



**ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING THE CITY OF NEHALEM WATER MASTER PLAN, AMENDING NEHALEM CITY CODE CHAPTER 51, SECTION 09 AND NEHALEM DEVELOPMENT CODE CHAPTER 157, SECTION 408.03 AND CHAPTER 157, SECTION 506 AND UPON THEIR EFFECTIVE DATE, REMOVING THE MORATORIUM.**

**WHEREAS**, the City of Nehalem in an effort to provide for the welfare, safety and health of the citizens of the city of Nehalem has adopted the City of Nehalem Water Master Plan, the Nehalem City Code and the Nehalem Development Code; and

**WHEREAS**, on November 14, 2022, the City Council adopted Ordinance 2022-02, declaring a moratorium based on lack of water adequacy with respect to water pressure deficiencies and inadequate fire flows to allow new water connections in certain mapped areas within the City limits as well as serving properties located outside the City limits; and

**WHEREAS**, the adoption of Resolution 2023-02, Ordinance 2023-04, and Ordinance 2024-01 served to extend this moratorium and is now set to expire on July 8, 2024; and

**WHEREAS**, the water pressure deficiencies previously identified have now been resolved but the City was unable to identify a cost sharing arrangement that would allow for additional improvements to address minimum fire flows; and

**WHEREAS**, the City seeks to revise its new water service adequacy standards to allow for greater flexibility with respect to fire flow requirements; and

**WHEREAS**, once these master plan and code amendments become effective, the City will be able to lift the existing moratorium allowing for development that is consistent with these new standards.

**NOW THEREFORE, FOR THE REASONS SET FORTH IN THE STAFF REPORT, THE CITY OF NEHALEM DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City of Nehalem Water Master Plan is amended to allow for greater flexibility with respect to minimum fire flow requirements as set forth in Exhibit A.

**Section 2.** The Nehalem City Code Sections 51.09 and the Nehalem Development Code Sections 157.408.03, 157.506.01 through .04 are amended to allow for greater flexibility with respect to minimum fire flow requirements as set forth in Exhibit B.

**Section 3.** That this Ordinance shall take effect on the thirtieth day after its enactment

**Section 4.** The City’s moratorium based on lack of water adequacy, first implemented in Ordinance 2022-02 shall be lifted and no longer effective upon the same date that this Ordinance takes effect.

**Section 5.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are severable.

**PASSED AND ADOPTED** by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2024;  
and  
**APPROVED** by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Phil Chick, Mayor**

**ATTEST:** \_\_\_\_\_  
**Lori Longfellow, City Manager**

**First Reading:** \_\_\_\_\_, 2024

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_

**Second Reading:** \_\_\_\_\_, 2024

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_

**Adopted:** \_\_\_\_\_, 2023

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

## EXHIBIT A

### Water Master Plan on pages 13-14:

~~Fire flow requirements for this Water Master Plan update are taken from the Insurance Services Office “Fire Suppression Rating Schedule.” Section 604 FIRE FLOW AND DURATION reads that: “The fire flow duration shall be two hours for needed fire flows up to 2,500 gpm and three hours for needed fire flows of 3,500 gpm.” Requirements for needed fire flows are shown in Section 304 of that schedule. Needed fire flows for single and multiple family residences vary from 1000 gpm where homes are spaced greater than 100 feet to as much as 1,500 gpm for homes spaced at 100 feet and closer. AWWA recommendations, for public water systems used for fire suppression is a minimum of 500 gpm with a residential pressure of 20 psi at any point in the system. The need to prioritize system improvements according to financial resources and realities may result in some areas, such as higher level pressure zones or isolated properties/areas, having more limited fire protection capabilities. Higher fire flows are needed for larger buildings and higher densities of construction characteristic of many core commercial areas and schools. Actual fire flow needs in any given area may vary widely according to the actual construction present.~~

~~Otak recommends that the City adopt the value of 1000 gallons per minute for an average separation of single family homes in the Nehalem area, and aspire to 1500 gpm where feasible. A value of 1,500 gpm is used in this master plan.~~

As initially adopted, the 2015 Water Master Plan required a minimum 1,000 gpm fire flow for all single and multiple family residences for homes spaced greater than 100 feet and as much as 1,500 gpm for homes spaced at 100 feet or closer. This provision did not allow for any reduction in flows where automatic sprinklers are provided. The 2014 ISO Guide for Determination of Needed Fire Flow and the 2022 Oregon Fire Code does allow for a reduction in the minimum fire flow requirements where automatic sprinklers are provided and existing hydrants and water mains are in place to serve existing undeveloped lots. However, where additional density is proposed in the form of a subdivision, partition or planned unit development, it is essential that the 1000 gpm fire flow is maintained or special accommodation is necessary through a variance reviewed by the Planning Commission and, if necessary, City Council.

Based on the foregoing, for all subdivision or planned unit development approvals, all lots shall satisfy one of the following minimum standards:

- 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600, or
- 2) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

Any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:

- 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600,
- 2) 350 gpm with a flow duration of 30 minutes and every dwelling unit includes an automatic sprinkler system, or
- 3) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

## EXHIBIT B

### **Nehalem City Code 51.09 Subdivisions, partitions and planned developments.**

(F) Fire flows – Hydrants.

- (1) All new mains shall be sized to provide flows meeting underwriter standards, and state health and safety requirements, as well as any other applicable and prevailing standard, for water pressure and for fire protection flows as well as projected future water demands.
- (2) All new land divisions or planned development that will include any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:
  - (a) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600, or
  - (b) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.
- ~~(2)~~(3) All mains supplying a fire hydrant shall be no less than six inches in diameter, with all hydrants being no less than five inches in diameter.

### **Nehalem Development Code 157.408.03 Public Facility Improvements**

(A) Except for sanitary sewers, all public facility improvements shall be designed and constructed in compliance with the requirements of the City Public Works Department and City Engineer. The City Engineer (or designee) shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this Development Ordinance.

(B) Sanitary sewer facility improvements shall be designed and constructed in compliance with Nehalem Bay Wastewater Agency requirements. The Agency shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this Development Ordinance.

(C) Any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:

- 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600

square feet and 1,500 gpm where the total residential square footage exceeds 3,600,

- 2) 350 gpm with a flow duration of 30 minutes and every dwelling unit includes an automatic sprinkler system, or
- 3) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

#### **157.506.01 Applicability**

The development standards in this Development Ordinance are to protect the public health, safety, and welfare by establishing setbacks, building height limits and other development requirements. To address unique characteristics associated with a property, the City may allow a modification to quantifiable requirements. Modifications resulting in a greater than a 10% change in a *quantifiable* standard **and all adjustments to the minimum fire flow standards** are reviewed as a Variance.

#### **157.506.02 Process**

(A) For property within the City Limits **or for a new city water service request for property outside the City Limits**, a Variance application shall be reviewed in accordance with the Type III review procedures specified in Section 157.523 and subject to the decision criteria in Section 157.506.06.

(B) For property outside the City Limits, and within the Urban Growth Boundary, a Variance application shall be reviewed by Tillamook County in accordance to provisions in the Intergovernmental Agreement, and subject to the decision criteria in Section 157.506.06

#### **157.506.04 Submittal Requirements**

(A) Vicinity map showing all streets, property lines, streams, river and waterways where applicable, and other pertinent data to locate the proposal, with north arrow and scale of drawing.

(B) Tax map and tax lot number or tax account of the subject property.

(C) Applicable dimensions and calculations.

(D) Location of all existing easements within the property, and location of City utilities (water and storm drainage) and sanitary sewer (Nehalem Bay Wastewater Agency) within the property.

(E) Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.

(F) A site plan clearly indicating the proposed variance including dimensions.

(G) If applicable, stamped engineered utility design plans and flow calculations prepared by a licensed civil engineer.