

# Routine Program Change

Seeking to Incorporate Certain Provisions of the City of Wheeler  
Comprehensive Plan and Municipal Code into the Oregon Coastal Management Program

*August 14, 2015*

## I. Introduction

The Oregon Department of Land Conservation and Development (DLCD) seeks approval by the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management's (OCM) to incorporate the current version of the **City of Wheeler Comprehensive Plan (WCP) and Zoning Ordinance (WZO)** into the Oregon Coastal Management Program (OCMP). DLCD requests OCM's concurrence that the incorporation is a Routine Program Change (RPC) to the OCMP. The DLCD has identified and described the enforceable policies that DLCD will apply to federal consistency reviews and explains why their incorporation constitutes a routine program changes to the OCMP.

The Land Conservation and Development Commission (LCDC) acknowledged the most of the RCP and codes as being in compliance with the Statewide Planning Goals on December 5, 1980. OCM approved these documents as components of the OCMP on September 23, 1983. The City has revised some parts of the plan and code provisions over the years; these amendments are captured in this RPC submittal.

These changes were approved by the State of Oregon (through the Land Conservation and Development Commission) as meeting the statewide planning goals. However, DLCD has not submitted the current versions of these documents to NOAA/OCM for review and approval. DLCD is now submitting to OCM the current version of the plan and code reflecting all changes subsequent to NOAA's 1983 approval, for incorporation into the OCMP. The submittal includes the city's comprehensive plan and code including policies that apply to the Nehalem Estuary within city jurisdiction.

Section II of this analysis describes the legal and policy framework of Oregon's Coastal Management Program, summarizes the key elements of Oregon's land use planning system and the relationship between state requirements and local land use plans and regulations, lists the statewide planning goals, and describes the relationship between the statewide program and the OCMP. Section III lists and briefly describes the enforceable policies of the RCP and RLUC that DLCD seeks to incorporate into the OCMP. Section IV analyzes the five CZMA program approvability areas potentially impacted, and determines that this request qualifies as a routine program change. Finally, Section V contains a table of all City of Wheeler enforceable policies that Oregon seeks to incorporate into the OCMP.

## II. Framework for Oregon's Approved Coastal Management Program

### A. Oregon's land use planning program: state-local relationship

As noted in NOAA's review and approval of the Oregon Coastal Management Program in 1977, the Statewide Planning Program (ORS Chapter 197, Comprehensive Land Use Planning Coordination), is the principal mechanism by which the state ensures that state goals for land use planning, conserving and developing coastal and other resources in Oregon are implemented by local governments with state oversight. Local governments, such as Wheeler, are required to adopt comprehensive land use plans that meet the statewide requirements and to make the day-to-day land use decisions in conformance with those state-approved goal-based plans. Since the mid-1980s, the plans and ordinances of all cities and counties in Oregon have been found to be in compliance with the goals. The state, through the LCDC and DLCD, also review amendments to local plans and ordinances for compliance with state requirements.

### B. Statewide Planning Goals

The nineteen statewide planning goals (<http://www.oregon.gov/LCD/goals.shtml>), which are adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015), express the state's policies on land use and (along with additional administrative rules) provide standards for local land use planning and decision-making. Some goals set standards for how certain types of land are to be planned and zoned; for example, Goal 18 sets specific standards for development on various types of dunes. NOAA/OCM has approved these statewide planning goals and related administrative rules as core components of the OCMP.

The central purpose and requirements of the statewide planning goals are:

**Goal 1 CITIZEN INVOLVEMENT:** requires local governments to provide "the opportunity for citizens to be involved in all phases of the planning process;" requires each city and county to have a citizen involvement program and a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Goal 2 LAND USE PLANNING:** outlines procedures for planning; specifies elements of comprehensive planning, requires local jurisdictions to adopt enforceable "implementation ordinances" to carry out the plan's "enforceable" policies; requires local land use decisions to conform to adopted comprehensive plan and ordinances.

**Goal 3 AGRICULTURAL LANDS:** defines "agricultural lands;" requires counties to inventory soil types and designate such lands as agricultural lands based on soil type and actual use and to "preserve and maintain" those lands through zoning.

**Goal 4 FOREST LANDS:** defines "forest lands;" requires counties to inventory forest capability, identify forest land, and adopt policies and ordinances to "conserve forest lands for forest uses."

**Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES:** requires local plans to address more than a dozen natural and cultural resources (e.g. wildlife habitats, wetlands, historic sites); establishes a process for each resource is to be inventoried and evaluated by local governments; creates options for local governments to protect identified significant resources.

**Goal 6 AIR, WATER AND LAND RESOURCES QUALITY:** requires local comprehensive plans and ordinances to be consistent with state and federal regulations on solid waste, groundwater pollution, municipal sewerage discharge, air emissions, etc.

**Goal 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS:** seeks to protect development from natural hazards (e.g. floods, landslides, and erosion); requires jurisdictions to use hazard inventories supplied by state agencies and apply "appropriate safeguards" (i.e. floodplain zoning) to those areas.

**Goal 8 RECREATION NEEDS:** requires jurisdictions to plan for recreational opportunities based on an inventory of recreational resources, evaluation of areas and facilities for recreation, and projected demand for recreation.

**Goal 9 ECONOMY OF THE STATE:** calls for diversification and improvement of the economy; requires inventory of existing and potential commercial and industrial lands, determine future needs for such lands, and plan and zone lands sufficient to meet those needs.

**Goal 10 HOUSING:** specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

**Goal 11 PUBLIC FACILITIES AND SERVICES:** calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection; links provision of new services to urbanization policies in Goal 14.

**Goal 12 TRANSPORTATION:** aims to provide "a safe, convenient and economic transportation system;" requires consideration of multiple transportation modes; links funding for transportation facilities to transportation plans.

**Goal 13 ENERGY:** seeks to use land use plans to control development to "maximize the conservation of all forms of energy, based upon sound economic principles."

**Goal 14 URBANIZATION:** requires cities to work with counties to estimate future population growth and related needs for land in unincorporated areas and to jointly designate sufficient land to meet those needs; requires each city jointly with its county, to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

**Goal 15 WILLAMETTE GREENWAY:** pertains only to those jurisdictions that touch on or include the Willamette River Greenway; not applicable in the Coastal Zone.

**Goal 16 ESTUARINE RESOURCES:** establishes state-level estuary classification system and designates each of 22 estuaries into one of four categories: Natural, Conservation, Shallow-draft Development, and Deep-draft Development; establishes planning and management requirements for each category; specifies land uses and activities permissible in those areas; emphasizes habitat protection; links closely to Goal 18.

**Goal 16 COASTAL SHORELANDS:** defines a shoreland planning area along the ocean shore, estuaries, and other water bodies and requires local governments to map the shoreland boundary; specifies how certain types of land and resources within the shoreland area are to be managed; emphasizes unique coastal land uses (e.g. port facilities) and requires protection of sites for "water-dependent" or "water related" uses.

**Goal 18 BEACHES AND DUNES:** specifies planning standards for protecting or developing various types of dunes; prohibits most development on beaches and active foredunes; prohibits ocean shorefront protective structures for most development built after 1977; establishes standards for dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Goal 19 OCEAN RESOURCES:** seeks to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf;” creates basis for planning and management of state ocean waters through the state Territorial Sea Plan; establishes requirements for state agencies rather than cities and counties.

### **C. The Oregon Coastal Management Program**

NOAA’s 1977 approval of the Oregon Coastal Management Program pre-dated development and state approval of coastal local government plans and ordinances (most of which occurred between 1978 and 1985), but was predicated on “the central authority by which Oregon will implement the program is SB 100” (subsequently codified as ORS 197). NOAA approval also included the enforceable policies of the statewide planning goals, including the coastal goals, and the statutory authorities of several state agencies (e.g. Department of Environmental Quality). In the years following this 1977 approval all coastal local governments created and adopted comprehensive plans and ordinances, which LCDC reviewed, approved, and submitted to OCM for approval as Routine Program Changes (RPC).

Local land use plans and ordinances were expected to be reviewed and amended in response to individual situations or pursuant to ORS 197 which requires local plans to be periodically reviewed and amended to reflect changes in laws, requirements for meeting the statewide planning goals, community needs, development, and other factors. For “Periodic Review” updates, the DLCD works closely with local governments to identify needed changes and a work schedule for addressing them. Many amendments are minor in nature and do not involve substantive policy changes. The analysis below discusses the current plan policies that DLCD seeks to incorporate as enforceable policies and how the provisions implement the applicable statewide planning goals.

## **III. Wheeler Comprehensive Plan and Zoning Ordinance Incorporated as Enforceable Policies**

While DLCD seeks to incorporate the WCP and WZO into the OCMP in their entirety, DLCD has identified specific sections within each that could be used as enforceable policies for federal consistency purposes.

As required by 16 USC 1453(6a) and OCM guidance, the enforceable policies are legally binding and contain standards of sufficient specificity to guide private and public uses. These policies, contained in discrete sections of the plan and ordinance, are listed in subsections A and B, below, and listed in table form in Section V. Any plan and ordinance provisions not part of this submittal that were approved by NOAA in 1983 remain unchanged.

### **A. COMPREHENSIVE PLAN**

The city’s comprehensive plan establishes the basis for land use regulation throughout the city. It contains goal and policy statements formatted to address the Statewide Planning Goals. These goals and policies express the city’s policies and commitments about land use and will direct a

variety of future decisions affecting land use. However, DLCD has determined that very few of the policy statements contained in the City of Wheeler Comprehensive Plan can be construed as enforceable within the meaning of 16 USC 1453(6a) and used for federal consistency review purposes.

DLCD seeks to include the following as enforceable policies:

## **Recreation and Open Space**

p. 11 Policy 4: Requires riparian setback from certain waterways and Nehalem estuary.

## **Estuarine Resources**

### **A. Aquaculture Facilities pp 17-18**

1. Limits kind and extent of aquaculture facilities in Estuary Natural zones
4. Requires certain aquaculture facilities to be protected from degradation of water quality.
5. Limits aquaculture facilities in Estuary Natural Zone; requires resource capability test.

### **B. Diking pp 18-19**

1. Permits maintenance and repair of existing dikes, tidegates, and other existing farm structures in all estuary and shoreland zones; specifies criteria for approving dike maintenance and repair.
2. Allows construction of temporary dikes in certain circumstances in all estuary zones.
3. Prohibits dredging within estuarine areas for material to maintain or repair dikes.
4. Limits new diking of intertidal and tidal marshes; specifies criteria for approval.

### **C. Boat Ramps, Docks, and Moorages p. 19**

1. Permits maintenance and repair of existing docks and moorages in all estuary zones.
6. Prohibits docks and moorages within Estuary Natural zones; allows boat ramps under specified circumstances.

### **D. Dredged Material Disposal pp 20-22**

3. Allows dredged material disposal in certain designated sites.
4. Limits use of certain sites for dredged material disposal; requires plan amendment prior to use.
6. Requires priority disposal sites in Nehalem Bay Dredged Material Disposal Plan to be preserved for future use.
10. Limits use of flow-lane disposal of dredged materials, requires monitoring.
11. Specifies that disposal of dredged material is subject to federal and state laws.

### **E. Dredging in Estuarine Water, Intertidal Areas, and Tidal Wetlands pp 22-24**

1. Specifies uses for which approval may be granted of dredging in estuarine waters, intertidal areas, and tidal wetlands.
2. Criteria for approving dredging in estuarine waters, intertidal areas, and tidal wetlands.
3. Requires dredging intertidal areas and tidal wetlands to be subject to applicable state law.
4. Requires proposals for new dredging projects to be reviewed for sufficient disposal sites for initial and maintenance needs.

5. Declares dredging in estuarine waters, intertidal areas, and tidal wetlands to be subject to applicable state and federal laws.
  6. Criteria for approving dredging in Estuarine Natural zones.
  7. Requires resource capability determination prior to approval of dredging in Estuarine Natural zones.
- F. Energy Facilities and Utilities pp 24-25
1. Permits maintenance and repair of energy facilities and utilities in all estuary and shoreland zones.
  3. Criteria for approval of energy facilities or utilities, except sewage treatment facilities, in estuarine waters, intertidal areas, and tidal wetlands.
  4. Requirements for approval of new energy facilities or utilities in Natural Estuary zone.
- G. Fill in Estuarine Waters, Intertidal Areas, and Tidal Wetlands pp 25-27
1. Permits fill for maintenance and repair of existing manmade structures or structures, allows installation of temporary low-water bridge in all estuary zones.
  2. Criteria for approval of fill in estuarine waters, intertidal areas, and tidal wetlands.
  4. Requires fill in intertidal areas and tidal wetlands to be subject to mitigation policies in state law.
  5. Criteria for a new fill in Estuary Natural zone.
  6. Criteria for a new fill in Estuary Development zone.
  7. Criteria for approval of fill in certain Estuary Development zones for which an exception has been taken.
- H. Fisheries p. 27
1. Requires habitat areas important to marine fish to be protected through designation as Estuary Natural.
- I. Forestry and Forest Products Industry p. 28
1. Limits approval of new or expanded log handling facilities in Estuary Development zone; provides criteria for approval.
- J. Implementation pp 28-29
6. Criteria for approval of dredge and fill.
- K. Industrial and Commercial Uses in Estuarine Waters, Intertidal Areas and Tidal Wetlands pp 30-32
1. Permits maintenance and repair of existing industrial and commercial uses in all estuary zones; limits expansion and new construction of industrial and commercial uses in Estuary Development zone.
  4. Defines water-dependent industrial facilities
  7. Requires industrial uses to be identified as water-related industrial on case-by-case basis.
  8. Requires commercial uses to be identified as water-related commercial on case-by-case basis.

9. Criteria for approving water-related designations for uses not otherwise addressed in regulations.
11. Limits certain industrial and commercial uses in Estuary Development zone to certain requirements.

L. Land Transportation Facilities pp 33-34

1. Allows maintenance and repair of existing roads and other transportation facilities in all estuary zones.
3. Allows new land transportation facilities within estuarine waters, intertidal marshes or tidal wetlands if specified criteria are met.
4. Provides for new land transportation facilities in Estuary Development zones under certain conditions.
5. Provides for bridge crossing support structures under certain conditions.
8. Limits new land transportation facilities in Estuary Natural zones.

M. Mining and Mineral Extraction pp 34-35

1. Prohibits petroleum extraction and drilling in estuarine waters, intertidal marshes or tidal wetlands; provides exceptions.
2. Prohibits mining and mineral activities within Estuary Natural zone; provides exceptions.
3. Allows mining and mineral extraction in Estuary Development zone under certain conditions.
4. Requires mineral and other deposits to be identified and protected from preemptive uses.

N. Mitigation p. 35

1. Requires mitigation for dredging or fill within intertidal areas or tidal wetlands.
2. Requires mitigation to comply with state law

O. Natural Habitat and Resource Areas pp 35-36

1. Requirements and criteria for designating and managing estuarine habitat.

P. Navigational Structures and Navigational Aids

1. Permits navigational aids and maintenance and repair of existing navigational structures in all estuary zones; allows new or expanded navigational structures only in Estuary Development zone.
2. Criteria for permitting navigational structures.

Q. Piling/Dolphin Installation pp 37-38

1. Permits repair of existing piling and dolphins in all estuary zones.
2. Limits new piling in Estuary Natural zones.
3. Criteria for permitting piling and dolphin installation in Estuary Development zone.
4. Specifies that replacement of existing and installation of new pilings and dolphins are subject to applicable state and federal laws.

- R. Public Access to the Estuary and its Shorelands p. 39
3. Declares private use of privately owned areas to be legitimate and protected from encroachment.
- S. Recreation and Recreational Facilities pp 39-40
1. Permits maintenance and repair of existing recreational facilities in all estuary and shoreland zones.
  2. Permits low-intensity water-dependent recreation in all estuary and shoreland zones.
  3. Limits recreation in Estuary Natural zone to certain uses not requiring dredging or fill.
  4. Prohibits recreational off-road vehicles in estuarine waters, intertidal areas, and tidal wetlands.
- T. Restoration pp 40-41
1. Defines passive restoration; permits passive restoration in all estuary zones; limits passive restoration in Estuary Development zone.
  2. Allows restoration and enhancement activities as part of mitigation project subject to state and federal laws.
  3. Defines estuarine restoration; specifies conditions for estuarine restoration.
  4. Defines estuarine enhancement, lists specific actions and specifies priority enhancement actions.
  6. Permits active restoration and estuarine enhancement in all estuary zones subject to certain requirements.
- V. Shallow Draft Port Facilities and Marinas
1. Permits maintenance and repair of existing port facilities and marinas in all estuary zones; limits new or expanded facilities to Estuary Development zone.
  2. Criteria for designating or expanding port facility or marina.
  3. Limits depth of channel maintained by dredging to 22 feet.
- W. Shoreline Stabilization pp 44-46
1. Permits maintenance and repair of existing shoreline stabilization measures in all estuary and shoreland zones.
  2. Establishes priorities for shoreline stabilization measures in estuarine and shoreland areas.
  4. Criteria for permitting structural shoreline stabilization methods.
  5. Criteria for structural shoreline stabilization in Estuary Natural zone.
  6. Permits structural shoreline stabilization in Estuary Development zone under certain conditions.
- X. Water Quality p. 47
1. Cites specific state and federal laws regulating water quality in estuaries.

### **Urban Growth Boundary**

Policy 3 (p. 47): Requires new development be annexed to the city to receive city services.

**Public Facilities**

Policy 3 (p. 48): Allows provision of city services to new development only after annexation to city.

**Shorelands**

Policies 1 – 10 (pp 50-51): Establishes priorities for use of shoreland areas.

**Land Use Category Definitions**

Definitions 1-9 (p. 53): Defines specific land use categories for city land use planning.

**B. WHEELER ZONING ORDINANCE****Article 1: Introductory Provisions**

Sections 1.010 – 1.070: Purpose, classification of zones, mapping of zones, definitions.

**Article 2: WRC Zone – Water-Related Commercial**

Sections 2.010 – 2.050: Permitted principal uses/activities, conditional uses/activities, development standards, special use standards.

**Article 3: IND Zone – Water-Related Industrial**

Sections 3.010 – 3.040: Permitted principal uses/activities, conditional uses/activities, development standards.

**Article 4: GC Zone – General Commercial**

Sections 4.010 – 4.040: Permitted principal uses, conditional uses permitted, prohibited uses, development standards.

**Article 5: R-1 Zone – Residential Type 1**

Sections 5.010 – 5.040: Permitted principal uses, conditional uses, prohibited uses, development standards.

**Article 6: R-2 Zone – Residential Type 2**

Sections 6.010 – 6.040: Permitted principal uses, conditional uses permitted, prohibited uses, development standards.

**Article 7: P Zone – Public Lands Zone**

Sections 7.010 – 7.070: Permitted principal uses, conditional uses permitted, development standards.

## **Article 8: Estuary Zone**

Sections 8.010 – 8.130: Estuary zones, uses permitted outright; Estuary Natural Zone (EN): uses permitted with standards, conditional uses, regulated activities; Estuary Development Zone (ED): uses permitted with standards, conditional uses, regulated activities; Mitigation site protection (MP): designation of MP zones, uses and activities, procedures.

## **Article 9: FHO Zone – Flood Hazard Overlay**

Sections 9.010 – 9.060: purpose, objectives, general provisions, provisions for flood hazard reduction, restrictions and prohibited uses.

## **Article 9.2: Historic Resource Overlay Zone**

Sections 9.210 – 9.250: purpose, designation of local historic landmark, incentives, other.

## **Article 10: Planned Development**

Sections 10.000 – 10.090: Intent, purpose, permitted buildings and uses, development standards, submission requirements, review procedures, other.

## **Article 11: Supplementary Provisions**

*Note: these sections implement many of the policies of the Estuarine Resources provisions of the Wheeler Comprehensive Plan:*

Sections 11.010 – 11.030: intent, geologic investigations, survey required;

Section 11.053: clearing, cutting, and filling;

Section 11.110: Shoreland and Estuarine Development Standards applicable to Water-Related Commercial (WRC), Water-Related Industrial (IND), Water-Dependent Development (WDD), Estuarine Natural (EN), and Estuarine Development (ED) zones; specific standards for nineteen specific uses and activities.

Sections 11.115 – 11.1194: Regulated Activities and Impact Assessments, procedures for reviewing regulated activities, zone requirements, impact assessments, resource capability determination, significant degradation or reductions in estuarine natural values.

Section 11.120: Protection of Riparian Vegetation.

Section 11.130: Accessory Uses

## **Article 14: Variances**

Sections 14.010 – 14.040: intent, conditions, other.

## **Article 15: Conditional Use/Activities**

Sections 15.010 – 15.090: intent, authorization, preexisting conditional uses, compliance, other.

## **IV. This Action is a Routine Program Change**

The incorporation of the enforceable policies listed above of the current City of Wheeler Comprehensive Plan and Municipal Code into the OCMP does not substantially alter any of the five program areas detailed in 15 CFR 923:

### **1. Uses subject to management (Subpart B)**

This action does not substantially change the uses subject to management specified in the OCMP (navigation and transportation; residential/urban/industrial, including energy production; agriculture and forestry; recreation; fish and wildlife production and utilization; public facilities; mining and minerals; and restoration) or those originally included in the City of Wheeler Comprehensive Plan and Municipal Code approved by OCRM in 1983. The State of Oregon requires the plan and ordinance to implement Oregon's statewide planning goals, which require local jurisdictions to set standards for various uses, including those set forth in the OCMP. Because the uses permitted by the plan and ordinance must be consistent with the statewide planning goals and because the city has not added any new uses, incorporation of the updated plan and ordinance into the OCMP merely refines and does not substantially change the uses subject to management.

### **2. Special management areas (Subpart C)**

This action does not change the criteria for designating areas of particular concern, or areas for preservation or restoration. Statewide planning goals 16 through 18 set the criteria and procedures for establishing and managing estuarine areas (Goal 16), coastal shorelands (Goal 16), and beaches and dunes (Goal 18). The City of Wheeler Comprehensive Plan and Municipal Code merely set policies and standards for designating and managing these areas within city jurisdiction.

### **3. Boundaries (Subpart D)**

This action applies only to lands under the jurisdiction of the City of Wheeler. It does not change Oregon's inland or seaward coastal zone boundary, nor does it change the status of excluded lands.

### **4. Authorities and organization (Subpart E)**

This action does not change Oregon's authority or organization, nor does it alter Oregon's administration of the OCMP. Oregon's land use system and statewide planning goals establish criteria and standards for local planning; the city plan and ordinance simply implement those standards.

### **5. Coordination, public involvement and national interest (Subpart F)**

This action does not change any coordination, public involvement, or national interest provisions of the OCMP.

## V. Enforceable Policies Table

<b>Changes to the OREGON COASTAL MANAGEMENT PROGRAM</b>				
<p>The OREGON COASTAL MANAGEMENT PROGRAM (OCMP) seeks to incorporate certain provisions of the <b>City of Wheeler Comprehensive Plan (WCP) and Zoning Ordinance (WZO)</b> into its federally-approved coastal management program. The following table identifies specific provisions that DLCD seeks to incorporate as enforceable policies and that DLCD anticipates using for Federal Consistency review purposes.</p>				
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/ Program Authority or Change	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
<b>ADDED</b>			<b>mm/dd/year</b>	<b>mm/dd/year</b>
City of Wheeler Comprehensive Plan and Zoning Ordinance	*DLCD seeks to incorporate the City of Wheeler Comprehensive Plan (WCP) and Zoning Ordinance (WZO) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	ORS 197/WCP; WZO 1.030 <sup>1</sup> via city planning and permit processes, (hereinafter: city planning/permit processes)	12/05/1980	1980 – 2015
<b>CITY OF WHEELER COMPREHENSIVE PLAN</b>				
<b>Recreation and Open Space</b> p. 11				
Policy 4	Requires riparian setback from waterways.	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
<b>Estuarine Resources</b> pp 17-47				
Introductory paragraph	Declares adoption by reference of certain provisions of Tillamook County Comprehensive Plan		12/05/1980	1980 – 2015
A. Aquaculture Facilities Policies 1,4,5	Limits kind and extent of aquaculture in estuary.	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
B. Diking Policies 1 - 4	Permits maintenance of existing structures; limits and regulates construction of new dikes		12/05/1980	1980 – 2015
C. Boat Ramps, Docks and Moorages Policies 1, 6	Permits maintenance of existing docks, moorages; prohibits new docks in certain zones, provides standards.		12/05/1980	1980 – 2015

<sup>1</sup> “1. No building or other structure shall be erected, reconstructed, altered, enlarged or moved, nor shall any building, structure or land be used for any purpose except as specifically (or by necessary implication) authorized by this ordinance..”

D. Dredged Material Disposal Policies 3, 4, 6, 10, 11	Allows disposal of dredged material in certain sites, limits uses of dredged material, limits flow-lane disposal, specifies state and federal standards	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
E. Dredging in Estuarine Water, Intertidal Areas, and Tidal Wetlands Policies 1-7	Regulations for approval of dredging, criteria for approval, requires resource capability determination for certain dredging	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
F. Energy Facilities and Utilities Policies 1, 3, 4	Permits maintenance and repair, criteria for approval and other requirements for energy facilities	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
G. Fill in Estuarine Waters, Intertidal Areas, and Tidal Wetlands Policies 1, 2, 4-7.	Permits fill for maintenance of certain structures, criteria for approval of fill in estuarine areas and certain zones, requires mitigation for certain fill.	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
H. Fisheries Policy 1	Requires protection of fish habitat	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
I. Forestry and Forest Products Industry Policy 1	Relating to log handling facilities	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
J. Implementation Policy 6	Criteria for approval of dredge and fill	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
K. Industrial and Commercial Uses in Estuarine Waters, Intertidal Areas and Tidal Wetlands Policies 1, 4, 7-9, 11	Relating to maintenance and repair, requirements for approval of industrial and commercial uses; defines water-related industrial, other requirements.	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
L. Land Transportation Facilities Policies 1, 3-5, 8	Relating to approval and maintenance of roads, bridge structures and other transportation facilities in estuarine areas.	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
M. Mining and Mineral Extraction Policies 1-4	Prohibitions and regulations for approving mineral and mining activities.	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
N. Mitigation Policies 1, 2	Requirements for mitigation for dredge or fill activities	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015

O. Natural Habitat and Resource Areas Policy 1	Requirements for designating and managing estuarine habitat	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
P. Navigational Structures and Navigational Aids Policies 1, 2	Regarding navigational structures in estuarine waters	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Q. Piling/Dolphin Installation Policies 1-4	Regulations and criteria for repair of existing and approval of new pilings and dolphins	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
R. Public Access to the Estuary and its Shorelands Policy 3	Relating to private use of shoreland areas	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
S. Recreation and Recreational Facilities Policies 1-4	Regarding recreational uses, repair and maintenance, prohibitions of certain recreational use	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
T. Restoration Policies 1-4, 6	Defines passive restoration, estuarine restoration and enhancement, other requirements for restoration	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
V. Shallow Draft Port Facilities and Marinas Policies 1-3	Regarding existing, new or expanded port facilities, limits channel depth to 22 feet	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
W. Shoreline Stabilization Policies 1, 2, 4-6	Regarding maintenance and repair, approval of new and existing shoreline stabilization structures	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
X. Water Quality Policy 1	Requires compliance with state and federal water quality laws	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
<b>Urban Growth Boundary</b>				
Policy 3	Regarding provision of city services to new development	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
<b>Public Facilities</b>				
Policy 3	Regarding provision of city services to new development	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
<b>Shorelands</b>				
Policies 1-10	Priorities for shoreland areas	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015

<b>Land Use Category Definitions</b>				
Definitions 1-9	Define specific land use categories for planning		12/05/1980	1980 – 2015
<b>WHEELER ZONING ORDINANCE</b>				
Article 1 Sections 1.010-1.070	Introductory Provisions	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 2 Sections 2.010-2.050	Water-Related Commercial	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 3 Sections 3.010 – 3.040	Water-Related Industrial	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 4 Sections 4.010-4.040	General Commercial	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 5 Sections 5.010-5.040	Residential Type 1	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 6 Sections 6.010=6.040	Residential Type 2	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 7 Sections 7.010-070	Public Lands Zone	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 8 Sections 8.010-8.130	Estuary Zone	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 9 Sections 9.010-9.060	FHO Zone – Flood Hazard Overlay	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 9.2 Sections 9.210-9.250	Historic Resource Overlay Zone	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 10 Sections 10.010-10.090	Planned Development	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 11 Sections 11.010-11030, 11.053, 11.110, 11.115- 11.1194, 11.120 - 11.130	Supplementary Provisions, including Shoreland and Estuarine Development Standards	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 14 Sections 14.010-14.040	Variances	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015
Article 15 Sections 15.010-15.090	Conditional Use/Activities	ORS 197/city planning/permit processes	12/05/1980	1980 – 2015

<b>REMOVED:</b>				
City of Wheeler Comprehensive Plan			1984	1984
City of Wheeler Zoning Ordinance			1984	1984