

**PORT ORFORD PLANNING COMMISSION AGENDA
GABLE CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING
Tuesday, September 10th, 2024, 5:30 PM**

If unable to join in person; please join the meeting from your computer, tablet or smartphone.

<https://meet.goto.com/179874901>

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Access Code: 179-874-901

1. Call to Order
2. Chair Comments
3. Minutes August 13th, 2024 (pg. 2-5)
4. Public Comments (On Agenda Items Only)
5. Public Hearing: CUP 2024-02 – Rays Bottle Drop (pg. 6-9 + (A)(B)(C)+Addendum)
6. Application for Appointment: Sarah Lovendahl (pg. 10)
7. CUP Extension Discussion (pg. 11)
8. Planning Matters: DLCDC Grant Update (pg. 12 + Attachment (D))
 - A. Proposed Amendments to Use Zones with new uses and changing requirements
 - B. Cottage Residential concepts, viability for affordable housing
9. Discussion Items
 - A. Planning clearances approved since the last meeting
10. Other Business
 - A. City Planner Comments
 - B. Planning Commission Comments
11. Public Considerations
12. Future Meetings
 - A. Set a date/time for workshop
 - B. October 8th @ 5:30?
13. Adjourn

Item 3: Minutes from the August 13th 2024 Planning Commission Meeting

**City of Port Orford
Planning Commission Meeting Minutes
In the Gable Chambers / Virtual participants
Monday, August 13th, 2024 at 3:30 P.M.**

Commission Member	Present	City Staff	Present
<i>Chairman Greg Thelen (GT)</i>	Present	<i>Joseph Harrison, Planning Tech. (JH)</i>	Present
<i>Comm. Jerry Boydson (JB)</i>	Present	<i>Crystal Shoji, City Planner (CS)</i>	Virtual
<i>Comm Sara Lovendahl (SL)</i>	Present		
<i>Comm Jennifer Head (JH)</i>	Present		
<i>Comm Carol Lawton (CL)</i>	Present		

The minutes were prepared using the video available at:
https://www.youtube.com/watch?v=fhaWi_uAyUg

- 1. (0:00-0:01) Call to Order**
 - A. Chair Thelen called to order this Meeting of the Planning Commission on **August 13th, 2024**, at **(5:30)** p.m. with a roll call showing all members are present.
- 2. (0:01-0:02) Chair Comments**
 - A. Chair Thelen welcomes the new Commissioner, Jerry Boydson, to the Planning Commission.
- 3. (0:02-0:03) July 8th Minutes**
 - A. Comm. JH moves to approve the minutes for July 8th as written.
 - B. Commissioner SL seconds the motion.
 - C. Vote: 5-0 @ 5:36.

Chairman Thelen Yes Commissioner Head Yes Commissioner Lovendahl
Commissioner Lawton Yes Commissioner Boydson Yes

- 4. (0:03-0:04) Welcoming of Jerry Boydson to the Planning Commission**
 - A. The Planning Commission welcomes Jerry Boydson as their newest member and look forward to working with him.
- 5. (0:04-0:05) Public Comments (On Agenda Items Only)**
 - A. None

6. **(0:06-) Public Hearing: Bottledrop at Rays:**

- A. **Chairman Greg Thelen** Calls the Public Hearing to Order @ 5:35 pm and reads the intro script.
- B. **Commissioners of the Planning Commission** confirm that they have no conflict of interest. No Commissioner interests are questioned.
- C. **Robert Taylor, Contractor for Oregon Bottle Redemption Association (OBRA)** starts by going over the project. It's a 20ft modified shipping container designed to be hold bottles and cans waiting for collection. This is an automatic drop mechanism so that bottles don't need to be entered one at a time. It has 2 cameras, 2 exterior LED lights, and an awning. It uses 2 amps of power in total.
- D. **Joseph** reads and summarized his staff report that is available on the Port Orford Website. It goes over many of the details Mr. Taylor went over and gives some supplemental information from the Municipal Code.
- E. Questions from staff:
 - i. Is this permanent or temporary? It is designed to be permanent but does not meet the criteria for a permanent prefabricated structure.
 - ii. Has the Contractor consulted with the State or County? Yes, it was engineered for the area and follows all applicable building codes.
 - iii. How Much Power does it require? 2 amps, approx.. 200 watts.
 - iv. How is it kept clean? The cans/bottles are pre-bagged and it is for bulk deposits, trash is rarely an issue for these installations.
 - v. Where to get the bags? From the local store, they are purchased and you need to have an Oregon Drivers Licence to get a donation card.
 - vi. Are these just for donations? No, greed bags can get added to a card/account. Blue bags go towards charity.
 - vii. Who hired you (Mr. Taylor) to install it? It was OBRA who has been working with Corporate Rays. The local store has been made aware of the project.
 - viii. Have any other locations for installation been selected? No.
 - ix. Who will own the container? Mr. Taylor isn't sure, probably Rays.
- F. Opponent Testimony:
 - i. Jen Bailey: Not against the project, but wants the location changed. TLT money was spent earlier this year to beautify the area.
 - ii. Susan Russell: Written testimony was read by Joseph and is included with the minutes.
- G. Chair Thelen closed this meeting @ **6:27 pm**. The Planning Commission moves to deliberations.
- H. Planning Deliberations; the Planning Commission expresses concerns that no one from OBRA or from Rays is here to answer questions, additionally the PC expresses concerns that having the container along the highway doesn't help the community. The Planning Commission would also like to add the following items as conditions of approval;

- i. Garbage can nearby and a cleaning schedule
- ii. Exterior lights need to comply with dark sky ordinance
- iii. For it to be permanent it needs to be on a foundation, the Commission will research to see if anchoring into existing pavement confirms to state building codes.
- iv. There is a different location adjacent to the building on the north side that would be more appropriate for this project.
- v. It needs to confirm to Uniform Building Codes, State Building Codes and County Building Codes.
- vi. The Planning Commission would like statements, written or verbal from ORBA & Rays making it clear that all bodies are aware of the project and approve it moving forward.

I. With some of these items being outstanding and some questions needing to be answered, Commissioner JH motions to continue this hearing at the next meeting.

J. Commissioner SL seconds the motion

K. Vote: with no further discussion, the motion carries unanimously 5-0 @ [time]

Chairman Thelen Yes Commissioner Head Yes Commissioner Lovendahl
Commissioner Lawton Yes Commissioner Boydson Yes

7. Conditional Use Permit extension requirements discussion

- A. **Chair GT** goes over the draft code and proposes adding item D) “Appeal to Planning Commission or City Council is subject to application fee set by the City Council and any additional professional services that are required by the City.” There was previously a fee for this but it hasn’t been used in years. It was previously a percentage of the initial application fee.
- B. The Planning Commission discuss the definition of “Substantial Construction” and decide on how they want it defined.
- C. The Planning Commission decide to add item B(3) “These circumstances should be documented as per B(2)” and request that there is an Extension Request form stating the required materials for an extension request.

8. Planning Matters: Senior Planner Shoji goes through the proposed revisions on housing codes under the DLCD grant. See the planning packet for July 8th 2024 for full details. [link]

- A. Proposed Amendments to Use Zones with new uses and changing requirements
- B. Cottage Residential concepts, viability for affordable housing
- C. Meeting Extension
 - i. Commissioner JH moves to extend the meeting an additional 30 minutes

- ii. Commissioner SL seconds the motion.
- iii. Vote: Motion unanimously passes @ 7:29 pm

9. **(1:59-2:15) Discussion Items**

- A. **Planning clearances that have been approved since the last meeting**
 - i. Driftwood renovations, septic tank fixes on King St., fences on 12th St., sign on Oregon St., 2 new homes with previous accounts.
- B. **Vice Chair election:**
 - i. **The Planning Commission** needs to elect a new Vice Chair.
 - ii. **Comm. JH motion to elect Comm. SL** as the new Vice Chair.
 - iii. Comm. CL seconds the motion
 - iv. **Vote;** with no further discussion the motion unanimously passes 5*0 @ [time]

10. **(2:15-2:20) Other Business**

- A. **(2:20) City Planner Comments** – We are not at a point to have a joint workshop with the City Council. But we will want to have a workshop of the Planning Commission to get caught up on code revision.
- B. **(2:20-2:22) Planning Commission Comments**
 - i. None

11. **(2:23) Public Considerations**

- A. **Jen Bailey: Thanks the Planning Commission for their hard work.**

12. **Future Meetings**

- A. **September 10th @ 5:30**

13. **Adjourn**

14. **Seeing no other business Chair GT adjourns the meeting at 7:55 pm**

15. **Attest:**

Chair, Greg Thelen

Date

City Recorder, Joseph Harrison

Date



Item 5: CUP 2024-02 – Rays Bottle Drop

Staff Report

TO: Greg Thelen, Chair
Port Orford Planning Commission,

FROM: Joseph Harrison
Port Orford Planning Technician

DATE: August 13th, 2024

SUBJECT: CUP 2024-02

SUBJECT PROPERTIES:

Assessor's Map T32S, R15W, Sec 05AB
Tax Lot 3500

APPLICANTS: RAYS FOOD PLACE #55
C & K MARKET INC
850 OHARE PARKWAY SUITE 100
MEDFORD, OR 97504

Proposal:

The proposed project is a Bottle Drop Mechanism to be installed at Rays Food Place, 1555 Oregon St. Port Orford OR, 97465. Map Tax Lot Number: 3315-05AB-03500-00.

Criteria and Findings

Within this section of the Staff Report, words that are quoted directly from the Code or Oregon Law are included in *italics*. Words that are paraphrased or provided as opinions or explanations are provided in regular font.

Port Orford Municipal Code, Title 17

Section 17.12.030 Commercial zone (4-C).

A. Outright Permitted Uses. In a 4-C zone, the following uses and their accessory uses are permitted out-right, provided that such use of operation does not create a nuisance because of odor, noise, dust, smoke or gas:

6. Retail or service establishment;

Findings: The preexisting use, a Grocery store is an outright use. This Planning Clearance is for an accessory prefabricated structure. Since it is a prefabricated structure in the Commercial Zone, this application is a Conditional Use Permit.

C. Conditional Uses Permitted. In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

6. Prefabricated structure.

Findings: The Proposed installation is considered a prefabricated structure under our code as there is no definition more applicable for a Bottle Drop Machine.

Section 17.32.050 Additional Standards Governing Conditional Uses

In addition to the standards of the zone in which the conditional use is located and the other standards in this title, conditional uses must meet the following standards:

A. Conditional Uses, Generally.

a. Setbacks. In a residential zone, yards shall be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.

b. Limitation on Access to Property and on Openings to Buildings. The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

c. The City may require assurances to guarantee development in accordance with the standards established and conditions imposed in granting a conditional use.

Findings: None of the general additional standards for conditional use permits apply to a Bottle Drop machine in the Commercial Zone. The next section of the code will look at specific requirements for Prefabricated Structures.

I. *Prefabricated Structure*

a. *Prefabricated structure intended for permanent placement and use:*

- i. *The prefabricated structure shall be placed on a permanent foundation that has perimeter walls and suitable strength and support capability to meet the State Building Code requirements for wind and seismic loads applicable to the City.*
- ii. *The prefabricated structure shall have all axles and wheels removed and be placed on an excavated and backfilled site to be no more than 12 inches above grade or have a porch or deck and landscaping along the side(s) of the structure that face the street(s) to make it appear as though it was constructed on site.*
- iii. *The prefabricated structure shall be connected to any needed utility services in accordance with all State Building Codes and City utility codes.*
- iv. *If the prefabricated structure is accessory to an existing commercial structure it shall be placed on the parcel in a manner such that it has the appearance of being an addition to the existing structure. This can be achieved by using similar exterior paint, siding material or facade features as the existing structure.*

Findings: The proposed prefabricated structure is not a permanent installation and therefore is not subject to these conditions. However, the proposed installation does not conflict with the existing structure and the only needed utility, electricity, will be connected in accordance with State and City utility codes.

b. *Temporary Prefabricated Office Structures.*

- i. *Temporary prefabricated structures may only be placed on a vacant or developed parcel in association with a construction project or similar event. The requirements of this section do not apply to prefabricated structures placed on property for less than 30 days.*
- ii. *The temporary prefabricated structure shall be tied down or anchored so as to not to be overturned or substantially moved during high winds.*
- iii. *The temporary prefabricated structure shall be connected to any needed utility services in accordance with all applicable State Building Codes and City utility codes.*
- iv. *A conditional use permit for a temporary prefabricated structure shall not exceed a period of two years; however, the Planning Commission may grant one extension for an additional one year upon finding that the structure is needed to allow completion of the construction project and there have been no valid violations of the conditions on the permit by the applicant.*

Findings: The proposed installation is not a temporary office structure therefore this section of code is not applicable.

Lot Size. Except as provided in Sections [17.20.030](#) and [17.20.040](#) in a 4-C zone, the minimum lot size shall be as determined by the county health department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public and mutual water supply and a public sewage disposal system are available, there shall be no minimum lot area.

Findings: Tentative plat states that both are available under the compass; however water connections are currently unavailable. Alternative plans for water need to be explored and approved by Planning Commission before moving forward.

17.12.030 Commercial Zone (4-C)

E. Lot Size. Except as provided in Sections [17.20.030](#) and [17.20.040](#) in a 4-C zone, the minimum lot size shall be as determined by the county health department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public and mutual water supply and a public sewage disposal system are available, there shall be no minimum lot area.

Findings: The proposed installation does not violate setbacks. It is outside of ODOT right of way against Highway 101.

F. Height of Buildings. Except as provided in Section [17.20.050](#), in a 4-C zone, no structure shall exceed 35 feet in height.

Findings: The proposed installation does not violate height restrictions.

Summary: The proposed project is a Bottle Drop Container to be installed at Rays Food Place, 1555 Oregon St. Port Orford OR, 97465. This installation is considered a Prefabricated Structure under our current Municipal Code, however many of the definitions and requirements for Prefabricated Structures and Conditional Use Permits are not applicable due to the scale of the project. Therefore, it is the staff's recommendation to approve this project with no additional conditions other than potentially changing the location of the installation.

Exhibits Included as attachments to this Packet:

- Attachment (A): Exhibit (A) Planning Clearance Application
- Attachment (B): Exhibit (B) Site Plan
- Attachment (C): Exhibit (C) Example Drop Containers
- Addendum (A): Exhibit (D) Revised Site Plan

Item 6: Application for Appointment: Sarah Lovendahl

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: SARA LOVENDAH

Mailing Address: PO. BOX 321 PORT ORFORD OR 97465

Home Address: 31 HAMLET ST PORT ORFORD OR 97465

Home Phone: 541 366 2063 Work Phone: 541 373 1499 Fax: —

E-mail: SARALOVENDAH@CHARTER.NET

Current Employment: RETIRED

Area of Interest: GROWTH W/ FOCUS ON LIVABILITY + FISCAL RESPONSIBILITY

Area of expertise: WORK IN PLANNING/ENGINEERING FOR WESTERN AREA USPS DEVELOPED BUDGETS FOR LARGE POST OFFICES - PORTLAND EVERETT + VANCOUVER AREA MANAGER - 1800 EMPLOYEES

Why do you want to serve? I BELIEVE I CAN ASSIST WITH THE GROWTH + DEVELOPMENT OF CITY IN SUSTAINABLE MEASURED WAYS, BENEFITING ALL PORT ORFORD CITIZENS.

Previous service in this appointed position or similar position 2 yrs. PORT ORFORD PLANNING COMMISSION - MEMBER TWIN CREEK SCHOOL BOARD USPS PLANNING/ENGINEERING WESTERN AREA -

Other volunteer activities PRESIDENT P.O.C. BOARD - TREASURER / BOARD MEMBER KALAMAZOO AUDUBON - CO-ORDINATE SMART READING PROGRAM DRIFWOOD 10 yrs

Does your schedule allow you to attend;

Daytime Meetings yes no Evening meeting yes no

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

Have you ever been convicted of a crime? yes no If yes, please explain

Additional Comments IT HAS BEEN A PRIVILEGE TO SERVE ON THE PLANNING COMMISSION. I SINCERELY WANT CONTINUE TO SERVE OUR VERY SPECIAL COMMUNITY.

Date: 8/25/2024 Signature: Sara Lovendahl

Please return application to:

City of Port Orford
P.O. Box 310
Port Orford, OR 97465

Phone: 541-366-4568

Fax: 1-877-281-5307

email: jhutti@portorford.org

Item 7: CUP Extension Requirements

Draft #2 --for 9/10/24 meeting

Suggested draft to replace 17.32.060 Time limit on a permit for conditional use, and to add a new section on Revocation.

Submitted by Commissioner Thelen

EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void two (2) years after the date of approval of a conditional use application, unless use of the property permitted by the conditional use permit has actually commenced; or, in the event that such use involves construction, all necessary permits have been issued and the required construction has been commenced and diligently pursued. With regard to new structures, construction of a building foundation shall satisfy the “commenced and diligently pursued” requirement.

B. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

1. The extension application form is completed and applicable fee is paid.
2. The request for an extension is made in writing not later than forty-five (45) days prior to expiration of the original approval.
3. The request includes documentation of special or unusual circumstances that exist which warrant an extension.
4. No material changes of surrounding land uses or zoning have occurred.

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant’s proposal.

C. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

D. An appellant to Planning Commission or City Council decisions is subject to an application fee, and any fees for professional services required by the City to process the appeal.

REVOCAATION:

The Planning Commission, after notice and public hearing, may revoke a conditional use permit for any of the following reasons:

- A. Failure to comply with any prescribed requirement of the conditional use permit.
- B. Violation of any of the provisions of this Title.
- C. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance.

Item 8: Planning Matters

See the following pages for information submitted by Senior Planner Crystal Shoji