

**CITY OF PORT ORFORD
VIRTUAL SESSION OF THE COMMON COUNCIL
THURSDAY, July 15, 2021 AT 5:30 P.M.**

AGENDA

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

<https://global.gotomeeting.com/join/312071549>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (646) 749-3129

Access Code: 312-071-549

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/664014085>

1. **Call to Order**
2. **Additions to the Agenda**
3. **Presentations to Council/Citizens**
 - a. Port Orford Main Street Association- Mary Bosch
 - b. Guy Vernon- ADU
4. **Consent Calendar**
 - a. Approve Minutes June 17, 2021- (Minutes not received will be approved next meeting)
5. **Citizens' Concerns (Speak Only for Old & New Business Items on the Agenda)**
6. **Departmental Reports**

a. Public Works	b. Administration	c. Finance	d. Planning	e. Liaison
Fire District- Garratt	TLT- Pogwizd	Watershed- LaRoche	Health- Burns	
Port- Cox	Parks- Tidey	Emergency Mgmt.- Burns		
School District- Kessler				
7. **Old Business**
 - a. Ordinance 2021-03 Outdoor Lighting Code
8. **New Business**
 - a. Resolution 2022-01- Signatory Changes for Checking and Savings Accounts with Rogue Credit Union
 - b. Appointment of Tim Rossi to Planning Commission
 - c. Coast Community Health Center- Right Away Usage
 - d. Vacation Rentals
 - e. Jubilee
 - f. Chamber of Commerce
 - g. Main Street
 - h. Marijuana Tax
9. **Considerations**

a. Citizen	b. Staff	c. Councilor	d. Mayor
------------	----------	--------------	----------
10. **Future Meetings**

Thursday, August 19, 2021, Regular Council Meeting 5:30 In Person Meeting
11. **Adjourn**

PUBLIC: When you join the meeting (5-10 min. prior to the meeting)

- If you plan to speak/comment during the meeting (when permissible to do so), please announce your name and "how" you are joining the meeting (i.e. by computer and/or phone). Speak slowly and clearly, so the organizer may "find" you and identify your "caller" location.

- Please wait to be called on to speak, to avoid talking over someone.
- When you are not speaking, please mute yourself (so the organizer doesn't have to do this).
- Please limit side conversations and multitasking while you are in the meeting.
- Be aware even if you are not on camera, sound can be heard over unmuted phones and will be distracting. And if you are on camera "absences" will be noticeable, and also distracting.
- To minimize feedback noise, we will only have the meeting host, Mayor, and one other speaker unmuted at any time during the meeting.
- Please be aware that if poor etiquette is being observed, it may be called out so you have an opportunity to fix the situation.

**GUIDANCE ON IMPLEMENTING
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT
UNDER OREGON SENATE BILL 1051**



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018



**Oregon Department of
Land Conservation
and Development**

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error¹ was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

¹ *The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs.*

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

This page intentionally left blank.

Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____] and shall conform to all of the following standards:

- [A. One Unit.** *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*
- /
- A. Two Units.** *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

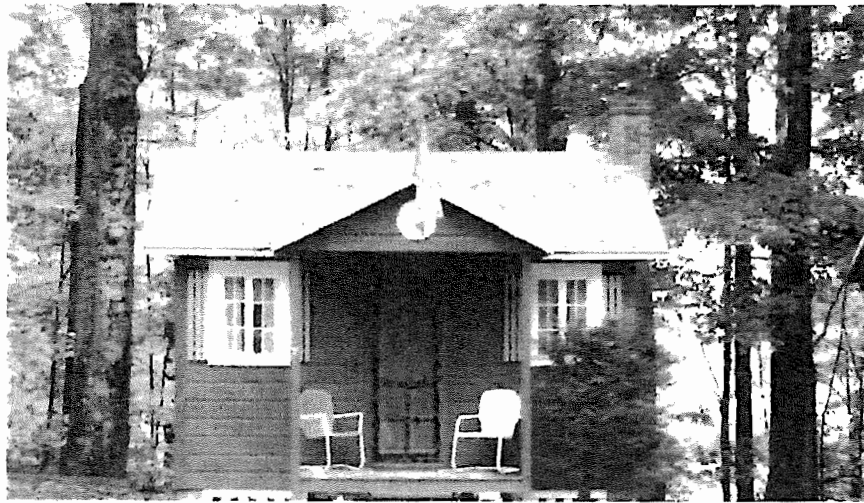
1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

TINY HOMES IN CURRY COUNTY



When people inquire about “tiny homes” they may be referring to:

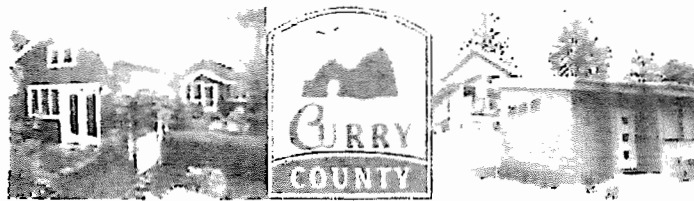
Tiny homes that are RV’s – If a tiny home are built on a chassis with an axle, it’s an RV, it is not considered a tiny home by Curry County. To comply with the Building Code an RV must be registered with the Oregon Department of Motor Vehicles. **BUT**, an RV cannot be placed permanently on lands in Curry County unless it has an Oregon insignia of compliance and the RV is used as a primary residence in an approved RV park.

Tiny homes that are manufactured homes – If a tiny home is built and licensed as a manufactured home (MH) on a permanent foundation, it is subject to the same regulations as any other MH regarding placement, foundation, setbacks, septic and water, and all other planning and building requirements and permits. Manufactured tiny homes are permitted anywhere a manufactured home is permitted subject to a planning clearance from the Planning Department and Manufactured Placement permit from the Building Department.

Tiny homes that are site built (stick built on a permanent foundation) – All planning and building permitting requirements for dwellings apply to these structures. To be considered a dwelling, according to Building Code standards, a structure must have space designated for: bathing, cooking, living, and sleeping consistent with the 2014 Oregon Residential Specialty Code.

Tiny homes that are yurts – “Yurts” used as residences must meet all the requirements of the one- and two-family dwelling Code (Building Code), and are otherwise subject to planning and building permits. This means Yurts are required to be of conventional type construction, this does not include yurts composed of a ridged framework that supports a fabric membrane.

Contact the Curry County Building Department at 541-247-3304 for minimum tiny home sizes because different square footages and layout of features (in a bathroom, for example) will influence the minimums. Other questions? Give us a call.



Accessory Dwelling Units in Curry County Oregon

Accessory Dwelling Units (ADU's) are permitted inside Curry County Urban Growth boundaries on Residential R-1, R-2 and R-3 zoned property, in unincorporated community areas in the County's Rural Community Residential (RCR) zoning districts like Agness, Langlois, Nesika Beach, Ophir, and on Rural Commercial (RC) zoned property under certain circumstances. ADU's can be developed subject to compliance with the Curry County Zoning Ordinance, (CCZO) Department of Environmental Quality (DEQ) requirements, water availability and a County issued Building Permit or Manufactured Home placement permit. For more information, see the questions below or call the Community Development Department at 541-247-3304 and DEQ at 541-269-2721 x 233.

What is an Accessory Dwelling Unit (ADU) and how what is the allowed size of an ADU? An ADU is an attached dwelling unit or a detached residential structure no less than 242 square feet and no greater than 1,200 square feet used in connection with or that is accessory to a single family dwelling. An ADU can be attached to a single family home or stand alone.

Can I build an ADU in a Rural Residential (RR) zone? No. You can build a **guest house** subject to compliance with DEQ requirements, water service and County permits. A guest house is defined in the CCZO as "A detached accessory structure containing a sleeping facility and bathroom but without kitchen equipment or provisions for such which is used in conjunction with an existing dwelling and does not exceed 500 square feet in size." Contact the Community Development Department (541-247-3304) for additional information about guest houses.

Can I install a manufactured home as Accessory dwelling unit? Yes, subject to the County's manufactured home installation standards, DEQ septic authorization and CCZO standards.

Can I install a Park Model or a Recreational Vehicle as Accessory dwelling unit? No. Park Models and recreational vehicles do not comply with building code permanent residential development requirements and cannot be considered for Accessory Dwelling unit use.

Is an assigned parking space required for an ADU, and are there other ADU requirements? Yes. One dedicated parking space no less than 18' x 19' is required. There are other development criteria for ADU's; contact the Community Development Department for more information.

What is the process to apply for a permit for an ADU or a Guest house? Contact DEQ 541-269-2721 x 233 about the capacity of your septic system to accommodate an Accessory Dwelling unit. You must also confirm that you have water service for an ADU on your property. For more information, contact the Community Development Department with your questions about the process to apply for necessary County permits to develop an ADU or guest house.

Questions not addressed on this handout? For more information contact the Community Development Department at 541-247-3304 or go to our website at:

www.currycountyoregon.gov/development

What is an ADU: Accessory Dwelling Units explained

An accessory dwelling unit, usually just called an ADU, is a secondary housing unit on a single-family residential lot. The term “accessory dwelling unit” is a institutional-sounding name, but it’s the most commonly-used term across the country to describe this type of housing. While the full name is a mouthful, the shorthand “ADU” is better.

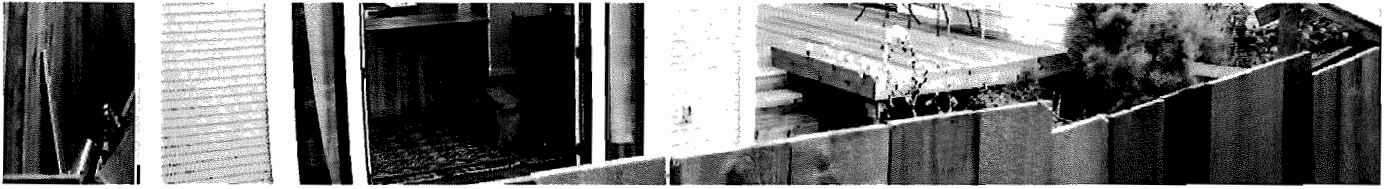
The fact that it’s a secondary housing unit—rather than a given structural form—is what defines an ADU. But, when we’re learning about concepts, it’s natural to want to know what that concept looks like in the flesh. We want to visually embed the design concept in our brains as a tangible object that we can mentally reference. However, ADUs vary in their physical form quite a bit, so allow me to broaden that mental model by exposing you to the range of common ADU types, in order to better understand what they are.

Types of ADUs

Here are images of some of the common structural forms of ADUs (as well as some of the other terms you might hear to describe them).

1) Detached new construction ADUs, also sometimes called backyard cottages, granny flats, laneway houses, or DADUs, depending on the jurisdiction:





2) Garage conversion ADUs



3) ADUs above a garage or workshop, or attached to it. In some areas, these may be called garage apartments or carriage houses:





Not sure whether you think ADUs are cool? The Fonz lived in an ADU above the Cunningham's garage in the TV show Happy Days. Enough said:



4) Addition ADUs or "bump-out ADUs":





5) Basement conversion ADUs, also commonly called basement apartments, mother-in-law units, in law units, secondary suites, English basements, accessory apartments, and a host of other names.



And, here's the inside of a basement ADU:



6) Internal ADUs, where part of the primary house besides the basement is converted to an ADU.





What ADUs have in common

While their structural forms vary, ADUs share some common traits and face common design and development challenges. For one thing, the fact that they're secondary housing units on single family residentially zoned lots places ADUs into a unique category of housing. And ADUs also have some other distinguishing characteristics that help further define, differentiate, and distinguish them from other housing types.

- ADUs are accessory and adjacent to a primary housing unit.
- ADUs are significantly smaller than the average US house.
- ADUs tend to be one of two units owned by one owner on a single family residential lot.
- ADUs tend to be primarily developed asynchronously from the primary house by homeowner developers.
- A large range of municipal land use and zoning regulations differentiate ADU types and styles, and dramatically affect their allowed uses
- Vast numbers of informal ADUs exist compared to permitted ADUs.

These differentiating characteristics make ADUs a distinct type of housing. Till now, there has been a lack of common understanding around the language and best practices of ADU development.

This site and the book *Backdoor Revolution*, will help change that by providing some clarity about ADUs and how average homeowners develop them.

We're going to introduce a range of contextualizing information, such as why permitted ADUs are so rare and why so many unpermitted ADUs exist. We'll tease apart the differences between ADUs and tiny houses on wheels. (*Hint: Tiny homes on wheels are on wheels. ADUs aren't on wheels.*)



Let's spend a minute on that last point.

How many ADUs are there?

In the twelve academic studies and professionally funded surveys that have been conducted on the presence of informal ADUs, they have all found that a whopping 10-20% of all the housing units in their study area are informal ADUs. Granted, these studies were generally conducted in populated areas, such as LA, San Francisco, Portland, and Vancouver, BC, but studies have also been conducted more broadly in metropolitan areas such as the Bay Area and the Boston Metropolitan Area, and the results have been similar.

Could 1/10th of all residential housing stock be informal ADU type development? That means there are more than thirteen million ADUs out there.

13,000,000! It seems almost unfathomable, right?

But as I reflect on my personal experience, it actually starts to seem entirely possible. I grew up in a house with my mom that had an informal ADU in the attic. My dad, who lived across town, had an informal ADU at his house. When I moved to DC, my first home had an informal ADU in the basement. My wife has also lived in and owned an informal ADU.

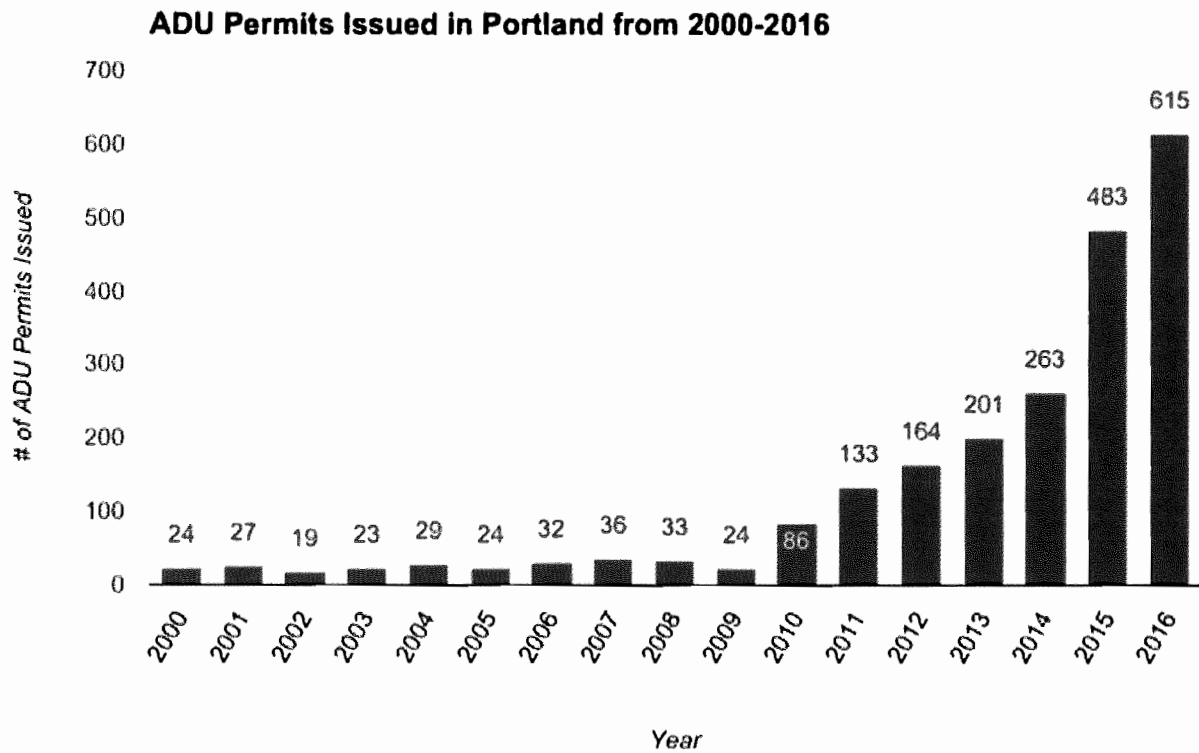
10% of all housing stock doesn't seem like such a far-fetched percentage when I start to think about all the informal ADU type dwellings I've lived with for the majority of my own life.



Indeed, the presence of informal ADUs may be the single best indicator of the need for ADUs in general. It's a "gray market" expression of the need for this form of housing.

Cities where ADUs are taking hold

Some cities, by design, have sought to bring this shadow form of housing into the light. Portland, Oregon, is the leader in the US in this particular type of infill housing at the moment. Vancouver BC is the leader in North America.



BuildingAnADU.com

Austin, Texas has also experienced a substantial bump in ADU development since legislative zoning changes in 2015.

There are many signs that legally permitted ADUs will become more mainstream. Recent legislative statewide laws in California (<http://www.sfchronicle.com/24hrsale/article/New-California-housing-laws-make-granny-units-10688483.php>) marked a tipping point for ADUs in that influential state.

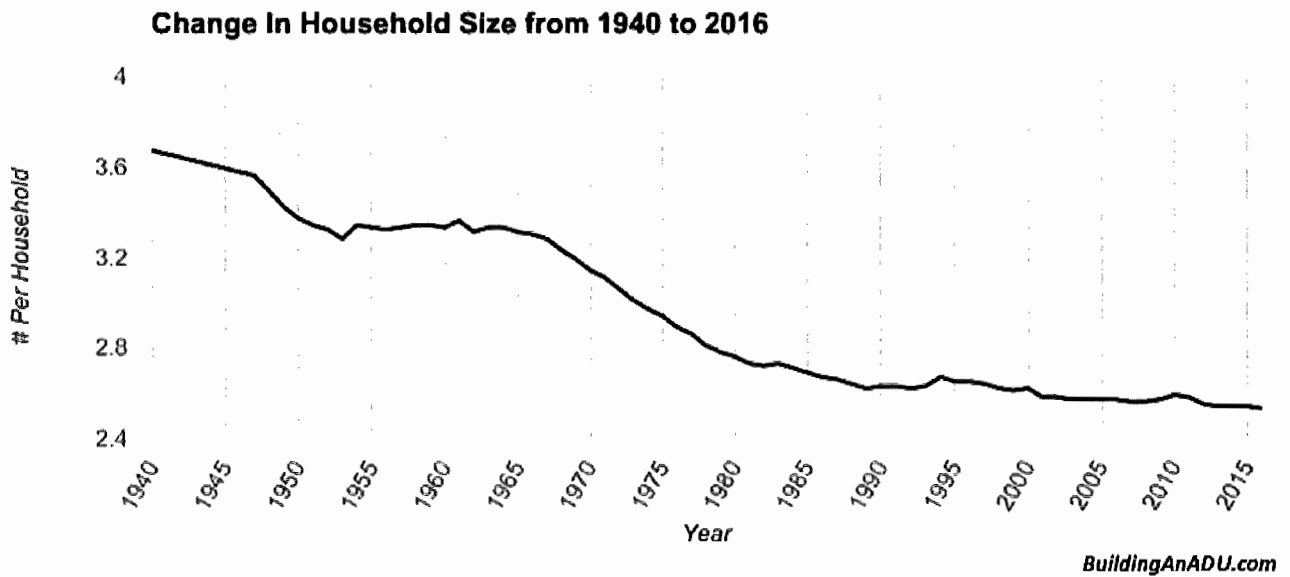
Some cities are jumping on board the ADU train by improving their ordinances and development regulations to make ADUs easier to build. Other cities are watching from the sideline. Frankly, there's an underlying sentiment of resistance to change, and it's politically challenging to pass good ADU regulations. Seattle provides the nation with a cautionary tale of the fear (<http://www.sightline.org/2017/04/20/not-in-your-backyard-cottages-in-law-apartments-and-the-predatory-delay-of-halas-adu-rules/>) that surrounds the idea of ADUs

amongst some neighborhood associations. Seattle's city commissioner's valiant efforts to improve ADU regulations were hung up in a legal battle and were postponed by a year as a result.

The demographics driving demand for ADUs

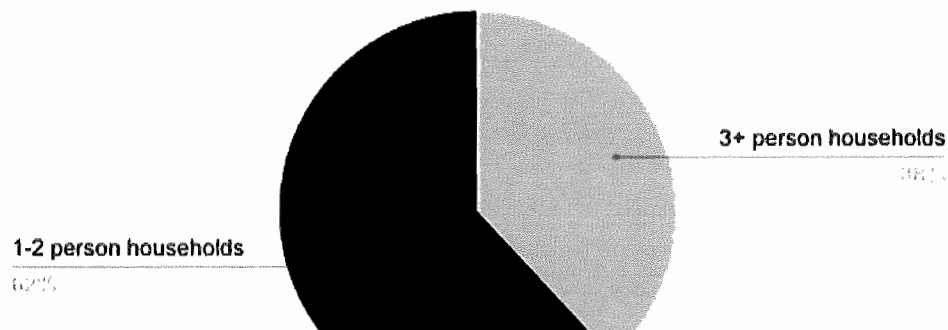
Why are some cities so eager to improve their ADU codes?

Well, for starters, most households in the United States are now 1 and 2 person households. Yet, most of our legacy housing stock, and even our new residential housing stock, is designed for families of 4 or 5 people. That may have made sense 70 years ago. But, things have changed.



3 bedroom and 4 bedroom homes no longer match the demographic realities of the United States:

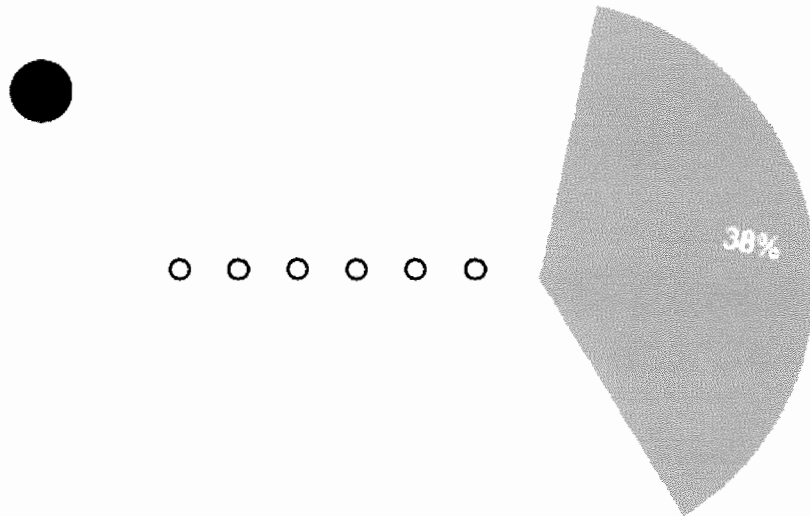
Percentage of 1-2 Person Households vs 3+ Person Households



1-2 person households now represent 62% of the country's households. Only 38% of the the nation's households have more than 3 or more people people in them.

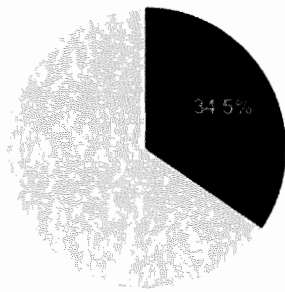
Close to 2/3rds of the population in the US are living in 1-2 person households!

Oooh...wait. I know what that chart looks like:

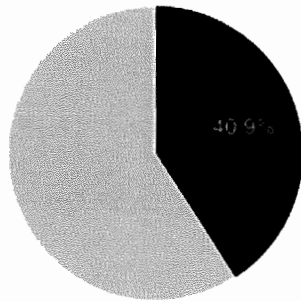


Year by year, 1-2 person households are forced into eating up the single family housing stock (housing pellets, if you will) that was designed for nuclear families, not because they want or need to live in big homes, but because there simply isn't enough houses built in residential areas that were actually designed for 1-2 person households.

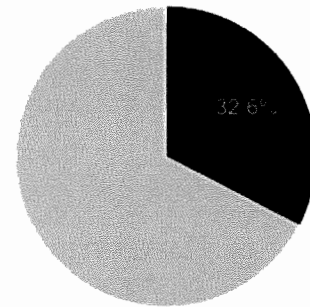
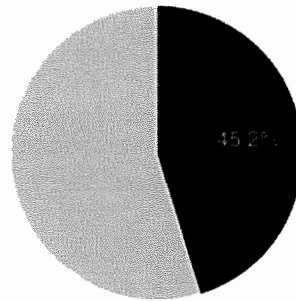
Among other demographic factors at play, single person households have become extremely common in major cities, representing more than 1/3 of the households of many cities.



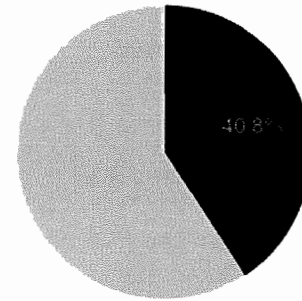
Seattle



Washington, D.C.



Denver



BuildingAnADU.com

Why cities care about ADU development

There's a lot of reasons that municipalities may want to spur ADU development. Here's a few common reasons:

Economic

- ADUs provide flexible dwelling options in a central city neighborhoods, utilizes existing governmental infrastructure (eg. roads, sewers, schools), and reduce the demand for expanding infrastructure in far-lying reaches of a developed metropolitan area.

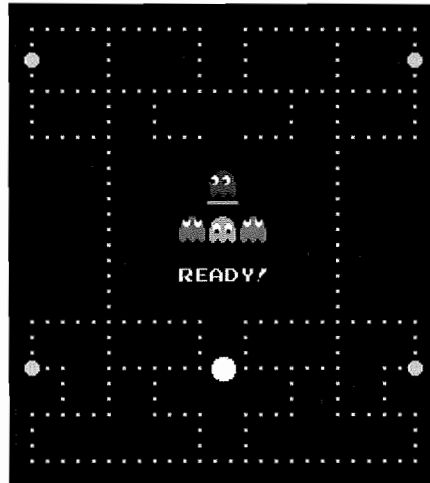
Environmental

- ADUs provide housing with a relatively small environmental footprint. New, detached ADUs provide rental housing that is 44% smaller per capita than standard, new single family rental units. And new ADUs overall provide housing that is 33% smaller per capita than standard, new single family units. In a building lifecycle, smaller residential spaces use less energy in construction, deconstruction, and habitation.

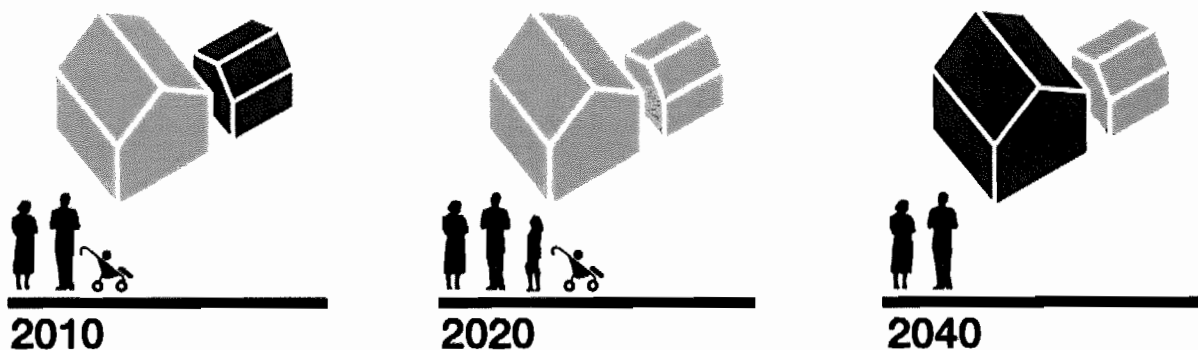
Social

- ADUs provide more affordable housing options in residential neighborhoods without dramatically changing a neighborhood's character as much as other new housing forms may.

But, ADUs aren't a policy panacea....yet.



There's simply too few permitted ADUs to make a real difference in the housing stock. But, even if they aren't going to solve all a city's problems, they may help homeowners solve some of their problems. The most common motivation for ADU development is rental income potential, followed by the prospect of flexible living space for multigenerational households.



Accessory Dwelling Units

Infographic by Ryan Sullivan / www.pasteinplace.com

■ LIVE ■ RENT

ORDINANCE NUMBER 2021-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD REPLACING ORDINANCE 2010-01 DARK SKY WITH ORDINANCE 2021-03 OUTDOOR LIGHTING CODE

The Common Council of the City of Port Orford hereby ordains that the adopted Ordinance 2010-01 Dark Sky be hereby replaced in its entirety with Ordinance 2021-03 Outdoor Lighting Code.

CHAPTER 15.17 OUTDOOR LIGHTING CODE

SECTIONS:

15.17.010	Title
15.17.020	Purpose
15.17.030	Definitions
15.17.040	Authority
15.17.050	Applicability
15.17.060	General Requirements
15.17.070	Non-Residential Lighting Requirements
15.17.080	Public Lighting Standards
15.17.090	Street and Highway Lighting Standards
15.17.100	Prohibitions
15.17.110	Exemptions
15.17.120	Notice
15.17.130	Enforcement, Abatement, and Penalties

15.17.010 - Title:

This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the City of Port Orford Outdoor Lighting Code and will be referred to herein as "this code".

15.17.020 - Purpose:

The purposes of these lighting standards are: conserving energy to the greatest extent possible; promoting traffic and pedestrian safety; minimizing glare, light trespass, obtrusive lighting, light pollution, and sky glow; and preserving the Dark Sky of the natural nighttime environment.

Ordinance 2021-03

Replaces Ordinance 2010-01

Page 1 of 11

It is the intent of this code to control the obtrusive aspects of excessive and careless outdoor lighting while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of any and all property; to preserve the quality of life for residents of the City and enhance the tourist experience for visitors; and to provide assistance to property owners and occupants in bringing nonconforming lighting into compliance with this code

15.17.030 - Definitions:

In the case where a definition of a term is found to be in conflict with a definition or term in any other City ordinance or regulation, the more restrictive definition shall apply.

Bulb: means the component of the fixture that produces light.

Canopy: means a covered structure open to the elements, with at least one side open for pedestrian and/or vehicular access.

City: means the City of Port Orford, Curry County, Oregon, USA.

Development Project: for the purposes of Chapter 15.17 means any residential, commercial, industrial, or mixed use land use plan which is submitted to the Jurisdiction for approval or for permit.

Direct Illumination: means illumination resulting from light emitted directly from a lamp or fixture, not light diffused through translucent materials or reflected from other surfaces such as the ground or building faces.

Eave: means an area of a roof which overhangs the walls.

Excessive Lighting: means lighting that exceeds the amount that is needed to perform a visual task at night or required for public safety.

Fixture: means the complete lighting assembly that houses the lamp or lamps together with everything required to control and distribute the light output. The terms "fixture" and "luminaire" may be used interchangeably in this code.

Foot Candle: means the imperial unit of measurement used to quantify the amount of light falling on a surface. One foot-candle is the illuminance produced by a candle on a surface one foot square from a distance of one foot. See also "lux".

Flood or Spotlight: means any light fixture or lamp that incorporates a reflector, a refractor, or a prismatic lens to concentrate the light output into a directed beam in a particular direction.

Full Cutoff: means zero radiation of light above the horizontal plane or a lighting fixture designed, constructed, or installed, so that the lighting elements (i.e. lamps or bulbs) are not exposed to normal view by motorists or pedestrians, or from adjacent or nearby properties.

Fully Shielded: means a fixture that allows no emission of light above the horizontal plane. For the purpose of this Chapter, full cutoff fixtures are considered fully shielded.

Glare: means stray unshielded light in the field of view that is brighter than the level to which the eyes are adapted, and may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; (d) reduced visual acuity.

Installed: means set up or put in place.

Kelvin (K): means the color temperature scale used to describe the visual characteristics of various light sources. It is measured in degrees on a Kelvin scale (K) and typically ranges from 2000K (warm) to 5000K (cool).

Lamp: See "bulb".

Light Pollution: means any deleterious effect of artificial light including, but not limited to, glare, light trespass, sky glow, excessive or unnecessary lighting, or any artificial light that might be disruptive to the natural environment.

Light Trespass: means light falling from one property onto an adjacent or nearby property, or onto the public right-of-way.

Lumen: means the international unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture. For the purposes of this code, measurements in lumens shall refer to "initial lamp lumens" as rated by the manufacturer when the lamp is new, as listed on the packaging.

Luminaire: see "fixture".

Lux: means the international unit used to measure the amount of light striking a surface. If this unit is used, please divide by 10.76 to convert to Foot Candles.

Motion Sensor: means a device that detects physical movement within the sensors local environment and activates a light that is extinguished by a timer.

Mounting Height: means the vertical distance from the existing grade or average elevation of the finished grade of the surface being illuminated to the lowest light emitting point of the fixture.

Nonessential Lighting: means lighting which is unnecessary for pedestrian passage or other visual tasks and therefore is not generally useful (i.e., decorative, architectural, and landscape lighting). This includes lighting intended for a specific task or purpose when that task or purpose is not being actively performed, such as parking lot illumination

Opaque: means any material that prevents light from passing through (i.e. impenetrable to light).

Outdoor Lighting: means temporary or permanent lighting equipment installed outside the building envelope, whether attached to poles, building structures, the earth, or any other location. For the purpose and intent of this code, fixtures that are installed indoors and are intended to light something outdoors are considered outdoor lighting.

Replacement: means the installation of a new lighting fixture or luminaire in place of a pre-existing fixture. Replacement does not mean the changing of light bulbs or lamps with same or lower output. All replacements must comply or continue to comply with this Chapter.

Seasonal Lighting: means temporary lighting installed and operated in connection with holidays, traditions, or local festivals.

Shield or Shielding: means an opaque material or device that is attached to a lighting fixture to prevent light from being emitted in certain directions.

Sky Glow: means the brightening of the nighttime sky by diffuse, scattered light from artificial light sources reducing the ability to view features of the night sky.

Street Lighting: means permanent outdoor lighting that is owned and maintained by a municipality or other public agency or private enterprise and is specifically intended to illuminate streets and highways for automotive vehicles and may also incidentally light sidewalks and adjacent private property.

Temporary Lighting: means lighting which is intended for uses which by their nature are of limited duration, such as civic events or construction projects, and will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension.

Unshielded: means lighting fixtures capable of emitting light in any direction.

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

15.17.040 -Authority:

The City of Port Orford and such designees as shall be appointed by City Council shall have the authority to require new lighting and existing lighting meet the provisions of this code.

15.17.050 - Applicability:

- A. General. The provisions of this code apply to the construction, alteration, movement, enlargement, replacement, and installation of outdoor lighting throughout the City of Port Orford.
- B. Application of Code. The standards and requirements of this code are applied in all zones of the City of Port Orford as follows:
 - 1. All existing lighting that fails to comply with this code at the time of its enactment shall mitigate the non-conformance through shielding or capping of the offending light within one hundred and eighty (180) days of the effective date of this chapter.
 - 2. If mitigation cannot bring the offending lights into complete compliance with this chapter, the lights must be capped, moved, relocated, or replaced resulting in compliance within five (5) years of the effective date of this chapter.
 - 3. Any construction or development which requires permitting of any kind, must be in compliance with this chapter at the time the application for the permit is filed. The City of

Port Orford will not sign, nor administer, any permitting process without proof of compliance.

- C. Other Laws. Where any provision of federal, state, county, or city statutes, codes or laws conflicts with any provision of this code, the most restrictive shall govern. Where there is a conflict between the general requirements and a specific requirement, the specific requirement shall apply unless otherwise regulated by law.

15.17.060 - General Requirements:

- A. The maximum lumens of any lamp shall not exceed 1,700 lumens.
- B. The color temperature of all lamps shall not exceed 2,700K.
- C. Lighting fixtures shall be fully shielded or full cutoff fixtures.
- D. Direct or indirect illumination shall not exceed 0.2 foot candles upon abutting lots in residential use as measured at the property line.

15.17.070- Non-Residential Lighting Requirements:

- A. Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
 - 1. Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave. Light shall be constrained to no more than 85° from vertical.
 - 2. Lights shall not be mounted on the top or sides (fascia's) of the canopy/eave and the sides (fascia's) of the canopy/eave shall not be illuminated.
- B. Exterior Display and Sales Areas. Lighting levels on exterior display and/or sales areas shall be adequate to facilitate the activities taking place in these locations. The site plan shall designate areas to be considered display/sales areas and areas to be used as parking. These designations must be approved by the City.
 - 1. Each area designated as an exterior display and/or sales area shall be considered separately.
 - 2. Lighting fixtures shall be full cut-off fixtures.

3. Fixtures shall be mounted no more than twenty (20) feet above grade.
4. Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
5. Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.

C. Parking areas. Parking area lighting shall provide the minimum lighting necessary to ensure adequate vision in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

1. All lighting fixtures serving parking areas shall be full cut-off fixtures.

D. Security Lighting

1. All security lighting fixtures shall be fully shielded, comply with lighting standards, and be directed only onto the designated area, and not illuminate other areas.
2. Sensor activated security lights shall be automatically turned off within five (5) minutes after being activated if no additional motion, light, or infrared radiation is detected.
3. Residential security lights shall not be installed or attached to public utility or streetlight poles.

E. Lighted signs. All lighted signs must comply with general requirements of this chapter. Non-compliant signs must be turned off by 8pm.

15.17.080 - Public Lighting Standards:

The following additional standards shall apply to all public and semi-public uses.

- A. All lighting fixtures shall be full cut-off fixtures.
- B. Where illumination is provided, lighting of parks or open space shall have a maximum mounting height of 20 feet, minimum illumination level of 0.3 foot-candles, maximum illumination level of 1.3 foot-candles, and color temperature not to exceed 2,700K.]

1. The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, shall determine whether off-street walking and bike trails built in accordance with the Parks and Recreation Master Plan, are required to be illuminated in accordance with the standards above.
- C. Rustic trails built in accordance with the Parks and Recreation Master Plan shall not be illuminated.
- D. The following shall apply to lighting of pedestrian walkways in non-residential zones and multifamily developments:
1. If pedestrian walkways are adjacent to illuminated parking areas, public rights-of-way or common open space this standard shall be met without the need for additional lighting if the ambient lighting meets the illumination levels specified in 15.17.080.B, above.
 2. Pedestrian walkways between parking areas and buildings or adjacent to dwellings and off street multi-purpose pathways shall use bollard lights with a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.2 foot-candles, and a maximum color temperature of 2,700K.
 3. The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, may require off-street walk and bike trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan to be illuminated in accordance with the standards of Section 15.17.080.B, above.
 4. Rustic trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan shall not be illuminated.

15.17.090 - Street and Highway Lighting Standards:

- A. All lighting fixtures shall be level mounted and eighty-five degrees (85°) full cutoff type fixtures.
- B. Maximum color temperature shall not exceed 2700K.
- C. Luminaires shall be mounted at a height of 30 feet or less.
- D. All street and highway lights shall meet the following standards for average horizontal illuminance:

ZONES	Average horizontal illuminance in foot candles (fc)
Residential Zones	.2-1.2 fc
Hwy 101, including intersections and crosswalks	.9-1.2 fc

15.17.100 - Prohibitions:

Any light source that does not meet the standards and requirements of this Chapter is prohibited. In addition to nonconforming lighting, the following lighting is specifically prohibited:

- A. Laser Light Source. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.
- C. Blinking and Flashing Lights. Any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited, except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights.
- D. Externally Affixed Neon Lighting. Externally affixed neon lighting is prohibited except as a trim element that surrounds windows, doors, or building edges when located on building facades that face street frontages. Such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line or to attract business; and such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Port Orford Sign Code.
- E. Bottom Mounted Sign Lighting. Sign lighting attached to the sign structure is prohibited.
- F. High Intensity Lamps and Fixtures. The use, installation, sale, offer for sale, lease, or purchase of any high intensity lamp for use as outdoor lighting is prohibited.
- G. Lighting within the public right of way or easement when the purpose of the fixture is to illuminate areas outside the public right of way or easement

15.17.110 - Exemptions:

The following are not regulated by this Chapter:

- A. Lighting for public monuments and statuary. No exemption shall apply to light directed upward.
- B. Temporary lighting for theatrical, television, performance areas, and construction sites.
- C. Holiday lighting during the months of November, December, and January provided such lighting does not create glare on adjacent streets or adjacent or nearby properties.
- D. Lighting that is only used under emergency conditions.
- E. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties.
- F. Lighting specified or identified in a temporary use permit.
- G. Lighting required by federal or state laws or regulations.

15.17.120 - Acceptance:

The applicant shall, by signing the permit application, agree to comply with the provisions of this Chapter, a copy of which shall be provided with the application packet.

15.17.130 - Enforcement, Abatement, and Penalties:

Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged, however, whenever such disputes cannot be resolved between parties, a citizen may lodge a complaint at City Hall. Any peace officer, as defined by ORS 161.015, the Director of the Public Works Department, or any other individual who may be designated by City Council shall enforce this Chapter.

Unlawful acts. It shall be unlawful to erect, construct, alter, extend, repair, move, remove, install, use, or demolish any outdoor lighting in violation of this Chapter, or in violation of a detail statement or a plan approved hereunder, or in violation of a permit issued under the provisions of this chapter.

Notification and Order. The City Council, the Director of the Public Works Department, or any other individual who may be designated by City Council shall verify the facts of the complaint, and if the

complaint is deemed legitimate, issue a Notice of Violation and Order for Abatement. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The property owner or authorized agent of the owner shall comply with the requirements of the notice of violation within the time period given, not to exceed 30 days.

Penalty. Any violation of this Chapter, or any portion of this Chapter not abated within the specified time period, shall be considered a Class C violation.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 15 312-071-549th day of July 2021 and effective the 17th day of August, 2021 by the following vote:

DATED the 15th day of July 2021

Passed or Failed by the following Roll Call Vote

Yes: _____

No: _____

Passed _____ Failed _____

Mayor Pat Cox

ATTEST:

Jessica Ginsburg, City Recorder, protem

RESOLUTION 2022-01

**A RESOLUTION OF THE *COMMON COUNCIL OF THE CITY OF PORT ORFORD*,
TO CHANGE THE AUTHORIZED SIGNATORY FOR THE CHECKING AND
SAVINGS ACCOUNTS WITH ROUGE CREDIT UNION**

WHEREAS, the Rogue Credit Union is designated as the depository of the City of Port Orford;
and

WHEREAS, the authorized persons listed for the City of Port Orford accounts require updating
based on the resignation of David Johnson and new City Administrator Jessica Ginsburg

WHEREAS, the following outgoing David Johnson need to be removed from the signature
card; and

WHEREAS, the newly appointed City Administrator Jessica Ginsburg, be added to the
signature card,

NOW, THEREFORE,

BE IT RESOLVED the *Common Council of the City of Port Orford* approves the actions
needed to update the authorized persons listed for the City of Port Orford accounts with Rogue
Credit Union.

Approved by the *Common Council of the City of Port Orford* and effective this 15th day of July
2021.

Pat Cox, Mayor

ATTEST:

Jessica Ginsburg, City Recorder

Recommendation to City Council

From

Planning Commission

TO: Major and City Council
From: Port Orford Planning Commission
Date: July 7, 2021
Subject: Appoint Tim Rossi to the Planning Commission

It is the recommendation of the Port Orford Planning Commission that Tim Rossi be appointed to the Port Orford Planning Commission. (see attached application)

APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

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

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

Name: TIM ROSSI

Mailing Address: PO Box 1130, Port Orford

Physical Address: 455 5th St., Port Orford

Home Phone: cell: 925-872-1684 Work Phone: _____ Fax: _____

E-mail: timrossi@gmail.com

Current Employment: Retired

Your area of interest: _____

Your area of expertise: _____

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

Previous service in this appointed position of a similar position _____

Other volunteer activities _____

Does your schedule allow you to attend?

Daytime Meetings yes no Evening meetings yes no

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

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

Additional comments: please see attached

Date: 6/5/21

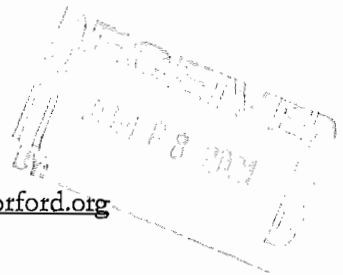
Signature: Tim Rossi

Please return to:
City of Port Orford
P.O. Box 310
Port Orford, OR 97465

Phone: 541-332-3681

Fax: 877-281-5307

richards@portorford.org



My name is Tim Rossi, I am applying for appointment to the Planning Commission in the City of Port Orford.

I've read the Comprehensive Plan and have a grasp of the goals defined in that document. Two phrases stand out to me-

- ensure orderly efficient growth
- provide for an orderly and efficient transition from rural to urban use

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

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

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

Thank you for your consideration of this appointment.

A handwritten signature in black ink, appearing to read 'Tim', with a long horizontal stroke above the letters.

City of Port Orford
P.O. Box 310, Port Orford, OR 97465
(541) 332-3681


CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

Licensee Information:

Date: 6/30/21

Name: Coast Community Health CTR Phone #: 541-655-0104

Address: Tichenor St Signature: 

Property location:

Street location: Tichenor Assessors Map: 3315-05A1 Lot#: 600601

Description of Improvements: Attach Drawings / Plans if available:

Right away permit. Concrete Sidewalks spanning the length of the Health CTR.

Agreements:

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street Improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. **HOLD HARMLESS CLAUSE:** The licensee agrees that their performance under this license is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this license and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the license holder would be liable hereunder.
8. If applicant disagrees with the action of City Staff, an appeal may be filed with the City Council within 14 days of the action, or the decision becomes final.
9. Criteria that will be used to evaluate proposed right of way use:
 - A. Potential Impact on existing utilities (water, sewer, storm water, etc.) including potential future maintenance requirements for those utilities.
 - B. Will the proposed use negatively impact visibility for traffic on adjoining roadways?
 - C. Are there any other potential public safety concerns?
 - D. Will the proposed use be likely to create negative visual impact on adjoining properties?
 - E. Will the proposed use impact any other existing uses?
 - F. Is granting the ROW usage license in the public interest?

8C-1

OFFICE USE ONLY

Public Works Review

Name: _____ Title: _____ Date: _____

Recommendation: Approve: _____ Approve with conditions: _____ Deny: _____

Conditions: _____

Police Department Review

Name: Hank Hubbard Title: Chief Date: 06-30-21

Recommendation: Approve: X Approve with conditions: _____ Deny: _____

Conditions: _____

City Administration Review and Final Decision

Name: _____ Title: _____ Date: _____

Approved: _____ Approved with conditions: _____ Denied: _____

Conditions: _____

If Applicant disagrees with City Administration Review and Final Decision, the matter may be appealed to the City Council. Appeals must be in writing and requested within 30 days of the final administrative decision, or the decision becomes final.

In order to have standing to appeal, you must be the applicant, an adjoining property owner, or and an adversely affected citizen of the City of Port Orford.