



APRIL MEETING MINUTES

April 4, 2024

CITY OF WHEELER

Call to order

Commissioner Proctor called the meeting to order at 6:03 PM.

Administration

Roll call

Present onsite

Commissioners: Doug Proctor, Anna St. John, Brad Donohue, Courtney Banks

City Staff: Pax Broder

Guests: Marc Johnson

Present via Zoom

Commissioners: Chantelle Hylton

Guests:

Planning Commission Minutes from March 7, 2024

Commissioner Proctor **made a motion to approve the Minutes of March 7, 2024 as amended for typos.** Commissioner St. John **seconded the motion. The motion was passed 5-0** (Yes: Proctor, St. John, Hylton, Banks, Donohue; No: none).

Committee comments or public issues to be presented to the committee, other than agenda items

The Planning Commissioners made short introductions to welcome the new Planning Commissioner Courtney Banks.

Commissioner Proctor said he has been on the Planning Commission for close to 10 years. He was an electrical engineer for ATT for 30 years. He retired from that and now has a remodeling business where he focuses on smaller jobs. He has had experience in things related to planning and writing origin documents.

Commissioner St. John said she has owned a home here since 2010. She moved to Oregon in 1985 and splits her time between here and Portland. She owns an environmental engineering and consulting firm with 6 other people in Tigard called The Bridgewater Group. Her background is in hydrogeology and geology. She started on the Planning Commission back in 2020. She said there is a steep learning curve, but warned the newer members not to get overwhelmed, there will be lots of learning going forward.

Commissioner Donohue said he joined the Planning Commission just a few months back. He and his wife have had a house here for 18-19 years. He said it has been an honor being on the Planning Commission. He commutes weekly to Las Vegas where he is a clinical psychologist and distinguished

professor at the University of Nevada Las Vegas. He does sports psychology with UFC fighters, football players, etc.

Commissioner Hylton said she moved to Wheeler in 2017 and opened the Salmonberry Restaurant down on the water. They had a fantastic time and great learning curve, but have decided to pass it on the next generation. Her background is in music festival and music venue booking, curating, and promoting. Now she works on a food system with local farmers and food makers on the coast. She works with North Coast Commons and does a route delivering products. She has also been actively working on creating a state-wide distribution network. She is also doing some farming and working on a fresh pasta business. She is still working on her building next to City Hall. It has an ODA licensed kitchen inside and some retail space, but there is still some work to be done. Hopefully the final iteration will be soon! Commissioner Hylton said she has been on the Planning Commission since 2018 but still feels very much like a civilian learning the lingo.

Commissioner Banks said she “comes from the school of hard knocks.” She has been all over the world. She was in Egypt for 25 years but it wasn’t a happy situation and she managed to escape with her daughter and nothing but a suitcase in 2017. She moved to Nehalem in 2019 right as Covid set in. She said that this community has done so much to help her heal and she is eager to be involved and is very honored to have this opportunity. She volunteers for the Food Bank and her partner Ron drives for the clinic. Everyone told her she wouldn’t be able to make it and start over here, but she did it!

Commission Proctor stated that he really liked how varied the backgrounds were amongst the Planning Commissioners. “We can come from different points, and everyone can contribute.”

Presentations, guests and announcements

TJ Fiorelli – Waterfront Setbacks – This presentation was cancelled.

New business

NBHD - Responses to Conditions of Approval

Marc Johnson is the President of the Nehalem Bay Health District Board. He said that they have been working for months on a project to construct a new health center and pharmacy next to City Hall. In December their architect presented the design review application for the building. It was approved unanimously but with several conditions including adding an additional ADA parking space, providing a final landscaping plan, providing building color samples, providing a detailed plan of the pedestrian plaza, and approval of a utility plan by Wheeler Public Works and Nehalem Bay Fire and Rescue. He hopes that the updated submissions have adequate detail for final sign off on the project.

Commissioner Proctor explained that because our streets are so narrow it is important to get the Nehalem Bay Fire District approval on new developments to make sure they can adequately respond to emergencies. The ADA parking space has been added to the plans. The landscape plans have been updated with more details. There also have been color samples submitted (as the original drawings looked gray and dark and the architect that presented had indicated it wasn’t the correct color.) The green stands out more in the updated color submissions. There is also a more detailed plan of the

pedestrian plaza and the connection to the Highway 101 sidewalk. Locations for the domestic water line and fire line have been approved verbally and additional coordination of the fire riser door has been coordinated with the Fire Chief of Nehalem Bay Fire and Rescue.

Commissioner Proctor mentioned that there was a small strip of land adjacent to Hospital Road that had to be donated from the City to the Health District as it was part of their driveway and a location for some buried utility lines.

Commissioner Donohue thought the submissions were beautiful.

Mr. Johnson felt that building and entryway will be really attractive and there will be some very nice outside benches for folks to eat lunch on. The landscaping will be native drought resistant plants that should fit in with the natural surroundings really well.

Commissioner Proctor asked about meeting rooms. Mr. Johnson said there will be a really nice meeting room on the second level, facing the bay, with a kitchen and room for 25-30 people. The Health Center can do cooking classes there, but the intent is for the room to be a community meeting place as well.

Commissioner Banks said it sounds amazing and she is thrilled about this project.

Mr. Johnson said that the architecture firm has completed the 60% construction drawings. At 90% (expected to be the middle of this month) they will be in position to submit the necessary permit application to Tillamook County. The County can meet the timeline to approve those permits by early July. This keeps them on track to break ground the second week in July. They were trying to meet that target for weather reasons. They have worked out an arrangement with Tillamook PUD to get electric power to the site. The lot line issue should be resolved fairly quickly, they are just waiting on an updated survey and property description. They are also working on the renovation of the Care Center on the hill. In late February they finished the stabilization of the foundation of the back wing of the building, which had been unusable for years. They used helical piers to tie the building back to solid ground, then used hydraulics to lift the building (one corner as high as 8") and then they used a poly foam material to stabilize the underfloor of the foundation. Now they can begin working on the interior to bring the building back into operation. He thanked the City Manager and the Planning Commission for their support.

Commissioner Proctor made a motion to approve the March 22, 2024 responses to the Conditions of Approval from the Design Review Application 2023-01-DR. Commissioner St. John seconded the motion. The motion was passed 5-0 (Yes: Proctor, St. John, Hylton, Banks, Donohue; No: none).

Mr. Johnson said he would return with more information for the Planning Commission as the renovations to the Care Center progress.

Old business

City Council Update – Pax mentioned that the City Council approved the new Police Services contract with Manzanita (which has increased in price substantially). Commissioner Donohue asked for

clarification on that contract. Pax stated that we contract with Manzanita for traffic and certain criminal offenses, but the Sheriff's Department has the primary responsibility for responding to 911 calls. They will "ping" Manzanita in the event of an emergency and have them respond as they can usually get to Wheeler faster, but they will then turn things over to the Sheriffs once they arrive.

Pax mentioned that a new lease with the Port of Tillamook Bay has been approved. It expands the territory that the City of Wheeler controls to include the parking spaces across from the liquor store, which will likely have a \$10 all-day parking fee. The intent is to put time restrictions on parking along Highway 101 to help with the downtown traffic congestion in the summertime. The City also needed this new lease in order to proceed with the rebuilding the public restroom in its existing location.

Pax stated that the City Council also approved a Memorandum of Understanding with the Emergency Volunteer Corps of Nehalem Bay to formalize the relationship and ensure that the City will maintain insurance that will cover their volunteers should the City ever need to activate them.

FEMA Biop – Pax mentioned that in 2009 the Portland Audubon Society put forth a lawsuit claiming that the National Flood Insurance Program was negatively affecting the ecology of salmon. This lawsuit has been going on for 15 years. In 2021, FEMA issued a Draft Implementation Plan. Currently they are working on an Environmental Impact Statement to determine what effects the new process will have, which should be out this summer. The Draft Implementation Plan focuses on three key areas, including a limit on new fill or compensatory flood storage to offset any new fill, a limit on new impervious surfaces and heightened stormwater requirements, and a restriction on removal of riparian vegetation within 170 feet of a water feature. They have 4 pathways for the Draft Implementation Plan, including model ordinances, ordinance checklists, guidance for a community compliance plan, or a community-level habitat conservation plan. The community compliance plan would allow communities to develop a customized approach to implementing these new rules, which can include waivers of the "no net loss" standards for topographic or geographic reasons. Community roll-out isn't expected until fall of 2025 at the earliest.

Commissioner Proctor stated that the Comprehensive Plan doesn't allow mining in the estuary, but it is permitted in WRC and IND. Commissioner Proctor wondered if that should be removed from the Zoning Ordinance.

Commissioner St. John said that in the Waterfront Development Advisory Committee there was a question as to why we still have Water-Dependent Use zones instead of it being all General Commercial. She said the marina is the only water-dependent use down there now. Commissioner Proctor stated that in IND we allow building boats, but it isn't truly water dependent until they eventually get to the water. Commissioner St. John said that historically there were more water-dependent uses, but not so much today. Commissioner Proctor mentioned that any zone change would require the involvement of the Department of Land Conservation and Development.

Continue review of Development Ordinance:

The Planning Commission's redlined/working version is included in the meeting packet.

Commissioner Proctors said that the former City Planner had combined some ordinances but didn't indicate what he had changed and what was original. Commissioner St. John stated that they have been indicating all the changes as they go back through his proposed development ordinance. Commissioner Proctor has tried to find all the details that apply to a certain section and pull them all into it. It is also his goal to add hyperlinks to the final document to make it as user-friendly as possible.

Section 4.13.03 – Front Yard Projections – This will be added to Development Standards in R1.

Commissioner Proctor said it is good to have a covered stoop in front of the house to keep folks out of the rain and that should be allowed to project into the front yard. Removed “cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintel, and other ornamental features, uncovered porches.”

Rear Yard Projections – Commissioner Donohue asked if 10' was the standard height of the first floor. Commissioner Proctor thought it would be closer to 10'6". “which is at least 10 feet from the ground directly below it” was then changed to “which is at least above the height of the first floor.”

Commissioner Proctor said we don't want to allow a deck to go all the way to the right-of-way or the lot line. It would defeat the purpose of having a front setback.

Section 4.07.01 – Scope – minor grammatical corrections.

Section 4.07.02 – General Standards

- B – changed to say “The exterior thermal envelope shall be certified by the manufacturer to meet the standards specified by the Oregon Manufactured Dwelling and Park Specialty Code.”
- C – kept current ordinance.
- D – added “at any point.”
- E – added “Manufactured homes shall not be occupied unless connected to local water, sewer, and electrical systems.”
- I – changed “home” to “dwelling.” Minor grammatical corrections.

Section 4.08.01 – rewrote to say “The standards and regulations for manufactured dwelling parks in the state of Oregon are governed by ORS 446, Oregon Administrative Rules (OAR) 918-600, and the Oregon Manufactured Dwelling and Park Specialty Code.”

- B – changed “one acre” to “4.5 acres.”
- C – changed maximum number of units to “fifteen.”
- F – changed to “A centralized storage area for boats, campers, and camping trailers shall be provided. Such storage area shall contain a minimum of 160 square feet for each mobile dwelling space and be enclosed by a sight-obscuring fence. Storage use shall be limited to park residents.”
- H – kept existing code but removed “the Subdivision Ordinance” and “At a minimum, connection to a public street shall be provided by a minor two way street.”
- I – kept existing code but changed “mobile home” to “manufactured dwelling.”
- J – changed to say “Manufactured dwellings and accessory structures shall be located no less than twenty feet from the exterior park boundary and twenty-five feet from a street providing access.”

- K – changed to “Applications for manufactured dwelling parks shall be accompanied by complete plans and specifications of the proposed park and all permanent buildings indicating the proposed methods of compliance with the requirements. Such plans shall be to a scale of not less than one inch to fifty feet. Before a manufactured dwelling park is approved, the owner must present evidence that the park will be eligible for a certificate of sanitation as required by State law. A performance bond may be required, or an acceptable alternative, in an amount to be determined by the City Council, to ensure that a development proposal is completed as approved and within the time limit agreed to.”
- L - changed to say “Sight obscuring fences or evergreen plantings, at least six feet in height, shall surround the manufactured dwelling park, except at entry and exit points and clear vision areas.
- M – changed to “One non-illuminated or indirectly illuminated identification sign with a maximum area of 24 square feet, the top being not more than eight (8) feet above the ground is permitted.”

Section 4.08.02 – Development Standards for Recreational Vehicle Parks

- A – kept existing code.
- B – kept existing code.
- C – kept existing code but added “None the less, clear vision areas shall be maintained.”
- D – changed to “The recreational vehicle (RV) pad shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. Each RV space shall be provided with electrical service, piped potable water, and sewage disposal service. All RVs with service connections staying in the park shall be connected to these services.”
- E – changed to “No recreational vehicle shall remain in a park for more than thirty (30) in a sixty (60) day period with the following exception. The long-term placement of a recreational vehicle may be allowed for the recreational vacation use by members of a membership recreational vehicle park. Prospective members have thirty (30) days of occupancy in the park to become members. There can be no more than twenty-five percent (25%) of the total RV park spaces utilized for long-term placement of recreational vehicles which are to be used by occupants staying thirty (30) day or less.”
- F – changed to “One non-illuminated or indirectly illuminated identification sign with a maximum area of 24 square feet, the top being not more than eight (8) feet above the ground is permitted for new RV parks.”
- G – changed to “Streets. For new RV parks or additions to existing RV parks, streets which are to be dedicated to the city, if any, shall be dimensioned and improved in accordance with Title IX, Chapter 92. For other streets:
 1. Minor one way street serving less than 20 spaces shall have a 25 foot right-of-way and have paving that is 15 feet wide.
 2. Minor two way street serving less than 40 spaces shall have a 30 foot right-of-way and have paving that is 22 feet wide.
 3. Street serving 40 or more spaces shall have a 40 foot right-of-way and have paving that is 28 feet wide.
- H – added “For new RV parks or additions to existing RV Parks”

- J – added “For new RV parks or additions to existing RV parks” and “in addition, dwelling unit(s) for the caretakers shall be permitted.
- K – kept present code but changed “Planning Commission” to “City Council” and changed “Conditional Use” to “Clearing, Cutting and Filling.” Minor grammatical corrections.

Section 4.09.01 – Accessory Structures in R-1 and R-2

- A – changed to “Although a geologic hazard report is only required for (E) below due to costs, it is always a good idea to have one. The purpose of a geologic hazard report is to help the owner build or place structures in a way that accounts for the shifting soil prevalent in almost all of Wheeler. Without implementing its recommendations, your building could easily slide. The owner assumes all liability if the building does move, is otherwise impaired, or causes harm.”
- B – kept present code.
 - 1. added “except a ‘pod’ or similar containing shipped material may be in the front yard for up to 10 days for unloading purposes.”
 - 5. Added “Exception: A small portable manufactured accessory building that meets the following requirements can be near but not on the lot line:
 - a. Less than 25 square feet floor area.
 - b. Less than 6 feet tall.
 - c. Less than 125 pounds in weight (empty).”
- C – changed to “Requirements – Accessory buildings less than 250 square feet shall meet the setbacks in (A), 1-4 above and provide a site plan showing the accessory building’s location on the lot relative to lot lines and the main dwelling unit.”
- D – added “and all lots are limited to three (3) structures.”
- E – added “All accessory structures 250 square feet or more shall meet the setbacks in (A), 1-4 above and require:
 - 1. A permanent foundation
 - 2. A geologic hazard report
 - 3. A site plan showing its location on the lot relative to lot lines and the main structure
 - 4. Siding similar to the dwelling unit
 - 5. A sloped roof with a covering similar to the dwelling unit
 - 6. A building permit from Tillamook County”
- F – added “All accessory structures except those meeting the requirements of (A), 5 above require a Wheeler Accessory Structure Permit.”

Section 4.09.02 – Accessory Structures in Commercial and Industrial – added “be no more than 15 feet tall, and be built”

- A – changed to “Although a geologic hazard report is only required for (C) below due to costs, it is always a good idea to have one. The purpose of a geologic hazard report is to help the owner build or place structures in a way that accounts for the shifting soil prevalent in almost all of Wheeler. Without implementing its recommendations, your building could easily slide. The owner assumes all liability if the building does move, is otherwise impaired, or causes harm.”
- B – changed to “Requirements. Accessory buildings less than 250 square feet shall provide a

site plan showing the accessory building's location on the lot relative to lot lines and the main structure.”

C – changed to “All accessory structures 250 square feet or more require:

1. A permanent foundation
2. A geologic hazard report
3. A site plan showing its location on the lot relative to lot lines and the main structure
5. A building permit from Tillamook County.”

Section 4.10.01 – General Requirements – added “In residential zones, cottage industries may be allowed in order to promote a local economic base consistent with the character of the city. These activities are subject to the following:”

A – changed to “Allowable uses include light manufacturing, crafts and small-scale services, such as a tailor/garment maker, computer assistance/programming, or bookkeeping, which have little impact on the neighborhood in terms of traffic generation, noise, odor, appearance and operating hours.”

C – changed to “Activities are to be allowed on an implied contractual basis, with the primary stipulation that approval can be revoked for violation of standards.”

Section 4.10.02 – Home Occupation General Standards – added “All home occupations shall meet the following standards and/or conditions in addition to all other applicable ordinance requirements:”

A – changed to “The cottage industry may be located in the residence, garage, or accessory building provided it does not occupy more than 500 total square feet of floor space.”

B – changed to “The cottage industry must be primarily carried out by the dwelling unit residents on site.”

C – changed to “The cottage industry can be carried out by no more than four employees including members of the family.”

D – changed to “If non-residents are used for any part of the work, their parking cannot be in the public right of way or in any part of the front setback and they shall only work between 8:00 a.m. and 6:00 p.m.”

E – changed to “All customer parking of over a 15 minute duration cannot be in the public right of way or in any part of the front setback. Less than a 15 minute parking can be in the driveway, but not the public right of way.”

F – changed to “There shall be no activities that give the outward appearance or manifest the characteristics of a retail business other than a sign.”

G – changed to “The cottage industry shall be limited to one non-illuminated mounted sign not to exceed 4 square feet in area.”

H – kept present code but added “or equipment.”

I – changed to “Materials shall only be delivered between 8:00 a.m. and 6:00 p.m. daily.”

J – changed to “Machinery operations shall be limited to the hours of 9:00 a.m. and 5:00 p.m. daily.”

K – changed to “No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.”

Section 4.10.03 – Non-Compliance – Kept present code.
A – changed “Recorder” to “Manager.”

Section 4.11 – Bed and Breakfast Establishments – The Planning Commission decided to table this section for the time being.

Section 4.11.01 – Drive-up, Drive-in and Drive-through Facilities – added “conditionally permitted – they must obtain a conditional permit.”

Commissioner Proctor mentioned that the Planning Commissioner will need to add a section on EV charging.

At the next meeting the Planning Commission will continue work on the Development Ordinance.

Adjournment

Commissioner St. John **made a motion to adjourn the meeting**. Commissioner Proctor **seconded** the motion. **The motion was passed 4-0** (Yes: Proctor, St. John, Banks, Donohue; No: none).
Commissioner Hylton had left the meeting by this point.

Commissioner Proctor called the meeting to close at 8:48pm.

Dated: April 4, 2024



Doug Proctor, Chair



Pax Broder, City Manager/Recorder

