

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING
August 3, 2021, 3:30 p.m.
Regular Meeting, in person and 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, August 3, 2021 at 3:32 p.m. by Chair Nieraeth.

Those members present were: Chair Nieraeth, Vice Chair Berndt, Comm. Jezuit, Comm. Thelen, Comm. Rinehold. Comm. Schofield, Comm. Rossi.

City staff present were: Planner Crystal Shoji, Assistant Planner Clark and City Attorney Kudlic

Others present: Steve Lawton, Penny Suess, Tom Calvanese.

2. Planning Chair Comments.

Chair Nieraeth cautioned virtual attendees that she might not see them. [*Recording sound quality of Chair Nieraeth was poor. Minutes are to the best of recorder's ability*].

3. Additions to the Agenda: None.

4. Approval of Agenda for August 3, 2021: Comm. Jezuit moved to approve the August 3, 2021 agenda with Comm. Thelen as second. ***Motion carried 7-0.***

Discussion: None

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

5. Approval of Minutes July 6, 2021: Comm. Thelen moved to approve minutes of the July 6, 2021 meeting with Comm. Jezuit as second. ***Motion carried 7-0***

Discussion: None.

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

6. Comments from the Public:

Leila Thompson, former resident of Port Orford now outside boundaries, shared a conversation with a landowner on Beech Street and 101. The gentleman stated he has plans to build a 100-foot observation tower in town. He stated he can build it, because he will open it to the public. She is concerned.

Penny Suess, Port Orford resident, speaks in support of building height changes to Port Orford's zoning code as outlined in Commissioner Thelen's motions 1, 2 and 4. These changes will promote a harmonious scale across zones without radical differences in height among commercial and residential buildings. Ms. Suess goes on to say motion 3 is agreeable to her; however, confusing. She does not think the description of south of Oregon Street is right, because Oregon runs north and south. She believes there are parcels south of Dock Road in the 7-MA, which would not be covered by this motion. She wonders if the intention is to allow those to be 45 feet. Ms. Suess agrees with motion 5A, but no other exceptions other than for chimneys should be allowed. Ms. Suess objects to motion 5B strenuously. She feels 70 feet antennae would be horrible eyesores for the town. This is not litigated by a possible use in communication during natural disasters. She is not willing to trade permanent intrusion on the view scape for an unlikely benefit. Ms. Suess asks about what "for governmental use" means in motion 6.

Steve Lawton, Port Orford resident, speaks on commercial heights. He hopes the Planning Commission understands that limiting commercial heights to 35 feet will not hurt the local economy. He looked at the last 7 major commercial and medical buildings constructed in Port Orford in the past two years, and they have all been under 35 feet. Mr. Lawton strongly supports eliminating section 17.32.50, Additional Standards Governing Conditional Uses, Exemption Clause, which he believes creates a loophole to allow for much taller buildings in any neighborhood including residential neighborhoods. Mr. Lawton expressed his appreciation to commissioners for contributing to the community by serving on the Planning Commission.

7. Public Hearing – None.

8. Planning Matters

- a. Presentation from Tom Calvanese on Port of Port Orford activities: [*Port President Thompson's audio is of poor quality. Minutes are to the best of the recorder's ability*]. President Thompson introduced a large redevelopment overview. An area in question is the area above Dock Road. The essential section below Dock Road, Port does not see a need for exemptions in their process. Mr. Calvanese shared a link to commissioners that reflects what President Thompson presented. Mr. Calvanese spoke on four points: 1) Generally speaking, the 45-foot limit is suitable for the marine use area. 2) An exemption for greater than 45 feet to accommodate the high-capacity cranes and noted that should not necessarily be a grandfather clause but should allow for the new cranes that will be

developed possibly located in a slightly different spot on the dock. 3) Another exemption would refer to the area above Dock Road that is within the 7-MU. The Port is concerned, because Dock Road is the tsunami evacuation route for the Port. The redevelopment project is focused on making sure Dock Road is hardened and modified to ensure it is a suitable tsunami evacuation route. The Port does not feel it is wise to have a 45-foot limit above a tsunami evacuation zone on unstable ground, which will be affected if there is an earthquake, which would affect the tsunami evacuation route using the existing Dock Road. 4) As mentioned previously, there was talk about the need for an exemption for an observation tower for the Port. The Port has no plans to put up an observation tower.

Ms. Thompson identified that current plans are for redevelopment that would include upgrading cranes. Mobile use has not been spoken. The Port has only the stationary crane. Mr. Calvanese suggested for the purposes of heights it might be stated as boat hoist or high-capacity crane or some statement that does not use the word stationary just in case one of the cranes ends up being a mobile crane. That would prevent change in the future. A high-capacity crane is a good description of what they are using. A boat hoist is a very short apparatus.

Planner Shoji addressed two different height limitations in one zone as acceptable if the area of the zone can be easily defined. If it cannot be defined, it cannot be given a special height limitation. Tax lots change so cannot be used to define. Streets can be used if a person can define where the street is using a surveyor.

[Legal Counsel Kudlac is concerned there are two meetings going on, City Hall and virtual. She is not sure which meeting is being recorded. The virtual meeting was the only meeting recorded. This portion of the City Hall meeting was not recorded.]

- b. Review of Building Heights and Exemptions in 4-C and 5-I Zones: Planner Shoji addressed the timelines document provided to commissioners. She advised it is time for a decision to be made. Code language needs written, so commissioners need to decide what they want in the code language. Once the document is created and presented to commissioners, the Planning Commission can then make motions. It will go to a public hearing and people will have input. Commissioners might want to make changes at that time, which is expected. This is a 3-month process after commissioners get an idea of what they want to present. Commissioners have the staff report first presented.

Commissioners have the ordinance. The ordinance is how things will fit into the code. There are a lot of exemptions in the ordinance addressed by Mr. Thelen in a memo to the City Council. Planning has not begun to discuss those. Staff needs to review the exemptions, because there are certain items that cannot be included in the exemptions. Planner Shoji cautions Planning commissioners not to make this too difficult for the City of Port Orford. Only change things that make a difference to Port Orford even if another city might have it in their ordinance.

Planner Shoji advised that an exemption in a tsunami zone is not something that Planning has to make a motion on. It is already in the code. The observation tower put in as an exemption in the code the council adopted was due to a tsunami group speaking of an

observation tower that they thought the city would like to have; therefore, it was put in the language as public observation tower.

Chair Nieraeth reiterates that Planning Commission needs to discuss specifically the 4-C and 5-I zones and look at the exemptions. Planner Shoji suggested making the motion on items the Planning Commission agrees on and then move on.

Commissioner Berndt moved that 4-C zone allowable building heights be changed to a maximum of 35 feet with Commissioner Rinehold as second. *Motion carried 7-0.*

Discussion: None.

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

Commissioner Berndt moved that 5-I zone allowable building heights be changed to a maximum of 35 feet with Commissioner Rinehold as second. *Motion carried 7-0.*

Discussion: None.

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

Additional standards concerning governing conditional uses: Issue most discussed on this was people not wanting landowners to amalgamate properties, make them larger and then build taller buildings within those. Commissioner Thelen did not find another town that has this clause. He is unsure of where it came from.

Commissioner Rossi moved that section 17.32.050, Additional Standards Governing Conditional Uses be deleted from the code with Commissioner Rinehold as second.

Motion carried 7-0.

Discussion: None.

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

Planner Shoji reminded commissioners that the original staff report includes building height limitations. Earlier discussion indicated Planning Commissioners might want to change the definition of stationary boat hoist to what Mr. Calvanese suggested. Planning Commissioners have discussed wanting a better definition of public observation tower. Planner Shoji suggested verbiage such as approved community water tower. Planner Shoji will bring definitions for “public” to the next meeting for commissioners to discuss. Public observation tower mast is subject to review of definitions or removal.

Commissioners agree to leave high-capacity boat hoist but remove “stationary.”

By consensus, commissioners agree to the following:

The following types of structures or structure parts are not subject to the building height limitations of this type:

Boat hoists in a Port facility

Chimney not taller than 5 feet

Community water system

Fire and hose towers

Transmission towers

Communication towers

Other projections as required by Oregon or federal law

Marine zone is discussed:

Currently there is a 45-foot height limit at the Port and 35 foot limit at the upper lots.

Chair Nieraeth suggested changing all marine zone to 35-foot height limit.

Commissioner Rinehold moved to change the 7-MA zone maximum height from 45 feet to 35 feet with Commissioner Jezuit as second. *Motion carried*

Discussion: None

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

9. Considerations:

Planner: None.

Commissioner: Comm. Thelen expressed appreciation to the chair and commissioners. Chair apologized for the recording issues.

Public: None.

10: **Chair Nieraeth adjourned the August 3, 2021 meeting at 5:20 p.m..**