

CITY OF WHEELER

ORDINANCE NO. 93-2

AN ORDINANCE ESTABLISHING STREET STANDARDS AND REPEALING ORDINANCE NO. 91-6

The City of Wheeler ordains as follows:

Section 1. Purpose. The following provisions shall be held to be the minimum requirements adopted by the City for the protection of the public health, safety, and welfare. Such provisions are intended to provide for orderly and safe street design, construction, and repair.

Section 2. Definitions. As used in this Ordinance, the following words and phrases shall mean:

Arterial Street: A street of considerable length which is primarily used to move large volumes of traffic through the City, and between the City and other destinations.

City: The City of Wheeler.

Collector Street: A street intended to conduct traffic from minor streets to arterial streets, and provide access to abutting property.

Minor Street: A street intended primarily for access to abutting property, and not for through traffic.

Permit: City of Wheeler street construction/excavation permit.

Section 3. Improvement, extension, development of new street. Before a land developer or divider can receive approval for the improvement of a city street or the extension or development of a new street, he shall execute and file with the City Recorder an agreement between him and the City specifying the period within which he or his agent or contractor shall complete all improvement work required by or pursuant to the applicable City ordinances and resolutions, and providing that if he shall fail to complete the work within the period of time specified, the City may complete the work and recover the full cost and expense thereof from the developer or divider. The agreement may also provide for an extension of time under conditions therein specified. In addition to the other requirements, improvements installed in the City by a developer or divider either as a requirement of the City or at his own option, shall be installed in accordance with the following procedure:

(a). Work shall not begin until plans have been checked for adequacy and approved by the City Planning Commission, to the extent necessary for

evaluation of the development proposal. The street plans may be required before approval of the development plan or the tentative plan of a subdivision.

(b). Work shall not begin until the City has been given 24 hours advance notice. If the work is discontinued for any reason, it shall not be resumed until the City has been notified.

(c). Improvements shall be constructed to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(d). Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the finishing of such streets or as specifically set forth in the approved plans. Stubs for service connections for underground utilities and sanitary sewers shall be extended far enough from the street improvements so that such improvements will not be disturbed when service connections are made.

(e). A map showing public improvements as built shall be filed with the City Recorder upon completion of the improvements.

(f). The City may refuse to issue any building permits for properties served by such improved streets until all conditions of this or any other City ordinance or resolution have been met.

Section 4. Widths.

	Right of way width	Base width	Gravel width	Paving width	Shoulder width (x2)
Arterial	50'	32'	32'	24'	5'
Collector	50'	32'	32'	22'	5'
Minor	50'	26'	26'	20'	3'

Section 5. Cul-de-sacs. A cul-de-sac will be as short as possible and will have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround with a minimum radius to the curb of 40 feet.

Section 6. Grades. Grades shall not exceed 6% on arterial streets, 10% on collector streets, or 12% on minor streets. Grades in excess of these requirements require approval of the City Planning Commission. Should there be a need to replat undeveloped city streets, center line radii of curves will not be less than 300 feet on arterial streets, 200 feet on collector streets, or 100 feet on minor streets, and will be to an even 10

feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the City Planning Commission may accept steeper grades and sharper curves.

Section 7. Driveways. Driveways shall conform with City Resolution No. 80-18. In addition, any driveway connecting to a paved City street shall be paved or surfaced with asphalt from the paved street surface to the property line, or 10 feet, whichever is farther.

Section 8. Construction Standards.

(a). Clearing, leveling, grading, and drainage shall be approved by the City prior to start of construction. Plans shall be designed by an engineer to City Standards.

(b). Base rock shall be approved by the City. Aggregates for aggregate base shall be crushed gravel or crushed rock, including sand.

(c). For minor streets, base rock shall be 8" depth minimum. 3/4" minus gravel shall be 2" depth minimum and applied on top of the base rock.

(d). For arterial and collector streets, base rock shall be 10" depth minimum. 3/4" minus gravel shall be 2" depth minimum and applied on top of the base rock.

(e). Shoulders shall be 3/4" minus gravel with a compacted depth of 2".

(f). Compaction of base rock shall be at each 5' lift. Each layer shall be spread and compacted to the full width of the course before a succeeding layer is placed. The surface of each layer of base shall be compacted by self propelled rollers capable of compacting materials to a firm, even surface. Acceptable rollers are steel wheel rollers capable of providing a weight of not less than 200 pounds per inch width of the compression roll or pneumatic tire rollers capable of exerting a ground pressure of not less than 80 pounds per square inch of tire contact area. Vibratory rollers shall provide compaction of demonstrated equivalency to that of prescribed steel wheel or pneumatic tire rollers. Rolling shall continue until there is no appreciable reaction or yielding under the roller.

(g). Asphaltic concrete pavement shall be required for all streets and shall be 2" minimum compacted depth for minor streets, and 2-1/2" minimum compacted depth for arterial and collector streets.

(h). The type and weight of rollers used to compact the asphaltic concrete shall be sufficient to compact the mixture to the desired density while it is still in a workable condition. The use of equipment which crushes the aggregate to an appreciable extent will not be permitted.

(i). The density of asphaltic concrete as determined by AASHTO T-230 shall be a minimum of 90% of the maximum density determined in accordance with AASHTO T-209.

(j). Density samples and tests will be taken as frequently and at such locations as the City elects, and the result will be made known to the contractor as soon as is practically possible. When it is determined that the desired density is not being obtained, all paving operations will be discontinued until corrective measures have been taken.

Section 9. Alternative Street Design Approval. Proposed street improvements which do not meet the standards of Section 8 may be approved by the City Council.

Section 10. Excavations.

(a). No person, firm, or corporation shall open a street surface, dig within the roadway of a street, or otherwise substantially alter a public road or street surface without first obtaining permission from the City. Application forms shall be provided by the City and approved by the Public Works Supervisor prior to the start of any excavation. The Public Works Supervisor is authorized and directed to grant a permit to do those things as requested in the permit application where it appears to the satisfaction of the Public Works Supervisor, that upon completion of construction by the contractor the street surface will be replaced in as good or better condition as originally found.

(b). Permanent street repairs shall be finished by the contractor within 2 weeks following the completion of the excavation work. Permanent repairs shall conform to the standards in Section 8. All repair work shall be inspected and approved by the Public Works Supervisor or his designee.

(c). Temporary street repairs shall be finished by the contractor within 2 weeks following the completion of the excavation work. A temporary cold patch shall only be permitted during periods when hot mix is not locally available. For good cause, the Public Works Supervisor may grant an extension of 2 weeks to complete required repair work.

(d). The contractor shall be responsible for maintaining the excavation site in a safe and orderly manner. Signing, barricades, and flagger where appropriate shall be provided by the contractor.

Section 11. Warranty. All construction and excavation work within the City shall be subject to a 1 year warranty period. Should any construction or excavation work fail during the warranty period, the contractor responsible for such work shall repair the defective work. Failure of the contractor to comply with the requirements of this Section

shall be considered a violation.

Section 12. Damage due to Development. Damage to public streets related to, or caused by, the development of building sites or the extension of City streets, as determined by the Public Works Supervisor, shall be repaired so that the street surface shall be in as good or better condition as before the damage occurred.

Section 13. Drainage easement. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved by the contractor in a manner approved by the City.

Section 14. Insurance and Indemnification of City.

(a). The contractor shall take out and maintain such public Liability and Property Damage Liability Insurance and Automobile Public Liability and Property Damage Liability Insurance as shall protect him, the City, and any subcontractor performing work covered by the Permit from claims for damages for personal injury including accidental death, as well as from claims for property damage, which may arise from operations under the Permit, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall not be less than:

Public Liability Insurance in an amount, not less than \$250,000 for injuries including wrongful death to any one person, and subject to the same limit for each person in an amount not less than \$500,000 for each occurrence.

Property Damage Liability Insurance in an amount not less than \$100,000 for damages for each occurrence.

(b). The contractor's Public Liability Insurance and Property Damage Liability Insurance shall provide the primary coverage on all claims arising out of the performance under the Permit, and shall name the City, its officers, agents, and employees as additional named insureds therein.

Section 15. Penalties for Violations.

(a). Violators of this Ordinance shall be subject to a civil penalty. Each and every violation is a separate and distinct offense, and each day's violation is a separate and distinct violation. The civil penalty for a violation of this Ordinance shall not exceed \$500.00 per day for each violation.

(b). In addition to the civil penalties identified herein, any costs incurred by the City in enforcing this Ordinance shall be borne by the violator. Said costs shall include but not necessarily be limited to attorney's fees, expert witness fees, costs, and disbursements.

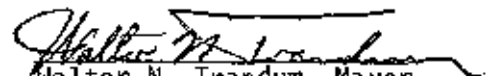
Section 16. Repeal. This Ordinance repeals Ordinance No. 91-6, and any other Ordinance or Resolution which defines street standards.

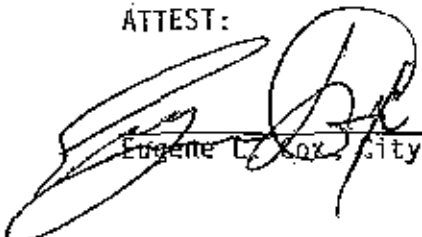
Section 17. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 18. Declaring an Emergency. In as much as Ordinance No. 91-6 replaced Resolution 81-2, but did not include pertinent clauses of that Resolution, an emergency is hereby declared to exist. It is declared to be for the preservation of the peace, health, and safety of the public that this Ordinance becomes effective immediately upon its passage and adoption by the City Council and approval by the Mayor.

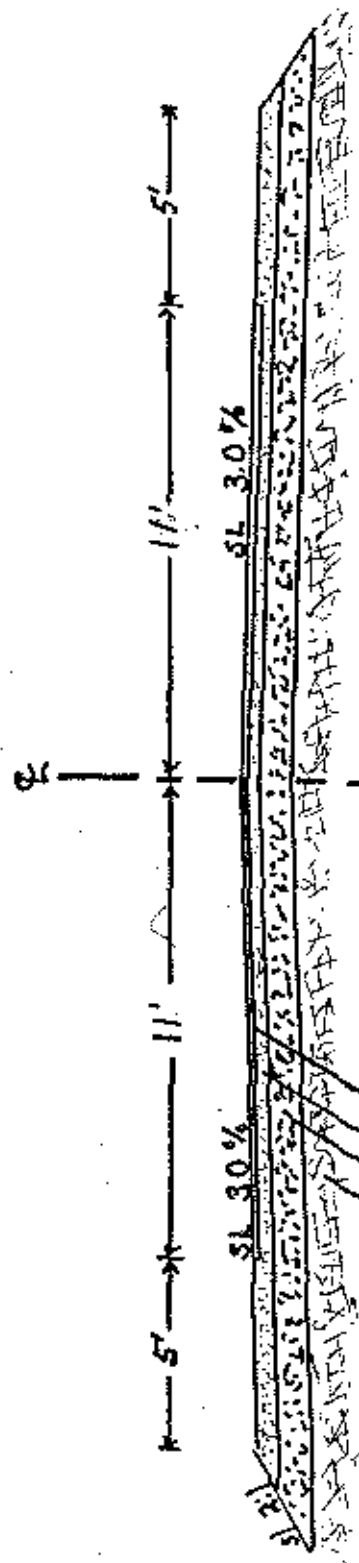
PASSED and ADOPTED by the City Council this 20th day of July, 1993, and APPROVED by the Mayor this 20th day of July, 1993.

ATTEST:


Walter N. Trandum, Mayor


Eugene L. Cox, City Recorder

50' min Right of Way



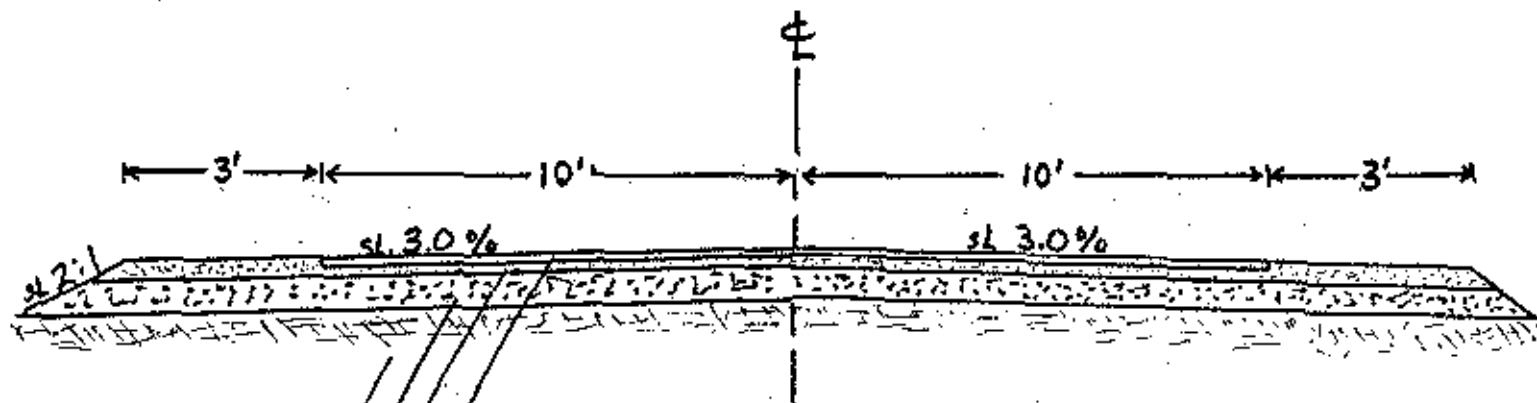
- 2 1/2" compacted asphaltic concrete
- 2" of 3/4"-0 Crushed Rock
- 10" of 1-1/2"-0 Crushed Basrock or Pit-run Basrock
- Formed Subgrade

CITY OF WHEELER
ROAD DEPARTMENT

TYPICAL 34'
COLLECTOR STREET
ROAD BED

Approved

50' min Right of Way



- 2" compacted asphaltic concrete
- 2" of 3/4" - 0 Crushed Rock
- 8" of 1-1/2" - 0 Crushed Baserock or Pit-run Baserock
- Formed Subgrade

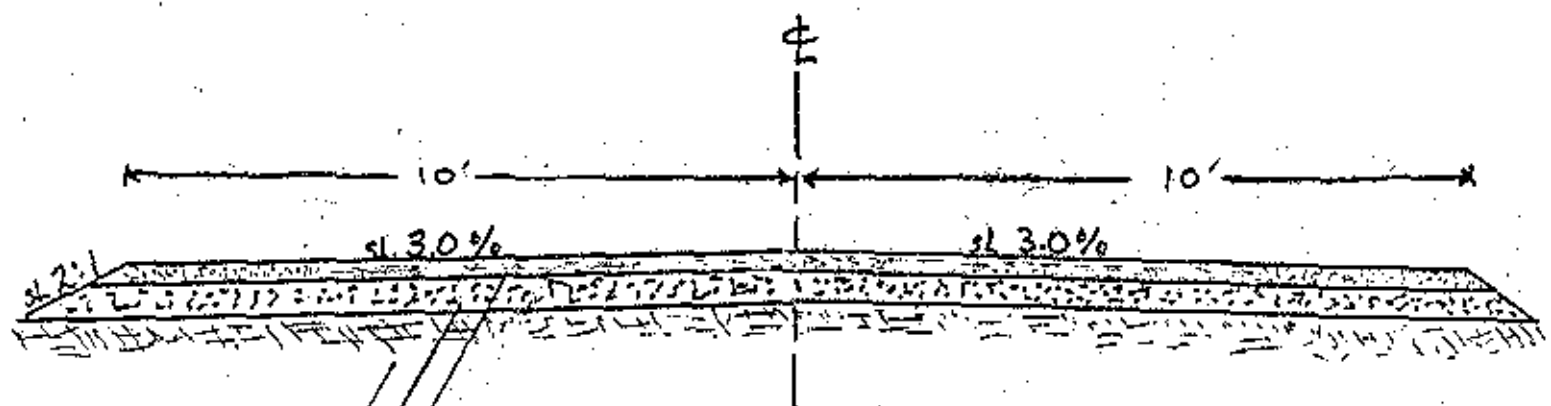
CITY OF WHEELER
ROAD DEPARTMENT

TYPICAL 26'
MINOR STREET
ROAD BED

Approved

Handwritten notes:
See also...
for more details

50' min. Right of Way

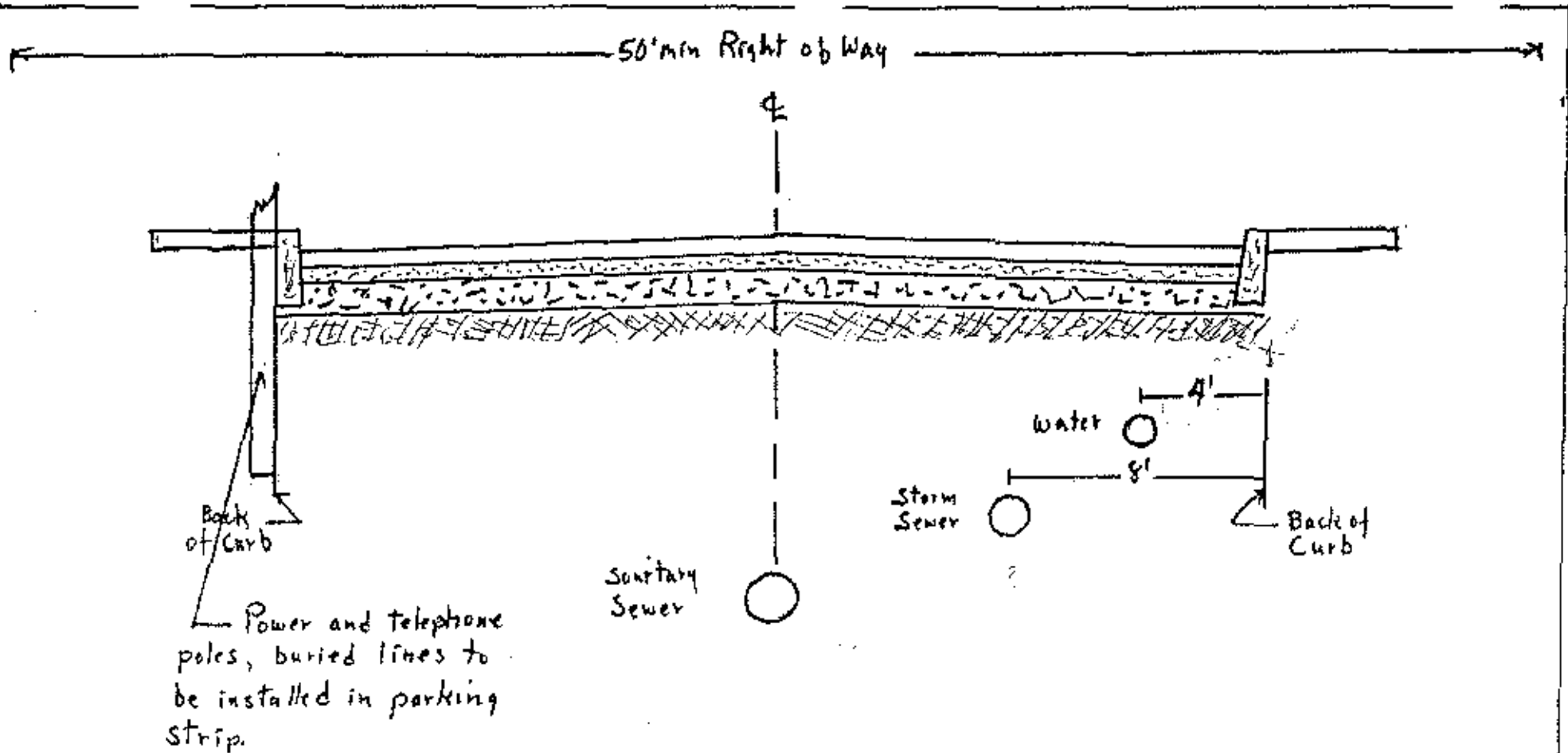


Compacted asphaltic concrete
4" of 3/4" - 0 Crushed Rock
8" of 1-1/2" - 0 Crushed Baserock or
Pit-run Baserock
Formed Subgrade

CITY OF WHEELER
ROAD DEPARTMENT

TYPICAL 20'
MINOR STREET
GRAVEL ROAD BED

Approved



NOTE:

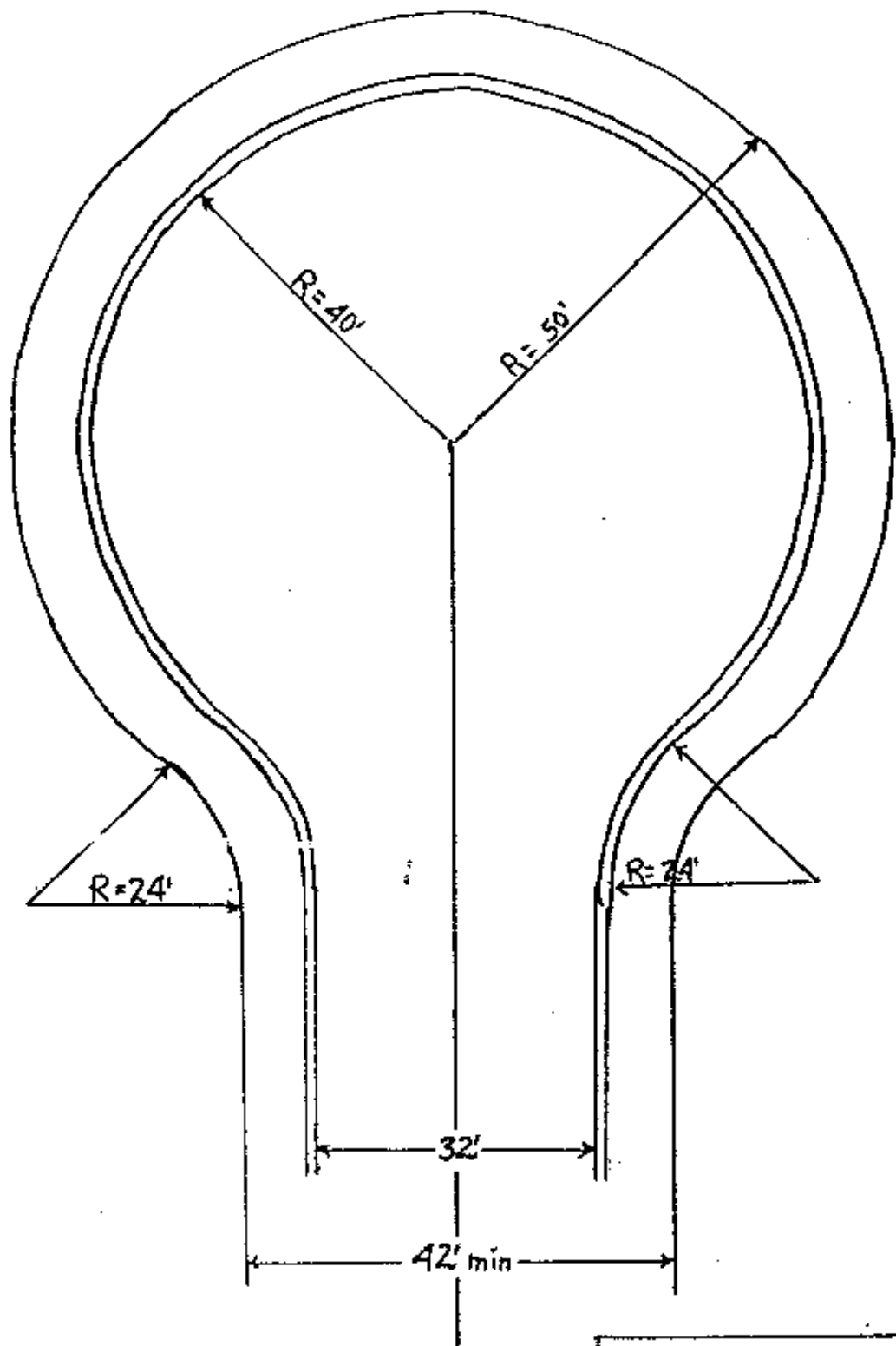
Backfill to be compacted with minimum of 24" cover over pipe.

Power and telephone lines on South and West sides of Street where feasible.

Water lines and Storm sewer on North and East sides of Street where feasible.

Sanitary Sewer in Center of Street.

CITY OF WHEELER ROAD DEPARTMENT	
STANDARD PLACEMENT OF UTILITY LINES	
Approved	



CITY OF WHEELER
ROAD DEPARTMENT

TYPICAL CUL-DE-SAC

Approved

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CITY OF WHEELER

ORDINANCE NO. 97-03

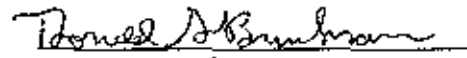
AN ORDINANCE AMENDING ORDINANCE NO. 93-2

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

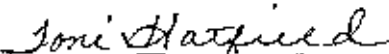
Section 1. Add the following definition to Section 2:

Land developer: Any person developing one or more lots.

PASSED by the City Council this 20th day of May, 1997, by the following vote: 4 ayes, 0 nays, 0 abstentions.


Donald G. Brinkman, Mayor

ATTEST:


Toni Hatfield, City Recorder

CITY OF WHEELER

ORDINANCE NO. 97-07

PUBLIC RIGHTS-OF-WAY

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purpose of this ordinance, the following mean:

City. The City of Wheeler, Oregon.

Person. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.

Public rights-of-way. Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

Within the City. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

Section 2. Jurisdiction. The City of Wheeler has jurisdiction and exercises regulatory control over each public right-of-way within the city under the authority of the city charter and state law.

Section 3. Scope of Regulatory Control. The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

Section 4. City Permission Requirement. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits. Permits shall be defined and fees for permits shall be adopted by resolution, and shall by reference be included herein.

Section 5. Obligations of the City. The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right of way, and does not obligate the city to maintain or repair any part of the right-of-way.

Section 6. Violation. Failure to comply with this ordinance and/or any requirements established by means of franchises, licenses and permits shall constitute a violation. Each day a violation continues shall constitute a separate offense.

Section 7. Penalties. Each violation shall be punishable by a fine not to exceed \$100.00.

Section 8. Enforcement. The City Recorder shall have the authority to determine if a violation has occurred, and to initiate enforcement of the ordinance. The City Recorder shall have the authority to utilize local police, municipal court, legal services, or any other reasonable means to enforce compliance with this ordinance.

Section 9. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

ADOPTED by the City Council this 21st day of October, 1997, by the following vote: 4 ayes, 0 nays, 0 abstentions.

ATTEST:

Ann Morgan
Ann Morgan, City Recorder pro-tem

Donald G. Brinkman
Donald G. Brinkman, Mayor

CITY OF WHEELER
ORDINANCE NO. 2001-05

AN ORDINANCE AMENDING THE PUBLIC RIGHTS-OF-WAY
ORDINANCE NO. 97-7

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1. Add Section 10 as follows:

Section 10. **Driveway Exclusion.** Any person who obtains a driveway permit to construct a driveway shall not be required to also obtain a right-of-way permit for that construction.

ADOPTED by the City Council this 19th day of June, 2001, by the following vote:

CITY COUNCIL
WHEELER, OREGON

Aye Nay Absent/Abstain


Sandy Douma, President

____ ____ X / ____




Elizabeth Stine, Councilor

✓ ____ ____ / ____



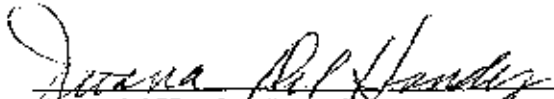
Chuck McLaughlin, Councilor

✓ ____ ____ / ____



Bill Mullen, Councilor

✓ ____ ____ / ____



Juana del Handy, Councilor

X ____ ____ / ____

ATTEST:



Stevie S. Burden, Mayor



Dennis M. Lancaster, City Recorder

6/19/01

Date signed

CITY OF WHEELER

Ordinance No. 89-4

AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION AND REPAIR OF SIDEWALKS; PROVIDING A PENALTY AND DECLARING AN EMERGENCY.

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1. Definitions. The following definitions apply to this Ordinance:

- a. City:
The City of Wheeler, Tillamook County, Oregon.
- b. City Administrator/Recorder:
The person responsible to the Council for the execution of the City's office activities.
- c. City Engineer:
The engineer or firm of engineers so designated by the City Council.
- d. Council:
The Common Council of the City of Wheeler, Oregon.
- e. Owner:
The recorded holder of the legal title to the land in question or the contract purchaser of the land in question.
- f. Sidewalks:
The part of the street right-of-way between the curblines or the lateral lines of a roadway and the adjacent property lines and includes any culvert located in such part of the street.
- g. Superintendent of Public Works:
The person responsible to the council for planning, organizing, directing and controlling the function of the City's Public Works Department.

Section 2. Repair of Sidewalks. The owner of land abutting a sidewalk shall maintain the sidewalk in good repair and safe condition.

Section 3. Liability for Sidewalk Injuries.

- a. The owner of real property abutting a sidewalk is liable to any person injured due to the failure by such owner to maintain the sidewalk in good repair or safe condition.

- b. If the City is required to pay damages for an injury to any person caused by the failure of an owner to maintain a sidewalk in good repair or safe condition, such owner shall promptly reimburse the City for the amount of damages thus paid, and for City's attorney fees and costs of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

Section 4. Standards and Specifications. Sidewalks shall be constructed, altered and repaired in accordance with standards and specifications set forth in drawings, Attachments A, B, C, D and E, as attached to this Ordinance.

Section 5. Submission of Plans. No person shall construct, alter or repair a sidewalk without first submitting the plans and specifications for the proposed work and obtaining a permit. The application for a permit will be made to the City Administrator/Recorder. The City Administrator/Recorder may issue a permit for the proposed work upon finding that the plan conforms with the applicable standards and specifications.

Section 7. Notice to Alter or Repair Sidewalk.

- a. When the Council determines that a sidewalk needs alteration or repair, it shall, by resolution, direct the City Administrator/Recorder to issued a notice to the abutting land owner.
- b. The notice will require the owner of the property abutting the sidewalk to complete the necessary work within 45 days after service of notice. The notice will also state that if the work is not completed by the owner within the 45 days, the City may complete it and assess the cost against the property abutting the sidewalk.
- c. The City Administrator/Recorder will cause a copy of the notice to be served personally upon the owner of the property abutting the sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If, after diligent search, the owner is not discovered, the City Administrator/Recorder will cause a copy of the notice to be posted in a conspicuous place on the property, and the posting will be considered to have the same effect as personal person of notice upon the owner of the property.
- d. The person serving the notice shall file with the Administrator/Recorder a return of service, reciting the time, place and manner of service.

Section 8. City May Alter or Repair Sidewalk. If the sidewalk alteration or repair is not completed within 45 days after service of the notice, the Superintendent of Public Works will complete it if so directed by the Council. Upon completion of such a project, the Superintendent of Public Works will submit a report to the Council containing an itemized statement of costs.

Section 9. Assessment for Sidewalk Work Done by City. Upon receipt of the report, the Council, by ordinance, shall assess the cost of the work against the property adjacent to the sidewalk. The assessment will be a lien against the property and may be levied and collected in the same manner as is provided for in the City's general ordinance regarding local improvement assessment procedures or otherwise provided by state law.

Section 10. Sidewalk Construction By Order of Council. Whenever the Council of the City deems it expedient for a new sidewalk to be constructed within the City, the Council shall pass an ordinance declaring that construction of the sidewalk is expedient and describe in the ordinance the location thereof, the construction standards, and the time within which the construction is to be completed; provided that the owners of the abutting property who are residents of the City be allowed 45 days to complete the construction, and owners of property who are not residents of the City be allowed 60 days to complete the construction of any such sidewalk. The ordinance will provide that any new such sidewalk will be constructed at the abutting property owner's expense. The owner shall be allowed to pay cash or to make application to the City to pay the cost in installments as provided by the Bancroft Bonding Act, ORS 223.205 as amended from time to time.

In the event the abutting property fails to construct the sidewalk, the City may do so. However, the City may only assess abutting property owners for new sidewalk construction after following all notice procedures set forth in the City's general ordinance regarding local improvement assessment procedures.

Section 11. Sidewalk Construction Requested By The Property Owner. If a property owner petitions the Council for an order to build a sidewalk on the part of the street abutting his or her property and the owner, in writing:

- a. Agrees to pay cash or to make application to the City to pay the cost in installments as provided by the Bancroft Bonding Act ORS 223.205, as amended from time to time, and
- b. Waives the right of service and notice of assessment as provided in the City general ordinance for local improvement assessment procedures, and
- c. Consents to the assessment of the property upon which the sidewalk abuts, and

- d. Waives the right of notice for completion of construction, and.
- e. The Council may order the construction of the sidewalk, if in its judgment the sidewalk should be built.

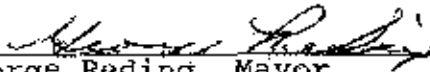
Section 12. Penalty. Violation of this ordinance is punishable by a fine not exceeding \$250.00. Each day's violation of a provision of this ordinance shall constitute a separate punishable offense.

Section 13. Severability. The sections of this ordinance are severable; the validity of a section shall not affect the validity of the remaining sections.

Section 14. Emergency Clause. In as much as there are many sidewalks located in the City that are in dire need of repairs, places where new sidewalks should be constructed, and there are no ordinances providing for the construction or repair of sidewalks, an emergency is hereby declared to exist and it is declared to be for the preservation of the peace, health and safety of the public that this ordinance becomes effective immediately upon its passage by the Common Council of the City of Wheeler and approved by the Mayor.

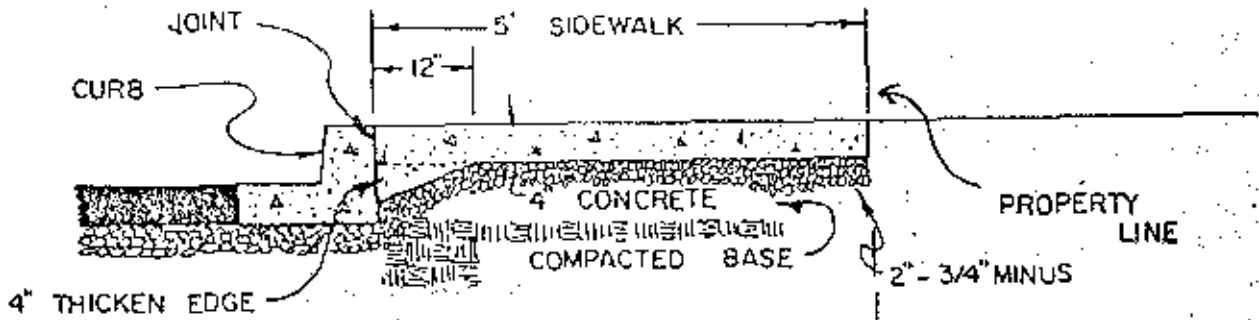
PASSED by the Common Council this 17th day of October, 1989 by the following vote:

Ayes 5 Nays 0 Abstentions 0


George Reding, Mayor

Attest:



Virgil L. Staben, City Recorder



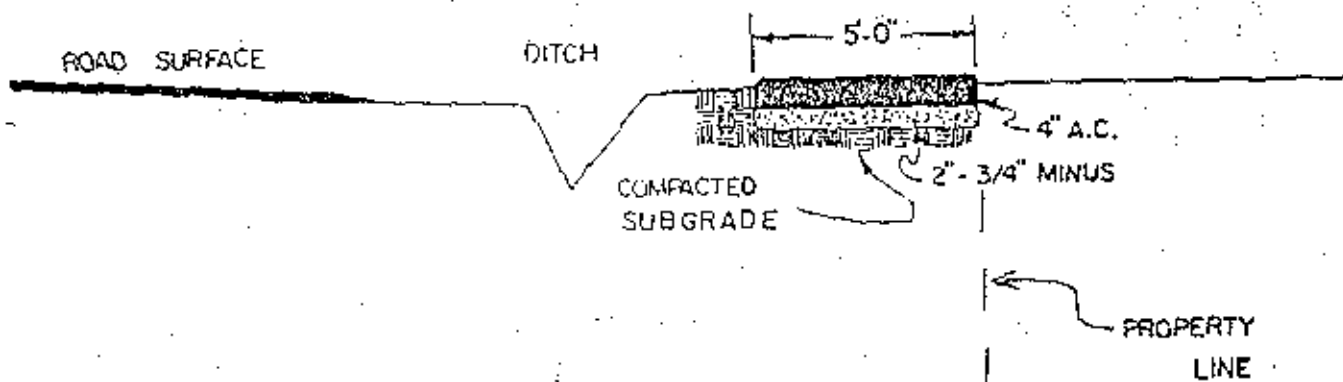
NOTES:

1. CONCRETE SHALL BE 3000 P.S.I. AT 28 DAYS, 6 SACK MIX, SLUMP RANGE OF 1-1/2" TO 3"
2. MINIMUM SIDEWALK THICKNESS SHALL BE 4"
3. 1/4" TO FT. CROSS SLOPE
4. SIDEWALK PANELS SHALL BE 5 FEET SQUARE
5. EXPANSION JOINTS AT THE SIDES OF DRIVEWAY APPROCHES, AND UTILITY VAULTS.
6. JOINT AT CURB - EXPANSION JOINT IF POURED AT THE SAME TIME OR COLD JOINT IF JOINING EXISTING CURB.

Ordinance No. 89 - 4


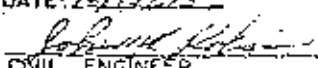
CITY OF WHEELER, OREGON		DEPT. OF PUBLIC WORKS	
 7/31/73... <i>John A. Robison</i> City Engineer	REVISED	STANDARD SIDEWALK	REVISION
	4-4-74		SW -

ATTACHMENT 'B'



1. ASPHALTIC CONCRETE SHALL BE CLASS "C" MIX
2. MINIMUM SIDEWALK THICKNESS SHALL BE 4"
3. LOCATION TO BE APPROVED

Ordinance No. 89 - 4

CITY OF WHEELER, OREGON		DEPT. OF PUBLIC WORKS	
 DATE: <u>10/15/23</u>  CIVIL ENGINEER	REVISED	TEMP. AC SIDEWALK	MUNICIPAL



City of Whittier, Oregon
 9-13-73
 Johnson
 5-2-74

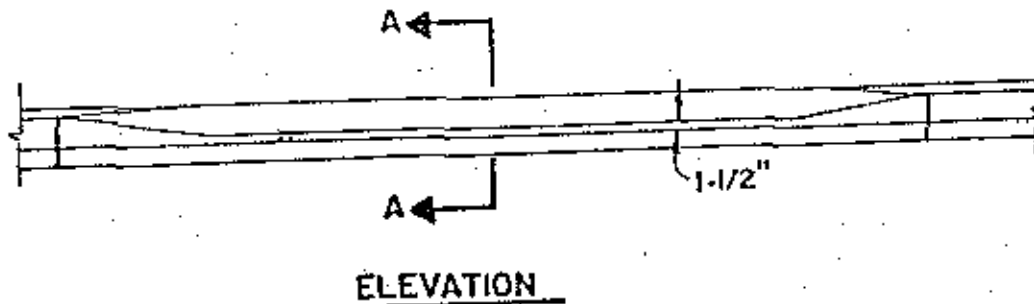
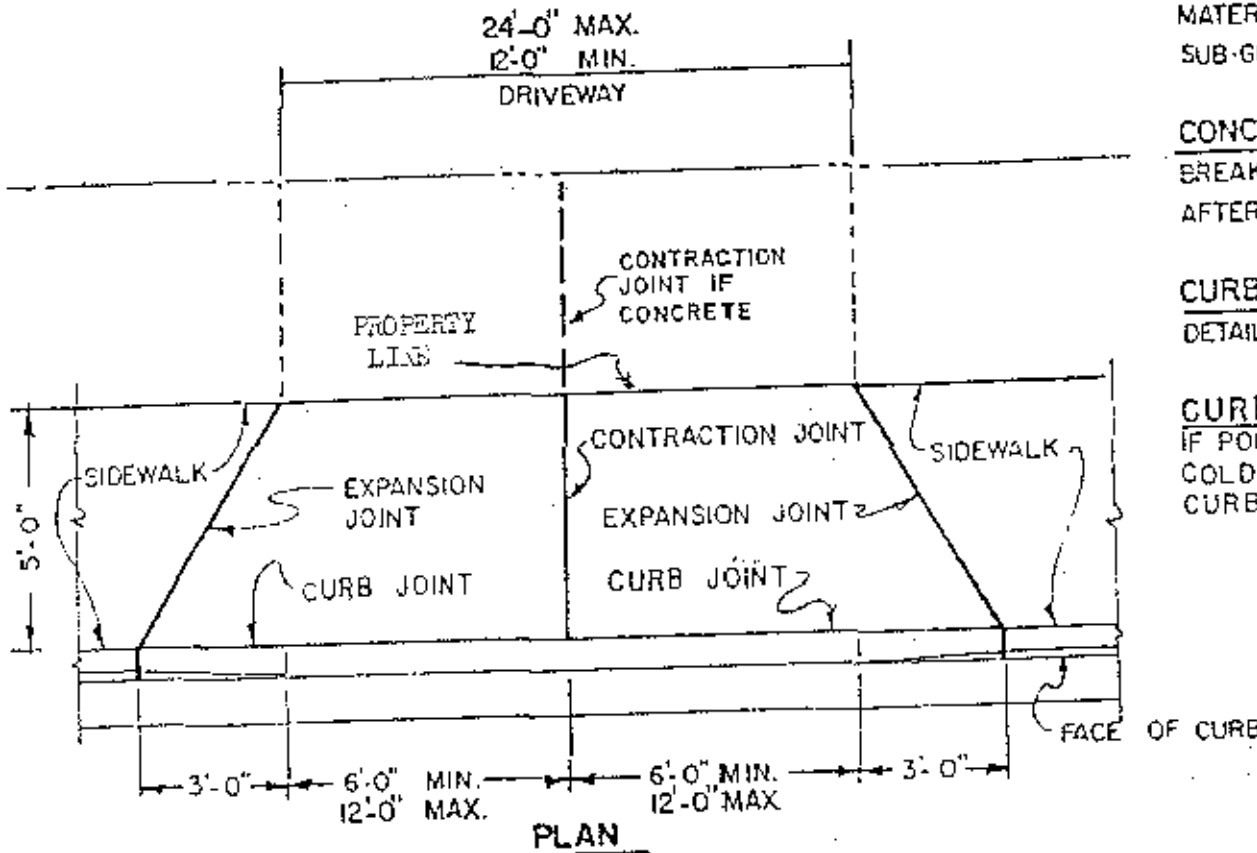
REVISI
 5-2-74

RESIDENTIAL DRIVEWAY

DW-1

Ordinance No. 89-1

DEPT. OF PUBLIC WORKS

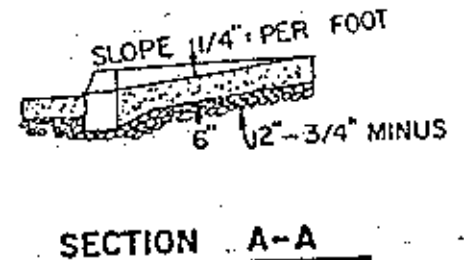
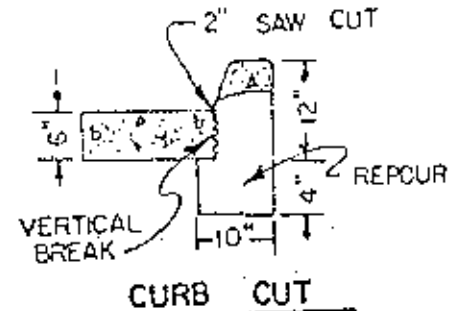


EXPANSION JOINTS - SHALL BE 1/2" PREMOLDED ASPHALT IMPREGNATED MATERIAL OR EQUAL AND WILL EXTEND FROM SUB-GRADE TO FINISH GRADE.

CONCRETE - SHALL HAVE A MINIMUM BREAKING STRENGTH OF 3000 P.S.I. AFTER 28 DAYS, 6 SACK MIX.

CURB AND GUTTER - SEE STANDARD DETAIL DRAWING.

CURB JOINTS - EXPANSION JOINT IF POURED AT THE SAME TIME OR COLD JOINT IF JOINING EXISTING CURB.



ATTACHMENT 'C'

DW-2

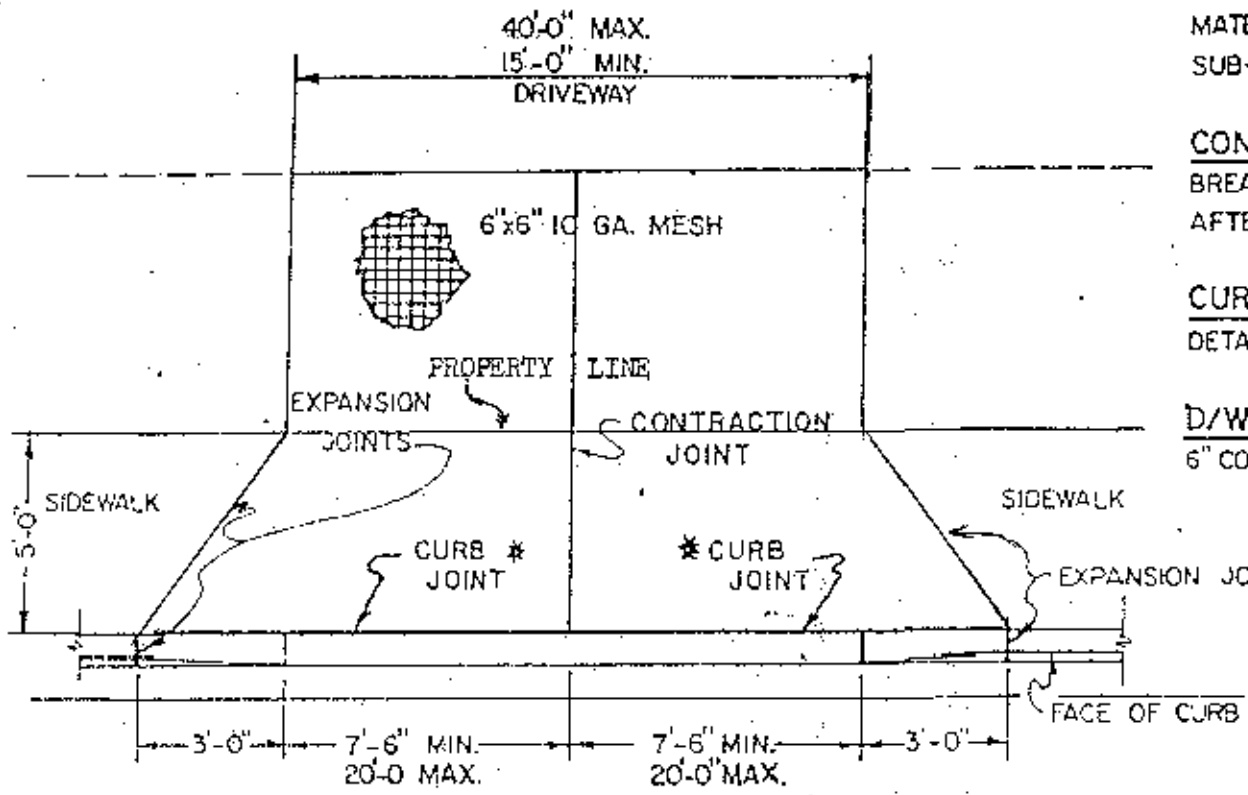
CITY OF WHEATRIER, OREGON

COMMERCIAL DRIVEWAY

DEPT. OF PUBLIC WORKS

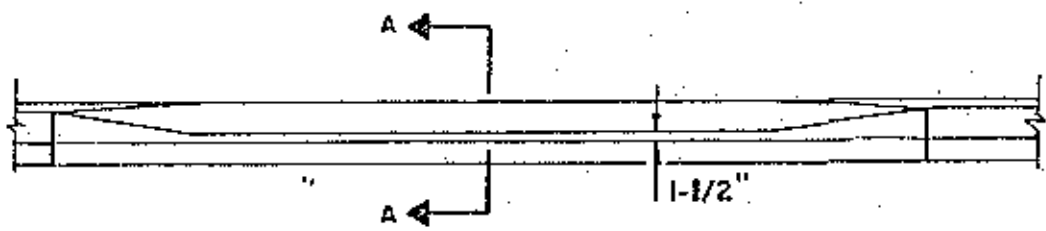
REVISIONS
3-13-75
5-2-74

Ordinance No. 89 - 7



PLAN

*: CURB JOINTS SHALL BE EXPANSION JOINT IF POURED AT SAME TIME OR COLD JOINT IF JOINING EXISTING CURB.



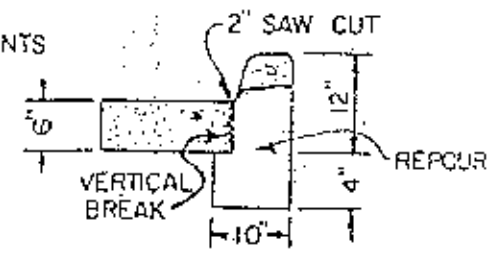
ELEVATION

EXPANSION JOINTS- SHALL BE 1/2" PREMOLDED ASPHALT IMPREGNATED MATERIAL OR EQUAL AND WILL EXTEND FROM SUB-GRADE TO FINISH GRADE.

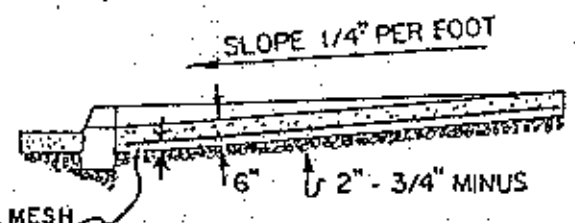
CONCRETE- SHALL HAVE A MINIMUM BREAKING STRENGTH OF 3000 P.S.I. AFTER 28 DAYS; 6 SACK MIX.

CURB AND GUTTER- SEE STANDARD DETAIL DRAWING.

D/W APRONS- COMMERCIAL AND INDUSTRIAL
6" CONC. PLUS 6"x6" 10 GA. MESH



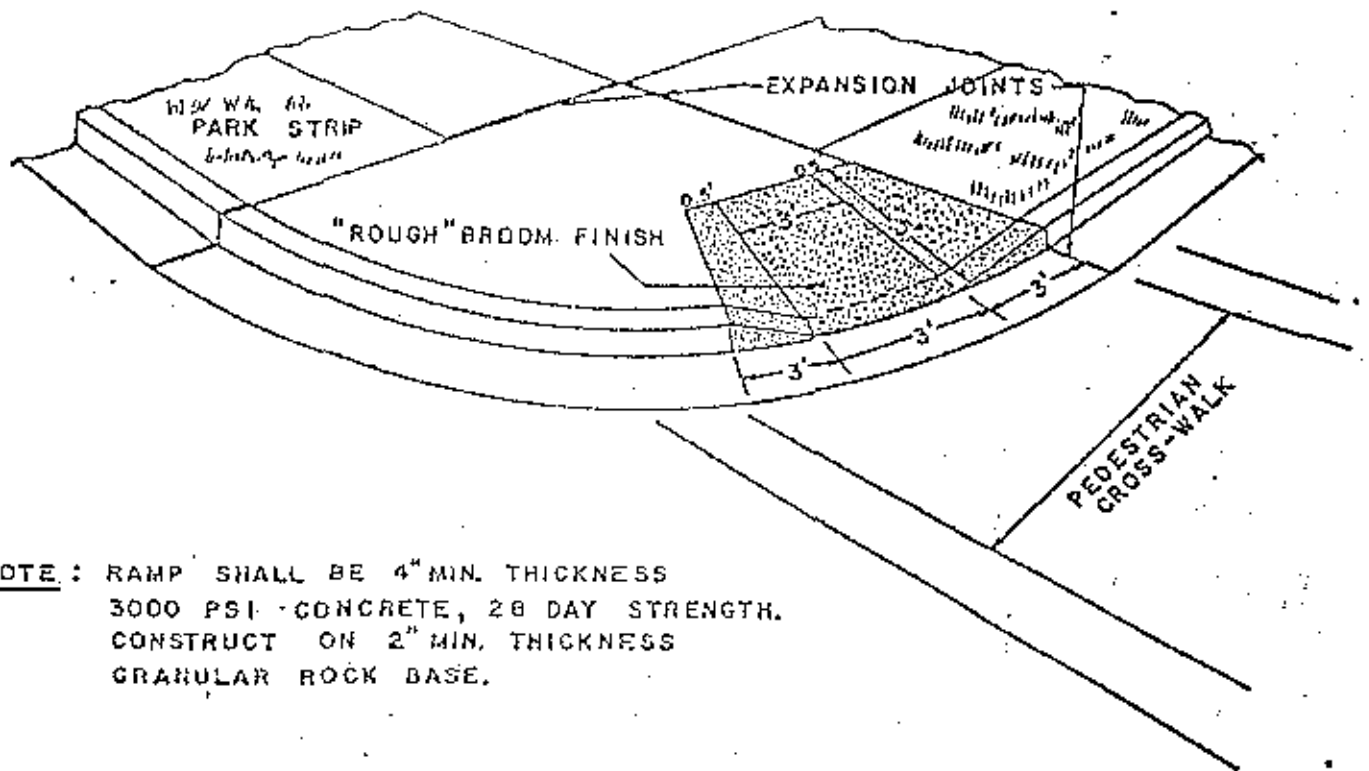
CURB CUT



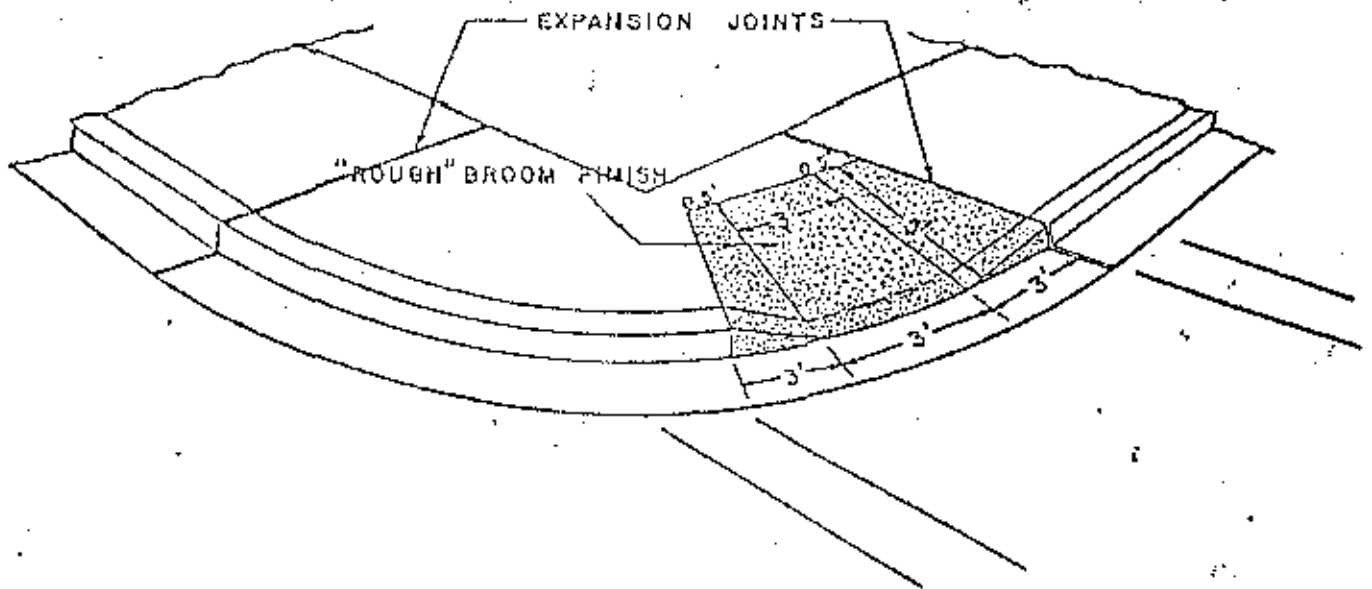
10 GA. MESH
1-1/2" ABOVE
BASE

SECTION A-A

ATTACHMENT 'D'



NOTE : RAMP SHALL BE 4" MIN. THICKNESS
 3000 PSI CONCRETE, 28 DAY STRENGTH.
 CONSTRUCT ON 2" MIN. THICKNESS
 GRANULAR ROCK BASE.



CITY OF WHEELER, OREGON
 STREET DEPARTMENT

WHEELCHAIR RAMP
 BICYCLE RAMP

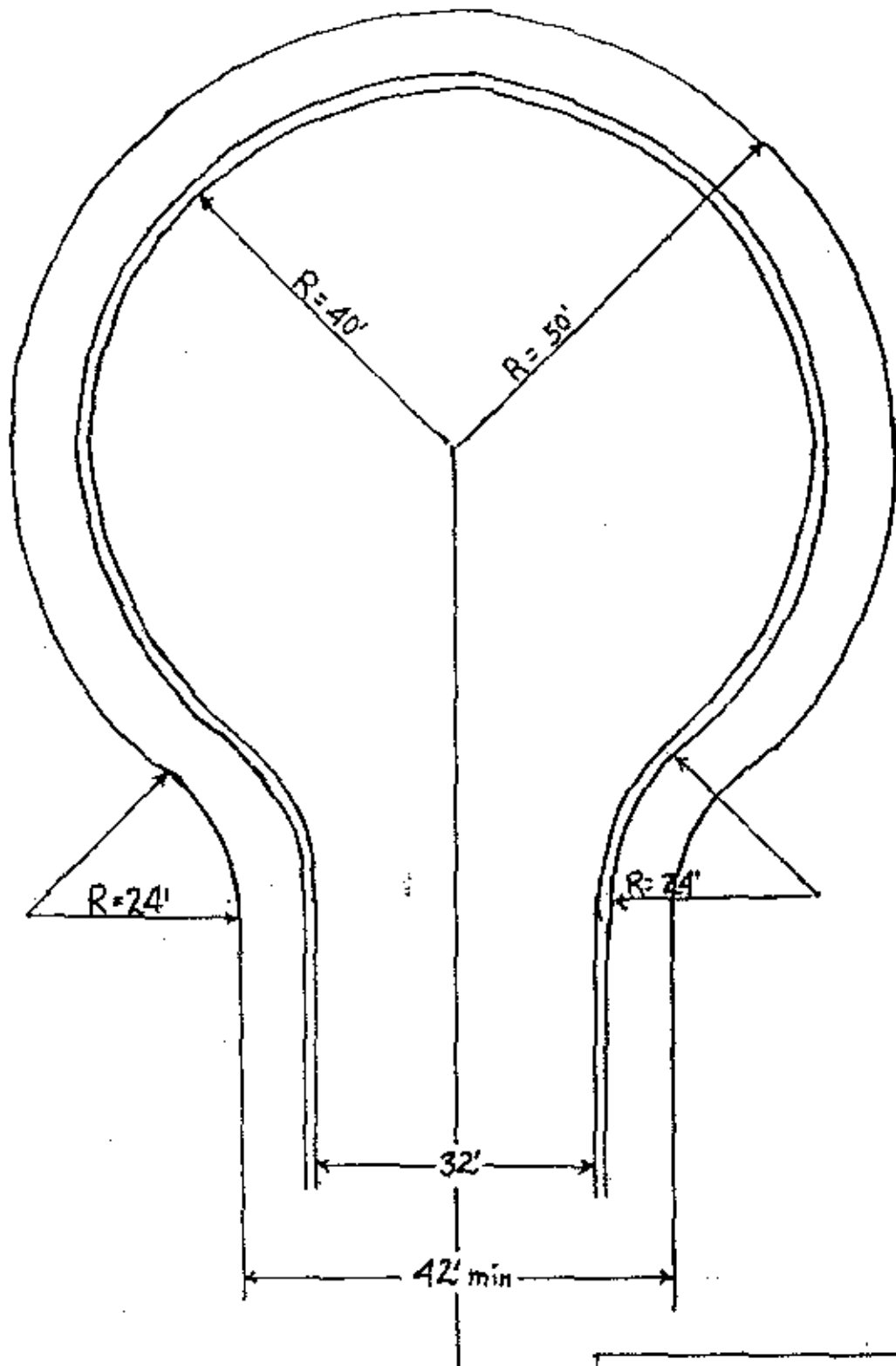
Approved

County
 Engineer

DRNG.
 NO.

R-1

AUGUST 1974



CITY OF WHEELER
ROAD DEPARTMENT

TYPICAL CUL-DE-SAC

Approved

CITY OF WHEELER
ORDINANCE NO. 2002-07

A DRIVEWAY ORDINANCE

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1. Section 7 of Ordinance 93-2 is hereby repealed.

Section 2. Any property owner desiring to create an access from his/her lot to a city right-of-way shall apply to the city for a Driveway Approach Construction Permit on form(s) provided by the city.

Section 3. Any driveway connecting to a paved City street shall have a driveway approach that is paved or surfaced with asphalt or concrete from the paved street surface to the property line, or for ten (10) feet, whichever is farther.

Section 4. The City Public Works Department shall develop minimum standards for driveway approaches which shall include a culvert under the approach.

Section 5. A Driveway Approach Construction Permit shall be valid for one (1) year. If a driveway approach is not completed in that time the city may take appropriate action to complete the driveway approach and bill the property owner for actual costs plus a ten percent (10%) administration fee. If the billed amount is not paid within one (1) month it will become a lien against the property.

ADOPTED by the City Council this 17th day of December, 2002, by the following vote:

CITY COUNCIL
WHEELER, OREGON

Aye Nay Absent/Abstain

Sandy Douma, President

Juana Del Handy

Juana Del Handy, Councilor

_____ _____ X / _____

Bill Mullen

Bill Mullen, Councilor

X / _____ _____

Merle Spencer

Merle Spencer, Councilor

✓ / _____ _____

Elizabeth Stine

Elizabeth Stine, Councilor

✓ / _____ _____

Sandra Douma

Sandra Douma, Council President

X / _____ _____

12/17/02

Date signed

ATTEST:
Dennis M. Lancaster

Dennis M. Lancaster, City Recorder

CITY OF WHEELER
ORDINANCE NO. 2001-01

AN ORDINANCE DECLARING THE ROADWAY CURRENTLY USED
FOR THIRD STREET BETWEEN HALL STREET AND AKIN STREET
TO BE A PUBLIC RIGHT-OF-WAY

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

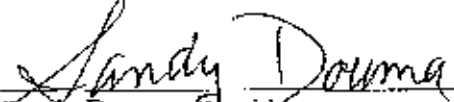
Section 1. The intent of this Ordinance is to make a currently used asphalt road which connects Hall Street and Third Street, and crosses City property, a street on a public right-of-way.

Section 2. The City Council declares that the area legally described and shown on the map attached to this Ordinance as Exhibit A, a fifty foot wide strip crossing city-owned property in blocks 25 and 30 of the City of Wheeler, is the public right-of-way for Third Street.

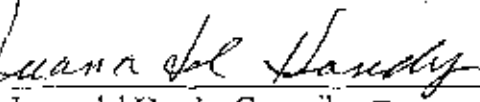
ADOPTED by the City Council this 20th day of February, 2001, by the following vote:

**CITY COUNCIL
WHEELER, OREGON**

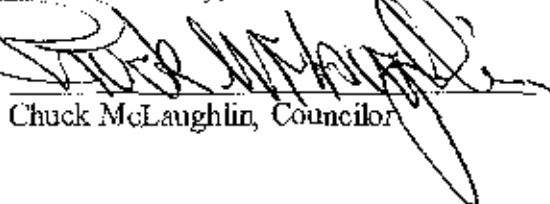
Aye Nay Absent/Abstain


Sandy Douma, President

X — —


Juana del Handy, Councilor

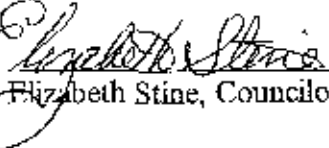
X — —


Chuck McLaughlin, Councilor

X — —

Bill Mullen, Councilor

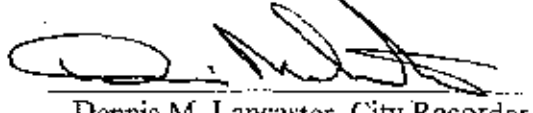
— — X


Elizabeth Stine, Councilor

X — —

ATTEST:


Stevie S. Burden, Mayor


Dennis M. Lancaster, City Recorder

02/21/01
Date signed

February 13, 2001

**LEGAL DESCRIPTION
for
RIGHT OF WAY DEDICATION
for the
CITY OF WHEELER**

A strip of land over a portion of Block 25, Block 30 and a portion of Starr Street all as platted by the Plat of **WHEELER**, Map C-11, Tillamook County Survey Records, said strip being located in the Southwest one-quarter of Section 2, Township 2 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, more particularly described as follows:

BEGINNING at the Northerly Corner of Lot 2, Block 25, of the plat of **WHEELER**;

thence South $28^{\circ}56'04''$ West 111.76 feet to the Northerly corner of Lot 12, Block 25;

thence South $41^{\circ}09'04''$ West 103.18 feet to a point on the Southwesterly line of said Lot 12, said line also being the Northeasterly Right-of-Way line of Starr Street;

thence South $42^{\circ}31'35''$ West 51.31 feet to the Northeasterly line of Lot 1, Block 30;

thence South $34^{\circ}30'00''$ East 12.89 feet along said Northeasterly line of said Lot 1, Block 30 to the most Easterly corner of Lot 1;

thence South $55^{\circ}30'00''$ West 199.92 feet along the Southeasterly line of Block 30 to the most Southerly corner thereof;

thence North $34^{\circ}30'00''$ West 17.96 feet along the Southwesterly line of said Block 30;

thence North $42^{\circ}28'36''$ East 205.19 feet to the Northeasterly line of Lot 2, Block 30, said line also being the Southwesterly Right-of-Way line of Starr Street;

thence North $41^{\circ}49'55''$ East 51.46 feet to the Southwesterly line of Lot 11, Block 25, said line also being the Northeasterly Right-of-Way line of Starr Street;

thence North $12^{\circ}09'00''$ East 34.38 feet to a point on the Northwesterly line of Lot 11, Block 25;

thence North $55^{\circ}30'00''$ East 174.92 feet along the Northwesterly line of Lot 11 and Lot 2, Block 25, to the **TRUE POINT OF BEGINNING**.

TOGETHER WITH that parcel as described in Book 104, Page 24, Tillamook County Deed Records, Tillamook County, Oregon.

The distance values shown on this description have a proportionality factor applied that is derived from map B-1482, Tillamook County Survey Records where the block dimensions are 199.91 feet by 299.88 feet rather than the 200 feet by 300 feet as shown on the plat of **WHEELER**.

<h:\data\surv\legals\whl\rlalst.doc>

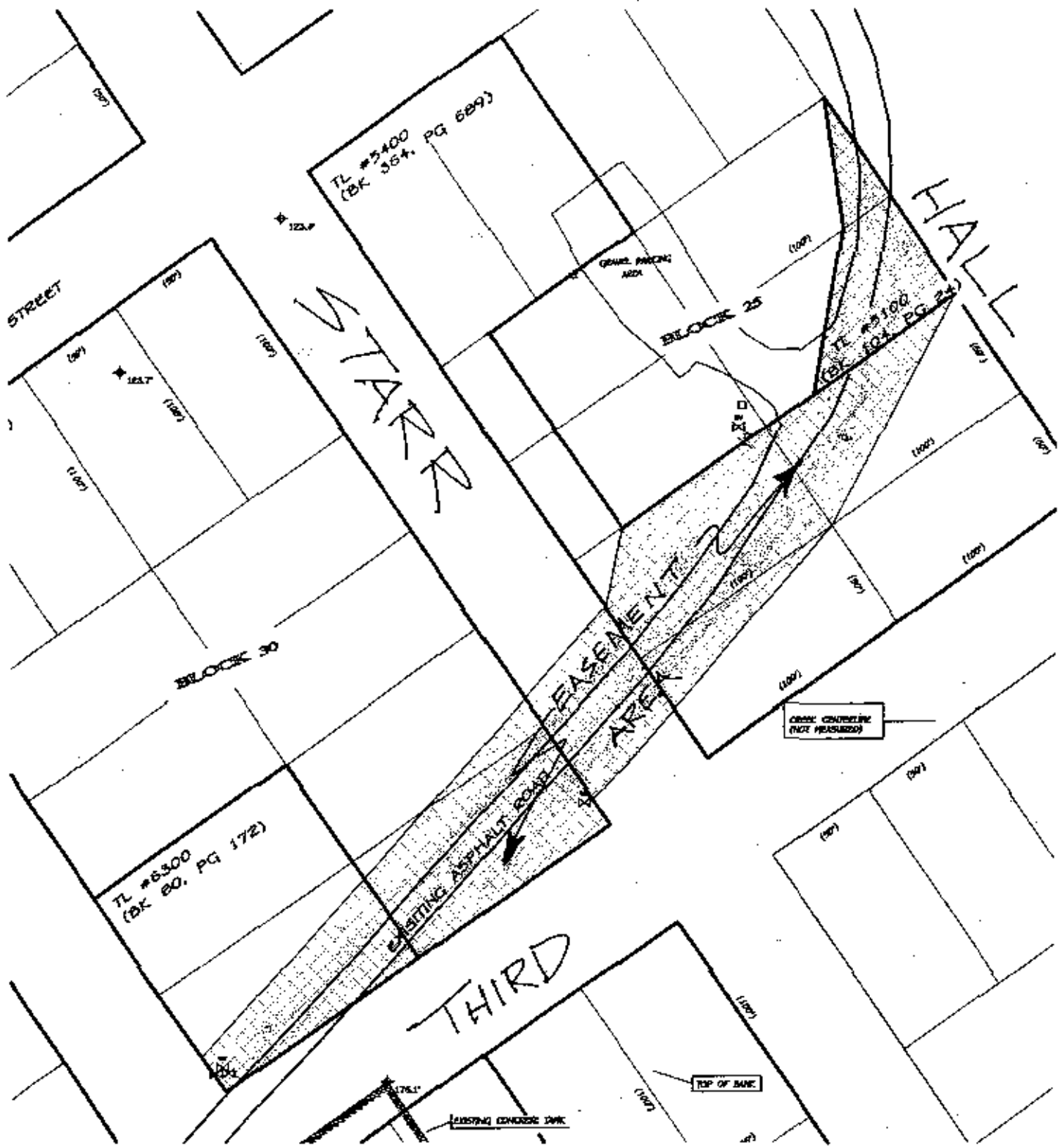
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**


**OREGON
JULY 10, 1995
MARK H. TELLWED
2708**

RENEWAL 6/30/02

Manzanita Office
P O Box 219 ♦ 160 Laneda Avenue
Manzanita, OR 97130
(503) 368-5294 ♦ Fax (503) 368-5847

Gearhart Office
4253 - A Highway 101 North
Seaside, OR 97138
(503) 738-3425 ♦ Fax (503) 738-7455




 1" = 60'

SKETCH MAP
 PROPOSED R-O-W

**CITY OF WHEELER
ORDINANCE NO. 2002-06**

AN ORDINANCE MAKING ASSESSMENTS, AUTHORIZING COLLECTION OF SAID ASSESSMENTS, ASSESSING THE COSTS THEREOF AGAINST THE IDENTIFIED AND BENEFITTED REAL PROPERTY, AND DIRECTING THE ENTRY OF SUCH ASSESSMENTS IN THE DOCKET OF CITY LIENS FOR THE ESTABLISHED WHEELER DOWNTOWN LOCAL IMPROVEMENT DISTRICT(LID).

WHEREAS, The City Council of the City of Wheeler, on April 23, 2002, adopted Resolution #2002-07 accepted the Wheeler Downtown Improvement Project Local Improvement District Report, and declared its intention to make the proposed improvements, and

WHEREAS, The City Council of the City of Wheeler, has determined that the general boundaries of the Wheeler Downtown Local Improvement District are from Pine Street to the North, First Street to the East, Hospital Drive to the South, and Nehalem Bay to the West with tax lot #2N10 2BC 3800 being the southwest corner and tax lot 2N10 2BC 4400 being the northwest corner (map attached as Exhibit A), and

WHEREAS, The City Council of The City of Wheeler, held a Special Meeting on May 9, 2002, for the purpose of conducting an advertised Public Hearing to receive testimony concerning the creation of the Wheeler Downtown Local Improvement District, and

WHEREAS, The City Council of the City of Wheeler, in a Special Meeting on May 9, 2002, authorized the formation of the Wheeler Downtown Local Improvement District and to proceed with the improvements of the Downtown Improvement Project, and

WHEREAS, City of Wheeler Ordinance #82-2, Section 7, defines the creation of an assessment ordinance for the purpose of making public improvements.

NOW, THEREFORE, the City of Wheeler does hereby ordain as follows:

Section 1.0 Findings of Fact.

- 1) Written notice of the Downtown Improvement Project, Local Improvement District Public Hearing was published in a newspaper of general circulation in the City of Wheeler, posted in three public places, and mailed to affected property owners not less than 14 days prior to the scheduled public hearing.
- 2) Written objections to the proposed Downtown Local Improvement District were received from owners representing less than two-thirds of the area of the District.
- 3) The method of assessment is just and reasonable to proportion the sum to be assessed among the properties determined to be specially benefited within the district.

Section 2.0 Loan Amount and Terms to be repaid by Assessment.

The City of Wheeler has received a Loan from Oregon Economic and Community Development Department(OECDD), Special Public Works Fund, to include with other grant amounts for the completion of the Downtown Improvement Project.

- 1) Loan Amount: \$98,438.00
- 2) Term: 25 years
- 3) Interest Rate: 5.46%
- 4) Annual Payment: \$7,309.87
- 5) No early payment penalties or fees will apply to this loan

Section 3.0 Duration of Local Improvement District

The Wheeler Downtown Local Improvement District will be in effect for 25 consecutive years beginning December 1, 2002, or until the OECDD, Special Public Works Fund loan is paid off in full, whichever comes first.

Section 4.0 Method of Assessment

- 4.1 The Method of Assessment to property owners in the Downtown Improvement Project, Local Improvement District is based on property assessed value.
- 4.2 Property Assessed Value is determined by the records of the Tillamook County Assessor from the 2001 Assessment Year, the latest year available.
- 4.3 Individual property assessments are determined using the following formula:
 - 4.3.1 If **any** portion of any sidewalk improvement that is a result of the Downtown Improvement Project is touching any portion of a tax lot within the District, then 5% of the assessed value of that lot is the assessment for that lot
 - 4.3.2 If **no** portion of any sidewalk improvement that is a result of the Downtown Improvement Project touches any portion of a tax lot within the District, then 1¾% of the assessed value of that lot is the assessment for that lot.

Section 5.0 Reference Material and Docket of City Liens

Attached hereto and incorporated herein by this reference is a map of the area contained in the Wheeler Downtown Improvement Project, Local Improvement District. The City Recorder is directed to enter a statement of each assessment into the city lien docket as provided by the Charter and Ordinances of the City of Wheeler. Each of the said assessments is hereby declared to be and to constitute a lien against the respective real property described in the assessment ordinance adopted hereby.

Section 6.0 Collection of Funds

- 6.1. The City Recorder is hereby directed to give notice that the assessments of this Ordinance are hereby declared due and payable within thirty (30) days from the mailing of the Notice of Assessment.
- 6.2. The Notice of Assessment must be mailed by certified mail with return receipt requested, through the US Postal Service, to the address of each downtown local improvement district property owner, as recorded in this ordinance.
- 6.3. A twenty five dollar (\$25.00) filing fee will be added to each assessment not fully paid, or for which an application to make installment payments has not been received, within thirty (30) days of the adoption of the Assessment Ordinance.
- 6.4. In the event that said assessments are not so paid, they shall thereupon become delinquent. The City Council shall proceed in the manner prescribed by the Charter and the Ordinances of the City of Wheeler for the collection of such delinquent assessments.

Section 7.0 Notice of Assessment

Within ten (10) days after the adoption of this ordinance, the City Recorder shall mail a notice of the assessment to the owners of the assessed properties. The notice of assessment shall recite the date of the assessment ordinance and shall state that either 1) upon the failure of the owner to pay the assessment in full within thirty (30)

days from the date of the assessment ordinance, or 2) upon failure of the owner of the property assessed to make written application to pay the assessment in installments, interest will commence to run on the assessment and the property assessed will be subject to foreclosure. The notice shall set forth a description of the property assessed, the name of the owner(s) of the property assessed, and the amount of each assessment.

Section 8.0 Application to make Installment Payments on Assessment

The City of Wheeler will provide a form entitled, "Application to make Installment Payments on Assessment" with the Notice of Assessment. The owner of property assessed for an improvement may, within thirty (30) days from the date of adoption of the Assessment Ordinance, make written application to the City Recorder to pay the assessment in installment payments. The City Recorder may approve such installment payments provided:

- a) The amount of the improvement, the amount of any installment payment, or the amount of any remaining assessment balance exceeds one hundred dollars (\$100.00)
- b) The written application includes a twenty five dollar (\$25.00) lien filing fee payable to the City of Wheeler.
- c) The amount remaining unpaid upon such assessment together with any unpaid balance of any previous assessments for improvements against the same property does not exceed double the assessed valuation of the property, as shown by the last county tax roll

8.1. Installment Payment Billing Procedures

- 8.1.1. The City of Wheeler hereby establishes procedures for billing property owners who chose to pay the assessment in installments
- 8.1.2. The City of Wheeler reserves the right to modify the billing procedures at any time that a modification would be in the best interest of the citizens of Wheeler
- 8.1.3. A statement of the assessment will be mailed to each local improvement district property owner on or before June 1 of the current year. A second statement will be mailed to unpaid assessments on or before October 1 of that same year
- 8.1.4. Installment payments, payable to the City of Wheeler, are due on or before November 1 of the current year

- 8.1.5. Delinquent installment payments are subject to additional service charges and penalties.
- 8.1.6. The statement of the assessment must include the following:
 - a) The name and address of the owner as recorded in the lien docket
 - b) The amount of the assessment installment payment due
 - c) The beginning balance and current balance of the assessment
 - d) The amount of interest paid to date
 - e) The amount of interest to be paid in the current year
 - f) The amount of any fees and/or penalties due in the current year
 - g) The deadline for receipt of the installment payment
- 8.1.7. A statement of annual interest expense will be mailed to each property owner after receipt of installment payment for the current year.

8.2. Account maintenance fee

- 8.2.1. The City of Wheeler will charge an amount of \$3.00 annually to each installment payment account.

Section 9.0 Lien Records and Foreclosure Proceedings

- 9.1 After adoption of the assessment ordinance, the City Recorder shall cause to have entered into the lien docket,
 - 1) a statement of the amounts assessed upon each particular lot, parcel of land, or portion thereof, 2) a description of the improvement, 3) the name(s) of the owner(s) and, (3) the date of the assessment ordinance.
- 9.1.1 The amount entered into the lien docket becomes a lien and charge upon the particular lot, parcel of land, or portion thereof assessed for the improvement.
- 9.1.2 All unpaid assessments and interest are a lien on each lot, parcel of land, or portion thereof, in favor of the City of Wheeler, and such liens have priority over all other liens and encumbrances whatsoever.

9.2 Delinquency of assessment

9.2.1 The assessment shall be considered delinquent if

9.2.1.1 The assessment is not paid in full within thirty (30) days after adoption of the assessment ordinance.

9.2.1.2 An application to make installment payments on the assessment is not received by the City of Wheeler within thirty (30) days of the adoption of the assessment ordinance.

9.2.1.3 If the owner refuses or neglects to pay the assessment or an installment payment of the assessment, when it becomes due and payable.

9.3 Delinquency Resolution

9.3.1 After a period of sixty (60) days from when an assessment is determined to be delinquent, the City Council may adopt a Delinquency Resolution for that assessment.

9.3.2 The Delinquency Resolution must state the

- a) Name of the property owner in default of assessment or payment of assessment
- b) The sums due, principle and/or interest
- c) A description of the property upon which the sums are owed
- d) And a declaration that the entire sum of principle, interest, and any fees or penalties owed, are due and payable at once.

9.4 If the sum stated within the Delinquency Resolution is not fully paid within thirty (30) days of the resolution, The City Recorder shall proceed in a manner prescribed by law for foreclosure and sale of real property.

Section 10.0 Final Assessment Roll

Owner	Tax Lot Number	Assessment	Annual Installment	Amortized Total
Jack & Joane Abendroth PO Box 397 Wheeler, OR 97147	2N102CB300	\$2,659.00	\$197.45	\$4,936.34
TOTAL		\$2,659.00	\$197.45	\$4,936.34
Wheeler Pharmacy, Inc PO Box 67 Wheeler, OR 97147	2N102CB3500	\$7,699.00	\$571.72	\$14,292.92
TOTAL		\$7,699.00	\$571.72	\$14,292.92
William & Roberta Dart PO Box 26 Wheeler, OR 97147	2N102BC400	\$2,815.00	\$209.04	\$5,225.95
TOTAL		\$2,815.00	\$209.04	\$5,225.95
Frank Giese 1701 SW Maplecrest Dr. Portland, OR 97147	2N102BC1800 2N102BC1900	\$1,948.00 \$6,472.00	\$144.66 \$480.60	\$3,616.40 \$12,815.05
TOTAL		\$8,420.00	\$625.26	\$15,631.45
Ray & Nina Graney PO Box 92 Wheeler, OR 97147	2N102CB3700 2N102CB4100 2N102CB4201	\$4,242.00 \$838.00 \$187.00	\$315.00 \$62.73 \$13.89	\$7,875.12 \$1,555.72 \$347.16
TOTAL		\$5,267.00	\$391.12	\$9,778.00
Juana Del Handy PO Box 580 Wheeler, OR 97147	2N102BC3800	\$4,452.00	\$330.60	\$8,264.98
TOTAL		\$4,452.00	\$330.60	\$8,264.98
Winston & Marianne Lasdo PO Box 555 Wheeler, OR 97147	2N102BC2900	\$9,208.00	\$683.77	\$17,094.33
TOTAL		\$9,208.00	\$683.77	\$17,094.33
Richard & Barbara Matson PO Box 1285 Borrego Springs, CA 92004	2N102BC3101 2N102CB1102	\$422.00 \$4,156.00	\$31.34 \$308.62	\$783.43 \$7,715.47
TOTAL		\$4,578.00	\$339.96	\$8,498.90
Mary Ann Jaquez 31091 Hershey Way Hayward, CA 94544	2N102BC3100	\$1,235.00	\$91.71	\$2,292.73
TOTAL		\$1,235.00	\$91.71	\$2,292.73
Margaret Miller PO Box 338 Wheeler, OR 97147	2N102BC3000	\$7,656.00	\$568.52	\$14,213.10
TOTAL		\$7,656.00	\$568.52	\$14,213.10
Jim Nelson PO Box 72 Wheeler, OR 97147	2N102BC4300	\$2,311.00	\$171.61	\$4,290.29
TOTAL		\$2,311.00	\$171.61	\$4,290.29
Carl & Catherine Obermeier PO Box 245 Garibaldi, OR 97118	2N102CB3800 2N102CB4000	\$2,106.00 \$1,860.00	\$156.39 \$138.12	\$3,909.72 \$3,453.03
TOTAL		\$3,966.00	\$294.51	\$7,362.75
Nicholas Ostroff PO Box 586 Wheeler, OR 97147	2N102BC4200	\$6,878.00	\$510.75	\$12,768.77
TOTAL		\$6,878.00	\$510.75	\$12,768.77
George Saah & Sara Porter PO Box 461 Wheeler, OR 97147	2N102BC2500	\$1,476.00	\$109.61	\$2,740.14
TOTAL		\$1,476.00	\$109.61	\$2,740.14
Marvin Sandhagen PO Box 83 Wheeler, OR 97147	2N102BC2700 2N102BC2600	\$6,344.00 \$7,206.00	\$471.10 \$535.11	\$11,777.41 \$13,377.69
TOTAL		\$13,550.00	\$1,006.21	\$25,155.10
John & Lisa Smidt PO Box 613 Wheeler, OR 97147	2N102BC2502	\$416.00	\$30.89	\$772.29
TOTAL		\$416.00	\$30.89	\$772.29
Ron & Diana Staben PO Box 296 Wheeler, OR 97147	2N102CB1100 2N102CB1000	\$5,563.00 \$650.00	\$413.10 \$63.12	\$10,327.51 \$1,578.00
TOTAL		\$6,413.00	\$476.12	\$11,905.51
Kenneth Thompson PO box 85 Wheeler, OR 97147	2N102BC2000 2N102BC2100	\$5,195.00 \$4,219.00	\$385.77 \$313.30	\$9,644.34 \$7,832.43
TOTAL		\$9,414.00	\$699.07	\$17,476.77
TOTAL		\$98,413.00	\$7,307.92	\$182,700.32

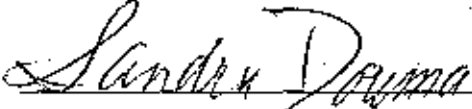

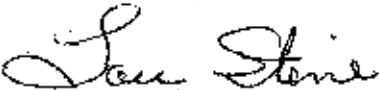
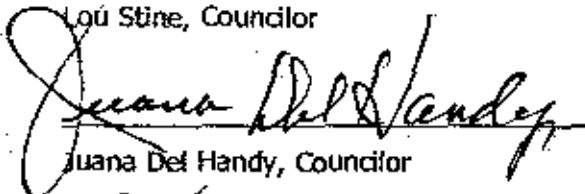
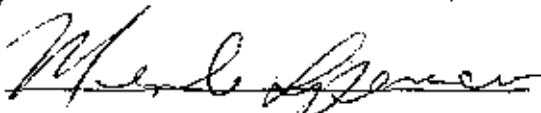
Section 11.0 Severability

The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

Section 12.0 Emergency declared

Due to the timeframe of a loan received and the repayment of that loan, and the nature of the improvement project, this ordinance is deemed necessary for the preservation of the public peace, health and safety of the citizens and an emergency is declared to exist. This ordinance shall take effect upon its passage.

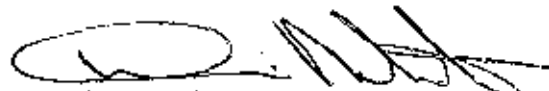
ADOPTED BY THE WHEELER CITY COUNCIL ON THIS 15th DAY OF OCTOBER, 2002 BY THE FOLLOWING VOTE:

	Aye	Nay	Absent/Abstain
_____	_____	_____	X / _____
Stevie Burden, Mayor			
 _____	✓	_____	_____
Sandra Douma, President			
 _____	✓	_____	_____
Bill Mullen, Councilor			
 _____	✓	_____	_____
Lou Stine, Councilor			
 _____	X	_____	_____
Juana Del Handy, Councilor			
 _____	X	_____	_____
Merle Spencer, Councilor			

ATTEST:



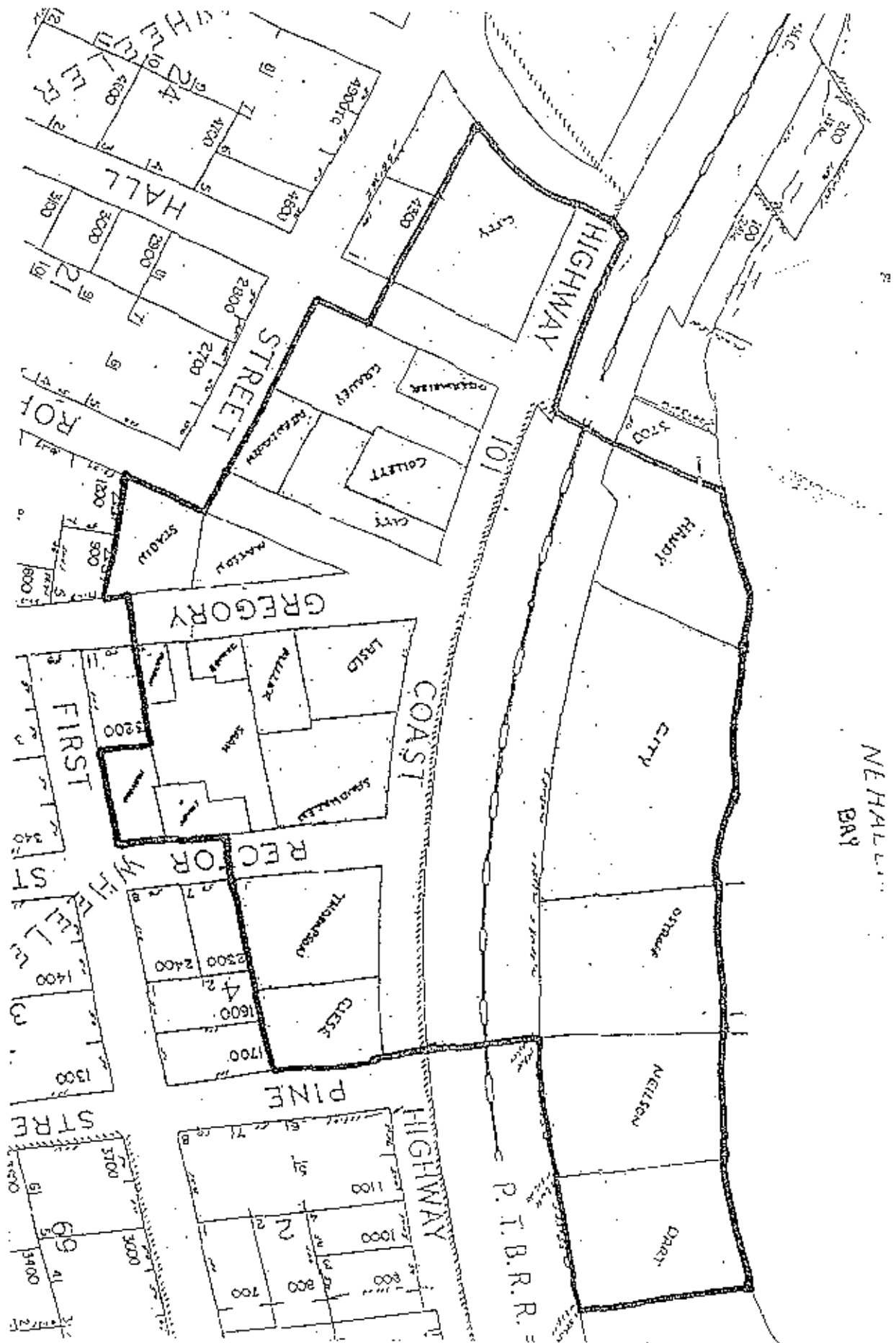
Sandra Douma, President



Dennis M. Lancaster
City Recorder

Exhibit "A"

Wheeler Downtown Local Improvement District Boundary



CITY OF WHEELER

ORDINANCE NO. 2005-04

AN ORDINANCE ADOPTING THE CITY OF WHEELER
STORM WATER MASTER PLAN

WHEREAS, the City Council of the City of Wheeler has requested the Wheeler Planning Commission review for compliance with the Wheeler Comprehensive Plan;

WHEREAS, the Wheeler Planning Commission has determined that the proposed Stormwater Master Plan meets the Comprehensive Plan's policies on Air and Water Quality and recommends adoption;

WHEREAS, the Wheeler City Council is authorized to enact ordinances in the best interest of the community;


NOW, THEREFORE, the City of Wheeler ordains as follows:

The City of Wheeler Storm Water Master Plan (attached and herein referenced) is adopted as the official policy governing and guiding future storm water management in the City of Wheeler.

Under the provisions of the City of Wheeler Charter, Chapter VIII, Section 32, this ordinance shall become effective on the thirtieth (30th) day after the adoption of this ordinance.

ADOPTED BY THE City Council this 20th day of September, 2005, by the following vote:

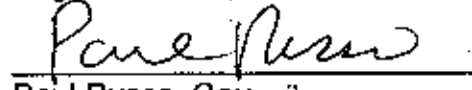
CITY COUNCIL WHEELER, OREGON	Aye	Nay	Absent/Abstain
---------------------------------	-----	-----	----------------


Juana Del Handy, Councilor

_____/_____
X

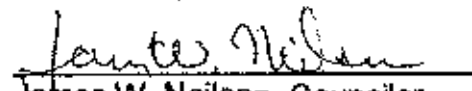
Virgil L. Staben, Councilor

_____/_____
X


Paul Russo, Councilor

X _____

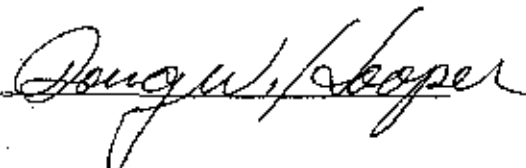
_____/_____
X


James W. Neilson, Councilor

X _____

_____/_____
X

ATTEST: Doug W. Hooper, City Manager



CITY OF WHEELER

ORDINANCE NO. 2006-01

AN ORDINANCE OF THE CITY OF WHEELER,
ESTABLISHING POLICIES AND REGULATIONS FOR A
STORM WATER MANAGEMENT UTILITY

WHEREAS, the City Council of the City of Wheeler has adopted a Storm Water Drainage Master Plan prepared by HGE, Inc.;

WHEREAS, the City Council has determined that this proposed plan will guide management of storm water run-off and prevent violations of water quality standards in the community of Wheeler;

WHEREAS, the City of Wheeler is faced with extensive storm water system improvements within the community. Relatively few areas are served by a system of Stormwater intakes and pipelines; most areas are served by ditches and isolated culverts. Many existing ditches have filled with sediment which severely limits their utility. Rainfall sheets directly down roadways in many places causing damage to gravel streets, undermining hard surface streets, and creating conditions that will affect overall water quality in the Nehalem River/Bay;

WHEREAS, the Wheeler City Council is authorized to enact ordinances in the best interest of the community;

NOW, THEREFORE, the City of Wheeler ordains as follows:

ARTICLE 1. INTRODUCTION PROVISIONS

Section 1.010 Purpose: The purpose of this ordinance to set policies and regulations to facilitate future improvements and the orderly expansion of the City's storm water collection system; to establish Storm Water Management as a Utility and Proprietary Fund (Business-Like Activity); and in general to promote the public health, safety, convenience, and general welfare.

Section 1.020 Establish Storm Water Management as a Utility:

1. Storm Water Management is established as a separate utility and proprietary fund. Operations will be primarily financed by user charges.
2. The Storm Water Management Utility will be a function of the Public Works Department.

Section 1.030 Standards: The City of Wheeler shall require a storm water drainage management plan, and may further require a plan stamped by a appropriately qualified engineer before a structural building permit is issued.

Ordinance 2006-01, Storm Water Management cont....

Section 1.040 Rates: As all development affects the storm water system, utility fees will be charged monthly for all properties with a water connection. Fees shall be established by the City Council sufficient to meet the expense and obligations of this utility. A current copy of this rate schedule shall be kept by the City Recorder at City Hall, and shall be open to public inspection.

Section 1.050 Development Fees: Charges for City staff review, construction or inspection of a connection to the City's storm water drainage system shall be charged to the developer, based on time and materials. Additionally, overall System Development Charges (SDC's) will be evaluated and assessed as determined by the City Council action on a separate ordinance.

Section 1.060 Civil law doctrine of drainage: Property owners shall comply with the civil law doctrine of drainage. This doctrine provides for the maintenance of natural drainage across adjoining properties. There are three basic provisions;

- A landowner may not accumulate large quantities of water, then release it with the result of greatly accelerating on the flow on the lower, adjoining property.
- A landowner may not divert water onto adjoining land that would not otherwise have flowed there.
- A landowner may not change the place where water flows onto a lower, adjoining property.

Section 1.070 Severability: The provisions of this ordinance are severable. If any section, subsection, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 1.080 Storm Water Fees/Charges Collection: Charges for storm water fees that are determined to be delinquent shall be processed through collection methods/agencies prescribed by City Ordinance and Oregon Law governing municipalities.

Under the provisions of the City of Wheeler Charter, Chapter VIII, Section 32, this ordinance shall become effective on the thirtieth (30th) day after the adoption of this ordinance.

Ordinance 2006-01, Storm Water Management cont....

ADOPTED BY THE City Council this 18th day of January, 2006, by the following vote:

CITY COUNCIL WHEELER, OREGON	Aye	Nay	Absent/Abstain
<u>Juana Del Handy</u> Juana Del Handy, Councilor	X	_____	____/____
<u>Virgil L. Staben</u> Virgil L. Staben, Councilor	X	_____	____/____
<u>Paul Russo</u> Paul Russo, Councilor	X	_____	____/____
<u>James W. Neilson</u> James W. Neilson, Councilor	X	_____	____/____
<u>Curt Lorenz</u> Curt Lorenz, Councilor	X	_____	____/____

APPROVED BY:

Richard Hendricks
Richard Hendricks, Mayor

ATTEST:

Doug W. Hooper
Doug W. Hooper, City Manager

CITY OF WHEELER

RESOLUTION NO. 2006-01

A RESOLUTION TO SET STORM WATER UTILITY RATES

WHEREAS, the City of Wheeler has reviewed the Storm Water Drainage Master Plan, Financing and Implementation (Section 8), dated August 2005 and City Budget and Finance Reports of Fiscal Year 2005-2006 regarding the cost to maintain storm water management;

WHEREAS, it has been determined that the increased costs to the City to maintain and improve its Storm Water Drainage System is under-budgeted and negatively affecting the Street Fund;

WHEREAS, the City Council has considered Storm Water Management a priority and has established it as its own fund; and

WHEREAS, a utility user fee is an established method to fund current maintenance and future improvements in a Proprietary Fund (Business-Type Activities);

NOW, THEREFORE, BE IT RESOLVED, that every connection to the water system pays a storm water utility fee;

BE IT FURTHER RESOLVED, that the storm water utility fee is established as a flat rate of \$3.00 per month per water connection and will go into effect February 1, 2006.

ADOPTED by the City Council this 18th day of January, 2006, by the following vote:

CITY COUNCIL WHEELER, OREGON	Aye	Nay	Absent/Abstain
<u>Juana Del Handy</u> Juana Del Handy, Councilor	<u>X</u>	<u> </u>	<u> </u>
<u>Virgil L. Staben</u> Virgil L. Staben, Councilor	<u>X</u>	<u> </u>	<u> </u>
<u>Paul Russo</u> Paul Russo, Councilor	<u>X</u>	<u> </u>	<u> </u>
<u>James W. Neilson</u> James W. Neilson, Councilor	<u>X</u>	<u> </u>	<u> </u>
<u>Curt Lorenz</u> Curt Lorenz, Councilor	<u>X</u>	<u> </u>	<u> </u>

ATTEST: Doug W. Hooper, City Manager

Doug W. Hooper

CITY OF WHEELER

ORDINANCE NO. 2006-05

AN ORDINANCE OF THE CITY OF WHEELER,
ESTABLISHING A STORM WATER SYSTEM
DEVELOPMENT CHARGE, ESTABLISHING
METHODOLOGY FOR CHARGE, ESTABLISHING APPEALS
PROVISIONS

WHEREAS, OREGON LAW, ORS 223.297 through ORS 223.314 dictates procedure cities should follow in adoption and implementation of system development charges and

WHEREAS, City Council of the City of Wheeler has adopted, on January 19, 2006, a Storm Water Drainage Master Plan prepared by HGE, Inc.;

WHEREAS, the City Council has determined that it is important that costs of growth are equitable and rationally shared by new growth and development activities;

WHEREAS, the Wheeler City Council is authorized to enact ordinances in the best interest of the community;

NOW, THEREFORE, the City of Wheeler ordains as follows:

ARTICLE 1. INTRODUCTION PROVISIONS

Section 1.00 Overview: Wheeler does not currently have an SDC for storm water. A System Development Charge (SDC) is a one-time fee imposed by the City of Wheeler as a requisite for approval of new development. SDC's are designed to recover the cost of infrastructure capacity needed to serve new residents of the development. A form of exaction, SDC's are based on the principle that those who benefit from capital improvements should pay the costs of constructing them. SDC's allow local government to accommodate new development without increasing taxes on existing residents or decreasing public services.

The City's existing storm water infrastructure has largely filled in or are simply low areas that have eroded sufficiently to act as channels. Many culverts are filled with sediment which severely limits their utility. Some culverts have filled in to the point where it is almost impossible to locate them without prior knowledge of their existence and approximate location.

In 2004 the City of Wheeler obtained funding from through USEPA administered by the Oregon Department of Environmental Quality and a technical assistance grant from Water/Wastewater administered by Oregon Economic and Community Development Department to develop a storm water master plan. The City retained HGE, Inc. to complete the plan. In 2003, DEQ completed its total maximum daily load study for the North Coast Subbasins. Exceedence of fecal criteria in Nehalem Bay is the basis for DEQ's requirement that the City prepare this storm water drainage master plan.

Section 2.00 SDC Credit for Eligible Construction: To comply with the provisions of ORS 223.304, this methodology provides credit provisions for construction of qualified public improvements that are required as a condition of development approval, identified in the SDC Capital Improvement Plan, and is either:

- (a) Not located on or contiguous to property that is the subject of development approval; or
- (b) Located in whole or in part on or contiguous to property that is subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development

Eligible construction includes those projects listed in the Capital Improvement Plan (CIP) including collection system over sizing. Over-size is defined as any pipeline greater than 12" diameter serving development. Only the oversize component of a development originated project is eligible for SDC credit. The entire pipeline construction cost may be eligible for SDC funding if the line required to be installed in a pre-developed area or an existing line is required to be upgraded as a result of development pressures.

Section 3.00 Storm Water Capital Improvement Plan: Section 7 of the Wheeler Storm Water Drainage Master Plan discusses the recommended capital improvement plan. Project sizing is based on flows associated with the 25 year, 24 hour storm event for projected future conditions unless otherwise stated. Project prioritization is discussed in general and relative terms. Opinions of probable cost are also included.

Design, layout, quantities, and costs presented here are preliminary; projects will be refined as engineering design proceeds. In developing probable costs the Engineering New Record (ENR) Construction Cost Index is most commonly used. All costs in this plan are based on the July 2005, ENR Construction Cost Index value of 7422.

The total preliminary project cost range is \$1,095,000-\$1,509,000 depending on which alternative options are selected are listed in table below:

Table S-1:

Project Number	Construction Total	Project Total
<i>Priority: Urgent</i>		
#10 (Gervais/3 rd)	\$32,500	\$48,900
<i>Priority: Urgent/High</i>		
Hemlock Street (1)	\$39,900	\$53,800
<i>Priority: High</i>		
#8 (Rowe)	\$22,900	\$30,900
#13 (Alder)	\$33,400	\$45,100
#19 (Basin N5)	\$1,500	\$1,500
#24 (Hemlock)	\$6,200	\$8,400
<i>Priority: TBD by Council</i>		
#12, Alt. 2 (Gervais Cr.)	\$327,400	\$452,000
#12, Alt. 1 (Gervais Cr.)	\$546,000	\$747,000

<i>Priority: Medium</i>		
#3 (Pennsylvania)	\$61,400	\$82,900
#7 (3 rd , near Hall)	\$2,100	\$2,800
#14 (Gregory/2 nd)	\$50,900	\$68,700
#15 (Gregory/1 st)	\$41,000	\$55,400
#17 (Rector)	\$13,300	\$18,000
#23 (4 th)	\$70,400	\$95,000
<i>Priority: Low</i>		
#1 (Dichter)	\$18,500	\$29,000
#2 (Dichter/Penn.)	\$3,500	\$8,700
#4 (Dubois)	\$9,900	\$13,400
#5 (Dubois/2 nd)	\$6,500	\$8,700
#6 (4 th near Vosburg)	\$2,500	\$7,400
#11 (Hwy 101/Hall)	\$21,900	\$32,700
#16 (Rector/1 st)	\$7,100	\$9,600
#18 (Pine/2 nd)	\$3,900	\$5,300
#20 (Spruce)	\$14,700	\$19,900
#21 (Hwy 101/Spruce)	\$48,000	\$66,800
#22 (4 th)	\$53,700	\$72,500
Total (Excluding Project #12)	\$ 549,300	\$ 762,000
TOTAL (w#12 alt.2)	\$876,700	\$1,214,000
TOTAL (w#12 alt.1)	\$1,095,300	\$1,509,000

Section 4.00 SDC Improvement Fee Calculation: ORS 223.307(2) states that SDC's may only be spent on "capacity increasing" capital improvements. The City Council has determined that the Capital Improvement Plan (CIP) described in Table S-1; Section 3.00, qualifies as "capacity increasing" projects. An improvement charge is a fee associated with capital improvements to be constructed. To assure consistency the system development charge is determined on a fixed fee per new water connection and is compatible with a flat rate methodology as described in Section 8.3.2, Wheeler Storm Water Drainage Master Plan.

Housing units have increased at rate exceeding that of population. Between 1990 and 2000, the number of housing units grew at 2.53% AAGR (Section 3.2.3, SWD Master Plan) Assuming a growth rate of 2.5% AAGR for all water connections in the city yields 628 in year 2045 (234 current connections, 2.5% AAGR, 40 year growth). The assumption is that there is a 40-year design life for culverts. Total Capital Improvement Project (CIP) costs (Ord. Section 3.00) range from \$762,000-\$1,509,000 depending on whether Gervais Creek is relocated and which alternative is developed. Dividing the total CIP costs by 628 projected water connections yields and estimated System Development Charge (SDC) of \$1,213 to \$2,403.

The assumption is that the City will seek outside funding for Project #12, therefore the Wheeler Storm Water System Development Charge (SDC) is established as \$1,213 and is to be listed in the City of Wheeler Schedule of Fees.

Section 5.00 SDC Reimbursement Fee: A reimbursable fee is a charge for unused capacity in existing capital improvements. The City's existing storm water infrastructure is in relatively poor-fair condition and generally does not meet capacity requirements for a 25-year storm event. The City may choose to adopt this type of charge when there is an identifiable capacity in capital improvements.

Section 6.00 Storm Water Fees/Charges Collection: SDC fees shall be paid to the City of Wheeler at the time a building permit application is submitted. Charges for storm water fees that are determined to be delinquent shall be processed through collection methods/agencies prescribed by City Ordinance and Oregon Law governing municipalities.

Section 7.00 Appeal Procedures for Expenditures of System Development Charge Revenues: Formal appeals must be filed with Wheeler City Hall. The appeal must be in writing and signed by the appellant. Records of SDC expenditures must be available for public inspection. City staff will schedule the appeal for the next regular City Council meeting. The City Council has up to sixty (60) days to formally act on the appeal.

Section 8.00 Legal Challenge to System Development Charge (SDC) Methodology: A legal challenge to the SDC methodology must be filed with Wheeler City Hall. The challenge must be in writing and signed by the challenging party. The methodology must be available for public inspection. City staff will schedule the formal challenge for the next regular City Council meeting. The City Council has up to sixty (60) days to formally act on the challenge.

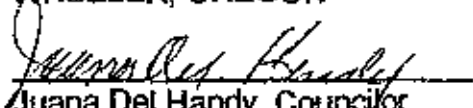
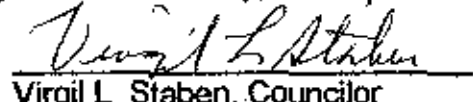
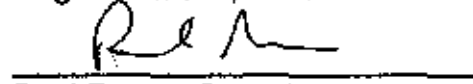


Section 9.00 Prohibited Connections- The City of Wheeler does not allow any connection to the City's storm water collection system without a formal application filed with City Hall and reviewed by the Wheeler Public Works Department.

Section 10.00 Construction- Storm water collection system designs and development standards are described in Section 7.6, Wheeler Storm Water Drainage Master Plan.

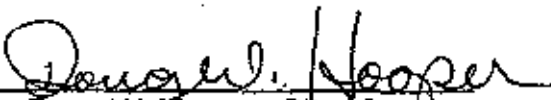
Section 11.00 Severability: The provisions of this ordinance are severable. If any section, subsection, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Under the provisions of the City of Wheeler Charter, Chapter VIII, Section 32, this ordinance shall become effective on the thirtieth (30th) day after the adoption of this ordinance.

ADOPTED BY THE City Council this 20th day of June, 2006, by the following vote:

CITY COUNCIL WHEELER, OREGON	Aye	Nay	Absent/Abstain
 Juana Del Handy, Councilor	X		1
 Virgil L. Staben, Councilor	X		1
 Paul Russo, Councilor	X		1
 James W. Neilson, Councilor	X		1
 Curt Lorenz, Councilor	X		1

APPROVED BY: 
Richard Hendricks, Mayor

ATTEST: 
Doug W. Hooper, City Manager

CITY OF WHEELER

ORDINANCE NO. 2007-06

AN ORDINANCE OF THE CITY OF WHEELER,
ESTABLISHING AN INFRASTRUCTURE REVIEW DEPOSIT
FEE, ESTABLISHING METHODOLOGY FOR CHARGE, AND
ESTABLISHING SEVERABILITY

WHEREAS, Wheeler Ordinance No. 92-4, and Wheeler Resolution 2007-14 indicates that the city may contract with professional services whose costs will be paid by the applicant if the fees assigned to development do not cover said professional services; and

WHEREAS, the City Council has determined that it is important that costs of growth are equitable and rationally shared by new growth and development activities;

WHEREAS, the Wheeler City Council is authorized to enact ordinances in the best interest of the community;

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1. Purpose- An Infrastructure Fee is established to act as a deposit towards the costs of the City Engineer to review infrastructure improvements proposed in the process of developing any property within the City of Wheeler City Limits and the City of Wheeler Urban Growth Boundaries;

Section 2. Definition- *Infrastructure*:

Infrastructure for the purpose of implementation of this ordinance refers to the following:

Section 2.1 City's Water System including but not limited to water storage, treatment, distribution(both public and private) and fire protection system (both public and private);

Section 2.2 City's Transportation System including but not limited to street improvements, curbs, sidewalks, bike/pedestrian paths for both public and private transportation modes;

Section 2.3 City's Stormwater System including but not limited to distribution, treatment, and detention for both public and private drainage;

Section 2.4 Other City required improvements necessary for a functioning project; i.e. parking lots, pedestrian paths and foot bridges, special pavers and/or stamped concrete, special lighting, structural fills, and/or pilings, etc.

Section 3. The methodology of establishing the fee is to assess seven (7) percent (%) of the City's estimated costs to install the proposed infrastructure at the time of any development application.


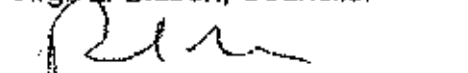


Section 4. After review of the infrastructure plans, the City Engineer may determine that additional charges that exceed the 7% deposit fee shall be billed to the developer and shall be due and payable within thirty (30) days of the invoice date.

Section 5. If it is determined that the City Engineer's estimate is less than what was originally determined at application time, a reimbursement will be submitted to the developer at the time of final approval of the installed infrastructure.

Severability: The provisions of this ordinance are severable. If any section, subsection, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Under the provisions of the City of Wheeler Charter, Chapter VIII, Section 32, this ordinance shall become effective on the thirtieth (30th) day after the adoption of this ordinance.

ADOPTED BY THE City Council this 16th day of October, 2007, by the following vote:

CITY COUNCIL WHEELER, OREGON	Aye	Nay	Absent/Abstain
_____	_____	_____	<u>1</u>
VACANT, Councilor	_____	_____	_____
 _____	X	_____	<u>1</u>
Virgil L. Staben, Councilor	_____	_____	_____
 _____	X	_____	<u>1</u>
Paul Russo, Councilor	_____	_____	_____
 _____	X	_____	<u>1</u>
Gloria Schiewe, Councilor	_____	_____	_____
 _____	X	_____	<u>1</u>
Curt Lorenz, Councilor	_____	_____	_____

APPROVED BY: 
Richard Hendricks, Mayor

ATTEST: 
Doug W. Hooper, City Manager