



City of Manzanita

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 812-2514 | Fax (503) 368-4145 | TTY Dial 711
ci.manzanita.or.us

Planning Commission

Zoom Video Webinar
<https://ci.manzanita.or.us/planning-commission/>

AGENDA

August 21, 2023
04:00 PM Pacific Time

Video Meeting: The Planning Commission will hold this meeting through video conference. The public may watch live on the [City's Website: ci.manzanita.or.us/broadcast](http://ci.manzanita.or.us/broadcast) or by joining the Zoom Meeting: <https://us02web.zoom.us/j/81315044585>

Dial in number:

(253) 215 8782

Please note that a passcode is not required to enter the webinar.

Note: Agenda item times are estimates and are subject to change.

1. **CALL TO ORDER** (4:00 p.m.)
2. **APPROVAL OF MINUTES** (4:01 p.m.)
3. **AUDIENCE PARTICIPATION** (4:02 p.m.)
4. **AGENDA ITEMS** (4:10 p.m.)
 - A. Update on Next Steps for Transportation System Plan
 - B. Annexation Tillamook County Transfer Station
 - C. Manzanita Pines Proposed Project Discussion
 - D. Discussion on Parks and Open Space Definitions
5. **GENERAL UPDATES** (5:55 p.m.)
6. **ADJOURN** (6:00 P.M.)

**CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
JULY 17, 2023**

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 4:01 p.m.

II. ROLL: Members present were: Karen Reddick-Yurka, Burt Gregory, Phil Mannan, John Collier, Lee Hiltenbrand, Thomas Christ, and Frank Squillo. Staff present: City Manager Leila Aman, City Building Official Scott Gebhart, permit tech Chris Bird, City Planning Consultant Scott Fregonese, Transportation Engineer Kara Hall from Fehr Peers, Caroline Crisp and James Feldman from ODOT.

III. AUDIENCE: There were 12 members in the audience

IV. INTROUCTIONS: The newest member of the planning commission, Bert Gregory was introduced as well as new city planning consultant Scott Fregonese. Presenter Kara Hall, traffic engineer from Fehr Peers was also introduced.

V. APPROVAL OF MINUTES: May 30, 2023 and June 16, 2023
Commissioner Gregory recused himself from approval of the minutes since he was not present at both prior meetings. Approval of minutes were postponed until the next meeting.

LEGISLATIVE ITEM

ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES: Chair Reddick-Yurka introduced the application being considered, described the public hearing process, and opened the hearing.

VI. A PUBLIC HEARING FOR POSSIBLE RECCOMENDATION OF THE REGIONAL TRANSPORTATION PLAN TO THE CITY COUNCIL

A. STAFF PRESENTATION – Traffic engineer Kara Hall provided an overview and timeline of the proposed regional transportation plan.

B. GENERAL COMMENTS AND QUESTIONS – It was asked of staff if golf carts could be used as a connector between Nehalem and Manzanita. The conversation then turned to if an emergency evacuation map was on the TSP in case of wildfires or tsunamis. Staff was then asked about firefighting on the proposed new trails of the TSP. A question was then asked about if the TSP considered the interrelationship between transportation and housing.

- C. STAFF PRESENTATION** – Traffic engineer Kara Hall continued her overview of the regional TSP focusing on Manzanita.
- D. GENERAL COMMENTS AND QUESTIONS** – Staff was asked about certain funding for various projects as well as collaboration with Tillamook County on several jointly owned streets in the city. It was then asked if having the state participate in collaborating with the city and county on building projects was a needed thing. The conversation turned to ODOT’s role in acquiring funding for various transportation projects.
- E. STAFF PRESENTATION** – Traffic engineer Kara Hall continued her overview of the regional transportation plan focusing on funding and what happens after the TSP is adopted.
- F. GENERAL COMMENTS AND QUESTIONS** – Staff was asked about traffic calming and what it means. It was then asked about funding for design work of projects as well as funding for their implementation. Next, the process and timeline for adoption of the TSP was delved into with an explanation of how adopting the TSP also updates part of the comprehensive plan as well as some codes. It was then asked if adopting the TSP “as is” would mean that it could be “tweaked” at a later date. The conversation turned to the planning commission’s role in recommending adoption of the TSP to the city council and if the planning commission would have any input in shaping the TSP.
- G. DECISION BY COMMISSION MEMBERS** – Concern was shown by the commission on recommending the TSP to the city council with some of the commission members never seeing any of the plan before. The idea of putting the recommendation off to the next commission meeting was broached to allow everyone to get up to speed on the TSP. Commissioner Squillo motioned for a vote to recommend adoption of the TSP to the city council with no one seconding the motion. It was ultimately decided to hold off recommendation of the TSP to the next available meeting date tentatively July 31.

VII. GENERAL UPDATES

Development Services Manager Scott Gebhart stated there was something coming up for the next meeting, but he could not yet divulge what it may be.

VIII. ADJOURNMENT:

Chair Reddick-Yurka adjourned the meeting at 6:00 p.m.

**MINUTES APPROVED THIS 21st
DAY OF AUGUST 2023**

Karen Reddick-Yurka, Chair

ATTEST:

Leila Aman, City Manager

**CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
JULY 31, 2023**

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 10:07 a.m.

II. ROLL: Members present were: Karen Reddick-Yurka, Burt Gregory, Phil Mannan, John Collier, Lee Hiltenbrand, Thomas Christ, and Frank Squillo. Staff present: City Manager Leila Aman, City Building Official Scott Gebhart, permit tech Chris Bird.

III. AUDIENCE: There were 7 persons in the audience.

LEGISLATIVE ITEM

ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES: Chair Reddick-Yurka introduced the application being considered, described the public hearing process, and opened the hearing.

IV. CONTINUATION OF THE JULY 17, 2023 PLANNING COMMISSION MEETING ON A PUBLIC HEARING FOR POSSIBLE RECCOMENDATION OF THE REGIONAL TRANSPORTATION PLAN TO THE CITY COUNCIL

A. OBJECTION TO THE NOTICE SENT ANNOUNCING THE HEARING –
None

B. CHALLENGE TO PLANNING COMMISSON JURISDICTION – None

C. CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACTS INCLUDING SITE VISITS – None

D. CHALLENGE TO ANY COMMISSIONER FOR CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACT – None

E. STAFF PRESENTATION – City manager Leila Aman provided an overview and timeline of the regional transportation plan. It was noted that approval of the transportation plan would be the first step in updating the Comprehensive Plan.

F. GENERAL COMMENTS AND QUESTIONS – It was asked of staff if the commission could make a recommendation to council to adopt the transportation plan with a subsequent recommendation for refinement of the ordinances. Staff responded that the next step for the commission would be to review ordinance amendments with staff. Staff was then asked if they are recommending volume

one or volume two. It was then asked if the commission supports the transportation plan in volume two, The conversation then turned to a typographical error on page 32 of the transportation plan which confused Ocean Ave for Ocean Rd. The discussion then turned to the integration of the transportation plan with land use and how that would impact the comprehensive plan.

G. TESTIMONY PRO – None

H. TESTIMONY CON – None

I. CORRESPONDANCE – None

J. CLOSE PUBLIC HEARING - Reddick-Yurka closed the public testimony at 10:25am.

K. DECISION BY COMMISSION MEMBERS – There was unanimous consensus amongst the commission members to recommend the transportation plan as slightly modified to the city council.

V. APPROVAL OF MINUTES: May 30, 2023 and June 16, 2023

Commissioner Gregory recused himself from approval of the minutes since he was not present at both prior meetings. A typo was discovered on page three of the May 30, 2023, minutes.

A motion was made by Squillo, seconded by Collier to approve the minutes of the May 30, 2023, Planning Commission meeting with the correction. Motion passed unanimously.

Commissioner Christ commented that on page 4 section N, the sentence, “The consensus of the commissioners was that the open area should not be considered a park as there was not enough information submitted” be changed to “The consensus of the commissioners was that some parts of the open area depicted in the application did not meet the common understanding of the term “park” because of their location, size, terrain, vegetation, and proximity to the Classic St roadway, and without those parts the application did not meet 40% open-space-as-park requirement in section 3.03(4)(a) of the zoning ordinance. It was also stated that roman numeral VI should be V.

A motion was made by Christ, seconded by Collier to approve the June 16, 2023, Planning Commission meeting as revised. Motion passed unanimously.

VI. GENERAL UPDATES

City Manager Aman informed the commission that with an open vacancy in the city council, she wanted to wait to discuss the comprehensive plan with a full membership in the city council and planning commission. She also updated the Commission on future applications before the commission such as workforce housing and annexation of the transfer station. It was mentioned that further discussion on the definition of a park would be helpful for future applications. An update was given on when the proposed brew pub restaurant on Laneda would start construction.

VII. ADJOURNMENT:

Chair Reddick-Yurka adjourned the meeting at 10:46 a.m.

**MINUTES APPROVED THIS 21st
DAY OF AUGUST 2023**

Karen Reddick-Yurka, Chair

ATTEST:

Leila Aman, City Manager



memorandum

Date: December 23, 2022 (Revised March 8, 2023)

To: Project Management Team

From: Darci Rudzinski, Clinton "CJ" Doxsee, and Brandon Crawford, MIG | APG

Subject: **Technical Memorandum #12: Nehalem Bay Transportation System Plan Implementing Ordinance**

Introduction

This memorandum provides recommendations for the cities of Manzanita's, Nehalem's, and Wheeler's regulations to incorporate the goals, objectives, and improvements identified in the Nehalem Bay Transportation System Plan (TSP) update.

The TSP update planning process will comprehensively update each city's current TSP. The updated TSPs establish each city's goals and objectives for developing and improving the transportation system through the year 2040. The updated TSP will address transportation-related issues for areas within each jurisdiction's urban growth boundary (UGB).

Recommendations identified in this memorandum include updated policies in each jurisdictions' comprehensive plan and modifications in the development ordinances (zoning/development codes) that will implement TSP recommendations over time, through future development. The recommended amendments are intended to be consistent with and implement the updated TSPs, as well as the Oregon Transportation Planning Rule (OAR 660, Division 12, or "TPR").

Each city will need to amend its land use regulations to implement updated transportation standards and to achieve the TSP's goals and objectives. These are achieved through a variety of measures, including street classifications with corresponding design standards and access control measures; pedestrian and bicycle circulation design and connectivity provisions; minimum parking requirements; and regulations and procedures protecting the function and capacity of roadways.

Recommendations Overview

The following section summarizes recommendations for each city to assist with implementing their respective updated TSP, including updating comprehensive plan transportation policy and development requirements for each city.

Each city should consider the following adoption actions:

- **Comprehensive Plan** – Each city should have policies in its adopted plan that support the TSP transportation improvements and recommendations. Transportation policy statements are addressed in the comprehensive plans for Manzanita, Nehalem, and Wheeler. It is recommended that each city adopt new or updated transportation policies as part of the respective transportation elements in each comprehensive plan. This can be accomplished as an amendment to the adopted comprehensive plan document or through an update of its TSP, the transportation element of the comprehensive plan.
- **Development Code/Ordinance** – Each city includes a development code/ordinance that includes requirements to help further regional and local transportation policy objectives and implement the TSP recommendations. To assist each city in implementing the updated TSP, this memorandum summarizes code amendment recommendations.

The following sections provide more detail related to transportation policy and development code recommendations specific to each city.

Manzanita

Comprehensive Plan Recommendations

Transportation policy statements are reflected in the City of Manzanita's Comprehensive Plan. Updated policy statements recommended for Manzanita echo the goals and objectives developed for the TSP project early in the planning process. To achieve this, this memorandum recommends the following Comprehensive Plan amendment actions:

- Revise the Comprehensive Plan's Transportation and Public Facilities and Services elements to incorporate project goals and objectives.
- Adopt the Transportation System Plan by reference to serve as the transportation element of the Comprehensive Plan.

Comprehensive Plan

To ensure policy consistency, the Manzanita Comprehensive Plan should be updated to incorporate the TSP's goals and objectives. Transportation policies are addressed in the Comprehensive Plan's Transportation and Public Facilities and Services elements. These policies should be modified to incorporate the goals and objectives of the TSP.

Recommended Amendments

Recommended policy language that incorporates the TSP's goals and objectives is provided below. Recommended additions are shown using underline formatting and recommended deletions are shown using ~~strikeout~~ formatting.

(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)~~

~~4.2.~~ 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.

~~5.3.~~ 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.

~~6.4.~~ 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.

~~7.5.~~ 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.

~~8.6.~~ 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.

7. The city will support equitable access for underserved and vulnerable populations through compliance with ADA standards for new transportation infrastructure improvements and upgrades to existing infrastructure that does not meet ADA standards.
8. The city will support the development of planned regional bicycle and pedestrian trails, including the Salmonberry Trail, Oregon Coast Trail, and Tillamook County Water Trail.
9. The city will support streetscape improvements to improve downtown areas, including, but not limited to, improved landscaping pedestrian scale lighting, benches, bicycle racks, and street trees.
10. The city will support alternative travel modes that reduce vehicle travel between cities, including, but not limited to, regional shuttle services or water taxis.
11. The city should prioritize improvements to non-motorized routes that include pedestrian and bicycle facilities between Nehalem Bay communities.
12. The city should prioritize enhancing pedestrian and bicycle crossings on US 101 that connect businesses and recreational destinations with neighborhoods.
13. The city will support improvements that increase visibility of transportation users in constrained areas, such as hills and blind curves.
14. The city shall prioritize improvements that address known safety issues at locations with fatal or severe injury crashes, crashes involving bicyclists or pedestrian, and vehicles entering and exiting US 101.
15. The city will coordinate with ODOT to implement engineering and traffic calming strategies on US 101 to reduce vehicle speeds and are consistent with ODOT's Highway Design Manual and other local and regional planning efforts.
16. The city should maintain transportation infrastructure so that facilities can withstand extreme weather events and aid in evacuation efforts.
17. The city will support improvements to traffic circulation and access for fire and emergency vehicles.
18. The city shall prioritize cost-effective transportation improvements.

19. The city should seek additional funding sources for transportation improvements, such as, but not limited to, grants, developer contributions, and transportation system charges.

20. The city should support partnerships that maximize the benefit and return on investment for associated costs when prioritizing transportation investments.

21. The city should support improvements that increase local vehicle circulation and encourage local traffic to use local roads.

22. The city should support non-motorized and transit connections from key destinations and the commercial core.

23. The city should prioritize bicycle and pedestrian facilities on arterials and collectors that enhance connections to local destinations.

24. The city should prioritize transportation and land use solutions that support all road-users in the downtown area and to/from residential areas to the downtown core and beach.

...

(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.

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)~~

Transportation System Plan

The City of Manzanita does not have an adopted TSP that plans for the entire City..¹ The draft 2023 TSP is a comprehensive planning document for the entire City, inclusive of key improvements from the 2003 City of Manzanita Downtown Transportation Plan and should be adopted by reference. Once adopted, the 2023 TSP will serve as the transportation element of the Comprehensive Plan and provide the City with guidance on prioritizing and pursuing transportation improvements to support anticipated growth.

Code Update Recommendations

Code Update Summary

Table 1 summarizes Manzanita ordinance amendment recommendations and corresponding TPR references. Amendments to the following are intended to implement updated transportation standards and to be consistent with the TPR:

- Street Improvement Standards (Ord. #91-2)
- Zoning Ordinance (Ord. #95-4)

¹ City of Manzanita Downtown Transportation Plan (2003) addresses key transportation issues in the city center; improvements identified in that plan have been incorporated into the 2023 TSP.

- Subdivision Ordinance (Ord. #95-5)

Table 1: Manzanita Recommended Code Amendments

Reference Number	Ordinance Section	Proposed Amendments	Comments/TPR Citation
Ordinance No. 91-2 Street Improvement Standards			
M.1	Section 3 Widths	Update street design standards and street classifications to be consistent with TSP recommendations.	Implements OAR 660-012-0045(2)(a) & 0045(7)
M.2	Section 3	Require bikeways and sidewalks along arterials and collectors.	Implements OAR 660-012-0045(3)(b)(B)
Ordinance No. 95-4 Zoning			
M.3	Section 4.010	Update access and frontage width requirements per TSP recommendations. Add provisions for driveway, street, and intersection spacing standards.	Implements OAR 660-012-0045(2)(a)
M.4	Section 4.080	Add on-site bicycle and pedestrian access and circulation standards for parking areas over a certain size.	OAR 660-012-0045(3)(b)
M.5	Section 4.090	Add bicycle parking facility standards for all uses outlined in -0045(3)(a).	OAR 660-012-0045(3)(a)
M.6	Section 4.159 [New Section]	Create a new Section in the ZO for transportation impact studies (TIS). The section should include thresholds for requiring a TIS and include standards for study requirements, approval standards, and a process to allow the City to require mitigation of identified transportation impacts as a condition of approval.	OAR 660-012-0045(2)(b)
M.7	Section 4.160	Add on-site pedestrian access and circulation standards for multi-family and commercial	OAR 660-012-0045(3)(b), -

Reference Number	Ordinance Section	Proposed Amendments	Comments/TPR Citation
	[New Section]	development. Include provisions to ensure connectivity to transit stops that are on or near the site.	0045(3)(e), and - 0045(6)
M.8	Section 5.030	Include additional transportation-related improvements as options for conditions of approval, including bike/ped or transit-related improvements.	OAR 660-012-0045(2)(e) and - 0045(3)(c)
M.9	Section 6.090 [New Section]	Add a provision that establishes transportation facilities, services, and improvements as an outright permitted use for each zone that are not subject to land use review or approval.	OAR 660-012-0045(1)(a) & (b)
M.10	Section 9.060 [New Section]	Add a provision to Article 9 that ensures zoning map and ordinance amendments are consistent with the planned transportation system and planned facilities in the adopted TSP.	OAR 660-012-0045(2)(g) and - 0060
M.11	Section 10.010	Add a notice requirement to transportation providers where proposed actions may impact facilities or that are specific to applications within the Airport Overlay zone and Noise Sensitive Areas.	OAR 660-012-0045(1)(c) and - 0045(2)(e)
M.12	Section 11.050 [New Section]	Allow for consolidated review for transportation facilities and land use decisions.	OAR 660-012-0045(1)(c) & 0045(2)(d)
Ordinance No. 95-5 Subdivisions			
M.13	Section 41.2	Modify minimum street frontage standards per TSP recommendations	OAR 660-012-0045(2)(a)
M.14	Section 42	Update block section to include exceptions to standards to account for situations in which physical/topographic conditions, existing buildings, and land tenure present barriers to street connectivity and block formation.	OAR 660-012-0045(3)(b)(E)

Recommended Amendments

Ordinance No. 91-2 Street Improvement Standards

M.1

[...]

Section 3. Widths

The table below identifies the general widths of arterial, collector and residential streets. In addition, the adopted Downtown Transportation Plan Section 4 establishes recommended cross-sections for the following streets:

- Laneda Avenue (between Division Street and Ocean Avenue)
- Laneda and Manzanita Avenues (between Division Street and US 101)
- Classic Street (from Laneda Avenue north to North Avenue)
- Classic Street Extension (from Laneda Avenue south to Ridge Drive/Necarney City Road)

	Right of way widths	Base widths	Gravel widths	Paving widths
Arterial	50 feet	28 feet	28 feet	24 feet
Collector	40 feet	26 feet	26 feet	22 feet
Residential	40 feet	24 feet	24 feet	20 feet

	Applicability	Right of Way	Travel Lanes	Min. Lane Width	Center Turn Lane	On-street Parking	Bike Facility	Sidewalk	Planter/ Buffer (one side)
Major Collector	See Map 6 in TSP	58 feet	2	11 feet	n/a	8 feet	n/a	10 feet	n/a
Minor Collector	See Map 6 in TSP	36 feet	2	10 feet	n/a	8 feet	12 feet ² (one side)		2 feet
Local	See Map 6 in TSP	22 feet	1	22 feet	n/a	n/a	n/a	n/a	n/a
Local with Sharrows	See Map 12 in TSP	22 feet	1	22 feet	n/a	n/a	Sharrows	n/a	n/a
Local with Advisory Bike Lane	See Map 12 in TSP	22 feet	1	10 feet	n/a	n/a	6 feet Advisory Bike Lanes	n/a	n/a

² Bike facility and sidewalk part of a shared-use path on one side of the roadway.

M.2

Section 11. Pedestrian and Bicycle Improvements.

1. All collector street improvements must include sidewalks and bikeways constructed to City standards.
2. Public sidewalk improvements are required for all property development in the City of Manzanita.
3. Sidewalks may be deferred:
 - a. At the discretion of the City where future road or utility improvements are planned and expected to be completed within 10-years.
 - b. On property where a new dwelling is being constructed, there are no sidewalks existing on properties on either side, and no elevations or profiles have been established for future street or sidewalk improvements along the adjacent or the subject property's frontage.
4. Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City Engineer determines that full right-of-way acquisition is impractical.
5. Sidewalks shall connect to and align with existing sidewalks.
6. Sidewalks width and location, including placement of any landscape strip, shall comply with the requirements of the City Public Works Department and City Engineer.
7. Planter strips and the remaining right-of-way shall be landscaped and maintained as part of the front yard of abutting properties. Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.
8. Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks shopping centers, public transportation stops, or other community services.

Ordinance No. 95-4 Zoning

M.3

Section 4.010 Access.

1. Minimum frontage. Every lot shall abut a street, other than an alley, for at least 20 25 feet, except that lots created in the rear of street fronting lots (flag lots), shall have accesses with a length to width ratio of not greater than 3 to 1.
2. Block length and access spacing.

<u>Functional Class</u>	<u>Maximum Block Length</u>	<u>Minimum Block Length</u>	<u>Minimum Driveway Spacing</u>	<u>Minimum Intersection Set Back</u>
<u>Arterial</u>	<u>1,000 feet</u>	<u>200 feet</u>	<u>100 feet</u>	<u>150 feet</u>
<u>Collector</u>	<u>1,000 feet</u>	<u>150 feet</u>	<u>75 feet</u>	<u>75 feet</u>
<u>Residential</u>	<u>1,000 feet</u>	<u>125 feet</u>	<u>None</u>	<u>25 feet</u>

3. Access and Spacing for Highway 101. Access and spacing standards for Highway 101 within the City and arterials shall conform to the Oregon Highway Plan (OHP) access management spacing standards for highways, as indicated below.

<u>Roadway</u>	<u>Speed Limit</u>	<u>Spacing Standard (rural)</u>	<u>Spacing Standard (urban)</u>
<u>U.S. 101</u>	<u>55 or higher</u>	<u>1,320 feet</u>	<u>1,320 feet</u>
	<u>50</u>	<u>1,100 feet</u>	<u>1,100 feet</u>
	<u>40 & 45</u>	<u>990 feet</u>	<u>800 feet</u>
	<u>30 & 35</u>	<u>770 feet</u>	<u>500 feet</u>
	<u>25 & lower</u>	<u>550 feet</u>	<u>350 feet</u>

M.4

Section 4.080 Off-Street Parking and Off-Street Loading Requirements. At the time a new structure is erected or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this Ordinance.

[...]

17. Parking areas with five or more spaces must provide pedestrian access and circulation, in accordance with Section 4.160.

M.5

Section 4.090 Off Street Parking Requirements

[...]

USE	VEHICLE REQUIREMENTS	BICYCLE REQUIREMENTS
(a) Dwelling	Two spaces for each dwelling unit.	<u>Two spaces per four dwelling units</u>
(b) Dwelling on lots 5000 square feet or smaller in the C-1 or L-C zones	One space for the first dwelling, two spaces for each additional dwelling unit.	<u>N/A</u>
(c) Motel, hotel, or group cottages	One space for each unit of 400 square feet or less, if that unit has only one bedroom; One and ¼ spaces per unit for all other units; 2 spaces for a manger's unit.	<u>Two spaces or one space per five vehicle spaces, whichever is greater.</u>
(d) Hospital, nursing home, assisted living facility, or similar institution	One space for each 3 beds.	<u>Two spaces or one space per ten vehicle spaces, whichever is greater.</u>
(e) Church, club, or similar place of assembly	1 space for each 50 square feet of floor area used for assembly.	<u>Two spaces or one space per ten vehicle spaces, whichever is greater.</u>
(f) Retail, restaurant and library	One space for each 400 square feet of gross floor area.	<u>Two spaces or one space per five vehicle spaces, whichever is greater.</u>
(g) Service or retail shop, retail store handling bulky merchandise such as automobiles and furniture	One space for each 600 square feet of gross floor area.	<u>Two spaces or one space per five vehicle spaces, whichever is greater.</u>
(h) Bank, office, and medical clinic	One space for each 400 square feet of gross floor area.	<u>Two spaces or one space per five vehicle spaces, whichever is greater.</u>

M.6

Section 4.159 Transportation Impact Analysis

1. The City or other road authority with jurisdiction may require a TIA as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
 - a. A change in zoning or a plan amendment designation;
 - b. Operational or safety concerns documented in writing by a road authority;
 - c. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - d. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - e. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 - f. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; or
 - g. A TIA required by ODOT pursuant to OAR 734-051.
2. The TIA shall be prepared by a professional engineer with competence in traffic engineering, licensed in the State of Oregon.
3. The TIA shall be reviewed according to the following criteria:
 - a. The analysis complies with the content requirements set forth by the City and/or other road authorities as appropriate;
 - b. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the road authority;
 - c. For affected City facilities, the study demonstrates that the project meets mobility and other applicable performance standards established in the ZO and TSP, and includes identification of multi-modal solutions used to meet these standards, as needed; and

- d. Proposed design and construction of transportation improvements are in accordance with the design standards and the access spacing standards specified in the ZO and TSP.

4. Conditions of Approval.

- a. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for planned improvements; and require construction of improvements to ensure consistency with the future planned transportation system.
- b. Construction of off-site improvements, including those related to bicycle and pedestrian facilities, may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.
- c. Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving; curbing; installation of or contribution to traffic signals; and/or construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.
- d. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

M.7

Section 4.16o Multifamily and Commercial Pedestrian Access and Circulation Siting.

Pedestrian access and circulation are required to provide for safe, reasonably direct, and convenient access for pedestrians.

- 1. A pedestrian walkway system shall extend throughout the development site and connect to any existing adjacent sidewalks, parking areas, or transit facilities, and to all future phases of the development, as applicable.
- 2. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas,

- recreational areas, playgrounds, and public rights-of-way pursuant to the following standards:
- a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line, or it does not involve a significant amount of out-of-direction travel.
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - c. The walkway network connects to all primary building entrances, consistent with the sidewalk design standards of Section 3 of Ordinance No. 91-2 (Street Improvement Standards) and, where required, Americans with Disabilities Act (ADA) requirements.
3. Where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the [City decision-making body] may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
4. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
5. Walkways/sidewalks shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the transportation standards of Section 3 of Ordinance No. 91-2 (Street Improvement Standards).
6. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width. The [City decision-making body] may also require six foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than four feet.

7. Multi-use pathways, where approved, shall be [10-12] feet wide and constructed of asphalt or concrete.

M.8

Section 5.030 Standards Governing Conditional Uses.

Section 5.031 In permitting a new conditional use or the alteration of an existing Conditional Use for uses other than a needed housing type, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area to the City as a whole. These conditions may include but are not limited:

[...]

- (j) Transportation improvements intended to minimize impacts and protect transportation facilities, corridors, or sites. Improvements may include mitigation measures identified in a transportation impact analysis, pursuant to 4.159.
- (k) Transit facility or access improvements.
- (l) Pedestrian and bicycle facility or access improvements.

M.9

Section 6.090 Transportation Improvements and Uses Permitted

Transportation facilities, services, and improvements consistent with the adopted Transportation System Plan are permitted outright in each Use Zone established under Article 3 of this Zoning Ordinance (Ordinance NO. 95-4). Transportation facilities, services, and improvements are not subject to land use review or approval procedures in the Zoning Ordinance (Ordinance NO. 95-4) or Subdivision Ordinance (Ordinance NO. 95-5), including but not limited to Planned Unit Development (Section 4.136), Site Plan Approval (Section 4.137), Design Review (Section 4.150-158), Conditional Uses (Article 5), and Public Deliberations and Hearings (Article 10).

M.10

Section 9.060 Consistency with Planned Transportation Facilities

An amendment to the text of this Ordinance or to the zoning map must be consistent with planned facilities in the Transportation System Plan.

M.11

Section 10.010 Procedure for Mailed Notice

[...]

- C. Mailed notice shall be sent to the Oregon Department of Transportation (ODOT) and any public agencies providing transportation facilities and services for the following:
1. Any public hearing on a legislative change to the zoning ordinance or land use/design review plans.
 2. Any subdivision or partition plan.
 3. Any proposal that affects transportation facilities or services that are owned or operated by ODOT or other public agency.
 4. Any proposal within the Airport Overlay Zone (Section 3.095) or Noise Sensitive Areas.
- ~~C.~~ D. Addresses for a mailed notice required by this title shall be obtained from the county assessor's Real Property Tax records. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this title for notice.
- ~~D.~~ E. Mailed notice shall contain the information contained in subsection A of Section 10.030.

M. 12

Section 11.050 Consolidated Review for Transportation Facilities and Land Use Plans

Review and approval for land use plans that affect, include, or involve transportation facilities should be consolidated with any required review or approval processes for the transportation facilities.

Ordinance No. 95-5 Subdivisions

M.13

Section 41 - Building Sites

[...]

2. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 20 ~~25~~ feet.

M.14

Section 42 - Blocks

The length, width and shape of blocks shall take into account the need for adequate lot size and street width, circulation patterns, street connectivity, existing lot configurations, existing buildings, and conformity with the topography of the site.

Nehalem

Comprehensive Plan Recommendations

Transportation policies are reflected in the City of Nehalem's Comprehensive Plan. Updated policy statements recommended for Nehalem echo the goals and objectives developed for the TSP project early in the planning process. To achieve this, this memorandum recommends the following Comprehensive Plan amendment actions.

- Revise the Comprehensive Plan's Transportation Goal to incorporate project goals and objectives.
- Adopt the Transportation System Plan by reference to serve as the transportation element of the Comprehensive Plan.

Comprehensive Plan

To ensure policy consistency, the Nehalem Comprehensive Plan should be updated to incorporate the TSP's goals and objectives. Transportation policies are addressed under the Transportation Goal. These policies should be modified to incorporate the goals and objectives of the TSP.

Recommended Amendments

Recommended policy language that incorporates the TSP's goals and objectives is provided below. Recommended additions are shown using underline formatting and recommended deletions are shown using ~~strikeout~~ formatting.

GOAL 12: TRANSPORTATION

Streets, roads, and highways have profound effects on land use. Many forms of development, for example, need to be easy to find, readily seen from a car, and convenient to reach by foot or automobile. A fundamental relationship in planning is land use affecting streets, and streets affecting land use. That relationship is a subject of importance in this chapter of the Comprehensive Plan. The City has addressed that subject by adopting the Nehalem ~~Downtown~~ Transportation System Plan.

~~The three cities of Nehalem, Manzanita and Wheeler may work together to develop a regional transportation system plan (TSP).~~

The Plan's goals are:

- Improve mobility, safety and accessibility for all travel modes
- Improve pedestrian and bicycle circulation and facilities
- Provide for improvements that can be implemented and comply with applicable standards

Beyond Nehalem's limits lie the Salmonberry Trail to the east and the Oregon Coast Trail to the west. The Tillamook County Water Trail lies along the Nehalem River. Nehalem has the opportunity to become the 'connecting hub' between the Oregon Coast Trail and Salmonberry Trail. Nehalem has the potential to provide the linkage between these trails.

City Vision

Nehalem's infrastructure of water, sewer, storm drains, streets and parks is developed to good standards for a rural community, well-maintained and renewed as needed from well-funded and well-managed reserved funds.

State Requirements for Goal 12, Transportation:

The goal aims to provide "a safe, convenient, and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

City Goal

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

Objectives

The City shall support a safe, convenient, accessible and economic transportation system for all modes of transportation.

Policies

- ~~1. Street patterns shall minimize the need for cutting and filling.~~
- ~~2. The City may permit narrower street widths in steep slope areas consistent with traffic safety and emergency vehicle access.~~
- ~~3. The City shall accept private streets as public streets only after they have been improved to City standards.~~
- ~~4.1.~~ The City, County, and the State Department of Transportation shall discourage new access points onto Highway 101.

a. Wherever possible, new residential development shall not have a direct access to Highway 101.

b. New commercial and multi-family uses should be clustered with access being provided by a consolidated access point, preferably not directly onto Highway 101.

~~5. Alternative uses of City rights-of-way should be considered where they are not needed as streets.~~

~~a. These uses may include trails, small parks or natural areas.~~

~~6. The City shall be notified prior to the installation of any underground utility in a City right-of-way.~~

~~a. The City will require reasonable efforts to improve or restore the road after construction.~~

~~7. The City supports efforts such as bus service, to provide transportation for people with limited transportation opportunity, and supports the Tillamook County Transit District to maintain bus stops and shelters as described in the Downtown Transportation Plan.~~

~~8. The City will work to incorporate (as resources allow) streetscape elements for pedestrian and bicycle friendly street design as illustrated in the Downtown Transportation Plan.~~

~~9-2. The City will encourage (as resources allow) an interpretive trail that provides access to the wetlands and river.~~

~~10. Street design standards are contained within the City's Subdivision Ordinance.~~

~~11. The City will work with ODOT to improve the design and safety of the U.S. 101/7th Street intersection.~~

~~12. The City will work with ODOT to provide pedestrian safety improvements and traffic calming measures and safe routes to school and encourage all types of transportation that limit greenhouse gas emissions.~~

~~13-3. The City recognizes the importance of and encourages a link between the Oregon Coast Trail and the Salmonberry Trail, and the Tillamook County Water Trail.~~

4. The City will support equitable access for underserved and vulnerable populations through compliance with ADA standards for new transportation infrastructure

improvements and upgrades to existing infrastructure that does not meet ADA standards.

5. The City will support the development of planned regional bicycle and pedestrian trails, including the Salmonberry Trail, Oregon Coast Trail, and Tillamook County Water Trail.

6. The City will support streetscape improvements to improve downtown areas, including, but not limited to, improved landscaping pedestrian scale lighting, benches, bicycle racks, and street trees.

7. The City will support alternative travel modes that reduce vehicle travel between cities, including, but not limited to, regional shuttle services or water taxis.

8. The City should prioritize improvements to non-motorized routes that include pedestrian and bicycle facilities between Nehalem Bay communities.

9. The City should prioritize enhancing pedestrian and bicycle crossings on US 101 that connect businesses and recreational destinations with neighborhoods.

10. The City should support improvements that increase visibility of transportation users in constrained areas, such as hills and blind curves.

11. The City shall prioritize improvements that address known safety issues at locations with fatal or severe injury crashes, crashes involving bicyclists or pedestrian, and vehicles entering and exiting US 101.

12. The City will coordinate with ODOT to implement engineering and traffic calming strategies on US 101 to reduce vehicle speeds and are consistent with ODOT's Highway Design Manual and other local and regional planning efforts.

13. The City should maintain transportation infrastructure so that facilities can withstand extreme weather events and aid in evacuation efforts.

14. The City will support improvements to traffic circulation and access for fire and emergency vehicles.

15. The City shall prioritize cost-effective transportation improvements.

16. The City should seek additional funding sources for transportation improvements, such as, but not limited to, grants, developer contributions, and transportation system charges.

17. The City should support partnerships that maximize the benefit and return on investment for associated costs when prioritizing transportation investments.

18. The City should support improvements that improve safe access to schools and recreational centers.

19. The City will prioritize sidewalk improvements in the commercial core and improvements to existing sidewalks to meet ADA standards.

20. The City will prioritize improvements that provide non-motorized access to recreational areas.

21. The City should improve (as resources allow) wayfinding to direct visitors to recreational areas and water access points.

22. The City should support transportation improvements that encourage travel modes which will minimize environmental impacts.

Transportation System Plan

The City of Nehalem does not have an adopted TSP that plans for the entire City.³ The draft 2023 TSP is a comprehensive planning document for the entire City, inclusive of key improvements from the 2003 City of Nehalem Downtown Transportation Plan and should be adopted by reference. By legislatively adopting the “plan” elements of the TSP, the City will have a policy framework on which to base compliance-related development requirements and to seek public financing for recommended improvements.

Code Update Recommendations

Code Update Summary

Table 2 summarizes Nehalem Code amendment recommendations and corresponding TPR regulations. Areas identified for amendments are based on TPR audit findings. The amendments are consistent with the format and proposed changes of the concurrent Code update project for the City of Nehalem.

We recommend amendments to the Land Usage Code – Title XV:

- Chapter 156 – Subdivisions
- Chapter 157 – Zoning

³ City of Nehalem Downtown Transportation Plan (2003) addresses key transportation issues in the city center; improvements in that plan have been incorporated into the updated 2023 TSP

Table 2: Nehalem TSP Code Update Recommendations

Reference Number	Ordinance Section	Proposed Amendments	TPR Citation
Chapter 156 Subdivisions			
N.1	Section 156.081(B)	Update right-of-way and pavement width per TSP recommendations.	OAR 660-012-0045(7)
N.2	Section 156.081(E)(1)	Expand dead-end street/cul-de-sac requirements to limit the use of and/or length cul-de-sacs and also require pedestrian access between the end of a cul-de-sac and adjoining development.	OAR 660-012-0045(3)(b)(C)
N.3	Section 156.084	Refine block standards to include exceptions in accordance with - 0045(3)(b)(E)	OAR 660-012-0045(3)(b)(E)
N.4	Section 156.087	Add provisions for transit access improvements and include standards for bicycle and pedestrian access and connectivity to transit facilities.	OAR 660-012-0045(3)(b)
Chapter 157 Zoning			
N.5	Section 157.202.01	Allow transportation improvements, services, and facilities in all zones, provided that the proposed improvements implement the TSP and/or can be shown to be consistent with adopted policy.	OAR 660-012-0045(1)(a) and OAR 660-012-0045(1)(b)
N.6	Section 157.268	Update lot frontage width standards in accordance with TSP recommendation. Add new provisions for minimum driveway, street, and intersection spacing standards.	OAR 660-012-0045(2)(a)
N.7	Section 157.278 OR 157.312 [New Section(s)]	Add on-site pedestrian and bicycle access and circulation standards for parking areas over a certain size, commercial uses, light industrial uses, and multifamily	OAR 660-012-0045(3)(b), -

Reference Number	Ordinance Section	Proposed Amendments	TPR Citation
		development. Location of standards in the Code may depend on potential creation of similar new sections (i.e., bike parking standards). Adopt transit access provisions and apply pedestrian and bicycle access standards to these provisions.	0045(3)(e), and -0045(6)
N.8	Section 157.346(C)	Add transportation improvements as conditions of approval, including bicycle and pedestrian improvements.	OAR 660-012-0045(2)(e) and -0045(3)(c)
N.9	Section 157.402.02 ⁴	Add Right-of-Way standards for each of the City's functional classifications.	OAR 660-012-0045(7)
N.10	Section 157.402.05	Add requirements for walkways/sidewalks for all street frontages and bikeways along arterials and collectors. Add improvement standards for pedestrian, bicycle, and transit facilities.	OAR 660-012-0045(3)(b)
N.11	Section 157.402.08	Add requirements for transportation impact studies (TIS). The section should include thresholds for requiring a TIS and include standards for study requirements, approval standards, and a process to allow the City to require mitigation of identified transportation impacts as a condition of approval.	OAR 660-012-0045(2)(b)
N.12	Section 157.403.06	Add bicycle parking facility standards for all uses outlined in -0045(3)(a). The bicycle parking standards will be included with	OAR 660-012-0045(3)(a)

⁴ The TSP process will revisit adopted roadway cross-sections and design requirements, keeping in mind that the TPR requires that cities minimize pavement width and total right-of-way consistent with the operational needs of the facility. Standards should be made consistent between the updated TSP and Street Improvement Standards.

Reference Number	Ordinance Section	Proposed Amendments	TPR Citation
		updated off-street vehicle parking provisions.	
N.13	Section 157.418(A)	Add a provision to require notice to public agencies providing transportation facilities and services.	OAR 660-012-0045(2)(f)
N.14	Section 157.513.03	Add a provision that addresses plan amendment consistency with the planned transportation system and planned facilities in the adopted TSP.	OAR 660-012-0045(2)(g) and -0060
N.15	Section 157.525.01	Add a provision to the Application section to allow for consolidated review of land use decisions regarding transportation facilities or projects.	OAR 660-012-0045(1)(c) and -0045(2)(d)

Recommended Amendments

Chapter 156 Subdivisions

N.1

Section 156.081 Streets

[...]

(B) Minimum rights-of-way widths.

[...]

(4) Right-of-way classifications, as used herein, shall be construed to mean the following:

<i>Classification</i>	<i>Total ROW Width</i>	<i>Curb-to-Curb Pavement Width*</i>	<i>Travel Lanes*</i>	<i>Parking Lanes*</i>	<i>Sidewalks*</i>
Arterial	60'	40'	12'	8'	6'
Collector	50'	38'	11'	8'	6'
Driveway	10'	10'	10' **	-	-

<i>Classification</i>	<i>Total ROW Width</i>	<i>Curb-to-Curb Pavement Width*</i>	<i>Travel Lanes*</i>	<i>Parking Lanes*</i>	<i>Sidewalks*</i>
Private street, alley	20'	18'	9'	-	-
Residential	40'	32'	9'	7'	4'
	30'	25'	9'	7' **	4'
NOTES TO TABLE: * Widths listed are minimum amounts and are for each lane and/or side. ** Width listed is for a single allowable lane.					

	<i>Applicability</i>	<i>Right of Way</i>	<i>Travel Lanes</i>	<i>Min. Lane Width</i>	<i>Center Turn Lane</i>	<i>On-street Parking</i>	<i>Bike Facility</i>	<i>Sidewalk</i>	<i>Planter/ Buffer (one side)</i>
Major Collector	See Map 6 in TSP	52 feet	2	12 feet	n/a	n/a	6 feet	6 feet	2 feet
Local	See Map 6 in TSP	22 feet	1	22 feet	n/a	n/a	n/a	n/a	n/a
Local with Sharrows	See Map 12 in TSP	22 feet	1	22 feet	n/a	n/a	Sharrow	n/a	n/a
Local with Advisory Bike Lanes	See Map 12 in TSP	22 feet	1	10 feet	n/a	n/a	6 feet Advisory Bike Lanes	n/a	n/a

N.2

Section 156.081 Streets

[...]

(E) Future street extensions

- (1) Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall extend to the boundaries of the subdivision or partition if feasible and the resulting dead-end streets may be approved without a turn-around.

- (2) Cul-de-sac and dead end streets are not permitted unless street continuation is precluded by one or more of the following barriers:
 - (a) Topography (steep slopes greater than 25%)
 - (b) Railroad right-of-way
 - (c) Highway right-of-way
 - (d) Pre-existing development patterns preclude street connections
 - (e) Regulated streams, wetlands, waterways, coastal resources, or other sensitive habitat
- ~~(2)~~(3) Reserve strips including street plugs may be required to preserve the objective of street extensions.
- (4) Where cul-de-sacs and dead end streets are permitted, they should not exceed three hundred (300) feet in length, except in cases where physical barriers are present, as outlined in 156.081(E)(1)
- (5) The cul-de-sac or dead end street shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 157.312 of the Land Usage Code – Title XV.

N.3

156.084 Standards for Subdivisions – Blocks and Traffic

Note, Technical Memo #3 and Proposed Code, dated January 5, 2023 identifies the heading for this section as 157.404.04.

- (A) ~~No block shall be more than 1,000 feet in length between street corner lines of rectilinear developments unless it is adjacent to an arterial street or unless the topography of the location of adjoining streets justified as exception.~~
- (B) ~~The recommended minimum length of blocks along an arterial street is 1,800 feet.~~
- (C) ~~A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception. (Ord. 80-3, passed 04/12/2004)~~

- (A) General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.
- (B) Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.
- (C) Traffic Circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle, and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient, and direct traffic circulation. At a minimum, "nearby" means the distance from the subdivision boundary – 1/4 mile for pedestrians and one mile for bicyclists.
- (D) A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets, railroads, existing development, or wetlands or waterbodies justifies an exception
- (E) Connectivity. To achieve the objective in 156.084 (C) Traffic Circulation, the City shall require the following:
1. Stub-End Streets: Where the potential exists for additional residential development on adjacent property.
 2. Accessways: Public accessways to provide a safe, efficient, and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.
- (F) Collector and Arterial Connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.

(G) Streets. Street design shall comply with provisions in 157.403 as well as the requirements of the City Public Works Department and City Engineer.

N.4

Section 156.087 Improvement Requirements

Note, Technical Memo #3 and Proposed Code, dated January 5, 2023 recommends including language in Section 157.404.

Improvements are to be installed at the expense of the subdivider or partitioner and at the time of subdivision or partition.

[...]

(K) Bicycle improvements. Improvements for bicycle lanes and other bicycle facilities (signs, parking, etc.) shall be installed along collector or arterial streets.

(L) Transit access improvements. Improvements for bicycle and pedestrian access and connectivity shall be provided wherever a bus/transit stop is located on or adjacent to the subject property or subdivision.

Chapter 157 Zoning

N.5

Proposed language is based on recommended language from *Technical Memo #3 and Proposed New Code* dated August 5, 2022

Section 157.202.01 – All Zones

The following uses and activities are permitted in all zones identified in Article II:

- (A) Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping, and related structures and facilities located within rights-of-ways controlled by a public agency.
- (B) Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan.

N.6

Section 157.268 Access.

(A) Minimum frontage. Every lot shall abut a street, other than an alley, for at least 20 feet.
(Ord. 80-2, passed 06/14/2010)

(B) Access and Spacing. Access and spacing standards for streets in Nehalem shall conform to the following access management spacing standards as indicated below.

<u>Functional Class</u>	<u>Maximum Block Length</u>	<u>Minimum Block Length</u>	<u>Minimum Driveway Spacing</u>	<u>Minimum Intersection Set Back</u>
<u>Collector</u>	<u>1,000 feet</u>	<u>200 feet</u>	<u>100 feet</u>	<u>150 feet</u>
<u>Residential or Private Street</u>	<u>1,000 feet</u>	<u>125 feet</u>	<u>None</u>	<u>25 feet</u>

(C) Access and Spacing for Highway 101 and Arterials. Access and spacing standards for Highway 101 within the City and arterials shall conform to the Oregon Highway Plan (OHP) access management spacing standards for highways, as indicated below.

<u>Roadway</u>	<u>Speed Limit</u>	<u>Spacing Standard (rural)</u>	<u>Spacing Standard (urban)</u>
<u>U.S. 101</u>	<u>55 or higher</u>	<u>1,320 feet</u>	<u>1,320 feet</u>
	<u>50</u>	<u>1,100 feet</u>	<u>1,100 feet</u>
	<u>40 & 45</u>	<u>990 feet</u>	<u>800 feet</u>
	<u>30 & 35</u>	<u>770 feet</u>	<u>500 feet</u>
	<u>25 & lower</u>	<u>550 feet</u>	<u>350 feet</u>

N.7

Section 157.278 [OR 157.312]

For commercial, multi-family, and light industrial development, and parking areas with five or more off-street spaces, pedestrian access and circulation is required to provide for safe, reasonably direct, and convenient access for pedestrians.

(A) A pedestrian walkway system shall extend throughout the development site and connect to any existing adjacent sidewalks, parking areas, or transit facilities, and to all future phases of the development, as applicable.

- (B) Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
- (C) The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
- (D) The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
- (E) The walkway network connects to all primary building entrances, consistent with the building design standards of Chapter 3.2 and, where required, Americans with Disabilities Act (ADA) requirements.
- (F) Where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
- (G) Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
- (H) Walkways, including access ways required for subdivisions pursuant to Chapter 4.3, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the transportation standards of Section 3.6.020.
- (I) Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width. The City may also require six foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than four feet.

- (J) Multi-use pathways, where approved, shall be [10-12] feet wide and constructed of asphalt or concrete.
- (K) Bicycle and pedestrian access and connectivity shall be provided wherever a bus/transit stop is located on or adjacent to the subject property or subdivision.

N.8

157.346 Authorization

[...]

- (C) In granting a conditional use, the city may impose, in addition to those standards and requirements expressly specified in this chapter, any conditions which it considers necessary to protect adjacent uses and the resources of the site and adjacent areas. These conditions may include, but are not limited to:

[...]

10. Require improvements to transportation facilities, including improvements for pedestrian, bicycle, and transit facilities.

N.9

Proposed language is based on recommended language from *Technical Memo #3 and Proposed New Code* dated August 5, 2022.

Section 157.402.02. General Provisions

(A) General

1. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use of land to be served by the streets.
2. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain.

3. Where location is not shown in a development plan, the arrangement of streets shall either:
 - (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- (B) Minimum rights-of-way widths.
1. Street rights-of-way and improvements shall be the widths and standards listed in the Minimum Right-of-Way Widths Table below.
 2. The width of a required right-of-way shall be determined by the city based upon, but not limited to, the following factors:
 - (a) Street classification, if any, listed within the Comprehensive Plan, Transportation System Plan and/or this chapter;
 - (b) Anticipated traffic generation;
 - (c) On-street parking needs;
 - (d) Sidewalk and bikeway requirements based on anticipated level of use;
 - (e) Requirements for placement of utilities;
 - (f) Street lighting;
 - (g) Minimize drainage, slope, and sensitive lands impacts, as identified within Section 157.406 of this chapter;
 - (h) Safety and comfort for motorists, bicyclists and pedestrians;
 - (i) Access needs for emergency vehicles;
 - (j) Street furnishings (e.g., benches, lighting, bus shelters) when provided;
 - (k) Transition between different street widths (i.e., existing streets and new streets), as applicable; and
 - (l) Other relevant criteria.

<i>Classification</i>	<i>Total ROW Width</i>	<i>Curb-to-Curb Pavement Width*</i>	<i>Travel Lanes*</i>	<i>Parking Lanes*</i>	<i>Sidewalks*</i>
Arterial	60'	40'	12'	8'	6'
Collector	50'	38'	11'	8'	6'
Driveway	10'	10'	10' **	-	-
Private street, alley	20'	18'	9'	-	-
Residential	40'	32'	9'	7'	4'
	30'	25'	9'	7' **	4'
NOTES TO TABLE: * Widths listed are minimum amounts and are for each lane and/or side. ** Width listed is for a single allowable lane.					

	<i>Applicability</i>	<i>Right of Way</i>	<i>Travel Lanes</i>	<i>Min. Lane Width</i>	<i>Center Turn Lane</i>	<i>On-street Parking</i>	<i>Bike Facility</i>	<i>Sidewalk</i>	<i>Planter/ Buffer (one side)</i>
<u>Major Collector</u>	<u>See Map 6 in TSP</u>		<u>2</u>	<u>12 feet</u>	<u>n/a</u>	<u>n/a</u>	<u>6 feet</u>	<u>6 feet</u>	<u>2 feet</u>
<u>Local</u>	<u>See Map 6 in TSP</u>		<u>1</u>	<u>22 feet</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Local with Sharrows</u>	<u>See Map 12 in TSP</u>		<u>1</u>	<u>22 feet</u>	<u>n/a</u>	<u>n/a</u>	<u>Sharrow</u>	<u>n/a</u>	<u>n/a</u>
<u>Local with Advisory Bike Lanes</u>	<u>See Map 12 in TSP</u>		<u>1</u>	<u>10 feet</u>	<u>n/a</u>	<u>n/a</u>	<u>6 feet Advisory Bike Lanes</u>	<u>n/a</u>	<u>n/a</u>

N.10

Proposed language is based on recommended language from *Technical Memo #3* and *Proposed New Code* dated August 5, 2022

157.402.05 Sidewalks and Bikeways

Public sidewalk improvements are required for all property development in the City of Nehalem.

- (A). Sidewalks may be deferred:
 - 1. At the discretion of the City where future road or utility improvements are planned and expected to be completed within 10-years.
 - 2. On property where a new dwelling is being constructed, there are no sidewalks existing on properties on either side, and no elevations or profiles have been established for future street or sidewalk improvements along the adjacent or the subject property's frontage.
- (B) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City Engineer determines that full right-of-way acquisition is impractical.
- (C) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.
- (D) Sidewalks width and location, including placement of any landscape strip, shall comply with the requirements of the City Public Works Department and City Engineer.
- (E) Planter strips and the remaining right-of-way shall be landscaped and maintained as part of the front yard of abutting properties. Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.
- (F) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks shopping centers, public transportation stops, or other community services.
- (B) Bikeways. Bikeways are required along Arterial and Collector streets. Bikeways shall comply with the requirements of the City Public Works Department and City Engineer. Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way.

N.11

Proposed language is based on recommended language from *Technical Memo #3 and Proposed New Code* dated August 5, 2022

157.402.08 Traffic Impact Analysis

The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-00452(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

- (A) When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
1. A change in zoning or a plan amendment designation;
 2. Operational or safety concerns documented in writing by a road authority;
 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 4. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 5. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; or
 7. A TIA required by ODOT pursuant to OAR 734-051.

(B) Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

(C) The TIA shall be reviewed according to the following criteria:

1. The analysis complies with the content requirements set forth by the City and/or other road authorities as appropriate;
2. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the road authority;
3. For affected City facilities, the study demonstrates that the project meets mobility and other applicable performance standards established in the ZO and TSP, and includes identification of multi-modal solutions used to meet these standards, as needed; and
4. Proposed design and construction of transportation improvements are in accordance with the design standards and the access spacing standards specified in the ZO and TSP.

(D) Conditions of Approval.

1. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for planned improvements; and require construction of improvements to ensure consistency with the future planned transportation system.
2. Construction of off-site improvements, including those related to bicycle and pedestrian facilities, may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.
3. Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving; curbing; installation of or contribution to traffic signals; and/or construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.
4. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the

development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

N.12

Proposed language is based on recommended language from *Technical Memo #3 and Proposed New Code* dated August 5, 2022

157.403.06 Vehicle Parking Standards

(E) Bicycle Spaces. When provided, bicycle parking development requirements

1. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.
2. Location. All bicycle parking shall be within 100 feet of a building entrance(s) and located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.

(F) Parking Space Requirements. Unless otherwise modified by other provisions in this Code, the following parking space requirements shall apply:

	<u>Land Use Activity</u>	<u>Vehicle Spaces</u>	<u>Bicycle Spaces</u>	<u>Measurement</u>
1.	<u>1 and 2 family dwellings</u>	<u>2 spaces per dwelling unit</u>	<u>0</u>	<u>None</u>
2.	<u>Multi-family dwellings (3 or more units)</u>	<u>Studio – 1 space</u> <u>1 bedroom – 1.5 spaces/unit</u> <u>2-bedroom – 1.75 spaces/unit</u> <u>3+ bedroom – 2 spaces/unit</u>	<u>0.25</u>	<u>Per dwelling unit</u>
3.	<u>Hotel, motel, boarding house</u>	<u>1 space per guest room plus 1 space for the office</u>	<u>1</u>	<u>Per 20 guest rooms</u>
4.	<u>Club, lodge</u>	<u>Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as restaurant, auditorium, etc.</u>	<u>2</u>	<u>Per 20 vehicle spaces</u>
5.	<u>Hospital</u>	<u>2 spaces per bed</u>	<u>0.5</u>	<u>Per 5 beds</u>
6.	<u>Nursing home, assisted living</u>	<u>Greater of 1 space per three beds or 1 space per apartment unit</u>	<u>0.5</u>	<u>Per 5 beds</u>

	<u>Land Use Activity</u>	<u>Vehicle Spaces</u>	<u>Bicycle Spaces</u>	<u>Measurement</u>
<u>7.</u>	<u>Churches, auditorium, stadium, theater Chapel/mortuary</u>	<u>1 space per 4 seats, or, every 8 feet of bench length, or 36 sq. ft. of area w/o fixed seats</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>
<u>8.</u>	<u>Preschool, kindergarten, elementary, junior high</u>	<u>Greater of 1.5 spaces per classroom or auditorium requirements in "7."</u>	<u>2</u>	<u>Per classroom</u>
<u>9.</u>	<u>High school</u>	<u>Greater of 1.5 spaces per classroom, plus one space per 10 students; or auditorium requirements in "7."</u>	<u>1</u>	<u>Per classroom</u>
<u>10.</u>	<u>Colleges, trade schools</u>	<u>Greater of 1.5 spaces per classroom, plus one space per 5 students, plus requirements for on-campus housing</u>	<u>1</u>	<u>Per classroom</u>
<u>11.</u>	<u>Bowling alley, miniature golf</u>	<u>Alley - 1 space per 100 sq. ft. Golf - 1 space per 4 holes</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>
<u>12.</u>	<u>Retail store, except as provided in "13."</u>	<u>1 space per 350 sq. ft.</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>
<u>13.</u>	<u>Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture</u>	<u>Furniture, appliance - 1 space per 750 sq. ft. of gross floor area Auto and boat sales, nurseries, other bulk uses – 1 space per 1,000 sq. ft. of first 10,000 sq. ft. of gross land area; 1 space for each additional 5,000 sq. ft.</u>	<u>1</u>	<u>Per 30 vehicle spaces</u>
<u>14.</u>	<u>Public or private office building; bank; medical and dental clinic</u>	<u>General - 1 space per 500 sq. ft. of gross floor area, Medical - 1 space per 350 sq. ft. of gross floor area</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>
<u>15.</u>	<u>Eating and drinking establishments</u>	<u>Lesser of 1 space per 4 seats, or, 1 space per 100 sq. ft. of gross leasable floor area</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>
<u>16.</u>	<u>Industrial</u>	<u>Lesser of 1 space per two employees on largest shift or 1</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>

	<u>Land Use Activity</u>	<u>Vehicle Spaces</u>	<u>Bicycle Spaces</u>	<u>Measurement</u>
		<u>space per 700 sq. ft. of gross floor area; plus, one space per company vehicle.</u>		
<u>17.</u>	<u>Warehousing</u>	<u>Greater of 1 space per two employees or 1 space per 1,000 sq. ft. of gross floor area; plus, one space per company vehicle.</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>
<u>18.</u>	<u>Public utilities</u>	<u>1 space per two employees on largest shift (minimum 2 spaces); plus, one space per company vehicle.</u>	<u>1</u>	<u>Per 20 vehicle spaces</u>

N.13

Section 157.418

- (A) Notice by City Manager/Recorder to interested persons. Within 30 days of receipt of a complete application, including payment of the required fee in full, the City Manager/Recorder shall send by first class mail, a notice of the application to the following:

[...]

- (7) Public agencies providing transportation facilities and services.

N.14

Proposed language is based on recommended language from *Technical Memo #3 and Proposed New Code* dated August 5, 2022

157.513.03 Decision Criteria

Amendments to the Comprehensive Plan or Development Ordinance text may be approved if the evidence can substantiate the following:

- (A) There are no negative impacts of the proposed amendment on land use and development patterns within the city, as measured by:

1. Traffic generation and circulation patterns;
 2. Demand for public facilities and services;
 3. Economic activities;
 4. Protection and use of natural resources;
 5. Compliance of the proposal with existing adopted special -purpose plans or programs.
- (B) A demonstrated need exists for the proposed amendment.
- (C) The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.
- (D) The amendment is appropriate as measured by at least one of the following criteria:
1. It corrects identified error(s) in the provisions of the plan.
 2. It represents a logical implementation of the plan.
 3. It is mandated by changes in federal, state, or local law.
 4. It is otherwise deemed by the City Council to be desirable, appropriate, and proper.

N.15

Proposed language is based on recommended language from *Technical Memo #3 and Proposed New Code* dated August 5, 2022

157.525.01 Multiple Applications

Applications for more than one land use action for the same property may, at the applicant's discretion, be heard or reviewed concurrently. Multiple land use requests involving different processing Types shall be heard and decided at the higher processing Type. For example, an application involving a Conditional Use (Type III) with an Adjustment (Type II) shall be reviewed and decided as a Type III request. A Final Decision, unless appealed, shall be granted for each request and each request is appealable individually.

(A) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors, and sites for their identified functions.

Wheeler

Comprehensive Plan Recommendations

Transportation policies are reflected in the City of Wheeler's Comprehensive Plan. Updated policy statements recommended for Wheeler echo the goals and objectives developed for the TSP project early in the planning process. To achieve this, this memorandum recommends the following Comprehensive Plan amendment actions:

- Revise the Comprehensive Plan's Transportation Goal to incorporate project goals and objectives.
- Adopt the Transportation System Plan by reference to serve as the transportation element of the Comprehensive Plan.

Comprehensive Plan

To ensure policy consistency, the Wheeler Comprehensive Plan should be updated to incorporate the TSP's goals and objectives. Transportation policies are addressed under Comprehensive Plan Goal 12. Generally, the policies seek to promote and maintain a safe multi-modal transportation system that provide options for all users. It seeks to limit additional access points on US 101. These policies should be modified to incorporate the goals and objectives of the TSP.

Recommended Amendments

Recommended policy language that incorporates the TSP's goals and objectives is provided below. Recommended additions are shown using underline formatting and recommended deletions are shown using ~~strikeout~~ formatting.

THE CITY OF WHEELER, OREGON COMPREHENSIVE PLAN

Statement of Goals and Policies

INTRODUCTION:

GOAL 12: TRANSPORTATION

~~The State of Oregon does not currently have a transportation plan. Without a state level plan the needed repairs and maintenance of roads is not addressed comprehensively and therefore falls to each county and city. The expense of such upkeep and development are often cost prohibitive to the City. As a result Wheeler~~

should create its own plan to address the needs of the community. The Vision clearly prioritized improving public safety by providing off street bike and pedestrian trails and increasing an intercity trail system. These issues must be included in any long range planning the City undertakes to improve access to funding that is often limited and competitive.

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

POLICIES:

1. The City supports efforts to provide a broad range of transportation options for all users.
2. The City shall seek to maintain a multi-modal transportation system plan to provide and strengthen safe and efficient transportation connections between the highway, the community, the downtown, and the waterfront.
3. The City shall provide clear standards for highway and street construction projects.
4. Street developments shall be designed consistent with city standards to create a minimal need for cutting and filling.
5. The City shall maintain a street master plan.
6. Where the City determines that street standards cannot be met, the City Council may approve an alternative design if appropriate support is provided by a site investigation report and engineering recommendations.
7. The City shall be notified prior to the installation of any underground utility in a City right of way. The City will require the property owner and / or their agent(s) authorized by the City to be responsible for the cost of improving or restoring the road consistent with City standards.
- 8.1. Additional access points to US Highway 101 shall be discouraged including those within new residential developments. Access to commercial uses should be provided by a consolidated access point.
9. The City will participate in Transportation Studies within the Wheeler jurisdiction with the intention of providing safer and more efficient highway transportation through Wheeler.

~~10. The City of Wheeler 2006 Transportation System Plan is part of the Comprehensive Plan.~~

~~11. Future improvement plans should not preclude passenger rail services to Wheeler.~~

~~12. To enhance public safety and recreational opportunities the City supports the development of the planned regional multi-use bicycle and pedestrian Salmonberry Trail designed to pass through the City by utilizing the Port of Tillamook Bay rail right-of-way and/or by sharing portions of local vehicular streets or US Highway 101.~~

~~13. When transportation planning or development work is undertaken within the Wheeler jurisdiction, the Wheeler Planning Commission or another committee designated by the City Council shall be used by the Oregon Department of Transportation as its citizen involvement committee.~~

~~14. The Oregon Department of Transportation (ODOT) shall coordinate any Transportation Studies, Transportation System Plans, and highway improvements within the City jurisdiction with the City and the Port of Tillamook Bay Railroad to insure that their combined improvement plans are consistent with the criteria in Policy 15.~~

~~15. Transportation improvement plans shall address the following considerations:~~

- ~~a. The enhancement of pedestrian and vehicular access across Highway 101;~~
- ~~b. The maintenance or improvement of parking facilities along Highway 101;~~
- ~~c. The minimization of short-term disruptions which would adversely affect the business and residential areas of Wheeler;~~
- ~~d. The enhancement of the long-range viability of the downtown and waterfront areas;~~
- ~~e. The minimization of noise and air pollution impacts on adjacent areas;~~
- ~~f. The provision of appropriate landscaping;~~
- ~~g. The protection of views across Nehalem Bay and surrounding area;~~
- ~~h. The enhancement of access to and along the waterfront; and~~
- ~~i. Opportunities to improve the safety of the coastal bike route including but not limited to such means as: constructing separate bike lanes, widening the highway shoulders, or diverting bike traffic.~~

2. The City will support equitable access for underserved and vulnerable populations through compliance with ADA standards for new transportation infrastructure improvements and upgrades to existing infrastructure that does not meet ADA standards.
3. The City will support the development of planned regional bicycle and pedestrian trails, including the Salmonberry Trail, Oregon Coast Trail, and Tillamook County Water Trail.
4. The City will support streetscape improvements to improve downtown areas, including, but not limited to, improved landscaping pedestrian scale lighting, benches, bicycle racks, and street trees.
5. The City will support alternative travel modes that reduce vehicle travel between cities, including, but not limited to, regional shuttle services or water taxis.
6. The City will prioritize improvements to non-motorized routes that include pedestrian and bicycle facilities between Nehalem Bay communities.
7. The City should prioritize enhancing pedestrian and bicycle crossings on US 101 that connect businesses and recreational destinations with neighborhoods.
8. The City will support improvements that increase visibility of transportation users in constrained areas, such as hills and blind curves.
9. The City shall prioritize improvements that address known safety issues at locations with fatal or severe injury crashes, crashes involving bicyclists or pedestrian, and vehicles entering and exiting US 101.
10. The City will coordinate with ODOT to implement engineering and traffic calming strategies on US 101 to reduce vehicle speeds and are consistent with ODOT's Highway Design Manual and other local and regional planning efforts.
11. The City should maintain transportation infrastructure so that facilities can withstand extreme weather events and aid in evacuation efforts.
12. The City will support improvements to traffic circulation and access for fire and emergency vehicles.
13. The City shall prioritize cost-effective transportation improvements.

14. The City will prioritize building out sidewalks and crossings in the commercial core to support safer connections for residents and visitors that want to access key destinations.

15. The City should support, and provide where able, improvements such as but not limited to wayfinding, pedestrian scale signage, lighting, landscaping, and amenities to create a sense of place.

Transportation System Plan

It is recommended that the City adopt the updated TSP as a replacement to the TSP that was adopted in 2001. By legislatively adopting the “plan” elements of the TSP, the City will have a policy framework on which to base compliance-related development requirements and to seek public financing for recommended improvements. The TSP should be adopted by reference as the transportation element of the Comprehensive Plan.

Code Update Recommendations

Code Update Summary

Table 3 summarizes Wheeler Code amendment recommendations and corresponding TPR references. Amendments to the code are intended to implement updated transportation standards and to be consistent with the TPR. In addition, the amendments are consistent with the format and proposed changes of the concurrent Code update project for the City of Nehalem where noted.

Table 3: Wheeler TSP Code Update Recommendations

Reference Number	Ordinance Section	Proposed Amendments	Comments/TPR Citation
W.1	4.02.02(B)	Update pavement and right-of-way width standards in accordance with TSP recommendations.	OAR660-012-0045(7)
W.2	Section 4.02.05	Add requirements for walkways/sidewalks for all street frontages and bikeways along arterials and collectors.	OAR660-012-0045(3)(b)
W.3	Section 4.02.08	Modify the section for traffic impact analysis (TIA) to include authority to apply conditions of approval.	OAR 660-012-0045(2)(b)

Reference Number	Ordinance Section	Proposed Amendments	Comments/TPR Citation
W.4	Section 4.03.07	Add pedestrian and bicycle access and circulation requirements for commercial, multi-family, and light industrial uses where the parking areas exceed a certain size or number of spaces.	OAR660-012-0045(3)(b)
W.5	Section 5.12.03	Add criteria to ensure that amendments are consistent with adopted TSP policies and planned transportation facilities.	OAR660-012-0045(2)(g) and -0060
W.6	Section 5.508.05	Add criteria that commercial, light industrial, and multifamily uses comply with the pedestrian and bicycle access circulation requirements in Section 4.03.07. Add provisions for transit access improvements and include standards for bicycle and pedestrian access and connectivity to transit facilities.	OAR660-012-0045(3)(b), -0045(3)(e), and -0045(6)
W.7	Section 5.508.07	Add or amend provisions for additional transportation improvements as conditions of approval, including improvements that facilitate bicycle and pedestrian travel.	OAR660-012-0045(2)(e), -0045(3)(c), and -0045(7)

Recommended Amendments

Proposed language is based on recommended language from Wheeler Development Code – 2021 Planning Commission Draft memorandum dated November 5, 2021. Recommendations are in addition to or further modify language proposed in the memorandum.

W.1

Section 4.02.02(B) Minimum rights-of-way widths.

<i>Minimum Right-of-Way Widths</i>					
<i>Classification</i>	<i>Total ROW Width</i>	<i>Curb to Curb Pavement Width*</i>	<i>Travel Lanes*</i>	<i>Parking Lanes*</i>	<i>Sidewalks*</i>
Arterial	60'	40'	12'	8'	6'

Minimum Right-of-Way Widths					
Classification	Total ROW Width	Curb-to-Curb Pavement Width*	Travel Lanes*	Parking Lanes*	Sidewalks*
Collector	50'	38'	11'	8'	6'
Driveway	10'	10'	10' **	-	-
Private street, alley	20'	18'	9'	-	-
Residential Minor	40'	32'	9'	7'	4'
	30'	25'	9'	7' **	4'
NOTES TO TABLE: * Widths listed are minimum amounts and are for each lane and/or side. ** Width listed is for a single allowable lane. *** As the only arterial in Wheeler is U.S. 101, which is under the jurisdiction of ODOT, values presented above are consistent with recommendation in the Blueprint for Urban Design (BUD).					

	Applicability	Right of Way	Travel Lanes	Min. Lane Width	Center Turn Lane	On-street Parking	Bike Facility	Sidewalk	Planter/ Buffer (one side)
Minor Collector	See Map 6 in TSP	34 feet	2	11 feet	n/a	n/a	n/a	6 feet	n/a
Minor Collector with Sharrows	See Map 6 in TSP	34 feet	2	11 feet	n/a	n/a	Sharrows	6 feet	n/a
Local	See Map 6 in TSP	22 feet	1	22 feet	n/a	n/a	n/a	n/a	n/a
Local with Sharrows	See Map 12 in TSP	22 feet	1	22 feet	n/a	n/a	Sharrow	n/a	n/a
Local with Advisory Bike Lanes	See Map 12 in TSP	22 feet	1	10 feet	n/a	n/a	6 feet Advisory Bike Lanes	n/a	

Public sidewalk improvements are required for all property development in the City of Wheeler.

[...]

(G) Improvements. Any improvements along arterial or collector streets must include sidewalk. Pedestrian access must be provided for wherever transit facilities or a transit stop is located.

W.3

Section 4.02.08 Traffic Impact Analysis

The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-00452(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

- (A) When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
1. A change in zoning or a plan amendment designation;
 2. Operational or safety concerns documented in writing by a road authority;
 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 4. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 5. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to

queue or hesitate at an approach or access connection, creating a safety hazard; or

7. A TIA required by ODOT pursuant to OAR 734-051.
- (B) Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.
- (C) The TIA shall be reviewed according to the following criteria:
1. The analysis complies with the content requirements set forth by the City and/or other road authorities as appropriate;
 2. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the road authority;
 3. For affected City facilities, the study demonstrates that the project meets mobility and other applicable performance standards established in the TSP, and includes identification of multi-modal solutions used to meet these standards, as needed; and
 4. Proposed design and construction of transportation improvements are in accordance with the design standards and the access spacing standards specified in this ordinance and the TSP.
- (D) Conditions of Approval.
1. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for planned improvements; and require construction of improvements to ensure consistency with the future planned transportation system.
 2. Construction of off-site improvements, including those related to bicycle and pedestrian facilities, may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.
 3. Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving; curbing; installation of or

contribution to traffic signals; and/or construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.

4. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

W.4

4.03.08 Access and Circulation

For commercial, multi-family, and light industrial development that are required to include parking for more than five vehicles shall provide pedestrian access and circulation as follows:

- (A) A pedestrian walkway system shall extend throughout the development site and connect to any existing adjacent sidewalks, parking areas, or transit facilities, and to all future phases of the development, as applicable.
- (B) Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
1. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line, or it does not involve a significant amount of out-of-direction travel.
 2. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The [City decision-making body] may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 3. The walkway network connects to all primary building entrances and, where required, Americans with Disabilities Act (ADA) requirements.
- (C) Where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the [City decision-making body] may approve a walkway abutting a driveway at the same grade as the driveway if the

- walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
- (D) Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
- (E) Walkways and sidewalks shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt.
- (F) Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width. The [City decision-making body] may also require six foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than four feet.
- (G) Multi-use pathways, where approved, shall be [10-12] feet wide and constructed of asphalt or concrete.

W.5

Section 5.12.03 Decision Criteria

Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following:

[...]

- (E) The amendment is consistent with the adopted Transportation System Plan policies and goals and planned transportation facilities.

W.6

Section 5.508.05 Decision Criteria

[...]

(G) In addition, new commercial and multi-family building must comply with the following:

[...]

12. The access and circulation requirements Section 4.03.08.

(I) Bicycle and pedestrian access and connectivity shall be provided wherever a bus/transit stop is located on or adjacent to the subject property or subdivision.

W.7

Section 5.508.07 Conditions of Approval

In approving a Site Design Review, the City may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out.

These may include providing bicycle and/or pedestrian improvements, including but not limited to sidewalk repair or installation, bicycle lanes or paths, on-site bicycle/pedestrian access and circulation, or multi-use trails or paths.



City of Manzanita

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 Fax (503) 368-4145

STAFF REPORT

TO: Manzanita Planning Commission

FROM: Scott Fregonese, City Planner

SUBJECT: Planning File – Annexation of a portion of a property located on the edge of city limits that is within the UGB.

DATE: August 4st, 2023

I. BACKGROUND

- A. APPLICANT: Tillamook County
- B. PROPERTY LOCATION: The property is located at 34995 Necarney City Road in Manzanita. The County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #2000
- C. MAPPED AREA: 9.2 acres.
- D. EXISTING DEVELOPMENT: Transfer Station
- E. ZONING: Special Residential/Recreation Zone (SR-R)
- F. ADJACENT ZONING AND LAND USE: Property to the South is located outside City Limits and is designated R-2. To the east, also outside city limits lies RMD zoned land located along Necarney City Drive and Pine Ridge Drive. All remaining adjacent property is zoned SR-R and contains a mix of open space and residential development.
- G. REQUEST: Application to Annex the remaining portion of the 9.2 acres into the City limits of Manzanita, and therefore have the entire property be within the City.
- H. DECISION CRITERIA: The Annexation request is evaluated against the Oregon Revised Statute Chapter 222.

II. APPLICATION SUMMARY

- A. The applicant wishes to annex approximately 2.6 acres of SR-R designated land. The subject area is located in the south portion of the property identified as part of Tax Lot #2000.
- B. The City development regulations do not include annexation provisions. By default, the City is subject to provisions in Oregon Revised Statutes Chapter 222, Sections 222.111 to 222.177. Ultimately, the City Council has the option to conduct a public hearing on the request, or, refer the annexation to the voters.
- C. This review will proceed with an analysis of the annexation request - again, this applies only to that approximate 2.6-acre portion of Tax Lot 2000.

III. ANNEXATION

- A. Annexation procedures are contained in ORS Chapter 222 (a copy of the material is included as Attachment "A"). The statute does not specifically require (nor prohibit) the Planning Commission's review of a request. Prior to this hearing, staff coordinated the annexation process with the City Legal Counsel, suggesting the Commission should at least make a recommendation to the Council on the annexation. This is entirely consistent with other legislative-type actions - such as zone changes or code amendments - that require a Commission recommendation as part of the legislative process. Note the City Council has options on how to make a final determination, including providing an opportunity for a public vote on the matter.
- B. ORS 222.111 Authority and procedure for annexation; specifying tax rate in annexed territory. This Section allows the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. Further, a proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

FINDINGS: The subject property (Tax Lot 2000) is located on the edge of the City limits. A portion of tax lot 2000 is outside of City limits and therefore annexation would be the best process for conformity purposes. Existing service districts (fire and sanitary sewer) will continue to serve the site. In summary, this portion of Tax Lot 2000 meets the statutory requirements for annexation.

- C. The remaining provisions address specific issues (e.g., contracts or special airport provisions) or the City Council's role in reviewing an annexation request. *As part of its recommendation, the Commission may choose to suggest the City*

Council conduct a public hearing on the request as opposed to sending the request to the voters.

VI. COMMISSION DECISION PROCESS

- A. This application contains one distinct request: annexation of Tax Lot 2000. Staff recommends the Commission make the following decision: a decision recommending Council action on the annexation.

VII. RECOMMENDATION - ANNEXATION

City staff finds the proposed Annexation is consistent with the relevant provisions in ORS Chapter 222 and recommends the Commission recommend City Council approval of the request.

VIII. PLANNING COMMISSION ACTION - ANNEXATION

- A. The Planning Commission has the following options:
1. Recommend City Council approve the Annexation, adopting findings contained in the staff report;
 2. Recommend City Council approve the Annexation, adopting modified findings; or
 3. Recommend City Council deny the Annexation, establishing findings as to why the application fails to comply with the decision criteria.
- B. Staff will prepare the appropriate document for the Chair's signature.

ATTACHMENT “A”

Oregon Revised Statute Chapter 222 (Annexation Sections)

222.111 Authority and procedure for annexation; specifying tax rate in annexed territory. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

(3)(a) Except as provided in paragraph (b) of this subsection, the proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city.

(b) For purposes of paragraph (a) of this subsection, a proposal for annexation initiated by the legislative body of a city may provide for a duration of not more than 20 full fiscal years.

(c) The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal, but in no case may the proposal provide for a rate of taxation for city purposes in the annexed territory that exceeds the highest rate of taxation for city purposes applicable to other property in the city for the current year.

(d) If the annexation takes place pursuant to a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio that the proposal authorizes for that fiscal year.

(e) Notwithstanding paragraph (d) of this subsection, during the term of fiscal years provided for pursuant to paragraph (b) of this subsection, the ratio shall be 100 percent for property that is sold or transferred to new ownership, beginning with the first property tax year that begins after the sale or transfer.

(4)(a) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

(b) Notwithstanding paragraph (a) of this subsection, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.

(7) Two or more proposals for annexation of territory may be voted upon simultaneously, but in the city, each proposal shall be stated separately on the ballot and voted on separately, and

in the territory proposed for annexation, no proposal for annexing other territory may appear on the ballot. [1957 c.613 §2 (enacted in lieu of 222.110); 1959 c.415 §1; 1967 c.624 §13; 1985 c.702 §7; 2019 c.315 §1]

222.115 Annexation contracts; recording; effect. A contract between a city and a landowner containing the landowner's consent to eventual annexation of the landowner's property in return for extraterritorial services:

- (1) Must be recorded; and
- (2) When recorded, is binding on successors in interest in that property. [1991 c.637 §4; 2012 c.46 §§1,2]

222.118 Provision of city services to airport without requiring annexation. A city and an airport may enter into an agreement pursuant to which the city provides sewer and water services to the airport without requiring the annexation, or consent to eventual annexation, to the city of the territory on which the airport is situated. [2015 c.787 §1]

222.120 Procedure for annexation without election; hearing; ordinance subject to referendum. (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land

bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39; 2009 c.595 §180]

222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Note: 222.125 was added to and made a part of ORS chapter 222 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

222.127 Annexation without election notwithstanding contrary city law upon petition of all owners of land; declaration of annexation. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed. [2016 c.51 §2]

222.130 Annexation election; notice; ballot title. (1) The statement summarizing the measure and its major effect in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect may not exceed 150 words.

(2) The notice of an annexation election shall be given as provided in ORS 254.095, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

(3) Whenever simultaneous elections are held in a city and the territory to be annexed, the same notice and publication shall fulfill the requirements of publication for the city election and the election held in the territory. [Amended by 1967 c.283 §1; 1979 c.317 §4; 1983 c.350 §33; 1995 c.79 §80; 1995 c.534 §10; 2007 c.154 §60]

222.140 [Repealed by 1979 c.317 §26]

222.150 Election results; proclamation of annexation. The city legislative body shall determine the results of the election from the official figures returned by the county clerk. If the city legislative body finds that the majority of all votes cast in the territory favors annexation and the city legislative body has dispensed with submitting the question to the electors of the city, the city legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [Amended by 1983 c.83 §23; 1983 c.350 §34; 1985 c.702 §9]

222.160 Procedure when annexation is submitted to city vote; proclamation of annexation. This section applies when the city legislative body has not dispensed with submitting the question of annexation to the electors of the city. If the city legislative body finds that a majority of the votes cast in the territory and a majority of the votes cast in the city favor annexation, then the legislative body, by resolution or ordinance, shall proclaim those annexations which have received a majority of the votes cast in both the city and the territory. The proclamation shall contain a legal description of each territory annexed. [Amended by 1983 c.350 §35; 1985 c.702 §10]

222.170 Annexation by consent before public hearing or order for election; proclamation of annexation. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section. [Amended by 1955 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4; 1999 c.1093 §12]

222.173 Time limit for filing statements of consent; public records. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.311 to 192.478. [1985 c.702 §20; 1987 c.737 §5; 1987 c.818 §8]

222.175 City to provide information on taxes and services when soliciting statements of consent. If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city's ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited. [1985 c.702 §21; 1987 c.737 §6; 1987 c.818 §9]

222.177 Transmittal of annexation records to Secretary of State. When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

(1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.

(4) A copy of the ordinance issued under ORS 222.120 (4).

(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 812-2514 | Fax (503) 368-4145 | TTY Dial 711
planning@ci.manzanita.or.us

OTHER LAND USE APPLICATIONS

DATE: 07 / 12 / 2023

FILE #: _____

APPLICANT INFORMATION:

Applicant/Owner Name: Tillamook County	Company: Tillamook County
Mailing Address: 201 Laurel Ave, Tillamook, OR	Zip: 97141
Phone(s): 503.815.3975	Email: recycle@co.tillamook.or.us

SITE INFORMATION:

Site Address: 34995 Necarney City Rd, Manzanita	
Map & Tax Lot(s): 3N-10W-29D-2000	Zone:
City Limits: <input checked="" type="checkbox"/>	Urban Growth: <input checked="" type="checkbox"/>
BRIEF DESCRIPTION: The majority of this property lies within city limits, but part of it is in the UGB. The Manzanita	

Partition- \$525.00

Subdivision- \$1,200.00

- Enter Text

Conditional Use- \$682.50

- Enter Text

Site Plan Review- \$682.50

- Enter Text

Zone Change- \$656.25

- Enter Text

Annexation- \$1050

- Enter Text

Manzanita Transfer Station Annexation Legal Description:

A portion of that tract of land described as Parcel II, Deed Book 138, Page 264 of Tillamook County Deed Records more particularly described as follows:

Beginning at the Northeast Corner of Section 32, Township 3 North, Range 10 West of the Willamette Meridian, said point being marked by a 3" diameter Tillamook County Brass Cap as shown on Rewitness Card #151, Tillamook County Survey Records; thence southerly along the east line of above described Section 32, bearing South 0°07'41" West a distance of 230.13 feet to a 3/4" Iron Rod; thence North 87°54'46" West a distance of 507.87 feet to a 1" Iron Rod, thence North 2°05'14" East to a point on the north line of above described Section 32; thence easterly along the north line of above described Section 32 to the Northeast Corner thereof. Said point being the **True Point of Beginning**. The above described bearings and distances were derived from Map A-4609, Tillamook County Survey Records.



Tillamook County Board of Commissioners

201 Laurel Avenue, Tillamook, OR 97141

Phone: 503-842-3403

TTY Oregon Relay Service

Erin D. Skaar, Chair

Mary Faith Bell, Vice-Chair

David Yamamoto, Commissioner

July 12, 2023

To: City of Manzanita, Planning Commission & City Council

RE: Annexation of the Remainder of the Manzanita Transfer Station Into the City Limits

Tillamook County owns the real property located at 34995 Necarney City Road in Manzanita, also identified as 3N-10W-29D-2000 and has operated a solid waste disposal site there since at least 1953 when the property was transferred to the county. Following its closure as an open dump site, the site was converted into a transfer station and recycling center, which is currently operated by the Tillamook County Solid Waste Department.

At this time, approximately $\frac{3}{4}$ of the northern portion of the site is included within the city limits of the City of Manzanita, and approximately $\frac{1}{4}$ of the southern portion of the site is within the Urban Growth Boundary of the City of Manzanita. The city limits boundary runs through the area of operations.

We believe that it would benefit all and provide jurisdictional clarity if the area of the site currently located outside the city limits were to be annexed into the city limits.

We therefore request that the City of Manzanita approve the annexation of the remainder of this lot into the city limits.

Sincerely,

BOARD OF COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON

A blue ink signature of Erin D. Skaar, written over a horizontal line.

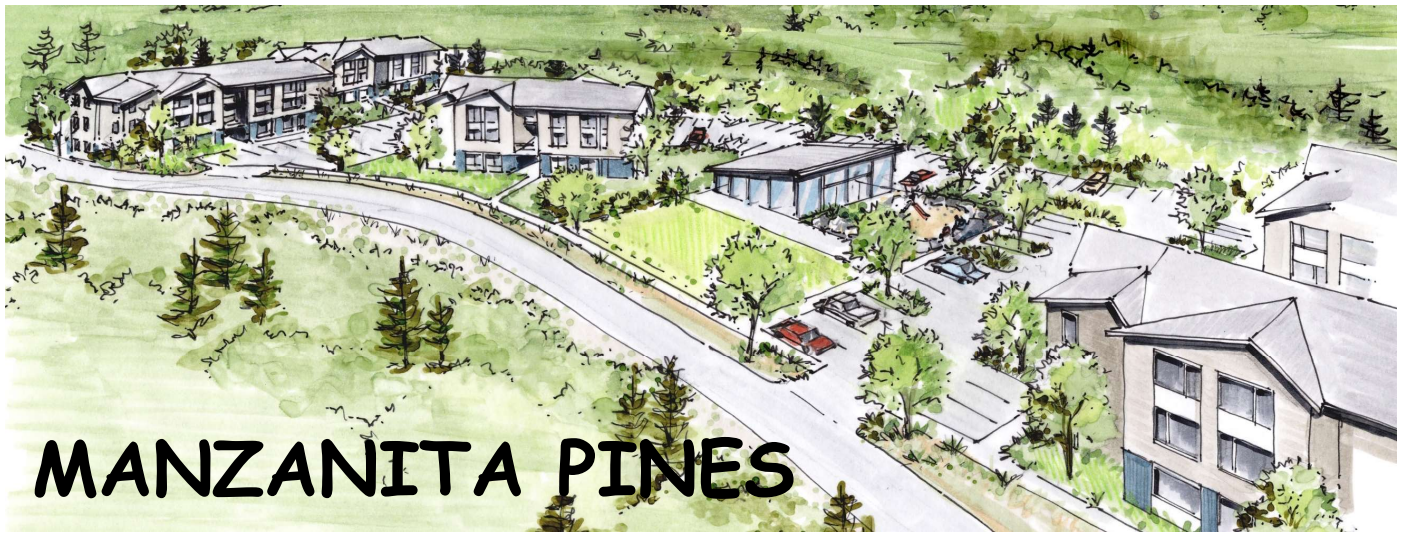
Erin D. Skaar, Chair

A blue ink signature of Mary Faith Bell, written over a horizontal line.

Mary Faith Bell, Vice-Chair

A blue ink signature of David Yamamoto, written over a horizontal line.

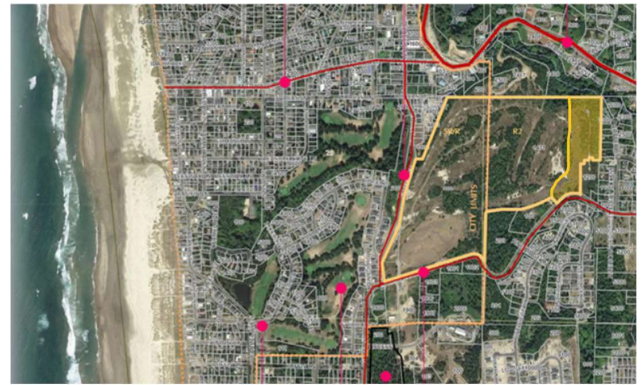
David Yamamoto, Commissioner



MANZANITA PINES

INTRODUCTION

Encore Investments and Greenlight/Home First Development present Manzanita Pines, a first-of-its-kind community set amongst the trees, within the Manzanita city Urban Growth Boundary (UGB). This (appx) 10 acre development, built in 2 phases, creates a private, serene setting, with convenient access to Necarney Rd and Classic St.



OUR PARTNER

Greenlight/Home First Development provides efficient and effective housing for a range of residents. They have significant expertise in this housing, with successful developments at the Oregon coast. For Manzanita Pines they will focus on 1, 2, 3 & 4 bedroom units.

SUSTAINABLE

The building style of this community will reflect the Manzanita aesthetic and use sustainable materials wherever possible. Greenlight/Home First Development is an Earth Advantage Gold certified builder and applies that environmental standard to their structures.



SOLVE THE PROBLEM!



Manzanita Pines will create housing opportunities for the hard-working residents of Manzanita who find themselves priced out of a rapidly increasing housing market. The Tillamook County Housing Commission reports that Manzanita is 60 units short of what is required for current needs. Manzanita Pines will address that need without increasing density in existing neighborhoods or increasing the UGB land mass, which can take years to achieve.

For questions or concerns, or to give support, please contact Rick Hinkes, Encore Investments, LLC at rjh97034@yahoo.com or 503-706-0196.