

ORDINANCE NO. 2012-06

AN ORDINANCE ADOPTING THE WHEELER VISION PLAN 2011
AS PART OF THE WHEELER COMPREHENSIVE PLAN BACKGROUND REPORT

WHEREAS, the City Council of the City of Wheeler, Oregon set forth to create a Vision Plan to reflect the concerns of the citizens of the City, Wheeler, Oregon; and

WHEREAS, the City Council of the City of Wheeler, Oregon reflected its intention by resolution for the Wheeler Vision Plan 2011 to be a mandatory guiding document; and

WHEREAS, the City Council of the City of Wheeler, Oregon determined that where the Wheeler Vision Plan 2011 is adopted as part of the City of Wheeler Comprehensive Plan Background Report, all applications that require a finding of consistency with the Comprehensive Plan will require a finding of consistency with the Wheeler Vision Plan 2011; and

WHEREAS, the City Council of the City of Wheeler adopted the Wheeler Vision Plan 2011 through the Post Acknowledgement Plan Amendment Process as required by Oregon Revised Statutes and Oregon Administrative Rules;

NOW THEREFORE, The City of Wheeler ordains as follows:

Section 1. Wheeler Vision Plan 2011:

The City of Wheeler, Oregon Vision Plan 2011 shall be incorporated by reference into the City of Wheeler Comprehensive Plan Background Report and added by title to the Table of Contents.

Section 2. Mandatory Guiding Document:

All applications that require a finding of consistency with the Wheeler Comprehensive Plan shall include a finding of consistency with the section of the City of Wheeler, Oregon Vision Plan 2011 entitled "Wheeler Priorities and Recommendations for Action".

Section 3. Conflicts:

If the City of Wheeler, Oregon Zoning Ordinance is found to substantively conflict with the City of Wheeler, Oregon Vision Plan 2011 the City shall set forth immediately to amend the Wheeler Zoning Ordinance to remedy conflicts consistent with the section of the Wheeler Vision Plan 2011 entitled "Wheeler Priorities and Recommendations for Action".

Section 4. Interpretation:

The City of Wheeler, Oregon Vision Plan 2011 was written by the citizens of the City of Wheeler, Oregon and to ensure that accurate interpretation is made where provisions are considered open to said interpretation the City Council of Wheeler, Oregon adopts the City of Wheeler, Oregon Vision Plan 2011 with findings of fact that define interpretation of the section of the Wheeler Vision Plan 2011 entitled "Wheeler Priorities and Recommendations for Action." These findings of fact and interpretations are contained within 'Exhibit A,' which is attached to this ordinance.

Section 5. Severability:

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

Section 6. Effective Date:

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

Adopted by the Wheeler City Council this 18th day of December, 2012 by the following vote:

CITY COUNCIL WHEELER, OREGON	AYE	NAY	ABSENT / ABSTAIN
<u>Loren Remy</u> Loren Remy, President	X	—	— / —
<u>Karen Matthews</u> Karen Matthews, City Councilor	X	—	— / —
<u>Dave Bell</u> Dave Bell, City Councilor	X	—	— / —
Vacant	—	—	— / —
Vacant	—	—	— / —

ATTEST:

Stevie Burden
Stevie Burden, Mayor 12/18/12
Date Signed

Jeffrey P. Aprati
Jeffrey P. Aprati, City Manager / City Recorder _____
Date Signed

EXHIBIT A

FINDINGS OF FACT:

Findings of Fact: Wheeler Comprehensive Plan Goals, Policies, and Background Report

Subject to the interpretations adopted to support the implementation of the City of Wheeler, Oregon Vision Plan 2011, no inconsistency with the Wheeler Comprehensive Plan Goals, Policies and Background Report has been identified that would prevent the adoption of the City of Wheeler, Oregon Vision Plan 2011 as a mandatory guiding document for decisions that require a finding of consistency with the City of Wheeler, Oregon Comprehensive Plan.

Findings of Fact: Wheeler Zoning Ordinance

Subject to the interpretations adopted to support the implementation of the City of Wheeler, Oregon Vision Plan 2011, no inconsistency with the Wheeler Zoning Ordinance has been identified that would prevent the adoption of the City of Wheeler, Oregon Vision Plan 2011 as a mandatory guiding document for decisions that require a finding of consistency with the City of Wheeler, Oregon Comprehensive Plan.

Findings of Fact: Wheeler Subdivision Ordinance

Subject to the interpretations adopted to support the implementation of the City of Wheeler, Oregon Vision Plan 2011, no inconsistency with the Wheeler Subdivision Ordinance has been identified that would prevent the adoption of the City of Wheeler, Oregon Vision Plan 2011 as a mandatory guiding document for decisions that require a finding of consistency with the City of Wheeler, Oregon Comprehensive Plan.

Findings of Fact: Wheeler General Ordinances

Subject to the interpretations adopted to support the implementation of the City of Wheeler, Oregon Vision Plan 2011, no inconsistency with the Wheeler General Ordinances has been identified that would prevent the adoption of the City of Wheeler, Oregon Vision Plan 2011 as a mandatory guiding document for decisions that require a finding of consistency with the City of Wheeler, Oregon Comprehensive Plan.

Findings of Fact: Oregon Revised Statutes, Oregon Administrative Rules, Code of Federal Rules

Written comments have been received from the Oregon Department of Land Conservation and Development (DLCD) recommending that the proposed application is consistent with the Oregon Revised Statutes, Oregon Administrative Rules and the Code of Federal Rules as they apply to the implementation of the Oregon Statewide Planning Goals applicable to the application and said comments are hereby incorporated into the record.

INTERPRETATIONS:

1. The Wheeler Vision Plan 2011 policy that directs the City to "Protect existing views for all of the community" is enforced through the application of applicable ordinances, policies and processes.
2. Wheeler Vision Plan 2011 and Wheeler Comprehensive Plan policies are applicable in addition to applicable local, state, and federal laws, rules, and ordinances.
 - a. The Wheeler Vision Plan 2011 does not prevent an applicant from developing property consistent with the standards for development adopted for the applicable land use zone.
3. The 5,000 square foot minimum lot size requirement does not prevent the approval of an application that meets the criteria of Wheeler Zoning Ordinance Section 12.050 "General Exception to Minimum Lot Size".
4. The description that a 5,000 square foot lot size is 50' x 100' is considered one method for achieving a 5,000 square foot minimum lot size. This option does not extinguish the applicability of the minimum allowable lot dimension standards adopted for the subject land use zone, which in the R-1 and R-2 zones currently only requires a minimum width of 40 feet or a minimum depth of 85 feet, unless an amendment is adopted through additional legislative process.
5. The term "10 units" is interpreted as the final plat approval and recordation for a subdivision or Planned Unit Development or final occupancy approval depending on the type of application approval.
6. The phrase "do not increase the moorage capacity" does not extinguish the rights of a property owner to build at the capacity which is currently allowed unless a post acknowledgement plan amendment public hearing process is held that results in the reduction of existing moorage capacity.

In addition:

At the next reasonable opportunity in which the City Council commences a post acknowledgement plan amendment process to review proposed amendments to the Wheeler Zoning Ordinance and Wheeler Comprehensive Plan, the City Council will hold a public hearing process to review the following proposed amendments in order to assist with the application of the Wheeler Vision Plan 2011:

1. The Wheeler Vision Plan 2011 identifies as a Priority and Recommendation for Action the need to "Limit Large Scale Development." The City will consider the adoption of amendments, through the post acknowledgement plan amendment public hearing process, that would require large scale developments over 10 units to be subject to clear and objective design standards.
 - a. The City will consider the adoption of an amendment that would define Large Scale Development as any development that exceeds 10 units.

- b. The City will consider the adoption of an amendment that would require Large Scale Developments to be subject to clear and objective design standards.
- 2. The City will consider the adoption of an amendment that will apply a 5,000 square foot minimum lot size to zones which do not currently have a minimum lot size restriction.
- 3. The City will consider the adoption of an amendment that will require a minimum lot size of 5,000 square feet to apply to residential development within any zone.

As a housekeeping item:

The City will update the list of pertinent documents in the Wheeler Comprehensive Plan Goals and Policies Document to include the Wheeler Comprehensive Plan Background Report Table of Contents so the public may be more readily aware of the applicable background data that serves as mandatory guidance for applications that require a finding of consistency with the Wheeler Comprehensive Plan.