



**CITY OF MYRTLE POINT
PLANNING COMMISSION MEETING AGENDA**

**Regular Meeting
Tuesday, April 25, 2023, 7:00 p.m.
Myrtle Point City Hall
424 Fifth Street, Myrtle Point**

Remote attendance also is available – Please use one of the following options:

Join Zoom Meeting: <https://zoom.us/j/7532272341>

Meeting ID: 753 227 2341 | Passcode: Myrtle

or

Dial-in: 1 (253) 215-8782 | Meeting ID: 753 227 2341 | Passcode: 851522

- I. CALL TO ORDER – President Lewis
- II. ROLL CALL – Planning Commission Members
- III. CONSENT ITEMS
 - A. Meeting Minutes – December 27, 2022
- IV. ACTION/DISCUSSION ITEMS
 - A. **Public Hearing – Temporary Dwelling Permit Extension Request – 1030 Harris Street**
- V. PETITIONS FROM THE AUDIENCE
- VI. ADJOURN

Notice Given this 21st day of April 2023

Darin Nicholson, City Manager



**CITY OF MYRTLE POINT
PLANNING COMMISSION MEETING MINUTES
Regular Meeting
Tuesday, December 27, 2022 – 7:00 p.m.
Flora M. Laird Memorial Library Meeting Room
435 Fifth Street, Myrtle Point, OR**

Commissioners Present:

Kathy Lewis, President*
Tammy Allender*
Tiffany Kremers*

Karen Olsen, Vice President*
Tim Groce*
Jason Young

Commissioners Absent:

None

Others Present:

Darin Nicholson, City Manager

Larry Paul, Applicant* (~7:06 p.m.)

(* indicates remote attendance)

CALL TO ORDER

President Lewis called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

President Lewis called names for the roll.

CONSENT ITEMS

- A. Meeting Minutes – President Lewis announced the minutes of the November 29, 2022 Planning Commission meeting and called for a motion. Vice President Olsen moved to accept the minutes as presented. Commissioner Allender seconded the motion. President Lewis called for discussion. VP Olsen stated that she couldn't find any mistakes. President Lewis agreed. She then called for a vote on the motion to approve the minutes as presented. The motion carried unanimously.

ACTION/DISCUSSION ITEMS

A. Public Hearing – Variance Request – 731 6th Street

President Lewis opened the Public Hearing at 7:02 p.m. and read the opening statement. President Lewis then asked the members of the Planning Commission if they had any conflict of interest, ex parte contact, or personal bias on the matter. Commissioner Kremers had none. Commissioner Groce declared ex parte contact. He explained that he had visited the job site to get an idea what was going on and spoke to the applicant. He said that the pictures of the site did not show that there were a couple of other structures which previously had been used as a hair dressing and nail salon. Those structures have been removed in order to make room for the planned home addition. Commissioner Allender had no conflict of interest, ex parte contact, or personal bias. Neither did Commissioner Young, President Lewis or VP Olsen.

President Lewis asked the City Manager to summarize the Staff Report. Manager Nicholson stated that Table 2.2.030 of the Development Code specifies a minimum 15-foot Street Side Setback for lots abutting a standard right-of-way. The applicant has requested a variance to reduce the Street Side Setback to approximately 6 feet to match the wall line of the existing house for a proposed addition. Manager Nicholson noted that all other applicable Development Code requirements would be satisfied, including lot coverage, structure height, and setbacks on the other sides of the lot. Manager Nicholson also indicated that some preexisting structures on the site, which have now been removed, had been constructed with zero setback. By removing those structures, the property has actually improved in terms of nonconformance to the Development Code. Manager Nicholson explained that the proposed construction of an approximate 454 square foot addition to the existing house, originally constructed in 1914, is consistent with standards of Table 2.2.020 in that it will remain a single-family home on a lot zoned R-1. He then explained that he was unable to find any previous planning decisions regarding setback of the existing house, so he had no evidence to demonstrate whether or not the approximate 6-foot existing setback was permissible at the time of construction. Manager Nicholson stated that there are not any special or unique physical circumstances at the site except that it is a corner lot. He also stated that there are some other instances of apparent setback reductions and/or zero lot line construction on neighboring properties, so the request is not out of character with the neighborhood. Manager Nicholson did not believe that the need for the Variance was self-imposed, nor that the Variance would result in any foreseeable harm to adjacent property owners. The applicant would still be required to obtain Structural, Electrical and Plumbing permits, as necessary for the planned home addition. In summary, Manager Nicholson indicated that he saw no reason to deny the requested Variance. He also stated that he had not received any testimony in opposition to the requested Variance.

President Lewis asked the members of the Planning Commission if they had any questions for staff. Commissioner Groce asked if the Police Department or Fire Department had any comments about the requested Variance. Manager Nicholson said they had none. Commissioner Allender asked if there would be any infringement on the sidewalk because of the reduced setback. Manager Nicholson said that there would not be and explained that the existing house is already approximately six feet from the sidewalk and the request is only to continue along that same wall line. President Lewis asked the applicant if he had any additional testimony. He did not. President Lewis asked the Planning Commissioners if they had any questions for the applicant. VP Olsen asked how long the extension of the wall would be. Mr. Paul said that the addition would be 17 feet in length. He also explained that the house wall sets back farther than the existing garage. President Lewis asked if a ramp was planned on the northerly side of the house. Mr. Paul said that there was. There were no other questions or comments and President Lewis closed the Public Hearing at 7:21 p.m.

President Lewis then called for a motion. VP Olsen moved to approve the Variance because it meets the criteria, it's not self-imposed, it's a condition that was created in the past, and it will not have any deleterious effects on the neighborhood. Commissioner Young seconded the motion. President Lewis called for discussion. Commissioner Groce reiterated that he had spoken to the applicant while he was visiting the site and he believes the planned addition will make the site look better and improve the neighborhood. There were no other comments. President Lewis called for a vote. The motion carried unanimously.

PETITIONS FROM THE AUDIENCE

President Lewis called for petitions from the audience. There were none. She then wished everyone a happy and healthy New Year. Commissioner Groce requested that in the future a copy of the aerial image of the property be provided. Manager Nicholson acknowledged that he had forgotten to provide that this time. Commissioner Groce stated that he had looked on Google Earth and realized the site appeared to be covered in structures and that's what caused him to visit the site to see what was going on. Manager Nicholson agreed to provide aerial images in the future.

ADJOURNMENT

Having no further business for the Myrtle Point Planning Commission, President Lewis adjourned the meeting at 7:26 p.m.

04/25/2023

President
Myrtle Point Planning
Commission



Staff Report Temporary Dwelling Permit Extension Request

Meeting Date: Tuesday, April 25, 2023

Site Address: 1030 Harris Street **Zone:** R-1

Applicant(s): Jeannie Sanchez-Fosdick & Andy Harless

Property Owner(s): Richard B. & Jeannine E. Fosdick

Overview: The house on the subject property was damaged due to a structure fire in August 2022. The applicant is a long-term resident and the apparent beneficiary of the property, but does not own it at this time. The applicant previously indicated a desire to repair/rebuild the house and currently is working on getting property ownership transferred to her name. Due to the length of time it has taken to obtain ownership, she has now identified removal of the damaged structure and placement of a manufactured home as a preferred alternative to repairing the existing structure. Work to remove the existing structure is currently under way.

The applicant originally applied for a Temporary Dwelling Permit on September 12, 2022 to use a travel trailer on the site as a temporary dwelling. The Myrtle Point Planning Commission approved a Temporary Dwelling Permit for a duration of six months on October 25, 2022 and with certain conditions discussed later in this report.

Criteria #1: Table 2.2.020 of the Myrtle Point Development Code indicates that use of a Recreational Vehicle as a Dwelling is permitted within an approved manufactured dwelling park, mobile home park or RV park provided it is connected to water, electric supply and sewage disposal systems. Table 2.2.020 also references Section 2.3.090 of the Development Code and ORS 197.493. These references are discussed below in Criteria #2 and #3.

Finding: Table 2.2.020 identifies where recreational vehicles may be used as dwellings. The subject site is not a manufactured dwelling park, mobile home park or RV park. Rather, it is a standard residential lot within a platted subdivision of the City of Myrtle Point. Because the site is not an approved mobile home park or RV park, permanent use of a recreational vehicle for dwelling purposes on the site is not permitted.

In accordance with the requirements of the previously approved Temporary Dwelling Permit, the applicant has connected the travel trailer to the existing water and sewer service on the property. A sewage pump was necessary in order to get waste up to the household sewer line. The applicant also has established temporary electrical service to the site, including a temporary power pole.

Criteria #2: Section 2.3.090-B of the Development Code states, “No recreational vehicle shall be used or occupied as a dwelling except in an established mobile home park or recreational vehicle park. No mobile home shall be used or occupied for any purpose except in an established mobile home park or in the R-2 or R-3 zones.”

Finding: Section 2.3.090-B identifies where recreational vehicles may not be used as dwellings. The subject property is zoned R-1 and formerly supported a detached single-family residential structure. Based on zoning, the travel trailer may not be used for dwelling purposed except with the approval of a Temporary Dwelling Permit.

Criteria #3: ORS 197.493. The following is an excerpt from the Oregon Revised Statutes:

197.493 Placement and occupancy of recreational vehicle. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
 - (B) Occupied as a residential dwelling; and
 - (C) Lawfully connected to water and electrical supply systems and a sewage disposal system; or
 - (b) Is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:
 - (A) The dwelling has been repaired or replaced and an occupancy permit has been issued;
 - (B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
 - (C) Twenty-four months after the date the dwelling first became uninhabitable.
- (2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle. [2005 c.619 §12; 2021 c.235 §1]

Finding: Based on the above limitations on local government authority, the requirements identified in Criteria #1 and #2 are consistent with State law. A Temporary Dwelling Permit for a duration of six months was previously approved for use of a travel trailer as a temporary dwelling on the property with the conditions that temporary electrical service be established within 10 days, that a sewage pump be obtained to connect the trailer to the sewer service on the property within three weeks, that no neighbor complaints be received which are not quickly resolved (within 5 days), and that no car or tent camping occur on the property or within the house until an Occupancy Permit is obtained. The above state law does not address the addition of conditions of approval, but otherwise the previous decision is considered consistent with State law. The applicant’s request for an extension does not appear to be inconsistent with State law.

Criteria #4: Section 2.3.090-C provides for the use of a recreational vehicle or mobile home as a temporary dwelling within any zone according to the following:

1. Without a permit provided such use occurs:
 - a. Not more than one time during any consecutive 30-day period; and

- b. For a period not to exceed 72 continuous hours.
2. With a valid Visitor Permit or Temporary Dwelling Permit as provided in this section.
- a. Visitor Permit.
 - (1) The City Planning Official through a Type I procedure may issue a Visitor Permit, either in person or over the telephone, upon collecting the following information: Name of applicant; Address; Telephone number; Date of arrival; and Estimated date of departure.
 - (2) Visitor Permits shall be valid for a period not exceeding 14 consecutive days and shall not be issued more than one time during any consecutive 30-day period.
 - b. Temporary Dwelling Permit.
 - (1) The Planning Commission through a Type III procedure may, at its discretion, upon showing of a need, grant a Temporary Dwelling Permit.
 - (2) Temporary Dwelling Permits shall be valid for a period not exceeding 60 consecutive days, unless the Planning Commission grants an extension.
 - (3) The Planning Commission may impose terms and conditions of a Temporary Dwelling Permit and/or on extensions of such permit.

Findings: The provisions of Section 2.3.090-C.2.b allow the Planning Commission to grant a Temporary Dwelling Permit, and extensions thereof, for the use of a recreational vehicle for dwelling purposes in any zone. The Planning Commission may also specify certain terms or conditions if a Temporary Dwelling Permit is granted or extended.

The City of Myrtle Point originally received a Temporary Dwelling Permit application for occupancy of a travel trailer at 1030 Harris Street on September 12, 2022. As indicated above, the Planning Commission granted a Temporary Dwelling Permit for a duration of six months with the conditions that temporary electrical service be established within 10 days, that a sewage pump be obtained to connect the trailer to the sewer service on the property within three weeks, that no neighbor complaints be received which are not quickly resolved (within 5 days), and that no car or tent camping occur on the property or within the house until an Occupancy Permit is obtained. The applicant has now requested an extension of the Temporary Dwelling Permit. The request is considered to be consistent with the provisions of Section 2.3.090-C.2.b.

Staff Recommendation: Notice of the Public Hearing regarding the requested Temporary Dwelling Permit Extension was mailed on April 11, 2023 to property owners within one hundred (100) feet of the subject property. One neighbor came to City Hall and spoke about the subject property as well as living conditions in the neighborhood. The neighbor reported that in addition to the family living in the trailer for which the Temporary Dwelling Permit was approved, there was at least one tent being used as a dwelling by a member of the extended family until a few weeks ago. Additionally, an elderly couple was residing initially in a car, and later in a second travel trailer on the site until very recently. The neighbor spoke about frequent noise from the subject property, including periodic revving of motorcycle engines and discharging fireworks, neither of which were considered to have any useful purpose but are aggravating to neighbors. The neighbor also reported that dogs frequently run loose from the subject property and many of the neighbors are intimidated by the dogs. The neighbor expressed a belief that the residents of 1030 Harris Street have a general disregard for the peace and wellbeing of others and if someone comments about it, they are often targeted with additional intimidating remarks or actions.

Comments also were requested from the Myrtle Point Police and Fire Chiefs. Fire Chief Burris had no concerns about the requested extension provided there is forward progress (i.e., with removal of the burned house). Police Chief Robinson, however, did have concerns. He is very familiar with the sentiments expressed by the neighbor who came into City Hall and spoke about conditions on the subject property and in the neighborhood. He provided a list of 25 emergency calls to the property since August 13, 2022, the date on which the house fire occurred. Of those calls, 21 involved the Police Department and 6 involved the Fire or Ambulance Department (and in some cases both Police and Fire or Ambulance responded). Additionally, Chief Robinson noted that there have been several other Police Department calls which originated at different locations in town but involved the residents of 1030 Harris Street. (Those calls are logged at the address where the call originated and therefore did not come up when researched by the 1030 Harris Street address.) The calls were for a variety of reasons but included animal complaint, disturbance, noise complaint, burn complaint, disorderly conduct, and others. Twelve of the calls have occurred since March 6, 2023 as compared with 13 calls in the six months prior to that. In conversation with Chief Robinson, it was concluded that if the Temporary Dwelling Permit is extended, the conditions which have historically existed at the property would most likely continue for several more months until the permit is up for renewal again. At that point, the same dilemma would exist of whether it would be fair to the neighbors to further extend the Temporary Dwelling Permit.

I visited the subject property unannounced on April 20, 2023. At the time of the visit, the site was quiet. Jeannie Fosdick appeared to be the only person on the property and there was some wood being burned in a burn barrel. There was a 20-cubic-yard dumpster on the property which was mostly full of rubbish and damaged household items. Some of the house siding materials, alleged by neighbors to contain asbestos, also were observed in the dumpster. All dogs were contained at the time of the visit. In general, conditions on the property appeared to be in compliance with the requirements of Temporary Dwelling Permit approved in October 2022. Furthermore, it was clear that work to remove the burned structure was ongoing and nothing other than wood was observed to be burning.

If conditions at the site were to remain for the next six months as they were observed on April 20th, I would be comfortable recommending approval of an extension to the Temporary Dwelling Permit. Unfortunately, history indicates a different picture than what was observed. Furthermore, one of the conditions of approval was that no car or tent camping occur on the site. That condition was continuously violated for the first several months after approval of the Temporary Dwelling Permit.

While it has now been corrected, it is uncertain whether the applicant will continue to abide by that or any other conditions of approval if the Temporary Dwelling Permit is extended.

If the Planning Commission chooses to approve an extension, the following conditions are suggested:

- Temporary dwelling shall be permissible in one travel trailer only by not more than two adults and six children. No car or tent camping shall be allowed on the site, nor shall any additional RV be inhabited on the site.
- The travel trailer shall be connected to the city sewer system throughout the duration of occupancy. A pumping system shall be maintained and all gray and black water shall be discharged into the city sewer system.
- Police calls for public disturbance, disorderly conduct or similar circumstances at the site may be grounds for revoking the Temporary Dwelling Permit.

Additional or different conditions of approval may also be placed, as deemed necessary by the Planning Commission.

Pictures of the site are provided on the following pages.

Prepared By: Darin Nicholson, City Manager

Attachments: Applicant Statement
Police Call Log – Date Range: 08/13/2022 – 04/19/2023, Address: 1030 harris



Site Photo 1



Site Photo 2



Aerial Photo – 1030 Harris St. and Surrounding Area

April 12, 2022

To whom this may concern,

I Jeannie Fosdick and Andy Harless,
and our children reside at 1030 Harris St.
We lost our home to a fire in Aug. of 2022.
We have had a rough time since we
lost our home. I am and have been
complying with the City to the best of
my ability and I wish to continue
to reside at my home while i tear
down my home so i can start over.
The home has been in our family for
over 35 years. It has been a tragedy
and devastation to all of us. I am
asking for the extension so we can
stay on our own property while we
tear the house down as you^{asked} us to do.
So please allow Andy, myself, and our
6 children to continue to reside on
our property as we go through this
hard ship.

Thank you

Jeannie
Fosdick

Calls

Date Range: 08/13/2022 - 04/19/2023, Address: 1030 harris

Call	Date	Call Type	Address	City	Dispatched Units
23010980	04/14/2023 11:17	MPA MEDICAL	1030 HARRIS ST	MYRTLE POINT	452
23010168	04/07/2023 11:43	CIVIL SERVICE	1030 HARRIS ST	MYRTLE POINT	406
23010145	04/07/2023 07:02	DHS REFERRAL	1030 HARRIS ST	MYRTLE POINT	409
23010133	04/06/2023 23:18	NOISE COMPLAINT	1030 HARRIS ST	MYRTLE POINT	402
23009916	04/05/2023 10:06	BURN COMPLAINT	1030 HARRIS ST	MYRTLE POINT	7300
23009870	04/04/2023 21:37	DISORDERLY CONDUCT	1030 HARRIS ST	MYRTLE POINT	407
23009191	03/29/2023 10:00	MPA MEDICAL	1030 HARRIS ST	MYRTLE POINT	452
23009036	03/27/2023 23:17	DHS REFERRAL	1030 HARRIS ST	MYRTLE POINT	409
23008722	03/24/2023 19:29	DISTURBANCE	1030 HARRIS ST	MYRTLE POINT	402
23008287	03/21/2023 11:54	MPA MEDICAL	1030 HARRIS ST	MYRTLE POINT	401, 452
23008064	03/18/2023 23:58	SUSPICIOUS CONDITIONS	1030 HARRIS ST	MYRTLE POINT	402
23006761	03/06/2023 21:15	DHS REFERRAL	1030 HARRIS ST	MYRTLE POINT	401
23002995	01/30/2023 08:56	DISTURBANCE	1030 HARRIS ST	MYRTLE POINT	401, 409, 522
23000080	01/01/2023 18:52	SUSPICIOUS CONDITIONS	1030 HARRIS ST	MYRTLE POINT	402
22041500	12/01/2022 22:13	HARASSMENT	1030 HARRIS ST	MYRTLE POINT	406
22039242	11/10/2022 17:24	SUSPICIOUS CONDITIONS	1030 HARRIS ST	MYRTLE POINT	401
22036890	10/20/2022 19:50	DHS REFERRAL	1030 HARRIS ST	MYRTLE POINT	406
22035835	10/11/2022 20:31	INFORMATION	1030 HARRIS ST	MYRTLE POINT	406
22035555	10/09/2022 16:05	ANIMAL COMPLAINT	1030 HARRIS ST	MYRTLE POINT	401
22034927	10/04/2022 18:15	NO CALL TYPE	1030 HARRIS ST	MYRTLE POINT	401
22034858	10/04/2022 08:44	ABANDONED VEHICLE	1030 HARRIS ST	MYRTLE POINT	401
22032967	09/19/2022 16:11	MPA MEDICAL	1030 HARRIS ST	MYRTLE POINT	452
22031097	09/04/2022 17:48	ANIMAL LOST FOUND	1030 HARRIS ST	MYRTLE POINT	402
22028457	08/14/2022 15:47	WELFARE CHECK	1030 HARRIS ST	MYRTLE POINT	402
22028293	08/13/2022 12:33	FIRE	1030 HARRIS ST	MYRTLE POINT	401, 7300