AGENDA

1. Call to Order/Pledge of Allegiance
2. Additions to the Agenda
3. Presentations to Council/Citizens
4. Citizens Concerns (Sign Up Only for Old & New Business Items on the Agenda)
5. Consent Calendar
   Minutes of June 20, 2019
6. Departmental Reports    Liaison Reports
   ♦ Administration    ♦ PORT
   ♦ Police Department ♦ Advertising/TLT
   ♦ Public Works      ♦ Fire Board
   ♦ Finance           ♦ Parks
   ♦ Planning Department ♦ Watershed/Health
   ♦ Mayor’s Report    ♦ Emergency Management

7. Old Business
   a. Ordinance 2019-02 Zoning Amendment-Tsunami Hazard Overlay Zone
   b. Ordinance 2019-03 Comp Plan Amendment-Tsunami Overlay Zone
   c. Ordinance 2019-04 Tsunami Overlay Zone Map
   d. Dark Sky Ordinance

8. New Business
   a. Liquor License Request – Ratu Investments LLC
   b. Parks Committee Recommendation – Community Building
   c. Resolution 2020-01 Workers Comp Coverage to Volunteers
   d. Resolution 2020-02 Right-of-Way Process
   e. Approval of a Park Host
   f. Right-of-Way Request

9. Continuing Action Items
   f. Planning Procedures h. ADU’s i. Council Rules

10. Considerations
    a. Citizen   b. Staff   c. Councilor   d. Mayor

11. Future Meetings
    a. Thursday, August 15, 2019, Regular Council Meeting 3:30 p.m. at City Hall

12. Adjourn
City of Port Orford

CITY COUNCIL ADMINISTRATION REPORT

SUBJECT: Parks/Other

ITEM NO: 6

PARKS:

Councilor Williams is the Council Liaison for Parks

Other:

- July 1 - 4, 2019 Vacation
- July 4, 2019 we had a full crew for the Jubilee celebration it is reported to be one of the best years for the Public Works crew flagging for the Parade
- July 10, 2019 started the process for the Small City Allotment Grant through ODOT. The project in mind is paving Ocean View and install sidewalks from 8th St. to 5th St. the grant is for $100,000. One requirement of the grant application is to get a count of the vehicle and pedestrian use - this will require persons to sit and tally for a couple of days. If anyone would like to volunteer to help with that, we would appreciate it.
- July 24, 2019 The County has scheduled a Code Enforcement Workshop in Gold Beach. This is a meeting of the minds to brainstorm on Code Enforcement issues in both the cities and the county. County Code Enforcement will now pick up dogs - they would like to have space at the shop for a couple of kennels. The details are yet to be discussed.
- July 1, 2019 I received the results of the OSHA walk through. The Water Plant had 4 issues to fix, the Sewer Plant - 3 and the Shop - 6. Scheduling repairs for next week.
- Out Reach meeting for Battle Rock went well - the citizens have been heard working the solution
- City Auditors will be here August 26 and 27.
- July 27, 2019 9:00 am to 1:00 pm Free Household Hazardous Waste Collection Event at Beaver Hill Transfer Site.
- Report of the dumpster at the Visitor Center was stuffed full of cloths twice, as if someone cleaned out their closet. This is not ok there is a $500.00 fine if caught dumping personal garbage/stuff in any city garbage cans or dumpsters – old sign is faded new signs coming

Water Loss for June 2019 = 45.3%

Union contract is coming up for discussion in 2020 – as of right now the only thing we see is some verbiage change in a couple of areas.

SUBMITTED BY: Terrie Richards
Terrie Richards, City Administrator
Event Date: July 27, 2019
Event Time: 9:00am—1:00pm
Location: Beaver Hill Transfer Site
1/4 mile south of Milepost 253
Highway 101
between Coos Bay & Bandon

Free Household Hazardous Waste Collection Event

Please call to make your appointment for the collection event:
Coos County Solid Waste Dept.
541-396-7624
Tues-Fri (9-1)

How To Bring Your Hazardous Products To The Event:
Products should be left in their original container. Label materials not in their original container only if you are sure of the contents.

Please do not mix products together. Dangerous reactions can occur when some materials are mixed.

Make sure containers are properly sealed so they won't leak or spill. If a container is leaking, secure it in a secondary leak-proof container.

Transport in a sturdy box or tub in your trunk or truck bed.

Please do not put items in plastic bags.

Bring in any of the items listed and we will dispose of them for you in a manner friendly to the environment.

What Not To Bring
Ammunition
Asbestos
Explosives
Fireworks
Medical Waste
Sharps
Radioactive Waste

- Aerosol Spray Products
- Antifreeze
- Art & Hobby Chemicals
- Ballasts (PCB & non-PCB)
- Brake Fluid
- Cleaning Supplies
- Degreasers
- Engine Cleaners
- Fluorescent Lamps/Tubes
- Furniture Stripper
- Herbicides
- Gas Cylinders(propane/helium)
- HID lamps
- Kerosene/Gas/Oil
- Lead Acid Batteries
- Lighter Fluid
- Mercury
- Motor or Vegetable Oil
- Paints/Statens/Shellacs
- Pesticides/Insecticides
- Poisons
- Pool/Spa Chemicals
- Rechargeable Batteries
- Rose Dust
- Rust Remover
- Slug Bait
- Solvents & Thinners
- Thermostats
- Thermometers
- Transmission Fluid
- Turpentine
- Weed Killers
- Wood Preservatives
For the month of June, the total revenue and expenditures for all funds was $141,310.28 and $167,661.66 respectively. Following is a more detailed narrative of the activity per fund.

General Fund:
The General fund received $47,720.32 in revenue of which $8,260.42 was from property tax receipts, $21,843.50 from citations, $3,051.31 from the State Liquor Tax, $94.52 from the State Cigarette Tax, $971.57 in interest, $7,801.00 in Business License, $5,202.00 in Planning fees, $200.00 in lien search fees, and $296.00 in court administrative fees. For the month of June, the General Fund disbursed $38,204.44 of which $12,509.61 was for wages, $7,258.80 in citation reimbursements and assessments, $236.99 for training, $242.26 for custodial services, $38.10 for custodial supplies, $1,200.00 for legal services, $642.45 for office supplies, $200.00 for the municipal judge, $341.72 in bank fees, $766.67 for work on the Tsunami Resilience Grant, $1,739.80 for planning services, $170.05 for postage, $3,668.71 for repairs to City Hall, $625.55 for telephone, $1,966.27 for electricity, $697.00 for work on the Municipal Code Book, $110.00 for registration of the Ham Radio Clubs trailer, $4,140.00 for dispatch services, $1,299.98 for two desks, $283.50 for advertising the Budget meetings, and $94.98 for internet service.

Parks:
Parks received $271.34 in revenue of which $50.00 rent for the Visitor Center, $24.00 in Visitor Center donations, and $197.34 in interest. For the month of June, $13,332.34 was disbursed for Parks of which $3,491.04 was for payroll, $137.91 for fuel, $3,475.00 in Travel Oregon Sponsored Story, $108.66 for maintenance of the Visitor Center, $117.33 for maintenance at the Community Building, $57.16 for maintenance of the American Legion Hall, $131.36 Maintenance of Buffington Park, $57.17 for maintenance of the 12th ST boat ramp, $590.91 for vehicle maintenance, $123.60 for small tools and minor equipment, $14.93 for disposable gloves, $56.19 for telephone service, $35.97 for internet service, $791.19 for food stand supplies and display case at the Visitor Center, $2,200.00 final payment for the gates at the Visitor Center, and $1,307.74 for custodial services.

Public Safety:
$36,257.79 was disbursed for the Police Department of which $34,364.11 was for payroll, $104.20 for office supplies, $881.74 for fuel, $75.00 for Kings Online, $59.95 for a tint meter, $166.77 for vehicle maintenance, and $606.02 for telephone service. Public Safety received $7,088.29 in revenue of which $6,917.47 was from property tax receipts, $20.00 for burn permits, $60.00 for police reports, and $90.82 in interest.

Water Enterprise:
The Water Department received $32,727.71 in revenue of which $32,365.07 was from the May utility billing of which $2,335.01 is designated to be set aside for Water Capital Reserves, and $362.64 in interest. The Water Enterprise Fund paid out $37,483.06 of which $22,143.82 was for payroll, $105.41 for office supplies, $109.87 for postage, $600.29 for telephone services, $69.99 for internet service, $4,362.76 for electricity, $351.84 for fuel, $500.00 for contact services, $820.00 for water testing, $1,840.25 for maintenance of water lines, $17.98 for minor tools, $275.44 for vehicle maintenance, $4.95 for maintenance of the treatment plant, $1,327.00 for new meters and boxes, $83.00 for a CDL physical, $2,825.46 for engineers work on the Water Treatment Plant upgrade, and $2,045.00 for work on the telemetry issues.

Water Capital Reserves:
The Water Capital Reserve Fund received $304.63 in interest. The Water Capital Reserve Fund balance is now $139,303.11.
Sewer Enterprise:
The Sewer Enterprise Fund received $44,479.15 in cash receipts which consists of $546.31 in interest, and $43,932.84 was from the May utility billing of which $2,448.83 is designated to be set aside for Sewer Capital Reserve. The Sewer Enterprise fund outflow for June was $28,947.64 of which $21,475.49 was for payroll, $2,829.63 for electricity, $332.85 for telephone service, $368.04 for fuel, $59.99 for internet service, $867.29 to maintenance to the Treatment Plant, $548.03 for repair to the Arizona St. lift station, $2,356.46 for a new pump for Flake St. lift station, and $109.86 for postage.

Sewer Capital Reserves:
The Sewer Capital Reserves received $294.74 in interest. The Sewer Capital Reserve Fund balance is now $134,782.26.

Street Fund:
For June the Street Fund received $6,833.72 of which $6,678.52 was from the State Highway tax, and $155.20 in interest. $5,808.09 was disbursed for Streets, of which $4,602.20 was for wages, $99.00 for the port-a-pott, $183.90 for fuel, $14.99 for minor tools, $207.13 for electricity, $670.43 for rock to repair Battle Rock beach access road, and $30.44 for office supplies.

Streets Capital Improvement Fund
The Streets Capital Improvement Fund received $91.28 in interest and the new balance in now $41,743.16.

Equipment Replacement Fund:
The Equipment Replacement Fund received $106.54 in interest. The balance of the Equipment Replacement Fund is $51,220.96.

Water and Sewer SDC:
The Water SDC Fund received $821.25 in interest and the Sewer SDC Fund received $571.31 in interest for the month of June. For the month of June the Sewer SDC refunded $7,628.30 in over payments. The balances of the SDC funds are as follows:

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David Johnson
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**Total Fund: 030 - WATER ENTERPRISE FUND:**

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**Total Debits: 258.49**

**Total Credits: 28,131.67**

**Ending Balance: -27,873.18**
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Detail Report

Account Name | Beginning Balance | Total Activity | Total Debits | Total Credits | Ending Balance
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Designated for Reserves - Continued | 0.00 | -29,205.36 | 359.00 | 29,564.36 | -29,205.36
Project Account | | | 5.00 | | -15,493.80

Date Range: 07/01/2018 - 06/30/2019
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**Total Fund: 035 - SEWER ENTERPRISE FUND:**

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**Grand Totals:**

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BACKGROUND:
December 2017 the city received information for a Tsunami Resilience TA Grant – Due Jan. 26, 2018. I contacted the City Planner to help with this project because it would make changes/additions to the Comprehensive Plan Policies, the Tsunami Hazard Overlay Zone and the Overlay Zone Map.
The Planning Commission worked to make the changes/additions.
Resolution 2019-02 addresses the addition of Chapter 17.46 Tsunami Hazard Overlay Zone
Resolution 2019-03 addresses the Comprehensive Plan Goals and Policies
Resolution 2019-04 addresses the Overlay Zone and Map
DLCD sends a support letter to the council for adopting these resolutions
HB3309, Relating to Statewide Tsunami Regulations site changes made to the original rules in ORS 455.446 where prohibited uses are now consultation uses. See attached.
Thanks to Crystal Shoji for putting a lot of time an effort into this project
The grant ended June 2019

FISCAL IMPACT:
None

RECOMMENDATION:
Move to approve or deny the resolutions as presented

SUBMITTED BY:

Terrie Richards, City Recorder
July 1, 2019

Mayor Tim Pogwizd
555 W 20th St
PO Box 310
Port Orford, OR 97465

RE: Tsunami Comprehensive Plan Policies, Tsunami Hazard Overlay Zone, and Overlay Zone Map

Dear Mayor Pogwizd,

We appreciate the opportunity to work with the City of Port Orford on this proposal to adopt land use provisions to address tsunami hazards. The City is an important partner of the Oregon Coastal Management Program and a leader amongst Oregon’s coastal communities in planning for a Cascadia Subduction Zone earthquake and tsunami. We laud the city for its efforts in considering tsunami comprehensive plan policies and a tsunami hazard overlay zone map and associated zoning ordinance.

The provisions under consideration would apply only to those areas within the tsunami regulatory line as defined on the City of Port Orford Tsunami Hazard Overlay Zone Map. Only 143 tax lots or about 13% of all tax lots in city limits are within this regulatory line. The proposed ordinance, Port Orford Municipal Code Chapter 17.46, has three main effects within this zone:

1) Prohibit the development of certain critical and special occupancy facilities, such as hospitals, police and fire stations, schools, and large gathering facilities;
2) Require new land divisions to include tsunami evacuation improvements in their overall development design, such as route signs, educational materials, or pathways; and
3) Provide an optional flexible permit process which would allow a development proposal to modify underlying code standards in order to achieve higher degrees of risk reduction than is required, similar in concept to a planned development.

There is also a “Use Exception” process to allow a prohibited use to be permitted based on specific criteria. It is important to note that the proposed requirements do not apply to single family homes on existing lots or parcels.

We recognize that significant financial investment has been made in areas subject to tsunami hazards. However, it is not the purpose of these proposed provisions to affect existing development. Rather, the purpose is to focus on life safety through evacuation improvements and locating essential services outside of the riskiest tsunami areas.

We applaud the city’s efforts to mitigate for local tsunami risks and encourage the city to adopt these provisions. Thank you for the opportunity to be part of this important community decision. We look forward to continued collaboration on other planning and community development endeavors to address natural hazard risks.

Sincerely,

Meg Reed, Coastal Shores Specialist
Oregon Coastal Management Program, Department of Land Conservation and Development
City of Port Orford Tsunami Hazard Overlay Zone Map

The Tsunami Regulatory Line identifies lands that will be subject to the provisions of Port Orford Municipal Code, Chapter 17.46, Tsunami Hazard Overlay Zone.
The evacuation zones identified on the map represent the main tsunami evacuation routes for the City of Port Orford, as referenced in the Port Orford Municipal Code, Chapter 17.46, Section 17.46.080 (Evacuation Route Improvement Requirements). The tsunami inundation zone shown on the map is the equivalent of the "Extra-Extra Large" tsunami zone as published by the Oregon Dept. of Geology and Mineral Industries, 2013."
HB 3309, relating to statewide tsunami regulations

During the 2019 legislative session, HB 3309 was passed and then signed into law by the Governor. Portions of this bill relate to development in the tsunami regulatory zone and affect coastal local governments in communities with tsunami risk. This informational brief was put together to help answer some of your questions about this bill and what it does and does not mean. The provisions of this bill will go into effect on January 1, 2020.

Background

The original statute, ORS 455.446-447, went into effect in 1996. This Oregon statute limited and/or prohibited construction of certain types of new essential facilities, hazardous facilities, major structures and special occupancy structures in the regulated tsunami inundation zone. The official regulatory tsunami inundation line was adopted by the Oregon Department of Geology and Mineral Industries (DOGAMI) Governing Board and is sometimes referred to as the “SB 379 line.” (This line is NOT the same as the tsunami inundation maps [S, M, L, XL, XXL] that were developed by DOGAMI in 2013, see section on “Tsunami Inundation Maps” below for more about those maps). Some of the facilities listed in the statute were prohibited, including hospitals, schools, police and fire stations, emergency communication centers, and jails. Other uses were allowed after consultation with DOGAMI for input on the voluntary incorporation of special evacuation or other mitigation techniques. The DOGAMI Governing Board could also grant an exception to restrictions in the tsunami regulatory zone if the board determined that the safety of building occupants was ensured to the maximum reasonable extent. These regulations are housed in Oregon Building Codes and administered by the local building official.

HB 3309 Changes

With the passage of HB 3309, all prohibited uses under ORS 455.446-447 become consultation uses. That means that all new essential facilities, hazardous facilities, major structures, and special occupancy structures (as defined in the statute) may now be permitted within the regulatory tsunami inundation line (the SB 379 line). These uses are still subject to consultation with DOGAMI for assistance in determining the impact of possible tsunamis on the proposed development and for assistance in preparing methods to mitigate risk at the site of a potential tsunami. Consultation must take place prior to submittal of design plans to the building official for final approval. There is no requirement to adhere to the mitigation that DOGAMI suggests.

Tsunami Inundation Maps (TIMs) & Evacuation Zones

The regulatory tsunami inundation line used to regulate the uses in ORS 455.446-447 is NOT the same as the DOGAMI Tsunami Inundation Maps that were developed in 2013. The Tsunami Inundation Maps (TIMs) use updated and comprehensive tsunami modeling and represent the best available science of the Cascadia Subduction Zone (CSZ) and possible tsunami events. These maps are meant to assist residents and visitors along the coast to prepare for the next CSZ earthquake and tsunami. The TIMs display five scenarios, labeled as “T-shirt sizes” (i.e. S, M, L, XL, and XXL), showing the impact of a CSZ tsunami that reflects the full range of possible inundation.
Communities typically use the XXL tsunami inundation zone (AKA the “maximum-considered” event) to plan evacuation routes for life safety purposes. This zone is what is displayed (in yellow) on the Tsunami Evacuation Brochures that were produced by DOGAMI and are available online: [www.oregontsunami.org](http://www.oregontsunami.org).

Communities can choose voluntarily to adopt additional regulations or plan evacuation routes based on the other tsunami inundation scenarios according to each community’s acceptable level of risk. However, those decisions are discretionary and voluntary. Currently, there are no statewide regulations using these t-shirt sized tsunami zones.

**Local Government Role**

- For those jurisdictions that have adopted Tsunami Hazard Overlay Zones, corresponding maps, and comprehensive plan policies, the change in the state statute language does not change anything. Those jurisdictions will still apply the land use provisions as outlined in their respective plans and development code. For example, if the Tsunami Hazard Overlay Zone prohibits certain uses from being allowed in the “Large” tsunami inundation zone, those provisions still prevail, regardless of the changes to the Oregon Building Codes regulations in HB 3309.

- For jurisdictions that do not have tsunami specific regulations in their land use programs, the changes in HB 3309 (as outlined above) will be administered through building codes.

Any and all coastal jurisdictions can move forward voluntarily with adopting their own tailored tsunami hazard land use regulations. The Oregon Department of Land Conservation & Development (DLCD) developed a Tsunami Land Use Guide that provides model code and comprehensive plan policy language as a starting point. Many jurisdictions have done this or are in the process of adopting these types of regulations. DLCD can provide technical assistance and support on this topic. It is important to note that the provisions of the model code do not apply to single family homes on existing lots or parcels, nor does it apply to existing development.

The provisions as suggested in the Land Use Guide focus on three main areas:

1) Prohibit the development of certain new critical and special occupancy facilities, such as hospitals, police and fire stations, schools, and large gathering facilities in a specified tsunami inundation zone (such as the “Large” or “Medium” tsunami inundation zones on the DOGAMI maps). This is to allow those facilities and services to function post-event.

2) Require new land divisions within the specified tsunami inundation zone to include evacuation improvements in their overall development design, such as route signs, educational materials, or pedestrian pathways. This is to help ensure evacuation success to the maximum possible extent.

3) Provide an optional flexible permit process which would allow a development proposal to modify underlying code standards (such as density requirements or setbacks) in order to achieve higher degrees of risk reduction than is required, similar in concept to a planned development.

There is also a “Use Exception” process to allow a prohibited use to be permitted based on specific criteria.

Current jurisdictions with adopted Tsunami Hazard Overlay Zones:

- Coos County
- Reedsport
• Florence
• North Bend
• Rockaway Beach (pending second ordinance reading)
• Gearhart (pending second ordinance reading)

DLCD can share the code language and maps these communities adopted to anyone interested.

Related Building Code Update

Oregon Building Codes Division is also considering adoption of a new building codes chapter: Tsunami Loads and Effects (ASCE 7-16, Chapter 6). This chapter would require certain design and construction standards (incorporating tsunami forces and flow depths) for Risk Category III and IV buildings and structures located in the Tsunami Design Zone. (Risk III and IV buildings generally refer to buildings and structures that pose a substantial hazard to human life in the event of failure or essential facilities.) The Tsunami Design Zone (TDZ) is a third category of tsunami inundation mapping that is NOT the same as the SB 379 line or the tsunami inundation maps (TIMs) produced by DOGAMI. The TDZ is a west coast wide zone that was created to be used to engineer buildings for tsunami forces. The TIMs were developed for life safety and evacuation purposes, and have been critical in assisting local governments in determining their acceptable level of risk for certain types of land uses.

The TDZ most closely matches the “Large” Tsunami Inundation Zone developed by DOGAMI. Unless explicitly defined (or otherwise regulated by the jurisdiction), Chapter 6 of ASCE 7-16 would not preclude the development of certain essential facilities from being built in the TDZ. For example, jails, schools, and child care centers would be allowed to be built under this chapter, but would require the structures to be designed to withstand tsunami forces and loads. It is important to note that this chapter has not yet been adopted by the Building Codes Division, but is currently under review.

For more information, please contact: Meg Reed, DLCD Coastal Shores Specialist at meg.reed@state.or.us or 541-574-0811.
Construction of certain facilities and structures in tsunami inundation zone prohibited; establishment of zone; rules; exceptions. (1)(a) New essential facilities described in ORS 455.447 (1)(a)(A), (B) and (G) and new special occupancy structures described in ORS 455.447 (1)(e)(B), (C) and (E) may not be constructed in the tsunami inundation zone established under paragraph (c) of this subsection. The provisions of this paragraph apply to buildings with a capacity greater than 50 individuals for every public, private or parochial school through secondary level and childcare centers.

(b) The State Department of Geology and Mineral Industries shall establish the parameters of the area of expected tsunami inundation based on scientific evidence that may include geologic field data and tsunami modeling.

(c) The governing board of the State Department of Geology and Mineral Industries, by rule, shall determine the tsunami inundation zone based on the parameters established by the department. The board shall adopt the zone as determined by the department under paragraph (b) of this subsection except as modified by the board under paragraph (d) of this subsection.

(d) The board may grant exceptions to restrictions in the tsunami inundation zone established under paragraph (c) of this subsection after public hearing and a determination by the board that the applicant has demonstrated that the safety of building occupants will be ensured to the maximum reasonable extent:

(A) By addressing the relative risks within the zone.
(B) By balancing competing interests and other considerations.
(C) By considering mitigative construction strategies.
(D) By considering mitigative terrain modification.

(e) The provisions of paragraph (a) of this subsection do not apply:
(A) To fire or police stations where there is a need for strategic location; and
(B) To public schools if there is a need for the school to be within the boundaries of a school district and fulfilling that need otherwise cannot be accomplished.

(f) All materials supporting an application for an exception to the tsunami inundation zone are public records under ORS 192.005 to 192.170 and must be retained in the library of the department for periods of time determined by its governing board.

(g) The applicant for an exception to the tsunami inundation zone established under paragraph (c) of this subsection shall pay any costs for department review of the application and the costs, if any, of the approval process.

(2) The definitions in ORS 455.447 apply to this section.

(3) The provisions of this section do not apply to water-dependent and water-related facilities, including but not limited to docks, wharves, piers and marinas.

(4) Decisions made under this section are not land use decisions under ORS 197.015 (10).

Note: 455.446 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 455 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Regulation of certain structures vulnerable to earthquakes and tsunamis; rules. (1) As used in this section, unless the context requires otherwise:
(a) “Essential facility” means:
(A) Hospitals and other medical facilities having surgery and emergency treatment areas;
(B) Fire and police stations;
(C) Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(D) Emergency vehicle shelters and garages;

(E) Structures and equipment in emergency-preparedness centers;

(F) Standby power generating equipment for essential facilities; and

(G) Structures and equipment in government communication centers and other facilities required for emergency response.

(b) “Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

(c) “Major structure” means a building over six stories in height with an aggregate floor area of 60,000 square feet or more, every building over 10 stories in height and parking structures as determined by Department of Consumer and Business Services rule.

(d) “Seismic hazard” means a geologic condition that is a potential danger to life and property that includes but is not limited to earthquake, landslide, liquefaction, tsunami inundation, fault displacement, and subsidence.

(e) “Special occupancy structure” means:

(A) Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;

(B) Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or childcare centers;

(C) Buildings for colleges or adult education schools with a capacity greater than 500 persons;

(D) Medical facilities with 50 or more resident, incapacitated patients not included in subparagraphs (A) to (C) of this paragraph;

(E) Jails and detention facilities; and

(F) All structures and occupancies with a capacity greater than 5,000 persons.

(2) The Department of Consumer and Business Services shall consult with the Seismic Safety Policy Advisory Commission and the State Department of Geology and Mineral Industries prior to adopting rules. Thereafter, the Department of Consumer and Business Services may adopt rules as set forth in ORS 183.325 to 183.410 to amend the state building code to:

(a) Require new building sites for essential facilities, hazardous facilities, major structures and special occupancy structures to be evaluated on a site-specific basis for vulnerability to seismic geologic hazards.

(b) Require a program for the installation of strong motions accelerographs in or near selected major buildings.

(c) Provide for the review of geologic and engineering reports for seismic design of new buildings of large size, high occupancy or critical use.

(d) Provide for filing of noninterpretive seismic data from site evaluation in a manner accessible to the public.

(3) For the purpose of defraying the cost of applying the regulations in subsection (2) of this section, there is hereby imposed a surcharge in the amount of one percent of the total fees collected under the structural and mechanical specialty codes for essential facilities, hazardous facilities, major structures and special occupancy structures, which fees shall be retained by the jurisdiction enforcing the particular specialty code as provided in ORS 455.150 or enforcing a building inspection program under ORS 455.148.

(4) Developers of new essential facilities, hazardous facilities and major structures described in subsection (1)(a)(E), (b) and (c) of this section and new special occupancy structures described in subsection (1)(e)(A), (D) and (F) of this section that are located in an identified
tsunami inundation zone shall consult with the State Department of Geology and Mineral Industries for assistance in determining the impact of possible tsunamis on the proposed development and for assistance in preparing methods to mitigate risk at the site of a potential tsunami. Consultation shall take place prior to submittal of design plans to the building official for final approval. [1991 c.956 §12; 1995 c.79 §229; 1995 c.617 §1; 2001 c.573 §12]

Note: 455.447 was added to and made a part of 455.010 to 455.740 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.
ORDINANCE 2019-02

AN ORDINANCE OF THE CITY OF PORT ORFORD, OREGON AMENDING THE ZONING ORDINANCE (Ordinance #278), TO INCLUDE CHAPTER 17.46 IN THE MUNICIPAL CODE

Be it ordained by the Common Council of the City of Port Orford that Port Orford Ordinance #278 is amended and the subsequent Ordinance #2019-02 be added to by the following.

Ordinance #2019-02 New Chapter Added: Municipal Code – Section 17.46 Tsunami Hazard Overlay Zone:

Sections:
17.46.010 Purpose
17.46.020 Definitions
17.46.030 Applicability of Tsunami Hazard Overlay Zone
17.46.040 Uses
17.46.050 Prohibited Uses
17.46.060 Existing Uses
17.46.070 Use Exceptions
17.46.080 Evacuation Route Improvement Requirements

17.46.10 Purpose
The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the City in the event of a tsunami by establishing standards, requirements and other measures for review and authorization of land use and development. The intent is to reduce loss of life, reduce damage to private and public property, reduce disruption, and assist the City in responding and recovering from the tsunami event.

17.46.020 Definitions
“Essential Facilities” means:
a. Hospitals and other medical facilities having surgery and emergency treatment areas;
b. Fire and police stations;
c. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
d. Emergency vehicle shelters and garages;
e. Structures and equipment in emergency preparedness centers; and 
f. Standby power generating equipment for essential facilities.

“Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

“Special occupancy structures” means
a. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
b. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
c. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;
d. Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;
e. Jails and detention facilities; and
f. Any structures and occupancies with a capacity of greater than 5,000 persons.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure which exceeds 50 percent of the real market value of the structure either:

a. Before the improvement or repair is started, or
b. If the structure is damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

c. "Substantial improvement does not include either any project for improvement of a structure to comply with existing state, city or county health, sanitary or safety code specifications which are solely to assure safe living conditions, or; an alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

"Tsunami vertical evacuation structure" means a building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

17.46.030 Applicability of Tsunami Hazard Overlay Zone.

For new development, this Tsunami Hazard Overlay Zone applies to all lands identified within the tsunami inundation zone established in OAR 632-005-0040 (1) and depicted in Oregon Department of Geology and Mineral Industries Open-File Reports O-95-55 through O-95-57. The City of Port Orford will implement the Tsunami Hazard Overlay Zone identified in these maps utilizing the City of Port Orford Tsunami Hazard Overlay Zone Map, May 2019.

17.46.040 Uses

In the Tsunami Hazard Overlay Zone, all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this chapter except those uses set forth in Section 17.46.050 Prohibited Uses.

17.46.050 Prohibited Uses

Unless authorized in accordance with 17.46.070 Use Exceptions, the following uses are prohibited in the Tsunami Hazard Overlay Zone:

a. Hospitals and other medical facilities having surgery and emergency treatment areas.
b. Fire and police stations, including structures and equipment in government communication centers and other facilities required for emergency response.
c. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or childcare centers.
d. Buildings for colleges or adult education schools with a capacity of greater than 500 persons.
e. Jails and detention facilities.
f. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.
g. Emergency vehicle shelters and garages.
h. Structures and equipment in emergency preparedness centers.
i. Standby power generating equipment for essential facilities.
j. Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.
k. Medical facilities with 50 or more resident, incapacitated patients.
1. Residential uses, including manufactured home parks, of a density exceeding 10 units per acre.
m. Hotels or motels with more than 50 units.

17.46.060 Existing Uses

Notwithstanding the provisions of Chapter 17.24, the requirements of the Tsunami Hazard Overlay Zone shall not have the effect of rendering any existing lawful use non-conforming.

17.46.070 Use Exceptions

A use listed within this section may be permitted by the Planning Commission through a Conditional Use Permit process based upon the following criteria. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.

A. Fire or police stations may be permitted upon findings that there is a need for a strategic location.

B. Other prohibited uses may be permitted upon the following findings:
   1. There are no reasonable, lower-risk alternative sites available for the proposed use;
   2. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and,
   3. The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.

17.46.080 Evacuation Route Improvement Requirements

Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are needed to facilitate pedestrian access to the tsunami evacuation routes identified on the 2019 Port Orford Tsunami Evacuation Route Map, which is incorporated into this section by reference. Such improvements shall be proportional to the evacuation needs created by the proposed development. Such measures shall include:

A. On-site improvements:
   1. Informational bulletins, brochures and other forms of communication posted in public areas, meeting rooms or common areas alerting residents, visitors and guest to the threat of Tsunami and nearby evacuation routes and assembly areas.
   2. Wayfinding signage shall be posted in parking areas and pedestrian ways indicating the direction and location of the closest evacuation route and

B. Off-site improvements: Improvements to portions of designated evacuation routes identified on the 2019 Port Orford Tsunami Evacuation route Map that are needed to serve, but are not contiguous to, the proposed development site. Such improvements shall be proportional to the evacuation needs created by the proposed development.

C. Evacuation route signage. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site. Where multiple developments could occur in the future, the City shall assess a cost proportionate to the development's impact to the overall land use pattern of the area. In no case shall this cost exceed $500.

D. Tsunami Evacuation Structures: Tsunami evacuation structures are not subject to the building height limitations of this code.
The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 16th of May, 2019.

Yes: ________________________________________________ __
No: ________________________________________________ __
Abstain: ________________________________________________ __

Tim Pogwizd
Mayor of the City of Port Orford
Curry County Oregon

ATTEST:

Terrie Richards
City Recorder of the City of Port Orford
Curry County Oregon
ORDINANCE 2019-03

CITY OF PORT ORFORD

Comprehensive Plan
Goals and Policies

Adopted: March 8, 1977
Amended: January 12, 1987
Amended: June 1989
Amended: September 17, 2007
Amended: May 17, 2012
Amended: April 18, 2019

This project was partially funded by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, and the Ocean and Coastal Management Program, Department of Land Conservation and Development.
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STATEWIDE PLANNING GOAL 1: CITIZEN INVOLVEMENT

City Goal

Provide opportunities for citizen involvement in all phases of the planning process.

City Policies

1. The Planning Commission shall serve as the city’s officially recognized committee for citizen involvement (CCI).

2. Citizens are encouraged to participate in planning for the City of Port Orford.
   a. Citizens will have opportunities to assist with data collection, plan preparation, evaluation, and revisions to the Comprehensive Plan and other land use regulations.
   b. Citizens will have opportunities to participate in workshops and public hearings.
   c. Citizens will have opportunities to participate in forums on issues related to the growth and development of the city.

3. Citizens will have opportunities to review and evaluate technical information, adopted plans and implementing ordinances, inventory materials, the rationale used to reach land use policy decisions, and maps utilized for decision-making by the Planning Commission and City Council. Information will be available at the City Hall and online:
   a. The city will provide public notice of all meetings.
   b. The city will disseminate planning information using a variety of methods: media messages, web based digitized information, postings on properties, mailings, depending upon the topic at hand.

STATEWIDE PLANNING GOAL 2: LAND USE PLANNING

City Goals

1. Establish a land use planning process and policy framework as a basis for decisions and actions, and to assure an adequate factual base for such decisions and actions.

2. Assure that the Comprehensive Plan is maintained as the basis for implementing ordinances and future land-use decisions and actions.

3. Identify and address those land use activities that have an effect on the public health, safety and welfare.

4. Ensure orderly efficient growth.

City Policies

1. The Comprehensive Plan Goals and Policies document shall be available to the public at the City Hall, the Port Orford Public Library, and on the city’s website.
2. The Planning Commission will review the *Comprehensive Plan Goals and Policies*, the zoning ordinance, and other plans that are relied upon by the city from time to time. The review will help determine where amendments are needed.

3. The City Council, the Planning Commission, or a person owning property within the city may initiate amendments to the text of this document and to the Comprehensive Plan Map, utilizing the criteria set forth under this section entitled, Goal 2 Land Use Planning.

4. When amending the *Port Orford Comprehensive Plan Goals and Policies*, make findings of fact to respond to the following:
   a. Provide documentation showing that the original plan language or map designation was made in error; or
   b. For a map change document that there has been a substantial change in the character of the area that warrants a change in the map; or
   c. For a change in the text of the Comprehensive Plan Goals and Policies, document that there have been changing circumstances that warrant a change in the goal or policy language.
   d. For both map and text amendments, provide findings as to how the amendment complies with the Statewide Planning Goals pursuant to ORS 197 and other applicable statutory requirements.

5. Coordinate with Curry County and special districts regarding the Urban Growth Boundary and annexations, public facility extensions, long-range planning, and other matters of mutual concern.

6. Coordinate with Curry County within the Urban Growth Boundary (UGB) as set forth in the Urban Growth Area Joint Management Agreement dated October 10, 1978, and any future amendments to the Agreement that have been signed and enacted by both parties.

7. Encourage coordination with local, state and federal agencies having jurisdiction within the City of Port Orford. Exchange of maps, data, and other information as appropriate.

8. Encourage the participation of affected local, state and federal agencies and districts in comprehensive plans updates and revisions.

9. Adopt amendments to the text of this document or the map by ordinance, utilizing the following procedures.
   a. Provide notice required by the Municipal Code Title 17, including notice to the department of Oregon Land Conservation and Development (DLCD).
   b. The Planning Commission shall review any proposed amendment, conduct a public hearing, and make recommendations and findings to support the recommendations, which shall be forwarded to the City Council.
   c. The City Council shall review the Planning Commission’s recommendations and conduct a de novo public hearing prior to making their findings and decision.
   d. When an amendment has been finalized and adopted by ordinance, provide any notice required by MC Title 17, including notice to DLCD.
e. Incorporate the language or map into the planning documents and the web site to maintain the plan as a living document that is accessible to citizens.

10. Federal consistency requirements of the Coastal Zone Management Act (Sec 307) requires that all state and federal permits for activities affecting land use within the city shall be reviewed by the City of Port Orford to assure compliance with the Comprehensive Plan before the permit is granted.

STATEWIDE PLANNING GOAL 3: AGRICULTURAL LANDS

City Goal

Encourage sustainable urban agriculture, and conserve rural agricultural lands.

City Policies

1. Maintain urban development within the City of Port Orford, and adjacent to the city within the Urban Growth Boundary, which will in turn alleviate pressure on agricultural lands outside the city limits.

2. Encourage urban agriculture and sustainable agricultural practices, including, but not limited to family and community gardens.

STATEWIDE PLANNING GOAL 4: FOREST LANDS

City Goal

Conserve forestlands consistent with sound management of forest resources.

City Policies

1. Limit urban use of forested lands to areas within the Port Orford city limits until such time that those lands within the Urban Growth Boundary are needed for urban uses.

2. When new subdivisions are proposed in the City of Port Orford the city shall seek the opinion of the Oregon Department of Forestry in order to protect forest lands within the Garrison lake watershed, and lands that drain into Gold Run Creek.

3. Consider options for a tree ordinance to reestablish trees and to prevent clear cuts, which allow for infestation of noxious weeds.

STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACE
City Goals

1. Maintain an inventory of natural, scenic and historic resources pursuant to Statewide Goal 5.
2. Resolve conflicts between incompatible development activities and identified natural, scenic and historic resources.
3. Work to acquire viewshed resource property if and when funding is available.
4. Protect archaeological sites within the city.

City Policies

1. Identify specific natural resources such as significant fish and wildlife habitat, ecological areas, wetland and watershed areas through the designated Controlled Development Zone (6-CD).
2. Maintain Tichenor Cemetery as an historic cemetery listed on the Oregon State registry at the State Historic Preservation Office, and support listings of other historic cemeteries and public access to all historic cemeteries.
3. Encourage open space in subdivision developments to be maintained through CC&R’s for the enjoyment of the residents.
4. Port Orford will encourage maintaining access to scenic viewpoints within the city.
5. Port Orford will maintain a riparian buffer along streams, Garrison Lake and the Ocean shoreline to enhance fish habitat, and maintain vegetation as a visual and recreational resource.
6. Examine publicly owned lands including street and alley right-of-ways for potential open space and visual resources prior to vacating property or other actions that convert publicly owned lands to private property.
7. The City of Port Orford supports the development and maintenance of the Oregon Coast Trail and the Oregon Coast Bike Route, both running along Highway 101 through the City of Port Orford.
8. Recognizing that established trees contribute to the aesthetic and environmental quality of the community, the city will consider designating specific trees or groves that could be protected through incentives, voluntary mechanisms, or ordinances.
9. Minimize light pollution and maintain dark sky at night through implementation of the city’s dark sky ordinance.
10. Maintain a listing of historic properties, and encourage property owners of qualifying properties who seek the listing of their properties on the National Historic Register.
11. Notify the Tribes when land development is proposed in archaeologically significant areas and limit access to information that could reveal the location of specific archaeologically significant Indian sites.

12. Coordinate with Oregon State Parks, the State Historic Preservation Office (SHPO), the Tribes, local organizations, and state and federal agencies that oversee specific scenic and historic areas, and have jurisdiction for natural resource programs.

13. Collaborate and cooperate with other land managers and property owners to protect and restore healthy functioning watersheds and ecosystems.

STATEWIDE PLANNING GOAL 6: AIR, WATER, AND LAND RESOURCE QUALITY

City Goals

1. Maintain and improve the quality of air, water and land resources in the City of Port Orford by encouraging protection of watersheds, lakes, rivers, streams and wetlands within the city and the UGB.

2. Restore Garrison Lake for drinking water as a secondary source to Hubbard Creek.

City Policies

1. Support and encourage local, state and federal agencies in continuing environmental evaluations of Garrison Lake, flood hazards to the city, and identification of wetlands.

2. When funding becomes available from state or federal sources, the city will review and update wetland and riparian area mapping.

3. Maintain discharges from the city’s wastewater treatment plant in accordance with the DEQ wastewater discharge permit.

4. Require riparian buffers along the shores of Garrison Lake, Mill Creek and Gold Run Creek. Ensure that no structural or physical alteration or development such as clearing, grading, parking lots, retaining walls or channel alterations are allowed within such designated areas. Consult the Oregon Department of Fish and Wildlife and the Oregon Department of Forestry and the Department of State Lands prior to authorizing a reduction in the standard riparian buffer for a specific proposed development.

5. Require a buffer to protect significant wetlands and notify the Department of State Lands when there is a development proposal in wetland areas.

6. Comply with applicable air and water quality standards established by the Department of Environmental Protection agency and the Oregon Department of Environmental Quality.

7. Support the resolution of problems potentially caused by septic systems along Garrison Lake, its watershed, and tributaries; annex properties to provide sewer hookups if and when feasible.
8. Recognize the jurisdiction of the Water Resources Department (WRD) and the ongoing process of implementing minimum stream flow requirements. Upon notification of implementation requirements, review, and where appropriate enact amendments required by law to maintain consistency with WRD programs.

9. Minimize increases in stormwater runoff rates and volume by utilizing incentives and regulations to mitigate stormwater impacts from new and existing development to reduce flooding and erosion, and to improve water quality and aquatic habitat.

10. Support development of a plan for cleanup of the Mill Creek drainage basin to prevent contamination of Garrison Lake.

11. Coordinate with Curry County and state agencies regarding water, air and land resource quality for lands lying within the UGB.

12. Work with Curry County to require that areas within the Urban Growth Boundary that are designated for rural residential growth provide for adequate sewage disposal, and eventual hook-up to city services when they become available.

13. Strive to reduce infestation of nonnative invasive weeds, by making the Curry County Weed Advisory Board’s Invasive and Noxious Weeds List available to citizens who are applying for permits for development activity.

14. Encourage the use of bio-swales and similar remediation wherever feasible to mitigate pollution from runoff, using native plants wherever appropriate.

STATEWIDE PLANNING GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS

City Goals

1. Protect life and property from natural disasters and hazards.

2. Maintain inventories and base mapping regarding known areas of natural disasters and hazards, and update information as funding is available.

3. Maintain updated implementing ordinances and rely on these documents to minimize the risk from natural disasters and hazards.

City Policies

1. Require analysis and reports from certified professional geologists prior to development in areas of potential geologic hazards such as those having more than 15% slope; carry out development in compliance with an overlay zone and recommendations specific to individual properties.

2. Require maintenance of vegetative cover on steep slope areas to minimize erosion.
3. Maintain and implement flood damage prevention regulations as set forth by the Federal Emergency Management Agency (FEMA) to protect human life and health, minimize expenditures for flood control, relief efforts, damage to public facilities, and future areas of blight due to flood damage, to notify buyers when property is within a flood hazard area, and to continue to qualify for inclusion in the National Flood Insurance Program.

4. Require the provision of adequate safeguards prior to permitting development in areas of known or suspected natural hazards.

5. Work with Curry County to maintain and implement the updated Emergency Operations Plan and the Natural Hazard Mitigation Plan including systems for disaster warnings, and procedures for the protection of citizens in the case of earthquakes, tsunamis and other natural disasters.

6. Consider access to evacuation routes when approving new development.

7. Work with other agencies and community organizations to develop natural disaster shelters outside the tsunami inundation zone.

8. Work with Curry County and state agencies including, but not limited to the Department of Geology and Mineral Industries (DOGAMI) to develop and implement tsunami and other emergency preparedness plans including the Port Orford Natural Hazards Mitigation Plan, the Emergency Operations Plan, the Continuity of Operations Plan and other plans, with the objective of incorporating and coordinating facilities and personnel to be capable of conducting emergency operations. Upgrade emergency operations and facilities as funding becomes available.

9. Prepare a post-tsunami redevelopment plan for the City of Port Orford as opportunities for funding such a plan become available.

STATEWIDE PLANNING GOAL 8: RECREATIONAL USES

City Goals

1. Satisfy the recreational needs of the citizens of Port Orford and visitors by respecting cultural values and improving access to scenic and natural resources.

2. Update the city’s inventory of recreational opportunities

City Policies

1. Maintain open space, protect significant natural features, and utilize practices that conserve and enhance natural biologic values of the community.

2. Maintain the wetland walkway and develop trails as opportunities (including funding) become available.
3. Increase public access to scenic and natural resources.

4. Support programs to enhance fish habitat and enhance properties adjacent to the Port to further recreational opportunities.

5. Consider recreational opportunities when reviewing development plans.

6. Encourage a pedestrian-friendly environment including support for bike lanes and sidewalks along Highway 101 and in new subdivision development.

7. Encourage the Oregon Parks and Recreation Department (OPRD) to maintain Port Orford Heads State Park and Tseriadan State Park, and to further develop Paradise Point State Park.

8. Coordinate with OPRD in regards to plans and proposals affecting state parks and ocean beaches.

9. Maintain and support enhancements and amenities at Battle Rock City Park and Buffington Park.

10. Plan for and develop a new and enhanced visitor center with marine education components at Battle Rock Park as funding opportunities become available.

11. Acquire a parcel of land that is surrounded by Battle Rock City Park to further enhance the park and its beaches.

12. Encourage maintenance of the Port Orford Public Library.

13. Encourage public participation to create public art for the enjoyment of residents and visitors.

14. Seek cooperative partnerships with the Port of Port Orford, the Port Orford Langlois School District, the State of Oregon Parks and Recreation Department, and other local, State, and federal agencies to offer opportunities for outdoor spaces that encourage a healthy and creative population.

15. Examine all city-owned property for public access, open space or recreational value prior to relinquishing ownership.

16. Develop additional access to public open space lands, including but not limited to ocean beaches.

17. Encourage a multi-purpose center, civic and recreational organizations, and activities for citizens all ages.

18. Encourage recreational use of both public and private land.

19. Utilize the city’s inventory of recreational amenities for analysis to prepare language to support applications for outside funding and partnerships that enhance recreational opportunities.
20. Actively pursue funding and partnerships that enhance recreational opportunities.

21. As funding becomes available, develop parks, open space and walking trails with interpretive information, including ADA compliance options to enhance the well being of citizens and visitor attractions. Proposed trails include, but are not limited to the following routes:
   a. Battle Rock Park to the Port of Port Orford to Garrison Lake and to Tseriadon State Park.
   b. From Highway 101 up Coast Guard Hill to Port Orford Heads State Park and down King Street to the beach.
   c. Battle Rock Park to the beach.
   d. Pedestrian and bicycle trails throughout the City, the Urban Growth Boundary and the Port Orford Community Stewardship Area.

22. Develop multi-use paths that enhance community livability while also serving as tsunami evacuation routes.

23. Coordinate evacuation route signage in conjunction with pedestrian and bicycle route planning.

STATEWIDE PLANNING GOAL 9: ECONOMIC DEVELOPMENT

City Goals

1. Provide opportunities throughout the city for a variety of economic activities that are important to the health, welfare and prosperity of the citizens and the community of Port Orford.

2. Diversify and improve the economy of Port Orford, while protecting the natural environment that makes the city a unique and inviting place.

City Policies

1. Designate suitable lands for the creation and expansion of existing industrial, commercial and medical activities, and support and encourage use of areas designated or developed for commercial use.

2. Implement planning ordinances to encourage diversity and a variety of home occupations and cottage industry that are compatible with residential living.

3. Encourage and support efforts to improve Port facilities, the harbor and fisheries including:
   a. Replacement and maintenance of docks and infrastructure.
   b. Rebuilding and maintaining the jetty.
   c. Controlling and mitigating shoaling through dredging or jetty infrastructure.
   d. Encourage the development of educational research and tourism facilities.
4. Encourage improvement of the Cape Blanco Airport facilities to attract tourists, sports enthusiasts, light industry and emergency services.

5. Encourage efforts to stimulate the tourism industry.

6. Encourage human-scale amenities within commercial areas and adjacent to trails and lookouts to encourage tourism and enhance the city’s sense of place.

7. Encourage sustainable practices including, but not limited to community gardens and farmer’s markets.

8. Consider main street improvements and town theme concepts aimed at enhancing the image and impact of the city, and adopt those concepts that are deemed appropriate.

9. Work with Curry County, the Oregon Business Development Department and other communities within Curry County and the region to explore incentives and enhance opportunities to attract business and industry.

10. Encourage programs for education, training and research regarding marine and terrestrial ecology that will support family-wage jobs within the Port Orford Community Stewardship Area.

11. Encourage artistic endeavors and craftsmanship that contribute to the city’s sense of place, by providing a positive ambiance and contributing to retail growth of the community.

12. Encourage environmentally responsible natural resource-based industries including fisheries and wood products to add value and enhance the local economy.

13. Take steps to minimize the existence of derelict buildings.

14. Support local access to and management of our marine resources.

15. Promote fishing as a necessary source of financial security and social welfare in the community.

16. Require protective measures for lodging facilities in tsunami hazard areas.

STATEWIDE PLANNING GOAL 10: HOUSING

City Goal

Provide for opportunities in the housing market to serve Port Orford citizens at varying income levels, taking citizen needs and desires into consideration.

City Policies

1. Allow for a full range of housing types, locations and densities through planning and zoning.
2. Ensure quality construction and public safety through enforcement of city ordinances and reliance on the International Building Code, the Oregon Fire Code, and Oregon Specialty Codes.

3. Encourage upgrading existing housing stock within the city when programs become available to assist with housing rehabilitation.

4. Cooperate with state and federal agencies, private industry, funding institutions, and citizens who are working to develop housing that will meet the city’s needs.

5. Encourage energy efficiency in housing.

6. Promote “green” building through use of materials that reduce negative impacts on human health and the environment.

7. Undertake residential buildable lands inventory, housing needs analysis and residential land needs analysis consistent with Statewide Planning Goal 10, OAR 660, division 8, and the housing statutes in ORS 197 as funding is available.

8. Update Comprehensive Plan inventories to comply with Statewide Planning Goal 10, Housing, Guidelines, (A) Planning, and (B) Implementation, when funding is available.

STATEWIDE PLANNING GOAL 11: PUBLIC FACILITIES AND SERVICES

City Goal

Plan for efficient delivery of public facilities and services to provide a framework for the city’s future, and ensure that new development pays its fair share.

City Policies

1. The city will promote the social, safety, health and well being of the citizens and visitors by encouraging adequate public facilities and services to meet the needs of the citizens:
   a. Transportation (refer to Statewide Goal 12: Transportation, City Goals and Policies within this document).
   b. Medical.
   c. Police and fire services.
   d. Utilities.
   e. Emergency Services.
   f. Education.
   g. Library.
   h. Broadband.
   i. Harbor (refer to Statewide Goal 10: Economic, City Policies, #3).
   j. Water.
   k. Wastewater.
2. Adopt and maintain public facilities plans for water, wastewater and storm drainage consistent with Statewide Planning Goal 11, including Guidelines for (A) Planning and (B) Implementation, and OAR 660, division 11. The City of Port Orford’s latest adopted facilities plans, including the Water Master Plan and Wastewater Collection System Master Plan, and any Stormwater Master Plan are incorporated into the Port Orford Comprehensive Plan Goals and Policies. Incorporating the plans provides the following:
   a. Engineering analysis and planning guidance for successful management of the water system including evaluation of the existing system, identifying deficiencies, estimating current and projected capacity, and recommending improvements.
   b. Engineering analysis and planning guidance for successful management of the wastewater system including evaluation of the existing system, identifying deficiencies, estimating current and projected flow, and recommending improvements.
   c. Engineering analysis and planning guidance for successful management of the stormwater system, which may be a stand-alone plan or an element of the wastewater system plan, with evaluation of stormwater runoff, estimates and projections of flow, and recommendations for improvements.

3. Update and maintain current GIS mapping of utility locations, depth, size and capacity for water, wastewater, and storm drainage systems and other utilities, as funding and information is available.

4. Manage municipal water, wastewater, and stormwater systems in accordance with all applicable state and federal standards.

5. Maintain programs to control long-term costs and to establish the most efficient operations for public services.

6. Encourage housing options in areas that have city infrastructure for water and wastewater, recognizing that where infrastructure is insufficient, new development may be required to install pump stations and other infrastructure to provide the capacity to support the new development.

7. Require plans for the control of surface water drainage in conjunction with applications for subdivisions, partitions and planned unit developments as set forth in implementing ordinances.

8. Encourage the maintenance of solid waste facilities to serve northern Curry County in compliance with DEQ standards, including facilities and programs for recycling and for disposal of hazardous household waste.

9. Assure fire protection services for the City of Port Orford.

10. Collaborate with other agencies to locate critical facilities such as police and fire stations, schools, clinics and water rescue operations in safe and accessible locations.

11. Encourage citizens to utilize sustainable practices that reduce the use of city facilities, including bioswales, rainwater catchment systems, and native plants.
12. Coordinate with utility providers, and encourage options to assure that adequate services are available.

13. Rely on the Port Orford Langlois School District and Southwestern Oregon Community College and other private and public options for the provision of education; encourage expansion of programs and facilities that serve the city.

14. Promote the enhancement of the Port Orford Public Library facilities and services.

15. Encourage and coordinate efforts to relocate overhead utilities to underground as appropriate, and assure that mapping information about any underground locations is available at the City for future use.

16. Consider regulations regarding the placement of transmission towers, and the placement and size of wind towers.

17. Address tsunami risks and evacuation routes and signage when planning, developing, improving, or replacing public facilities and services.

18. Update public facility plans to locate future facilities outside of the tsunami inundation zone, whenever possible.

19. Seek funding for updating facilities plans and funding relocation outside the tsunami inundation zone.

20. Plan for future location or relocation of public facilities outside of the tsunami hazard area.

STATEWIDE PLANNING GOAL 12: TRANSPORTATION

City Goal

Work with citizens, other agencies, and other organizations to improve transportation options and connections within the city including streets, facilities for bicyclists and pedestrians and public transportation.

City Policies

1. Encourage efficient and safe travel systems for motorists, pedestrians, and bicyclists by working for improvements to facilities that are unsafe or inadequate.

2. Encourage regularly scheduled freight delivery and pickup services to and from the city.

3. Work with Curry County and others who may be involved in efforts to develop an upgraded east-west highway linking Curry County with the interstate highway system.

4. Encourage diverse transportation systems including air and water modes.
5. Encourage maintenance and enhancement of the Cape Blanco Airport.

6. Encourage the development of transportation systems to meet the needs of the transportation disadvantaged within the city and throughout the South Coast.

7. Encourage mass-transit and commodity transportation services to and from the city.

8. Support water transportation through the development of the Port of Port Orford.

9. Develop a Transportation System Plan (TSP) to provide analysis and guidance for the City, in compliance with OAR 660-015-0000 (12) and in cooperation with the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD) as funding is available.

10. Collaborate with the (ODOT) to identify and implement transportation improvements to Highway 101.

11. When approving subdivisions, land partitions and planned unit developments:
   a. Encourage street and pedestrian connectivity.
   b. Discourage gated communities where connectivity is needed between destinations, neighborhoods and public places.
   c. Assure that all new streets to be accepted by the City of Port Orford are constructed to City of Port Orford standards.
   d. Assure that responsibility for street maintenance is set forth as part of final plat approval where streets are not accepted as city streets.
   e. Require new development to minimize direct access points onto arterials and collectors by encouraging new local streets that access arterials and collector streets.
   f. Consider options for incorporating easements for evacuation routes as appropriate.

12. Encourage pedestrian trails and bicycle routes and facilities.


14. Explore and encourage traffic calming mechanisms along Highway 101.

15. Maintain US 101 Highway Segment Designation Port Orford, Oregon adopted June 20, 2005 as an ODOT Special Transportation Area “STA” including the area between 15th Street and Deady Street to enhance opportunities for developing a more pedestrian-friendly and human-scale environment. The “STA” Highway Segment Designation map and text that provides the primary objective and reasoning for the designation has been adopted as an element of the Inventory, Section B of the Comprehensive Plan of the City of Port Orford.

16. Explore alternate routes that may be organized or identified to allow for transportation to and from the area following a tsunami.

STATEWIDE PLANNING GOAL 13: ENERGY CONSERVATION
City Goal

Promote and encourage energy conversation and the use of sustainable and renewable energy.

City Policies

1. Encourage the development of potential energy resources in the city.
2. Encourage a self-sufficient community, including locally produced food and other products to reduce reliance on travel for goods and services.
3. Consider ways to conserve energy in the City Hall, other city facilities, and public vehicles.
4. Support the use of alternative sustainable and renewable energy sources.
5. Encourage recycling programs and facilities.
6. Encourage pedestrian access, the use of bicycles, and alternatively powered vehicles.
7. Encourage residential, commercial and industrial development within the city to reduce travel distances and conserve energy.
8. Encourage housing rehabilitation and insulation to reduce heating costs.

STATEWIDE PLANNING GOAL 14: URBANIZATION

City Goal

Provide for an orderly and efficient transition from rural to urban use.

City Policies

1. Maintain the Urban Growth Boundary (UGB), and make any amendments to the UGB in compliance with Statewide Planning Goal 14, including Guidelines (A) Planning and (B) Implementation, ORS 197.298 and OAR 660 Division 24.
2. Encourage development within the city prior to expansion into the UGB.
3. Assure that applicants pay for any extensions of water or sewer into the UGB, and require annexation where services are provided outside the city limits.
4. Maintain Curry County large lot rural zoning under Curry County’s jurisdiction within the UGB until such time as urban services become available and land is annexed, at which time a city zone shall be applied.
5. Coordinate with Curry County as set forth in the signed joint Urban Growth Area Management Agreement, and follow the processes to continue to coordinate planning between Curry County and the City of Port Orford.
STATEWIDE PLANNING GOAL 15: WILLAMETTE RIVER GREENWAY

Statewide Goal 15, Willamette River Greenway, is not applicable to the City of Port Orford or Curry County.

STATEWIDE PLANNING GOALS 16 – 19: COASTAL

The Coastal Goals include Statewide Goals 16 – 19. In order to comply with the requirements of the coastal goals, the City of Port Orford will utilize the definitions set forth within OAR 660 Division 015, Statewide Planning Goals and Guidelines, to implement Statewide Planning Goals 16 – 19, where those definitions are more specific than those within Municipal Code Title 17.

STATEWIDE PLANNING GOAL 16: ESTUARINE RESOURCES

Statewide Goal #16 applies to designated estuaries and the unique environmental, economic and social values of the estuaries and associated wetlands. The City of Port Orford is not part of a designated estuarine system.

Garrison Lake is a coastal lake, which is defined as a lake in the coastal zone bordered by a dune formation, with direct hydrologic surface or subsurface connection with saltwater. Policies for Garrison Lake and associated wetlands are included in this document within Statewide Goal 6: City Goals and Policies, Air, Water and Land Resources Quality, and in Statewide Goal 17, which provides the Coastal Shorelands Boundary and describes the features included within the Boundary.

STATEWIDE PLANNING GOAL 17: COASTAL SHORELANDS

City Goals

1. Promote the integrity of the coastal shorelands to protect and maintain water quality, fish and wildlife habitat, economic resources and scenic and recreational amenities, and to reduce hazards to life and property.

2. Manage the shoreland areas to be compatible with the characteristics of adjacent coastal waters, and to avoid adverse impacts to adjacent coastal waters.

3. Provide for water-dependent and water-related uses, and for nondependent nonrelated uses, in the city, compatible with existing or committed uses.

4. Provide for water-oriented uses that provide for enhanced views or access to coastal waters in conjunction with water-dependent and water-related uses.

5. Maintain coastal vegetation to reduce erosion and promote natural buffers.
City Policies

1. Include lands contiguous with the ocean and coastal lakes within the Coastal Shorelands Boundary as set forth in OAR 660-015-0010 (2) as follows:
   a. Areas subject to ocean flooding, as mapped by FEMA, and lands within 100 feet of the ocean shore or within 50 feet of Garrison Lake.
   b. Adjacent areas of geologic instability where the geologic instability is related to or will impact a coastal water body.
   c. Natural or manmade riparian resources, especially vegetation necessary to stabilize the shoreline and maintain water quality and temperatures necessary for maintaining fish habitat and spawning areas.
   d. Areas of significant shoreland and wetland biological habitat, where habitat is primarily derived from or related to the association with coastal waters.
   e. Areas necessary for water-dependent and water-related uses, including areas of recreational importance, which utilize coastal water or riparian resources, lands designated for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture.
   f. Areas of exceptional aesthetic or scenic quality where the quality is primarily derived from or related to the association with coastal water.
   g. Coastal headlands.
   h. Specific shoreland areas which have been identified by the city are the ocean beach shorelands, Garrison Lake and associated marsh shorelands, the Heads, the Port of Port Orford, areas adjacent to the ocean that are mapped as hazard areas, areas identified as having geologic instability, and water-dependent and water-related recreational areas associated with Garrison Lake.

2. Define the Coastal Shorelands Boundary generally as shown in the Curry County Comprehensive Plan, and cooperate with Curry County to delineate and utilize digitized mapping for the Shorelands Boundary described as follows:
   a. Lands lying north of the City of Port Orford, within the UGB, defined as being at the top of the sea cliff to the northerly end of Garrison Lake Spit (Curry County Comprehensive Plan Map);
   b. On the Garrison Lake spit the boundary is defined as being a line located 100 feet inland from mean high tide (Curry County Comprehensive Plan Map);
   c. At a point 1,500 feet south of Garrison Lake State Wayside, the boundary crosses the spit to a line defined as being a uniform horizontal distance of 50 feet inland from the ordinary high water mark of Garrison Lake following the entire perimeter of the Lake;
   d. At the south end of the Garrison Lake spit, the boundary is defined as the boundary of the Port Orford Head State Wayside Park to its southeasterly intersection with the top of the sea cliff at Nellie’s Cove;
   e. At the southeasterly corner of Port Orford Heads State Wayside, the boundary is defined as a line, which follows the top of the sea cliff in an easterly direction to the mouth of Gold Run Creek.
   f. From the southeasterly city limits to the southerly limit of the UGB, the coastal shorelands boundary is defined as being at the tip of the sea cliff (Curry County Comprehensive Plan Map).
3. Require property owners to maintain and restore riparian vegetation within the coastal shoreland boundary where development activity is proposed.

4. Support public access and work with Oregon State Parks within shoreland areas as appropriate, to identify vacated rights of way, and to develop easements that provide access to the water, to ocean views and for emergency vehicle access.

5. Protect shorelands which are designated as especially suited for water-dependent development from uses which would commit those shorelands to non-water-dependent uses.

6. Allow water oriented uses in conjunction with and incidental to water-dependent and water-related uses to allow for retail sales, and tourist amenities including, but not limited to restaurants within the Port area and adjacent areas that will attract the public because of enhanced views or access to coastal waters.

7. Support open space and a diverse range of low impact amenities within the shorelands, including but not limited to parks, walkways, boardwalks and viewpoints, while maintaining resource protections.

8. Continue to comply with the requirements of National Flood Insurance Program, amending the ordinance as necessary.

9. Where there are any existing developed commercial/industrial waterfront areas suitable for redevelopment, which are not designated as especially suited for water-dependent uses, the city shall invite the preparation of a plan for these areas to allow for a mix of water-dependent, water-related, and water oriented nondependent uses with public access to the shoreline as funding and options for redevelopment become available.

STATEWIDE PLANNING GOAL 18: BEACHES AND DUNES

City Goals

1. Protect western beaches to the north of the Heads, and beaches to the east and south of the heads.

2. Continue to protect the narrow strand of beach and dune sands ranging from 750 to 1,000 feet in width that separate Garrison Lake from the Pacific Ocean, recognizing that the oceanward side of these stabilized dunes are active growing foredunes.

3. Encourage enhancement of existing dune features and native coastal vegetation to promote natural buffers from high tides and tsunami conditions, while reducing erosion.

4. Reduce hazards to human life and property from natural or man-induced action or development activity associated with beaches and dunes.
City Policies

1. Minimize vegetation removal and activities that would contribute to erosion for any development activity in dune areas.

2. Prohibit residential use, commercial and industrial buildings and development on beaches and dunes, working in conjunction with applicable Curry County, State and Federal agencies.

3. Identify appropriate sites for emergency and public access to the beaches.

4. Protect the groundwater in beach and dune areas to minimize loss of vegetation and loss of water quality, and to prevent intrusion of salt water into water supplies.

5. Issue permits for beachfront protective structures only where development including houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities existed on January 1, 1977, or where an approved exception to the Statewide Planning Goals allowed for residential development, commercial and industrial buildings.

STATEWIDE PLANNING GOAL 19: OCEAN RESOURCES

City Goal

Conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

City Policies

1. Support the Red Fish Rocks Marine Reserve in the territorial sea and the greater marine stewardship area in and around Port Orford, for research, healthy ecological functions, and future economic and social benefits and ecological and economic values.

2. Cooperate with the local fishing industry, educational institutions, research groups, coastal nongovernmental organizations, ODFW, and other State and Federal agencies to utilize and share information and carry out programs to promote understanding of Ocean resources and systems.

3. Support the Port of Port Orford and nongovernmental organizations in developing a nearshore marine research and educational facility in Port Orford.

4. Support the use of ocean resources for sustainable food production, as an economic resource, and as a brand for sustainable seafood production for the community.

5. Cooperate with the Port and nongovernmental organizations in organizing for speakers, educational programs and workshops to share information about the territorial sea, the fishing industry, Marine Reserve programs and other programs that provide forums for information about ocean resources.
6. Support exploration of areas having characteristics suitable for aquaculture and the development of aquaculture facilities in the Port Orford Community Stewardship Area. Explore areas having characteristics suitable for aquaculture.

PORT ORFORD GOALS FOR COASTAL RESILIENCE

City Goals

1. Include pre-and post-tsunami disaster planning as part of planning process.

2. Support tsunami preparedness and related resilience efforts.

3. Take reasonable measures to protect life and property to the fullest extent feasible, from the impact of a tsunami.

4. Adopt the latest Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps of the City of Port Orford.

5. Adopt a Tsunami Hazard Overlay Zone.

6. Identify locations, and secure property above the tsunami inundation zone for temporary housing, business and community functions post event, including but not limited to Oregon State Parks, Coos Curry Electric and Cape Blanco Airport.

City Evacuation and Assembly Location Policies

1. Utilize potential land subsidence projections, utilizing mapping from DOGAMI to plan for evacuation routes.

2. Adopt a tsunami evacuation route plan identifying current and projected evacuation needs, designating routes and assembly areas. Identify needed improvements.

3. Consider placement permits for storage and shelter facilities and other temporary housing to ensure that planning incorporates shelter facilities and storage that will be needed.

4. Provide road development or other incentives to property owners that donate land or provide easements for evacuation routes, assembly areas, and potential shelters.

5. Incorporate signing for routes (way finding in all weather and lighting conditions), needed vegetation management, and considerations for downed power poles.

6. Work with organizations and neighboring jurisdictions to identify inter-jurisdictional evacuation routes and assembly areas where feasible

7. Seek funding opportunities to plan for and develop vertical evacuation structures in areas where reaching high ground is impractical.
8. Seek funding opportunities for multi-use paths and roads as an element of tsunami evacuation route planning.

9. Provide informational materials related to tsunami evacuation routes to the public.

10. Consider policies that incorporate dedications for evacuation routes in proposed new developments.

11. Consider temporary housing, and other options for carrying out business and community functions in response to a tsunami event.

City Development Policies in High Risk Areas

1. Prohibit increased residential density zoning and intensive uses in tsunami hazard areas except where mitigation for life safety and tsunami resistant structure design and construction is implemented.

2. Comply with seismic structural components for development of new essential facilities as set forth in ORS 445.466 - 455.477, and any additional lands included in the City’s Tsunami Hazard Overlay Zone.

3. Encourage building techniques that address tsunami peak hydraulic forces which will minimize impacts and increase the likelihood that structures will remain in place.

4. Encourage enhancement of existing dune features and native coastal vegetation to promote natural buffers and reduce erosion.

City Hazard Mitigation Policies

1. Support tsunami hazards and resilience strategies within the community’s FEMA approved hazard mitigation plan.

2. Maintain Comprehensive Plan policies that ensure hazard mitigation plan action items related to land use.

City Tsunami Awareness Education and Outreach Policies

1. Encourage and support tsunami education and outreach, training and practice.

2. Encourage a comprehensive and ongoing tsunami preparedness community education and outreach program.

3. Collaborate with local, state and federal planners and emergency managers for the purpose of developing a culture of preparedness supporting evacuation route planning and other land use measures that minimize risk and maximize resilience.
City Debris Management Policies

Identify needs and organize policies for a debris management program along with public and private entities, to include options for use of heavy equipment following a tsunami.
In all other respects, The Port Orford Comprehensive Plan I remain the same and in full force and effect.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 16th Day of May 2019 by the following vote:

Yes: ____________________________________________________________

No: ____________________________________________________________

Abstain: ___________________________________________________________________________ Passed: ____ Failed: ___

________________________
Tim Pogwizd
Mayor of the City of Port Orford
Curry County Oregon

ATTEST:

________________________
Terrie Richards
City Recorder of the City of Port Orford
Curry County Oregon
ORDINANCE 2019-04

AN ORDINANCE OF THE CITY OF PORT ORFORD, OREGON ADOPTING AMENDMENTS TO THE PORT ORFORD ZONING MAP OF MARCH 2008

Be it ordained by the Common Council of the City of Port Orford that the Zoning Map of March 2008 be amended to incorporate the Tsunami Hazard Overlay Zone (Chapter 17.46) to reflect changes set forth in Ordinance 2019-02 as follows:

Ordinance 2019-02 New Chapter Added: Municipal Code – Chapter 17.46 Tsunami Hazard Zone to be added as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Abbreviated Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tsunami Hazard Overlay Zone</td>
<td>Chapter 17.46</td>
</tr>
</tbody>
</table>

Ordinance #278 – Article II: Municipal Code – Chapter 17.46, Tsunami Hazard Overlay Zone is amended by adding to Chapter 17, to read as follows:

Sections:
17.46.010 Purpose
17.46.020 Definitions
17.46.030 Applicability of Tsunami Hazard Overlay Zone
17.46.040 Uses
17.46.050 Prohibited Uses
17.46.060 Existing Uses
17.46.070 Use Exceptions
17.46.080 Evacuation Route Improvement Requirements

The red area on the attached map of the Comprehensive Plan is therefore now changed to add the Tsunami Hazard Overlay Zone.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 16th day of May, 2019.

Yes: ________________________________

No: ________________________________

Abstain: ________________________________

______________________________
Tim Pogwizd
Mayor of the City of Port Orford
Curry County Oregon

______________________________
Shala McKenzie-Kudlac
City Attorney of the City of Port Orford

______________________________
Terrie Richards
City Recorder of the City of Port Orford
Curry County Oregon
City of Port Orford Tsunami Hazard Overlay Map

The Tsunami Regulatory Line identifies lands that will be subject to the provisions of Port Orford Municipal Code, Chapter 17.46, Tsunami Hazard Overlay Zone.
CITY OF PORT ORFORD

CITY COUNCIL AGENDA DOCUMENTATION

SUBJECT: Dark Sky Ordinance

BACKGROUND:

Gold Beach Lumber installed security lights on their new warehouse building at the time of construction. They state that the City Public Works Superintendent approved the lights. There are now signed documents to prove the statement.

The lights are very bright and do not comply with the Dark Sky Ordinance. Neighbors made a complaint a letter was sent and a meeting was made to discuss the issue.

Neighbors offered to help with the expense to fix the problem but the owners of Gold Beach Lumber refused to comply.

The Council instructed legal counsel to send a letter regarding the issue – attached.

Their legal counsel sent a letter in response – attached

Nothing has worked to gain compliance from Gold Beach Lumber

FISCAL IMPACT:
None

RECOMMENDATION:

SUBMITTED BY:

Terrie Richards, City Recorder
March 21, 2019

Gold Beach Lumber
Attn: Ryan Ringer, Registered Agent
28680 Hunter Creek Lp.
Gold Beach, OR 9744

Re: City of Port Orford Violation

Dear Mr. Ringer:

I am reaching out to you on behalf of the City of Port Orford. It has come to City Council’s attention that there is Dark Sky Ordinance issue with your business, Gold Beach Lumber, located within the City limits. We have received information from a neighboring property owner that the light which shines South onto the yard area is directly affecting his property.

As you may know, Port Orford adopted a Dark Sky Ordinance several years ago which is applicable across the City. I have enclosed a copy for your quick reference. The neighbor, Mr. Rowland Willis has stated he has reached out to you and the two of you were quite close to a resolution, which then fell through. Your willingness to work with him is appreciated and it is hoped that this letter will spur your interest in following through with that solution.

The City does have the ability to cite violators of their ordinances and it is believed that your lighting is in violation of the code. In an effort to resolve this matter short of a citation to appear in municipal court, it is requested that you either move the offending light or direct it downward so that it doesn’t interfere with the enjoyment of neighboring properties. If not resolved within 30 days, a citation will be issued.

Thank you for your anticipated cooperation with this letter.

Warm Regards,

Shala M. Kudlac

Enc.
Co: Terrie Richards, City Administrator, City of Port Orford, File
construct a sign with a total sign face area of twenty-five (25) square feet or larger shall be twenty-five dollars ($25.00).

B. Annual Permit Fee. Each sign is required to have a permit shall be subject to an annual permit fee of five dollars ($5.00) on which shall be due and payable on the first of July of each fiscal year. (Ord. 2001-02 § 3, 2001)

15.16.260 Violations - Penalties.

A. The conviction of any person for violation of any of the provision of this chapter shall not operate to relieve such person from paying any fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such fee be a bar to or prevent any prosecution in any court of competent jurisdiction of any complaint for the violation of any of the provisions of this chapter.

B. Any person violating any of the provisions of this chapter shall upon conviction thereof in any court of competent jurisdiction, be punished by a fine of not to exceed five hundred dollars ($500.00).

C. Nuisance and Injunction, Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

D. Removal if Unsafe or Illegal Signs by City. If the City's building inspector shall find that any sign or sign structure regulated herein is unsafe or insecure or has been constructed or erected or is being maintained in violation of the provisions of this chapter or of the building code of this City, he shall give written notice to the sign permit holder or, if there is no sign permit holder, to owner of the site. If the sign permit holder or the owner of the site fails to remove or alter the sign or sign structure so as to comply with the provision of this chapter or the building code within thirty (30) days after such notice, such sign or sign structure is declared a nuisance and may be removed or altered to comply by the City at the expense of the sign permit holder or the site owner. (Ord. 367-87 § 505, 1987)

ARTICLE VI DARK SKY

15.16.270 Outdoor Lighting

A. Purpose. The purpose of this provision is to make outdoor lighting used for residential, commercial and public areas appropriate to the need, and to minimize light from shining skyward or offsite onto adjacent public rights of way or private properties. Nothing in this ordinance should be interpreted to restrict the amount of lighting necessary for safe and efficient operations. Further, it is to encourage through regulation of type, kinds, construction and uses of outdoor illumination devices, lighting practices and systems to conserve energy without decreasing safety, utility, security and productivity while enhancing nighttime (dark skies) enjoyment of property within the city of Port Orford.

B. Definitions. The “IES” (Illuminating Engineering Society of North America) Lighting Handbook, most recent edition and the City of Port Orford Development Code and Building Code shall be used for the definition of terms used in this Ordinance but not defined herein. In the case where a definition of a term is found to be in conflict with a definition or term in any other ordinance, “IES” Handbook or regulation, the more restrictive definition will apply.

Capped. “Capped” applies to residential porch lights of 60 watts or less or the incandescent equivalent and means the fixture has a cover over the top but doesn't mean the entire horizontal portion of the lamp or bulb must be covered.

Full Cutoff. “Full Cutoff” means a light fixture designed and constructed so that light is directed down and no light is
Fixture. “Fixture” means the assembly that holds the lamp or bulb in a lighting system.

Glare. “Glare” means stray unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; (d) reduction of visual performance.

Installed. “Installed” means initial installation of outdoor lighting fixtures, poles, electrical wiring and related mounting equipment following the effective date of this Ordinance. Projects with approved construction plans prior to the effective date of this Ordinance are excluded from compliance with the ordinance in the initial installation only.

Lamp or bulb. “Lamp or bulb” means the light producing source installed in the socket portion of a fixture.

Recessed. “Recessed” means When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the lamp or bulb extends or protrudes beyond the underside of a structure or portion of a structure.

Replacement. “Replacement” means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket, wall, tree or other structure. Replacement does NOT mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.

Safety / Security. “Safety / Security” means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cutoff light fixtures above doors, loading areas, building access points and safety areas.

Shielding. “Shielding” means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination skyward or onto adjacent or nearby property.

Unshielded. “Unshielded” means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare skyward or onto adjacent or nearby property.

Uplighted. “Uplighted” means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an adjacent or nearby building element, sign, shrub, tree or other landscaping.

C. Submittals. All applications for building permits or land use planning review which include installation of outdoor lighting fixtures shall comply with the provisions of this Ordinance. The Planning Director and/or the City Administrator shall have the authority to request additional information in order to achieve the purposes of this Ordinance. The applicant shall, by signing the permit application, agree to comply with the provisions of this Ordinance, a copy of which shall be provided with the application packet.

D. Requirements for Installation. Except as exempted by provision of this Ordinance, as of the effective date of this Ordinance, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance.

E. Shielding. All nonexempt lighting fixtures subject to this Ordinance shall be designed
as a full cutoff fixture or have a shielding or recessed method to direct light emissions down onto the site and minimize illumination or glare onto adjacent properties or skyward.

1. Any and all franchised or leased mercury vapor style security lights serviced by Coos Curry Electric Cooperative Inc., or privately operated in the public, private, or commercial sectors, inside the city limits of Port Orford must be retro-fitted with skycaps or replaced with a full cutoff fixture, or decommissioned within 18 months after the effective date of this Ordinance.

2. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination or glare onto adjacent properties or skyward is minimized.

3. All outdoor fixtures, except porch lights, using lights of more than 60 watts, (or the incandescent equivalent of 60 watts) such as but not limited to, entrance lights, walkway lights and driveway lights must be shielded, recessed, capped or under a canopy.

4. Porch lights installed adjacent to entry doors are encouraged to use as low wattage as possible to accomplish the purpose of the light.

F. Commercial Business Lighting. Nothing in this ordinance should be interpreted to restrict lighting necessary to conduct business in a safe and efficient manner. Businesses are encouraged to turn off parking lot lights, building lights, signs, landscaping lights and other similar exterior lighting features, except for lights necessary for personal and building safety during the hours that the business is closed.

G. Prohibitions.

1. Laser Light Source. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

2. Searchlights. The use of searchlights for purposes other than public safety or emergencies is prohibited.

3. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, public safety or emergencies are prohibited.

H. EXEMPTIONS.

1. Nonconformance.
   a. Outdoor light fixtures, except Mercury Vapor lights, lawfully installed prior to and operable on the effective date of the requirements codified in this Ordinance are exempt from such requirements except as follows:

   b. Strings of decorative lights less than 15 watts (or the incandescent equivalent of 15 watts) per individual bulb are exempt from the requirements of this Ordinance.

   c. Carnivals, fairs and temporary events that require the use of outdoor lighting require a city permit. Permanent installations at dedicated sites must conform to the requirements of this Ordinance.

   d. Lighting for a properly displayed U.S. flag is exempt.

   e. Temporary exemptions as granted by the City of Port Orford.
f. Construction lighting necessary for an allowed use is exempt except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.

I. Enforcement, Abatement & Penalties. Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged. As a last resort, non conformance with this Ordinance will be enforced according to the Port Orford Municipal Code Chapter 8.04, Nuisance. (Ord.2010-01 Amend. Ord. 367-87 § VI, 2010)
May 13, 2019

Shala M. Kudlac, Esq.
P.O. Box 38
Bandon, Oregon 97411

RE: Gold Beach Lumber, Inc. / Alleged Violation “Dark Sky”

Dear Ms. Kudlac:

I represent the legal interests of Gold Beach Lumber, Inc., and in regard to your notice of an alleged violation of the “Dark Sky” ordinance the corporation responds that the security lighting an unidentified neighboring property owner apparently complained about was designed and installed with full consultation with the City of Port Orford for both type compliance and location and purpose of lighting in a commercial zone and commercial usage of the premises.

The lighting is deemed necessary for business and building safety and for protection from unauthorized entry and protection of inventory and premises damage or intrusion.

The corporation makes every effort to be a good business citizen of Port Orford and made sure when improving and operating its property that security lighting was appropriate to its purpose and the requirements of City Officials and code compliance.

The corporation feels that maintaining a lit and visible area during hours when the business personnel are not on the premises is in the best interest of the public, serves public safety and protects its business investment. Our client certainly felt that the installation and location of lighting that was specifically ordered and installed as approved complied with both the reasonable expectation of the citizens of Port Orford and the in strict compliance with engineering and all City ordinances.

Sincerely,

Charles M. McNair, Counsel

Cc: client
COMPLAINANT: Mr Rowland Willis
ADDRESS: 611 19th Street, Port Orford
PHONE NO: 541 366 0042

COMPLAINT: After following recommended protocol for over 2 years regarding the 2 LED lights (Gold Beach lumen) shining into my backyard. The Dark Sky Ordinance has not worked for me. So while the DSO is being reviewed, I would like to proceed as follows.

I am asking that we move forward with 8.040.050 (Unenumerated Nuisances).

I need to address the Council (18th of July) to hopefully secure a determination that the lights are in fact a nuisance.

If successful with the above, I would like to proceed with 8.040.060 towards until the nuisance is resolved.

One picture of issue is attached
Print out of above. + def of Nuisance.
Severe Light trespass.

After following recommended protocol for over 2 years regarding the two bright lights (Gold Beach Lumber) shining in my yard (611, 19th Street). The Dark Sky Ordinance has not worked for me, even though I believe it could have, if enforced as written. So while the ordinance is under review I would like to proceed as follows - .

I am asking that we move forward with 8.04.050 (Unenumerated nuisances). I need to address the council (18th of July) to hopefully secure a determination that the lights are in fact creating a nuisance. If successful with the above, I would like to proceed with 8.04.060 onwards until the nuisance is resolved.

Definition of Nuisance.

Under common law, it is recognized that persons are entitled to “use and enjoyment” of their lands. If one property owner uses their land in a way that interferes with the use and/or enjoyment of another, the affected party may be entitled to a legal claim of nuisance and mitigation of its cause.
BACKGROUND:
It is the responsibility of the Council to approve or deny all new liquor license applications.
PHO 101, Long N. Lee and Acey R. Johnson, makes this application for a restaurant located at 190 6th Street.

FISCAL IMPACT:
Yearly Business License

RECOMMENDATION:
Approve the Liquor License for PHO 101 as presented

SUBMITTED BY:
Terrie Richards, City Recorder
1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

<table>
<thead>
<tr>
<th>License Applied For:</th>
<th>CITY AND COUNTY USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Brewery 1st Location</td>
<td>Date application received:</td>
</tr>
<tr>
<td>☐ Brewery 2nd Location</td>
<td></td>
</tr>
<tr>
<td>☐ Brewery 3rd Location</td>
<td>Name of City or County:</td>
</tr>
<tr>
<td>☐ Brewery-Public House 1st location</td>
<td></td>
</tr>
<tr>
<td>☐ Brewery-Public House 2nd location</td>
<td></td>
</tr>
<tr>
<td>☐ Brewery-Public House 3rd location</td>
<td></td>
</tr>
<tr>
<td>☐ Distillery</td>
<td>Recommends this license be:</td>
</tr>
<tr>
<td>☐ Full On-Premises, Commercial</td>
<td>☐ Granted ☐ Denied</td>
</tr>
<tr>
<td>☐ Full On-Premises, Caterer</td>
<td>By:</td>
</tr>
<tr>
<td>☐ Full On-Premises, Passenger Carrier</td>
<td>Date:</td>
</tr>
<tr>
<td>☐ Full On-Premises, Other Public Location</td>
<td></td>
</tr>
<tr>
<td>☐ Full On-Premises, For Profit Private Club</td>
<td></td>
</tr>
<tr>
<td>☐ Full On-Premises, Nonprofit Private Club</td>
<td></td>
</tr>
<tr>
<td>☐ Grower Sales Privilege 1st location</td>
<td></td>
</tr>
<tr>
<td>☐ Grower Sales Privilege 2nd location</td>
<td></td>
</tr>
<tr>
<td>☐ Grower Sales Privilege 3rd location</td>
<td></td>
</tr>
<tr>
<td>☒ Limited On-Premises</td>
<td>OLCC USE ONLY</td>
</tr>
<tr>
<td>☐ Off-Premises</td>
<td>Date application received:</td>
</tr>
<tr>
<td>☐ Off-Premises with Fuel Pumps</td>
<td>6/21/19</td>
</tr>
<tr>
<td>☐ Warehouse</td>
<td>By:</td>
</tr>
<tr>
<td>☐ Wholesale Malt Beverage &amp; Wine</td>
<td></td>
</tr>
<tr>
<td>☐ Winery 1st Location</td>
<td>Date application accepted as initially complete:</td>
</tr>
<tr>
<td>☐ Winery 2nd Location</td>
<td>6/21/19</td>
</tr>
<tr>
<td>☐ Winery 3rd Location</td>
<td>By:</td>
</tr>
</tbody>
</table>

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

(Applicant #1) Ratu Investments LLC

(Applicant #2)  

(Applicant #3)  

(Applicant #4)  

OLCC USE ONLY

OLCC FINANCIAL SERVICES USE ONLY
### LIQUOR LICENSE APPLICATION

<table>
<thead>
<tr>
<th>3. Applicant #1</th>
<th>Applicant #2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raty Investments LLC</td>
<td></td>
</tr>
<tr>
<td>Applicant #3</td>
<td>Applicant #4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Trade Name of the Business (Name Customers Will See)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pho 101</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Business Address (Number and Street Address of the Location that will have the liquor license)</th>
</tr>
</thead>
<tbody>
<tr>
<td>190 6th St</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>County</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Orford</td>
<td>Curry</td>
<td>97466</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Does the business address currently have an OLCC liquor license?</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ YES □ NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. Does the business address currently have an OLCC marijuana license?</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ YES □ NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail)</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.O. Box 47</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Orford</td>
<td>OR</td>
<td>97466</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9. Phone Number of the Business Location</th>
<th>Email Contact for this Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>720-987-8532</td>
<td><a href="mailto:longlee1089@yahoo.com">longlee1089@yahoo.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Person for this Application</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long N. Lee</td>
<td>720-987-8532</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.O. Box 47</td>
<td>Port Orford</td>
<td>OR</td>
<td>97466</td>
</tr>
</tbody>
</table>

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

**Applicant Signature(s)**

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

(Applicant #1) 
(Applicant #2) 
(Applicant #3) 
(Applicant #4)
OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Long N. Lee & James R. Johnson
Phone: 720-987-8352

Trade Name (dba): Pho 101

Business Location Address: 190 4th St

City: Port Orchard, WA
ZIP Code: 98366

DAYS AND HOURS OF OPERATION

<table>
<thead>
<tr>
<th>Business Hours:</th>
<th>Outdoor Area Hours:</th>
<th>The outdoor area is used for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday 11 to 8</td>
<td>Sunday ______ to ______</td>
<td>□ Food service Hours: ______ to ______</td>
</tr>
<tr>
<td>Monday 11 to 8</td>
<td>Monday ______ to ______</td>
<td>□ Alcohol service Hours: ______ to ______</td>
</tr>
<tr>
<td>Tuesday 11 to 8</td>
<td>Tuesday ______ to ______</td>
<td>□ Enclosed, how ______</td>
</tr>
<tr>
<td>Wednesday 11 to 8</td>
<td>Wednesday ______ to ______</td>
<td>The exterior area is adequately viewed and/or supervised by Service Personnel.</td>
</tr>
<tr>
<td>Thursday 11 to 8</td>
<td>Thursday ______ to ______</td>
<td>(Investigator's Initials)</td>
</tr>
<tr>
<td>Friday 11 to 8</td>
<td>Friday ______ to ______</td>
<td></td>
</tr>
<tr>
<td>Saturday 11 to 8</td>
<td>Saturday ______ to ______</td>
<td></td>
</tr>
</tbody>
</table>

Seasonal Variations: □ Yes □ No If yes, explain: __________________________

ENTERTAINMENT
Check all that apply:

□ Live Music
□ Recorded Music
□ DJ Music
□ Dancing
□ Nude Entertainers
□ Karaoke
□ Coin-operated Games
□ Video Lottery Machines
□ Social Gaming
□ Pool Tables
□ Other: __________________________

DAYS & HOURS OF LIVE OR DJ MUSIC

<table>
<thead>
<tr>
<th>Days</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday</td>
<td>______ to ______</td>
</tr>
<tr>
<td>Monday</td>
<td>______ to ______</td>
</tr>
<tr>
<td>Tuesday</td>
<td>______ to ______</td>
</tr>
<tr>
<td>Wednesday</td>
<td>______ to ______</td>
</tr>
<tr>
<td>Thursday</td>
<td>______ to ______</td>
</tr>
<tr>
<td>Friday</td>
<td>______ to ______</td>
</tr>
<tr>
<td>Saturday</td>
<td>______ to ______</td>
</tr>
</tbody>
</table>

SEATING COUNT

<table>
<thead>
<tr>
<th>Type</th>
<th>Seating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant</td>
<td>40</td>
</tr>
<tr>
<td>Lounge</td>
<td>______</td>
</tr>
<tr>
<td>Banquet</td>
<td>______</td>
</tr>
<tr>
<td>Total Seating</td>
<td>40</td>
</tr>
</tbody>
</table>

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: __________________________
Date: 5-6-19

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)
SUBJECT: Port Orford Community Building

BACKGROUND:
A committee was formed by the Rotary Club of Port Orford to address the needs of the Community Building.
A grant was received to bring in an Architect to make some assessment, listen to the desires of the committee and present a concept design.
A presentation was made to the public of the concept design and comments were taken.
A second presentation was made at a joint Parks Commission and City Council meeting; open to the public. Comments and concerns were taken.
Overall, this project has taken about a year and a half of meetings to come up with the concept design.

FISCAL IMPACT:
It is the hope of the committee and Rotary to complete this project with grants, fundraisers and donations.

RECOMMENDATION:
Move to approve the concept design and give permission to move forward with the project.

SUBMITTED BY:
Terrie Richards, City Recorder
COMMUNITY BUILDING

DRAWINGS – 3d Concept Renderings
## PORT ORFORD COMMUNITY BUILDING - CONCEPT DESIGN

### PORT ORFORD, OREGON

**BUILDING SIZE:**

<table>
<thead>
<tr>
<th>Building</th>
<th>Width</th>
<th>Depth</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Building</td>
<td>50</td>
<td>80</td>
<td>4,000 sf</td>
</tr>
<tr>
<td>Commons Vestibule</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entry Vestibule Addition</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restroom/Storage Infill</td>
<td>750</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Building Area** 4,925 sf

### CONSTRUCTION COSTS:

**Site Improvements:**
- $65,900

**Building Improvements:**
- Improvements from Needs Assessment Cost Estimate: $599,585
- Adjustment for work not required from Needs Assessment: $(36,625)
- Restroom Infill and Vestibule Additions, Platform Replacement: $237,500

**SUB TOTAL** $866,360

**Contingency 10%** $86,636

**SUB TOTAL CONSTRUCTION COSTS** $952,996

### DEVELOPMENT COSTS:

- Furniture, Fixtures & Equipment: 10 sf, $40,000
- Architect/Engineer Fees: 12%, $114,360
- Permits, Fees: 2%, $19,060
- Special Inspection: $3,500
- Soft cost contingency: 5%, $43,318

**Development Cost Subtotal** $220,237

**Total Project Cost Estimate** $1,173,233

*New Construction - Building of Similar Size* $2,400,938

(not including land cost)
SUBJECT: Workers Comp Coverage to Volunteers

BACKGROUND:
It is required by ORS workers compensation coverage be provided to volunteer workers.
A resolution approving this coverage is also a requirement and should have been approved in June with the other budget resolutions. Unfortunately, it was missed.

RECOMMENDATION:
Approve Resolution 2020-01 as presented

SUBMITTED BY:

Terrie Richards, City Recorder
RESOLUTION 2020-01

A RESOLUTION EXTENDING CITY OF PORT ORFORD’S WORKERS’ COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF PORT ORFORD

WHEREAS, a resolution extending workers’ compensation coverage to volunteers of the City of Port Orford in which the City of Port Orford elects the following:

Pursuant to ORS 656.031, workers’ compensation coverage will be provided to the classes of volunteer workers listed in this resolution, noted on CIS payroll and verified at audit.

1. **Public Safety Volunteers**. An assumed monthly wage of $800 per month will be used for Public Safety Reserve volunteers; and
2. An aggregate assumed annual wage of $2,500 will be used per Volunteer Board, Commission and/or Council for the performance of administrative duties. The Port Orford covered bodies are: (a) Common Council, (b) Parks Commission, (c) Planning Commission, (d) Budget Committee, (e) TLT Committee, (f) Historical Landmark Advisory Commission; and
3. **Manual Labor by Elected Officials**. An assumed monthly wage of $800.00 per month for each volunteer; and
4. **All Non-public Safety Volunteers** listed will keep track of their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code to the type of volunteer work being performed by (a) Parks and Recreation, (b) Volunteer clerical; and
5. **Public Events** – Non-applicable; and
6. **Community Service Volunteers/Inmates** – Non-applicable; and
7. **Other Volunteers**. Unanticipated volunteer exposures not addressed herein will have workers’ compensation coverage if, prior to the onset of the work provided the City of Port Orford: (a) provides at least two weeks’ advance, written notice to CIS underwriting requesting the coverage, (b) CIS approves the coverage and date of coverage, and (c) CIS provides written confirmation of coverage.

The City of Port Orford agrees to maintain verifiable rosters for all volunteers including volunteer name, date and hours of service and make them available at the time of a claim or audit to verify coverage.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Port Orford to provide for workers’ compensation insurance coverage as indicated above. This resolution will be updated annually.

**ADOPTED** by the Common Council of the City of Port Orford and effective this 18th day of July, 2019.

**ATTEST:**

__________________________________________
Terrie Richards, City Recorder

__________________________________________
Mayor, Tim Pogwizd

Resolution 2020-01 Volunteer Workers’ Compensation
July 18, 2019
Page 1 of 1
BACKGROUND:

The Right-of-Way (ROW) process has been an issue for quite some time. January of 2012 a resolution (2012-05) was created to clarify the process making it the responsibility of the City Administrator after consulting with Public Works and the Chief of Police. The resolution also allowed the applicant or others affected by a decision of the City Administrator to appeal to the City Council. August 2014 by the vote of the sitting council (5-1) to change the ROW process to go as follows:

First – City Administrator
Second – Police Department
Third – Public Works
Fourth – Planning Commission
Fifth – City Council

A resolution amending RES 2012-05 not found.

May 2019 by a unanimous vote of the sitting council to eliminate the Planning Commission from the ROW process. No resolution amendment at this time.

FISCAL IMPACT:
None

RECOMMENDATION:

Approve RES 2020-02 amending the January 2012 vote of the council and remove the Planning Commission from the ROW process.
RESOLUTION 2012-05
RIGHT OF WAY USE LICENSE POLICY

Whereas, the City of Port Orford has a Right of Way Use License program, and
Whereas, the City of Port Orford wishes to clarify the process of requesting a Right of Way Usage License, and
Whereas, the City of Port Orford required all private use of City Right of Ways to be under a Right of Way Usage License, and
Whereas, a cumbersome process discourages compliance with the Right of Way Usage License program, and
Whereas, the City of Port Orford intends to make the Right of Way Usage License Request policy as straightforward, clear, and as understandable as possible;

NOW THEREFORE,

BE IT RESOLVED that the Common Council of the City of Port Orford hereby adopts the following policy on Right of Way Usage License requests:

The decision will be made by the City Administrator after consultation with the Public Works Superintendent, and the Chief of Police, or their duly designated representatives.

The decision of the City Administrator may be appealed to the City Council by the applicant, an adjoining property owner, or at an adversely affected citizen of the City of Port Orford. Citizens initiating the appeal are expected to present their case before the City Council.

For an appeal to be timely it must be filed in writing and within 30 days of the decision of the City Administrator. The Council may hear informal complaints of right-of-way usage at any Council meeting during Citizen Considerations. The City retains the ability to modify, amend or revoke Right-of-Way Use License

ADOPTED by the Common Council of the City of Port Orford and effective this 12th day of January 2012.

ATTEST:

Beverley Manes, City Recorder

Resolution 2012-05, City of Port Orford Right of Way Usage License policy
January 12, 2012
Page 1 of 1
5) Watershed/Lake/Health District
McArdle stated he had nothing to report

6) Port/Redfish Rock/POORT
Schofield stated we had successful dredging and removed 45,000 yards of sand. The Ports commissions meetings are twice a month now. We are being helped with the grant writing process and we have some good news about our possibilities.

7) Curry County
The commissioners are all at a County Commissioners meeting.

6. Old Business

7. New Business

a. Discuss Approval of a Right of Way Permit Request

It was recommended that the request go first to the Planning Commission, then the Police Department, the City Administrator for a Public Works Approval, then to the Council. Councilor McArdle would go along.

MOTION: Councilor Clancy moved to approve the Right of Way Permit Request steps as Planning, Police, Public Works, then City Council for approval. Councilor Pogwizd seconded the motion.

Roll Call Vote:
Ayes: Clancy, Billings, Pogwizd, MacLeod, Schofield
Nays: McArdle
Motion Passed: 5 to 1

Councilor Clancy asked permission to leave as she had a dog she was caring for in her car and the dog was being noisy. She was given permission.

b. Approve Joint Resolution 2015-02 with the Port of Port Orford

The Mayor stated the parties determined the resolution was unnecessary and the meeting would be held on September 11, 2014. It was dropped.

The Mayor then called for item d.

d. Approve Municipal Lease Option Agreement to Lease a Police Car for purchase.

MOTION: Councilor Pogwizd moved to approve the Lease Option Agreement with our Attorney's approval. Councilor Schofield seconded the motion.

Roll Call Vote:
Ayes: Schofield, McArdle, MacLeod, Billings, Pogwizd
Motion Passed: 5 to 0

The car costs $38,000 and we can lease a car for $13,000 a year and we will own it in three years.

c. Mary Jane La Belle had stated she would like to have the Ambulance Bay painted as the paint is peeling off. It has been painted twice in the last three years Dave Johnson explained and the last time we
RESOLUTION 2020-02
RIGHT OF WAY USE LICENSE POLICY
REPEALING COUNCIL DECISION OF JANUARY 2012
REMOVING THE PLANNING COMMISSION FROM THE PROCESS

Whereas, the City of Port Orford has a Right of Way Use License program, and
Whereas, the City of Port Orford wishes to clarify the process of requesting a Right of Way Usage License, and
Whereas, the City of Port Orford requires all private use of City Rights of Way to be under a Right of Way Usage License, and
Whereas, a cumbersome process discourages compliance with the Right of Way Usage License program, and
Whereas, the City of Port Orford intends to make the Right of Way Usage License Request policy as straightforward, clear, and as understandable as possible;

NOW THEREFORE,

BE IT RESOLVED that the Common Council of the City of Port Orford hereby adopt the following policy on Right of Way Usage License requests:

The decision will be made by the City Administrator after consultation with the Public Works Lead, and Chief of Police, or their duly designated representatives. The request then goes to the City Council for final approval.

The decision of the City may be appealed to the City Council by the applicant, an adjoining property owner, or an adversely affected citizen of the City of Port Orford. Citizens initiating the appeal are expected to present their case before the City Council.

For an appeal to be timely, it must be filed in writing and within 14 days of the decision of the City Council. The Council may hear informal complaints of right-of-way usage at any Council meeting during Citizen Concerns. The City retains the ability to modify, amend or revoke Right-of-Way Use licenses.

ADOPTED by the Common Council of the City of Port Orford and effective this 20th day of July 2019.

Tim Pogwizd, Mayor

ATTEST:

Terrie Richards, City Recorder
City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

07/18/19

SUBJECT: Park Host Application

ITEM NO: 8.e

BACKGROUND:

October 2018 a Park Host was hired for Buffington Park; they decided to move on in June 2019. Immediately an ad was placed and four applications received.

First week of July, an interview committee of the Parks Commission interviewed the applicants.

The Parks Commission has asked for a background check – pending the results the Parks Commission would like to recommend to the council Mr. Richard Tessier as the Port Orford Park Host.

Richard is from Gold Beach. He studied Social Science in Junior College and is a Marine Veteran. Richard worked for the Shell Station here in Port Orford from 2013 to its closing.

Attached are the duties and expectations of the Park Host.

RECOMMENDATION:

Move to appoint Mr. Tessier as Park Host for Buffington Park

SUBMITTED BY:

Terrie Richards

Terrie Richards, City Recorder
CITY OF PORT ORFORD
BUFFINGTON PARK
PARK HOST DUTIES & EXPECTATIONS

A complete background check will be done on all Park Hosts being considered for the position. Fingerprinting will be done and the prospective Host will sign a waiver for the Chief of Police to use in this background check.

The Park Host will live in Buffington Park at the RV site provided by the City of Port Orford. Electricity, water, and sewer hookup will be provided.

Park grounds surrounding the RV site: the grounds on which the Host’s RV is parked is the property of the city and a part of the park. The foot traffic to the area is high due to its location near the public restrooms, the playground area, and the baseball field. The duties of the Park Host require them to keep all park grounds tidy and free of trash, unnecessary debris, weeds, etc. This also applies to the area on which the Park Host RV is placed. Since this is probably the most frequented area of the park, it, especially, should have special attention.

The host will be required to be available at the park 5 days per week to perform light maintenance tasks in the park. Some of the duties may be seasonal.

During the winter when fewer duties are required, the host should walk through the park several times a day to check for hazards, pick up trash, and generally make his/her presence known.

The Host will immediately report any inappropriate activity observed in the park to the City Administrator or the Police Chief.

The Host will also report any hazards, vandalism, issues to the Public Works Lead Person as soon as possible. Crime and vandalism need to be reported to the Police Chief. The Host will also maintain open communication with the Public Works Lead Person and notify when supplies or materials are needed.

It is preferable that the host alternate days off each week so that it is not generally known to the public when the host is off duty or away from the park.

The length of time that the Park Host will serve will be at the discretion of the Parks Commission or the City Council unless the Park Host chooses to vacate the position.

Duties and light maintenance tasks may include:

1. Litter pick-up in the park
2. Watering certain areas or newly planted trees when dry
3. Mowing and weed eating
4. Cleaning the restrooms daily
5. Emptying trash cans
6. Meet and greet the public, hand out play equipment

The list of light maintenance tasks may change in that certain duties may be deleted or new ones added at the discretion of the Parks Commission/City Council.

Instructions regarding the Host’s responsibilities and reactions relating to anyone committing an inappropriate act in the park will be provided by the Police Chief/City Administrator.

March 1, 2010
PARKS COMMISSION
Park Host Expectations

The Park Host lives in a public park surrounded by many children and adults who move freely about the park from one area to another. These visitors to the park have an expectation to be safe while enjoying the park provided by the city. The Park Host, who resides on public property surrounded by visitors to the park, cannot expect to enjoy the same privacy and living arrangements as one would have on private property. Therefore, specific expectations regarding Code of Conduct, Duties, and Living Arrangements that would be compatible with living in such a public area must be established, these specific expectations may need to be changed or added as the future need dictates.

**Code of Conduct:** The Park Host is a representative of the City of Port Orford. The Park Host should be a model for all visitors in the park. The Park Host should always meet, greet, and interact with all visitors in the park in a polite and respectful manner. On the occasion when young people are or adults are found to be acting inappropriately or speaking disrespectfully they can be politely asked to stop the behavior. If they do not comply with the request it is the Park Hosts responsibility to report this behavior promptly to the authorities. It is not the responsibility of the Park Host to attempt to force individuals to comply or to engage in the same type of inappropriate language no matter what the situation.

**Park Hosts Who Own Pets:** There are park rules for visitors with dogs. These rules exist as a means of keeping the park safe and clean for all individuals who visit the park. All dogs, whether belonging to the Park Host or to visitors must remain on a leash at all times while on the park grounds. If the Park Host owns a dog, this dog may not be tied outside while the Host is away from their camp trailer. A Park Host dog may not be tied to the fence even though the Park Host may be at home. If the pet is tied under the camp trailer the Host must be at home and the dog must not be able to move out from under the camp trailer to come in contact with anyone passing in the area.

**Park Grounds Surrounding Host Trailer:** The grounds on which the Hosts camp trailer is parked is the property of the city and a part of the park. The foot traffic to the area is high due to its location near the public restrooms, the A-Frame, the playground area, and the baseball field. The duties of the Park Host require them to keep all park grounds tidy and free of trash, unnecessary debris, weeds, etc. this duty also applies to the area on which the Park Hosts camp trailer is placed. Since this is probably the most frequented area of the park, it, especially, should have special attention. Under no circumstances are tarps or clutter on or around the trailer allowed.

**Alcoholic Beverages:** Alcoholic beverages should not be present when performing duties.

A violation of any of the preceding guidelines may result in termination.

March 1, 2010
CITY RIGHT-OF-WAY USAGE LICENSE
City Ordinance Chapter 12.24

Licensee Information:                   Date: July 12, 2019
Name: Port Orford Main St. Route 1 Assoc. Phone #: (541) 290-9920
Address: P.O. Box 1272                      Signature: Karen Aubert

Property location:  Street location:  Assessors Map: NA Lot#: NA
South on Hwy 101  Univel 7465

Description of Improvements: Attach Drawings / Plans if available:

Agreements:
1. Licensee confirms they are the owner of the property adjacent to the City’s right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City’s right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee’s expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. HOLD HARMLESS CLAUSE: The licensee agrees that their performance under this license is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this license and from any loss arising from the licensee’s use of the property, or from the licensee’s failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the license holder would be liable hereunder.
8. If applicant disagrees with the action of City Staff, an appeal may be filed with the City Council within 14 days of the action, or the decision becomes final.
9. Criteria that will be used to evaluate proposed right of way use:
   A. Potential impact on existing utilities (water, sewer, storm water, etc.) including potential future maintenance requirements for those utilities.
   B. Will the proposed use negatively impact visibility for traffic on adjoining roadways?
   C. Are there any other potential public safety concerns?
   D. Will the proposed use be likely to create negative visual impact on adjoining properties?
   E. Will the proposed use impact any other existing uses?
   F. Is granting the ROW usage license in the public interest?
The ROW is a request for permission to erect an Arts and Cultural District Sign on the 7th Street undeveloped Street on the South Side of Highway 101 behind the retaining wall. The 7th Street ROW is a section between Harbor Drive and Oregon Street. The sign would conform to the height and square feet requirements that exist in the 10MU zone. Not more than 75 sq. ft. or 8 ft. high. The site was selected because of its visibility for tourists traveling though town.

The purpose of the sign is to promote tourism as Arts and cultural tourism - one of the fastest growing sectors.

Resolution 2016-01 was passed unanimously on August 20, 2015 stating:

"Now therefore, be it resolved, the Port Orford City Council hereby supports the designation of Port Orford, Oregon as an arts and culture district, not as a tax district but in name only, with this designation to reflect the community as a whole and encourage use of this designation for promotional purposes, to attract tourists, arts and culture based businesses and organizations and cultural amenities to this community."

Port Orford Main Street Revitalization Association needs to know the outcome of the ROW approval to determine whether they can apply for a grant from Curry County Cultural Coalition to fund the project. CCCC has an upcoming deadline to applications.

Note:
1. POMSRA, the organization doing the ROW request, is not the owner of the adjacent property applying for the ROW. Exceptions were made when the school applied to have a tsunami shelter on a city ROW, and POMSRA did an access path to the Wetland Interpretive Walkway on a city ROW.
2. The Port Orford Arts Council abandoned plans for an Arts District Sign at this site when the property owner of the vacant business at the corner of Oregon Street and Highway 101 objected. This absentee owner, who openly says he bought the property for speculation, does not allow parking at his property and is unwilling to rent or sell the property at this time.

The sign not yet designed might read:

**Enjoy the Arts**

in

Port Orford

Citywide Arts & Cultural District