

- I. Call to Order: 7:09 pm
- II. Administration:
 - a. Roll Call
Planning Commissioners: Joanne Siler, Richard Clappé; Dan Ayers, Virgil Staben, Hal Grimnes
Staff: City Manager Jeff Aprati, City Planner Sabrina Pearson
 - b. Minutes: Thursday, October 4, 2012:
Virgil Staben: Motion to approve as written; Richard Clappé 2nd; motion passes unanimously
 - c. Visitors: Patrick Wingard, Oregon Department of Land Conservation and Development North Coast Field Representative (from Tillamook / Astoria office), Mike Anderson (resident who may apply to join the Planning Commission)
 - d. Correspondence: None
 - e. Non-Agenda Items: None
- III. Public Hearings:

- a. Application CPA 2012-02: The City Council of Wheeler, Oregon proposes to adopt:
The Wheeler Vision Plan 2011 as part of the Wheeler Comprehensive Plan Background Report

Open Public Hearing

Read Disclosure Statements

Staff Report: Applicable criteria, recommendation

Correspondence: See below

Testimony: Patrick Wingard, See below

City waives the right to hold the record open for seven days

Motion to close the public hearing: Richard, Hal, Unanimous

Discussion

Motion to recommend that the City Council approve the application: Hal, Virgil, Unanimous

Correspondence City Manager Jeff Aprati introduces the written correspondence:

These persons requested their letters read into the record, the verbiage of each is the same:

1. Doug and Lea Honeycutt, 395 1st Street
2. Paul Cartier and Laura Ziemer, 768 Rector St
3. Maranne Doyle-Laszlo and Winston Laszlo, 117 Ridgeview Ct
4. Geoffrey Caron, 68 Spruce St.
5. Joyce Caron, 68 Spruce St.

“Strongly support a resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011.”

David Froode: 2N102BD05000, corner of 5th and Rector

The City needs to figure out how to serve the wants and be able to pay for them. Without big business, or a good tax base from real estate, it would seem the next viable alternative is tourism. With the bay and the coast nearby, Wheeler has the potential of being a destination resort type community and still be able to maintain its small town atmosphere. Through developing biking, hiking, kayaking, fishing, crabbing etc., Wheeler could attract the restaurants, motels, and professional techs to serve these people, as well as generate income for local businesses and the City. Wheeler does not need to look like Rockaway or Manzanita for that matter. Just be and look like Wheeler! Use the negatives of other coastal towns to know how not to do it, and the positives on how to.

Margaret Thomas: 195 1st Street

Margaret: Strongly supports the resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011. This is because developers may be motivated to build a profitable project with limited regard for the wishes of Wheeler's citizens – citizens should have a say before development occurs in order to ensure that it conforms to zoning codes and ordinances in accordance with what the citizens want for the city.

Ralph Thomas: 195 1st St, Wheeler, Oregon

Thomas: Strongly supports the resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011. There are conflicts between the Vision and the existing Comprehensive Plan – these must be resolved in favor of the Vision, not vice-versa. The role of the Visioning Committee needs to be recognized in the Comprehensive Plan under the "Planning Process" because the Vision Committee, not the Planning Commission, has become the #1 means of citizen involvement as required under state land use Goal 1. The Planning Commission wishes to exercise its own opinions without regard to citizen involvement, which has become irrelevant to the process. This is a serious situation since anyone at any time could challenge the relevancy of the Commission to the State, including at a time when a major application is being processed.

Yvette St. John: 26260 Sand Lake Rd., Cloverdale, OR

Strongly support a resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011. Believes strongly in citizen planning – citizens are stakeholders in decisions – citizen input should play a major role in planning for the future.

Bob Baughman and Karen Johannes: 333 Vosburg, Wheeler, Oregon

Strongly support a resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011.

Eunice Massie: 151 S 2nd St, Wheeler, Oregon

As Chair and report author for the 2000 Vision Committee, and Co-Chair of the 2010 Vision Committee, strongly supports CPA 2012-02 to incorporate the Vision into the Comprehensive Plan. She and the Committee spent numerous hours in consultation with many citizens to obtain a clear picture of the direction desired by the citizens of Wheeler. One of their strongest complaints was that they had often been asked their opinions, but nothing was ever done to implement it. This is the first opportunity the City has given for implementation and I believe it would be a slap in the face of all involved if the Amendment were not passed.

Richard Hendricks: 931 3rd Street, Wheeler, Oregon

I am writing today to express my concerns regarding the proposed Amendment to adopt the 2011 Vision Plan Report into the Comprehensive Plan. I have concerns on several levels to the notion that this document needs to be an integral part of the Comprehensive Plan and how this action changes the permitted property uses currently described in the Comprehensive Plan with no obvious way for existing property owners to deal with or answer to the changes. My first concern relates to the veracity of the vision statement and its conclusions. I reviewed the Vision Plan and the process for its development as posted on the City's website. I have some concern that the process started with a preconceived notion of the Wheeler vision. This is evident to me in that the majority of the members on the Vision Committee itself have a history of being very vocal against any development, especially of the waterfront areas. Second, the selection of the Focus group and their function was not transparent. Membership of the focus group was not published or if it was it was not apparent to me during my review. By the same token, authorship of the plan is not evident.

The main thrust of the vision appears to be aimed at severely restricting any development of the City's waterfront. However, I can see the tenor of the vision plan being applied anywhere in the City. In regard to the Water Related Commercial Zone, the current Comprehensive Plan speaks well to how this property may be developed. If this vision statement is applied to the existing plan it appears to me that there will be another set of limitations placed on this property. In my mind, this is a "taking" of the property owner's rights, without any offer of recourse for relief. While I believe any development of this property needs to be inside the rules of the existing Comprehensive Plan, I believe layering additional limitations onto this Zone are not fair. Frankly, I believe the nature of the limitations applied by the Vision Plan to the WRC zone may seriously damage the viability of any development of the water front, the property rights of the current owner and as a result maybe actionable.

Given our topography, geologic conditions, and that the community was laid out as if it were flat, creates problems to access and other logistic issues to building on some lots in our community. I believe the current comprehensive plan speaks to view protection quite well, without any guarantee of view preservation. Our methodology used to establish building height on any given lot encourages development to be done at lower elevations, effectively assisting in preserving the view of property owners further up the hill. However, sometimes this is simply not feasible. I know from experience, current and past Planning Commissions, have looked at all options before granting any variance, including suggesting that the structure be redesigned. Only when all options were exhausted did the minimum variance from our Plan's limitations get granted.

It appears to me the biggest problem driving this effort has little to do with the existing comprehensive plan or how well it works. From my point of view, the existing Comprehensive Plan works well, addresses all issues brought up in the vision plan, and does so fairly. The vision plan is and should be a guide. As far as I know it is considered by the Planning Commission in their decisions and deliberations. I believe the driving issue here is that some in the community and on the Council don't believe this is true. This is evident when there are published demands for the resignation of the Planning Commission, whenever they don't agree with certain individuals.

While the Vision Plan does consider the economic well-being of the community, the arbitrary and skewed limitations to development applied by the vision plan will color Wheeler as a community that is not viable for any development. This is obviously the goal of some in the community. However, this short sighted thinking will effectively stifle future development, growth, revenue and ultimately the livability in this community. This in itself is a detriment to all property values in the community.

Finally and personally, we currently have property listed for sale. On top of the slow economy, the feedback we get from real estate professionals is Wheeler is not as attractive as other community's in the area. Their main concern is the reputation that Wheeler is hard to deal with, especially if a prospective buyer plans to do any future development. Many prospective buyers in this area are looking at ways to assist in augmenting their costs. Wheeler does not give a potential buyer the option of short term rental income. I mention this one concept for two reasons. First, we had one potential buyer looking at our property until they were informed that short term rentals were not allowed in Wheeler, which caused the buyer to consider property in other communities. Second, there are currently at least five properties that are being used as short term rentals, with no obvious detriment to the livability of the community. If this practice were allowed, the permits and short term rental tax for these properties may very well double the existing SRT revenue, not to mention show Wheeler property to be more attractive to potential buyers.

In closing the Vision Plan is already addressed and does not need the additional designation. Additionally, my suspicion is this action will cause a currently unforeseen ripple effect through many other City Ordinances that will need to be addressed. Finally, it gives those with a personal agenda the ability to pick and choose from the vision statement, to drive their personal agenda into any proposed development, in the name that the proposed project does not fit their vision of Wheeler. In short, I believe this alteration of the Comprehensive Plan will have a significant detrimental effect on the value of my property.

Testimony

Patrick Wingard, State of Oregon Department of Land Conservation and Development, North Coast Regional Representative: Office: 4301 Third Street in Tillamook, Oregon:

Patrick speaks in support of adopting the Vision Plan. He recommends that the City of Wheeler is doing something smart. Patrick complements the City because while the City does not have a lot of development going on the City is reviewing their local plans. It is his recommendation that it is nice to use the vision process because the vision process does not need to be concerned with the Statewide Planning Goals. Patrick identifies that in the DLCD review process of the Vision Plan,

they were concerned about Measure 49 and with the provision of clear and objective standards for multiple forms of housing development. Patrick recommends that the language of the enacting ordinance provides the necessary support to adopt the vision plan.

Motion: Richard Clappé: Motion to close the public hearing; Hal Grimnes: 2nd; Motion Passes Unanimously

Discussion: None

Motion: Hal Grimnes: I move that based on the findings of fact and recommendations presented and testimony provided tonight I recommend that the City Council approve CPA 2012-02 subject to the interpretations provided in the City Staff Report dated October 24, 2012.
Virgil: 2nd; Motion Passes Unanimously

Interpretations:

1. The policy that requires the City to “Protect existing views for all of the community” is enforced through the application of applicable ordinances, policies and processes.
2. Vision Plan policies are applicable in addition to applicable local, state, and federal laws, rules, and ordinances including the rest of the Wheeler Comprehensive Plan.
3. Recommendations for 5,000 square foot lot size requirements apply only to the R-1 and R-2 zones where this is the minimum lot size standard unless an amendment is adopted through additional legislative process that adds a minimum lot size standard to the zones which currently do not have them.
4. The 5,000 square foot minimum lot size requirement does not prevent the approval of an application that meets the criteria of Wheeler Zoning Ordinance Section 12.050 “General Exception to Minimum Lot Size”.
5. The description that a 5,000 square foot lot size is 50’ x 100’ is considered one method for achieving a 5,000 square foot minimum lot size. This option does not extinguish the applicability of the minimum allowable lot dimension standards adopted for the subject land use zone, which in the R-1 and R-2 zones currently requires a minimum width of 40 feet and a minimum depth of 85 feet, unless an amendment is adopted through additional legislative process.
6. The limitation of 10 units does not prevent an applicant from developing property consistent with the standards for development adopted for the applicable land use zone.
7. The limitation of 10 units requires that no single application can be submitted for more than 10 units. After final approvals or final occupancy is approved by permitting authorities for each application to develop a maximum of 10 units, an applicant may submit a new and subsequent application to develop a maximum of 10 additional units at any one time, consistent with the minimum standards of development adopted for the applicable land use zone.
8. The term “10 units” is interpreted as the final plat approval and recordation for a subdivision or Planned Unit Development or final occupancy approval depending on the type of application approval.
9. The phrase “do not increase the moorage capacity” does not extinguish the rights of a property owner to build at the capacity which is currently allowed unless a legislative process is held that results in the reduction of existing moorage capacity.

In addition:

At the next reasonable opportunity that the City Council pursues the process to adopt amendments to the Wheeler Zoning Ordinance, I recommend adoption of text amendments to implement the following clear and objective standards that assist with the application of the City of Wheeler Vision Plan 2011:

1. Define Large Scale Development as any development that exceeds 10 units.
2. Define that while no application may include the development of more than ten units at one time after the ten units are developed and receive approval for final occupancy from the permitting authorities, an applicant may then apply for a new and subsequent applications to develop a maximum of ten units at any one time.
3. Update the list of pertinent documents in the Wheeler Comprehensive Plan Goals and Policies Document to include the Wheeler Comprehensive Plan Background Report Table of Contents so the public may be more readily aware of the applicable background data that serves as mandatory guidance for applications that require a finding of consistency with the Wheeler Comprehensive Plan.

IV. Unfinished Business:

- a. City of Wheeler Zoning Map: City staff are working with Tillamook County GIS department to correct the digital colorized version of the Wheeler Zoning Map. As soon as the schedule allows, City staff will complete this work.

b. Planning Commission Trainings:

The Planning Commission plans to begin reviewing trainings as their schedule allows.

Free Trainings Available to Planning Commissioners, City Councilors and the General Public:

DLCD Trainings are available at coastlatles.net

The American Planning Association trainings are available at Portland State University, pdx.edu

c. Wheeler Comprehensive Plan Background Report: Review Table of Contents

Review and Update Table of Contents

As a housekeeping item, City Staff is reviewing the Wheeler Comprehensive Plan Background Report: Review Table of Contents to make sure that it identifies all documents that have been adopted as part of this document.

Add Table of Contents to the Comprehensive Plan Goals and Policies Document

City Staff recommend that the Wheeler Comprehensive Plan Background Report: Review Table of Contents is added to the Comprehensive Plan Goals and Policies document as a reference so that the existence of the Wheeler Comprehensive Plan Background Report is transparent.

d. Any Other Unfinished Business: None

VI. Upcoming Meetings; Commissioner, Manager, Planner and Staff Comments

a. Upcoming Meetings

Planning Commission President Ayers discusses need to update the Comprehensive Plan and revise the annexation process identified in "The Planning Process" to include voter approval of annexation applications. City Manager Jeff Aprati states that the City Council plans to begin to address the next round of amendments in January 2013 after the new City Council is in office.

b. Commissioner Comments:

Dan Ayers reminds the Commission that they are looking for new members and asks Jeff to advertise. Mike Anderson, visitor to the meeting and Wheeler resident and property owner, states that he is considering applying to join the Planning Commission.

c. City Manager Comments: None

d. City Planner Comments: None

e. Staff Comments: None

VII. Adjournment: 8:34 pm

Dan Ayers, Planning Commission President

ATTEST: Jeff Aprati, City Manager