

## **INTRODUCTION**

The Comprehensive Plan is the most important land use document of the City of Manzanita. Its purpose is to establish goals, objectives and policies for the future of the community. The Comprehensive Plan has the force of law. It is intended to guide development in a way that is in keeping with the desires of the majority of the citizens and property owners in the City and Urban Growth Area.

Citizens, members of the Planning Commission and City Staff participated in the preparation of this plan. Through sound planning, the goal is to achieve conditions for living and recreation which will be of greatest value to residents of the City, both permanent and temporary.

The plan is not static. This document is the update of the original plan which was prepared in 1975, and revised in 1986, 1987, 1990, and 1995 and must be kept up to date to deal with current conditions. In order to insure this, the plan and its implementing ordinances such as zoning and subdivision regulations must be revised periodically. The City reviews zoning and subdivision regulations annually, and often uses language provided in the Model Development Code for Small Cities. ORS 197.629 exempts a city with a population of less than 2,500 within its Urban Growth Boundary from a mandatory periodic review process. (Amended by Ord 06-03, passed 9/18/06)

The Comprehensive Plan was prepared under a grant from the Oregon Land Conservation and Development Commission, and is intended to conform with the requirements of the statewide planning goals and guidelines. The planning horizon for this document is the year 2010.

## **COMPREHENSIVE PLAN POLICIES**

The overall policies of the plan are:

1. The plan is long-range.
2. The plan overrides other city ordinances, such as zoning, subdivision or other ordinances when there is a conflict.
3. The plan is the means by which conflicts are resolved; its interpretation by decision makers, city staff or the courts should resolve differences of opinion in the use of land.
4. The plan is intended to protect the natural environment, while encouraging high quality development in an orderly manner.

5. The plan must be coordinated with other jurisdictions or districts to be valid.
6. The plan must have the support of the majority of the community.
7. The plan is not to be used for the benefit of a few property owners or special interests, but for the city as a whole.
8. Adequate factual information must be developed for the plan goals, objectives and policies to be effective.
9. The plan and its implementing ordinances, such as zoning and subdivision regulations, must be reviewed on a periodic review cycle, every five to seven years.

### **(LCDC GOAL 1)**

#### **THE CITIZEN INVOLVEMENT PROGRAM**

Citizen involvement in Manzanita is consistent with the statewide citizen involvement goal, "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process".

It is the policy of the Planning Commission and City Council that the city program is appropriate to the scale of the planning effort. Manzanita is a quiet, scenic, residential and resort community. There is access by citizens and property owners to the decision making process, both of the Planning Commission and City Council.

Citizens are urged to take part in the meetings and/or to apply for positions on city commissions or committees. No action is taken concerning improvements in public facilities, changes in the Comprehensive Plan or implementing ordinances without public hearings and much public discussion.

In the preparation of the original plan and the recent revision, daytime and evening meetings or workshops were held with both the Planning Commission, Citizens Advisory Committee and the City Council. Coordination took place with Tillamook County and other jurisdictions. The planning activities were publicized through the local newspapers.

## **CITIZEN INVOLVEMENT POLICIES**

1. The Planning Commission, which is the committee for citizen involvement, shall represent a cross-section of people in the community and shall be chosen in a fair, well-publicized manner.
2. Well publicized open public meetings shall be held in which citizens' feelings and concerns are the foundation of decision making.
3. Citizens are urged to become involved in all phases of the planning process, from the identification of issues to the adoption of policies.
4. Technical information, the Comprehensive Plan and City Ordinances are available at City Hall at nominal cost through the City Clerk or City Manager. Information shall be written in such a way that it is clear and understandable.
5. Citizens shall receive responses from decision makers in the manner that has been carried out since the city was incorporated: By direct response at meetings, by letter, or through discussions with city staff.
6. Through the Planning Commission budget, financial support shall be made available for citizen participation. The city funds a newsletter, notices in local papers, paid secretary time for planning meetings, and the salary of the City Manager.

## **PLAN ADOPTION AND AMENDMENT**

The Comprehensive Plan is to be adopted by an ordinance of the City Council, based upon the recommendation of the Planning Commission.

Changes to the plan shall be made only after study and adequate public discussion. Private individuals or groups requesting a plan change are required to show that circumstances related to the general welfare of the city require such a change, and that the public interest will be better served by the proposed revision.

Findings of fact shall be presented for a change request, which, as a minimum:

1. explain what plan goals, objectives or policies are being furthered by the change.
2. present the facts used in making the decision to change.
3. explain how the change will serve the public need.

Adequate findings of fact shall be made a part of the record in plan change hearings, and shall be made available for public review.

Procedural requirements for public hearings shall be established in the City's Zoning Ordinance. Zone changes must be consistent with the Comprehensive Plan.

## **PLAN DEFINITIONS**

### **GOALS:**

General statements of intent; statements describing the kind of community and environment desired in the city.

### **OBJECTIVES:**

Specific ends or targets which would aid in achieving the goals. Objectives describe the direction which the city wishes to progress.

### **POLICIES:**

The position the city will take in order to reach stated objectives. Policies are intended to be used on a day-to-day basis.

### **STANDARDS:**

Requirements, generally expressed in quantifiable terms, which regulate the use of land. Most standards are found in the Zoning or Subdivision Ordinances.

## **PLAN ORGANIZATION**

The Comprehensive Plan is applicable in the Manzanita Urban Growth Area. Land which is in the unincorporated areas of Tillamook County, but within the City's Urban Growth Area, shall be regulated jointly by the City and the County.

The plan consists of: 1- goals, objectives and policies arranged by topic; 2- plan background information; and 3- official maps which are on file at the City Hall. General sketch maps are included in the plan for reference purposes.

The public facilities plan is a separate document, but is consistent with other parts of the plan. The current status of public facilities projects is included in the background report.

The Land Use and Zoning map combines both the comprehensive plan land use categories and the zoning categories. A proposed map change requires both a plan change and zone amendment, which can be accomplished at the same hearings. The

mapped lines for the land-use categories are precise.

## **COORDINATION WITH AGENCIES**

### **GOAL:**

To insure that the programs, projects and activities of public agencies are coordinated throughout the area, and the growth and development affected by those agencies is in keeping with the desires of the citizens and property owners of Manzanita.

### **OBJECTIVE:**

It is the objective of the City of Manzanita to work with local, state and federal agencies when plans are prepared, ordinances adopted and actions are carried out under those plans or ordinances. Communications with agencies can be either formal or informal, but should be continual.

### **POLICIES:**

1. The City shall consult with Tillamook County and, where applicable, the City of Nehalem in the amendment of the Urban Growth Area.
2. The City shall participate in regional planning efforts such as the Nehalem Bay Wastewater Agency (NBWA), the regional water study, and regional recreation and police efforts.
3. Local, State and Federal Agencies have been and shall be involved in the Manzanita planning program.

### **(LCDC Goal 2)**

## **LAND USE**

This section of the plan deals with the way in which land is intended to be used and developed in Manzanita. Improvements such as structures are fairly permanent. Land use determines the kind of city Manzanita is and will be and is a matter of civic concern. A purpose of this plan is to influence future development by establishing land uses which are harmonious with each other and with the natural environment, as well as compatible with existing uses. The pattern of intended land uses is on the Manzanita Land Use and Zoning Map.

## GOAL:

To guide the development of land so that land use is orderly, convenient, and suitable related to the natural environment. The uses must fulfill the needs of residents and property owners, and be adequately provided with improvements and facilities.

## OBJECTIVES:

1. Designate separate land use areas within which optimum conditions can be established for compatible activities and uses.
2. Economize on public services and facilities.
3. Prevent the concentration of uses that would overload streets and other public facilities, or destroy living quality and natural amenities.
4. Establish standards and conditions for development which will provide citizens a reliable basis for consideration of private improvements.
5. Establish an efficient, economical relationship between private land use and public facilities.
6. Relate the use of land to the limitations and suitabilities of the natural environment, such as soils, wind, view, slope and vegetation.

## POLICIES:

1. To establish, where necessary, some separation or buffer between conflicting or incompatible land uses.
2. To classify land uses into categories of activities and structures which are mutually supportive.
3. Industrial and manufacturing land uses are not allowed.

## **RESIDENTIAL LAND USES, GENERAL**

Manzanita's primary asset is its residential character. The preservation of the quality of the City's neighborhoods is therefore an important element of the development plan.

## GOAL:

To maintain and create residential living areas which are safe and convenient, which make

a positive contribution to the quality of life, and which are harmonious with the coastal environment.

#### OBJECTIVES:

1. Maintain livability by preserving within residential areas natural places and other environmental amenities.
2. Establish residential densities suited to topography and soil conditions, public facilities, accessibility and prior land platting.
3. Protect the character and quality of existing residential areas and neighborhoods from incompatible new development.
4. Encourage street patterns which are curving and responsive to natural terrain rather than the traditional rectilinear grid pattern.
5. Make effective use of vacant city residential lots, particularly odd-shaped parcels and those isolated within blocks.
6. Encourage new residential development in established areas already zoned, serviced and developed for residential use.
7. Foster housing and living environments to meet the needs of families of different size, income, age, taste and life style.
8. Enhance the quality of residential areas with attractive public improvements. To eliminate conditions which contribute to blight, neglect and unsightliness, such as shacks, abandoned vehicles and machinery, dilapidated signs, fences, open storage and junk.

#### POLICIES:

1. Protect living qualities by requiring landscaped screening or buffering between dwellings and commercial uses.
2. Require that subdivisions include adequate public street access for each house and lot, paved streets, adequate water and sewer systems, storm drainage, underground telephone, TV Cable and electrical lines. Street plantings and trees are desirable. Improvements should be of good quality.
3. Permit a variety of dwellings and flexibility in densities and site design for large planned developments. Density standard established in the vicinity will

generally serve as the basis for the overall density of such planned developments. Special review and approval by the Planning Commission will be required. Projects will be expected to provide usable open space, community facilities and other special amenities. The clustering of dwelling units in order to leave a greater amount of land for open space is encouraged.

4. Require minimum lot sizes for single-family homes which adequately accommodate contemporary dwellings; separate structures for adequate light, air, fire-fighting access and prevention of the spread of fire; provide space for two family automobiles per single-family dwelling. Pre-existing lots of sub-standard size may be developed under special conditions.
5. Require, in areas without urban services, minimum lot sizes which will assure that no danger to the public health will result from water supply or sewage disposal into the ground.

### **LAND USE CATEGORIES**

In order to prevent confusion and future conflicts between the comprehensive plan and the zoning ordinance, the following land use categories are the same in both documents. In the future, changes to either land use categories or zoning designations will necessitate a change in both the plan and the ordinance.

For purposes of determining allowable density, the term “net acre” shall mean the gross area of an acre parcel less the amount of land needed for public right-of-way or 86% of the gross area of an acre parcel, whichever is greater. (Amended by Ord.14-02; passed on April 9, 2014)

#### **URBAN MEDIUM DENSITY RESIDENTIAL (R-2 Zone)**

This area is the primary residential zone of Manzanita. Single family dwellings and duplexes are both allowed on 5,000 square feet. Public water and sewer facilities are available throughout this area and are required. Other factors which may affect development are the presence of active dunes, foredunes (south of Laneda Avenue), or steep slopes, in which case the policies of the development hazards section of the Comprehensive Plan predominate.

#### **URBAN HIGH DENSITY RESIDENTIAL (R-3 Zone)**

High density development, including multifamily dwellings or apartment houses, are permitted outright in this area up to a density limit of fifteen dwellings per net acre. Low cost, affordable housing requiring lower land costs is encouraged to locate in this area.

## **URBAN HIGH DENSITY RESIDENTIAL/LIMITED COMMERCIAL (R-4 Zone)**

High density development, including multifamily dwellings or apartment houses, are permitted outright in this area up to a density limit of fifteen dwellings per net acre. This area is intended to be near the center of the city where traffic access is good and a variety of services are close at hand. Limited commercial service uses designed to serve the local population are envisioned which will provide a transition between the C-1 zone and the R-3 zone. Affordable housing is encouraged to locate in this area.

## **RESIDENTIAL MANUFACTURED DWELLINGS (RMD ZONE)**

This category is intended to provide an area for Manufactured Dwellings as an alternative form of housing.

## **SPECIAL RESIDENTIAL/RECREATIONAL AREA (SR/R Zone)**

Intended for major unplatted land areas where dwellings are appropriate, but where the character and density of the residential development has yet to be established. This land use category will allow greater freedom and flexibility in site design, setbacks and the use of open space than in medium and high density areas where standard platting has taken place. Uses may include single-family, or multi-family dwellings and commercial uses developed to serve the development.

Overall residential densities shall not exceed 6.5 dwelling units per acre. In determining dwelling densities, considerations will be given to the amount of designated open space areas, the quality of site and building design and other improvements and amenities.

## **COMMERCIAL (C-1 Zone)**

Intended for a wide range of retail and service uses to serve city residents and tourists, and for multi-family dwellings and motels. For greatest convenience, commercial uses should be clustered so that patrons can obtain a variety of goods and services with a minimum of time and travel. Such commercial concentrations are expected to provide a place for social contacts and will therefore be most appropriate in a central city location.

Where practical, joint use of common parking areas is encouraged. Pedestrian and vehicular access should be good, and off-street parking adequate for customer use. Loading space for commercial sites and the maneuvering and parking of cars should not create traffic hazards or undue conflicts with pedestrians.

Landscaping, to screen and enhance commercial sites and to ensure that structures blend suitably with native vegetation, will be required.

Areas for businesses which cater to motorists on U.S. 101 will be available. It is not intended that the highway be lined with business which would reduce highway safety and/or adversely affect the appearance of the city and the coast highway. Also, it is intended that residents should be able to obtain needed goods and services in the city without having to contend with highway traffic.

Adequate areas for local business are designated along Laneda Avenue. It is not expected that there will be a need for small, isolated businesses in residential areas. When planned as part of a large integrated development, small business establishments which cater to the residents of such development will be allowed in locations not specified on the development plan map.

### **LIMITED COMMERCIAL (LC Zone)**

The area 100 feet north and south of Laneda Avenue and 100 feet east of Ocean Road is designated limited commercial in order to control the scenic character of the ocean front and prevent possibly incompatible commercial uses. Commercial activities here are limited to tourist accommodations, eating and drinking establishments and other related activities.

### **(LCDC GOAL 14)**

## **URBAN GROWTH AREA POLICIES**

### **MANZANITA-TILLAMOOK COUNTY JOINT MANAGEMENT AREA**

1. The Manzanita Urban Growth Area consists of the land area within the City limits, plus the area served by the City Water System as of 1995. The boundary encompasses Necarney City, east of Necarney Road, the area between Manzanita and Bayside Gardens, and the area 100 feet north and east of U.S. Highway 101, north of Neah-Kah-Nie Lake to the eastward extension of the northern City Limits line, then west across Highway 101 and rejoining the City Limits. (See Urban Growth Area Map).
2. All development within the Urban Growth Area shall be connected to City Water Service, unless there are unusual circumstances such as extreme distance from a water main, in which case the City Council may postpone this requirement. Water and sewer capacity must be sufficient to serve proposed developments. NBWA requirements shall apply to all sewer connections in the Urban Growth Area.
3. The extension of sewer and water services shall be at the expense of the developer requesting service, unless adjacent property owners agree to

share the cost. System charges shall be established by the NBWA and the City of Manzanita for their respective services.

4. In the vicinity of Nehalem Bay, the Manzanita Urban Growth Area boundary shall conform to the line of the 100-year flood, as determined by Tillamook County and U.S. Department of Housing and Urban Development Flood Maps. Land use within the flood-plain shall be the responsibility of Tillamook County, and the uses shall be compatible with the Nehalem Bay environment.
5. Annexations or changes in the Urban Growth Area shall be carried out with the knowledge and participation of the County and affected property owners, and with adequate findings of fact on the part of both the City and County that the following factors are being considered:
  - a. A demonstrated need to accommodate long range growth consistent with the State goals;
  - b. A need for housing and employment opportunities;
  - c. The orderly and economic provision of public facilities and services;
  - d. Provision for efficiency of land uses within and on the fringe of the existing Urban Area;
  - e. Consideration of environmental, economic, social and energy consequences;
  - f. The retention of agricultural land as defined by the State goal, with Class I soils being the highest priority for retention and Class IV the lowest;
  - g. The compatibility of the proposed uses with nearby agricultural activities;
  - h. Changes to the Urban Growth Area boundary shall also conform to the procedures and requirements of Goal 2, Part II, exceptions of the LCDC goals and guidelines.
6. All development in the Urban Growth Area shall be consistent with the Manzanita-Tillamook County Urban Growth Area joint management agreement.

## **FINDINGS FOR THE ESTABLISHMENT OF THE URBAN GROWTH AREA BOUNDARY**

1. The City of Manzanita and the surrounding area is built largely on stabilized sand dunes. The tree cover is mature shore pine, with interspersed areas of beach grass. The plan encourages the maintenance of open space, and the rural character of the community.
2. The Manzanita area is one of the most developable communities in Tillamook County. It contains no agricultural lands, commercial land, forest lands, potential landslide areas, or major floodplains. Sewer service with adequate capacity, is available to most of the community.
3. The Nehalem Bay Wastewater Agency (NBWA) has assessed the land within the proposed Urban Growth Area boundary since 1975. The area proposed for inclusion in the Urban Growth Area Boundary has sewer lines on 3 sides, and is considered committed to development.
4. The Urban Growth Area Boundary is the same as the water service area of the City of Manzanita.
5. The Urban Growth Area purposely excludes several large areas of land that are within the sewer district boundary because of their difficulty in being sewered, their landslide potential, or their proximity to Nehalem Bay. Neah-Kah-Nie, Manzanita, Nehalem and Wheeler all have separate Urban Growth Areas within the NBWA boundary and assessment district.
6. A golf course occupies a large part of Manzanita, and consideration is being given to its expansion. The course could take up as much as 200 acres from the vacant land inventory of the Urban Growth Area. The area of land set aside as contingency would be absorbed. However, higher density development is permitted on the fringes of the golf course.

### **(LCDC Goal 5)**

## **NATURAL AND CULTURAL RESOURCES**

Policies relating to the preservation of natural resources are found throughout the Manzanita comprehensive plan. They pertain to the maintenance of existing vegetation, air, water and land quality, dune protection and the general character of the town. Information on the natural resources of the area is included in the background section, and in the Nehalem Wetlands Review (U.S. Army Corps of Engineers, February 1977).

In summary, the habitat of the Manzanita area is characterized as a shore pine/spruce ecotope or system, with nongame animals, such as songbirds, predominating along with

raccoons and other small mammals, with occasional game animals, such as deer or elk. As an urbanizing area, the City is considered low in biological productivity. The sand dune areas are basically transition zones from the ocean or estuary to the upland areas. Both the ocean and estuary are high in biological activity, the latter being generally considered the highest among habitat types.

The Nehalem Wetlands Review contains chronology of the Nehalem Bay Area. It notes that the "Kilamox Town" Indian Village Site on the upper portion of the Nehalem spit is the only known native settlement in the area. Its location has been eroded by river currents, however, and is of little value. There are several historic sites and structures in the surrounding area, as identified in the plan background information report.

#### **POLICIES:**

1. The City of Manzanita recognizes the need to conserve open space and protect natural and scenic resources. Planning policies shall be designed to preserve the low intensity character of the community, to promote uses which preserve natural values, such as the presently abundant plant and animal habitat, and to preserve the scenic character of the town.
2. The City shall cooperate with Tillamook County in its efforts to develop a sound plan for the Nehalem Bay Estuary; uses which occur in the vicinity of the Estuary, and within the City's Urban Growth Area shall be low intensity in nature in order to protect the ecological values of the Bay. The area of the bay south of Bayside Gardens is classified as a Wetland of importance by the Nehalem Wetlands Review, and should remain in its natural condition. (Please refer to Urban Growth Area policies). None of the Nehalem River Estuary is within the City's Urban Growth Area. Additionally, the Nehalem Spit and the archeological sites are inside the Nehalem Bay State Park, which is outside the Urban Growth Area.
3. If archeological sites are identified in the City, the City will coordinate with the State Historic Preservation Office in establishing a review procedure that meets the requirements of Oregon Administrative Rule 600-16-000 through 660-16-025.

#### **(LCDC Goal 4)**

#### **FOREST LANDS**

There is no commercial timber land within Manzanita. There are approximately 80 acres of shore pine forest in the Urban Growth Area east of the City. Although this is rated as having a site class of one, a field visit indicates this area is not suitable for intensive forest

management. The shore pine was introduced as a dune stabilization measure many years ago.

As the City grows to the east, and as it becomes more densely developed along existing streets, the maintenance of tree cover for the purposes mentioned above will become more important. Subdivisions occurring within the City have shown restraint in removal of trees for construction purposes. However, as development spreads east, the tendency may be to clear large areas to put in services and streets.

The large older stabilized dunes have been mapped and described in "A field investigation of geologic hazards in Manzanita, Oregon" by Martin Ross (1977); this report states that these areas are the most wind stable in Manzanita, and offer the best opportunity for development with proper planning and management. Policies concerning removal of vegetation in these areas are contained in the beaches and dunes section of the plan.

Other policies pertaining to forest lands in Manzanita are:

1. Efforts shall be made by the City to insure that all development and subdivisions retain as much of the natural forest vegetation as possible. Consideration must be given to the width of buffers to insure they are not subject to blow-downs.
2. Tree buffers or screens should be required by the Planning Commission of all development which abuts major roads, commercial areas, and the county transfer station. Buffers should be retained in the public or a common open space wherever possible to insure they are not disturbed in the future.
3. The City should consider efforts to preserve trees in the existing residential and commercial areas of the community. This could take the form of cutting permits for trees of a certain size, and services by City personnel to remove potentially hazardous trees.

**(LCDC Goal 6)**

## **AIR, WATER AND LAND QUALITY**

### **POLICIES:**

1. The City recognizes that Manzanita lies in a critical groundwater area and shall refuse to permit uses which the Department of Environmental Quality (DEQ) determines could pollute or adversely affect the aquifer. The City shall rely on the DEQ and/or other qualified experts to determine the impacts of proposed uses, and to develop a program to protect the aquifer. The City shall specifically prohibit the dumping, storage or use of hazardous wastes in the City or in its Urban Growth Area.

2. The City supports regional efforts to reduce environmental pollution, including non-point sources of pollution, through its compliance with applicable State and Federal Standards.
3. The City, through its Public Facilities Planning, shall bring its drinking water supply into conformance with the Safe Drinking Water Act.
4. The City shall work with the State Department of Forestry to encourage the enforcement of the Oregon Forest Practices Act and to reduce erosion from logging activities, particularly in the vicinity of Neah-Kah-Nie Lake.
5. Grading and excavation shall be controlled through Chapter 70 of the Uniform Building Code, and through policies designed to reduce erosion of cleared sites.
6. Manzanita will review all Department of Environmental Quality permits, notices of construction, air contaminant discharge permits, and indirect source construction permits, to insure that the proposed activity is consistent with the comprehensive plan. The City will formally respond only in those instances where there may be conflict between the comprehensive plan and the activity for which the permit is being sought.
7. The only source of noise pollution in the Manzanita area at the present time is U.S. Highway 101. The City encourages the Oregon Department of Transportation to maintain tree buffers along the right-of-way to reduce the noise impacts on adjacent properties.
8. The City will cooperate with Tillamook County to provide solid waste facilities, including recycling and transfer facilities, for the Manzanita area.
9. The City will coordinate all activities with DEQ to insure that development is consistent with State and Federal Rules and Standards.

### **(LCDC Goal 17)**

## **COASTAL SHORELANDS**

### **LOCATION OF SHORELANDS**

The Manzanita Coastal Shoreland Boundary is identified on the Coastal Shorelands Boundary map, which follows. The boundary was established in accordance with the Shorelands goal, which states:

The extent of Shorelands shall include at least:

1. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
2. Adjacent areas of geologic instability where the geologic instability is related to or will impact a coastal water body;
3. Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;
4. Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
5. Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
6. Areas of exceptional aesthetic or scenic quality, where quality is primarily derived from or related to the association with coastal water areas; and
7. Coastal headlands.

### **(LCDC GOAL 10)**

## **HOUSING**

### **GOAL:**

The City of Manzanita supports the Statewide Housing goal by its intention to provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Area and the City of Manzanita. (Amended by Ord. 08-02, passed May 7, 2008)

### **POLICIES:**

1. Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, duplexes and multi-family dwellings. (Amended by Ord. 08-02, passed May 7, 2008)

2. The City supports the efforts of the Northwest Oregon Housing Authority and other public, private and non-profit entities to provide needed low and moderate income housing, including for seniors. (Amended by Ord. 08-02, passed May 7, 2008)
3. The City, through its enforcement of the Oregon Residential Specialty Code, shall maintain a high standard of housing construction. (Amended by Ord. 08-02, passed May 7, 2008)
4. Dangerous buildings and other structures deemed to be hazardous shall be controlled by the City. Unsafe or unhealthy housing conditions shall be eliminated.
5. The City shall encourage innovative design techniques such as cluster development in order to promote the preservation of open space, to lower the costs of public facilities, and to maintain vegetative cover.
6. The City, in conformance with State law, will permit manufactured homes wherever conventional or site built single family dwellings are permitted. Standards for manufactured homes and manufactured dwellings shall be included in the zoning ordinance. Consideration should be given to allowing older manufactured dwellings, as well as single wide units, in manufactured dwelling parks.
7. Rehabilitation of existing dwellings, by public or private means, is encouraged as a method of conserving the housing stock.
8. The City should allow for and encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options. (Added by Ord. 08-02, passed May 7, 2008)
9. The City should regularly maintain and update the City's inventory of buildable land and use it to both identify housing development opportunities and assess the ability to meet future housing needs. If growth is occurring at a faster rate than previously predicted, work with the County to update the county's coordinated population forecast and the City's housing needs analysis. (Added by Ord. 08-02, passed May 7, 2008)

## **(LCDC GOAL 5)**

### **PARKS AND OPEN SPACE**

Manzanita is surrounded by an environment of outstanding variety and natural beauty, including two major State Parks (Nehalem Bay and Oswald West), the Nehalem River and its estuary, Neah-Kah-Nie Mountain, and Pacific Ocean, and thousands of acres of forest lands to the east. The City of Manzanita has many public spaces as well as the main city park at Pacific and Third Streets.

The background report contains an inventory of recreational facilities in the area. Indoor recreational space is provided at the Nehalem campus of Tillamook Bay Community College and the community center. The nine-hole Manzanita Golf Course, driving range tennis court, proposed skateboard park, basketball court, and nearby Hug Point and Oswald West Parks are for public use. The bay has seven (7) public boat launch sites, and Nehalem Bay State Park has over 300 overnight camping sites, including 17 campsites and corrals for horseback riders. The State has no plans for expansion of the park.

#### **GOAL:**

To create and maintain ample places and facilities for indoor and outdoor recreation and to preserve the natural environment and scenic qualities of the City and surrounding areas.

#### **OBJECTIVES:**

1. To provide parks, facilities and open space suitable for each segment of the population.
2. To provide at each park site for the widest practicable range of compatible recreation activities. Some natural areas should be retained, and different activities separated.
3. To preserve some open spaces within residential neighborhoods, to create a harmonious balance of open and built-up areas, provide recreation space near dwelling places and to help maintain community identity.

## POLICIES:

1. Expand and improve existing parks so that they receive maximum use and are adequate for future demand.
2. Offer to the City Council the right of first refusal of any and all vacated, donated and surplus lands.
3. Retain existing public ownership, rights of way and similar public easements which provide access to or along the ocean shore.
4. Encourage the involvement of local individuals and groups in the donation of land, labor, funds or equipment for the improvement of recreational facilities.
5. Require that new subdivisions include dedicated future park sites or open space. To require that large planned developments include a suitable amount of recreation or usable open space.
6. Explore and make use of appropriate financial, legal and administrative techniques to establish parks and open space such as Federal Grants, purchase of development rights or easements, special districts, user fees, park levies or bond issues.
7. Preserve and maintain soil, water, air, wildlife and other natural qualities in a natural state so that they may be used and enjoyed by this and later generations.
8. Manage the disposal of offensive and dangerous waste materials, so that they do not pollute or contaminate the environment.
9. Encourage the maintenance of beach access points, lowlands, drainages, wooded tracts and view points.
10. Preserve existing trees and natural growth, particularly where necessary to stabilize dunes or unstable soils to establish landscaping in commercial areas and other new developments.
11. Respect the limitations of the land. To insure that development avoids or makes proper allowance for steep, unstable and poorly drained soils and areas of high ground water.

12. Conserve natural wildlife habitats by concentrating future development in areas designated for urbanization and by preserving unique wildlife areas.
13. City Park Plan shall be followed in the future development of the Park. The City Council shall be consulted for all future Park development.
14. A "Pocket Park" somewhere in the central commercial area should be acquired by the City. This could form a central focus in the business area for the residents and tourists, a place to relax and possibly a location for public restrooms.
15. All city recreation facilities and public restrooms should be designed or converted for use by handicapped persons.
16. Encourage the State Department of Transportation, the County, and City to maintain and improve bike lanes by widening shoulders or, where feasible, constructing separate bike paths, including US 101. The city recognizes the value of the Oregon Coast Bike Route along U.S. 101.
17. The City should cooperate with the State Parks Division and Tillamook County to protect the integrity of the beach. Motorized vehicles should only be allowed on the beach for special purposes by permit. Shoreline protection structures shall be in conformance with the criteria of the State Parks Department. The City recognizes the value of the Oregon Coast Trail as a recreation resource for the State.
18. The property owned by Tillamook County and presently used as a solid waste transfer center site (the former dump site) should be considered as a recreational facility to serve the regional area. The site could be developed as a soccer field, softball field, or multi-use facility for active recreation requiring a large land area. Planning for this facility should be done on a regional basis.
19. The City supports regional efforts to maintain the Nehalem Bay Center as a recreational, cultural and educational resource for the entire North Tillamook County community. Efforts should be made to develop a stable funding base and programs that will benefit all ages and interest groups.
20. Require that fencing or appropriate screening be provided around unsightly or incompatible buildings, structures or activities, particularly where they adjoin residential areas.

## **DESIGN REVIEW POLICIES**

### **OVERALL GOAL:**

The City of Manzanita recognizes that design of buildings and development along the main arterial streets is of vital importance to the community as a whole in terms of its livability, quality of life, and economic vitality. The City, through its zoning ordinance and an appointed board of citizens, will exercise control over development in the commercial zones based on an adopted set of design criteria.

### **POLICIES:**

1. The City Council will form a Design Review Board to evaluate the construction of buildings or other improvements in the Commercial zones of the City. The Board should consist of local citizens with training and experience in architecture, design and construction whenever possible. Consideration should be given to inclusion of members of the Planning Commission. An architect and/or landscape architect from outside of the City may be added as an ex-officio member of the board.
2. The overall emphasis of the design criteria should be to encourage the traditional style of the Pacific Northwest, while allowing for flexibility and creativity of design.
3. Development of downtown Manzanita should focus on the main commercial street, Laneda Avenue, and encourage development based on, if possible, an adopted master plan. The plan should be professionally prepared, and address issues such as a minimum building setback from Laneda, planted landscaping buffers along the street, parking in the rear of buildings where possible, provision of seating and drinking fountains, waste containers, and similar components.
4. Landscaping in public rights-of-way is not encouraged. Owners will be responsible for prompt removal, at property owner's expense, of said landscaping upon notice from the City. (Amended by Ord. 06-04 passed 9-18-06)
5. The City itself should set an example of enlightened stewardship and be proactive in good design with the improvement and maintenance of public spaces and buildings.

6. The City encourages citizen involvement in the design process.

### **(LCDC GOAL 12)**

## **TRANSPORTATION**

### **POLICIES:**

Transportation planning in Manzanita includes cars and trucks, commercial buses, the senior citizen bus, bicycles and walking. The street system is described in the public facilities section of the plan. In addition, improvements along Highway 101, Classic Street and Laneda Avenue are included in the adopted Downtown Transportation Plan, Section 4. (Amended by Ord. 03-05, passed July 9, 2003) Additional policies concerning the transportation system are:

1. Efforts to reduce speeding on Laneda Avenue should be carried out by the city. This should take the form of maintaining a low speed (20 MPH), requesting that the City police and Tillamook County Sheriff's Department maintain a high level of enforcement and installing appropriate warning signs. (Amended by Ord.14-02; passed on April 9, 2014)
2. Sufficient pavement width should be included on all major streets or roads to accommodate bicycle traffic. Facilities such as bicycle racks should be considered in the city park and downtown area.
3. The city traffic management plan should be used as a guide for the installation of traffic signs, crosswalks, and other street improvements. The plan should be communicated to the county for their participation on county roads, and should be updated on a regular basis. . In addition, crosswalks and other improvements on Highway 101, Classic Street and Laneda Avenue are included in the adopted Downtown Transportation Plan, Section 4. (Amended by Ord. 03-05, passed July 9, 2003)
4. Crosswalks in the downtown commercial area should be a high priority for the city. Consideration should be given to the installation of planters or other landscaping devices in conjunction with the crosswalks.
5. The city and state shall cooperate to retain the airport at Nehalem Bay State Park. It is the position of the city that the airport should be surfaced, that "T-

Hangers" should be installed, and that a caretaker should be stationed at the airport. It is the goal of the city that the facility be improved for existing traffic rather than expanded.

6. The city and state shall cooperate to limit the number of accesses onto U.S. Highway 101 to as few as possible. No new accesses shall be permitted north of Laneda, or in other locations where traffic visibility is limited.
7. The city will work with the Oregon Department of Transportation to coordinate plans and projects particularly through the Oregon Transportation Plan and the US Highway 101 Corridor Study. Specifically, the city wishes to have direct input into highway improvement plans on U.S. Highway 101 in the vicinity of the city, and on future uses of the unused highway right-of-way.
8. The City discourages property owners from improving street rights-of-way with landscaping, driveways, walkways and similar projects, especially in the vicinity of water, sewer, and storm drainage lines. All parking required by the zoning ordinance must be useable by the property owners, generally not exceeding 10% grade from the street.

### **(LCDC GOAL 9)**

## **ECONOMY**

Manzanita does not wish to be a major economic center. Manzanita's primary economic stimulus lies in the second home and weekend tourist business. Approximately 73% of the homes within the Urban Growth Area are seasonal residences. The growth that has occurred since the installation of the sewer system is generally attributed to recreation-oriented development. (Amended by Ord. 08-02, passed May 7, 2008)

The fact that Manzanita has no property zoned industrial, or general commercial indicates its desire to remain primarily residential. Commercial services are geared to the support of the people who live in or visit the town. Recent efforts to improve commercial services have centered on Laneda Avenue, the "Downtown", where new commercial structures have been built or upgraded, and an interest by business people to improve its appearance has surfaced. Discussions have been revolved around issues such as parking and design review of new buildings. The possibility of acquiring property for a downtown "Pocket Park" to serve as a focal point is discussed in the Parks and Open

Space section of the plan. Other problems include the lack of public restrooms in the area. (Amended by Ord. 08-02, passed May 7, 2008)

The scenic value of the beach is reflected in the City's zoning policies. The beachfront area is zoned residential for the most part, with a small section devoted to "Limited Commercial" at Laneda and Ocean. Although the rising assessed value of oceanfront land reflects much higher economic potential for this property, citizens have been steadfast in the desire to keep the area relative low intensity.

## POLICIES

1. The City supports the Economic Development Council of Tillamook County (EDCTC) in its efforts to diversify and improve the economy in the area. However, Manzanita's role shall remain centered around its second home and residential character. (Amended by Ord. 08-02, passed May 7, 2008)

2. The City supports the efforts of the downtown merchants to improve the appearance of the commercial core; as funds become available, improvements in circulation, curbs and sidewalks, parking and the general appearance should be made through cooperation of the City and property owners. Grant funds should be pursued for street improvements, acquisition of a "Pocket Park", and public restrooms.

3. Efforts to add recreational opportunities consistent with the small scale nature of the community in the downtown area should be encouraged. Considerations should be given to projects such as bike rentals or play equipment for small children. The latter should be provided in connection with the Pocket Park. Activities which add to the life of the downtown area should be encouraged; this could take the form of a community information center or bulletin board. (Amended by Ord. 08-02, passed May 7, 2008)

4. The City should communicate to the State Parks Division the need to have an information board at the Nehalem Bay State Park. Such a board could inform tourists and campers of the services and goods available in Manzanita (as well as other surrounding communities).

5. Home occupations and cottage industries should be encouraged through the City's zoning policies. Activities which have little impact on the surrounding neighborhoods, such as horticulture or arts and crafts, should be given wide latitude.

6. Arts and crafts should also be encouraged in the downtown area. The possibility of a well-planned arts and crafts fair on an occasional basis should be considered.

7. The City should seek the input of local businesses and carefully consider the economic impacts of proposed programs, regulations and decisions related to implementing the community's comprehensive plan. (Added by Ord. 08-02, passed May 7, 2008)

8. The City should encourage the support services needed by home-based businesses. (Added by Ord. 08-02, passed May 7, 2008)

### **(LCDC GOAL 13)**

#### **ENERGY CONSERVATION**

Manzanita is located in a mild climate, and has the advantage of low cost electricity. There is no natural gas in Manzanita, although it has been recently extended as far south as Cannon Beach. Since the City is primarily residential, most of the energy consumed is for domestic purposes and transportation. Electricity is the primary form of home heating, oil is secondary. Electricity has been the preferred choice in the past, due to the low cost of hydroelectric power and the PUD's nonprofit distribution system. As the Northwest region grows and the energy system becomes dependent on other sources than hydroelectricity, electric power will probably become less attractive for purposes such as home heating. Through tax credits and other incentives, the State and Federal governments are encouraging alternative domestic energy sources and conservation.

Solar energy is feasible in the Northwest. The mild climate means that less energy is necessary to bring indoor temperatures up to comfortable levels, and solar radiation is available even on cloudy days. Used in conjunction with good insulation, solar heating can provide a significant proportion of home energy needs. The use of solar energy for space and water heating can cut domestic requirements by as much as 75%.

City policies have little impact on the usage of automobiles in a rural area, especially in a rainy climate where no public transportation is available. However, the City can zone commercial areas in a compact fashion so that it is not necessary to drive to several stores to shop. Phasing of growth, so that the energy costs associated with sprawl type development are avoided can be instituted by local government.

Conservation of energy can be a consideration in many City policies. Policies aimed toward this goal are:

1. Subdivision approval should take into account the costs incurred by the City in extending services and maintaining pump stations. Close in lands should generally be subdivided first.
2. The City should encourage the use of alternative energy forms, such as

solar, wind and tidal power generation. The installation of alternative energy devices should be given consideration in variance requests.

3. The City should support efforts of public agencies to provide common transportation services, such as the senior citizens bus.

### **(LCDC Goal 11)**

## **PUBLIC FACILITIES AND SERVICES**

The demographic trends of North Tillamook County, and increasing costs of mandated regulations, encourages cooperation between communities relative to Public Facilities and Services.

## **GOAL**

Wherever feasible, regionalization of public facilities and services should be explored.  
(Amended by Ord. 08-02, passed May 7, 2008)

## **WATER POLICIES**

1. All four and six inch main extensions, on presently platted streets in the Urban Growth Area, shall be paid for by the property owners and built to City standards. On request, the City will install such main extensions at the property owner's expense. Otherwise, the work must be done according to plans and specifications approved by the City, with City inspection of construction. Where the City's facilities plan calls for a pipe size greater than six inches, the City will pay the difference in cost between the size required and a six inch line. All water mains in new subdivisions will be furnished, and installed to City standards, at the expense of the subdivider, except where the facilities plan requires a pipe size larger than that needed by the subdivision, in which case the City will pay the difference in cost.
2. Outside the City limits, but within the Urban Growth Area, the city will require that water mains be adequately sized and that fire hydrants be properly spaced. This policy will be a factor in setting the differential between water rates inside and outside the City limits. (Amended by Ord.14-02; passed on April 9, 2014)

3. Monthly service charge rates outside the City limits (but within the Urban Growth Area) shall be higher than inside the City, to offset tax support by City residents. This will offset tax support by City residents for capital improvements to the water system.
4. System development charges will cover the public costs of water system capital improvements. Water connection fees cover the cost of connecting to the water system. No future connections will be made outside the Urban Growth Area.
5. All connections shall be metered. On all new connections, the cost of the meter will be a part of the overall connection fee.
6. All proposed improvements to the City water system shall be funded out of water revenues wherever possible.
7. Any water system debt, serviced from tax revenues, may continue to be so funded, but the objective is to fund all water costs out of water revenues as reasonably feasible.
8. To minimize the cost of providing public services and infrastructure, the City should discourage urban development that lacks adequate public services and promote efficient use of urban and urbanizable land within the City's urban growth boundary. (Added by Ord. 08-02, passed May 7, 2008)
9. The City should support development that is compatible with the City's ability to provide adequate public facilities and services. (Added by Ord. 08-02, passed May 7, 2008)
10. The City may prioritize the extension of water, sewer, and other infrastructure within the UGB based on cost, efficiency, available resources or other factors. (Added by Ord. 08-02, passed May 7, 2008)
11. The City should periodically review and update long range master plans for its water, storm drainage and other systems. (Added by Ord. 08-02, passed May 7, 2008)

## **STORM DRAINAGE POLICIES**

1. Adequate storm drainage facilities, including culverts, drywells, catchment basins, natural or surface channel systems or pipelines, as approved by the

Public Works Director (PWD), shall be a part of all subdivisions, planned developments, street construction or improvements or other developments which may impact storm drainage patterns.

2. Subdivisions in areas that have drainage problems shall make adequate provision for handling storm runoff. This may be accomplished through larger lot sizes, use of special facilities such as pumps and holding ponds, reduced lot coverage, or other methods.
3. Wherever possible in subdivision design, natural drainageways shall be used and riparian vegetation shall be maintained. Larger lot sizes shall be required adjacent to natural drainages. Structures shall be set back sufficiently to protect the capacity of the natural drainageway. Natural shall not be filled or altered.
4. All roof drains will be required to flow into properly constructed drywells, except in areas where it can be shown that the water table is too high for this to be done effectively, in which case other methods shall be employed. Lot coverage may be reduced and roof drains may be piped into adequate culverts. Roof drains are not to be connected to sanitary sewer lines.
5. [Deleted by Ord. 01-03, passed August 27, 2001]

## **STREET POLICIES**

1. The cost of constructing streets in new subdivisions, planned developments, or in rights-of-way where no improved street exists shall be the responsibility of the developer or the adjacent property owners. The City shall share costs in the following way:
  - A. On existing dedicated, but unimproved streets, which are arterials or feeders, the City will pay the difference in pavement width between the existing width and arterial or feeder width. On existing dedicated unimproved or underimproved residential streets, the abutting property owners shall pay all costs of the improvement.
  - B. Substantial improvement of existing street intersections shall be the responsibility of the City.
  - C. There shall be no city participation in bearing the cost of streets in

subdivisions or planned developments. Owners wishing to build access to their property on unimproved rights-of-way must adhere to City Street Standards.

2. Asphaltic concrete pavement shall be required for all streets.
3. Storm drainage, as determined by the PWD, shall be required for all street improvements and construction.
4. Street right-of-way which cannot be improved due to steep topography, or other valid reason, should be used for other purposes, such as parks or open space, walking trails or greenbelts.
5. Street standards for the City of Manzanita are located in the Street Improvement Standards Ordinance and future improvements to intersections along US 101 are identified in the adopted Downtown Transportation Plan, Section 4. (Added by Ord. 03-05, passed July 9, 2003)

## **SEWER & UNDERGROUND UTILITY POLICIES**

1. The City shall require that all development proposals be approved by the Nehalem Bay Wastewater Agency (NBWA) prior to review by the City.
2. The size of sewer lines shall be compatible with the projected densities of the area to be served.
3. Areas such as wetlands or steep slopes with severe development problems shall not be serviced with sewers.
4. There shall be a one-year period between the time that street improvements are made after sewer installation and the acceptance of the improvement by the City. Wherever street cuts are made for the purpose of installing underground services and utilities, the installer and/or person benefitting from the service shall be responsible for the maintenance and repair of the cut or patch for a period of one year. This shall apply to all agencies installing underground utilities.
5. Encroachment permits shall be required for the installation of any underground utility, or other work, in a City right-of-way. The City will require reasonable efforts to improve or restore the road or right-of-way during and

after construction. A detailed drawing showing the exact location of all installations shall be provided to the City prior to issuance of an encroachment permit.

6. After the installation an "as built" drawing will be provided to the City.

**POLICE PROTECTION POLICY:**

The City of Manzanita has developed a police department consisting of a full time Chief of Police, a public safety officer, and volunteer reserve officers. Tillamook County Justice Court has temporarily agreed to handle Manzanita Ordinance violations. Within the time frame of now and the year 2010 it will be prudent to investigate and develop a regional police and judicial plan.

**FIRE PROTECTION POLICY:**

Fire protection shall be provided by the Nehalem Bay Fire and Rescue District, which assumed responsibility for this service in 2009. (Amended by Ord.14-02; passed on April 9, 2014)

**MANZANITA COMPREHENSIVE PLAN**  
**DESIGN POPULATION PROJECTION**

	WATER CONNECTIONS			POPULATION			<b>Totals</b>
	Permanen t	Part Time	Commercial	Permanent	Part Time	Day	
1994	418	628	49	692	2100	200	2992
2000	498	750	58	1245	1875	250	3370
2005	577	869	68	1442	2172	300	3914
2010	690	1008	79	1725	2520	350	4595

Assumption:

1. 3% growth each year to the year 2010.
2. 2.5 persons per household.
3. Transient accommodations (motels) - 3 persons per unit.
4. Part Time numbers derived from mailing addresses of water bills.

## (LCDC GOAL 18)

### BEACHES AND DUNES

Foredune Management Plan. Pursuant to Goal 18 implementation requirement #7, the City, by Ordinance 95-6, has adopted a Foredune Management Plan as submitted by the Neah-Kah-Nie Dunes Management Assocn. Inc. There shall be kept on file in the office of the City Recorder, a copy of the Foredune Management Plan and Background Report. The City acknowledges that any amendment to Ordinance 95-6 shall be subject to existing D.L.C.D. post acknowledgement review process.

#### POLICY 1. MANZANITA AND NECARNEY CITY EXCEPTION JUSTIFICATION (EXCEPTION TO LCDC GOAL 18, BEACHES AND DUNES)

"Local Governments and State and Federal agencies shall prohibit residential developments and commercial and industrial buildings on beaches and active foredunes, on other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding."

The City of Manzanita takes an exception to the LCDC beaches and dunes GOAL 18, implementation requirement 2.

This exception is being taken for the following lots (described by Lot and Block number) which are located in active foredunes, or other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, or in interdune areas (deflation plains) that are subject to ocean flooding. These lots are all located in the flood hazard areas - V or AO zones - identified on maps supplied by the Federal Emergency Management Agency (FEMA) and in the report and map prepared by Martin Ross, Geologist, in his report "A field investigation of geologic hazards in Manzanita, Oregon", December 30, 1977. This exception does not cover any areas outside the boundaries of these described lots.

The lots described are generally vegetated with European Beach Grass, Strawberry, Beach Lupine, and other Herbaceous plants. Older dune areas landward of the foredune are covered with Shore Pine. According to the flood insurance rate map (firm), elevations of the foredune south of the Laneda Avenue range from 28 feet to 29 feet above mean sea level. The dune area south of Beeswax Lane drops to 24 feet. Foredune areas in Necarney City are somewhat higher. Elevations there range up to 35 feet.

Erosion of the dune areas has occurred at various places along the oceanfront, primarily where rip currents and creek outlets are present. Relatively little shore protection has been placed along the length of the beach, primarily in the older developed areas of Manzanita. Necarney City contains virtually no shore protection.

Most of the ocean front development has been accreted lands, which has occurred since the construction of the original Nehalem Bay South Jetty. It is not known what effect the recent extensions of the south jetty on Tillamook Bay will have on accretion or erosion patterns of the area.

These vacant lots are generally in single ownership and are scattered among existing development. The existing development consists of residential uses. The area is designated Medium density R-2, and Limited Commercial (LC). The LC area consists of a small 100 x 100 area which is developed with multi-family dwellings.

LCDC GOAL 2, Land use planning, Part II Exceptions, states that "A local government may adopt an exception to a goal when....(C) The following standards are met"

- I. "Reasons justify why the State policy embodied in the applicable goals should not apply."

The area is physically developed and is committed to single-family and duplex residential development. The area was first platted in the early 1900's. All lots are served by the City's or County's street system. NBWA sewer and City water service are available to all lots. More than 90 percent of the lots in the area are developed. Under these circumstances, not to permit development on the vacant lots interspersed among existing development would deny owners of vacant lots property rights that are enjoyed by similar adjacent developed property. (Amended by Ord.14-02; passed on April 9, 2014)

The primary intent of the beaches and dunes goal, Implementation Requirement 2, is to protect dune areas from adverse effects of ocean flooding. For the lots for which an exception is being taken, this purpose will be achieved by the following requirements: A site investigation by a qualified expert to determine hazards existing on the site of proposed development located in the velocity zone, and conformance to the flood hazard overlay zone pertinent to coastal high hazard areas and areas of shallow flooding.

2. "Areas which do not require a new exception cannot reasonably accommodate the use."

There are numerous vacant residential and commercial lots in the Manzanita Urban

Growth Boundary that do not require an exception in order to be built upon. However, these lots are not ocean front lots or lots that provide an ocean view or proximity to the ocean. Therefore, they cannot meet the development needs that are being met by the lots for which an exception is being taken.

There are other areas in Tillamook County and its communities that can provide "Ocean front lots." However, these areas (Nedonna, Necarney City, Rockaway, Cape Meares, Tierra Del Mar, Pacific City and Neskowin) are also located in dunes that are subject to beaches and dunes goal, Implementation Requirement 2. Tillamook County and Rockaway have adopted exception to beaches and dunes goal, Implementation Requirement 2., to permit construction on affected vacant lots. Therefore, there are few areas in Tillamook County that can reasonably accommodate "oceanfront" lots which do not require an exception.

3. "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site."

The other areas in Tillamook County where an exception has been taken to beaches and dunes goal, Implementation Requirement 2, are Rockaway, Nedonna, Twin Rocks, Cape Meares, Tierra Del Mar, Pacific City, and Neskowin. The characteristics of the dune system at Manzanita are similar to those in the other exception areas. The Manzanita area does not contain significant environmental features such as unique or critical wildlife habitats or wetland resources. The economic, social, and energy consequences of development on the lots for which an exception is being taken in Manzanita are similar to those in any developed area designated for residential use where a range of public facilities and services are available.

4. "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The Manzanita area is designated residential R-2 and limited commercial (LC). The uses that will be permitted on the lots for which an exception is being taken are similar to existing uses in the area, i.e., residences and recreational uses in the LC area.

In addition, potential adverse impacts of proposed uses will be rendered compatible with other adjacent uses through various provisions of the zoning ordinance. The impact of wind exposure and open sand movement will be minimized through the requirement of

Section 3.080 of the zoning ordinance. The increased slide potential of areas with a slope exceeding 25% will be addressed through the requirements of Section 3.080, beach and dune overlay zone of the zoning ordinance. The impact of the placement of shoreline protection measures will be minimized through the requirements of Section 4.050 of the zoning ordinance. The impacts of construction in an area subject to flood hazards is addressed through the requirements of the Flood Hazard overlay zone, Section 3.061 of the zoning ordinance. Therefore, the proposed uses are compatible with other adjacent uses.

Oregon Administrative Rule, 660-04-22, reasons necessary to justify an exception under Goal 2, Part II (C), states that "An exception under Goal 2, Part II (C) can be taken for any use not allowed by the applicable goal (s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of their rules:..."

(9) Goal 18 - Foredune Development: An exception may be taken to the foredune use prohibition in Goal 18 beaches and dunes implementation Requirement 2. Reasons which justify why this state policy embodied in Goal 18 should not apply shall demonstrate compliance with the following.

(A) That the use will adequately be protected from any geologic hazards, wind erosion undercutting, ocean flooding and storm waves, or is of minimal value.

Potential uses will be protected from geologic hazards and undercutting in the following manner. Uses located in the following areas will be permitted only subsequent to a favorable site investigation performed by a qualified individual. (Zoning Ordinance, Section 3.050): Active foredunes; conditionally stable foredunes which are located within coastal high hazard areas (V-Zones) as identified on firm maps and interdune areas which are located within coastal high hazard areas (V-Zones) as identified on firm maps.

Potential uses subject to potential geologic hazard because of steep slopes will be protected through the beaches and dunes overlay zone, Section 3.080, which requires a favorable site investigation by a qualified individual before construction can occur on slopes exceeding 25%. Potential uses will be protected from wind erosion through the requirements of the beaches and dunes overlay zone. Potential uses will be protected from ocean flooding and storm waves through the requirements of the flood hazard overlay district, Section 3.061, of the Zoning Ordinance.

(B) The use is designed to minimize adverse environmental effects.

For dune areas where a site investigation is required (Section 3.080 of the Zoning Ordinance), the site investigation is required to specify measures that must be taken to minimize adverse environmental effects. Construction must take place consistent with the measures specified in the site investigation. For other dune areas, findings have been made in the comprehensive plan that the City's zoning ordinance requirements are adequate to minimize adverse environmental effects. Adverse environmental effects are addressed through the requirements of Section 3.080, Beaches and Dune overlay zone and Section 3.061, Flood Damage overlay zone.

#### **POLICY 1-A:**

The City shall base decisions on Plans, Ordinances, and Land Use Actions in beach and dune areas, other than older stabilized dunes, on the following specific findings:

The City makes the following findings of fact, in all beach and dune areas other than older stabilized dunes or beach and dune areas in the velocity zones (V-Zones) of the firm map. In V-Zones, these findings are made on a case by case basis, as part of the site investigation report. These findings also only apply to residential developments, most to commercial developments such as motels and condominiums. For the most part, these areas are zoned for single-family residences and duplexes. A small limited commercial area is included just south of Laneda on the oceanfront. Findings will be required for any commercial development in this zone.

Dune landforms in the Manzanita-Necarney City area are generally conditionally stable foredunes, susceptible to varying degrees of ocean flooding, ocean undercutting or wave overtopping. Development in the area is governed by the requirements of the beach and dunes overlay zone.

#### **FINDING 1:**

"The type of use proposed and the adverse effects it might have on the site and adjacent areas." The type of proposed use is single-family residential buildings, and duplexes, as provided for in the R-2, medium density residential zone. Past and future development in these areas will likely be single-family & duplex dwellings. (These findings only apply to single-family & duplex dwellings.)

### **(LCDC GOAL 5)**

#### **SENSITIVE ENVIRONMENTAL RESOURCES (LCDC Goal 5)**

These exception areas do not constitute an important or critical wildlife habitat. The Nehalem Spit, which is entirely in Nehalem Bay State Park.

## **DUNE VEGETATION**

The foredunes and interdune areas are primarily conditionally stable dunes. Impacts on dune vegetation will be minimized through the requirements of the beaches and dunes overlay zone of the zoning ordinance. Land grading proposals in dune areas must demonstrate that removal of dune vegetation is limited to what is necessary for the placement of structures and public utilities. Dune grading for view protection can only be undertaken after a Comprehensive Plan Amendment.

## **WIND EROSION AND SAND DEPOSITION**

The beach and dunes overlay zone requires that vegetation removal be limited to what is necessary to place buildings or to install utilities and that all excavated areas be stabilized after construction. These requirements will minimize wind erosion and sand deposition onto adjoining properties.

## **COASTAL EROSION AND SHORELINE PROTECTION MEASURES**

Shoreline stabilization requirements are included in article 4 of Manzanita's Zoning Ordinance. This section regulates the placement of shoreline protection in areas where coastal erosion has taken place. Evidence can include information provided by past permits for shoreline protection (over the last five years), and site visits by the state parks division and the division of state lands. Shoreline protection will be designed and sited to minimize impacts to adjacent properties through requirements in the beaches and dunes overlay zone.

## **GROUNDWATER RESOURCES**

All of the lots in Manzanita and Necarney City are served by the Manzanita City water system. Provisions in the beaches and dunes overlay zone regulate wells. The only use of groundwater in these areas is for irrigation purposes. Since most of these houses are used for vacation homes, groundwater use is expected to be minimal. The city has investigated the possibility of using groundwater to supplement city water supplies. However, this was rejected because of the high iron content in the water.

## **HISTORICAL OR ARCHEOLOGICAL SITES**

There are no identified historical or archeological sites in these areas

## **AIR AND WATER QUALITY**

There will be no effect of this development on air and water quality, because development consists of infill in areas already developed, primarily by single family homes.

### **FINDING 2:**

Temporary and permanent stabilization.

The City's beaches and dunes overlay zone implements the stabilization of dunes during and after construction.

### **FINDING 3:**

Methods of protecting the surrounding area from any adverse effects of development.

Providing residential infill in the Manzanita Urban Growth Area will have less significant impacts to surrounding areas than new residential development in an undeveloped oceanfront area. Through the requirements of the specific zone in which development is located and standards for development in beach and dune areas, the city will ensure that methods will be employed to protect development on the property as well as development on adjoining properties. For example, the zoning ordinance provides review standards for shoreline protective structures, construction requirements and building designs in active dune and flood hazard areas, building height requirements, minimum lot size and building setbacks.

### **FINDING 4:**

Hazards to life, public private property, and natural environment which may be caused by the proposed use.

Providing residential infill on vacant lots in built and committed dune areas will present less significant hazards to life, property, or the natural environment compared to new, residential development in an undeveloped oceanfront dune area. As provided in findings 1 (B) through (H), the adverse effects of continued residential infill in these areas have or will be addressed through requirements of the zoning ordinance.

#### POLICY 2:

Removal of vegetation during construction in any sand area shall be kept to the minimum required for building placement or other valid purpose. Removal of vegetation should not occur more than 30 days prior to grading or construction. Permanent revegetation shall be started on the site as soon as practical after construction, final grading or utility placement. Storage of sand and other materials should not suffocate vegetation.

#### POLICY 3:

In all open sand areas, revegetation must be closely monitored and carefully maintained, including restriction on pedestrian traffic. Revegetation should return the area to its preconstruction level of stability, either conditionally stable or stable. Trees should be planted along with ground cover such as grass or shrubs.

#### POLICY 4:

Site investigations by qualified persons (such as a registered geologist) shall be required prior to the issuance of a building permit for property on active foredunes or other dune areas that are subject to ocean undercutting or wave overtopping (the V-15 Flood Zone). Site specific investigations may be required by the city prior to the issuance of building permits in open sand areas, in steep hillsides of dunes regardless of vegetation cover and in any other conditionally stable dune area which, in the view of the planning commission or building official, may be subject to wind erosion or other hazard potential.

#### POLICY 5:

Foredunes shall be breached only to replenish sand supply, or on a temporary basis in an emergency (e.g. fire control, cleaning up oil spills, alleviating flood hazards), and only if the breaching and restoration after breaching is consistent with sound principles of conservation.

#### POLICY 6:

Site investigations, or the qualifications of the persons performing them, may be submitted to the State Department of Geology or other agency for review or recommendations. Site reports shall include the history of erosion or other hazard in the vicinity of the site. Site investigators shall map areas with recent evidence of landsliding or erosion, and shall recommend the location(s) of structures, and the type of protection required to protect the proposed use and adjacent property. Site investigations shall be done at the developer's expense.

POLICY 7:

All applicants for beachfront protective structures shall provide findings that:

- a. Visual impacts are minimized;
- b. Necessary access to the beach is maintained;
- c. Negative impacts on adjacent property are minimized; and
- d. Long Term or recurring costs to the public are avoided.

POLICY 8:

Structures shall be placed well back from the oceanfront to prevent erosion hazards and the need for future protection of the shoreline. Dwellings may be placed to the rear lot line with the approval of the Planning Commission in order to prevent future erosion.

POLICY 9:

Groundwater shall be protected from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water in water supplies. Building permits for single family dwellings are exempt from this requirement if appropriate findings are provided in the comprehensive plan at the time of subdivision approval.

POLICY 10:

Grading or sand movement necessary to maintain or to prevent sand inundation may be allowed for structures in foredune areas only if the area is committed to development and only as part of an overall plan for managing foredune grading. Removal of sand which is inundating structures may be permitted without a Foredune Management Plan as provided in Section 3.085 6(c) of the Zoning Ordinance. A foredune grading plan prepared by a qualified expert shall include the following elements based on consideration of factors affecting the stability of the shoreline to be managed including sources of sand, ocean flooding, and patterns of accretion and erosion (including wind erosion), and effects of beachfront protective structures and jetties.

The Plan shall:

- a. Cover an entire beach and foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion or accretion as a result of dune grading;
- b. Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is 4 feet above the 100-year elevation;
- c. Identify and set priorities for low and narrow dune areas which need to be built up;
- d. Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities; and detailed plans to prevent destruction of shore pine and to minimize disturbance of existing dune grasses;
- e. Prohibit removal of sand from the beach-foredune system. Foredune grading plans may be submitted to the Tillamook County Soil and Water Conservation Service for their comments.

The foredune grading plan must be adopted as an amendment to the comprehensive plan before construction can begin.

#### POLICY 11:

South of Spindrift Lane, the use of the dunes west of the existing oceanfront property lines of the oceanfront lots will be limited to low intensity, minimal-structural uses as foredune restoration and public access boardwalks, where appropriate.

**LOTS IN THE V OR AO ZONE FOR WHICH AN EXCEPTION IS BEING TAKEN**

Zone	MAP	BLOCK	TAX LOT	LOTS
AO	3N1029BD	20	11400	10,11,12,13
AO	3N1029BD	20	11600	14,15
AO	3N1029BD	21	11900	2
AO	3N1029BD	21	12000	3
AO	3N1029BD	21	12100	4
V	3N1029BD	21	12200	5
V	3N1029BD	21	12300	6
V	3N1029BD	21	12400	
V	3N1029BD	21	12500	
AO	3N1029BD	21	12600	7
AO	3N1029BD	23	18100	3,4,5
AO	3N1029BD	23	18200	6
V	3N1029BD	23	18300	7
V	3N1029BD	23	18400	
V	3N1029BD	23	18500	8
AO	3N1029CA	24	800	
AO	3N1029CA	24	900	
V	3N1029CA	24	1000	
V	3N1029CA	24	1100	

V	3N1029CA	24	1200	
V	3N1029CA	24	1300	
V	3N1029CA	24	1500	
V	3N1029CA	24	1600	
V	3N1029CA	24	1700	
V	3N1029CA	24	1800	
V	3N1029CA	24	1900	
V	3N1029CA	24	1901	
AO	3N1029CA	25	2000	
AO	3N1029CA	25	2100	
AO	3N1029CA	25	2200	
AO	3N1029CA	25	2400	
AO	3N1029CA	26	5200	
AO	3N1029CA	26	5300	1
AO	3N1029CA	26	5400	2
AO	3N1029CA	26	5500	
AO	3N1029CA	26	5600	3
AO	3N1029CA	26	5700	4
AO	3N1029CA	26	5800	
AO	3N1029CA	26	5900	
AO	3N1029CA	26	6000	5
AO	3N1029CA	26	6100	6
AO	3N1029CA	28	6200	
AO	3N1029CA	28	6300	

AO	3N1029CA	28	6301	
AO	3N1029CA	28	8200	
AO	3N1029CA	28	8300	5
AO	3N1029CA	29	8400	1,2
AO	3N1029CA	29	8600	3
AO	3N1029CA	29	8700	4
V	3N1029CA	29	8800	
V	3N1029CA	29	8900	
AO	3N1029CA	29	9000	7
AO	3N1029CA	29	9100	8
AO	3N1029CA	29	9200	9,10
V	3N1029CA	30	9300	
V	3N1029CA	30	9400	
V	3N1029CA	30	9500	
V	3N1029CA	30	9600	
V	3N1029CA	31	9700	
V	3N1029CA	31	9800	
V	3N1029CA	31	9900	
AO	3N1029CA	32	10000	1,2
AO	3N1029CA	32	10100	3
V	3N1029CA	32	10200	4,5
V	3N1029CA	32	10300	6
V	3N1029CA	32	10400	7

AO	3N1029CA	32	10500	8
AO	3N1029CA	32	10700	9,10
AO	3N1029CA	33	10800	
AO	3N1029CA	33	10801	
AO	3N1029CA	33	10802	
AO	3N1029CA	33	10900	9
AO	3N1029CA	33	12500	10
AO	3N1029CA	33	12600	
AO	3N1029CA	33	12601	
AO	3N1029CA	33	12602	
AO	3N1029CA	34	12700	
AO	3N1029CA	34	12800	
AO	3N1029CA	34	12900	
AO	3N1029CA	34	13000	
AO	3N1029CA	34	13100	9
AO	3N1029CA	34	13101	8
AO	3N1029CA	34	13300	7
AO	3N1029CA	34	14700	16
AO	3N1029CA	34	14800	15
AO	3N1029CA	34	14900	14
AO	3N1029CA	34	15000	11,12,13
AO	3N1029CA	34	15200	
V	3N1029CA	35	15500	
V	3N1029CA	35	15600	3

V	3N1029CA	35	15601	4
V	3N1029CA	35	15602	2
V	3N1029CA	35	15700	5
V	3N1029CA	35	15800	6
V	3N1029CA	35	15900	7
V	3N1029CA	36	16200	1
V	3N1029CA	36	16300	2
V	3N1029CA	36	16400	2
V	3N1029CA	36	16500	3,4
V	3N1029CA	37	16600	1
V	3N1029CA	37	16700	2
AO	3N1029CD	2	8400	1
AO	3N1029CD	2	8500	
AO	3N1029CA	38	16800	2,3,4
AO	3N1029CA	56-11	100	
AO	3N1029CD	56-11	200	
		Total Tax Lots	92	