PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, July 6, 2021
3:30 PM
Tue, July 6, 2021 3:30 PM
Planning Commission 7/6/2021
Tue, Jul 6, 2021 3:30 PM - 5:30 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/900034221
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United States (Toll Free): 1 866 899 4679
United States: +1 (571) 317-3116
Access Code: 900-034-221

Agenda

1. Call to Order
2. Planning Vice-Chair Comments
3. Additions to the Agenda
4. Approval of Agenda
5. Approval of Minutes: June 8, 2021
6. Application for Appointment to Commission - Tim Rossi
7. Comments from the Public
8. Public Hearing - None
9. Planning Matters
   • Review of Building Heights and Exemptions in 4-C and 5-I Zones
   • Adopted Ordinance 2021-02
   • Staff Report
   • Work submitted from planning commissioners

Other Business

A. Announcements and Communications:
   • City Planner Comments
   • Planning Commission Comments

B. Continuing Business

11. Public Considerations
12. Adjourn
CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING
June 1, 2021, 3:30 p.m.
Regular Meeting, Public Hearing and Workshop, Virtually Held
555 W. 20th Street
Port Orford, Oregon

Date Draft:
Date Corrected:
Date Final:

1. Call to Order.

The regular meeting of the City of Port Orford Planning Commission was called to order Tuesday, June 1, 2021 at 3:30 p.m.

Those members present were: Chair Nieraeth, Comm. Jezuit, Comm. Thelen, Comm. Berndt.

City staff present were: Planner Crystal Shoji and Assistant Planner Clark.

Others present: Baily Rinehold, Ann Vileisis, Steve Lawton, Jennifer Head, Casey Folden, Mr. Calvanese

2. Planning Chair Comments.
Chair Nieraeth reported the commission is close to getting the dark sky ordinance to the city council. Commissioner Berndt, Commissioner Thelen and Chair Nieraeth attended a workshop that included ODOT. During that workshop they were advised exactly what the city council wants Planning to do in terms of building heights. There were a lot of inserts added to the packet today.

3. Additions to the Agenda: None.

4. Approval of Agenda for June 1, 2021: Comm. Thelen moved to approve the June 1 agenda with Comm. Berndt as second. Motion carried 4-0.
Discussion: None.

| Comm. Thelen | Yes | Comm. Jezuit | Yes |
| Comm. Berndt | Yes | Comm. Nieraeth | Yes |

5. Approval of Minutes May 4, 2021: Comm. Berndt moved to approve minutes of the May 4, 2021 meeting as amended with Comm. Jezuit as second. Motion carried 4-0.
Discussion: None.

<table>
<thead>
<tr>
<th>Comm. Thelen</th>
<th>Yes</th>
<th>Comm. Jezuit</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Comm. Berndt</td>
<td>Yes</td>
<td>Comm. Nieraeth</td>
<td>Yes</td>
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6. Elect Planning Commission Vice Chair: Commissioner Berndt volunteered for the vice chair position. Comm. Thelen moved to elect Comm. Berndt as vice chair with Comm. Jezuit as second. **Motion carried 4-0.**

Discussion: None.

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<td>Yes</td>
<td>Comm. Nieraeth</td>
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7. Application for Appointment to Commission – Baily Rinehold: Ms. Rinehold was present. Ms. Rinehold introduced herself as being a resident as a child and again a resident for about four years now. She is a manager at Battle Rock Coffee. Planner Shoji, Assistant Planner Clark and commissioners introduced themselves to Ms. Rinehold.

Comm. Berndt moved to recommend *Baily* Rinehold to join the planning commission to City Council with Comm. Thelen as second. **Motion carried 4-0.**

Discussion: None.

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<tr>
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8. Comments from the Public

Jennifer Head, resident of Port Orford, spoke addressing the building height issue. She outlined a concern about the heights in 4C along highway 101 remaining high, much higher than commercial zones in larger neighboring communities. Ms. Head supported a 35 feet limitation in the 4C zone as well as eliminating exemptions for churches and nursing homes.

Steve Lawton, resident of Port Orford, spoke on two proposals that he thinks will protect the community’s character and livability and more important avoid having Port Orford becoming another coastal community that has inappropriate out of scale development. 1) Reduce allowable building heights within the city to a maximum of 35 feet. 2) **Eliminate** the exemption clause 17.32.50, additional standards governing conditional uses. Mr. Lawton considers this clause a significant *loophole* and feels this clause allows for much taller buildings in *any* neighborhood including residential neighborhoods based on a formula that has been used in other communities where adjacent property owners put adjacent properties together into a large single lot to overcome exemptions and build taller buildings. Mr. Lawton feels 35 foot building height is consistent with the city’s vision in Looking to the Future, a major planning document. Mr. Lawton believes a 35-foot building height is an appropriate balance between a healthy local economy, flexibility in design for houses and commercial buildings, provides the opportunity for affordable housing, ensures that character of the small coastal community is preserved, maintains livability and it still provides financial returns for real estate investors. Mr. Lawton asks commissioners to consider
limiting all buildings to a 35-foot height. He also asks commissioners to eliminate the exemption clause 17.32.50.

Ann Vileisis, Port Orford resident, echoed the chair’s comments about being in the final stretch of the lighting ordinance and expressed her appreciation for everyone’s effort. Ms. Vileisis encouraged commissioners to recommend the language approved by ODOT for streetlights to city council. Ms. Vileisis also strongly supported reducing building heights for new structures in Port Orford to the compromised height of 35 feet, amending the Marine Zone to address those upper lots not used for marine purposes and sensibly tightening the loopholes in the exemptions portion of the building code. In the staff report, Planner Shoji recommends that the Planning Commission might research what other towns have done with height limits. That research was done previously, and a letter was sent with a list of comparisons to other small towns. She spoke on the lots in the Marine Zone that are uphill from Dock Road and wanted to draw commissioners’ attention to the value of the Port Overlook as a community amenity. Regarding the exceptions clause, she is concerned that this section works directly at counter purposes to establishing building heights and creates a loophole that could allow for construction of taller buildings if enough lots are to be combined. She summarized that this is important for maintaining the livability of the community, and there are also considerations for the water and fire infrastructures.

Casey Folden, Port Orford resident, spoke in support of lowering the building heights in commercial and industrial zones in Port Orford to 35 feet. Her reasoning is based on living in seaside towns in California, of which the character was destroyed because there were not 35-foot building height limitation. Over years, the ocean becomes unavailable to people passing through and residents. She would like to see Port Orford’s character maintained.

Mr. Calvanese spoke in agreement with Jennifer, Steve, Anne, and Casey. He stated that what makes Port Orford valuable is Port Orford itself, not the value of real estate or height of buildings. He would like to see Port Orford’s land, sea and people respected.


10. Planning Matters
   a. Lighting Ordinance Section 15.17.090 Street and Highway Lighting Standards (pgs 6-13)
      1) ODOT Proposal (Pgs 14): ODOT gave written information on what they would be okay with in Port Orford’s lighting ordinance. ODOT highlighted wording that they would like replaced with their information provided. ODOT measures in foot candles (FC). The ordinance states lumens. The demo lights were too bright, but it was determined they were not installed correctly. After corrections were made, they worked perfect. Commissioners and councilors were updated.

Commissioner Thelen suggested replacing the verbiage highlighted in 15.17.090 with what ODOT provided in order to accommodate ODOT.
Commissioner Berndt stated she feels the commission has clarified on what ODOT’s requirements are and what the ordinance verbiage needs to be. She suggested moving forward with that provided by ODOT on page 14.

Commissioner Jezuit suggested using what ODOT has proposed since so much time and good effort has gone into communicating with them.

Comm. Berndt moved to adopt the changes that ODOT has recommended that appear on page 14 of the packet and send it to City Council for approval with Comm. Thelen as second. Motion carried 4-0.
Discussion: None.

| Comm. Thelen | Yes | Comm. Jezuit | Yes |
| Comm. Berndt | Yes | Comm. Nieraeth | Yes |

Commissioner Berndt moved to send to the City Council the updated 15.17.090 as approved by ODOT to replace the entire verbiage. Amended.

Comm. Berndt moved to send the entire dark sky ordinance as approved by the Planning Commission to the City Council with Comm. Thelen as second. Motion carried 4-0.
Discussion: None.

| Comm. Thelen | Yes | Comm. Jezuit | Yes |
| Comm. Berndt | Yes | Comm. Nieraeth | Yes |

b. Review of Building Heights and Exemptions in 4-C and 5-I Zones. Chair Nieraeth stated that City Council wants Planning to look at the feasibility of 35 foot heights in the 5-I and 4-C zones. The City Council wants Planning to look at the exemptions. The City Council wants Planning to look at the feasibility of the Marine Activity Zone.

1) Adopted Ordinance 2021-02 (pgs 15-17):
2) Staff Report (Pgs 18-23): Planner Shoji reported as they moved into the staff report, they are now in a land use issue, which has a lot of rules of its own. She clarified that Planning is currently in workshops, but there will be a hearing on the issue, a decision will be made, and then it will be sent to the City Council. City Council will also have a hearing and make a decision. Public notice needs to be sent out soon. That is a 35-day process in itself. Planner Shoji reviewed the staff report. The staff report talks about a 35-foot height limitation in commercial zones (4-C), 35-foot height limitation in the Industrial Zones (5-I), and the exemptions in the code. Commissioners were provided with two map attachments, one being the zoning of the city and the other being an attachment that shows the issue about the port.

The current commercial zone states, no building shall exceed forty-five (45) feet in height. The current industrial zone states, except as provided in section 17.20.050 in a 5-I zone, no building shall exceed forty-five (45) feet in height. The idea proposed for 4-C and 5-I zones is a building height limit of 35 feet.
Currently there are exceptions. They are specifically outlined. Some are required by law, such as cell towers and utility towers. A lot of those listed exceptions are higher than limitations such as the Port hoist.

Planner Shoji reviewed her recommendations with commissioners. She suggested planning commissioners find a volunteer to look into what other cities have for 4-C and 5-I and use that information as part of their findings. Planner Shoji addressed concern expressed by people about building heights as you go up the hill in the Marine Zone. It is not appropriate for commissioners to determine height restrictions based on ownership.

Planner Shoji outlined alternative recommendations. Alternative 1: Lower height allowance within the entire 7-MA zone to 35 feet and provide additional specific exceptions for specific uses in Section 17.020.050, General Exception to building height limitation.

Alternative 2: Lower the height allowance for the upper lots so that the height allowances at that elevation are consistent with Battle Rock Mixed Use Zone (10-MU). This would necessitate determinations be made as to the topography. She suggested the city not alter the current Marine Activity Zone, because that is an additional process that would cost the city a lot of money. She suggested leaving the Marine Activity Zone where the uses are allowed on Dock Road, but simply say that the height limitations apply differently in two sections of the Marine Activity Zone. Oregon Street might be a good divider. Comm. Theilen suggested using an elevation as a divider. Planner Shoji agreed that is a good alternative. Topographic maps or an engineer might be used to determine elevation. She suggested discussing these ideas with the port to clarify their needs and the topography.

Chair Nieraeth suggested gathering needed information to bring back to the next meeting. Comm. Berndt volunteered to contact the Port to see the Alta survey and speak to Port commissioners. Comm. Thelen volunteered to research exceptions in other communities and report back to the commissioners. Chair Nieraeth and Comm. Jezuit will research Ann’s information provided in the packet. Planner Shoji suggested after reviewing the information brought to the next meeting, commissioners should decide if they are ready to provide notice and schedule a public hearing. Planner Shoji will review the tsunami zone to see if it has any bearing on the Marine Zone and share the information found at the next planning meeting.

11. Other Business
A. Announcements and Communications:
   - City Planner Comments: None.
   - Planning Commission Comments: Comm. Thelen expressed his appreciation to members of the public who have spoken ideas and continue to speak and assist the commission. Comm. Berndt concurs with Comm. Thelen. She feels this is a collaborative process and the community members are needed to voice and do the research they have done. Chair Nieraeth also concurs.
B. Continuing Business: Planner Shoji advised the next meeting is July 6, so if a commissioner needs extra time to meet with somebody or do research they should let Assistant Planner Clark know.

12. Public Considerations: Ann Vileisis expressed appreciation to commissioners for their public service. She asked Patty if there is a PDF version of the zoning code. Assistant Planner Clark advised that she does not have a PDF version, but she can copy what they have; however, it will not yet have the new zones or rules. This is something to be considered in the future.

13. Comm. Berndt moved to adjourn the meeting with Commissioner Thelen as second.

Chair Nieraeth adjourned the June 1, 2021 meeting.
APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

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

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

Name: **Tim Rossi**

Mailing Address:  **P.O. Box 1130, Port Orford**

Physical Address:  **455 5th St., Port Orford**

Home Phone: **Cell: 925-872-1684**  Work Phone: ____________  Fax: ____________

E-mail: **timjrossi@gmail.com**

Current Employment: **Retired**

Your area of interest: __________________________

Your area of expertise: __________________________

Why do you want to serve? **To contribute to the efficient growth and development of Port Orford.**

Previous service in this appointed position of a similar position __________________________

Other volunteer activities __________________________

**Does your schedule allow you to attend?**

Daytime Meetings  **yes**  **no**  Evening meetings  **yes**  **no**

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

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

**Additional comments:** Please see attached __________________________

**Date:** 6/5/21  **Signature:** **Tim Rossi**

**Please return to:**

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

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

Oct. 20, 2017  x:\archive1\city forms\applications & evaluation forms\application for Committee_Commission_2017
My name is Tim Rossi, I am applying for appointment to the Planning Commission in the City of Port Orford.

I’ve read the Comprehensive Plan and have a grasp of the goals defined in that document. Two phrases stand out to me-
- ensure orderly efficient growth
- provide for an orderly and efficient transition from rural to urban use

The balance between providing for growth while respecting the wishes of lifelong and even multi-generation residents, who may oppose any change, seems to me an essential consideration moving forward. Change is inevitable. Managing that change in a way that maintains the qualities that make Port Orford the wonderful place it is seems crucial.

I’ve lived here for 18 months. I enjoy the recreational opportunities this area offers, the natural beauty, as well as the warmth and acceptance of the people here. Port Orford is a small, friendly town. Those are qualities to be cherished.

As a retiree my schedule is open to attend scheduled meetings and take on any other duties the Commission deems appropriate.

Thank you for your consideration of this appointment.

[Signature]
ORDINANCE NUMBER 2021-02

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD AMENDING BUILDING HEIGHTS WITHIN USE ZONES

The Common Council of the City of Port Orford hereby ordains that the Port Orford Municipal Code, Title 17 Zoning, Chapter 17.04 General Provisions and Chapter 17.12 Use Zones, be amended by the following:

Port Orford Municipal Code Chapter 17.04

17.04.030 Definitions

“Height of buildings” means the vertical distance from the “average finished grade” to the highest point of the building, including the roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs, coping of a flat roof, or to the deck line of a mansard roof or to the average height of the highest gable of a pitched roof; Average finished grade includes and encompasses any fill above the natural grade.

“Observation tower” means a public structure used to view events from a long distance and to create a 360-degree range of vision.

Port Orford Municipal Code Chapter 17.12

17.12.010 Residential zone (1-R)

G. Height of Buildings. Except as provided in Section 17.20.050 in a 1-R zone no building shall exceed thirty-five (35) thirty feet (30) feet and two stories in height.

17.12.020 Residential zone (2-R)

G. Height of Buildings. Except as provided in Section 17.20.050 in a 2-R zone no building shall exceed thirty-five (35) thirty feet (30) and two stories in height.

17.12.030 Commercial zone (14-C)

No change

17.12.040 Industrial zone (5-I)

F. Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone no building shall exceed forty-five (45) feet in height.
17.12.50 Controlled development zone (6-CD)

D. Height of Buildings. Except as provided in Section 17.20.050 in a 6-CD zone no building shall exceed thirty (30) feet in height.

17.12.060 Marine activity zone (7-MA)

No change

17.12.070 Public facilities and park zone (8-PF)

No change

17.12.080 Shoreland overlay zone (9-SO)

G. Height of Buildings. Except as provided in Section 17.20.050 in an 9-SO zone no building shall exceed thirty (30) feet in height.

17.12.090 Battle Rock Mixed Use zone (10-MU)

B. Uses Permitted Outright

15. Any permitted use where building height exceeds thirty-five (35) feet shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review.

H. Height of Buildings. Except as provided in Section 17.20.050 in a 10-MU zone, no building shall exceed forty-five (45) thirty-five (35) feet in height.

Chapter 17.33 Site Plan Review

No change

17.20.050 General exception to building height limitations.

The following type of structure or structural parts are not subject to the building height limitations of this title: stationery boat hoist in the Port Facility, chimney, tank, church spire, belfry, dome, monument, fire and hose towers, public observation tower mast, aerial cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers and other similar projections.

17.32.050 Additional standards governing conditional uses.

No change

Ordinance 2021-02 Building Height Amendment
February 18, 2021
Page 2 of 2
17.46.080 Evacuation Route Improvement Requirements.

No change

In all other respect, the Port Orford Municipal Code, Title 17 Zoning shall 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 18th day of February 2021 and effective the 20th day of March, 2021 by the following vote:

Passed or Failed by the following Roll Call Vote

Yes: kessler, pegowid, burns, larochef, tidey

No: ______________________

Passed X Failed ___

Garrett Absent

[Signature]
Mayor Pat Cox

ATTEST:

[Signature]
David Johnson, City Recorder, pro tem
MEMO

TO: Krista Nieraeth, Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP, City Planner

Subject: Information for Planning Commission Consideration at July 6, 2021
Planning Commission Workshop: Height Restrictions within Commercial and Industrial zones, and Exemptions

Date: June 29, 2021

The following information is included:

- Item #1: Staff report by Crystal Shoji, AICP provided at the June 1, 2021 Virtual Planning Commission Workshop

- Item #2: Ordinance Number 2021-02 Building Height Amendments, February 18, 2021 provided at the June 1, 2021 Virtual Planning Commission Workshop by Planning Assistant Patty Clark

- Item #3: Letter from citizen Ann Vileisis dated June 2, 2021

- Item #4: Height Limits for New Buildings in Port Orford Compared to Towns and Small Cities of Similar Size on Oregon’s Coast, prepared by Ann Vileisis – reviewed and submitted by Planning Commission Chair Krista Nieraeth and Planning Commission member Greg Thelen

- Item #5: Comparison of Neighboring Town Codes with regard to Section 17.20.050 General Exception to Building Height Limitations, submitted by Greg Thelen

- Item #6: Comparison of Neighboring Town Codes with regard to Section 17.32.050 Additional Standards Governing Conditional Uses, submitted by Greg Thelen

- Item #7: Tsunami Maps with wave arrival times after a Cascadia subduction zone XXL earthquake, submitted by Planning Commission member Pamela Berndt

- Item #8: Above Marine Zone map, submitted by Pamela Berndt

- Item #9: Ordinance 2019-02, New Chapter Added: Municipal Code – Section 17.46 Tsunami Hazard Overlay Zone with markings submitted by Crystal Shoji
City of Port Orford
Staff Report

To: Krista Nierach, Planning Commission Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP
Port Orford Planning Director

Date: This Staff Report is made available by May 25, 2021 for Planning Commission’s consideration at their virtual workshop scheduled for June 1, 2021

Topic: The Port Orford City Council previously adopted amendments to the City’s Height Restrictions in February 2021: ORDINANCE NUMBER 2021-02.

Background: The Port Orford City Council has asked the Port Orford Planning Commission to consider additional amendments pertaining to the following:

a. Consider a 35-foot height limitation in Commercial zones:
Note: The Commercial zone (4-C) is suggested within this document for discussion. The Battle Rock (10-MU) Zone is a Commercial Zone that already has a 35-foot height limitation. There has been no request for the Planning Commission to reconsider the Battle Rock height limitations.

b. Consider a 35-foot height limitation in Industrial Zones:
Note: The Industrial zone (3-I) is suggested within this document for discussion. The Marine Activity Zone (7-MA) is an industrial and commercial mixed-use zone that currently has a 45-foot height limitation. The Council has not expressed expectations for modifications in the Marine Activity Zone, although there are considerations within this document for the (7-MA) zone where there is some concern.

c. Explore and suggest which zones should have exemptions, and what those exemptions should be within all zones:
Note: Two areas within the code that address exceptions to the height restrictions are addressed for your discussion as follows:
- The current code includes Section 17.20.050 General exception to building height limitations.
- The current code also includes Section 17.32.050 Additional standards governing conditional uses.

Attachments:
City of Port Orford Zoning Map, Curry County Enterprise GIS – Attachment A
Upper Dock Road Excerpt Map with specific ownerships – Attachment B

Item #1
Port Orford Municipal Code Chapter 17.12

17.12.030 Commercial zone (4-C)

Current:
F. Height of Buildings. Except as provided in Section 17.20.050 in a 4-C zone, no building shall exceed forty-five (45) feet in height.

Proposed:
F. Height of Buildings. Except as provided in Section 17.20.050 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

17.12.040 Industrial zone (5-I)

Current:
F. Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone no building shall exceed forty-five (45) feet in height.

Proposed:
F. Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone, no building shall exceed thirty-five (35) feet in height.

17.20.050 General exception to building height limitations.

Current:
The following types of structures or structural parts are not subject to the building height limitations of this title: stationery hoist in the Port Facility; chimney, tank, church spire, bellry, dome, monument, fire and hose towers; public observation tower mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers and other similar projections.

Note: The Planning Commission may wish to review the general exceptions to see if specific exceptions should be amended. The Planning Commission has no authority to exclude cell towers and utility poles.

17.32.050 Additional standards governing conditional uses.

Current:
B. Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.
2. A church, hospital, nursing home, convalescent home, or retirement home may be built to exceed the height limitations of the zone in which it is located to a maximum height as determined by the State Fire Marshal if the total floor area of the building does not exceed one and one-half times the area of the site and if yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

Note: The above standards are applicable when the Planning Commission considers applications and conditions for conditional use permits. The dates at the bottom of this chapter and section of the code indicates that this portion of code may have been adopted in 1977 or 2004. In the time that I have worked with the City (since 2006) there has been no application that would utilize the application of this section of the code. In addition, I do not recall a lot of advocacy for or against this portion of the code when the City Council amended the height restrictions in February of this year. Some members of the City Council expressed concern about whether the above standards are appropriate. It is appropriate to consider amending this section.

Recommendations

At this time, there are some topics where the Planning Commission may require more specific information to be able to justify amendments. Adoption of the two new height limitation amendments that would lower the height restrictions in the Commercial (4-C) zone and the Industrial (5-I) zone must be accompanied by findings. I will suggest some pathways that could provide the information to develop such findings:

1. One area has to do with how other cities on the Oregon Coast deal with their commercial and industrial zone height allowances. The Planning Commission could select a volunteer who could do research and come back with height restrictions in similar commercial and industrial zones in nearby cities. With this information for comparison, the Planning Commission could make a determination about the height restrictions in the (4-C) and (5-I) zones as compared with similar sized Oregon Coastal Cities. This information is something that we could then utilize in our findings.

2. Concerns have been expressed about heights that are in place for the Marine Activity Zone, upper lots. The Marine Activity Zone (7-MA) currently has a 45-foot height allowance, which may be found to be appropriate for an industrial / commercial zone at sea level, but all lots within the (7-MA) zone are not at sea level. It is not appropriate for the Planning Commission to determine height restrictions based upon ownership, as has been suggested by some local residents. There are a few height alternatives that could be explored for the Marine Activity Zone, which encompasses Port Properties and others so that properties at the top of Dock Road do not have the ability to develop structures that tower over others. See Attachment B: Here are some alternatives:

   a. Alternative #1: Lower the height allowance within the entire (7-MA) zone to 35 feet, and provide additional specific exceptions for specific uses in Section 17.20.050 General exception to building height limitation, page 2 of this document. Greater height allowances than in other zones may be appropriate for the Port industrial zone, which is to be a driver of economic development for the City of Port Orford.
Exemptions are an option, but it may be difficult to think of all specific uses that would need to be exempted in order to assure that economic development can occur. Statewide Planning Goal 9: Economic Development, and the City of Port Orford Comprehensive Plan, provide goals to implement Statewide Planning Goal 9: Economic Development.

b. Alternative #2: Lower the height allowance for the upper lots so that the height allowances at that elevation are consistent with the Battle Rock Mixed Use Zone (10-MU). In order to make such a determination, it would be necessary for a determination to be made as to the topography and at what point the specific height allowance could best be lowered so that structures built within that area would be consistent with the (10-MU) zone. Any description would need to be specific, and described by descriptions that are not subject to change. For example, tax lots are not a good way to describe such a space because they are subject to change. A road that is permanent may be a better marker.

Any determination about port properties and/or exemptions could be discussed with the Port in that this is a legislative land use decision. The Planning Commission could assign a volunteer, or a few volunteers to research the options addressed in (2), (a) and (b) above. Discussion by members of the Planning Commission with the public or with an applicant prior to the public hearing is not permissible in making a quasi-judicial land use decision. Findings will need to be made to for all decisions. Other options may be appropriate.

Please discuss the building heights in the (4-C) and (5-I) zones as requested by the Council, and consider how best to obtain additional information that could justify amendments to those zones if the Planning Commission is in favor of lowering the height allowance.

Please consider the height allowance of the upper portion of the (7-MA) zone on Dock Road, and alternatives for dealing with the situation that exists.
(10 MU) Blue Bottle Rock Zone
(7 MU) Marine Activity Zone

Attachment B
ORDINANCE NUMBER 2021-02

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD AMENDING BUILDING HEIGHTS WITHIN USE ZONES

The Common Council of the City of Port Orford hereby ordains that the Port Orford Municipal Code, Title 17 Zoning, Chapter 17.04 General Provisions and Chapter 17.12 Use Zones, be amended by the following:

Port Orford Municipal Code Chapter 17.04

17.04.030 Definitions

“Height of buildings” means the vertical distance from the “average finished grade” to the highest point of the building, including the roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. Coping of a flat roof, or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof; Average finished grade includes and encompasses any fill above the natural grade.

“Observation tower” means a public structure used to view events from a long distance and to create a 360-degree range of vision.

Port Orford Municipal Code Chapter 17.12

17.12.010 Residential zone (1-R)

G. Height of Buildings. Except as provided in Section 17.20.050 in a 1-R zone no building shall exceed thirty-five (35) thirty feet (30) feet and two stories in height.

17.12.020 Residential zone (2-R)

G. Height of Buildings. Except as provided in Section 17.20.050 in a 2-R zone no building shall exceed thirty-five (35) thirty feet (30) and two stories in height.

17.12.030 Commercial zone (14-C)

No change

17.12.040 Industrial zone (5-I)

F. Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone no building shall exceed forty-five (45) feet in height.

Ordinance 2021-02 Building Height Amendment
February 18, 2021
Page 1 of 2
17.12.50 Controlled development zone (6-CD)

D. Height of Buildings. Except as provided in Section 17.20.050 in a 6-CD zone no building shall exceed thirty (30) feet in height.

17.12.060 Marine activity zone (7-MA)

No change

17.12.070 Public facilities and park zone (8-PF)

No change

17.12.080 Shoreland overlay zone (9-SO)

G. Height of Buildings. Except as provided in Section 17.20.050 in an 9-SO zone no building shall exceed thirty (30) feet in height.

17.12.090 Battle Rock Mixed Use zone (10-MU)

B. Uses Permitted Outright

15. Any permitted use where building height exceeds 25 feet shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review.

H. Height of Buildings. Except as provided in Section 17.20.050 in a 10-MU zone, no building shall exceed forty-five (45) thirty-five (35) feet in height.

Chapter 17.33 Site Plan Review

No change

17.20.050 General exception to building height limitations.

The following type of structure or structural parts are not subject to the building height limitations of this title: stationery boat hoist in the Port Facility, chimney, tank, church spire, belfry, dome, monument, fire and hose towers, public observation tower mast, aerial cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers and other similar projections.

17.32.050 Additional standards governing conditional uses.

No change

Ordinance 2021-02 Building Height Amendment
February 18, 2021
Page 2 of 2
17.46.080 Evacuation Route Improvement Requirements.

*No change*

In all other respect, the Port Orford Municipal Code, Title 17 Zoning shall 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 18th day of February 2021 and effective the 20th day of March, 2021 by the following vote:

Passed or Failed by the following Roll Call Vote

Yes: keeler, Pagwizd, Brew, laRocha, Tiday

No: __________________________

Passed X Failed

Garrett Absent

Mayor Pat Cox

ATTEST:

David Johnson, City Recorder, pro tem
June 1, 2021

Dear Chair Niereth and Planning Commission members,

I am writing in support of reducing building heights for new buildings in Port Orford to the compromise height of 35 feet in the commercial and industrial zones, of amending the Marine Zone, and of sensibly tightening the loopholes in the exemptions portion of our building code.

**Background**
Over the past year, citizens became aware of outside speculators’ efforts to buy up clusters of properties, fueling concern about too-fast growth at levels that our small town may not be currently prepared to address, given limits to our infrastructure. This spurred a community effort to ask for re-consideration of the existing building height limits across all zones in Port Orford.

Owing to miscommunication, last fall the Planning Commission considered a height level of 25 feet across the board, a height that many felt was too low. The ensuing debate was confusing and polarizing, and many questions went unanswered, prompting citizens to ask for reconsideration of height limits in the commercial and industrial zones in a more credible process. Hence the City Council directed the Planning Commission to reconsider, this time a height limit of 35 feet.

**Compromise solution: 35 ft height limit**
Through personal conversations among a number of citizens for and against height limits last fall and winter, it became clear that many who opposed the 25-foot limit found a 35-foot limit to be an acceptable compromise. Similarly, those who would have preferred a 28- or 30-foot limit find a 35-foot limit to be an acceptable compromise.

Reducing the allowable building height to 35 feet in the 4-C Zone will help to ensure a commercial district that is more compatible with the adjacent neighborhoods, avoid a harsh wall of tall, urban buildings along Highway 101, and support and encourage street-level, pedestrian friendly retail businesses.

We are already having a positive construction boom with many new buildings under 35 feet, and many other cities have a comparable height limit (SEE ATTACHMENT A). Having a consistent, uniform building height would allow for ample economic development while also maintaining our small town feel and allowing for everyone to take in the breathtaking scenery we are known for—we do not want to lose this valuable and treasured feature of our town!

**Proposed exemptions**
1. **“Projections”**
The current findings recommend “General Exceptions to Building Height Limitations” for: stationary boat hoist in the Port Facility, chimney, tank, church spire, belfry, dome, monument, fire and hose towers, public observation tower, mast, aerial cooling tower, elevator shaft,
transmission tower, smokestack, flagpole, radio or television towers and other similar projections.

Rather than making all these “projections” --some potentially quite tall-- outright uses, I urge you to remove some of them.

Another idea would be to adopt code that would make all projections that extend more than three feet beyond height limits “conditional uses” to give the Planning Commission and community the opportunity to provide input and place specific conditions to ensure that the “projections” are appropriate for each location. Or to research how other cities have addressed these kinds of projections.

2. Exceptions clause (Section 17.32.50 B2)
The City Council failed to adequately consider Section 17.32.50 B2, which allows for full exemptions to heights established across all zones for nursing homes, retirement homes, hospitals, and churches, even though a key aim of our zoning is to maintain the scale of buildings to protect the livability and character of our community.

Many are concerned that this section works directly at counter purpose to establishing building heights and creates a loophole that could allow for the construction of taller buildings if enough contiguous lots were to be combined.

All new buildings should simply meet established building height requirements in their respective zones to ensure that they are compatible with surrounding buildings in the neighborhood.

There are many, many examples of churches, nursing homes and retirement homes in other larger communities that are 35 feet or lower. There has been some concern voiced that this loophole could be used to build one of the specified uses but then later convert to a different use.

Why are height limits important?
Questions about water availability underscore need for slow growth
As our community debated height limits, many questions were raised but not answered about the availability of water in our city. Port Orford’s “City Water Master Plan” (2014) prepared by Dyer Engineers indicates that our city has “water rights” that can accommodate annual growth of 1%, but water “rights” do not translate into actual water availability, especially at times of drought and peak use during summer months, and it does not take into account enormous water losses in our leaky system, which are often > 40% of water, or sedimentation in our reservoir that has already reduced water storage.

We all know that our water system is already degraded and overtaxed and so adding new tall buildings, with potentially high numbers of new water users, could add stress to the existing system. Also, we’ve already had many new buildings built just in the past year that are just now
beginning to tap water -- and we have a new medical clinic coming on line, too. Last summer, some property owners within city limits said they could not get water service (City Council Minutes, June 18, 2020), and this spring the Public Works director has already hooked up many new structures. Allowing large buildings that will further stress our water system could lead to curtailment or the need for water rationing for uses such as gardening—enjoyed by many current residents, as outlined in the 2014 Water Master Plan. Ideally, we’ll be able to improve our water system and water security, but in the meantime, slow growth is the most sensible option.

**Need to be proactive about potential fire risks**

Reducing building heights could help to reduce fire risks that may well be beyond what our local fire department and infrastructure can currently handle. Please consider different things have been stated about fire safety thus far:

- Commissioner Garrat expressed concern that the fire department was not equipped to handle structures beyond two stories (City Council Minutes, Aug. 20, 2020);
- At the Planning Commission meeting, Patty Clark reported that the Chief Duncan has said there is no problem fighting fires to 35 ft.; but the fire department has been unwilling to put this into writing;
- Others in a position of knowledge have stated that our fire department only has ladders to go to 28 feet, and that our volunteer fire department does not have enough volunteers/ personnel to fight a fire in larger buildings.
- The 2006 planning report, *Looking to the Future Port Orford*, identified that water distribution pipes in south end of town as “deficient in size to supply adequate flow for fire emergencies” and also identified that pipes in the downtown commercial area along Hwy 101 needed “to be upsized to provide a minimum fire flow.” (p. 22)
- Dyer Engineers evaluated the “hydraulic performance” of our water system as part of developing our town’s 2014 Water Master Plan, and their report indicated that fire flow in certain areas of town was still insufficient:
  
  Out of 140 nodes, 50 nodes had fire flows less than the 1,000 gpm, the minimum for residential flows. Commercial zoned areas north of 18th St along Highway 101 and PO Loop Rd. have fire flows which are less than 1,500 gpm, the minimum required for commercial zoning. (p. 71)

  Fire flows were also modeled for fire hydrants associated with Driftwood School, and the maximum flow that could be obtained was 2,000 gpm, less than the 3,000 gpm that the Fire Marshall would recommend. (p. 71, reference to 3,000 gpm, p. 44)

While proposals for large new buildings would need to be evaluated in conjunction with our local Fire Department for compliance with State Fire Marshal recommended standards, proposals for new tall buildings could put the city in the position of needing to supply water for municipal use and fire safety that we don’t currently have the infrastructure to supply. In talking with a code specialist with the Oregon State Fire Marshall’s office, I learned that other
cities have used the strategy of reduced building heights as a way to better "right size" growth with their infrastructure. It stands to reason that lower height limits would also serve to keep our volunteer firefighters safer.

**Need to be proactive about potential earthquake risks**
The current municipal code does not require earthquake resilient construction standards for new buildings. According to the previous Planning Commission chair, the Port Orford Planning Commission previously decided to NOT require this based on the thought that this would drive up cost of construction and limit economic growth.

However, without such standards, in the event of a local earthquake, taller buildings with dense accommodation—especially those built on areas prone to liquefaction or to significant earth movement, such as bluffs—would be at significant risk for those in residence or visiting. Limiting heights to 35 feet is a stop-gap way to minimize injury and loss of life.

**No impact on potential for workforce/affordable housing**
Some have raised questions about height limits impacting affordable workforce housing. Our city planner Crystal Shoji stated in correspondence regarding the previously proposed 25 ft limit and housing (Goal 20) that she "did not see anything of concern or applicability in that all housing types will continue to be allowed. No specific expense would be added, and no land base for housing would be reduced." (Attachment B of CC11-19-20#2 packet).

Her assessment is backed by the recent *Curry County Housing Action Plan* (2018), which recommended that Port Orford "focus on infill single-family workforce units that are compatible with its neighborhood fabric." (p. 26)

Note also that the affordable housing plan did not consider water supply or infrastructure constraints.

**CONCLUSION AND FINAL RECOMMENDATIONS**
I urge you to reduce building heights for new buildings in Port Orford to the compromise height of 35 feet in the commercial and industrial zones, to amending the Marine Zone, and to sensibly tightening the loopholes in the exemptions portions of our building code.

The matters you are considering are timely for our community. I thank you for your public service.

Sincerely,

Ann Vileisis, 608 Oregon St. Port Orford
HEIGHT LIMITS FOR NEW BUILDINGS IN PORT ORFORD COMPARED TO TOWNS AND SMALL CITIES OF SIMILAR SIZE ON OREGON’S COAST

Port Orford’s (population ~1,148)
http://qcode.us/codes/portorford/
Heights in Zoning code:
Residential (R1, R2), 35 ft
Commercial, 45 ft
10 MU, 35 ft / 45 ft conditional
Marine, 45 ft
Industrial, no limit
Public facility, no limit
Controlled development, no limit

Yachats (population 773, “gem” of the coast)
Across the board, 30 ft.
https://www.google.com/search?client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8
Heights in Zoning code:
Residential (R1, R2, R3, R4) 30 ft
Commercial 1 (retail), 30 ft
Public Facility zone, 30 ft

GEARHART, OR, (population 1,462, “small town values”)
Across the board, 30 ft.
https://www.cityofgearhart.com/general/page/zoning-ordinance
Heights in Zoning code:
Low density residential, 30 ft or 2 stories, whichever is less
Medium density residential 30 ft
High density residential, 30 ft or 3 stories, whichever is less
Commercial (Neighborhood, General, High Intensity), 30 ft
Residential Commercial Planned Development Zone, 30 ft
Public and Semi-Public Zone, 30 ft

ROCKAWAY BEACH, (population 1,403, “small town, big beach”)
Lower heights (20ft to 29ft, east of Hwy 101)/ up to 45 feet in some zones farther from ocean front, downtown zone
https://corp.us/index.asp?SE=56B38658-34B3-4C77-9934-FCC5A5AFBB9E&DF=4329F7CCB932-4845-AF3D-569536D7D2C2
Heights in Zoning code:
Single family, 20 ft on oceanfront, 24 feet west of Hwy 101, 29 ft east of highway 101
Residential, 24 ft west of highway 101, 29 ft east of Hwy 101
Lower density residential, 20 ft on ocean front, 29 ft east of Hwy 101
Resort residential, 20 ft on ocean front, 29 ft east of Hwy 101, more than 2,000 ft east from the Oregon Coordinate line, 45 ft.
Commercial, downtown oceanfront zone (3d ave to 6th ave), 20 ft; otherwise 45 ft, but with design standards
NOTE even LARGER cities have lower height limits:
GOLD BEACH (population 2,293)
https://www.goldbeachoregon.gov/vertical/sites/
%7EB95824C9A-6BB0-47B3-83E2-3D2AE3179E09%7D/uploads/2018_full_GB70.pdf
Heights in Zoning code:
Residential (R1, R2), 25 ft
Residential - R3, 35 ft
Commercial 4-C, 35 ft
Industrial, 35 ft, (conditional use up to 50 ft)
Marine, 35 ft.
Public Facility, 35 ft

BANDON (population 3,130)
Note, in Bandon, there are lots of very specific criteria and standards associated with each zone.
Heights in Zoning code:
R-1 28 ft (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to
other properties, impact to views of surrounding properties, and more)
R-2 28 ft (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to
other properties, impact to views of surrounding properties, and more)
CD zone (WEST of beach loop drive) - 24 ft/ east of beach loop drive, 28 ft, (there are specific criteria for
exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of
surrounding properties, and more)
CD2 28 ft, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight
to other properties, impact to views of surrounding properties, and more)
CD3 28 ft, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight
to other properties, impact to views of surrounding properties, and more)
CD-R1 24 ft and 28 ft for specific lots in the Averill Addition, (there are specific criteria for exemptions
up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding
properties, and more)
CD-R2 24 ft
Commercial, Old Town, 28 ft, may be exception up to 35 ft, with specific conditions
Commercial C2, 45 ft
Commercial C3 28 ft
Light Industrial, 45 ft, and in a special zone commercial zone near 101, 28 ft
Heavy industrial, 45 ft
For Planning Commission reference:

**Neighboring town codes related to Port Orford exemption** Section 17.20.050 General exception to building height limitations.

**Port Orford**

17.20.050 The following type of structure or structural parts are not subject to the building height limitations of this title: chimney, tank, church spire, belfry, dome, monument, fire and hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers, and other similar projections.

**Yachts**

Section 9.52.170 General exceptions to building height limitations.

Projections such as chimneys, spires, domes, towers, aerials, flagpoles and other similar objects not used for human occupancy are allowed as long as the projection: (1) does not exceed nine (9) square feet; (2) has a maximum width of eight (8) feet as viewed from any direction; and (3) has a maximum height of seven and one half (7.5) feet above the peak of the roof. Elevator shaft housing may exceed the above dimensions but shall be no larger than the minimum required by building code.

Stand-alone projections such as antennas, cell towers, transmission towers, and similar structures shall have a maximum height of thirty (30) feet.

Any requests for exceptions to the above standards shall be in accordance with Chapter 9.80 Variances. (Ord. 349 § 2, 2017; Ord. 73E § 4.040, 1992)

**Gearhart**

**SECTION 4.030 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS**

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

**Rockaway Beach**

**Section 5.070. General Exception to Building Height Limitations.** Projections such as chimneys, antennas, flagpoles, and other similar objects (not including satellite dishes) not used for human occupancy are not subject to the building height limitations of this ordinance.

**Gold Beach**

**Section 4.020. General Exception to Building Height Limitations.**
The following type of structure or structural parts are not subject to the building height limitations of this ordinance: chimney, tank, place of worship spire, belfry, monument, fire and hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television tower, wind generator and other similar projections.

Bandon

17.xx.100 Exceptions to height limitations

These apply in the following zones:
Residential 1
Residential 2
Controlled development 2
Controlled development residential 2
General commercial

A. Chimneys, provided that they do not extend more than five feet above the highest point of the proposed structure.

B. Private, non-commercial antennas or HAM radio antennas and towers up to seventy (70) feet in height, provided that no commercial communication equipment is located on or near such antennas. Such antennas exceeding (70) feet may be allowed as a Conditional Use.

17.20.100 Exceptions to height limitations

This exception applies to Controlled development 1 zone only:

A. Chimneys, provided that they do not extend more than five feet above the highest point of the proposed structure.

B. On the east side of Beach Loop Drive and south of Seventh Street, private, non-commercial antennas or HAM radio antennas and towers up to seventy (70) feet in height, provided that no commercial communication equipment is located on or near such antennas. Such antennas exceeding seventy (70) feet may be allowed as a Conditional Use. Antennas on the west side of Beach Loop and north of Seventh Street shall be subject to the existing height limitations.

No exception to height limitations in:

Controlled development residential 1
Old Town commercial
Marine commercial
Light industrial
Heavy industrial

Submitted by Commissioner Thelen 6/21/21
For Planning Commission reference:

Comparison of neighboring town codes with regard to 17.32.050

Port Orford currently has an exemption to building height based on the use of the building. Section 17.32.050 Additional standards governing conditional uses.

B. Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.

2. A church, hospital, nursing home, convalescent home, or retirement home may be built to exceed the height limitations of the zone in which it is located to a maximum height as determined by the State Fire Marshal if the total floor area of the building does not exceed one and one-half times the area of the site and if yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

Yachats
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Gearhart
No exception to allowable building height based on conditional use, lot size or floor area in any zone, except that tsunami vertical evacuation structures are not subject to building height limitations in any zone.

Rockaway Beach
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Gold Beach
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Bandon
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Submitted by Commissioner Thelen 6/21/21
Figure 3-1. Illustration of tsunami wave arrival times after a Cascadia subduction zone XXL earthquake for Port Orford (left) north and (right) south.
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: Cox, LaRockey, Williams, Burns

No: Marriott & Campbell

Abstain:

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

ATTEST:

Terry Richards
City Recorder of the City of Port Orford
Curry County Oregon
HEIGHT LIMITS FOR NEW BUILDINGS IN PORT ORFORD COMPARED TO TOWNS AND SMALL CITIES OF SIMILAR SIZE ON OREGON'S COAST

Port Orford's (population ~1,148)
http://gcode.us/codes/portorford/
Heights in Zoning code:
Residential (R1, R2), 35 ft
Commercial, 45 ft
10 MU, 35 ft / 45 ft conditional
Marine, 45 ft
Industrial, no limit
Public facility, no limit
Controlled development, no limit

Yachats (population 773, “gem” of the coast)
https://www.google.com/search?q=yachats+population&ie=UTF-8&oe=UTF-8
Heights in Zoning code:
Residential (R1, R2, R3, R4) 30 ft
Commercial 1 (retail), 30 ft
Public Facility zone, 30 ft.

GEARHART, OR, (population 1,462, “small town values”)
https://www.citiesgearhart.com/general/page/zoning-ordinance
Heights in Zoning code:
Low density residential, 30 ft or 2 stories, whichever is less
Medium density residential 30 ft
High density residential, 30 ft or 3 stories, whichever is less
Commercial (Neighborhood, General, High Intensity), 30 ft
Residential Commercial Planned Development Zone, 30 ft
Public and Semi-Public Zone, 30 ft.

ROCKAWAY BEACH, (population 1,403, “small town, big beach”)
Lower heights (20ft to 29ft, east of Hwy 101)/ up to 45 feet in some zones farther from ocean front, downtown zone
https://corb.us/index.aspx?Sec=56BE36558-34B3-4C77-9934-FCC5A5AFBB9E&DE=4329F7CC-B932-4845-AF3D-569536D7DC2E
Heights in Zoning code:
Single family, 20 ft on oceanfront, 24 feet west of Hwy 101, 29 ft east of highway 101
Residential, 24 ft west of highway 101, 29 ft east of Hwy 101
Lower density residential, 20 ft on ocean front, 29 ft east of Hwy 101
Resort residential, 20 ft on ocean front, 29 ft east of Hwy 101, more than 2,000 ft east from the Oregon Coordinate line, 45 ft.
Commercial, downtown oceanfront zone (3d ave to 6th ave), 20 ft; otherwise 45 ft, but with design standards
GOLD BEACH (population 2,293)

Heights in Zoning code:
Residential (R1, R2), 25 ft
Residential -R3, 35 ft
Commercial 4-C, 35 ft
Industrial, 35 ft, (conditional use up to 50 ft)
Marine, 35 ft.
Public Facility, 35 ft

BANDON (population 3,130)
Note, in Bandon, there are lots of very specific criteria and standards associated with each zone. https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/280/title_17__zoning-2014.pdf

Heights in Zoning code:
R-1 28ft (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
R-2, 28ft (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
CD zone (WEST of beach loop drive) -24 ft/ east of beach loop drive, 28 ft, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
CD2 - 28 ft, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
CD3 - 28 ft, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
CD-R1, 24 ft and 28 ft for specific lots in the Averill Addition, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
CD-R2 24 ft
Commercial, Old Town, 28 ft, may be exception up to 35 ft, with specific conditions
Commercial C2, 45 ft
Commercial C3, 28 ft
Light Industrial, 45 ft, and in a special zone commercial zone near 101, 28 ft
Heavy Industrial, 45 ft
June 1, 2021

Dear Chair Niereth and Planning Commission members,

I am writing in support of reducing building heights for new buildings in Port Orford to the compromise height of 35 feet in the commercial and industrial zones, of amending the Marine Zone, and of sensibly tightening the loopholes in the exemptions portion of our building code.

Background
Over the past year, citizens became aware of outside speculators’ efforts to buy up clusters of properties, fueling concern about too-fast growth at levels that our small town may not be currently prepared to address, given limits to our infrastructure. This spurred a community effort to ask for re-consideration of the existing building height limits across all zones in Port Orford.

Owing to miscommunication, last fall the Planning Commission considered a height level of 25 feet across the board, a height that many felt was too low. The ensuing debate was confusing and polarizing, and many questions went unanswered, prompting citizens to ask for reconsideration of height limits in the commercial and industrial zones in a more credible process. Hence the City Council directed the Planning Commission to reconsider, this time a height limit of 35 feet.

Compromise solution: 35 ft height limit
Through personal conversations among a number of citizens for and against height limits last fall and winter, it became clear that many who opposed the 25-foot limit found a 35-foot limit to be an acceptable compromise. Similarly, those who would have preferred a 28- or 30-foot limit find a 35-foot limit to be an acceptable compromise.

Reducing the allowable building height to 35 feet in the 4-C Zone will help to ensure a commercial district that is more compatible with the adjacent neighborhoods, avoid a harsh wall of tall, urban buildings along Highway 101, and support and encourage street-level, pedestrian friendly retail businesses.

We are already having a positive construction boom with many new buildings under 35 feet, and many other cities have a comparable height limit (SEE ATTACHMENT A). Having a consistent, uniform building height would allow for ample economic development while also maintaining our small town feel and allowing for everyone to take in the breathtaking scenery we are known for—we do not want to lose this valuable and treasured feature of our town!

Proposed exemptions
1. “Projections”
The current findings recommend “General Exceptions to Building Height Limitations” for: stationary boat hoist in the Port Facility, chimney, tank, church spire, belfry, dome, monument, fire and hose towers, public observation tower, mast, aerial cooling tower, elevator shaft,
transmission tower, smokestack, flagpole, radio or television towers and other similar projections.

Rather than making all these "projections"—some potentially quite tall—outright uses, I urge you to remove some of them.

Another idea would be to adopt code that would make all projections that extend more than three feet beyond height limits "conditional uses" to give the Planning Commission and community the opportunity to provide input and place specific conditions to ensure that the "projections" are appropriate for each location. Or to research how other cities have addressed these kinds of projections.

2. Exceptions clause (Section 17.32.50 B2)
The City Council failed to adequately consider Section 17.32.50 B2, which allows for full exemptions to heights established across all zones for nursing homes, retirement homes, hospitals, and churches, even though a key aim of our zoning is to maintain the scale of buildings to protect the livability and character of our community.

Many are concerned that this section works directly at counter purpose to establishing building heights and creates a loophole that could allow for the construction of taller buildings if enough contiguous lots were to be combined.

All new buildings should simply meet established building height requirements in their respective zones to ensure that they are compatible with surrounding buildings in the neighborhood.

There are many, many examples of churches, nursing homes and retirement homes in other larger communities that are 35 feet or lower. There has been some concern voiced that this loophole could be used to build one of the specified uses but then later convert to a different use.

**Why are height limits important?**
**Questions about water availability underscore need for slow growth**
As our community debated height limits, many questions were raised but not answered about the availability of water in our city. Port Orford's "City Water Master Plan" (2014) prepared by Dyer Engineers indicates that our city has "water rights" that can accommodate annual growth of 1%, but water "rights" do not translate into actual water availability, especially at times of drought and peak use during summer months, and it does not take into account enormous water losses in our leaky system, which are often > 40% of water, or sedimentation in our reservoir that has already reduced water storage.

We all know that our water system is already degraded and overtaxed and so adding new tall buildings, with potentially high numbers of new water users, could add stress to the existing system. Also, we’ve already had many new buildings built just in the past year that are just now
beginning to tap water -- and we have a new medical clinic coming on line, too. Last summer, some property owners within city limits said they could not get water service (City Council Minutes, June 18, 2020), and this spring the Public Works director has already hooked up many new structures. Allowing large buildings that will further stress our water system could lead to curtailment or the need for water rationing for uses such as gardening — enjoyed by many current residents, as outlined in the 2014 Water Master Plan. Ideally, we'll be able to improve our water system and water security, but in the meantime, slow growth is the most sensible option.

**Need to be proactive about potential fire risks**

Reducing building heights could help to reduce fire risks that may well be beyond what our local fire department and infrastructure can currently handle. Please consider different things have been stated about fire safety thus far:

- Commissioner Garrat expressed concern that the fire department was not equipped to handle structures beyond two stories (City Council Minutes, Aug. 20, 2020);
- At the Planning Commission meeting, Patty Clark reported that the Chief Duncan has said there is no problem fighting fires to 35 ft.; but the fire department has been unwilling to put this into writing;
- Others in a position of knowledge have stated that our fire department only has ladders to go to 28 feet, and that our volunteer fire department does not have enough volunteers/ personnel to fight a fire in larger buildings.
- The 2006 planning report, *Looking to the Future Port Orford*, identified that water distribution pipes in south end of town as “deficient in size to supply adequate flow for fire emergencies” and also identified that pipes in the downtown commercial area along Hwy 101 needed “to be upsized to provide a minimum fire flow.” (p. 22)
- Dyer Engineers evaluated the “hydraulic performance” of our water system as part of developing our town’s 2014 Water Master Plan, and their report indicated that fire flow in certain areas of town was still insufficient:

  Out of 140 nodes, 50 nodes had fire flows less than the 1,000 gpm, the minimum for residential flows. Commercial zoned areas north of 18th St along Highway 101 and PO Loop Rd. have fire flows which are less than 1,500gpm, the minimum required for commercial zoning. (p. 71)

  Fire flows were also modeled for fire hydrants associated with Driftwood School, and the maximum flow that could be obtained was 2,000gpm, less than the 3,000gpm that the Fire Marshall would recommend. (p. 71, reference to 3,000 gpm, p. 44)

While proposals for large new buildings would need to be evaluated in conjunction with our local Fire Department for compliance with State Fire Marshal recommended standards, proposals for new tall buildings could put the city in the position of needing to supply water for municipal use and fire safety that we don’t currently have the infrastructure to supply. In talking with a code specialist with the Oregon State Fire Marshal’s office, I learned that other
cities have used the strategy of reduced building heights as a way to better “right size” growth with their infrastructure. It stands to reason that lower height limits would also serve to keep our volunteer firefighters safer.

**Need to be proactive about potential earthquake risks**
The current municipal code does not require earthquake resilient construction standards for new buildings. According to the previous Planning Commission chair, the Port Orford Planning Commission previously decided to NOT require this based on the thought that this would drive up cost of construction and limit economic growth.

However, without such standards, in the event of a local earthquake, taller buildings with dense accommodation—especially those built on areas prone to liquefaction or to significant earth movement, such as bluffs—would be at significant risk for those in residence or visiting. Limiting heights to 35 feet is a stop-gap way to minimize injury and loss of life.

**No impact on potential for workforce/affordable housing**
Some have raised questions about height limits impacting affordable workforce housing. Our city planner Crystal Shoji stated in correspondence regarding the previously proposed 25 ft limit and housing (Goal 20) that she “did not see anything of concern or applicability in that all housing types will continue to be allowed. No specific expense would be added, and no land base for housing would be reduced.” (Attachment B of CC11-19-20#2 packet).

Her assessment is backed by the recent *Curry County Housing Action Plan* (2018), which recommended that Port Orford “focus on infill single-family workforce units that are compatible with its neighborhood fabric.” (p. 26)

Note also that the affordable housing plan did not consider water supply or infrastructure constraints.

**CONCLUSION AND FINAL RECOMMENDATIONS**
I urge you to reduce building heights for new buildings in Port Orford to the compromise height of 35 feet in the commercial and industrial zones, to amending the Marine Zone, and to sensibly tightening the loopholes in the exemptions portions of our building code.

The matters you are considering are timely for our community. I thank you for your public service.

Sincerely,

Ann Vileisis, 608 Oregon St. Port Orford
HEIGHT LIMITS FOR NEW BUILDINGS IN PORT ORFORD COMPARED TO TOWNS AND SMALL CITIES OF SIMILAR SIZE ON OREGON’S COAST

Port Orford’s (population ~1,148)
http://qcode.us/codes/portorford/

Heights in Zoning code:
Residential (R1, R2), 35 ft
Commercial, 45 ft
10 MU, 35 ft/ 45 ft conditional
Marine, 45 ft
Industrial, no limit
Public facility, no limit
Controlled development, no limit

Yachats (population 773, “gem” of the coast)
Across the board, 30 ft.
https://www.google.com/search?q=Yachats+population&ie=UTF-8&oe=UTF-8

Heights in Zoning code:
Residential (R1, R2, R3, R4) 30 ft
Commercial 1 (retail), 30 ft
Public Facility zone, 30 ft

GEARHART, OR, (population 1,462, “small town values”)
Across the board, 30 ft.
https://www.cityofgearhart.com/general/page/zoning-ordinance

Heights in Zoning code:
Low density residential, 30 ft or 2 stories, whichever is less
Medium density residential 30 ft
High density residential, 30 ft or 3 stories, whichever is less
Commercial (Neighborhood, General, High Intensity), 30 ft
Residential Commercial Planned Development Zone, 30 ft
Public and Semi-Public Zone, 30 ft

ROCKAWAY BEACH, (population 1,403, “small town, big beach”)
Lower heights (20ft to 29ft, east of Hwy 101)/ up to 45 feet in some zones farther from ocean front, downtown zone
https://corb.us/index.asp?SEC=56B38658-34B3-4C77-9034-FCC5A5AFB89E&DE=4329F7CC8932-4845-AF3D-569536D7DC2E

Heights in Zoning code:
Single family, 20 ft on oceanfront, 24 feet west of Hwy 101, 29 ft east of highway 101
Residential, 24 ft west of highway 101, 29 ft east of Hwy 101
Lower density residential, 20 ft on ocean front, 29 ft east of Hwy 101
Resort residential, 20 ft on ocean front, 29 ft east of Hwy 101, more than 2,000 ft east from the Oregon Coordinate line, 45 ft.
Commercial, downtown oceanfront zone (3d ave to 6th ave), 20 ft; otherwise 45 ft, but with design standards
NOTE even LARGER cities have lower height limits:
GOLD BEACH (population 2,293)

Heights in Zoning code:
Residential (R1, R2), 25 ft
Residential -R3, 35 ft
Commercial 4-C, 35 ft
Industrial, 35 ft, (conditional use up to 50 ft)
Marine, 35 ft.
Public Facility, 35 ft

BANDON (population 3,130)
Note, in Bandon, there are lots of very specific criteria and standards associated with each zone.

Heights in Zoning code:
R-1: 28 ft (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
R-2: 28 ft (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
CD zone (WEST of beach loop drive) -24 ft/ east of beach loop drive, 28 ft, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
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CD-R1: 24 ft and 28 ft for specific lots in the Averill Addition, (there are specific criteria for exemptions up to a 35 limit, that deal with cutting off sunlight to other properties, impact to views of surrounding properties, and more)
CD-R2: 24 ft
Commercial, Old Town, 28 ft, may be exception up to 35 ft, with specific conditions
Commercial C2, 45 ft
Commercial C3 28 ft
Light Industrial, 45 ft, and in a special zone commercial zone near 101, 28 ft
Heavy industrial, 45 ft
For Planning Commission reference:

Neighboring town codes related to Port Orford exemption Section 17.20.050 General exception to building height limitations.

Port Orford

17.20.050 The following type of structure or structural parts are not subject to the building height limitations of this title: chimney, tank, church spire, belfry, dome, monument, fire and hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers, and other similar projections.

Yachats

Section 9.52.170 General exceptions to building height limitations.

   Projections such as chimneys, spires, domes, towers, aerials, flagpoles and other similar objects not used for human occupancy are allowed as long as the projection: (1) does not exceed nine (9) square feet; (2) has a maximum width of eight (8) feet as viewed from any direction; and (3) has a maximum height of seven and one half (7.5) feet above the peak of the roof. Elevator shaft housing may exceed the above dimensions but shall be no larger than the minimum required by building code.

   Stand-alone projections such as antennas, cell towers, transmission towers, and similar structures shall have a maximum height of thirty (30) feet.

   Any requests for exceptions to the above standards shall be in accordance with Chapter 9.80 Variances. (Ord. 349 § 2, 2017; Ord. 73E § 4.040, 1992)

Gearhart

SECTION 4.030 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

   Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

Rockaway Beach

Section 5.070. General Exception to Building Height Limitations. Projections such as chimneys, antennas, flagpoles, and other similar objects (not including satellite dishes) not used for human occupancy are not subject to the building height limitations of this ordinance.

Gold Beach

Section 4.020. General Exception to Building Height Limitations.
The following type of structure or structural parts are not subject to the building height limitations of this ordinance; chimney, tank, place of worship spire, belfry, monument, fire and hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television tower, wind generator and other similar projections.

Bandon

17.xx.100 Exceptions to height limitations

These apply in the following zones:
Residential 1
Residential 2
Controlled development 2
Controlled development residential 2
General commercial

A. Chimneys, provided that they do not extend more than five feet above the highest point of the proposed structure.

B. Private, non-commercial antennas or HAM radio antennas and towers up to seventy (70) feet in height, provided that no commercial communication equipment is located on or near such antennas. Such antennas exceeding (70) feet may be allowed as a Conditional Use.

17.20.100 Exceptions to height limitations

This exception applies to Controlled development 1 zone only:

A. Chimneys, provided that they do not extend more than five feet above the highest point of the proposed structure.

B. On the east side of Beach Loop Drive and south of Seventh Street, private, non-commercial antennas or HAM radio antennas and towers up to seventy (70) feet in height, provided that no commercial communication equipment is located on or near such antennas. Such antennas exceeding seventy (70) feet may be allowed as a Conditional Use. Antennas on the west side of Beach Loop and north of Seventh Street shall be subject to the existing height limitations.

No exception to height limitations in:

Controlled development residential 1
Old Town commercial
Marine commercial
Light industrial
Heavy industrial

Submitted by Commissioner Thelen 6/21/21
For Planning Commission reference:

Comparison of neighboring town codes with regard to 17.32.050

Port Orford currently has an exemption to building height based on the use of the building. Section 17.32.050 Additional standards governing conditional uses.

B. Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.

2. A church, hospital, nursing home, convalescent home, or retirement home may be built to exceed the height limitations of the zone in which it is located to a maximum height as determined by the State Fire Marshal if the total floor area of the building does not exceed one and one-half times the area of the site and if yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

Yachats
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Gearhart
No exception to allowable building height based on conditional use, lot size or floor area in any zone, except that tsunami vertical evacuation structures are not subject to building height limitations in any zone.

Rockaway Beach
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Gold Beach
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Bandon
No exception to allowable building height based on conditional use, lot size or floor area in any zone.

Submitted by Commissioner Thelen 6/21/21