



**NEHALEM CITY COUNCIL  
REGULAR MEETING  
MONDAY, APRIL 8, 2024 - 6:00 p.m.**

**This meeting will be held in-person at City Hall and through Zoom video conference.**

Please use the following phone number or Zoom weblink to access the meeting remotely:

Join by phone: Call (253) 215-8782 and enter Meeting ID: 846 1529 8887

Join online: <https://us02web.zoom.us/j/84615298887>

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL  
GUESTS**

**APPROVAL OF MINUTES: March 11, 2024, Regular Council Meeting**

**POLICE REPORT**

**UNFINISHED BUSINESS:**

1. None

**NEW BUSINESS:**

1. **Public Hearing: 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
2. Department of Justice Representative **Presentation** on Hate and Bias
3. Manzanita Police Department Contract Services **Presentation**
4. Neahkahnie School District 2024 Strategic Planning **Presentation**
5. EVCNB **Presentation** On Food Bank Can Tsunami and Have a GoBag
6. **Resolution 2024-03:** A Resolution Establishing Immunity From Certain Personal Injury Or Property Damage Claims Described In ORS 105.668, As Amended By Senate Bill 1576
7. **Resolution 2024-04:** A Resolution To Adjust Appropriations For The Fiscal Year 2023-2024 Budget

**CORRESPONDENCE/OTHER BUSINESS**

**STAFF REPORTS**

**PAYMENT OF BILLS/FINANCIALS**

**COUNCIL COMMENTS**

**PUBLIC COMMENTS**

**ADJOURNMENT - Next Regular Council Meeting: May 13, 2024**

The meeting location is accessible to people with disabilities. If you need accommodation to access this meeting, please contact City Hall at least 48 hours prior to the meeting.

City of Nehalem • 35900 8th Street • P.O. Box 143 • Nehalem, Oregon 97131  
Ph (503) 368-5627 • [nehalem.gov](http://nehalem.gov)

**NEHALEM CITY COUNCIL  
COUNCIL MINUTES  
REGULAR MEETING  
March 11, 2024**

**REGULAR SESSION**

Mayor Chick called the Regular Council Meeting to order at 6:00 p.m. and led those present in the Pledge of Allegiance. The meeting was held in-person and by Zoom video conference.

**COUNCIL MEMBERS PRESENT:** Phil Chick, Mayor  
Hilary Howell, Council President  
Dave Cram, Council Member  
Doug Larzelier, Council Member  
John Coopersmith, Council Member

**STAFF PRESENT:** Lori Longfellow, City Manager  
Yuriy Ukhach, Deputy City Recorder  
Brian Moore, Public Works Director

**VISITORS:** Doug Olson, Tillamook County Commissioner  
Patty Olson  
Alan Holoubek  
Randy Haugstad  
Vern Scovel  
Mark Kuestner, Housing Commission representative  
**on Zoom:**  
Julie Chick  
Steven Ziemecki  
Branton Tarrant (joined around 6:18 p.m.)  
Rex Yuden (joined around 6:22 p.m.)  
Jim Conley (joined around 6:37 p.m.)  
Zyke Lawnby (joined around 6:39 p.m.)  
Annalise Frankfort (joined around 6:40 p.m.)  
Phil Barber (joined around 6:41 p.m.)  
Martin King (joined around 6:41 p.m.)  
Chat Dayswell (joined around 6:42 p.m.)  
Unidentified visitors

## **MINUTES**

The Council reviewed the minutes of the February 5, 2024, Council Work Session and of the February 15, 2024, Regular Council Meeting. Councilor Larzelier noted a correction to the February 5, 2024, Council Work Session minutes. Councilor Coopersmith **MOVED** to approve the minutes of the February 5, 2024, Council Work Session as corrected and of the February 15, 2024, Regular Council Meeting. Council President Howell **SECONDED** the motion. **MOTION PASSED 4-0 (Yes: Howell, Cram, Larzelier and Coopersmith; No: None).**

## **POLICE REPORT**

The Council reviewed the Police Report for February 2024.

## **UNFINISHED BUSINESS:**

**None**

## **NEW BUSINESS:**

### **TILLAMOOK COUNTY HOUSING COMMISSION PRESENTATION**

Mark Kuestner the North County representative for the Tillamook County Housing Commission, provided a brief overview of the Housing Commission mission and most recent projects related to providing financial aid for affordable housing. He answered questions from the Council and from the public.

**Tillamook County Commissioner Doug Olson** asked if he could make a brief presentation. Mayor Chick invited the Commissioner to speak. Commissioner Doug Olson made a brief personal introduction and spoke about some of the recent developments in Tillamook County.

### **RESOLUTION 2024-01: A RESOLUTION ADOPTING THE 2023 TILLAMOOK COUNTY MULTIJURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN**

City Manager Lori Longfellow explained that the Plan was reviewed by OEM (Oregon Emergency Management) and FEMA and is at the stage of being approved by individual cities.

Councilor Cram **MOVED** to adopt Resolution 2024-01: A Resolution Adopting the 2023 Tillamook County Multijurisdictional Natural Hazards Mitigation Plan. Councilor Larzelier **SECONDED** the motion. **MOTION PASSED 4-0 (Yes: Howell, Cram, Larzelier and Coopersmith; No: None).**

## **PROCLAMATION: AMERICAN RED CROSS MONTH**

City Manager Lori Longfellow explained that this is requested by the American Red Cross annually, and it falls on the month of March.

Council President Howell **MOVED** to proclaim March 2024 the American Red Cross Month. Councilor Coopersmith **SECONDED** the motion. **MOTION PASSED 4-0 (Yes: Howell, Cram, Larzelier and Coopersmith; No: None).**

## **PROCLAMATION: SAAM – SEXUAL ASSAULT AWARENESS MONTH**

City Manager Lori Longfellow explained that this request came from the Tides of Change with the purpose of educating and informing the community.

Councilor Coopersmith **MOVED** to proclaim April 2024 the Sexual Assault Awareness Month. Councilor Cram **SECONDED** the motion. **MOTION PASSED 4-0 (Yes: Howell, Cram, Larzelier and Coopersmith; No: None).**

## **CONSIDERATION OF THE PLANNING COMMISSION APPLICATION FOR POSITION #3**

City Manager Lori Longfellow explained that Planning Commission Position #3 became vacant at the end of December 2023. The city received an application from a Nehalem citizen Alan Holoubek who expressed willingness to serve for the next 4-year term. Holoubek answered some questions from the Council.

Councilor Larzelier **MOVED** to appoint Alan Holoubek to Planning Commission Position #3. Council President Howell **SECONDED** the motion. **MOTION PASSED 4-0 (Yes: Howell, Cram, Larzelier and Coopersmith; No: None).**

## **APPLICATION FOR SOCIAL GAMES LICENSE**

City Manager Lori Longfellow explained that the Bayway Tavern does card games and their annual license expires this month. Longfellow noted that they submitted the application, the city did the required background check and there is no objection to renewing their license.

Councilor Cram **MOVED** to approve the Application for Social Games License by Suzie Gruver the owner of the Bayway Tavern Inc. Council President Howell **SECONDED** the motion. **MOTION PASSED 4-0 (Yes: Howell, Cram, Larzelier and Coopersmith; No: None).**

## **BUDGET CALENDAR PROPOSAL FOR 2024–2025 FISCAL YEAR**

City Manager Lori Longfellow invited the public to apply for a vacant Budget Committee position. Longfellow reviewed the proposed budget calendar for 2024–2025 fiscal year. The Council had a consensus on the proposed Budget calendar.

## **IGA: MANZANITA POLICE SERVICES FOR FISCAL YEARS 2025-2028**

City Manager Lori Longfellow explained that the Agreement will be for a longer period this time. She added that the cost of their services will be higher starting this year, but it was expected since it did not go up for the last five years. Longfellow answered questions from the Council. Councilor Larzelier suggested having a Police Department representative do a presentation at the next Council meeting. City Manager Longfellow will ask them.

Councilor Coopersmith **MOVED** to approve the IGA for Manzanita Police Services for Fiscal Year 2025-2028. Councilor Larzelier **SECONDED** the motion. **MOTION PASSED 4-0 (Yes: Howell, Cram, Larzelier and Coopersmith; No: None).**

## **RESOLUTION 2024–02: A RESOLUTION SETTING THE POLICY FOR CUSTOMER WATER LEAK ADJUSTMENTS**

City Manager Lori Longfellow explained that there was no written policy on water leak adjustments. She added that the staff researched water leak policies of the other cities along the coast and came up with a similar policy. Longfellow noted that with the policy the city would be able to save funds that could be used for the city’s needs. She added that Public Works Director Brian Moore prepared a document related to the policy that could be used as timely reminders for the customers about how to prevent leaks. There was some discussion about the leak prevention reminders for the customers. Longfellow will email the document prepared by Moore to the Council for their review and feedback. She answered questions from the Council. There was some discussion on the appeal process, on repeated leaks and on the definition of a “timely manner”. Councilor Coopersmith suggested to consider amending the policy to provide water relief once a year and at a 100% refund for the overage. There was some discussion about the suggestion.

Randy Haugstad spoke in favor of a 50% refund policy.

Councilor Coopersmith **MOVED** to adopt Resolution 2024-02: A Resolution Setting The Policy For Customer Water Leak Adjustments with an amendment to Section 3 to provide one adjustment per calendar year of up to 100% of the overage charges as long as the repairs are done in a timely manner. Councilor Cram **SECONDED** the motion. **MOTION FAILED 2-3 (Yes: Cram, and Coopersmith; No: Howell, Larzelier, and Chick).**

Council President Howell **MOVED** to adopt Resolution 2024-02: A Resolution Setting The Policy For Customer Water Leak Adjustments. Councilor Larzelier **SECONDED** the motion. **MOTION PASSED 3-2 (Yes: Howell, Larzelier and Chick; No: Cram, and Coopersmith).**

### **CORRESPONDENCE/OTHER BUSINESS**

None

### **STAFF REPORTS**

#### **CITY MANAGER REPORT**

City Manager Longfellow summarized the written staff report for February 2024. She answered questions from the Council.

The council had consensus to authorize City Manager Longfellow to apply for the grant from DLCD to work with Cascadia Partners.

#### **PUBLIC WORKS DIRECTOR REPORT**

Public Works Director Brian Moore summarized the written staff report for February 2024. He provided some additional information about the planning for the replacement of the Yardney pre-filters at the Water Plant. Moore answered questions from the Council.

### **PAYMENT OF BILLS/FINANCIALS**

The Council reviewed the bills and the financial reports. Council President Howell **MOVED** to approve the financials and payment of the bills. Councilor Cram **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Cram, Larzelier, and Coopersmith; No: None).**

### **COUNCIL COMMENTS**

Mayor Chick talked about the memorial sign that was planned to be put up in honor of Dale Stockton. He reported that Suzan Walsh, a sign designer, will be working on it and the design options will be presented to the Council.

## **PUBLIC COMMENTS**

Vern Scovel talked about the size and specifications of the water pipe at the North Fork Road area. He talked about the water pressure, fire flow and water pipe connections in that area. Scovel felt that something was not right with the way it was presented to the Council. He asked the Council to take a hard look at the issue.

Mayor Chick invited public on zoom to give their comments.

Annalise Frankfort spoke about the opioid crises in the State of Oregon, and she expressed hope that something can be done to address this issue.

Rex Yuden proposed to put forth a Resolution for Adolf Hitler day. He spoke in favor of Hitler and of what he had done.

Mayor Chick stated that hate has no place in Nehalem and let Yuden know that he would be muted.

Mayor Chick asked for a next comment if it was an item of business that was constructive and related to the city.

Branton Tarrant talked about the “other side” of World War 2.

The Council objected to his speech that was not related to city business.

Phil Barber who introduced himself as a journalist with the Press Democrat, a homosexual, an HIV positive and a Jew. He talked about watching the Europa The Last Battle online and that he was renouncing his Jewish ways.

Mayor Chick stated that this was the business meeting of the City of Nehalem, and these comments are irrelevant to the city business.

Chat Dayswell spoke about the Council meetings as the last remaining place to speak and about mind control. He also talked about Holodomor, the genocide perpetrated in Ukraine in the previous century. Dayswell asked the Council to pass the Resolution to fund a Holodomor memorial in the town of Nevelem.

Council President Howell asked to repeat the name of the town.

Dayswell stated that he had a speech impediment and accused Council President Howell of cruelty.

Mayor Chick let Dayswell know that he would be muted. Mayor Chick stated that he would allow one more comment. He reminded the group on zoom that this is the city of 300 people, that such comments are not related to the city business, and they can be better voiced somewhere else. Mayor Chick added that the city does not have control over those issues, and the Council discusses matters like water meters, potholes, and such. He repeated that hate has no place in Nehalem.

Martin King talked about people's rights and freedom to speak. He stated that he did not see it at the Council meeting. He spoke unfavorably of the Council members.

Mayor Chick let King know that he would be muted.

**ADJOURNMENT**

The next regular Council meeting will be April 8<sup>th</sup>, 2024.

There being no further business, Mayor Chick adjourned the meeting at 7:43 p.m.

**APPROVED:** \_\_\_\_\_  
Phil Chick, Mayor

**ATTEST:** \_\_\_\_\_  
Yuriy Ukhach, Deputy City Recorder



# MANZANITA POLICE DEPARTMENT

## March 2024 REPORT

PERSON CRIMES	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Homicide						
Kidnap						
Sexual Assault						
Assault Simple		1		1		
Assault Serious						
Assault/Police Officer						
Domestic Disturbance		1				1
Disorderly Conduct		1				
Resisting Arrest		1				
Menacing						
Harassment		1				
Escape						
Reckless Endangering						
Weapon						

PROPERTY CRIMES	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Burglary Residence		1				
Burglary Business		1				
Attempted Burglary						
Prowler						
Arson						
Reckless Burning						
Criminal Mischief	1	2				
Theft	1	1		1		
Unauth Use Veh						
Unlawful Entry Veh						
Robbery						
Trespass		1				
Littering						
Fraud						
NSF Check						
Forgery						

OTHER OFF/CRIMES	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
City Ordinance	7	13				
Animal Complaint		1				1
Fish and Game						
Civil		3				1
Drug/Liquor						
Misuse/ Incom 911		1				
Fireworks	2	3				
Susp. Circumstances	4	11	2	3	3	3
Disturbance						

TRAFFIC INCIDENTS	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Accidents		2	1	1		1
Warnings	22	56	13	39	12	19
Citations	12	29	8	19	17	25
Crimes		3				
Parking Warnings	5	19		2		2
Parking Citations	5	10	3	5		5
Abandoned Vehicles						
Vehicle(s) Towed						


PERSON OTHER	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Death Natural						
Suicide/Attempt						1
Missing / Lost		1				
Runaway						
Drowning						
<b>ARREST</b>						
Criminal		2	1	1		
Warrant			1	1	1	
Detox						
POH						
<b>OTHER</b>						
Loss/Found Property	4	7		1		
Residential Checks	6	15		2		2
Medical Assist	4	7	2	2	4	1
Fire Dept. Assist		2	1	1		1
Alarms	7	11		1		1
Unfounded		2			1	
Open Window/Door		2			2	1
Public Assist	15	63	40	6	10	5
Other	2	8		3		1

### OREGON STATE PARKS REPORT

	Nehalem Bay		Oswald West	
	Mon	Year	Mon	Year
No Camp Permit Disp				
Camping Proh. Area				1
No Day Use Permit	18	26		
Viol. Posted Parking	1	1		1
Handicap Parking				
Traffic Violation	10	14		3
General Reg Viol.		1		2
Search & Rescue				1
Ranger Assist	4	7		1
Vandalism				
Litter				
Minor in Possession				
Furnishing Alcohol				
Security Checks	56	160		155
Crimes				
Other	3	4		3
Arrest				

Wheeler      Nehalem      County

Law Assist		4		2	12	28	49
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 Erik Harth, Police Chief      4/01/2024  
 Date



**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.



## MEMORANDUM

TO: Mayor Phil Chick and City Council  
City of Nehalem

FROM: Carrie A. Richter, Contract City Attorney

DATE: March 27, 2024

RE: Staff Report for Ordinance No. 2024 - 02  
Amendments to the City's Minimum Fire Flow Standards

This memorandum is intended to provide the City Council with background for the proposed amendments and if supported by the Council, to serve as findings that may be adopted in support of the Council's adoption of the enacting ordinance by reference.

### Background

In November, 2022, the City Council adopted an ordinance declaring a moratorium on new water connections in the area northeast of Bob's Creek from North Fork Road and east of the intersection of North Fork Road and McDonald Road. Located outside of the city limits as well as the city urban growth boundary, this area includes the three phases of the Riverview Meadows development as well as the Twin Lakes subdivision, consisting of nine lots on the east side of Highway 53 and a handful of other lots, some with existing development. The City's existing water service in this area lacked sufficient water pressure to maintain a minimum of at least 20 pounds per square inch (psi) as required by OAR 333-061-0025 and failed to provide fire flows for new single family dwellings of 1000 gallons per minute (gpm) as required by the adopted Water Master Plan.

Since that time, the City has been working on solutions to address this shortfall. In 2023, the City worked with the developer of Phases 2 and 3 of Riverview Meadows to design a plan for providing water service to the new development through the construction of a reservoir, vault with controls, and a pump station (referenced as the "RVM2 improvements"). Development of Phases 2 and 3 are conditioned on installation of the RVM2 improvements.

In the spring of 2023, the City installed a pressure sustaining valve near North Fork Road/Riverview Meadows Rd. Hydrant tests occurring in the fall / winter of 2023 revealed that the pressure check valve prevented the water pressure from dropping below 20 psi in Riverview Meadows resolving the water pressure concern.

What remains is the fire flow shortfall. In the fall of 2022 and in early 2023, the City convened a number of meetings with stakeholders to address possible solutions including the installation of a small reservoir and pump at a lower elevation along Highway 53.

More recently, the City has had an opportunity to meet with representatives of Nehalem Bay Fire & Rescue about these obligations and conferred with nearby coastal communities about how they regulate minimum fire flows. The recommendations set forth below are based on those discussions.

### **Regulatory Framework for the Provision of Water**

In order to obtain a new water service, a property owner must obtain approval from the City for the connection. Nehalem City Code (NCC) 51.04 sets forth a priority scheme for the provision of new water connections. Existing customers are to have the highest priority, followed by connections for existing lots within the city, followed by service to new partitions and subdivisions within the city and finally areas outside the city's urban growth boundary.

The recently adopted Nehalem Development Code provisions, NDC 157.408.02(C) sets forth the minimum standards for utility lines and facilities for all development. With respect to water service, subsection (C) provides:

“(C) Water Service. All development which has a need for public water shall install the facilities per the requirements of the City. Installation of the facilities shall be coordinated with the extension of sanitary sewer and storm drainage facilities.” *See also* NDC 157.408.03 (“all facilities must be designed and constructed to the requirements of the City Public Works Department and City Engineer.”)

Further, in order to obtain a land division or development site plan approval, all applicants must “design and install a water system to serve all lots or parcels within a development” in accordance with NCC 51.09. NDC 157.503.05(D) *See also* NDC 157.508.06 (Residential site plan criteria), NDC 157.508.07 (non-residential site plan criteria), NDC 157.510.05 (subdivision).<sup>1</sup>

One of the City's adopted requirements relates to the provision of an adequate fire flow. For all new land divisions and planned developments, NCC 51.09(F) requires:

“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.

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<sup>1</sup> These provisions further provide that the cost of extending water service to a development site is the responsibility of the applicant. Where the city's master plan calls for the provision of infrastructure that is greater than that necessary to serve the proposed development, the code calls for reimbursement through a cost-sharing agreement with future users. NCC 51.08.

(2) 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.”

Section 3.3.3 of the City’s Water Master Plan is entitled “Fire Protection Ratings.” After explaining the component parts of the Insurance Service Organization fire protection grading system, the Plan provides:

“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.” (Emphasis added) Pages 12-13.

It is clear from the discussion in the Water Master Plan, that the City imposed this requirement to not only reduce the risk of property damage from fire but to ensure that future homeowners would have a high likelihood of obtaining insurance to protect these investments. The Insurance Services Office (ISO), now known as Verisk, is an insurance advisory organization that provides statistical and actuarial information to businesses, including government entities such as fire and building code departments.

Through meeting with Nehalem Bay Fire, the City has learned that it has an established practice of trucking water as necessary to achieve sufficient flows. Other cities, such as Cannon Beach, provide a sliding scale for fire flows based on the size of the structure, assuming that automatic sprinklers are installed. The City Engineer has considered these alternatives and, as set forth in a supplemental memorandum agrees that providing automatic sprinklers inside of each new home in this area will be sufficient to compensate for a reduction in piped fire flow.

## Proposed Amendments

Section 1.5(1) of the Water Master Plan contemplates periodic amendment that may be necessary as assumptions change, particularly with respect to fire flow requirements. As such, revisiting the fire flow standards would be appropriate but only so long as they continue to reflect the minimum requirements imposed by the Oregon Fire Code and the minimum recommended insurance standards. In addition to altering the substance of the standard, in order to apply to residential construction, the new standard must be clear and objective and set forth in the City’s adopted land use regulations. ORS 197A.400 and ORS 227.173(1). For these reasons, the proposed amendments would alter the 2015 Water Master Plan, which is part of the City’s Comprehensive Plan, as well as the Nehalem City Code, with the deleted text shown as ~~strikethrough~~ and new text is shown in red, as follows:

**Water Master Plan on pages 13-14** would state:

~~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.

In addition to amending the Water Master Plan with these provisions, the following conforming NCC and NDC amendments are also recommended for adoption:

**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.

In situations where a land division applicant is unable to meet the 1000 gpm standard or where an applicant seeking a connection for an existing lot is unable to satisfy subsection (1) or (2) above, an applicant may obtain a variance. NDC 157.506 provides the structure for obtaining a variance. Although it is typically applied to relieve an applicant from complying with development standards such as lot coverage or setbacks, with a few modifications, it does provide criteria suitable for the city engineer, the public and elected officials the opportunity to make a decision about whether waiver of the standards is appropriate on a case-by-case basis. Modifications necessary to accommodate adjustment of the fire flow standards through the land use variance procedure would need to be modified slightly to include:

#### **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

#### **157.506.03 Application**

An application for a Variance shall be filed with the City (or County as applicable) and accompanied by the appropriate fee. Notice shall be subject to the provisions in Section 157.523.

#### **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.

#### **157.506.05 Variance Applicability**

Under the following provisions, an applicant may propose a Variance from a standard of this Ordinance, except when one or more of the following apply:

(A) The proposed variance would allow a use which is not permitted in the district.

(B) Another procedure and/or criterion is specified in the Ordinance for modifying or waiving the requirement or standard.

(C) Modification of the requirement or standard is prohibited within the district.

#### **157.506.06 Decision Criteria**

The Planning Commission may allow a Variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:



(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

(C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

(D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this Ordinance by the applicant.

(E) The variance requested is the minimum variance which would alleviate the hardship.

**157.506.07 Conditions of Approval**

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

**Findings in Support of Amendments**

As a modification to the City’s land use regulations, these changes must be consistent with any applicable statewide land use goals, adopted rules and the City’s Comprehensive Plan. These findings are supported by a memorandum from the City Engineer which is attached.

*Oregon Statewide Planning Goals: Goal 1 – Citizen Involvement*

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Finding: The proposed amendments have been reviewed by the Planning Commission on March 21, 2024 in compliance with Goal 1. These amendments were provided to DLCDD with mailed notice to all owners within this area 35 days prior to the City Council hearing scheduled on April 8, 2024.

*Goal 2 – Land Use Planning To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. [...]*

Finding: The City of Nehalem’s Development Code provide an acknowledged and established land use planning process and policy framework which service as the basis for all decisions and actions related to land use, and include approval criteria to assure than an adequate factual base is provided for those decisions and actions.

*Goal 6 – Air, Water and Land Resources Quality To maintain and improve the quality of the air, water and land resources of the state.*

Finding: These amendments will not affect waste and process discharge of development, nor air, water and land resource quality. Nehalem’s water system will continue to comply with the Safe Drinking Water Act, the EPA and Oregon Health Authority requirements. The proposed amendments conform to Goal 6.

*Goal 7 – Areas Subject to Natural Disasters and Hazards To protect people and property from natural hazards.*

Finding: The proposed amendments will continue to ensure that fire flows are sufficient to protect people and property and provides a resilient water system to reduce risk posed by fire. The proposed amendments conform to Goal 7.

*Goal 10 – Housing To provide for the housing needs of citizens of the state.*

Finding: Nehalem’s goals addressing housing are found in the Comprehensive Plan. The proposed amendments do not affect policies related to housing but will promote them by allowing for expiration of the moratorium that has prevented new water connections for the past two years. The proposed amendments conform to Goal 10.

*Goal 11 – Public Facilities and Services To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Finding: These amendments are intended to serve the needs of present and future development. These text amendments will allow for the continued provision of a reliable and economical supply of water to meet current and future needs as explained in memorandum from the City Engineer. The proposed amendments conform to Goal 11.

*B. Oregon Administrative Rules (OAR) Chapter 660-011-0000: Public Facilities Planning 660-011-0010:*

*The Public Facility Plan (1) The public facility plan shall contain the following items:*

- (a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;*
- (b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;*
- (c) Rough cost estimates of each public facility project;*
- (d) A map or written description of each public facility project's general location or service area;*
- (e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;*
- (f) An estimate of when each facility project will be needed; and*
- (g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.*

Finding: The City's adopted 2015 Water Master Plan continues to illustrate inventories, cost estimates, and timeframes. These standards are met.

*OAR 660-011-0045: Adoption and Amendment Procedures for Public Facility Plans*

- (1) The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:*
  - (a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;*
  - (b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and*
  - (c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to*

*provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.*

Finding: If adopted, these amendments will become part of the City’s 2015 Water Master Plan, which is a supporting document to the City’s Comprehensive Plan. These standards are met.

**Goal 6: Air, Water and Land Resources Quality Comprehensive Plan Policies**

- 1. The City will ensure that the actions it takes are consistent with appropriate state and federal environmental quality standards, statutes, programs and policies, including those for water quality, air quality and noise.*
  
- 5. The City will continue implementing the City of Nehalem Master Water Plan.*

Finding: The proposed amendments are consistent with the state standards and the City of Nehalem Water Master Plan.

**Goal 11: Public Facilities and Services Comprehensive Plan Policies**

- 2. Public facilities and services shall be extended in an orderly and efficient manner.*
  
- 3. The cost of public services or facilities shall be distributed equitably among those residents or land developments creating a need for such services.*
  
- 7. Large developments or heavy water users should make equitable contributions to the improvement of the water system and shall pay all costs associated with the extension of water lines.*
  
- 8. Water lines within a proposed development shall be adequately sized to meet future needs at the projected density or usage, including fire flow requirements.*

Finding: The City Engineer has evaluated this proposal and determined that these water improvements will be adequate to allow new water connections within the moratorium area to new development in compliance with state and local regulations, if accomplished consistent with the proposed plan and conditions. Developers will remain responsible for the cost of extending water service to meet the new minimum fire flow requirements.

**Conclusion**

Based on the foregoing along with the City Engineer’s memorandum, the City Council can conclude that the proposed amendments will allow greater flexibility with respect to fire flows while ensuring that an adequate supply of water is available to protect people and property into the future.



March 27, 2024

City of Nehalem  
P.O. Box 143  
Nehalem, OR 97131

Attn: City Manager, Lori Longfellow

**Re: Water Master Plan Amendment and Moratorium Removal**

Dear Ms. Longfellow,

This memorandum is intended to provide the engineering insight to the proposed modification of the City's Water Master Plan, Nehalem Development Code and Nehalem City Code in regards to the required Fire Flow for new developments. This letter will refer to the Memorandum from Carrie A. Richter, Contract City Attorney, titled "Staff Report for Ordinance No. 2024 – 02 Amendments to the City's Minimum Fire Flow Standards".

As we have previously explained throughout this moratorium process, safe and adequate water service availability and fire protection have always been and will continue to be our goal as the City engineer. The priority scheme set forth in the Nehalem City Code provides for first serving existing and future customers within the city limits. The last priority is for serving new development outside the city but within the urban growth boundary. New customers remain responsible for any upsizing or expansion of the city water system that might be necessary to serve their development. The following information provided in this memorandum outlines the justification and rationale for the modifications of the required fire flows and new allowances made for automatic sprinkler systems.

These proposed revisions to the Water Master Plan, and the corresponding amendments to the Nehalem City Code and Nehalem Development Code, will continue to further the health, welfare or safety of the water clients of Nehalem for the following reasons:

1. The reduction of the minimum fire flow for a single-family home in combination with an automatic sprinkler is an allowed alternate in several of the Nation's leading fire protection services. Both the Oregon Fire Code and the NFPA allow for this alternate when 1000 GPM fire flow is not available at the home site.
2. For single family homes, the 350 gallons per minute and the addition of automatic sprinkler systems enhances the safety of the residence and those structures around it. In discussions with adjoining Fire Departments on the Oregon Coast, the automatic sprinkler system can be very effective, hitting the fire before the room or area becomes engulfed in flames.

An automatic sprinkler system is a highly effective tool in fire prevention and control. By detecting and activating at the first sign of a fire, the system can quickly douse the flames before they have a chance to spread and consume the entire room or area. This swift

response time can greatly reduce the amount of damage and loss caused by a fire, as well as potentially save lives. Sprinkler systems will be designed to cover the entire area with a sufficient amount of water, effectively extinguishing the fire and preventing it from reigniting. This level of protection can give occupants valuable time to evacuate the building and for emergency responders to arrive.

Moreover, the automatic sprinkler system is constantly on guard, even when no one is present in the home. With an automatic sprinkler system in place, the risk of a small fire turning into a catastrophic event is greatly reduced, making it an essential component in fire safety and prevention.

3. The current policy of the Nehalem Bay Fire and Rescue Department is that if a fire breaks out, they will transport the required water to the fire using their tanker trucks. This policy allows them to have an adequate supply of water to control and protect homes rather than depending on the availability of water from the local water districts.
4. For land divisions that have the potential to increase the overall density, this minimum requirement of 1000 gallons per minute will not change from the current requirements, other than the ability of the developer to apply for a variance for the required fire flow. The reason for this is that adding density could demand new hydrants and piping infrastructure that should be designed to accommodate greater flows. New development shall require concurrent, adequate infrastructure designed to meet the development's requirements. Further, these new developments shall not burden the City with an inadequate water supply as new development occurs.

The proposed modifications outlined in the guidelines are the minimum requirements that developers must meet in order to ensure responsible water infrastructure sizing and fire flow protection. These modifications are essential in promoting sustainable development and protecting our precious water resources. However, in cases where water intensive uses are proposed, additional infrastructure such as tankage and pumping systems may be necessary. This is important to note as it highlights the importance of careful planning and consideration when it comes to water usage and fire protection. It also emphasizes the need for developers to prioritize responsible infrastructure development and not solely focus on cost savings or convenience.

It is important to keep in mind that applying for a variance should only be considered as a last resort. The variance process should not be used as a means to cut corners or bypass the minimum requirements. It is intended to be a last option when all other options have been exhausted. This ensures that responsible water usage and infrastructure protection remains a top priority and that developers are held accountable for meeting the minimum requirements. The variance process should only be used when there are no other feasible options available, and the decision should be made with the utmost consideration for the safety and welfare of the Nehalem community.

Please feel free to reach out with any questions.

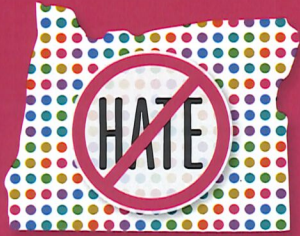
**Sincerely,**  
**North Coast Civil Design, LLC**



**Kyle Ayers, PE**  
**Principle in Charge**

City of Nehalem, OR

Page 2  
North Coast Civil Design Project No. 21005



## OREGON IS TAKING A STAND AGAINST HATE AND BIAS.

Our state and our laws stand for inclusion, acceptance and civility. Against bias and bigotry, homophobia and xenophobia. Against violence and intimidation of any kind.

We're taking a stand together. For better tracking of data and new ways to share what we learn from it. More support for survivors. And more resources for law enforcement. So we can make a real difference.

It's a stand for our future. So no one has to be the victim of a hate crime. No matter their **protected class: race, religion, color, gender identity, sexual orientation, disability or national origin.** And everyone is safe, welcome, and free to be who they are.

**Because we're all Oregonians. And taking a stand is what we do.**

## TALK TO US

Whether it happened to you or to someone else, we can all help track hate and bias incidents.

Non-Emergency Hotline

**1-844-924-BIAS (2427)**

Trauma-informed operators are standing by Monday through Friday, 9am to 5pm.

We accept all Relay calls

Interpretation in 240+ languages

Or you can report to us online any time at:

**STANDAGAINSTHATE**  
**.OREGON.GOV**



# Oregon is taking a STAND AGAINST HATE

What you need  
to know about  
Oregon's  
Hate Crimes and  
Bias Incidents  
Laws



Oregon Dept. of Justice's  
Civil Rights Unit  
1162 Court St. NE  
Salem, OR 97301  
503-378-6324  
English Edition





**HATE IS ON THE RISE.** Not only in Oregon, but all across the country, there's been an increase in hate crimes and bias incidents. **IT HAS TO STOP.**

## OREGON'S LAWS:

In 2019, Oregon updated its existing hate crime laws to expand protections and improve reporting so that everyone in Oregon can feel safe in their community.

## WHAT'S A BIAS CRIME?

In Oregon, the legal name for a hate crime is a **Bias Crime**. It is illegal to:

- Threaten a person, their family, or their property
- Tamper, interfere, or damage property
- Assault or put hands on a person
- Use a weapon against a person

Based on any biased motivation against a person's actual or perceived protected class.

$$\text{A CRIME} + \text{MOTIVATION BASED ON BIAS} = \text{A HATE CRIME}$$

## BIAS INCIDENTS: WHAT ARE THEY?

In Oregon, a **Bias Incident** is defined as any hostile expression that may be motivated by another person's actual or perceived **race, color, disability, religion, national origin, sexual orientation or gender identity**. They can be verbal, physical, or visual.

Examples of common bias incidents are:

- ◆ Using racist, ethnic, homophobic, or transphobic slurs
- ◆ Spewing hate speech
- ◆ Mocking someone with a physical or mental disability
- ◆ Offensive "jokes"
- ◆ Telling someone they don't belong in this country

While bias incidents are not crimes, they may be civil rights violations and should be reported.

## REPORT AN INCIDENT

Oregon's statewide, confidential Bias Response Hotline makes it easy to report all hate and bias, whether it happened to you or someone else.

Call our non-emergency hotline at **1-844-924-BIAS (2427)**

to talk to a trauma-informed advocate. Monday - Friday 9am-5pm  
After hours, messages will be returned. We accept all Relay calls  
Interpretation in 240+ languages

Visit [StandAgainstHate.Oregon.gov](https://StandAgainstHate.Oregon.gov) to make a report anytime.

## REPORTING HATE: WHY DO IT?

Reporting hate crimes and bias incidents helps create a safer place for everyone.

The Bias Response Hotline is designed to:

- Support survivors
- Refer survivors to services that can help
- Track data



# NEAH·KAH·NIE SCHOOL DISTRICT

## Strategic Planning 2024



In partnership with:



# Who We Are: Neah-Kah-Nie School District

- 720 Student
- 63 Licensed Teachers
- 66 Classified Staff
  
- Robust Extracurriculars and Activities for students
  
- District ~400 sq. miles
  - North to Falcon Cove
  - South to Bay City
  - Includes timber lands between Hwy 26 and Hwy 6



# Strategic Planning



- The Neah-Kah-Nie School District is engaging its community in a collaborative effort to build the district's next strategic plan.
- Through a robust community engagement process the district hopes to identify key strengths, challenges, and opportunities from which to develop strategies that will improve academic outcomes and experiences to better meet the needs of children and families in the Neah-Kah-Nie School District.
- The final board adopted strategic plan will outline key district priorities, goals, measurements of success, and a clear vision of a Neah-Kah-Nie graduate.

# Strategic Planning Process



## Explore

- Review of relevant strategic plan progress and engagement to date
- Informational interviews with organization leaders
- Facilitated Board session



## Engage

- Implement community engagement plan
- Informal interviews
- Listening sessions
- Community presentations
- Digital survey
- Engagement summary



## Emerge

- Strategic planning committee meetings to develop the vision of a graduate and strategic plan
- Present final plan to board for adoption
- Development of executive summary



## Elevate

- Implementation of the strategic plan.

# What is a Strategic Plan?



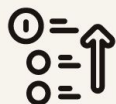
SCHOOL  
DISTRICT



**VISION OF A GRADUATE**



**STRATEGIC PLAN**



**PRIORITIES**

What are we focusing on to achieve our mission?



**GOALS**

What is the long-term objective of this priority?



**STRATEGIES**

How do we plan to achieve the goal?



**MEASUREMENTS OF SUCCESS**

How will we measure success?

# Engage: Goals

- **Broad and diverse participation** – hear from a wide range of Neah-Kah-Nie community members including staff, students, families, businesses, Board members and community partners.
- **Continued communication and transparency** – in alignment with current district goals, the engagement process will continue to prioritize communication and transparency throughout the process, including providing clear and accessible information to all interested partners.



# Engage: Audiences

- Students
- Families
- Staff
- Board members
- Community partners
- Business partners
- Equity Priority Communities:
  - LGBTQ+ students
  - Spanish-speaking students and families
  - Special education parents and families





# Engage: Activities

- Listening Sessions - facilitated by PointNorth
- Equity Priority Community Listening Sessions - facilitated by Tyler
- Community Presentations - facilitated by Tyler
- Meetings at each school - facilitated by Tyler
- Digital Survey
- Interviews with key partners - facilitated by PointNorth



# Timeline



- **March 2024**
  - Soft launch survey
  - Community Presentations
- **April 2024**
  - Survey outreach
  - Listening Session #1 - April 9, 2024
  - Listening Session #2 - April 24, 2024
  - Community Presentations
- **May 2024**
  - Complete engagement
  - Develop Community Engagement Report
  - Convene Strategic Planning Advisory Committee
- **June 2024 - September 2024**
  - Strategic Planning Advisory Committee meets & develops strategic plan
- **October 2024**
  - Board adopts new Strategic Plan
  - Begin implementation



# Opportunities for Involvement



- Take the Survey
- Attend a listening session
  - Tuesday, April 9th - Nehalem Elementary School
  - Wednesday, April 24th - Garibaldi City Hall
- Share the survey with your community
- Express Interest in serving on the Strategic Planning Advisory Committee



# Questions?



## Contact Info

**Tyler Reed**

503-355-2222

[tylerr@nknsd.org](mailto:tylerr@nknsd.org)





## EVCNB Food Bank Can Tsunami

Mark your calendar for the third annual EVCNB Food Can Tsunami for Saturday, April 27, 2024 from 10 am until 1 pm.

This is an Emergency Preparedness Drill and Food Drive sponsored by EVCNB that also benefits the Food Banks in our communities. It's the time to review your GoBag contents, use Yellow Radio skills, and practice walking or driving the route to your evacuation site location. Food Bank donations will be put to good use and it is an easy way for you to do a good deed for your community.

Organizer and volunteer John Beaston explains, "This exercise is a great way to help the North County Food Bank and the Nehalem Bay United Methodist Church Food Pantry while preparing and practicing your own emergency skills. Empty your GoBag and review its contents. Toss any expired water, meds, or food and see what other supplies you might be missing. Place cans of food and/or donation checks (made out to either of the Food Bank organizations) in your empty GoBag and head to your Assembly Area or Neighborhood Gathering Site. If you have one, practice using your Yellow Radio to announce that you are on your way. Radio Hams will also be practicing their skills by being at the gathering sites to accept and take your food and cash donations to the Food Banks."



The Food Banks are always grateful for donations to stock their shelves. They request that you donate commercially canned products (fruit, vegetables, chili, ravioli, refried beans, pork and beans, soup, spaghetti sauce, and tuna), boxed macaroni and cheese, peanut butter, fruit jams, cold cereal, and 64-ounce bottles of apple or orange juice, unopened dog and cat food.

If you belong to a neighborhood cluster, follow the directions of your cluster leader to reach your Gathering Area. If you are not in a cluster, the Assembly Areas and drop-off sites are the Manzanita Police Station (South Bay), Nehalem City Park, and Wheeler City Park.

We encourage you to take this opportunity to prepare and practice your emergency skills while helping others in the community who rely on local Food Banks.



# Prepare Yourself

## Have a GoBag

### Have a GoBag

Put together a backpack or rolling bag with three days of food, water and supplies for each family member. If you have pets, include supplies for them. Place items in plastic bags to protect against water. It is important to remember a GoBag needs to be light enough to grab and go. Locate these supplies as close to your home's exit as possible. Consider keeping a second kit in your vehicle so you will always have supplies with you.

This handout includes a checklist of common items, but everyone should personalize their own kit. Encourage kids to make their own kits too, because what's important to them, may not be as important to you. Pack smart and don't forget to include any personal items you will need, such as prescriptions, eye glasses or hearing aids.

### What If a Disaster Strikes at Night?

If a disaster strikes while you are sleeping, the power likely will be out and windows could have shattered. Major earthquakes often cause doors to slam closed and door frames to shift, making it very difficult to get out.

It's quick and easy to build an Under the Bed Kit for you and each member of your household. Simply bag up the supplies on the checklist and tie them to the leg of the bed to keep them in place during an earthquake.

### Learn More

EVCNB offers a variety of supplies and a fully stocked Essential GoBag for purchase at the GoBag Store. The Essential GoBag contains all the necessary items for one person for 3 days. All you need to do is to add any other essential personal items. Volunteers at the Store will be happy to evaluate your existing GoBag or consult with you about building a new one.

Contact [GoBag@evcnb.org](mailto:GoBag@evcnb.org) for more information.



# Prepare Yourself

## Have a GoBag

### ESSENTIALS

- Tarps
- Drinking water supply (1 quart per person per day)
- Water filtration system
- 3-day supply of food (high-energy food bars, jerky, trail mix)
- Items to keep you warm and dry:
  - Waterproof poncho
  - Gloves or hand warmers
  - Mylar sleeping bag or blanket
- Whistle
- Basic first aid supplies
- Light source (headlamp or flashlight with batteries)
- Hand sanitizer

### PERSONAL ITEMS TO CONSIDER

- 30-day supply of prescription medications
- Eyeglasses
- Hearing Aid/batteries
- Cash in small denominations
- Toilet Paper
- Change of Clothing
- Comfort Item (chocolate, coffee, etc)
- Pet supplies (leash, harness, chew toy, etc)

### BASIC ITEMS TO INCLUDE IN AN UNDER-THE-BED-KIT

- Hard soled shoes & socks
- Light source (preferably a headlamp to free up your hands)
- Leather gloves
- Crowbar





**RESOLUTION NO. 2024-03**

**A RESOLUTION ESTABLISHING IMMUNITY FROM CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS DESCRIBED IN ORS 105.668, AS AMENDED BY SENATE BILL 1576**

**WHEREAS**, the City Council (Council) of the City of Nehalem (City) finds that the Oregon Legislature enacted Senate Bill (SB) 1576 in its 2024 Regular Session; and

**WHEREAS**, ORS 105.668, as amended by SB 1576, limits private claims or rights of action based on negligence for personal injury or property damage resulting from “use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance” (ORS 105.668); and

**WHEREAS**, the Council finds that ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows cities with a lesser population to opt to limit liability in the manner established by the law; and

**WHEREAS**, the Council finds that the City of Nehalem will limit its liability from certain claims by opting in to the immunity provided for in ORS 105.668.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Nehalem as follows:

**SECTION 1 Immunity.** Pursuant to ORS 105.668(3)(a) and (b), the City of Nehalem, on behalf of itself and its officers, employees and agents, hereby opts to limit liability in the manner established by ORS 105.668(2) with respect to personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, with respect to claimants who may be a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.

**SECTION 2 Extended Immunity.** Pursuant to ORS 105.668(3)(c) and (d), the City of Nehalem further opts to extend the immunity adopted in Section 1 of this Resolution to:

- a. The owner of land abutting public easements and unimproved right of ways located within the City; and
- b. Any nonprofit corporation and its volunteers for the construction and maintenance of trails or structures in a public easement or unimproved right of way located within the City.

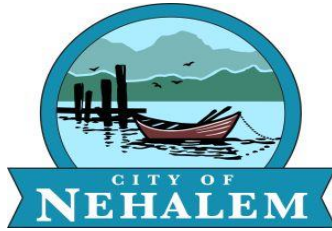


**SECTION 3 Effective Date.** This resolution shall take effect immediately upon its adoption.

ADOPTED by the City Council of Nehalem and APPROVED by the Mayor of Nehalem this 8<sup>th</sup> day of April 2024.

Approved: \_\_\_\_\_  
Phil Chick, Mayor

Attest: \_\_\_\_\_  
Lori Longfellow, City Manager



**RESOLUTION 2024-04**

**A RESOLUTION TO ADJUST APPROPRIATIONS FOR THE FISCAL YEAR 2023-2024 BUDGET**

**WHEREAS**, The 2023-2024 Fiscal Year Budget was duly authorized and adopted by Resolution 2023-09 on June 12, 2023; and

**WHEREAS**, ORS 294.450 provides for the legal basis for transfers of appropriations within a fund; and

**WHEREAS**, through the course of routine operations, conditions such as grant and reimbursement opportunities that were not known at the time the budget was prepared have occurred that require adjustments to the Adopted Budget; and

**WHEREAS**, the City Council deems it advisable to transfer appropriations.

**NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEHALEM**; that appropriation transfers be made to the 2023-2024 City Budget as follows:

<b>General Fund <u>Resources</u></b>	<b>2023-2024 <u>Budget</u></b>
Other Revenue:	
Miscellaneous	\$4,334.00
<b>Total Resources:</b>	<b>\$4,334.00</b>
<b><u>Expenses</u></b>	
GF-Parks & Recreation	
Materials & Supplies	\$4,334.00
<b>Total Expenses:</b>	<b>\$4,334.00</b>

Passed this 8<sup>th</sup> day of April 2024 by the Common Council of the City of Nehalem, Tillamook County, Oregon

Approved: \_\_\_\_\_  
Phill Chick, Mayor

Attest: \_\_\_\_\_  
Lori Longfellow, City Manager



## MARCH 2024 STAFF REPORT

To: Mayor Chick and City Council  
From: Lori Longfellow, City Manager

- 1) **Anderson Creek Raw Water Transmission Main** – Contractor is still in the process of fusing pipe together as time permits. The City Manager has been working with the City Attorney and preparing sub-easements. Public Works is coordinating confirmation emails.
- 2) **SB 406** – Meeting was on 3/21/24 with Cascadia Partners on shared project schedules and currently it is in the code audit report portion of the project. After the Audit, staff/City Planner will do a work session with the Planning Commission, and they will provide recommendations to the City Council for adoption. CP will hand over adoption ready amendments after attending a works session with the PC/city staff and will guide city through amendments adoption hearings. Works session is tentatively going to be scheduled late spring.
- 3) **Yardney Pre-Filter Replacement** – This was a Water Capital Project budget for FY 2023-2024. The proposed cost is higher than anticipated. Filters have been ordered by Public Work's and anticipated to arrive in May.
- 4) **Planning Commission** – Meeting scheduled for April 18, 2024, but may be cancelled due to lack of business.
- 5) **SEI Filing Reminder**- Yearly Statement of Economic Interest filing period has been opened since March 15th. The City Manager and Staff will confirm all email addresses necessary are updated, for Council and Planning Commission for reporting. Filing will need to be done by April 15<sup>th</sup>, 2024.
- 6) **8<sup>th</sup> Street Project** – Onion Peak Design will be performing the topographic surveys of 8<sup>th</sup> street as soon as the utility one call locates (which may be done now) along with fieldwork. Once the surveyor provided us with the topographic map, we will begin our engineering design for the road, storm system and sidewalk. We are still on schedule from the engineer's proposal.



April 4, 2024

**STAFF REPORT**

To: Mayor Chick and City Council  
 From: Brian Moore, Public Works Director

**RE: PUBLIC WORKS MONTHLY REPORT**

**WATER MONITORING & TESTING**

<b>Average Daily Water Usage</b>	
March 2024	Previous Year: 2023
98,000 gallons	102,000 gallons
Comments: Everything looking good	

<b>Rainfall</b>	
March 2024:	Previous Year: 2023
10.35 inches	9.75 inches
Comments: We are in our wet season with lots of rain.	

<b>Turbidity (NTU = Nephelometric Turbidity Unity: A measure of water clarity.)</b> <small>Turbidity is a measure of the cloudiness of the water. We monitor it daily because it is a good indicator of the effectiveness of our filtration system.</small>	
<b>Turbidity Monthly Average:</b>	<b>Highest Allowed:</b>
0.05 NTU	Never more than 5 NTU and less than 1 NTU in 95% of samples.
Comments: Result well below highest allowed.	

<b>Bacteriological Testing</b> <small>To ensure water safety, our state-certified Public Works staff routinely monitor for contaminants in your drinking water according to federal and state laws. Total coliform and E.coli test samples are taken twice per month.</small>	
<b>Results for March 2024:</b>	<b>Comments:</b>
Both Negative	A negative result is desirable and indicates that no bacteria was present in the drinking water sample.