

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING
March 9, 2021, 3:30 p.m.
Regular Meeting, Virtually Held
555 W. 20th Street
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

The regular meeting of the City of Port Orford Planning Commission was called to order Tuesday, March 9, 2021 at 3:30 p.m.

Those members present were: Chair Nieraeth, Comm. Jezuit, Comm. Stetson, Comm. Berndt, Comm. Schofield, Comm. Thelen.

City staff present were Planner Crystal Shoji, Legal Counsel Kudlac and Assistant Planner Clark.

2. Planning Chair Comments.

Chair Nieraeth updates commissioners on their roles and rules. She spoke on misinformation on social media and the necessity for commissioners to know facts of information. Planning commissioners were provided an email, which listed responsibilities of the commission, outlined the City Council's authority and directions to Planning Commission. Chair Nieraeth reminded commissioners of the expenses involved in Planning Commission pursuits. Planning Commission has a tight budget. She reminded commissioners that the appropriate time to bring up topics is during the Planning Commission comments. Chair Nieraeth explained how the agenda is created. The agenda and minutes are always available on paper at City Hall. Posting on the website is a courtesy only, but in the future, they should be on the Planning Commission website page.

Chair Nieraeth spoke of timing of topics from Planning Commission meetings to City Council meetings. Since the meetings are only a week apart, it can take 5 weeks for topics to get to the City Council. She asked commissioners to move the Planning Commission meetings to the first Tuesday of the month rather than the second Tuesday to possibly cut the 5-week time to a 2-week time.

3. Additions to the Agenda.

- a. Elect a Planning Commission vice chair.

Comm. Berndt suggested deferring vice chair election until the empty commissioner seat is filled. Comm. Stetson volunteered for the vice chair position. Comm. Berndt moved for Comm. Stetson to fill the vice chair position with Comm. Jezuit as second. ***Motion carried 6-0.***

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

- b. Time of meeting change.

Commissioner Berndt moved to change the Planning Commission meetings to the first Tuesday of the month to provide better efficiency communicating with City Council with Commissioner Stetson as second. ***Motion carried 6-0.***

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

4. Approval of Agenda for March 9, 2021: Comm. Jezuit moved to approve the March 9 agenda with Comm. Berndt as second. ***Motion carried 6-0.***

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

Approval of Minutes February 9, 2021: Spelling correction of Ann Valeis to Vileisis. Comm. Berndt moved to approve minutes of the February 9, 2021 meeting as amended with Comm. Stetson as second. ***Motion carried 6-0.***

Discussion: None.

Comm. Thelen	<u>Abstain</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

5. Comments from the Public:

Ann Vileisis expressed appreciation for Chair Nieraeth for finding ways for the Planning Commission to be more effective and efficient. She commented on the dark sky ordinance. She reviewed her extensive notes and offered to share them with commissioners. Notes will be scanned and shared with Planning Assistant Clark.

Rowland Willis, resident of Port Orford, reported this is the 5th winter he has lived with severe light trespass in his backyard. As an astronomer, he is pleased to see the lighting code back on the Planning Commission's agenda. He would like to see the lighting code be sent back for a public hearing. Mr. Willis will share a list of his concerns with Planning Assistant Clark. Mr. Willis volunteered his assistance with light measurements.

Steve Lawton expressed appreciation to commissioners for moving their meeting schedule. He reiterated that they are working with Coos-Curry Electric and Terry Richards to get new lower kelvin lights adjusted at different heights as a demo for the public.

6. Public Hearing:

Minor Partition POP-20-02

Applicant/owner: Michael Graybill, Janet Hodder and Matthew Kay.

Subject property: 15 Hamlet Road, T33S, R15W. Sec. 05BA, Tax Lot 2600.

Chair Nieraeth disclosed that she had visited the site.

Comm. Berndt disclosed a personal relationship with the owners of the property in that Ms. Hodder is on the board of the land trust where she is employed. Comm. Berndt disclosed that she lives in the neighborhood and is familiar with the property; however, she has not been on the property. She feels she can vote in the best interest of the law within the city and does not feel she has a conflict.

Comm. Jesuit disclosed she drove by the lot to familiarize herself with the property. She inquired that, as a commissioner, does this need disclosed. Planner Shoji answered it is good to look at the property and good to state that was done. If a commissioner spoke with somebody at the property, that needs disclosed. She reminded commissioners to inform the people they talk with at the property that they do not want to talk about the property as a planning commissioner in order to preserve an open mind.

Comm. Thelen disclosed he drove by the property to familiarize himself with the property.

Comm. Stetson asked for clarification of the rules on driving by applicant locations, because previously she was told it was not appropriate. Legal Counsel Kudlac advised commissioners are allowed to drive by and look at the property, but they are not allowed to step foot on the property. The goal is for all commissioners to come to the meeting with the same information.

Planner Shoji summarized the staff report. She clarified the lot location and reviewed the attachments. She clarified that there is a proposal for two lots. They have two houses on one lot currently, which is a non-conforming use. The proposal to split the lot and have the houses on two separate lots as requested will be in conformance for an R1 residential zone. It is outlined that each resident will have a hookup to city standards for water, sewer and electricity.

The first finding speaks on the sewer main and water line. Planner Shoji confirms that there are three accesses to the two buildings. Setbacks are reviewed. A 5-foot setback requirement falls short at 4 feet between the existing houses' proposed property line. This is a special case, as the buildings were in place prior to City of Port Orford zoning codes. Ms. Shoji advised that this is a situation that already exists and should not affect further requests with setback noncompliance. It would not be efficient to do a variance for something that already exists and cannot be amended.

Planner Shoji reviewed definitions. Criteria for tentative approval of partitions and subdivisions is reviewed. Required information for minor partitions has been provided. Planner Shoji advised commissioners that today they can approve a tentative plat map if so inclined. The final plat will be filed with the county surveyor once the tentative plat is approved. Planner Shoji reviewed the surveyor statement stating they are not aware of any unusual topographic or geologic features existing on the subject property.

Planner Shoji reviewed conclusions and recommendations. The recommendation is for approval with conditions.

Conditions:

1. Applicants need to have separate connections for sewer, water and electrical to city standards at each house.
2. Final plat approval will require conformity with the approval of the tentative plan, which will have to comply with the code.
3. The final plat will have to be filed with the Curry County Surveyor with a copy of the final plat also provided to the City of Port Orford.
4. Time limits to be met. The tentative approval must be filed within a year or an extension approved. If not met, the right and approval will be lost.

Attachments are reviewed including the public notice. State law dictates what is included in the public notice. One comment from a neighbor, Jennifer Wilson, was received, which is entered as exhibit B.

Public Testimony: No opponent testimony in attendance. Applicants, Mike Graybill and Janet Hodder are in attendance. Mr. Graybill confirms the staff report is a very thorough characterization of the situation.

Public testimony is closed by Chair Nieraeth.

Commissioner Thelen inquired if a duplex would be allowed on the applicant property. It is confirmed by Planner Shoji that a duplex would be allowed. The buildings would have to be joined to be a duplex, owned by one person and could not have a lot partition.

Commissioner Stetson is concerned about the resale value when separated. Commissioner Jezuit feels that is the buyer's concern. She questions the intended use for the houses.

Commissioner Berndt moved to approve the application for Minor Partition POP-20-02 based on the findings presented with Commissioner Jezuit as second. *Motion carried 6-0.*

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

7. Planning Matters

- CUP-1901 Cell Tower at 698 Coast Guard Hill Rd.
Planner Shoji referred to the document presented to commissioners. The current cell tower is under a conditional use permit approved in 2006 followed by another in 2008. They want to do modifications to the facility. It is an eligible facility. There are federal regulations dictating what modifications can be done. The city does not have a say in that. The tower is in a geohazard area. A Planning Clearance is simply to say this fits the zoning and then conditions are listed. In this case, the applicant has a geohazard report updated in 2019. The city has a copy. This report requires them to follow the requirements of the geohazard study they have. Copies of findings and regulations are available to commissioners.
- Dark Sky Review.
Chair Nieraeth reviewed the discussion September 17, 2020 that ultimately went to a first reading. The motion carried 5-0 and the second reading occurred September 24, 2020. In review, the motion for the second reading was not located. Chair Nieraeth suggested sending this back to council asking for written instructions. Commissioner Thelen advised that City Council requested review and decisions be made to improve the enforcement and height of the lighting at the crosswalks. He advised commissioners that City Council passed the first reading and then decided to send it back to the Planning Commission to address these issues.

Legal Counsel Kudlac suggested asking for a letter from the city manager, as that should be their job. She hopes the new city manager will attend planning and council meetings.

Commissioner Jezuit would like to see a more formalized process of communication between planning and council to avoid lost information and delays.

Commissioner Stetson suggested workshops to include Planning Commission and City Council together. Chair Nieraeth suggested a workshop prior to the next planning meeting. She advised there are council members assigned as liaison to other commissions. Council liaisons are not assigned to planning since they are the appeal body to Planning Commission decisions.

Commissioner Thelen moved to ask the City Council to provide information in writing on what they want done with the dark sky ordinance with Commissioner Stetson as second. ***Motion carried 6-0.***

Discussion: Commissioner Stetson will attend the March council meeting and ask for recommendations.

Comm. Thelen	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

8. Other Business:

a. Announcements and Communications:

- City Planner Comments: Planner Shoji advised of state law ORS 227 that lays out the planning commission duties. This ordinance does not address all of the duties of the Planning Commission.
- Planning Commission Comments: Comm. Berndt feels positive about today's meeting and direction the commission is taking to be more organized and efficient.

Planning Commissioner Thelen wanted direct communication with the person preparing the minutes. Legal Council Kudlac advised that the person preparing minutes is a contract position. Assistant Planner Clark reported the minutes have been accurate. The recordings are available for review via public request involving a fee; however, Assistant Planner Clark will have to download it to an external source. Commissioner Thelen asked if the mayor could be approached and asked to present more consensus votes in the city council meetings to clarify what they want.

b. Old and Continuing Business: None.

9. Public Considerations:

Ann Vileisis followed up on process. As another matter of clarity, she would like to know the deadline for public comments, are public comments accepted in writing outside of a hearing, how can the public best participate. Assistant Planner Clark advised that written testimony, by law, is accepted for public hearings up to the time of the meeting, so not all will be available to the public. Packets will have already been sent out. Planner Shoji reminded that there is state law that applies to hearings. There are no state laws that apply to virtual meetings. The website gives instruction for notices from the public.

Steve Lawton complimented commissioners for reorganizing and improving communication between City Council and Parks Commission.

10. **Commissioner Jezuit moved to adjourn the meeting with Commissioner Leland as second. *Motion carried 6-0.***

Discussion: Commissioner Stetson advised no motion is necessary.

Comm. Thelen	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

Chair Nieraeth adjourned the March 9, 2021 meeting at 5:21 p.m. The next meeting will be April 6 at 3:30 p.m.