

# CITY OF WHEELER, OREGON

Incorporated 1913

ACKNOWLEDGED

## COMPREHENSIVE PLAN

### Statement of Goals and Policies

Adopted December 1979 with Amendments through June 20, 2017

National Flood Insurance Program Flood Insurance Rate Maps  
Effective Date September 28, 2018

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THE OREGON STATEWIDE PLANNING PROCESS

Land Use Planning is the process of anticipating the needs of growth based on the permitted density of development. Oregon law requires each city and county to have a comprehensive plan and zoning and land division ordinances needed to put that plan into effect. Local comprehensive plans are required to be consistent with the statewide planning goals. Plans are reviewed for consistency by the State Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government comprehensive plan, the plan is said to be acknowledged. The Comprehensive Plan then becomes the controlling document for land use in the area covered by that plan.

Oregon's planning laws implemented by local governments, special districts, and state agencies strongly emphasize coordination - keeping plans and programs consistent with each other, with the goals, and with acknowledged local plans. Oregon's planning program is a partnership between state and local governments. The State requires cities and counties to plan, and it sets the standards for such planning. Local governments do the planning and administer the land use regulations. The resulting mosaic of state approved local comprehensive plans cover the entire state.

A comprehensive plan is intended to guide safe and orderly growth, in that all actions such as zoning, subdivisions, water extensions, and annexations must be in conformance with the plan. The comprehensive plan guides a community's land use, conservation of natural resources, economic development, and public facilities. A comprehensive plan may be changed through the Post Acknowledgement Plan Amendment process.

A comprehensive plan is required to include an identification of issues and problems, inventories, and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices taking into consideration social, economic, energy, and environmental needs. The required information is contained in the comprehensive plan document or in supporting documents.

Each plan is accompanied by implementing ordinances. These ordinances are required to be consistent with and adequate to carry out a comprehensive plan. A comprehensive plan, supporting documents, and implementation documents are required to be filed in a public office or other place easily accessible to the public.

A comprehensive plan and implementation ordinances are required to be adopted by the government body after a public hearing. These documents are required to be reviewed and revised as needed or through the process of periodic review, to take into account changing public policies and circumstances, and consistent with a schedule for review set forth in the comprehensive plan statement of goals and policies.

Opportunities for review and comment by citizens and affected governmental units are required to be provided during preparation, review, and revision of a comprehensive plan and implementation ordinances.

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INTRODUCTION TO THE CITY OF WHEELER, OREGON COMPREHENSIVE PLAN

The area covered by the Wheeler Comprehensive Plan is approximately 575 acres and includes:

- a. the Wheeler city limits;
- b. land within the Wheeler Urban Growth Boundary outside the Wheeler city limits and
- c. the area in unincorporated Tillamook County between Wheeler and adjacent communities not more than six miles from the Urban Growth Boundary where the City and Tillamook County have agreed to cooperate in management of land use decisions.

The Wheeler Comprehensive Plan consists of two parts:

1. The Statement of Goals and Polices establish the long range objectives and the methods by which the City intends to achieve them. They are adopted by ordinance and have the force of law. The City is legally obligated to ensure decisions and actions are consistent with the Comprehensive Plan Goals and Policies.
2. The Background Report consists of inventories, reports, and factual data that describe the resources and features of Wheeler. These documents address the requirements of the Oregon Statewide Planning Goals and provide the factual basis for the Comprehensive Plan Statement of Goals and Policies.

CITY OF WHEELER DOCUMENTS

STATEWIDE GOALS ADDRESSED

\* Indicates this document is pages within the Wheeler Comprehensive Plan Background Report

Wheeler Comprehensive Plan Background Report	All
Wheeler Vision Plans: 2000 and 2011	All
Wheeler Goal 3 Inventory*	1, 2, 3
Wheeler Goal 4 Inventory*	1, 2, 4
Wheeler Goal 5 Inventory*	1, 2, 5
Wheeler Goal 6 Inventory*	1, 2, 6
Wheeler Hazard Mitigation Plan*	1, 2, 7
Wheeler Park Master Plan*	1, 2, 5, 8
Wheeler Economic Needs Analysis*	1, 2, 9
Wheeler Buildable Lands Inventory*	1, 2, 10
Wheeler Population Projections*	1, 2, 6, 7, 8, 9, 10, 11, 12, 14
Wheeler Water Master Plan	1, 2, 11
Wheeler Transportation Plan	1, 2, 12
Wheeler / County Urban Growth Management Agreement	1, 2, 14
Wheeler Goal 16 Inventory*	1, 2, 16
Wheeler Goal 17 Inventory*	1, 2, 17
Wheeler Comprehensive Plan Statement of Goals and Policies	All
Wheeler Zoning Ordinance	All
Wheeler General Ordinances	All

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UPDATING THE COMPREHENSIVE PLAN TO IMPLEMENT THE WHEELER VISION PLAN 2011

In 2011, the City of Wheeler adopted the Wheeler Vision Plan 2011 (hereinafter the Vision) as part of the Comprehensive Plan Background Report. Following the plan adoption, the Wheeler City Council appointed a Citizen Advisory Committee (hereinafter the Committee) to update the Wheeler Comprehensive Plan Statement of Goals and Policies to implement the Wheeler Vision Plan. City Planner Sabrina Pearson, as a member of the Committee, prepared and presented the draft the Comprehensive Plan.

The Committee began their work in October 2013 and held a series of meetings open to the public through May 2016. Members of the public occasionally attended meetings and offered background information for Committee consideration. Department of Land Conservation and Development North Coast Regional representative Patrick Wingard attended many meetings and offered advice to the Committee. In September and October 2015, Mayor Stevie Burden hosted two town hall meetings to gather input regarding specific goal and policy issues and provided the information to the Committee for use in their review.

The Committee reorganized the existing Comprehensive Plan Statement of Goals and Policies into the same order as the Oregon Statewide Planning Goals with which the City Comprehensive Plan is required to be consistent. This makes it easier for citizens, governing officials, and the public to compare the City goals and policies with the Oregon Statewide Planning Goals. The Committee compared each goal and associated policies with the applicable Oregon Statewide Planning Goal, applicable ordinances and laws, and the Wheeler Vision Plan and agreed to a consensus draft.

The Committee completed a draft legislative consensus document and a draft ordinance format consensus document and forwarded their recommendation to the City Council on May 3, 2016. The Planning Commission reviewed the draft document prepared by the Citizen Advisory Committee at public meetings held in June, July, August, and September 2016, and sent the document to the City Council for review. The Planning Commission and again in December 2016, January 2017, and February 2017. The City Council reviewed the draft document prepared by the Citizen Advisory Committee and edited by the Planning Commission. The City Council and Planning Commission set the public hearings required as part of the Post Acknowledgement Plan Amendment adoption process. The City provided the required public hearing notice to DLCD not less than 35 days prior to the first public hearing and to the public 20-40 days prior to the first public hearing. The Planning Commission held the first evidentiary public hearing on April 6, 2017 to determine a recommendation for findings of fact regarding adoption of the proposed amendment. The City Council held their first evidentiary public hearing to make a decision regarding adoption of the amendment proposed document on April 18, 2017. The City Council directed the City Staff to prepare the Ordinance of Adoption. The City Council held the first reading of the Ordinance of Adoption on May 15, 2017 and the second reading of the Ordinance of Adoption on June 20, 2018. The City mailed notice of the adoption to DLCD on July 11, 2017. DLCD sent a letter to the City confirming that as no appeal was received, the Comprehensive Plan adopted by the City is Acknowledged.

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GOAL I: CITIZEN INVOLVEMENT

INTRODUCTION

If Wheeler is to move forward with the adoption of the priorities outlined in the Vision, it is imperative that citizen involvement and transparency are an integral part planning or policy decision. Part of being a small town and keeping that atmosphere requires Wheeler to understand and act on the input of its citizens as a whole. Therefore, Wheeler has a history of, and will continue its commitment to, using citizen-based groups and committees to make recommendations to the City Council on issues of importance to the community as a whole. This process begins with the appointment of the Planning Commission as the primary and regular citizen's input committee on land use. Wheeler has not stopped there and has often appointed ad hoc committees of citizens to give both the Planning Commission and City Council feedback and recommendations on issues of importance to the community at large.

GOAL:

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

POLICIES:

1. All Wheeler area residents shall have an opportunity to be involved in the City's planning process.
2. Members of the Planning Commission shall represent a cross-section of the community and shall be chosen in a fair and well publicized manner.
3. Meetings shall be well publicized, and all planning decisions shall allow opportunities for citizen input.
4. The City Council and Planning Commission shall respond to citizen concerns and comments through direct response at meetings, by letter, through meeting minutes, and/or other means as appropriate.
5. Financial support for citizen participation shall be made available through the City budget.
6. The Wheeler Planning Commission is the citizen involvement body for the community.
7. The City Council may appoint additional committees to facilitate Citizen Involvement.

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8. For work within the Wheeler jurisdiction, the Wheeler Planning Commission or another committee appointed by the City Council shall be used by the Oregon Department of Transportation as its citizen involvement committee.
  
9. A visioning process is an important part of citizen involvement. A committee of citizens shall be appointed by the City Council to assist with development of the community vision plan every seven to ten years.



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GOAL 2: LAND USE PLANNING

INTRODUCTION:

If the City is going to enact the priorities outlined in the Vision, then its Comprehensive Land Use Plan must do more than just meet the state and federal requirements. It must meet the needs of the community as well. A plan that does not take into account the community's vision and values will not be effectively recognizing the citizen's input. The policies adopted with any land use plan or decision need first to be vetted to ensure that it reflects the recommendations laid out in the Vision.

GOAL: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

POLICIES:

1. In conjunction with affected regional, state, and federal agencies, the City agrees to assume cooperative responsibility for land use planning
2. Changes in the comprehensive plan and implementing ordinances shall be adopted only after well-advertised public hearings have been held by the Planning Commission and City Council.
  - a. The City shall review the comprehensive plan every seven to ten years to ensure that it continues to reflect the community's needs vision.
  - b. An applicant may submit an application for comprehensive plan amendment to the City. The application shall identify the reason for the request and provide findings of fact that identify how the request is or will be consistent with the comprehensive plan and any other applicable criteria.
  - c. At least 30 days-notice of the public hearing on any proposed language change shall be provided to citizens in the area and to affected districts and agencies.
3. The City shall cooperate with the school district to ensure that growth of the City does not outstrip the district's ability to provide facilities. Subdivisions or other major developments that could generate large enrollment increases shall be permitted only after consideration of their impact on schools.

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GOAL 3: AGRICULTURAL LANDS

INTRODUCTION:

Wheeler does not include agricultural lands but has, both in history and vision, supported the community's need to provide food for itself and its members who are less fortunate. As a result of the Vision a community garden has been developed at a low cost to participants and policies have been enacted that allow citizens to provide for their own sustenance. Supporting local and sustainable agriculture in our region is strongly supported by the community and will continue to be a priority into the foreseeable future.

GOAL: To preserve and maintain agricultural lands.

POLICIES:

1. While Oregon Statewide Planning Goal 3 Agricultural Lands does not apply within the Urban Growth Boundary and Wheeler does not have agricultural zoned lands within its boundaries, the City supports and encourages City and countywide efforts to:
  - a. Support community and county goals to sustain agriculture in all its forms as a viable and thriving industry in Tillamook County;
  - b. Work with diverse partners to sustain agricultural lands;
  - c. Through policy create incentives, conditional uses, and other strategies to allow commercial food production within the City and UGB;
  - d. Continue to support policies and ordinances that allow residents opportunities to keep poultry and grow food producing plants such as:
    - i. Reductions in fees and licenses; and
    - ii. Allow residents reasonable watering provisions for food producing gardens during drought.
  - e. Increase local and countywide private and community gardens and food production opportunities;
  - f. Decrease food insecurity in the city and county through the increase of local sustainable food production;

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- g. Continue to increase support of community food banks:
  - i. Increase the amount of locally produced food donations and consumption; and Increase support of efforts to utilize local natural food sources and decrease food waste.
  
- h. Support implementation of a farm to school food programs:
  - i. Support distribution systems to supply fresh locally produced foods to students and staff in area schools; and
  - ii. Promote sustainable farming through support of educational programs to teach gardening, farming and other skills to local youth.
  
- i. Work with other government and community organizations to sustain, preserve, and support local agriculture in all of its forms including family farms, dairy, meat, poultry and other food producing enterprises.

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GOAL 4: FOREST LANDS

INTRODUCTION:

During the review and updating of the Comprehensive Plan, the Citizen Advisory Committee conducted surveys to determine how residents of Wheeler felt about certain aspects of the Forest Practices Act. Overwhelmingly the community did not believe that the current Forest Practices Act adequately protected them, or their health and welfare. As a result Wheeler citizens ask that, as a community, we develop higher standards when it comes to the management and use of forestlands. This includes the recognition that current practices including the use of herbicides, including aerial application, harvesting near watersheds, and the recognition that the fish and wildlife impacted by the practices of the timber industry directly impact the health and economic viability of communities like Wheeler.

GOAL:

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources, and to provide for recreational opportunities and agriculture.

POLICIES:

1. While Oregon Statewide Planning Goal 4 Forest Lands does not apply within acknowledged Urban Growth Boundaries, the City shall encourage the State Department of Forestry to strictly enforce the Forest Practices Act including practices pertaining to cutting, road building, and the use of herbicides in the Wheeler area, particularly within the community's watershed areas.
2. While there is no commercial timber land within the urban growth boundary of Wheeler, the vast majority of land that surrounds the City is privately owned land zoned for forest lands use that is located within the Wheeler watershed. The City is concerned about logging activities that can cause adverse impacts to air, water, and land quality including slash burning, herbicides spraying, and clear cutting that overloads the capacity of the City stormwater system.

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GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

INTRODUCTION:

Protecting the natural beauty of Wheeler is the number one priority identified in the Vision. Community input has consistently supported putting the natural landscape, environment, small town atmosphere, and livability at the top of the priorities for Wheeler. As a result, the City seeks to increase ecologically friendly tourism and low impact recreational activities. Protection of the historic elements, recognizing indigenous cultural importance, preserving open space, improving parks and trails, and conservation of natural habitats is a cultural norm and valued in the community. Any land use policies or decisions need to reflect that value.

GOAL: To protect natural resources and conserve scenic and historic areas and open spaces.

POLICIES:

1. The City recognizes the need to conserve open space and to protect natural and scenic resources to maintain ample spaces for outdoor recreation and preserve the natural environment; to provide park, facilities, and open space suitable for each segment of the population; to provide for the broadest range of suitable recreation opportunities; and to enhance community identity.
2. The City shall ensure that development shall make equitable contribution toward assuring that the appropriate amount of open space and recreation space needed within each residential neighborhood to enhance community identity is dedicated.
3. Riparian vegetation within identified riparian zones shall be protected and retained. A fifteen-foot riparian zone measured from the ordinary high-water line is established on each bank of Zimmerman, Gervais, and Vosberg Creeks. A twenty-five-foot riparian zone (measured from the mean higher high-water line or line of non-aquatic vegetation, whichever is most landward, is established adjacent to Nehalem Bay.
4. Proposals involving discharge into natural drainages shall make special precautions including larger stream setbacks, larger lot sizes, reduced lot coverage, holding ponds, or other methods as approved by the City.
5. The City shall participate in and encourage the activities of the Lower Nehalem Watershed Council.

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6. The City conducted a resource inventory to ensure open space, protect scenic and historic areas, and natural resources for future generations, and promote healthy and visually attractive environments in harmony with the natural landscape character. These areas are:
  - a. Botts Marsh, at the north end of Wheeler, west of US Highway 101.
  - b. Zimmerman Marsh, at the north end of Wheeler, east of US Highway 101.
  - c. The lowland flood areas identified in Wheeler by the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM).
  - d. The wooded area between US Highway 101 and the Nehalem River from Paradise Cove 400 east.
  - e. Steep banks along the Gamble Street to Hospital Road frontage
7. Administration of inventoried resources shall be implemented through development ordinances. During application review, the economic, social, environmental, and energy consequences on the resource shall be considered as part of the decision process.
8. Where appropriate, resources shall be preserved to prevent erosion and sedimentation and provide support for anadromous fish habitat, to provide upland bird habitat, to protect steep slopes, to mitigate geologic or flooding hazards, to buffer conflicting land uses, or to provide areas for passive or active forms of recreation.
9. Where resources inventoried are also subject to inventory and possible protection under Goal 16 Estuarine Resources, and Goal 17 Coastal Shorelands, Goal 16 and Goal 17 shall be applied.

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GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

INTRODUCTION:

Wheeler has long struggled with the impact of a diminishing quality of air, water, and land resources; issues often created by entities and events outside of the community. The carrying capacity of the lands within our watershed have been strained by weather and impacted by industry and development. The citizens of Wheeler are subjected to aerial herbicides that private timber companies use without respect or accommodations for the health and welfare of the community.

Lack of resources, protective regulations, and dredging has resulted in a continuous decline in the quality of the shoreline and has dramatically impacted the economy of Wheeler as well as the natural beauty. Situated at the lower end of the Nehalem River, Wheeler has been repeatedly inundated with sediment and silt not just from natural erosion, but also from the actions of private industry and their lack of concern for the impact of their practices on the community or its economy.

The local economy has suffered as the shoreline adjacent to water-related businesses has filled with so much sediment that often docks and marinas are left sitting in the mud during low tides. These types of negative consequences need to be recognized and addressed both in the internal decision making for land use in Wheeler, and the external interaction the City has with state, county, and federal agencies.

GOAL: To maintain and improve the quality of the air, water and land resources of the state.

POLICIES:

1. The City will cooperate in implementing state air and water quality standards. Of particular concern is the control of pollution from urban development and forest management practices.
2. The City will control storm runoff, sedimentation and erosion resulting from development through its adoption and implementation of appropriate ordinances, subdivision ordinances, comprehensive plan policies for urban growth and public facilities, and zoning ordinance standards.
3. The City will cooperate with the Department of Environmental Quality to prevent noise pollution problems in the area.
4. The City's actions shall be consistent with state and federal hazardous waste regulations.

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5. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land, and water resources of the planning area.
  
6. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, and aesthetics.



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GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

INTRODUCTION:

Wheeler lies in a difficult zone for natural geological hazards due to our topography and climate. The City is vulnerable to the results of climate changes as they relate to rising sea levels and increased weather-related events. As a result, the City has worked diligently to reduce the risk to the citizens and properties within our limits by creating an approach to land use planning that reflects the need to have development that is accountable to sound geo-technical planning and design.

Wheeler is fortunate to be part of the Emergency Volunteer Corps of Nehalem Bay. The work of this group has resulted in an increased level of preparedness for natural hazards. The City also has a strong relationship with Tillamook County and has adopted a FEMA compliant Hazard Mitigation Plan to help address the consequences of hazard vulnerability. The City maintains a Stormwater Master Plan to help minimize impact from natural hazards.

GOAL: To reduce risk to people and property from natural hazards

POLICIES:

1. For the purpose of identifying and mitigating geologic hazards the City shall require geologic site investigation reports prepared by appropriately qualified professionals that evaluate the risk to the site as well as the risk the proposed development may pose to other properties.
2. Site-specific geologic investigations may be required when appropriate to assure safe development:
  - a. For all proposals for divisions of land; and
  - b. When required by the building official; and
  - c. When required by the City to assure public safety and welfare; and
  - d. For grading, excavation, and/or the placement of fill in the development of streets and public rights-of-way; and
  - e. For the construction of utilities; and
  - f. Where ground disturbing activities are proposed; and
  - g. As required in the current Wheeler Zoning Ordinance.
3. When a geologic site investigation report is required, the report shall be prepared at the subject property owner's expense by an appropriately qualified professional engineer and certified engineering geologist licensed to work in the State of Oregon.

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4. The geologic site investigation shall be prepared consistent with local, state, and federal criteria including the standards identified in the Wheeler Zoning Ordinance.
5. The geologic site investigation report shall be provided prior to permit approvals and prior to project commencement and shall be required as a condition of approval for public hearings where a geologic site investigation report will be required for the project.
6. The geologic site investigation report shall provide stormwater drainage management recommendations consistent with the current Wheeler Storm Water Drainage Master Plan.
7. The density of development allowed by the City within a zone shall be supported by the recommendations of the geologic site investigation report.
8. The City encourages site design which utilizes the natural topography and vegetation including but not limited to the following techniques:
  - a. Flexible development approaches such as planned developments; and
  - b. Efforts shall be made to maintain streams in their natural state; and
  - c. Access roads and driveways should follow natural slopes and contours and need not be constructed in block patterns; and
  - d. In cases of undeveloped platted lands, the City supports property line adjustments, replatting of existing lot lines, and/or public right-of-way consistent with natural features.
9. Within the Wheeler Special Flood Hazard Area designated by the National Flood Insurance Program Flood Insurance Rate Maps:
  - a. The City shall ensure that all development is be documented by the property owner as consistent with the requirements of the National Flood Insurance Program (NFIP); and
  - b. The property owner shall submit with any development application evidence that the proposed development will not increase flood hazards on adjacent property.
10. The City identifies and plans for its natural hazards as wind storms, winter storms, coastal and riverine floods, landslides, earthquakes and earthquake related hazards, tsunami, erosion, and wildfires. The City may identify and plan for additional hazards.
11. The City seeks to plan for resilience, response, and recovery in regard to hazards including and not limited to the anticipated and historically cyclical Tsunami Hazard initiated by a Cascadia Subduction Zone earthquake.
12. The City shall seek to adopt maps, plans, inventories, policies, and implementing measures that reduce risk to people and property from natural hazards.

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13. The City shall give special attention to emergency access and evacuation when making development decisions.
14. The City shall seek to devote natural hazard areas as open space or other low intensity uses in so far as such measures will mitigate natural hazards and will maintain public safety and welfare.
15. The City shall adopt, maintain, and coordinate their local Natural Hazard Mitigation Plan with local, state, and federal agencies.
16. The City shall coordinate with regional planning efforts for emergency preparedness, response, recovery and mitigation.
17. The City shall respond to new hazard inventory information within 36 months if notified to take such action by the Oregon Department of Land Conservation and Development (DLCD) unless such time to respond is extended by DLCD.

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GOAL 8: RECREATIONAL NEEDS

INTRODUCTION:

The Vision clearly outlines how strongly Wheeler citizens support developing and sustaining environmentally friendly recreational opportunities that protect and improve the incredible views that our community is known for. This community strongly supports the idea of developing parks, biking, walking, and water trails, and other water related recreation.

Shoreline improvement through dredging is essential to maximizing the recreational opportunities in Wheeler. In addition, improvements to access of public facilities and services to accommodate recreational users need to be supported and pursued by the City.

GOAL: To satisfy the recreational needs of the citizens of the state and visitors and where appropriate to provide for the siting of necessary recreational facilities.

POLICIES:

1. New subdivisions and planned unit developments must make provision for a suitable amount of open space and/or recreation facilities.
2. Involvement of local individuals and groups in the donation of land, labor, funds, or equipment for the improvement of recreation facilities is encouraged.
3. Developed public recreation facilities within the City limits are needed, including a waterfront facility and a community park, and should be developed during the next ten years.
4. The City will coordinate its park and recreation planning with that of the Oregon Parks and Recreation Department and/or the State Marine Board.
5. The City will develop an Inventory of Historic Places with the assistance of the State Historic Preservation Office, the National Register of Historic Places, and the recommendations of the State Advisory Committee on Historic Preservation.
6. The City should consider the establishment of a parks and recreation sinking fund in order to accumulate matching funds for State or Federal programs.
7. If archeological sites are identified within the City, the City will coordinate with the State Historic Preservation Office in establishing a review procedure that meets the requirements of applicable criteria.

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GOAL 9: ECONOMIC DEVELOPMENT

INTRODUCTION:

Supporting a vital economy is one of the top priorities listed in the Vision. In order for Wheeler to sustain a vibrant and successful economy, business owners, the City, staff, and, citizens need to come together to create a downtown revitalization plan. Such a plan would allow the community to set the direction and focus to realize the recommendations of the vision, seek funding, increase the number of businesses, events, and undertake other efforts that would attract visitors and provide a sustainable foundation for Wheeler.

While developing new industries and businesses in Wheeler, the City also needs to make decisions that allow the existing businesses to thrive and be sustainable. And while recreation and tourism industries are a cornerstone of our economy, Wheeler needs to explore what kind of economic drivers our community needs and wants and how we can sustain those endeavors once they are in place.

For instance, to address the needs of our aging population, the City should support movement towards creating housing, services and living arrangements that provide care and support to our citizens aging in place, thus adding vital jobs that are essential to our economy.

Providing support for economic development, as part of a land use plan, encumbers the City to implement policies that ensure opportunities for the building of multi-family, affordable, and accessible housing necessary to support both local workers and home-based businesses.

GOAL: To provide a variety of economic opportunities vital to the health, welfare, and prosperity of Wheeler.

POLICIES:

1. Economic development shall contribute to a stable and healthy economy for the City of Wheeler.
2. The economic land resource of Wheeler shall be developed in a manner which encourages beneficial long-term use.
3. Commercial and industrial development in any zone shall be subject to design review by the Planning Commission.
4. The City will strengthen and enhance business by appropriately zoning designated urban areas.
5. Economic development shall be compatible with existing and allowable uses.

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6. The City will encourage low-impact home-based businesses, occupations, and cottage industries that do not disrupt and are not detrimental to the neighborhood
7. The City will designate the required public facilities and services necessary to support proposed economic development.
8. The City shall seek input from local businesses and consider the economic impacts of proposed programs, regulations, and decisions.
9. The City supports new business and the expansion and increased productivity of existing businesses as a means to strengthen the local and regional economy.
10. The City supports and will coordinate with volunteer, private, and governmental bodies operating in the planning area that carry out local economic plans and programs.
11. The City shall designate sites of suitable size, type, location, and service levels to meet economic development opportunities and needs.
12. When considering economic development opportunities, the City will assess the social, environmental, energy, and economic impacts upon the resident population.
13. Planning, conservation, and development actions within the planning area shall not exceed the carrying capacity of air, land, and water resources.
14. The City may support strengthening economic opportunities through such methods as:
  - (a) Appointment of an economic opportunities committee or other such ad hoc committees established by the city council.
  - (b) Preparation of economic opportunities analyses or plans.
  - (c) Tax incentives and disincentives.
  - (d) Land use controls and ordinances.
  - (e) Capital improvement.
  - (f) Fee and less than fee acquisition technique.

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GOAL 10: HOUSING

INTRODUCTION:

A major problem for Wheeler and the County continues to be the lack of available long-term rentals, workforce, low income, and affordable housing, and access to financing options to purchase property. In order to sustain a workforce, for the downtown business core, and economic base of the City, housing needs must be addressed. A committee appointed to work on this issue should be created so the City Council can plan for housing need projections. The City should gather data on local housing information and availability, to assess the extent of those needs.

GOAL: To provide for housing needs with a broad range of housing opportunities.

POLICIES:

1. The City encourages public and private efforts to conserve and rehabilitate existing housing.
2. The City will zone adequate land to meet identified future housing needs for a broad range of housing types including single-family attached and detached homes, manufactured homes, modular homes, duplexes, and multi-family dwellings.
3. The City supports the efficient development of housing and land to minimize environmental impacts and provide public services in a cost-effective manner.
4. The City encourages sustainable, resilient, and energy efficient development.
5. The City encourages the use of design principles including balance, proportion, unity, emphasis, and rhythm.
6. Development standards shall provide for open space, access, and connections to the community.
7. The City supports development of housing in conjunction with commercial development to provide housing diversity and security.
8. The City will ensure compliance with federal and state fair housing laws.
9. The City will allow for accessory dwelling units in residential zones in compliance with zoning ordinance standards.

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10. The City should maintain an updated buildable lands inventory.
11. The City shall evaluate opportunities to support workforce, low-income, and affordable housing.



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GOAL 11: PUBLIC FACILITIES AND SERVICES

INTRODUCTION:

The City needs to continue its support of the regional drinking water distribution and wastewater systems currently in place, local recycling efforts being provided, the county's solid waste distribution centers, and other essential services. Wheeler has prioritized the building of a community center or gathering place and updates to City Hall as important public facilities for the citizens.

GOAL: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

POLICIES:

1. Annexation shall be required prior to City approval of development.
2. The City shall endeavor to work with property owners to continuously maintain public facilities and services.
3. The extension of sewer, water, and storm water drainage services required by the City shall be at the subject property owner's expense.
4. Extension of public facilities and services, including but not limited to water, sewer, and the storm water drainage system, shall be provided in an orderly and efficient manner.
5. Adequate storm water drainage facilities, approved by the City, shall be part of all development.
6. Proposals involving stormwater discharge shall be consistent with the capacity of existing, planned, and projected facility needs in the area.
7. Water lines in proposed developments shall be adequately sized to meet future needs including fire flow requirements at the projected density and usage.
8. Land uses and densities developed in the urban service area shall be coordinated with, and shall not exceed capacity for, existing and planned public facilities.
9. The City shall seek opportunities to implement public facilities capital improvement plans.
10. The City shall adopt system development charges where necessary to ensure equitable contributions to the development of public facilities.

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11. The City supports solid waste management and recycling facilities.
12. The City will coordinate with the Nehalem Bay Wastewater Agency, the Nehalem Bay Regional Water Board, and the Nehalem Bay Regional Fire District in a manner consistent with applicable criteria and documents of agreement.
13. The City shall cooperate with the School District to ensure that growth of the City does not outstrip the Districts ability to provide facilities. Subdivisions or other major developments that could generate large enrollment increases shall be permitted only after consideration of their impact on schools.

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GOAL 12: TRANSPORTATION

GOALS:

State requirements for transportation include providing and encouraging a safe, convenient and economic transportation system and requests that communities address the needs of the transportation disadvantaged. To address those requirements the City has adopted the Wheeler Vision Plan's priorities and the Nehalem Transportation System Plan (TSP) goals and priorities for transportation. The Vision Plan prioritizes improving public safety by providing off-street bike and pedestrian trails and increasing an intercity trail system. The Nehalem Transportation System Plan's goals include:

- Improve mobility, safety and accessibility for all travel modes
- Improve pedestrian and bicycle circulation and facilities
- Provide for improvements that can be implemented and comply with applicable standards

POLICIES:

1. Additional access points to US Highway 101 shall be discouraged including those within new residential developments. Access to commercial uses should be provided by a consolidated access point.
2. The City will support equitable access for underserved and vulnerable populations through compliance with The Americans with Disabilities Act (ADA) standards for new transportation infrastructure improvements and upgrades to existing infrastructure that does not meet ADA standards.
3. The City will support the development of planned regional bicycle and pedestrian trails, including the Salmonberry Trail and Tillamook County Water Trail.
4. The City will support streetscape improvements to improve the Waterfront and downtown areas, including - but not limited to - benches and bicycle racks, lighting and signage to enhance the pedestrian experience, and trees, landscaping and amenities along the street to create a sense of place.
5. Between the Nehalem Bay communities, Wheeler will support alternative travel modes that reduce vehicle travel between the cities, including- but not limited to - regional shuttle services or water taxis and prioritize improvements to pedestrian and bicycle facilities.
6. The City should prioritize enhancing pedestrian and bicycle crossings on US 101 that connect businesses and recreational destinations with neighborhoods.
7. The City will support improvements that increase visibility of transportation users in constrained areas, such as hills and blind curves.

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8. The City will prioritize improvements that address known safety issues at locations with fatal or severe injury crashes, crashes involving bicyclists or pedestrians, and vehicles entering and exiting US 101.
9. The City will coordinate with ODOT to implement engineering and traffic calming strategies on US 101 to reduce vehicle speeds and that are consistent with ODOT's Highway Design Manual and other local and regional planning efforts.
10. The City should maintain transportation infrastructure so that facilities can withstand extreme weather events and aid in evacuation efforts.
11. The City will support improvements to traffic circulation and access for fire and emergency vehicles.
12. The City will prioritize cost-effective transportation improvements.
13. The City will prioritize building out sidewalks and crossings in the commercial core to support safer connections for residents and visitors that want to access key destinations.

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GOAL 13: ENERGY CONSERVATION

INTRODUCTION:

Wheeler's Vision strongly emphasizes protecting the environment, livability, and natural beauty of our community. Therefore, the city should include policies that encourage energy conservation and use of alternative sources of energy in its long-term planning for development.

GOAL: To conserve energy.

POLICIES:

1. The City promotes domestic energy conservation efforts, including:
  - a. in building construction;
  - b. efforts of organizations to weatherize and insulate homes of low-income persons;
  - c. bicycle and pedestrian access within the City;
  - d. alternative energy sources; and
  - e. efforts to prevent sprawl.

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GOAL 14: URBANIZATION

INTRODUCTION:

Wheeler monitors development in the unincorporated rural development lands within six miles of the Urban Growth Boundary. While state law now supersedes Wheeler's voter approved annexation, this community continues to strongly support such votes prior to annexing property into the City. Wheeler will follow its ordinances, goals, and policies and comply with all of the laws of the State to achieve urbanization goals.

GOAL:

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide livable communities.

POLICIES:

1. The City shall maintain an urban growth boundary to provide for urban development needs and to separate urban from rural land.
2. The City shall have the responsibility for making land use decisions within the Wheeler Urban Growth Boundary.
3. The City shall cooperate with Tillamook County and regional service providers pursuant to intergovernmental agreements.
4. Annexation shall be required prior to City approval of development.
5. The City shall use the Comprehensive Plan and implementing measures to manage the use and division of land and maintain its potential for planned urban development.
6. The City shall ensure the efficient and logical extension of urban services to urban growth boundary parcels.
7. Parcels of urban growth boundary land that are annexed to the City shall be of adequate dimension to enable the logical and efficient extension of services.
8. The type, design, location, and phasing of public facilities and services and transportation improvements should be factors in directing urban expansion.

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9. Financial incentives should be provided to assist in maintaining the character of lands adjacent to urbanizable areas.
10. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account:
  - a. the growth policy of the area;
  - b. the needs of the forecast population;
  - c. the carrying capacity of the planning area; and
  - d. open space and recreational needs.
11. Plans providing for the transition from rural to urban land use should take into consideration as a major determinant the carrying capacity of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
12. The location of the urban growth boundary and changes to the urban growth boundary shall be determined by evaluating alternative boundary locations consistent with applicable laws and the following factors:
  - a. efficient accommodation of identified land needs;
  - b. orderly and economic provision of public facilities and services;
  - c. comparative environmental, energy, economic, and social consequences; and
  - d. compatibility of the proposed uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.
13. The establishment and change of the urban growth boundary shall be based on the following:
  - a. Demonstrated need to accommodate long range urban population consistent with a 20-year population forecast coordinated with affected local governments; and
  - b. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets or roads, schools, parks or open space, or any combination of need categories identified by land use needs analysis.
14. Prior to expanding an urban growth boundary, the City shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.
15. Annexation requests shall be processed by the City in compliance with applicable laws.

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GOAL 15: WILLAMETTE RIVER GREENWAY

INTRODUCTION:

The City is not required to address Oregon Statewide Planning Goal 15 Willamette River Greenway as the management of the regulatory Willamette Greenway does not influence development in Wheeler. However, the City finds that Wheeler does share similar riverfront development characteristics to those of the Willamette Greenway. Therefore, the City reviewed the State Goal 15 and its policies in the preparation of this Goal 15.

GOAL: The City endeavors to support efforts to implement policies consistent with Oregon Statewide Planning Goal 15 as it seeks to protect conserve, enhance, and maintain suitable ecologic, hydrologic, habitat, scenic, historic, economic, agricultural, and recreational qualities of lands along the Nehalem River.



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GOAL 16: ESTUARINE RESOURCES

INTRODUCTION:

Wheeler citizens strongly support the protection and enhancement of natural features that include estuaries and wetlands. The Nehalem Bay area has a rich and diverse estuarine environment and its protection should be prioritized in the development and planning for land use in our area.

GOAL:

To recognize and protect the unique environmental, economic, and social values of the Nehalem Bay Estuary Complex and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of estuarine resources.

POLICIES:

1. COORDINATED ESTUARY MANAGEMENT PROCESS:

- A. Working together in cooperation, Tillamook County, the City of Wheeler, the City of Nehalem, the Port of Nehalem, and state and federal agencies, prepared the Nehalem Bay Estuary Management Plan.
- B. The Nehalem Bay Estuary Management Plan consists of five elements:
  - 1. A factual base;
  - 2. A collection of management unit designation maps;
  - 3. A dredge material disposal plan;
  - 4. A mitigation and restoration plan; and
  - 5. Policies for uses and activities.
- C. Portions of the Nehalem Bay Estuary Management Plan have been incorporated into the Wheeler Comprehensive Plan.
- D. The management unit designations within Wheeler have been incorporated into the Land Use Map.
- E. Portions of the Tillamook County Comprehensive Plan that relate to estuary management units within the City of Wheeler's Urban Growth Boundary are hereby adopted by reference into the Wheeler Comprehensive Plan: Management Unit Description, Dredge Material Disposal Plan, and Mitigation and Restoration Plans.

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- F. The estuary and shoreland definitions are adopted as part of the Wheeler Zoning Ordinance.

2. ESTUARY MANAGEMENT UNIT DESCRIPTIONS

- A. The City of Wheeler, Oregon includes areas within the Estuary Natural Management Unit designated as Estuary Natural Zone (EN), and areas within the Estuary Development Management Unit designated as Estuary Development Zone (ED).

- B. Estuary Natural Zone:

Within the Estuary Natural (EN) Zone estuarine habitat shall be designated and managed consistent with the following policies:

- 1. The Estuary Natural (EN) Zones shall include, at a minimum, all major tracts of salt marsh, tide flats, seagrass, and algae beds except where an acknowledged Goal 16 Exception has been adopted by the City.
- 2. The purpose of the Estuary Natural Zone is to:
  - a. assure protection of significant fish and wildlife habitats; and
  - b. retain diversity of native ecosystems and continued biological productivity within each estuary.
- 3. The management objective in the Estuary Natural Zone is to:
  - a. preserve those natural resources in recognition of dynamic, natural, geological, and evolutionary processes.
  - b. ensure permissible uses within the Estuary Natural Management shall recognize the low tolerance level of human intensive use.

- C. Estuary Development Zone: Within the Estuary Development (ED) Zone estuarine habitat shall be designated and managed consistent with the following:

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1. Estuary Development (ED) Zones shall include:
  - a. areas which contain public facilities which are utilized for shipping, handling or storage of water-borne commerce, or for moorage of fueling of marine craft;
  - b. subtidal channel areas adjacent or in proximity to the shoreline which are currently used or needed for shallow draft navigation including authorized maintained channels and turning basins;
  - c. areas of minimal biologic significance;
  - d. where an acknowledged Goal 16 exception has been adopted by the City, areas of biologic significance which are potentially suitable for commercial, recreational, or industrial development, due to their proximity to subtidal channels, developed or developable shorelands or developed estuarine areas, and to the availability of services;
  
2. The management objective in the Estuary Development Zone is to:
  - a. provide for long-term maintenance, enhancement, expansion or creation of structures and facilities for navigational and other water-dependent commercial, industrial or recreational uses;
  - b. provide for the expansion or creation of other commercial, industrial or recreational facilities subject;
  - c. ensure that developments that require surface water appropriation and diversion shall be located where stream flows and water quality are not reduced below the minimum recommended levels;
  - d. leave non-hazard snags adjacent to streams, sloughs, and in forested areas in order to increase habitat complexity and diversity;
  - e. encourage a reduced tax assessment for privately owned Estuary Development Zone areas which have been identified as important estuarine or shoreland natural habitat and resource areas to be designated as open space.

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3      IMPLEMENTATION

- A.      The City shall review local, state and federal permit applications for uses and activities within estuaries for consistency with the Wheeler Comprehensive Plan and Zoning Ordinance. Where applicable, procedures for review shall be developed as part of the Wheeler Zoning Ordinance.
  
- B.      The City conducted a resource inventory to ensure open space, protect scenic and historic areas, and natural resources for future generations, and promote healthy and visually attractive environments in harmony with the natural landscape character. These areas are:
  - 1.      Botts Marsh, at the north end of Wheeler, west of US Highway 101.
  - 2.      Zimmerman Marsh, at the north end of Wheeler, east of US Highway 101.
  - 3.      The lowland flood areas identified in Wheeler by the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM).
  - 4.      The wooded area between US Highway 101 and the Nehalem River from Paradise Cove 400 east.
  
- C.      Administration of inventoried resources shall be implemented through development ordinances. During application review, the economic, social, environmental, and energy consequences on the resource shall be considered as part of the decision process.
  
- D.      Where appropriate, resources shall be preserved to prevent erosion and sedimentation and provide support for anadromous fish habitat, to provide upland bird habitat, to protect steep slopes, to mitigate geologic or flooding hazards, to buffer conflicting land uses, or to provide areas for passive or active forms of recreation.
  
- E.      Where resources inventoried are also subject to inventory and possible protection under Goal 16 Estuarine Resources, and Goal 17 Coastal Shorelands, Goal 16 and Goal 17 shall be applied.
  
- F.      The review of actions which would potentially alter the estuarine ecosystem shall include an impact assessment unless this is already part of the Comprehensive Plan.
  
- G.      The City shall notify all local, state and federal agencies with mandates and authorities for planning permit issuance and resource decision making, so they have the opportunity to comment to the City before an assessment is made. The City shall incorporate comments received into applicable decisions.

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- H. The following agencies shall be provided notice of any application: Department of Land Conservation and Development, the Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Economic Development, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, U.S. Army Corps of Engineers, Oregon Department of Environmental Quality.
- I. The City will work with Tillamook County on the preparation of impact assessments, resource capability determinations and necessary revisions to estuary policies and standards.
- J. The City will cooperate with other jurisdictions on the Nehalem Bay in revising the Estuary Plan when necessary.
- K. The City of Wheeler will decide in coordination with the U.S. Army Corps of Engineers and the Department of State Lands whether an area has reverted to estuarine habitat.
- L. The City supports the efforts of the Tillamook Soil and Water Conservation District to maintain and improve streamside habitat along the County's rivers and streams.
- M. For the purpose of Goal 16, agricultural use means using an area for pasture several months of the year or harvesting this area once a year.

4. SPECIFIC USE AND ACTIVITY POLICIES:

A. AQUACULTURE FACILITIES

- 1. In Estuary Natural (EN) zones, aquaculture and water-dependent portions of aquaculture facilities shall be limited to temporary or easily removable benthic or pelagic structures (stakes, racks, trays, long lines or rafts), that will not require dredging or fill other than incidental dredging for harvest of benthic species or removal of in-water structures.
- 2. The use of aquaculture projects (fish hatcheries and fish release/recapture operations) to replenish natural stocks is encouraged.
- 3. The City recognizes the statutory authority of the Oregon Department of Fish and Wildlife and the Oregon Department of Agriculture to regulate aquaculture and oyster culture. These departments shall forward their findings to the City prior to issuance or denial of aquaculture permits.

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4. Existing aquaculture facilities [are] and areas designated as possessing significant aquaculture potential shall be identified and protected from conflicting uses or uses that would create water quality problems.
5. In the Estuary Natural Zone (EN), aquaculture shall be allowed only where it is determined to be consistent with the resource capabilities and purpose of the management unit. This determination shall be made by the City in coordination with the Oregon Department of Agriculture and the Oregon Department of Fish and Wildlife.
6. Aquaculture facilities in Estuary Development (ED) zones will not preclude the provision of maintenance of navigation or other needs for commercial and industrial water-dependent use, and will not prevent the use of shorelands equally suited for water-dependent development.

B. DIKING

1. Maintenance and repair of existing dikes, tide gates, drainage systems, farm roads and bridges and other existing farm structures shall be permitted within all estuary zones and shoreland areas. Dike maintenance and repair shall be permitted for:
  - a. existing serviceable dikes (including those that allow some seasonal inundation); and
  - b. dikes that have been damaged by flooding, erosion or tide gate failure where the area behind the dike has not reverted to estuarine habitat; and
  - c. dikes that have been damaged by flooding, erosion or tide gate failure, where the area behind the dike has reverted to estuarine influence only if this area is in the Farm, F-1 Zone and has been in agricultural use for 3 of the last 5 years and reversion to estuarine habitat has not occurred more than 5 years prior.
2. Construction of temporary (60 days or less) dikes for the purposes of flood protection in emergency situations or in the interest of safety or welfare of the public shall be permitted within all estuary zones.
3. Dredging within estuarine waters, intertidal areas, or tidal wetlands to obtain fill for dike repair or maintenance shall not be permitted. However, dredged material from an approved dredging project may be used for dike repair or maintenance. Dredged material stockpile sites shall be used as a source of fill material for dike repair and maintenance whenever practicable.

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4. New diking of intertidal areas and tidal marshes shall be limited to Estuary Development (ED) zones and shall be permitted only:
  - a. for a water dependent use that requires an estuarine location or is specifically allowed by the management unit or zone; and
  - b. if adverse impact is avoided or minimized to be consistent with the purposes and resource capacity of the area; and
  - c. a need and a substantial public benefit is demonstrated and the use or alteration does not unreasonably interfere with public trust rights.

C. BOAT RAMPS, DOCKS, AND MOORAGES

1. Maintenance and repair of existing docks and moorages shall be permitted within all estuary zones.
2. To preserve significant fish and wildlife habitats and provide for continued biological productivity, new docks and moorages shall not be permitted within Estuary Natural (EN) zones.
3. Safe navigational access to boat ramps, docks, and moorages shall be provided and maintained.
4. New boat ramps, docks and moorages shall be allowed only where sufficient back-up land exists without the need to fill tidelands or marshlands.
5. To encourage the most efficient use of waterfront and water surface area, alternatives to individual, single purpose docks and moorages (such as cooperative use facilities, mooring buoys, or dry land storage) are encouraged.
6. New subdivisions and planned developments in areas adjacent to estuaries, rivers, streams and coastal lakes shall provide for cooperative use facilities whenever possible.
7. Conflicts with navigation and other water surface uses, such as commercial fishing or recreational boating, shall be avoided or minimized.
8. Boat ramps for public use [shall be allowed where consistent with the resource capabilities of the area and the purposes of the management zone.

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D. DREDGED MATERIAL DISPOSAL (DMD)

1. The Nehalem Bay Dredged Material Disposal Plan, the DMD Plan, shall evaluate dredging needs over a five year period and shall establish priorities on areas for dredged material disposal based on the following economic, engineering and environmental considerations:
  - a. engineering feasibility;
  - b. probable method of dredging;
  - c. distance from dredging project;
  - d. elevation;
  - e. cost of site acquisition, preparation, and containment of dredged materials;
  - f. size of site;
  - g. cost of, ability, or necessity to revegetate or develop on top of the dredged material;
  - h. impacts on biological productivity, aquatic community and habitat[s] water quality, wetlands, and floodplains;
  - i. ownership (public or private);
  - j. habitat, scenic, recreational, archaeological, or historic values of the site; and
  - k. conformity of the final use, after dredged material disposal, with the Comprehensive Plan.
  
2. Whenever practicable ocean disposal in an approved ocean disposal site shall be the preferred method of disposal of dredged materials. The designation of additional ocean disposal sites shall occur only after a formal site review and impact analysis by all federal and state agencies with regulatory authority, and is subject to final approval by the U.S. Army Corps of Engineers and the Environmental Protection Agency. Copies of site review and impact analysis shall be made available.
  
3. When engineering or economic considerations preclude the use of approved ocean disposal sites for dredged materials disposal, sites identified in the Nehalem Bay DMD Plan as "Presently Acceptable" shall be used for dredged material disposal.
  
4. Sites identified in the Nehalem Bay DMD Plan as "Presently Unacceptable" for dredged material disposal shall be used for disposal of dredged material only after an amendment to the Wheeler Comprehensive Plan, Zoning Ordinance, and Zoning Map. If an exception to the Oregon Statewide Planning Goal is required, the exception shall be included as part of the amendment.



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5. Coordination with affected state and federal resource agencies shall occur during this amendment process. State and federal permits must be obtained prior to disposal of dredged material.
6. As needs arise, additional disposal sites shall be approved for dredged material disposal. Designation of additional dredged material disposal sites shall be coordinated with state and federal resource agencies with regulatory authority over dredged material disposal. The Wheeler Comprehensive Plan and Zoning Ordinance shall be amended as required. If an exception to an Oregon Statewide Planning Goal is required, the exception shall be included in part of the amendment.
7. Sites identified as priority sites in the Nehalem Bay DMD Plan shall be preserved for future dredged material disposal use. When a priority site is removed, the DMD Plan shall be amended consistent with the Wheeler Comprehensive Plan.
8. Tillamook County, in conjunction with local ports, affected local jurisdictions, and state and federal resource agencies, shall review the Nehalem Bay DMD Plan at no more than five year intervals to re-examine dredging needs, site availability, new permit requirements, and degree of plan implementation.
9. Use of dredged material from navigational or other dredging actions, as fill for approved fill projects shall be encouraged. Prior determination shall be made to ensure that the structural characteristics of the material are suitable for the intended use.
10. Whenever practicable, stockpile sites of dredged material suitable for use as fill shall be established and the dredged material sold. Particular emphasis shall be given to establishing stockpile sites in areas where acceptable disposal sites are presently or likely to be limited.
11. Flow-lane disposal of dredged material shall be limited to ED zones and shall be allowed only where monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of the effected natural and conservation management units.
12. Dredged material disposal is subject to the requirements of the Clean Water Act of 1977, Oregon Fill or Removal Laws and other state and federal laws which regulate the disposal of dredged materials.

E. DREDGING IN ESTUARINE WATER, INTERTIDAL AREAS AND TIDAL WETLANDS

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1. Dredging in estuarine waters, intertidal areas and tidal wetlands shall be allowed only if required for:
  - a. navigation, port facilities, marinas, or other water-dependent uses that require an estuarine location; or
  - b. an approved active restoration, estuarine enhancement, or mitigation project deemed necessary to fulfill a public need and for the future environmental well being of the estuary subject to Wheeler Comprehensive Plan Restoration and Mitigation policies and standards; or
  - c. on-site maintenance of existing drainage tiles, drainage ditches or tide gates; or
  - e. installation or maintenance of bridge crossing support structures, electrical transmission line support structures, or water, sewer, gas, or communication lines; or
  - f. incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks; or
  - g. temporary alterations.
2. Proposed dredging in estuarine waters, intertidal areas, or tidal wetlands shall be allowed only if:
  - a. required for navigation or other water-dependent uses that require an estuarine location or are specifically allowed by the management unit or zone; and
  - b. a need and a substantial public benefit is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
  - c. no feasible alternative upland location exists; and
  - d. adverse impacts are avoided or minimized to be consistent with the purposes of the area.
3. Dredging shall be the minimum amount possible to accomplish the proposed use.
4. Dredging in intertidal areas or tidal wetlands shall be subject to the requirements of the Wheeler Comprehensive Plan Mitigation policies and the Oregon Fill and Removal Laws (ORS 541.605-541.695).

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5. Proposals for new dredging projects in the Nehalem Bay shall be reviewed against the long-range Nehalem Bay DMD Plan to ensure that sufficient DMD sites are available to meet initial and maintenance dredged material disposal needs.
6. Dredging within estuarine water, intertidal areas or tidal wetlands is subject to the requirements of the Oregon Fill and Removal Law (ORS 541.065-541.665), the Rivers and Harbors Act of 1899, and other applicable state and federal laws.
7. Dredging in the Estuary Natural (EN) zones shall be permitted only if the City determines, in coordination with the Oregon Department of State Lands and the U.S. Army Corps of Engineers, that dredging is consistent with the resource capabilities of the area and purposes of the management unit, and if required for:
  - a. an approved restoration or estuarine enhancement project subject to Wheeler Comprehensive Plan Restoration and Estuarine Enhancement Policies and Standards;
  - b. on-site maintenance of existing drainage tiles, drainage ditches, tide gates, bridge crossing support structures, or electrical transmission line support structures;
  - c. installation or maintenance of water intake facilities, sewer outfalls, gas, or communications lines;
  - d. installation or maintenance of an electrical transmission line or line support structure;
  - e. bridge crossing support structures;
  - f. temporary alterations;
  - g. public boat ramps; or
  - h. incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.

F. FILL IN ESTUARINE WATER, INTERTIDAL AREAS, AND TIDAL WETLANDS

1. Construction of facilities or structures on pilings is preferred over construction on fill.
2. Fill for the purpose of on-site maintenance and repair of existing man-made structures or facilities or the construction of authorized temporary low-water bridges shall be permitted within all estuary zones.
3. New fill within estuarine waters, intertidal areas, or tidal wetlands shall be permitted only if:
  - a. required for navigation or water-dependent uses or other uses for which an estuarine location is required; and
  - b. a need and a substantial public benefit are demonstrated, and the use or alteration does not unreasonably interfere with public trust rights; and

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- c. no feasible alternative or upland locations exist for the portion of the use requiring fill; and
  - d. no practicable alternative design or construction methods exist which could eliminate the use of fill; and
  - e. potential adverse impacts have been identified and avoided or minimized to be consistent with the purposes of the area and the Wheeler Comprehensive Plan.
4. The placement of fill shall be consistent with the protection of property, estuarine habitat and diversity, aesthetics, water quality and recreational resources. Loss of estuarine surface area and volume shall be avoided or minimized and/or mitigated.
5. Fill within intertidal areas or tidal wetlands shall be subject to the requirements outlined in the mitigation policies and Oregon Fill and Removal Laws ORS 541.605 to 541.665.
6. New fill in the Estuary Natural (EN) zone shall be allowed only for:
- a. an approved active restoration or estuarine enhancement project, subject to Wheeler Comprehensive Plan Restoration and Enhancement Policies and Standards); or
  - b. on-site maintenance of dikes or bridge crossing support structures; or
  - c. temporary alterations; or
  - d. installation of public boat ramps or bridge crossing support structures.
7. New fill in Estuary Development (ED) zones shall be permitted only for:
- a. an approved active restoration or estuarine enhancement project subject to Wheeler Comprehensive Plan Restoration and Enhancement Policies and Standards;
  - b. on-site maintenance of dikes or bridge crossing support structures;
  - c. temporary alterations;
  - d. installation of or bridge crossing support structures;
  - e. temporary alterations;
  - f. minor navigational improvements;
  - g. water-dependent portions of aquaculture facilities;
  - h. water-dependent recreational facilities;
  - i. navigational structures and navigational improvement;
  - j. water-dependent uses that require an estuarine location;
  - k. dredged material disposal, in conjunction with an approved fill project;
  - l. communication facility support structures;
  - m. boat ramps; or
  - n. flood control structures or structural shoreline stabilization subject to Wheeler Comprehensive Plan Shoreline Stabilization Policies and Standards if:

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- (1) required to protect a water-dependent use or an existing use, facility or structure; and
  - (2) land use management practices and non-structural solutions are inadequate to protect the use.
8. In certain ED zones for which an exception has been taken in the Tillamook County Comprehensive Plan to the overall Goal 16 requirements for dredge and fill, fill shall also be allowed for non-water dependent use and for which:
- a. no feasible alternative upland locations exist for the portion of the use requiring fill; and
  - b. need and a substantial public benefit are demonstrated, and the use or alteration does not unreasonably interfere with public trust rights; and
  - c. no practicable alternative design or construction methods exist which would eliminate the use of fill; and
  - d. potential adverse impacts have been identified and avoided or minimized and/or mitigated.

H. FISHERIES

1. Intertidal flats, tidal marshes, subtidal and intertidal seagrass and algae beds and other estuarine areas of major significance for rearing and other life stages of marine fish and invertebrates that have been identified in estuary inventory reports shall be protected from conflicting uses through designation as Estuary Natural (EN).
2. In order to maintain and improve fish runs and fisheries in the area, wise management of fishery resources, fish enhancement programs, and maintenance of reproductive stocks are strongly supported.
3. The City shall designate adequate Estuary Development (ED) Zone to provide dock and moorage space for present and anticipated future commercial and sport fishing vessels and for fish processing, cold storage and other water-dependent support facilities.
4. Traditional sport and commercial fishing areas, shellfish harvesting areas, and subtidal shell fish seed beds should be protected when dredging, filling, pile driving, constructing pile dikes or rock jetties, or other disruptive in-water activities are permitted.
5. The City shall encourage the maintenance, improvement or enhancement of anadromous fish habitat or shellfish habitat by seeking to assign appropriate estuary zones, by encouraging the establishment of protective stream corridors, and by controlling excessive sedimentation from shorelands.

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G. ENERGY FACILITIES AND UTILITIES

1. Maintenance and repair of existing energy facilities and utilities shall be permitted in all Estuary Zones.
2. In selecting sites for development of new energy facilities and utilities, the City shall weigh economic considerations, the need for services in a particular area, and social benefits against environmental losses within estuaries. Site priorities from highest to lowest are:
  - a. non-shoreland sites;
  - b. shoreland sites;
  - c. Estuary Development (ED) zones;
  - d. Estuary Natural (EN) zones;
3. New energy facilities and utilities shall be permitted within estuarine waters, intertidal areas or tidal wetlands only if:
  - a. a need and a substantial public benefit are demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
  - b. no feasible alternative or upland locations exist; and
  - c. adverse impacts are avoided or minimized.
  - d. Waste treatment plants shall not be located within estuarine waters, intertidal areas, and tidal wetlands.
4. In the Estuary Natural (EN) Zone, new energy facilities and utilities shall be permitted only if consistent with the resource capabilities of the area and the purpose of the management unit, and shall be limited to electrical transmission lines, line support structures, and phone water, sewer, or gas lines.
5. New energy facilities and utilities in Estuary Development (ED) zones shall be permitted where consistent the resource capabilities of the area, the purposes of the management unit, and with the maintenance of navigation and other needed public, commercial and industrial uses.

H. FORESTRY AND THE FOREST PRODUCTS INDUSTRY

1. New or expanded log handling, sorting and storage areas shall be limited to Estuary Development (ED) zones, and shall be allowed only if:
  - a. the handling, sorting and storage area is an integral part of the process of water-dependent transportation of logs; and

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- b. a need and a substantial public benefit are demonstrated and the use or alteration does not interfere with public trust rights; and
  - c. no feasible alternative upland locations exist; and
  - d. adverse impacts are minimized.
2. The City, in conjunction with the County, shall cooperate with the Department of Environmental Quality to develop standards for in-water log storage and handling facilities prior to their establishment in Tillamook County.

J. INDUSTRIAL AND COMMERCIAL USES IN ESTUARINE WATERS, INTERTIDAL AREAS AND TIDAL WETLANDS

1. Maintenance and repair of existing industrial and commercial uses shall be permitted in all estuary zones.
2. Expansion and new construction of industrial and commercial uses other than water-dependent recreation facilities shall be limited to ED designated areas.
3. The following shall be considered in the designation of ED zones for the purpose of new development or expansion of existing authorized industrial or commercial uses:
  - a. value of the area to local communities as an economic resource;
  - b. proximity to land transportation facilities;
  - c. availability of water and sewer service and power supplies;
  - d. proximity to urban or urbanizable areas;
  - e. availability of developable shorelands;
  - f. degree of existing estuarine or shoreland alteration;
  - g. type, extent, and scarcity of biologic resources in the area; and
  - h. proximity to navigation channels.
4. Development and improvement of existing commercial and industrial sites is encouraged prior to development of new commercial and industrial sites.
5. Water-dependent industrial facilities include, but are not limited to:
  - a. piers, wharves, and other terminal and transfer facilities for passengers or water-borne commerce such as fish, shellfish, or timber or timber products; and
  - b. water intake and discharge facilities of timber processing plants; and

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- c. portions of facilities for the extraction of minerals, aggregate, petroleum, natural gas, earth products or geothermal resources (ORS 522.010) which require access to water during the extraction process;
  - d. portions of facilities for the refining or processing of minerals, aggregate, earth products, or geothermal resources (ORS 522.010) which require access to a water body for intake or release of water during the refining or processing procedure;
  - e. portions of facilities for manufacturing, assembly, fabrication, maintenance or repair of marine craft or marine equipment which require access to a water body as part of the manufacture, assembly or fabricating process, due to the size of the craft or equipment which is being constructed;
  - f. portions of aquaculture facilities, including hatchery sites or fish release/recapture sites which require access to or use of water; and
  - g. in-water handling, sorting and storage of logs in association with water-borne transportation of logs.
6. Water-dependent commercial facilities include, but are not limited to, commercial marinas and moorages (including seaplane moorages) and ancillary facilities such as marine craft or equipment repair facilities or fueling stations.
7. The City may determine other uses to be water-dependent if the use can only be carried out on, in, or adjacent to water, and the location or access is needed for:
- a. water-borne transportation;
  - b. recreation; or
  - c. a source of water (such as energy production, cooling of industrial equipment or wastewater, or other industrial processes).
8. Industrial uses shall be identified as water-related industrial uses on a case-by-case basis, with consideration given to the public loss of quality in goods or services which would result if the use were not offered adjacent to water. Water-related industrial uses could include:
- a. fish or shellfish processing plants; and
  - b. warehousing and/or other storage areas for marine equipment or water-borne commerce.
9. Commercial uses shall be identified as water-related commercial uses on a case-by-case basis with consideration given to the public loss of quality in goods or services which would



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result if the use were not offered adjacent to water. Water-related commercial uses could include:

- a. fish or shellfish wholesale outlets;
  - b. marine craft or marine equipment sales establishments;
  - c. sport fish cleaning, smoking or canning establishments;
  - d. charter fishing offices;
  - e. retail trade establishments providing primarily products necessary for the commercial and recreational fishing industry, such as ice, bait, tackle, nautical charts, gasoline, or other products incidental to, or used in conjunction with a water-dependent use; or
  - f. restaurants which provide a waterfront view.
10. The City may determine other uses to be water-related if the use:
- a. provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, or using products of, water-dependent uses); and
  - b. if not located near the water, would experience a public loss of quality in the goods and services offered. Evaluation of public loss of quality shall involve a subjective consideration of economic, social and environmental consequences of the use.
11. Multipurpose and cooperative use of piers, wharves, parking areas, or handling and storage facilities shall be provided for, whenever practicable.
12. Water-related and non-dependent, non-related industrial and commercial uses in Estuary Development zones shall be limited to those uses which:
- a. do not require the use of fill; and
  - b. do not preclude the provision or maintenance of navigation and other needed public, commercial and industrial water-dependent uses.

K. LAND TRANSPORTATION FACILITIES

1. Maintenance and repair of existing roads, railroads, airports, bridge crossing support structures, and bridge approach ramps, and establishments of low water bridges shall be allowed in all estuary zones.
2. Replacement of bridge crossing support structures and bridge approach ramps may be considered a form of maintenance if the resulting bridge support structure or ramp is the minimum size necessary to accommodate the same number of traffic lanes as exist on that portion of the highway.

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3. In selecting sites for development of new land transportation facilities, priorities are, from highest to lowest:
  - a. upland sites;
  - b. shoreland sites;
  - c. Estuary Development (ED) zones.

The City, however, realizes that this priority list is subject to modification by economic considerations, or by the need for services in a particular area.

4. New land transportation facilities within estuarine waters, intertidal marshes or tidal wetlands shall be permitted only if:
  - a. no feasible alternative upland route exists; and
  - b. a need and a substantial public benefit are demonstrated, and the use or alteration does not unreasonably interfere with public trust rights; and
  - c. adverse impacts are avoided or minimized.
5. New land transportation facilities in Estuary Development (ED) zones shall be permitted only if consistent with the purposes of the management area and the maintenance of navigation and other allowed public commercial and industrial water-related uses.
6. When bridge crossing support structures are needed, the amount of estuarine surface area occupied shall be the minimum amount possible.
7. Bridges, piers, and trestles shall be designed so as not to impair tidal flow in respect to volume, velocity, or direction.
8. Proposals for new land transportation facilities shall be reviewed locally to determine land and water use compatibility and resource capabilities.
9. Construction and maintenance of land transportation facilities shall be timed and conducted so that mass soil wasting or excessive surface erosion does not occur. State, county, and U.S. Highway Departments, and natural resource agencies shall coordinate with the City of Wheeler in order to meet this objective.
10. In order to preserve significant fish and wildlife habitats and maintain biological productivity, new land transportation facilities in Estuary Natural (EN) zones shall be limited to low-water bridges, bridge crossings and bridge crossing support structures. Bridge crossing support structures are allowed only if consistent with the resource capabilities of the area and the purposes of the management unit.

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11. Dredged material stockpile sites shall be used as a source for fill material for land transportation facilities whenever practicable.
12. Roadway construction should be scheduled to avoid critical periods of breeding, feeding and migration of coastal species.

L. MINING AND MINERAL EXTRACTION

1. Petroleum extraction and drilling operations shall not be allowed in estuarine waters, intertidal areas, tidal wetlands, or beneath aquatic areas.
2. To ensure the preservation of significant fish and wildlife habitats and the maintenance of biological productivity within estuaries, mining and mineral extraction shall not be permitted within Estuary Natural (EN) and Estuary Development (ED) Zones.

M. MITIGATION

1. Dredging or fill within intertidal areas or tidal wetlands shall be mitigated by the restoration or enhancement of estuarine areas within the Nehalem Bay area consistent with the priorities of the Nehalem Bay Estuary Management Plan.
2. Mitigation projects shall comply with the requirements of Oregon Fill and Removal Laws (ORS 541.605-541.665).
3. Mitigation sites shall be identified and shall generally correspond to the types and quantity of intertidal areas in the Nehalem Bay Estuary Management Plan.
4. The City shall coordinate with Tillamook County, local ports, and affected local jurisdictions to preserve priority sites for future mitigation use.

N. NAVIGATIONAL STRUCTURES AND NAVIGATIONAL AIDS

1. Navigational aids (beacons, buoys, channel markers) and maintenance and repair of existing navigational structures (breakwaters, jetties, groins, and pile dikes) shall be permitted within all estuary zones. Expansion or new construction of navigational structures is only permitted in Estuary Development (ED) zones.
2. Navigational structures shall be permitted only if:

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- a. required for navigation or in conjunction with a water-dependent recreational, commercial or industrial use for which there is a need and a substantial public benefit are demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
- b. the need cannot be met by non-structural solutions; and
- c. adverse impacts on water currents and erosion and accretion patterns are avoided or minimized to be consistent with the purposes of the area.

O. PILING/DOLPHIN INSTALLATION

1. Replacement of existing pilings and dolphins shall be permitted within all estuary zones.
2. In the Estuary Natural (EN) zone, new pilings shall be limited to:
  - a. individual unconnected pilings in conjunction with an approved aquaculture facility or a navigation aid;
  - b. temporary alterations;
  - c. active restoration and estuarine enhancement.
3. Piling and dolphin installation in the Estuary Development (ED) zone shall be permitted if:
  - a. required in conjunction with navigation or water-dependent use for which no feasible alternative upland location exists; or
  - b. required in conjunction with a water-related use or a non-dependent, non-related use, only if consistent with the maintenance of navigation and other needed public and industrial water-dependent uses.
4. Replacement of existing pilings and dolphins and installation of new pilings and dolphins shall be subject to the requirements of the Rivers and Harbors Act of 1899, and other applicable state and federal laws.

P. PUBLIC ACCESS TO THE ESTUARIES AND ITS SHORELANDS

1. The City recognizes the value of maintaining and improving public access to estuaries and its shorelands.
2. Further acquisition, sale or development of estuaries and shorelands owned by the county, federal, state and local governments and lands held in private ownership shall be carried out in a manner to retain existing public access and maximize future public access to these

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publicly owned shorelands, consistent with resource capabilities and site sensitivity to human use. To this end:

- a. Existing public ownership, rights-of-way, and similar public easements which provide access to estuaries and shorelands shall be retained or replaced if sold, exchanged or transferred.
  - b. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.
  - c. The City should avoid closing their lands to public use unless protection of fragile resources outweighs the benefits to be derived from public use.
  - d. All entities providing or supporting public access to the estuaries and shorelands should give particular attention to protecting areas from over-use and to preventing potential damage to resources.
  - e. Public access to shorelands should be improved where feasible and consistent with authorized use.
  - f. The City should consider the purchase of conservation or scenic easements whenever feasible.
  - g. The City supports the voluntary use of the open space special tax assessment law when it will result in property owners maintaining natural areas or providing visual or physical access to public areas.
  - h. Public access to estuaries and shorelands shall be provided consistent with the Americans with Disabilities Act Accessibilities Guidelines.
3. The private use of privately-owned intertidal areas, tidal wetlands and shorelands is legitimate and is protected against encroachment. Public access through and the use of, private property shall require the consent of the owner, and is trespass unless appropriate easements and accesses have been acquired in accordance with the law.
  4. Where shoreline developments are allowed, they should not exclude the public from shoreline access to areas traditionally used for fishing, hunting or other shoreline activities.
  5. The need to retain open space and improve public access to estuaries and shorelands is important in urban and urbanizing areas. Industrial and commercial facilities shall, where feasible, provide physical or visual access to estuaries and shorelands.

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6. The City shall carry out a program of providing public access to Nehalem Bay by retaining existing public ownership, rights-of-way, and similar public easements which provide access to coastal waters or replacing such access if they are sold, exchanged or transferred. Rights-of-way may be vacated so long as equal or improved access is provided as part of a development project.

R. RECREATION AND RECREATIONAL FACILITIES

1. Maintenance and repair of existing docks, moorages, marinas, and other recreational facilities shall be permitted within all estuary zones and shoreland zones.
2. Low-intensity water-dependent recreation shall be permitted within all estuary zones and shoreland zones.
3. To preserve significant fish and wildlife habitat and provide for continued biological productivity, recreation in the Estuary Natural (EN) zone shall be limited to boat ramps for public use where no dredging or fill for navigational access is needed.
4. Recreational off-road vehicle use shall not be permitted in estuarine waters, intertidal areas or tidal wetlands.
5. Consistent with the need to retain open space and improve publicly owned access local, state, and federal agencies are encouraged to provide for recreational facilities and public access points to ocean, estuaries, rivers and shorelands.
6. Dredge, fill, shoreline stabilization, or piling/dolphin installation in conjunction with recreational facilities shall be subject to the respective policies and standards for these activities.

R. RESTORATION AND ENHANCEMENT

1. Habitat types, resources or amenities which are in shortest supply as compared with historical abundance shall be identified as part of the restoration plan element of the Tillamook County Comprehensive Plan and shall be priority sites for restoration projects.
2. Restoration and enhancement activities may serve as part of a mitigation project, subject to the requirements of the Oregon Fill and Removal Laws (ORS 541.605-541.665) and other applicable state and federal laws.

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3. Passive restoration shall be permitted in all estuary zones. Passive restoration is the use of natural processes, sequences and timing which occur after the removal or reduction of adverse stresses without other specific positive remedial action.
4. In Estuary Development (ED) zones, only those passive restorative projects shall be permitted which do not:
  - a. interfere with the provision or maintenance of navigation and other needed public, commercial and industrial water-dependent development; and
  - b. preempt the use of adjacent shorelands especially suited for water-dependent development.
5. Estuarine Restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed.
6. Estuarine restoration includes but is not limited to:
  - a. Diked lands restoration
  - b. Removal of fills to restore estuarine surface area.
  - c. Establishment of tidal marsh vegetation.
7. Estuarine enhancement is an action which results in the long-term improvement of existing estuarine functional characteristics and processes that are not considered a creation or restoration action. Estuarine enhancement includes but is not limited to:
  - a. Removal of old pilings and structures:  
Priority shall be given to the removal of old pilings, buildings or navigational structures which are a hazard to navigation, pose a danger to life and property, are structurally unsound or serve no demonstrated public use.
  - b. Restoration of shoal areas:  
Priority shall be given to estuarine channel areas where excessive shoaling has resulted in loss or decrease in navigability.
  - c. Restoration of eroded areas:  
Priority shall be given to areas where erosion constitutes a hazard.
  - d. Restoration of river channels and mouths for purposes of flood control:

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Priority shall be given to river channels and mouths where shoaling or concentration of debris has occurred. Proposed restoration projects for the purposes of flood control must demonstrate that flooding conditions will be reduced to those which existed at the time of the physical dimensions (e.g. depth and width) to which the channel is being restored.

- e. Salmon habitat/spawning restoration projects:  
Priority shall be given to projects involving the re-graveling of streams where excessive siltation has occurred, and/or removal of bypass constructions, such as old tide gates, dams or waterfalls.

- 8. Active restoration and estuarine enhancement as defined shall be permitted in all estuary zones, subject to the following requirements:
  - a. In Estuary Natural (EN) zones, active restoration shall be limited to restoration of fish and wildlife habitat or water quality. Active restoration and estuarine enhancement shall be consistent with the resource capabilities of the area and the purposes of the management unit.
  - b. In Estuary Development (ED) zones, active restoration shall not interfere with the provision or maintenance of navigation and other needed public, commercial and industrial water-dependent uses or the use of adjacent shorelands especially suited for water-dependent development.
  - c. In major marshes, significant wildlife habitat coastal headlands, and exceptional aesthetic resources within coastal shorelands, active restoration shall be consistent with the protection of natural values.

S. SCIENTIFIC RESEARCH, PLANNING AND PUBLIC EDUCATION IN ESTUARIES AND SHORELANDS

- 1. To ensure local coordination and to provide useful information for local estuary management decisions, all agencies, consultants, university personnel and private individuals conducting research or developing plans in the City should:
  - a. contact the City during the project planning stage, to outline the research objectives and schedules and the means of reporting project results; and
  - b. convey research results to local government agencies.



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T. SHALLOW DRAFT PORT FACILITIES AND MARINAS

1. Maintenance and repair of existing port facilities and marinas shall be permitted within all estuary zones.
2. Expansion and new construction of port facilities and marinas is only allowed in Estuary Development (ED) zones and the following conditions shall be evaluated:
  - a. proximity to navigation channel;
  - b. degree of existing estuarine or shoreland alteration;
  - c. relative biological significance;
  - d. proximity to land transportation facilities;
  - e. availability of water and sewer service and power supplies;
  - f. value of the area to the community as an economic resource;
  - g. proximity to urban or urbanizable areas;
  - h. need for, and availability of, developable shorelands;
  - i. proximity to industrial areas or potential upland industrial sites;
  - j. initial and long term dredging and dredged material disposal requirements and availability of dredged material disposal sites.
3. In shallow draft development estuaries (Tillamook and Nehalem Estuary), the depth of those portions of the main channel which are maintained by dredging shall not exceed 22 feet in depth.
4. Safe navigation access to existing and future port facilities shall be maintained.
5. To encourage the most efficient use of waterfront and water surface area:
  - a. public or private community marina facilities are encouraged over the proliferation of individual, single-purpose piers, and mooring facilities;
  - b. concentrated marinas are preferred over small, widely distributed marinas; and
  - c. dry land, rather than in-water, storage of boats is preferred, when feasible.

U. SHORELINE STABILIZATION

1. Maintenance and repair of existing shoreline stabilization measures shall be permitted within all estuary and shoreland zones, and other shoreland areas.

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2. Within estuarine waters, intertidal areas, tidal wetlands, and along shoreland zones, and other shoreland areas, general priorities for shoreline stabilization for erosion control are, from highest to lowest:
  - a. proper maintenance of existing riparian vegetation;
  - b. planting of riparian vegetation;
  - c. vegetated rip-rap;
  - d. non-vegetated rip-rap;
  - e. groins, bulkheads and other structural methods.
  
3. Proper maintenance of existing riparian vegetation and planting of additional vegetation for purposes of shoreline stabilization shall be permitted within all estuary zones, and along shoreland zones and other shoreland areas
  
4. Structural shoreline stabilization methods within estuary zones and shorelands zones shall be permitted only if:
  - a. flooding or erosion is threatening a structure or an established use or there is a demonstrated need and a substantial public benefit and the use or alteration does not unreasonably interfere with public trust rights; and
  - b. land use management practices or non-structural solutions are inappropriate because of high erosion rates, or the use of the site; and
  - c. adverse impacts on water currents, erosion and accretion patterns, and aquatic life and habitat are avoided or minimized.
  
5. In Estuary Natural (EN) zones, structural shoreline stabilization shall be limited to riprap, which shall be allowed only to protect:
  - a. existing uses, structures, or facilities, which are in conformance with all applicable ordinances;
  - b. pre-existing nonconforming uses, structures, and facilities;
  - c. unique natural resources or sites with unique historical or archaeological values; and
  - d. established uses.
  
6. A resource capability determination shall be required for riprap in the Estuary Natural (EN) zone for purposes other than the protection of unique natural resources, historical and archaeological values, public facilities and uses existing as of October 7, 1977.
  
7. In the Estuary Development (ED) zone, structural shoreline stabilization (riprap, groins or bulkheads) shall be permitted only if consistent with the maintenance of navigation and other needed public, commercial, and industrial water-dependent uses

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V. WATER QUALITY

1. The following state and federal authorities shall be utilized for maintaining water quality and minimizing man-induced sedimentation in estuaries:
  - a. the Oregon Forest Practices Act and Administrative Rules for forest lands (ORS 527.610-527.730, 572.990).
  - b. the non-point source discharge water quality program administered by the Oregon Department of Environmental Quality under Section 208 of the Clean Water Act of 1977 (P.L. 92-500).
  - c. the Fill and Removal Permit Program administered by the Oregon Department of State Lands (ORS 541.605-541.665)
  - d. the program of the Soil and Water Conservation District and local districts of the Soil Conservation Service for Agricultural lands;
  - e. Sections 404 and 402 of the Clean Water Act of 1977 (P.L. 92-500).
2. Gasoline and oil sales on the waterfront may be limited to the servicing of water-dependent facilities and marine craft.
3. Uncontrolled release of pollutants into ocean, river, or estuarine waters is prohibited by state and federal law. Controlled release of treated industrial, domestic and agricultural wastes into ocean, river, or estuarine waters may be permitted only if no practicable alternatives exist. In this case, waste disposal into the ocean or rivers is preferred over estuarine waste disposal.
4. All projects involving dredging, fill, piling/dolphin installation, or navigational structures shall be constructed so that flushing capacity is maintained or improved and so that changes in circulation patterns will not result in water quality problems.

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GOAL 17: COASTAL SHORELANDS

INTRODUCTION:

The Vision clearly outlines the citizens of Wheeler's priority of protecting the natural beauty and environment surrounding the community. Planning for development in the city or surrounding unincorporated areas of the county needs to address the protection and enhancement of the ocean shorelands and the Nehalem Bay, river, and adjacent estuaries.

GOALS:

1. These Coastal Shoreland Goals establish priorities for the identification and use of coastal shoreland areas.
2. The Oregon Coastal Shoreland Goal states that, based upon inventories, Comprehensive Plans for coastal areas adjacent to the ocean, estuaries, or coastal lakes shall identify the coastal shorelands. These coastal shoreland areas are to include at least:
  - a. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake.
  - b. Adjacent areas of geologic instability where the geologic instability is related to or will impact a coastal water body.
  - c. Natural or man-made riparian resources;
  - d. Areas of significant shoreland or wetland biological habitat whose habitat quality is primarily derived from or related to the association with coastal water areas.
  - e. Areas necessary for water-dependent and water-related uses including dredged material disposal and mitigation sites.
  - f. Areas of exceptional aesthetic or scenic quality; and
  - g. Coastal headlands.
3. The Comprehensive Plan Background Report describes how the Coastal Shoreland Boundary for Wheeler was established and mapped to identify the coastal shoreland areas. The waterward extent of the Shoreland area is the line of non-aquatic vegetation or, where such a line cannot be accurately determined, mean higher high water.
4. The City seeks to conserve, protect, where appropriate develop, and where appropriate restore, the resources and benefits of all coastal shorelands recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.

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5. The City finds that there are no coastal shoreland areas in Wheeler especially suited for water – dependent development.
6. The management of these shoreland areas shall be with the intent to be:
  - a. compatible with the characteristics of the adjacent coastal waters;
  - b. to reduce the hazard to human life and property; and
  - c. to reduce the adverse effects upon water quality and fish and wildlife habitat resulting from the use and enjoyment of Oregon’s coastal shores.
7. The Coastal Shoreland Goal establishes general priorities for the overall use of coastal shoreland areas.

POLICIES:

1. Promote uses which maintain the integrity of estuaries and coastal waters.
2. Maintain and enhance historic, unique and scenic waterfront development allowing for water-related and non-water-related uses consistent with community vision and economic development goals.
3. Use standards shall be set forth under pertinent development standard provisions of the Wheeler Zoning Ordinance.
4. All new waterfront development shall, where appropriate, provide public access to the water.
5. Public access to publicly owned shorelands shall be provided, maintained, and improved wherever possible, consistent with the authorized use.
6. Riparian vegetation shall be maintained and, where appropriate, restored and enhanced.
7. The City encourages dedication of public access areas to the City as public rights-of-way as a method of alleviating private property owner concerns about maintenance, management, tax and personal liability.
8. The City conducted a resource inventory to ensure open space, protect scenic and historic areas, and natural resources for future generations, and promote healthy and visually attractive environments in harmony with the natural landscape character. These areas are:
  1. Botts Marsh, at the north end of Wheeler, west of US Highway 101.
  2. Zimmerman Marsh, at the north end of Wheeler, east of US Highway 101.

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3. The lowland flood areas identified in Wheeler by the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM).
4. The wooded area between US Highway 101 and the Nehalem River from Paradise Cove 400 east.
  
9. Administration of inventoried resources shall be implemented through development ordinances. During application review, the economic, social, environmental, and energy consequences on the resource shall be considered as part of the decision process.
  
10. Where appropriate, resources shall be preserved to prevent erosion and sedimentation and provide support for anadromous fish habitat, to provide upland bird habitat, to protect steep slopes, to mitigate geologic or flooding hazards, to buffer conflicting land uses, or to provide areas for passive or active forms of recreation.
  
11. Where resources inventoried are also subject to inventory and possible protection under Goal 16 Estuarine Resources and Goal 17 Coastal Shorelands, Goal 16 and Goal 17 shall be applied.
  
12. Land-use management practices and non-structural solutions to problems of erosion are preferred to structural solutions. Where shown to be necessary, erosion control structures such as riprap shall be designed to minimize adverse impacts on water currents, erosion and accretion pattern, and on adjacent property.
  
13. The primary goal of the City is to develop, adopt, and implement a Waterfront Revitalization Plan.
  
14. A primary purpose of the Waterfront Revitalization Plan is to ensure that the Wheeler Waterfront is managed as a critical economic resource to stimulate and support the local economy consistent with the goals of the community.
  
15. The Wheeler Waterfront Revitalization Plan area shall include at a minimum the entire waterfront between the Nehalem River and the properties on the block fronting the east side of US Highway 101.
  
16. The Waterfront Revitalization Plan shall incorporate or use as reference all applicable existing plans and inventories such as any biologic, geographic, topographic, transportation-oriented, and land use master plan inventories.
  
17. The Waterfront Revitalization Plan shall be implemented through the comprehensive plan policies and development ordinances.

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18. The Waterfront Revitalization Plan shall reflect an appropriate mix of water-related commercial and recreational activities and non-water related commercial or mixed-use commercial-residential uses.
19. The Waterfront Revitalization Plan shall seek to protect the natural beauty and small town atmosphere, preserve views, provide a trail system of public access, support the ecology and navigability of the river and estuary, and reflect the importance of fishery, trade, recreation, and lodging services.

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GOAL 18: BEACHES AND DUNES

INTRODUCTION:

The City is not required to address Oregon Statewide Planning Goal 18 Beaches and Dunes as there are no beaches and dunes within the current Wheeler jurisdiction. However, as Wheeler is located along the Nehalem River, which is tidally affected and adjacent to the beaches and dunes of the Pacific Ocean, the City is affected by development associated with beaches and dunes and by Tsunami Hazard. Therefore, the City adopts this Goal 18 as it seeks to ensure that development with the potential to affect Wheeler is consistent with Goal18 Beaches and Dunes Policies.

GOAL:

To support the conservation, protection, where appropriate development, and where appropriate restoration of the resources and benefits of coastal beach and dune areas consistent with their natural limitations and ecological, recreational, aesthetic, water resource, and economic values.



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GOAL 19: OCEAN RESOURCES

INTRODUCTION:

The City is not required to address Oregon Statewide Planning Goal 19 Ocean Resources. However, all actions by local state and federal agencies that are likely to affect the ocean resources and uses of Oregon's territorial sea are required to be developed and activities conducted to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social values and benefits and to give a higher priority to the protection of renewable marine resources – i.e. living marine organisms – than to the development of non-renewable ocean resources.

The City finds that due to its location and proximity to the Pacific Ocean it is potentially affected by the quality of ocean resources within areas subject to the Goal. Therefore, in support of Goal 19 Ocean Resources, the City adopts this Goal 19.

GOAL:

The City supports the conservation, where appropriate development, and where appropriate restoration of marine resources and ecological functions consistent with the purpose of providing long term ecological, economic, and social values and benefits for present and future generations.

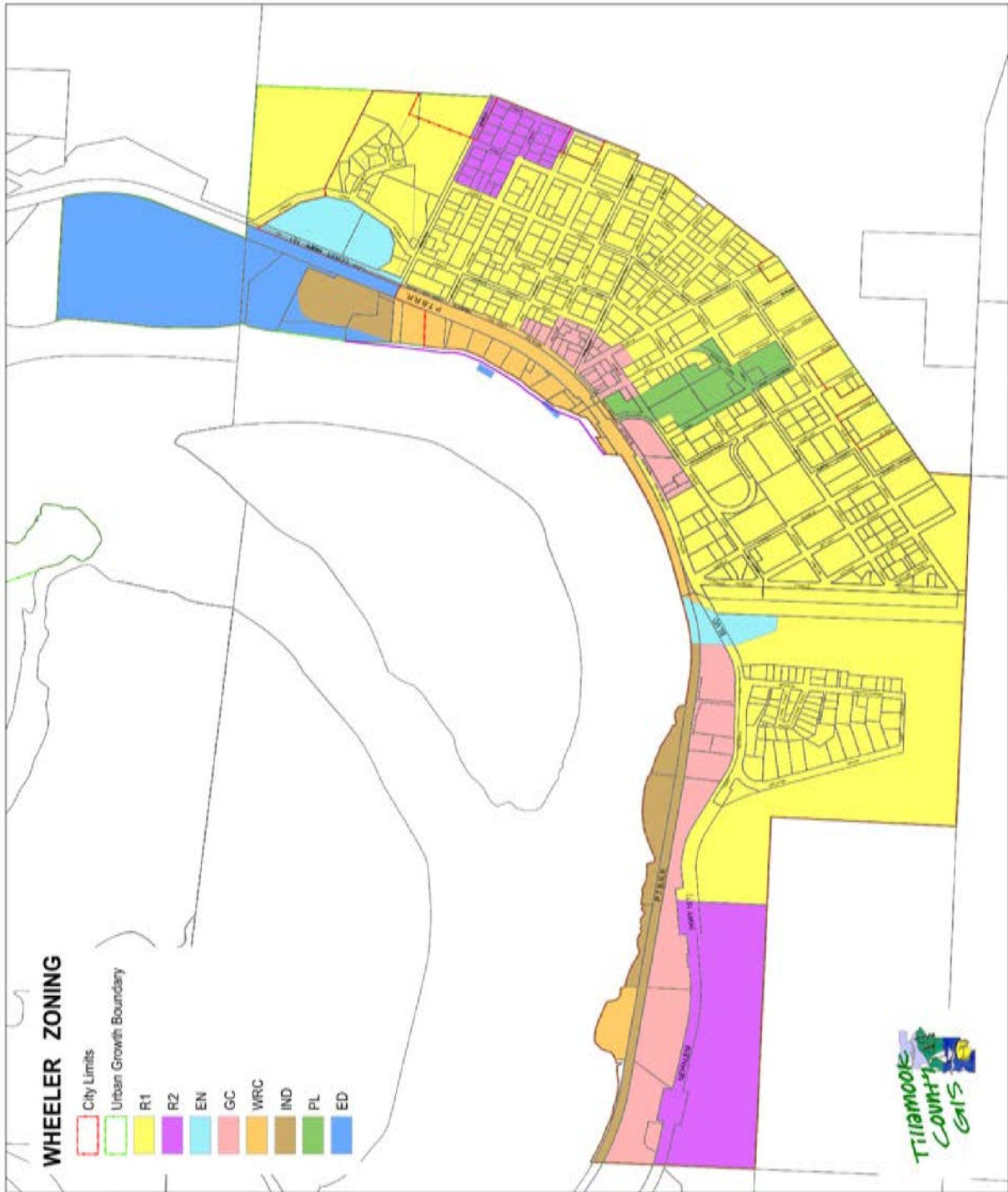
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LAND USE CATEGORY DEFINITIONS

1. General Commercial (GC). The intent is to provide for a wide range of general retail and service business needs.
2. Residential 1 (R-1). The intent is to provide for residential development consisting of conventional structures and manufactured homes.
3. Residential 2 (R-2). The intent is to provide residential development consisting of conventional structures and manufactured homes. RV Parks and campgrounds on tracts of 10 acres or more may be permitted as Conditional Uses.
4. Water-Related Commercial (WRC). The intent is to provide for marine oriented commercial uses.
5. Water-Related Industrial (IND). The intent is to provide for marine oriented industrial and commercial uses which are compatible with the community's setting and natural values. In addition, certain non-water-oriented uses may be permitted.
6. Public Lands (P). The intent is to protect certain publicly owned lands.
7. Estuarine Natural (EN). The purpose is to provide for preservation and protection of significant fish and wildlife habitats and other areas which make an essential contribution to estuarine productivity or fulfill scientific, research or educational needs.
8. Estuarine Development (ED). The purpose is to provide for long-term maintenance, enhancement, expansion or creation of structures or facilities for navigational or other water-dependent commercial, industrial, or recreational uses. Other commercial, industrial, or recreational facilities may be allowed subject to certain criteria.
9. Mitigation Site Protection (MP). The purpose of the Mitigation Site Protection zones is to protect identified mitigation sites from incompatible and preemptive uses that may prevent their ultimate restoration or addition to the estuarine ecosystem.

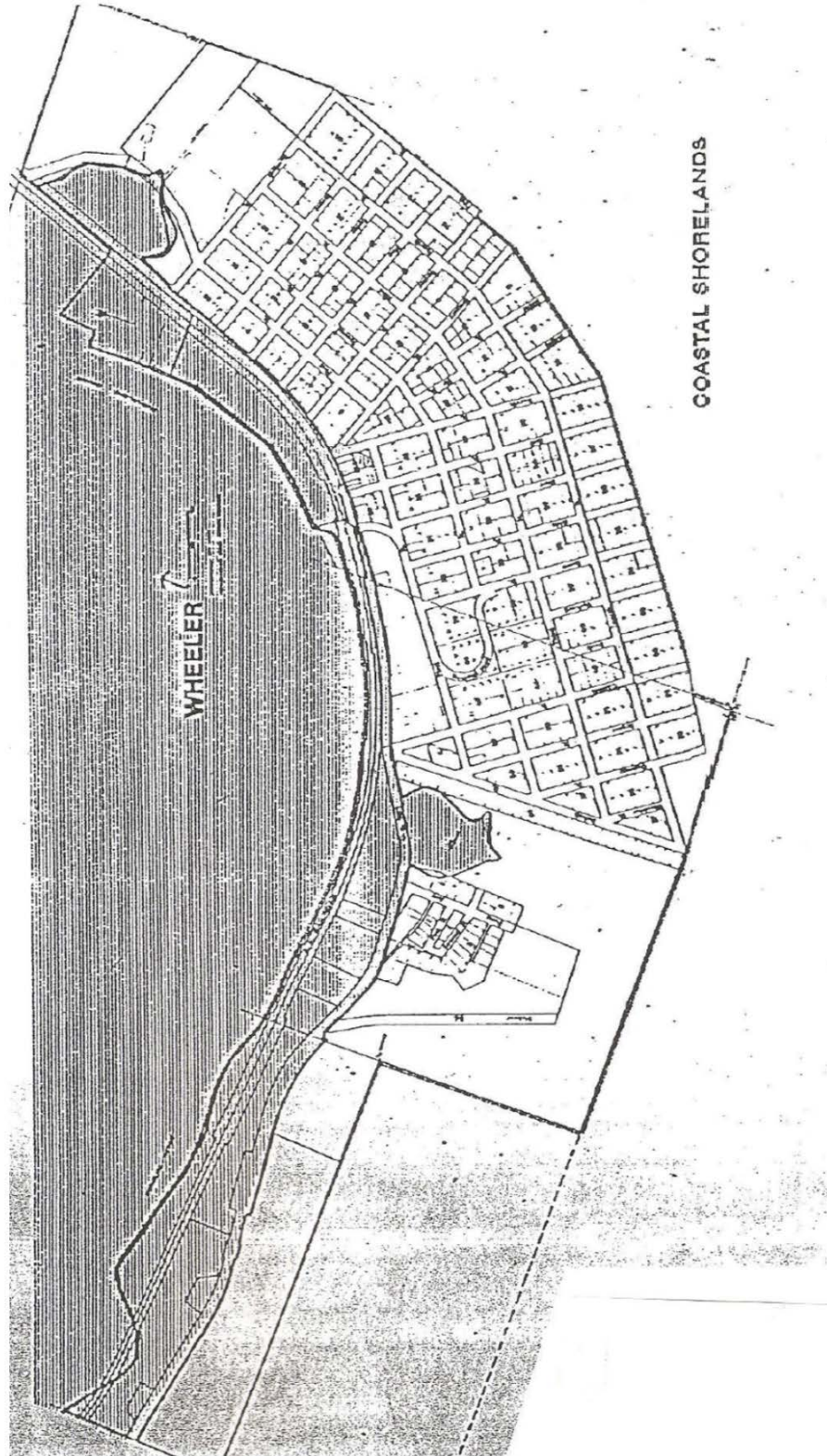
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WHEELER LAND USE AND ZONING MAP



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COASTAL SHORELAND BOUNDARY MAP



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NATIONAL FLOODPLAIN INSURANCE PROGRAM FLOOD RATE INSURANCE MAPS

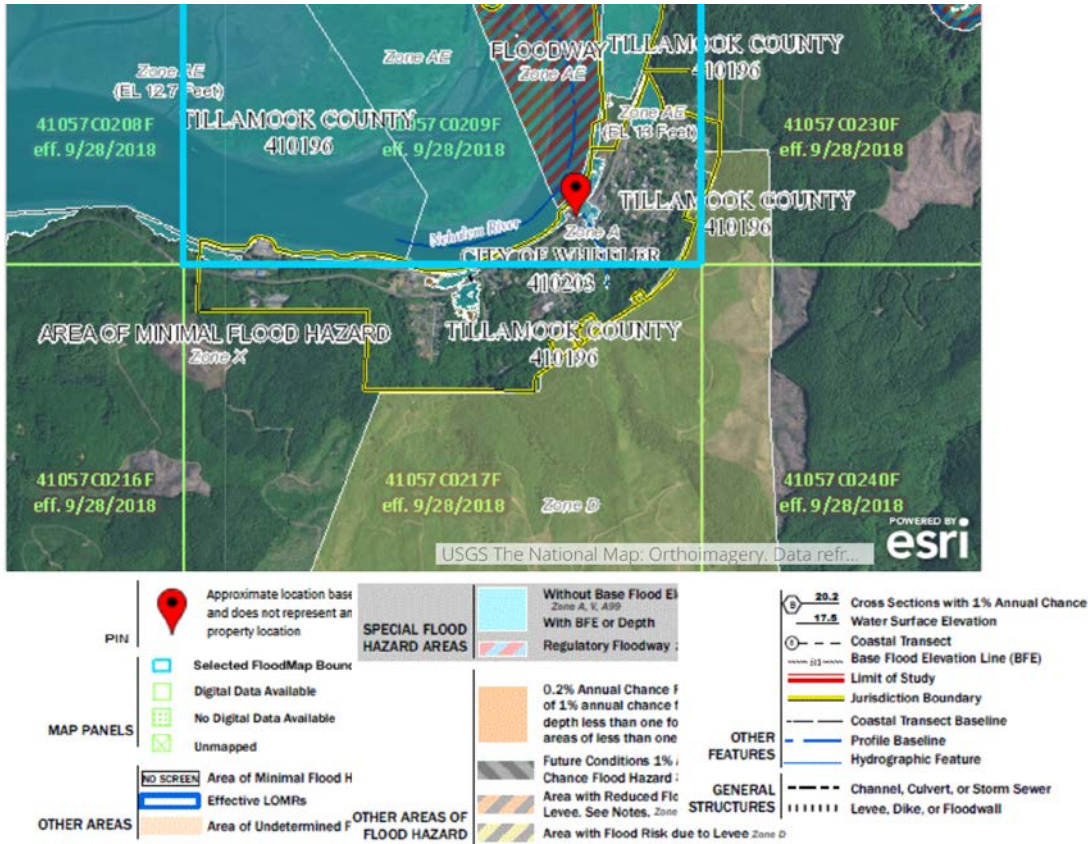


Image: Excerpt from the FEMA Map Store [www.msc.fema.gov](http://www.msc.fema.gov)

The land within the City of Wheeler Jurisdiction, the Wheeler City Limits and the Wheeler Urban Growth Boundary is depicted by National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM) effective September 28, 2018:

NFIP FIRM Community Panel Number (CPN) Maps:

- 41057C0209F
- 41057C0217F
- 41057C0230F

These NFIP FIRM CPN maps are available for review at City Hall and at [www.msc.fema.gov](http://www.msc.fema.gov).

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SUMMARY OF THE OREGON STATEWIDE PLANNING GOALS

Origin: Most of the language in this section is from the Oregon Department of Land Conservation and Development website [www.oregon.gov/lcd](http://www.oregon.gov/lcd) and will be updated periodically as appropriate.

GOAL 1: CITIZEN INVOLVEMENT

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

GOAL 2: LAND USE PLANNING

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans are coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

GOAL 3: AGRICULTURAL LANDS

Goal 3 defines “agricultural lands.” It then requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in Oregon Revised Statutes Chapter 215 and in Oregon Administrative Rules Chapter 660 Division 33.

GOAL 4: FOREST LANDS

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of balance between the resource and the uses that would conflict with it.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as ground water pollution.

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**GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**

Goal 7 deals with development in places subject to natural hazards such as floods and landslides. It requires that jurisdictions apply “appropriate safeguards” (floodplain zoning, for example) when planning for development there.

**GOAL 8: RECREATIONAL NEEDS**

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

**GOAL 9: ECONOMIC RESOURCES**

Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and to plan and zone enough lands to meet those needs.

**GOAL 10: HOUSING**

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**GOAL 11: PUBLIC UTILITIES AND SERVICES**

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.

**GOAL 12: TRANSPORTATION**

The goal aims to provide “a safe, convenient, and economic transportation system.” It asks for communities to address the needs of the “transportation disadvantaged.”

**GOAL 13: ENERGY CONSERVATION**

Goal 13 declared that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

**GOAL 14: URBANIZATION**

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up

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a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**GOAL 15: WILLAMETTE RIVER GREENWAY**

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**GOAL 16: ESTUARINE RESOURCES**

This goal requires local governments to classify Oregon's 22 major estuaries into four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units".

**GOAL 17: COASTAL SHORELANDS**

The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (US Highway 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

**GOAL 18: BEACHES AND DUNES**

Goal 18 identifies planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dune aquifers, and the breaching of foredunes.

**GOAL 19: OCEAN RESOURCES**

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the near shore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.



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DEFINITIONS FOR THE COMPREHENSIVE PLAN STATEMENT OF GOALS AND POLICIES

Origin: The definitions in this section are provided from [www.oregon.gov/lcd](http://www.oregon.gov/lcd), [www.nwp.usace.army.mil](http://www.nwp.usace.army.mil), <http://tidesandcurrents.noaa.gov/glossary.html>, and [www.census.gov/glossary/](http://www.census.gov/glossary/).

1. Accretion: The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material
2. Agricultural Land: See: Oregon Statewide Planning Goal 3 definition: Agricultural Land.
3. Anadromous: Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to freshwaters to spawn.
4. Archeological Resources: Districts, sites, buildings, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past. [See: Historical Resources]
5. Avulsion: A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed
6. Beach: Gently sloping areas of loose material (e.g. sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is definite change in the material type or landform, or to the line of vegetation.
7. Benthic: Living on or within the bottom sediments in water bodies.
8. Bridge Crossing: The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.
9. Bridge Crossing Support Structure: Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.
10. Carrying Capacity: Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.
11. Citizen Advisory Committee (CAC): A group of citizens organized to help develop and maintain a comprehensive plan and its land use regulations. Local governments usually establish one such group for each neighborhood in a city or each district in a county. CACs may also be known as neighborhood planning organizations, area advisory committees, or other local terms. CACs

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convey their advice and concerns on planning issues to the planning commission or governing body. CACs also convey information from local officials to neighborhood and district residents.

12. Citizen Involvement Advisory Committee (CIAC): A state committee appointed by the Land Conservation and Development Commission to advise that commission on matters of citizen involvement, to promote public participation in the adoption and amendment of the goals and guidelines, and to assure widespread citizen involvement in all phases of the planning process. CIAC is established in accordance with ORS 197.160.
13. Citizen Involvement Program (CIP): A program established by a city or county ensure the extensive, ongoing involvement of local citizens in planning. Such programs are required by Goal 1: Citizen Involvement and contain or address the six components described in that goal.
14. Coastal Lakes: Lakes in the coastal zone that are bordered by a dune formation or that have direct hydrologic surface or subsurface connection with saltwater.
15. Coastal Shorelands: Areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.
16. Coastal Stream: Any stream within the coastal zone.
17. Coastal Waters: Territorial ocean waters of the continental shelf, estuaries, and coastal lakes.
18. Coastal Zone: The area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a) The Umpqua River basin, where the coastal zone shall extend to Scottsberg; (b) The Rogue River basin, where the coastal zone shall extend to Agness; (c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Sound. (Formerly ORS 191.110)
19. Committee For Citizen Involvement (CCI): A local group appointed by a governing body for these purposes: (1) assisting the local government with the development of a program that promotes and enhances citizen involvement in land use planning; assisting in the implementation of the citizen involvement program; and evaluating the process being used for citizen involvement. A CCI differs from a citizen advisory committee (CAC) in that the CCI advises the local only on matters pertaining to citizen involvement and Goal 1 while a CAC may deal with a broad range of planning and land use issues. Each city or county has only one CCI while there may be several CACs.
20. Conserve: To manage in a manner that avoids wasteful or destructive uses and provides for future availability.

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21. Conservation: The act of conserving the environment.
22. Continental Shelf: The area seaward from the ocean shore to the distance when the ocean depth is 200 meters, or where the ocean floor slopes more steeply to the deep ocean floor. The area beyond the state's jurisdiction is the OUTER Continental Shelf.
23. Deflation Plain: The broad dune interface area which is wind-scoured to the level of the summer water table.
24. Develop: To bring about growth or availability; to construct or alter a shelter; to conduct a mining operation; to make a physical change in the use or appearance of land; to divide land into parcels; or to create or terminate rights to access.
25. Development: Act, process or result of actions to develop.
26. Diversity: Variety of natural, environmental, economic, and social resources, values, benefits, and activities.
27. Dune: A hill or ridge of sand built up by the wind along sandy coasts.
28. Dune, Active: Dune that migrates, grows, and diminishes from the effect of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.
29. Dune Conditionally Stable: Dune that is presently in a stable condition, but that is vulnerable to becoming active due to fragile vegetative cover.
30. Dune, Older Stabilized: Dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.
31. Dune, Open Sand: A collective term for active unvegetated dune landforms.
32. Dune Recently Stabilized: A dune with sufficient vegetated to be stabilized from wild erosion, but with little, if any, development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.
33. Dunes, Younger Stabilized: A wind-stable dune with weakly established soils and vegetation.
34. Dune Complex: Various patterns of small dunes with partially stabilized intervening areas.

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35. Ecosystem: The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem area inter-related.
36. Encourage: Stimulate, give help to; foster; support.
37. Especially Suited for Water-Dependent Development:
37. Estuary: A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater, except for the Columbia River Estuary, which by definition is considered to extend to the western edge of Puget Sound.
38. Estuarine Enhancement: An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.
39. Fill: The placement by man of sand, sediment, or other material, usually in submerged lands, or wetlands, to create new uplands or raise the elevation of land.
40. Flood Fringe: The area of the floodplain that lies outside of the floodway, but that is subject to periodic inundation from flooding.
41. Floodplain: The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.
42. Flood, Regional (1% Annual Chance of Flood): A standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or stream flows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.
43. Floodway: The normal stream channel and that adjoining area of natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevation.
44. Foredune, Active: An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.

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45. Foredune, Conditionally Stable: An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.
46. Foredune, Older: A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.
47. Forest Lands: See definition of commercial forest lands and uses in the Oregon Forest Practices Act and the Forest Lands Goal.
48. Geologic: Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.
49. Groin: An in-stream or in-water flow redirection structure, including and not limited to its use as part of a dam or pier structure.
50. Headlands: Bluffs, promontories or points of high shoreland jutting out into the ocean generally sloping abruptly into the water. Oregon headlands are generally identified in the Report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974.
51. Historical Resources: Districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past. [See: Archaeological Resources.]
52. Hummock, Active: Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.
53. Hydraulic: Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.
54. Hydraulic Processes: Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes, and rivers).
55. Hydrography: Study, description, and mapping of oceans, estuaries, rivers, and lakes.
56. Hydrologic: Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.
57. Impact: The consequences of a course of action; effect of a goal, guideline, plan, or decision.
58. Insure: Guarantee; make certain something will happen.

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59. Integrity: Quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.
61. Interdune Area: Low-lying areas between higher sand landforms and which are generally under water during part of the year. [See also the definition for: Deflation Plain.]
62. Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).
63. Key Facilities: Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage, and solid waste disposal.
64. Land Conservation and Development Commission (LCDC): The Land Conservation and Development Commission of the State of Oregon. The members appointed by the governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.
65. Littoral Drift: Material, such as sand or gravel, moved in the littoral zone (shallow water near shore) under the influence of waves and currents.
66. Littoral Zone: In coastal engineering, the area from the shoreline to just beyond the breaker zone.
67. Lower High Water: The lowest of the high waters of any specified tidal day due to the declinational effects of the Moon and Sun.
68. Lower Low Water: The lowest of the low waters (or single low water) of any specified tidal day due to the declinational effects of the Moon and Sun.
69. Maintain: Support, keep, and continue in an existing state without decline.
70. Management Unit: A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced and others are discouraged, restricted, or prohibited.
71. Mitigation: The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality (ORS 541.626)

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72. Mean Lower Low Tide (MLLT): The average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch. For stations with shorter series, comparison of simultaneous observations with a control tide station is made in order to derive the equivalent datum of the National Tidal Datum Epoch. Some locations have diurnal tides – one high tide and one low tide per day. At most locations there are semidiurnal tides – the tide cycles through a high and low twice each day, with one of the two high tides being higher than the other and one of the two low tides being lower than the other.
73. Mean Low Water (MLW): A tidal datum. The average of all the low water heights observed over the National Tidal Datum Epoch. For stations with shorter series, comparison of simultaneous observations with a control tide station is made in order to derive the equivalent datum of the National Tidal Datum Epoch.
74. Mean Low Water Line (MLWL): A line on a chart or map which represents the intersection of the land with the water surface at the elevation of mean low water.
75. Mean Higher High Water (MHHW):  
The average of the higher high-water height of each tidal day observed over the National Tidal Datum Epoch. For stations with shorter series, comparison of simultaneous observations with a control tide station is made in order to derive the equivalent datum of the National Tidal Datum Epoch. Some locations have diurnal tides – one high tide and one low tide per day. At most locations there are semidiurnal tides – the tide cycles through a high and low twice each day, with one of the two high tides being higher than the other and one of the two low tides being lower than the other. [Source: [https://tidesandcurrents.noaa.gov/datum\\_options.html](https://tidesandcurrents.noaa.gov/datum_options.html)]
76. Mean High Water (MHW):  
The average of all of the high- water heights observed over the National Tidal Datum Epoch. For stations with shorter series, comparison of simultaneous observations with a control tide station is made in order to derive the equivalent datum of the National Tidal Datum Epoch.
77. Mean River Level: A tidal datum. The average height of the surface of a tidal river at any point for all stages of the tide observed over the National Tidal Datum Epoch. It is usually determined from hourly height readings. In rivers subject to occasional freshets, the river level may undergo wide variations, and, for practical purposes, certain months of the year may be excluded in the determination of the tidal datum. For charting purposes, tidal datums for rivers are usually based on observations during selected periods when the river is at or near a low water stage.
78. Mean Sea Level: A tidal datum. The arithmetic mean of hourly heights observed over the National tidal Datum Epoch. Shorter series are specified in the name (e.g.: monthly mean sea level and yearly mean sea level).

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79. National Tidal Datum Epoch (NTDE): The specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values (e.g., mean lower low water, etc) for tidal datums. It is necessary for standardization because of periodic and apparent secular trends in sea level. The present NTDE is 1983 through 2001 and is actively considered for revision every 20-25 years. Tidal datums in certain regions with anomalous sea level changes (Alaska, Gulf of Mexico) are calculated on a Modified 5-year Epoch.
80. Natural Areas: Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific or paleontological features, or for the appreciation of natural features.
81. Natural Resources: Air, land, and water and the elements thereof which are valued for their existing and potential usefulness to humans.
82. Ordinary High Higher Water (OHHW): With respect to tides, the use of the nontechnical word "ordinary" has, for the most part, been determined to be synonymous with mean. The use of the term "ordinary" in tidal terms is discouraged.
83. Oregon Coastal Conservation and Development Commission (OCCDC). OCCDC was created by ORS 191 and existed from 1971-1975. Its work is continued by LCDC.
84. Ocean Flooding: Flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Landforms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.
85. Planning Area: The air, land and water resources within the jurisdiction of a governmental agency.
86. Pollution: Violation or threatened violation of applicable state or federal environmental quality statutes, rules, and standards.
87. Preserve: To save from change or loss and reserve for a special purpose.
88. Program: Proposed or desired plan or course of proceedings and action.
89. Protect: Save or shield from loss, destruction, or injury or for future intended use.



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90. Provide: Prepare, plan for and supply what is needed.
91. Public Facilities and Services: The projects, activities and facilities that the planning agency determines to be necessary for the public health, safety and welfare.
92. Public Gain: Net gain combines the economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.
93. Quality: The degree of excellence or relative goodness.
94. Recreation: Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.
- (a) Coastal Recreation: occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands.
- (b) Low-Intensity Recreation: does not require developed facilities and can be accommodated without change to the area or resource. For example: boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
- (c) High-Intensity Recreation: uses specially built facilities, or occurs in such density or form that it requires or results in modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high intensity recreation.
95. Restore: Revitalize, return or replace original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For the purposes of Goal 16 estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.
- (a) Active Restoration: involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.
- (b) Passive Restoration: is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.
96. Riparian: Of pertaining to, or situated on the edge of the bank of a river or other body of water.

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97. Riprap: A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as rip rap
98. Rural Land: Land outside urban growth boundaries that is:  
(a) Non-urban agricultural, forest, or open space.  
(b) Suitable for sparse settlement, small farms, or acreage home sites with no or minimal public services, and not suitable, necessary, or intended for urban use; or  
(c) In an unincorporated community.
99. Sedentary: Attached firmly to the bottom, generally incapable of movement.
100. Shoreline: The boundary line between a body of water and the land, measured on tidal waters at mean higher high water (MHHW), and on non-tidal waterways at the ordinary high higher water mark (OHHW).
101. Significant Habitat Areas: A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.
102. Sinking Fund: Funds established specifically for the redemption of long-term debt principal.
103. Social Consequences: The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.
104. Structure: Anything constructed or installed or portable, the use of which requires a location on a parcel of land.
105. Substrate: Medium upon which an organism lives and grows, the surface of the land or bottom of a water body.
106. Subtidal: Below the level of mean lower low tide (MLLT).
107. Temporary Alteration: Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g. access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance); (2) alterations to establish mitigation sites,

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alterations for bridge construction or repair and for drilling or other exploratory observations; and (3) minor structures (such as blinds) necessary for research and educational observation.

108. Territorial Sea: The ocean and seafloor area from mean low water seaward three nautical miles.
109. Tidal Marsh: Wetlands from Lower High Water (LHW) inland to the line of non-aquatic vegetation.
110. Urban Land: Land inside an urban growth boundary.
111. Urbanizable Land: Urban land that, due to the present unavailability of urban facilities or services, or for other reasons, either: (a) retains the zone designations assigned prior to inclusion in the boundary, or (b) is subject to interim zone designations intended to maintain the land's potential for planned urban development until appropriate public facilities and services are available or planned.
112. Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.
113. Water Oriented: A use whose attraction to the public is enhanced by a view of or access to coastal waters.
114. Water Related: Uses which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent with water, would result in a public loss of quality of the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.
115. Wetlands: Land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands.