

City of Port Orford Staff Report

To: Mayor Pat Cox
Port Orford City Council

From: Crystal Shoji, AICP
Port Orford Planner – Shoji Planning, LLC

Date of Staff Report: November 10, 2021

Date of Scheduled Legislative Hearing:

Port Orford City Council Public Hearing – November 18, 2021, 5:30 p.m., Virtual Meeting

Subject:

This staff report addresses adoption procedures and Planning Commission findings with the following new Attachment:

- Attachment A.1 – Code amendments Proposed Ordinance Number 2022-03, as recommended by the Port Orford Planning Commission November 2, 2021.

Other Attachments are included with the Staff Report that was provided to the Port Orford Planning Commission for their Public Hearing, November 2, 2021: are included, along with public testimony including Exhibits 1 – 11.

- Attachment A – Proposed Ordinance Number 2022-03 now modified by the Planning Commission and included as new Attachment A.1
- Attachment B – Port Orford Zoning Map
- Attachment C – ORS 227.186 Notice to property owners.
- Attachment D – 35-day Notice to DLCD

In the following section of this Staff Report,
Language included within the current code is shown in *Italics*.

Findings recommended by the Planning Commission and City Planner
are provided in regular font.

Port Orford Municipal Code, Chapter 17.40, Amendments to Zoning and Comprehensive Plan

Chapter 17.40

An amendment to this ordinance in the text or the map may be initiated by the city council, the planning commission, or by application of a property owner or his authorized agent.

Findings: This proposed text amendment was initiated by the Port Orford City Council with specific zones and topics to be considered including, but not limited to commercial and industrial zones, and exceptions to building heights permitted by Section 17.32.050 of the municipal code.

17.40.030 Process for Zone Text, Map or Comprehensive Plan Amendment.

- A. Any amendment to the zoning ordinance text, the Comprehensive Plan Goals and Policies, and/or the comprehensive [sic] Plan /zone map is subject to a two-step approval process:
 - a. The Planning Commission holds a public hearing and makes a recommendation to the City Council.*
 - b. The City Council holds a de novo public hearing and makes a final decision.**
- B. Any amendment shall be adopted by (Ordinance [sic]).*

Findings: The City is following the procedures set forth in Section 17.40.030 of the code.

Section 17.40.040 Criteria and Approval for Zone Text or Map Amendments.

An amendment to the zoning ordinance text or map is appropriate when there are findings that all of the applicable conditions exist.

- a. Either the original wording or designation was made in error, or the amendment is justified due to changing circumstances.*

Findings: The amendments proposed within this document are zone text amendments, justified due to changing circumstances with the development patterns in the City of Port Orford, and all up and down the Oregon Coast.

- b. Any amendment must comply with the Port Orford Comprehensive Plan Goals and Policies.*

Findings: The proposed amendments comply with the following Port Orford Comprehensive Plan Goals and Policies, which are acknowledged to be in compliance with the Statewide Planning Goals as follows:

Statewide Planning Goal 1: Citizen Involvement.

City Goal: Provide opportunities for Citizen involvement in all phases of the planning process.

City Policies:

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.*
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.*

Findings: Citizens participated in all phases for consideration of the amendments, including, but not limited to data collection, workshops, and public hearings. Citizens provided examples from other cities, and suggested amendments. Citizens participated in workshops and meetings on a regular basis over a number of months when the Planning Commission was considering the amendments. Citizens will have the opportunity to participate in public hearings held by the Planning Commission and the City Council.

The City provided widespread public notice of the topic and the proposed public hearings as identified within this Staff Report. The city disseminated information through the media, on the web, and through mailings.

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:

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.*

Findings: The Planning Commission has determined that the recommended heights within the proposed Ordinance Number 2022-03 will provide opportunities for economic activities that are important to the health, welfare, and prosperity of the citizens and the community. Amendments have been considered and recommended with attention to the needs of the economy, and respect for the natural environment that makes the city a unique and inviting place.

The City relies upon a document titled, *Looking to the Future, June 30, 2006*, which is a visionary document that was developed with widespread involvement and support of the citizens of Port Orford. The following Goals are set forth in the document.

Chapter 7, Page 1: Maintain small town ambiance through planning and zoning by utilizing some of the following techniques:

- *Limit the scale and footprint of uses in both residential and commercial areas.*
- *Implement more stringent height restrictions.*

Findings: The amendments are consistent with the recommendations and goals set forth in the City's published vision for the City of Port Orford, as explained in *Looking to the Future, June 30, 2006*.

Findings: Planning Commission members noted that they reviewed the testimony that was provided from the public in written format, within Exhibits 1 – 11, and listened to the testimony in the virtual hearing. The majority of the Planning Commission determined that the proposals for height amendments presented in proposed Ordinance Number 2022-03 are compatible with future economic development of the City of Port Orford.

c. The map amendment must be compatible with surrounding zoning.

Findings: There is no map amendment proposed. An illustration adopting height restrictions is included within the text of Section 17.12.060 *Marine activity zone (7-MA)* zone to illustrate and define where height restrictions vary within the zone, but this is not a map amendment. The height restrictions have been organized to be compatible with surrounding zoning in all of the amendments. The two different height restrictions within the (7-MA) zone are recommended to respond to topography so that height restrictions are compatible with surrounding zoning.

Conclusion:

The planning Commission corrected one reference in response to Section 17.12.050 Controlled Development zone (6-CD), (D) where building heights within the wording of the staff report that was presented to the Planning Commission were inconsistent due to a mistake. The correct height is thirty (30) feet in height, as it currently exists within the

code. The text in the proposed Ordinance referred to thirty-five feet. The language has been amended within the proposed code that is now proposed to the City Council to reflect what the current code states.

The proposed Ordinance Number 2022-03, with amendments recommended by the Port Orford Planning Commission September 7, 2021 is consistent with the Statewide Planning Goals, the Port Orford Comprehensive Plan and Title 17 of the Municipal Code, and with the visions and goals that the city relies upon from their document Looking to the Future, June 30, 2006.

Recommendations

1. The City Council's Public Hearing is a de novo hearing, which means that the Council has the authority to consider new information.
2. The City Council may adopt, amend or deny the proposed text amendments presented in proposed Ordinance Number 2022-03, including the illustration that provided to illustrate two different heights limitations within the Marine Activity zone (7-MA).
3. The City Council may adopt, amend or deny any or all of the above findings in order to approve findings that are consistent with and support their decision.
4. The City Council can make their decision at the meeting on November 18, 2021 and make any adjustments to the findings that have been recommended by the Planning Commission.
5. The City Council may ask the staff to come back at the next City Council meeting with findings to support a different decisions than that which has been recommended by the Planning Commission.
6. The City Council may carry the public hearing over, or close the public hearing and carry the meeting over to gather additional information or make further observations.
7. Any carry-over of the public hearing, or meeting should be for a specific date that is stated at the public hearing.

ORDINANCE NUMBER 2022-03

**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.

**Proposed Amendments to Port Orford Municipal Code Title 17, Zoning, are
Text Amendments:**

Port Orford Municipal Code Chapter 17

17.04.030 Definitions

“Public” means open to and shared by the citizens of Port Orford for their use, and owned, leased, or funded by public sources with operations overseen by the City, County or State.

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 Structure shall exceed thirty (30) feet and two stories in height.

17.12.010 Residential zone (2-R)

G. Height of Buildings. Except as provided in Section 17.20 050, in a 2-R zone no Structure shall exceed thirty (30) feet and two stories in height.

17.12.030 Commercial zone (4-C)

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

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 structure shall exceed **thirty-five (35)** feet in height.*

17.12.050 Controlled Development zone (6-CD)

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

17.12.060 Marine activity zone (7-MA)

E. Height of Buildings. Except as provided in Section 17.20.050, in a 7-MA zone, no structure shall exceed the following heights in Segments A and B of the (7-MA) zone.

- a. **Segment A. No structure shall exceed forty-five feet in height.**
- b. **Segment B. No structure shall exceed thirty-five feet in height.**

F. The map with Segments A and B addressing height restrictions within the 7-MA zone is made part of Section 17.12.060.

17.12.080 Shoreland overlay zone (9-SO)

G. Height of Buildings. Except as provided in Section 17.20-050, in a 9-SO zone no structure shall exceed thirty 30 feet in height.

17.12.090 Battle Rock Mixed Use Zone (10-MU)

E. Design Standards for all New Development. All new structures and substantial improvements in a 10-MU Zone shall conform to the following design standards:

- 1. *Building Size. Any building more than 125 feet in length, or with a footprint greater than 6,000 square feet shall be considered a large structure requiring site plan review in compliance with standards set forth in Chapter 17.33.*

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

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: boat hoist or crane in the Port Facility, chimney or smokestack that does not exceed 5 feet over the building height limitation of the zone, fire and hose towers, public tsunami evacuation structure, transmission tower or communication facility towers authorized by state or federal law, municipal and community water system towers approved by the City and the Oregon Health Authority, and other similar projections.

17.32.050 Additional standards governing conditional uses.

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

17.46.080 Evacuation Route Improvement Requirements.

D. **Public Tsunami Evacuation Structures:** *Public Tsunami evacuation structures are not subject to the building height limitations of this code.*

October 31, 2021

Dear Port Orford Planning Commission,

I am a longtime resident of Curry County and have an economic interest in a commercial building on Highway 101 in the area zoned 10 MU on the south end of town. I am writing to you on behalf of myself and the current owners of this property to voice our opposition to the city's proposed Ordinance 2022-03 which would restrict building heights of the city's commercial buildings.

My experience with participating with the city's online meetings has been, like many, less than favorable. I suggest that you wait until you can hold meetings in public so that all those who have a financial stake and who will be impacted by this ordinance can be contacted and can voice their concerns. If you choose to proceed, I would like this letter to be read into the record.

In our opinion, reducing the building heights of new commercial buildings constitutes a taking by the city of property rights which people have owned and enjoyed for years. This taking is not justified and is not warranted by any actual or perceived problem.

As you know, land use decisions in Oregon are based on Statewide Planning Goals. Goal 9 deals with Economic Development and requires that local governments maintain a working inventory of areas suitable for economic growth. Because of the price of land, by restricting building heights in Port Orford's commercial zone, the proposed ordinance would reduce the area in our commercial zone that currently provides opportunities for local economic development and profitable investment in local businesses. Similarly, Goal 10 deals with Housing and requires that the city support adequate housing which is a fundamental building block of a healthy community. Southern Oregon including Port Orford is currently experiencing a diminished housing market both for permanent and transient residences. By restricting building heights, the city would further limit investment opportunities for developers to develop affordable housing. It is our opinion that these conflicts with Goals 9 and 10 are the basis for an appeal to the state to overturn this proposed ordinance if it is passed.

In an earlier virtual Port Orford Planning Commission meeting held in November 2020 where Ordinance 2022-03 was first discussed, the Planning Commission heard from our

Exhibit AA

state representative, a Curry County Commissioner, a local building official who is also a civil engineer, a building designer, a local contractor and many concerned citizens who all expressed opposition to this ordinance. They reiterated why restricting commercial building heights would decrease employment opportunities and would further limit housing. They demonstrated that on sloped ground, the actual building height would be reduced further and that it would potentially limit the number of floors that a commercial building could have and the type of design that would be feasible.

I question how this proposed height restriction benefits the community of Port Orford and helps to lessen the current housing shortage and stimulate our local economy? This proposal was initiated by a new arrival to Port Orford who built his beach getaway in a commercially zoned area and who is now trying to protect his investment. As Planning Commissioners, you should know that the city was founded in 1856 and that our zoning ordinance and building codes have been in existence for approximately 50 years. Over this 50- year period, the current building codes have not caused significant changes to the city or vast, unplanned development. Your hopes of restricting growth will only further weaken the city by limiting new development and the opportunity to rebuild our failing infrastructure. I challenge you to be smarter than that and not to be deceived and misled.

Finally, your attempt to limit building heights will serve to discourage investment and new development which is what Port Orford needs to pay for their degraded city services. Your actions ensure that your legacy to our children is an antiquated water system that provides unhealthy and very costly water and an outdated sewer system that discharges the city's treated sewage into the ocean.

Sincerely yours,

Eric Oberbeck
93345 Sixes River Road,
Sixes, Oregon 97476

Mr. and Mrs. Acey Johnson
190 6th Street
Port Orford, Oregon 97465

Jessica Ginsburg

From: c freeman <cynfreely@gmail.com>
Sent: Tuesday, November 9, 2021 8:18 AM
To: Jessica Ginsburg
Subject: Building Heights in Port Orford

Mayor Cox and City Council,

There are MULTIPLE reasons to keep building heights lower and our water situation this summer was enormously stressful for what it portends. It seems like Port Orford is up for grabs. If these insatiable greedy types are to have their way in this town, this place will look like their personal outfits writ large. Just look across from the Post Office for real eyesores. Seems like anything goes- even filling in wetland areas with concrete and cutting ROW trees to make a freakin hideous phallic structure. (It's embarrassing when friends see it to be honest. Is this what we want?) As a newer resident to Port Orford- but NOT to the coast, and one who cares about this community (I do pick up trash each day, to support Rita in her efforts in the ROWS and at Battlerock, follow the rules for planting in the ROW by getting a permit, volunteer to plant trees near Hubbard Creek and have plans to start a group with retired LOGGERS to cut down ivy in the ROWS)- I am not virtue signaling. I COULD and WILL do more. It's just so demoralizing to have to re-visit this. I was one of 160 signatures supporting lowering height limits for livability, fire-fighting capacity and water conservation. Where was the opposition all summer long?

We can go down the path and look like ANYWHERE USA or we can work to create a COMMUNITY where people assist in creating jobs that are sustainable. Please quit calling them WORKFORCE too, like some nameless, faceless entities. I was someone who cleaned cabins in my youth and talk to the very people-mostly women- who do this labor. So this acceptable work for women? How sexist. Plus the work sucks. Rinse and repeat. Does anyone REALLY like cleaning toilets? It's a dead-end, soul-crushing job. Is this what we want for young, creative people? I suggest that the almost all-male city council spend a week cleaning vacation rentals. Seriously.

We can try to do things differently rather than create some tired, degraded tourist destination. I left Brookings because of the way the community at large treated the homeless and the ghost town that was created by STVR's. We had NO housing for a new science teacher and her dog and so, consequently, she never arrived and the kids had ZERO science in the middle- school for an entire year. That is just one story. I can tell you heart-breaking stories of what young people HERE have had to do just to get by because the pay for cleaning STVR's was horseshit by the OUT OF TOWN investor/owners. It's nothing a parent would want any child to do. These people were born here Mr. Mayor. BORN HERE!!!! They often have to leave.

As someone who is kind and civil to the many tourists who came here this summer, I can tell you, not much is asked of them at all, but they exact a toll on the year-round residents. Noise, trash, little recycling, water-wasting, endless dog shit (Rita and I pick it up and she is a saint.) After one year here, I can tell you, this IS NOT a sustainable community. We ALLOW people to desecrate the ROWS with little to no restraints, cut down trees in the ROWS, and then when someone- me applies to get a ROW permit, is grilled about my intentions like I'm trying to bury nuclear waste or dead bodies. We do not even have a decent grocery store, but HEY! we have a Dollar Store owed by the Chinese and we have Ray's that charges exorbitant prices- gouging the desperate residents year-round. Disgusting. WE can do better than this. You guys are just going to run good people off with the bullshit.

Stop supporting the greed and vested interests. I watch the city council meetings each month and watch how often you guys position yourselves based on what your personal wants and needs are. Really? Your job is to represent your constituents. In one year, I have NEVER had any city council member approach me to ask me my thoughts. Am I missing something? You would do well to section the city up into workable groups, get contact info from residents and have each council member responsible for surveying this town as to what they ACTUALLY WANT. How hard is that? I can tell you right now WHO is on the city council is on there to protect their own interests. I can tell you right now WHO is fielding calls from Brock-Smith. I can tell you right now just WHO flouts your OWN city council rules and votes for and appoints their OWN CHILD to a parks position or votes on someone who lists their address OUT OF THE URBAN GROWTH BOUNDARY. Mayor Cox- why do you let this happen? You KNOW and have voiced concern about this, but then you let it happen. That is NOT leadership. You just roll each time this happens.

You need people like me here. I pay taxes and struggle to do so. I look at what I am paying for and no, for many of these items, I do not directly benefit. I DO understand that these taxes help the community at large, however, so I quietly pay my fair share. Quit acting like the residents' voices don't matter. I do my part, you GUYS do what you were elected to do. LEAD. ETHICALLY. You all need ethics classes. Seriously. This isn't your personal playground.

Cynthia Freeman
Resident

Jessica Ginsburg

From: Jerry Boydston <jbml8059@gmail.com>
Sent: Tuesday, November 9, 2021 7:41 PM
To: jginsburg@portorford.org
Subject: height restriction ordinance

Dear Mayor Cox and City Council members,

My name is Mary Lou Boydston and I live at 1400 California St. here in Port Orford. I care strongly about the character of this lovely coastal town and I hope that by enacting ordinance 2022-03 we can preserve this charm by keeping the height down on all future buildings. Earlier this year there was a discussion about the height limit. 160 signatures were gathered in favor of protecting Port Orford's character by reducing the height allowance to lower than 35 ft. Now 35 feet is the set limit and I believe it is reasonable and more importantly it is time to enact ordinance 2022-03 to maintain a 35 foot height.

By keeping the charm of Port Orford we increase the way forward for economic growth.

Sincerely,

Mary Lou Boydston

November 9, 2021

Mayor Cox and City Council members,

Hi. My name is Sienna Stephan. I've grown up in Port Orford and I love it here. I have heard about the building heights issue from friends and I really want to see Port Orford retain its small town charm and character, without big developers coming in. I strongly support proposed ordinance 2022-03. I want to see our city council support a plan for small scale growth that helps to protect our town's beauty, charm and character. Voting in favor of Ordinance 2022-03 will help to ensure that growth is sustainable and I really hope that you will consider doing that.

From,

Sienna Stephan

Exhibit 00

November 9, 2021

Mayor Cox and City Council members,

I have lived in Port Orford for almost twenty years. Before my husband, I and two young children moved here from Alaska, we drove all around the United States to look for a special place to raise our family. We found Port Orford; small, cute, quaint, with lots of character and a diverse mix of people. It's been a great place to raise our family and we love our small, friendly town and the beautiful coast and beaches. We enjoy sharing it with friends and visitors and I feel that we have something unique and special here, in that we don't have any stoplights, very little development and many small, personalized businesses. I don't want to see big development allowed in our town.

I strongly support proposed ordinance 2022-03. It would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community. Earlier this year, citizens presented a petition with more than 160 signatures supporting lower height limits to help us deal with some difficult issues our town is facing right now like livability, and limited waters supply and water infrastructure issues and fire-fighting capacity.

I understand that recently the Planning Commission made a recommendation to follow through with the limits on the building heights and, it's time to follow through, be proactive, and take positive action. I strongly urge you to please vote in favor of ordinance 2022-03.

From,

Bellah (Connie) Solomon-Stephan

Exhibit EE

November 9, 2021

Dear Mayor Cox and City Council members,

My name is Rayna Stephan and I live just south of Port Orford and I care a lot about Port Orford. I was born here and have lived here all my life. I strongly support proposed ordinance 2022-03. It would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community.

I'm just a kid, but I love Port Orford, I walk on the beach many times each week and I love being able to see the ocean every day when I drive out from my house. I hope that the city will not allow tall buildings to be erected that will block the view or change how our little town looks, because I really love it.

Please protect it, for me, the other kids and other people who live here who love our little town. We don't need or want big developers or sky rise buildings, people can go to the city for those if they want that. What we have here in Port Orford is special and unique and we should try and keep it that way.

From,

Rayna Stephan

14 years old Port Orford lifelong resident

Exhibit FF

Statement to the Port Orford City Council
by Tim Palmer, 608 Oregon Street, Port Orford
Nov. 11, 2021
regarding building height ordinance

I'd like to make this statement of support for the building height ordinance that your Planning Commission has sent to you for consideration, and I urge you to approve it as written.

The recommended 35 foot height limit for commercial and industrial zones follows from a long and open public process after consideration of many perspectives involving a lot of people including any one interested in participating, and is, in my opinion, an excellent compromise recognizing many points of view.

The background work, the official findings by planner Crystal Shoji, and the extensive research that was undertaken by many people is impressive and a credit to the Port Orford Planning Commission's approach to this problem and this opportunity.

I'm impressed by how many towns up and down the Coast already have height-restricting ordinances—many of them more stringent than our proposal. These have reportedly served those communities well and weathered the test of time, opposition, and even legal challenge. Thus, there is ample precedent for communities such as ours approaching this issue in a successful way.

Explicitly this is not an anti-growth measure but, to the contrary, one that will promote quality and manageable growth and, in fact, a measure that will encourage positive growth by protecting the investments that people make. Personally, I see this proposal as one that will protect, and not limit, my property values in many ways, including its economic, development, and resale values.

I think it's fair to say that the vast majority of investments in our town, by far, will be by people who have no plans or desires to build structures taller than 35 feet. We have *no* buildings in town that are currently over this height limit. As near as I know, we have *never* had a building higher than that. Nor am I aware of any real and specific proposals for buildings over that limit.

One truth that I have taken from my education and background in landscape architecture is that height-limiting challenges that might surface for buildings on steep-sloped sites can creatively be solved with good planning that incorporates house and site design in effective ways. Landscape architects routinely do this kind of work on building sites far more challenging than most of what we encounter in Port Orford—not to mention that nearly all of the commercial zone, in question, is relatively flat. Examples of accommodating steeper slopes with structures of appropriate height for their communities are plentiful along the West Coast where

Exhibit GB

town and neighborhood integrity are maintained while developing demanding topography.

I encourage you to pass this measure. Your action will signal to its residents, to its visitors, to its investors, and to the world that Port Orford can take the kind of thoughtful and respectful actions that mark it as a community that is desirable for any one wanting to live here, to do business here, or to responsibly invest here in a future that will be good for all of us.

Tim Palmer

Jessica Ginsburg

From: Chris Mickle <fishonmick@gmail.com>
Sent: Wednesday, November 10, 2021 10:22 AM
To: jginsburg@portorford.org
Subject: Ordinance 2022-03

My name is Chris Mickle and I live at 535 12th street. Like many, I care what happens in this town. I have been following public meetings after the last regime allowed my large coastal redwood that was partially on the city ROW be felled, sold, and removed.

I cannot fathom why anybody who cares about Port Orford and it's unique characteristics want taller than 35 foot buildings. Anywhere. I have contributed many times with renovating blighted properties, buying local, and paying my share of property taxes. Please, let's not let unsustainable growth drive residents like me away. We do NOT need taller buildings to obstruct views, tax services(mainly water we do not have) and change the livability of PO.

Thank you, Chris Mickle=

Dana S. Gurnee
834 Deady St. / P.O. Box 276 / Port Orford, Oregon

November 10, 2021

To: City Councilors of Port Orford, Oregon
Re: City Council Hearing on November 18, 2021, on Proposed Ordinance 2022-03

I ask you to approve proposed Ordinance 2022-03, which would amend building-height allowances in Port Orford. I will skip thoughts about livability, infrastructure capacity, and so forth, and write instead about process.

You might agree with me that Ordinance 2022-03 came from at least 12 months of work at the Planning Commission, which received specific instruction from you to determine whether *your* wishes to amend building heights could be supported by “findings” made under Oregon law.

You also asked the Planning Commission to write new codes for the city if the findings supported amendments to height allowances. These new codes would include specific new numbers for building heights.

After 12 months, the Planning Commission *did* determine that state law supported certain changes in the existing ordinance, and then the commission *did* write new regulations for the city, with new numbers.

The Planning Commission members spent hundreds of hours on this work, with the help of Crystal Shoji, a professional city planner (and a former mayor of Coos Bay) with decades of experience. Her services cost thousands of dollars.

In addition to the work of the Planning Commission, dozens of citizens took part in meetings and in official hearings held under strict requirements of state law.

Yet despite this arduous effort – during the pandemic – the city now receives, at the last moment, a contentious lawyer letter that makes “profound assertions” that could, at least to my mind, be libelous, if they were set forth openly.

Exhibit II

For example, the lawyer letter states that several Port Orford citizens (who are not named) believe that “members of the Council and/or the Commission have pursued this ordinance for vindictive, retaliatory, or otherwise illegal purposes.”

This is a profound assertion to make, especially against the Planning Commission *volunteers*, some of whom are prominent members of the community with valued reputations that could be jeopardized once this assertion is more widely known.

If you do not vigorously dispute this assertion in a public meeting, and/or obtain details outside a public meeting, the city may never again find the kind of volunteers who are needed to serve on any of its commissions.

The lawyer letter also says that the GoToMeeting application “is known not to be in compliance with the ADA.” I ask, known to whom? The letter does not say.

The lawyer letter implies that the city’s virtual meetings are an effort to preclude specific people from taking part in meetings and hearings, and are a basis for a tort claim!

This is another profound assertion that, to my mind, borders on libel. This kind of language has a chilling effect on citizen involvement, on staff morale, and on any city council trying to govern well and to make difficult decisions.

In my opinion, the virtual approach has been beneficial to a spectacular extent, here and *all over the planet*. The people who brought about virtual meetings and who maintain them should be seen as heroes, not vilified and threatened.

Plus, in our case, this format allowed people *outside the city* to attend Planning Commission meetings and hearings on proposed changes in ordinances. Many of them spoke *powerfully against* the proposed changes, without having to travel, and with the full advantages of being seen and having their voices heard.

As for ADA compliance, a GoToMeeting web page has extensive information on how the application *does* have accessibility features:

<https://support.goto.com/meeting/help/what-accessibility-features-are-available-in-gotomeeting>.

I could go on with such analysis of the lawyer letter, but I will spare you. The question is, What might you on the City Council do in?

First thing: Vigorously defend your Planning Commission.

Or: Learn the names of the people who are believed to be deficient in the ways described. Perhaps this would be done confidentially, but it is essential for you to know who should be removed, if anyone is acting badly. Also, the mayor could poll councilors as to whether they have potential conflicts of interest. For example, do any councilors own property or businesses that could be affected by the proposed amendments?

Second thing: Don't let this lawyer letter outweigh the work that the Planning Commission did *to bring you what you asked for*. If you do, future city councils may never again have a competent, working planning commission. Then, future city councils themselves will need to do all the work of planning, if any sensible planning will even be possible.

Third thing: Consider that a Land Use Board of Appeals appeal is not a terrifying prospect. One LUBA decision could confirm that our small city acted properly during a pandemic and made legal amendments. Another LUBA decision could remand the amendments back to the city for reworking. *All parties owe it to this city to have a determination from a respected legal process that includes LUBA, not from a scary lawyer letter.*

Some people might argue that the lawyer letter sets forth an actual suggestion. If it exists, the suggestion is overshadowed by passages that cannot be ignored. I am asking you to deal with the words I cite. Please do not let them be decisive. Please speak up for your hard-working volunteers and for the staff that has maintained these essential, more-inclusive virtual meetings during the pandemic.

Sincerely,

Dana S. Gurnee

Penny Suess

To: Port Orford City Council, via e-mail

Date: November 12, 2021

Urging a **YES** vote on Ordinance 2022-03 – Amending Building Heights Within Use Zones

Dear Mayor Cox and Councilors,

I am a resident and property owner in Port Orford, and I am very much in favor of the amendments proposed in this ordinance. Your decision last year to direct the Planning Commission to review the Municipal Code and recommend changes to building height limits was thoughtful and prudent. I know that many of us in the city are thankful for your foresight and your efforts to achieve the best for Port Orford. Change is inevitable, but it is important to be its master, not its slave.

Clearly, Port Orford is a beautiful and vibrant place to live and to visit. We need to persistently emphasize the qualities that make it that way: The natural wonders of sea and sky, the village scale, the neighborhood ease, the sense of community, the artistic energy, a cared-for environment. These are most definitely not qualities nurtured in a crowded, towering, urban-style landscape. Let's keep our built environment human-scale, and in proper proportion. Let's not grow for growth's sake, or for imagined but unreliable economic benefits.

Challenges to Port Orford's liveability are well known. They include aging water and sewer infrastructure, limited clean water, and slender fire-fighting capacity. While these problems are being addressed, the solutions are a ways down the road. Outsize new projects will further strain the system, and connection fees currently in place do not adequately or fairly fund the development of future improvements. Local residents who pay for water, sewer, and other services will bear the burden while property developers (who often do not live in Port Orford) will profit.

From the start, citizens have supported limiting building heights. We have attended the meetings, presented testimony in person and in writing, and more than 160 of us signed a petition in favor. We appreciate the open public process that has enabled our voices to be heard. Those who are weighing in at the last minute with claims of failure to allow meaningful input are being quite disingenuous. Have they not been paying attention for the last 15 months? Why only now are they coming forward to assert their interests with legal threats? Join the community, folks, don't stand outside and yell at us.

Research done by planning commissioners and by concerned citizens has shown that the building heights proposed in this ordinance, and already adopted in a previous one, are in line with other coastal communities in Oregon. In fact, new buildings in Port Orford's commercial zone in the last few years have all been lower than the proposed 35 feet. That height limit simply works in our town – we like our views.

Planned, proactive, and sustainable growth will take a lot of hard work, not least to achieve a shared vision of what progress truly means. Let's take this excellent next step forward.

Exhibit JJ

Jessica Ginsburg

From: Leilani O'Neill <leilanione.is@gmail.com>
Sent: Wednesday, November 10, 2021 12:05 PM
To: jginsburg@portorford.org
Subject: Support 2022-03

Mayor Cox and City Council members,

My name is Mary O'Neill and I live at 42825 Hensley Hill rd, and I care deeply about the future of our town. I strongly support proposed ordinance 2022-03. It would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community, even as we grow. Earlier this year, citizens presented a petition with more than 160 signatures supporting lower height limits to help address important issues such as livability, and limited water and fire-fighting capacity. There have been several public meetings and now with the Planning Commission recommendation, it's time to follow through, be proactive, and take positive action. As a resident, I strongly urge you to please vote in favor of ordinance 2022-03.

Our city water system is already overtaxed, adding new tall buildings, with potentially high numbers of new water users, could add further stress to the existing system. At this point, adding new development simply cannot keep up with costs of supplying water.

This past summer's water moratorium should be a wake-up call for sensible city development codes that are in alignment with the carrying capacity of our infrastructure.

Reducing building heights could help reduce fire risks that may be beyond what our local volunteer fire department and water infrastructure can currently handle.

There has been an extensive public process with many opportunities for the public to comment at both the Planning Commission and City Council.

More than a year ago, city council started considering building heights. Now it's time to build on all the good work done by the Planning Commission, and to follow through with a positive, proactive vote for Ordinance 2022-03

Earlier this year, citizens submitted dozens of substantive letters and petitions with more than 160 signatures in favor of lowering height limits to protect Port Orford's unique character and to address concerns that growing too fast would overtax our city's already stressed infrastructure.

Exhibit KK

Jessica Ginsburg

From: Lawton, Stephen J <Steve.Lawton@bus.oregonstate.edu>
Sent: Wednesday, November 10, 2021 12:05 PM
To: Jessica Ginsburg (jginsburg@portorford.org)
Subject: Support of Ordinance# 2202-03

I support the **Proposed Ordinance # 2202-03**

- reduce the allowable building height within the City to a maximum of 35 feet across all zones
 - except the Port of Port Orford
- eliminate 17.32.50-Additional Standards Governing Conditional Uses to close a significant loophole
 - This clause allows for much taller buildings in any neighborhood, including residential neighborhoods
 - All new buildings should be no taller than 35 feet, irrespective of their use, to ensure that they are compatible with surrounding buildings in the neighborhood

Consistent With Our Vision

The City's planning report "*Looking to the Future*" states:

- "*Port Orford has an opportunity through City planning and zoning to maintain the unique character of Port Orford ...in a manner that will protect the existing character of the community and assist in retaining the small-town atmosphere*"

Appropriate Balance

The 35-foot building height limit is an appropriate balance between the needs for:

- a healthy local economy
- flexibility in design for houses and commercial buildings
- affordable housing
- protection of our small, coastal community's character and social fabric
- maintaining the livability within our community
- financial returns for real estate investors

Inadequate City Water System and Water Supply

- The City is struggling to meet the water demand by our current residents, businesses and visitors
- The moratorium under the water conservation plan has recently expired however,
 - The Public Works Director said 10 days ago that "we are still in the danger zone"
 - The City Administrator said 10 days ago that "she and the Director of Public Works are worried about having enough water pressure to fight a fire"
- The City has inadequate water volume and pressure to serve three- and four-story tall buildings
- Buildings taller than 35 feet will place a disproportionate demand on the aging and inadequate City water and sewer system and will require significant and costly infrastructure improvements
- The Port Orford planning document "*Looking to the Future*" states that "the present pipe sizes in the area (MU 10 Zone) are inadequate to handle the flow necessary in a fire emergency"
- Is the City willing to ask the voters to approve a major bond measure that will significantly raise taxes for such water system improvements while knowing it will have a difficult time being passed?
 - The City Service Development Charges will not fully cover the cost of system improvements.
 - It is unfair for residents to have to subsidize the costly water and sewer system improvements that are required for 3- and 4-story tall buildings

Inadequate Fire Protection

- The City's volunteer fire department does not have the ability or firefighting equipment to adequately fight a fire in a building taller than 35 feet
- Currently, the volunteer fire department has ladders that can reach only 28 feet tall
- The current size of the pipes in the MU 10 Zone) can't provide the necessary flow in a fire emergency
- Who will pay for the costly fire protection improvements to meet the needs of tall buildings?

Lowering the Allowable Building Height Will Not Harm Our Local Economy

- At the beginning of 2020, unemployment in Curry county was at record low of 3.9% and local businesses are having a hard time finding qualified and dependable employees
- There is no justified need for three- and four-story tall buildings:
 - The Port Orford real estate market and house construction is strong and experiencing significant growth
 - There is a significant addition of short-term vacation rentals
 - House and property values in Port Orford are rapidly increasing
 - Many Oregon coastal communities with similar building height restrictions have healthy local economies
 - The last seven major commercial and medical buildings have been under 35 feet tall:
 - Redfish Restaurant and Gallery
 - Gold Beach Lumber
 - Dollar General
 - Portside Market and Deli and old TJ's
 - MTN Sea Fitness
 - Coast Community Health Center
 - Port Orford Community Coop Expansion
 - All this economic growth has occurred without the inclusion of buildings taller than 35 feet

Buildings Taller Than 35 Feet Will Harm Our Neighborhoods and Community Livability

- With no off-street parking requirements, tall, out-of-scale buildings will:
 - increase the number of cars, trucks and campers parked on neighborhood streets
 - increase neighborhood traffic and noise
 - limit available on street parking for local residents
 - block the existing sunshine and night sky of neighboring residences

Eliminate 17.32.50-Additional Standards Governing Conditional Uses

- This clause creates a loophole to allow for much taller buildings in any neighborhood, including residential neighborhoods.
- 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.
- Many coastal communities have churches, nursing homes, convalescent homes and retirement homes that exist in building no taller than 35 feet

Thank you for your consideration and for your volunteer contribution to our community.

Steve Lawton
710 Jefferson St
Port Orford

Jessica Ginsburg

From: Lawton, Stephen J <Steve.Lawton@bus.oregonstate.edu>
Sent: Wednesday, November 10, 2021 11:58 AM
To: Jessica Ginsburg (jginsburg@portorford.org)
Subject: Support of Proposed Ordinance 2022-03

Mayor Cox and City Council members,

I care deeply about the future of our town. I strongly support proposed ordinance 2022-03. It would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community, even as we grow. Earlier this year, citizens presented a petition with more than 160 signatures supporting lower height limits to help address important issues such as livability, and limited water and fire-fighting capacity. There have been several public meetings and now with the Planning Commission recommendation, it's time to follow through, be proactive, and take positive action. As a resident of Port Orford, I urge you to please vote in favor of ordinance 2022-03.

Appropriate Balance

The 35-foot building height limit is an appropriate balance between the needs for:

- a healthy local economy
- flexibility in design for houses and commercial buildings
- affordable housing
- protection of our small, coastal community's character and social fabric
- maintaining the livability within our community
- financial returns for real estate investors

Inadequate City Water System and Water Supply

- The City is barely meeting the water demand by our current residents, businesses and visitors
- During the driest summer months and peak tourist season, the City struggles to meet the peak demand and is running at full capacity
- The proposed building height restriction is the only immediate, no-cost option to ensure the City has adequate water to meet the current needs of our community
- The 2010 Port Orford Water Supply Expansion Report states the "City is running out of water"
- In 2006 and 2020, the City prepared for emergency water shortages requiring voluntary conservation due to high demand and inadequate water levels in our reservoir
- Three- and four-story tall buildings will place a disproportionate demand on the aging and inadequate City water and sewer system and will require significant and costly infrastructure improvements
- The City has inadequate water volume and pressure to serve three- and four-story tall buildings
- The Port Orford planning document "Looking to the Future" states that "the present pipe sizes in the area (MU 10 Zone) are inadequate to handle the flow necessary in a fire emergency"

- The City Service Development Charges will not fully cover the cost for improving the water and sewer system for tall buildings. It is unfair for residents to have to subsidize the costly water and sewer system improvements that are required for 3- and 4-story tall buildings

Inadequate Fire Protection

- The City's volunteer fire department does not have the ability or firefighting equipment to adequately fight a fire in 3- an 4-story tall building
- Currently, the volunteer fire department has ladders that can reach only 28 feet tall
- The present pipe sizes in the MU 10 Zone) can't provide the necessary flow in a fire emergency

Lowering the Allowable Building Height will Not Harm Our Local Economy

- At the beginning of 2020, unemployment in Curry county was at record low of 3.9% and local businesses were having a hard time finding qualified and dependable employees
- There is no justified need for three- and four-story tall buildings:
 - The Port Orford real estate market and house construction is strong and experiencing significant growth
 - There is a significant addition of short-term vacation rentals
 - House and property values in Port Orford are rapidly increasing
 - The last seven major commercial buildings have been under 35 feet tall:
 - Redfish Restaurant and Gallery
 - Gold Beach Lumber
 - Dollar General
 - Tj's Café and Restaurant
 - Ed's Restaurant and Bar
 - Community Health Center
 - Food Co-Operative
 - All of this economic growth has occurred without the inclusion of three- and four-story tall buildings
 - Many Oregon coastal communities have 2-story hotels, commercial, retail, and medical buildings

Economic Growth

- This ordinance is not anti-growth. It's about fostering growth that matches the vision of local residents as outlined in the "Looking Forward Port Orford" report
- This proposed ordinance is also aligned with a key part of Statewide Planning Goal 9, which specifies that the carrying capacity of land and water resources should be considered as a major factor in planning for economic growth.
- There have been 8 new buildings built in our commercial zone in the past few years, all with heights lower than the proposed 35 ft limit.

Three- and Four-Story Tall Buildings Will Harm Our Neighborhoods and Community Livability

- The City's planning report "*Looking to the Future*" states:
 - "*the intent of the MU 10 Zone to maintain our small coastal town ambiance and small town neighborhood character*"

- *“Port Orford has an opportunity through City planning and zoning to maintain the unique character of Port Orfordin a manner that will protect the existing character of the community and assist in retaining the small-town atmosphere”*
- *“Locating a commercial use that is large in scale in an established residential neighborhood could potentially negatively affect the character of the established residential neighborhood.”*
- *“64% of the lots within the MU 10 Zone are private residences”* that will be dwarfed by out-of-scale three- and four-story tall buildings
- With no off-street parking requirements, tall, out-of-scale buildings will:
 - increase the number of cars, trucks and campers parked on neighborhood streets
 - increase neighborhood traffic and noise
 - limit available on street parking for local residents

Based on the above reasons, I support the proposed planning ordinance to reduce building heights to a maximum of 35 feet across all zones (except the Port of Port Orford). I believe that it will protect the character and livability of our community while serving the needs of investors and building design while not harming our local economy.

Thank you for your consideration.

Steve Lawton
710 Jefferson St
Port Orford

Jessica Ginsburg

From: aimee munford <aimeemunford@gmail.com>
Sent: Wednesday, November 10, 2021 11:36 AM
To: Jessica Ginsburg
Subject: Proposed Ordinance 2022-03

Mayor Cox and City Council members,

My name is Aimee Munford and I live at 215 17th Street in Port Orford with my husband Brian and our sons Owen, Elias and baby daughter Neva. We care deeply about the future of our town. We moved our family out to Port Orford 4 years ago when we fell in love with this small coastal town and all the charm it offers our community. We strongly support proposed ordinance 2022-03. It would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community, even as we grow. We want to see Port Orford stay beautiful! Earlier this year, citizens presented a petition with more than 160 signatures (which we signed) supporting lower height limits to help address important issues such as livability, and limited water and fire-fighting capacity. We also wrote letters including one written from our 9 year old son. There have been several public meetings (which we have also taken part of and spoken at) and now with the Planning Commission recommendation, it's time to follow through, be proactive, and take positive action. As residents with a young and growing family we urge you to please vote in favor of ordinance 2022-03.

Best regards,

Aimee and Brian Munford

(And Owen, Elias and Neva too)

Mayor Cox and City Council members,

My name is Julian Head and I live at 1437 Jackson St, and I care deeply about the future of this town. I strongly support the proposed ordinance 2022-03. It would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community, even as we grow. Earlier this year, citizens presented a petition with more than 160 signatures supporting lower height limits to help address important issues such as livability, and limited water and fire-fighting capacity. There have been several public meetings and now with the Planning Commission recommendation, it's time to follow through, be proactive, and take positive action. As a resident, I urge you to please vote in favor of ordinance 2022-03.

Sincerely,

Julian Head

Exhibit MM

November 10, 2021

Pat Cox & City Council Members,

Greetings!

Thank you for taking the time and asking the Planning Commission for their advice on the important issue of how our town will grow in the future.

I watched the Planning Commission meeting, and participated in sharing my thoughts through a letter. I was happy to hear that they voted in favor of supporting ordinance 2022-03 limiting building height to 35".

I hope you will strongly consider their recommendation. The future character of our small rural town is in your hands.

As you are aware there are many aspects that need to be considered with building heights in our community. First of all is that tall building distract from the natural beauty that make our small town most attractive. Folks come here to escape city life, and relax next the ocean, lake, streamside or forest. Tall buildings feel more like walls that restrict views & natural lighting.

Our towns infrastructure is very limited, especially our water supply. Tall building can mean more density and we simply don't have enough water for our current residents. Tall buildings also need maintenance and fire suppression that we cannot support over 35'.

As our town grows, I believe we can support creative buildings that do not tower over others properties, and will allow the natural beauty to outshine our built community. Let's build smarter, not taller.

Thank you for considering my comments and those of so many others in our community that do not want to see tall buildings in our small quaint town.

Cathy Boden

580 7th street (residence)

343 9th street (long term rental)

P.O. Box 912

Exhibit MN

Patty Clark

From: Jessica Ginsburg <jginsburg@portorford.org>
Sent: Wednesday, November 10, 2021 12:57 PM
To: 'Patty Clark'
Subject: FW: Proposed ordinance 2022-03

Packet

From: Gary Burns [mailto:datreewiz@gmail.com]
Sent: Wednesday, November 10, 2021 12:15 PM
To: Jessica Ginsburg <jginsburg@portorford.org>
Subject: Fwd: Proposed ordinance 2022-03

Sara just called me and said her email to you kept bouncing back, Jessica. So I am forwarding it. Not sure if it can make it into the packet.

Thanks Jessica

Gary

----- Forwarded message -----

From: Sara Lovendahl <saralovendahl@charter.net>
Date: Wed, Nov 10, 2021 at 12:06 PM
Subject: Proposed ordinance 2022-03
To: Wiz Burns <datreewiz@gmail.com>, Pat Cox <pcox@portorford.org>

Dear Mayor Cox and City Council Members

My name is Sara Lovendahl and I live at 31 Hamlet Street.
I am writing to support proposed ordinance 2022-03.

The proposed ordinance removes outdated exceptions and as the chair of the planning Commission stated 35' is quite liberal when compared to surrounding communities.

The proposal was supported by 160 citizens who signed a petition presented to the Council earlier this year.

I am not anti growth. I support well reasoned growth. Our water system is fragile at best. High density buildings with additional users will further compromise our water and sewer infrastructure. It is not clear whether our volunteer fire department can suppress buildings greater than 35'. The life and property of our residents would be at risk.

The ordinance is aligned with the "Looking Forward Port Orford" vision which an important element of Statewide Planning Goal 9, which states the carrying capacity of water and land resources must be considered when determining future economic expansion.

Ordinance 2022-03 has been subjected to rigorous public process, has wide community support and has considered resource and fire management as well as the character of our city.

Port orford is a very special part of the Southern Oregon Coast. I chose to live here, as many others do, because of the town's livability and wonderful character.

I strongly urge you to support ordinance 2022-03 as written.

Thank you for you dedication and consideration.

Sara Lovendahl
31 Hamlet St

Sent from my iPhone

--

Gary "Wiz" Burns
the Tree Wizard

See my wood carvings @ www.treewizwoodcarvings.com

Always with Love and Gratitude!

November 10th, 2021

RE: Port Orford Building Height Ordinance #2022-03

Dear Mayor Cox and City Council members,

My name is Jessica Van Leuven and I live at 1621 Jackson Street. I am a new resident and home owner to Port Orford and I am in SUPPORT of the proposed Building Height ordinance 2022-03, and urge you to please do the same. My main reason for this ordinance comes from the fact that I was attracted to this town because of its character, its balance with the natural environment and resources, and it would be a shame to have this taken away from tall buildings and the assumption that most taller buildings might have monetary incentives (wealthy developers, commercial, seasonal owners, vacation rentals, hotels). I am well aware of the “slippery slope” not having ordinances to protect a town’s character which has made it desirable to residents and tourists alike, having lived also lived in Santa Barbara, CA, Santa Cruz, CA, and north shore of Maui, HI. These areas have seen a tremendous amount of change and development in the last decade which has had an impact on who can live there and attractiveness to the original charm of these towns. Santa Barbara residents put a limit in 1930 for a 30 foot limit on residential buildings which is still in effect today, in order to “enhance community character”. For me, I know change is inevitable but it’s important to protect the balance and not open the door too soon to new development that can impact so many areas of lifestyle and charm to a quaint coastal town that made it attractive to everyone in the first place! **If increasing the amount of available affordable housing is the reason for not supporting the ordinance, than I would hope we can work on the preliminary steps of regulating short term rentals first before increasing heights.

This ordinance would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community, even as we grow. Earlier this year, citizens presented a petition with more than 160 signatures supporting lower height limits to help address important issues such as livability, and limited water and fire-fighting capacity. There have been several public meetings and now with the Planning Commission recommendation, it’s time to follow through, be proactive, and take positive action. As a resident/ landowner/taxpayer, I urge you to please vote in favor of ordinance 2022-03.

Sincerely,

Jessica Van Leuven

808-269-7894

Exhibit P.P

To Pat Cox and the City Council,

Nov. 10, 2021

Hello and Thank-you,

I discovered Port Orford on a bicycle tour in the early 1980's and remembered it as a small coastal town with friendly folks. My partner and I moved here in 1997 simply because, having lived in another small central coast town that went the way of development, (more buildings, more traffic), Port Orford still has that "small town feel" and friendly folks. We are a growing town, we should proceed consciously, I support Ordinance 2022-03.

We live in a town; We live in a village; We live in a watershed; We should proceed with great care.

Thank-you

John Shipp

580 7th st

Port Orford

Exhibit QQ

November 10, 2021

Mayor Cox and City Council members,

My name is Tom Calvanese and I live at 630 Tichenor Street in Port Orford. I am aware of efforts by the Port Orford Planning Commission and City Council to implement changes to building height limits in Port Orford through the adoption of Ordinance 2022-03. I am writing in support of these efforts, and urge you to approve Ordinance 2022-03 as written. I have lived here in Port Orford for 10 years, and have come to appreciate the balance between small commercial fishing businesses sustainably harvesting seafood from the abundant waters surrounding Port Orford, appreciation of the productivity, biodiversity, and natural beauty of the area, and thoughtful approaches to sustainable economic growth which maintains the character of the town.

The Port of Port Orford is currently launching a multi-million dollar economic development project that will upgrade and modernize existing infrastructure and establish workforce development programs that will create living wage jobs in the emerging Blue Economy. The Blue Economy includes commercial fishing, research, education, mariculture, emerging technologies such as remote sensing, as well as more traditional trades such as welding, hydraulics, and marine electronics, as well as ocean based outdoor recreation. All these sectors will build on our existing small business Blue Economy sector, which provides living wage jobs for at least 30% of our local work force. This project is part of a coast-wide initiative including other ports, community colleges, economic development agencies, and local businesses. It is part of an Oregon coast-wide Blue Economy Initiative that will enhance our local economy, create more living wage jobs, retain more value in our community, and create new employment opportunities through ocean business incubator spaces, innovation, and entrepreneurship programs. Nothing in the proposed ordinance will interfere with this initiative.

The City's current initiative, to approve measures to adjust building height limits in Port Orford so as to bring height limits in line with most other coastal communities and remove outdated exceptions, will help to preserve the special character of our community, even as we grow. In reviewing previous citizen communications, it is apparent that the majority of citizens who have expressed an opinion on this matter have communicated support of the Planning Commission and the City's efforts to limit building heights, and so it is time to take responsible action in

Exhibit RR

response. As a resident of Port Orford, I urge you to please vote in favor of ordinance 2022-03 in its entirety. This approach is the reasonable path forward that will benefit the majority of citizens, while continuing to provide viable economic opportunities now and in the future.

Thank you for your service, and your consideration.

Yours,

A handwritten signature in blue ink, appearing to read "Tom Calvanese", with a long horizontal flourish extending to the right.

Tom Calvanese

Greetings Mayor Cox, City Counselors, and City Administrator,

Thank you for your service to our community. I am writing today in support of proposed Ordinance 2202-03. Over the course of the last year, the community of Port Orford has come together around this issue in an unprecedented manner. Many of us were completely unaware that our building heights were so incongruent with the size of our town, the capacity of our infrastructure, and building heights of other coastal communities. The support for lowering building heights in Port Orford has been overwhelming.

Over the last year, there has been ample opportunity for public input. The residents of Port Orford overwhelmingly agree that not lowering building heights and removing exemptions leaves us vulnerable to development that would certainly tax our already taxed infrastructure and destroy the character of our beloved town. The few voices that have spoken out in opposition to lowering building heights have clearly stated that they have "personal economic interests" in development in Port Orford. However, all these people live outside the city limits, and would not have to bear the burden of hundreds or thousands of more people in town gobbling water, speeding down residential streets, and taxing local resources.

There seems to be a misconception that Port Orford can only grow if it grows vertically, which is not at all the case. Steve Lawton has testified multiple times that all the recent economic development in Port Orford is in line with proposed Ordinance 2202-03. Likewise, the findings of City Planner Shoji in the Nov. 2, 2021 Planning Committee packet show that proposed Ordinance 2202-03 is in line with Statewide Planning Goals in terms of the needs of the economy, as well as the "Looking to the Future" document from June 30, 2006, which states that the small-town ambiance of Port Orford should be maintained through planning and zoning by "limiting the scale and footprint of uses in both residential and commercial areas" and by "implement[ing] more stringent height restrictions".

The following quote is from the homepage of the Port Orford City Website: "We love our little piece of authentic small town America and work hard to protect its unique, individual character." In closing, I urge you to also work to protect the unique character of our beautiful town by voting in favor of proposed Ordinance 2202-03.

Sincerely,

Jennifer Head

Exhibit 55



Concept "A"
South Highway 101 - Vacant Lot Opposite Grantland/Mayfield Gallery



Concept "B"
South Highway 101 - Vacant Lot Opposite Grantland/Mayfield Gallery



Concept View - Highway 101 North - Grantland/Mayfield Gallery Block

November 10, 2021

Mayor Cox and City Council members,

I have lived in Port Orford for almost twenty years, my wife and I moved here from Alaska to raise our family here. We found Port Orford; small, cute, quaint, with lots of character and a diverse mix of people. It's been a great place to raise our family and we love our small, friendly town and the beautiful coast and beaches. I am a builder and carpenter by trade and while I support small and sustainable growth in our community, I also feel that it is crucial to protect the charm, character, beauty and structure that already exists here, without large development. Port Orford is something unique and special; we don't have any stoplights, very little development and many small, personalized businesses. I don't want to see big development allowed in our town.

I strongly support proposed ordinance 2022-03. It would bring height limits in Port Orford in line with most other coastal communities, remove outdated exceptions, and would help to preserve the special character of our community. Earlier this year, citizens presented a petition with more than 160 signatures supporting lower height limits to help us deal with some difficult issues our town is facing right now like livability, and limited waters supply and water infrastructure issues and fire-fighting capacity.

I understand that recently the Planning Commission made a recommendation to follow through with the limits on the building heights and, it's time to follow through, be proactive, and take positive action. I strongly urge you to please vote in favor of ordinance 2022-03.

From,

Paul Stephan

Exhibit TT

Nov 10, 2021

To Mayor Cox and Port Orford City Council
Re: Support for Ordinance 2022-03

Dear Mayor Pat Cox and Port Orford City Council 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 (4C) and industrial zones, of amending the Marine Zone, and of sensibly tightening the loopholes in the exemptions portion of our building code.

I appreciate the well-reasoned findings developed by our City Planner Crystal Shoji and recommendations of our City Planning Commission after diligent research, engagement through many public meetings, hearings, and careful deliberation. I urge you to move forward and vote to pass Ordinance 2022-03 as written.

There has been ample work and public discussion for more than a year, and now is time to take action. That said, I'd like to provide background and evidence again into the record for your reference.

Background

More than a year ago, 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—especially given the constraints of our infrastructure. This spurred a community discussion and effort to reconsider height limits for new structures across all zones in Port Orford.

Owing to miscommunication, last fall the Planning Commission and City Council formally considered a height limit of 25 feet across all zones—a height that many felt was too low, especially for the commercial zone. 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 through a more credible process. Hence last winter, the City Council directed the Planning Commission to reconsider, this time a height limit of 35 feet.

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 found a 35-foot limit to be an acceptable compromise.

Compromise solution: 35 ft height

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 residential neighborhoods, avoid a harsh wall of tall, urban buildings along Highway 101, and support and encourage street-level,

Exhibit uu

pedestrian friendly retail businesses. It would also protect existing homeowners from having exceedingly large new buildings built right next to them and towering over them.

We are already having a positive construction boom with many new buildings under 35 feet, and many other cities of our size have a comparable or lower height limits in their commercial zone (SEE ATTACHMENT A). The Planning Commission conducted additional research on height limits in other coastal cities and confirmed that most others have lower limits. Clearly sensible height limits can enhance the value of property and also communities overall. 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”

Our current code’s existing “General Exceptions to Building Height Limitations” is outdated, too permissive, and should be revised. I strongly support the Planning Commission’s recommendations, based on research into other municipal codes and consideration of public comment.

2. Exceptions clause (Section 17.32.50 B2)

I strongly support removing Section 17.32.50 B2. The existing exceptions clause in Section 17.32.50 B2, allows for full exemptions to heights established across all zones for nursing homes, retirement homes, hospitals, and churches.

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 loop hole could be used to build a structure under the guise of one of the specified uses but then later convert it to a different use.

Why are height limits important?

Questions about water availability underscore need for slow growth

As our community debated height limits over the past year, 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 (often greater than 40% of water), or sedimentation in our reservoir that has already reduced water storage capacity. Over this past summer, we had to adopt a moratorium on new hookups, of course, and our city could have had a far greater emergency if there had been a fire.

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 have just recently started to tap water, including our new medical clinic. The summer before last, some property owners within city limits said they could not get water service ([City Council Minutes, June 18, 2020](#)), and this spring and summer the Public Works director could barely keep up with the work of hooking up many new structures. Of course, this last summer, we had a water moratorium owing to too little water, and according to staff statements at the last City Council Meeting (Oct. 21, 2021), we don't know where we are with water availability but we'll likely be in the same dangerous situation next summer—until we get our dam fixes. Allowing large buildings that will further stress our water system could lead to curtailment or the need for more stringent water rationing for uses such as gardening—widely enjoyed by many current residents, as outlined in the 2014 Water Master Plan. Ideally, we'll be able to find ways to improve our city's water system and water security, but in the meantime, slow growth is a sensible approach. And adopting more sensible building heights matches that approach.

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 through the public debate that 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 fire-fighting 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 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 to avoid large unanticipated costs. 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 previous Planning Commission chair Kevin McHugh, the Port Orford Planning Commission previously decided to NOT require this based on the thought that this would drive up costs 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 filled former wetlands or bluffs—would be at significant risk for those in residence or visiting. Limiting heights to 35 feet is a proactive approach to minimize injury and loss of life in the absence of stronger earthquake constructure standards.

No impact on potential for workforce/affordable housing

Some have raised questions about height limits impacting affordable 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." (SEE Attachment B from CC11-19-20 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 county housing plan did not consider water supply or infrastructure constraints. Statewide Planning Goal 10 specifically states that: "Plans providing for housing needs should consider as a *major determinant* the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources." Clearly, we are in a

situation right now where we are on the verge of exceeding our water capacity, until we get our dam fixed and water system improved.

Not-anti growth

This ordinance is not anti-growth! It's about fostering growth that matches the vision of local residents as outlined in the "Looking Forward Port Orford" planning report, created through a collaborative community process with involvement from diverse stakeholders, which identified human-scale and pedestrian-friendly attributes as important for commercial areas. Buildings that are too tall and out of scale with the rest of the community will not create a pleasant human scale and pedestrian friendly atmosphere. The ordinance also follows Statewide Planning Goal 10, Economic Development, which specifies that the carrying capacity of land and water resources should be considered as a "major determinant" in planning for economic growth. Given the limitations on our water system, as described above, planning for building capacity that is more sustainable makes sense. There have been many new buildings built in our commercial zone in the past few years—all with heights lower than the proposed 35 ft limit. Many other thriving and coastal communities have successful buildings of heights that are 35 feet or lower.

Strong public support for reducing height limits

There is strong community support for reducing height limits as shown by dozens of letters and petitions submitted over the last year, for all the reasons elaborated above and more. Many people simply love the special and unique character of our town! Honestly, many citizens have thought this issue was already decided since there have been so many public meetings and two comment periods, and so I am attaching for the record here letters submitted over the past year as well as two petitions with over 180 signatures in support for lowering heights. (SEE ATTACHMENT C)

Positive public process

After years of *not* addressing other planning issues in a timely and efficient manner—and having projects circle around, again and again, getting nowhere— I appreciate that Mayor Cox and the current City Council together with Planning Commission Chair Niereth and the Planning Commission members have worked together to create a positive and clear framework for collaboration to actually get things done. At the start of the year, citizens asked for a clearer and more transparent process –and you have delivered, even through the pandemic, which necessitated conducting public meetings in the virtual format. (SEE ATTACHMENT D)

CONCLUSION AND FINAL RECOMMENDATIONS

In conclusion, I urge you to approve the findings prepared by our City Planner and recommended by our City Planning Commission to reduce building heights for new structures in Port Orford to the compromise height of 35 feet in the commercial and industrial zones, to amending the Marine Zone, and to sensibly tighten the loopholes in the exemptions portions of our building code. It's been a long and deliberate process. Now it's time to build on all the good work done in former City Council meetings and by the Planning Commission and Planner, and to finally follow through with a positive, proactive vote for Ordinance 2022-03.

The matters you are considering are timely and important for our community's future. I thank you for your public service.

Sincerely,

A handwritten signature in cursive script that reads "Ann Vileisis".

Ann Vileisis
608 Oregon St. Port Orford

ATTACHMENT A: Comparison with Height limits in other communities

ATTACHMENT B: Shoji statement about Goal 10

ATTACHMENT C: Timeline of extensive public process regarding heights

ATTACHMENT D: Citizen testimony and petitions of public support for reducing height limits and removing exemptions

ATTACHMENT E: Looking to the Future Port Orford, planning document

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 ~954)

<http://qcode.us/codes/portorford/>

Heights in Zoning code: (as updated in 2021)

Residential (R1, R2), 30 ft

Commercial, 45 ft

10 MU, 35 ft

Marine, 45 ft

Industrial, no limit

Public facility, no limit

Controlled development, 30 ft

Yachats (population 773, "gem" of the coast)

Across the board, 30 ft.

[https://www.google.com/search?](https://www.google.com/search?client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8)

[client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8](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://corb.us/index.asp?SEC=56B38658-34B3-4C77-9934-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

HEIGHT LIMITS FOR NEW BUILDINGS IN PORT ORFORD COMPARED TO TOWNS AND SMALL CITIES OF SIMILAR SIZE ON OREGON'S COAST

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[client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8](https://www.google.com/search?client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8)

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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

Crystal Shoji

From: Crystal Shoji <crystal@shojiplanning.com>
Sent: Thursday, October 29, 2020 10:57 AM
To: 'Jean Dahlquist'
Cc: patty@portorford.org
Subject: RE: PO Zone Amendment 20-01
Attachments: Comprehensive Plan Goals-Policies 2012 Signed.pdf

Jean,

I reviewed our Goal 10 policies in our Comprehensive Plan Policies document and the Statewide Planning Goal. I have attached our Comprehensive Plan Goals and Policies. I 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. I would be happy to include such a statement within the Staff Report. If you have concerns or suggestions, please provide comment for the Planning Commission's consideration.

Crystal Shoji, AICP
Shoji Planning, LLC
P.O. Box 462
Coos Bay, OR 97420
Phone: 541-267-2491

From: Jean Dahlquist <jdahlqu1@gmail.com>
Sent: Thursday, October 29, 2020 8:25 AM
To: Crystal Shoji <crystal@shojiplanning.com>
Cc: patty@portorford.org
Subject: Re: PO Zone Amendment 20-01

Good morning Crystal,

Thank you for sending! As this is not the final staff report, are there any plans to complete Goal 10 findings? Given the nature of this amendment, these would be critically important.

Jean Dahlquist

Fair Housing Council of Oregon
Phone: (414) 477-1567
E-mail: jdahlqu1@gmail.com
[LinkedIn](#)

On Wed, Oct 28, 2020 at 1:06 PM Crystal Shoji <crystal@shojiplanning.com> wrote:

Good Afternoon,

We are attaching the staff report and proposal which is currently being revised to include a modified definition of height, and a modifications to exceptions to the height limitations. The revised staff report will be ready seven days

Timeline: City of Port Orford Height Limits Consideration, Aug. 2020 -Nov. 2021

2020

August 20, 2020, City Council members discuss height limits:

Councilor Garrat indicates the fire department is not equipped or certified to handle structures beyond two stories

Councilor Cox moved to send the issue of reducing building heights to 25 feet to the Planning Commission

Sept. 17, 2020, City Council members discuss height limits:

Councilors agree with consistency across zones

All councilors agree with a 30 ft maximum across all zones

Councilors discuss that Fire Department is not equipped or certified to handle a three-story building

Nov. 10, 2020 Port Orford Planning Commission, Virtual Hearing on 25 ft height limit

City Planner Shoji drafted findings. The Planning Commission heard public testimony, did not take up researching building heights as directed by the City Council, and voted 4 to 3 to not change any heights.

Nov. 19, 2020, City Council, Virtual Hearing on 25 ft height limit

City Council members hear public testimony and continue hearing for more written input until Dec. 3, 2020 and agree to continue deliberation at their January 21, 2021 meeting to allow sufficient time to consider.

2021

Jan. 21, 2021, City Council, Virtual Hearing on 25 ft height limit, continued

Council members hear no more public testimony but deliberate and vote to lower heights in the R-1 zone to 30 ft with no more than 2 stories (4 to 2)
to lower heights in the R-2 zone to 30 ft with no more than 2 stories (4 to 2)
to NOT lower heights in the 4C zone to 35 ft. (2 to 4)
to limit heights in the 5I to 45 ft (5 to 1)
to limit heights in the 6CD to 30 ft (3 to 2)
to keep current heights in the 7-MA at 45 ft (6 to 0)
to keep current heights in the 8-PF zone at ? (2 to 4)
to limit heights in the 9SO zone to 30 ft. (5 to 1)
to limit heights in the 10-MU zone to 35 ft (4 to 2)

Feb. 18, 2021, City Council meeting

Many citizens voiced frustration about process to consider building heights that Council members did not appear to have read or considered all the substantive written input, regarding height limits before making their votes at the previous meeting. They asked for reconsideration of heights in the 4C and also reconsideration of exceptions and presented a petition with 160 names. Council members discuss possibility of sending topics for review to Planning Commission.

First and Second readings of updated height ordinance as voted for on Jan. 21, 2021

March 18, 2021, City Council Meeting

Planning Commission requests more specific direction to reconsider height limits.

Council members vote to recommend that Planning consider lowering heights in commercial and industrial zones to 35 ft and to explore which exemptions are appropriate across all zones.

April 6, 2021, Planning Commission Meeting

City Planner reports to that City Council wants Planning to consider review of 35 ft limit for commercial and industrial zones, other communities height limits, and exemptions. Planning Commissioners discuss the need for more specific direction. Opportunity for citizen input.

April 15, 2021, City Council Meeting

Mayor Cox recommends a joint meeting with planning to improve communications

May 20, 2021, City Council Meeting

Joint workshop with Planning Commission precedes meeting to discuss communication.

Counselor McKenzie says it's common for City Councils and Planning Commissions to have a joint meeting once or twice a year for goal setting.

June 1, 2021, Planning Commission meeting

Consideration of building heights. Opportunity for citizen input. Planner presents options for proceeding. Planning Commission divvies up topics for further research.

July 6, 2021, Planning Commission meeting

Further consideration of building heights. Presentation from Representatives of the Port of Port Orford. Opportunity for citizen input.

August 3, Planning Commission meeting

Commissioners consider research conducted about building heights and exemptions in other cities, and presentation by Port representatives about 10 MA. Opportunity for citizen input.

Commissioners discuss and vote to change building heights in the 4C and 5I to 35 ft. (7 to 0) to lower heights in the 7-MA to 35 ft (recognizing exemptions for hoists) to remove the Exemption for building heights of some types of buildings across all zones, and to update the list of exceptions to heights

Sept. 7, Planning Commission meeting

Commissioners discuss further refinements of the ordinance before calling a public hearing. Opportunity for citizen input.

Sept. 2021, City Council meeting

Mayor Cox briefly points out that some areas in the Marine Zone should not be 45 feet. This can be reviewed and addresses with the recommendation return from the Planning Commission.

Notice mailed to citizens regarding public hearings with sufficient time ahead of Planning Commission and City Council hearings

Oct. 26, 2021 Final Planning report sent to Mayor Pat Cox and Planning Chair Krista Niereth

Nov. 2, 2021, Planning Commission Hearing regarding proposed Ordinance 2022-03

Planning Commission members consider public input during a formal hearing and Staff findings. Vote to adopt findings and recommend ordinance 2022-03 to the City Council.

Nov. 18, 2021, City Council Hearing regarding proposed Ordinance 2022-03

ADDENDUM TO PETIT

Submission Date	E-mail	First Name	Last Name
2021/02/24 21:55:57	kingfizzgig007@gmail.com	Julian	Head
2021/02/20 14:17:13	baileyrinehold@gmail.com	Bailey	Rinehold
2021/02/19 08:29:49	mattckay@gmail.com	Matt	Kay
2021/02/18 08:22:45	chris@hawthornegallery.com	Chris	Hawthorne
2021/02/17 15:17:22	cpnolan.main@gmail.com	Connor	Nolan
2021/02/17 10:41:44	foncyprescott@frontier.com	Florence	Prescott
2021/02/16 20:22:40	rtdavis1987@gmail.com	Rosanne	Davis
2021/02/16 19:41:30	judyreid@yahoo.com	Judy	Reid
2021/02/16 18:07:38	jattymay@yahoo.com	Matthew	Wright
2021/02/15 18:24:17	deepwooskoshapickle@gmail.com	Crysta	Gallagher
2021/02/15 18:19:45	beau05107@gmail.com	Barnabas	Jones
2021/02/15 17:55:20	kerry.holman@gmail.com	Kerry	Holman
2021/02/15 13:34:48	esandpony@aol.com	E Sandy	Powell
2021/02/15 11:04:43	CHRISTINEREES@MSN.COM	S. CHRISTINE	REES
2021/02/14 17:46:53	timjrossi@gmail.com	Tim	Rossi
2021/02/14 17:30:28	tramsey840@gmail.com	Tara	Ramsey
2021/02/14 17:24:43	apesee77@yahoo.com	April	Bruck
2021/02/14 14:50:44	tokku129@gmail.com	Laurie	Friedman
2021/02/14 10:52:31	mike@michaelennis.com	Michael	Ennis
2021/02/14 04:34:16	Jtang0855@gmail.com	Linn	Caine
2021/02/13 20:02:14	FLEURDELYS7@GMAIL.COM	Joan	Van Blair
2021/02/13 20:00:09	gvanblair@gmail.com	Gregory	Van Blair
2021/02/13 19:43:10	Delquad@yahoo.com	Robert	DelQuadro
2021/02/13 18:57:17	hayes710@frontier.com	Marjory	Hayes
2021/02/13 17:33:52	solomonstephans@gmail.com	Rayna	Stephan
2021/02/13 17:32:22	stephans@oregonstate.edu	Sienna	Stephan
2021/02/13 17:31:08	solomonstephan@juno.com	Paul	Stephan

2021/02/13 17:29:47	solomonstephans@yahoo.com	Connie	Solomon-Stephan
2021/02/13 16:45:22	bandonjim@gmail.com	James	Lemon
2021/02/13 15:51:51	jpbfinisglass@yahoo.com	Jonathan	Bennett
2021/02/13 15:24:32	juanell@icloud.com	Juanell	Lemon
2021/02/13 11:49:49	bretcecil@bretcecil.com	Bret	Cecil

2021/02/13 08:35:41		Statia	Ryder
2021/02/12 19:17:53	tom.calvanese@gmail.com	Tom	Calvanese
2021/02/12 17:33:54	bobandmichele1976@gmail.com	Michele	Leonard
2021/02/12 17:21:41	oshaughnessy7@gmail.com	John	O'Shaughnessy
2021/02/12 17:20:31	sactovicki1@gmail.com	Vicki	O'Shaughnessy
2021/02/12 16:05:43	joyful.heart1215@gmail.com	Joy	Wolf
2021/02/12 12:29:32	lcaccivio@gmail.com	Laurel	Caccivio

2021/02/12 11:44:16	yissachar6219@gmail.com	Bruce	Levy
2021/02/12 11:36:45	weavingmama@gmail.com	elaine	owen
2021/02/12 11:19:58	richfold@yahoo.com	Rich	Folden

2021/02/12 10:10:28	cathyannboden@hotmail.com	Cathy	Boden
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2021/02/12 09:52:14	epshipp455@gmail.com	John	Shipp
2021/02/12 09:18:06	csilberman2012@gmail.com	Charles	Silberman
2021/02/11 17:44:33	sjfelger@yahoo.com	Sherrylee	Felger
2021/02/11 17:31:52	sjlovendahl@charter.net	John	Lovendahl
2021/02/11 16:55:43	cgtexart@cherylgorn.com	Cheryl	Gorn
2021/02/11 16:14:31	kevmo.miller@gmail.com	KEVIN	MILLER
2021/02/11 15:07:28	sjlovendahl@charter.net	Sara	Lovendahl
2021/02/11 15:01:48	penny@net-gain.us	Penny	Suess
2021/02/11 14:42:56	danascott000@gmail.com	Dana	Gurnee
2021/02/11 13:02:39	john.roorbach@yahoo.com	John A. Roorbach	Roorbach
2021/02/11 12:49:07	caseymackenzie13@yahoo.com	Carolyn	Folden
2021/02/11 12:27:49	nemily17@yahoo.com	Emily	Nuechterlein
2021/02/11 11:29:29	juanyrolando@yahoo.com	Rolando	Rodriguez
2021/02/11 10:58:28	grebes2@gmail.com	Gary	Nuechterlein
2021/02/11 10:52:10	grebes@frontier.com	Deb	Buitron
2021/02/11 10:34:15	kkatbro@gmail.com	KATHRYN ANN	BROUGHTON
2021/02/11 10:17:08	rkwfineprints@juno.com	Rowland	Willis
2021/02/11 10:12:30	Cherrykola@me.com	Cherry	Beeken

2021/02/11 09:32:20	leilianone.is@gmail.com	MaryElizabeth	O'Neill
2021/02/11 09:30:14	kathleenlawton4902@gmail.com	Kathleen	Lawton
2021/02/11 09:26:49	lawton@bus.orst.edu	Steve Lawton	Lawton
2021/02/11 09:26:32	cwojwm@yahoo.com	John	Monks
2021/02/11 08:57:49	dianne@restartinvestments.com	Dianne	Hosford
2021/02/11 08:49:18	cyndipark@outlook.com	Cyndi	Park
2021/02/11 08:45:03	tbird17@gmail.com	Teresa	Bird

2021/02/11 08:44:55	stevemontanamusic@icloud.com	SteveMontana	Lawrence
2021/02/11 08:35:08	michelle@wildspring.com	Michelle	Duarte

2021/02/11 08:34:53	ernab9@gmail.com	Erna	Barnett
2021/02/10 11:46:44	jhwittiii@yahoo.com	John	Hewitt
2021/02/10 11:22:16	hsrread@gmail.com	Harry	Riead
2021/02/08 22:01:50	dr:jackalope@gmail.com	Jenn	Head
2021/02/08 21:43:59	Sdotarts@gmail.com	pamela	berrndt

ION #2

Comments

Please do not destroy the charm of Port Orford. Go develop the places that have already been destroyed. Or, get an honest job.

35' is an adequate building height for Port Orford. Less than 35' is an effort to end investment in the City. More than 35' has the potential to be an eyesore.

Please stop the growth madness. This planet can no longer use resources as we have in the past. We should be striving for smaller, not larger

CAN'T SIGN MY NAME BUT I WANT TO SIGN THE PETITION I HAVE AN APPOINTMENT OUT OF TOWN ON WED SO I CANNOT GO TO THE CO OP TO FILL OUT PAPERWORK, ANY OTHER SUGGESTIONS?

I have written to the Council about this matter previously.

Don't let people build high buildings and block the pretty view of the ocean. Please limit the building heights.

Keep Port Orford charming, local and pretty and lower the limit on the building heights.

Please preserve the charm, history and beauty of our town by restricting and lowering the building height requirements.

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**City of Port Orford
Staff Report**

To: Mayor Pat Cox
Port Orford City Council

Krista Nieraeth, Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP
Port Orford Planner – Shoji Planning, LLC

Date of Staff Report: October 26, 2021

Dates of Scheduled Legislative Hearings:

- Planning Commission Public Hearing - November 2, 2021, 3:30 p.m.. Virtual Meeting
- Port Orford City Council Public Hearing – November 18, 2021, 5:30 p.m., Virtual Meeting;

Note: This Staff Report will be revised to incorporate any revised recommendations following the Planning Commission Public Hearing

Subject:

Code amendments Proposed Ordinance Number 2022-03, as Recommended by the Port Orford Planning Commission September 7, 2021 are included as **Attachment A**.

A map of the current City Zoning is included as **Attachment B**.

In the following section of this Staff Report,
Language included within the current code is shown in *Italics*.

Findings recommended by the Planning Commission and City Planner
are provided in regular font.

Port Orford Municipal Code, Chapter 17.40, Amendments to Zoning and Comprehensive Plan

Chapter 17.40

An amendment to this ordinance in the text or the map may be initiated by the city council, the planning commission, or by application of a property owner or his authorized agent.

Finding: This proposed text amendment was initiated by the Port Orford City Council.

17.40.030 Process for Zone Text, Map or Comprehensive Plan Amendment.

- A. Any amendment to the zoning ordinance text, the Comprehensive Plan Goals and Policies, and/or the comprehensive [sic] Plan /zone map is subject to a two-step approval process:
- a. The Planning Commission holds a public hearing and makes a recommendation to the City Council.
 - b. The City Council holds a de novo public hearing and makes a final decision.
- B. Any amendment shall be adopted by (Ordinance [sic]).

Findings: The City is following the procedures set forth in Section 17.40.030 of the code.

Section 17.40.060 Notice for Public Hearing on Amendment

Notice of any Public Hearing shall comply with Section 17.04.90 of this ordinance and any additional requirements of ORS 227 applicable in regards to notice to property owners for any specific zone change. The names for this written notice to property owners shall be obtained from the records of the County Assessor. Failure of a person specified in this section to receive the notice shall not invalidate any proceedings in connection with the application for a change in zone. The hearings body may continue a public hearing to a date and time specified at an advertised hearing in order to obtain more information without further notice or to give further notice to persons it decides are affected by the proposed change in zone.

Findings: Notice for the proposed text amendments that address the height of structures was provided as required by ORA 227.186. A copy of the notice is included as **Attachment C**, to this document.

The language included within the box on the front page of the Attachment B notice is required by law, and has not been analyzed or verified to determine how the specific amendments will affect any specific individual property.

Section 17.40.070 DLCD Notice

When an amendment to the Comprehensive Plan text or map, or the Zoning Ordinance text or map is proposed, except where adoption is required to incorporate new Oregon Statutes or rules, the City shall submit the proposed change to Department of Land Conservation and Development (DLCD) on forms provided by DLCD at least 35 days before holding the first public hearing on the adoption of the proposed change.

Findings: The notice provided to DLCD is included as **Attachment D**.

Section 17.40.040 Criteria and Approval for Zone Text or Map Amendments.

An amendment to the zoning ordinance text or map is appropriate when there are findings that all of the applicable conditions exist.

- a. *Either the original wording or designation was made in error, or the amendment is justified due to changing circumstances.*

Findings: The amendments proposed within this document are zone text amendments, justified due to changing circumstances with the development patterns in the City of Port Orford, and all up and down the Oregon Coast.

- b. *Any amendment must comply with the Port Orford Comprehensive Plan Goals and Policies.*

Findings: The proposed amendments comply with the following Port Orford Comprehensive Plan Goals and Policies, which are acknowledged to be in compliance with the Statewide Planning Goals as follows:

Statewide Planning Goal 1: Citizen Involvement.

City Goal: Provide opportunities for Citizen involvement in all phases of the planning process.

City Policies:

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.*
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.*

Findings: Citizens participated in all phases for consideration of the amendments, including, but not limited to data collection, workshops, and public hearings. Citizens provided examples from other cities, and suggested amendments. Citizens participated in workshops

and meetings on a regular basis over a number of months when the Planning Commission was considering the amendments. Citizens will have the opportunity to participate in Public Hearings held by the Planning Commission and the City Council.

The City provided widespread public notice of the topic and the proposed public hearings as identified within this Staff Report. The city disseminated information through the media, on the web, and through mailings.

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:

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.

Findings: The Planning Commission has determined that the recommended heights within the proposed Ordinance Number 2022-03 will provide opportunities for economic activities that are important to the health, welfare, and prosperity of the citizens and the community. Amendments have been considered and recommended with attention to the needs of the economy, and respect for the natural environment that makes the city a unique and inviting place.

The City relies upon a document titled, *Looking to the Future, June 30, 2006*, which is a visionary document that was developed with widespread involvement and support of the citizens of Port Orford. The following Goals are set forth in the document.

Chapter 7, Page 1: Maintain small town ambiance through planning and zoning by utilizing some of the following techniques:

- *Limit the scale and footprint of uses in both residential and commercial areas.*
- *Implement more stringent height restrictions.*

Findings: The amendments are consistent with the recommendations and goals set forth in the City's published vision for the City of Port Orford, as explained in *Looking to the Future, June 30, 2006*.

c. The map amendment must be compatible with surrounding zoning.

Findings: There is no map amendment proposed. An illustration adopting height restrictions is included within the text of Section 17.12.060 Marine activity zone (7-MA) zone to

illustrate and define where height restrictions vary within the zone, but this is not a map amendment. The height restrictions have been organized to be compatible with surrounding zoning in all of the amendments. The two different height restrictions within the (7-MA) zone are recommended to respond to topography so that height restrictions are compatible with surrounding zoning.

Conclusion:

The proposed Ordinance Number 2022-03, with amendments recommended by the Port Orford Planning Commission September 7, 2021 is consistent with the Statewide Planning Goals, the Port Orford Comprehensive Plan and Title 17 of the Municipal Code, and with the visions and goals that the city relies upon from their document Looking to the Future, June 30, 2006.

Recommendations

The Planning Commission has the authority to amend the proposed text amendments including the illustration that is included to respond to public input at the Public Hearing.

The Planning Commission may adopt or amend the above findings to support their recommendations to the City Council following the Planning Commission public hearing.

At this time, I do not recommend carrying over the public hearing to gather additional information. The City Council's Public Hearing is scheduled for November 18, 2021 as indicated on the first page of this Staff Report. The City Council's Public Hearing is a de novo hearing, which means that the Council has the authority to consider new information.

Proposed ORDINANCE NUMBER 2022-03

**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, Section 17.20.050 General exception to building height limitations, Section 17.32.050 Additional standards governing conditional uses, and Section 17.46.080 Evacuation Route Improvement Requirements be amended by the following:

Proposed Amendments to Port Orford Municipal Code Title 17, Zoning, are Text Amendments:

Language included within the current code and the City's Vision document is shown in *Italics*.

Language proposed to be removed from the code is shown with ~~cross-outs~~.

Language proposed to be added to the code is shown in **Boldface**.

Port Orford Municipal Code Chapter 17.04

17.04.030 Definitions

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

“Public” means open to and shared by the citizens of Port Orford for their use, and owned, leased, or funded by public sources with operations overseen by the City, County or State.

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 structure~~ shall exceed thirty (30) feet and two stories in height.

17.12.010 Residential zone (2-R)

G. Height of Buildings. Except as provided in Section 17.20 050, in a 2-R zone no ~~building structure~~ shall exceed thirty (30) feet and two stories in height.

17.12.030 Commercial zone (4-C)

*F. Height of Buildings. Except as provided in Section 17.20.050, in 4-C zone, no ~~building~~ structure shall exceed ~~forty-five (45)~~ **thirty-five (35)** feet in height.*

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~~ structure shall exceed ~~forty-five (45)~~ **thirty-five (35)** feet in height.*

17.12.050 Controlled Development zone (6-CD)

*D. Height of Buildings. Except as provided in Section 17.20.050, in 6-CD zone, no ~~building~~ structure shall exceed ~~thirty-five (35)~~ **thirty (30)** feet in height*

17.12.060 Marine activity zone (7-MA)

E. Height of Buildings. Except as provided in Section 17.20.050, in a 7-MA zone, no ~~building~~ structure shall exceed ~~forty-five (45)~~ feet in height. the following heights in Segments A and B of the (7-MA) zone.

- a. **Segment A. No structure shall exceed forty-five feet in height.**
- b. **Segment B. No structure shall exceed thirty-five feet in height.**

F. The map with Segments A and B addressing height restrictions within the 7-MA zone is made part of Section 17.12.060.



17.12.080 Shoreland overlay zone (9-SO)

G. Height of Buildings. Except as provided in Section 17.20-050, in a 9-SO zone no ~~building structure~~ shall exceed thirty (30) feet in height.

17.12.090 Battle Rock Mixed Use Zone (10-MU)

B. Uses Permitted Outright. In the 10-MU zone the following uses are permitted outright subject to the conditions within this chapter:

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

~~16.~~ 15.

E. Design Standards for all New Development. All new structures and substantial improvements in a 10-MU Zone shall conform to the following design standards:

1. Building Size. Any building more than 125 feet in length, ~~or exceeding 35 feet in height~~ or with a footprint greater than 6,000 square feet shall be considered a large structure requiring site plan review in compliance with standards set forth in Chapter 17.33.

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

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 or crane in the Port Facility, chimney or smokestack that does not exceed 5 feet over the building height limitation of the zone, ~~tank, church spire, belfry, dome, monument, fire and hose towers, public observation tower, tsunami evacuation structure, mast, aerial cooling tower, elevator shaft, transmission tower or communication facility towers authorized by state or federal law, smokestack, flagpole, radio, or television towers, municipal and community water system towers approved by the City and the Oregon Health Authority, and other similar projections.~~

17.32.050 Additional standards governing conditional uses.

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

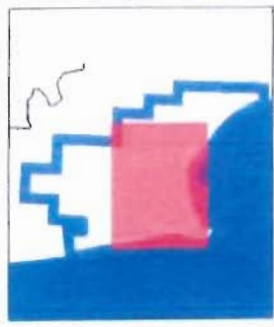
~~2. A church, hospital, nursing home, convalescent home, or retirement home may be built to exceed the height limitations of the zone in which it is located to a maximum height as determined by the State Fire Marshal if the total floor area of the building does not exceed one and one-half times the 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.~~

Note: When removing Section (B) above, renumber Sections (C), (D) and (E) so that numbers are consecutive.

17.46.080 Evacuation Route Improvement Requirements.

D. **Public Tsunami Evacuation Structures:** *Public Tsunami evacuation structures are not subject to the building height limitations of this code.*

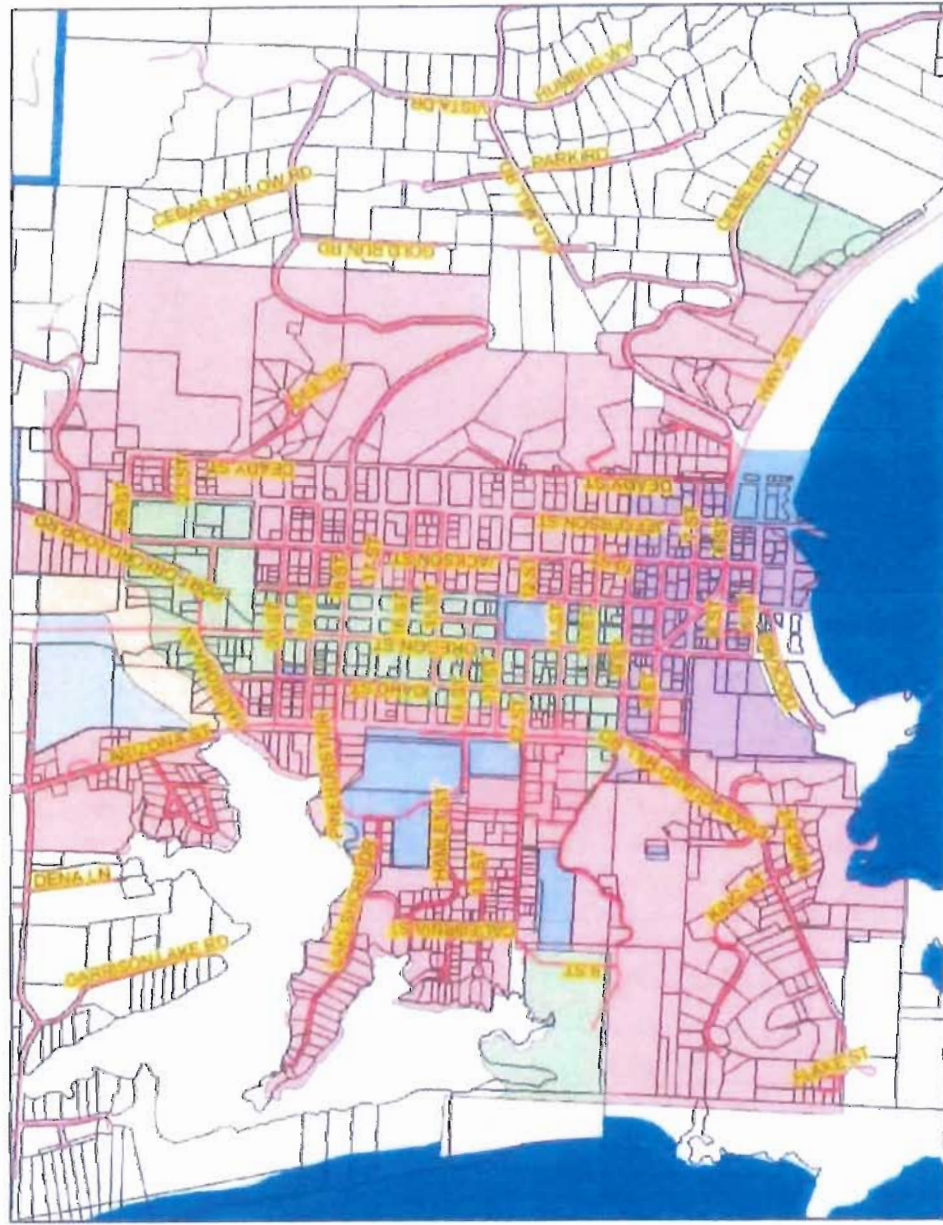
Curry County Enterprise GIS



Legend

- RIVERS
- ROADS
- PARCELS
- URBAN GROWTH BOUNDARY
- ZONING_PORT_ORFORD
- 10-MU
- 1R
- 2R
- 4C
- 4H
- ECO
- 7MA
- EPF
- OCEAN

Scale: 1:17,605



Map center: 42° 44' 58" N, 124° 29' 47" W



This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

CITY OF PORT ORFORD

555 West 20th Street
Post Office Box 310
Port Orford, Oregon 97465
541-332-3681(v) 877-281-5307(f)

This Public Notice is provided to inform you about upcoming public hearings, and to comply with ORS 227.186 which requires the City to print the following language:

THIS IS TO NOTIFY YOU THAT THE CITY OF PORT ORFORD HAS PROPOSED LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES.

On Tuesday, November 2, 2021 at 3:30 p.m., and Thursday, November 18, 2021 at 5:30 p.m., the City of Port Orford will hold virtual public hearings regarding text amendments to the Municipal Code, City's Title 17 Zoning. The City of Port Orford has determined that adoption, which will be by ordinance, may affect the permissible uses of your property and other properties in the city, and may change the value of your property.

Proposed ordinance, Ordinance #2022-03 is available for inspection at the Port Orford City Hall located at 555 W. 20th Street, Port Orford, Oregon. Copies will be available on the City web site www.portorford.org. Copies of the proposed amendments are also available for purchase at the cost of 25 cents per page. For additional information concerning the amendments, you may contact the City of Port Orford, Phone 541-332-3681.

City Planning Commission Public Hearing

(Via Virtual Meeting)

Tuesday, November 2, 2021 beginning at 3:30 p.m.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/996167685>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 996-167-685

City Council Public Hearing

(Via Virtual Meeting)

Thursday, November 18, 2021 beginning at 5:30 p.m.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/271947893>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 271-947-893

You are invited to participate in either or both of the hearings, and in any workshops or continuation of the hearings that may be scheduled and announced at hearings. Please contact the City of Port Orford if you have questions or concerns - Phone: 541-332-3681.

Attachment C

What is the proposal for the amendments?

The following information describes the zoning provisions that are under consideration. The proposal is to amend zoning related to building and structure heights. Please review the proposed documents at City Hall and/or attend the scheduled hearings for more information, and to provide input.

Proposed Amendments

Amendments are proposed to reduce heights within the following zones: Section 17.12.030 Commercial zone (4-C); Section 17.12.040 Industrial zone (5-I); Section 17.12.060 Marine zone (7-MA) – a portion of the zone. Amendments are proposed to site plan review requirements in Section 17.12.090 Battle Rock Mixed Use zone (10-MU).

Section 17.20.050 General exception to building and structural height limitations is proposed to be amended to include new exceptions and eliminate some current exceptions.

Section 17.32.050 Additional standards governing conditional uses, (B) is proposed to be removed to disallow taller heights, which are currently based upon the **sizes of the** lot where church, hospital, nursing home, convalescent home and retirement home are to be built.

Section 17.04.030 Definitions proposes a new definition for “Public” and proposes removal of the definition for “Observation tower”.

Any new requirements that may be adopted apply to new construction and/or substantially enlarged existing structures. Existing structures and buildings that currently legal are “grandfathered” and not required to come into compliance with new code language.

A map with proposed Marine zone (7-MA) heights (two different segments) is affixed on the following page with a City of Port Orford Zone Map is on the other side of the paper.



NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FORM 1

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation at least 35 days before the first evidentiary hearing. (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: City of Port Orford

Local file no.: Proposed Ordinance #2022-03

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment over 100 acres by a metropolitan service district
- Urban reserve designation, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task – Task no.:
- Any other change to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title): Patty Clark, Planning Assistant

Phone: 541-366-4570 E-mail: patty@portorford.org

Street address: 555 West 20th Street City: Port Orford Zip: 97465

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

The proposal is for text amendments to the PMC, Title 17, Zoning

Date of first evidentiary hearing: November 2, 2021 Virtual Public Hearing

Date of final hearing: November 18, 2021 Virtual Public Hearing

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- New or amended land use regulation
- Zoning map amendment(s) – Change from _____ to _____
Change from _____ to _____
- An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts:

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCDC's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCDC receives the proposal in its Salem office. **DLCDC will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCDC will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<https://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** may be sent via e-mail. Address e-mails to plan.amendments@dlcd.oregon.gov with the subject line "Notice of Proposed Amendment."

FTP may be needed for large file submittals. Contact DLCDC for FTP information.

DLCDC encourages all users to submit a PAPA via PAPA Online at:

<https://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats; Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or.xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-373-0050 or plan.amendments@dlcd.oregon.gov.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCDC of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-373-0050 or e-mail plan.amendments@dcd.oregon.gov.

Notice checklist. Include all that apply:

- ✓ Completed Form 1
- ✓ The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- ✓ Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- ✓ A map of the affected area showing existing and proposed plan and zone designations [City Zoning Map](#)
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- ✓ Any other information necessary to advise DLCD of the effect of the proposal [Measure 56 Notice](#)

Jessica Ginsburg

From: David Bassett <dabpe@peak.org>
Sent: Tuesday, October 26, 2021 2:31 PM
To: Krista Nieraeth
Cc: Jessica Ginsburg
Subject: Re: Email asking for help to discuss proposed zoning ordinance changes.

David Bassett <dabpe@peak.org> wrote:

>
>Krista,
>
>Wow, ok sorry. Since you are at the top of the front page on the document from City Hall yesterday, I believed we could have a constructive explanatory conversation before preparing my written testimony.
>
>Please advise who IS available for citizen discussion that is a competent and experienced land use planner. Thank you.
>
>Also, the City use of 'Go to Meeting' has proven to be completely unacceptable as to audio and video. The app drops attendees, makes voices garbled and black screens instead of video.
>
>There is no pressing need or urgency to implement these polarizing revisions that are overly restrictive..... especially when we should be empowering citizens to make the best use of our limited properties.
>
>Inovation is the engine that creates prosperous communities, not arbitrary restrictions.
>
>We should allow for best judgements on the merits of each project rather than picking arbitrary limiting numbers and restrictive definations that clearly consitute a 'taking of property rights with no commensurate public benefit.'
>
>Therefore, please do not act on proposed ordinance 2022 ~ 3 until in person meetings allow for full discussion and improvements / changes to the proposed text.
>
>Thank you. Dab.
>
>Sent by Android phone of David A Bassett PE, CBO, F.PEO, 541.660.3131

Patty Clark

From: Sharon Rock <sharonrock@gmail.com>
Sent: Wednesday, October 27, 2021 11:32 AM
To: patty@portorford.org
Subject: Planning Commission Hearing 11/2/21 re. proposed ordinance 2022-03

Members of the Port Orford Planning Commission,

As a landowner within the City limits, I am strongly in favor of the proposed ordinance 2022-03.

Construction height limits are critical to help ensure current and future sustainability of the City. And with construction height limits come many other benefits such as retention of human scale amenities and less distraction from the natural beauty.

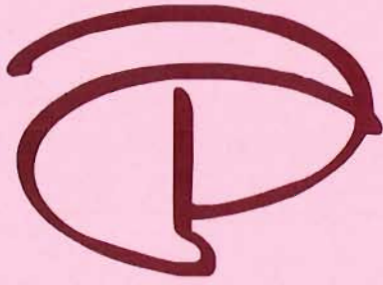
I urge you to submit proposed ordinance 2022-03 to the City Council as it is currently written, or with more restrictive language but not less.

Sincere appreciation,

Sharon Rock
720 Deady St. (Port Orford)
PO Box 1723
Bisbee, AZ 8560520-255-0050



Virus-free. www.avg.com



L A W O F F I C E O F

David C Johnston

A T T O R N E Y A N D C O U N S E L O R

01 November 2021

City of Port Orford
Pat Cox, Mayor
555 W. 20th Street
PO Box 310
Port Orford, OR 97465

City of Port Orford
Krista Nieraeth, Chair
555 W. 20th Street
PO Box 310
Port Orford, OR 97465

City of Port Orford
Shala Kudlac, City Attorney
301 US-101
PO Box 38
Bandon, OR 97411

Re: Port Orford Ordinance 2022-03

(sent via mail and email)

Dear City of Port Orford Personnel:

I represent a group of Port Orford citizens who not only oppose the proposed ordinance 2022-03 but who oppose the process by which Ordinance 2022-03 has come before the City Council ("Council") and the Council's and Planning Commission's ("Commission") failure to comply with all applicable Land Use regulations and Oregon Revised Statutes. In addition, this letter is to serve as a tort claim notice pursuant to ORS 30.265, *et seq.*, for violation of the Americans with Disabilities Act of 1990, as amended, 42 USC §§ 12101 *et seq.* ("ADA"), and the Rehabilitation Act of 1973, Section 504, as amended, 29 USC §§ 794, *et seq.* ("Rehabilitation Act").

In summary, as concerns proposed Ordinance 2022-03, the City failed to provide proper notice, failed to provide meaningful citizen input, failed to accommodate reasonable requests for access and participation, failed to sufficiently protect property interests, and engaged in other behavior contrary to law and good public governance. These citizens further believe that the City and/or the Planning Commission have engaged in a pattern or practice of decision-making that violates applicable law/regulation, members of the Council and/or Commission have failed to recuse themselves arising from self-serving motives and decisions, and a member or members of the Council and/or the Commission have pursued this ordinance for vindictive, retaliatory, or otherwise illegal purposes. If the City and/or the Planning Commission fail to remedy these violations, my clients intend to pursue their grievances with the Land Use Board of Appeals or, as applicable, the Land Conservation and Development Commission.

As mediation is an available process under Land Use Board of Appeals procedures, these citizens are amenable to working with the Council and Commission to amend the proposed Ordinance 2022-03 in the following ways:

1. Achieving a similar desired outcome by deferring to solar and/or view easements between and among applicable property owners, similar to how such easements are

Exhibit 3

implemented or otherwise addressed by, as means of example and not limitation, other Oregon cities, e.g., "Property owners are expected to obtain view or solar easements with neighboring properties as these are civil matters between parties. Accordingly, there is no public or municipal interest in regulating these issues best judged on a site by site basis.";

2. Amending Ordinance 2022-03 to allow for an exemption to the height restriction/limit as, by means of example and not limitation, "Other heights may be approved provided they do not obstruct the view from, or solar access to, other existing buildings in the vicinity of the proposed new structure."; and
3. Modify the outright exclusion against private (not public) ownership of "observation towers" to allow consideration on a case-by-case basis.

In addition to the aforementioned land use considerations, the Council and the Commission have failed to reasonably accommodate disabled Port Orford citizens from participating in public hearings through the use of the remote conferencing program GoToMeeting. The product is known to not be in compliance with the ADA, and its mobile app is even less compliant than the desktop version. The Council and Commission have rebuffed any meaning communication to address or alleviate these accommodation concerns. Additionally, the GoToMeeting "phone in" participation option fails to provide reasonable accommodation due to the failure of either the Council, Commission, or GoToMeeting to provide meaningful participation. This tort claims notice of the City's violation of the ADA and Rehabilitation Act (the latter applicable because the City has received federal funds) is provided pursuant to ORS 30.275. Reasonable accommodation, alternatively, would include the use of either Zoom or Microsoft Teams as both are significantly more ADA compliant than GoToMeeting.

As a result of the unlawful acts of the City, the Commission, and City agents, my clients have suffered damages. If a reasonable accommodation is not achieved, we intend to seek all damages entitled to them by law.

Please confirm in writing to my address receipt of this tort claims notice and the City's and/or Commission's desire to work toward resolution.

Sincerely,

s/ David C Johnston

David C. Johnston

Patty Clark

From: Chris Hawthorne <chris@hawthornegallery.com>
Sent: Monday, November 1, 2021 7:01 PM
To: City of Port Orford; knieraeth@yahoo.com
Subject: Planning Commission Hearing 11/2/21 proposed Ordinance 2022-03

November 1, 2021

Dear Board Members of the Planning Commission for Port Orford,

I and others in the community spent many hours/days and weeks hashing out height restrictions for the creation of the 10MU Zone, 15 years ago. Any plan for a building in this zone must get a Conditional Use permit if the building intends to exceed 35 feet in some way. It is my belief that section 15. of 17.12.090 should not be struck out. This restriction was a compromise to the commercial property owners in the zone that were not restricted in height prior to the creation of the 10MU Zone. There is no need for it's elimination now. I have added two words for clarity in **red**.

I believe that nothing is gained by eliminating the section and it's elimination provides an avenue for disregard of the Site Plan Review process.

17.12.090 Battle Rock Mixed Use Zone (10-MU)
B. Uses Permitted Outright. In the 10-MU zone the following uses are permitted outright subject to the conditions within this chapter:

15. Any permitted use where building height **requests to exceed(s) 35 feet shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33. Site Plan Review**

Thank you for this consideration.

Chris Hawthorne
Chris@hawthornegallery.com
Hawthorne Gallery
Redfish / Redfish Loft
www.redfishportorford.com
541-366-2266

Patty Clark

From: Krista Nieraeth <knieraeth@yahoo.com>
Sent: Monday, November 1, 2021 8:58 PM
To: Patty Clark; Jessica Ginsburg
Subject: Re: 2022-03 proposed ordinance

Party,

Please send to the planning commission.

Thank you.
Krista

Sent from Yahoo Mail for iPhone

On Monday, November 1, 2021, 8:43 PM, Andy Mo <moandy78@gmail.com> wrote:

Dear Port orford City council, I'm writing this as a concerned multiple property owner in the city of Port orford.

I am opposed to the ordinance 2022-03 of height limits that is being proposed.

The city cannot take away property rights from individuals that have been enjoyed for decades and that could hinder economic development.

The properties that I bought inside the city limits are tucked away in the forest and a height limits are absurd.

Recently I had a conversation with an individual on the council, and basically I was told that the majority of the people don't want the town to grow and to turn into Lincoln City.

And basically if you didn't like it to move somewhere else.

This no growth attitude will be not tolerated. The world keeps turning. It must be nice to live in a four-story house and vote on an ordinance so no one else can do that, therefore bringing up the value of your grandfathered property.

while decreasing the value of the properties that I just purchased.

Any member of the council that lives in a house that's more than two stories and 30 ft tall should recuse themselves.

I guarantee you I will be seeking compensation for the decreased value that will happen instantly if this ordinance were to stand.

I believe in progress, fairness and respect for everyone.

Andrew L. Meholovitch.

October 31, 2021

Dear Port Orford Planning Commission,

I am a longtime resident of Curry County and have an economic interest in a commercial building on Highway 101 in the area zoned 10 MU on the south end of town. I am writing to you on behalf of myself and the current owners of this property to voice our opposition to the city's proposed Ordinance 2022-03 which would restrict building heights of the city's commercial buildings.

My experience with participating with the city's online meetings has been, like many, less than favorable. I suggest that you wait until you can hold meetings in public so that all those who have a financial stake and who will be impacted by this ordinance can be contacted and can voice their concerns. If you choose to proceed, I would like this letter to be read into the record.

In our opinion, reducing the building heights of new commercial buildings constitutes a taking by the city of property rights which people have owned and enjoyed for years. This taking is not justified and is not warranted by any actual or perceived problem.

As you know, land use decisions in Oregon are based on Statewide Planning Goals. Goal 9 deals with Economic Development and requires that local governments maintain a working inventory of areas suitable for economic growth. Because of the price of land, by restricting building heights in Port Orford's commercial zone, the proposed ordinance would reduce the area in our commercial zone that currently provides opportunities for local economic development and profitable investment in local businesses. Similarly, Goal 10 deals with Housing and requires that the city support adequate housing which is a fundamental building block of a healthy community. Southern Oregon including Port Orford is currently experiencing a diminished housing market both for permanent and transient residences. By restricting building heights, the city would further limit investment opportunities for developers to develop affordable housing. It is our opinion that these conflicts with Goals 9 and 10 are the basis for an appeal to the state to overturn this proposed ordinance if it is passed.

In an earlier virtual Port Orford Planning Commission meeting held in November 2020 where Ordinance 2022-03 was first discussed, the Planning Commission heard from our

Exhibit 6

state representative, a Curry County Commissioner, a local building official who is also a civil engineer, a building designer, a local contractor and many concerned citizens who all expressed opposition to this ordinance. They reiterated why restricting commercial building heights would decrease employment opportunities and would further limit housing. They demonstrated that on sloped ground, the actual building height would be reduced further and that it would potentially limit the number of floors that a commercial building could have and the type of design that would be feasible.

I question how this proposed height restriction benefits the community of Port Orford and helps to lessen the current housing shortage and stimulate our local economy? This proposal was initiated by a new arrival to Port Orford who built his beach getaway in a commercially zoned area and who is now trying to protect his investment. As Planning Commissioners, you should know that the city was founded in 1856 and that our zoning ordinance and building codes have been in existence for approximately 50 years. Over this 50- year period, the current building codes have not caused significant changes to the city or vast, unplanned development. Your hopes of restricting growth will only further weaken the city by limiting new development and the opportunity to rebuild our failing infrastructure. I challenge you to be smarter than that and not to be deceived and misled.

Finally, your attempt to limit building heights will serve to discourage investment and new development which is what Port Orford needs to pay for their degraded city services. Your actions ensure that your legacy to our children is an antiquated water system that provides unhealthy and very costly water and an outdated sewer system that discharges the city's treated sewage into the ocean.

Sincerely yours,

Eric Oberbeck
93345 Sixes River Road,
Sixes, Oregon 97476

Mr. and Mrs. Acey Johnson
190 6th Street
Port Orford, Oregon 97465

Nov 2, 2021

Dear Chair Niereth and Planning Commission members,

I am writing in strong support of reducing building heights for new buildings in Port Orford to the compromise height of 35 feet in the commercial (4C) and industrial zones, of amending the Marine Zone, and of sensibly tightening the loopholes in the exemptions portion of our building code.

I appreciate the well-reasoned findings developed by our City Planner after more than a full year of public engagement on the issues under consideration. I urge you to vote to approve the findings.

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.

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.

Compromise solution: 35 ft height

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. It would also protect existing homeowners from having exceedingly large buildings built to tower over them.

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

Exhibit 7

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”

Our code’s existing “General Exceptions to Building Height Limitations” are outdated, too permissive, and should be revised. We support the Planning Commission’s recommendations, based on research into other municipal codes and consideration of public comment.

2. Exceptions clause (Section 17.32.50 B2)

I strongly support removing Section 17.32.50 B2

The existing exceptions clause in Section 17.32.50 B2, allows for full exemptions to heights established across all zones for nursing homes, retirement homes, hospitals, and churches. 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 loop hole 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 over the past year, 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. Over this past summer, we had to adopt a moratorium on hookups, and our city could have had a greater emergency if there was a fire.

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 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.

Strong public support for reducing height limits

There is strong community support for reducing height limits as shown by dozens of letters and petitions submitted over the last year. Honestly, many citizens have thought this issue was already decided since there have been so many meetings, and so I am attaching for the record here letters submitted over the past year as well as two petitions with over 100 signatures in support for lowering heights.

CONCLUSION AND FINAL RECOMMENDATIONS

In conclusion, I urge you to approve the findings and 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 and important 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?](https://www.google.com/search?client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8)

[client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8](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://corb.us/index.asp?SEC=56B38658-34B3-4C77-9934-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

NOTE even LARGER cities have lower height limits:

GOLD BEACH (population 2,293)

<https://www.goldbeachoregon.gov/vertical/sites/>

[%7B95824C9A-6BB0-47B3-83E2-3D2AE3179E09%7D/uploads/2018_full_GBZO.pdf](https://www.goldbeachoregon.gov/vertical/sites/%7B95824C9A-6BB0-47B3-83E2-3D2AE3179E09%7D/uploads/2018_full_GBZO.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.

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**

Attachment B

Crystal Shoji

From: Patty Clark <patty@portorford.org>
Sent: Friday, October 16, 2020 7:46 AM
To: shoji@uci.net
Subject: FW: Definition of "Building Height and Grade"

This is what Mr. Lawton sent to us. He said that the link takes you to the examples.

Patty

From: Lawton, Stephen J [mailto:Steve.Lawton@bus.oregonstate.edu]
Sent: Tuesday, October 13, 2020 6:55 PM
To: K. B. McHugh <kbmchugh@charter.net>; patty@portorford.org
Subject: Definition of "Building Height and Grade"

Patty and Kevin,

Thank you for letting me participate at today's Planning Commission meeting. As promised, the following information might be helpful to the Planning Commission when you clarify the definitions for the new ordinance:

Possible Definition for Determining Building Height Relative to Grade

The Planning Commission today discussed the issue of how to determine the height of a building relative to the grade. There was also a discussion about how to define the term "grade". Do you use "the level of the ground after construction" or do you use the "native or natural grade"? The City of Yachats did an excellent job of clarifying the definition of grade in their zoning ordinance as:

- "the height of a building means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade".
- It also provides an excellent diagram and formula on how it is calculated
- <https://www.yachatsoregon.org/DocumentCenter/View/109/Building-Height-Determination-PDF>

I hope this helps you and I support the City Council's directive to the Planning Commission to provide a proposed amended zoning ordinance in a timely fashion. I believe that it will protect the character and livability of our community.

Thank you for volunteering and contributing to our community as a member of the Planning Commission. I hope this additional information helps you.

Respectfully,

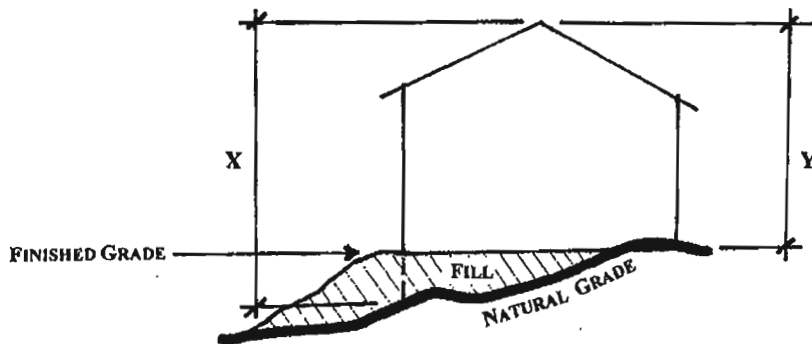
Steve Lawton
710 Jefferson St.
Port Orford

Exhibit 8

TO DETERMINE BUILDING HEIGHT

“Height of building” means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade.

Step 1. Calculate the average height for each side of structure.



X = tallest building height

Y = shortest building height

$(X + Y) / 2 = \text{Average height (H)}$

Step 2. Add together the height for each side and divide by the number of sides.

$$\frac{H_1 + H_2 + H_3 + H_4}{4} = \text{average building height}$$

Patty Clark

From: Jeffrey R. McVannel <jmcvannel@me.com>
Sent: Wednesday, October 28, 2020 8:47 AM
To: patty@portoford.org
Subject: For the Planners on Proposed Building Height Restrictions

Dear City planning commission members, I will likely be working during this Zoom planning meeting where building heights will be the subject. I do however want to offer my opinion.

I am writing to urge you to not lower the height restriction of homes to 25 feet. This would really limit the type of two story home that could be built. 30 feet would be a reasonable reduction but 25 feet is too low. This would encourage and only allow very low sloped roofs in many designs. From an esthetic view point these can be seen as not as attractive and only encourages building unappealing houses and severely restricts design possibilities.

Below would be approximately a typical theoretical two story house design; 2' stem wall foundation on 8" footing 1' 1st story floor system 9' 1st floor walls 1' 2nd story floor system 8' 2nd story walls Total so far without the roof system in this theoretical house is 21'. This would only allow a 4' rise in height for the roof trusses etc.

Therefore with a 24' wide house the maximum roof slope would be a 4' rise in a 12' run. 4 in 12.

A 32' wide house could only have a 3 in 12 roof. These 3 in 12 slopes on wide houses often look kind of ugly and don't drain off the water as well as a steeper roof.

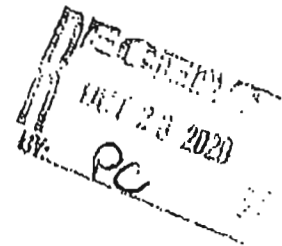
A 36' wide house would be limited to less than a 3 in 12 roof. Now you are getting into needing roofing materials other than composition shingles for proper drainage (adding to the cost).

From an design esthetic standpoint steeper roofs usually just look much better. They drain the rain off quicker too.

If it is a matter of fire fighting access it might make more sense to buy some bigger ladders or other equipment rather than to impose this restriction on house design.

Please consider this before you make this change. 25' is just too low. 30' would be acceptable or even 28' could work.

Jeffrey McVannel,
CCB# 203703, OCHI#1689
(builder/designer/Home Inspector)=



November 3, 2020

To: Port Orford Planning Commission

From: Steve Lawton
710 Jefferson St
Port Orford

This letter is in support of the Port Orford City Council's unanimous decision on August 20, 2020 to "direct the Planning Commission to reduce the allowable building height in all zones" and the proposed planning ordinance to reduce building heights across all zones within the City of Port Orford to 25 feet.

- **It will protect our small town character and community livability**
 - maintains our feeling of a close knit, coastal, residential community
 - "protecting views" is not the central issue for supporting the proposed ordinance
 - the view from our one story house will be completely blocked by a 25 foot tall building
 - ensures disproportionate, out-of-scale 3 story tall buildings are not adjacent to residences
 - protects the affordability of housing for local residents who would have higher real estate values and property taxes for their residences that are zoned for 3 story tall buildings
- **Lowering the allowable height of buildings in our community will not harm the economy and will maintain livability while balancing the needs of local citizens and income-driven investors**
 - The current Port Orford real estate market and house construction is strong and experiencing significant growth without the inclusion of 3 story tall buildings
 - There are many two story hotels, commercial, retail, and medical buildings on the Oregon coast
 - The Redfish Gallery and Restaurant is a good example of a 25 foot tall commercial building that includes a successful restaurant, art gallery and vacation rental, but under current zoning rules:
 - this property could have been a 3 story (4 story with exception) hotel or commercial building that would be out of scale and detract from the Battle Rock Park open space
 - with no on-site parking ordinance, all of the customers and staff of this building would be parking in and filling the Battle Rock Park parking lot excluding local residents
- **3 story tall buildings will increase the population density of our community serving mostly tourists**
 - placing a disproportionate demand on City water, sewer and parking
 - increasing the demand on the City's limited water supply during the driest months of the year
 - creating mostly minimum wage jobs without benefits that can't obtain affordable housing
 - increasing the number of cars, trucks and campers parked on neighborhood streets due to the lack of local on-site parking requirements
 - increasing neighborhood traffic and noise and limiting available parking for local residents
- **3 story tall buildings will increase the demand on our aging and inadequate water and sewer system**
 - Lowering the allowable height of buildings is a cost-effective solution to our water problem
 - The City's water system:
 - has inadequate water volume and pressure to serve tall buildings
 - struggles to meet peak demand in the driest summer months while running at full capacity (300,000 gallons per day) in the summer months
 - 2010 Port Orford Water Supply Expansion Report states the "City is running out of water"
 - In 2006 and 2020, the City prepared for emergency water shortages requiring voluntary conservation due to high demand and inadequate water levels in our reservoir

- The Port Orford planning document "Looking to the Future" states that "the present pipe sizes in the area (MU 10 Zone) are inadequate to handle the flow necessary in a fire emergency"
- Potential water shortages may result in:
 - Inadequate water to fight house fires and wildfires
 - mandatory closures of restaurants and hotels
 - difficulty in attracting new businesses and residents
 - moratorium on housing construction
- Essential services (fire, school, medical), businesses and local residents should have higher priority for limited water before short term stay visitors and tourists
- Local residents will subsidize the costly water system improvements required for 3 story buildings since the City Service Development Charges would not fully cover those costs
- **Port Orford fire department has inadequate fire equipment to protect 3 story tall buildings**
 - requiring costly improvement of our fire department and water system
 - not making those costly improvements increase fire risk and might result in:
 - the lowering of the City ISO Fire Protection Classification
 - resulting in higher homeowners insurance rates or policies being dropped
 - banks hesitating to lend for mortgages and businesses and/or raise lending rates
 - decreasing real estate values
 - overall weakening of the local economy
- **Battle Rock Mixed Use (MU 10) Zone is flawed**
 - The MU 10 Zone currently allows
 - three story tall buildings (without conditional approval)
 - without setbacks (zero lot lines)
 - no onsite parking requirements
 - MU 10 Zone includes 30 city blocks that extends from the East at Deady St. to the West at Agate Beach Road and from the North at 9th St. to the South at Battle Rock Park and the Port
 - Most of the MU-10 Zone lies within the Port Orford Tsunami Inundation Zone
 - MU 10 Zone allows 3 story tall buildings which is inconsistent with the City's planning report "Looking to the Future" that states:
 - "the intent of the MU 10 Zone to maintain our small coastal town ambience and small town neighborhood character"
 - "Port Orford has an opportunity through City planning and zoning to maintain the unique character of Port Orfordin a manner that will protect the existing character of the community and assist in retaining the small town atmosphere"
 - "Locating a commercial use that is large in scale in an established residential neighborhood could potentially negatively affect the character of the established residential neighborhood."
 - Over 64% of the lots within the MU 10 Zone are private residences that will be dwarfed by out-of-scale 3 story tall buildings

Based on the above reasons, I support the proposed planning ordinance to reduce building heights across all zones within the City of Port Orford to 25 feet. I believe that it will protect the character and livability of our community while serving the needs of investors and not harming the local economy.

As a possible resource for the Planning Commission, I have also included a copy of a planning document with an excellent diagram from the City of Yachats that clarifies how to determine the height of a building relative to grade.

Nov. 13, 2020

Dear Port Orford City Council Members:

I am writing in support of adjusting height limits for new buildings in the City of Port Orford. I support the 30-ft height limit discussed at your October meeting.

Making proactive adjustments to our zoning code regarding the height limit makes good sense for the following reasons:

- We have many zones within our city that have *absolutely no height limit at all* and some that have limits of 45 feet. A 30-foot limit would provide for a multitude of attractive, two story, human-scale buildings of generous height.
- Fire safety should be a serious concern of owners and occupants of new buildings, of people living near them, of our volunteer fire fighters, and of the city generally, including issues of liability if construction is approved for buildings taller than what can confidently be protected from fire. I've long heard that our volunteer Rural Fire District does not have the capacity to fight fires in buildings that are 45 feet tall. I've not seen definitive evidence that the city has the certification, equipment, reliable water supply, and dependable water pressure to fight fires in buildings taller than 30 feet. Specific responses to these concerns should be available to the City Council if buildings taller than 30 feet are to be allowed.
- By accounts of people more closely familiar with constraints of our water supply, we do *not* currently have sufficient adequate water and pressure to fight a fire during summer months when water supply is low and fire risk is high, especially in the 10 MU zone where pipe size is already inadequate. Permitting new three-story buildings would likely magnify this problem. The paired issues of water supply and fire safety need to be addressed **BEFORE** we start permitting new, taller buildings, which is why the proactive zone change makes good sense.
- Permitting heights of 30 feet maximum will protect our small-town character that so many residents cherish.
- Permitting heights to 30 feet would not affect the availability of affordable housing. Our city planner Crystal Shoji stated in correspondence regarding the 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." (p. 20 of PC packet).
- Regarding the Port and the Marine Zone: In written testimony, Port Manager Pat Cox raised concerns that the proposed 25 ft limit was too low for Port activities. The findings drafted by the Planner for the Planning Commission addressed that concern by making an exemption for the hoists at the Port and indicated that a change in limit may be warranted

in the marine zone. According to Mr. Cox's letter, 35 ft. is common in other Port districts, and to my mind would be an appropriate limit to adopt for that special zone in our city.

- The primary concern brought up by the public at the recent PC meeting, predominantly attended by owners of investment properties, was that a 25 ft height limit would lower property values and discourage future investment in our community. I would argue that property values, including of my own property, would in fact be enhanced and not degraded by a height limit of 30 feet, which would allow for attractive 2 story buildings.

Moreover, given our city's water constraints, the overriding concern is that we need to have a code that matches our city's capacity to actually supply water and safety services not just investors' aspirations.

If we don't look at this holistically, I am concerned that current local citizens will be put into the position of footing the bill to provide water for outside developers and investors.

Local resident Steve Lawton, who has extensive experience in rural economic development, has made extremely important points in his written testimony, dated Nov. 3 2020, related to water supply, affordable housing and fire risks, explaining how **costs for current citizens will most likely be increased unless we have more reasonable height limits that better reflect our town's actual capacity to supply services. The increases in costs could take the form of increased insurance costs, increased costs to foot the bill for water infrastructure, and increased assessed values and taxes.**

I urge you to please consider these important points on behalf of local citizens.

The Staff Report document prepared by our City Planner Crystal Shoji for the Planning Commission (dated Nov. 3, 2020), provides for draft findings, indicates the zones with and without heights limits, and provides a ready template for proper language to make appropriate adjustments. I urge you to adjust the limit upward from the officially noticed 25 feet to the more reasonable height of 30 feet and make needed adjustments related to the Marine zone. This is an appropriate adjustment responsive to public input.

As a resident in a historic home in the commercial-residential district of the Battle Rock MU zone, I've long been concerned that having buildings—allowed to be up to 45 feet in our neighborhood, could become problematic—for water supply, for fire safety, and for livability.

As my husband Tim's favorite uncle always said, "The most comfortable place to live is within your means." At this time, we don't as a city have the means to meet water and fire safety requirements for 3-story buildings so our municipal code should be upgraded to reflect that reality, or we could find ourselves in some very uncomfortable situations in the future.

Thank you for considering my comments and your important public service in working on these very important issues for us all.

—Ann Vileisis, 608 Oregon St., Port Orford

To the City Council and Planning Commission of Port Orford,

Nov. 19, 2020

Dear Port Orford City Council Members,

My name is Laurie Prouty. We own our single-story home in town. I am writing in response to the proposed zoning for building heights in Port Orford. In reading the letters submitted in the packet, I am in agreement with Ann Vileisis and Steve Lawton.

I support a height limit of 25' to a maximum of 30' for buildings in town. I believe there could be an exception for the zoning of the Port as Port manager Pat Cox stated in his letter.

In reading what the height limits are in Bandon and Brookings, I feel we should stay in line with their zoning restrictions.

We are a smaller city than either of our neighboring communities, if anything, think our zoning restrictions should be of less height.

The infrastructure of Port Orford is very fragile. The comments of addressing our increasing water problems and the height issue of fighting fires are extremely important. Those needs should be addressed before we allow taller structures or any other developments.

I am definitely in favor of protecting our "small town" quality of life. I would like to protect what we have and be sure we do not allow tall resorts/hotels to be built!

Thank you for your consideration on limiting the building height in Port Orford and protecting the uniqueness of our lovely town.

Respectfully,

Laurie Prouty

11/19/20

Greetings,

As residents of Port Orford for 30 plus years and currently living in a zone where tall 45 ft buildings could be built, we support the proposed 28 to 30 ft. height limits.

Water availability and infrastructure has been an issue and problem in our community all along, so the increase in population density that would result would bring additional problems and an overall lower quality of life.

Additionally our local fire fighters are not equipped for that scale of firefighting.

The charm and beauty of our little town is what draws the people here. Investors would have many creative opportunities by thinking outside the tall box.

We support maintaining and improving what already exists and maintaining this town's natural charm.

Sincerely,

Cheryl Cherise

Crystal Shoji

From: Mayor Tim Pogwizd <tpogwizd@portorford.org>
Sent: Tuesday, November 24, 2020 9:10 AM
To: Crystal Shoji
Subject: Fwd: In favor of proposed 25' height limit within City of Port Orford

Sent from my iPad

Begin forwarded message:

From: Sharon Rock <sharonrock@gmail.com>
Date: November 16, 2020 at 12:04:20 PM PST
To: tpogwizd@portorford.org, lkessler@portorford.org, gburns@portorford.org, claroche@portorford.org, pcox@portorford.org, jgarratt@portorford.org
Subject: In favor of proposed 25' height limit within City of Port Orford

Dear Port Orford Mayor and Councilmembers,

I believe the proposed land use regulation to limit new building heights to a maximum of 25' across all zones is common sense and forward-thinking. I strongly urge you to pass this proposed regulation change. The reasons are these:

- 1) I understand from involved residents that the City's contracted fire protection is not certified to fight fires in buildings of three storeys and higher. Nor does the contractor have the equipment to do so. This appears to be a matter of public safety. And ignoring it would seem negligent.
- 2) I also understand the City's water supply is becoming increasingly strained during the dry months of summer. Bigger buildings mean increased water demand. So it seems as the West gets hotter and drier, water security and sustainability for the residents and businesses will become increasingly critical. Better to take proactive measures now than wait until there's a crisis.
- 3) Economic development that's not sustainable is destructive, no matter how alluring the benefits. But the lure of money often compels us to make unsustainable choices. We put our heads in the sand, hoping the consequences come after we're gone. But wishful thinking doesn't change reality. New real estate development is fundamentally unsustainable. So better to encourage land use that's, at minimum, easier on the natural environment which supports us all.

The Planning Commission has already been threatened with the prospect of "missing the real-estate-development-boat" if this proposal is passed. But increased real estate sales in Port Orford strongly suggest that the town is too desirable to "miss the boat." Its human-scale architecture; warm, caring community; and natural beauty continue to attract more and more people. I urge you to take hold of the reins now and move ahead with this forward-thinking regulation. Architects, developers, designers, and individuals alike will adapt to the 25' height limit. And if there are exceptions needed for the *genuine* public and environmental good, they can be addressed.

Thank you for your work and for considering my thoughts,

Sharon Rock

Co-Trustee of the
Sharon M. Rock Family Trust
720 Deady St.
Port Orford, OR 97465
Current residence:
136 Quality Hill "B"
PO Box 1723
Bisbee, AZ 85603
520-255-0050



Virus-free. www.avg.com

Crystal Shoji

From: Mayor Tim Pogwizd <tpogwizd@portorford.org>
Sent: Tuesday, November 24, 2020 9:06 AM
To: Crystal Shoji
Subject: Fwd: City Council Meeting Today concerning building height

Sent from my iPad

Begin forwarded message:

From: Cathy Boden <cathyannboden@hotmail.com>
Date: November 19, 2020 at 1:50:27 PM PST
To: Terrie Richards <trichards@portorford.org>, Pat Cox <patcoxportorford@gmail.com>, "claroche@portorford.org" <claroche@portorford.org>, "gburns@portorford.org" <gburns@portorford.org>, "jgarratt@portorford.org" <jgarratt@portorford.org>, Tim Pogwizd <tpogwizd@portorford.org>
Subject: City Council Meeting Today concerning building height

Greetings City Council Members and City Administrator Terrie,

Cathy Boden here from 580 7th Street, and a business at 343 9th St., both located in downtown Port Orford.

First of all, I want to extend my gratitude for the work you all do, voluntarily, to support our small community.

I am writing this quick email to share my views, because I am working today and will not be able to attend the city council meeting when you discuss height limitations for building in our community.

I was involved several years ago when this topic arose, and an out-of-town developer was trying to buy up our main street and wanted to recreate a Depoe Bay style waterfront in our Port Orford town.

I agree with all the topics mentioned in other correspondences about the issues around building too high in our community.

1. That it will be a struggle and hazardous for our volunteer fire department to attend to fires in buildings over two stories high
2. That building higher than two stories will allow for a density in our small town that our infrastructure will not be able to handle, particularly water and sewer. How much can we demand from our watershed, and our sewer system.

But the most important issue for me is: **Who gets to decide the appearance and feel of our community, the place where we live, work, and play? Our citizens or outside developers?**

It is my opinion that two story buildings are what would work best in our community for a variety of reasons, mentioned above, but also weather, and what fits for the livability of our community. But more importantly, we need to decide as a community what the scale of our town should be and what we want it to feel like. Not new developers that want to capitalize on our cute little town, who may not even plan to live here.

Thank you for considering my thoughts.
Cathy Boden

November 12, 2020

Dana S. Gurnee
834 Deady St.
Port Orford, OR 97465

Comments Regarding Adoption of Amendments to City's Use Zones

Dear City Councilors of Port Orford, Oregon:

I write to ask you to adopt the currently proposed amendments to Port Orford's use zones. These amendments would change the allowed height of all future construction to 25 feet in all zones, from the current allowances of 35 feet or 45 feet, or even no restrictions, depending on a zone.

These amendments result *from your own order* to the Planning Commission to prepare language and findings for a change in the height numbers. This was a good idea, in my opinion, and I commend you for it.

Please keep in mind that the city's letter to all residents about this proposed change caused very little opposition in social media. By that measure, the people of Port Orford are behind the idea that *you* put out.

In arguments against your proposal on November 10, before the Planning Commission, only one resident spoke in favor of this proposal. In my opinion, this does not mean that the residents of Port Orford are against the proposal. You on the council must be aware of the deep opposition there is to a massive change to the character of this town. You know that people are afraid to speak, too tired to speak, too overwhelmed with a sense of futility in the face of "superior forces." These people elected *you* to be the people with time and courage.

At that November 10 meeting, I heard impassioned pleas for no changes to the restrictions. Without exception, these pleas came from people who explicitly stated that they were motivated by profit and by having a return on investment to which they feel entitled. Many supplied permanent addresses outside the area.

The question before the city is: What do want our town to look like in five years? Or ten years? Do we want a corridor of tall buildings on 101? Do we want residential areas like the Hamlet to resemble the upscale suburbs of Los Angeles? Isn't it our right to change the rules to keep our community a place we want to live? Rules are changed all the time to realign them with shared goals. That's life.

But if it's time to give up on the Port Orford we know, and to create Seaside South, then the council really, really *must* do some advance preparation, such as with water.

Does the council believe that the existing water system will be sufficient to provide water to many hundreds of new users? (And let's not forget the new information about silting and pollution in our water source from upstream logging.)

Does the council believe that city residents should be on the hook for repairs to the water system that will be made necessary by the stresses of new pipelines and low levels in the reservoir, and possibly the need to change to Garrison Lake?

Maybe city residents *do* want to build a water system for the outside investors, whose construction *might* provide jobs and housing. So let's find out: Submit to city taxpayers a bond issue to construct a water system that can handle the projects that speculators may have in mind.

If the city taxpayers vote to finance a new, more capacious, robust water system, then you will know that they welcome high-rise development throughout the city. The council could arrange for an election in May 2021 for a water bond.

Absent that giant step, I believe Port Orford needs the height restrictions as presented now for public hearing, and I support the changes. EXCEPT that 17.20.050 should be revised to require a **conditional use process** for tall structures such as observation towers, spires, masts, aerials and the like so that these cannot be built to any height proposed without Planning Commission review.

Respectfully,

Dana S. Gurnee

To City Council,

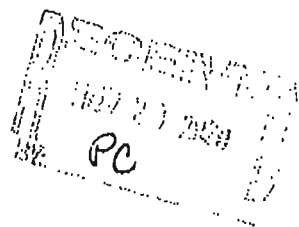
Please do not exceed the proposed 30ft.
height for buildings in PortOrford.

Thank you.

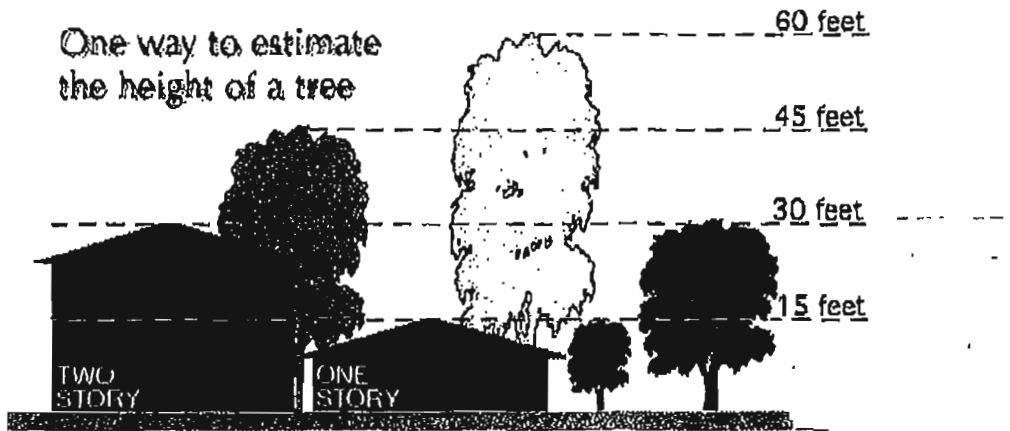
Michael McDonough

Residence: 15 Green Cir.
PortOrford.

Property owner: 736 Washington St
PortOrford



One way to estimate
the height of a tree



Terrie Richards

From: Dana Gurnee <danascott000@gmail.com>
Sent: Sunday, November 29, 2020 1:34 PM
To: Terrie Richards
Subject: Proposal to Revise Height Limits in P.O.

Date: November 29, 2020

To: Terrie Richards, City Administrator for Port Orford, Oregon

From: Dana S. Gurnee
834 Deady St.
Port Orford, OR 94765
danascott000@gmail.com

Re: Proposal to Revise Building-Height Limits in P.O.

Please enter the following comments into the public record regarding the proposal to revise building-height limits in Port Orford. I gave these comments, more or less, in oral testimony on November 19, 2020, at the City Council public hearing on this matter.

=====

My name is Dana Gurnee. I have lived in Port Orford since 2011. I plan to live here for many more years.

As a town resident, I, like hundreds of other town residents, want the low-rise, modest, intimate, friendly, livable character of Port Orford to be maintained and nurtured.

But it is clear that there are forces afoot to change the town in profound ways. At least one person behind these forces claims to have good ideas for us, giving an example of affordable housing in a 45-foot structure.

If these forces are to prevail and to truly benefit Port Orford, I believe that Port Orford's leaders must first assure that Port Orford can supply the water that is needed. Water, water, water. Water matters.

Our current water system serves our current water needs reasonably well, I think. But P.O. seems to be at the point where its system will be inadequate for substantial or even minor new development -- especially with the possibility that climate change, silting, and upstream pollution call into question the durability of our reservoir.

Therefore, I believe that the council should amend height restrictions immediately, so as to communicate the challenges we have from extreme development. Twenty-five feet allows the large personal or vacation-rental homes that so many new people are planning for.

Twenty-five feet seems to be a good number for a water-challenged town. In fact, twenty-five feet may seem -- five years from now -- to be foolishly generous.

After the new number is in place, I suggest that the City Council submit to voters a water bond, in the way that was done several years ago. That election failed, but maybe voters today are willing to help finance investor development, hoping for some collateral benefit.

The election for the bond would serve as a referendum as to whether the voters of Port Orford support high-rise development, hotels, etc. The resulting immediate increase in property taxes would enable potential developers to join with long-time residents in financing the transformation of our town. In my opinion, it is unfair to expect town residents to take on all the obligations of providing water to higher-rise structures.

By doing things this way, the city leaders can accommodate modest construction in 2021 -- say for people who operate vacation rentals at 25

feet -- AND set up infrastructure for 2022 and beyond, for developers to build their 45-footers with water for the roof-top swimming pools.

-- Dana S. Gurnee



URGENT REQUEST FOR BUILDING HEIGHT REDUCTIONS IN PORT ORFORD

November 27, 2020

Dear Mayor Pogwizd and City Council Members,

I have been a resident of Port Orford for 15 years and it was the character, spirit and ambiance of this small town that drew me in and assisted in my decision to live here permanently. It is that very nature of this special place that continues to hold my heart and drives me to reside here and want to preserve the small-town atmosphere.

Current zoning allows for 45 ft. tall buildings all along Hwy 101 and in many other parts of town. This is far taller than most other coastal towns and cities, especially in our region (Bandon is 24' & 28', Brookings is 30' & 40' in their Port/Commercial zone). I have serious concerns about whether the town's infrastructure can support our community now, let alone in the future with large new commercial structures designed to increase tourism, vacation rentals, and more new residents. I feel by amending our current building ordinance to a maximum 28' across all residential zones and 30' across all commercial zones, including any zones without any height restrictions, our town will ensure a sensible change with the goal of keeping our unique town special. We want to encourage healthy, sustainable business operations and modest, well-planned growth, all of which requires research and a unified plan.

The issue of changing our building height ordinances has appeared before local property owners in our town and clearly there are many varied views. I believe as an individual who cares about a well-designed theme and vision for our small-town, we must act as a unified community to visualize our future and work together with all the various factions of our town (i.e.: the Port and their new design, new businesses, construction along our main coastal viewpoints, local government, and others). Otherwise we may be facing critical impacts for the future of our town. Making the right choices for the common good of our townspeople takes time, research and a presentation of findings to our council. This process cannot be rushed as we have all witnessed in council meetings.

At the recent City Council meeting, many local citizens raised important issues, about water availability, fire safety, costs of development, and especially about the need for local people to have a strong voice on what our town will look like in the future, not just the opinions of investors, many of whom don't even live here.

I urge all of you as elected representatives of our town to carefully look at the future of our town and decide to adopt new building heights of 28' in residential zones and 30' in commercial zones, excluding the Port.

Thank you for your consideration.

Sincerely,

Pamela Berndt

PO Box 103, Port Orford, OR 97465 / 769 12th St

5dotarts@gmail.com

Mayor Tim Pogwizd

Cc: City Council at large

Mayor-elect Pat Cox

Terrie Richards

Patty Clark

Dear Port Orford City Council members,

12/1/2020

First and foremost; thank you for volunteering your time to all of us in the City and surrounding area. Your time and dedication is admirable and appreciated.

I am writing regarding the ongoing discussions about building heights in Port Orford. I am a long time (32 years) resident and property owner in Port Orford. When we bought our property on 6th St (Hwy 101), we were aware of the 45 foot building height. While we had no intention at the time of changing our property or adding; it was an added "bonus". However, I am not in favor of 45', regardless of the value it might add to my property.


Many of us live in Port Orford (maybe most of us) because of our wonderful relationship with nature and the small town atmosphere so rare these days. Condos and tall buildings do not enhance the uniqueness of Port Orford at all. The desire to capitalize on the beauty of Port Orford could be what changes our town character for the worse.

Aesthetics aside; water supply and water flow should be a very real concern for the Council. As a retired fire chief, I know these are very important concerns. The City must be able to insure adequate water supply, flow and that all hydrants are tested and functioning appropriately. (Does the City consistently test all the hydrants to make sure of function?). You have an outstanding volunteer Fire Department, but without adequate supply; they can only do so much. Also, of course, your Fire Department does not have a ladder truck. Can the department attempt exterior rescues of taller than 30' buildings? And if they cannot attempt exterior rescues, will they try interior rescues in 3 plus story buildings, exposing them to extreme danger? Will you have liabilities if you allow new buildings beyond what your department can protect?

Please review the limits of other small coastal towns and how they manage the beauty of nature, population and growth. Personally, I think 30' would be very reasonable and allow many wonderful options for builders. We live here because of who we are and what we have and enjoy every day, we surely hope to see our town remain one of beauty with love and respect for our vistas.

Thanks you so much for your time.

Sincerely,



Gayle Wilcox

Property owner

Small Business owner

Retire Fire Chief

Retired EMT I and Director of Ambulance Operations



Terris Richards:

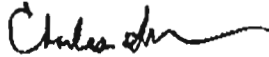
My name is Charles Silberman and I am a property owner at Cedar Terraces (Lot 20, Cedar Terraces Sixth Addition, tax lot 2110). I was very concerned to hear that there are portions of Port Orford where there are no height restrictions, and am in favor of a 25' height limit.

In my travels, I've visited so many formerly beautiful places that have been ruined by development. I do not want to see that happen in Port Orford, and I believe the best way to prevent it from happening is with a 25' building height limit. I am not saying that building shouldn't happen in Port Orford, just that there should be limits to what can be done.

When my wife first took me to Port Orford for the first time in 1989, I was overwhelmed by its natural beauty. I still am. It is one of the most beautiful spots in the world, and I can say that because I travel quite a bit.

Over the years, as we became property owners and have continued to visit Port Orford and make plans to build, I've continued to love the beauty, and to appreciate how easy it would be for development to destroy the feel of this treasure. Please don't let this happen.

Sincerely,



Charles Silberman



Regarding: Building Height & potential density Issues in Port Orford

Mayor Pogwidz & Mayor-elect Cox,

12/2/2020

Greetings! And as always, I really appreciate the work you do for our beautiful town!

I am truly concerned for our small community.

A native Oregonian, I moved here over 20 years ago from larger Oregon cities, but chose Port Orford to call home and invest in because of what it is - a small rural community with tight knit passionate citizens, and lots of beautiful public land to recreate in.

Our community **has already been** growing well, and within the context of what makes this place so special-- historically, culturally, and naturally. We have so much that makes our town special: a rich history that dates back to the oldest Native American sites on the Oregon coast, the oldest town site on our coast, with a rural small town culture. A place where you can still learn your constellations and witness the Milky Way. Where nature's beauty outshines the built community. Unlike many other towns that might be considered "generic" or just like everywhere else, Port Orford has a unique "sense of place." That may sound intangible, but from my work as a guide and also working with Travel Oregon, I know that "sense of place" is one of the things that people --residents and visitors alike--truly value. It has an economic value as well as potent personal value and in the long run will help to make our town thrive.

It amazes me that for over 150 years the people that choose to live here have protected all this that makes our place special and unique. There are not many places like this left.

I own two places in town (4 commercial lots in total) and could build over three stories, but would never dream of being the one that would change the feel of this town forever.

We are growing and evolving with several new small businesses, a new clinic, and wonderful new plans for our Port! But we should proceed with caution. We are the stewards of this land and of our town. It is our responsibility to steer the change that is taking place.

If you look further North on our coast it is easy to imagine our future. Visitors and locals of the North Coast complain about overcrowding, traffic, parking, expensive goods & services, and degrading natural landscapes. We have seen a rise in visitations because we are a village where people can escape the chaos of where they live. I hope we can learn from our neighbors to the North, and plan accordingly.

The reason I am painting this picture is that I feel that encouraging buildings taller than 30' or three stories high in our community would harm the very nature that makes us special and

unique. We all know that our natural beauty is literally jaw dropping, and tall buildings will only take away from that experience.

I am speaking from the heart, but I also know that by going up higher than 3 stories will also create a density of population that our town cannot support (water/sewer/services). We can creatively become a vibrant community within the confines of three stories. Especially when our commercial zone is mixed with residential buildings, tall buildings will rob our neighbors of much needed sunlight, particularly in the winter months.

As Port Orford citizens we have the power and responsibility to keep our place special. What is that vision? Citizens should decide, not pressure from outside developers that do not live here. We have experienced too many of those examples where projects are started, but not finished, and leave our community degraded.

We are the caretakers of this special place, it is our responsibility. I would hate to see our place change forever, during our watch.

For all these reasons, I strongly support reducing height limits for new buildings (except at the Port) and urge you to take action to help keep our town special.

Sincerely,



Cathy Boden

580 7th St. (residence)

343 9th St. (business)

Port Orford, Oregon 97465

RECEIVED
MAY 2 2010
11:11 AM
100

12/2/20

Hello Mayor Tim Pogwidz and Council Member Pat Cox,

Hope that you had a safe and enjoyable holiday.

I am a 20+ yr. resident of Port Orford, a walker and bicycle rider. On a recent ride around town I counted: 9 new houses (built in 2020), 3 new foundations for homes, a medical center with a foundation, know about a new project on the dock, and saw at least 3 land clearing projects. I realize that this is not a complete survey of the new buildings in our town, but, it was a bit of a surprise, we are a growing community! I also found many houses for sale and not occupied. And, I for one, own a grand fathered in water and sewer hookup on a vacant lot. My concern is water: how much water we have now, and how much we will need soon, and the water we will need in the future.

I support a limit on building heights for these reasons: water, and the impact of high density tall buildings on our water supply and infrastructure; our volunteer firefighters, and their ability to control fires in tall buildings; and lastly, as a pedestrian who enjoys our quiet small friendly town, it's a little hard to imagine strolling by high density tall buildings, and negotiating the added traffic they will create. We are a village!

Thank-you very much,


John Shipp

580 7th St and 343 9th St



December 3, 2020

Dear Mayor Pogwizd and Port Orford City Council Members,

I am writing to you today because I support regulations limiting the Port Orford building height. As a former general contractor, I have some experience with design and construction, and a bit of an eye for what fits and what doesn't fit. I have also seen that not every builder cares about the impact of their project on a neighborhood. To keep the ambience that is a large part of the reason I live here, I respectfully urge the City Council to act on this matter.

Buildings are more or less permanent—the choices made by a builder today will affect what the neighborhood looks like tomorrow and next year. I take no issue with large or luxury homes, high ceilings, big decks, ocean views or purely investment properties—or low income housing, for that matter. They can all be part of a thriving, diverse, livable community. That said, probably the single most eye-catching and neighborhood-defining element in building construction is simply the height of the structure.

This is one reason many communities up and down the coast and around the world have taken steps to disallow tall buildings, which permanently and unfavorably change the sight lines, the ambience and the future of the community. As residents, *we can and should decide now how we want Port Orford to continue to look and feel.* A building height limit of 28 feet would allow for the construction of safe, efficient two story commercial and residential structures without fundamentally changing the way our wonderful seacoast town looks and feels.

Thank you for your careful consideration of this issue,



Greg Thelen
165 23rd St.
Port Orford



Terrie Richards

From: aimee munford <aimeemunford@gmail.com>
Sent: Wednesday, December 2, 2020 2:21 PM
To: tpogwld@portorford.org; trichards@portorford.org
Subject: Allowable Building Height Proposal

Dear Port Orford City Council Members,

I am writing in support of lowering the allowable building height in all zones in Port Orford to a maximum of 28 to 30 feet, but no higher.

We bought a home in Port Orford and moved our family out 3 years ago from a busy city on the east coast in search of a quieter, slower paced life surrounded by the beauty of nature and have gratefully found all of this and more in our beautiful Port Orford. We have fallen in love with the small town atmosphere, kind people and incredible surrounding nature. We enjoy walking and riding our bicycles safely into town and visiting the Port Orford Community Co-op, Driftwood Elementary, Battlerock Beach, the library and Buffington Park. We feel safe enough with the low level of traffic to allow our 8 year old and even our 3 year old to ride their bicycles to all these places as well. We did not move here in the hopes that any of this would change, but rather hoped we would get to enjoy Port Orford as it is for many, many years to come. While we support local tourism and know that it helps many of our small town businesses survive I don't think any of the tourism we experience is looking for a big city feel when they stop off here along 101. I believe people stop here for the unique charm that Port Orford, its residents and small businesses has to offer. I think three story buildings detract from this charm as well as put Port Orford's residents in a compromised position. With droughts in the summertime and water rates already at a maximum I think increasing the tourism population by allowing the building of higher structures will drain already stressed resources and push water rates even higher. Many families in town are already struggling and higher bills would be a burden on many. We ask that you please consider the heart of Port Orford and what its community really needs at this time. We ask that you choose the beauty of our town and our special community to be the deciding factor here and not investors purses.

With respect,
Aimee Munford

Aimee Munford
215 17th Street
Port Orford, Oregon

PORT ORFORD, OREGON
DEC 2 2020
10:58 AM
PC

Terrle Richards

From: almee munford <almeemunford@gmail.com>
Sent: Wednesday, December 2, 2020 2:25 PM
To: tpogwizd@portorford.org; trichards@portorford.org
Subject: Allowable Building Height Proposal

Dear Port Orford City Council Members,
My name is Owen and I am 8 years old and I like this town being small. I don't have to worry about traffic so I can ride my bike with my mom and brother all over town. I like the trees and I don't want any more to be cut down. I don't want more pollution in the air.

Sincerely,
Owen Munford

Owen Munford
215 17th Street
Port Orford, Oregon

RECEIVED
DEC 2 2020
PC

Terrie Richards

From: Kevin Miller <kevmo.miller@gmail.com>
Sent: Tuesday, December 1, 2020 6:58 PM
To: trichards@portorford.org; tpogwizd@portorford.org
Subject: Building Height Adjustment

Dear Port Orford City Council Members:

I am writing you to support the proposed planning ordinance which reduces the building heights to 25 feet. I'll share a brief list of reasons why I am in support of this proposed ordinance.

- Port Orford's water infrastructure is already inadequate for the current population. Building tall structures (especially condos and vacation rentals which would attract tourists and short-term visitors during our peak drought season) would put too much strain on an already struggling water system. Furthermore, the inadequate water supply could be a huge safety concern in the increasingly likely event of a wildfire.
- Tall structures would have a negative impact on Port Orford's quaint, coastal character.
- These kinds of building projects are usually non-local investors hoping to line their own pockets rather than contributing to healthy, sustainable growth for Port Orford and its current residents (i.e. affordable housing, year round employment, etc...). Furthermore, building such structures could increase tax rates, insurance rates, and public service costs. Such increases would place a huge financial impact on the many current residents who are already struggling to make ends meet.

I could go on but I'm sure you have already received quite a few emails from concerned residents so I'll try not to take up too much of your valuable time. Failure to support this initiative could result in long lasting and unfortunate consequences for the community of Port Orford. I genuinely hope you will consider following suit with the numerous coastal Oregon communities who already have building height requirements in place that are similar to the proposed ordinance height limit of 25 feet.

Thank you for allowing me to voice my concerns and for all of the hard work you do for our community.

Sincerely,

Kevin Miller
42670 Port Orford Loop Rd.
Port Orford, OR

Sent from [Mail](#) for Windows 10

Mayor Tim Pogwizd:

I believe that allowing buildings above a 25' limit would irrevocably alter Port Orford. The height restriction allows for both new construction and for access to its astounding natural beauty.

My husband and I own Lot 20, Cedar Terraces Sixth Addition, tax lot 2110, We are well along in the planning stages to build a house on the property, with a driveway in place and major clearing already completed. We will start construction of the building itself in 2021.

The first time I saw Port Orford was 38 years ago when I was living in Portland and a friend took me there for a weekend visit. Once I had a family, I wanted them to see it. We kept visiting, even though we'd moved across the county to New York. 17 years ago we decided to buy the property that we now own.

My husband and I have spent the better part of the previous three winters in Port Orford. What makes us happy every minute that we are there is that the natural beauty is the same as it was decades ago. It hasn't been destroyed by the development that plagues the rest of America.

I love Port Orford in a way that I can't even explain. Allowing buildings above a 25' limit would absolutely change the unique, wonderful, remarkable feel of the town.

Sincerely,



Cheryl Gorn



Terrie Richards

From: John Hewitt <jhewittiii@live.com>
Sent: Tuesday, December 1, 2020 3:11 PM
To: Terrie Richards; Tim Pogwizd
Subject: Building height

To:
Terrie Richards, Port Orford City Manager
Tim Pogwizd, Port Orford Mayor
Members of the Port Orford City Council

I am writing to express my support for restricting building heights in Port Orford. Without reiterating each and every point in Steve Lawton's letter, I will say that all of his points make perfect sense.

I have also read Jeffery McVannel's letter and understand his concerns regarding the 25-foot height limit.

I would urge the Port Orford Common Council to approve a height limit in Port Orford of 28 feet.

As usual there will need to be exceptions to the rule. I urge the council to consider those exceptions carefully and to the fullest extent.

Sincerely,
John Hewitt



Terrie Richards

From: Joy Linebarger <Joylan@yahoo.com>
Sent: Tuesday, December 1, 2020 2:37 PM
To: trichards@portorford.org
Subject: Building heights restrictions

In regard to plans allowing building heights in all zones in Port Orford to a maximum of 30 feet:

I am a 3-year resident of this community and my reasons for choosing this location were the natural beauty, small-town atmosphere and the friendliness of the local merchants. After vacationing here for over 20 years, this is where I've chosen to retire.

Lowering this building height most certainly *will* maintain the unique and pleasant character of this community.

It's my understanding that the city's water and sewer issues must be considered and additional service for large, tall structures would overload the current systems for these services and the community would have to absorb the costs. Structures over 30 feet will detract from the small-town charm and invade the natural beauty of our area.

Therefore, I support the proposed planning ordinance which reduces building heights to 30 feet.

Sent from my iPhone



Terrie Richards

From: (null) foncyprescott <foncyprescott@frontier.com>
Sent: Monday, November 30, 2020 5:59 PM
To: tpogwizd@portorford.com
Cc: Gary Burns; pcox@portorford.org; susie4208@gmail.com
Subject: Building Height Ordinance

Dear Tim and Councillors,

Thank you for your work with the city council. I appreciate how many tough issues you all have to address and I hope that you will have time to read this letter regarding building heights.

I mainly want to urge the city to limit heights to 25 to 30 feet. I feel that anything taller would seriously undermine our ability to maintain enough water for city dwellers given our very weak water system. I also feel that fighting fires in buildings over that height would be outside of our firefighting ability for the foreseeable future.

Another issue for me is maintaining the character of our town. I do not want to see tall buildings that are distinctly different from what we already have especially near the ocean views. Developers want to jam as many people into the town as possible but, if you lose your viewshed to oversized buildings, how does that help tourism or smart growth? It doesn't. Most of us love the character of Port Orford as it is and live here for that very reason. Let's not ruin our viewshed nor reduce views for people who already live here.

In my view, an immediate moratorium on building permits for structures over 30 feet is definitely warranted as well as an ordinance limiting building heights to under 30 feet.

Thank you,
Florence Prescott
42255; Cedar Hollow Drive
Port Orford, 97465
541-332-1032

Sent from my iPad

✓

Terrie Richards

From: Jeffrey R. McVannel <jmcvannel@me.com>
Sent: Tuesday, November 10, 2020 8:32 AM
To: Terrie Richards
Subject: Residential building height limit

Dear City council members, I will likely be working during these Zoom city council and planning commission meetings where building heights will be the subject. I do want to voice my opinion on the subject.

I am writing to urge you to not lower the height restriction of homes to 25 feet. This would really limit the type of two story home that could be built. 30 feet would be a reasonable reduction but 25 feet is too low. This would encourage and only allow very low sloped roofs in many designs. From an esthetic view point these can be seen as not as attractive and only encourages building unappealing houses and severely restricts design possibilities.

Below would be approximately a typical theoretical two story house design; 2' stem wall foundation on 8" footing 1' 1st story floor system 9' 1st floor walls 1' 2nd story floor system 8' 2nd story walls Total so far without the roof system in this theoretical house is 21'. This would only allow a 4' rise in height for the roof trusses etc.

Therefore with a 24' wide house the maximum roof slope would be a 4' rise in a 12' run. 4 in 12.

A 32' wide house could only have a 3 in 12 roof. These do look kind of ugly and don't drain off the water as well as a steeper roof.

A 36' wide house would be limited to less than a 3 in 12 roof. Now you are getting into needing roofing materials other than composition shingles for proper drainage (adding to the cost).

From an design esthetic standpoint steeper roofs usually just look much better. They drain the rain off quicker too.

If it is a matter of fire fighting access it might make more sense to buy some bigger ladders or other equipment rather than to impose this restriction on house design.

Please consider this before you make this change. 25' is just too low. 30' would be acceptable or even 28'.

Jeffrey McVannel,
CCB# 203703, HI#1689
(designer/builder/Home Inspector)=

Statement of Tim Palmer, 608 Oregon Street, to City Council Nov. 19, 2020

I'm Tim Palmer and live at 608 Oregon Street. I support City Council setting a reasonable height limit to buildings. All things considered, I think that 28 feet would be an acceptable limit that would allow generously for two-story buildings and encroach minimally if at all on realistic plans for future development.

I believe that a height limit is needed to assure that fires can be fought effectively and safely. If nothing else, definitive findings are needed regarding the adequacy of our fire fighting equipment, water supply, water pressure, training of fire fighters, and relevant certifications for fighting fires in buildings over 28 feet tall, and those findings should be examined before taller buildings are permitted.

A height limit is needed to avoid unexpected large new demands on our already stressed and questionable supply of water in times of drought, fire, or growth.

A height limit is needed to maintain our small town character. Virtually if not literally, all our existing buildings are 28 feet tall or less. We don't need taller buildings that would look like they belong in downtown Coos Bay or Roseburg.

I see no credible evidence for the need for taller buildings. Our existing lots and building sites—numbering in the many hundreds—could be built and most could be enlarged economically without rising beyond 28 feet. We've done very well throughout the history of our town without taller buildings. Even with far more development, economic activity, notoriety, and public services, our sister towns of Gold Beach, Brookings, and Bandon have few buildings taller than 28 feet. If they've not needed them, I don't think we would either. I'm not aware of actual building proposals for structures higher than 28 feet, and if there have been any, or if there will be any in the future, they would be proposed by only one or a few developers whose desires should not be given preference over the vast majority of people in our town who do just fine with buildings of 28 feet or less.

Affordable housing will not be affected by a 28 foot limit. When did you last see an affordable housing proposal in a town like ours for a building taller than that? If affordable housing is your concern, then address the rampant conversion of housing from rentals serving our own residents and workers to vacation rentals that put our own people out on the street, just like they have done to neighbors of mine.

Limiting the height of buildings will not diminish property values in our town but rather increase and enhance them by making all of our homes more desirable without the fire-fighting risks that taller buildings would create for all of us who might live next door, to sunlight-blocking shadows, and to deterioration of the small-town character that so many of us value and—in fact—that character is the reason that many of us have come here to live or have stayed in the Port Orford we know.

Terrie Richards

From: Penny Suess <penny@net-gain.us>
Sent: Thursday, November 19, 2020 5:04 PM
To: trichards@portorford.org
Subject: Copy of comment submitted at Hearing 11-19-20

TO: Port Orford City Council
November 19, 2020

ORAL COMMENT presented at the Public Hearing on Proposed
Amendments to Building Height Restrictions within the City of Port Orford
(emailed following the hearing)

I support changing Port Orford zoning to achieve a uniform building height of 25 feet across all zones. My reasons are the same as many residents have already stated in oral and written comments: Mainly that the city does not at this time have adequate infrastructure -- especially water and sewer service and firefighting capacity -- to serve the higher population densities that would result from an influx of new multistory buildings. Everyone knows this, and it matters to people who already live here and know our problems. Until the city can accommodate growth, it should be kept in check.

Two additional points I would make:

* Chapter 17.20.050 (General exception to building height limitations) exempts certain structures that are guaranteed to be taller than any proposed building height, such as chimneys, observation towers, and transmission towers. Currently, these are allowed in all zones, at any height, by right. This should be changed. The terms must be defined, and in all cases such structures should be permitted only as conditional uses, so that the city and neighbors who are affected are able to review them in advance.

* Chapter 17.12.060 (Marine activity zone – 7MA) should be reviewed in light of the port's development plans, and appropriate height limits tailored to suit. Here, the 25-foot limit should not apply, but some clear requirements are needed. Obviously, the boat hoists are always going to exceed normal building height limits, but excluding the zone from all restrictions is not the answer.

Thank you.

Penny Suess
834 Deady St., Port Orford

November 24, 2020

To: Port Orford City Council

From: Steve Lawton
710 Jefferson St.
Port Orford

This letter is written in support of reducing the allowable building height within the City to a maximum of 30 feet across all zones (except the Port of Port Orford). This proposed ordinance is the only and possibly last chance to protect the community's character and livability and avoid Port Orford from becoming the last coastal community overwhelmed by inappropriate, out-of-scale development.

Appropriate Balance

The 30-foot building height limit is an appropriate balance between the needs for:

- a healthy local economy
- flexibility in design for houses and commercial buildings
- affordable housing
- protection of our small, coastal community's character and social fabric
- maintaining the livability within our community
- financial returns for real estate investors

Inadequate City Water System and Water Supply

- The City is barely meeting the water demand by our current residents, businesses and visitors
- During the driest summer months and peak tourist season, the City struggles to meet the peak demand and is running at full capacity (300,000 gallons per day)
- The proposed building height restriction is the only immediate, no-cost option to ensure the City has adequate water to meet the current needs of our community
- The 2010 Port Orford Water Supply Expansion Report states the "City is running out of water"
- In 2008 and 2020, the City prepared for emergency water shortages requiring voluntary conservation due to high demand and inadequate water levels in our reservoir
- Three- and four-story tall buildings will place a disproportionate demand on the aging and inadequate City water and sewer system and will require significant and costly infrastructure improvements
- The City has inadequate water volume and pressure to serve three- and four-story tall buildings
- The Port Orford planning document "Looking to the Future" states that "the present pipe sizes in the area (MU 10 Zone) are inadequate to handle the flow necessary in a fire emergency"
- Is the City willing to ask the voters to approve a major bond measure that will significantly raise taxes for such water system improvements while knowing it will have a difficult time being passed?
 - Since the City Service Development Charges will not fully cover those costs, it is unfair for residents to have to subsidize the costly water and sewer system improvements that are required for 3- and 4-story tall buildings

Inadequate Fire Protection

- The City's volunteer fire department does not have the ability or fire fighting equipment to adequately fight a fire in a 3- and 4-story tall building
- Currently, the volunteer fire department has ladders that can reach only 28 feet tall
- The present pipe sizes in the MU 10 Zone) can't provide the necessary flow in a fire emergency
- Who will pay for the costly fire protection improvements to meet the needs of tall buildings?

Lowering the Allowable Building Height will Not Harm Our Local Economy

- At the beginning of 2020, unemployment in Curry county was at record low of 3.9% and local businesses were having a hard time finding qualified and dependable employees
- There is no justified need for three- and four-story tall buildings;
 - The Port Orford real estate market and house construction is strong and experiencing significant growth
 - There is a significant addition of short-term vacation rentals
 - House and property values in Port Orford are rapidly increasing
 - The last four major commercial buildings have been under 30 feet tall:
 - Redfish Restaurant and Gallery
 - Gold Beach Lumber
 - Dollar General
 - Tj's Café and Restaurant
 - All of this economic growth has occurred without the inclusion of three- and four-story tall buildings
 - Many Oregon coastal communities have 2-story hotels, commercial, retail, and medical buildings

Three- and Four-Story Tall Buildings Will Harm Our Neighborhoods and Community Livability

- The City's planning report "*Looking to the Future*" states:
 - *"the intent of the MU 10 Zone to maintain our small coastal town ambiance and small town neighborhood character"*
 - *"Port Orford has an opportunity through City planning and zoning to maintain the unique character of Port Orfordin a manner that will protect the existing character of the community and assist in retaining the small-town atmosphere"*
 - *"Locating a commercial use that is large in scale in an established residential neighborhood could potentially negatively affect the character of the established residential neighborhood."*
 - *"64% of the lots within the MU 10 Zone are private residences" that will be dwarfed by out-of-scale three- and four-story tall buildings*
- With no off-street parking requirements, tall, out-of-scale buildings will:
 - Increase the number of cars, trucks and campers parked on neighborhood streets
 - Increase neighborhood traffic and noise
 - Limit available on street parking for local residents
- Under the current zoning rules, the Redfish Restaurant and Gallery or the Shoreline Motel could be a four-story tall hotel or commercial building
 - Such a large, out-of-scale building would significantly detract from the Battle Rock open space and ocean vista
 - With no required off-street parking, the customers and employees of this four-story tall building would park in the Battle Rock Park parking lot leaving minimal parking available for local residents
- Many property owners favor allowing three-and four-story buildings because it increases the value of their property. But higher property values will only reduce the opportunity for affordable housing,

Based on the above reasons, I support the proposed planning ordinance to reduce building heights to a maximum of 30 feet across all zones (except the Port of Port Orford). I believe that it will protect the character and livability of our community while serving the needs of investors and building design while not harming our local economy.

Thank you for your consideration.

Please Note

As a possible resource for the City Council, I have also included a copy of a planning document with an excellent diagram from the City of Yachats that concisely depicts how to determine the height of a building relative to grade.

Terrie Richards

From: Casey MacKenzie <caseymackenzie13@yahoo.com>
Sent: Wednesday, November 25, 2020 3:34 PM
To: tpogwizd@portorford.org
Cc: patcoxportorford@gmail.com; trichards@portorford.org
Subject: Moratorium on Building Heights in Port Orford

To: Mayor Tim Pogwitz

cc: Terry Richards }

Pat Cox

Please convene a Special Meeting of city council and pass an emergency moratorium on new building permits for buildings 30 ft or greater. I ask that you provide time to obtain more information and make a thoughtful, well-reasoned decision on the pending issue of building heights.

We love the charm of our sleepy Port Orford town. Real people live here, enjoy our incredible ocean views. We are good neighbors to each other.

We are cautious about who invests in our town. We do not want Port Orford to become a place where only the rich can live and have access to our beaches. We do not want to see our lovely, eccentric landscape change.

At the recent City Council meeting, many local citizens raised important issues, about water availability, fire safety, costs of development, and especially about the need for local people to have more of a say about what our town will look like in the future.

By delaying action to allow for proper consideration and deliberation, the City Council inadvertently gave developers of tall buildings a 60-day open window of time to move quickly ahead to obtain building permits for critical properties in our town.

This goes against what the Council –and what many in our community wanted-- which was a more careful consideration of this issue, with more complete information.

Carolyn Folden

14 Hamlet,

Port Orford, OR 97465

Terrie Richards

From: Kerry Holman <kerry.holman@gmail.com>
Sent: Sunday, November 29, 2020 4:23 AM
To: tpogwzld@portorford.org
Subject: Building heights

I am in favor of a 25' maximum building height. I like the small coastal character of Port Orford, one story housing is common and it fitting for a windy environment. Please do not let the developers run with this!

Kerry Holman, retired building contractor
103513th
Port Orford

--

Disbelief in magic can force a poor soul into believing in government and business

December 3, 2020

The Honorable Tim Pogwizd, Mayor
Pat Cox, City Council President
Common Council of the City of Port Orford
555 W. 20th Street
Port Orford, OR 97465

via Electronic Mail

Dear Mayor Pogwizd and the Common Council of Port Orford,

Please accept these as my comments and testimony related to allowable building heights in the City of Port Orford ("Port Orford" or "the City"). I offer information about how to determine optimal building heights by and accepted mathematical formula, and provide information about how other communities address building heights in the hope of helping identify the best compromise legislation for regulating building height in all City zoning districts.

In the Virtual Meeting of the Common Council of Port Orford ("City Council" or "Council") Council heard comments and testimony both for and against changing allowable building heights. I believe it is best to discuss the facts surrounding this issue to allow comments to properly fit within the decision-making process.

Protecting a small town ambience

The City Council is required to control and to direct the orderly development of the City of Port Orford. This duty is mandated within the Statewide Planning Goals promulgated by the Department of Land Conservation and Development (www.oregon.gov/lcd/op/pages/goals.aspx).

City Council can change, amend, or remove existing zoning ordinances; or add new ordinances as it sees fit. Council needs only to ensure the changes are consistent with the Statewide Planning Goals, and supported by the City of Port Orford Comprehensive Plan ("Comprehensive Plan") goals and policies and the requirements in ORS 197.175.

In the August 20, 2020 Council meeting, Council made known its intention to move aggressively preto serve the small town ambience enjoyed by the residents of Port Orford. Reducing the allowable building heights in all zoning districts is the least draconian step in protecting a residential small town ambience. For example, some Cities actively reject all forms of development that reduce the desired character of the city¹ and others restrict developments that impact the value of their viewshed². Clearly, restricting development is not the intent of the proposed changes, and clearly, zoning to protect the essential character of a City is not prohibited by law, rules, policies, or the Comprehensive Plan.

Legislating design

A Council member expressed an opinion that reducing building heights would be legislating building design. Aside from the Council's right to legislate building design, the premise that by reducing allowable building heights the City would be regulating architecture is false: Many communities legislate the minimum size of rooms within a residence, the size of porches, the location of kitchens, and

etcetera. Doing so would be regulating building designs. Controlling the allowable heights of a building is not.

Local architectural norms

The trend within Curry County is not towards taller residential and non-residential structures. Curry County provides building plan review and approval services for the City of Port Orford. In Curry County, Marc Bagma (541 247-3379) is the County Building Official who reviews and approves all building plans in the unincorporated areas of Curry County and for the City of Port Orford. Mr. Bagma suggests that the most common roof pitch throughout Curry County is 4 in 12 (i.e. a rise of four feet for every 12 feet of span), and the most common height for site-built single-family residential dwellings is 26-28 feet.

The housing market demographics of home sales and new construction show a steady trend towards buyers in the upper income brackets, and the cost of these homes has steadily risen to more than \$300,000.³ Clearly, attractive and desirable housing for all income brackets can and is being built at heights no taller than 26-28 feet.

It is important to note that most residential building lots in Curry County are larger than the average lot size within Port Orford. For a local example: The minimum lot size in the Cedar Terraces area in the City's southeastern urban growth boundary is larger and universally wider than minimum lot sizes within the City, allowing taller buildings while maintaining a sense of scale and proportion, yet homes on these larger lots are not taller than the county's average 26-28 foot residential heights, and are not trending towards taller homes.

Effect on land held in speculation

When there are discrepancies between expectations and reality, our psyches react by feeling distressed, and people will twist their way of thinking in an attempt to avoid disappointment.^{6,7} It is natural for individuals, groups, and associations holding land as an investment to oppose an unexpected change, however, the arguments against reducing building heights in the City have been based on emotional reactions and not on fact.

Any claim that changing the allowable building heights in all City zoning districts harms the value of land held in speculation cannot be supported by facts. The value of any property is determined by market value, and because land speculation is, by definition, the act of holding properties off the market, those properties have no immediate market value.

Building height has no direct effect on the value of developed or undeveloped land in the City of Port Orford. Vacant land values are determined by (a) zoning (i.e., industrial, commercial, residential, and etcetera), (b) the available inventory of land, (c) the location and desirability of the property, (d) the size and shape of the property, (e) the residual value of the land, (f) whether the land is offered as "raw" land or "developable" land, and (g) what the buyer is willing to pay.⁸

Clearly, changing the allowable building heights in all zones has no effect on (a) how the land can be used, (c) its location, (d) its size, and (e) whether the land is being offered as ready to be developed. Availability of land on the market (b) is controlled by the amount of land held in speculation, and both (e) the residual value and (g) the price a developer are willing to pay are known only to the buyer.

Anticipated profitability is subjective - wishful thinking at best - and the City is not required to maximize profits for land speculators. Council is not considering changing the zoning designation of properties or of changing zoning district boundaries, both of which would affect how a property can be used, and any attempt to claim that the City is denying the profitable use (e.g, "taking") of the land is the expected emotional reaction to an evolving reality.

Effect of land held in speculation

Speculation is the taking of above-average risks to achieve above-average returns. Speculation involves buying something on the basis of its potential selling price rather than on the basis of its actual value.⁹

Any individuals, groups, or associations who buy undeveloped land is not doing so to benefit the community, but in anticipation of above average profits.¹⁰ Speculation creates nothing of value but, it reduces the inventory of developable land, thereby inflating land prices, reducing the City's ability to control and direct orderly growth and development, reducing the community's tax base, and inflating land prices, forcing development away from the most productive land toward more remote and less productive sites.

When reviewing public comments, the Council should consider the impacts of the financial and opportunity costs already incurred from loss of revenue and loss of economic opportunities that have resulted from holding undeveloped lands off the market for the singular goal of receiving above average returns on investment.

Other jurisdictions

It is appropriate for the Council and the City of Port Orford Planning commission ("planning commission") to investigate the zoning practices of other communities. This allows the Council and the planning commission to learn from how other municipalities have addressed similar zoning issues.

The Port Orford planning commission has referred to the City of Gearhart, Oregon and the City of Bandon, Oregon zoning ordinances in the past because of the City's proximity to Bandon and because Gearhart is a small coastal community, approximately the same age as Port Orford, with only a slightly greater population. Bandon and Gearhart have faced a similar pressure for over development or undesirable development as Port Orford is now facing, and each wished to preserve its historic and small town character. In doing so, each has adopted extensive zoning ordinances controlling building height and the nature of development.

The maximum height of any structure in Gearhart is 40 feet for non-residential buildings (agricultural buildings, storage facilities, etc.) and 30 feet or two stories, whichever is less, for residential and commercial buildings. The maximum height of any structure in Bandon is 45 feet in the heavy industrial (HI) zone, otherwise the maximum height of all buildings in Bandon is 24 - 28 feet, with allowable heights of 35 feet as a conditional use.

The City of Gearhart zoning code can be reviewed at www.cityofgearhart.com/general/page/city-planning-public-works. The City of Bandon zoning code can be reviewed at www.cityofbandon.org/general/page/planning-codes.

Calculating optimal building height

The optimal height of a building should be limited by the available access to natural light and circulation of fresh air ("light and air") and not by a subjective esthetic sense of building scale. Access to light and air has become an important Federal Housing Administration criterion when evaluating financing for mortgage insurance.

The American Planning Association (www.planning.org) suggests allowable building height should be limited by the intersection of lines that begin at the side of the property, extending upward at a forty-five degree angle. The point where the lines meet is the maximum desirable building height to ensure every access to adequate light and air, and as a method for establishing the scale of buildings suited to the character of a neighborhood.⁹

This would be unworkable in Port Orford because each lot could have a unique allowable building height. The City of Port Orford Municipal Code ("Municipal Code") mandates a minimum lot width of fifty (5) feet, and setbacks of five (5) feet for side yards. This can be used as the baseline for setting an optimal building height using Pythagorean theory for calculating the height of an isosceles right triangle where the hypotenuse of the triangle forms its base (height = width of base/2). For a lot fifty feet wide, optimal building height would be 25 feet.

Many lots within Port Orford are larger than the minimum requirements and can support taller buildings without appearing to be out of character with the neighborhood. The cities of Bandon and Gearhart accommodate lot size disparities by allowing taller buildings in exchange for greater side and rear yard setbacks, up to a maximum allowable building height. For Port Orford, with its narrow side yard setbacks and shallow rear yard setback, requiring increases in side and rear setbacks by two (2) feet for every additional one (1) foot of building height, up to a maximum height of 28 feet, would maintain the building's scale in relationship to lot size, and remain in character with surrounding properties.

Public safety

Fires

Public safety is the most important consideration when setting allowable building height. In Port Orford, fire safety depends on two factors: water availability and consistent water pressure in the mains, and the capabilities of the Port Orford Rural fire Protection District. According to multiple conversations with Fire Chief David Duncan¹¹, the equipment currently in service in the Port Orford Fire Department can reach as tall as ~30 feet at maximum extension (a 24 foot ladder with a 6 foot extension).

Port Orford has a limited water supply during the dry summer months. It was suggested that developments could erect on-site storage facilities to store adequate water for fire suppression. In addition to the question of how desirable it might be to have private water reservoirs located throughout the city, the size of each reservoir depends on the size each reservoir must be to hold sufficient water to completely extinguish a fire and cannot be legislated.

The City cannot account for forty (40) percent of its municipal water supply. This may have an additional impact on whether or not the City can maintain an adequate water supply and adequate water pressure at the mains to extinguish a large fire at any time of year.

It was suggested the City could require development fees to upgrade the city water delivery system(s). Such plans are workable for new subdivisions or to prepare vacant land for development, but how to fairly set development fees in established areas, such as the 10-MU zone, is difficult to imagine. Either the first new development would pay all costs of upgrades, or the City would be forced to make the improvements financed by a new bond issue with the hope of recovering the costs through future development fees.

Earthquakes

The Municipal code does not require earthquake resistant construction standards nor does it require retrofitting existing structures with earthquake resistant technologies.

The planning commission recently updated the Comprehensive Plan to address coastal hardening for earthquake-related natural disasters when the Oregon Department of Geology and Mineral Industries ("DOGAMI") issued new hazard maps and data (www.gis.dogami.oregon.gov/maps/hazvu/)

The most important data in the DOGAMI earthquake damage projections was the soil composition and the probability of the area receiving significant shaking. The alluvial soil underlying Port Orford would be expected to experience liquefaction and not be able to support the weight of large structures, and the hillsides and bluff-like terraces would be expected to experience significant movement causing large landslides.

The energy released by an earthquake is amplified by the height of a building, making the upper stories shake more violently than the ground.^{12, 13} Without earthquake resilient construction technologies, there is a high probability that structures taller than two stories or 35 feet will experience significant damage to their upper stories in earthquakes stronger than 5.8 Richter, and most structures will completely collapse in a Cascadia event.

The planning commission made a decision to not require earthquake hardening in new construction or whenever a building underwent significant remodeling or reconstruction. The commission's decision was based on the projected costs of mandating earthquake resilient construction technologies that would drive up the cost of construction, limiting opportunities for economic growth.

In the event of a moderately strong local earthquake, taller buildings and more dense development (i.e., apartments, condominiums, hotels, and etcetera) would be expected to yield mass casualties. To minimize injury and loss of life, the City should prohibit buildings taller than two stories.

Failure of planning commission

The failure of the City planning commission should not go without public comment. The City of Port Orford is authorized by Oregon Revised Statutes to create a city planning commission. The City of Port Orford Planning Commission is established by the Municipal Code. The duties and responsibilities of city planning commissions are established in Oregon Revised Statutes.¹⁴ When the City Council unanimously approved an order directing the planning commission to reduce building heights in all City zoning districts¹⁵, the State or Oregon does not provide the commission the authority to refuse that directive, and by returning a different recommendation, the planning commission failed in its responsibility to Mayor and Council.

The planning commission failed the Council by not adopting wording that satisfied Council's instructions. Council is the decision making authority in Port Orford, and it is Council's prerogative to decide to adopt new standards, modify the recommendations of the planning commission, or reject the proposed changes altogether.

Summary

Individuals, corporations, or associations who have purchased developed or undeveloped land to hold in speculation of greater profitability have done so without regard to the best interest of the City of Port Orford. Land held in speculation reduces the taxable base, pushes development into less desirable areas, and handicaps the Council's duty to control and direct the orderly growth of Port Orford.

It would be hard to argue damage to those who hold land on speculation by reducing allowable building heights because the land retains value; the land is not being rezoned for a different, less marketable use; and the market value of the land is unknown because it is, by definition, not being offered for sale.

Attractive, desirable and spacious housing can be designed and constructed within the 25-28 foot height limitations. To suggest that people who want to live in Port Orford would decide to live elsewhere because they cannot live in, build or buy a towering home is ludicrous on the surface, and unsupported by fact.

The goal of limiting residential or commercial buildings to a single one-size height is impractical and commercial structures should be allowed to be slightly taller than residential structures, however, commercial structure should not overwhelm residential buildings in scale or mass, and should not be too much taller than residences.

Emergency services cannot be objectively determined at this point in time, however, in general, based on conversations with the Fire Department, it appears the department's equipment can only extend to a maximum of 30 feet and allowing buildings to be taller than the equipment on hand to fight fires would not be in the best interests of public safety. Chief Duncan may be more explicit by the time this issue is reopened for Council consideration.

Recommendations

I respectfully urge Council to make the following changes to the allowable building height in the City of Port Orford:

1. Include a statement accompanying these changes to the effect that it is the intent of these height regulations to secure safety, to provide adequate light and air, to protect the character of the City's zoning districts, and to protect the interest of the general public for economically important views.
2. Approve a maximum height of 25 feet for all residential dwellings across all zoning districts where residential dwellings are a use permitted outright or permitted as a conditional use.
3. Approve a maximum height of 30 feet for all commercial retail buildings across all zoning districts.
4. Approve a maximum height of 45 feet for all public utility facilities across all zoning districts.
5. Approve an exemption for the Port District allowing commercial buildings to 45 feet in height.

6. Approve a provision for permitting conditional uses allowing one (1) foot of additional residential building height in exchange for an additional two (2) feet of side and rear set back, up to a maximum height of 28 feet.
7. Approve a resolution directing all members of their planning commission to attend State sponsored training for planners and planning commissions. In the past, this training has been voluntary but should now be made mandatory.

Respectfully yours,

/s/ Kevin B McHugh

Kevin McHugh
Port Orford, Curry County, Oregon

cc: Terrie Richards, Port Orford City Administrator

Footnotes:

- 1 City of Gearhart Comprehensive Plan, www.cityofbandon.org/general/page/comprehensive-plan.
- 2 City of Bandon Comprehensive Plan, www.cityofgearhart.com/general/page/comprehensive-plan.
- 3 Curry County Comprehensive Housing Study Task Force, *Curry County, Or Housing Action Plan*, 2018.
- 4 Baron, Leonard, *How to Figure the Value of Empty Building Lots*, March 2013, Zillow.com.
- 5 Williams, Seth, *How To Find The "Market Value" of Vacant Land*, www.retipster.com/valueofland
- 6 Johnson, John A, *The Psychology of Expectations*, Psychology Today, Volume 54, 2018.
- 7 Lamia, Mary C, *Expectation, Disappointment, and Sadness*, Psychology Today, Volume 47, 2011.
- 8 Scott, David L, *Wall Street Words: An A to Z Guide to Investment Terms for Today's Investor*, Houghton Mifflin Company, 2003.
- 9 Rybeck, Rick, *Community Development Field Policy*, www.shelterforce.org/2018/07/16/land-speculation, July 2018.
- 10 Bahr, Frederick, *Height Regulation in Residential Districts*, American Society of Planning Officials, 1968.
- 11 At the time of this writing the Fire Department is currently negotiation a new contract with the City and that could be considered a plausible reason why Chief Duncan has been reluctant to provide a written statement of the Department's capabilities.
- 12 Arnold, Christopher, *Earthquake Effects On Buildings*, FEMA 454.
- 13 Building Seismic Safety Council, *NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures, Part 2 Commentary*, FEMA 450
- 14 Oregon Revised Statues, Chapter 227 Section 090, www.oregonlegislature.gov/bills_laws/ora/ors227.html.
- 15 City of Port Orford Planning Commission Regular Meeting, September 8, 2020, Agenda item 8

Terrie Richards

From: c freeman <cynfreely@gmail.com>
Sent: Thursday, December 3, 2020 9:58 AM
To: tpogwizd@portorford.org
Subject: Building Heights in Port Orford

Hello,

I am your new neighbor on 15th street. My name is Cynthia Freeman and I have lived here for just 3 months.

I searched for places to live for almost 4 years. I lived right out of Brookings for 5 years and that town has the feel of a strip mall without a heart and soul. There doesn't seem to be any there, there. As I traveled about, I would often come through Port Orford and stop to run with my dog on my way up or down the coast.

The people I met on the beach were very friendly and were quick to point out places that might be of interest to me. The coop was also a place I would stop- where I would chat with people I was starting to recognize as familiar and friendly. Port Orford seemed the friendliest, most welcoming of the many towns I considered. Partly this is due to the size.

Another part of its charm is that it hasn't been Instagrammed to death, doesn't have impersonal condos where people just come and go with no connection to the larger community. Once I bought a house here, I found that I could walk down the street with Jack, my dog, pass funky little houses, drop off my mail, pick up coffee at Mr. Ed's (and yes I do know what he experienced) and be on the beach. Sometimes I feel like I am back in time with the quietude, surrounded by nature.

If out-of-town developers are allowed unrestricted heights on buildings, it would destroy the character and charm of the place entirely. I have lived in big cities, like Minneapolis, Minnesota, and have seen first hand what condo development has done to modest Southside neighborhoods, their community gardens, and their small markets. Many homes there are now in the shade of these condos. Minnehaha Avenue which was once a slow two-lane became a freeway to the airport with noise-blocking barricades further dividing the community.

Do you want Port Orford to resemble Anywhere USA? I am not against considered growth and change, but not everything should be monetized and sold off to the highest bidder. Be mindful of what you have here and support what exists- improve small businesses, harness the energy that is here without big private money and vested interests.

Thanks for reading,

Regards,

Terrie Richards

From: Francie MacLeod <franciemacleod@gmail.com>
Sent: Thursday, December 3, 2020 10:40 AM
To: tpogwizd@portorford.org
Subject: hello

I am writing to encourage the City Council to support a moratorium on buildings over 30 Ft. tall. I am very concerned about fire danger as I have witnessed this in my neighborhood, and buildings over 30 feet are potentially very dangerous for this reason. Our town has attracted many people simply because we have been, up to this point, not impacted by development that changes a towns' character. Development that recognizes the needs of people is going on right now and we are experiencing a revitalization and that's wonderful. This is the type of development we need, not a 'corporate style make over' that would benefit some anonymous developers. I urge you. Don't sell us out.

Terrie Richards

From: maria opie <maria.ruth.opie@gmail.com>
Sent: Thursday, December 3, 2020 11:40 AM
To: tpogwizd@portorford.org
Subject: Building Heights

Dear Mayor Pogwizd,

Dear

My husband and I are new-comers to Port Orford. Over the years we have loved coming to this part of the coast to visit. We love it here for many reasons. One is that the town of Port Orford seems to be one of the few coastal towns that has maintained its integrity.

We recently bought a house here with the intent to retire in the area. Had Port Orford been a community filled with McMansions, or with houses out-building each other to get the best view, we would not have bought here.

The area feels like it is outside the orbit of Portland and of San Francisco; outside of the push from influences of monied developers. It is quiet here, it also feels thoughtful and intentional. This is a rare find. I would hate to see developers run amok here as we have seen happen in the coastal towns closer to Portland. I realize that change will happen here, just as it does everywhere, and that you will want to grow the local economy. There are examples of coastal communities where economic growth and visual integrity have joined hands successfully. Yachats is one example. Port Orford is a community that can thrive in the long-run if it does not bend to the will of developers.

I hope that you, as part of the governing body, will vote to maintain the integrity of Port Orford. Please vote to limit building height to 28 feet in all the zones of Port Orford.

Thank you,
Maria Opie
James Juntunen

As previously mentioned in my testimony at the Nov. 19, 2020 meeting, and in the testimonies of many concerned citizens, I want to reiterate my concerns regarding the ability of our water system to support new and large structures, as well as our ability to safely fight fires above 30'. These issues have been covered in detail, both in previous testimonies, as well as in new testimonies that have been prepared for the Dec. 3, 2020 deadline.

While it is true that our infrastructure could eventually be repaired, and concerns regarding water and fires addressed, allowing developers—who would willingly turn Port Orford into just another broken place for personal profit—to build high-rise condominiums is a change that cannot be undone.

Calculations of building height on a sloped site

A letter submitted by builder Jeff McVannel to the Planning Commission includes calculations that demonstrate that 28' is acceptable to achieve adequate roof pitch for a two-story structure with a gable roof. In addition, while the testimony of an individual at the Nov. 19, 2020 City Council meeting attempted to make the calculation of building height on a sloped site seem complex, a diagram included by Steve Lawton illustrates that this is, in fact, a very simple calculation. Hence, arguments that a two-story home built to a height of 28' would require a flat roof, or that calculating the building height on a sloped are too difficult, do not hold water.

The future of Port Orford is in your hands

The small, coastal town of Gearhart—which is slightly larger than Port Orford—has defined the general development goals of Gearhart as follows in their Comprehensive Plan: 1) To preserve the low-density, semi-rural character of Gearhart and 2) To ensure that development occurs in a manner that is in harmony with the sensitive coastal environment that defines Gearhart¹. The Gearhart Comprehensive Plan also states under "Commercial Development Policies" that "The City will prevent The City from becoming a tourist destination", with the intention of accommodating "only a limited level of tourist development"². With the ever-increasing threat of fires and Covid-19 elsewhere in the country, small, safe, and relatively undeveloped towns such as Port Orford are receiving increased attention. Thus, it is wise of the City Council to take preemptive action, before developers and investors make their moves.

Although I do not think that we are, nor should we become, a tourist attraction, the influx of tourists has increased seemingly exponentially over the last few years. The Kanava International guide for sustainable tourism for rural areas and small towns outlines five essential elements for consideration³. The most important and relevant of these elements are 1) Plan for long-term sustainability, 2) Stay authentic to your community's place on Earth, and 3) Ask, listen, and inform your community. Thus, I implore you to make choices for our town that keep us authentic to our place on Earth. Moreover, you asked for our input, and we hope that you are listening—not to the voices of carpetbaggers, investors, and developers who do not have the best interests of Port Orford in mind—but to the loyal, hard-working, and passionate residents of this unique community.

of-character, large-scale development aimed at wealthy tourists and part-time residents will only exacerbate this crisis.

Although some out-of-state investors previously testified that lowering building heights will reduce the value of their properties, the city is not required to maximize profits for land speculators. The prices of land and property are in constant flux, and are based on a variety of factors. Furthermore, "value" is a relative term. For developers, value is how much monetary wealth can be extracted from a given parcel, while for myself and other local residents, the value of properties in Port Orford stem from the natural beauty, unique character, and rural feel of our town. In short, value is not directly proportional to the height of the structures that can be built on a given parcel, and even if it were, my recommendation to lower the maximum allowable building heights across all zones in Port Orford would not change.

Comparisons to other cities, towns, and communities

The proposed building heights (28' residential and 30' commercial) are consistent with height limits in nearby communities and other small, coastal towns such as Gearhart, Yachats, Rockaway Beach, Bandon, and Gold Beach (30' or below for all but agricultural buildings and heavy industrial zones; see testimonies and research by Ann Villelsls, Sara Lovendahl, and Kevin McHugh). Furthermore, the maximum allowable building height across nearly all residential zones in Portland is 30', with the exception of the high-density housing zone R2.5, which was created to address the shortage of affordable rental housing in Portland, and not to accommodate tourists¹. Thus, the maximum allowable building heights in residential zones in Portland, a city of more than 664,000, are 5' lower than the current buildings heights allowed in residential zones in Port Orford.

In addition, although the testimony of one individual at the Nov. 19, 2020 city council meeting indicated that Port Orford should not be compared to nearby communities because of its unique topography, there was no actual evidence presented to support this notion. If anything, building heights in Port Orford should be lower than nearby, larger communities for the following reasons:

- Allowable building heights should be similar to if not lower than larger, tourist-based towns owing to the smaller size and scale of our community.
- Port Orford is situated on a sandy depression between headlands, which is composed of slippery serpentine soils, and is subject to tsunami and seismic threats. As the municipal code does not currently require builders to adhere to earthquake-resistant construction standards, and "the alluvial soil underlying Port Orford would be expected to experience liquefaction and not be able to support the weight of large structures" (see the testimony of Kevin McHugh), tall structures would pose an undeniable threat.
- Lastly, Port Orford is uniquely situated on the Oregon coast, and has both south- and west-facing beaches. As the western-most incorporated town in Oregon, and possibly in the lower 48 states, we are subject to much higher winds than nearby communities. For obvious reasons, shorter is better under these conditions.

Concerns about Infrastructure

In conclusion, please consider moderate, appropriate, and sustainable growth that preserves the natural beauty and unique character of our town. Like Gearhart, let us set an example for other communities that are facing similar challenges by thwarting these threats to the character and safety of our town.

Respectfully yours,

Jennifer Head, PhD

References

1. Title 33, Planning and Zoning_33.110 Single-Dwelling Zones.pdf. Accessed December 3, 2020. <https://www.portlandoregon.gov/bps/article/53295>
2. Comprehensive Plan | City of Gearhart Oregon. Accessed December 3, 2020. <https://www.cityofgearhart.com/general/page/comprehensive-plan>
3. Sustainable Tourism: Five Essentials for Rural Areas and Small Towns. KANAVA. Accessed December 3, 2020. <https://www.kanavalInternational.com/2016/09/sustainable-tourism-five-essentials-for-rural-areas-and-small-towns>

Dear City Council, Mayor Tim, and City Manager,

I am writing in support of lowering building heights across all zones in Port Orford. I moved here because it was "Mayberry by the Sea", and that is our attraction. That is why people come to visit us. Changing that brings us to the level of the other towns that they are escaping. People want to see something different and that is our diamond...that we are Mayberry by the Sea.

Respectfully,

Carlene Armi

Dear Mayor Tim, the City Council, and City Manager

This Email is concerning the building height issue. Personally I think the town is fine how it is. It's big enough to where we have everything we need and small enough to where everyone can know each other and get along. I don't want to see the town grow, and I most definitely do not want this town to be modeled off of Florida. The town is fine as it is, so leave it that way.

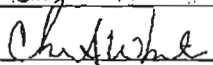
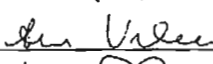
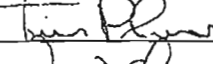
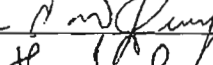
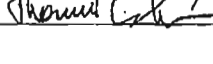
In closing, I think that building heights should be limited to 30 ft. Thank you for your consideration.

Sincerely,

Julian Head

Petition to Port Orford City Council for Better Building Heights

Petition summary and background	The people of Port Orford want to preserve the small-town atmosphere and unique character of our special place on the southern Oregon coast. Current zoning allows for 45-ft tall buildings all along Hwy 101 and in many other parts of town. This is much taller than most other coastal towns and cities. We also have serious concerns about whether the infrastructure of Port Orford can support our community now, let alone with new, large commercial structures designed to increase tourism and vacation rentals instead of providing much-needed affordable housing for full-time residents. By amending our current building ordinance to a maximum 28' across all residential zones and 30' across all commercial zones—including any zones with no height restrictions—our town will enable a sensible change with the goal of keeping our town special, while also encouraging healthy, robust business operations with modest, well-planned, and sustainable growth.
Action petitioned for	We, the undersigned, urge our leaders to act now to establish new building heights of 28' for all residential zones and 30' for all commercial zones, including zones without height restrictions and with the exception of the port/marine zone.

Printed Name	Signature	Address	Comment	Date
Cherie A White		Port Orford, OR 97465 590 Oregon St.	"Please think Safety First"	12-3-2020
ANN VILEASIS		608 Oregon St Port OR		12/3/2020
Tim Plumer		608 Oregon St. Port Orford	lighting guidance needed too	12-3-2020
DAVID QUARRE		503 JACKSON P. ORFORD		12/3/2020
TOM CALVANESE		PO BOX 860 PORT ORFORD, OR		12-03-2020

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	Printed Name	Signature	Address	Comment	Date
1	JOAN P PRUITT	<i>Joan Pruitt</i>	2524 POL PORT ORFORD ^{OR}		12-3-20
2	Cynthia Freeman	<i>Cynthia Freeman</i>	250 15th St. Port Orford ^{OR}		12-3-20
3	STAN TUPPER	<i>Stan Tupper</i>	260 17th Port Orford		12-3-20
4	Charlotte Tupper	<i>Charlotte Tupper</i>	260 17th Port Orford		12-2-20
5	Andy Bradford	<i>Andy Bradford</i>	9746 9th St. R		12-2-20
6	Beardi Robson	<i>Beardi Robson</i>	1736 Jackson		12-2-20
7	Ryan Marsh	<i>Ryan Marsh</i>	4274 3 Myrtle Ln		
	Chris Marsh	Chris Marsh			
8	Chris Marsh	<i>Chris Marsh</i>	93835 Elk River		12-2-20
9	MARJORIE BROMSER	<i>Marjorie Bromser</i>	231 19th St.		Dec 2, 2020

Petition to Port Orford City Council for Better Building Heights

Petition summary and background	The people of Port Orford want to preserve the small-town atmosphere and unique character of our special place on the southern Oregon coast. Current zoning allows for 45-ft tall buildings all along Hwy 101 and in many other parts of town. This is much taller than most other coastal towns and cities. We also have serious concerns about whether the infrastructure of Port Orford can support our community now, let alone with new, large commercial structures designed to increase tourism and vacation rentals instead of providing much-needed affordable housing for full-time residents. By amending our current building ordinance to a maximum 28' across all residential zones and 30' across all commercial zones—including any zones with no height restrictions—our town will enable a sensible change with the goal of keeping our town special, while also encouraging healthy, robust business operations with modest, well-planned, and sustainable growth.
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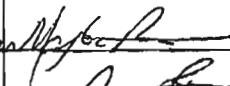

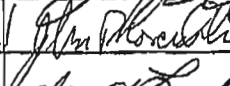



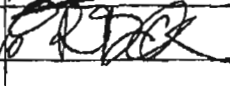
Printed Name	Signature	Address	Comment	Date
Margie Boydston		1400 California St.		12/1/2020
Jerry Boydston		1400 California St		12/1/2020
John Lovensahl		31 Hamlet Str		12/2/20
SARA LOVENSAHL		31 Hamlet St 97465		12/2/2020
PETER SUTRO		42131 HOLMAN LN 97465		12/2/2020
MAX BEELEN		1938 JACUSON		12/3/2020
Bobby DelQuadio		POB 1080, Port Orford		12/3/2020

Exhibit EEE

Notes: Provision for exemption? Daylight basement loopholes?

16	Nick Banks	Nick Banks	P 1434 PO. 97465		541 425-6866
17	Kitty Million	Kitty Million	PO Box 173 97465		541 604 0524
18	Diane Rockefeller	Diane Rockefeller	PO Box 1434 97465	woofs9@hotmail.com	541 332 0586
19	Kathryn Self	Kathryn Self	P.O. Box 1135	Port Orford Dec 2	929-614-1984
20	DAVE ENDNER	David Endner	P.O. Box 1354	12/2	
21	CHERRY BECKEN	Cherry Becken	PO BOX 901 PO OR		541-373-7023
22	Mark Berni	Mark Berni	9110 Jackson St A	12/2	
23	Michael Kinmon	Michael Kinmon	1325 Jackson	12/2	541 255 1759
24	Brothy Stephens	Brothy Stephens	1307 Jackson	12/2/20	12/2/20
25	Heidi Knapp	Heidi Knapp	935 Jackson	12/2/20	
26	Janett Sultzsch	Janett Sultzsch	POB 412 Langlois		12-2-20
27	Jana Ramsey	Jana Ramsey	PO 212 Port Orford	framsey84@gmail.com	12-2-2020
28	Maya Holiman	Maya Holiman	PO 51 Port Orford	maya.holiman@gmail.com	12-2-2020

maria.ruth.opic@gmail.com

Petition to Port Orford City Council for Better Building Heights

Petition summary and background	The people of Port Orford want to preserve the small-town atmosphere and unique character of our special place on the southern Oregon coast. Current zoning allows for 45-ft tall buildings all along Hwy 101 and in many other parts of town. This is much taller than most other coastal towns and cities. We also have serious concerns about whether the infrastructure of Port Orford can support our community now, let alone with new, large commercial structures designed to increase tourism and vacation rentals instead of providing much-needed affordable housing for full-time residents. By amending our current building ordinance to a maximum 28' across all residential zones and 30' across all commercial zones—including any zones with no height restrictions—our town will enable a sensible change with the goal of keeping our town special, while also encouraging healthy, robust business operations with modest, well-planned, and sustainable growth.
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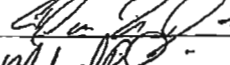
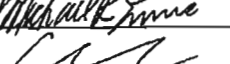
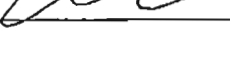
Printed Name	Signature	Address	Comment	Date
LINDA SMITH	<i>Linda Smith</i>	908 JEFFERSON ST	STRONGLY AGREE	12-2-20
Becky To Flake	<i>Becky To Flake</i>	250 10 th St	Agree	12-2-20
PATRICIA RHOADES	<i>Patricia Rhoades</i>	475 Jefferson St	P.O. needs this protection	12/2/20
K. Marston	<i>K. Marston</i>	210 W 9th	pobox 1274	12/2/20
Joetta Lawrence	<i>Joetta Lawrence</i>	702 Coast Blvd Rd.	Totally agree! Keep Port Orford special	12/2/20
Kristin Kirchgesser	<i>Kristin Kirchgesser</i>	42505 Port Orford Lp. Rd.	Keep Port Orford small	12/2/20
Cathy A. Boden	<i>Cathleen Boden</i>	580 7 th Street 343 9 th St.	Citizen control over development Strongly agree! Smart growth	12/2/20
Diana Hosford	<i>Diana Hosford</i>	2715 Port Orford Loop	Please don't take any views	12/2/20
Barbie Black	<i>Barbie Black</i>	166 Jackson St #1	Agree	12/2/20
Shaun Lashump	<i>Shaun Lashump</i>	1063 13th St.	NOPE	12/2/20

Ed R. Comyai

Printed Name	Signature	Address	Comments	Date
Aron Kastomik	<i>Aron Kastomik</i>	630 Tichenor St.	Agree	12/2/20
Mary Elizabeth O'Neill	<i>Mary Elizabeth O'Neill</i>	Box 793 42 42825 Hensley Hill Rd		12-2-20
Richard Hazard	<i>Richard Hazard</i>	42162 N. Fork Hubbard Cr Rd Port Orford	Just north (35 years) because it is a small town	12-2-20
Stevanionna Smith	<i>Stevanionna Smith</i>	42134 N. L. Hubbard Cr Rd Port Orford		12-2-20
Debra Lehmy	<i>Debra Lehmy</i>	42137 N.F. Hubbard Cr Rd. Port Orford OR 97465		12-3-20
Rodina Lehmy	<i>Rodina Lehmy</i>	42132 N.F. Hubbard Cr Rd. Port Orford, OR 97465		12-3-20
Tyler Digny	<i>Tyler Digny</i>	PO Box 955 Port Orford OR 97465	I Live here for the views!	12-3-20
Daphne Smith	<i>Daphne Smith</i>	PO Box 955 Port Orford OR 97465	Not here.	12-3-20
Nancy Angelasco	<i>Nancy Angelasco</i>	PO Box 1303 PO OR 97465	Not here.	12-3-20
Danielle Angelasco	<i>Danielle Angelasco</i>	PO Box 1303 PO OR 97465		12-3-20
Ed R. Conyers	<i>Ed R. Conyers</i>	PO Box 73 Port Orford OR 97465	Agree	12.3.20
JENNIFER LEE WILSON	<i>Jennifer Lee Wilson</i>	PO BOX 1028 #112 HAMLET PO OR 97465	DON'T DO IT	12/3/20
Johnnie	Johnnie			
Johnnie	Johnnie			
Kathy Davis	<i>Kathy Davis</i>	42719 SILVER SPRINGS DR		12/3/20
James Farmer	<i>James Farmer</i>	PO Box 1303 Port Orford OR 97465		11/23/20
Talon Broadbent	<i>Talon Broadbent</i>	PO Box 1303 PO OR 97465		12/3/20

Petition to Port Orford City Council for Better Building Heights

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Printed Name	Signature	Address	Comment	Date
Pamela Berndt		205 103 Port Orford OR 97465		12-1-20
Rose Jones		PO Box 497 Port Orford OR 97465		12-1-20
Alan Jones		PO Box 497 Port Orford OR 97465		12-1-20
Michael ERNIS		Box 444 Port Orford OR 97465		12-1-20
Connor Nblaw		1424 2nd St. Langels OR 97450		

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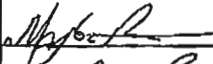

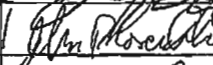
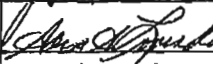

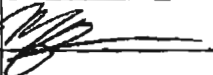
Printed Name	Signature	Address	Comment	Date
Kristy R. Schmucker	<i>Kristy R. Schmucker</i>	2137 OREGON ST PORT ORFORD	We love a small town Keep the buildings low = 28/30'	Dec. 1, 2020
DAVID HOSACK	<i>[Signature]</i>	2211 OREGON ST Port Orford OR	28/30 FOOT LIMIT = GOOD	12/1/20
Cheryl Cherise	<i>Cheryl Cherise</i>	2137 Oregon St. Port Orford OR	water issues top. 28/30 Maximums desired	12/1/20
Laurann Purdy	<i>Laurann Purdy</i>	2119 Oregon St Port Orford	28/30 Foot Limit is good	12/1/20
Kristi Disbrow	<i>Kristi Disbrow</i>	93025 Cemetery Ln Rd	28/30 Maximums	12-1-20

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Printed Name	Signature	Address	Comment	Date
Laurie Prosty	<i>Laurie Prosty</i>	1035 13th St. Port Orford		11/30/20
KERRY HOLMAN	<i>Kerry Holman</i>	1035 13 th P.O.		NOV 30 2020
Hattie Kugler	<i>Hattie Kugler</i>	17 Hamlet St. P.O.		12/1/20
ROGER RASMUSSEN	<i>Roger Rasmussen</i>	17 HAMLET ST P O 97765	UTILITY POLE = 40'	12/1/20
MARK LANKTON	<i>Mark Lankton</i>	41901 HUMBOLDT WAY P.O.		12/1/20
John Skippy	<i>John Skippy</i>	580 7th St		12/1/20
DAISY FRANZINI	<i>Daisy Franzini</i>	580 Kang St		12/2/20
Mark Lipe	<i>Mark Lipe</i>	42768 Myrtle Ln.		12/2/20
Gail Dawn	<i>Gail Dawn</i>	96268 Euchoe Ck Rd		12/2/20
Cindy Swartz	<i>Cindy Swartz</i>	331 11th St		12/3/20

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Printed Name	Signature	Address	Comment	Date
Margie Boyd		1400 California St		12/1/2020
Jerry Boyd		1400 California St		12/1/2020
John Lorenz		31 Hamlet St		12/2/20
SARA LORENZ		31 Hamlet St 97465		12/2/2020
REBECCA LORENZ		42131 HAWTHORN LN 97465		12/2/2020
MAX BEELEN		1958 JACOBSON		12/3/2020

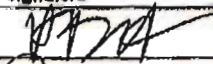
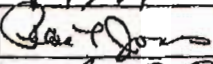
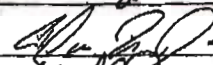

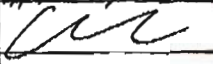
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Printed Name	Signature	Address	Comment	Date
Kately R. Schmucker	<i>Kately R. Schmucker</i>	2137 Oregon St Port Orford	We love a small town. Keep the buildings low - 28/30	Dec. 1, 2020
DAVID HOSACK	<i>David Hosack</i>	2211 Oregon St Port Orford	28/30 Foot Limit = good	12/1/20
Cheryl Cherise	<i>Cheryl Cherise</i>	2137 Oregon St. Port Orford, OR	water issues top 28/30 Maximums desirable	12/1/20
Laura M. Purdy	<i>Laura M. Purdy</i>	2119 Oregon St Port Orford	28/30 Foot Limit is good	12/1/20
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Printed Name	Signature	Address	Comment	Date
Pamela Berndt		206 103 Port Orford OR 97465		12-1-20
Rose Jones		PO Box 497 Port Orford OR 97465		12-1-20
Alan Jones		PO Box 497 Port Orford OR 97465		12-1-20
Michael Erwin		Box 844 Port Orford OR 97465		12-1-20
Conner Nelan		1424 2nd St. Langdon OR 97430		

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Hattie Kugler	<i>Hattie Kugler</i>	17 Hamlet St. P.O.		12/1/20
ROGER RASMUSSEN	<i>Roger Rasmussen</i>	17 HAMLET ST P.O. 97466	UTILITY POLE = 46'	12/1/20
MARK LANSTON	<i>Mark Lanston</i>	41901 HUMBOLDT WAY P.O.		12/1/20
John Shipp	<i>John Shipp</i>	580 7th St		12/1/20
DAISY FRAZZINI	<i>Daisy Frazzini</i>	580 King St		12/2/20
Mark Lipe	<i>Mark Lipe</i>	42769 Myrtle Ln.		12/2/20
Gail Dawn	<i>Gail Dawn</i>	96258 Eucalyptus Rd		12/2/20
CINDY SWARTKISE	<i>Cindy Swartkise</i>	331 11th St		12/23/20

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Becky To Flake	<i>Becky To Flake</i>	250 10 th St	Agree	12-2-20
PATRICIA RHOADES	<i>Patricia Rhoades</i>	475 Jefferson St.	P.O. needs this protection	12/2/20
K. Morrison	<i>K. Morrison</i>	210 W 9th	podex 1274	12/2/20
Joetta Lawrence	<i>Joetta Lawrence</i>	702 Coast Blvd Rd.	Totally agree! Keep Port Orford special	12/2/20
Kristin Kirchgaster	<i>Kristin Kirchgaster</i>	42505 Port Orford Lp. Rd.	Keep Port Orford small	12/2/20
Cathy A. Boden	<i>Cathy A Boden</i>	580 7 th Street / 343 9 th St.	Citizen control over development Strongly agree! Smart growth	12/2/20
Dianne Hosfan	<i>Dianne Hosfan</i>	2715 Port Orford Loop	Please don't take any more!	12/2/20
Barbie Black	<i>Barbie Black</i>	600 Jackson St #1	Agree	12/2/20
Shawn Lashway	<i>Shawn Lashway</i>	1063 13th St.	Nope	12/2/20

Ed R. Comy 1

Printed Name	Signature	Address	Comments	Date
Aron Kostechnik		630 Tichenor St.	Agree	12/2/20
Margie Elizabeth O'Neill		Box 743 422 42825 Henstey Hill Rd		12-2-20
Richard Hazard		42162 N. Fork Hubbard Cb Rd Port Orford	Indiv there (38 years) because it is small town	12-2-20
Gregory LeRoy Smith		42134 N. Hubbard Cr Rd Port Orford		12-2-20
Debra Lohrey		7477 N.F. Hubbard Cr Rd. Port Orford OR 97465		12-3-20
Robin Lohrey		42132 N.F. Hubbard Cr Rd. Port Orford, OR 97465		12-3-20
Tyler Dishy		PO Box 955 Port Orford OR 97465	I live here for the views!	12-3-20
Diana LeRoy Smith		PO Box 955 Port Orford OR 97465	Not here	12-3-20
Alancy Angelesco		PO Box 1303 PO OR 97465	Not here.	12-3-20
Dani & Angelesco		PO Box 1303 PO OR 97465		12-3-20
Ed R. Conydel		PO Box 97465 Port Orford OR	Agree	12-3-20
JENNIFER LEE WILSON		PO BOX 1078 #12 HAMLET PO OR 97465	DON'T DO IT	12/3/20
James Farmer	James Farmer			
KATHY DAVIS		42719 SILVER SPRINGS Rd		12/3/20
James Farmer		PO Box 1303 Port Orford OR 97465		11/23/20
Talon Broadbent		PO Box 1303 PO OR 97465		12/3/20

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Printed Name	Signature	Address	Comment	Date
1 JOHANN PRINZ	<i>[Signature]</i>	2524 PO. L PORT ORFORD OR		12-3-20
2 Cynthia Freeman	<i>[Signature]</i>	250 15th St. Port Orford OR		12-3-20
3 STEVE TUPPER	<i>[Signature]</i>	260 17th Port Orford		12-3-20
4 Charlotte Tupper	<i>[Signature]</i>	260 17th Port Orford		12-2-20
5 Andy Brackford	<i>[Signature]</i>	974 9th St. Port Orford		12-2-20
6 Brandi Roberson	<i>[Signature]</i>	1736 Jackson		12-2-20
7 Ryan Marsh	<i>[Signature]</i>	4274 3rd Middle Ln		
Christina	[Signature]			
8 Chris Marsh	<i>[Signature]</i>	93835 Elkwood		12-2-20
9 MARJORIE BROMBERG	<i>[Signature]</i>	231 19th St.		Dec 2, 2020

Notes: Provision for exemption? Daylight basement loophole?

10	Nick Banksen	Nick Banksen	P. 1434 PO. 97465		541-425-6266
11	Kitty Million	Kitty Million	PO Box 173 97465		541-604-0524
12	Diane Rockafellow	Diane Rockafellow	PO Box 1434 97465	woofs9@hotmail.com	541-332-0586
13	Kathryn Self	Kathryn Self	P.O. Box 1135	Port Oxford Dec 2	928-644-1984
14	DAVE ENDNER	David Endner	P.O. Box 1354	12/2	
15	CHERRY BECKEN	Cherry Becken	PO BOX 901 PO OR		441-373-7023
16	Mark Bruns	Mark Bruns	9110 Jackson St	12/2	
17	Michael Mrs. Kinnon	Michael Kinnon	1325 Jackson	12/2	541-255 1759
18	Dorothy Stephens	Dorothy Stephens	1307 Jackson	12/2/20	12/2/20
19	Heidi Knapp	Heidi Knapp	935 Jackson	12/2/20	
20	Janett Sultzbach	Janett Sultzbach	POB 412 Langlois		12-2-20
21	Jana Ramsey	Jana Ramsey	PO 212 Port Oxford	framsen810@gmail.com	12-2-2020
22	Maya Holliman	Maya Holliman	PO 51 Port Oxford	maya.holliman@gmail.com	12-2-2020

maria.ruth.opic@gmail.com

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

Dec. 1, 2020

I would like to express my very real interest in the matter of an ordinance restricting the height of structures in the city of Port Orford. The Planning Commission has made recommendations in this matter, with which I am in agreement.. I have heard both 25' and 30' suggested as total height; either would allow for two-storied structures, in keeping with the general appearance of other city structures.

We assume that there are new residences and commercial buildings planned for Port Orford, perhaps some are in the works now. I hope these will enhance rather than overwhelm what is a comfortable small city. I am in favor of an ordinance restricting the height of all new building (and improvements to existing buildings) to no more than 30'.

I have lived in Port Orford for many years, and am a homeowner.

Sincerely yours,

Marjory (Midge) Hayes

Marjory Hayes
P.O. Box 1361
710 Deady Street

RECEIVED
DEC 1 2020
BY

December 3, 2020

To: Port Orford City Council

From: Pat Rhoades
775 Jefferson St.
Port Orford, OR

As long-time resident homeowner of Port Orford, I am writing in support of a proposed ordinance to reduce the permitted height of new building within the city to a maximum of 30 feet. This move would, hopefully, prevent our city from becoming the latest coastal victim of non-resident investors making a profit at the expense of local homeowners who have chosen this special place to live because of its beauty and small-town ambience.

Thank you for the time you devote to representing the citizens of Port Orford in these matters relating to the welfare of our much-loved community.

Sincerely,

Pat Rhoades

Dec. 3, 2020

Dear Mayor and City Council members,

I am writing to follow up on my previous letter in support of reducing building heights for new buildings in Port Orford. The height limits put forth in the local citizens' petition—28 feet for residential buildings and 30 ft for commercial buildings—are sensible and would put Port Orford in line with other similarly-sized towns on Oregon's coast.

I deeply appreciate your public service your intent to consider this issue carefully and want to provide more information to assist in your deliberation.

There are many good reasons to take action now to lower current height limits for new buildings.

Protect our town's unique and special character

My husband and I have lived here for nearly 20 years because we love Port Orford's natural beauty and small-town character; we love the starry skies and hearing the ocean at night. We love the way our town is nestled above the beach and the Port and the view to Humbug Mountain. And visitors who come to visit and stay absolutely love it, too. We cherish this unique place—a town like no other. And so, it feels important to conserve what makes Port Orford so special, even as we grow.

Because Highway 101 runs through the center of our town, it makes it all the more important that we plan carefully for future development—to make sure that our town's main street does not become a canyon of too-tall buildings. Although it's not happened yet, just in the past year, there has been a significant uptick of new building in our town, and of course, we all know people are now fleeing cities with covid and wildfires. It's exciting to see some new small business and positive changes, but I am concerned our city isn't ready for a big growth spurt without more careful planning. Sensibly reducing building heights is a great first step toward keeping our town the cool and quirky place that we all love, while also allowing for human-scale growth that will not wreck what we've got.

Too many zones in our town permit too-high building heights

Looking at our current zoning maps, you can see that large areas of Port Orford now have either height limits of 35 ft, 45 ft, or no height limit at all. This puts our town character and livability at risk. Please see attached maps (ATTACHMENT A)

Many other thriving coastal towns have lower height limits to protect character and livability

Other coastal towns have much lower height limits to protect their small-town character and also livability for their residents. Some have much lower height limits west of Highway 101 and only allow taller buildings away from their oceanfront, commercial districts to maintain a human scale and to avoid dominating over the scenery and historic architectural elements with large buildings.

Many cities also recognize that residential homes need access to sunlight and air movement, which is better provided by lower building heights –down closer to 25 -27 ft. (Some cities some link building heights to lot size and setbacks.) It's important to note that even larger cities have lower height limits than we do! This is all to say changing the height limits is sensible and not "arbitrary." (Please see the list of building heights in some other coastal towns similar to our size. ATTACHMENT B)

I am concerned that having too tall buildings in the 10-MU zone would make it feel urban and disconnected from the ocean. Having too tall buildings all along highway 101 would also make our small town feel more like a city. For reference most utility poles are about 30 feet. Having 45 ft tall buildings would be as tall as having two TALL people standing atop those poles!

Battle Rock Mixed Use (10 MU) Zone is flawed

I agree with Steve Lawton's assessment that the current 10 MU zoning is fundamentally flawed. I participated in the public planning process (10+ years ago) and heard many citizens and local property owners voice a heartfelt desire to maintain our small-town character. At the time, many raised concerns about excessive building heights, allowed up to 45 ft –as we are doing again now. The new code made some positive improvements (including making 45 ft a conditional rather than outright use), but ultimately the City Council at the time did not take sufficient action regarding height limits. As a result, private residences and one-story businesses could still be dwarfed by very tall buildings. This has already started to happen. At particular risk are unique historic buildings that could be overpowered by tall new structures.

Questions about water availability underscore need for slow growth

Many questions have been raised but not answered about our 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 future risks of logging in our water supply watershed that could increase sedimentation and reduce 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 have not yet begun to tap water -- and we have a new medical clinic coming on line, too. Already some property owners within city limits say they cannot get water service (City Council Minutes, June 18, 2020). Allowing large buildings that will further stress our water system could lead to curtailment or the need for water rationing, 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.
- Others 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 Part 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 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.

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

Proposed exemptions

1. "Projections"

The current findings recommend "General Exceptions to Building Height Limitations" for: *chimney, tank, church spire, belfry, dome, manument, fire and hose towers, 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 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 on specific conditions to ensure that the "projections" are appropriate for each location.

Please amend "17.20.050 General Exceptions to Building Height Limitations" to make projections more than three feet higher than height limits conditional uses.

2. Marine Zone

It's clear that the Marine Zone needs higher height limits to accommodate activities at the Port. Rather than make no limit, I urge you to adopt a 35 ft limit, which Pat Cox has suggested is common in other city's marine zones, with the exemption for the standing holsts, of course.

For all the reasons people care about the special character of our town, we should be thinking in similar ways about our utterly unique working port, recognizing the fundamental need for commercial activities but not precluding opportunities for residents and visitors to connect with the ocean, recreation opportunities, and the fishing culture of our town.

CONCLUSION AND FINAL RECOMMENDATIONS

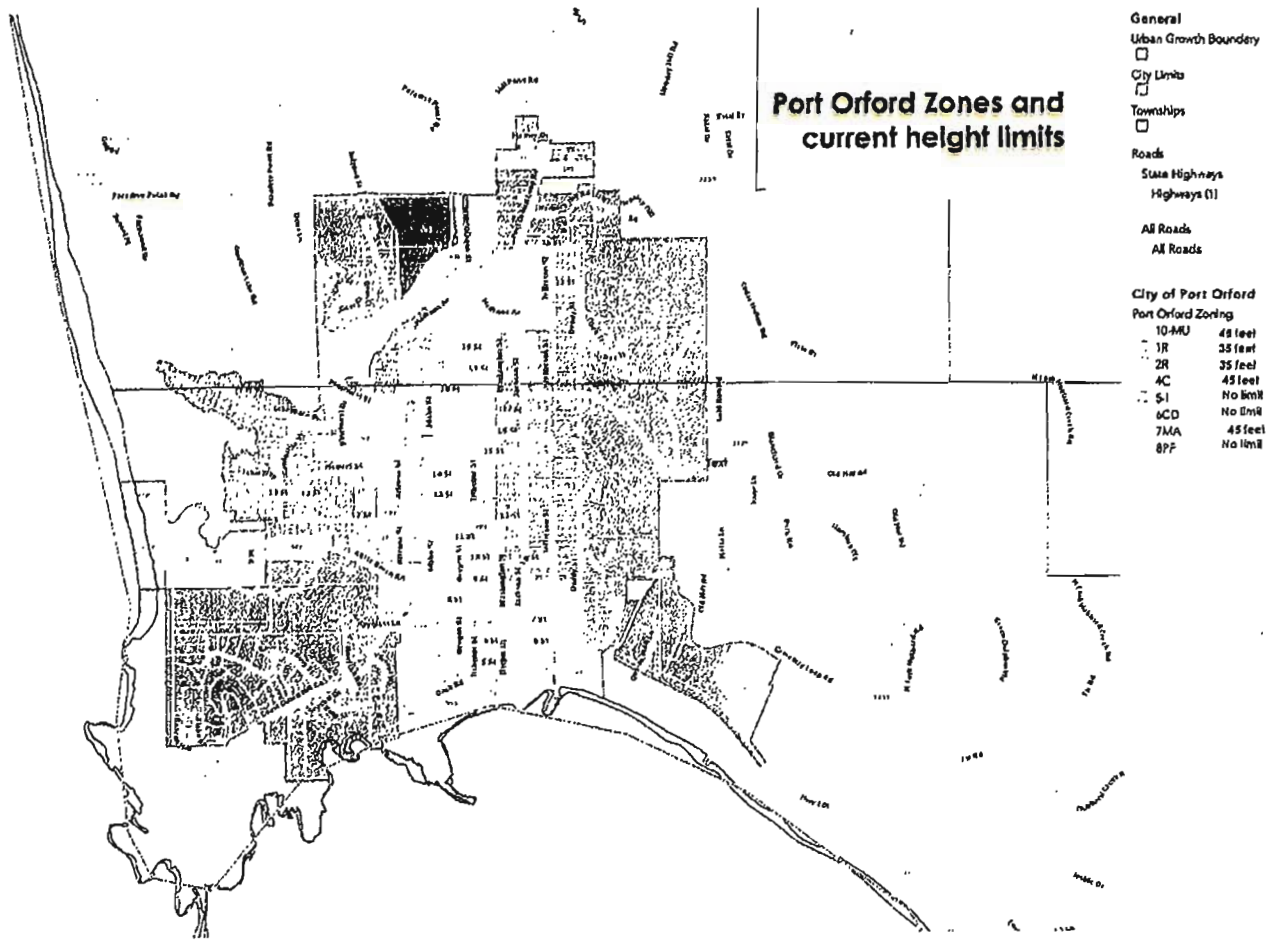
Our town is now at an important juncture. I urge you to take please move forward to adopt sensible height limits that are more in line to keep Port Orford special.

Thank you for your public service!

Sincerely,



Ann Villais, 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?](https://www.google.com/search?client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8)

[client=safari&rls=en&q=Yachats+population&ie=UTF-8&oe=UTF-8](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.

GÉARHART, 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=56B38658-34B3-4C77-9934-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

Crystal Shoji

From: Terrie Richards <trichards@portorford.org>
Sent: Tuesday, December 08, 2020 3:25 PM
To: 'Patty Clark'; 'Crystal Shoji'
Subject: FW: Building height limits in Port Orford

I do not recall seeing this letter in the pile - Sorry

Terrie Richards

City Administrator
City of Port Orford
(541) 366-4568

From: Joy May [mailto:joyfordemocrats@gmail.com]
Sent: Wednesday, December 2, 2020 5:46 PM
To: trichards@portorford.org
Cc: tpogwizd@portorford.org; pcox@portorford.org
Subject: Building height limits in Port Orford

I am writing this letter in support of the Port Orford City Council's decision on August 20th, which directed the Port Orford Planning Commission to draft language setting allowable building heights to 25 feet across all zones in Port Orford. I must admit, I was rather confused at the onset as to why the Planning Commission would vote to disregard that unanimous directive. However, after reading all of the Information Included in the packet of materials from the City Council meeting of November 19th, I do understand the Commission's, as well as the Council's, hesitancy to fully pass the new language that would impose the 25 foot height limits. The comments included in the letter from the Fair Housing Council of Oregon and concerns cited by Pat Cox pertaining to the Port development would be the two areas I would understand as needing a more thorough discussion. I do believe both of these concerns can be dealt with by further investigation and also within the language of the new zoning code.

My concern then stems not in the delay in making this decision but in the window of time it now presents for developers to act in accordance with the established zoning code. I would ask the City Council to place a temporary moratorium on new building permits for buildings 30 ft or greater. This will protect the city we all love while providing the time to obtain more information and make a thoughtful, well-reasoned decision on the pending issue of building heights.

Sincerely,
Joy May
20 Geer Circle
Port Orford, OR

Patty Clark

From: John O'Shaughnessy <oshaughnessy7@gmail.com>
Sent: Thursday, December 3, 2020 5:24 PM
To: patty@portorford.org
Subject: 30 ft. Height Limits

My wife and I have owned a home in Port Orford for 16 years. We bought our home because of the unique character of our little hamlet. While we support growth in our town, we strongly feel that the height limit for construction should not be over 30 ft. We feel any building over 30 ft. would forever alter the character of Port Orford, and exacerbate our current water problem. Any new construction, especially for structures over 30 ft., would tax our city's infrastructure.

Thank you for your consideration.

Sincerely,

John and Vicki O'Shaughnessy

November 19, 2020

Dear Port Orford City Council Members:

Steve Lawton outlines in his well-reasoned letter, dated November 3, why adjusting building height in Port Orford is essential. I am writing in support of the proposed planning ordinance which reduces building heights to 25 feet.

Taking this action will align Port Orford with other towns along the Oregon coast. Below are excerpts from several coastal cities' building codes:

Bandon:

"In residential R zones 28 feet in height is permitted. Any height over 28 feet to a limit of 35 feet requires Conditional Use Permit."

Brookings:

"Maximum building structure height. No structure shall be over 30 feet in height, except as provide in BMC ..."

Manzanita:

"The maximum building or structure shall be 28 feet 6 inches. However, if more than half of the roof area has a roof pitch of less than 3 in 12, the building or structure height shall not exceed 24 feet. The height of a stepped or terraced building shall be the maximum height of any segment of the building."

Cannon Beach:

"The maximum building height in the city's residential zones is 28 feet. The maximum building height in the City's RM, residential motel, Zone is 32 feet. The maximum building height in the C1, limited commercial zone is 28 feet."

Gold Beach:

"Except as provided in Section 4.020. In a 2 R zone, no building shall exceed 25 feet." This limit applies to other residential zones. Gold Beach code has a no Shoreline development clause. The code outlines exceptions to the permitted 25' height limit.

One only needs to drive through these towns to witness communities maintaining economic viability, livability and character while preserving reasonable building heights.

A cautionary tale. In the early 1970's, two unrestricted building projects were completed in Pacific Beach and La Jolla, California. After witnessing the devastating impact on surrounding communities, San Diego voters approved a citizen initiative limiting building heights to 30 feet. Nearly 50 years later, the two projects remain warts on the cities of La Jolla and Pacific Beach and serve as a reminder for the need to reasonably restrict building heights in communities, large and small, before irreversible damage.

I do not advocate Port Orford morph into a Southern California community. Port Orford does not have the infrastructure to support three story buildings. Current City water supply is fragile approaching

critical condition in the summer months. It is stated that fire suppression capability cannot support three story structures. Our local residents are not in a position to absorb the financial impact required to maintain 30' or three-story buildings.

Why support the initiative:

- Inadequate water and infrastructure to support larger structures
- Maintains livability and coastal character
- Current safety service limitations
- Ability to maintain economic viability
- Avoidance of harmful financial impact on residents due to potential increased taxes, insurance rates and public service costs
- A proactive approach to building heights that our city can realistically support
- Aesthetic and architectural integrity is not adversely affected. One might say the measure provides enhancement.
- No adverse effect to affordable housing.
- "No specific expense would be added, and no land base for housing would be reduced." City planner Shoji.

Failure to support this initiative could result in long lasting and unfavorable consequences for our community.

I live in a small home on Garrison Lake. I own another home on .94 acres, unobstructed ocean views, within the MU10 zone. I would benefit financially, if I were to subdivide my property and build multistory structures. I cannot do this in good conscience - lining my pockets at the expense of community well-being is simply unacceptable.

I support the 25' adjustment. I also see the possibility of a 28' compromise with additional review.

Thank you for allowing me to voice my support and concerns. I appreciate the hard work you do to support the betterment of our community.

Sara Lovendahl
31 Hamlet St
Port Orford OR

December 3, 2020

Dear Mayor and Port Orford City Council members:

First, I want to state I am not anti-growth. However, having lived in three towns where unregulated and poorly considered height limits resulted in long lasting blemishes on the town's landscape, I am dedicated to well-reasoned and sustainable growth. I am writing to support building heights, 28 feet for residential zones/buildings and 30 feet in commercial zones with the elimination of unrestricted height limit zones. I support appropriate exemption for the Port.

I ask you to consider concerns and input from residents who live outside the city limits. The citizens who live in the hills behind the city, i.e. Cedar Terrace, as well as Paradise Point, are a vital part of the Port Orford community.

As I stated in my November 19, 2020 letter (attached), adjusting heights will align Port Orford to other coastal towns. In the towns surveyed the residential heights ranged from 25' to 30', with an average of 28'. In response to those who state that adjusting heights is arbitrary, I offer in review, the towns surveyed addressed adoption of building heights seriously with careful deliberation and in no way acted arbitrarily. The Council's current information gathering and assessment process negates the arbitrary argument.

One cannot stress enough the value in maintaining Port Orford's livability and coastal character. Our Port Orford charm draws tourists as well as long term residents. I cannot count the number of times visitor customers expressed their appreciation for Port Orford as a lovely coastal town, uncrowded and relaxing.

Our current real estate market is quite healthy without three- and four-story buildings. The construction of multistory structures would adversely impact the character of our coastal neighborhoods and businesses, possibly reducing some property values.

Frankly, Port Orford cannot support the demands on water, fire suppression, parking and traffic these structures impose. The ability of our fire department to contain a fire in a structure higher than 25' remained unresolved at the last council meeting.

A failure of infrastructure to support tourism can be disastrous. A study conducted in October 2018 by Institute for Policy Research & Engagement affiliated with the University of Oregon, stated a town's inability to meet the demands of increased tourism results in disappointment and non-returning visitors. The same study revealed most visitors were drawn the north coast by the natural beauty and ocean. I suspect the same applies to the southern coast more specifically Port Orford.

Adjusting heights to 28' and 30' will NOT adversely impact:

- Affordable housing,
- Our ability to maintain economic viability
- Tourism
- Aesthetic and architectural diversity
- Land base for housing.
- Port Orford's unique coastal charm

Supporting heights at 28' will:

- Allow the city to support buildings within safety service limitations
- Avoid harmful financial impact on residents due to potential increased taxes, insurance and public service cost.
- Maintain Port Orford's livability, cultural/historic identity and small-town character. Particularly for those who chose to live in Port Orford year-round.
- Provide investment aligned with community ability and desires.
- Preclude investment focused on financial gain without consideration for community impact.
- Prevent building structures with long lasting and unfavorable consequences.
- Provide the City Council an opportunity to manage growth in a responsible manner.

I will continue to invest in Port Orford with a focus on community well-being. I cannot support the vision of a Vero Beach or a canyon of multistory buildings, some obstructing our spectacular ocean view, altering the dynamics of Port Orford. This simply is not who we are as a community.

For all the reasons listed above, I support a maximum of 28' across all residential zones and consideration for 30' in commercial zones, with an exception for the Port.

I appreciate all the time and energy you give to our lovely city. Thank you for providing me the opportunity to express my concerns and perspective.

Respectfully

Sara Lovendahl
31 Hamlet St

Feb. 12, 2021

To Mayor Pat Cox and the City Council of Port Orford:

Thank you for your public service as our volunteer elected leaders. We appreciate your commitment to our town. Today we are writing to express disappointment with the process followed in making decisions regarding lowering height limits in Port Orford. Although we appreciate reductions made in some zones, it appeared that substantial public input was not adequately acknowledged or considered at your Jan. 21, 2021 hearing.

To be clear, at your Nov. 17, 2020 public hearing, the Mayor and Council members stated that they needed time—2 months—to consider the issues carefully and invited citizens to provide input. According to the public record, citizens took the issue seriously and submitted dozens of substantive letters, as well as a petition with more than 100 signatures in support of lowering heights.

However, at your hearing on Jan. 21, 2021, it seemed that not all the council members were even familiar with this substantial public input.

- Staff provided no adequate map, and council members did not seem familiar with zones
- Some council members did not have all the testimony in their printed meeting packets
- Some council members did apparently not have email access to review public comments
- Some councilors made dismissive comments in response to information and concerns presented by citizens about fire risks and water, but did not provide vetted evidence to provide for public trust (e.g., the city should have requested a letter from the Fire Department for the record).

Some of this flawed process may have been a result of the transition of mayors, loss of city administrative staff, the unfortunate failure of the Planning Commission to provide helpful input, the unnecessarily polarizing public notice that went out for a 25-foot height limit, and the “Zoom” meeting format owing to the coronavirus.

Nevertheless, we believe that it’s important for you, as our local government representatives, to be more responsive to the community members who provided substantial input on key issues and who are committed to maintaining the livability and character of Port Orford.

In the spirit of moving forward in a positive way and building on the work that’s already been done, we respectfully request that the City Council consider:

- lowering the allowable building height in the 4-C Zone to the compromise level of 35 feet
- removing the height exceptions clause from Standards Governing Conditional Uses (Section 17.32.50 B2)

Lower building heights to the compromise level of 35 ft in the 4-C Zone

After your hearing, through personal conversations among a number of citizens for and against height limits, it’s become clear that many who opposed the 25-foot limit find 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 ensure a commercial district that is 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 buildings under 35 feet, and many other cities have a comparable height limit. Having a consistent, uniform building height would allow for ample economic development while also 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!

Remove 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, 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.

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.

This loophole is unacceptable. 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.

In closing, as local residents, we are motivated by the vision of a vital and thriving future for Port Orford, based on the unique, small-town character and natural beauty of our community that we all cherish. We don't want to miss this important opportunity for proactive planning.

Again, we appreciate your public service as our volunteer elected leaders, and we thank you for considering our input on these two key elements of our city's Municipal Code.

Sincerely,

Steve Lawton

Greg Thelen

Kathy Lawton

Sara Lovendahl

Jenn Head

John Lovendahl

Pamela Berndt

Cathy Boden

Ann Vileisis

John Shipp

Tim Palmer

Tom Calvanese



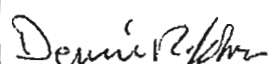
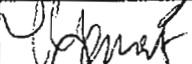
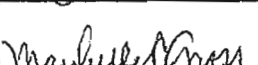
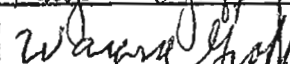
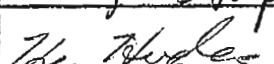
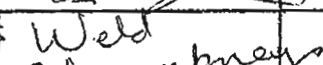
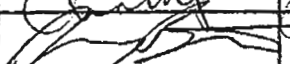
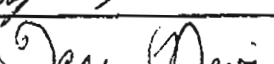
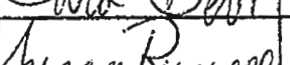
Petition to Port Orford City Council for Lower Building Heights

Petition summary and background	The people of Port Orford want to preserve the small-town atmosphere and unique character of our special place on the southern Oregon coast. We were asked to submit testimony during a two-week period, ending on December 3, 2020. While we appreciate the public service of our mayor and city counselors, we feel that substantial community input (110 voices in favor of lowering building heights vs 19 opposed) was not taken into consideration at the city council meeting on January 21, 2021. Thus, we are reiterating our support for lower building heights and ask the council to 1) reconsider the maximum allowable building heights in the 4C zone and 2) to eliminate building height exemptions for churches and nursing homes (Section 17.32.50).
Action petitioned for	We, the undersigned, urge our elected/appointed leaders to: <ul style="list-style-type: none"> • lower building heights in the 4C zone to 35 ft • eliminate building height exemptions for churches and nursing homes (Section 17.32.50)

	Printed Name	Signature	Address	Comment	Date
1	HARRY D. RIEA	<i>Harry D. Riea</i>	1224 JACKSON		2/12/2021
2	MARY E. RELYEA	<i>Mary E. Relyea</i>	³⁵¹ 351 15th ST	THIS IS NOT A CITY.	2/16/2021
3	Joy LINEBARGER	<i>Joy Linebarger</i>	310 16th St.		2/16/21
4	^{DAVID} David M. McCrecheon	<i>David M. McCrecheon</i>	320 16th St.		2/16/21 *
5	Aristotle McCutcheon	<i>Aristotle McCutcheon</i>	320 16th St.		2/16/21
6	Brian Murford	<i>Brian Murford</i>	215 17th St.		2-16-21
7	Cathy Tupper	<i>Cathy Tupper</i>	260 17th St.		2-16-21
8	Steph Tupper	<i>Steph Tupper</i>	260 17th St.		2-16-21
9	MARJORIE BROMSER	<i>Marjorie Bromser</i>	231 19th St	This is NOT Florida	2/16/21
10	Martin Million	<i>Martin Million</i>	214 19th St		2/16/21
11	Kitty Million	<i>Kitty Million</i>	214 19th St		2/16/21

Petition to Port Orford City Council for Lower Building Heights

<p>Petition summary and background</p>	<p>The people of Port Orford want to preserve the small-town atmosphere and unique character of our special place on the southern Oregon coast. We were asked to submit testimony during a two-week period, ending on December 3, 2020. While we appreciate the public service of our mayor and city counselors, we feel that substantial community input (110 voices in favor of lowering building heights vs 19 opposed) was not taken into consideration at the city council meeting on January 21, 2021. Thus, we are reiterating our support for lower building heights and ask the council to 1) reconsider the maximum allowable building heights in the 4C zone and 2) to eliminate building height exemptions for churches and nursing homes (Section 17.32.50).</p>
<p>Action petitioned for</p>	<p>We, the undersigned, urge our elected/appointed leaders to:</p> <ul style="list-style-type: none"> • lower building heights in the 4C zone to 35 ft • eliminate building height exemptions for churches and nursing homes (Section 17.32.50)

Printed Name	Signature	Address	Comment	Date
Val Durio		1051 13 th St		2/15/21
Alisa Durio		1051 13th St		2/15/21
Dennis Johnson		1245 12 th St		2/15/21
Tara Garrett		93694 Elliver Rd		2/15/21
Maybelle Groff		1300 California St		2/15
Wayne Groff		1300 California St		2/15
Ken Hughes		1300 CA St.		2/15
Weld Champneys		1340 Calif. St.		2/15
Jerry Boydson		1400 CALIFORNIA ST		2/15
Tara Devi		26 Hamlet St		2/15
Susan Russell		2286 Jefferson		2/16

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Printed Name	Signature	Address	Comment	Date
JENNIFER WILSON	<i>Jennifer Wilson</i>	#12 HAMLET	VITAL	2/15
Paul Garratt	<i>Paul Garratt</i>	#7 Hamlet	NEEDED	2/15
Melissa Harner	<i>Melissa Harner</i>	#3 Hamlet	Agree	2/15
Scott	<i>Scott</i>	1060 13 th Street	Agree	2/15
Susan Wilson	<i>Susan Wilson</i>	1060 13 th St.	Agree	2/15
Cieran Fraser	<i>Cieran Fraser</i>	809 12TH ST)	2/15
Carol McDonald	<i>Carol McDonald</i>	915 12 th St	Agree	2/15
Annas Rhodes	<i>Annas Rhodes</i>	1025 R th	Agree	2/15
Paul Garves	<i>Paul Garves</i>	P.O. BOX 465 P.O. DIST.		2/15
Carol Caron	<i>Carol Caron</i>	P.O. BOX 1485 P.O. Oregon	Agree	2/15
Jane Schmittz	<i>Jane Schmittz</i>	1190 13 th St. PO Box 1393		2/15

Petition to Port Orford City Council for Lower Building Heights

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Printed Name	Signature	Address	Comment	Date
Roger Swarth	<i>[Signature]</i>	331 11th St Port Orford		2/10/21
DA Matthews	<i>[Signature]</i>	42025 Blarney Dr. Port Orford		2/10/21
Susie Marin	<i>[Signature]</i>	400 Port Orford Coast port Orford		2/10/21
CHIP MARVIN	<i>[Signature]</i>	400 Coast Guard Hill Rd Port Orford		2/10/21
Cheryl Cherise	<i>[Signature]</i>	2137 Oregon St. Port Orford		2/10/21
K.R. Schmucker	<i>[Signature]</i>	2137 Oregon St. Port Orford		2/10/21
Sofi G.	<i>[Signature]</i>	42342 Parkwood Dr.		2/6/21
Yih K Zakaria	<i>[Signature]</i>	310 Coast Guard P.O.		2/10/21
Linda Gordon	<i>[Signature]</i>	42265 Cedar Hollow Rd Port Orford		2/11/21
Greg Taelen	<i>[Signature]</i>	165 23rd St. Port Orford		2/11/21
Glen H C. Wood	<i>[Signature]</i>	134 3rd Port Orford		2/11/21

Petition to Port Orford City Council for Lower Building Heights

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Printed Name	Signature	Address	Comment	Date
Kristi Dishew	<i>Kristi Dishew</i>	93025 Cemetery Rd Port Orford, OR 97465		2/12/21
Victoria Ellis	<i>Victoria Ellis</i>	94406 Sixes Rv. Rd. Sixes, OR 97476		11
CHARLINE ALEXANDER	<i>Charline Alexander</i>	P.O. Box 946 Port Orford, OR 97465		2/12/21
Jeanne McCheslin	<i>Jeanne McCheslin</i>	Port Orford OR P.O. Box 385 97465		2/12/21
Rick Hazard	<i>Rick Hazard</i>	RR #105 Port Orford		2/12/21
PAT RHODAS	<i>Pat Rhodas</i>	PO 97465 9775	OUR TOWN NEEDS THIS	2/12/21
Sally Martinez	<i>Sally Martinez</i>	P.O. Box 52 Pt. Orf OR	Keep Our Town small	2/17/21
GEORGE MARTINEZ	<i>George Martinez</i>	P.O. Box 52 Pt. Orford OR 97465		2/17/21
CARREN COPELAND	<i>Carren Copeland</i>	PO Box 524 97465		2/17/21
JOHN LEUTHS	<i>John Leuths</i>	P.O. PO Box 524 97465		2/17/21
LINDA WILSON	<i>Linda Wilson</i>	PO Box 196 97465 6th KING ST PO		2/17/21

Petition to Port Orford City Council for Lower Building Heights

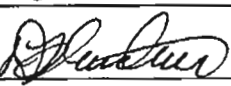



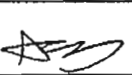
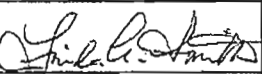
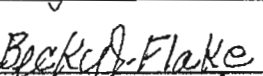
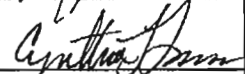
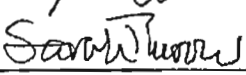
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DIGITIZED ONLINE

Printed Name	Signature	Address	Comment	Date
SARA LOVEDANA	<i>[Signature]</i>	31 Hamlet St	ESSENTIAL TO maintain livability.	2/10/21
Laurie Trout	<i>[Signature]</i>	1035 13th St P.O.	essential to keep "small town" infrastructure will not support expansion	2/10/21
Amy Fournier	<i>[Signature]</i>	580 King St PO		2/10/21
Marilyn Boydston	<i>[Signature]</i>	1400 California St. P.O.		2-10-21
Cynthia Sweetser	<i>[Signature]</i>	331 11th St P.O.		2-10-21
GERALD MARION	<i>[Signature]</i>	28 Hamlet P.O.		2-15-21
DIANA MARION	<i>[Signature]</i>	28 Hamlet PO		2-15-21
Luce Mueller	<i>[Signature]</i>	22 Hamlet PO		2-15-21
CLAIRE SHAPES	<i>[Signature]</i>	19 Hamlet PO		2-16-21
PATRICIA FLOSS	<i>[Signature]</i>	19 Hamlet PO		2-16-21
ERNA BARNETT	<i>[Signature]</i>	18 Hamlet PO	Lower Building would for an attractive town	2-16-21

Petition to Port Orford City Council for Lower Building Heights

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	Printed Name	Signature	Address	Comment	Date
12	DAVE ENDNER		1906 JACKSON PORT ORFORD		2/16/21
13	Mark Burns		7110 JACKSON ST		2/16/21
14	Frances MacLeod		600 Jackson St Port Orford		2/16/2021
15	Michael D. Wilps		319 319 17th St		2/14/21
16	Aislinn Martolano		319 17th Street		2/16/21
17	LINDA A SMITH		908 JEFFERSON ST		2/17/21
18	Becky Flake		210 10 th ST.		2/17/21
19	Cynthia L. Freeman		541.787.7658	New here! Strange city government.	2/17/21
	Sarah Johnson		PDB 1366, Port Orford	keep Port Orford cool/ special	2/17/21

Petition to Port Orford City Council for Lower Building Heights

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Printed Name	Signature	Address	Comment	Date
MICHAEL GORDON	<i>Michael Gordon</i>	42265 CEDAR HOLLOW PORT ORFORD		2/13/21
Donna Schoep	<i>Donna Schoep</i>	41746 Green Dolphin PORT ORFORD		2/13/21
TAMI GRAHAM	<i>[Signature]</i>	42267 CEDAR HOLLOW PO, OR		2/14/21
DEBBIE GRAHAM	<i>[Signature]</i>	42267 CEDAR Hollow PORT ORFORD OR 97465		2/14/21
JAN BIRD	<i>Jan Bird</i>	42263 CEDAR Hollow PORT ORFORD, OR 97465		02/16/21
DIANA FRANCOIS	<i>Diana Francois</i>	42263 CEDAR Hollow PORT ORFORD OR 97465		2/16/21

Regarding: Building Height & related potential density & water issues in Port Orford

Mayor Pat Cox, & City Council Members

11/2/2021

Greetings! And as always, I really appreciate the work you do for our beautiful town!

I am truly concerned for our small community.

A native Oregonian, I moved here over 20 years ago from larger Oregon cities, but chose Port Orford to call home and invest in because of what it is - a small rural community with tight knit passionate citizens, and lots of beautiful public land close by to recreate in.

Our community **has already been** growing well, and within the context of what makes this place so special-- historically, culturally, and naturally. We have so much that makes our town special: a rich history that dates back to the oldest Native American sites on the Oregon coast, the oldest town site on our coast, with a rural small town culture. Port Orford is a place where you can still learn your constellations and witness the Milky Way, where nature's beauty outshines the built community. Unlike many other towns that might be considered "generic" or just like everywhere else, Port Orford has a unique "sense of place." That may sound intangible, but from my work as a guide and also working with Travel Oregon, I know that "sense of place" is one of the things that people --residents and visitors alike--truly value. It has an economic value as well as potent personal value and in the long run will help to make our town thrive.

It amazes me that for over 150 years the people that choose to live here have protected all this that makes our place special and unique. There are not many places like this left.

I own two places in town (4 commercial lots in total) and could build over three stories, but would never dream of being the one that would change the feel of this town forever.

We are growing and evolving with several new small businesses, a new clinic, and wonderful new plans for our Port! But we should proceed with caution. We are the stewards of this land and of our town. It is our responsibility to steer the change that is taking place.

If you look further North on our coast it is easy to imagine our future. Visitors and locals of the North Coast complain about overcrowding, traffic, parking, expensive goods & services, and degrading natural landscapes. We have seen a rise in visitations because we are a village where people can escape the chaos of where they live. I hope we can learn from our neighbors to the North, and plan accordingly.

The reason I am painting this picture is that I feel that encouraging buildings taller than 38' or three stories high in our community would harm the very nature that makes us special and

Exhibit 9

unique. We all know that our natural beauty is literally jaw dropping, and tall buildings will only take away from that experience.

I am speaking from the heart, but I also know that by going up higher than 3 stories will also create a density of population that our town cannot support (water/sewer/services). We can creatively become a vibrant community within the confines of three stories. Especially when our commercial zone is mixed with residential buildings, tall buildings will rob our neighbors of much needed sunlight, particularly in the winter months.

As Port Orford citizens we have the power and responsibility to keep our place special. What is that vision? Citizens should decide, not pressure from outside developers that do not live here. We have experienced too many of those examples where projects are started, but not finished, and leave our community degraded.

We are the caretakers of this special place, it is our responsibility. I would hate to see our place change forever, during our watch.

For all these reasons, I strongly support limiting new building heights (except at the Port), and urge you to take action to help keep our town special.

Sincerely,

Cathy Boden

580 7th St. (residence)

343 9th St. (business - long term rental)

Port Orford, Oregon 97465

11/2/21

Hello Mayor Pat Cox and City Council Member,

Greetings,

I am a 20+ year resident of Port Orford, a walker and bicycle rider. On a recent ride around town I counted 9 new houses, built in 2020, 3 new foundations for homes, a medical center has been completed, and I know about a new project on the dock, and saw at least 3 land clearing projects. I realize that this is not a complete survey of the new developments in our town, but, it was a bit of a surprise, we are a growing community! I also found many houses for sale, and not occupied. And, I for one, own a grandfathered in water and sewer hookup on a vacant lot. My concern is water: how much water we have now, and how much we will need soon, and the water we will need in the future.

I support a limit on building heights (38') for these reasons: water, and the impact of high density tall buildings on our water supply and infrastructure; our volunteer firefighters, and their ability to control fires in tall buildings; and lastly, as a pedestrian who enjoys our quiet, small friendly town. It's a little hard to imagine strolling by high density tall buildings, and negotiating the added traffic they will create. We are a village!

Thank you very much,

John Shipp

580 7th St. & 343 9th St.

Exhibit 10

Patty Clark

From: Jessica Ginsburg <jginsburg@portorford.org>
Sent: Tuesday, November 2, 2021 3:14 PM
To: 'Patty Clark'
Subject: FW: Email asking for help to discuss proposed zoning ordinance changes.

[Please send to Planning...](#)

From: dabpe [mailto:dabpe@peak.org]
Sent: Tuesday, November 2, 2021 1:31 PM
To: Jessica Ginsburg <jginsburg@portorford.org>; 'Krista Nieraeth' <knieraeth@yahoo.com>; 'Pat Cox' <patcoxportorford@gmail.com>
Subject: RE: Email asking for help to discuss proposed zoning ordinance changes.

CA Ginsburg. Well that's a pretty sad status report from you below and not what I asked. I will try to make this email as positive as possible while still saying what must be said.... please read this into the public record at both planning commission and upcoming Council meetings as I am unable to attend via your deficient venues.

I asked who IS available and competent to discuss the proposed changes. Didn't ask for a citizen on the planning commission OR City Council, just a competent staff person who can provide background and prior discussion so my written testimony could be refined to do the most good.

Since I have been denied discussion with a competent land use planner in this matter, you have effectively limited my written testimony to narrow elements based on an inadequate notice and a planning commission agenda packet that is clearly deficient as well.

Appreciate your good intentions, but I didnt ask for my prior comments to be copied and included, I asked for further information and discussion with a competent person. In my 55 plus year career of public service, I have read thousands of ordinance / code proposals and helped craft good, effective and legal language to achieve public safety and health standards. In 55+ years of stellar service, I have NEVER been denied access to an informed staff person to discuss the proposals in advance..... until now, by the City Administrator of Port Orford! Pretty sad indeed.

If you cannot do things correctly, then Don't do them, DROP THE PROPOSAL as your process is fatally flawed.

Since you are telling me no one is available for questions, it most certainly does not meet the goal and requirement for citizen involvement. Just because some people have discussed this at past commission or council meetings does not mean that those of us who work every day improving our community were ever given notice of anything until the recent mailer to your sewer and water account holders. The law requires notice to OWNERS of property in any affected areas. You failed to do so.

As to the proposed height restrictions:

Clearly a 2 story limit will not work on and provides NO PUBLIC BENEFIT on many hillside or isolated lots on Vista Drive, Coast Guard Hill, King St, 18th St or any of the many streets that are not in the flat ground areas of town. A several story foundation or bonus rooms below may be necessary just to get to the main grade

level. Similarly, many lots can't be seen from any street or adjoining properties, what public benefit is served by limiting the owner's design choices? Answer, NONE and it is not the municipalities business in any way.

In all downtown areas subject to tsunami inundation, VERTICAL EVACUATION when lateral escape becomes impossible, SAVES LIVES. Why do you seek to limit people building safe buildings that provide public safety by their design AND Height. If you answer using 'human scale or small town feel', those are just euphemisms for fuzzy, inane thinking supporting someone's self serving personal agenda. Human scale walking in the Redwoods is way different than among tumbleweeds, but both have their value.....so do short, TALL and Iconic buildings.

Proposing to remove Church Spires, observation towers, hospitals, and more is foolish, unworkable and targets people, including me, with retribution and damages without valid cause.

In summary, this proposal CONSTITUTES A TAKING OF VALUABLE PROPERTY RIGHTS THAT HAVE BEEN ENJOYED BY OTHERS FOR DECADES.... ALL WITH NO DEMONSTRATED PUBLIC NEED OR COMMENSURATE PUBLIC BENEFIT.

TAKING when used as a land use term, means to diminish an owner's rights or values..... and can only be done if a public problem is clearly stated, demonstrated and genuine. In this case, the City has NOT fulfilled that obligation, cannot do so, and in fact would also lose property tax revenues as values decline and people choose to live and build where their rights and choices are not impacted by short sighted people with self serving agendas.

Again, please make this part of the record at both Planning Commission and Council meetings. I will not attend via GO to Meeting or phone as both are unacceptable means of participating.

THERE IS NO URGENCY OR NEED FOR THIS ORDINANCE, PLEASE DROP IT FROM ANY FURTHER CONSIDERATION OR ACTION !

THANK YOU, David A Bassett PE. CBO.

PS, the letter in your PC packet from the owners at 720 Deady St is put in perspective when you go look and see a vacant lot below the subject home. They should either buy the lot if they want to control it or work out a view easement with the neighbor. Involving the city to address their personal agenda is the very definition of self serving.

Go look in the mirror and ask if you would want to be restricted and denied choices for no valid public reason.

David A. Bassett, PE, CBO, FPEO. Sent from my U.S. Cellular® Tablet, Cell is 541 660 3131.

----- Original message -----

From: Jessica Ginsburg <jginsburg@portorford.org>

Date: 10/26/2021 3:03 PM (GMT-08:00)

To: 'David Bassett' <dabpe@peak.org>, 'Krista Nieraeth' <knieraeth@yahoo.com>
Cc: 'Pat Cox' <patcoxportorford@gmail.com>
Subject: RE: Email asking for help to discuss proposed zoning ordinance changes.

David-

Thank you for your notice. The e-mail has been printed and will be made available for the upcoming meeting. All these comments need to be discussed in the public comment portion of the hearing and or the planning meeting. Therefore, there is no citizen that can take your comment about an upcoming hearing or meeting that is on the planning commission.

Thank you!
Jessica

-----Original Message-----

From: David Bassett [<mailto:dabpe@peak.org>]
Sent: Tuesday, October 26, 2021 2:31 PM
To: Krista Nieraeth <knieraeth@yahoo.com>
Cc: Jessica Ginsburg <jginsburg@portorford.org>
Subject: Re: Email asking for help to discuss proposed zoning ordinance changes.

David Bassett <dabpe@peak.org> wrote:

>
>Krista,
>
>Wow, ok sorry. Since you are at the top of the front page on the document from City Hall yesterday, I believed we could have a constructive explanatory conversation before preparing my written testimony.
>
>Please advise who IS available for citizen discussion that is a competent and experienced land use planner. Thank you.
>
>Also, the City use of 'Go to Meeting' has proven to be completely unacceptable as to audio and video. The app drops attendees, makes voices garbled and black screens instead of video.
>
>There is no pressing need or urgency to implement these polarizing revisions that are overly restrictive..... especially when we should be empowering citizens to make the best use of our limited properties.
>
>Inovation is the engine that creates prosperous communities, not arbitrary restrictions.
>
>We should allow for best judgements on the merits of each project rather than picking arbitrary limiting numbers and restrictive definations that clearly consitute a 'taking of property rights with no commensurate public benefit.'
>
>Therefore, please do not act on proposed ordinance 2022 ~ 3 until in person meetings allow for full discussion and improvements / changes to the proposed text.
>

>Thank you. Dab.

>

>Sent by Android phone of David A Bassett PE, CBO, F.PEO, 541.660.3131