



**NEHALEM PLANNING COMMISSION MEETING  
THURSDAY, NOVEMBER 16, 2023 - 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 online: <https://us02web.zoom.us/j/88512787646>.

Join by phone: (253) 215 8782 and enter Meeting ID: 885 1278 7646.

**CALL TO ORDER  
ROLL CALL  
GUESTS**

**APPROVAL OF MINUTES:** September 26, 2023, Planning Commission Meeting

**NEW BUSINESS:**

1. **PUBLIC HEARING:** Conditional Use Application To Establish A Dock On The Nehalem River

**OTHER BUSINESS**

None scheduled

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

**ADJOURNMENT –** Proposed Next Planning Commission Meeting: December 21, 2023

City Hall is accessible to persons with disabilities. If you need accommodations to access this meeting, please contact City Hall at least 48 hours prior to the meeting.

**NEHALEM PLANNING COMMISSION  
PLANNING MINUTES  
REGULAR MEETING  
SEPTEMBER 26, 2023**

Chair Lease called the Planning Commission Meeting to order at 6:00 p.m. The meeting was held in-person and by Zoom video conference.

**PLANNING COMMISSION  
MEMBERS PRESENT:**

Janet Lease, Chair  
Lance Stockton, Vice-Chair  
Justin Bailie, Commissioner  
Julie Chick, Commissioner

**EXCUSED:**

Mary Jo Anderson, Commissioner

**STAFF PRESENT:**

Lori Longfellow, City Manager  
Yuriy Ukhach, Deputy City Recorder  
Walt Wendolowski, Contract City Planner (on Zoom)

**VISITORS:**

Barbara McLaughlin  
Mark McLaughlin  
Chuck McLaughlin  
Kimberlee Romanov  
Kate Romanov  
Mrs. O'Connor  
Sean Mumey, Manzanita Police Department  
**On Zoom:**  
Unidentified visitors

**MINUTES**

The Commission reviewed the minutes of the August 16, 2023, Planning Commission Meeting. Commissioner Stockton **MOVED** to approve the minutes from the August 16, 2023, meeting as presented. Commissioner Bailie **SECONDED** the motion. **MOTION APPROVED 3-0 (Yes: Bailie, Chick, and Stockton; No: None;).**

**NEW BUSINESS:**

**PUBLIC HEARING: CONDITIONAL USE PERMIT TO OPERATE A DAYCARE FACILITY**

Chair Lease opened the Public Hearing on the Conditional Use Permit to Operate a Daycare Facility at 6:04 p.m.

Contract City Planner Walt Wendolowski reviewed the staff report that was part of the agenda packet of the meeting. He noted that the staff finds the proposal complies with the decision criteria and recommends Planning Commission approval of the Conditional Use Application subject to the conditions of approval that are noted in the staff report.

Kate Romanov talked about her application for a Day Care facility with the help of the PowerPoint presentation that was made part of the record.

Commissioner Chick asked if there is a mechanism to make sure that the Day Care facility complies with all State and Federal standards.

Wendolowski explained that the State is responsible for monitoring Day Care facilities. He noted that the State will ultimately approve the application and conduct regular on-site inspections.

The City Manager Longfellow noted that the facility will require a city business license.

There was some discussion on how the applicant would update the city on the results of the State monitoring program.

There was some discussion on the requirements for public water and sanitary sewer systems use, and the applicable fire standards. There was a consensus that the applicant will have to comply with all applicable State and Federal requirements for Day Care facilities.

There was some discussion on the ADA accessibility and compliance of the Day Care facility. Romanov noted that, to her knowledge, in this case there are no additional State or Federal ADA requirements. She stated that she was willing and ready to comply with all the State and Federal requirements.

Chair Lease allowed time for public comment.

Barbara McLaughlin spoke in favor of the applicant.

Chair Lease read aloud a written testimony from Vivi Tallman that was in favor of the applicant and was made part of the record.

Chair Lease closed the Public Hearing on the Conditional Use Permit to Operate a Daycare Facility at 6:42 p.m.

Commissioner Bailie **MOVED** to approve the Conditional Use Application to Operate a Daycare Facility subject to State and Federal ADA compliance and all other requirements. Commissioner Stockton **SECONDED** the motion. **MOTION APPROVED 3-0 (Yes: Bailie, Chick, and Stockton; No: None;)**.

**OTHER BUSINESS**

Chair Lease welcomed the new City Manager Lori Longfellow.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

The next Planning Commission meeting will be October 19, 2023. There being no further business, Chair Lease adjourned the meeting at 6:46 p.m.

**APPROVED:** \_\_\_\_\_  
Janet Lease, Planning Commission Chair

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

## STAFF REPORT

**TO:** Nehalem Planning Commission  
**FROM:** Walt Wendolowski, Contract City Planner  
**SUBJECT:** Planning File No. 2023-07CU  
**DATE:** November 9, 2023

### I. BACKGROUND INFORMATION

- A. **APPLICANT:** Stephen Tuttle.
- B. **PROPERTY LOCATION:** The property is located on the east side of US Highway 101, approximately 80 feet north of K Street. The site address is 35425 Riverside Drive and is identified on the County Assessor map as located within Township 3 North; Range 10 West; Section 27CA; Tax Lot #13000.
- C. **PARCEL SIZE:** Approximately 8,500 square feet.
- D. **EXISTING DEVELOPMENT:** The parcel has a single-family home and garage, fronts a public street, and is served by public sewer and water. The site also fronts on the River with a ramp connecting an existing dock to the property.
- E. **ZONING:** Marine Residential (MR).
- F. **ADJACENT ZONING AND LAND USES:** Land to the north and south is also zoned MR, while property to the west, across Highway 101, is zoned Residential Low Density (RL). Single family homes are the predominant land use. The Nehalem River borders the site to the east.
- G. **REQUEST:** The applicant is requesting approval of a Conditional Use to formally establish a dock on the Nehalem River.
- H. **DECISION CRITERIA:** This application will be evaluated against the following Nehalem Zoning Ordinance provision: Section 157.020 to Section 157.024 (Marine Residential Zone); and Section 157.345 to Section 157.354 (Conditional Use).

### II. APPLICATION SUMMARY

- A. The existing dock is approximately 1,200 square feet in area with a 96 square foot enclosed shed on the north side of the dock. There are two 160 square foot moorages on the south side of the dock. For the record, the property was previously used as a short-term rental.
- B. The dock was established without benefit of a land use approval. Based on a Settlement Release and Agreement (see packet) the applicant is required to

submit a conditional use application to establish the use, apply for Department of State Lands permits, and conform to State regulations. This application and review address the conditional use requirement of the Agreement.

- C. Section 157.022(C) identifies a “boat ramps, boat docks and moorages” as a conditionally permitted use within the MR zone. As a conditional use, the application requires a hearing before the Planning Commission. In addition, the dock must comply with provisions related to Shoreland Development.

### III. CRITERIA AND FINDINGS – CONDITIONAL USE

- A. Section 157.345 establishes the intent of a conditional use permit. Due to their unusual characteristics or potential disruption of the area in which they are located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this chapter.
- B. Section 157.346 includes authorization provisions. As noted, this is the responsibility of the Planning Commission. In granting a conditional use, the city may impose any conditions which it considers necessary to protect adjacent uses and the resources of the site and adjacent areas. These conditions may include, but are not limited to:
  - (1) Increasing the required lot size or yard dimensions;
  - (2) Reducing the required height and size of buildings;
  - (3) Controlling the location and numbers of vehicle access points;
  - (4) Increasing the required off-street parking spaces;
  - (5) Increasing the required street width;
  - (6) Limiting the number, size, location, and lighting of signs;
  - (7) Required diking, fencing, screening, landscaping, berms, or other items to protect adjacent or nearby property;
  - (8) Designating sites for open space; and
  - (9) Increasing pipe size or other facility installment requirements, such as for fire protection, water flow, sewerage, or storm drainage.

FINDINGS: The hearing before the Planning Commission is consistent with this Section and the Commission may consider these conditions as part of their decision.

- C. Section 157.347 notes that in the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use, any change in use or in lot area or an alteration of structure shall conform to the requirements for a conditional use.

FINDINGS: This Section does not apply as this is a new land use application.

- D. Section 157.348 reviews the application requirements.

FINDINGS: For the record, the applicant submitted a complete application, and a completeness letter was issued on October 12, 2023.

- E. Section 157.349 states the Commission may require that the applicant for a conditional use furnish to the city a performance bond, refundable cash deposit, letter of credit or similar address development costs and assure their completion.

FINDINGS: This is an option for the Commission; however, it would appear to be unnecessary given the structure's location and no need for public facilities.

- F. Section 157.350 requires an applicant to comply with the adopted conditions of approval.

FINDINGS: This is an administrative provision and allows the City to enforce the approved conditions as violations.

- G. Section 157.351 limits the conditional use approval to one year with the potential for the Commission to approve a six-month extension.

FINDINGS: This is an administrative provision; compliance will be the applicant's responsibility.

- H. Section 157.352 notes that if an application is denied, a similar application cannot be refiled for six months.

FINDINGS: Again, this is an administrative provision; enforcement will be the responsibility of the City.

- I. Section 157.353 states that before a conditional use is approved, findings will be made that the use will comply with the following standards:

- 1. Section 157.353(A) - A need exists for the use at the proposed location.

FINDINGS: The MR zone allows a property owner to establish a private dock or moorage through the conditional use process. Accordingly, as a private dock for the residence, there is no suitable alternative location to serve the needs of the property owners.

- 2. Section 157.353(B) - The use will not overburden the following public facilities and services: water, sewer, storm drainage, electrical services, fire protection and schools.

FINDINGS: There is no effective impact as the dock is not connected to the public water or sewer system or uses private facilities. Except for an occasional short-term rental, there is no significant traffic impact on Highway 101.

- 3. Section 157.353(C) - The site layout shall provide an adequate amount of

space for yards, buildings, drives, parking, loading, and unloading areas, storage facilities, utilities or other facilities which are required by city ordinances or desired by the applicant.

FINDINGS: Factors identified in this Section do not directly apply or are unaffected due to the location of the dock within the Nehalem River.

4. Section 157.353(D) - The topography, soils and other physical characteristics of the site are appropriate for the use.

FINDINGS: Given the location of the dock, this Section does not apply.

5. Section 157.353(E) - The use will not create traffic congestion on nearby streets; and

FINDINGS: As previously noted, the only potential traffic increase is through the occasional short-term rental at the home. The dock itself does not generate an activity that would create traffic congestion.

6. Section 157.353(F) - The proposed use will be compatible with the general character of the area due to the architectural style, building materials and colors, landscaping, fencing and/or other building or site characteristics.

FINDINGS: As a water-dependent use, building characteristics are not an issue. In addition, nothing regarding the dock will adversely impact the character of the area.

- J. In addition to the conditional use requirements, the dock must comply with the Shoreland Development provisions in Section 157.022. Subsection (4) provides the following standards for private docks and moorage:

1. Section 157.022(4)(a). Where a private individual dock or moorage is proposed, the applicant must demonstrate that the alternative moorage sites such as nearby marinas, community docks or mooring buoys are not available and are impractical or will not satisfy the need. Where need is demonstrated, only one boat dock or moorage area will be permitted for each waterfront residence, subdivision, or other use, except for a planned development, in which case the Planning Commission may approve more than one moorage facility if appropriate for the proposed development.

FINDINGS: This is an existing dock and previous findings note to serve the private property owner no other location is feasible. However, the dock contains two moorage bays and not the one limited by this subsection. To conform with this provision, and comply with the Agreement, the applicant will need to submit a plan and timeline in which to remove one moorage.

2. Section 157.022(4)(b). The size and shape of the dock or moorage shall be the minimum necessary to fulfill the purpose.



FINDINGS: This is for personal use, and based on the above noted provisions and signed Agreement, the use will comply with this item provided one moorage bay is removed.

3. Section 157.022(4)(c). Open moorages are encouraged, except in connection with commercial or industrial use where shelter is necessary for repair and maintenance of vessels and associated equipment.

FINDINGS: The dock has open moorage.

4. Section 157.022(4)(d) Open pile piers or secured floats shall be used for dock construction.

FINDINGS: The dock is stabilized by secured floats.

- K. As the dock is currently in place, this request would legitimize the use. As an existing structure, however, it is evident the dock has and will likely continue to comply with the conditional use criteria. The primary issue is the removal of one mooring bay, including plans and a timeline for removal.

#### IV. CONCLUSION AND RECOMMENDATION

Staff finds the proposal complies with the decision criteria and recommends Planning Commission approval of the Conditional Use subject to the following Conditions of Approval:

- A. Within three months of the date of final decision, the applicant shall submit a plan and work timeline to the City to remove one moorage bay. The City shall have the option of returning to the Planning Commission to determine whether the modification meets the requirements of the Zoning Ordinance.
- B. No later than one year from the date of final approval, the applicant shall:
  1. Modify the dock based on approved plans by the City.
  2. Present evidence from the Department of State Lands of an approved Waterway Permit for the modified dock.
- C. The operation of a short-term rental at the residence shall be prohibited until such time the applicant complies with Condition "B." above, and the requirements of the Settlement Agreement and Release between the City and applicant.
- D. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant. The applicant is advised that failure to comply with these provisions may result in an enforcement action.

## V. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
  - 1. Approve the application and adopt findings contained in the Staff Report,
  - 2. Approve the application with modified findings and/or conditions, or
  - 3. Deny the application, specifying reasons why the applicant has not met the criteria.
- B. Staff will return with an Order for the Chair's signature based on the Planning Commission decision.



# CITY OF NEHALEM

35900 8TH STREET • P.O. BOX 143  
NEHALEM, OREGON 97131  
PH. (503) 368-5627 • FX. (503) 368-4175

### FOR OFFICE USE ONLY

DATE APPLICATION

RECEIVED: \_\_\_\_\_

FEE PAID:  Yes  No

DATE APPLICATION DEEMED

COMPLETE: \_\_\_\_\_

## CONDITIONAL USE PERMIT APPLICATION

REQUEST (Describe request) Dock Approval

### APPLICANT:

Name: Stephen Tuttle Phone: [REDACTED]  
Address: [REDACTED] City Nehalem State: OR Zip 97131

### LEGALLY RECORDED OWNER:

Name: Stephen Tuttle Phone: [REDACTED]  
Address: 35425 Riverside Drive City Nehalem State: OR Zip 97131

1. LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION  
3N1027CA13000  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot 13000  
Subdivision Tohls 1st add Lot 4/5 Block 20

2. Zoning RESIDENTIAL IMPROVED, ZONED RE

3. IS THE PROPERTY DEED RESTRICTED TO PROHIBIT THE USE AS PROPOSED IN THIS APPLICATION?  
 Yes  No

4. I HEREBY APPLY FOR THE ABOVE REQUEST:  
I agree to abide by the requirements of the City of Nehalem Comprehensive Plan, Zoning and Land-Use Ordinances as they apply to this request.

PROPERTY OWNER'S SIGNATURE [REDACTED] Date 9/14/23

5. I AUTHORIZE THIS REQUEST BY THE APPLICANT:  
APPLICANT'S SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_

## CITY OF NEHALEM CUP APPLICATION (CONT.)

**NOTE TO APPLICANT:** Conditional Use Standards and Criteria are contained in Section 157.345-157.354 of the Nehalem Zoning Code. The Nehalem Zoning Code is available online at: <https://nehalem.municipal.codes/Code/XV> and available for review at Nehalem City Hall. It is your responsibility to address all applicable standards and criteria. At minimum, the following information shall be submitted with this application form (please check with city staff if you have any questions):

1. Legal description of the affected property.
2. Site plan and elevations, drawn to scale, indicating the subject property, the location of all structures, walkways, driveways, landscaped areas, fences, walls, and all parking and loading spaces.
3. A sketch, showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site.
4. Site analysis data indicating square footage of the site, building coverage, landscaped areas, and parking.
5. Location of mean higher high water when appropriate.
6. Other information, as requested by the Planning Commission.

Before a conditional use may be approved, findings need to be made that the use will comply with the following standards:

- A. A need exists for the use at the proposed location.
- B. The use will not overburden the following public facilities and services: water, sewer, storm drainage, electrical services, fire protection and schools.
- C. The site layout shall provide an adequate amount of space for yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities or other facilities which are required by City Ordinances or desired by the applicant.
- D. The topography, soils and other physical characteristics of the site are appropriate for the use.
- E. The use will not create traffic congestion on nearby streets.
- F. The proposed use will be compatible with the general character of the area due to the architectural style, building materials and colors, landscaping, fencing, and/or other building or site characteristics.

**NOTE TO APPLICANT:** It is your responsibility to attach to this application form responses to each of the standards listed above (A. through F.) in sufficient detail for the Planning Commission to assess the request against applicable standards and criteria. Please attach photos or any other details you believe are relevant to your request.

Thank you.



# Waterway Structure Registration Application

DATE RECEIVED:

[www.oregon.gov/dsl/](http://www.oregon.gov/dsl/)

(West of the Cascade Crest)  
WESTERN REGION  
Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
PHONE: 503-986-5200  
FAX: 503-378-4844

Make checks payable to Oregon Department of State Lands.  
To pay by Visa or Master Card visit  
<https://www.oregon.gov/dsl/Pages/payments.aspx>.  
To email documents, send to [registrations.dsl@dsl.oregon.gov](mailto:registrations.dsl@dsl.oregon.gov).

(East of the Cascade Crest)  
EASTERN REGION  
Department of State Lands  
951 SW Simpson Ave, Suite 104  
Bend, OR 97702  
PHONE: 541-388-6112  
FAX: 541-388-6480

**Registration # 14460-RG**

Please complete the sections based on the option you select below

<input type="checkbox"/> Applying for a new Registration	—————>	Sections 1, 2, 3, 4, 5; Sign page 2
<input type="checkbox"/> Renewal of an existing Registration with no changes	—————>	Sections 1 & 2; Sign page 2
<input type="checkbox"/> <b>Amendment to an existing Registration</b>	—————>	<b>Sections 1, 2, 3, 4, 5; Sign page 2</b>
(e.g. add sq. ft., moving structure, etc.) Increase area of use _____		

**Section 1 - APPLICANT INFORMATION**

Applicant's Name: <u>Stephen Tuttle</u>	Home Phone: [REDACTED]
Mailing Address: [REDACTED]	Business/Other Phone: [REDACTED]
City: [REDACTED]	Fax: [REDACTED]
State: [REDACTED] Zip: [REDACTED]	Email Address: [REDACTED]
Address of Structure Location (if applicable):	

**Section 2 - STRUCTURE TYPE** (check all applicable boxes)

Dock or Float Only	Boat House Only	Dock with Boat House	Fee (per 5 Year Term)
<input type="checkbox"/> Less than 1,000 sq ft	<input type="checkbox"/> Less than 1,000 sq ft	<input type="checkbox"/> Less than 1,000 sq ft	\$250
<input type="checkbox"/> 1,001 to 2,000 sq ft	<input type="checkbox"/> 1,001 to 2,000 sq ft	<input checked="" type="checkbox"/> <b>1,001 to 2,000 sq ft</b>	\$500
<input type="checkbox"/> 2,001 to 2,500 sq ft	<input type="checkbox"/> 2,001 to 2,500 sq ft	<input type="checkbox"/> 2,001 to 2,500 sq ft	\$600
<input type="checkbox"/> Floating Recreational Cabin (must be less than 1,500 sq ft)			\$700
<b>NO FEE CATEGORY</b>	<input type="checkbox"/> Revetments, attenuators, retaining walls, riprap, tidegates, etc.		\$0
	<input type="checkbox"/> Structures maintained by a Drainage District (ORS 547)		\$0
	<input type="checkbox"/> Rights-of-way established for City or County roads prior to Nov. 1, 1981		\$0
	<input type="checkbox"/> Voluntary Habitat Restoration Projects		\$0
	<input type="checkbox"/> Other structure associated with dock, boat house, or floating rec. cabin (e.g. boat ramp, mooring buoy, piling, etc.) _____		\$0
<input type="checkbox"/> Other structure not associated with dock, boat house, or floating rec. cabin (e.g. boat ramp only, mooring buoy only, piling only, etc.) _____			\$250/structure type

### Section 3 - STRUCTURE INFORMATION

Waterway <u>Nehalem River</u>	River Mile _____	County <u>Tillamook</u>
Are you the owner of tax lot where the structure is located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no, please provide the owner's name and address)	Legal Description where the structure is located: <u>Tohls 1st ADD B.20 L4 PT</u> <u>Tohls 1st ADD B.20 L5 PT</u> Township Range Section Quarter Tax Lot No.(s) _____ Tax Lot No. <u>13000</u> <u>Map and Tax lot 3N1027CA13000</u>	

### Section 4 - CITY/COUNTY CERTIFICATE OF COMPLIANCE

*(Submit to local planning official for completion)*

- This project is not regulated by the local comprehensive plan and zoning ordinance.
- This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.
- This project has been reviewed and is **NOT** consistent with the local comprehensive plan and zone ordinance.
- Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:  
 A. Conditional Use Approval    B. Development Permit    C. Plan Amendment    D. Zone Change  
 E. Other \_\_\_\_\_

An application  has  has not been made for local approvals checked above.

Comments:

Signature of local planning official \_\_\_\_\_ Title \_\_\_\_\_ City/County \_\_\_\_\_ Date \_\_\_\_\_

Print Name: \_\_\_\_\_

### Section 5 - ATTACHMENTS

- A street or highway location map with road directions to the site from the nearest main highway or road.
- County Assessor Tax Map showing the location of structure.
- Photos of existing structure, or of the site of proposed structure (land and water view).**
- Drawing(s) of the existing structure or the proposed, with measurements of structure. (boat well included)**

***INCOMPLETE APPLICATIONS WILL BE RETURNED Please Make a Copy for Your Records***

*By signing this application, I certify to the best of my knowledge, the structure identified in this application meets all applicable local, state and federal laws including the local comprehensive land use plan and zoning ordinance requirements. Failure to do so will invalidate this registration and result in a trespass, subject to civil penalties provided in OAR 141-082-0130.*

\_\_\_\_\_  
**Applicant Signature**

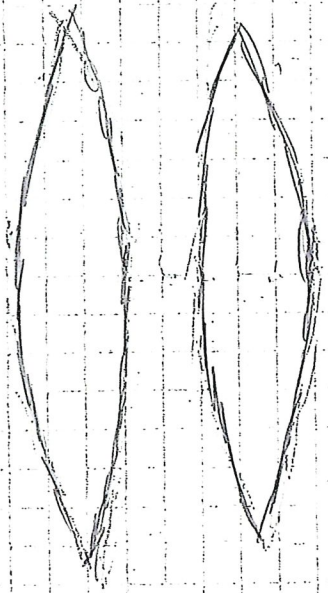
\_\_\_\_\_  
**Date**



← 33' →

5

Ramp

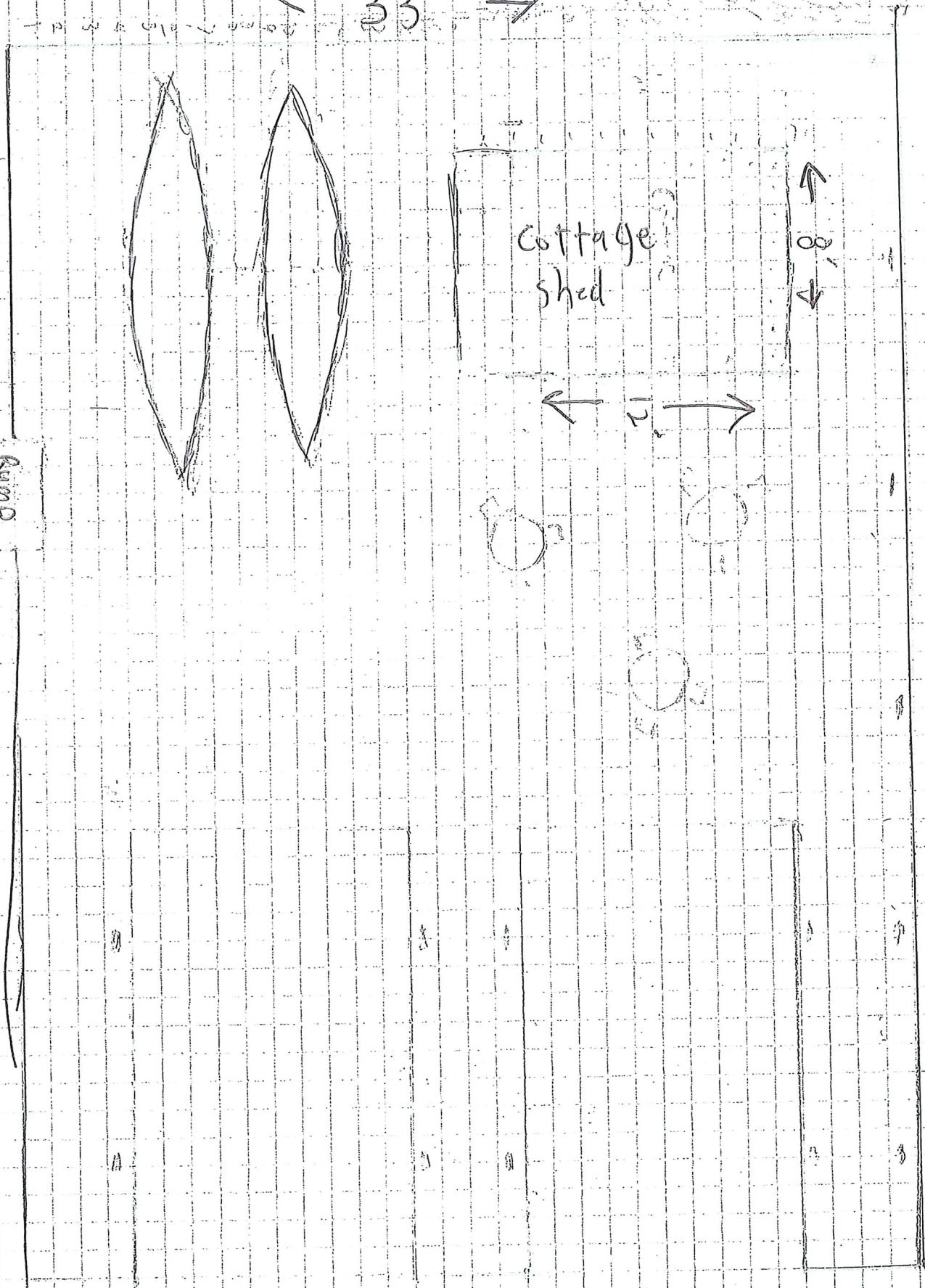


Cottage  
shed

← 12' →

↑ 8' ↓

← 47' →







**NOTICE OF PUBLIC HEARING  
CONDITIONAL USE APPLICATION  
File No. 2023-07CU**

The City of Nehalem Planning Commission will hold its regular meeting on Thursday, November 16, 2023, at 6:00 PM at the Nehalem City Hall (35900 8th Street, Nehalem, OR 97131) and via Zoom ([www.nehalem.gov](http://www.nehalem.gov) for log in information). This meeting will include a public hearing to consider the following application:

**Request:** Conditional Use to establish a dock on the Nehalem River.  
**Applicant:** Stephen Tuttle.  
**Location:** East side of US Highway 101, approximately 80-feet north of K Street.  
**Assessor's Map:** 3N-10-27CA, Tax Lot 13000.  
**Zoning:** Marine Residential (MR).  
**Criteria:** This application will be evaluated against the following provisions of the Nehalem Zoning Ordinance: Section 157.020 to Section 157.024 – Marine Residential Zone; and Section 157.345 to Section 157.354 – Conditional Use.

Persons interested in the proposal should become involved in the land use decision-making process. Anyone desiring to speak for or against the proposal may do so in person or by representation at the hearing. Written comments may also be filed with the City of Nehalem prior to the public hearing. All documents, evidence, and staff reports relied upon by the applicant, including a list of Nehalem Zoning Ordinance approval criteria applicable to the request, are available for inspection at the Nehalem City Hall at no cost, or copies can be obtained for \$.25/page.

The Planning Commission's review is for the purpose of deciding on the proposal. A decision by the Planning Commission to approve or deny the application will be based upon the above-listed criteria and these criteria only. At the hearing it is important that comments relating to the request pertain specifically to the applicable criteria. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the staff report will be available at least seven days prior to the hearing for inspection at no cost, or a copy can be obtained for \$.25/page. If you need any special accommodation to participate in the hearing, please notify City Hall 24 hours before the meeting. For further information please contact Yuriy Ukhach, Deputy City Recorder, Nehalem City Hall, 35900 8<sup>th</sup> Street, Nehalem, Oregon 97131; or by phone at (503)-368-5627.