PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, August 3, 2021
3:30 PM

Now Meeting in person and virtual
Tue, Aug 3, 2021 3:30 PM – 5:30 PM

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/270699229
You can also dial in using your phone.
United States (Toll Free): 1 866 899 4679
United States: +1 (571) 317-3116
Access Code: 270-699-229

Agenda

1. Call to Order

2. Planning Chair Comments

3. Additions to the Agenda

4. Approval of Agenda

5. Approval of Minutes: July 6, 2021

6. Comments from the Public

7. Public Hearing - None

8. Planning Matters

   A. Presentation from Tom Calvanese on Port of Port Orf ord activities

   B. Review of Building Heights and Exemptions in 4-C and 5-I Zones
      a. Email from City Planner Crystal Shoji dated Wednesday, July 21 providing timelines
      b. Memo from City Planner dated June 29, 2021, with a list of Attachments including:
         Item #1: Staff report of June 1, 2021; Item #2: Adopted City Ordinance 2021-02; and
         Items#’s 5-9 including other information submitted at workshops for making a
         on height requirements.
      c. Memo from Greg Thelan submitted for the August 3, 2021 Planning Commission
         Meeting.

Other Business

   A. Announcements and Communications:

      • City Planner Comments
      • Planning Commission Comments

   B. Continuing Business

9. Public Considerations

10. Adjourn
CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING
July 6, 2021, 3:30 p.m.
Regular Meeting, Public Hearing and Workshop, Virtually Held
555 W, 20th Street
Port Orford, Oregon

Date Draft:
Date Corrected:
Date Final:

1. Call to Order.

The regular meeting of the City of Port Orford Planning Commission was called to order Tuesday, July 6, 2021 at 3:30 p.m. by Vice Chair Berndt.

Those members present were: Vice Chair Berndt, Comm. Jezuit, Comm. Thelen, Comm. Rinehold. Comm. Schofield arrived late and was updated by Vice Chair Berndt.

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

Others present: Ann Vileisis, Steve Lawton, Jennifer Head, Tom Calvanese, Tim Rossi.

2. Planning Chair Comments.
Vice Chair Berndt reviewed protocol for commission meetings with those in attendance.

3. Additions to the Agenda: Vice Chair Berndt stated the expectation is that the city council will have their meeting in July hybrid style, a combination of virtual and in-person meetings. She asked commissioners to consider their opinions on how future Planning Commission meetings will look and report back.

4. Approval of Agenda for July 6, 2021: Comm. Thelen moved to approve the July 6, 2021 agenda with Comm. Jezuit as second. Motion carried 4-0.
Discussion: Assistant Planner Clark noted a correction needed on the agenda under number 5. Approval of minutes.

<table>
<thead>
<tr>
<th>Comm. Thelen</th>
<th>Yes</th>
<th>Comm. Jezuit</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Comm. Berndt</td>
<td>Yes</td>
<td>Comm. Rinehold</td>
<td>Yes</td>
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5. Approval of Minutes June 1, 2021: Comm. Jezuit moved to approve minutes of the June 1, 2021 meeting with Comm. Thelen as second. Motion carried 4-0
Discussion: None.
6. Application for Appointment to Commission – Tim Rossi: Tim Rossi is present and available for questions. Comm. Thelen welcomed Mr. Rossi and introduced himself and asked Mr. Rossi of his past employment. Mr. Rossi is a retired union stagehand, skilled laborer, in the entertainment and exhibition industries for 45 years in the San Francisco Bay area. He has lived in Oregon since 2016. Comm. Thelen moved to accept Mr. Rossi’s application and recommend him to the city council as a Planning Commissioner with Comm. Jezuit as second. Motion carried 4-0. Discussion: Vice Chair Berndt recommended that Mr. Rossi attend the next city council meeting.

7. Comments from the Public:
   Jennifer Head, resident of Port Orford, reiterated her support for lowering building heights in the 4C and in part of the Marine Zone, 5A; and also eliminating the exemptions for churches and nursing homes. Ms. Head is speaking on behalf of over 160 people who signed petitions to lower the height in 4C and eliminate the exemptions.

   Ann Vileisis, resident of Port Orford, reiterated her support for lowering building heights in the commercial and industrial zones. She referred to material she submitted in the planning commissioner’s packet. She also would support the alternative of lowering the height of the marine zone to 35 feet given there are already exemptions for the hoist; and she supports any other solution that will help conserve the view from the Port overlook. Ms. Vileisis reiterated the importance of getting rid of the exemptions, especially exemptions for assembling lots into larger areas enabling higher building heights, as it will be a loophole. She would like to see some limit on the exemptions on protuberances. Ms. Vileisis expressed appreciation to the commissioners for their public service.

   Steve Lawton, resident of Port Orford, agreed with Ms. Vileisis’ comments. He feels that lowering the building height to 35 feet will not harm the local economy. Looking at the last seven major commercial and medical buildings constructed in Port Orford in the past two years; Redfish Gallery and Restaurant, Gold Beach Lumber, Dollar General, Portside Market and Deli, the old TJs, Mountain Sea Fitness, new Coast Community Health Center and Port Orford Community Coop expansion; all of these occurred and stayed within 35 feet. Mr. Lawton agreed that Port Orford should eliminate 17.32.50, Additional Standards Governing Conditional Uses, the exemption clause. He believes this clause creates a loophole to allow for much taller buildings in any neighborhood include residential neighborhoods.
Tom Calvanese, resident of Port Orford, agreed with previous speakers about lowering building heights. He reiterated that lowering building heights does not mean antigrowth. As a former Port commissioner, he has heard references to a Port proposal to build an observation tower and stated the Port has no proposal to build an observation tower. He stated that reference might have been confusion with the Port wanting an exemption for the cranes. Mr. Calvanese added that what makes Port Orford special and valuable is not the height of the buildings, it is the place itself.

Jennifer Head wonders if it is possible to have the link to the GoTo meeting posted on the website or somewhere that it becomes a clickable link. Some people not familiar with the technology have a hard time accessing the meeting. Patty Clark stated the city is working on posting the link. Tom Calvanese volunteered his assistance.

8. Public Hearing – None.

9. Planning Matters
   a. Review of Building Heights and Exemptions in 4C and 5I Zones.
      - Adopted Ordinance 2021-02
      - Staff Report – Planner Shoji reviewed the staff report, which basically lists the items applicable to Planning Commission’s conversation today.

        Item 1: Staff report presented at June 1 meeting.

        Item 2: Ordinance the council adopted in February showing the current building heights.


        Item 4: Height limits for new buildings in Port Orford compared to towns and small cities of similar size. This was prepared by Ann Vileisis, reviewed and submitted by several Planning Commission members. Ms. Vileisis did research into looking at cities about the size of Port Orford and similar in character. Larger cities and industrial cities were excluded. Ms. Vileisis found that 35 feet was very much in line with other cities. Some cities have lower building heights in commercial zones and others have gradation, such as lower heights closer to the ocean. Ms. Vileisis found that 35 feet was a good compromise.

        Item 5: Comparison of neighboring town codes with regard to the exemption section of the General Exception to Building Height Limitations submitted by Greg Thelen. Comm. Thelen compared Port Orford with Yachats, Gearhart, Rockaway Beach, Gold Beach and Bandon. In general, all towns have some exception for uninhabited protuberances above a structure. Comm. Thelen noted a tall accommodation for ham radio antennae. Comm. Thelen would like to research what a fire and hose tower is as
well as other named items to be better informed when voting. Comm. Thelen would
like a limit of 3 feet over the roof in R1 or R2 zones.

Item 6: Comparison of neighboring town codes with regards to section 17.32.050 that
has to do with amalgamating land and allowing greater heights. People have been
talking about maybe getting rid of this. Comm. Thelen reviewed other cities’ codes
and found nothing similar. Comm. Thelen wrote a letter to the fire chief to ascertain if
Port Orford has the ability to fight fires at 45 feet in general and also at 35 feet. He
asked if there are any issues the fire department might have with limiting building
heights. He has not received a response. Comm. Thelen will follow up for a
response. Comm. Rinehold will contact the Sipes Fire Department for information on
heights the Sipes Fire Department cannot handle.

Item 7: Tsunami maps with wave arrival times organized by Pamela Brandt after her
meeting with the Port Commission. The Port commissioner’s primary goal is to
develop trails to the Port and up to other parts of the beach. They need a Geotech
survey prior to building plans to determine that areas are safe to build on. The Port
Commission is willing to give a presentation to the Planning Commission on what
they need and what can be done. Planning commissioners agree to the presentation.
Vice Chair will communicate this to Port.

Item 8: Submitted by Pamela Berndt will need discussion. See above.

Item 9: Ordinance on tsunami hazard overlay adopted in 2019. There are a couple of
markings having to do with heights.

Further research on protuberances, research with fire department capabilities, and
presentation by Port to be scheduled prior to voting. Following the commissioners
vote on what to have in the public notice on these items, the public will be notified
followed by a public hearing. Commissioners will hear what people have to say at the
hearing and might want to make modifications within the notice topics put out to the
citizens. The Planning Commission will then put their recommendation together and
present it to the City Council. The City Council will then have a public hearing at
their level. Comm. Thelen will bring some proposals to the next meeting to expedite
moving forward.

10. Other Business
   A. Announcements and Communications:
      • City Planner Comments: Assistant Planner Clark will provide a notebook of codes
        and processes to planners.
      • Planning Commission Comments: Comm. Thelen expressed his need for a zoning
        map that he can read with a key to the different colors and that can be zoomed in
closer in a PDF. The current map is illegible to him. Assistant Planner Clark
        suggested Curry County GIS zoning as a source. She offered her assistance in
        obtaining this good map.
B. Continuing Business: None.

11. Public Considerations: Steve Lawton reported successfully logging onto the Curry County GIS zoning and obtaining a great Port Orford zoning map. He suggested that link be put on the Port Orford planning website. Assistant Planner Clark will present this to the webmaster. Steve Lawton guided planners to reference materials, such as one produced by the Oregon Department of Land Conservation and Development called Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon.

Ann Vileisis stated it was helpful today to understand the process related to building heights. She would like the process made clear at the beginning of all projects. Planner Shoji agreed to outlining the process; however, decisions sometimes alter the process.

Chair Berndt adjourned the July 6, 2021 meeting at 4:46 p.m. The next meeting will be August 3, 2021 at 3:30 p.m. An advance notice will be provided if the type of attendance can be changed to in-person or hybrid meetings.
THE PORT OF PORT ORFORD DRIVES THE LOCAL ECONOMY
PHASE 1 - INTERIM REPAIR OF BREAKWATER

Moz. Photos 2017
State Appropriation [a sum of money devoted to a special purpose]

$400,000 to replace old cannery building

Re-appropriated reduced amount: $250,000

Used to fund planning, with additional funds from IFA (Infrastructure Finance Authority), Ford Family Foundation, and Wild Rivers Coast Alliance, Project Coordination, and Old Cannery Demolition.
Strategic Plan

Berger ABAM / FCS Group

Replacement of old cannery identified as HIGH priority, second only to dredging and breakwater repair.

EDA (Economic Development Administration) identified as primary funding source, with matching funds.

Multiple community meetings and Commission deliberations (see plan).

Includes geotechnical engineering report

Port of Port Orford

(click image to download copy of plan)
Feasibility Geotechnical Report - February 26, 2016

“The geologic and seismic hazards below are the geologic and seismic hazards that could affect the study area’s development and should be considered during the planning process.” - PBS

**Geologic Hazards**
- Slope stability
- Adverse soils
- Hydrology and drainage
- Hydrogeology and groundwater
- Erosion and sedimentation

**Seismic Hazards**
- Liquefaction
- Lateral spreading
- Fault ground rupture
- Ground shaking
- Tsunamis
- Earthquake-induced landslides
Community Input - Strategic Business Plan Update

- Continue to prioritize commercial fishing (Average landings $4M, with ave $900k in live fish)
- Promote pedestrian safety through clear walkways, boardwalks at water’s edge
- Continue to diversify port facilities to promote ocean dependent uses like marine research and recreation
- Strengthen connection to town through trails, boardwalks, gateways, local access to fresh seafood
- Include shop to support boat repair training and apprenticeships

Strengths include:
- Fisheries diversification
- Sustainable fishing techniques (hooks and traps)
- Ready access to open ocean sea water
- Engaged in marine and fisheries policy
- Open ocean access for vessels (no bar)

Opportunities include:
- Port Orford Seafood marketing, branding
- Specialty fisheries
- Mariculture
- Ecotourism

(click here to download document)
Collaborative Fisheries Associates, LLC

Market Analysis
Tenant Needs Assessment
Financial Feasibility Study
Value Engineering
Operating Pro-Forma
Principal: Ed Backus

Collaborative Fisheries Associates LLC

Project Report to the Port of Port Orford, Oregon
Cannery Redevelopment Project
Financial Feasibility, Value Engineering, Operating Pro-Forma

July 26, 2017

(click to download copy)

Collaborative Fisheries Associates, LLC
Edward H. Backus, Founder and Principal
PO Box 2130
Newport, OR 97366
Project Coordination

Focus was on establishing priorities for redevelopment, identifying funding.

Funding - IFA ($250k), RIF ($500k) WRCA ($200k), State Appropriation - HB5006 ($1.6M)

Annie Donnelly, Project Coordinator

PROJECT PRIORITIES IDENTIFIED

HIGHEST PRIORITY: Commercial Fishing Fleet and Mariculture, Seawater Access

Second Priority: Seawater facilities for marine research, education, and engagement.

Third Priority: Ocean Recreation infrastructure.

(click here to download copy)
New FEMA maps affect siting of Seafood Hub
Site Planning

Cameron McCarthy
Landscape Architecture & Planning, Contractor
Brought aboard to develop a comprehensive site plan, with a focus on the new Seafood Hub and surrounding amenities

Reports may be downloaded using embedded links ->

Planning Stages and Reports

Commission Meeting
Site Analysis Report
Tenant Focus Group
Fisherman’s Focus Group
Local Government & Economic Dev’t Focus Group
Community Focus Group
Additional Geotechnical Engineering Services
Permit Research Memorandum
SITE PLAN

Includes second geotechnical report recommending slope stability analysis and mitigation.

(click map to download copy)
Demolish Old Cannery

Used final $100,000 of State appropriation
Preliminary Engineering Report

To be submitted as part of major funding application to the US Economic Development Administration (EDA)

Three complementary Project elements:

1. Slope Stability Mitigation
2. Seawater System Design and Construction
3. Seafood Hub Design and Construction

Click image to download
Seafood Hub Redevelopment Project Next Steps

Port has contracted with Shannon Souza of Solcoast Companies LLC to provide Project Management Services for the Seafood Hub redevelopment project.

Focus is on execution of current Seafood Hub redevelopment plan, beginning with Seawater System Design and Slope Stability Assessment.

Matching Funds include State appropriation of $1.6M (HB 5006), Regional Infrastructure Funds ($500k), and $200k from Wild Rivers Coast Alliance.

PARC Resources to submit ~$7M EDA funding proposal to include slope stability and mitigation options, building site analysis, and pump ashore seawater system.
Port of Port Orford Working Waterfront
To Patty Clark:

This email is to go on top of the packet of information that includes the staff report and the documents provided by the Planning Commission members for last month’s meeting.

Good Morning Krista and Patty,

This is the response to timelines for the zone change on height restrictions as requested by Planning Commission Chair, Krista Nieraeth. I know that people like to have this in black and white, but while planning has requirements with timelines, much is up to the Planning Commission and City Council as to how they make their decisions and how they respond to the public. It is not black and white because there are many different situations. That is why we have planners and assistants and city administrators with specific training. The Planning Commission and City Council also have options to “shove” things through with quick decisions, or draw them out to get more information or better decisions. Much of the time is determining what you want to have happen.

Height restrictions have many options; there are many opinions. It is not my intent to take this situation and describe every possibility that could take place because Oregon planning is a process with many options and situations. The job of a the planning director is to know the codes and laws and use them depending on the situations taking place with the Planning Commission or City Council. The job of the Planning Commission is to make decisions and/or recommendations. I will recite some of the requirements of our ordinance here. Many of the requirements are also Oregon law:

1. The height restrictions analysis did not come to us through an official application so some timelines do not apply. Check out Chapter 17.40 in the Port Orford Municipal Code (Zoning Ordinance) for applicable processes.
2. The code requires a hearing before both the Planning Commission and the City Council.
3. The hearings are scheduled after the governing body has a proposal of what they want adopt, but that is all subject to change with the requirement for a public hearing and public involvement. The governing
body is expected to listen to the public and make their decision based upon what they deem to be the best course.

4. Hearings have notice requirements including the following:
   a. 35-day notice to DLCD along with inclusion of the proposal that is the subject of the initial hearing.
   b. Notice (Measure 56 Notice) of proposed legislative changes all property owners within the zone 20-40 days prior to the first hearing.
   c. Notice to the newspaper with publication requirements and notice to public agencies that may have an interest.

5. Notice to DLCD is required following any adoption or lack of adoption.

6. The full process is expected to be an approximate 3-month process. The 3-month process would start after the Planning Commission has determined what they are proposing. The process could take longer if the Planning Commission and/or City Council wishes to have more information or decision-making time after they have heard from the public. They have the authority to continue their hearings. There is no 120-day decision timeline for a legislative process initiated by the City itself.

I do not believe that the City wants us to spend too much time and money organizing drawings or charts with responses to “what if situations,” so I hope this basic summary is helpful. Thank you for your inquiry.

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

TO: Krista Nieraeth, Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP, City Planner

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

Date: June 29, 2021

The following information is included:

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

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

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

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

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

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

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

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

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

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

From: Crystal Shoji, AICP
Port Orford Planning Director

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

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

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

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

b. Consider a 35-foot height limitation in Industrial Zones:
   Note: The Industrial Zone (I-1) is suggested within this document for discussion. The Marine Activity Zone (r-MA) is an industrial and commercial mixed-use zone that currently has a 45-foot height limitation. The Council has not expressed expectations for modifications in the Marine Activity Zone, although there are considerations within this document for the r-MA zone where there is some concern.

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

Attachments:
City of Port Orford Zoning Map, Curry County Enterprise GIS – Attachment A
Upper Dock Road Excerpt Map with specific ownerships – Attachment B
Beginning on this page of this document, words included in *italics* are from the current code. Your personal copies of the code may not have the new height allowance language that was adopted earlier this year.

**Port Orford Municipal Code Chapter 17.12**

17.12.030 Commercial zone (4-C)

**Current:**

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

**Proposed:**

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

17.12.040 Industrial zone (5-I)

**Current:**

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

**Proposed:**

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

17.20.050 General exception to building height limitations.

**Current:**

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

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

17.32.030 Additional standards governing conditional uses.

**Current:**

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

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

Recommendations

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

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

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

   a. Alternative # 1: Lower the height allowance within the entire (7-MA) zone to 35 feet, and provide additional specific exceptions for specific uses in Section 17-20.050 General exception to building height limitation, page 2 of this document. Greater height allowances than in other zones may be appropriate for the Port industrial zone, which is to be a driver of economic development for the City of Port Orford.
Exemptions are an option, but it may be difficult to think of all specific uses that would need to be exempted in order to assure that economic development can occur. Statewide Planning Goal 9: Economic Development, and the City of Port Orford Comprehensive Plan, provide goals to implement Statewide Planning Goal 9: Economic Development.

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

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

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

Please consider the height allowance of the upper portion of the (7-MA) zone on Dock Road, and alternatives for dealing with the situation that exists.
ORDINANCE NUMBER 2021-02

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

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

Port Orford Municipal Code Chapter 17.04

17.04.030 Definitions

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

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

Port Orford Municipal Code Chapter 17.12

17.12.010 Residential zone (1-R)

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

17.12.020 Residential zone (2-R)

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

17.12.030 Commercial zone (14-C)

No change

17.12.040 Industrial zone (5-I)

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

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

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

17.12.060 Marine activity zone (7-MA)
No change

17.12.070 Public facilities and park zone (8-PF)
No change

17.12.080 Shoreland overlay zone (9-SO)

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

17.12.090 Battle Rock Mixed Use zone (10-MU)

B. Uses Permitted Outright

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

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

Chapter 17.33 Site Plan Review

No change

17.20.050 General exception to building height limitations.

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

17.32.050 Additional standards governing conditional uses.

No change

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

No change

In all other respect, the Port Orford Municipal Code, Title 17 Zoning shall remain the same and in full force and effect.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 18th day of February 2021 and effective the 20th day of March, 2021 by the following vote:

Passed or Failed by the following Roll Call Vote

Yes: Lascelle, Probst, Burns, LaRocque, Tidby

No: __________________________

Passed X Failed

Garrett absent

Mayor Pat Cox

ATTEST:

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

Dear Chair Niereth and Planning Commission members,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

Yachats (population 773, “gem” of the coast)
Across the board, 30 ft.
https://www.google.com/search?q=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

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 oceanfront, 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 (3rd ave to 6th ave), 20 ft; otherwise 45 ft, but with design standards

Item 4
NOTE even LARGER cities have lower height limits:
GOLD BEACH (population 2,293)
https://www.goldbeachoregon.gov/vertical/sites/
%7B95824C9A-6BB0-4783-83E2-3D2AE3179097D/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.
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
For Planning Commission reference:

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

**Port Orford**

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

**Yachats**

Section 9.52.170 General exceptions to building height limitations.

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

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

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

**Gearhart**

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

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

**Rockaway Beach**

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

**Gold Beach**

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

Bandon

17.xx.100  Exceptions to height limitations

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

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

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

17.20.100  Exceptions to height limitations

This exception applies to Controlled development 1 zone only:

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

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

No exception to height limitations in:

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

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

**Comparison of neighboring town codes with regard to 17.32.050**

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

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

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

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

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

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

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

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

Submitted by Commissioner Thelen 6/21/21
Figure 3-1. Illustration of tsunami wave arrival times after a Cascadia subduction zone XXL earthquake for Port Orford (left) north and (right) south.
ORDINANCE 2019-02

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

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

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

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

17.46.10 Purpose

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

17.46.020 Definitions

"Essential Facilities" means:

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

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

"Special occupancy structures" means

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

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

- Before the improvement or repair is started; or
- If the structure is damaged and is being restored, before the damage occurred. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- “Substantial improvement does not include either any project for improvement of a structure to comply with existing state, city or county health, sanitary or safety code specifications which are solely to assure safe living conditions, or; an alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

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

17.46.030 Applicability of Tsunami Hazard Overlay Zone.

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

17.46.040 Uses

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

17.46.050 Prohibited Uses

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

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

17.46.060 Existing Uses

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

17.46.070 Use Exceptions

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

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

17.46.080 Evacuation Route Improvement Requirements

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

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

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

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

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

Yes: Cox, LaRochelle, Williams, Burns

No: Garrison & Campbell

Abstain:

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

ATTTEST:

Terre Richards
City Recorder of the City of Port Orford
Curry County Oregon
Suggested motions for the 7/3/2021 Planning Commission meeting regarding building heights from Commissioner Thelen, with comments in italics

Motion 1. That in the 4-C zone, allowable building heights be changed to a maximum of 35 feet.

Motion 2. That in the 5-I zone, allowable building heights be changed to a maximum of 35 feet.

Motion 3. That in areas of the 7-MA zone south of Oregon Street and north of the Port Road, allowable building heights be changed to a maximum of 35 feet.

Motion 4. That Section 17.32.050 Additional standards governing conditional uses be deleted from the zoning code.
(As it currently reads, Section 17.32.050 could allow very tall structures to be built by combining adjacent properties. I was not able to find this type of conditional use in any other town.)

Motion 5. That section 17.020.050 General exception to building height limitations be changed to:

A. In zones R-1 and R-2, chimneys are not subject to the building height limitations of this title, provided that they do not extend more than five feet above the highest point of the proposed structure.

B. In all zones north of 6th Street, private, non-commercial antennas or HAM radio antennas and towers up to seventy (70) feet in height are not subject to the building height limitations of this title, provided that no commercial communication equipment is located on or near such antennas. Such antennas exceeding (70) feet may be allowed as a Conditional use.
(This is essentially the same as the section in Bandon’s zoning code which keeps rooftop projections in scale, while providing for amateur radio antennas in most areas. HAM radio can be important for communication during natural disasters.)
(For reference, here is Bandon’s code:
17.xx.100 Exceptions to height limitations

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

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

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

17.20.100 Exceptions to height limitations
This exception applies to Controlled development 1 zone only:

A. Chimneys, provided that they do not extend more than five feet above the highest point of the proposed structure.
B. On the east side of Beach Loop Drive and south of Seventh Street, private, non-commercial antennas or HAM radio antennas and towers up to seventy (70) feet in height, provided that no commercial communication equipment is located on or near such antennas. Such antennas exceeding seventy (70) feet may be allowed as a Conditional Use. Antennas on the west side of Beach Loop and north of Seventh Street shall be subject to the existing height limitations.

No exception to height limitations in:

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

Motion 6. That Tsunami Hazard Overlay Zone section 17.46.080 item D. be amended to read:

Tsunami Evacuation Structures: Tsunami evacuation structures for governmental use are not subject to the building height limitations of this code.
(This amendment would simply insert the term “governmental use” into the existing code.)