



JUNE MEETING MINUTES

June 6, 2024

CITY OF WHEELER

Call to order

Commissioner Proctor called the meeting to order at 6:05 PM.

Administration

Roll call

Present onsite

Commissioners: Doug Proctor, Anna St. John

City Staff: Pax Broder

Guests:

Present via Zoom

Commissioners: Brad Donohue

Guests:

Absent: Chantelle Hylton, Courtney Banks (pre-arranged absence)

Planning Commission Minutes from April 4, 2024

Commissioner St. John **made a motion to approve the Minutes of April 4, 2024.** Commissioner Proctor **seconded the motion. The motion was passed 3-0** (Yes: Proctor, St. John, Donohue; No: none).

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

None.

Presentations, guests and announcements

None.

New business

City Council Update – Pax mentioned that at the last meeting the City Council passed all the resolutions necessary to approve the 2024/2025 Fiscal Budget. The City is looking into possibly vacating a small portion of undeveloped 2nd Street and transferring ownership to private individual (who owns lots on either side) in trade for the City gaining ownership of the land containing the Gervais Creek stormwater inlet. The Small Cities Allotment funding opportunity opens soon, and the Council would like to reapply for street upgrades on Pennsylvania Avenue. There also had been some estimates provided for some repair work to City Hall to stop water from leaking into the front office, but the City has opted to try some in-house repair work first. The recruitment process for a new City Manager has been taking place and the hope is to have a new one appointed before Pax leaves office so they have a chance to overlap.

Waterfront Development Update – Commissioner St. John stated that this group of citizens has been meeting to better define what the City wants the waterfront to look like in the future. They will likely be making suggestions to the Planning Commission that would include the creation of a waterfront district overlay that specifies certain design requirements for new structures. It would be in line with what we have now in Design Review, but it would have more specifics about preserving view corridors, certain architectural styles, etc. The plan is to have those recommendations drafted in time for the July Planning Commission meeting so they can begin to review them. There will be some challenges involving the railroad right-of-way and Marine Drive. Commissioner Proctor cautioned that the actual railroad is not always located in the center of their right-of-way (in order to avoid natural terrain issues, etc.).

Commissioner Proctor mentioned that one of the City’s attorneys had stated that the City’s current Design Review “isn’t anywhere near specific enough.” The more specific we can make it, the better.

Commissioner Proctor noticed the next meeting falls on the 4th of July. He suggested Wednesday, July 3rd as an alternative. Pax said he’d reach out to the absent Planning Commissioners and confirm that they are available on the 3rd as well.

Old business

Continue review of Development Ordinance:

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

Section 4.11.01 – Purpose

Added “The requirements for a bed and breakfast shall differ slightly if it is in a residential zone (R1 or R2) or a commercial zone (GC or WRC).”

Section 4.11.02 – General Land Use Provisions

- A – kept current code.
- B – added “Location will be a consideration for the planning commission relative to traffic impact on whether to approve a bread and breakfast or not.”
- C – changed to “The bed and breakfast establishment shall be limited to a maximum of two guest rooms in the R-1 and R-2 zones and four guest rooms in the GC or WRC zones.”
- D – minor grammatical corrections and added “except en suite bathrooms may be installed.”
- E – changed to “In addition to the parking requirements for the residence, one additional parking space shall be required for each guest room. The additional parking space(s) cannot be in the public right-of-way or in any part of the front setback. Parking located within the side yard or rear yard shall be screened from adjacent residential zoned property by a six-foot high, sight-obscuring fence or vegetative hedge.”
- F – updated code reference.

Section 4.11.03 – Operational Requirements

- A – added “Although the establishment shall be maintained and operated solely by the on-premise owner of the residence containing the bed and breakfast, staff can be hired for cleaning and similar tasks.”
- B – added “No retail or other sales shall be permitted unless clearly incidental and directly

related to the conduct of the establishment (E.G., coffee cups or t-shirts with the business logo).”

- C – added “The establishment shall not be used by the public or paying guests for hosting receptions, weddings, private parties, or similar functions.”
- D – added “Meals shall be limited to breakfast and snacks shall be served to only overnight guests, except resident family members or staff may also receive breakfast. The operator shall be responsible for obtaining necessary food service and other permits and county inspections.”
- E – added “The improvements, maintenance, and operation of the establishment shall continually comply with applicable building code, safety, and health regulations.”
- F – added “A copy of the Tillamook County bed & breakfast permit and any renewals must be sent to the City Manager.”

Added “All bed and breakfast establishments are subject to inspection. Practices that do not comply with the requirements above or all federal, state, and local regulations shall be subject to the penalties and remedies of those laws and ordinances.”

Section 4.12 – Family Day Care Centers

*The PC may add an introductory paragraph for this section.

Changed to say “Determining parking requirements for care centers can be difficult, and the requirements of 4.02 must be met. In addition, the Planning Commission can require additional parking if there is more than intermittent use of the right-of-way. For example, three parents drop off kids at the same time and one uses the right -of-way; this is not a concern because the occurrence is of a very short duration and usually infrequent. On the other hand, if a medical professional for an adult foster care home has to park in the right-of-way for an hour regularly, this is a concern.”

Section 4.12.01 – Family Day Care Centers

Added “Family Day Care Centers – A day care facility where care is provided in the home of the provider to fewer than six children, including children of the provider, regardless of full or part-time tatus – shall be subject to the following:”

- A – added “The facility shall provide and maintain at least 100 square feet of outdoor play area per child.”
- B – added “A sight-obscuring fence (except in clear vision areas) at least 4 feet but not more than 6 feet high shall separate the play area from abutting lots and from a street.”
- C – added “Parking space(s) for drop off and pick up cannot be in the public right-of-way or in any part of the front setback, except a driveway can be used for short duration drop off/pick up.”
- D – added “The family day care center shall be maintained and operated solely by the on-premise owner of the residence containing the family day care center.”
- E – added “Signage shall be limited to one non-illuminated mounted sign not to exceed 4 square feet in area.”
- F – added “The establishment shall continually comply with applicable building code, safety, and health regulations.”
- G – added “No retail or other sales shall be permitted unless clearly incidental and directly related to the conduct of the establishment (E.G. coffee cups or t-shirts with the business

logo).”

H – added “The establishment can be used for birthday parties for the resident family or the paying guest children.”

Section 4.12.02 – Day Care Centers

Added “Day Care Centers – A facility, other than the residence of the day care provider, which receives three or more children for a part of the day for the purpose of providing care and board apart from the children’s parents or guardians – shall be subject to the following:”

A – added “The facility shall provide and maintain at least 100 square feet of outdoor play area per child.”

B – added “A sight-obscuring fence (except in clear vision areas) at least 4 feet but not more than 6 feet high shall separate the play area from abutting lots and from a street.”

C – added “Parking space(s) for drop off and pick up cannot be in the public right-of-way or in any part of the front setback, except a driveway can be used for short duration drop off/pick up. If located in a commercial zone, parking shall be consistent with commercial zone requirements.”

D – added “Signage shall be limited to one non-illuminated mounted sign not to exceed 4 square feet in area. If located in a General Commercial zone, signage requirements for that zone apply.”

E – added “The establishment shall continually comply with applicable building code, safety, and health regulations.”

F – added “No retail or other sales shall be permitted unless clearly incidental and directly related to the conduct of the establishment (E.G. coffee cups or t-shirts with the business logo).”

G – added “The establishment can be used for birthday parties for the paying guest children.”

Section 4.12.03 – Adult Foster Home

Added “Adult foster homes (also called adult day care) – a state-certified dwelling operated in a family-type setting for senior citizens and/or other persons over the age of 18 who are in need of help in the provision of shelter, food, medical care and/or other service – shall be subject to the following:”

A – added “The facility shall meet the standards of OAR 411-5-400(2).”

B – added “Parking space(s) for drop off and pick up cannot be in the public right-of-way or in any part of the front setback, except a driveway can be used for short duration drop off/pick up.”

C – added “Signage shall be limited to one non-illuminated mounted sign not to exceed 4 square feet in area.”

D – added “The establishment shall continually comply with applicable building code, safety, and health regulations.”

E – added “No retail or other sales shall be permitted unless clearly incidental and directly related to the conduct of the establishment (E.G. coffee cups or t-shirts with the business logo).”

F – added “The establishment can be used for birthday parties for the resident family or the paying guest.”

Section 4.12.04 – Residential Home and Residential Facilities

Residential Home – added “a home, licenses by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825, which provides residential care alone or in conjunction with training and/or treatment for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Services licensing requirements shall not be counted in the number of home residents, and need not be related to each other or to any resident of the residential home.”

Residential Facility – added “A facility, licensed by the State of Oregon or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, which provides residential care alone or in conjunction with training and/or treatment for six to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Added “The following requirements apply to residential homes and residential facilities:”

A – added “The facility shall meet the standards of ORS 443-400 – 443.460.”

B – added “Parking space(s) for drop off and pick up cannot be in the public right-of-way or in any part of the front setback, except a driveway can be used for short duration drop off/pick up.”

C – added “Signage shall be limited to one non-illuminated mounted sign not to exceed 4 square feet in area.”

D – added “The establishment shall continually comply with applicable building code, safety, and health regulations.”

Section 4.13.01 – Purpose

Added “A cottage cluster development is characterized as a group or groups of relatively small homes, typically oriented around a shared common space, such as a courtyard, garden, or quiet street. Cottage clusters are permitted outright where middle housing is permitted. This section establishes standards for cottage cluster development as an alternative development type that provides usable common open space in residential development; allows for a mix of housing types both detached as well as attached; promotes interaction and safety through design; ensures compatibility with surrounding neighborhoods, and; provides opportunities for creative infill development. Successful cottage cluster development projects include the following design principles:”

A – added “Shared Open Space, Facilities and Amenities. The shared common space, facilities and amenities bind the cottage development together. Residents surrounding these areas share in their management, care and oversight.”

B – added “Parking. Parking areas may be flexibly located away from the homes, limiting the dominance of garages and driveways, decreasing the amount of hard surface, and allowing more light into homes.”

C – added “Front Porches. A front porch fosters neighborly connections.”

D – added “Smaller, High-Quality, Well-Designed Dwellings. Small, high-quality houses, together with the common open area, helps ensure the development is compatible with the surrounding neighborhood.”

Section 4.13.02 - Permitted Building Types Within Cottage Cluster Developments

- A – added “Cottage cluster one- and two-unit structures.”
- B – added “Community Buildings with common areas.”
- C – added “Accessory Structures, including:”
- D – added “Shared accessory structures, including parking and storage buildings, but excluded from the common area.”

Section 4.13.03 – Site Requirements

- A – added “Ownership. Ownership may be a common lot, fee simple lots, or condominium ownership of the whole development. Any development meeting the definition of a “Planned Development” or “Condominium” per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as ‘general common elements’ and private yard spaces shall be designated as ‘limited common elements’ for purposes of ORS Chapter 100 Condominium Law.
- B – added “Development Standards. The development standards and restrictions in 4.13 apply to Cottage Clusters and supersede other requirements in the Development Code where they are in conflict.”
 - 1- added “For a Planned Unit Development – The parcel shall be at least one acre; for Middle Housing, a Cottage Cluster can be on any sized lot as long as it meets setback requirements. The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city’s regulations.”
 - 2- added “Cottage lots. There is no minimum lot size for the individual cottage lots.”
 - 3- added “There is no minimum lot width or depth for the individual cottage lots.”
 - 4- added “There is no maximum lot size for the individual cottage lots.
 - 5- added “Units on a common lot or separate lots shall be spaced at least 10 feet apart. If individual lots are created, the applicant may create an attached lot line configuration between units to maximize usable private area.”
 - 6- added “Minimum setbacks for each individual cottage cluster lot are as follows:

Cottage Front	10 Feet
Cottage Side	5 Feet
Cottage Rear	10 Feet
Cottage(s) Street Side Corner Lot	15 Feet
Cottage(s) Street Side non-Corner Lot	20 Feet
Garage Entrance	20 Feet
 - 7- added “Cottage cluster developments shall contain at least four cottages.”
 - 8- added “Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.”
 - 9- added “A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development.”
- C – added “Common Space – A minimum of 400 square feet of common open space per unit shall be provided. The common space shall include a walkway connecting to each cottage front entrance facing the common area.”
- D – added “Frontage, Access, Parking, and Vehicular Circulation.”

- 1- added "The parent parcel shall have frontage on a public street."
 - 2- added "If individual lots are created within the development, each lot shall abut a common area, but is not required to have public street frontage."
 - 3- added "Access to individual dwelling units will meet city and fire district standards."
 - 4- added "A minimum of 1 off-street parking space per unit shall be provided."
 - 5- added "Common parking and/or garage structures shall be remotely located."
- E – added "Landscaping."
- 1- added "Where feasible, cottage developments should be designed to retain existing significant trees (at least twelve inches in diameter measured at 4 feet in height) that do not pose a safety hazard."
 - 2- added "Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs."
 - 3- removed entirely.
- G – added "Fences. No fence taller than 3 feet in height shall be located between the front of a cottage or community building and the common open space."
- H – added "Utilities."
- 1- added "Public streets will adhere to City standards, except one way streets are permitted outright for cottage clusters."
 - 2- added "All water system improvements shall comply with the requirements of the City Public Works Department and City Engineer."
 - 3- added "All sanitary sewer design and construction shall comply with Nehalem Bay Wastewater Agency requirements."
 - 4- added "Stormwater management shall comply with all city regulations regarding storm water drainage including on-site detention and water quality requirements. All storm water system improvements shall comply with the current Design Standards and Construction Standards of the City of Wheeler Department of Public Works."
 - 5- added "Utilities may cross a common area without an easement."
 - 6- added "Communal garbage and recycling shall be screened by a sight-obscuring fence and/or vegetation."
 - 7- added "Mailboxes are subject to post office requirements."
 - 8- added "Address Number Plaques are required for all units and must make it easy for Emergency Vehicles and package delivery services to find the unit."

Section 4.13.04 – Building Requirements

- A – added "Cottages."
- 1- added "Building footprint. Cottages shall have a maximum building footprint of 900 square feet. An attached one-car garage is not included in this maximum, but shall not exceed 300 square feet per unit."
 - 2- added "Other design requirements shall create unique and varied design without repetition (see article 11.050 4b(3))."
 - 3- added "Cottages shall comply with the height limitation of 24 feet."
 - 4- added "Street facing facades. The street facing facades of cottages in a cottage

development shall avoid blank walls that appear to ‘turn their backs’ to the street. This shall be avoided by providing design features such as windows, change in building material, entryway, porches or similar features.”

5- added “Renovations shall follow the requirements above.”

B – added “Two-unit structures. In addition to the requirements in (A) above:”

1- added “Attached two-unit structures are allowed and must be similar in appearance to detached cottages.”

2- removed entirely.

3- removed entirely.

C – added “Community Buildings.”

1- added “A community building shall be of similar scale, design, and height as the cottages. Community Buildings are subject to Design Review and must follow Type 4 procedures and requirements in Section 5.05.”

2- added “Commercial uses are prohibited in the community building, except temporary short-term events (E.G., bake sale).”

D – added “Accessory Structures.”

1- added “Accessory structures, such as garages, carports, storage or tool sheds, shall not exceed 300 square feet per unit, or 600 square feet per accessory structure that is shared by two or more dwelling units.”

2- added “The design of accessory structures must be similar or compatible with that of the cottages in development.”

3- added “In addition to the Cottage Cluster specific restrictions above, all Accessory Structures shall meet the requirements of Section 4.09 not related to maximum size per dwelling unit.”

Section 4.13.05 – Processing

A – changed to “In addition to an application form and fee, the submittals shall comply with provisions of this Development Code. Cottage Clusters classified as Middle Housing will follow the Type 1 Procedures in 5.02. Cottage Clusters in a Planned Unit Development shall follow the Type 4 Procedures in 5.05.”

B – removed entirely.

C – removed entirely.

Section 4.15.01- Site Specific Geologic Investigations

A – added “Site-specific investigations by a qualified professional engineering geologist or qualified professional engineer licensed in the State of Oregon shall be a prerequisite for:”

1- added “The issuance of any building permit where ground disturbing activities are proposed. Obtaining a permit for electrical, plumbing, or mechanical (heat and air conditioning) does not require a site-specific investigation if a building permit is not also required. For example, a site-specific investigation is not required when obtaining a plumbing permit to replace underground plumbing or an electrical permit to add a circuit via buried cable to a detached garage.”

2- added “All proposals for divisions of land.”

3- added “Where required by the City prior to excavation for the installation of

- utilities.”
- 4- added “The construction of roads and streets.”
- B – added “Site-specific investigations shall be conducted at the developer's expense. Results of the site investigations shall be made available to the City prior to scheduling of public hearings where a geological investigation report will be required for project permit approvals, or prior to project commencement in cases where a public hearing is not required.”
- C – added “The site investigation report should make it possible for engineers, planners, and city officials to calculate and design for geologic risks. A complete site-specific report shall include the following types of information:”
- 1- added “Identification of topographic elements: soil and bedrock topology; depth of soil to bedrock; permeability and other engineering characteristics of soil and bedrock; contour mapping or slope analysis, comparison of contour with geologic bedrock bedding planes; and other structural details important to engineering and geologic interpretations.”
 - 2- added “Identification of elements of the area water cycle including: identification and assessment of the surface water drainage pattern; characteristics of the area's groundwater including groundwater depth and rate of accumulation; the projects stormwater drainage runoff and design; and probable changes of the water cycle.”
 - 3- added “Identification and location of any historic, existing or potential geologic hazards or major landslide activity affecting the proposed project, future landowners, adjacent properties, or public facilities.”
 - 4- added “Results of field and laboratory investigations, including use of drill-hole data, aerial photography, soils testing or field check as necessary to verify project safety.”
 - 5- added “Discussion of possible project design techniques for control of erosion, slope stability and stormwater runoff.”
 - 6- added “The report should also contain a bibliography of references used, dates of field checks or other geologic literature pertinent to the site investigation.”
- D – added “The proposed use will be permitted only if:”
- 1- added “A feasible engineering solution to each potential building hazard is proposed which could eliminate the hazard to the proposed structure or surrounding properties.”
 - 2- added “The City may charge the applicant, owner, or developer a reasonable fee for the cost of reviewing the adequacy of the site investigation for any potentially hazardous area.”
- E – added “If site inspection reveals conditions which exceed those prescribed by Development Code or by the approved permit, the City may require appropriate corrective measures paid for by the developer to assure compliance with the purpose of Development Code.”
- F – added “For any geologic investigation report and geotechnical engineering report submitted, registered professional(s) of record shall be required to within their respective lawful scope of practice:”
- 1- added “Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into

- development plans.”
- 2- added “Review sub-grade excavations, fills, and storm water drainage facilities and submit a signed and stamped certification report that all recommendations have been met.”
 - 3- added “Perform a final inspection of the site and submit a signed and stamped certification report that all recommendations have been met.”

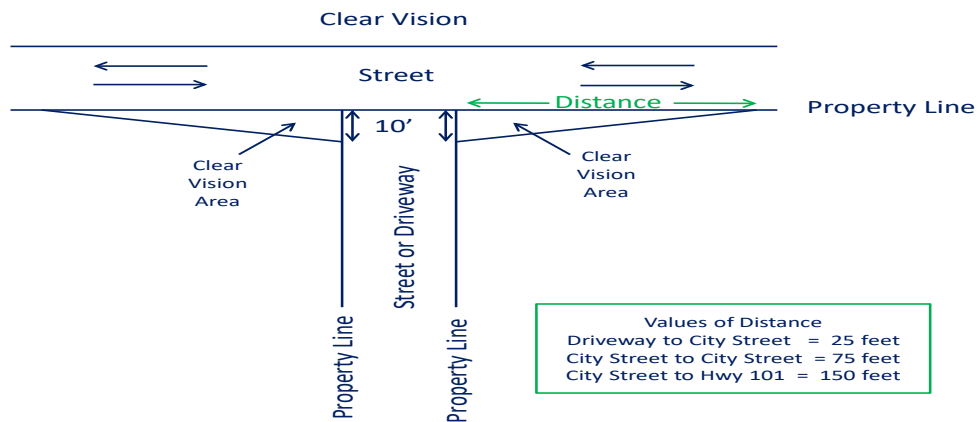
Section 4.15.02 – Survey Required

Added “Prior to the issuance of any building permit for new construction of a new dwelling, placement of a manufactured home, or any construction which expands the dimensions of a structure and may encroach into setbacks or other building limitations, the City shall require a boundary survey of the property with elevations for all corner pins. All new construction and substantial renovation in the 100-year flood plain shall require a Certificate of Elevation by a surveyor licensed in the State of Oregon.”

Section 4.16.01 – Vision Clearance

Added “ A clear vision area shall be maintained where streets and private points of access intersect driveways. The clear vision area shall conform to the following:”

- A – added “The clear vision area shall conform to the diagram below. Where the lot lines have rounded corners, the lot lines extend in a straight line to a point of intersection for clear vision purposes.”
- B – added “A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade.”
- C – added “Where streets or driveways intersect at significantly less than 90 degrees or significantly more than 90 degrees, the City Public Works Director with the concurrence of the Planning Commission shall establish a distance that promotes safety.”



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 3-0** (Yes: Proctor, St. John, Donohue; No: none).

Commissioner Proctor called the meeting to close at 8:44pm.

Dated: June 6, 2024

Doug Proctor, Chair

Pax Broder, City Manager/Recorder