50 ft from lakes larger than 1 acre, estuaries, and the main stems of the following rivers where the river channel is >15 ft in width: Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem, and North and South Fork Nehalem River; 25 ft from other streams with channel widths of >15 ft; 15 ft from all other perennial streams. The riparian area for estuaries is measured horizontally (not as a slope distance) from the mean high-water line or the line of non-aquatic vegetation, whichever is more landward. For other water bodies the measurement is made from the ordinary high-water line.

Development is prohibited within the riparian area with the exception of: bridges; waterdependent uses; where natural features allow a smaller riparian area to protect equivalent habitat values; where an area is so degraded that additional development will have minimal negative impact. Exemptions from the riparian setback may be granted in certain areas where pre-existing lots are not large enough to provide a reasonable building envelope when the riparian setback is applied. These exemptions are required to be the minimum necessary to accommodate the use after the opposite yard setback has been reduced to half.

In addition to restricting development, the ordinance limits removal of riparian vegetation by prohibiting removal of trees or more than 50% of the understory vegetation within the riparian area (with certain exceptions).

Flood Hazard (LUO Section 3.060)

This section contains standards for development activities within flood-prone areas. By enforcing this ordinance section, Tillamook County qualifies for federal flood insurance. Specific development standards depend on the flood zone, which is determined from maps provided by the Federal Emergency Management Agency (FEMA). In general, structures are required to have the first finished floor at least 1 ft (and in some areas at least 3 ft) above the 100-year flood elevation. Stricter standards are established for floodways. In Flood Hazard Areas, construction materials and utility installations are required to be resistant to flood damage. Recreation Vehicles must be Ahighway ready≡

or else meet the flood standards as manufactured homes. Development activities that could affect or be affected by flooding and which are not covered by a building permit or other permit are require a Development Permit under this Ordinance section (an example is the placement of fill in a floodplain).

Wetlands (LUO Section 3.092)

Wetland areas that are mapped and identified in the Tillamook County Comprehensive Plan as Significant Goal 5 (freshwater) or Goal 17 (coastal) wetlands are protected under the LUO. Development is allowed only if it will not result in major impact to significant wetlands. The relevant sections of the LUO are 3.090 Shoreland Overlay Zone (coastal wetlands) and 3.092 Freshwater Wetlands Overlay Zone.

All wetlands, whether or not they are identified as Significant in the Comprehensive Plan, are under the jurisdiction of the Oregon Division of State Lands (DSL) and the US Army Corps of Engineers and are regulated accordingly.

Beach and Dune Overlay Zone (LUO Section 3.085)

The purpose of this zone is to protect natural values of beaches, foredunes, interdune areas, deflation plains, stabilized dunes, and conditionally stable open sand areas, and to reduce the hazards to human life and property associated with these areas. The zone establishes uses allowed outright, conditionally, and with specific standards, and establishes site development requirements for those uses. Except in already developed beachfront areas, development is generally restricted to stabilized or conditionally stable foredune areas not subject ocean undercutting or wave overtopping. Oceanfront structures are required to be landward of the Oceanfront Setback Line (OSL), which is generally defined by the most oceanward points of the nearest structures to the north and south of the proposed structure. Placement of structures in hazard areas requires a Dune Hazard Report which reviews hazards present and methods for minimizing those hazards in design and construction of the structure.

Activities such as foredune breaching and grading, and sand stabilization have specific standards. Site development requirements for all development include protections of deflation plain areas and groundwater, and standards for land grading practices to minimize erosion.

Conditional Use (LUO Article VI)

Conditional Uses are uses which can be allowed when review shows them to be appropriate at a particular site within a zone. Notice of a pending Conditional Use decision is sent to all property owners within 250 ft of the subject property and notice is placed in the *Headlight Herald* newspaper. A 10-day public comment period is provided.

At the end of this period the Department reviews the proposal relative to the Conditional Use criteria, which include such considerations as: whether the parcel is suitable for the

proposed use; whether the proposed use is compatible with the surrounding area and uses on surrounding properties; and whether there are adequate public facilities for the proposed use. The proposal is also reviewed for compliance with all other applicable ordinance provisions. The Department renders a decision, completes a staff report, and sends notice of the decision to all property owners within 250 ft. There is a 10-day appeal period, during which any party to the decision may appeal the Department's decision to the Planning Commission. At the end of the appeal period, if no appeal has been filed, the decision is final.

Variance (LUO Article VIII)

A Variance is a deviation from a dimensional requirement of the ordinance, which is granted to avoid causing undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. The procedure is the same as that described above for a Conditional Use. The criteria which a Variance request must meet serve to establish whether: requiring a specific standard be met on the property would preclude the enjoyment of a substantial property right; the proposal will preserve the rights of adjoining property owners; there are no reasonable alternatives requiring lesser or no variance.

Non-Conforming Use or Structure (LUO Article VII)

...is a use or structure which does not conform to one or more standards of the LUO, yet which existed prior to those standards going into effect. (Also known as a Grandfathered use or structure) Non-conforming structures may be altered so long as there is no change in the external dimensions. If a Variance is approved, a non-conforming structure can be expanded up to 20%. Any additional expansion requires the structure be brought into compliance with all applicable standards. There are similar standards for non-conforming uses.

Minor Partition

A Minor Partition is the creation of two or three parcels from a single parcel within one calendar year, and does not involve creation of an access easement. Each parcel created must abut a public or private road for at least 25 ft. A Minor Partition is completed by a Registered Surveyor, is submitted to the Tillamook County Surveyor's office, and is reviewed by Community Development only for compliance with the lot dimension standards of the zone.

Major Partition (LDO Sections 10-16)

A Major Partition is either the creation of an access easement, or the creation of an access easement and two or three parcels from a single parcel within one calendar year. A Major Partition is required to meet the standards of the Tillamook County Land Division Ordinance (LDO), including construction of improvements (e.g. roads) to the standards

of the LDO. The applicant submits a Tentative Partition Plan, which is reviewed by this department for completeness and compliance with LDO and LUO standards. Upon approval of the Tentative Plan, there is a 21-day appeal period. Following this appeal period, the applicant has 45 days to complete improvements and obtain Final Plan approval. Unlike for a Subdivision, there is no public hearing for a Major Partition.

Subdivision (LDO Sections 20-43)

A Subdivision is the creation of more than three lots from a single lot or parcel within a calendar year. The applicant submits a Tentative Plat, along with sufficient supporting documentation to show compliance with all applicable standards of the LUO and LDO. The proposal is sent to agencies having an area of responsibility affected by the subdivision (e.g. the appropriate water district, the Oregon Department of Fish and Wildlife, the appropriate fire district) for their review and input. The applicant is given an opportunity to amend the proposal based on agency input. This department prepares a staff report for the Planning Commission, including a recommendation of approval or denial. Then a public hearing is held before the Planning Commission. If the Planning Commission approves the Tentative Plat, the applicant has 12 months to complete improvements (e.g. roads and utilities) and obtain Final Plat approval. Time extensions are possible.

Planned Development (LUO Section 3.084)

A Planned Development is a specific type of Subdivision that is allowed in areas where natural features or other factors make flexibility in subdivision design essential. Subdivision layout, lot dimensions, and setback requirements are established through the Planned Development process (the requirements of the underlying zone do not apply). The applicant submits a development plan (a conceptual proposal, not a hard-and-fast plat), which is reviewed by this department and appropriate agencies. Based on staff's Planned Development Review, the applicant can amend the development plan before presenting it to the Planning Commission. The Planned Development typically is heard by the Planning Commission in conjunction with at least the first phase of the Subdivision(s) that will implement the development plan.

Appeal (LUO Article X)

Administrative land use decisions made by the department may be appealed to the Planning Commission. Decisions of the Planning Commission, whether on appeal or a decision originating with the Planning Commission (such as a Subdivision), may be appealed to the Board of County Commissioners. Board decisions may be appealed to the state Land Use Board of Appeals (LUBA). LUBA decisions are appealable to the state Court of Appeals, and from there to the Oregon Supreme Court.

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