

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP**

Tuesday, January 12, 2021

3:30 PM

How to Participate:

Planning Commission 1-12-2021

Tue, Jan 12, 2021 3:30 PM - 5:30 PM (PST)

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

<https://global.gotomeeting.com/join/627518005>

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Access Code: 627-518-005

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Approval of Minutes: November 10, 2020
5. Comments from the Public
6. Review of Planning Commission Applications for Appointment
7. Elections of 2021 Planning Commission Officers (Chair, Vice Chair, Secretary)
8. Public Hearing
None
9. Planning Matters
 - Planning Commission Training

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

Tuesday, November 10, 2020, 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.

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission Tuesday, November 10, 2020 at 3:33 p.m.

Those members present were: Chair McHugh, Commissioner Stetson, Commissioner Leonard, Commissioner Nieraeth, Commissioner Jezuit, Commissioner Schofield, Commissioner Berndt.

City staff present were CA Richards, Planner Crystal Shoji, Legal Counsel Kudlac and Planning Assistant Patty Clark.

Others present were Erin Kessler, Jeff Bodner, Sharon Rock, Dana Gurnee, Steve Cameron, Erin, Alan J, Dorothy Dana, Mark Dana, Mike DuBose, Mickey Walker, Steve Lawton, Tom Calvanese, Jeff Bodner.

2. Additions to the Agenda: None.

3. Approval of Agenda:

Commissioner McHugh moved to approve the agenda for the meeting of November 10, 2020 as written with Commissioner Berndt as second. All approved the motion.

4. Approval of Minutes:

Commissioner Stetson made the motion to approve the minutes as written of Port Orford Planning Commission special session dated September 29, 2020 and the October 13, 2020 regular session with Commissioner Berndt as second. All approved the motion.

5. Comments from the Public: None.

6. **Public Hearing: Building Height in All Zones:** Guidelines are reviewed by Chair McHugh.

A. Staff Report: City Planner Shoji presented the staff report.

Planner Shoji asked for introductions, which were made. The staff report presents what needs determined to make the ordinance change.

Finding: Requirements of the municipal code as to processes and why the city is able to change the ordinance. Finding is that the city has not had any changes for a long time. The City Council initiated this change feeling it would be useful to change the heights, which begins the process of the change going to the Planning Commission and back to the City Council.

Criteria addressing the statewide planning goals through the Port Orford adopted goal language. Findings will not adversely affect goals and criteria.

- Goal 1: Economic Development: Provide opportunities throughout the city for a variety of economic activities related to health, welfare, and prosperity of the citizens in the community of Port Orford.
- Goal 2: Diversify and improve the economy of Port Orford by protecting the natural environment that makes the city a unique and inviting place.
 - City policy to encourage and support efforts to improve Port facilities, harbor and fisheries including replacement and maintenance of docks and infrastructure, rebuilding and maintaining the jetty, controlling and mitigating shoaling, etc.
 - Encouraging the development of research and tourism facilities.
- Goal 3: Encourage efforts to stimulate the tourism industry.
- Goal 4: Encourage human scale amenities within commercial areas and adjacent to trails and lookouts, to encourage tourism and enhance the city's sense of place.

Relevant findings, presented by Planner Shoji:

- Statewide Planning Goal for Housing: City's goal is to allow a full range of housing types, locations, and densities through planning and zoning. Finding is, this change is not affecting this statewide planning goal; however, the planning commission might find different with hearing input from citizens.
- Statewide Planning Goal for Coastal Shorelines: Required to provide for water dependent and water related uses. This is a major part of Port Orford's economy. Provide for nondependent and nonrelated uses in the city compatible with existing or committed uses. Provide for water oriented uses that have enhanced views or access to coastal waters in conjunction with water dependent and water related uses. Proposed findings are provided by Planner Shoji, which the planning may or may choose not to adopt.
- Planner Shoji left detailed findings up to the Planning Commission. Suggestions are provided.

Staff Recommendations: When findings are made to allow specific changes, a final finding will need to be made that the proposed height amendments are consistent with the language of the comprehensive plan, goals and policies.

Definitions:

Dome: Having a rounded or curving shape of a dome without angles and corners.

Height of Buildings: Vertical distance from the average finished grade to the highest point of the building including the roof beams on a flat or shed roof, the deck level on a mansard roof; and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. Average finished grade includes and encompasses any fill above natural grade.

Observation Tower: A **public** structure used to view events from a long distance. This is an exemption.

Port Orford Municipal Code Chapter 17.12:

Residential Zone R1, a 25-foot height is proposed.

Residential Zone 2R, a 25-foot height is proposed.

Commercial Zone 4C, a 25-foot height is proposed, a change from 45.

Industrial Zone 5I, a 25-foot height is proposed. There are currently no height regulations.

Controlled Development Zone 6CD, a 25-foot height is proposed. There are currently no height regulations.

Marine Activity Zone 7MA, a 25-foot height is proposed, a change from 45 feet. There is a letter from the Port asking commissioners to determine if this change will be injurious or negative for economic development.

Public Facilities and Park Zones, a 25-foot height is proposed. There are currently no height regulations.

Shoreland Overlay Zone, a 25-foot height is proposed. There are currently no height regulations.

Battle Rock Mixed Use Zone 10MU, a 25-foot height is proposed. Currently this has a 45 foot general height and 35 foot height for view. Commissioners will need to be sure this is not injurious or negative to commercial development. The language in the site plan review is proposed to a 25-foot height, a change from 35 feet.

General Exceptions to Building Height Limitations:

- Exempting stationary boat hoist at the port.
- Previously additional standards governed conditional uses that would give certain facilities the right to go taller with a conditional use permit. It is proposed that be taken out.

- There is currently an exemption in place for tsunami evacuation structures. No change is proposed.

Exhibits:

- Exhibit A: Staff report as presented above including attachments.
 - Attachment A: Letter from Port.
 - Attachment B: Email from Jean Dahlquist of Fair Housing Council of Oregon.
 - Attachment C: Email from Steve Lawton.
 - Attachment D: Figure A, a drawing of building height and illustrations.
 - Attachment E: Letter from Contractor Jeffrey McVannel.
 - Attachment F: A letter from Steve Lawton.
- Exhibit B: Email to the City of Port Orford from Karen and Jim Weiland
- Exhibit C: Letter from Fair Housing Council of Oregon.
- Exhibit D: Letter from the Dana Family Trust.
- Exhibit E: Letter from David Bassett.
- Exhibit F: Article provided by Erin Kessler.

Commissioner Leonard asked if a developer or individual currently has a permit to build a structure over the 25-foot level, and then the ordinance is changed, is the permit still acknowledged. Planner Shoji answered that any permit that is filed stands as currently stated.

Commissioner Nieraeth asked if the fire department has been contacted regarding their capacities. Planning Clerk Clark reported the fire chief stated they are registered to fight fires within 35 feet.

B. Public Testimony:

Erin Kessler, city resident, asked if the 25-foot number is due to limitations on the fire ladder height. She shared that a generation of building and development determined by an arbitrary number based on what seems like a current fire ladder restriction is detrimental. The city can find a way to fund an infrastructure to keep the town safe without stifling development. Ms. Kessler agrees there should be building height limitations, but the regulations should not be an arbitrary number determined by possibly the height of a ladder. The issue is not building development. The issue is, Port Orford needs better fire safety infrastructure. It is up to Port Orford elected officials and voters to find a way to accomplish this rather than putting in more codes. Ms. Kessler implores the city to consult with architects, engineers and designers to better understand the height limitations of a 2-story commercial building. The city has limited people building affordable housing and people investing in the community to bring in new commerce, especially on Highway 101. She agrees two or three stories are ample. She is attaching an article about a coastal town that decided to put reasonable height limitations in place. Ms. Kessler does not support the 25 feet limitation. Legal Counsel Kudlac advised

commissioners there is a link to the article in the comment section in the chat box. This information should be accepted into the record. The article will be Exhibit F.

Jim Weiland, Etna California, feels this amendment is contrary to the development and economy of the area. The view and the ocean are the attractions, and that is what has been invested in. He is speaking for the Seacrest subdivision on Coast Guard Hill.

Dorothy Dana, trustee for the Dana Family Trust, stated the family purchased their home and several commercial properties in downtown Port Orford approximately 20 years ago. Ms. Dana reported the family trust does not want and should not be subject to loss of property value due to reduced property height restrictions. Their commercial property in Port Orford was purchased with the understanding that mixed use height was 45 feet on commercial properties. While loving the small-town atmosphere and supporting the 25 foot restriction in residential, she feels 35 foot restriction in business districts is appropriate. The 35 foot height allows flexibility to support business development that benefits job production and profitability while maintaining a deterrent to the high-rise construction. She expressed that reducing the height restriction could negatively impact the fair market value of commercial properties and ability to market those properties to prospective buyers in the future. In summary, Ms. Dana wanted to go on record that they are opposed to the proposed change of height from 35 feet and 45 feet to 25 feet on new construction of commercial property and requests that this proposed change be rejected.

Mike DuBose is a homeowner and property owner in Port Orford. He is dismayed by the proposed change from what he felt was a well thought through and satisfactory height limit to something that seems somewhat arbitrary. He feels this will negatively impact future investments in the community. He feels the community is on a positive trend currently and does not want something done to potentially disrupt that and bring in long-lasting implications that are not fully understood. He is against this proposed height limitation change. He does not see a positive impact from this change.

Jeff Bodner, Dexter Oregon, trustee for Bodner Douglas 1999 Trust, has property across from the Castaway on Oregon Street. After the collapse of the housing market the property values went down. This proposal will make the property values go down further. This is not good for economic development. It limits development, which is less revenue. Mr. Bodner addressed the issue of views. He stated some lots do not block the view of any other address. Those lots will not cause a view problem if buildings are a height of 35 feet. Mr. Bodner stated he is on record as opposing this amendment.

Mark Dana, Albany California, representing the Dana Family Trust agrees with other callers opposing the reduction of building height restriction. He feels the development of properties

would be beneficial to the economic development of Port Orford enhancing tourism facilities. He states there are beautiful things that could result from a 35 foot height restriction with 45 feet in the Battle Rock mixed use zone. Mr. Dana expressed his appreciation for the great things the planning commission has done so far. He believes the restrictions are a little too much. He believes the current 35 feet and 45 feet will be acceptable with the use of setbacks, etc.

Gary Robertson, Port Orford resident and property owner, advised that a lot of people will only think of ceiling heights with a 25-foot height restriction. He stated there is a lot more to it. He advised that on level ground even with an 8-foot ceiling, there is a 2-foot crawl space over the existing grade, 12 inch floor joists to meet the Oregon energy code combined with a 6/12 roof pitch is well over 28 feet. He is currently working on a single story on a slope with 40 feet in height due to the slope. Commercial designers allow for a 12-foot ceiling height. There can be substantial duct work and other items to hide. To allow for a 10-foot ceiling and two floors it will have to be a flat roof to accommodate the height change to 25 feet. A single slope roof, shed roof, can be twice as high as a gable roof. This will be a detrimental change for people that already thinking about investing significant dollars in the community.

Ann Vileisis, resident of Port Orford, supports the intent of the building height revisions. She likes the intent of keeping the community small scale and livable. She stated she lives in the 10MU zone and is concerned about 45-foot buildings considering she has heard for years that Port Orford does not have the firefighting capacity to take care of them. She would like the firefighting capacity clarified. She is concerned about tall buildings being dispersed with residential communities in the 10MU zone. She would like the planning commission to figure this out for the benefit for everyone.

Edward Kessler, resident of Port Orford and business owner in Port Orford, supports the intent of the measure to limit height to a reasonable level, but he does not support the 25-foot requirement. It is going to go against individuals who want to invest in the community. It does not seem common sense. He thinks a 35-foot height is appropriate. He feels that as someone that already has a successful business and is hoping to invest more in Port Orford, he really does not want to be limited to an arbitrary height that does not make sense to him. He would like to invest in the community with commercial property and affordable housing. He would like those buildings to be nice and not standard stick frame. He cannot see that happening in a 25-foot restriction without running into problems. Mr. Kessler expressed his appreciation for all that the city government does for the community.

Planner Shoji reported that commercial building code requires fire sprinklers, etc. when they are a certain height and size.

Hearing no further public comment, Chair McHugh closed the public testimony.

C. Discussion and Deliberations:

Chair McHugh commented on testimony about deeded view and requested information on a deeded view. Legal Counsel Kudlac advised a deeded view is generally a restriction on a piece of property that they cannot go over a certain height to protect a neighboring view of another property. It is a legal contract between the two property owners.

Referring to the staff report, Chair McHugh does not agree to having a definition of dome and having a definition of observation tower in the municipal code. He does not believe creating an observation deck throughout the town or building domes on top of structures should be a use permitted outright, nor is it classified of a use permitted outright in the code. He believes domes and observation decks should be a conditional use rather than outright use.

Chair McHugh moved to not approve the addition of definitions for domes and observation decks with Commissioner Jezuit as second. *Withdrawn.*

Discussion: Planner Shoji asks for clarification. The two exemptions are to be removed out of the code and not have definitions is two different actions. She states the definition has called it a **public** structure, thus she clarifies that commissioners do not want any public structures that are observation towers or similar in the City of Port Orford. The definition excludes private landowners from raising something that can be called an observation tower.

Chair McHugh withdrew his motion and Commissioner Juzuit withdrew her second.

Chair McHugh moved to eliminate the definition of a dome from the staff report and not adopt it as part of the changes with Commissioner Jezuit as second. *Withdrawn.*

Discussion: Planner Shoji asks if Chair McHugh wants two actions; 1) Remove Dome from what are already excluded things, so not to allow domes in the town for churches or anything. 2) Remove the definition. Chair McHugh stated if the planning commissioners feel that domes are desirable in certain situations, he would add that they would be only available through a conditional use permit with a public hearing. Legal Counsel Kudlac advised that as written domes are not excluded from town, but they will have to apply with the height limitations. They are currently under the exception for building height limitations in 17.20.050.

Chair McHugh withdraws his motion and Commissioner Juzuit withdraws her second.

Chair McHugh refers to exclusions 17.20.050. In that section there is an exception for domes. He does not want to permit domes. He feels domes will create a tall, towering structure. He

would like them to be allowed only by conditional use permit, so they are subject to a public hearing and public input.

Chair McHugh moved that in 17.20.050, General Exceptions to Building Height Limitations, the exception for a dome attached to a structure be removed with Commissioner Jezuit as second. **Motion carried 5-2.**

Discussion: None.

Comm. McHugh	<u>Yes</u>	Comm. Leonard	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>No</u>
Comm. Schofield	<u>No</u>				

Chair McHugh moved to remove the definition of dome, since the word dome is no longer contained in the municipal code with Commissioner Leonard as second. **Motion carried 6-1.**

Discussion: Commissioner Berndt feels it would be helpful to define the structure that a dome goes on, meaning commercial versus residential. Legal Counsel Kudlac stated if that were to be done, it could be done the same way observation tower was done, where it is stated public structure, businesses, etc. The actual buildings could be identified in the definition such as churches, etc. Commissioner Nieraeth stated that the word dome has been removed, so wonders why the definition is necessary.

Comm. McHugh	<u>Yes</u>	Comm. Leonard	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Schofield	<u>No</u>				

Residential Zone 1R: Public testimony opposes the change to 25 feet. Commissioner Berndt moved to keep the residential zone building height restriction to 25 feet with Commissioner Jezuit as second.

Discussion:

Commissioner Nieraeth addressed Jeffrey McVannel’s letter writing about how a structure is built. Twenty-five feet increases the cost of building, and Port Orford’s idea is to build affordable housing. As an employer, it is difficult to bring in employees to live in and be a part of Port Orford without affordable housing. Mr. McVannel advised 28 feet is better than 25. The fire department is registered for 35-foot buildings. Chair McHugh stated that the architect will have to get involved to accommodate the 25 feet limit with housing designs. He understands that the cost will be more. He reminded that the commission can increase the height, but he does not want it increased to 30 feet and does not want it returned to 35 feet.

Commissioner Jezuit addressed structures that Jeffrey McVannel has built. The buildings are attractive. Mr. McVannel is respected as a builder in town. Commissioner Jezuit reminded that they chose 25 feet due to fire department issues, but she now does not see why 30 feet cannot be built. Chair McHugh stated that 30 feet is technically a three-story building and 35

feet is definitely a three-story building. Chair McHugh stated that 25 feet brings the buildings back down to scale.

Commissioner Berndt agrees that in a residential zone 25 feet is sufficient. She feels there are different definitions and opinions on what is affordable housing versus high end housing. She feels 25 feet will provide enough space for a two-story structure with vaulted ceilings and loft in a single story building.

Commissioner Stetson stated she prefers 28 or 30 feet since the fire department is registered for that height of building. Commissioner Stetson stated that she feels this is something that does not need done and is a waste of time.

Commissioner Leonard was impressed with the public testimony. She is willing to compromise with 28 feet. She reminded that 28 feet was suggested at last meeting.

Commissioner Schofield feels that this entire conversation over the last months contradicts the city's goals and comprehensive plan. She is of the thought that no changes whatsoever need to be made to the building heights.

Commissioner Leonard asked if this was being done for the city. Chair McHugh reminded that the commissioners are acting under the direction of the City Council. The City Council directed the Planning Commission to reduce the allowable building height across all zones in the city and the building height should be uniform across all zones. That does not mean that is the best idea. Commissioner Leonard does not feel the uniform height across all zones will work.

Commissioner Neiraeth does not understand why the City Council wants the building height restriction lowered and does not feel the uniformity will work. She suggested calling a vote on 1R zone change and asked legal counsel if this is appropriate. Chair McHugh advised that discussion must be completed first.

With no further discussion, Chair McHugh opened the floor for a motion. Commissioner Neiraeth moved to retain the current height limitation in all zones with Commissioner Stetson as second. ***Motion carried 4-3.***

Discussion: Commissioner Leonard clarified that if passed no changes will be made and that is the end of this discussion in all zones. It will then be forwarded to City Council.

Chair McHugh does not favor this due to some zones allowing 35 feet and some allowing 45 feet. He reported people have purchased property with a view and has been paying property taxes for decades. Commissioner Schofield advised that when these properties were purchased, the buyers were aware that something could be built and block the view. If the

City Council wants to keep the small-town ambience, maybe they should redo the comprehensive plan. Chair McHugh agrees that one or two special zones could allow different building heights. The comprehensive plan is short and could be amended. Commissioner Schofield suggested taking this back to council and asking them to review the comprehensive plan prior to making this change. Commissioner Leonard supports the concept that the people behind potential development is not as much her concern as is the potential of a large motel going in. Planner Shoji advised that the comprehensive plan is a general document that does require statement of how the city is going to allow development of the town. The findings that commissioners are asked to make are to prevent the city from doing something that will stifle the development of the town. The comprehensive plan does what the state planning goals require the city to do. The commission has the right to develop a vision for a certain part of town that maybe the city does not have yet. There is a vision for the Battle Rock area with a level of code that allowed for more intense development in many ways but did not go so far as larger cities do.

Chair McHugh does not agree that the Planning Commission send a recommendation to council that they are wrong in requesting this amendment. He suggested tabling the issue and request that City Council join the Planning Commission in a joint workshop for discussion of where commissioner’s think there are failings and ask for further guidance. Legal Council advised that when a draft ordinance is created this matter will go back to hearing and the public will have to be notified. Planning Clerk Clark reported that is at a cost to the city.

Comm. McHugh	<u>No</u>	Comm. Leonard	<u>No</u>	Comm. Nieraeth	<u>Yes</u>
Comm. Stetson	<u>Yes</u>	Comm. Berndt	<u>No</u>	Comm. Jezuit	<u>Yes</u>
Comm. Schofield	<u>Yes</u>				

Chair McHugh referred to 17.20.050 exceptions where commissioners added the hoist on the Port dock as an exception, and he would like to see that section incorporated into the municipal code. Legal Council Kudlac reported it is appropriate that the exception be inserted in the current order of this meeting.

Chair McHugh moved that the Planning Commission insert the hoist on the Port dock as an exception into the municipal code with Commissioner Stetson as second. *Motion carried 7-0.*

Discussion: None.

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

After discussing punctuation and spelling, Kevin McHugh closed the public hearing.

7. Planning Matters: None.

8. Other Business

A. Announcements and Communications:

1) City Planner Comments: None.

2) Planning Commission Comments: Chair McHugh announced that City Council officially sent the Outdoor Lighting Code, chapter 15.17 back to the planning commission with two issues to address. They are concerned that the penalty and enforcement may be too draconian. They are concerned about the recommendation that security lighting be moved to the perimeter of the properties saying that it could place an undo burden on the commercial business having to run electrical service to the perimeter of their property. This should appear on next month's agenda. Chair McHugh restated that the Planning Commission has voted to assign him the task of attending the City Council meetings when business goes to council from the Planning Commission. He will be attending the City Council meeting on December 19 when building heights are discussed.

9. Considerations from the public: None.

10. Chair McHugh adjourned the November 10, 2020 meeting at 5:38 p.m. `

APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

If you do not wish to have any specific information in this form given out to the general public please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law

I am interested in serving as a member of the Planning Commission

Name: MICHELE LEONARD

Mailing Address: POB 1461

Physical Address: 1126 WASHINGTON ST, PORT ORFORD, OR 97465

Home Phone: 541-366-2147 Work Phone: _____ Fax: _____

E-mail: bobandmichele1976@gmail.com

Current Employment: RETIRED

Your area of interest: GENERAL City Planning

Your area of expertise: COMMON SENSE

Why do you want to serve? BECAUSE I WAS ASKED, originally by Jim Armon & now by Kevin McHugh.

Previous service in this appointed position of a similar position 2 YEARS 2019-2020

Other volunteer activities President Friends of the Library SMART READING PROGRAM

Does your schedule allow you to attend?

Daytime Meetings yes no Evening meetings yes no

Does your schedule limit the days you could attend meetings? yes no

Have you ever been convicted of a felony? yes no If Yes, please explain.

Additional comments: Thank you for your consideration.

Date: 12/18/2020 Signature: Michele Leonard

Please return to:
City of Port Orford
P.O. Box 310
Port Orford, OR 97465

Phone: 541-332-3681 Fax: 877-281-5307 trichards@portorford.org



APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

If you do not wish to have any specific information in this form given out to the general public please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law

I am interested in serving as a member of the PLANNING COMMISSION

Name: DIANNE SCHOFIELD

Mailing Address: P.O. BOX 1332

Physical Address: 460 MADRONA

Home Phone: 503-754-4113 Work Phone: 332-4515 Fax: _____

E-mail: DIANNESCHOFIELD@YAHOO.COM

Current Employment: SELF-EMPLOYED

Your area of interest: ANYTHING BUSINESS RELATED

Your area of expertise: I HAVE A PH.D IN PIZZA MAKING ☺

Why do you want to serve? VESTED INTEREST IN THE CURRENT & FUTURE DIRECTION OF PORT ORFORD.

Previous service in this appointed position of a similar position TLT, CITY COUNCIL, PLANNING

Other volunteer activities _____

Does your schedule allow you to attend?

Daytime Meetings yes no Evening meetings yes no

Does your schedule limit the days you could attend meetings? yes no

Have you ever been convicted of a felony? yes no If Yes, please explain.

Additional comments: _____

Date: 02 JANUARY 2021 Signature: *Dianne Schofield*

Please return to:
City of Port Orford
P.O. Box 310
Port Orford, OR 97465

Phone: 541-332-3681 Fax: 877-281-5307 trichards@portorford.org

APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

If you do not wish to have any specific information in this form given out to the general public please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law

I am interested in serving as a member of the Port Orford Planning Commission

Name: Greg Thelen

Mailing Address: Port Orford OR 97465

Physical Address: St. Port Orford

Home Phone: _____ Work Phone: _____ Fax: _____

E-mail: _____

Current Employment: retired

Your area of interest: land use planning; preserving dark skies

Your area of expertise: building trades - former General Contractor; former school administrator

Why do you want to serve? to help Port Orford maintain liveability and preserve our small town ambience while encouraging sustainable growth

Previous service in this appointed position of a similar position _____

Other volunteer activities Port Orford Community Co.op staff and Board Member, former Board Member and Secretary of Cascade Valley School

Does your schedule allow you to attend?

Daytime Meetings yes no Evening meetings yes no

Does your schedule limit the days you could attend meetings? yes no

Have you ever been convicted of a felony? yes no If Yes, please explain.

Additional comments: I also write and perform music, and have an interest in amateur astronomy.

Date: 12-11-20

Signature: Greg Thelen

Please return to:

City of Port Orford

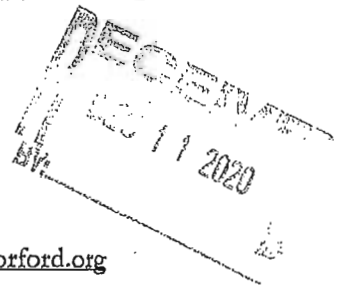
P.O. Box 310

Port Orford, OR 97465

Phone: 541-332-3681

Fax: 877-281-5307

trichards@portorford.org



ELECTIONS OF PLANNING COMMISSION OFFICERS 2021

CHAIR:

VICE CHAIR:

SECRETARY:

The Role of the Planning Commissioner



12/29/2020



Overview

- History – Statewide role began in the 1970's.
- Today – Every city and county has a Plan acknowledged by DLCD.
- Day to day decisions are made locally.
- Dept. Land Conservation and Development (DLCD) reviews local plan amendments, provides technical assistance and some funding.



12/29/2020

Regulatory Framework



Statewide Planning Goals

Oregon Revised Statutes (ORS)

Oregon Administrative Rules

Case Law

Local Comprehensive Plan and Zoning Ordinance

Other Approved Local Plans

State and Federal Agency Requirements

1. Citizen Involvement
2. Land Use Planning
3. Agriculture Lands
4. Forest Lands
5. Natural Resources
6. Air Water, Land Quality
7. Natural Hazards
8. Recreational Needs
9. Economic Development
10. Housing
11. Public Facilities
12. Transportation
13. Energy Conservation
14. Urbanization
15. Willamette Greenway
16. Estuarine Resources
17. Coastal Shore Lands
18. Beaches and Dunes
19. Ocean Resources

12/29/2020

What is City Planning?

■ **Planning Commission**

- Long range planning: Develop and amend the existing plans. Example: An ordinance to update flood provisions to be consistent with FEMA requirements.
- Implement existing plans: Make decisions regarding ongoing permits: Variance, Zone Change / Amendment, Conditional Use Permit, Land Partitioning, Subdivision

■ **Others at the City**

- Staff works with the public to provide regulations, sign off on building permits, provide information to Planning Commission for decision-making.
- City Council has the final say on some land use actions, but not all.

12/29/2020

Long Range Planning

- Local Comprehensive Plans implement Statewide Goals.
- Zoning and Subdivision Ordinances have rules that carry out Comprehensive Plan policies.
- Other City plans for streets, water and sewer apply.
- Statewide Planning Goals
- Oregon Revised Statutes, Oregon Administrative Rules.
- Federal regulations such as clean air and clean water.





What is the Planning Commission's Role?

- Implement the local plan.
- Propose revisions to plans and ordinances.
- Oversee discretionary permits such as Conditional Use Permits, Variances, Land Partitioning, Subdivision, Site Plan Review.
- Understand the importance of Findings for decision-making
- Follow the rules for public meetings.
- Be informed.
- Be ethical and treat the public with respect.

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Types of Land Use Decisions

■ **Legislative – Policies and Ordinances**

- Change in the text of the Zoning Ordinance.
- Zone change for a whole section of town.
- Change that affects everyone due to state law.
- Scope is broad.
- Includes public involvement, newspaper notices, public hearings at multiple levels.
- No limits on who Planning Commission can talk with about the proposed policies.
- Comprehensive Plan is legislative in nature.



Quasi-Judicial

■ Quasi-Judicial – Site Specific

- Conditional Use Permit for a single family dwelling in a light industrial zone.
- Variance to allow a different setback than the zone requires.
- Zone change or map amendment that applies to a single or a few owners.
- Subdivision proposal.
- Has a number of rules about public hearing procedures and who can speak when.
- Planning Commission members have to show no bias and no conflict of interest.
- Staff can have unlimited contact.

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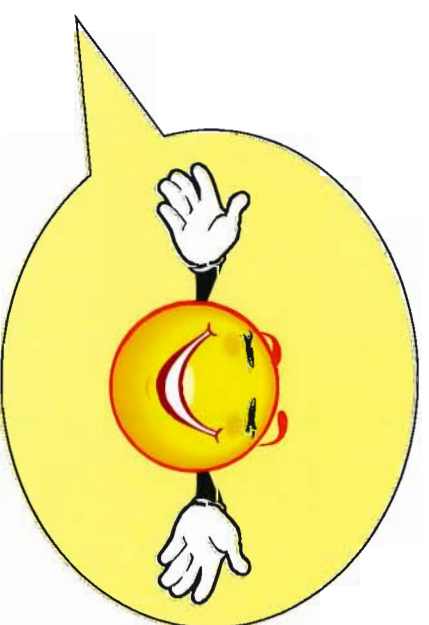


Staff Role

■ Administrative

- Provides information to the public about the requirements.
- Provides information to the applicant before application is filed, and throughout the process.
- Provides required notices to the newspapers and the public.
- Follows up with any State or County agencies, or other organizations that may have concerns.
- Provides a written report (staff report) to the Planning Commission with all facts and information. Makes it available to the public. seven days before the meeting.
- Provides information to all parties as a professional liaison.
- Sends out decisions.
- Follows the rules and signs zoning clearance letters to allow building permits, grading permits, or other permits that are allowed by the zoning, or that have been approved by the Planning Commission.

Citizen's Rights



- Opportunity to be heard.
- Opportunity to present and rebut evidence.
- Right to an impartial hearing with decision-makers having no ex-parte contact, or as follows:
 - Ex-parte contact has to be placed in the record.
 - Ex-parte contact has to be announced and explained at the meeting.
- A right to findings of fact.
- A right to a record of the proceedings.

Basis of Decision

- Based upon criteria (Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, State Law, and how these documents pertain).
- Apply the criteria to the facts that are presented by the applicant, the staff, and the opponents.
- **The results are the Findings of Fact.**
 - ✓ The Findings of Fact must address all the criteria, all the facts, and all the information that has been presented.



Findings of Fact

- State the criteria and the conclusion.

Example Criteria:

To allow the use, there shall be an assurance that the property is not subject to landslides.

Example Finding: Criteria + Conclusion:

The property is not subject to landslides because Oregon Registered Engineer E. Geo Logical has entered a statement that he has tested subject property and that he has determined that there no potential for landslides due to the topography of the site.

Findings - *Continued*



- Identify legal standards and criteria.
- Weigh criteria with facts to make findings.
- If some criteria are not applicable, state why, and this is a finding.
- Where there is conflicting evidence, state that it is conflicting.
- Tell what you believe to be the facts, and why.
- State all your assumptions. You can get these from testimony.
- Do not use generalizations.
- If the project is modified, add new findings.
- Findings for big projects or contested activities can be organized by staff and brought to the next meeting (or a special meeting that is set). The Planning Commission can then accept the findings at the specified public meeting.

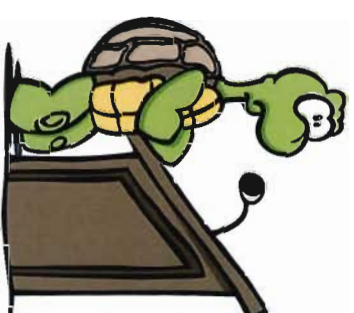
The Public Hearing

- Chair tells the audience:
 - How the hearing will be conducted.
 - How the decision will be made.
 - What constitutes relevant testimony.



Chair can take a poll to see the number proponents and opponents prior to asking for testimony to help organize the meeting.

Public Hearing



- Chair opens hearing.
- Chair reads hearing disclosure statement.
- Chair asks for declaration of actual or potential conflict of interest, ex-parte contact or personal bias.
- Applicant's testimony.
- Proponent's testimony.
- Opponent's testimony.
- Neutral Testimony
- Applicant's rebuttal.
- Commission deliberation.
- Carry over or close hearing.
- State findings and make recommendation to City Council or final decision (can make decision based upon findings and have findings prepared).
- Notice of decision to go to all parties.

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Ex-Parte Contact

- Any written or verbal communication outside a public hearing between a decision-maker (Planning Commission member) and one or more of the parties (citizens)
- You are acting as a judge, and are not allowed this communication:

What do I do if someone attempts to talk about the upcoming application?

- Stop the person.
- Disclose the contact at the hearing.
- Decide whether you can make an impartial decision.
- Have a formal procedure adopted by the Planning Commission because that will make it easier.



Conflict of Interest or Bias?



- **Bias:** An inclination or outlook with preconceived judgment or opinion that is adverse to an applicant without sufficient knowledge or information.
State your bias and participate, or choose not to participate because your opinion would taint the final decision.

- **Conflict of Interest**
Results in a pecuniary (relating to money/ financial) benefit or detriment.
This must be disclosed and the person with conflict may not vote unless that vote is needed for a quorum. In that case, they can vote only, but not enter into discussion.

Clear and Objective standards Work Best

■ Examples

Not clear and objective: *The applicant shall provide adequate parking.*

Clear and objective: *Retail business shall provide one parking space for each 300 square feet of floor area.*

Not clear and objective: *Manufacturing will be allowed if it does not disturb the neighborhood.*

Clear and objective: *Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor that can be detected beyond the property line is prohibited.*