

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, March 9, 2021
3:30 PM**

Please join my meeting from your computer, tablet or smartphone.

Planning Commission 3/9/2021
Tue, Mar 9, 2021 3:30 PM - 6:30 PM (PST)

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Agenda

1. Call to Order
2. Planning Chair Comments
3. Additions to the Agenda
3. Approval of Agenda
4. Approval of Minutes: February 9, 2021
5. Comments from the Public
6. Public Hearing
 - Minor Partition POP-20-02
7. Planning Matters
 - CUP-1901 Cell Tower at 698 Coast Guard Hill Rd.
 - Dark Sky Review

Other Business

- A. Announcements and Communications:
 - City Planner Comments
 - Planning Commission Comments
- B. Old and Continuing Business
9. Public Considerations
10. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING
February 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 as called to order Tuesday, February 9, 2021 at 3:30 p.m.

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

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

2. Additions to the Agenda: None

4. 3. Approval of Agenda: **Comm. Stetson made the motion to approve the minutes of January 12, 2021 and Comm. Jezuit seconded the motion. Motion carried 4-0.**

5. Approval of Minutes: **Comm. Stetson made the motion to approve the minutes of January 12, 2021 and Comm. Jezuit seconded the motion. Motion carried 4-0.**

6. Comments from the Public:

Penny Suess asked to have the planning commission packets and minutes be posted on the website. Penny Suess asked that her last name be put into the January 12, 2021 minutes where she spoke.

Ann Valeis talked about the Dark Sky Ordinance needs to come back to the planning per the City Council for some work.

7. Public Hearing: None.

8. Planning Matters

- Sign Ordinance: Planner Shoji reviewed the sign codes with commissioners. Every zone has different allowances for signs. Zone info is provided to commissioners for review. The commission needs to make sure the city is following state and federal law and court cases. Signs cannot discriminate between uses and must respect freedom of speech.

15.16.040 Applicability: Regulates the number, size, placement and physical characteristics of signs in the City of Port Orford. This is enforced by staff.

Conformance: Every sign erected has to be approved. This is usually done by Assistant Planner Clark prior to issuing a permit.

Exempted signs:

- a) Sign not oriented to intended to be legible from the right-of-way, private road, or other private property.
- b) Sign inside a building.
- c) Signs legally erected in the right-of-way.
- d) Building address numbers.
- e) Signs carved into or part of materials, which are integral to the building.
- f) Flag on a permanent flagpole.
- g) Banners or permanent poles, which are designed and intended as decorative or ornamental features.
- h) Painted wall decorations, painted wall highlights.
- i) Bench advertising.

Prohibited signs:

- a) Strobe lights and signs containing strobe lights, which are visible beyond property lines.
- b) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign, not otherwise allowed for in this chapter.

Temporary signs: The planning commissioners previously were reviewing temporary signs. They currently still need reviewed.

By consensus, commissioners agree to report to council their intention of reviewing only highlighted areas of the sign ordinance for council approval.

9. Other Business:

a. Announcements and Communications:

- City Planner Comments: Assistant Planner Clark announced that next month the Planning Commission should be a full commission. There will be items on the agenda requiring a quorum.
- Planning Commission Comments: Chair expressed appreciation to staff for the article they provided regarding cell phone towers.

b. Old and Continuing Business: None.

10. Public Considerations: Ms. Leonard asked what differentiates permit approval of whether it comes through the Planning Commission or is approved by Assistant Planner Clark. Assistant Planner Clark advised that regular building permits do not come before the commission. The city issues clearances for the citizens to take to the county to get the permits. The city reviews the setbacks to ensure permits are appropriate for zones.

Ann Valeis questioned the large lighted signs, such as illuminated box signs. She questioned if that should be in the lighting ordinance or sign ordinance. Ms. Valeis encouraged commissioners to review title 2 of the Port Orford municipal code that explains the powers and duties of the Planning Commission, which shows it is the commission's duty and power to make recommendations to city council to consider issues the city is facing.

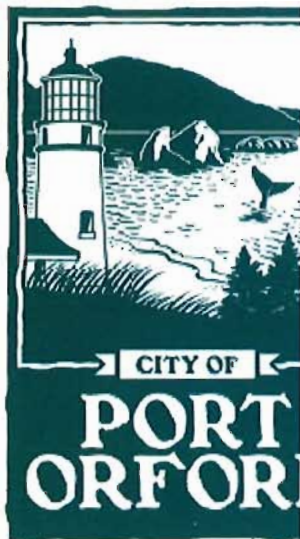
Penny Suess pointed out it was said earlier in the meeting that certain documents are on the website. She reported the comprehensive plan is no longer on the website since the new website has been available. Assistant Planner Clark will review and amend.

11. **Commissioner Jezuit moved to adjourn the meeting with Commissioner Stetson as second. Motion carried 5-0.**

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

Chair Nieraeth adjourned the February 9, 2021 meeting at 4:22 p.m.

**Port Orford
Municipal Code**
**Port Orford,
Oregon**



Current through Ordinance 2021-01 and the January 2021 code supplement. For more recent amendments to this code, refer to the [CodeAlert](#) page.

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[Title 2 ADMINISTRATION AND PERSONNEL](#)
[Chapter 2.16 PLANNING COMMISSION](#)

2.16.060 Powers and duties.

Except as otherwise provided by law, the Commission may:

- A. Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones of districts limiting the use, height, area and bulk of buildings and structures;
- B. Recommend to the City Council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities;
- C. Recommend to the City Council and all other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits;
- D. Do and perform all other acts and things necessary or proper to carry out the provisions of Oregon State law;
- E. Study and propose in general such measures as may be advisable for promotion of the public interest, health, moral, safety, comfort, convenience and welfare of the City and of the area of the Urban Growth Boundary. (Ord. 2007-07 § 2, 2007; Ord. 280 § 6, 1977)

View the [mobile version](#).

Minor Partition



CITY OF PORT ORFORD

Staff Report

TO: Krista Nieraeth, Chair
Port Orford Planning Commission

FROM: Crystal Shoji, AICP - Port Orford Planner
Shoji Planning, LLC

*Staff Report includes reference to information provided by:
Patty Clark, Planning Assistant*

DATE: March 2, 2021

SUBJECT: File Application No. POP 20-02, Minor Partition

APPLICANT/OWNER: Michael Graybill, ETAL
(Michael Graybill, Janet Hodder, Matthew Kay)
63840 Fossil Point Road
Coos Bay, OR 97420
Phone: (541) 294-8235
mhodbill@gmail.com

SUBJECT PROPERTY: CURRY COUNTY ASSESSOR'S MAP DESCRIPTION:
T33S, R15W, Sec. 05BA, Tax Lot 2600; Subject Property
is located at 15 Hamlet Road, Port Orford, at the corner of
Hamlet Place and Wyoming Street.

DOCUMENTS REFERENCED WITHIN THIS APPLICATION:

- Completed Port Orford Land Use Decision Application Form (Minor Partition) - **Attachment A**
- Tentative Plat and Signature page, Sheets 1 and 2, prepared by Roberts & Associates Land Surveying Inc. – **Attachment B**
- Tentative Plat Site Conditions page prepared by Roberts & Associates, Sheet 1 of 1 – **Attachment C**
- Emails from Crystal Shoji to Applicant with requests for proceeding, and return emails dated December 21, 2020 and February 9, 2021 explaining existing accesses, fence that delineates the south property line, surrounding property conditions, the situation with the two houses that do not comply with current setback requirements and more – **Attachment D**.

- Written Notice pursuant to Chapter 17.04 of the Municipal Code provided to properties within 250 ft., along with an attached Zone map with Subject Property – **Attachment E.**

PROPOSAL:

The applicant is seeking to partition Subject Property into two (2) lots. At the present time there are two residences on a single lot; the Minor Partition will include each of the residences to be located on one lot. The partition will correct the nonconforming pattern that currently exists where there are two dwellings on one lot.

The proposed parcels are shown on the Tentative Plat prepared by Roberts & Associates, Land Surveying, Inc. The Tentative Plat shows the location of the residences that exist as they will be sited on the proposed two lots. Parcel 1 is proposed at 5,054 sq. ft.; Parcel 2 is proposed 5,477 sq. ft. See Attachment B.

In the sections of this document that address the criteria from the Municipal Code, words that are taken directly from the Municipal Code and the City Comprehensive Plan are shown in *italics*. Paraphrased language and analysis and findings presented by the Planner are shown in regular font.

Municipal Code Title 17: Criteria, Analysis and Findings

Chapter 17.12 Use Zones

Section 17.12.010 Residential zone 1-R

Subject Property is zoned Residential (1-R) on the zone map, and described within POMC Title 17, Chapter 17.12, Use Zones. Section 17.12.010 Uses Permitted Outright, includes (B), (1) Single-family dwelling or duplex, and; (2) Manufactured home, in accordance with Section 17.16.040.

Findings: The zoning is appropriate for the intended residential uses that are already existing on the lot, although two residences are currently on one lot. The application is for partitioning to assure that each residence has its own lot, which is the situation that should exist in that the City of Port Orford currently requires each dwelling to have its own lot unless the two dwellings fit the definition of a duplex. The two existing dwellings do not create a duplex.

Section 17.12.010 (D). Provision of Sewer and Water. (1) states that sewer service shall be provided by the City of Port Orford, with hookups installed to City standards.

Section 17.12.010 (D), (2) states that sewer lines for new development shall connect to existing mains, and that the developer shall pay any costs of extending the sewer to the lot.

Section 17.12.010 (D), (3) states that water lines to connect sites for new development to existing mains shall be installed to City standards, and where the water main is not adjacent to the lot proposed for development, the applicant will pay the cost of extending the main to the parameter of the lot.

Findings: The proposed Tentative Plat, sheet 1 of 1, Attachment C, shows that the sanitary sewer main line and the water line lie within Hamlet Place Street adjacent to and north of Subject Property. The applicant stated in his communication of December 21, 2020 that the structures currently share water, sewer and electric utility service. From the aerial map, it appears that there is one access to the two dwellings.

Section 17.12.010 (E), (2) states that when both public water and sewage system are available, and, (2), (a) states that for all uses other than a mobile home park, the minimum lot area shall be five thousand (5,000) square feet, or (3) the minimum lot width shall be 50 feet.

Findings: Both sewer and water are shown on the Tentative Plat Site Conditions Attachment C available adjacent to the existing property. Each dwelling will be required to have its own city-approved connections to serve the proposed parcels 1 and 2 required by the partitioning process.

The proposed parcels 1 and 2 comply with the City's requirements relative to size. The Tentative Plat shows proposes Parcel 1 at 5,054 square feet, and Parcel 2 at 5,477 square feet. The proposed parcels comply with the 5,000 square foot minimum lot area.

Section 17.12.010 (F) provides for setbacks in the 1-R zone

1. *The front yard shall be a minimum of ten feet.*
2. *The side yard shall be a minimum of five feet.*
3. *The rear yard shall be a minimum of five feet.*

Findings: The front, rear and side setbacks on the exterior lot lines comply. The side setback on the interior proposed lot line does not allow for the five (5) foot setback that is required, as 4 foot interior setback is shown on the Tentative Plat, Sheet 1 of 1 for each of the lots at the point where the corners of the two existing houses are the closest. See Tentative Plat Sheet 1 of 1, Attachment B. While the City of Port Orford requires a 5-foot setback for residential zones, residential uses are allowed in both the Commercial zone (4-C) and the Industrial zone (5-1). To my knowledge no concerns have been expressed about those setbacks of residential uses for fire code or other reasons.

Municipal Code Title 16: Criteria, Analysis and Findings
Chapter 16.04 GENERAL PROVISIONS AND ADMINISTRATION

Section 16.04.020 Definitions.

"Minor Partition" means a partition that does not include the creation of a street or road.

"Parcel" means a unit of land that is created by a partitioning of land.

“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

Section 16.04.030 Delegation of Powers to the Planning Commission and Planning Director.

B. The Port Orford planning director is delegated all lawful powers and functions of the city council of Port Orford with respect to the consideration, requirements and approval of all minor partitions.

Findings: The Planning Director has the authority to review minor partitions, but the Planning Director does not have discretion, which is the authority of the Planning Commission. If the application is not straightforward, the Planning Director refers the Minor Partition application to the Planning Commission. This request for a partition of the lots is logical in that it will provide for each dwelling on one separate lot, which is a requirement in the City of Port Orford. However, the partition is unable to meet the setback of the interior dividing line between proposed Parcels 1 and 2, which is a situation that is not the fault of the applicants in that the dwellings were previously established when the current owners became the owners of the property. The minor partitioning cannot not change any situation as to the setbacks; the partitioning does provide an opportunity to recognize the preexisting situation as a nonconforming use that was not created by any actions of the applicant. Granting the partitioning will improve an existing situation that has not previously been addressed. The applicant explains the setback situation in his email of February 9, Attachment D.

Section 16.04.120 Criteria for Tentative Approval of Partitions and Subdivisions.

(E) Access to Lots. Each lot or parcel shall be capable of being served by a public or private road or street that provides satisfactory vehicular access to an existing street in compliance with City of Port Orford Design Standards approved by the City Council.

Findings: Subject Property is capable of being served by public streets. The applicant has explained that there are currently three accesses, and that each lots will be served by at least one access. Attachment D.

The two accesses along Hamlet Street and the third along Wyoming Street are also shown on the Site Conditions Tentative Plat, Attachment C, although they may not show up on all 8 1/2 by 11-inch copies depending upon the printer.

Section 16.040120 (I) Erosion and Runoff, (J) Flood Areas and (M) Wetlands may apply.

Findings: Rich Roberts of Roberts & Associates Land Surveying, Inc. provided information that no wetlands, flooding, special geologic or topographic features were identified.

Section 16.04.130 including (A) Conformity with Tentative Approval, (B) Private Streets, Roads and Accesses, and (E) Certification from any Special Districts are included within the criteria for Final Plat Approval.

Findings: The Planner did not require certifications from any special districts because no new residential structures can be built as a result of the partitioning. No utility

confirmations or certifications are applicable. As previously addressed, accesses are already available to both residential structures.

Chapter 16.12 Minor Partitions

Section 16.12.010 Standards and procedures for submission of tentative maps.

A. The map shall be of a size and scale as prescribed by the planning director and shall contain the following:

- 1. North point, scale and date of application;*
- 2. Names and addresses of the partitioner and of the surveyor employed to make the survey and map;*
- 3. Written legal description of the entire property and of the proposed partitions;*
- 4. Description and location of all permanent and reference monuments found or set within the area, with all descriptions being by metes and bounds and not by reference to lot and block.*
- 5. Names of existing streets and the planned location of any future proposed streets on land retained by the partitioner;*

Findings: The Tentative Plat maps comply with Sections 16.12.010, (1) – (5).

- 6. Location and outline of existing buildings on the lots being partitioned and within one hundred (100) feet thereof;*

Findings: The Tentative Plat topography map shows existing buildings that are adjacent, and the structures on subject property.

- 7. Location of all existing and proposed utilities, easements, sewer and waterlines;*

Findings: The locations of existing utilities including sewer and water lines are provided on the Tentative Plat Site Conditions page, Attachment C.

- 8. Zoning districts and restrictions in that area;*

Findings: The R-1 Zoning is addressed within the application and on the Tentative Plat Planning Notes.

- 9. Proposed lot numbers;*

Findings: Proposed lot numbers are shown as Parcels 1 and 2 on the Tentative Plat.

- 10. Other information may be required to show compliance with the requirements of Section 16.04.120 as determined by the Planning Director.*

Findings: Specific items are addressed within this document.

B. In addition there shall be accompanying information which shall include:

- 1. Any unusual topographic or geologic feature;*

Findings: Roberts and Associate Land Surveying Inc. stated that they are not aware of unusual topographic or geologic features existing on Subject Property.

2. *A statement indicating that there have been no lots created or sold from the tract within the past 5 years.*

Findings: The planner waived the requirement for such a statement based upon the fact that the site has existed as a nonconforming lot with two residential structures on the one lot; such recent partitioning did not take place or this situation would not continue to exist.

Conclusions and Recommendations

Application #POP 20-02 submitted by Michael Graybill, ETAL appears to be in compliance with the requirements for Tentative Approval of Minor Land Partitioning. The Planning Commission is required to adopt findings to support their decision. This Staff Report provides findings prepared by staff that support a decision to grant the minor partitioning as proposed. Members of the Planning Commission have the option of accepting or modifying the staff findings. In modifying findings, the expectation is to address code criteria that is set forth in this Staff Report in the form of specific code references. The Planning Commission's determination of facts that address the criteria that may be presented by the applicant, the staff, members of the public or as a result of other information that may be accepted by the Planning Commission as a situation or fact.

The following conditions are applicable to any approval:

1. Connections for sewer and water which may need utility easements will require City approved connections for each lot prior to Filing for Final Plat approval.
2. Final Plat approval will require conformity with the approval of the Tentative Plat and with applicable portions of Port Orford Municipal Code, Chapter 16.20:
 - Section 16.20.010 Filing – minor partitions, major partitions and subdivisions;
 - Section 16.20.015 Final map procedures – minor partitions; and
 - Section 16.20.020 Approval of Final Plats – minor partitions, major partitions and subdivisions
3. The applicant is required to comply with the requirements of the Curry County Surveyor for filing the Final Plat.
4. Time limit for tentative approval, Section 16.12.030, provides the following:
Time Limit for Tentative Approval: Tentative approval shall be null and void if the final map is not submitted to the city within one year after the tentative approval, except when the Planning Director has granted an extension. Filing the extension within the required time frame is the responsibility of the applicant.

20-02

File No. POP-20-01
Fee 2821
Rcpt.No. R00069607

PORT ORFORD LAND USE DECISION
APPLICATION FORM

APPLICATION INFORMATION:	FOR DEPARTMENT USE ONLY
Application Type <u>Minor Partition</u>	App. Date <u>9-22-20</u>
Pre-App. Mtg with _____	P. A. Mtg. Date _____
File Number <u>POP-20-02</u> Zone <u>IR</u>	Hearing/Dec. Date _____
Staff Planner _____	Staff Rept. Prf. Date _____

APPLICANT - PLEASE COMPLETE ITEMS 1 - 14 BEFORE REQUESTING A PRE-APPLICATION MEETING WITH A PLANNER. THE STAFF WILL NEED THIS INFORMATION TO DISCUSS THE PROPOSAL WITH YOU AND DETERMINE IF THE APPLICATION IS COMPLETE FOR THE DIRECTOR OR PLANNING COMMISSION TO REVIEW.

- PROPERTY OWNER OF RECORD
Name: Janet Hodder + Michael Graybill + Matthew Kay
Address: 63840 Fossil Point Road
Coos Bay OR 97420 Phone: 541-294-8235
- AGENT (if any)
Name: N/A
Address: _____
Phone: _____
- BASIC PROPOSAL (Briefly describe your proposed land use)
We wish to split the lot so that each structure is on its own property. ↑ do a minor partition
- PROPERTY LOCATION
Address (if assigned): 15 Hamlet, Port Orford
Description of how to locate the property
Corner of Hamlet and Wyoming Street
- PROPERTY DESCRIPTION
Assessor Map No. 3315-05BA-02600-00 Tax Lot No. 2600
Total Land Area: 0.22 (Ac./Sq. Ft.) Zoning: IR
33S15W05BA
Township 33 Qtr Section B
Range 15 16th. Section A
Section 05

6. EXISTING LAND USE (Briefly describe the present use of the property)

1. Structure 1 - rental house (painted gray).
2. Structure 2 - cabin for personal use by owners (painted green)

7. SURROUNDING LAND USE (Briefly describe the land use of adjacent lands)

Residential properties on Hamlet + Wyoming Street

8. SERVICES AND FACILITIES AVAILABLE

Please indicate what services and facilities are available to the property. Please submit a site evaluation or permit for on-site sewage disposal and water rights of on-site water sources.

Water Source: City of Port Orford

Sewage Disposal: City of Port Orford

Electrical Power: Coos-Curry County Electric Co-op

Telephone Service: None

Fire District/Department: Port Orford

School District: Port Orford

9. ROAD INFORMATION

Nearest Public Road: Hamlet and Wyoming Streets

Private Road(s) Serving the Property: None

Road Condition:

Legal Status (Please indicate ownership of private road, submit easement records etc.)

New Roads or Driveways (Briefly describe any new road construction related to this application)

None

10. PLOT OR PLAN MAP

Please submit the following:

- A standard size (18" X 20") Assessor Map of the subject property with your application (available from the Curry County Assessors Office)
- An accurate plot plan (please prepare a plot plan which is drawn to scale and shows the pertinent details of the proposed development as outlined on the attached information sheet)

11. PHYSICAL DESCRIPTION OF PROPERTY

Topography (Briefly describe the slope and terrain of the property)

Residential lawn with slight slope to back of property

Vegetation (Briefly describe the nature of the vegetation on the property)

*Lawn and several road side bushes
Trees on east side of property
One tree on west side of property*

Special Features (Briefly describe any special features such as creeks, sea cliffs, rock outcrops, wetlands, etc.)

None

12. FINDINGS OF FACT

Oregon statute and the City of Port Orford Municipal Code requires that land use decisions be supported by factual findings. The burden of proof is on the proponent therefore it is required that the applicant provide the City with findings that support the request in this application. The standards and criteria that are relevant to this application are attached to this form. Please read the standards and criteria carefully and provide factual information with sufficient specificity to allow the City to determine whether your request meets these requirements.

13. All fees must be paid at the time you have completed the pre-application meeting with the planning staff and it has been determined that your application is complete. Fees are NON REFUNDABLE once they are paid and the City has begun review of your application.

14. This application MUST BE SIGNED BY ALL PROPERTY OWNERS OF RECORD or you must submit a notarized document signed by each owner of record who has not signed the application form stating that the owner has authorized this application. However, if the application is a "Corporation" Oregon Revised Statute (ORS) 9.320 requires that a corporation be represented by an attorney.

15. Applicant(s) Signature and Statement of Understanding:

Michael Graybill + Matthew Kay

I (we), *Janet Hodder*, have filed this application for *a minor partition* with the City of Port Orford to be reviewed and processed according to State and City requirements. My (our) signature(s) below affirms that I (we) have discussed the application with the planning staff, and that I (we) acknowledge the following disclosures:

- A. I (we) are stating that all information and documentation submitted with this application is true and correct to the best of my (our) knowledge.
- B. I (we) understand that if false information and documentation has been submitted and the decision is based on that evidence that the decision may be nullified and the city may seek all legal means to have the decision reversed.
- C. I, (we) understand that any representations, conclusions or opinions expressed by the planning staff in the pre-application review of this request do not constitute final authority or approval, and that I (we) am (are) not entitled to rely on such expressions in lieu of formal approval or my (our) request.
- D. I (we) understand that I (we) may ask questions and receive input from planning staff, but acknowledge that I (we) am (are) ultimately responsible for all information or documentation submitted with this application. I (we) further understand that planning staff cannot legally bind the city to any fact or circumstance which conflicts with state or local laws, and in the event a conflict occurs, the statement or agreement is null and void.
- E. I (we) understand that I (we) have the burden of proving that this request meets ordinance requirements, and that I (we) must address all of the standards that apply to the decision being made. The standards for approving or denying this request have been provided to me (us) as part of this application.
- F. I (we) understand that the planning staff is entitled to request additional information or documentation any time after the submission of this application is it is determined that such information is needed of review of the proposed land use action.
- G. I (we) understand that this application will be reviewed by the Oregon Department of Land Conservation and Development and possibly other state agencies as part of the statewide land use coordination process. I (we) also understand that state agencies that participate in the review process have a legal right to appeal the decision of the City in this matter.
- H. I (we) understand that it is my (our) responsibility, and not the City's, to respond to any appeal and to prepare the legal defense of the approval of my (our) request. I (we) further understand that it is not the City's function to argue the case at any appeal hearing.
- I. I (we) understand the I (we) am (are) entitled to have a lawyer or a land use consultant represent me (us) regarding my application and to appear with me (or for me) at any appointment, conference or hearing related to it. In light of the complexity and technical nature of most land use decisions, I (we) understand that it may be in my best interest to seek professional assistance in the preparation of this application.

J. The undersigned are the owner(s) of record for property described as:

Assessor Map(s) 33815W05BA Tax Lot(s) 2600

(1) Print Name Janet Hodder

Signature Janet Hodder

(2) Print Name Michael Graybill

Signature Michael Graybill

(3) Print Name Matthew Kay

Signature See page 6

(4) Print Name _____

Signature _____

J. The undersigned are the owner(s) of record for property described as:

Assessor Map(s) 33515 W 05 BA Tax Lot(s) 2100

- (1) Print Name Just Healy
Signature Just Healy
- (2) Print Name Michael Gynghill
Signature Michael Gynghill
- (3) Print Name Matthew King
Signature Matthew King
- (4) Print Name _____
Signature _____

TENTATIVE PLAT

PLAT NUMBER _____
INSTRUMENT NO. _____
G1K PARTITION

PREPARED FOR
JANET HODDER
AND
MICHAEL GRAYBILL
AND
MATTHEW CURRY KAY
6350 FOSSIL POINT RD
CORVALLIS, OR 97331
(541) 245-4325

SURVEYOR'S CERTIFICATE

I, RICHARD P. ROBERTS HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HAVE CORRECTLY SURVEYED AND PLATTED THE ABOVE DESCRIBED PARCELS AND THE BOUNDARIES REPRESENTED ON THE ATTACHED MAP, THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

Lot 15 and that portion of Lot 17 lying East of the East boundary of Wyoming Street of The Homestead City of Port Orford, Curry County, Oregon, more particularly described as follows:
Beginning at the Northwest corner of the above described parcel; thence South 03°40'07" East a distance of 120.00 feet to the East boundary of Wyoming Street;
thence North 89°04'32" West a distance of 112.59 feet to the Northwest corner of Lot 15;
thence North 89°04'32" East a distance of 67.95 feet to the South boundary of Havellin Park and being a portion of a point-to-point curve with a radius of 171.00 feet from which the north chord bears North 50°15'47" East, a distance of 20.10 feet;
thence, along said South boundary, northwesterly, along the arc through a central angle of 07°17'32", an arc distance of 20.12 feet to the Northwest corner of Lot 15;
thence North 56°20'37" East a distance of 60.02 feet to a point of a tangent curve, to the right, with a radius of 171.00 feet from which the long chord bears North 50°15'47" East, a distance of 25.10 feet;
thence, northwesterly, along the arc through a central angle of 08°22'04", an arc distance of 25.05 feet to the POINT OF BEGINNING.

VICINITY MAP



LOCALITY IN
GOVERNMENT LOT 1, SECTION 5,
1235, R15W, WILLAMETTE MERIDIAN,
CITY OF PORT ORFORD, CURRY COUNTY, OREGON

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, JANET HODDER and MICHAEL GRAYBILL and MATTHEW CURRY KAY ARE THE OWNERS OF THE LANDS DESCRIBED IN THE ACCOMPANYING SURVEYORS CERTIFICATE AND HAVE CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED INTO PARCELS IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92.

JANET HODDER _____
MICHAEL GRAYBILL _____
MATTHEW CURRY KAY _____

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____ S.S.

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2002, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED JANET HODDER, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL INDIVIDUAL NAMED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED SAME FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____ S.S.

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2002, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED MATTHEW CURRY KAY, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL INDIVIDUAL NAMED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED SAME FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

EASEMENTS ENCUMBRANCES

IF THERE ARE ANY EASEMENTS, ENCUMBRANCES OR OTHER INTERESTS AFFECTING THE PROPERTY, DESCRIBE THEM IN DETAIL HEREIN, OTHERWISE NONE.

APPROVED FOR CITY OF PORT ORFORD

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY O.R.S. 91-3-12 HAVE BEEN PAID AS OF _____, 2002, _____

CURRY COUNTY TAX COLLECTOR

APPROVED THIS _____ DAY OF _____, 2002, BY THE

PLANNING COMMISSION _____ CURRY COUNTY SURVEYOR

PLANNING DIRECTOR _____ CHAIRMAN

FILED THIS _____ DAY OF _____, 2002, AT _____ O'CLOCK _____ M

CURRY COUNTY INSTRUMENT NO. _____ DRAWER NO. _____

COUNTY CLERK _____ BY _____ DEPUTY

PLANNING NOTES

1. ZONE 1R



EXPIRES 12/31/2021

RICHARD P. ROBERTS #12, 2020



411 SPENCE STREET
P.O. BOX 108
PORT ORFORD, OREGON 97351

DATE	01/24/2021
TIME	10:16
DRAWING NAME	3161815121
PROJECT	1812

PLAT NUMBER TENTATIVE PLAT

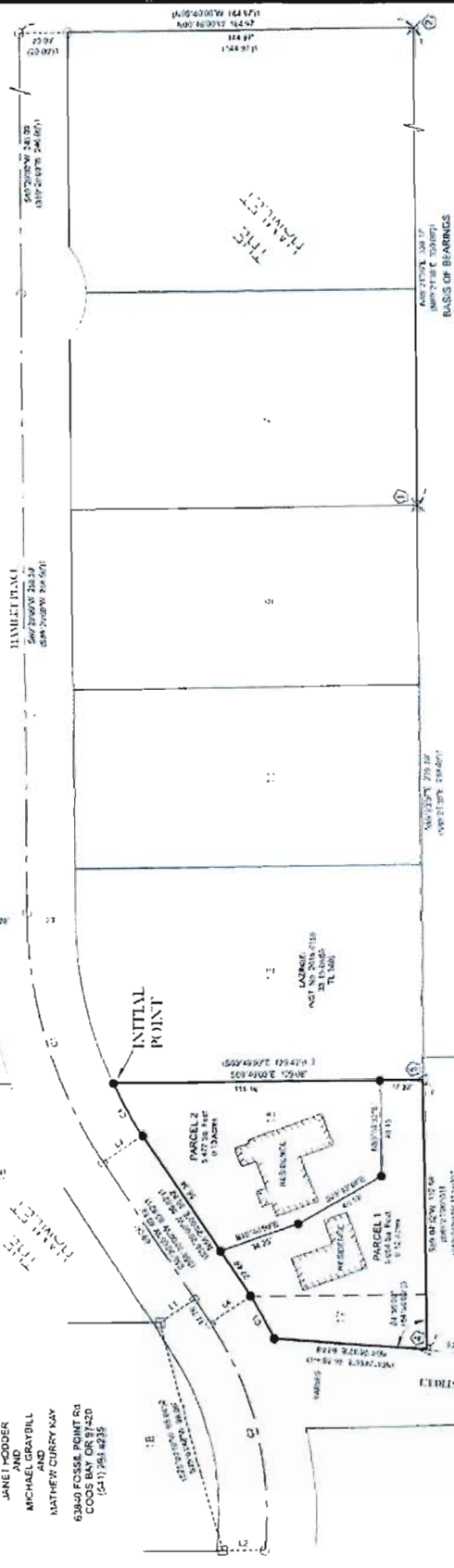
INSTRUMENT NO.

GHK PARTITION

PREPARED FOR
JANEI HODDER
MICHAEL BOWDILL
MATTHEW CURRY KAY

63840 FOSSE POINT RD
COOS BAY OR 97420
(503) 758-4833

LOCATED IN SECTIONS
13S, 18W, WILLAMETTE BASIN
CITY OF PORT ORFORD, CURRY COUNTY, OREGON



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO PARTITION THE PARCELS OF LAND DESCRIBED IN INSTRUMENT 2007-0375, RECORDED JULY 01, 2008, OFFICIAL RECORDS OF CURRY COUNTY, OREGON, THE PROPERTY BEING DESCRIBED AS LOT 15 AND A PORTION OF LOT 17 LYING EAST OF THE EAST BOUNDARY OF WYOMING STREET OF THE HAMLET. THE EXTERIOR BOUNDARY WAS RE-TRACED AS FOLLOWS: PARCEL 1 PLACE WAS CALCULATED FROM THE RECORD IN A1. GEOMETRY LAND IN FROM THE INITIAL POINT OF THE HAMLET (RECOVERED MONUMENT NO. 2); THE SOUTH-RIGHT OF WAY LINE WAS HELD 20 FEET FROM CENTERLINE. 2) RECOVERED MONUMENT NO. 3 WAS HELD AS THE SE CORNER OF LOT 15. THE EAST LINE OF LOT 15 WAS SET BY PROJECTING THE RECORD BEARING NORTHERLY PROUD BEARING OF 180° 00' 00" ± TO THE POINT OF MONUMENT NO. 3. 3) RECOVERED MONUMENT NO. 4 WAS HELD AS THE SOUTHWEST CORNER OF THE SUBJECT PARCEL. THE RIGHT OF WAY OF WYOMING STREET WAS SET BY HOLDING THE RECORD ANGLE AS INDICATED ON SURVEY NO. 33-2218 FROM A LINE BETWEEN MONUMENTS NO. 4 AND NO. 5. 4) MONUMENT NO. 5 WAS HELD AS THE POINT OF MONUMENTS NO. 1 & 2 HELD TO BEAR NORTH 180° 21' 30" EAST PER THE HAMLET PLAT NO. 1943-07. THE P.F.D. SURVEY WAS PERFORMED BY RICHARD ROBERTS AND CHRIS FOWLE USING A LEICA TSI TOTAL STATION. INITIAL FIELD WORK WAS COMPLETED DECEMBER 14, 2008 AND FINAL PLAT MONUMENTS WERE SET XXXX.XX, 2009.

LEGEND

- SET BY: 12" ALUMINUM CAP STAMPED ROBERTS & ASSOCIATES
- ✕ FOUND IRON PIPE (SIZE NOTED) PER THE HAMLET SUBDIVISION PLAT NO. 1943-07
- FOUND 5/8" REBAR PER CURRY COUNTY SURVEY FILE NO. 33-167
- CALCULATED POSITION
- △ FOUND AS NOTED
- 1P RECORD PER THE HAMLET SUBDIVISION PLAT NO. 1943-07
- 1P RECORD PER CURRY COUNTY SURVEY FILE NO. 33-167
- 1P RECORD PER CURRY COUNTY SURVEY FILE NO. 33-238
- 1P SFF CORNER NOTES
- NOTE: PIPE SIZES ARE INSIDE DIAMETER
- NOTE: DEED REFERENCES ARE OFFICIAL RECORDS OF CURRY COUNTY, OREGON

CORNER NOTES

- 1) 12" IRON PIPE 6' SOUTH 1/4" FROM THE SOUTHWEST CORNER OF THE 1/4" SECTION POST AND A 12" COVERED PIPE FOUND IN CONCRETE FOUNDING FENCE FOOTING, BEHIND A 3" X 2" REBAR MONUMENT SET IN THE FENCE.
- 2) 12" IRON PIPE 10' FROM THE POINT OF MONUMENT NO. 2 IN THE HAMLET. THE PIPE IS 10' ON THE SOUTH END OF A 12" COVERED PIPE ALONG THE BOUNDARY OF THE 1/4" SECTION.
- 3) 12" IRON PIPE 10' FROM THE POINT OF MONUMENT NO. 2 IN THE HAMLET. THE PIPE IS 10' ON THE SOUTH END OF A 12" COVERED PIPE ALONG THE BOUNDARY OF THE 1/4" SECTION.
- 4) 12" IRON PIPE 10' FROM THE POINT OF MONUMENT NO. 2 IN THE HAMLET. THE PIPE IS 10' ON THE SOUTH END OF A 12" COVERED PIPE ALONG THE BOUNDARY OF THE 1/4" SECTION.

LINE TABLE

LINE	BEARING	DISTANCE	REMARKS
1	S 89° 49' 07" E	129.47' ±	12" IRON PIPE
2	S 69° 44' 02" E	109' ±	12" IRON PIPE
3	S 89° 49' 07" E	129.47' ±	12" IRON PIPE
4	S 89° 49' 07" E	129.47' ±	12" IRON PIPE

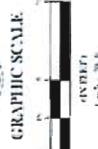
CURVE TABLE

CURVE	WADZ	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
1	181.00'	178.24'	S 72° 52' 53" W	156.48'
2	181.00'	178.24'	S 72° 52' 53" W	156.48'
3	181.00'	178.24'	S 72° 52' 53" W	156.48'
4	181.00'	178.24'	S 72° 52' 53" W	156.48'
5	181.00'	178.24'	S 72° 52' 53" W	156.48'
6	181.00'	178.24'	S 72° 52' 53" W	156.48'
7	181.00'	178.24'	S 72° 52' 53" W	156.48'
8	181.00'	178.24'	S 72° 52' 53" W	156.48'
9	181.00'	178.24'	S 72° 52' 53" W	156.48'
10	181.00'	178.24'	S 72° 52' 53" W	156.48'

REGISTERED PROFESSIONAL LAND SURVEYOR
THIS ELECTRONIC PLAT IS PROVIDED AS A PREVIEW COPY AND IS NOT A FINAL DOCUMENT
RICHARD P. ROBERTS
RECORD 2754
DATE 11/31/23

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL

RICHARD P. ROBERTS, PLS 2770



Drawn By	CEP	Date	11/20/2023
Checked By	RFS	Scale	AS SHOWN
Drawn Name	TECHNICAL	Project	2023

PLAT NUMBER TENTATIVE PLAT

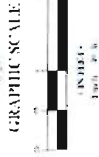
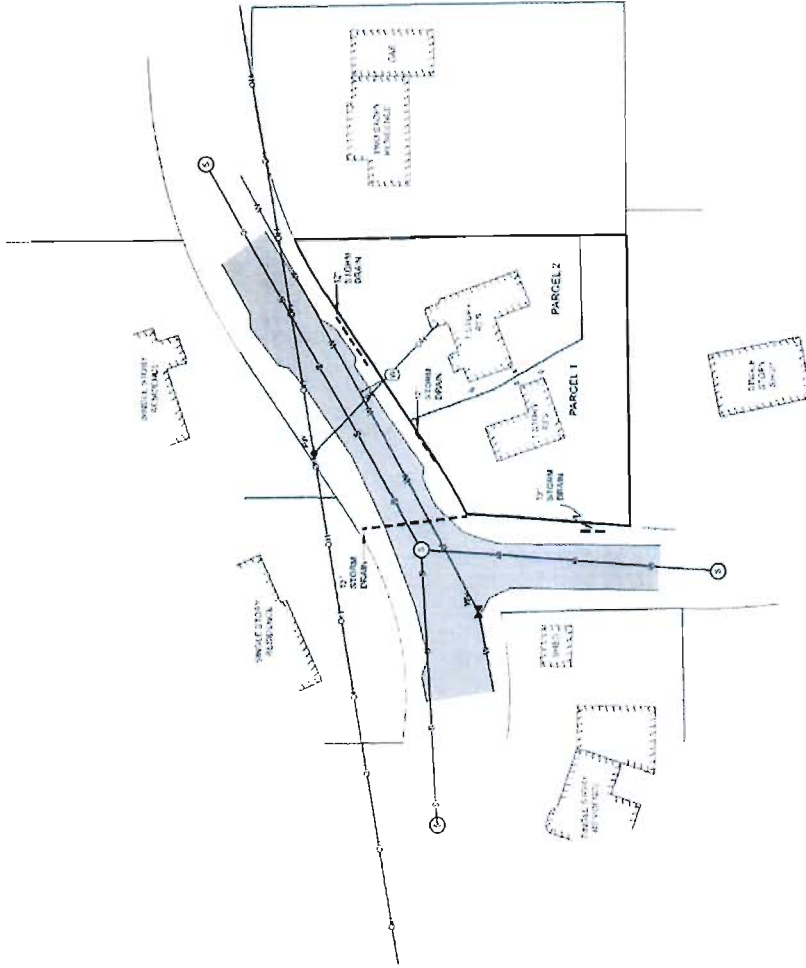
INSTRUMENT NO.

GHK PARTITION

PREPARED FOR
 JANE T HODDER
 AND
 MICHAEL GRAYBILL
 MATHEW CURRY K&V
 6340 FOSSIL POINT RD
 COOS BAY, OR 97526
 (541) 734-8835

LOCATED IN
 CONVEYER LOT 11 SECTIONS
 133 & 134 T1S R12E W1E
 CITY OF PORT OREGON, CURRY COUNTY, OREGON
SITE CONDITIONS

- LEGEND**
- WATER LINE
 - WATER VALVE
 - WATER METER
 - JOINT UTILITY POLE
 - JOINT OVER-HEAD UTILITIES
 - SANITARY SOWER
 - SANITARY SEWER MANHOLE



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 THIS ELECTRONIC DOCUMENT IS
 PROVIDED AS A "REVIEW COPY"
 AND IS NOT A FINAL DOCUMENT
 RICHARD F. ROBERTS
 17/01/22

I HEREBY CERTIFY THAT THIS IS A TRUE
 AND EXACT COPY OF THE ORIGINAL

RICHARD F. ROBERTS PLS 2733



DATE RECEIVED	2/14/2022
PROJECT NO.	2022-001
DRAWN BY	CFE
CHECKED BY	RFE
DRAWING NUMBER	2022-001
DATE PLOTTED	2/14/2022
SCALE	AS SHOWN
SHEET	1 OF 1

Crystal Shoji

From: Mike Graybill <mhodbill@gmail.com>
Sent: Monday, December 21, 2020 3:48 PM
To: Crystal Shoji
Cc: Rich Roberts; Jan Hodder; patty@portorford.org; Shala McKenzie Kudlac
Subject: Re: Minor Partition - The Hamlet (Graybill)

Hi Crystal

Thank you for your prompt response to our inquiry. I am prepared to go forward with the lot shape as proposed.

To answer your questions:

1. The proposed 5,057 sf lot has existing vehicle access along Hamlet and Wyoming streets. The other, larger proposed lot has existing vehicle access along Hamlet street.
2. At your recommendation, I am comfortable proceeding with advancing the proposal for consideration by the Planning Commission at their 9 Feb 2021 meeting. *Is any action required on my behalf to initiate this process?*
3. A large lot with two structures lies to the south of TL 2600. The present property line is delineated by a chain link fence. A large multi bay metal clad pole building is presently the structure on the parcel to that south of TL 2600. That structure is over 50' south of the southernmost portion of TL 2600. The residential structure lies at the southern edge of the adjoining parcel to the south of TL 2600.

From the outset, we have been made aware of the 5' minimum setback and have been aware that our proposal would have to address the fact that the existing structures don't quite meet the standard requirement. The helpful staff at the city desk indicated that some specific action would be required of the city because the distance between the two structures is just less than that requirement.

It is my understanding that fire code considerations are among the key factors that have established the 5' setback provision. Given that the structures are positioned in a "kissing corners" configuration, only a short length of the facing walls are actually less than the required setback distance. I hope the city will acknowledge that we have tried to propose a lot line that provides setbacks that meet or exceed the minimum for the greatest distance along the facing walls of each structure.

I also hope that consideration might be given to the facts that you have pointed out in your analysis. We are aware that the existing situation; two dwellings on a single lot, is non conforming use. I am aware that both existing structures share water, sewer and electric utility connections and, should the city approve the partition, we will have to establish new water, sewer and electric connections for the lot that fronts Hamlet and Wyoming Streets. Should the partition be approved we are prepared to establish new utility hookups for the newly created parcel. I hope that our proposed partition would cure these non conforming features and result in individual parcels each having a higher standard of compliance than the existing situation.

Thanks again.

On Mon, Dec 21, 2020 at 1:58 PM Crystal Shoji <crystal@shojiplanning.com> wrote:

Good Afternoon,

Thank you for providing the Draft Exhibits of the schematic for the Minor Partition in The Hamlet, Port Orford. I have comments pertinent to the process, and a few questions.

- The City of Port Orford does not have any specific requirement for shape of lots. You are requesting a Minor Partition and it seems reasonable that the house on the 5,057 square feet can have a strip that goes behind the other house; for example, the City does not prohibit flag lots, and there are a number of these in town. Please let me know what lies to the south of Tax Lot 2600 (We have not pulled up a google map on this)?

- We have a question about accesses. Does each proposed lot have an access of its own on Hamlet Street?
- It appears from the map, that there is a corner each of the houses where the layout only allows for setbacks of four (4) feet, one (1) inch. This is an existing situation. The partitioning is an act that improves the situation due to the fact that two houses are not permitted on one lot. Nevertheless there is no provision that allows me to juggle the merits when making my decision. I am only allowed to make a decision on a minor partition where there is no discretion, and when everything fits right in line with the code. We always have the option of taking any administrative decision to the Planning Commission.

As you know from the code language, the setbacks in the zone are to be 5 feet on the side yards. Unfortunately, staff do not have the authority to make a decision that we can forgo the setback requirements just because it creates an improved situation in general To resolve this we can do one of two things:

1. Require a variance to the setback; or
2. Require that the Planning Commission be the reviewing body for the Minor Partition.

We believe that having the Planning Commission review the minor partition is the better alternative. This variance is not from a situation you are creating at this time; in fact it is needed because the situation already exists along with the problem where you have two houses on one lot. You cannot resolve the problem of having two houses on one lot without defining that setback situation that is created. The best alternative is to review the variance as part of the Minor Land Partitioning - one review. The Minor Land Partitioning would go to the Planning Commission; you have already paid the fee for the Minor Land Partition. Any additional fee or expense for reviewing this at the Planning Commission level would apply only if processing exceeds the fees that have already been paid by the client.

The plan is to review this before the Planning Commission at their regular meeting which is the 2nd Tuesday in February, February 9, 2021 at a virtual Planning Commission meeting where all could participate. Please do not hesitate to call with any questions or concerns.

Crystal Shoji, AICP - Port Orford Planning Director

Shoji Planning, LLC

Crystal Shoji

From: Mike Graybill <mhodbill@gmail.com>
Sent: Tuesday, February 09, 2021 8:35 PM
To: Crystal Shoji
Cc: jhodder111@gmail.com; Rich Roberts; richrob1963@gmail.com
Subject: Re: Notice Being Sent

Hi Crystal

There are three accesses on the property. Rich's survey shows the locations. Two accesses are along Hamlet street the third is along Wyoming street. I have no idea when the houses were built. Both were on site when we purchased the property. The information provided by the realtor (Sandra Anderson) states the house on hamlet street was built in 1950. Based on tax lot maps provided by the city and county I am presuming that the structure on Hamlet street appears to pre-date the establishment of the right of way for Wyoming Street. The assessors office description of real property indicated the parcel we own was formed by the merger of two two building lots (#15 and #17.). Lot #17 was reduced in size by the construction of Wyoming Street. Sometime subsequent to the construction of Wyoming Street the portion of lot 17 that remained after the construction of Wyoming Street was merged with lot #15. The structure that fronts Hamlet and Wyoming streets appears to have come after the establishment of the Wyoming street right of way that shrunk the size of that building lot

Mike

On Feb 8, 2021, at 3:21 PM, Crystal Shoji <crystal@shojiplanning.com> wrote:

Good Afternoon,

Attached is the Notice that is being sent to property owners within 250 feet of your property as required by Port Orford Municipal Code, Section 17.04.100 (B) (2). I have a few questions about your property. Mike shared good information about the configuration of the lots etc. I have a few more questions that I do not immediately find in the paperwork. It appears there is only one access at this time. Is that correct? Also, do you know anything about when the two houses were built. I can probably find this in the Assessors' records unless you have an estimate or timeline to share.

Then I have an unrelated question for Jan: Do you know who I would call about a writers group at OIMB? I am heading up a volunteer project for Coos Art Museum which is to involve the community in writing Haiku, *Poems of the Pandemic*. These will be hung in Coos Art Museum along with another show April – June, and also made into a booklet to share with the public. I would like to be in touch with them to let them know, and to see if they have someone who might be involved in a video about Haiku for our Facebook promo. If you have a contact, please share.

Have a wonderful afternoon/evening.

Crystal Shoji, AICP
Shoji Planning, LLC
P.O. Box 462
Coos Bay, OR 97420
Phone: 541-267-2491



Port Orford City Hall
555 W. 20th Street
Port Orford, OR 97465

CITY OF PORT ORFORD PLANNING COMMISSION PUBLIC HEARING NOTICE

The Port Orford Planning Commission has scheduled a Public Hearing to take testimony and make a decision regarding a proposed Minor Partition to separate a lot with two existing dwellings into two separate legal lots.

Topic: Minor Partition Application # POP-20-02

Hearing Date: Tuesday, March 9, 3:30 PM

Virtual Go to Meeting Format - How to Participate:

Planning Commission 3/9/2021

Tue, Mar 9, 2021 3:30 PM - 6:30 PM (PST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/183295205>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 183-295-205

Subject Property: Assessor Map: T33, R15, Sec. 05BA Tax Lot 2600

Subject Property is located at the southeast intersection of Wyoming Street and Hamlet Street at with the address of 15 Hamlet Road, Port Orford, in the Residential, (I-R) zone.

Applicant and Owner:

Michael Graybill, ETAL
(Jan Hodder and Matthew Kay)
63840 Fossil Point Road
Coos Bay, OR 97420

City of Port Orford Municipal Code Criteria Applicable to this Proposal

Title 17 – Zoning, Chapters: 17.12 Use Zones, R-1 Zone; Chapter 16.04 Definitions and Criteria for Tentative Approval of Partitions and Subdivisions and Chapter 16.12 Minor Partitions.

How to Provide Testimony

Temporary COVID-19 Public Meeting Procedures have been organized and are presented in the remainder of this document to allow for submitting testimony in writing, or participating in the meeting by phone or online.

ORS 197.763(3)(6) states that failure to raise an issue in the hearing either in person or by letter, or failure to provide statements or evidence sufficient to allow the decision maker an opportunity to respond to the issue precludes appeal to a higher judicial authority on that issue. All who testify in writing or in person are to address items that are included in the City of Port Orford Municipal Code Criteria Applicable to this Proposal as outlined in the section of this notice above.

Persons may submit evidence to the record of the hearing on this matter until the record is declared closed by the decision-making body.

All written evidence or documents submitted by mail or FAX must be received by the staff no later than noon on the date of the hearing in order to ensure that the material will be submitted into the record. All written evidence and documents submitted should be legible, with the application number indicated on this notice, and the name and address of the person submitting testimony.

If you wish to provide verbal testimony, it is recommended that you participate via an established City conference call line, or the "gotomeeting" format provided on the front page of this notice. Parties interested in participating in this manner shall contact City staff at least two hours prior to the meeting start time with your name, address, and phone number where you can be reached. Contact staff at 541-366-4570 to make arrangements. All verbal testimony shall be stated directly to the decision-making body during the virtual meeting prior to the point at which the public hearing is declared closed.

If the decision-making body declares that the record is to remain open for a time period following the public hearing, then written evidence and documents may be submitted in accordance with the instructions provided at the public hearing.

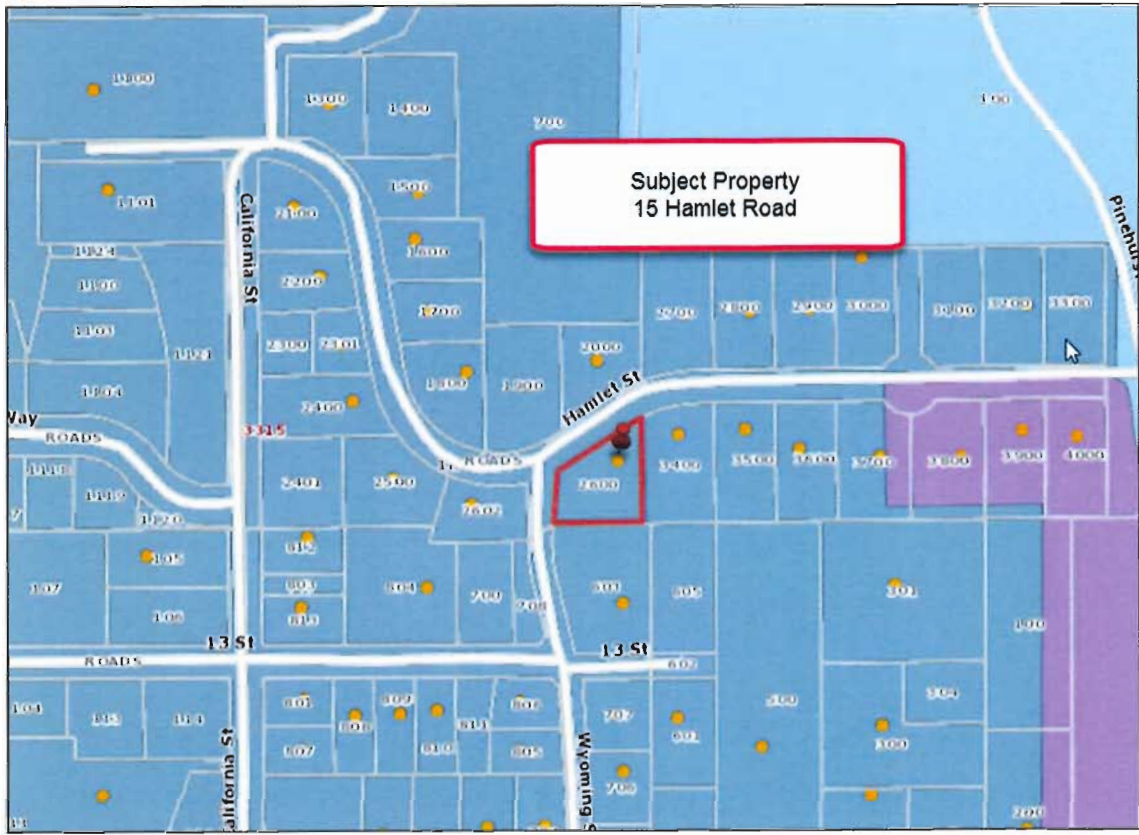
Opportunity to Review Documents and Staff Report

A copy of the file containing the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for review at no charge at the City of Port Orford City Office. A copy of the staff report to be used at the hearing will be available for review at no charge at the City of Port Orford City Office seven (7) days prior to the public hearing.

City offices are closed to the public but you can contact us at 541-366-4570 and make arrangements to pick up documents, or leave written testimony.

Copies of the above documents can be obtained at the City of Port Orford City Hall Office until noon on the date of the hearing.

Patty Clark, Planning Assistant
City of Port Orford
P.O. Box 310,
Port Orford, OR 97465
Telephone: (541) 366-4570



Planning Matters



City of Port Orford
555 W. 20th Street
Port Orford, OR 97465

TO: Zach Phillips, Real Estate Specialist
Crown Castle, Agent for Applicant
1505 Westlake Ave. North
Suite 800
Seattle, WA 98109

FROM: Crystal Shoji, AICP, Port Orford City Planner

SUBJECT: Request for Modifications to existing T-Mobile Facilities 2021

SUBJECT PROPERTY:
698 Boot Hill Road (Tichenor Cemetery Road)
Port Orford, OR 97465

PROPERTY OWNER:
Ronald & Ann Baracker
268 Robert Trent Jones Blvd.
Eagle Point, OR 97425

DATE: February 22, 2021 (REVISED)

This is in response to your 2021 Request for Modifications to existing T-Mobile Facilities. Thank you for providing documents including Notice of Eligible Facilities Request, and Narrative with findings pertinent to federal regulation, both dated January 11, 2021. We received the construction drawings including the site plan, criteria, and regulations and other documents explaining and supporting the proposed modifications. We have utilized the notes that you provided on the construction drawings and appreciate the time you took to clarify our understanding of all that will be involved. In addition, we received email communications from you stating that no portion of the Conditional Use Permit POZ 19-01 approved by the City of Port Orford on January 23, 2020, with the *Decision and Findings* dated January 31, 2020, was enacted. With none of the activities that were approved in 2020 being carried out, as you stated, the Conditional Use Permit POZ 19-01 is no longer a valid.

FINDINGS AND DECISION REVISED:

Based upon the documents that you provided, the City of Port Orford is communicating that no new Conditional Use Permit approval from the City of Port Orford is justified for the proposed T-Mobile modifications. This is due to the specificity of Federal Communications Regulations regarding substantial changes and the physical dimensions of the proposed modifications. The T-Mobile proposal that you submitted this year (2021) continues to exist under the Conditional Use Permit that was approved and enacted in 2006. The portion that will apply at this time is the 2006 Geologic Hazard Report and updates that have been submitted to the City of Port Orford. While the 2006 and 2008 Conditional Use Permit approvals do not address current federal law, the 2006 Geologic Hazard study and updates submitted to the City remain pertinent for building permits. All applicable conditions are made part of your responsibilities for the Planning Clearance to obtain your building permits. In addition, the City has stormwater and erosion requirements that are the responsibility of the applicant when there is site disturbance. Site disturbance will be taking place with the proposed new modifications. Stormwater and Erosion code documents are attached for the information of your contractors and construction team.

CHAPTER 15.17 OUTDOOR LIGHTING CODE

SECTIONS:

15.17.010	Title
15.17.020	Purpose
15.17.030	Definitions
15.17.040	Authority
15.17.050	Applicability
15.17.060	General Requirements
15.17.070	Non-Residential Lighting Requirements
15.17.080	Public Lighting Standards
15.17.090	Street and Highway Lighting Standards
15.17.100	Prohibitions
15.17.110	Exemptions
15.17.120	Notice
15.17.130	Enforcement, Abatement, and Penalties

15.17.010 - Title:

This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the City of Port Orford Outdoor Lighting Code and will be referred to herein as "this code".

15.17.020 - Purpose:

The purposes of these lighting standards are: conserving energy to the greatest extent possible; promoting traffic and pedestrian safety; minimizing glare, light trespass, obtrusive lighting, light pollution, and sky glow; and preserving Dark Sky of the natural nighttime environment.

It is the intent of this code to control the obtrusive aspects of excessive and careless outdoor lighting while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of any and all property; to preserve the quality of life for residents of the City and enhance the tourist experience for visitors; and to provide assistance to property owners and occupants in bringing nonconforming lighting into compliance with this code.

15.17.030 - Definitions:

In the case where a definition of a term is found to be in conflict with a definition or term in any other City ordinance or regulation, the more restrictive definition shall apply.

Bulb: means the component of the fixture that produces light.

Canopy: means a covered structure open to the elements, with at least one side open for pedestrian and/or vehicular access.

City: means the City of Port Orford, Curry County, Oregon, USA.

Development Project: for the purposes of Chapter 15.17 means any residential, commercial, industrial, or mixed use land use plan which is submitted to the Jurisdiction for approval or for permit.

Direct Illumination: means illumination resulting from light emitted directly from a lamp or fixture, not light diffused through translucent materials or reflected from other surfaces such as the ground or building faces.

Eave: means an area of a roof which overhangs the walls.

Excessive Lighting: means lighting that exceeds the amount that is needed to perform a visual task at night or required for public safety.

Fixture: means the complete lighting assembly that houses the lamp or lamps together with everything required to control and distribute the light output. The terms "fixture" and "luminaire" may be used interchangeably in this code.

Foot Candle: means the imperial unit of measurement used to quantify the amount of light falling on a surface. One foot-candle is the illuminance produced by a candle on a surface one foot square from a distance of one foot. See also "lux".

Flood or Spotlight: means any light fixture or lamp that incorporates a reflector, a refractor, or a prismatic lens to concentrate the light output into a directed beam in a particular direction.

Full Cutoff: means zero radiation of light above the horizontal plane or a lighting fixture designed, constructed, or installed, so that the lighting elements (i.e. lamps or bulbs) are not exposed to normal view by motorists or pedestrians, or from adjacent or nearby properties.

Fully Shielded: means a fixture that allows no emission of light above the horizontal plane. For the purpose of this Chapter, full cutoff fixtures are considered fully shielded.

Glare: means stray unshielded light in the field of view that is brighter than the level to which the eyes are adapted, and may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; (d) reduced visual acuity.

Installed: means set up or put in place.

Kelvin (K): means the color temperature scale used to describe the visual characteristics of various light sources. It is measured in degrees on a Kelvin scale (K) and typically ranges from 2000K (warm) to 5000K (cool).

Lamp: See "bulb".

Light Pollution: means any deleterious effect of artificial light including, but not limited to, glare, light trespass, sky glow, excessive or unnecessary lighting, or any artificial light that might be disruptive to the natural environment.

Light Trespass: means light falling from one property onto an adjacent or nearby property, or onto the public right-of-way.

Lumen: means the international unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture. For the purposes of this code, measurements in lumens shall refer to "initial lamp lumens" as rated by the manufacturer when the lamp is new, as listed on the packaging.

Luminaire: see "fixture".

Lux: means the international unit used to measure the amount of light striking a surface. If this unit is used, please divide by 10.76 to convert to Foot Candles.

Motion Sensor: means a device that detects physical movement within the sensor's local environment and activates a light that is extinguished by a timer.

Nonessential Lighting: means lighting which is unnecessary for pedestrian passage or other visual tasks and therefore is not generally useful (i.e., decorative, architectural, and landscape lighting). This includes lighting intended for a specific task or purpose when that task or purpose is not being actively performed, such as parking lot illumination

Opaque: means any material that prevents light from passing through (i.e. impenetrable to light).

Outdoor Lighting: means temporary or permanent lighting equipment installed outside the building envelope, whether attached to poles, building structures, the earth, or any other location. For the purpose and intent of this code, fixtures that are installed indoors and are intended to light something outdoors are considered outdoor lighting.

Replacement: means the installation of a new lighting fixture or luminaire in place of a pre-existing fixture. Replacement does not mean the changing of light bulbs or lamps with same or lower output. All replacements must comply or continue to comply with this Chapter.

Seasonal Lighting: means temporary lighting installed and operated in connection with holidays, traditions, or local festivals.

Shield or Shielding: means an opaque material or device that is attached to a lighting fixture to prevent light from being emitted in certain directions.

Sky Glow: means the brightening of the nighttime sky by diffuse, scattered light from artificial light sources reducing the ability to view features of the night sky.

Street Lighting: means permanent outdoor lighting that is owned and maintained by a municipality or other public agency or private enterprise and is specifically intended to illuminate streets and highways for automotive vehicles and may also incidentally light sidewalks and adjacent private property.

Temporary Lighting: means lighting which is intended for uses which by their nature are of limited duration, such as civic events or construction projects, and will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension.

Unshielded: means lighting fixtures capable of emitting light in any direction.

Up lighted: means a lighting fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained pattern above the horizontal plane to illuminate an adjacent or nearby building element, shrub, tree, or other landscaping.

15.17.040 - Authority:

The City of Port Orford and such designees as shall be appointed by City Council shall have the authority to require new lighting and existing lighting meet the provisions of this code.

15.17.050 - Applicability:

- A. General. The provisions of this code apply to the construction, alteration, movement, enlargement, replacement, and installation of outdoor lighting throughout the City of Port Orford.
- B. Application of Code. The standards and requirements of this code are applied in all zones of the City of Port Orford as follows:
 - 1. All existing lighting that fails to comply with this code at the time of its enactment shall mitigate the nonconformance through shielding or capping of the offending light within one hundred and eighty (180) days of the effective date of this chapter.
 - 2. If mitigation cannot bring the offending lights into complete compliance with this chapter, the lights must be moved, relocated, or replaced resulting in compliance within five (5) years of the effective date of this chapter.
 - 3. Any construction or development which requires permitting of any kind, must be in compliance with this chapter at the time the application for the permit is filed. The City of Port Orford will not sign, nor administer, any permitting process without proof of compliance.
- C. Other Laws. Where any provision of federal, state, county, or city statutes, codes or laws conflicts with any provision of this code, the most restrictive shall govern. Where there is a conflict between the general requirements and a specific requirement, the specific requirement shall apply unless otherwise regulated by law.

15.17.060 - Lighting Standards:

- A. The maximum lumens of any lamp shall not exceed 1,700 lumens.
- B. The color temperature of all lamps shall not exceed 2,700K.
- C. Lighting fixtures shall be fully shielded or full cutoff fixtures.
- D. Direct or indirect illumination shall not exceed 0.2 foot candles upon abutting lots in residential use as measured at the property line.

- E. For the purposes of this Chapter, the mounting height of a lighting fixture shall be defined as the vertical distance from the existing grade or average elevation of the finished grade of the surface being illuminated to the lowest light emitting point of the fixture.

15.17.070- Non-Residential Lighting Requirements:

- A. Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
 - 1. Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave. Light shall be constrained to no more than 85° from vertical.
 - 2. Lights shall not be mounted on the top or sides (fascia's) of the canopy/eave and the sides (fascia's) of the canopy/eave shall not be illuminated.
- B. Exterior Display and Sales Areas. Lighting levels on exterior display and/or sales areas shall be adequate to facilitate the activities taking place in these locations. The site plan shall designate areas to be considered display/sales areas and areas to be used as parking. These designations must be approved by the City.
 - 1. Each area designated as an exterior display and/or sales area shall be considered separately.
 - 2. Lighting fixtures shall be full cut-off fixtures.
 - 3. Fixtures shall be mounted no more than twenty (20) feet above grade.
 - 4. Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
 - 5. Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.
- C. Parking areas. Parking area lighting shall provide the minimum lighting necessary to ensure adequate vision in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.
 - 1. All lighting fixtures serving parking areas shall be full cut-off fixtures.
 - 2. As an alternative in the 10MU zone, the design for a site may adopt the use of parking area lighting fixtures of a particular "period" or "vintage" architectural style.
 - a) Mounting heights of such alternative fixtures shall not exceed 15 feet above the elevation of the surface to be illuminated, or the existing grade, or the average elevation of the finished grade, whichever is lower.

- b) Such alternative fixtures shall not be located closer than three (3) times the mounting height as measured from existing grade or the average elevation of the finished grade to the lowest light emitting part of the fixture.

D. Security lighting. The purpose of and need for security lighting (i.e. lighting for safety of property) must be demonstrated as part of an overall security plan which includes illumination, surveillance, and response plans; and which delineates the area to be illuminated for security purposes. To the extent that the designated areas is illuminated for other purposes (i.e. parking or display), independent security lighting is prohibited.

1. In addition to the application materials required as part of the lighting plan, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and an adequate cross-sections showing how light will be directed only onto the area to be secured.
2. All security lighting fixtures shall be fully shielded and aimed so that illumination is directed inward from the setback at the property boundaries, directed only onto the designated area, and not illuminate other areas. In no case shall lighting be directed above a horizontal plane, and the fixture shall include opaque shields that prevent the light source from being visible from adjacent properties and roadways. The use of general floodlight fixtures is prohibited.
3. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level 10 feet above grade or 10 feet above the bottoms of doorways or entries, whichever is greater.
4. Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.
5. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located with 5 feet of the perimeter. Sensor activated lights shall be automatically turned off within five (5) minutes after being activated if no additional motion, light, or infrared radiation is detected.
6. Residential security lights shall not be installed or attached to public utility or streetlight poles.

15.17.080 - Public Lighting Standards:

The following additional standards shall apply to all public and semi-public uses.

- A. All lighting fixtures shall be full cut-off fixtures.
- B. Where illumination is provided, lighting of parks or open space shall have a maximum mounting height of 20 feet, minimum illumination level of 0.3 foot-candles, maximum illumination level of
 1. 1.3 foot-candles, and color temperature not to exceed 2,000K.

2. The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, shall determine whether off-street walking and bike trails built in accordance with the Parks and Recreation Master Plan, are required to be illuminated in accordance with the standards above.

C. Rustic trails built in accordance with the Parks and Recreation Master Plan shall not be illuminated.

D. The following shall apply to lighting of pedestrian walkways in non-residential zones and multifamily developments:

1. If pedestrian walkways are adjacent to illuminated parking areas, public rights-of-way or common open space this standard shall be met without the need for additional lighting if the ambient lighting meets the illumination levels specified in 15.17.080.B, above.
2. Pedestrian walkways between parking areas and buildings or adjacent to dwellings and off street multi-purpose pathways shall use bollard lights with a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.2 foot-candles, and a maximum color temperature of 2,700K.
3. The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, may require off-street walk and bike trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan to be illuminated in accordance with the standards of Section 15.17.080.B, above.
4. Rustic trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan shall not be illuminated.

15.17.090 - Street and Highway Lighting Standards:

- A. All lighting fixtures shall be level mounted and eighty five degrees (85°) full cutoff type fixtures.
- B. Maximum mounting height shall not exceed 20 feet measured from the surface to be illuminated to the lowest light-emitting point of the fixture.
- C. Streetlights in residential zones shall be limited to one thousand one hundred (1,100) lumens unless otherwise recommended by the Public Works Department.
- D. Non-residential streetlights shall be limited to one thousand six hundred (1,600) lumens, unless otherwise recommended by the Public Works Department.
- E. Lights on major intersections on State highways shall be limited to two thousand six hundred (2,600) lumens.
- F. Maximum color temperature shall not exceed 2700K.

15.17.100 - Prohibitions:

Any light source that does not meet the standards and requirements of this Chapter is prohibited. In addition to nonconforming lighting, the following lighting is specifically prohibited:

- A. Laser Light Source. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.
- C. Blinking and Flashing Lights. Any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited, except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights.
- D. Externally Affixed Neon Lighting. Externally affixed neon lighting is prohibited except as a trim element that surrounds windows, doors, or building edges when located on building facades that face street frontages. Such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line or to attract business; and such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Port Orford Sign Code.
- E. Bottom Mounted Sign Lighting. Sign lighting attached to the sign structure is prohibited.
- F. High Intensity Lamps and Fixtures. The use, installation, sale, offer for sale, lease, or purchase of any high intensity lamp for use as outdoor lighting is prohibited.
- G. Lighting within the public right of way or easement when the purpose of the fixture is to illuminate areas outside the public right of way or easement

15.17.110 - Exemptions:

The following are not regulated by this Chapter:

- A. Lighting for public monuments and statuary. No exemption shall apply to light directed upward.
- B. Temporary lighting for theatrical, television, performance areas, and construction sites.
- C. Holiday lighting during the months of November, December, and January provided such lighting does not create glare on adjacent streets or adjacent or nearby properties.
- D. Lighting that is only used under emergency conditions.
- E. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties.
- F. Lighting specified or identified in a temporary use permit.

G. Lighting required by federal or state laws or regulations.

15.17.120 - Acceptance:

The applicant shall, by signing the permit application, agree to comply with the provisions of this Chapter, a copy of which shall be provided with the application packet.

15.17.130 - Enforcement, Abatement, and Penalties:

Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged, however, whenever such disputes cannot be resolved between parties, any peace officer, as defined by ORS 161.015, the Director of the Public Works Department, or any other individual who may be designated by City Council shall enforce this Chapter.

Unlawful acts. It shall be unlawful to erect, construct, alter, extend, repair, move, remove, install, use, or demolish any outdoor lighting in violation of this Chapter, or in violation of a detail statement or a plan approved hereunder, or in violation of a permit issued under the provisions of this chapter.

Notification and Order. The City Council, the Director of the Public Works Department, or any other individual who may be designated by City Council shall issue a Notice of Violation and Order for Abatement. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The property owner or authorized agent of the owner shall comply with the requirements of the notice of violation within the time period given.

Penalty. Any violation of this Chapter, or any portion of this Chapter, shall be considered a civil infraction and is subject to penalties not to exceed the amount of the maximum fine for a Class C misdemeanor. Each day the violation continues shall constitute a separate violation.