



MARCH MEETING MINUTES

March 7, 2024

CITY OF WHEELER

Call to order

Commissioner Proctor called the meeting to order at 6:02 PM.

Administration

Rollcall

Present onsite

Commissioners: Doug Proctor, Anna St. John

City Staff: Pax Broder

Guests:

Present via Zoom

Commissioners: Chantelle Hylton, Brad Donohue

Guests: Gordon Taylor

Planning Commission Minutes from February 1, 2024

Commissioner St. John **made a motion to approve the Minutes of February 1, 2024**. Commissioner Proctor **seconded the motion. The motion was passed 3-0** (Yes: Proctor, St. John, Hylton; No: none). *Commissioner Donohue had not arrived via Zoom yet.*

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

Pax mentioned that the Planning Commission may want to add the “election of offices” to the agenda. Commissioner Proctor agreed. It was decided to postpone the election until Commissioner Donohue’s plane landed and he was able to attend the meeting via Zoom.

Commissioner St. John asked Pax if he had any updates about the Audubon Lawsuit/FEMA BiOp. Pax replied that he had met with Sarah Absher of Tillamook County who is intervening in the case ten days prior, but at that time there had been no updates.

Commissioner Proctor asked if there were any updates from the City Council. Pax replied that the City Council had decided to approve a transfer of ownership of a small strip of land adjacent to Hospital Road from the City to the Nehalem Bay Health District as it was needed for their driveway and utility access. The City Council also passed a Resolution to adopt the 2023 Multijurisdictional Natural Hazard Mitigation Plan and a Resolution to establish additional immunity from certain personal injury and property damage claims that expands upon the protections that had been offered by recreational immunity. The City Council meeting also included comments regarding the City’s insurance carrier (CIS) previously having an issue with A-frame signs being on the sidewalks. Pax reached out to CIS to ask about A-frame signs but was told “in general they are not involved with it.”

Commissioner Proctor asked if there were any updates on the annexations from Ordinance 2019-02 that never went through. Pax replied that the City's Contract Planner is working on it now.

Presentations, guests and announcements

None.

New business

580 Marine Dr – Application for a sign permit.

Commissioner Proctor asked if Gordon Taylor had an estimate on how long the sign would be up. Mr. Taylor said it would stay up until the property sold. He said that there had been some interest in the property until he took the sign down when he was informed that it was out of compliance (and then interest subsided as people thought the sign was removed because the property had sold.)

Commissioner Proctor asked for clarification on the size of the sign. Mr. Taylor replied that it was four feet by four feet and that his realtor said it was the size he normally puts on commercial buildings, but Mayor Kemp had informed Mr. Taylor that the sign was out of compliance.

Pax confirmed that the ordinance reads:

153.10 Signs not requiring permits

(N) One real estate sign and/or "open house" sign on-premises and two related directional off-premises signs, on private property, during the period of the sale. These signs *shall not exceed six square feet each in sign area.*

153.05 Permit Allowances

(D) One temporary sign (on-premises only) plus two event-related signs shall be allowed a license.

Commissioner Proctor **made a motion to approve the sign for 580 Marine Dr.** Commissioner St. John **seconded the motion. The motion was passed 3-0** (Yes: Proctor, St. John, Hylton; No: none). *Commissioner Donohue had not arrived via Zoom yet.*

Commissioner Proctor asked Pax if the City's Contract Planner could assist the Planning Commission with the Planned Unit Development part of the Development Ordinance. Pax said it shouldn't be a problem.

Elections of Planning Commission Offices –

Commissioner St. John **nominated Doug Proctor for Chair of the Planning Commission.** Commissioner Donohue **seconded the motion. The motion was passed 3-0** (Yes: Donohue, St. John, Hylton; No: none).

Commissioner Proctor **nominated Anna St. John for Vice Chair of the Planning Commission.**

Commissioner Hylton **seconded the motion. The motion was passed 3-0** (Yes: Donohue, Proctor, Hylton; No: none).

Commissioner Donohue **nominated Chantelle Hylton for Secretary of the Planning Commission.** Commissioner Proctor **seconded the motion. The motion was passed 3-0** (Yes: Donohue, Proctor, St. John; No: none).

Old business

Continue review of Development Ordinance:

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

Section 4.06.01 – removed entirely.

Section 4.06.02 – removed entirely.

Section 4.06.03 – changed to “Public Facilities.”

A – left to reflect the present code.

B – changed to “the city engineer (or designee)” to “Public Works.”

D – minor grammatical corrections.

E – added “Easements shall be provided when necessary to provide public utilities to Wheeler residents and businesses.”

F – left to reflect the present code.

G – left to reflect the present code.

Section 4.07.01 – minor grammatical corrections. Added that “All sign areas defined below shall not exceed 24 square feet unless specific square footage is contained in the definition below or a lesser sign area is specified later in this section.”

Section 4.07.02 – Definitions

Alteration or Altered – minor grammatical corrections.

Bench – added “sign” and “not exceeding twelve square feet in total sign area.”

Added “City Ingress or Egress Sign – A permanent sign on City property that identifies the City to vehicular or pedestrian traffic. These signs are not bound by the 24 square foot rule, and only require City Council approval.”

Event – removed “during the normal course of business.”

Event-related – added “Sign on Private Property” and changed “a limited period of time” to “a period of no more than three consecutive days, at anytime during regular or extended business hours.”

Event-related sign on City Property – added “Two event-related signs not exceeding forty-eight (48) square feet each in total sign area may be displayed on City property by a registered non-profit and tax-exempt organization, provided an application is filed with the City Manager thirty (30) days prior to the proposed event and said event, its location, theme, hours, and duration are approved by the City Council. Such signs may be temporarily affixed to City land, and shall not be displayed prior to fourteen

(14) days before the event and must be removed within two (2) days following completion of the event. Incidental booth and informational signs located within the approved site of the event are allowed only during the duration of the event.”

Commissioner Proctor asked how the Planning Commission felt about using the word “located” instead of “sited.” There was general agreement that “located” was better. Commissioner St. John suggested removing “Public” from “Public (City) Property” and it was agreed that this was also better.

Exterior – added “Sign.”

Added “Grandfathered Sign – A sign existing before adoption of the Sign Ordinance 99-02. Grandfathered Signs shall never be increased in sign area or height, but may be maintained. They do not fall under the Nonconforming Sign regulations.”

Illuminated – added “Sign.”

Interior – added “Sign.”

Mural – added “Murals are not limited by the 24 square foot rule, but must be approved by the Planning Commission before they are started.”

Nonconforming Sign – changed to “A sign existing at the effective date of this Development Ordinance and subject to, but not in compliance with, the provisions of this development ordinance.”

Permanent – added “Sign.” Minor grammatical corrections.

Rotating/Revolving Sign – removed entirely.

Sign – kept existing definition. Changed “sited” to “located.”

Sandwich Board or A-frame – added “Sign. A temporary sign, having two faces that is not attached to anything. The City Manager must document their approval of the sign location based on it not hindering pedestrian traffic or affecting clear vision for vehicular traffic.”

Sign Area – kept existing definition.

Sign Face – removed entirely.

Sign Structure – Commissioner Hylton thought it wise to keep this definition in the list as these components are important to consider. Commissioner St. John remembered the presentation that was made to the Planning Commission when the billboard sign on the north end of the city had its structure rebuilt.

Temporary Sign – kept existing definition but removed 24 square foot rule as it is stated above.

Wall Sign – removed “with the exposed face of the sign in a plane approximately parallel to the face of said wall.”

Section 4.07.04 – General Provisions

B – changed to “Conflicting Standards: Signs shall be allowed subject to the provisions of this Section unless Covenants or similar development specific rules are more restrictive.

C – changed “sited” to “located” and included a recommendation that the bottom of the sign be at least 90 inches above the bottom of the sidewalk, but in no case can it be less than 80 inches above the bottom of the sidewalk.

D – Design, Construction, and Maintenance -

1. changed to “All signs shall comply with the applicable provisions of the Building

Code in effect at the time of the sign permit application and all other applicable structural, electrical and other similar regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.”

2. changed to “No sign shall exceed the height restrictions of the zone in which it is located.”
3. changed to “Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment.”
4. changed to “The sign owner shall be responsible for maintaining the sign in good structural condition and keeping it readable at all times.”
5. changed to “The City shall notify the owner of the property where a sign has been abandoned or allowed to fall into disrepair and shall require reasonable repair, replacement or removal within thirty days. If compliance does not occur within the thirty day period, the City is authorized to cause removal or repair of such signs at the expense of the party so notified.”
6. added “No sign shall exceed 24 feet in height.”

Section 4.07.05 – Nonconforming Signs

- A – removed “sign face” and added “except if any non-conforming sign is damaged or altered by any cause to an extent exceeding fifty percent (50%) of its replacement cost, it shall be reconstructed in conformance with the provisions of Section 4.07. Removed “However, a sign structure or support mechanism.” Minor grammatical corrections.
- B – removed entirely.
- C – added “building remodels, additions or new construction” and that the signs must comply with Section 4.07.
- D – minor grammatical corrections.
- E – minor grammatical corrections.
- F – minor grammatical corrections.

Section 4.07.06 – Review Procedures

- A – removed “and a handout summarizing the sign criteria” and changed “Recorder” to “Manager.”

Commissioner Proctor asked Pax if he had a handout to distribute with sign permit applications. Pax replied that he usually hands out a copy of the entire sign ordinance.

- C – changed “Recorder” to “Manager” and added “with the concurrence of the Chair of the Planning Commission.” Added that the decision can be appealed to the whole Planning Commission.

Commissioner Proctor felt this would streamline the process in the same way that residential permits only require the City Manager and Planning Commission Chair’s approval. Pax referenced how Mr.

Taylor lost a month of advertising his property for sale while waiting for Planning Commission approval of his real estate sign. Commissioner Proctor felt that simple commercial changes (like paint color) should be approved in this manner as well. Commissioner St. John said some citizens don't even know that they need permit approval for certain activities, and there should be a way to better educate them of the requirements.

E – changed to “Applications for signs located on Highway 101 right-of-way within Wheeler City limits must be made to the Oregon Department of Transportation (ODOT) and a copy of their approval placed on file with the City Manager. Where the regulations of the State and City differ, the more restrictive regulations shall govern.

Commissioner St. John said the billboard sign north of town was required to have letter of approvals from the Port of Tillamook Bay and ODOT.

F – removed “conforming or nonconforming.” Minor grammatical corrections.

Section 4.07.07 – Signs Generally Permitted

A – changed to “Existing sign faces may be changed without a new permit subject to approval of the City Manager with the concurrence of the Chair of the Planning Commission. Structural changes require a new permit.”

D – changed to “Incidental exterior signs, not exceeding two square feet individually and six square feet of total sign area displayed by a licensed commercial or industrial business to provide

1. direction and safety to the public, such as those which identify public rest rooms, parking areas, open, closed, exits and other public facilities or
2. pertinent information concerning services offered by the licensee, such as vacancy signs, product identification, menus, business hours or credit cards accepted.”

E – changed to “Flags of international, national and state governments displayed on the premises by public facilities, non-profit and tax-exempt organizations, service groups, licensed commercial or industrial businesses, or private residences. Such flags – that can be attached to a structure or on permanent flag poles which are designed to allow raising and lowering of the flag - shall not exceed five feet by seven feet, shall not exceed the height restrictions of the Zone in which it is located and shall be limited to one flag each of international, national or state governments.”

Commissioner Proctor questioned whether “international” should be included in the above allowances. Pax mentioned that flags are often flown in support of another country during times of crisis or war. Commissioner St. John said that someone may want to fly another nation's flag in order to celebrate their heritage.

G – minor grammatical corrections. Removed “General,” “Water Resources Commercial,” and “and may flash or otherwise move as long as sign doesn't use strobe lights or other lights or flashing that imitate strobe lights.”

H – changed to “One residential name plate or one non-illuminated wall sign for a licensed

cottage industry, on premises and not exceeding four square feet of the total sign area. With approval of the City Manager and the concurrence of the Chair of the Planning Commission a small sign light that is only lighted at night and directed only at the sign can be used by businesses that may be visited after dark.”

Commissioner Proctor mentioned that he had great difficulty finding a particular bed and breakfast after dark because the local ordinance didn't allow them to illuminate their sign. Commissioner St. John asked if licensed home occupations were the same as cottage industries, and Commissioner Proctor said “yes.”

I – removed entirely.

Commissioner Proctor said that in the definition of mural it says that it usually contains no advertising. Commission St. John said that some murals do have advertising and perhaps a portion could be allowed for advertising if it adhered to sign area calculations.

Commissioner Proctor thought of historic Coca-Cola signs on buildings, which could be considered advertising if the business sold Coca-Cola. Commissioner Hylton referenced the Wheeler Marina mural which had fishing images but was not an advertisement for the business. Commissioner Proctor suggested that advertising be bordered from the rest of the mural with a distinctive border. Commissioner Hylton said that perhaps advertising should be left off murals so that they could remain as art.

Commissioner Donohue didn't mind the idea of advertising being incorporated into a mural so long as it was tasteful and appropriate. Commissioner Proctor said that if a business had a 60-foot mural with 24-feet of advertising the whole thing would still essentially be an advertisement and other businesses might complain. Pax confirmed that *all* murals have to go through the Planning Commission based on the earlier definition, so they could determine if something was untasteful.

Commission Hylton said there would need to be parameters to determine what is considered “tasteful.” She has been approached by people who would like to paint a mural on one of her commercial exterior walls. Commissioner Donohue asked if there would be a way to suggest that murals be supportive of the history of Wheeler and Oregon's coast. Commissioner Proctor said that encouragement could be added to the definition.

J – changed to “Temporary signs placed on private property used in conjunction with political campaigns and elections. Political signs shall not exceed 9 square feet in area and shall be removed within 2 days after the election.”

L – changed to “One temporary garage sale sign located only on the premises of the sale and not exceeding twelve square feet and two directional garage sale signs, off premises on private property, not exceeding four square feet each. Such signs shall not be placed prior to two days before the sale and shall be removed within two days following completion of the sale.”

N – minor grammatical corrections.

O – minor grammatical corrections.

Added “R - One permanent non-illuminated ground or wall sign, on premises, identifying a residential area or multi family structure and not exceeding twelve square feet.”

Added “S - One real estate sign and/or ‘open house’ sign on premises and two related directional off-premises signs, on private property, during the period of the sale. These signs shall not exceed six square feet each in sign area.”

Section 4.07.08 – Prohibited Signs

A – changed to “Balloons or similar types of tethered objects outside the building.”

Commissioner Hylton wondered where and why Wheeler previously approved windsocks as they are a bit of an anomaly compared to the things that are required such as “rustic feel” and “small town vibe.” Commissioner St. John confirmed that they are allowed later in the code but only if the business sells them as a product. Commissioner Proctor suggested only allowing them inside the business. Commissioner Donohue agreed that they don’t seem to match Wheeler very much.

Commissioner Proctor mentioned that the “c-shaped” banners are quite popular and we don’t specifically mention those. Commissioner St. John mentioned that if these types of things were prohibited, someone would have to enforce it. The Planning Commission suggested that Pax ask the City Council for their opinion on the matter.

B – changed to “Roof signs.”

C – changed to “Signs that emit odor, visible matter, or sound; however, an intercom system for customers remaining in their vehicles, such as used in banks shall be allowed.”

D – changed to “Signs that use or employ side guy lines of any type.”

E – changed to “Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.”

F – changed to “Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.”

G – changed to “Private signs that project into or over driveways and public rights-of-ways, except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least 8-feet above the sidewalk.”

H – changed to “Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.”

I – changed to “Signs not originated by a government agency that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.”

J – changed to “Private signs or supporting structure placed, installed or maintained on a pole, post, utility pole or placed on its own stake within any public or private right-of-way, alley or driveway, city-owned or leased property, public or private sidewalks or walkways open to public use.”

K – changed to “Variable Message signs.”

L – changed to “Signs that contain or are illuminated by flashing, intermittent, revolving, moving, or rotating light or have any animated or moving parts.”

- M – changed to “Off-premises signs within estuarine waters, intertidal areas or tidal wetlands.”
- N – changed to “No part of Section 4.07 is intended to permit a person, business or organization to erect, display or maintain any sign that is prohibited by the Oregon Department of Transportation or Federal Government.”

Section 4.07.09 – Signs Requirements

A – Allowances

- 1 – changed “sited” to “located.” Minor grammatical corrections.
- 2 – changed “sited” to “located.” Minor grammatical corrections.
- Added “3 – There is no minimum height or minimum width of a single sign area as long as the sign area does not exceed 24 square feet (3,456 square inches).”
- Added “4 – Note that the 24 square foot limitation does not apply to Bench Signs, Event-related Signs on City Property or Murals which have different size requirements specified in the definitions.”

B – Permanent Signage

- 1 – changed “more” to “two.”
- 4 – changed “sited” to “located.”
- 5 – removed “balloons.”

C – Temporary Signage

- 4 – removed “public.” Changed “or” to “and,” “Recorder” to “Manager,” and “site” to “location.”

D – Sign Illumination

- 1 – minor grammatical corrections.
- 2 – minor grammatical corrections.

E – removed entirely.

F – removed entirely.

G – removed entirely.

Section 4.07.10 – changed to “Sign Variances, Appeals, and Enforcement. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance.”

A – changed to “A request for a variance may be initiated by filing an application with the City Manager. The City Manager shall request drawings or applicable materials essential to an understanding of the circumstances underlying the request for the variance, before referring the variance request to the Wheeler Planning Commission.”

B – changed to “No permanent sign variance shall be granted by the Wheeler Planning Commission unless it can be shown that all of the following conditions exist: Temporary sign variances only need to meet condition 3 below.”

- 1 – changed to “Exceptional or extraordinary circumstances apply to the premises upon which the licensee's business is located and over which the licensee has no control.”
- 2 – changed to “The variance is necessary for the preservation of a right of the applicant substantially the same as owners of other businesses in the same zone possess.”
- 3 – changed to “The variance would not be materially detrimental to the purposes of this Development Ordinance, the Comprehensive Plan, to other businesses in the same zone, or otherwise conflict with the objectives of any City policy, or State and

Federal Statutes.

- C – changed to “An appeal from a ruling by the City Manager regarding a requirement of Section 4.07 may be made to the Planning Commission.”
- D – changed to “Any Planning Commission Decisions can be appealed to the City Council which will accept the appeal only if two or more members of the Council file a written request for such consideration with the Mayor within fifteen days after the Planning Commission has rendered a decision.”
- E – changed to “It is the responsibility of the City Manager to interpret and enforce Section 4.07.”
- F – changed to “A person, licensee or organization violating Section 4.07 shall, upon conviction, be punished by a fine of not more than \$250 per violation. A violation of Section 4.07 shall be considered a separate offense for each day the violation continues.”
- G – changed to “Any sign that fails to comply with the provisions of Section 4.07 following its effective date, except those subject to the provisions of Section 4.07.05 (D) and (E), is hereby declared to be a public and private nuisance. In addition to the penalties provided herein for violation thereof, such a sign may be removed or caused to be removed by the City Manager or someone designated by the Manager, who may enter upon private property and remove a sign without liability therefore. The cost of removal of such a sign shall be borne by the owner of the sign or, if the sign has been abandoned, by the owner of the property upon which the sign is located.”

Commissioner St. John said the final Development Ordinance will need to go through technical review. Commissioner Proctor said that the document Commissioner St. John has is an incredibly studied document of “how we got to where we are.” What he has been doing is making the final draft of the Development Ordinance for how the Planning Commission will propose it.

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

Adjournment

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

Commissioner Proctor called the meeting to close at 8:42pm.

Dated: March 7, 2024

Doug Proctor, Chair

Pax Broder, City Manager/Recorder