

CITY OF PORT ORFORD
REGULAR SESSION OF THE COMMON COUNCIL
Thursday, April 17th, 2025, at 5:00 P.M.

If you cannot join in person, please feel free to join this meeting from your computer, tablet or smartphone.

<https://meet.goto.com/384226381>

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AGENDA

- 1. Call to Order/Roll Call/Pledge of Allegiance**
- 2. Executive Session**
 - a. ORS 192.660 (2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.**
 - b. ORS 192.660 (2)(f) To consider information or records that are exempt by law from public inspection.**
- 3. Additions to the Agenda**
 - a. Possibly Move Public Hearing up in agenda order**
 - b. Possible action item from Executive Session**
- 4. Presentations to the Council (Limit 10 minutes)**
 - a. Rotary: Horse Arena Restoration**
- 5. Citizen Concerns on Non-Agenda Items (Comments on the Public Hearing will have it's own time) (Limit 3 minutes)**
- 6. Consent Calendar**
- 7. Citizen's Concerns On agenda items only (Comments on the Public Hearing will have it's own time)(Limit 3-minute)**

8. **Public Hearing: Updates to Port Orford Municipal Code, Title 17 Zoning and Title 16 Subdivisions***(Funding for Proposed Amendments has been provided through a grant from the Department of Land Conservation and Development (DLCD))*
 - a. Public Hearing Opening & Process Review
 - b. Citizen Testimony Opens; Signed-up, Walk-Ins, & Virtual (Limit 3 minutes)
 - c. Citizen Testimony Close
 - d. Council Deliberation
 - e. Council Vote: Approve, Continue, Deny
 - f. Public Hearing Closes
9. **Departmental Reports**
 - a. Administration
 - b. Mayor's Report
 - c. Finance
 - d. Public Works
 - e. Planning
 - f. Liaison
 - i. Parks
 - ii. Emergency Prep.
 - iii. Historic Preservation
 - iv. Port
 - v. Watershed
 - vi. Fire
10. **Old Business**
 - a. Ord. 2025-01: Housing & Zoning Code Updates funded by DLCD Grant
11. **New Business**
 - a. Finance Committee Tier 1 Priority Projects
 - b. Conflict of Interest Informational
 - c. Ord. 2025-02: Revising Port Orford Municipal Code Chapter 5.05: Short Term Rentals
12. **Considerations**
 - a. Citizens
 - b. Staff
 - c. Councilors/Mayor
13. **Future Meetings:**
 - a. Regular Meeting May 15th, 2025 @ 5:30 pm
14. **Adjourn**

1) Roll Call/Call To Order/Pledge of Allegiance

Mayor Vileisis will open the meeting and take roll call of present Councilors and Staff. At this time, order will be called, and citizens in attendance will be asked to follow the City Council Chambers code of conduct. Mayor Vileisis will lead the Chambers in the Pledge of Allegiance. Citizens are not required to participate but are requested to stand, remove hats, and remain silent if not participating.

2) Executive Session

The City Council will be entering Executive Session at 5:00 pm. **Normal Business will not resume until after the normal 5:30 pm start time.**

3) Additions to the Agenda

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- a. Due to considerations for Staff/Volunteer time, it has been requested that the public hearing be moved up in the Agenda 4
 - b. The City Council held an executive session prior to this meeting. There may be items that require action. If there is, it/they will be added to Item 11 on the agenda.

4) Presentations to the Council

Members of the Rotary Club of Port Orford will propose to Council a project to restore the Horse Arena at Buffington Park

5) Citizen Concerns (Non-Agenda)

Citizens are invited to raise concerns over items not on the agenda. There is a three-minute time limit and citizens who signed up will be invited to speak before walk-ins.

6) Consent Calendar

There are no items on the Consent Calendar this month.

7) Citizen Concerns (Agenda)

Citizens are invited to raise concerns over items on the agenda. There is a three-minute time limit, and citizens who signed up will be invited to speak before walk-ins.

8) Public Hearing Updates to Port Orford Municipal Code, Title 17 Zoning and Title 16 Subdivision MEMO

Staff Report submitted by Senior Planner Crystal Shoji:

<http://portorford.org/wp-content/uploads/2025/03/Staff-Report-for-Council-Hearing-3-20-25.pdf>

Code Proposal:

<http://portorford.org/wp-content/uploads/2025/03/2025-Proposed-Amendments-City-Council-Public-Hearing-3-20.pdf>

<http://portorford.org/wp-content/uploads/2025/03/2025-Proposed-Amendments-City-Council-Public-Hearing-3-20.pdf>

Minutes from February 11th Planning Commission Public Hearing & Testimony submitted for consideration:

<http://portorford.org/wp-content/uploads/2025/03/PC-Minutes-2.11.2025-plus-testimony.pdf>

At its April 10 work session, the Council had a robust discussion about key elements of the proposed zoning changes and discussed how to move forward. At this session, Council will consider testimony and will review more closely the first portion of the proposed code changes (beginning at page 10), which includes the following:

- 10 Definitions
- 15 Limited Land Use Decisions (Type II)
- 18 Use Zones
- 32 Supplementary provisions
- 33 Home occupation
- 35 Accessory dwelling unit (ADU)

Council members are advised to closely review this first section and bring questions, clarifications, and any suggestions for improvements. Councilors are also advised to call or meet with Planning Chair Greg Thelen ahead of time if there are substantial questions.

Council plans to reopen the hearing to review the second portion of the proposed changes at its May 2025 meeting.

9 Departmental Reports

9(a) Administration

Administrative Staff has been focused on many things this month. Most importantly, we have been working with Anne Heath to prepare the FY 2026 Budget. We are using findings from the Finance Committee to build the recommended budget. This will be brought to the Finance Committee first and then, based on their final recommendations, presented to the Budget Committee. The first Budget Committee meeting is scheduled for May 22, 2025. Please contact City Hall for an application if you would like to be part of that process! We must have citizens on the committee.

Staff has also been gathering copious amounts of information for the FY 2024 audit. This includes everything from IT, to budget, to staff protocols. As there were major transitions occurring during the 2023/2024 fiscal year, we have had to dig for data and information. Because of this, we are creating systems for future audit use to help make this a smoother process.

Many hours have been used on issues that have been discussed in Executive Session. I cannot report on this now, but we are laying the framework for improved service and decisions for the City of Port Orford. City Hall staff appreciates your patience at this time.

9(b) Mayor's Report

Please see the document linked below:

<http://portorford.org/wp-content/uploads/2025/04/Grants-update-April-2025.pdf>

9(c) Finance Report

This report has been handled at a Special Session held on April 3rd. Please see that session for full details. It will be discussed during item 11(a).

9(d) Public Works

Water numbers sold for March 2025

Treated Water Produced: 4,098,000 Gallons

Water **Sold: 2,011,922** Gallons

Back-washes: 170,000 Gallons

Water Leaks: **15,000** Gallons

This is an estimated **LOSS of 49%**.

Rain for March **15.5"**

The Plant ran **24-hour cycles 8 times this month**

Coast-Guard Hill reservoir is at concerning levels

3/17 - **16.7'**

3/18 - **14.3'**

3/20 - **16.7'**

3/21 - **14.1'**

3/22 - **13.0'**

3/23 - **09.3'**

3/24 - **13.1'**

3/25 - **16.1'**

3/28 - **15.7'**

The Plant was OFF for 5 days due to turbidity

Water Treatment plant,

1. Stater Reports submitted for the month of March
2. Service line inventory updating in progress
3. Boring for soil analysis / Raw water storage tank **Completed**
4. Purchased new controls for Hubbard's, scheduling install ASAP
5. Coast Guard hill pump station, on hold due budget shortfalls

Water distribution leaks repair:

1. Lots of locates for fiber drops Beacon continues
2. Repaired water line Golden Harvest
3. Coast Guard hill generator quote 4-5K for repairs. Load testing all 3 5K scheduling is in the works.

Waste Water plant: Op's:

1. Wyoming Lift station, went down 2 times.
2. Arizona Lift station replacement, completed and ready to ship RFP for install in the works.
3. Lift station degrease floats, lots of grease.
- 4.

City shop yard

1. Dump runs to remove old debris; work will continue until its completed
2. Vehicle Pm's

Streets. Replaced broken sign post and clean ditches and drains. Cleaning up right of ways removing trees and debris from storm.

Parks installed 2 new benches @ Buffington

PW Works Equipment PM's

Back-hoe repairs blown hydro line off main pump
 5-yard dump truck compressor seized and replaced
 Vac-con clutch adjusted, at the last adjustment

9(e) Planning

No New updates – The April Planning Commission meeting was postponed

9(f) Liaison Reports

9(f)(i) Parks Liaison Report

The Commission held a community meeting seeking citizen input regarding Park projects and priorities. The meeting was held in the Driftwood cafeteria and was not well attended due to a Watch Party at Pacific High. Discussion focused on playground equipment, frisbee golf and pickle ball court lighting.

Commission meeting: April 3, 2025

Commissioner Sierra Izumida resigned. She is moving out of the area.

Commission moved to request City Council to transfer the A-Frame contract from Izumida to Claire Schickel, Pacific Pioneer School LLC, who will continue to run the school. The Commission recommends maintaining the same pricing structure. Izumida's contract expires in June.

Commission accepted Ledeen Rickey's application for Parks Commissioner and moved to forwarded her application to City Council for approval.

Skaidra Scholey has begun work on the Buffington Park Planning grant. Planning Grant is for 50K with 10K matching city funds. Commission will continue support the application process due May 15.

Rotary members verbally presented a plan to repair the Buffington Park horse arena. Rotary stated they would provide labor and funding. Members were advised the need to use a licensed contractor and address Tribal concerns. The Commission moved to send the Rotary request to City Council.

Several commissioners commented on the poor condition of the Buffington Park restrooms. Citizens have complained about lack of cleanliness and supplies in the restrooms. This has been an ongoing problem. The Commission asks city staff to review the Park Host's contract and job performance to take appropriate action.

Jen Bailey introduced Marlene Hoffman, new Jubilee liaison to City Parks Commission. Hoffman explained the current plan for this year's Jubilee focusing on the Main Street business corridor. The Battle Rock parking lot and Buffington Park will not be used for Jubilee vendors.

The Commissioners will review the top 10 goals for Buffington Park and Battle Rock Trail. The goals were last prioritized in 2022. Commissioners will discuss priorities and create an updated top 10 list at the next meeting.

9(f)(ii) Emergency Preparation Liaison Report

Two Commissioners resigned, Jim Howe and Dick Miller. Dick will stay on as an advisor. We are looking for two replacement Commissioners.

The EPC met with the Rural Fire District concerning use of the Cedar Terrace Fire Hall for storage containers. The details will be worked out with Curry County Emergency Manager, Jeff Hughes. Also discussed was that any Incident Command coordination between the Fire Department and the EPC will go through Fire Chief David Duncan and not the Board.

Commissioner Burns met with Joe Marsh at the 9th and Jefferson Street site to discuss clearing and leveling the property for emergency containers and to work towards making that site an Incident Command Center during an emergency event. He felt it would be around \$6000, depending on whether we could get CTR to give us a break on the vegetation. The EPC will see if it can find a way to secure the funds.

County Emergency Manager, Jeff Hughes organized 6 Tsunami signs for Port Orford that the EPC will install soon.

The EPC continues to organize its emergency preparedness campaign. More on this as we evolve.

Three Public Works trucks now have radios. The 4th one will be going in on April 22nd I believe.

9(f)(iii) Historic Preservation Liaison Report – Nothing to Report

9(f)(iv) Port Liaison Report – Nothing Submitted

9(f)(v) Watershed Liaison Report – Nothing Submitted

9(f)(vi) Fire Liaison Report

Fire Chief Duncan reported 12 calls for the month, half of them medical assists, 3 of which were rural and 9 in the city. Engine 6702 will require more work which is being done from Hughes Fire in Eugene. The fire department received an anonymous donation of \$2,000 for the specific purchase of pagers which reduces the District's cost to \$321. The city station was hooked up to Beacon Broadband. Elk River station and Cedar Terrace will be getting Broadband as well and Phone for the Elk River Station soon as well.

In the March meeting discussion was held about purchasing on board dash cameras and what model to go with of the three that were presented. It was decided to approve the purchase and installation of one onboard dash camera, to be installed in at least one of the Fire Engines to see the benefits of these additional safety aids on board. A video was shown to demonstrate the clarity of the onboard dash camera that was purchased and installed.

President Mari Lochhaas spoke of issues that will be addressed in a contract with the County and Emergency Preparedness Committee regarding the EPC container. Areas of concern are liability, maintenance, possible power, and impedance, also reiterating that the Station cannot be used as an assembly area.

It was mentioned that there will be an upcoming 3 day Cybersecurity meeting for all Special Districts being held by the County.

10(a) Ordinance 2025-01 Updates to Port Orford Municipal Code, Title 17 Zoning and Title 16 Subdivision

Recommended Motions:

- I, Councilor [name], hereby move to continue this item to the May 15th Meeting.
- I, Councilor [name], hereby move to adopt Ordinance 2025-01 as written.
- I, Councilor [name], hereby move to adopt Ordinance 2025-01 as amended.
- I, Councilor [name], hereby move to not adopt Ordinance 2025-01.

10(a) Ordinance 2025-01 Updates to Port Orford Municipal Code, Title 17 Zoning and Title 16 Subdivision Exhibit A

Exhibit A is a clean version of the code proposal.
It can be viewed at the following Link:

<http://portorford.org/wp-content/uploads/2025/03/3.17.2025-code-updates-clean-draft.pdf>

Exhibit A is subject to possible revisions based on testimony heard at the City Council Public Hearing and Council deliberations. Minor grammatical or spelling corrections may also be made prior to the second reading.

10(a) Ordinance 2025-01 Updates to Port Orford Municipal Code, Title 17 Zoning and Title 16 Subdivision

WHEREAS, the Department of Land Conservation and Development (DLCD) has allocated funds for grants for small cities to update housing and zoning codes, and,

WHEREAS, the City of Port Orford Municipal Code is in dire need of revisions and updates, and,

WHEREAS, DLCD awarded the City funds for this project, and,

WHEREAS, the Port Orford Planning Director, Crystal Shoji, along with the Planning Commission have done numerous revisions to bring it up to date,

NOW, THEREFORE, BE IT ORDAINED THAT; the Port Orford City Council hereby passes revisions to Title 16 and 17 as described in Exhibit A to this Ordinance.

First Reading: _____

Second Reading: _____

Mayor, Ann Vileisis

Date

Attest:

City Recorder, Joseph Harrison

Date

11(a) Finance Committee Tier 1 Priority Projects

The list and explanation of Tier 1 projects can be found at the following link:

<http://portorford.org/wp-content/uploads/2025/04/Finance-Priority-1-Recommendations.pdf>

Councilors will have this document in their binders on the following pages.

11(b) Conflict of Interest Informational

In January 2025, Mayor Vileisis and Councilor Deanna Brennan requested a proactive opinion from the Oregon Governmental Ethics Commission (OGE) to clarify any potential conflicts of interest related to Councilor Brennan's being married to Port Orford employee, Officer Mark Brennan. The goal was to become fully informed and also to present the information in a transparent manner to council, staff, and citizens. A summary of the recommendation is presented here.

Key Points:

- **Conflict of Interest:** A conflict of interest means any action, decision, or recommendation by an elected official that would be or could be of private monetary benefit or detriment to that person or the relative of a person. In the situation of a councilor having a city law enforcement officer as a spouse, a conflict of interest is most likely to arise when the council is considering raises for officers or other policies that could have a financial impact on the Councilor or her spouse.
- **Public Disclosure:** When a conflict of interest arises, the councilor is required to make a public disclosure regarding the nature of the public interest (actual or potential), such as "I have an actual conflict of interest because my husband is a police officer employed by the city."
- **Action based on Disclosure:** Once a public disclosure is made, if the conflict is potential, the councilor may participate in the discussion and vote on the related matter. If the conflict is actual, the councilor is required to refrain from participating as a public official in any discussions and is prohibited from voting on any related matter unless that councilor's vote is needed to meet a minimum number of votes. Then the councilor may vote but is prohibited from discussing the issue.
- **Class Exception:** There may be a class exception to what would normally appear to be a conflict of interest—if the action/discussion/vote taken by the Councilor would affect to the same degree ALL members of a class to which the person or their relative is a member or is engaged. In other words, the Councilor was to consider raises for ALL law enforcement officers equally and not solely for her spouse. However, a class determination that informs this exception can only be made on a case-by-case basis by query to the OGE.
- **Prohibited Use of Office and of Nepotism:** In addition, councilors are prohibited from using their position of office for financial gain or to prevent financial detriment for themselves, a relative or for an associated business. There are also prohibitions against nepotism, including appointing, hiring, supervising, or firing a relative or household member.
- **Responsibility rests with the Councilor:** Each councilor is responsible for managing their own conflicts. One councilor cannot declare a conflict for another.

The councilor should be aware of these rules and seek further guidance on specific situations as they arise. The "Guide for Public Officials" is a helpful resource.

Contact Casey Fenstermaker at the Oregon Government Ethics Commission (971-372-8765 or casey.fenstermaker@ogec.oregon.gov) for specific scenarios.

11(c) Ordinance 2025-02 Revising Port Orford Municipal Code Chapter 5.05 Short Term Rental MEMO

The Planning Commission recommended the following motions to the City Council for their April 11th, 2025 meeting – Submitted by Greg Thelen

First Recommendation to City Council:

Amend the Short-Term Rental section of Chapter 5 Business Licenses and Regulations, 5.05.080 Operational requirements and standards for short-term rentals to add that accessory dwelling units (ADUs) may not be used as short-term rentals. This was initially proposed to be included in the ADU part of the current zoning update, and our DLCD representative recommended this it be put into the STR code in Chapter 5 to avoid potential land use litigation.

(Could be inserted after item J, which prohibits RVs from being used as STRs):

“No accessory dwelling units. An ADU is prohibited from being advertised, promoted or utilized for a short-term rental or vacation rental.”

Second Recommendation to City Council:

Amend the Short Term Rental section of Chapter 5 Business Licenses and Regulations, item 2. b. below with the language shown. Our Police Department has advised that Oregon driver's licenses don't always have current addresses on them. This part of the STR code applies to residential zones where a cap is in effect on the overall number of STRs. It allows residents to rent out a portion of their home as a short-term rental without being subject to the cap if they can prove they are actually present in the home while the STR portion is being rented.

5.05.050 Application and Fee

2. Proof of Residential Use (for hosted home shares within the R1 and R2 zones only). The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:

a. A copy of voter registration.

b. A copy of an Oregon driver's license or identification card.

(Replace with) “A copy of a government-issued ID showing current address.”

c. A copy of Federal income tax return from previous tax year (page 1 only; financial data should be redacted).

11(c) Ordinance 2025-02 Revising Port Orford Municipal Code Chapter 5.05 Short Term Rental

WHEREAS, the Common Council for the City of Port Orford (City/Council) has adopted a Short Term Rental (STR) Business License Ordinance; and

WHEREAS, the City has received input from applicants, staff and law enforcement; and

WHEREAS, it has been determined that the STR Ordinance has improvements that can be made; and

WHEREAS, the Planning Commission has re-assessed the original ordinance and ;

NOW THEREFORE, the Common Council for the City of Port Orford ORDAINES
The upper limit on the number of Short Term Rental Business Licenses that can be issued in Residential zones in the City of Port Orford is 27.

BE IT FURTHER RESOLVED

The businesses on the attached list are allowed to operate under the STR Ordinance notwithstanding non-compliance because they were existing businesses at the time the ordinance was adopted and have paid their TLT and registered for a Business License with the City; said businesses to forfeit their STR license if said operation is allowed to lapse as defined in the Ordinance.

Dated this 17th day of August, 2023

Mayor, Ann Vileisis

Date

Attest:

City Recorder, Joseph Harrison

Date