

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING
September 7, 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, September 7, 2021, at 3:30 p.m. by Chair Nieraeth.

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

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

Others present:

2. Planning Chair Comments.

Chair Nieraeth recapped what is on the agenda. Planner Shoji reminded Chair there is supposed to be a 35-day public hearing notice, but that cannot be done until the information is available. There might be an exception to consider.

3. Additions to the Agenda: None.

4. Approval of Agenda for September 7, 2021:

Discussion: Planner Shoji inquired about approving the agenda, as it is not a requirement. Confirmed by Legal Council Kudlac. Approval of the Agenda will be removed.

5. Approval of Minutes August 3, 2021: Comm. Berndt moved to approve minutes of the August 3, 2021, meeting with Comm. Rossi as second. *Motion carried 6-0*
Discussion: None.

Comm. Thelen	<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: None.

7. Public Hearing – None.

8. Planning Matters

- a. Planner Shoji directed commissioners to the staff report in their packets. The staff report includes the decision made by commissioners as proposed changes. There are items not discussed and inconsistencies.
- Section 17.40.040, Criteria and Approval for Zone Text or Map Amendments – An amendment to the zoning ordinance text or map is appropriate when there are findings that all of the applicable conditions exist.
 - Section 17.04.030 Definition – “Public” means open to and shared by the citizens of Port Orford for their use. “Structure” means that which is built or constructed. An edifice or building or piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground, or which is attached to something having location on the ground.
 - 17.12.090 Battle Rock Mixed Use Zone (10-MU) – The site plan review has to be modified, because it talks about exceeding thirty-five (35) feet in height.
 - 17.20.050 General exception to building height limitations – Most amendments have been discussed but some have not been seen. Research was done, and it was found that the Oregon Health Authority is the approving body for community water system towers and such things.
 - 17.46.080, Evacuation Route Improvement Requirements – The word Public was added to structures, reading **Public** Tsunami Evacuation Structures.

Recommendations:

- Planner Shoji proposed changing the word building that is included within the building height descriptions to structure and leaving the word “building” as the heading for those things with the intent to tie together both buildings and structures. See definition of structure and building above.

Proposed Findings as the Basis of the Planning Commission’s Legislative Decision:

Finding 1. The amendments proposed within this document are zone text amendments, justified due to changing circumstances within the development patterns of the city and also up and down the coast.

Finding 2. The proposed amendments do not conflict with any of the Statewide Planning Goals.

Finding 3. The proposed amendments comply with specific Port Orford Comprehensive Plan Goals and Policies. Citizens did participate in the process and amendments do not interfere with economic development.

Chair Nieraeth questions the definition of “Public” means free of charge. Planner Shoji pointed out that public water and sewer systems are not free of charge and available to everyone.

Comm. Thelen is concerned with “shared by” in the definition of public and wonders if it means ownership and wonders if a private citizen can get a permit for a public facility. The definition for “public” is discussed. Comm. Thelen suggested using publicly owned in the definition of public. The decision to make the structure should be a public decision and not a private decision. Comm. Berndt suggested adding “funded by public sources and operated by city, county, state. Councilors agree by consensus to the definition of *PUBLIC*, “public means open to and shared by the citizens of Port Orford for their use, and is owned, leased or funded by public sources with operations overseen by the city, county or state.”

17.12.050 Controlled Development Zone (6-CD): Comm. Thelen pointed out typing error to be corrected.

17.12.060 Marine Activity Zone (7-MA): Comm. Thelen advised the Port wanted a 45-foot limitation on the dock for the crane and redevelopment plans, but the Planning Commission passed a 35-foot limitation. He suggested, “except as provided in 17.20.050 in 7-MA zone, no building structure north of Dock Road or east of Oregon Street shall exceed 35 feet in height. In the remainder of the 7-MA zone, no structure shall exceed 45 feet in height.” Chair Nieraeth would like to see a simpler verbiage. Comm. Rossi had contact with the Port today, and they are concerned that the redevelopment plans will probably go over 35 feet. Redevelopment will take place in the spring and the Port will have to apply for an exemption. Legal Counsel Kudlac stated there is no criteria in place for an exemption. Planner Shoji agreed that if there is any possibility the Port needs 45 feet it should be built in the code. Changing the code for them later would take months and is expensive. Assistant Planner Clark suggested anything above Dock Road is 35 feet and below Dock Road is 45 feet. Commissioners were concerned that would include the beach citizens enjoy. The Port has the option to bring this up at the hearing. A map can be incorporated into ordinance. Comm. Berndt will devise a map and have it in the next packet for the public hearing. Legal Counsel Kudlac suggested verbiage of, “no structure shall exceed 35 feet in height except the area south of Dock Road and west of the meridian of Oregon Street as shown in which no structure shall exceed 45 feet in height as shown on map.”

Comm. Berndt moved to proceed to the public hearing step on the ordinance utilizing the information provided in the staff report with the two exceptions, 1) definition of public to include owned, leased, funded by public sources and overseen by city, county or state; and 2) Marine Activity Zone (7-MA) to keep 35 feet with the exception of structures in an area indicated on the included map to be 45 feet. Comm. Rossi seconded the motion.

Motion carried 6-0.

Discussion: The motion has carried with the staff report as amended due to mistype.

Comm. Thelen	<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. Other Busineses

A. Announcements and Communications:

Planner: Planner Shoji is concerned about vacation rentals. She advised commissioners that the City of Coos Bay allowed vacation rentals at one point. Prior to that they were not disallowed but were not defined. That is how Port Orford is now. When not defined Coos Bay had a rush on vacation rentals. Coos Bay put a moratorium on vacation rentals that resulted in out-of-town companies to send out letters encouraging landlords to change their rentals to vacation rentals with an explanation of how much more money they will bring in. Realtors are selling properties as vacation rentals. Ms. Shoji assumes that the letters were in the works prior to the moratorium being set in place. These out-of-town companies are causing loss of local housing. She suggested Port Orford Planning Commission act on this soon if commissioners agree this is a problem.

Commissioners:

Comm. Berndt spoke of the Proposed Findings as the basis of the Planning Commissions legislative decision. She feels it is a good idea that in 3B, Statewide Planning Goal 9, Economic Development, commission includes the "Looking to the Future" piece that was developed in 2016. Planner Shoji will add that as "C, Looking to the Future."

Chair Nieraeth asked for clarification on procedure and timeline for a public hearing. The hearing must be 35 days after ordinance is written up and sent out. The public hearing could be held at the November 2 meeting and then can go to council for their November 18 meeting. Council also has to have a public hearing.

Comm. Thelen advised commissioners that the City Council is addressing affordable housing, vacation rentals and ADUs and suggested commissioners start thinking about those topics.

Comm. Berndt informed commissioners of the water moratorium.

Public: None.

B. Continuing Business: None.

10. Public Considerations: None.

11: **Chair Nieraeth adjourned the September 7, 2021 meeting at 5:04 p.m.**