

I. Call to Order: 7:10 pm

II. Administration

A. Roll Call:

Planning Commissioners: Dan Ayers, Hal Grimnes, Lee Shepherd, Terri Michelsen
Commissioner Virgil Staben has an excused absence

Staff: Sabrina Pearson, City Planner; Frank Sinclair, City Manager

B. Minutes: January 6, 2011 Minutes

Review of minutes postponed until next month. The Planning Commission wants me to add the motion by Terri to approve the application, which was denied 4-1, to the minutes

C. Visitors Presentation:

Al Weller: Address: 79 First Street, Wheeler, Oregon; part-time resident at this time
Al is attending the meeting and may apply for one of the vacant positions. He is encouraged by staff and commissioners to do so.

Lorraine Winship: 2N 10W 2CB, Tax Lot 700, Original Wheeler, Block 12, Lots 1 and 2
She was affected by the Siler variance at the January 6, 2011 Planning Commission meeting.
Lorraine asks that the reasons for denying the Siler variance at 2N 10W 2CB, Tax Lot 800, Original Wheeler, Block 12, a portion of Lots 3 and 4 to set precedence as reasons for denying other similar applications. She asks the Planning Commission to revise the criteria for variance to specifically include the blocking of a view.

Dan Ayers: The blocking of a view is subjective. Variances are each evaluated on their own merit. No variance sets precedence. It is fair for everyone both applicant and those considered affected to consider each application from the same starting point.

III. Old Business

A. Proposed Wheeler Zoning Ordinance WZO Amendments Discussion

1. Amend WZO Section 1.070 Definitions ADD: Commercial Recreation
The definition is good for now; will be reviewed in context of vision plan

2. Amend WZO Section 1.070 Definitions ADD: Freeboard
Discussion: Revise proposed language to read:

Freeboard:

Freeboard is the required elevation of a structure above base flood elevation.

3. Amend WZO Section 1.070 Definitions ADD: Green Space
Discussion: Revise proposed language to read:

Green space:

Green space is any land that is landscaped or natural. Green space may consist of natural areas, residential lawns, landscaped areas with trees and shrubs, garden plots, parks and may include bike or hiking paths.

4. Amend WZO Section 1.070 Definitions AMEND: Height of Building
The definition is good for now; will be reviewed in context of vision plan
5. Amend WZO Section 1.070 Definitions ADD: Land Use Density
The definition is good for now; will be reviewed in context of vision plan
6. Amend WZO Section 1.070 Definitions AMEND: Lot
Discussion: Revise proposed language to read:

Site:

The area proposed for development in an application.

Lot:

A lot is a legally defined piece of land, other than a tract, that is the result of a subdivision.

Tract:

A tract is a piece of land (*within a platted subdivision or planned development*) reserved for open space, utility corridor, recreation facilities, or the protection of sensitive lands, or similar purpose. A tract shall be dedicated for maintenance to a homeowners' association or other entity.

Check with Planned Communities laws to see if the definition for Tract matches; Check with DLCD why this definition; Check to see if a tract only occurs within a subdivision or planned development.

7. Amend WZO Section 1.070 Definitions ADD: Net Buildable Area
Discussion: Revise proposed language to read:

Net Buildable Area:

Net buildable area is the developable / buildable area of a site less public rights-of-way, streets, roads, utility easements, and facilities, sidewalks, riparian setback areas, parking lots, recreation areas, and open space.

8. Amend WZO Section 1.070 Definitions AMEND: Open Space within a Planned Development or Subdivision
The definition is good for now; will be reviewed in context of vision plan
9. Amend WZO Section 1.070 Definitions ADD: Parking Lot
Discussion: Revise proposed language to read:

Parking Lot:

A parking lot is property, other than streets on which parking spaces are defined for a specific use or for use by the general public. The facility may be located on or off of the site of the uses that it serves and need not be in the same ownership as the uses it serves.

10. Amend WZO Section 1.070 Definitions ADD: Pier
The definition is good for now; will be reviewed in context of vision plan

11. Amend WZO Section 1.070 Definitions ADD: Wharf
The definition is good for now; will be reviewed in context of vision plan

12. Amend WZO Section 11.020 Geologic Investigations
Discussion: Revise proposed language to read:

(1), amend the added language to form a list of (a), (b), (c), and (d) to clearly identify when a geologic report is required.

Site specific investigations by a qualified professional engineering geologist or a qualified professional soils engineer licensed in the State of Oregon shall be a prerequisite for:

- (a) The issuance of any building permits where ground disturbing activities are proposed;
- (b) **All proposals for divisions of land;**
- (c) **Where required by the City prior to excavation for the installation of utilities; and**
- (d) **For the construction of roads and streets.**

This language is directly applied from the Wheeler Comprehensive Plan

Keep the remaining recommended language as written.

13. Amend WZO Riparian Vegetation, Setback from Creeks and the Nehalem Bay Sections 11.110 (1), (2), (18), and 11.120

Discussion:

“Arithmetic Mean” (High Water Line or line of non-aquatic vegetation, whichever is most landward), check with DSL about the best terminology. Revise all terminology consistent with one standard for measurement

Consolidate conflicting Section 11.110 to have standards for (1) Nehalem; (2) Estuarine; (3) Creeks. Revise conflicting setbacks to permit the current minimum setback for each standard. Provide standards for each: riparian vegetation, setbacks, and development standards.

Housekeeping: Revise the name “Jarvais” to “Gervais” wherever it appears in the ordinance.

14. ADD to the WZO: **Fish** Hatchery Sites as a conditional use in the IND / ED Zones

15. ADD to Article 12 Exceptions to Zoning Rules

ADD Section 12.080 General Exception to the setback from the Nehalem Bay to read:
In cases where a proposed use would be located between two existing structures that infringe on the 30 foot setback line, the structure may extend up to the setback of the adjacent structures but in no case less than ten feet from the shoreline.

ADD a Definition to Section 1.070 for Shoreline consistent with the definitions resolved for measuring the setback from the Nehalem Bay in #13.

16. WZO Article 17 Nonconforming Uses

Discussion.

Revise Section 17.010 Continuation of a Nonconforming Use to read:
Subject to the provisions of ORS 215.130 and subsequent provisions of this article, a nonconforming use or structure may be continued.

Revise the language of 17.020 to clearly identify the expansion of a nonconforming use that the City may allow. It is concurred that the language has multiple interpretations.

Terri: Submits recommended language. Further discussion postponed until the March 3, 2011 Planning Commission meeting.

B. Any other Old Business

IV. New Business

A. Any New Business
ADD: Ralph Thomas March meeting agenda

V. Planning Issues / Commissioner Concerns

A. Review Upcoming Planning Commission Meetings
The Planning Commission hopes to hold the next meeting at Wheeler City Hall

B. Planning Commissioner Concerns: None

C. Staff Concerns: None

VI. Adjournment:

Planning Commission President: Dan Ayres

Attest: Frank Sinclair, City Manager