

**CITY OF PORT ORFORD  
HYBRID SESSION OF THE COMMON COUNCIL  
THURSDAY, DECEMBER 16, 2021 AT 5:30 P.M.**

**AGENDA**

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1. **Call to Order**
2. **Additions to the Agenda**
3. **Presentations to Council/Citizens**
4. **Consent Calendar**
  - a. Approve Minutes November 18, 2021 (Pg 1-12)
5. **Citizens' Concerns (Speak Only for Old & New Business Items on the Agenda)**
6. **Departmental Reports-**
  - a. Public Works (Pg. 13-14)
  - b. Administration (Pg.15-22)
  - c. Finance (Pg. 23-24)
  - d. Planning (Pg. 25-26)
  - e. Liaison (Watershed pg. 27-54)

Fire District- Garratt	TLT- Pogwizd	Watershed- LaRoche	Health- Burns
Port- Cox	Parks- Tidey	Emergency Mgmt.- Burns	
School District- Kessler	Main Street- Burns		
7. **Old Business**
  - a. Seasonal Gas Tax (Pg. 55-68)
  - b. Vacation Rentals- Workshop Date (Pg. 69)
  - c. A-Frame Discussion for Arts and Parks- Letter to not renew lease from Arts Council (Pg. 70-78)
  - d. Water Curtailment Ordinance 2022-04- Draft Review 2 (Pg. 79-87)
  - e. Water Infrastructure Funds Update (Pg. 88-98)
  - f. TLT Grant Approval Follow up from July 2020- Main Street Mural (Pg. 99-106)
8. **New Business**
  - a. TLT Committee Appointment- Laurie Prouty (Pg. 107)
  - b. Department of Revenue Agreement for Citation Collections (Pg. 108-111)
  - c. Dark Sky Enforcement, abatement and penalties (Pg. 112-114)
  - d. Opening Up the Legion Hall and Community Building (Pg. 115-124)
9. **Considerations**
  - a. Citizen
  - b. Staff
  - c. Councilor
  - d. Mayor
10. **Future Meetings**

Thursday, January 21, 2022, Regular Council Meeting 5:30 Hybrid
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.

**City of Port Orford**  
**City Council Special Meeting**  
**In the Gable Chambers / Virtual participants**  
**Thursday, November 18, 2021 at 5:30 P.M.**

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Tim Pogwizd, President</i>	X	<i>John Isadore, Public Works</i>	Excused
<i>Lorrin Kessler</i>	X	<i>Chief Hobart, Police</i>	
<i>James Garratt</i>	X	<i>Planner Crystal Shoji</i>	
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Planning Commissioner Stetson, Planning Commissioner Thelen, Planning Commissioner Rinehold, Representative Brock Smith, Joy May, Kathy Boden and John Shipp, Ann Vileisis, Bret Cecil, Tim Palmer, Joetta Lawrence, Vicki O’Shaughnessy, John O’Shaughnessy, Penny Suess and Dana Gurney, Eric Oberbeck, Dave Bassett, Steve Lawton, Kim Foster, Ogden Kellog Jr., Deanna Brennan, Cheryl Gorn, Summer Matteson, Richard Lathrop, Laurie Prouty, Tom Calvanese, Monica Ward of Curry County, Paul Hewitt, Andy Mehlovitch.

**1. Call to Order**

President Cox called to order this Meeting of the Common Council on Thursday, November 18, 2021, at 5:31 p.m.

**2. Additions to the Agenda:** None. The executive session will be rescheduled for December 1.

**3. Presentation to Council / Citizens:** None.

**4. Consent Calendar**

**a. Approve Minutes October 21, 2021:** Councilor Burns moved to approve the minutes for the October 21, 2021, council meeting with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: None.

*Councilor Garratt      Yes      Councilor LaRoche      Yes      Councilor Burns      Yes*  
*Councilor Kessler      Yes      Councilor Tidey      Yes      Councilor Pogwizd      Yes*

**5. Citizens’ Concerns:**

Paul Hewitt addressed three condemnation notices delivered to three addresses in Port Orford that were signed by the county building inspector. He stated the notices cited the incorrect code and feels the proper protocol would be to deliver a certified letter before the condemnation notice is posted on the building. He would like to know if there were actual citizen complaints on the properties, one being 356 7<sup>th</sup> Street.

4  
5 Gary Robertson, resident of the Port Orford urban growth boundary addressed the planning  
6 process and zoning regulations being proposed. He would like the council to get more input  
7 from associated professionals regarding building heights and vacation rentals rather than just  
8 looking at how other cities have handled zoning and ordinance changes.

9  
10 **HEARING ORDINANCE 2022-03 BUILDING HEIGHT AMENDMENTS**

11 A history of the ordinance changes in building height amendments was reviewed by Mayor Cox.  
12 The Planning Commission submitted recommendations to City Council for consideration.

13  
14 **Staff Report:** Planner Crystal Shoji presented the staff report for height amendments 2022-03.  
15 Attachment A1 in the packet are the Planning Commission code amendment recommendations.  
16 Planner Shoji explained the Planning Commission has 11 exhibits and the order they were  
17 received. Planner Shoji advised hearing members that the information from the Port Orford  
18 Comprehensive Plan is in italics. Other information provided is not.

19  
20 Chapter 1740 from the Port Orford municipal code outlines how the city does their zoning and  
21 the comprehensive plan. It states an amendment can be initiated by the city council, planning  
22 commission or by application of a property owner or property owners. The process was  
23 described.

24  
25 Section 1740.040 outlines criteria for text or map amendment. This is a text amendment only.  
26 There is no change to the zoning map. The text amendment must comply with Port Orford's  
27 Comprehensive Plan goals and policies. The Planning Commission must support their  
28 recommendations with materials showing support.

29  
30 Statewide Planning Goals outline citizen involvement. This is reviewed with councilors.  
31 Statewide Planning Goal 9 addressed economic development. The Planning Commission  
32 determined the height restrictions recommended are appropriately supporting economic  
33 development.

34  
35 Planner Shoji outlined that the Planning Commission referred to Look to the Future for their  
36 amendments.

37  
38 Planning Commission recommendations:

- 39 1) City Council public hearing is a de novo hearing, meaning the council has the authority to  
40 consider all new information.  
41 2) City Council may adopt, amend, or deny the proposed text amendments presented in  
42 proposed ordinance 22-3 including the illustration provided to illustrate two different  
43 height limitations within the Marine Activity Zone.  
44 3) City Council may adopt, amend, or deny any or all of the above findings in order to  
45 approve findings that are consistent and support their decision.

- 4 4) City Council can make their decision at this meeting and make any adjustment to the  
5 findings that have been recommended by the Planning Commission.
- 6 5) City Council may ask the staff to come back at the next City Council meeting or another  
7 meeting to support a different decision or different decisions than the one recommended  
8 by the Planning Commission.
- 9 6) City Council can carry over the public hearing or close the public hearing for anymore  
10 testimony and make a recommendation today or at another meeting. Any carryover  
11 meeting needs to be set to a specific date.
- 12 7) Definitions:
  - 13 a. The word building has been changed to the word structure. A building is a structure,  
14 but a structure is not necessarily a building.
  - 15 b. Public: Open to and shared by the citizens of Port Orford for their use and owned,  
16 leased or funded by public sources by operations overseen by the city, county or state.
- 17 8) Zone 4C, Commercial – Recommended building height limitation is 35 feet.
- 18 9) Zone 5I, Industrial – Recommended building height limitation is 35 feet.
- 19 10) Zone 7MA, Marin Activity – This zone contains two different height limitations due to  
20 topography. Planning recommended 45 feet in the lower part of the zone and 35 feet on  
21 the upper level of the zone to comply with neighboring lots.
- 22 11) General Exceptions:
  - 23 a. The section describing the *larger plot of property you own, the higher the height*  
24 *restrictions allowed* has been removed from the proposed ordinance.
  - 25 b. Public tsunami evacuation structures have been better defined with the addition of the  
26 word “public.”

27  
28 Councilor Garratt encouraged a definition for “stories” as in levels of a building added to the  
29 ordinance. General definition is basement and attic. He questioned why building was changed to  
30 structure in the context but not in the titles.

31  
32 **Public Testimony:** Public testimony was opened by Mayor Cox.

33 **Pamela Berndt**, Port Orford resident and Planning Commissioner, attested to a vast amount of  
34 research that went into the building height ordinance amendments. Planning Commission  
35 findings over the course of more than a year led commissioners to pass the ordinance 2022-03  
36 onto the City Council for approval. She urged the City Council to vote yes on ordinance 2022-03  
37 as presented today.

38 **John and Vicki O’Shaughnessy**, Port Orford residents, supports ordinance 2022-03 and  
39 strongly urged the City Council to approve it as written. They would like the town kept as is.

40 **Jerry Boydston**, Port Orford resident, lives in a two-story house built 2-1/2 years ago. He  
41 supports the adoption of this ordinance and feels it will not restrict building height to where a  
42 two-story house cannot be built.

43 **Tim Palmer** supports the ordinance for the following reasons: 1) There has been a lot of review.  
44 2) Many towns have this, and it works out well. 3) Creative design can solve problems that might  
45 come up because of the limit. 4) This is good for the town and good for him personally, because  
46 it protects his own property values.

4 **Sara Lovendahl**, Port Orford resident expressed appreciation to the mayor, city council  
5 members and staff for their hard work and dedication in consideration of this ordinance. She  
6 outlined the history of her support and the actions some citizens took in support of the ordinance  
7 amendment of building heights. She feels it is evident the community supports ordinance 2022-  
8 03. Ms. Lovendahl delivered a comment from Sharon Rock who could not attend virtually.  
9 Sharon asked councilors to vote yes on ordinance 2022-03 as written. Ms. Lovendahl seconds  
10 her comment.

11 **Joy May**, Port Orford resident, advised the building height amendments are not unique to Port  
12 Orford. Communities everywhere are looking for a balance between offering growth and  
13 opportunities for their citizens while still protecting and honoring the unique environments in  
14 which they live. She feels the two goals are compatible. She believes ordinance 2022-03  
15 achieves that balance. She urges the city council to vote yes on this very important ordinance.

16 **Cathy Boden**, Port Orford resident, expressed appreciation to the city council and mayor for  
17 their tireless work put into making the town a better place. She feels the small-town ambiance  
18 and natural beauty makes Port Orford special. She owns a long-term rental in Port Orford and  
19 has lived in Port Orford for 20 years. She asked city council to follow the recommendation of the  
20 planning commission and support ordinance 2022-3.

21 **Ann Vileisis**, Port Orford resident, strongly supports the ordinance and urged councilors to pass  
22 it as written. She submitted a written testimony, which provided a lot of reasons why the  
23 important ordinance is needed in this community. She provided a timeline showing how long the  
24 community has been discussing this idea. She applauds the councilors leadership in this robust  
25 process as well as the Planning Commission work. She feels the 35-foot building limitation will  
26 address important concerns, bring the town into line with other coastal cities and their height  
27 ordinance and will preserve what makes Port Orford special. She feels it will help Port Orford  
28 better plan for future growth so it does not get ahead of the capacity of what the water and sewer  
29 infrastructure can handle.

30 **Dave Bassett and Eric Overbeck**: Eric Overbeck, past county commissioner, complained that  
31 the audio on the virtual meeting is not good for him. Mr. Overbeck is a long-time resident of  
32 Curry County. He has a financial interest in a commercial building on Highway 101. He feels  
33 the city is rushing on the building height amendments without doing it properly in a live meeting  
34 where property owners are given a chance to address their concerns. He feels the GoTo Meeting  
35 is not working very well. He respects the hard work commissioners and councilors are doing. He  
36 considers what the city is doing is ill advised. He feels it is a taking and does not do anything to  
37 unify the city but divides the city further. He feels a lot of those that are voicing support for this  
38 ordinance are trying to protect their own investment. He feels this plan does not support future  
39 industrial growth and does not support affordable housing. In the aspect of an investor, if he  
40 were to buy a piece of commercial property in Port Orford he would have to consider his rate of  
41 return on investment. By limiting the footprint and height on commercial property, the city  
42 removes any chance of making an adequate return on investment. As a parent, he has two  
43 children that would love to live in Port Orford, but they need a job and this limits their  
44 opportunity to not only build or develop a business in Port Orford, but to also find an affordable  
45 place to live. He stated this was started by people who built their homes in a commercial zone  
46 and are now trying to protect their investments. The statements stating that Port Orford cannot

4 provide fire support for a 45-foot-tall building and a big development will use up all water  
5 resources and change the smalltown atmosphere and smalltown look of Port Orford are  
6 disingenuous. Large commercial buildings have to have built-in fire suppression systems. He  
7 appreciated Councilor Garratt's statement defining a story. Stories need addressed.  
8 Dave Bassett addressed multiple emails he has sent and asked councilors to read them carefully.  
9 He addressed an email from Mae Wang regarding tsunami evacuation and vertical and asked  
10 councilors to read that carefully. He encouraged City Council to not act on this ordinance  
11 tonight, as it is not ready.

12 **Andy Meholovitch:** Port Orford property owner, expressed agreement with Eric Overbeck. Mr.  
13 Meholovitch does not support this ordinance, as he would like to see growth in his property. He  
14 has friends that were possibly going to bring a lot of money to this area, but it appears that is less  
15 likely. He stated councilors live in a house higher than the ordinance limitations and are voting  
16 on the ordinance, which not make any sense.

17 **Steve Lawton,** Port Orford resident, urged City Council to adopt proposed ordinance 2022-03 as  
18 written without amendments. He sees that this is not a no-growth ordinance but a well-planned  
19 approach to growth. He feels it protects livability and unique character of the community. It is  
20 consistent with the vision expressed by local residents in the Looking to the Future report. He  
21 feels it helps reduce fire risk and reflects the limited capacity of the water infrastructure. He feels  
22 it takes into consideration the real risk of earthquakes and tsunamis. He encourages a yes vote as  
23 written.

24 **David Brock Smith,** Representative and city resident, has spent 20 years to manage growth in  
25 Port Orford. He helped draft "Looking to the Future" passed in 2006. He has had success in  
26 bringing Oregon state dollars to Port Orford and the city of Powers. The state legislature passed  
27 money for affordable housing, and he is attempting to bring some of those dollars to the  
28 community. In a broader view, the community needs jobs and economic development associated.  
29 He agrees with Mr. Overbeck that this ordinance change does not meet Statewide Planning goals  
30 9 and 10. In order to build affordable housing, you have to build up and not out. He was on the  
31 city council when City Council tried to pass a 15-million-dollar infrastructure package to replace  
32 the failing water system. It failed by a few votes. He addressed the 530 million dollars coming to  
33 Oregon for water infrastructure funding from the federal government. He is willing to work with  
34 council to get some funds to assist in the water system; however, it is difficult for Representative  
35 Brock Smith to advocate on behalf of Port Orford while the city is trying to diminish economic  
36 develop in the community. It is difficult for him to go to his colleagues and ask for resources at a  
37 location that is reducing the potential opportunity to bring in investments that can assist with the  
38 overall cost with water and sewer infrastructure. He feels a larger hotel with 60 plus rooms is  
39 needed to attract more people to the community. As the city restricts vacation rentals, people will  
40 need places to stay. He stated families with children are needed in town to get the resources  
41 needed to pay for the schools. Representative Brock Smith suggested Port Orford desperately  
42 needs to engage professional services when making these ordinance changes. He advised City  
43 Councilor to not move forward with this ordinance and to hire professional services to give  
44 recommendations on how to move forward, so that when he goes to advocate for the resources to  
45 help Port Orford's failing infrastructure, he can show they are not trying to diminish investments  
46 in Port Orford but are trying to attract investors that will help pay for the infrastructures.

4 **Gary Robinson**, EDOBA, has been involved in this process since it first began over a year ago.  
5 As a residential and commercial designer, he can adapt to regulations as presented. He sees  
6 flaws in the ordinance amendments. He addressed the difference in building heights on flat lots  
7 versus sloped lots. He described view angles, which are not drastic. As an example, the viewing  
8 angle changes 5.7 degrees from a 35-foot building to a 45 foot building. Commercial buildings  
9 require different infrastructure such as higher ceilings. People might develop their property going  
10 wider, taking up most of the lot and going up to 35 feet, which might make much more of an  
11 impact to adjacent landowners. Building tall rather than wider is more cost effective. He  
12 addressed technical issues, such as the definition of how the true height of a building is decided.  
13 The language in the ordinance on 1R and 2R zones limits to 2 stories. There needs further  
14 research due to his believed errors and omissions in the ordinance as written.

15 **Bret Cecil**, Port Orford resident, expressed appreciation to councilors and the Planning  
16 Commission for their work in this ordinance. He introduced himself as a member of the Curry  
17 County Indivisible Chapter and Chair of the democratic party in Curry County. As a builder, he  
18 has dealt with steep slopes, height limitations, and variations and stated everything can be done.  
19 He thinks it is important to protect the character of the city. He feels that a 35-foot building  
20 height restriction is a reasonable compromise. He suggested working with David Brock Smith to  
21 get some federal money coming from the infrastructure bill to accommodate building and  
22 growth.

23 **John Shipp**, Port Orford resident of 22 years, moved here for the small-town atmosphere. He  
24 supports the ordinance hoping to keep the town the way it is now.

25 **Steve Montana**, Port Orford resident, agrees with those supporting the ordinance and supports  
26 the ordinance as written and strongly urges City Council to approve as written.

27 **Joetta Lawrence**, Port Orford resident, supports the ordinance as written.

28 **Kasi Folden**, Port Orford resident, agrees Port Orford should grow; however she would like it to  
29 grow within the boundaries of the charm and personality it has today. She strongly recommends  
30 the City Council approve ordinance 2022-03. She addressed the GoTo Meeting challenges  
31 people have spoken of, stating she is well over 80 years old and feels if she can successfully  
32 attend the GoTo Meeting about everyone else probably can also.

33 **Mark Eason**, new Port Orford resident, strongly supports the ordinance as written.

34 **Barney Eredia**, Port Orford resident, previously lived in Santa Cruz where properties are all on  
35 steep hills. Under this ordinance structures would not be able to be built thus not providing  
36 housing for the community. He heard that people have been speaking about protecting their own  
37 view, not for the benefit of the community but for themselves. He feels this issue has created  
38 some polarization in the community. Opposers are concerned with issues that need addressed  
39 prior to passing the ordinance. He suggested the city table the ordinance and get more  
40 information on the issues people are concerned about in order to address them properly. He feels  
41 this would help the city avoid litigation that could occur if ordinance passes as is. Mr. Eredia  
42 expressed his appreciation to Mayor Cox for responding quickly to his comments in writing and  
43 to all of the council members who are volunteering because they love Port Orford.

44 **Paul Hewitt**, Port Orford resident, addressed the change in verbiage from buildings to structures  
45 puts the electricity poles and phone towers taller than the building height recommendations,



4 which might result in lost services. He suggested tabling the ordinance until the verbiage is  
5 correct. He feels limiting housing heights limits property values.

6 **Jennifer Head**, Port Orford resident, read a self-prepared written statement. She supports the  
7 ordinance to protect the small community atmosphere. She referred to the document, Looking to  
8 the Future and reviewed its content written 15 years ago. She feels the community support of the  
9 building height ordinance is overwhelming. She feels the value of Port Orford is not linked to  
10 building heights or property values but is the unique character and livability. She strongly urges  
11 City Council to pass proposed ordinance 2022-03 as written.

12 **Tom Calvanese**, Port Orford resident, spoke in echo of Jennifer Head. He agrees with the  
13 importance of the ordinance and appreciates the work put into the ordinance. He speaks in  
14 support of ordinance 2022-03 as written and without amendment. He added that job concern  
15 should be considered. Jobs in the marine sector are sometimes called blue sector jobs. He spoke  
16 of a wage disparity between jobs related to tourism and jobs related to the new blue economy,  
17 which are more technical jobs and more advanced training jobs. Those actually bring a living  
18 wage to the job holder. There is some significant blue economy redevelopment work underway  
19 currently at the Port of Port Orford. Mr. Calvanese expressed appreciation to Representative  
20 Smith for his assistance in acquiring the state match necessary to secure an investment from the  
21 Economic Development Administration in the amount of 15 to 20 million dollars. Mr. Calvanese  
22 encourages councilors to embrace the work that needs to be done to ensure the safety of the  
23 residents and visitors of Port Orford in the event of a major earthquake and tsunami. The notion  
24 of a tsunami vertical evacuation structure has been presented to the city. Mr. Calvanese provided  
25 documents for councilors review.

26 **Aimee Munford**, Port Orford 4-year resident, spoke of her family and how they love Port  
27 Orford as it currently is with its charm and ambiance. She encouraged councilors to approve the  
28 ordinance as written. She does not want to see any change in the city.

29 **Laurie Prouty**, Port Orford resident, spoke in favor of the ordinance and to keep it as it is.

30 **Court Boyce**, Commissioner, addressed three issues that he will be spending a tremendous  
31 amount of time on during his second term: 1) Fire awareness, 2) Housing, 3) Water  
32 infrastructure. The water issue is not limited to Port Orford. There is a lot of money coming  
33 available that he will work with David Brock-Smith to benefit Port Orford. He recites history  
34 stating there has never been a culture, avoid poverty, that lost the middle class. In that sense,  
35 small rural communities can lose quality of life, good schools and public safety; which is why  
36 housing is an important issue. He encouraged a delay on this ordinance, as anything that might  
37 be averse to workforce housing and middleclass home ownership should be considered by  
38 council. He expressed appreciation for the council's work and his time to speak.

39 **Cynthia Freeman**, Port Orford resident, expressed appreciation to councilors for their volunteer  
40 work and Planning Commission for their extensive work. She is impressed with the process. She  
41 feels living wages should be an important discussion. She encouraged councilors to vote yes on  
42 2022-03.

43

44 **Due to no additional testimony, Mayor Cox closed the public hearing at 6:57 P.M.**

45

46 **6. Department Reports**

- 4       **a. Public Works:** Written report was submitted by John Isadore. No deliberation or action  
5       needed.
- 6       **b. Administration:** TLT committee and grant application has been submitted to the city for  
7       this year, which will need council time. The water infrastructure funds will begin in  
8       spring to summer of 2022. An applicant has been approved for the utility  
9       clerk/receptionist job.
- 10       **c. Finance:** No report.
- 11       **d. Planning:** No report.
- 12       **e. Liaison:**
- 13       **Fire District** – Councilor Garratt reported the fire department is short staffed on  
14       personnel/volunteers.
- 15       **Port** – Mayor Cox reported the redevelopment update will be posted on the Port  
16       Facebook page.
- 17       **Schools** – Councilor Kessler was not able to attend the last meeting. No report.
- 18       **TLT** – Councilor Pogwizd advised that TLT is looking for volunteers for their  
19       committee.
- 20       **Watershed** – Councilor LaRoche introduced Linda Tarr. Linda Tarr updated on the  
21       watershed. She reported Dr. Stewart Reed, restoration biologist with Western Fishes did  
22       an evaluation of the city’s dam on Hubbard Creek and habitat above it for the possibility  
23       of mitigation to make lamprey passage possible. Return of the lamprey can keep the  
24       water clean. Funds from a grant that the Applegate Watershed Council obtained but did  
25       not need can cover the cost. Jessica will send the engineering plans for this project when  
26       available to Linda Tarr. This project will not interfere with the city’s use of the reservoir  
27       including dredging. Mayor Cox would like this topic added to the agenda for next  
28       meeting.
- 29       Linda Tarr reported that the Port Orford Watershed Council voted unanimously to urge  
30       the City Council to listen to and take into consideration the assessment of the city public  
31       works manager and administrator in regard to the efficacy of issuing new permits for city  
32       water service.
- 33       **Parks:** Councilor Tidey reported the Parks Commission did a walkthrough of Buffington  
34       Park. Six of the seven commissioners attended. The commissioners have developed a top  
35       10 list of projects for the year.
- 36       **Emergency Management** – Councilor Burns reported they are working on the education  
37       aspect. He met with Jessica and Monica Ward regarding the county emergency plan.
- 38       **Main Street:** Councilor Burns is now the Main Street liaison. Main Street would like to  
39       know if they will be representing the city for advertising as in the past. They publicize in  
40       magazines and shows. Councilors will deliberate next month and clarify info with Main  
41       Street and new volunteers.
- 42       Main Street would like permission to paint their new design for Oregon Street where the  
43       pavement sign was paved over. Arts Council also has a design, and the public might want  
44       input. Conversation will have to be held prior to council deliberations.
- 45       Main Street would like to use a portion of the Visitor’s Center for storage and small  
46       office. Park Commissioners will meet with Main Street to better understand their need.

4 Redfish Rocks was contracted for Visitor’s Center use at one time. Tom Calvanese  
5 requested Parks meet with Redfish regarding this topic. City Councilors agree to delegate  
6 this topic to the Parks Commission by consensus.

7 **Health** – No report.

8  
9 **7. Old Business**

10 **a. Seasonal Gas Tax:** An example of the ordinance was provided to the councilors that is a  
11 business license angle of fees. Councilor Garratt suggested the city does not go the  
12 business license direction. It is not a recommended direction nor is it the state approved  
13 method. There is a state approved method, which would be the stronger way to go. The  
14 business license fee does not require a vote from the population; however, due process  
15 should be exercised with public involvement. Councilor Garratt encouraged councilors to  
16 go the route of an actual gas tax. The State of Oregon will administer the tax without  
17 hardships to the fuel stations. Councilors agree by consensus to avoid the business license  
18 method. Councilor Garratt reminded councilors that the Sate of Oregon has some  
19 regulations on what the tax is used for. The public will want to see a specific road benefit.  
20 Councilor Burns suggested three cents a gallon, which is an estimated \$9,000 a year in  
21 revenue. CA Ginsburg suggested adding it into this election in lieu of a special election,  
22 which costs more money. She will provide cost of adding this to the ballet next meeting.

23  
24 **b. Vacation Rentals:** Mayor Cox advised a workshop is needed to discuss directions to  
25 give to the Planning Commission. Councilor Burns suggested giving the residential part  
26 only to the Planning Commission allowing them to start studying.  
27 Councilor Burns moved to ask the Planning Commission to look into short-term vacation  
28 rentals in R1 and R2 zones with Councilor Pogwizd as second. **Motion carried 5-1.**  
29 Discussion: Councilor Garratt hesitates to give planning the ambiguous instructions while  
30 they still have not resolved their current item. He felt having a workshop prior would be a  
31 better direction.

32 *Councilor Garratt*     No     *Councilor LaRoche*     Yes     *Councilor Burns*     Yes  
33 *Councilor Kessler*     Yes     *Councilor Tidey*     Yes     *Councilor Pogwizd*     Yes

34  
35 **c. A-Frame Discussion:** The Arts Council has chosen to vacate the A-frame.  
36 Reimbursement is discussed. CA Ginsburg suggested charging Parks for the rental since  
37 the Arts Council made contract payments. Mayor Cox advised it is not appropriate since  
38 Parks is a city entity and the A-frame is a city property. Councilor Pogwizd is concerned  
39 about insurance coverage. CA Ginsburg stated there is a 7,000 to 8,000 dollar  
40 reimbursement due to the Arts Commission for their refurbishments and electricity.  
41 Councilor Burns stated the sum will need reworked since there are items Parks will not  
42 want. Councilor Tidey moved to table this pending additional information on  
43 reimbursements with Councilor Burns as second. **Motion passed 6-0.**  
44 Discussion: The motion is clarified that it is to table until there is more information on  
45 compensation. Councilor LaRoche asked for clarification on timing.

46 *Councilor Garratt*     Yes     *Councilor LaRoche*     Yes     *Councilor Burns*     Yes

4        *Councilor Kessler*        Yes        *Councilor Tidey*        Yes        *Councilor Pogwizd*        Yes  
5

6        **d. First Reading Ordinance 2022-03, Building Height Amendments:** The reading can be  
7        by title or in full. Following the reading, a motion is needed to move on to the second  
8        reading. Mayor Cox read the first reading by title.

9        Councilor Burns moved to pass ordinance 2022-03 onto a second reading with Councilor  
10        Tidey as second. *Motion carried 4-2.*

11        DISCUSSION: Councilor Garratt moved to table until the January meeting. Motion died  
12        due to lack of a second. Councilor Garratt stated there were serious verbiage issues. He  
13        recommended proceeding with severe caution. The definition of a story as used will  
14        restrict a house to a basement and attic. He feels it is an unrealistic expectation. He  
15        addressed concern by citizens that due process was not followed in that the mail-out was  
16        not received by some citizens. He feels that should be investigated before this vote  
17        continues. There are other technical issues, such as building on slanted ground. Councilor  
18        Pogwizd agreed with some items Councilor Garratt brought to attention. Mayor Cox  
19        reminded councilors they sent this ordinance to Planning suggesting 35 feet, not stories.  
20        Councilor Pogwizd agreed it was sent to Planning without outlining how many stories  
21        could be put into a structure so long as it met the height restriction. He is concerned about  
22        the 6000 square foot site plan review in the 10-MU. He questions the impact on  
23        economic development and affordable housing. Legal Council Kudlac reassured  
24        Councilor LaRoche that the ordinance is legal. Planner Shoji clarified that two stories is  
25        not something that is being added in this ordinance amendment. It was added to the code  
26        last year, thus is already in the code. She suggested that be changed now if councilors  
27        want it changed.

28        *Councilor Garratt*        No        *Councilor LaRoche*        Yes        *Councilor Burns*        Yes  
29        *Councilor Kessler*        Yes        *Councilor Tidey*        Yes        *Councilor Pogwizd*        No  
30

31  
32        Councilor LaRoche moved to continue the meeting past the time limitation with  
33        Councilor Tidey as second. *Motion passed 5-1.*

34        Discussion: Councilor Garratt needed to excuse himself from the meeting due to prior  
35        engagement.

36        *Councilor Garratt*        No        *Councilor LaRoche*        Yes        *Councilor Burns*        Yes  
37        *Councilor Kessler*        Yes        *Councilor Tidey*        Yes        *Councilor Pogwizd*        Yes  
38

39        **e. Second Reading Ordinance 2022-03:** Councilors agree for the reading to be read by  
40        title. Mayor Cox performed the second reading by title.  
41        Councilor Kessler moved to approve ordinance 2022-03 with Councilor Burns as second.  
42        *Motion carried 4-1.*

43        Discussion: None.

44        *Councilor LaRoche*        Yes        *Councilor Burns*        Yes        *Councilor Kessler*        Yes  
45        *Councilor Tidey*        Yes        *Councilor Pogwizd*        No

46        **8. New Business:**

4 a. **Water Curtailment Ordinance 2022-04-Draft Review:** A draft of the proposed  
5 ordinance has been reviewed by councilors. Mayor Cox identified on page 1, Hubbard  
6 Creek holding pond is identified but the tank needs added. Legal counsel Kudlac will  
7 review legalities of giving the authority to public works. Councilor Kessler would like the  
8 levels defined allowing curtailment. Mayor Cox stated council needs to define how they  
9 want to regulate, by multiple or by amount. Councilor Pogwizd is concerned that there  
10 already increasing block grants, which increased water as people use them. It appears that  
11 they are doing it again on top of what is there. Councilor Pogwizd read the portion stating  
12 that no person or customer shall sprinkle water or irrigate any shrubbery, trees, lawns,  
13 grass, ground covers, plants, vines, flowers, garden or any other vegetation. He does not  
14 agree that people cannot grow their own food. He is also concerned that a person cannot  
15 rinse his construction equipment just as a commercial fisherman can rinse his boat.

16 b. **TLT Committee Appointment – Steve Courtier:** Councilor Burns moved to approve  
17 the appointment of Steve Courtier to the TLT Committee with Councilor Pogwizd as  
18 second. *Motion carried 5-0.*

19 Discussion: None.

20 *Councilor LaRoche Yes Councilor Burns Yes Councilor Kessler Yes*  
21 *Councilor Tidey Yes Councilor Pogwizd Yes*

22 c. **Liquor License Approval – Mr. Ed’s:** Councilor Burns moved to approve the liquor  
23 license for Edward Houck with Councilor Kessler as second. *Motion carried 5-0.*

24 Discussion: None.

25 *Councilor LaRoche Yes Councilor Burns Yes Councilor Kessler Yes*  
26 *Councilor Tidey Yes Councilor Pogwizd Yes*

27 d. **Right of Way Usage License – 28 Geer Circle:** Councilor Burns moved to approve the  
28 right of way request for 28 Geer Circle with Councilor Pogwizd as second. *Motion*  
29 *carried 5-0.*

30 Discussion: This is approved by public works contingent on a line locate.

31 *Councilor LaRoche Yes Councilor Burns Yes Councilor Kessler Yes*  
32 *Councilor Tidey Yes Councilor Pogwizd Yes*

33 e. **Right of Way Usage License – 1080 Lake Shore Dr:** Councilor Burns moved to  
34 approve the right of way request on 1080 Lake Shore Drive with Councilor Kessler as  
35 second. *Motion carried 5-0.*

36 Discussion: This involves boring and was approved by public works contingent on a line  
37 locate.

38 *Councilor LaRoche Yes Councilor Burns Yes Councilor Kessler Yes*  
39 *Councilor Tidey Yes Councilor Pogwizd Yes*

40 f. **Approval of New Employee Manual –** Councilor Pogwizd moved to approve the new  
41 employee manual as written by CIS with Councilor Kessler as second. *Motion carried*  
42 *5-0.*

43 Discussion: None.

44 *Councilor LaRoche Yes Councilor Burns Yes Councilor Kessler Yes*  
45 *Councilor Tidey Yes Councilor Pogwizd Yes*

4 **g. Approval of Parks Commission Top Ten Goals:** Councilor Pogwizd moved to  
5 approve the top ten goals of the Parks Commission with Councilor LaRoche as second.  
6 **Motion carried 5-0.**

7 DISCUSSION: Mayor Cox asked Legal Counsel Kudlac if this will affect the Parks  
8 Master Plan. Legal Counsel Kudlac agrees the Master Plan and the goals need to be in  
9 unison. The Master Plan is the governing policy document for Parks Commission.  
10 Councilor Burns suggested the Parks Commission establish findings showing how the  
11 plan addresses the Master Plan. Councilor Pogwizd observed the top 10 goals appears to  
12 be maintenance for the most part.

13 **Councilor LaRoche** Yes      **Councilor Burns** Yes      **Councilor Kessler** Yes  
14 **Councilor Tidey** Yes      **Councilor Pogwizd** Yes

15  
16 **9. Considerations**

17 **a. Citizens:**

18 Steve Lawton expressed appreciation to the City Council for volunteering and listening to  
19 citizens. He supports the workshop to help define the issues around vacation rentals. Mr.  
20 Lawton complimented the work and thoroughness of the Planning Commission. He  
21 expressed the importance of addressed the water infrastructure.

22 **b. Staff:**

23 **c. Councilor:** Councilor Pogwizd expressed his appreciation to Parks and Planning  
24 commissioners.

25 **d. Mayor:** Mayor Cox addressed the process of receiving letters. He wants the public  
26 informed that the city is well aware of the water infrastructure concerns. He asked the  
27 water structure funding to be added to the agenda for the next meeting. Mayor Cox is  
28 concerned about the lack of enforcement of the Dark Sky Ordinance. Police Chief Hobart  
29 commented that the ordinance does not allow police participation. The complaints must  
30 go to city hall in writing.

31  
32 **10. Future Meetings**

33 **Wednesday, December 1, 2021, Executive Meeting.**

34 **Thursday, December 16, 2021, Regular Council Meeting 5:30 virtual.**

35  
36 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:23 p.m.  
37

38  
39 Attest:

40  
41  
42  
43  
44 \_\_\_\_\_  
Mayor, Pat Cox

\_\_\_\_\_   
City Recorder, Jessica Ginsburg

## **Public Works report for the month of November 2021**

### **Water Plant: Op's - NO Run Days 3**

Raw water into plant 7,038,000 Treated water 5,137,000.

### **Immediate Major Issues Water**

#### **Hubbard's / Reservoir Dredging / Dam leakage**

1. Dredging waiting quote and permitting.
2. Dam leakage, Civil West Engineering schedule of temporary repairs in December.

#### **Water Treatment plant, Finished Water Pump Replacement / Pressure relief valve on raw water**

1. Finished water pump replacement, waiting on delivery of new pump / electrical parts were delivered and are on site.
2. Pressure relief valve repairs, still needs to be addressed.
3. Repaired Chlorine pumps and multiple leaks in pump room
4. Replaced electrical outlets in lab
5. Water rights permitting for Garrison Lake and Mill creek from 2007 still in process.
6. Water survey, updating operation and maintenance manuals in progress.

#### **Coast Guard Hill Pump Station, Complete Skid Controls / pumps and piping replacement**

1. **Coast guard hill pump station pending**, one vender is working on quote, waiting on second vender.

#### **Hubbard's Reservoir R&M**

1. Scatter 7 turbidity meter fried, sent out display and power module for repairs. To Hach.
2. Dam repairs should start this month
3. Communication issues with water plant / Tag.

### **Water leaks Repaired:**

- Tichenor Ave. Coop line break, replaced 100' run of ¾ poly

### **New Services in October 2021**

- No new services installed

### **Meter Swop out's**

- No meter swaps

## Public Works report for the month of November 2021

### Waste Water plant: Op's:

Grit system and classifier replacement on going.

Repairs & maintenance plant / collections.

- Grit removal system, some parts received continue working on repairs.
- Humus Pond Sludge, Received quote 190K
- Idaho Lift Station Controls, down to 1 pump parts on order.
- Wyoming, lift-station back to full working capacity
- 25<sup>th</sup> Street Lift-Station, down to 1 pump parts on order.
- Blowers, performed R&M to both and have been serviced.
- Pending Influent Flow Meter, working on quote for replacement meter is no longer supported
- Winch for Grit system, installed new winch in order to proceed with repairs
- Muffin Monster grinder, is worn out working quote for replacement.

### Streets Maintenance:

- Continue winter time maintenance, mowing and trimming as needed and time allows
- Fire Hydrant Main. Started annual hydrant maintenance on going.
- Filled pothole, at various locations
- Replaced 1 broken sign post.
- Trees, cleaned up and disposed of blown down trees on California, Jefferson and Hensley Hill
- Culverts / Drainage, located cleaned blocked culvert and removed brush around it.

### Parks

- Battle Rocks, Roof leaks in both bathrooms and rotten wood around sky-lights.
- Interpretive trail, wooden decking and railings are failing (rotten).
- Pick up and disposal of trash and debris in parks.
- Un-clog & clean 12<sup>th</sup> St & Battle Rock bathrooms (24 time's)
- Continue mowing and trimming of parks as time allows.

### PW Works Equipment PM

- Gen-Pac services, serviced both generators Coast Guard and Waste Water. Load tested and fluids changed and a list of repairs needed was provided.
- Vac-con needs replacement, hydraulic / electric issues / tank is rusted out.
- Run and Pm generators monthly
- Run and Pm pumps / small equipment monthly
- (work in progress) Continue working on Public Works shop cleanup and organize
- (work in progress) Continue disposal of old junk and garbage.



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Administration Report

ITEM NO: 6 b.

---

### Projects Completed:

Union Contract Approved and Signed in July 2021

Ocean View repaving project completed and the submission for grant reimbursement- Reimbursement Received November 2021

New Waste Water Treatment Plant Operator Started in September 2021

Contractor Hired for City Hall repairs

Utility Accounts Receivable Reviewed and Collections letters sent.

Main Street has volunteered to upgrade outside of City Hall beginning the Spring of 2022. Applying for TLT Grant funds for this project.

Business Licenses revenue was budgeted for \$6,500 Currently we have received over \$12,000

Utility Clerk Position has been filled. Please Welcome Caitlyn to our City Hall Family.

### Ongoing Projects and Updates:

Water Infrastructure Grants- Update in Old Business Section of the meeting.

Building Inspector/Building Code- Curry County Building Inspector received complaints about a few houses in Port Orford. I would like to recommend to City Council that we update the Uniform Building Code. We Adopted the 1982 version in 1984. However, the last version of the Uniform Building Code was in 1997 when it was replaced with the International Building Code (IBC). The latest version of the International Building Code is 2021.

Citation Clean up- I have been reviewing the Open Citation listing and as of December 10<sup>th</sup> I have reviewed \$590,017.14. We have sent \$300,392.41 in Collection letters, \$190,891 needs to be reserved on the balance sheet, \$11,915 are international tickets that will be Written off, \$21,460 has paid, \$26,806 is current receivables (within 30 days), \$38,553 need additional research. When this project started the balance outstanding was \$837,217.86 thru 09/28/2021. As of December 10<sup>th</sup> the balance due is \$775,264.25 thru 09/28/2021 also. Therefore, we have collected **\$61,953.61** in pass due Citations.

TLT Committee and Grant Application- We have received 2 applications for the TLT Committee we still need 2 to 3 more. Will be reaching out again to the people on the Committee last year to see if they are interested in joining again. The Grant Application and Instructions have been updated for this year and attached to this report.

Emergency Management Planning- I have had multiple meetings with Monica Ward and Pamela Reber regarding an Emergency Management Plan. I have attached a worksheet that has been put together with action items that we are working on or need to work on. When Monica was here we put together a Mitigation Action Descriptions with the items we labeled as High Priority. (Attachment 6.b.1)

Watershed Project-Updated in the Watershed Liaison report by Linda Tarr.

Kayak Launch- I have been working with Dave Lacy and his team. The next step is community outreach. They are working on different ways to do this. We also have a memorial rock near where that kayak launch is going to be and it is going to have to be moved. I will contact the family that is listed on the rock.

Utility Clerk Caitlyn has joined the team at City Hall! She has been training with Patty since November 22<sup>nd</sup>. She is a great addition to the team and is catching on very fast. Don't forget to wish Patty Happy Retirement. Her last day at City Hall is December 30, 2021

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**Port Orford Multi-Hazard 21-MH-01:**

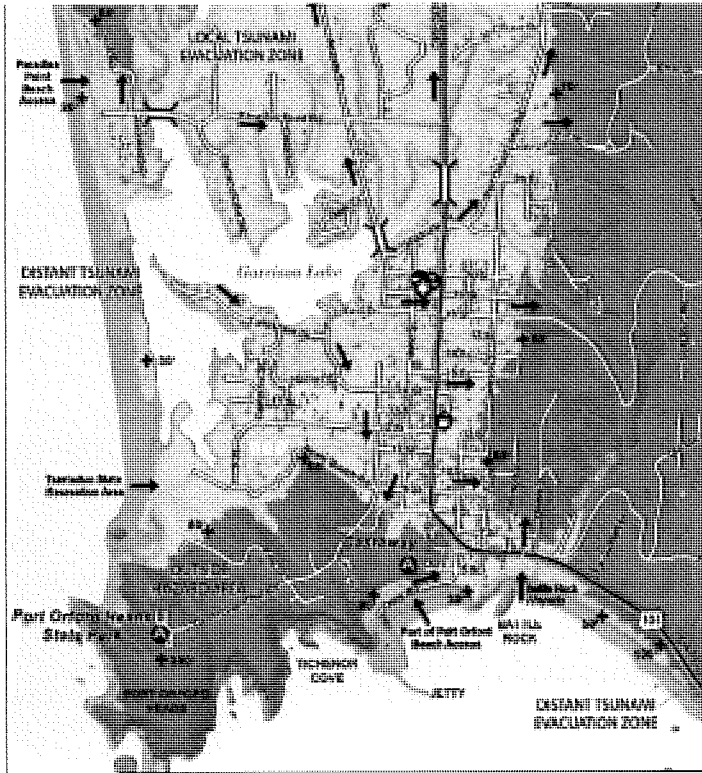
Relocate Port Orford facilities out of the local (not distant) tsunami zone with seismic upgrades: City of Port Orford City Hall, Police, Fire Department at 555 20<sup>th</sup> Street

<b>Mitigation Action #</b>	New or Ongoing
<b>Hazard</b>	Multi-Hazard
<b>Estimated Cost</b>	\$2.5 million
<b>Timeline</b>	2-5 yrs
<b>Responsible Agency</b>	City of Port Orford
<b>Priority</b>	High

**Description** The city hall, fire department, and police department are critical facilities located within the same structures at 555 20<sup>th</sup> Street. This location is within the local tsunami inundation zone, critically reducing the response and recovery capabilities of the jurisdiction in the event of a local tsunami. Relocating the facilities and assets out of the local tsunami zone will place critical resources in a location to facilitate rapid lifesaving responses. Currently, there are no available locations within city limits and outside the inundation zone which are zoned for public facilities. There will be a need for an engineer assessment on the few available locations and an update to the zoning code for the identified building location(s).

**Map/Image**

City of Port Orford Map, Red boundary is city limits, Yellow point is facility location



#### Partners/Funding Source

Partners: Curry County Emergency Management and Road Department

Funding Sources: Federal grants

#### References

DOGAMI Tsunami Evacuation Brochure, Curry County GIS, City of Port Orford Tsunami Evacuation Facilities Improvement Plan

#### Port Orford Drought Action 21-DR-01:

Develop and maintain a resilient water supply for Port Orford.

Mitigation Action #	New
Hazard	Drought
Estimated Cost	\$70 million
Timeline	2-5 yrs
Responsible Agency	City of Port Orford
Priority	High

#### Description

The City of Port Orford issued a state of emergency on 9/1/2021 due to water supply issues related to the drought, impoundment structural issues, distribution system leaks, and demand. The leaks between the tank and water delivery to a residence are resulting in an estimated loss of 40% of treated drinking water supply (per 9/21 County drought declaration); expensive repairs are needed to mitigate severe water losses. In 2014 a bond for \$42 million was requested of voters, but in 2021 this will only cover 60% of the costs. There have been numerous leaks throughout the water delivery system, which is also experiencing additional strain due to new connections as the population grows within the city. There are ongoing water flow and pressure issues for residences as the elevation increases. The water delivery system was installed to meet prior fire codes, with the anticipated fire code updates the water delivery system must be upgraded to provide the required pressure and flow. Water infrastructure is not piped throughout the city, there are several residences within the city required to have a well. The city is pursuing updates to ordinances, quotes, and funding to replace the water meters and pumps.

### Map/Image

Requested following imagery from Jessica: Map with current water infrastructure displaying need to expand system to reach residences within city, any photos of leaks, damage caused by leaks, and effects of drought/water shortage.

### Partners/Funding Source

Partners: City of Port Orford, Curry County Emergency Services, RCAC, Civil West Engineering

Funding Sources: COVID Relief Funds, BRIC, Hazard Mitigation Grants

### References

City of Port Orford State of Emergency, City of Port Orford water restrictions, Curry County 2021 Drought Declaration Are these correct? Are there documents supporting the need for water system replacement?

### Port Orford Drought Action 21-DR-02:

Repair or retrofit the Port Orford water storage to reduce or eliminate leaks.

<b>Mitigation Action #</b>	New
<b>Hazard</b>	Drought
<b>Estimated Cost</b>	\$500k
<b>Timeline</b>	5-10 yrs
<b>Responsible Agency</b>	City of Port Orford
<b>Priority</b>	High

### Description

High priority repairs to the dam are needed; the plan for the repairs should be ready in Dec. 2021. Hubbard Creek and the water storage provided by the impoundment there is the sole drinking water

supply source for Port Orford. Water leaks result in loss of 40% of treated drinking water supply (per 9/21 County drought declaration); expensive repairs are needed to mitigate severe water losses. The dam will receive a 10-year temporary repair in December 2021. There will be additional permanent repairs required for the dam to include possibly replacing the dam.

### Map/Image

Requested following imagery from Jessica: photos of dam and Hubbard Creek.

### Partners/Funding Source

Partners: City of Port Orford, Curry County Emergency Services, RCAC, Civil West Engineering

Funding Sources: COVID Relief Funds, BRIC, Hazard Mitigation Grants

### References

City of Port Orford State of Emergency, City of Port Orford water restrictions, Curry County 2021 Drought Declaration Are these correct? Are there documents supporting the need for water supply replacement/repair/retrofit? Engineer assessment for temporary repair?

### Port Orford Drought Action 21-DR-03:

Develop a backup water source other than Garrison Lake for the Port Orford municipal drinking water system.

<b>Mitigation Action #</b>	New
<b>Hazard</b>	Drought
<b>Estimated Cost</b>	\$500k
<b>Timeline</b>	2-5 yrs
<b>Responsible Agency</b>	City of Port Orford
<b>Priority</b>	High

### Description

Hubbard Creek and the water storage provided by the impoundment is the sole drinking water supply source for Port Orford. The City is reviewing their water rights. Requested following from Jessica: Details on why Garrison Lake is not a suitable source, courses of action the city would consider pursuing for backup water sources.

### Map/Image

What imagery would be appropriate for this?

### Partners/Funding Source

Partners: City of Port Orford, Curry County Emergency Services

Funding Sources: State Grants, Infrastructure Grants and Funding, Federal Grants

### References

City of Port Orford State of Emergency, City of Port Orford water restrictions, Curry County 2021 Drought Declaration Are these correct? Garrison Lake assessment? Reports/documents of previous backup water supply?

### Port Orford Tsunami Action 21-TS-01:

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

<b>Mitigation Action #</b>	Ongoing
<b>Hazard</b>	Tsunami
<b>Estimated Cost</b>	\$500k
<b>Timeline</b>	2-5 yrs
<b>Responsible Agency</b>	City of Port Orford
<b>Priority</b>	High

### Description

Ongoing/revised 2016 Action #16-TS-01. Disaster cache work has begun, shelters have not. The city will explore different shelter options and recruit volunteers to train on shelter deployment. Due to land restrictions, the city will pursue deployable shelters instead of fixed shelters. There is a need for more caches and thoroughly stocked caches. Much of the city is within the local tsunami inundation zone, placing additional stress upon individual preparedness and placement of resource caches throughout the community.

### Map/Image





# City of Port Orford

## Financial Reportable Revenue and Expenses

### NOVEMBER 31, 2021

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#### General Fund

- Revenue represents Business Licenses, Property and Liquor Taxes, Franchise Fees and Citations
- 16% of this month's expenses are payroll related – no overtime
- ~\$44K was paid out to PO Rural Fire district per the agreement

#### Parks Fund

- Revenue is from Transient Lodging Tax
- Buffington Park Upgrade has raised \$3,409 to date
- Fort Point received a \$2,000 donation

#### Public Safety Fund

- Revenues are from Property Taxes
- 91% of this month's expenses are payroll related
- \$1,071 in overtime

#### Water Enterprise Fund

- Revenue represents the monthly water billing to City residents
- 67% of this month's expenses are payroll related
- \$1,503 in overtime pay
- \$3,285 was paid to Civil West for engineering of Hubbard Creek repairs

#### Sewer Enterprise Fund

- Revenue represents the monthly sewer billing to City residents
- 61% of this month's expenses are payroll related – no overtime
- \$3,436 was spent on lab equipment and supplies

#### Street Fund

- Revenue represents State ODOT taxes
- 92% of this month's expenses are payroll related – no overtime

#### Notes:

- 1) Admin & Public Safety saw an uptick in Property Tax revenues in November
- 2) Reimbursement from ODOT for the Oceanview paving was received in full on 12/7/2021 - ~\$75K

December 8, 2021

Port Orford, Oregon

# Income Statement

## Group Summary

City of Port Orford

For Fiscal: 2021-2022 Period Ending: 11/30/2021

Account Type	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
<b>Fund: 010 - GENERAL FUND</b>					
Revenue	929,383.00	929,383.00	506,704.71	730,055.52	199,327.48
Expense	929,383.00	929,383.00	66,457.20	157,350.33	772,032.67
<b>Fund: 010 - GENERAL FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>440,247.51</b>	<b>572,705.19</b>	<b>-572,705.19</b>
<b>Fund: 014 - PARKS FUND</b>					
Revenue	260,516.00	260,516.00	19,810.11	70,680.40	189,835.60
Expense	260,516.00	260,516.00	6,911.02	36,880.68	223,635.32
<b>Fund: 014 - PARKS FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>12,899.09</b>	<b>33,799.72</b>	<b>-33,799.72</b>
<b>Fund: 020 - PUBLIC SAFETY</b>					
Revenue	588,755.00	588,755.00	956.59	4,997.23	583,757.77
Expense	588,755.00	588,755.00	37,980.77	180,006.66	408,748.34
<b>Fund: 020 - PUBLIC SAFETY Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-37,024.18</b>	<b>-175,009.43</b>	<b>175,009.43</b>
<b>Fund: 030 - WATER ENTERPRISE FUND</b>					
Revenue	1,075,142.00	1,075,142.00	36,411.76	182,200.18	892,941.82
Expense	1,075,142.00	1,075,142.00	34,709.36	206,178.16	868,963.84
<b>Fund: 030 - WATER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>1,702.40</b>	<b>-23,977.98</b>	<b>23,977.98</b>
<b>Fund: 031 - WATER CAPITAL RESERVES</b>					
Revenue	83,408.00	83,408.00	77.43	418.69	82,989.31
Expense	83,408.00	83,408.00	0.00	0.00	83,408.00
<b>Fund: 031 - WATER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>77.43</b>	<b>418.69</b>	<b>-418.69</b>
<b>Fund: 035 - SEWER ENTERPRISE FUND</b>					
Revenue	1,321,853.00	1,321,853.00	48,267.36	227,923.44	1,093,929.56
Expense	1,321,853.00	1,321,853.00	23,389.31	121,182.55	1,200,670.45
<b>Fund: 035 - SEWER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>24,878.05</b>	<b>106,740.89</b>	<b>-106,740.89</b>
<b>Fund: 036 - SEWER CAPITAL RESERVES</b>					
Revenue	255,359.00	255,359.00	77.43	411.12	254,947.88
Expense	255,359.00	255,359.00	0.00	0.00	255,359.00
<b>Fund: 036 - SEWER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>77.43</b>	<b>411.12</b>	<b>-411.12</b>
<b>Fund: 040 - STREET FUND</b>					
Revenue	177,933.00	177,933.00	7,857.64	31,373.92	146,559.08
Expense	177,933.00	177,933.00	6,367.33	117,545.73	60,387.27
<b>Fund: 040 - STREET FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>1,490.31</b>	<b>-86,171.81</b>	<b>86,171.81</b>
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT</b>					
Revenue	32,451.00	32,451.00	8.60	30.05	32,420.95
Expense	32,451.00	32,451.00	0.00	0.00	32,451.00
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>8.60</b>	<b>30.05</b>	<b>-30.05</b>
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND</b>					
Revenue	113,884.00	113,884.00	34.41	184.31	113,699.69
Expense	113,884.00	113,884.00	0.00	0.00	113,884.00
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>34.41</b>	<b>184.31</b>	<b>-184.31</b>
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT</b>					
Revenue	516,563.00	516,563.00	189.27	10,102.86	506,460.14
Expense	516,563.00	516,563.00	0.00	0.00	516,563.00
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>189.27</b>	<b>10,102.86</b>	<b>-10,102.86</b>
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT</b>					
Revenue	339,889.00	339,889.00	120.44	10,771.19	329,117.81
Expense	339,889.00	339,889.00	0.00	0.00	339,889.00
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>120.44</b>	<b>10,771.19</b>	<b>-10,771.19</b>
<b>Total Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>444,700.76</b>	<b>450,004.80</b>	

**CITY OF PORT ORFORD PLANNING DEPARTMENT  
REPORT TO MAYOR, CITY COUNCIL & CITY ADMINISTRATOR**

**Date:** December 10, 2021

**To:** Pat Cox, Mayor, City Council members

**From:** Patty Clark, Planning Assistant

**I. City Planning Commission Activity**

At the regular meeting of November 2, 2021 the Planning Commission approved the minutes of the October 5, 2021 planning commission.

**II. Public Hearing**

- Proposed Ordinance Number 2022-03 (Approved and sent to City Council)

**III. Planning Matters**

**None**

**IV. Permit Clearance Activity**

The City planning and public works staff review all requests for building permits within the city to determine whether the request complies with the city's land use and public works regulations. The city staff confirms that building permit applications conform to these regulations by reviewing Permit Clearance forms that are filed with the city prior to applying to the county for the building permit.

During the months of October and November, 2021 the City received three applications.

- PC 21-09 1350 Lakeshore Dr. SFD 1R Zone
- PC 21-10 260 Mather Dr. 16' x 24' Garage Addition 1R Zone
- PC 21-11 251 5<sup>th</sup> St SFD 10-MU Zone

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Planning

ITEM NO: 6 d.

---

Myself and Mayor Cox has received a lot of communication from the residents of Port Orford about the Observation Tower plans on 8<sup>th</sup> Street. There are a few things that we would like to clear up. The plans were turned into City Hall on November 4<sup>th</sup> well before City Council had the vote to pass the height Ordinance on November 18<sup>th</sup>. However, once an Ordinance is passed by City Council it still does not take effect for an additional 30 days.

With that being said we have had multiple communications with the owner of that property and a few things have been decided.

Currently it is in the Completeness Check letter stage with our City Planner. Once that is completed the owner has 180 days to move forward on the plans. What the owner of the property has decided to do is give the Public/ Residents of Port Orford an opportunity to comment, make suggestions and even a design "raffle" for that property. Please drop your suggestions to City Hall titled 8<sup>th</sup> Street or you can drop them off with the owner directly.

### **PUBLIC CAN SUBMIT PLANS/SUGGESTIONS/DESIGNS FOR 8<sup>TH</sup> STREET PROPERTY**

**SUBMIT PLANS TO OWNER DIRECTLY OR DROP OFF AT CITY HALL TITLED 8<sup>TH</sup> STREET**

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Watershed Council

ITEM NO: 6 e.

---

### Watershed Council Funding Update.

The land for the Watershed was purchased June of 2021. We have till June of 2023 to secure funding for the City of Port Orford to purchase the property from The Conservation Fund. There was a meeting on December 10<sup>th</sup> and discussions have started about securing that funding. The current plan is that the City of Port Orford needs to have a Forestry Management plan written 1<sup>st</sup> before we can go after funding with the Clean Water State Revolving fund. Jacquie, Linda and Jessica are in the process of getting some bids together for City Council to review at the January Meeting. Once that has started Jessica is going to start to pull the items needed to apply for the funding. She is Working with Oscar Orejel and Chris Marko at the Clean Water State Revolving Fund. It should take about a year for the funding to come thru. With the deadline of June 2023 to purchase the property the Jessica, Linda and Jacquie have set a goal of the 2<sup>nd</sup> Friday in April to submit it.

Oscar did confirm that currently with the City of Port Orford medium income status and population that we do qualify for 50% forgiveness on the loan. John at the Conservation fund informed us that the amount is under \$1,000,000.

Attachment: 6.e.1 – Letter of Intent- Wilson Property Investments, LLC Property

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

*CITY OF PORT ORFORD*

Attachment 6.e.1

David Johnson, Finance Director  
 555 West 20<sup>th</sup> Street  
 Post Office Box 310  
 Port Orford, Oregon 97465  
 541-366-4564(v) 877-281-5307(f)  
[djohnson@portorford.org](mailto:djohnson@portorford.org)

February 10, 2021

Mr. Gates Watson  
 The Conservation Fund  
 1655 N. Fort Myer Dr. Ste. 1300  
 Arlington, VA 22209

Re: Letter of Intent-Wilson Property Investments, LLC Property

Dear Mr. Watson:

It is our understanding that The Conservation Fund ("TCF") is interested in purchasing 160 acres of land owned by Wilson Property Investments, LLC (the "Property") located in the City of Port Orford. We are writing to express our interest in purchasing the Property from TCF if TCF is successful in purchasing the Property.

The City will offer to pay TCF the appraised fair market value of the Property, subject to TCF providing the City up to two years to secure funding for the purchase from Oregon's Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund. If acceptable to TCF, the terms of this Letter of Intent shall be incorporated into a formal Purchase & Sale Agreement ("Agreement").

If for any reason the City is unable to secure funding to acquire the Property from TCF, there are no restrictions on TCF's use or potential subsequent sale of the Property.

This non-binding Letter of Intent shall not create any legal rights or obligations between the parties. It is intended that all legal rights and obligations of each of the parties shall only be those which are set forth in the fully executed Agreement. This non-binding Letter of Intent does not obligate either party to proceed to the completion of an Agreement. The parties shall not be contractually bound unless and until they execute and deliver a formal, definitive Agreement, which must be in form and content satisfactory to each party and its counsel in their sole discretion. Neither party may rely on this non-binding Letter of Intent as creating any legal obligation of any kind.

For: CITY OF PORT ORFORD

By: 

Concurrence:

For: THE CONSERVATION FUND

By: *Gates Watson*

Title: V.P. Northwest Director

Date: 3/31/2021

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Watershed Council

ITEM NO: 6 e.

---

### Watershed Council Lamprey Passage

The Port Orford Watershed Council is asking the City Council to approve a mitigation project to be carried out by Dr. Stewart Reid of Western Fishes that will allow for Pacific Lamprey passage over the dam on Hubbard Creek. Dr. Reid will be making simple changes using grant funds donated by the Applegate Watershed Council. The work will be carried out in late summer or early fall. It will in no way interfere with the City's use of the reservoir for municipal water supply. It will be compatible with the repairs that are slated to be done to the dam.

Dr. Reid has visited the site and determined that habitat is very suitable for Pacific and possibly Brook Lamprey above the dam.

A thriving Lamprey population is advantageous to the water supply as the juvenile lamprey are filter feeders. In addition to the intrinsic value of restoration of a native species, restoration could also significantly decrease the sediment problem at the reservoir.

Attachment 6.e.2: Pacific Lamprey Habitat Restoration Guide

Attachment 6.e.3 Tam Calvanese Letter of Support

Attachment 6.e.4- Letter from Coquille Indian Tribe

Attachment 6.e.5- Letter from Ann Vileisis

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



# Pacific Lamprey Habitat Restoration Guide



Development of the *Pacific Lamprey Habitat Restoration Guide* took a watershed-wide effort. Publication of this guide was made possible by a grant to Methow Salmon Recovery Foundation (MSRF) from the McNary Fisheries Compensation Committee. MSRF and the authors would like to thank the members of the committee for their support and encouragement. For additional information about the McNary Fisheries Compensation Committee visit [www.uwiasco.com/FISHERIES/COMPENSATION/COMMITTEE.cfm](http://www.uwiasco.com/FISHERIES/COMPENSATION/COMMITTEE.cfm).

The initial concept for the guide was developed by Bob Rose of the Yakama Nation and we acknowledge his vision and passion for conservation of these amazing fish. Stewart Reid of Western Fishes provided detailed editorial input throughout all phases of guide development, and the guide would not have succeeded without his expertise, insight, and passion for all things lamprey. Several reviewers provided additional detailed review and editorial support including Abel Bruno (Stillwater Sciences), Brian McIlraith (CRITFC), Luke Schultz (Oregon State University), and Kristen Kirkby (Yakama Nation). We are extremely grateful for their time and energy. Their input greatly enhanced the quality and completeness of the guide.

Many other individuals contributed to the development of the guide through the provision of information, images, literature sources, and general encouragement and support. The authors would like to thank Cindy Baker (Warm Springs Tribes), Tom Banse (NW NPR), Cindi Bowman (ODOT), Teresa Brasfield (ODOT), Jody Brostrom (USFWS), Rosie Gonzalez (OSU), Dave Grundy (WDFW), Steve Hemstrom (DC PUD), Aaron Jackson (Umatilla Tribes), Chris Johnson (MSRF), Kristen Kirby (Yakama Nation), Ralph Lapanian (Yakama Nation), Scott Lightcap (BLM), Patrick Luke (Yakama Nation), Jeff McEnroe (BLM), Simon Wray (ODFW), Mary Moser (NOAA Fisheries), Josh Murawkus (Anaschar QEA), R.D. Nelle (USFWS), Mark Nelson (USFWS), Chris Peery (USFWS), Charlie Snow (WDFW), and Christina Wang (USFWS).

This guide is intended for educational purposes. Please contact John Crandall at [john@methowssalmon.org](mailto:john@methowssalmon.org) with any questions or comments about the guide. All restoration elements presented in the guide are for reference purposes only. Any instream or riparian restoration actions implemented should be developed with site specific information and with input from trained professionals. Guide development has relied upon the generosity of numerous photographers - please respect their copyrighted material.

Cover photo credits: Freshwaters Illustrated / US Fish & Wildlife Service Mid-Columbia River Fishery Resource Office (adult Pacific Lamprey), Michael Durham (Net Perce Elder Elmer Crow), J. Crandall (ammocoete), Simon Wray (lamprey passage structure).

The guide was developed for Methow Salmon Recovery Foundation by John Crandall and Eric Wittenbach. Citation: Crandall, J. D. and Wittenbach, E. 2015. Pacific Lamprey Habitat Restoration Guide. Methow Salmon Recovery Foundation, Twisp, Washington. First edition 54p.

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*Pacific Lamprey are amongst the oldest living vertebrates and an integral component of aquatic food webs.*

## Section 1 – Introduction

### A Call to Action

Over the past 150 years, and coincident with European settlement, anadromous salmon populations in the Columbia River Basin have declined dramatically with several runs now extinct. The factors responsible for these declines are well documented and are related, in large part, to hydropower development, overharvest, predation by non-native fish, and urban and agricultural development. Stemming from a clear acknowledgement of the cultural, economic, and ecological importance of these fish, efforts to restore the dwindling stocks of salmon and steelhead have been initiated throughout the Columbia River Basin.

Unfortunately, not all imperiled anadromous species in the Columbia River Basin share such widespread appreciation and recognition as salmon and steelhead. A lack of public awareness and understanding of Pacific Lamprey – one of the most ancient animals on Earth – has allowed Pacific Lamprey in the Columbia River Basin to decline to only a small fraction of their historical abundance.

Yet it is has not been just a lack of understanding and appreciation that has led Pacific Lamprey to the brink of extirpation from some portions of the Columbia River Basin. The suite of factors that have caused salmon and steelhead populations to decline have also impacted Pacific Lamprey. Furthermore, due to their unique biology and ecology, Pacific Lamprey have often been adversely affected by the very steps taken to address the specific needs of salmonid populations. For example, installation of fish ladders to allow for salmonid passage may prevent passage by lamprey. If we desire to obtain viable populations of Pacific Lamprey we must act now to conserve and restore the ecological niche of lamprey in the Columbia River Basin.



*A fossilized lamprey estimated to be 300 million years old.*

3

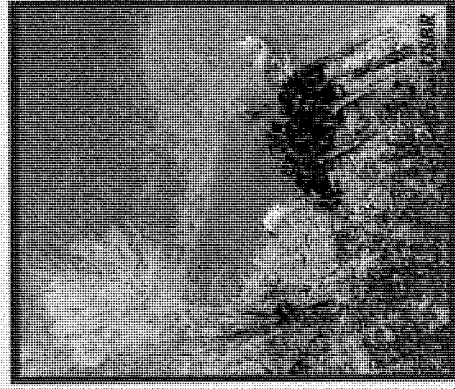
### Purpose of the Guide

While the ecological and cultural importance of Pacific Lamprey has become increasingly acknowledged over the past decade, efforts to protect and restore lamprey<sup>33</sup> have often been hampered by a lack of accessible, science-based information on natural history, ecology and restoration treatments. This guide is intended to provide habitat restoration practitioners, permitting agencies, and policy makers in the Columbia River Basin with a summary of current biological and ecological knowledge about Pacific Lamprey, creating a foundation for the use of best management practices and the implementation of informed habitat improvement projects.

Restoration efforts that consider lamprey-specific habitat requirements during project planning, design, implementation and monitoring phases will be more successful at promoting recovery of this imperiled species. Using the information in this guide, project sponsors will also be able to minimize harm to lamprey during implementation of salmonid-based habitat restoration projects. To this end, this guide will highlight best management practices and design elements of habitat restoration projects that have been implemented around the Columbia River Basin to illustrate on-the-ground actions that have been shown to benefit lamprey.

Throughout the Columbia River Basin, numerous salmonid-based restoration actions are currently underway, and more are planned for implementation. There is a valuable opportunity to incorporate lamprey-friendly project design elements into these instream and riparian habitat restoration efforts. In order for this to occur, restoration planners and practitioners must possess knowledge of lamprey ecology as well as project elements that could be incorporated into these restoration efforts to benefit lamprey.

Although several species of lamprey inhabit the Columbia River Basin, the focus of this guide will be on Pacific Lamprey restoration in tributaries to the Columbia, Snake, and Willamette Rivers. Pacific Lamprey are the most widespread lamprey species in the Columbia River Basin, and recent scientific studies, as well as historical information, have focused on this species. Nevertheless, other native species including River, Western, Brook, and Pacific Brook lamprey have similar habitat needs and are adversely affected by many of the same factors as Pacific Lamprey. Therefore much of the information provided here on habitat needs, potential threats, and possible restoration treatments should generally be applicable to other species of lamprey in the region.



*Salmon habitat restoration projects, such as this installation of large wood, can also help with recovery of Pacific Lamprey.*

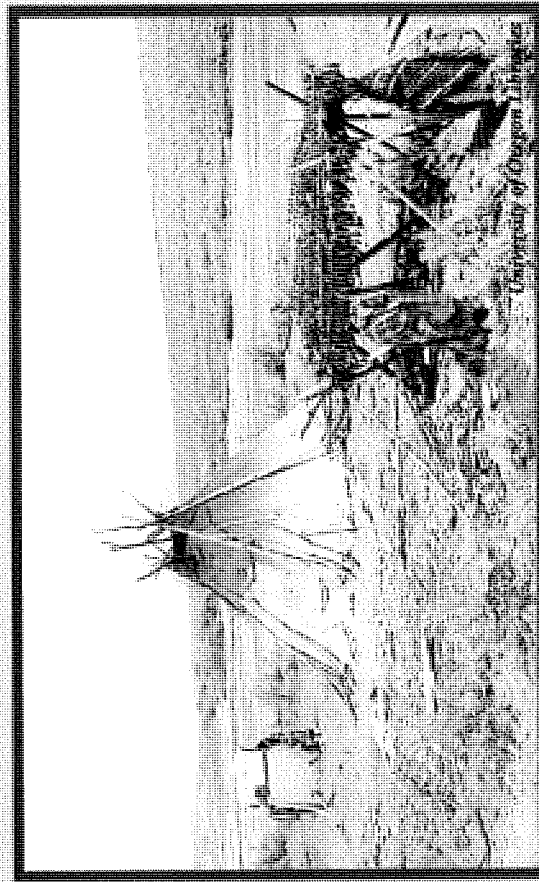
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## A Valuable Cultural Resource

Native Americans of the Columbia River Basin have valued Pacific Lamprey, referred to as "eels", as a resource for cultural, spiritual, ceremonial, medicinal, and subsistence needs since time immemorial. Native cultures realize the important ecological role played by Pacific Lamprey in the streams of their homelands and honor their connections with these ancient fish to this day.

Declines in Pacific Lamprey have significantly affected native cultures and traditions. For millennia, harvest of lamprey has provided native people with a highly valued and significant subsistence food. The high caloric content and relative ease of capture makes lamprey a prized food. Although opportunities for harvest of lamprey still exist, they have decreased dramatically. As a result, younger generations are losing connection to the cultural strands that bind them to lamprey.

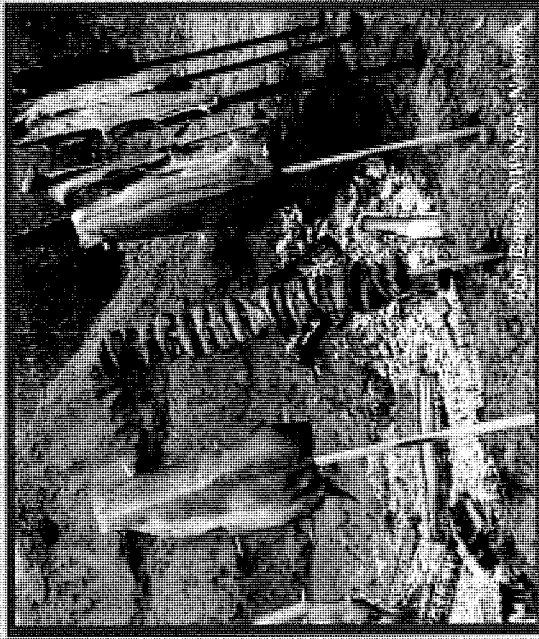
A dramatic reduction in harvestable lamprey, coupled with a sincere interest in their ecological health, has spurred Columbia River Basin tribes to initiate actions to restore declining lamprey populations. Members of the Columbia River Inter-Tribal Fish Commission, including Nez Perce, Umatilla, Warm Springs, and Yakama tribes have sponsored studies on the status of the species along with on-the-ground restoration actions to assist in their recovery. Tribes have partnered with federal and state resource managers to develop management plans and guidelines aimed at reducing threats and increasing funding for habitat restoration targeting Pacific Lamprey. Tribes have also initiated reintroduction efforts in some watersheds.



University of Oregon Libraries

*Drying lamprey along the banks of the Umatilla River. Lamprey have long been a valued resource for native peoples in the Pacific Northwest.*

5



*A Northwest tribal ceremonial meal with Pacific Lamprey cooking alongside salmon.*

## A Species in Decline

Pacific Lamprey within the Columbia River Basin, and elsewhere across their range have declined dramatically over the last century. Though scant data are available to precisely determine population abundance of Columbia River Pacific Lamprey prior to 1938, a sense of its magnitude can be gleaned from historical observations. Commercial harvest was significant. In the late 1800s, 100,000-500,000 adult Pacific Lamprey were harvested annually at Willamette Falls. These fish were harvested for a variety of uses including as a feed for hatchery salmon.

Early accounts for the Columbia River describe traditional lamprey harvest areas in the lower Columbia being "completely covered with the eels" - sometimes three layers deep. The first recordings of Pacific Lamprey abundance at Columbia River hydroelectric facilities began in 1938 at Bonneville Dam. Between 1938 and 1969, the annual adult Pacific Lamprey passage through Bonneville Dam ranged from 50,000-400,000 adult fish. Additional counts from the 1960s include 300,000-350,000 adults counted further upstream at the Dalles Dam, 25,000 from McNary Dam, and 17,500 at Rocky Reach Dam located 500 miles up the Columbia River. However, Pacific Lamprey often migrate at night, and these early counts were often conducted during the day, likely underestimating the actual total.

After 1969, adult lamprey counts at mainstem Columbia River dams were not reported again until the early 1990's. Dam passage counts from 1984-present reveal overall declines at all major dams on the Columbia and Snake Rivers where passage data have been collected (see page 7). More recent counts at some of the dams have included nighttime passage in an effort to increase accuracy. Up-to-date lamprey passage data can be obtained through the Fish Passage Center at [https://www.fpc.org/lamprey/lamprey\\_home.html](https://www.fpc.org/lamprey/lamprey_home.html).

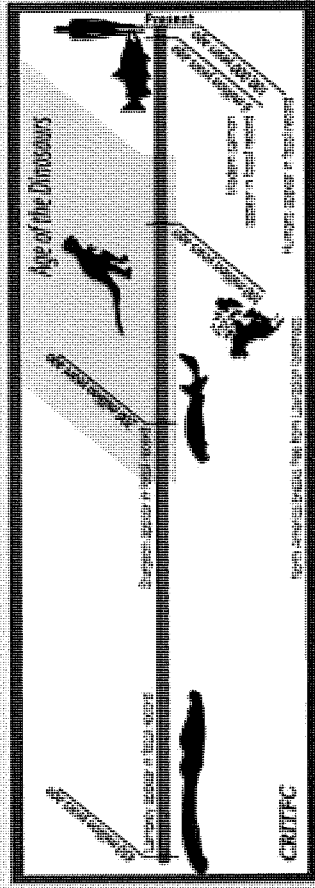
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## Section 2 - Biology and Ecology

### Lamprey Taxonomy

Lamprey are members of the ancient class of vertebrate fish Agnatha. Agnatha means "without jaws," and all lamprey lack this common fish characteristic. In place of jaws, lamprey have a toothed oral disc. Lamprey lack bones, but possess cartilaginous skeletons that provide structural support. Lamprey also lack several other characteristics commonly associated with other fishes including scales and paired fins.

Fossil evidence suggests that lamprey have existed for over 450 million years, making them among the oldest of living vertebrate group on Earth. This longevity means that lamprey preceded and survived the coming and going of the dinosaurs, and have been around much longer than modern humans which are believed to be approximately 100,000 years old.



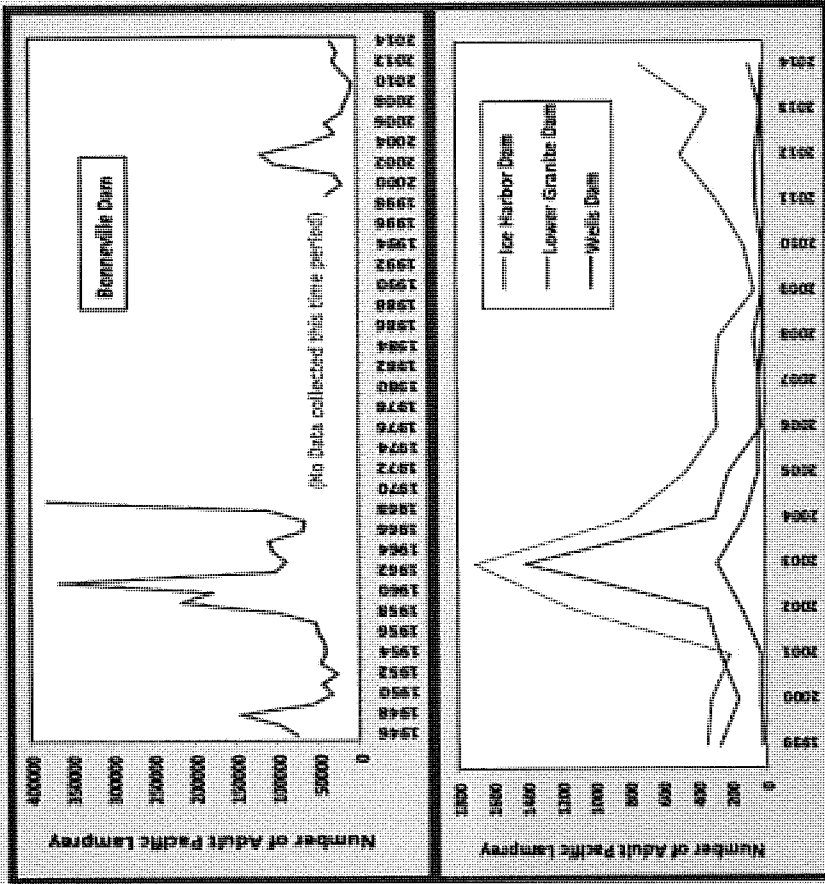
The fossil record for ancestors of present day lamprey dates back over 450 million years.

### Pacific Lamprey and Pacific Salmon - A Relationship of Balance

Pacific Lamprey evolved for tens of thousands of years in association with the various species of Pacific salmon. During this period, these anadromous species have developed a mutualistic relationship through transfers of energy.

For example, lamprey eggs provide a high calorie food source for young salmonids as well as other native fish species such as trout and sculpin. Ammocoetes are also a food source for young salmon. As filter feeders, ammocoetes play a vital link in the aquatic food chain, turning plankton and detritus into nutrient rich fats and proteins, and improving water quality in the process. As bioturbators, ammocoetes keep bottom sediments mixed. Adult lamprey in the ocean feed on salmon and steelhead and are a food source for numerous species of fish and marine mammals. See pages for 9-10 for more information.

## Columbia and Snake River Dam Passage



Dam passage data for Bonneville Dam was gathered from 1946-1970 and again from 1999-present. Other dams within the Columbia and Snake River Basins have only gathered data from 1999-present. While some locations have seen recent increases in abundance other locations remain severely depressed.

In 2004, the U.S. Fish and Wildlife Service launched the Pacific Lamprey Conservation Initiative to facilitate opportunities to increase our knowledge of Pacific Lamprey, address threats, and restore habitat. This collaborative effort is intended to improve the distribution and abundance of lamprey by proactively engaging in a concerted conservation effort.

Recent efforts have also been made to sample populations of larval lamprey within tributaries of the Columbia, Willamette, and Snake Rivers. Ammocoete abundance and distribution data from these efforts parallel the declining trend demonstrated by adult passage. Monitoring within numerous rivers, including the Snake, Walla Walla, Tucannon, Grande Ronde, Deschutes, John Day, Clearwater, and Methow

revealed ammocoetes to be either depressed or absent from historical habitat.

### Ecological Roles of Pacific Lamprey

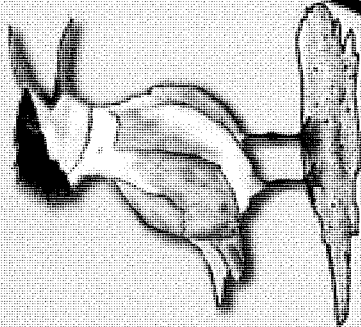
#### Ammocoetes in freshwater:

- Incorporate diatoms, detritus, algae, and other organic material into food web
- Food for small salmonids and other fish



#### Macrophthalmia during migration:

- Food for sturgeon and resident trout
- Food for terns, gulls, and other birds
- Shield for migrating salmon



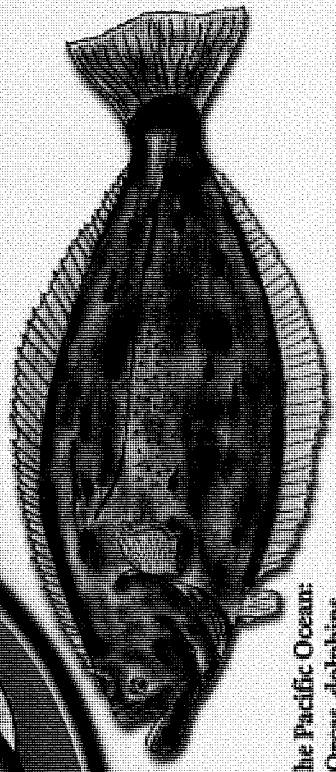
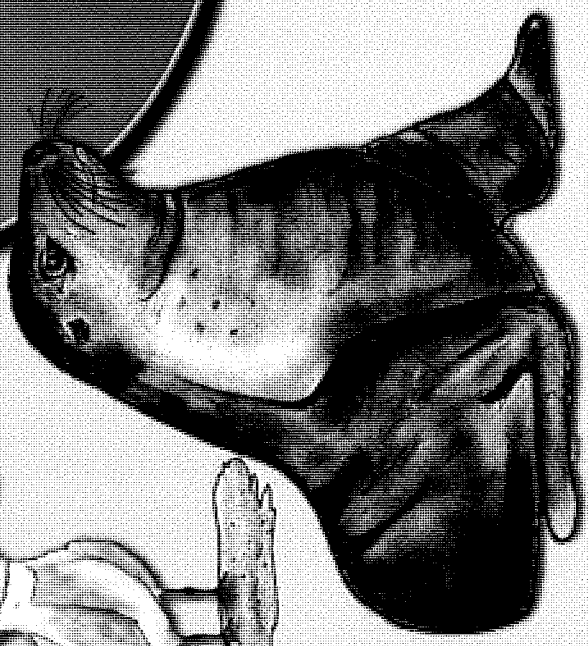
#### Adults in freshwater:

- Bring marine nutrients to freshwater ecosystems
- Provide food for great blue heron, mink, otters, raccoons, and other mammals
- Post-spawning carcasses provide food for scavengers



#### Adults in the Pacific Ocean:

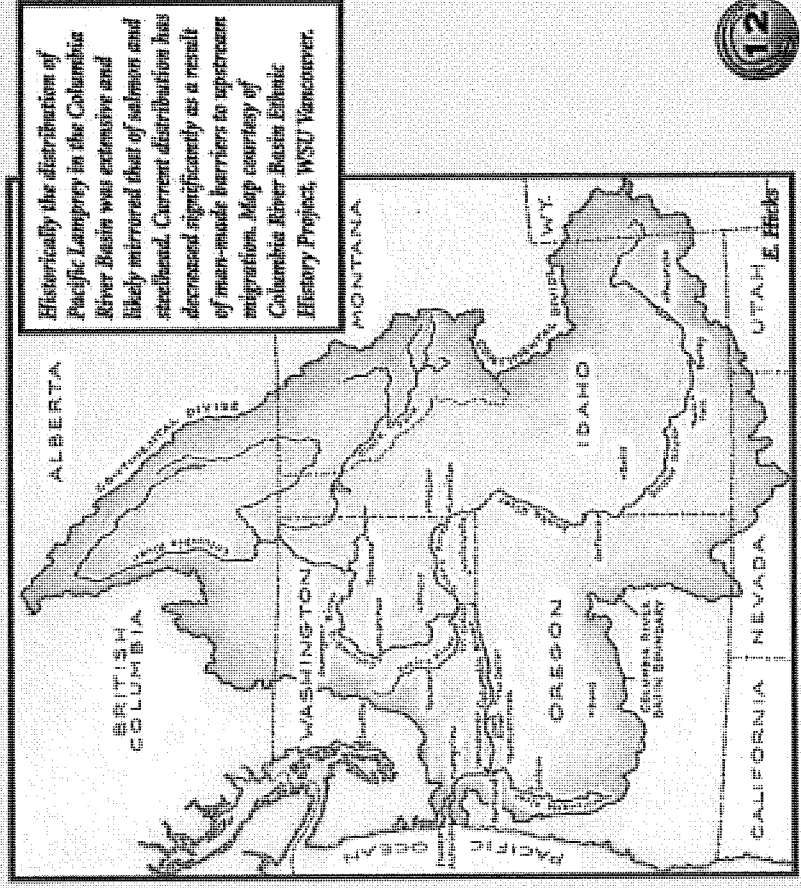
- Food for Orcas, dolphins, porpoises, sea lions, and seals
- Food for other fish
- Parasitize hosts including salmon, halibut, pollock, herring, flounder, cod, and some aquatic mammals



### Pacific Lamprey Distribution

Pacific Lamprey, *Esopterus tridentatus*, are anadromous and exhibit a broad distribution centered around the Pacific Rim, including stream networks flowing into the Pacific Ocean from northern Mexico up to Alaska and extending across the Bering Sea to portions of Russia and Japan. Their historical range within the Columbia River Basin included most tributary streams throughout the basin. It is hypothesized that within the Columbia River Basin, Pacific Lamprey may have historically occupied a similar distribution to that of salmon and steelhead, but they probably reached even further since they can pass some natural barriers such as steep cascades and waterfalls that stop salmonids.

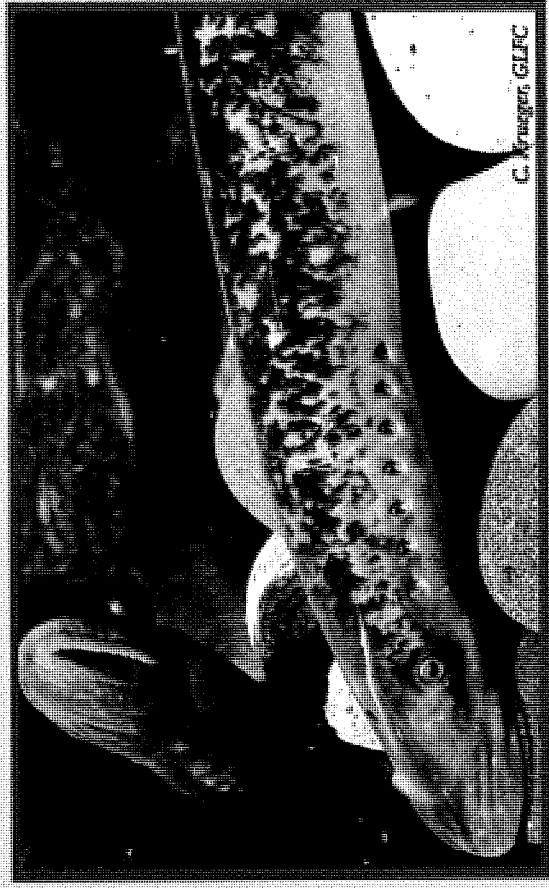
Current distribution of Pacific Lamprey has been curtailed in many portions of the Columbia River Basin by hydropower development that prevents fish passage. In the mainstem Columbia River, passage for lamprey is completely blocked by Chief Joseph Dam at river mile 545. In the mainstem Snake River, lamprey are blocked by Hells Canyon Dam at river mile 247. There are over 400 dams in the Columbia River Basin, many of them impassable to lamprey, and it is estimated that habitat availability for lamprey has decreased by 40% simply as a result of these passage barriers.



### A Confused Identity

For decades, Pacific Lamprey have been considered by many as a parasitic nuisance best eradicated to minimize their negative effects on salmon and other native fish populations. This misunderstanding may be due, in part, to the negative impacts of invasive sea lamprey on native fish in the Great Lakes region. Sea Lamprey were unintentionally introduced to that ecosystem through manmade canals, where they quickly feasted on native lake trout causing significant population declines. Lake trout are an important cultural and economic species in the Great Lakes and, not surprisingly, all species of lamprey were uniformly labeled as an unwarranted nuisance to be eradicated.

In contrast to the situation in the Great Lakes, Pacific Lamprey in the Columbia River Basin do not feed on anything after they return to the river from the ocean and have evolved alongside other native species of fish, mammals, and birds as well as human populations for tens of thousands of years. This co-evolution has integrated Pacific Lamprey into a variety of roles within the ecological web of the Columbia River Basin (see pages 9-10).

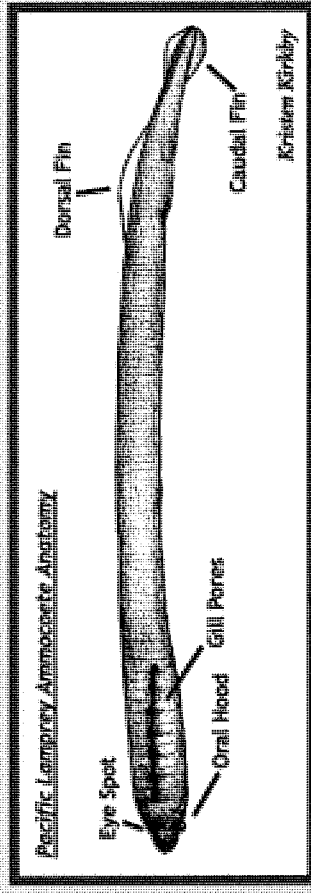


*Sea Lamprey, a nuisance species in the Great Lakes, have contributed to a negative perception of native lamprey species in the Columbia River Basin and elsewhere in the Pacific Northwest.*

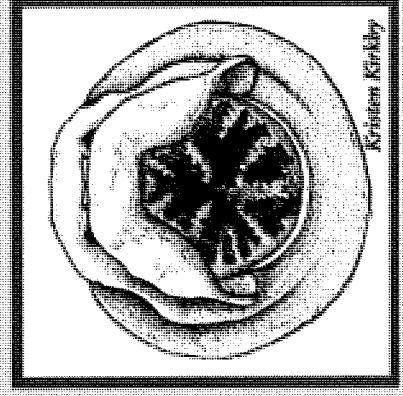
Pacific Lamprey occupy several distinct ecological niches during their lives. They are parasitic during their adult phase in saltwater and are a prey species for a number of animals in both fresh and saltwater. Pacific Lamprey utilize the same migratory corridors as salmon and steelhead, and their presence alongside these fish provides a type of shield for predation on salmon during this migratory journey, as predators may focus their efforts on consuming lamprey.

## Ammocoete (Larval) Phase

At hatching, larval lamprey are called prolarvae and remain in the redd for up to 15 days. After this time, they "swim up" and are then referred to as ammocoetes. Recently emerged Pacific lamprey ammocoetes are tiny (approximately 10mm long) and look like little pale grey eelshakes. A notable feature of ammocoetes is that they lack eyes and remain blind throughout their 5-7 year larval phase. They also lack a sucking disk and teeth, instead they have an oral hood which contains their filter-feeding structures. Other identifying features include a series of seven small round gill openings on the side of the head, eye spot, a light-sensitive pineal gland in their forehead, and two low dorsal fins. As ammocoetes grow their color shifts to a characteristic brown with a lighter belly. During their protracted larval phase, Pacific lamprey ammocoetes can grow to lengths approaching 200mm, but more commonly will reach lengths between 130-180mm.



Ammocoetes consume algae, plankton, and detritus by filter feeding from their burrows. They accomplish this by placing their oral hood near the substrate-water interface and filtering the water. Their ability to filter feed serves to improve local water quality. They also have an important role as bioturbators, mixing the sediments, much as earthworms do in a garden. Ammocoetes are preyed upon by a multitude of aquatic and terrestrial species and serve as a vital link in the aquatic food web.



Mouth of an ammocoete, showing filtering apparatus (oral cirri) used to capture small particles from the water column. They also filter fine sediments and as such help to maintain water quality.

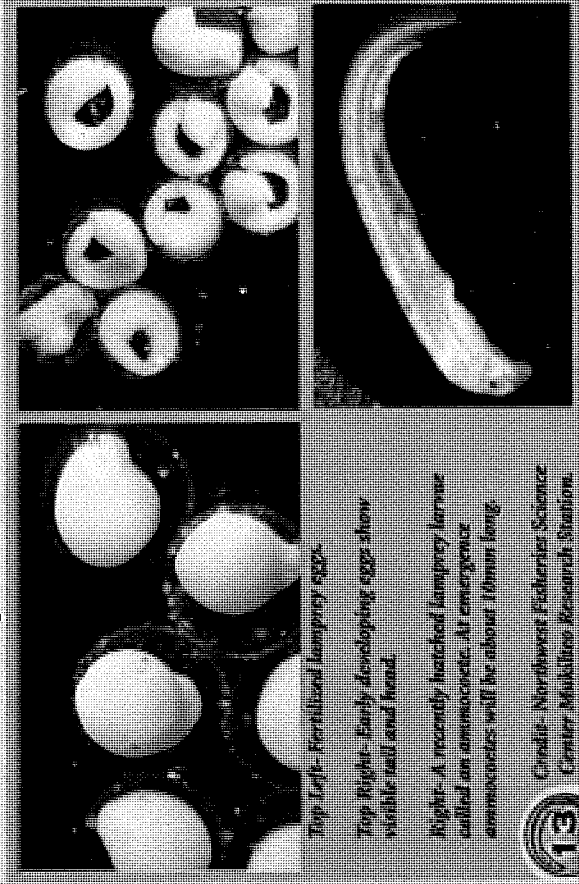
## Pacific Lamprey Life Stages and Habitat Use

The physical characteristics of Pacific Lamprey change considerably throughout their lives. These changes trigger shifts in habitat use, so it is important to understand characteristics of key life stages and their associated habitat requirements. The following is a general description of each life stage.

### Egg Phase

Pacific Lamprey begin life as eggs deposited into streambed gravel nests akin to redds constructed by salmon and steelhead. Lamprey redds can be differentiated from those of salmon and steelhead based on size, shape and configuration. Lamprey redds are generally smaller and rounder, but will vary depending on site specific substrate and flow characteristics. The number of individuals constructing the redd is another factor that can influence size, and individuals may construct multiple redds. Redds are commonly constructed in the tail of pools in smaller gravel and cobble substrates than those used by salmon and steelhead. Another identifying feature is that lamprey redds may lack the characteristic tailpill deposits found on the downstream end of salmon and steelhead redds. This is because lamprey selectively excavate the redd by picking up individual stones with their sucker mouths and placing them around the redd to create a suitable area for resting and egg laying.

Lamprey eggs are round, approximately 1.5mm in diameter, and clear with an off-white to pinkish center. Eggs will incubate in redds for approximately 16-20 days prior to hatching. Duration of incubation is influenced by water temperature and will be shorter at warmer temperatures.



Top Left- Fertilized lamprey eggs.

Top Right- Early developing eggs show visible tail and head.

Right- A recently hatched lamprey larva called an ammocoete. At emergence ammocoetes will be about 10mm long.

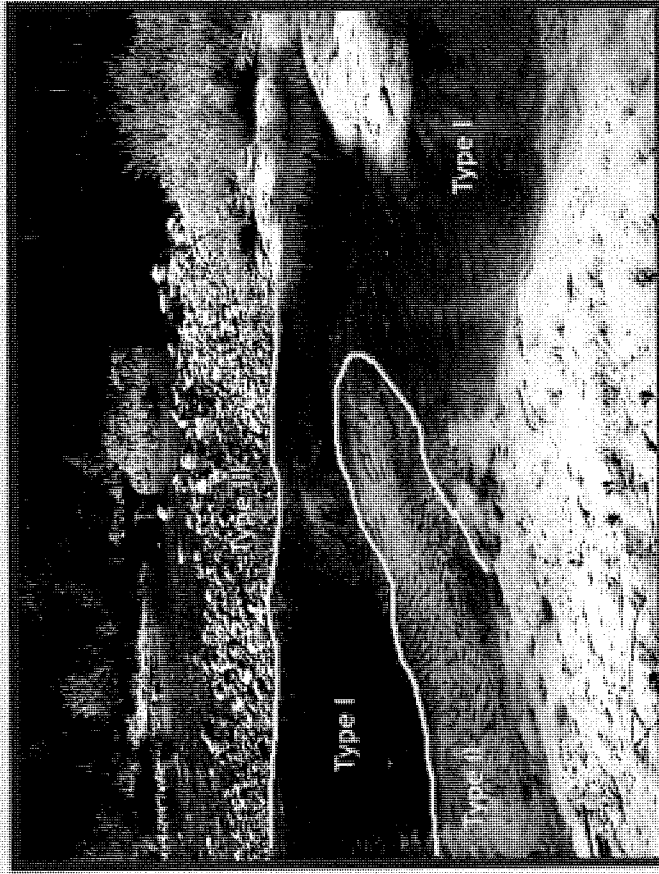
Credit- Northwest Fisheries Science Center Mukilteo Research Station.



## Pacific Lamprey Ammocoete Habitat Classification

Type	Use	Substrate Composition
I	High	Fine sediment including silt, sand, and detritus medium-high organic matter
II	Medium	Shifting coarse sand, small gravel, low organic matter
III	Low	Bedrock, boulders, cobble, large gravel, low or no organic matter

A classification scheme for ammocoete habitat has been developed to standardize presence and distribution surveys. Habitat type is referred to as Type I, Type II, and Type III habitat (see above). Ammocoetes generally inhabit Type I habitat and to a much lesser degree Type II. They are only rarely found in Type III. Assessments to determine ammocoete presence within a stream should concentrate search efforts in Type I habitat.



Ammocoetes prefer fine substrates, including silt and sand, throughout their freshwater residence period which can last up to seven years. This Type I habitat commonly occurs in discreet patches that can persist in the same locations from year to year or develop in new locations depending on annual patterns of sediment deposition. Quality of Type I rearing habitat varies and patches with accumulations of organic material may be preferred as long as adequate oxygen and water velocities are present. As seen above, Type I habitat is often interwoven within larger patches of Type II or Type III habitat.

Ammocoetes remain in close association with stream substrates for up to seven years before they transform and begin their migration to the ocean. Although fine sediment is their preferred habitat type, ammocoetes will also use small gravel and cobble substrates. Accumulations of fine sediments, and thus ammocoetes, are usually associated with areas of low water velocity found in eddies, alcoves, pools and along stream margins. This type of habitat often occurs in discreet patches within a given stream. However, while ammocoetes prefer fine sediments, they do not tolerate anoxic sediments, such as found in areas of high extremely organic content (e.g. cattails), without current (e.g. isolated backwaters), or thick algae covering on the bottom. Depositional areas downstream of boulders, logs, and other obstructions can also provide accumulations of suitable ammocoete habitat.

While ammocoetes may remain in one area for extended periods, they can move between habitat patches, generally at night, but the extent of these types of instream movements are not well documented. It is not uncommon to have several year classes of ammocoetes residing within the same habitat patch. Ammocoetes often move downstream, both passively and actively, during periods of high flow, such as during spring freshets.



The preferred habitat of Pacific Lamprey ammocoetes consists of fine silt and sand. They will also use coarse sand and small gravels but almost always will be more abundant in finer substrates as long as they contain adequate oxygen and water velocity.

## Adult Phase

Information about Pacific Lamprey behavior and habitat use in the ocean is very limited. They are thought to spend between 18-40 months in the ocean prior to their return to freshwater. They may move into deep water soon after entering the ocean and have been found throughout the water column to over 500 meters deep.

During their marine phase, Pacific Lamprey are parasitic, feeding on a variety of fish, such as pollock, hake, and salmon, as well as whales. Pacific Lamprey may not inflict a great deal of harm to some of their hosts, as evidenced by the numerous otherwise healthy fish captured with lamprey attachment scars. Pacific Lamprey also occupy a role as prey within the marine food web, providing a food source for fish and marine mammals, such as seals, sea lions, and killer whales. Lamprey are rich in fats and oils, making them a good source of nutrition for their predators.

In the ocean, Pacific Lamprey grow to a size of 60-90cm (24-36") and weigh between 200-500 grams when they begin their return journey to freshwater spawning grounds. Migration out of the marine environment and into the lower Columbia River typically begins in April (see Life History Timing Chart pages 21-22).

Historical accounts describe migrations occurring in large groups with movements typically under the cover of darkness. Pacific Lamprey use their sucking mouth to attach to substrates as they migrate upstream. They are unable to jump like many other fish, making some anthropogenic barriers like dams, weirs, and fish ladders especially challenging. However, as long as there are rounded edges that allow their mouth to maintain suction, they are able to scale vertical features, including waterfalls, that salmon cannot pass.

An adult steelhead showing scars from lamprey parasitization.



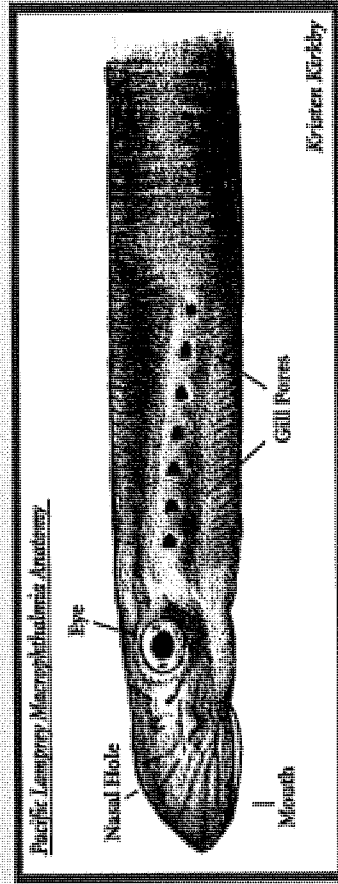
J. Grandall

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## Macrophthalmia Phase

Towards the end of the larval phase, ammocoetes undergo morphological and physiological changes during transformation to a macrophthalmia phase, preparatory to emigrating to the ocean. This transformation typically happens from July to November, but likely varies with environmental variables such as geographic location and water temperature.

The earliest visible physical transformation for macrophthalmia begins when the oral hood develops into a mouth and eyes begin to appear. Gradually, the mouth becomes rounder in shape and the eyes complete development. After approximately one month of transformation, a tongue and soft teeth will develop. In the final stages of external metamorphosis, the teeth harden and take on a yellow color. Internal changes, such as to organs and blood chemistry, occur during this time to prepare the juvenile lamprey for saltwater residence and parasitic feeding. During this transition period, feeding is temporarily halted as internal organs and the mouth transform to allow for parasitic feeding, and energy is garnered from stored lipid reserves.



Pacific Lamprey *Macrophthalmia* Anatomy

Kristen Kerby

In preparation for the deeper water habitat encountered as they move downstream and into the ocean, macrophthalmia take on a countershaded coloration, with a dark blue back and bright silvery sides. Since they stop feeding at transformation and use their stored energy reserves, macrophthalmia can be slightly smaller than mature ammocoetes, typically measuring 130-180mm. Fully transformed macrophthalmia possess increased swimming ability, and the rate of migration to salt water accelerates at this time. For most macrophthalmia, migration to the Pacific Ocean typically begins in late fall or with the spring freshet.

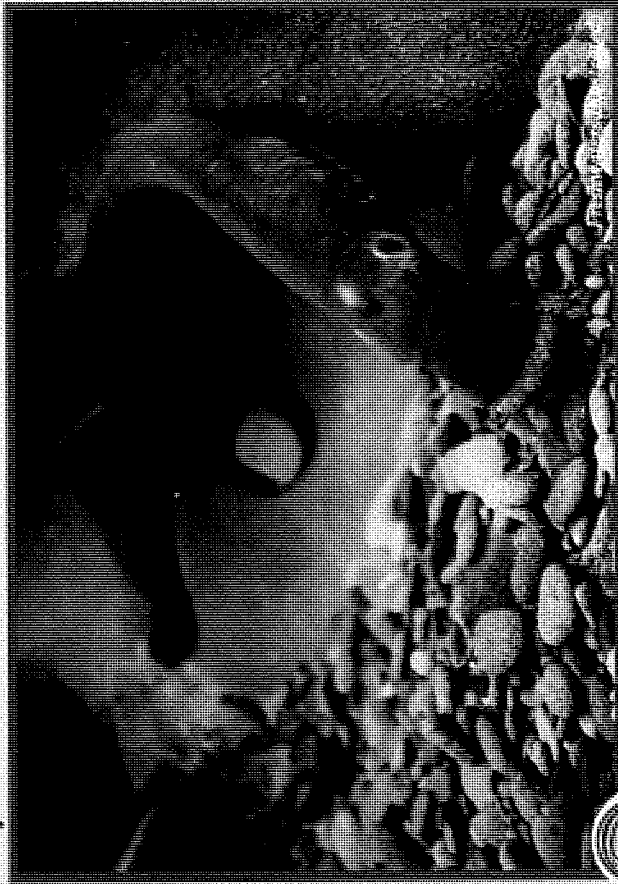
During river migration, macrophthalmia are preyed on by larger fish and seabirds. Although most parasitic feeding initiates upon reaching the estuary, macrophthalmia may begin to feed on a variety of freshwater fish as they make their way downstream towards the Pacific Ocean, particularly if delayed by the slow water currents found in dam impounded reservoirs.

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Pacific Lamprey do not home to natal streams for spawning as salmonids do, and therefore lack the site-specific genetic diversity exhibited by salmon. In fact, genetic data collected from Pacific Lamprey suggest that the populations along the Pacific Rim are well mixed. Pheromone-like compounds released by ammocoetes provide adult lamprey with attractive olfactory cues, and adults may be drawn to rivers and streams with high concentrations of ammocoetes. If so, absence of ammocoetes in a particular stream may limit the number of returning adults and hamper recovery of Pacific Lamprey in that stream.

Adults make their way up tributary streams of the Columbia River in late summer through early fall, depending on location. Adults may spend 6-12 months in freshwater prior to spawning, and they may hold for extended periods in one location as they prepare to spawn. Adults hold under boulders or logs, buried in coarse gravel, or in other cover features. No feeding occurs during this holding period while energy is shifted in preparation for reproduction. Adults may lose up to 20 percent of their body weight prior to spawning.

Spawning for Pacific Lamprey in the Columbia River Basin generally occurs between March-July, but varies geographically and with environmental cues, such as water temperature and stream discharge. Adults will move to spawning grounds from winter holding locations during this time. Once suitable spawning habitat is located in gravel substrates, Pacific Lamprey will either pair up or gather in small aggregations, commonly one female with multiple males. Adults may construct multiple redds in the same area.



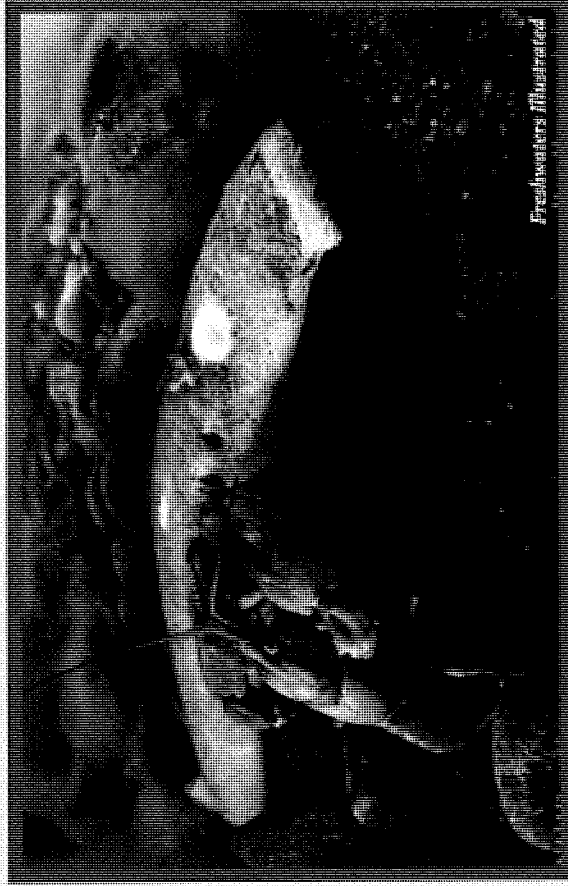
Pacific Lamprey construct redds in small gravels similar to salmon.

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To prepare the redd adults use rapid undulations of their bodies and use their sucking mouths to pick up and move gravel. Mating occurs as the pair intertwine their eel-like bodies. Eggs are released from the female and externally fertilized by the male. Eggs are deposited in the redd to begin their incubation in the interstitial spaces amongst the gravels. Adult Pacific Lamprey are extremely fecund, with a mature female capable of producing between 100,000-230,000 eggs.



Like salmon, adult Pacific Lamprey die after spawning. Their decaying carcasses provide a considerable food source for many organisms and increase freshwater supplies of marine derived nutrients.



Freshwaters Illustrated

Pacific Lamprey provide freshwater ecosystems with valuable supplies of marine derived nutrients.

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Pacific Lamprey Life History Timing By Region

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Lower Columbia River Basin</b>												
Life Stage												
Adult Migration into Tributary Mainstems												
Winter Holding and Migration to Spawning Areas												
Spawning												
Larval Rearing												
Juvenile Out Migration												
<b>Willamette River Basin</b>												
Life Stage												
Adult Migration into Tributary Mainstems												
Winter Holding and Migration to Spawning Areas												
Spawning												
Larval Rearing												
Juvenile Out Migration												
<b>Snake River Basin above Lower Granite Dam</b>												
Life Stage												
Adult Migration into Tributary Mainstems												
Winter Holding and Migration to Spawning Areas												
Spawning												
Larval Rearing												
Juvenile Out Migration												
<b>Upper Columbia River Basin above Rock Island Dam</b>												
Life Stage												
Adult Migration into Tributary Mainstems												
Winter Holding and Migration to Spawning Areas												
Spawning												
Larval Rearing												
Juvenile Out Migration												

Life history information is provided as a general description of the seasonal timing of distinct Pacific Lamprey life stages in different portions of the Columbia River Basin. The charts represent a summary of various data sources including adult dam passage, adult radio tracking, ammocete monitoring (electrofishing and screw traps), and field observations collected from across the Columbia River Basin. It is recognized that gaps in our knowledge of life history timing exist, and some degree of behavioral variation within the life stages should be expected depending on local conditions that vary across time and location. This variation should be kept in mind when planning instream activities in lamprey habitat, and project stakeholders are strongly encouraged to contact regional biologists for more information specific to a

### Section 3- Threats to Pacific Lamprey

Pacific Lamprey have undergone significant declines in abundance throughout their range within the Columbia River Basin. Similar to declines seen in numerous runs of Columbia River salmon and steelhead, the factors contributing to the precipitous and rapid decline in Pacific Lamprey are believed to be both numerous and pervasive. Although Pacific Lamprey abundance is expected to fluctuate as the population responds to natural variations in ecological conditions such as climate, streamflow, habitat, and prey populations, the extent and rapid pace of the decline over the past century suggests that anthropogenic influences are involved and threaten the future persistence of the Pacific Lamprey in the Columbia River Basin.

Recent research and field observations indicate that both current and past anthropogenic actions are working in concert to adversely affect all life stages Pacific Lamprey populations throughout their distribution. While this guide is focused on tributaries to the mainstem Columbia, Willamette and Snake Rivers, the nature and impact of factors within these mainstem rivers, the Columbia River estuary, and the Pacific Ocean are extensive and warrant consideration to provide context to the more detailed discussion of tributary threats.

While Pacific Lamprey are subjected to the same threats as other members of the Columbia River Basin native fish community, their response differs due to their unique biology and ecology.

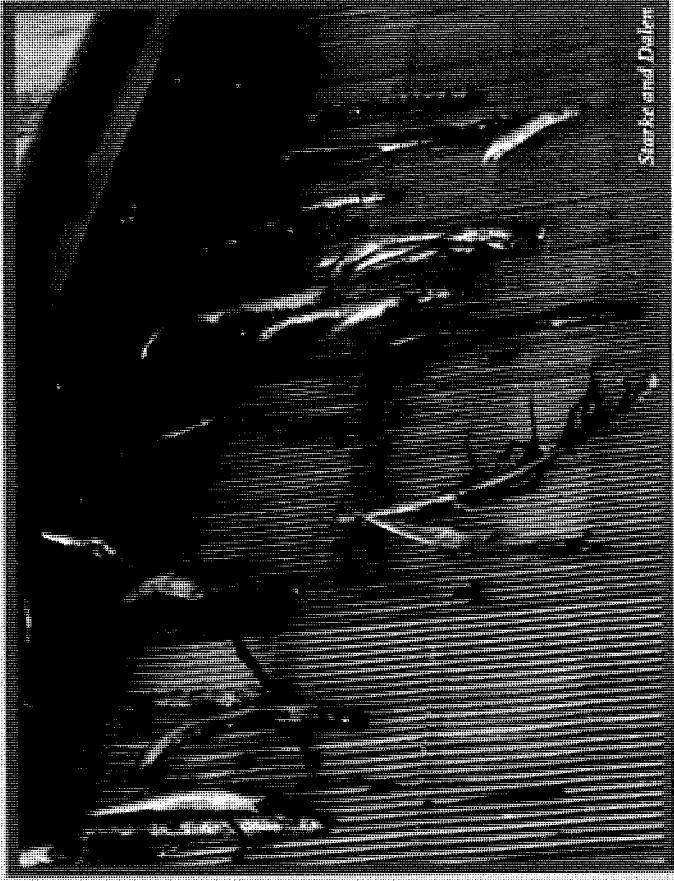
#### Ocean and Estuary Conditions

Habitat conditions (i.e. ocean currents, water quality, productivity) within the Pacific Ocean and the Columbia River estuary play a significant role in determining Pacific Lamprey productivity. However, very little is known about the effects these conditions have on lamprey populations. It is well documented that ocean conditions are a powerful driver of anadromous salmonid productivity, and it is likely that this also applies to Pacific Lamprey. Declines in marine prey abundance, particularly species targeted by large commercial fisheries, have probably impacted lamprey by decreasing feeding opportunities and adult returns at Bonneville Dam may correlate with marine prey species abundance.

#### Mainstem Passage

The large hydropower dams of the mainstem Columbia, Snake and Willamette Rivers pose significant passage challenges for both adult and juvenile Pacific Lamprey.

Upstream migrating adults have a difficult time navigating through the fish ladders at many of these large dams. In most cases, fish ladders were engineered to facilitate passage of adult salmon and were not specifically engineered to assist lamprey. High water velocities, grating, screens, right angled steps, and lighting associated with these passage structures may impede or prevent adult passage. At some dams passage success for adult lamprey can be as low as 30%.



Snake and Dalles

*Migrating Pacific Lamprey face many challenges including man made obstacles. Here lamprey macrophthalmia became entrapped on extended length bar screen at John Day Dam. Modification of fish screens can help reduce this threat to lamprey.*

Even with successful passage, travel through the dams is energetically costly for adult lamprey as it slows migration and saps valuable energy reserves, which are needed for further migration, winter holding, and spawning. These challenges are compounded as many adult lamprey must pass through multiple dams on their spawning migration.

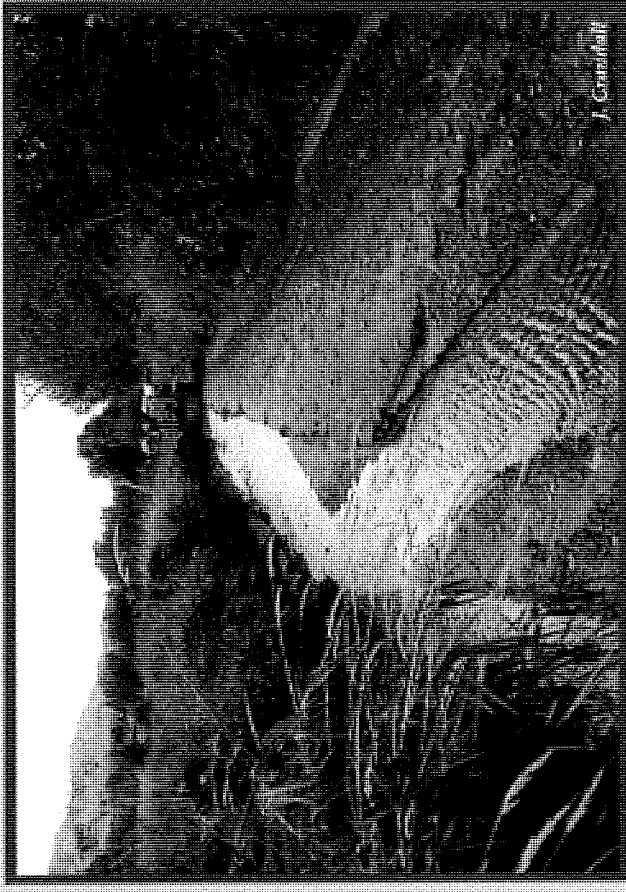
Downstream migrating macrophthalmia also encounter passage challenges at the dams. Juvenile migrants approaching dam infrastructure often encounter water velocities that exceed their swimming ability, putting them at high risk of being impinged upon, or entrained into fish screens and turbines, which can inflict high mortality.

Predatory fishes and birds often concentrate below dams where they feed on disoriented and damaged macrophthalmia. Similar to adults, macrophthalmia may use valuable energy reserves to navigate the dam infrastructure.

Downstream passage features at most dams were also designed to facilitate salmon passage and not necessarily adapted for lamprey. Improved passage conditions at mainstem dams has been recognized as an extremely critical element of the overall restoration strategy for Columbia River Basin Pacific Lamprey.

## Dewatering

Rapid drops in water inundation levels associated with water management in streams, reservoirs and irrigation canals can strand and desiccate lamprey inhabiting those areas. Dewatering is also associated with reaches of stream undergoing restoration such as during installation of engineered log structures. While the impacts of dewatering most likely affect rearing ammocoetes, adults and redds can also be impacted depending on the habitat and seasonal timing of the dewatering.



*Irrigation ditches with fine sediments often make great habitat for ammocoetes, but ammocoetes are vulnerable to stranding during dewatering or dredging.*

## Dredging

Dredging of stream and lake/reservoir beds directly removes or disturbs substrates occupied by lamprey, especially ammocoetes. Dredging is usually accomplished via heavy machinery, thus lamprey are susceptible to injury (i.e. crushing) as well as desiccation when they are removed from the water. Activities that may involve dredging include irrigation ditch maintenance, road construction, shipping channel maintenance and stream restoration.

Instream placer mining is perhaps the most pervasive dredging activity that may affect lamprey in the Columbia River Basin. This type of mining often uses suction dredging techniques to remove stream substrates for processing. Not surprisingly, placer mining can greatly impact lamprey, and myriad other aquatic organisms through direct mortality and alterations to habitat.

## Tributary Passage-Water Diversions and Fish Screens

Similar to the large hydropower dams of the mainstem rivers, diversion dams and culverts in smaller tributary streams can negatively affect Pacific Lamprey by creating conditions that can disrupt and delay migration. The vertical drops associated with diversions and culverts may lack suitable surface area and texture for lamprey to attach to. Adults are also not adept at attaching to the right-angled steps present at many structures. Pools downstream of the structures may not provide suitable habitat where the adults can rest and prepare for the climb over the structure, preventing them from accessing upstream habitat. Additionally, diversions and culverts can create zones of high water velocity that exceed the swimming ability of adults.

Entrainment of lamprey, especially ammocoetes, into irrigation diversion canals is a major threat to lamprey within most Columbia River tributaries. Ammocoetes and juvenile lamprey that enter open diversion canals may not have suitable opportunities to ever re-access the stream channel. Once isolated in the canals, they face stranding and desiccation when diversions are shut-off and drawn down, as well as the potential to be harmed or killed during dredging activities associated with canal maintenance.



*Lamprey that pass through fish screens can become stranded and face desiccation when the canals are drained or dredged.*

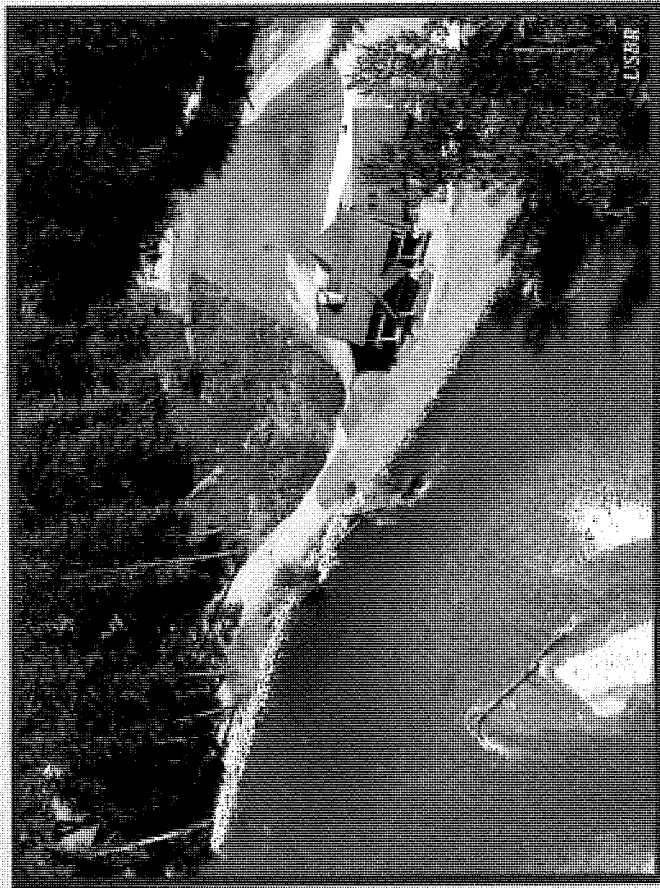
Fish screens, either within diversion canals or adjacent to stream channels, are another pervasive threat to larval and juvenile lamprey, which lack strong swimming ability. Water velocities approaching fish screens can easily exceed their escape ability. When this occurs, and young larvae may become impinged upon, or entrained into, the fish screen. This can severely harm or kill the lamprey, or allow them access into habitat to which there is little potential for escape. The screen material is also

a consideration as juveniles may become impinged more easily on some materials such as wire cloth.

## Habitat Degradation

Past and present activities that diminish the availability and quality of instream and floodplain habitats pose a continued threat to lamprey. Residential and agricultural development, road construction and maintenance, flood control measures, and numerous other activities have conspired to limit the availability and quality of habitats critical to lamprey. Connectivity between mainstem streams and associated side channels, floodplains, and other off-channel habitats are critical to healthy, functional lamprey habitat. Diminished habitat connectivity and complexity generally results from a reduction in the formative geomorphologic processes that create complex stream habitat.

Habitat degradation has the potential to affect the whole instream life cycle of lamprey from egg to adult. Ammocoetes spend a prolonged period instream and may be the life stage most significantly affected, but the effects on other life stages may be equally or more significant, depending on the location and degree of functional impairment.



*Development within a river floodplain can contribute to habitat degradation in many ways, including loss of riparian cover, sediment loading, pollution from home and yard chemicals, and contamination from septic tanks.*

## Water Quality

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Degraded water quality often stems from a multitude of sources, such as the clearing of riparian forests, residential and agricultural development, road construction and maintenance, mining, as well as many other point and non-point sources. Diminished water quality may harm lamprey on numerous fronts by upsetting normal physiological patterns and forcing movements from preferred habitat to less productive areas. Water quality, especially temperature, plays a large role in the reproduction and egg-larval development stages of lamprey. Thus, activities that increase water temperature can have negative impacts to lamprey productivity.

Water quality can also be severely degraded when chemicals spill or drift into waters occupied by lamprey. Depending on the degree of exposure (acute or chronic) and chemical composition, pesticides, herbicides, or other chemicals may cause direct mortality in lamprey or other physiological and behavioral harm. Once instream, these chemicals can persist in sediments for decades. Ammocoetes, because they also reside in the sediment for years, have been shown to bioaccumulate toxins such as mercury, pesticides, and flame retardants.

As ammocoetes live in the substrate, sediment conditions are crucial to their success. Ammocoetes are not found in anoxic sediments, so maintaining suitable instream flows, reducing nutrient inputs, and limiting excess algal growth are critical to maintaining healthy ammocoete populations.



*Non-point source pollutants from a variety of sources can build up in aquatic environments causing harm to lamprey and other species.*

## Section 4— Best Management Practices

Lamprey are unique fish. Their atypical body shape, swimming methods and ability, and natural history require special consideration when planning activities that have the potential to disturb stream habitats. Actions related to water diversion, road construction and maintenance, riparian development, mining, and recreation all have potential to adversely impact lamprey (See Section 3). Where these actions occur, the needs of lamprey should be considered by employing the Best Management Practices (BMPs) outlined below.

Negative impacts to lamprey and their habitat may also be associated with actions resulting from the implementation of instream, riparian and off-channel habitat restoration projects. Currently, the majority of habitat restoration projects funded and implemented in the Columbia River Basin are intended to improve habitat conditions for salmonids. These efforts seek to enhance the productivity of salmon and steelhead through improvements in habitat quality and availability. Yet, because these actions are focused on salmonids, they may not be planned, designed, or implemented in such a fashion to maximize potential benefits to Pacific Lamprey and may inadvertently harm lamprey. Recent efforts by the U.S. Fish and Wildlife Service and Natural Resources Conservation Service provide guidelines for the implementation of Pacific Lamprey-centric BMPs.



Poorly designed and maintained roads can alter watershed hydrology and degrade water quality.

The extensive geographic scope and overall scale of salmonid-based habitat restoration efforts within the Columbia River Basin present habitat restoration practitioners, land use planners, and funding entities with unique and valuable opportunities to simultaneously improve habitat conditions for Pacific Lamprey.

These BMPs can be included with the development and execution of activities that may disturb stream and riparian habitats occupied by lamprey. This guide presents a brief overview of BMPs as well as a listing of local biologists that can be consulted prior to any activities (page 51).

Adherence to BMPs for habitat disturbances within or adjacent to streams occupied by lamprey that alter instream flow, stream substrate, and water quality is especially important as disturbances to these habitat attributes have a high potential to harm lamprey across all life stages. Consider that even if the activities do not occur in habitats occupied by lamprey, disturbance effects may extend up or downstream into occupied habitats. If lamprey presence within a project area is uncertain, consult with local biologists for guidance (refer to contact information on page 51), or carry out a local survey (see Monitoring Section on page 47).

The timing of the disturbance is another important aspect to consider for instream activities. Adults, redds, and macrophthamia are present for portions of the year, while ammocoetes are typically present year-round. Thus, the type and timing of activities are critically important to minimizing or eliminating potential harm to lamprey. If possible, restrict project activities to work windows that will not conflict with lamprey presence. If this is not possible or practical, employ relevant BMPs throughout all phases of the project. Refer to pages 21-22 for generalized Columbia River Basin Pacific Lamprey life history timing.

### Instream Flow

Activities that alter the availability of instream flow over both the short- and long-term can impede adult spawning, adult and macrophthamia migration, and ammocoete movement. Alteration to instream flow can also desiccate and isolate habitat, including redds and adult holding habitat. Ammocoetes and holding adults are especially susceptible to desiccation and stranding because they are burrowed into the substrate and may react slowly to changes in water levels.

Short-term alterations to instream flow, such as dewatering an area for stream habitat restoration or to make repairs on a diversion structure, should be avoided in lamprey habitat if possible. If dewatering is necessary, it should occur slowly, ideally ramped down incrementally over several days, rather than rapidly, which leaves little opportunity for lamprey, especially ammocoetes, to move out of the area. During dewatering, care should be taken to create low spots in the work area for ammocoetes to congregate. Sufficient staff should be on hand to assist with lamprey removal from the work area. Dewatering should never occur in a spawning area.



Electrofishing during dewatering can be an effective technique to remove ammocoetes from instream work areas, but this should not be viewed as a method to remove all ammocoetes, as many more may escape capture. Repeated efforts over several days will likely remove more lamprey from the area. An effective strategy for excluding, dispersing and salvaging ammocoetes from instream work areas has not been developed. New and innovative removal methods are an on-going need.



B. Fisher, MSRF

*The removal of ammocoetes from instream work areas requires planning and patience. De-fishing efforts may require multiple passes over several days.*

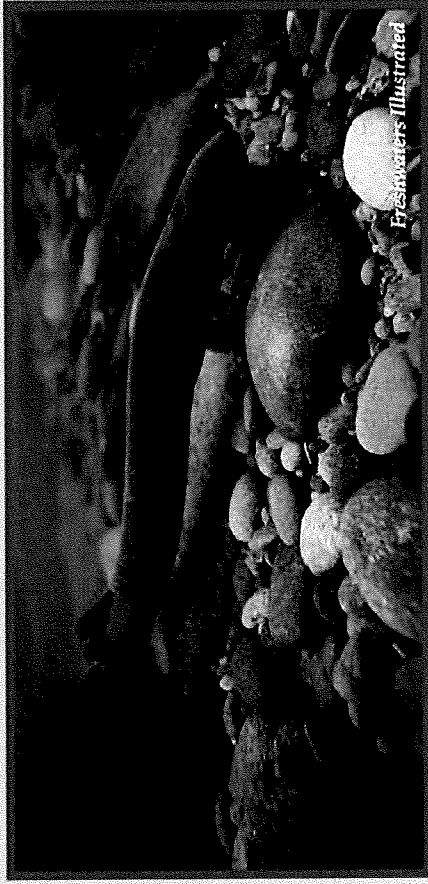
Long-term modifications to instream flow, such as irrigation diversions, should allow for adult and juvenile passage and reduce the potential for juvenile entrainment into canals. More information on design and installation of Lamprey Passage Structures at diversions is presented in Section 5.

Impingement onto diversion screens and entrainment into diversion canals is a well documented source of mortality for juvenile lamprey. Approach velocities at screens should be less than 0.4 feet/second (0.12 meters/second) for active screens (e.g. rotating drum and belt screens) and 0.2 feet/second (0.06 meters/second) for passive screens (e.g. standard pump screens, vertical bar). Screen design and material is also a consideration when used in areas inhabited by lamprey. See Section 5 for more details of screen design and operation.

### Water Quality

Lamprey require a high degree of water quality to thrive. Water temperature is a major consideration and any actions that result in warmer stream temperatures may be deleterious to lamprey and should be avoided. At temperatures above 22°C (71°F), mortality may occur in incubating eggs and young ammocoetes. Spawning may also be impacted at temperatures that exceed this 22°C threshold. Activities that may result in increases to water temperatures include removal of riparian vegetation, water diversion, stream channelization, and habitat alteration.

Lamprey can also be negatively impacted by toxins, such as pesticides and herbicides, that are present in the water and accumulate in stream sediments. Recent studies have shown that ammocoetes can accumulate detrimental levels of flame retardants, mercury, and pesticides. Herbicides can impair the olfactory and migratory behavior of adult lamprey. Activities that involve use of toxic chemicals should be avoided in and around streams.



Freshwaters Illustrated

*Pacific Lamprey are similar to other Columbia Basin fish species in that they require cold clean water, free of pollutants, in order to survive.*

### Stream Substrate

Without thoughtful and informed planning, activities that disturb stream substrates have the potential to negatively affect Pacific Lamprey and their habitat. Dredging, mining, and habitat restoration projects all have a high potential to impact lamprey, as they commonly disturb substrate types preferred by lamprey for spawning (gravels) and larval rearing (oxygenated fine sediment). During implementation, care must be used to minimize effects to lamprey.

Similar to instream flow activities, the timing of substrate disturbing activities is an important consideration, especially for adult lamprey. Pacific Lamprey spawning in the Columbia River Basin occurs March–July, and care must be taken to never disturb redds or spawning adult lamprey (or other fish species). See pages 21–22 for regional life history timing charts.

For disturbances in ammocoete habitat (fine substrates such as silt and sand), the timing is less of a concern as ammocoetes reside in these habitats year-round. Activities occurring in fine substrate at any time have the potential to impact ammocoetes. Multiple year classes of ammocoetes often occupy the same habitat patch, so disturbances in fine sediments have the potential to disrupt several age classes of lamprey. Activities that impact stream substrate should follow the BMPs for instream flow.

## Section 5—Restoration and Passage Design

The abundance and viability of Pacific Lamprey in the Columbia River Basin are threatened by habitat conditions in tributary streams. Impeded passage and diminished instream habitat complexity and water quantity negatively impact all life stages through direct mortality, loss of access to preferred habitat, migration delays, and diminished growth and survival.

These threats are widespread and persistent throughout the range of Pacific Lamprey in the Columbia River Basin. Due to the steep declines in abundance there is an urgent need to ameliorate threats to promote their recovery and persistence. Restoration actions designed to improve aquatic and riparian habitat conditions provide a means to assist Pacific Lamprey recovery.



*The collective movement to restore salmonid habitat in the Columbia River Basin presents a valuable opportunity to restore habitat for Pacific Lamprey. By considering lamprey from the onset of project development it may be possible to include lamprey specific project elements at little or no additional cost.*

Currently, there is an extensive and resource-intensive effort underway to restore salmonid habitat in the Columbia River Basin. A portion of these projects also have the potential to improve habitat conditions for lamprey, but in order to do so most effectively, the unique life history traits and habitat needs of lamprey must be considered throughout the life of the project from planning through implementation. By addressing the needs of lamprey in salmonid-based restoration efforts, project sponsors and managers will increase the overall ecological value of their project with potentially minimal additional cost. Those involved with salmonid-based restoration are encouraged to review the lamprey-specific restoration approach described in this section.

## A Restoration Approach for Pacific Lamprey

Habitat restoration for Pacific Lamprey must include consideration of the short- and long-term effects of actions. Lamprey will benefit in the short-term from projects that remove an immediate threat (i.e. "limiting factor"), such as improvements to irrigation diversion screens to reduce direct mortality. They will also benefit from projects that promote habitat-forming processes over the long-term (i.e. decades), such as those designed to increase availability side channels and other off-channel habitats.

Ideally, a restoration approach within a given stream or watershed should include projects to address identified threats across multiple time scales. Keep in mind that each geographic setting will be unique in relation to fish presence, habitat conditions, limiting factors, available resources and social context. One key to successful restoration is to develop a strategy tailored to site-specific conditions.

While it is likely that many of the salmon-based restoration efforts that address habitat limiting factors in the Columbia River Basin also improve habitat conditions for lamprey, these projects may have the potential to increase their benefit to lamprey by simply considering their ecology and habitat needs. Some approaches to salmon restoration, for example reduction of fine sediment and gravel/cobble augmentation, can adversely effect lamprey by eliminating ammocoete rearing habitat.

For this reason, before initiating instream and riparian restoration actions, project sponsors, managers, and other stakeholders are encouraged to gather as much information as possible related to the distribution, status, and threats faced by Pacific Lamprey in the project area. In many cases, this information will be available from local state and tribal fisheries biologists. If no information is available locally, project proponents should contact regional offices of the U.S. Fish and Wildlife Service. A contact list for the entire Columbia River Basin is available on page 51 with annually updated versions available at [www.methow.salmon.org](http://www.methow.salmon.org).

After lamprey distribution and status information has been gathered, the threats to lamprey should be identified and, if possible, prioritized based on their severity and prevalence within the project area. From this point, the project can proceed through a standard management pathway including the steps of 1) planning and design, 2) permitting, 3) contracting, and 4) construction. Project-level monitoring may also be applicable (see Section 6).

It is crucial to develop a site specific treatment that includes as much local environmental and biological information as possible. Habitat restoration to benefit Pacific Lamprey is a relatively recent development, and project sponsors are encouraged to seek out as much information as possible to assist with project development and also to develop other innovative solutions to benefit lamprey.

Once remediation areas are selected, site-specific treatment designs based on local conditions need to be developed. Where possible, barrier culverts should be replaced with a bridge or open bottom culvert with a stream simulating design.

Of particular interest for lamprey at any barrier are the water velocities and depths through the structure. Compared to salmon, lamprey are not strong swimmers. They use undulatory movements for swimming, and cannot swim through long patches of high water velocity. Lamprey use their oral discs to attach to substrate as they ascend and move through barriers. Once attached, lamprey can rest and recover for further movement. They will then use quick bursts of energy to move up to a new attachment point where they rest before bursting again. This "attach and burst" type of travel allows lamprey to scale vertical barriers and short sections of high water velocity.

Adult Pacific Lamprey will be unlikely to pass through barriers with water velocities exceeding 8.8 feet/second (2.7 meters/second). They will also be challenged to pass longer distances (>15 feet) with sustained velocities exceeding 2.8 feet/second (0.86 meters/second), especially if attachment points for resting are lacking along the way. Minimum water depths in and around the structure of at least 0.1 feet (3 cm) are needed for adequate passage. Water depths less than this pose a significant passage issue for lamprey, even though they are capable of moving short distances in shallow water.

Juvenile lamprey are much less accomplished swimmers than adults and the velocity values listed above likely greatly exceed their swimming abilities. Overall, velocity is less of a threat for migrating juveniles, as they primarily move within the current in a downstream direction. However, passage barriers can cause bodily harm via transport over spillways or through other bypass structures.

The physical construction of barriers is also of importance when assessing lamprey passage. Again, fish passage assessments focused on salmonids may be inadequate to determine if the structure is a passage challenge for lamprey. Lamprey will move best along relatively flat, non-porous (i.e. no mesh or grating), and slightly rough surfaces that are large (wide) enough to securely attach to with their oral disc. Lamprey will attach most securely when their oral disc can form a tight seal on the substrate and they will achieve the best passage success when broadly rounded surfaces are available (4-6" minimum radius). Surfaces such as fish ladders, culverts, and weirs that have sharp (i.e. <math>90^\circ</math>) angles will hamper attachment and impede or prevent passage. Passage success over structures with perched drops on the downstream side can be very problematic for adult lamprey passage, as these structures lack vertical attachment surfaces, and lamprey cannot jump barriers like salmon.

Overall lamprey will benefit from remediation efforts that minimize turbulent flows, provide gradual transitions from low to high velocity areas and provide rounded surfaces and rest areas for attachment. Where replacement of a culvert is not possible or cost prohibitive, consider installation of a lamprey passage structure (see pages 37-38).

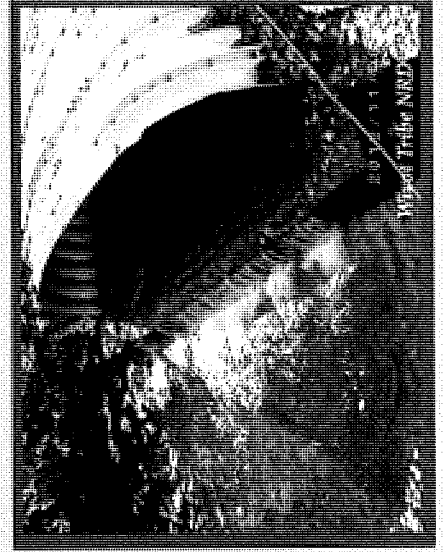
In the Columbia River Basin, several threats to Pacific Lamprey have been identified as particularly pervasive and harmful. These include physical barriers to migration, entrainment, diminished habitat complexity, low water volume, and high water temperatures. In the sections that follow, these threats will be summarized in the context of restoration efforts that can be employed to ameliorate them.

### Physical Barriers to Migration

Barriers to instream movement of lamprey are a regional concern as they are widespread throughout the Columbia River Basin. While fish passage barrier assessments have been completed for many watersheds, most assessments focused on passage of salmonids and may not have considered the needs of lamprey in their analyses. However, the data and observations collected at the various sites can be useful in determining if they pose passage challenges for lamprey. Efforts to collect as much site-specific information as possible is highly recommended to assess potential for a barrier to impede lamprey passage. Local biologists, irrigators, and water masters are good sources for site-specific information and should be contacted.



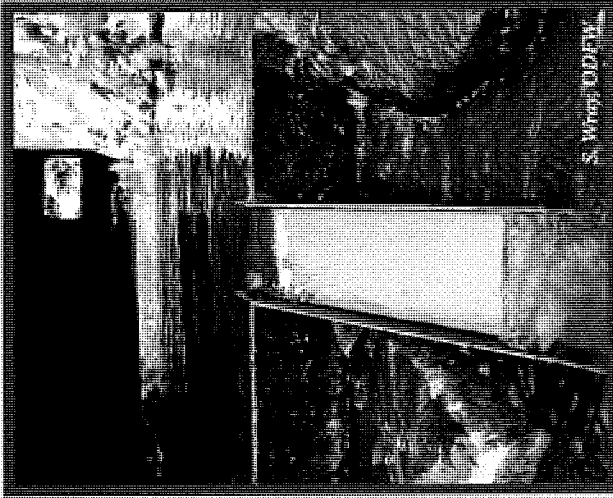
*Perched culverts (top) and culverts with an elevated apron (bottom) are common passage barriers for all life stages of Pacific Lamprey. Replacing these culverts with larger stream bed simulating culverts can assist Pacific Lamprey as well as salmon and other fish species.*



### Lamprey Passage Structures

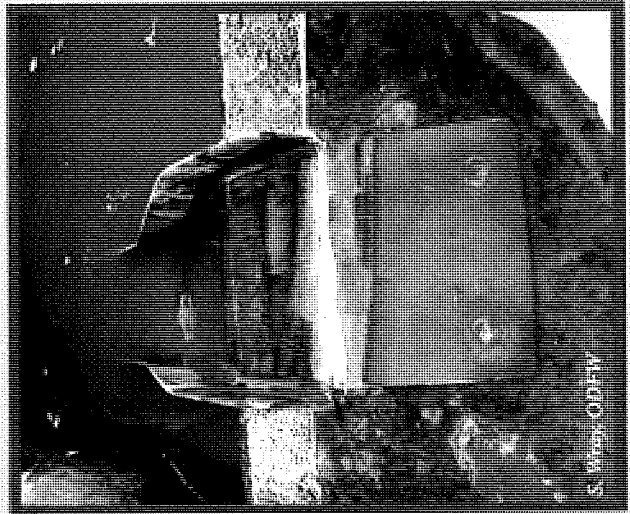
Identifying passage barriers is an important first step in the restoration of habitat access for lamprey. Once a structure has been identified as a potential barrier, restoration actions to ameliorate this threat can be implemented. Recently, the installation of Lamprey Passage Structures (LPS) at barriers has emerged as a restoration technique that has successfully improved conditions for migrating adult lamprey in several watersheds in the Columbia River Basin where other restoration options were not possible.

In their simplest configuration, LPS are inclined ramps that connect the downstream portion of a barrier with the upstream elevation. These structures are usually custom fabricated stainless steel plates designed to meet site specific conditions. They can be installed on the downstream side of a barrier to allow for passage over the lip of the upstream side (photo upper left). They can also be installed in series across a set of small step barriers such as would be found in a culvert with multiple baffles along the length of the culvert (photo upper right). LPS can also be attached as a verticle plate (photo lower right). The attachment method of these small ramp LPS depends on the material of the structure but commonly use bolts.



S. Wroso, ODPIW

*LPS can be installed as ramps or verticle plates. Water depths and velocities should be considered and may dictate the exact installation location.*



S. Wroso, ODPIW

*Lamprey Passage Structures (LPS) can be an effective tool to restore upstream passage beyond barriers where other restoration options, such as barrier removal, are impractical.*



S. Reed

LPS installation at large or more structurally complex barriers, such as low head dams, is more complex and may require more sophisticated engineering (see page 39). The LPS may feature a series of ramps interspersed with benches in order to achieve the desired gain in elevation and to provide adequate resting areas for adults. Additional features such as fish traps and video monitoring can be installed within these LPS, which are similar in design to the LPS being installed on mainstem dams on the Columbia and Willamette Rivers.

A key consideration for any LPS installation is assessing the flow velocities and depths through the structure during the periods of the year when lamprey use would be expected. The LPS should be engineered to provide adequate passage velocities and depths throughout the migration window. The LPS should be configured and installed to be locatable and accessible to migrating fish. Care should be taken not to install the LPS in a location that would impede passage for other fish such as in the center of a downstream holding pool. For more information, refer to the water velocities and depth guidance provided in this guide (page 36) and contact local biologists for more information.





Tom Calvanese, Station Manager  
Port Orford Field Station  
444 Jackson Street  
Port Orford, OR 97465

Dear Mayor Cox and Port Orford City Councilors:

I am writing in support of the proposal to install a Pacific Lamprey passage structure at the Hubbard Creek Dam, in collaboration with Dr. Stewart Reid of Western Fishes.

More ancient than dinosaurs, Pacific Lamprey having existed throughout the Pacific Northwest for more than 400 million years, unchanged since the earliest fossil record. Lampreys play an important role in healthy aquatic ecosystems. When plentiful, they protect salmon from predators due to their high fat content. Lamprey also play an important medicinal and cultural role for Indian tribes. They are a food source for several species throughout their life cycle, and filter sediment during their larval stage, helping keep rivers clean. When they die, they return nutrients to the aquatic ecosystem.

Like salmon, lamprey need cool clean water, with gravel for spawning, fine sediments for rearing, and to be able to get to and from the ocean, so barrier free passage is essential to their survival.

Over the last 100 years, lamprey populations have declined dramatically due to unsafe passage, habitat degradation, and poor water quality. Pacific Lamprey are designated as a species of concern by the Tribes, US Fish and Wildlife Service, and ODFW. Several initiatives are underway to modify and remove barriers, and to carry out research to inform restoration projects.

The proposed project is similar to a successful one carried out by Damon Goodman of the US Fish and Wildlife Service, and Dr. Stewart Reid of Western Fishes, who has offered to support this project with existing funds and local volunteer support. I have offered to collaborate on this project, and to develop participation and internship opportunities for students and tribal members.

Please consider this opportunity to partner with an experienced scientist to improve the health of the Pacific Lamprey population at Hubbard Creek, and by doing so, enhancing the health of the creek.

Sincerely,

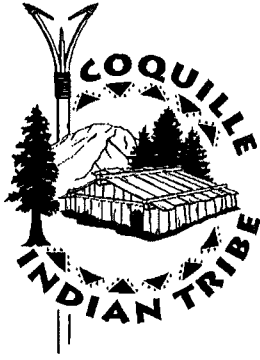
Tom Calvanese, Master of Fisheries Science  
541.366.2501 (mobile)

#### References

Clearing the way for Pacific lamprey return to their southern range- John Heil October, 2018  
short link: <https://beav.es/Ura>

Crandall, J. D. and Wittenbach, E. 2015. Pacific Lamprey Habitat Restoration Guide. Methow Salmon Recovery Foundation, Twisp, Washington. First edition 54p. short link: <https://beav.es/UrV>

Pacific Lamprey 2020 Regional Implementation Plan for the Oregon Coast Regional Management Unit South Coast Sub-Region



## COQUILLE INDIAN TRIBE

3050 Tremont Street, North Bend, OR 97549  
 Telephone: (541) 756-0904 ~ Fax: (541) 756-0847  
[www.coquilletribe.org](http://www.coquilletribe.org)

City of Port Orford  
 Mayor  
[pcox@portorford.org](mailto:pcox@portorford.org)

City Administrator  
[jfinsburg@portorford.org](mailto:jfinsburg@portorford.org)

Re: Lamprey Passage Restoration Project

Jii-la! I am writing this letter in support of a proposed Pacific Lamprey passage restoration project at the City of Port Orford's facilities on the North Fork of Hubbard Creek.

Lamprey, also known as *mee-ghvul-na'* in our Nuu-wee-ya' (Athabaskan) language, are a keystone species which have nourished Coquille people for countless generations. It is such an important species that it is the namesake for the Coquille Indian Tribe today. Oral histories tell us that these fish were once abundant and "swarmed the rivers". Regretfully, a series of abuses to our environment and to these fish including ocean acidification, riverine pollution, and impassable culverts and dams have resulted in significantly diminished populations of lamprey in our rivers. This great loss compounds environmental issues on the river as lamprey are no longer providing their wealth of nutrients.

Today, Tribal members walk the same banks and shores where our ancestors relished and revered the lamprey, salmon, shellfish, sedge, and other aquatic life since time immemorial. Protecting and enhancing our environment for the sustenance and enjoyment of future generations. We must all work together to restore lamprey to our waters.

If the City moves forward with this project, we request to be consulted on project planning and implementation. Please contact our Tribal Historic Preservation Officer, Cassandra Rippee, at [kassandraripee@coquilletribe.org](mailto:kassandraripee@coquilletribe.org) and our Biological Planning and Operations Manager, Helena Linnell, at [helenalinnell@coquilletribe.org](mailto:helenalinnell@coquilletribe.org) to set up a meeting about this project at your earliest convenience.

Shuenhalni,

Kassandra Rippee  
 Tribal Historic Preservation Officer, M.L.S, M.A.

**KALMIOPSIS AUDUBON SOCIETY**

P.O. Box 1265 • Port Orford OR • 97465

Dec. 8, 2021

To: Mayor Cox and Port Orford City Council members  
Re: Support for Port Orford Watershed Council lamprey passage proposal

Dear Mayor Cox and Port Orford City Council members:

I am writing on behalf of the Kalmiopsis Audubon Society. Our organization has more than 400 members in Curry County—including ~100 in Port Orford—who care about habitat for birds, fish and wildlife, and I am writing now to express support for the Port Orford Watershed Council's recent proposal to restore passage for lamprey at our North Fork Hubbard Creek reservoir dam.

I think this restoration proposal deserves your support for three important reasons:

**1) LAMPREY RESTORATION CAN HELP TO PURIFY OUR WATER:** I was fascinated to learn from the PO Watershed Council that lamprey, which in their juvenile form live within mud and silt, are essentially filter feeders, and thereby filter the water. For this reason, helping to restore lamprey to the ecosystem of our water-source watershed could be an excellent way to help reduce turbidity and make our drinking water cleaner before final treatment. Because turbidity is a problem for our system, this restoration solution could be useful.

**2) RESTORING LAMPREY PASSAGE IS FREE FOR US:** I was really glad to learn that the PO Watershed Council has resourcefully tracked down funding –unused monies from a different project –that would go to pay for a lamprey “passage” conduit. I understand this show be a relatively straight forward project that would not interfere with any city water management operations.

**3) RESTORING LAMPREY PASSAGE IS THE RIGHT THING TO DO:** In our region, I think everyone agrees we need to do all we can to provide for passage for salmon and steelhead over the many damaging blocks and barriers we've erected in their stream habitats. Unfortunately, people have long neglected to do the same for lamprey, which need a different type of conduit. Like salmon and steelhead, lamprey are also important creatures in our river ecosystems. They are also culturally important to local tribes and our indigenous community members. For these reasons there are now many efforts to restore lamprey, and it would be terrific for our City of Port Orford to help.

This unique opportunity sounds like a case where helping lamprey can help all of us and so I urge you to support this project.

Sincerely,

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

Ann Vileisis  
President, Kalmiopsis Audubon Society



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Seasonal Gas Tax

ITEM NO: 7 a.

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### Previous Council Meeting:

A workshop was held on Seasonal Gas tax in June of 2020. I have attached the meeting minutes from that workshop. Continue looking for a seasonal Gas Tax Ordinance to model ours after.

### Goal for December 2021 Council Meeting

I have found a Model for the Motor Fuel Tax Ordinance. It is attached in this section of the packet. Please review and let me know if this model is acceptable and I will start to get a draft for City Council to review at the January Meeting.

Attachment 7.a.1- Meeting Minutes from Workshop in June 2020

Attachment 7.a.2- Model Motor Fuel Tax Ordinance

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**City of Port Orford**  
**City Council Workshop Minutes**  
**In the Gable Chambers**  
**Monday, June 29, 2020 at 5:00 P.M.**

<b>Mayor and Council</b>	<b>Present</b>	<b>City Staff</b>	<b>Present</b>
<i>Tim Pogwizd, Mayor</i>	X	<i>Terrie Richards, City Admin/Recorder</i>	X
<i>Pat Cox, President</i>	X	<i>David Johnson, Finance</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, Legal Council</i>	X
<i>Carolyn LaRoche</i>	X		
<i>James Garratt</i>	X		
	X		

Media Present:

Others Present:

**1. Call to Order**

Mayor Pogwizd called to order this Workshop of the Common Council on Monday, June 29, 2020 at 5:06 p.m. The meeting is held via internet connection due to COVID-19 restrictions set in place by the State of Oregon.

**2. Agenda**

**a. Seasonal Gas Tax**

Two cents per gallon was previously discussed and again reviewed. Councilors discuss whether residents will approve two cents for six months out of the year. Councilor Garratt feels it should be written for a road and vehicle fuel station excluding the port fuel station. Fuel goes into boats; however, they are not road taxable. Gas taxes can only be used for repair of roadways and construction of roadways, etc. Ms. Kudlac reports the model code from League of Oregon Cities defines motor vehicle as "all vehicles, engines or machines, moveable or immovable operated or propelled by the use of motor vehicle fuel." She feels that if the Port is excluded and the Port then sells to citizens, Chevron has a valid complaint that the city is causing loss of Chevron customers. Councilor Cox stated this ordinance is to try and capture tax from tourism for six months and asks why card locks and the local port would be taxed. Ms. Kudlac advised that card locks and the Port would have to be excused in the definition. Travelers also have card locks. Councilor LaRoche feels there is not enough time to educate the citizens. Mayor Pogwizd advised there will be Town Hall meetings through October. Councilor Burns can post information via flyers, vendors and Facebook, etc. If the measure fails, it can be introduced the next year. Councilor Cox agrees it will be a tough sell in three months.

Mayor Pogwizd asks for consensus from council for adding the Seasonal Gas Tax to the City Council agenda.

*Councilor Burns*     Yes     *Councilor LaRoche*     Neutral     *Councilor Cox*     No  
*Councilor Garratt*     Yes

Discussion: Mayor Pogwizd agrees to put the Seasonal Gas Tax on the agenda next month but does not feel more time should be spent on the topic at this meeting. Councilors agree with the amount of two cents per gallon. Councilors agree with the tax in effect the months of May, June, July, August September, and October. Councilors agree to include diesel and not include propane. Councilors agree to exclude the Port. ODOT can inform the amount of fuel usage from the local stations. CA Richards will contact ODOT.

**b. Burn Permit Time Limit.**

The current burn permit is a two-day permit. Due to wind conditions, Mayor Pogwizd recommends extending the permit to one week. Councilor Garratt would like a better list of burn stipulations such as wind advisories determining date choice and extension if the permit could not be used during the week due to wind conditions. Councilor Garratt stated the fire department is in support of city ordinances but will issue tickets if not in compliance with a permit. The fire department would be willing to do inspections on fire permits when applications are received for a small fee if the city is interested. Permit inspections will be added to the council agenda. Councilors agree the ordinance should include the permit holder contact and inform Fire Station 2 when a permit will be used.

**c. Engineer RFP**


Dyer engineering has been the city's engineer record for approximately ten years. CA Richards researched surrounding cities from Reedsport to Brookings. Dyer was number one on the list for everybody. Coos Bay has six to eight engineers they use depending on the project due to engineer expertise. Agate Beach uses Civil West. Closing of RFP is July 15. No RFPs received to date. CA Richards reported the benefit of having an engineer on record is to decrease time consumption in the future when an engineer is needed. Councilors accept Dyer; however, communication with Dyer needs to improve. Communication was lacking with Dyer over the contact tank.

**9. Future Meetings:**

Thursday, July 16, 2020 Regular Meeting of the Common Council at 3:30 p.m. held virtually via the same link as today.

**10. Adjourned**

There being no further business, Mayor Pogwizd adjourned the workshop at 5:54 p.m.

  
 \_\_\_\_\_  
 Mayor Tim Pogwizd

Attest:

  
 \_\_\_\_\_  
 City Recorder, Terrie Richards

## Model Motor Fuel Tax Ordinance

### SECTIONS

1. Purpose and Title.
2. Findings.
3. Definitions.
4. Tax Imposed.
5. Amount and Payment.
6. License Requirements.
7. License Application and Issuance.
8. Failure to Secure License.
9. Revocation of License.
10. Cancellation of License.
11. Remedies Cumulative.
12. Delinquency.
13. Monthly Statement of Dealer.
14. Failure to File Monthly Statement.
15. Billing Purchasers.
16. Failure to Provide Invoice or Delivery Tag
17. Transporting Motor Vehicle Fuel in Bulk.
18. Exemption of Exported Fuel.
19. Sales to Armed Forces Exempted.
20. Fuels in Vehicles Coming into City Not Taxed.
21. Refunds.
22. Examination and Investigations.
23. Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.
24. Records to be Kept by Dealers.
25. Records to be Kept Three Years.
26. Use of Tax Revenues.
27. Administration.
28. Voter Referral.
29. When Tax Shall Take Effect.
30. Severability.

[Insert your city's ordaining clause, e.g., "*The People of the City of \_\_\_\_\_ ordain as follows*"]

Section 1. Purpose and Title. This ordinance is enacted to provide additional funds for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public highways, roads, and streets in the city and those subject to city control. This ordinance shall be known as the "Motor Vehicle Fuel Tax Ordinance."

Section 2. Findings. The City Council of the City of [insert city name] finds:

- A. The public highways, roads, and streets in the city and those subject to city control are consistently in need of construction, reconstruction, improvements, repair, upkeep and maintenance, to promote ease of travel and commerce in and around the city;
- B. The city's current revenue sources do not produce adequate funding to fund said construction, reconstruction, improvement, repair, upkeep, and maintenance;
- C. The city wishes to enact a \$[insert amount of tax] per gallon motor vehicle fuel tax on all motor vehicle fuel dealers to provide additional funds for said construction, reconstruction, improvement, repair, upkeep, and maintenance of the public highways, roads, and streets in the city and those subject to city control;
- D. The city referred a proposed \$[insert amount of tax] per gallon motor vehicle fuel tax to the electors of the City of [insert city name] for their approval at the election held on [insert date of election].
- E. On [insert date of voter approval] the electors of the City of [insert city name] approved a \$ [insert amount of tax] per gallon motor vehicle fuel tax; and
- F. The monies generated by this ordinance will be dedicated to the construction, reconstruction, improvements, repair, maintenance, operation, and use of public highways, roads, and streets in the city and those subject to city control as required by the Oregon Constitution.

Section 3. Definitions. As used in this ordinance, unless context requires otherwise, the following words and phrases mean:

- A. City. The city of [insert your city's name], Oregon.
- B. Dealer. Any person who:
  - 1) Imports or causes to be imported motor vehicle fuel for sale, use or distribution in the city;
  - 2) Produces, refines, manufactures or compounds motor vehicle fuel in the city for use, distribution or sale in the city; or
  - 3) Acquires in the city for sale, use or distribution in the city motor vehicle fuels with respect to which there has been no motor vehicle fuel tax previously incurred.
  - 4) "Dealer" does not include any person who imports into the city motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer hereunder if that dealer assumes liability for the payment of the applicable motor vehicle fuel tax to the city.
- C. Distributor. In addition to its ordinary meaning, the deliverer of motor vehicle fuel by a dealer to any service station or into any tank, storage facility, or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks or motor vehicles whether or not the service station, tank, or storage facility is owned, operated, or controlled by the dealer.

- D. Motor vehicle. All vehicles, engines or machines, moveable or immovable, operated or propelled by the use of motor vehicle fuel.
- E. Motor vehicle fuel. Means and includes gasoline, diesel, and any other inflammable or combustible gas or liquid, by whatever name that gasoline, gas, or liquid is known or sold, usable as fuel for the operation of motor vehicles. Propane fuel and motor vehicle fuel used exclusively as a structural heating source are excluded as a taxable motor vehicle fuel.
- F. Person. Every natural person, association, firm, partnership or corporation.
- G. Service station. Means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Section 4. Tax Imposed. A motor vehicle fuel tax is hereby imposed on every dealer operating within the corporate limits of the city. The city motor vehicle fuel tax shall be paid monthly to the city or its authorized agent.

- A. A person who is not a licensed dealer shall not accept or receive motor vehicle fuel in this city from a person who supplies or imports motor vehicle fuel who does not hold a valid motor vehicle fuel dealer license in this city. If a person is not a licensed dealer or licensed motor vehicle fuel handler in this city and accepts or receives motor vehicle fuel, the purchaser shall be responsible for all taxes, interests and penalties prescribed herein.
- B. A licensed dealer who accepts or receives motor vehicle fuel from a person who does not hold a valid dealer license in this city, shall pay the tax that would have otherwise been imposed upon the unlicensed dealer by this ordinance to the city, or its authorized agent, upon the sale, use or distribution of the motor vehicle fuel.

Section 5. Amount and Payment.

- A. In addition to any fees or taxes otherwise provided for by law, every dealer in the city engaging in the sale, use or distribution of motor vehicle fuel shall:
  - 1) Not later than the 25<sup>th</sup> day of each calendar month<sup>8</sup>, render a statement to the city or its authorized agent, of all motor vehicle fuel sold, used, or distributed by them in the city as well as all such fuel sold, used, or distributed in the city by a purchaser thereof upon which sale, use, or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month and within the time provided in this ordinance ; and
  - 2) Pay a motor vehicle fuel tax on the basis of \$\_\_\_\_\_ per gallon<sup>9</sup> of such motor vehicle fuel so sold, used, or distributed as shown by such statement in the manner and within the time provide in this Ordinance.

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<sup>8</sup> City fuel taxes collected under the ODOT Tax Group are due by the 25<sup>th</sup> of each month. Self-administering cities may choose another date but may still consider the 25<sup>th</sup> of each month.

<sup>9</sup> Cities who impose a local motor vehicle fuel tax generally levy \$0.01 to \$0.03 per gallon. See Appendix A for a list of cities who impose a local motor vehicle fuel tax and their current rates.

- B. The motor vehicle fuel tax shall not be imposed wherever it is prohibited by the Constitution, laws of the United States, or the State of Oregon.

Section 6. License Requirements. No dealer, shall sell, use, or distribute any motor vehicle fuel until they have secured a dealer license as required herein.

Section 7. License Application and Issuance.

- A. Every person, before becoming a dealer in motor vehicle fuel in this city, shall make an application to the city or its duly authorized agent, for a license authorizing such person to engage in business as a dealer.
- B. Applications for the license must be made on forms prescribed, prepared, and furnished by the city or its duly authorized agent.
- C. Applications shall be accompanied by a fully acknowledged certificate containing:
- 1) The business name under which the dealer is transacting business;
  - 2) The address of the applicant's principal place of business and location of distributing stations in and adjacent to the city;
  - 3) The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.
- D. If an application for a motor vehicle fuel dealer license having been accepted for filing, the city or its authorized agent, shall issue to the dealer a license in such form as the city or its duly authorized agent may prescribe to transact business in the city. The license so issued is not assignable and is valid only for the dealer or fuel handler in whose name it is issued.
- E. The City Recorder<sup>10</sup> shall keep on file a copy of all applications and licenses.
- F. No fee shall be charged by the city for securing said license as described herein.

Section 8. Failure to Secure License.

- A. If any dealer sells, distributes or uses any motor vehicle fuel without first filing the certificate and securing the license required by Section 7, the motor vehicle fuel tax shall immediately be due and payable on account of all motor vehicle fuel so sold, distributed or used.
- B. The city shall proceed forthwith to determine, from the best available sources, the amount of such tax, and it shall assess the tax in the amount found due, together with a penalty of 200%<sup>11</sup> of the tax, and shall make its certificate of such assessment and penalty, determined by the City Manager<sup>12</sup> or the city's duly authorized agent. In any suit or proceeding to collect such tax or penalty or both, the certificate is prima facie evidence that the dealer therein named is indebted

<sup>10</sup> Or other appropriate staff member or department.

<sup>11</sup> The city may impose another appropriate amount.

<sup>12</sup> Or other appropriate staff member.

- C. Any tax or penalty so assessed may be collected in the manner prescribed in Section 12 of this ordinance with reference to delinquency in payment of the fee or by an action at law.
- D. In the event any suit or action is instituted to enforce this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued, reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

Section 9. Revocation of License. The city or its authorized agent shall revoke the license of any dealer refusing or neglecting to comply with any provision of this ordinance. The city or its authorized agent shall mail by certified mail addressed to such dealer at their last known address on file, a notice of intention to revoke. The notice shall give the reasons for the revocation. The revocation shall become effective without further notice if within 10 days from the mailing of the notice, the dealer has not made good its default or delinquency.<sup>13</sup>

Section 10. Cancellation of License.

- A. The city or its authorized agent may upon written request of a dealer, cancel any license issued to such dealer. The cancellation shall take effect not later than 30 days after receipt of the written request, after which the license shall no longer be effective.
- B. If the city or its authorized agent ascertains and finds that the person to whom a license has been issued is no longer engaged in the business of as a dealer, the city or its authorized agent may cancel the license of such dealer upon investigation after 30 days' notice has been mailed to the last known address of the dealer.

Section 11. Remedies Cumulative. Except as otherwise provided in Sections 12 and 14, the remedies provided in Sections 8 and 10 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this ordinance.

Section 12. Delinquency.

- A. Except as provided in subsection (B) and (C) of this section, if payment of the tax is not paid as required by sections 4 and 5 of this ordinance, a penalty of 1% of such license tax shall be assessed and be immediately due and payable.
- B. Except as provided in subsection (C) of this section, if the payment of the tax and penalty, if any, is not made on or before the 1<sup>st</sup> day<sup>14</sup> of the next month following that month in which payment is due, a further penalty of 10% of the tax shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (A) of this section and shall be immediately due and payable.
- C. Penalties imposed by this section shall not apply if a penalty has been assessed and paid pursuant to Section 8.
- D. The city or its authorized agent may for good cause shown waive any penalties assessed under this section.

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<sup>13</sup> Cities should consult with their city attorney to ensure licensees subject to revocation or denial are provided with adequate due process.

<sup>14</sup> It may be desirable to amend this deadline to another date for convenience such as the 25<sup>th</sup> day so that there is a single payment date for all current and prior taxes and penalties owed.



- E. If any person fails to pay the license tax, interest, or any penalty provided for by this section, the tax, interest, and/or penalty shall be collected from that person for the use by the city. The city shall commence and prosecute the final determination in any court of competent jurisdiction an action at law to collect the same.
- F. In the event any suit or action is instituted to collect the tax, interest, or any penalty provided for by this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

Section 13. Monthly Statement of Dealer. Every motor vehicle fuel dealer shall provide to the city or its authorized agent on or before the 25th day of each month, on forms prescribed, prepared and furnished by the city or its authorized agent, a statement of the number of gallons of motor vehicle fuel sold, distributed or used by the dealer during the preceding calendar month. The statement shall be signed by the dealer or its agent. All statements as required in this section are public records.

Section 14. Failure to File Monthly Statement. If a dealer fails to file any statement required by Section 13, the city or its authorized agent shall proceed forthwith to determine from as many available sources as the city or its authorized agent determines reasonable the amount of motor vehicle fuel sold, distributed, used, or stored by such dealer for the period unreported, and such determination shall in any proceeding be prima facie evidence of the amount of fuel sold, distributed, used, or stored. The city or its authorized agent immediately shall assess the motor vehicle fuel tax in the amount due determined, as pertaining to the reportable dealer, adding thereto a penalty of ten percent for failure to report. The penalty shall be cumulative to other penalties provided in this ordinance. In any suit brought to enforce the rights of the city under this section, any such determination showing the amount of tax, penalties, and costs unpaid by any dealer and that the same are due and unpaid to the city or its authorized agent is prima facie evidence of the facts as shown.

Section 15. Billing Purchasers. Bills shall be rendered to all purchasers of motor vehicle fuel by dealers. The bills shall separately state and describe to the satisfaction of the city or its authorized agent, the different products shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the city or its authorized agent are maintained. The bills required hereunder may be the same as those required under ORS 319.210.

Section 16. Failure to Provide Invoice or Delivery Tag. No person shall receive and accept any shipment of motor vehicle fuel from any dealer, or pay for the same, or sell or offer the shipment for sale, unless, the shipment is accompanied by an invoice or delivery tag showing the date upon which shipment was delivered and the name of the dealer in motor vehicle fuel.

Section 17. Transporting Motor Vehicle Fuel in Bulk. Every person operating any conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk shall, before entering upon the public streets of the city with such conveyance, have and possess during the entire time of such hauling or transporting of motor vehicle fuel, an invoice, bill of sale, or other written statement showing the number of gallons conveyed, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by the city to inquire into, or investigate such matters, produce and offer for inspection the invoice, bill of sale, or other statement.

Section 18. Exemption of Exported Fuel.

- A. The tax imposed by Section 4 shall not be imposed on motor vehicle fuel that is:
- 1) Exported from the city by a dealer; or
  - 2) Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area, or areas outside the city in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the city in such detail as may be required.
- B. In support of any exemption from motor vehicle fuel taxes claimed under this section other than in the case of stock transfers or deliveries in their own equipment, every dealer must execute and file with the city or its authorized agent, an export certificate in such form as shall be prescribed, prepared and furnished by the city or its authorized agent, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the city, and giving such details with reference to such shipment as may be required. The city or its authorized agent may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The city or its authorized agent, may, in a case where it believes no useful purpose would be served by filing of an export certificate, waive the certificate.
- C. Any motor vehicle fuel carried from the city in the fuel tank of a motor vehicle shall not be considered as exported from the city.
- D. No person shall, through false statements, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the city motor vehicle fuel tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof to be used, distributed or sold in the city and fail to notify the city or its authorized agent and the dealer from whom the motor vehicle fuel was originally purchased of their act.
- E. No dealer or other person shall conspire with any person to withhold from export, divert from export, or return motor vehicle fuel to the city for sale or use so as to avoid any fees imposed herein.
- F. In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the city or its authorized agent. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

Section 19. Sales to Armed Forces Exempted. The motor vehicle fuel tax imposed by Section 4 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States for use in ships, aircraft or for export from the city; but every dealer shall be required to report such sales to the city, in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

Section 20. Fuels in Vehicles Coming into City Not Taxed. Any person coming into the city in a motor vehicle may transport in the fuel tank of such vehicle motor vehicle fuel for their own use only and for the purpose of operating such motor vehicle without securing a license or paying the tax provided in Section

4, or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the city is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing the fuel into the city shall be subject to all provisions herein applying to dealers.

Section 21. Refunds. Refunds will be made pursuant to ORS 319.280 to 319.320.

Section 22. Examination and Investigations. The city, or its duly authorized agent, may make any examination of accounts, records, stocks, facilities, and equipment of dealers, service stations, and other persons engaged in storing, selling, or distributing motor vehicle fuel within this city, and such other investigations as it considers necessary in carrying out the provisions of this ordinance. If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the city or its authorized agent pursuant to the requirements herein, have shown incorrectly the amount of gallons of motor vehicle fuel distributed or the tax accruing thereon, the city or its authorized agent may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors by its examinations or investigations.

Section 23. Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.

- A. Except as otherwise provided in this chapter, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a dealer must be so taken or filed within three (3) years after the date on which the overpayment was made to the city or to its authorized agent.
- B. Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this chapter shall be served on dealers within three (3) years from the date upon which such additional taxes become due.

Section 24. Records to be Kept by Dealers. Every dealer in motor vehicle fuel shall keep a record in such form as may be prescribed by the city or its authorized agent of all purchases, receipts, sales, and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and purchases, and shall at all times during the business hours of the day be subject to inspection by the city or its authorized agent.

Section 25. Records to be Kept Three Years. Every dealer shall maintain and keep, for a period of three (3) years, all records of motor vehicle fuel used, sold, and distributed within the city by such dealer, together with stock records, invoices, bills of lading, and other pertinent papers as may be required by the city or its authorized agent. In the event such records are not kept, the dealer shall reimburse the city or its authorized agents for all travel, lodging, and related expenses incurred in examining such records. The amount of such expenses shall be an additional tax imposed hereunder.

Section 26. Use of Tax Revenues.

- A. The city manager or designee shall be responsible for the disposition of the revenue from the tax imposed by this ordinance in the manner provided by this section.
- B. For the purposes of this section, "net revenue" means the revenue from the tax imposed by this ordinance remaining after providing for the cost of administering the motor vehicle fuel tax to motor vehicle fuel dealers and any refunds and credits authorized herein. The program

administration costs of revenue collection and accounting activities shall not exceed ten and one-half percent (10.5%) for the first year and ten percent (10%) thereafter, of annual tax revenues.

- C. The net revenue shall be used only for the activities related to the construction, reconstruction, improvement, repair, and maintenance of public highways, roads and streets within the city which are subject to city control.

Section 27. Administration. The city manager or designee is responsible for administering this ordinance. In addition, the city manager or designee may enter into an agreement with the Oregon Department of Transportation as an authorized agent for the implementation of certain sections of this ordinance.

Section 28. Voter Referral. This ordinance was referred to the electors of the city of [*insert your city*] at the [*insert appropriate date*] election. A copy of the ballot measure for this referral is attached hereto and by this reference incorporated herein.

Section 29. When Tax Shall Take Effect. The taxation imposed by this ordinance shall commence [*insert appropriate date*].

Section 30. Severability. If any portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of any remaining portions of this ordinance.

**Appendix A:** List of Local Motor Vehicle Fuel Taxes (as of April 1, 2020).

<b>City</b>	<b>Tax Rate per Gallon</b>	<b>Administrator</b>
Astoria	\$0.03	Administered by ODOT FTG
Brookings	\$0.02	Self-Administered
Canby	\$0.03	Administered by ODOT FTG
Coburg	\$0.06	Administered by ODOT FTG
Coquille	\$0.03	Administered by ODOT FTG
Cottage Grove	\$0.03	Administered by ODOT FTG
Dundee	\$0.02	Self-Administered
Eugene	\$0.05	Administered by ODOT FTG
Happy Valley	\$0.02	Self-Administered
Hood River	\$0.03	Administered by ODOT FTG
Milwaukie	\$0.02	Administered by ODOT FTG
Newport	\$0.03 (June 1 <sup>st</sup> – Oct 31 <sup>st</sup> ) \$0.01 (Nov 1 <sup>st</sup> – May 31 <sup>st</sup> )	Administered by ODOT FTG
Oakridge	\$0.03	Self-Administered
Portland	\$0.10	Administered by ODOT FTG
Reedsport	\$0.03 ( May 1 <sup>st</sup> 0 Oct 31 <sup>st</sup> ) \$0.00 (Nov 1 <sup>st</sup> – Apr 30 <sup>th</sup> )	Administered by ODOT FTG
Sandy	\$0.02	Self-Administered
Scappoose	\$0.03	Self-Administered
Silverton	\$0.02	Self-Administered
Sisters	\$0.03	Self-Administered
Springfield	\$0.03	Administered by ODOT FTG
Stayton	\$0.03	Self-Administered
The Dalles	\$0.03	Self-Administered
Tigard	\$0.03	Administered by ODOT FTG
Tillamook	\$0.015	Self-Administered
Troutdale	\$0.03	Administered by ODOT FTG
Veneta	\$0.03	Administered by ODOT FTG
Warrenton	\$0.03	Administered by ODOT FTG

Woodburn	\$0.01	Administered by ODOT FTG
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# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Vacation Rentals

ITEM NO: 7 b.

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### Previous Council Meeting:

A motion passed for the City of Port Orford to begin the process of putting a Moratorium in place allowing for planning to take over the process of setting rules and regulations for Vacation Rentals

### Goal for December 2021 Council Meeting

We need to set a date for the Workshop on Vacation Rentals with Planning. It is suggested by the Planning Chair Krista that we do the Workshop January 4<sup>th</sup> to discuss Short Term Vacation Rentals in place of the Planning Commission meeting that is usually scheduled for the 4<sup>th</sup>. Planning has their meetings at 3:30pm however, that is flexible since both City Council and Planning should attend.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: A-Frame Discussion for Arts and Parks

ITEM NO: 7 c.

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### Previous Council Meeting:

At the Council meeting in October it was decided that the council would table the discussion about termination of the Arts Council Contract with the City for the A-Frame house. They need a 90-day notice in order to terminate the contact. Arts would like the opportunity to re-coup the funds that they have used to upgrade and keep the A-frame over the last year or 2 due to Covid. Therefore, they are asking for another year on the contact to at least make them "whole" again.

In November it was discussed that the Parks Commission will talk with the Arts Council and see if they can come to a mutual decision.

### Goal for December 2021 Council Meeting

The Arts Council has submitted their notice to not renew the lease for the A-Frame building in Buffington Park. The Arts Council will vacate the A-Frame by February 28, 2022

Attachment 7.c.1- Notice to Vacate from Port Orford Arts Council

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



November 22, 2021

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

Port Orford Arts Council  
PO Box 771  
Port Orford, OR 97465



Dear Mayor Cox and City Councilors,

Despite our valiant efforts to hold onto the A-Frame in Buffington Memorial Park, the dangerous and unfortunately persistent and ongoing COVID pandemic, along with changes in local conditions of support, have combined to convince the Port Orford Arts Council not to renew our lease as of March 1, 2022. Please consider this letter our official 90-day notice. We will vacate the A-Frame by February 28, 2022.

We have been the official leaseholder since March 1, 2019. The City renewed our lease on March 1, 2020 and this past March 1, 2021. For this entire time the Arts Council has been fulfilling our lease obligations, including paying sewer, water, and electric every month. We have dutifully paid these utility bills despite not being able to use the building or operate the community arts center because of the stringent safety conditions imposed during this pandemic.

It was a painful and heartbreaking decision to give up on our project of operating "Arts at the A-Frame", Port Orford's community arts center and gallery. A bit of history will help communicate our sadness at having our project interrupted by a pandemic completely beyond our control, along with an abrupt shift from having the unanimous support of the Port Orford Parks Commission to an almost unanimous vote by a completely different Parks Commission recommending that the City Council evict us. Not one current Parks Commissioner was on the Commission in 2018 when the Arts Council received their unanimous vote of approval for our "Arts at the A-Frame" proposal. It is difficult to maintain a solid partnership in the midst of such shifting political winds.

In the autumn of 2018, the Parks Commission launched an open process inviting community groups to submit proposals for how they would use the A-Frame. The City had decided to no longer use the building as a residence for the Buffington Memorial Park host. This issue was under discussion for at least 3 public Parks Commission meetings. Ultimately, the Port Orford Arts Council was the only group to submit a proposal. We proposed to use the A-Frame to create a community arts center with gallery called "Arts at the A-Frame." A copy of that proposal and a copy of the February 2019 letter to the City Council are attached with this letter. The Parks Commission voted unanimously to accept our proposal and passed along their recommendation to the City Council. In February 2019, the Port Orford City Council voted approval of our plan and the Arts Council became the official leaseholder as of March 1, 2019.

We entered into a partnership with the City to bring a community arts center to our town. During the lead-up discussions the Parks Commission had asked for and received a long-term commitment from the Arts Council to maintain a community arts center for at least 3 to 5 years. We agreed. We have had just one actual year so far. The pandemic has prevented us from continuing our work for over 20 months. We had planned to fulfill our side of this partnership and we expected the City of Port Orford to stay our partner. Bare minimum, we expected to have the A-Frame for another two years after the pandemic ended. After all, the pandemic has cheated us out of nearly two years of operating the arts center and gallery.

Beginning March 2019, we spent three months getting the A-Frame ready. We emptied the A-Frame of junk, broken and filthy furniture and broken appliances. We cleaned, primed and painted every previously painted surface, replaced broken and rusted light fixtures, repaired the leaking toilet, installed ADA-compliant handrails and banisters along the staircase leading to the upper loft area (none existed before we put them in), repaired the broken and loose banisters along the upper balcony, replaced all of the missing and burned out high-intensity halogen bulbs in the downstairs lighting with energy-saving, long-life LED bulbs (95% of the halogen bulbs were either missing or burned out), and replaced the burned out old-fashioned florescent tube lights in the kitchen fixtures with LEDs. Every bit of this work was done at no cost to the City. We raised the funds, obtained the volunteer help, and did all of this at our expense.

All of these repairs and improvements stay with the A-Frame. This was an immense labor of love, creating and opening "Arts at the A-Frame." In all, the project cost \$6,000, paid for by the Arts Council, not the City of Port Orford. The result was a greatly improved A-Frame at no cost to the City.

Many may be unaware that the Arts Council occupied the A-Frame at a prior time. We leased the building from 2006 to 2008. At that time the A-Frame had been unoccupied for a long time and was virtually uninhabitable. Arts Council installed new laminate flooring, added a high-quality, expensive, gallery-lighting system (the system that in 2019 had all the broken and missing bulbs), and built the outside ADA-compliant ramp making the A-Frame accessible for the first time to wheelchair users and people with mobility difficulties. All of this prior restoration, these repairs and improvements, estimated at over \$2,000, were paid for and accomplished by the Arts Council at no cost to the City.

Effectively, since 2006, for the past 15 years, all the substantive repairs and improvements done to the A-Frame were done exclusively by the Arts Council at no cost to the City — a complete gift. A gift totaling over \$8,000.

After our restoration project, begun in March 2019, we raised additional funds and fully furnished "Arts at the A-Frame," a true community arts center. We added comfortable furniture for a downstairs seating area, stools for seating along the wide kitchen counter (which is the primary downstairs area for art classes), multiple gallery display pedestals, a reception desk, window treatments in all windows and the patio door, a 60" flat screen for slide-shows and for our Art Film Series, a DVD player, and a built-in stereo system with Bluetooth. For the kitchen, we purchased dishes, silverware, glassware and coffee mugs to serve three dozen, plus a coffee pot, tea pot, and popcorn machine. We also purchased, for a bargain, 35 high-end stackable chairs from a church in North Bend allowing us to quickly set up comfortable seating to a full house. We also purchased all the materials, supplies, and equipment needed to offer regular Art Card classes, which we looked forward to offering specifically to kids and their parents to create one-of-a-kind art greeting cards together. All of this is the property of the Arts Council and we will remove it all by the end of February 2022. We have already secured storage space. The gallery was already being filled with local art. All of these works, on loan from the artists, will be returned to them.

On June 1, 2019 we held a Grand Opening Picnic, served a free fried chicken and all the fixin's luncheon, and for hours hosted a huge crowd of nearly 100 happy people. From June until the end of 2019, the Arts Council provided a full schedule of activities and events and began the process of completing the gallery space for display of local art. Highlights included our special Local Authors' Night of Seven Genres, our weeklong Live Culture Coast show "The Splendors of Place" which drew visitors from all over the world in addition to locals. We capped off our first year with our annual Crab Pot Tree Lighting Party in late November 2019 attended by over 100 people enjoying cocoa, Christmas caroling, a fully and festively decorated A-Frame, and the warmth of community. These sorts of events provide a crucial revenue stream for the Arts Council. Our other primary fundraising event is the annual Port Orford Street Fair held on the second Saturday in August. We started the Street Fair in 2018 with 1,000 attendees. In August 2019 we doubled that number. The pandemic has caused the cancellation of the 2020 and 2021 Street Fairs. We hope to bring the Fair back in 2023.

Given the immense amount of work, money and love that we have put into the A-Frame, Port Orford Arts Council was shocked and deeply distressed to find out that the Port Orford Parks Commission voted in early October to recommend to the City Council that the A-Frame be taken away from the Arts Council, eliminating the only Community Arts Center in town, in order to turn the building into a general purpose community building. Although we have no details of the usage plan of the Parks Commission, we have been told anecdotally that the A-Frame would be available for rental by any individual or group, including the Arts Council. However, an empty A-Frame with no seating is of little use to us. We will very probably use the Community buildings on 11th Street which include tables and chairs easy for event set-up.

The Parks Commission plan appears to be to create an additional general-use community building. The existing Community Building complex on 11th Street has both the large Community Hall for big events and the next-door attached annex for smaller events; the complex includes a stage, tables and chairs, and a fully equipped commercial kitchen. Any individual or group renting these public buildings must provide proof of liability insurance. Typically this is one or two day short-term "event insurance." Organizations usually get a rider added to their existing policy. Individual or informal, non-group-affiliated groups can easily obtain this insurance but it can prove costly. In 2020 an informal group was planning on hosting a fundraiser at the Community Hall (postponed because of the pandemic). The two-day liability policy would have cost \$200.

We were completely surprised and baffled by the Park Commission's action. Our post-pandemic revival plan, our economic recovery as an organization was directly keyed to our having the A-Frame as our venue for events and activities. This is why we continued to lease the building. This is why we continued to pay monthly utility bills. To lose the A-Frame will require a complete reconfiguration of the post-pandemic recovery plan of the Arts Council and will make our recovery much more difficult. We will survive and eventually thrive again but the loss of the A-Frame is a significant loss for us. And, we believe the loss of the community arts center is a loss for the entire community Port Orford.

We were only informed of this Parks Commission action when it was already a fait accompli, the vote effectively locked in with no way of stopping it. The Arts Council was left out of this process completely. No one from the Parks Commission reached out to us to let us know that they were considering recommending a change of use for the A-Frame. No one informed us that this was an agenda item under discussion. We have no idea how many Commission meetings involved discussion of the fate of the A-Frame, but we were shut out of the process completely. Why? We hope you understand that given the immense amount of love and money and time the Arts Council had lavished on the A-Frame, it felt disrespectful to be deliberately excluded from this important Parks Commission action.

As the current leaseholder and obviously one of the primary stakeholders in the fate of the A-Frame, we were left mystified as to why a public commission of publicly appointed officials proceeded to take a vote recommending that the City Council take the A-Frame away from the Arts Council all while keeping the Arts Council completely in the dark. This is the antithesis of the principles of transparency and openness that the City of Port Orford has historically been dedicated to when conducting city governance and city business. By denying the Arts Council any voice during this Commission action, the Commissioners took their vote with no knowledge of how profoundly damaging this action would be for the Arts Council, and without giving the Arts Council an opportunity to explain the value of having a community arts center.

That this Parks Commission action occurred during the extreme conditions of a dangerous and lingering global pandemic makes it even more inexplicable. Safety requirements for most of the past 21 months have dictated that the City of Port Orford itself has been unable to hold standard public meetings, the type held in person in Council Chambers. All City Commissions likewise have been unable to hold in-person meetings. All meeting happen via Zoom and/or telephone call-in. The City has been very responsible in protecting the safety of the public while also providing some semblance of opportunity for citizen participation. But this holds only for citizens who have the technological capacity to "attend" a Zoom meeting, while phone-in participation is

equally limiting with significant and frustrating audio problems. During this pandemic the level of citizen participation has plummeted.

No one on the Parks Commission sought input from the Arts Council. No one had a concern to inquire whether harm would come to the Arts Council. No one reached out to us. No one asked if losing the A-Frame would be a problem for us. Why not? Why were we excluded from this Parks Commission action? It makes no sense to us. What is the urgency? Why the effective secrecy? Why do this now during this pandemic?

We are simply bewildered. During an awful pandemic when we are all struggling with the serious impact of stringent pandemic conditions greatly limiting normal life, the perplexing action by the Parks Commission has caused, whether intentionally or not, great emotional pain for the Arts Council. We have done nothing wrong. The ONLY reason that we have been inactive, the only reason we have not held events and activities at the A-Frame, is because of this deadly pandemic and the concomitant CDC, state, and local safety guidelines that continue to prevent our holding events safely in such a small venue as the A-Frame.

In January 2020 the Arts Council Board of Directors and Auxiliary held our annual planning session and crafted a full year of events and activities with a planned beginning in March. The pandemic, which was officially declared in March 2020, put a stop to everything. The small size of the A-Frame (a 22' x 22' chalet, with 25% of the main floor space taken up by the full kitchen) rendered social distancing impossible. Everyone was sheltering in place.

For four months, March - June 2020, Buffington Memorial Park was officially closed by order of the City of Port Orford, making it impossible for us to even enter the building since the entire park was closed to every one. As the pandemic continued, we had our hopes dashed in 2020 as the situation got worse, the danger posed to everyone of contacting a deadly virus remained extreme, and the high anxiety related to fear of hospitalization and death took an immense toll on everyone.

During the ongoing uncertainty of this pandemic, the Arts Council was certain about one thing. We were determined to continue to lease the A-Frame, paying utilities every month, fulfilling our lease requirements, being a responsible leaseholder, and waiting until the pandemic was over to reopen our community arts center. We were extremely proud of the community arts center we'd created during our very successful first year.

We hoped that widespread vaccination in 2021 would allow us to finally reopen. Our board was fully vaccinated by this past July 2021. But, at exactly that time our hopes were dashed by the Delta variant, which has kept the danger level very high, particularly in Curry County and has necessitated ongoing pandemic protocols including state-mandated masking (regardless of vaccination status) inside all public spaces as well as social distancing.

We anticipated, given the current situation in Oregon, Curry County, and Port Orford, that by late spring of 2022, the Arts Council would be able to return to our activities and events. We now believe that is overly optimistic. Curry County remains at high risk due to sluggish vaccination rates, and this will delay our return to "normal" activities deep into 2022.

We have been told anecdotally that the Parks Commission reached out to community groups and asked them if they would like to use the A-Frame. The only group we were told about was the Girl Scouts. Were the Girl Scouts told that in order to make the A-Frame a general community building for use by any groups, the Arts Council would lose the Arts Center? If the Parks Commission did this outreach to community groups, why did they do NO outreach to the Arts Council? We were also told anecdotally that the A-Frame would now be used for birthday parties. But the expense of facility rental and insurance could prove costly and limit the number of people who could afford to use the A-Frame. It seems reasonable for the City to ask the Parks Commission for a detailed plan for the new uses of the A-Frame. If one exists, it has not been shared with the Arts Council.

We were also told that a reason the Parks Commission voted to take the A-Frame away from us was because we “weren’t using the building and we wouldn’t let anyone else use it.” This is beyond baffling. Of course we haven’t been able to use the building due to the very real conditions imposed by the pandemic. It is the same reason that the City Council and all City Commissions have not been using Council Chambers for their meetings. To punish the Arts Council because we haven’t been able to use the building in this pandemic is bizarre and cruel.

The complaint that we were not allowing other groups to use the A-Frame is equally baffling. The City wrote the terms of our lease, not the Arts Council, and the City specifically included, in Section 4 “PERMITTED USE OF THE PREMISES. The premises shall be used for the business of POAC and shall not be used for any other purpose without consent of the City.” We could not just let any group who asked use the building without going through an undefined process of obtaining consent of the City, a process that could take days or weeks. While it may sound like the Arts Council was being selfish in not allowing others to use the building under our exclusive lease, in reality we were simply being a responsible organization, and a responsible tenant observing our lease requirements.

We were also required to “add the City as an additional insured” to our liability insurance and “assume any and all risk in connection with the use of the premises and will hold the City harmless for any damage or injury directly or indirectly arising from such use.” The important point here is that if the Arts Council allowed other groups to use the A-Frame, assuming we had secured formal consent from the City to do so, we would have carried the full liability, not the City. It would have been irresponsible and highly imprudent for us to allow other groups to use the A-Frame while bearing all the liability exposure. Certainly the City would not expect us to do that. Yet the Parks Commission was upset because the Arts Council was unwilling to allow other groups to use the building, and we believe this partially fueled the effort to evict us.

We were also told that the Parks Commission took their action because they believed they had a “better use” for the A-Frame. Of course, that begs the question of what criteria were used to make this determination of “better” and who established those criteria? We were told that the “better use” involved having the A-Frame used by more people. We know of no detailed plan developed by the Parks Commission with projected usage, which identified groups are interested in renting the building, or how the building will be managed and maintained, or what the projected total number of people involved. The Community Complex on 11th Street is already an underutilized public building. We believe that the liability insurance requirement is a significant factor explaining the underutilization. Ultimately, we are disappointed that the Parks Commission sees their vision as “better” than the vision of the Arts Council, instead of just different.

The 11th Street Complex is managed and maintained by the Port Orford Rotary Club, which has a long-term contract with the City. They do all the rental arrangements, inspect the buildings after use (in order to return the required security deposit), give out and take back the keys and provide regular maintenance and cleaning. They provide this in exchange for regular use of the complex for Rotary meetings and multiple annual Rotary events. It is unclear how, and by whom, the A-Frame will be similarly managed and maintained.

We could have provide plenty of empirical data showing the high level of use we had projected once the pandemic allowed for the return to regular Arts Council activities and events. We could have provide very solid estimates of how many people we expected to serve, how many people we projected would attend our events and activities, and detailed descriptions of what those planned events and activities would be. We had no opportunity to present this data to the Parks Commission before they took their vote because we were not even aware that the fate of the A-Frame was even under discussion.

It is not clear whether the Parks Commission informed potential A-Frame users (like the Girl Scouts or folks having birthday parties) of the need to have this insurance. As an advisory-only Commission, they lack the authority to waive this requirement, and we assume that the City would treat the A-Frame the same as the Community Hall and require all users to hold the City harmless and secure liability insurance to cover the

period of the rental. Since the City required the Arts Council to carry significant liability coverage, we would find it peculiar if future users are freed from this requirement. Unfortunately, the A-Frame may also suffer from underutilization because of these unavoidable policy complications.

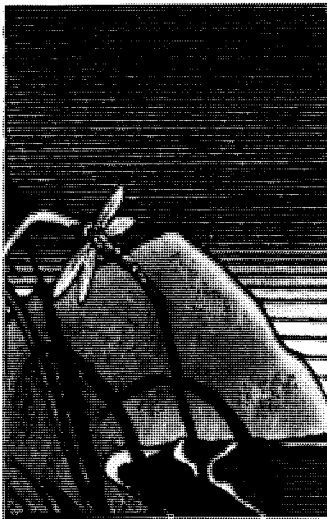
We cannot make the current Parks Commissioners value having a community arts center instead of another general-use public building. But we believe that the City Council does value the Port Orford Arts Council and will continue to see us as a community asset. We feel that the Arts Council has proved itself to be a consistent and strong community booster, and has earned the trust and support of the City and this community. The Arts Council never made any claim to want to have the A-Frame exclusively forever. We expressed our commitment to maintain "Arts at the A-Frame" for at least three, and at most, five years. As mentioned above, because of the pandemic, for all intents and purposes, we have had only one year. We loved that year. We are proud of that year.

We have all suffered tremendous emotional stress and genuine trauma for almost two years. Now we have in addition, the profound heartbreak of giving up the A-Frame. But given this horrible pandemic and the loss of the support from the Parks Commission, a crucial partner for us, we will not seek a renewal of our lease at the A-Frame. We will continue to do that the Port Orford Arts Council has done since 1977 - promote, encourage, support and present the arts and culture of our amazing area and do it with a spirit of joy, love, and peace and a deep belief in the importance of human creative expression for both individual well-being and the well-being of our community.

Sincerely,

Beverly Bacak, President, Port Orford Arts Council

Attachments: Arts at the A-Frame Proposal  
February 2019 letter to the City



**PORT ORFORD ARTS COUNCIL**



# *ARTS at the A-Frame*

## **A Proposal by the Port Orford Arts Council**

The Port Orford Arts Council proposes the creation of a Community Arts and Culture Center at the A-Frame in Buffington Memorial Park - "ARTS at the A-Frame". This centrally located, easily accessible and attractive building was used several years ago by the Arts Council. The "ARTS" letters - a whimsical public art installation - remain on the building. The Arts Council wishes to return to this site with a plan for a year-round community arts center with gallery.

### **Community Arts and Culture Center Activities**

- ❖ Community Gallery displaying and selling the work of local artists and artisans, especially those unrepresented in local galleries.
- ❖ Rotating art shows with artist receptions
- ❖ Art, movement, dance, performance-arts classes for adults and children
- ❖ Art and crafts demonstrations with "Meet the Artist" events
- ❖ Slide-show on 60" screen featuring all local galleries, the work of any interested artist, photographer, musician, allowing visitors to sample a wide range of local talent. The slide show will be available during Open Hours
- ❖ On-going annual calendar of events that POAC has hosted at various community venues can now happen at the A-Frame, including musical evenings, poetry readings, celebrations, movie nights and community gatherings.
- ❖ Community-building, community-strengthening activities including regular potlucks designed for informal and casual gatherings of the arts-lovers in town.

Art is an essential aspect of any resilient community. Human wellbeing is dependent on access to creative and expressive opportunities. Art brings both beauty and economic vitality to any community. The "ARTS at the A-Frame" community arts and culture center will be a powerful addition to our arts-strong community while bringing more visitors to Buffington Memorial Park.

February 4, 2019

Mayor Pogwizd and  
Port Orford City Council  
City of Port Orford  
PO Box 310  
555 W. 20 Street  
Port Orford, OR 97465

Port Arts Council  
PO Box 771  
Port Orford, OR 97465



Dear Mr. Mayor and City Councilors,

As briefly mentioned during the final Public Comment period at the January 17, 2019 City Council meeting, the Port Orford Arts Council is seeking your approval to return as a tenant to the A-Frame at Buffington Memorial Park. The Parks Commission voted unanimously at the November 6, 2018 meeting to recommend that the City Council authorize this use of the currently unoccupied building and agree to lease the A-Frame to the Arts Council.

The Port Orford Arts Council leased the A-Frame for two years beginning in October 2009 and was a very good tenant. At that time the building was in rough shape. The Arts Council made multiple improvements including installing a new floor and track lighting, and built the ADA-compliant ramp making the A-Frame wheelchair-accessible. We propose a lease with terms identical to the 2009 lease between the City and the Arts Council. A copy of an updated version of that lease is in the February Council packet. The most pertinent terms are that the Arts Council will lease the building at no cost, while paying monthly utility fees (electricity, water and sewage) and providing for the regular cleaning of the building. Additionally, POAC will agree to make a minimum of \$1,500 worth of capital improvements each year. The initial plan is for the Arts Council to replace the existing highly inefficient baseboard heating with a ductless system similar to those in City Hall. We would also install a gallery-rail hanging system to maximize the display space for showing as much art as possible in a small space.

In exchange for the ability to lease the A-Frame, the Port Orford Arts Council will create a community arts and culture center, "ARTS at the A-Frame". The center will include a community gallery for the display and sale of the work of local artists and artisans, especially those unrepresented by other area galleries. Local authors and poets will be able to have their work available at the A-Frame. A variety of classes will be offered that could include art, crafts, movement, writing, performance, dance and more. By leasing the A-Frame, most of the many, many events hosted throughout each year by the Arts Council can happen in one easily-accessible place while bringing additional attention to Buffington Memorial Park with its many other attractive features for residents and visitors.

Art is an essential aspect of any resilient community and human wellbeing is dependent on access to opportunities for creative expression. Art brings beauty and economic strength to a community. We ask that you agree to lease the A-Frame to the Port Orford Arts Council for the creation of a new community arts and culture center.

Sincerely,

Beverly Bacak, President, Port Orford Arts Council



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Water Curtailment Ordinance 2022-04- Draft

ITEM NO: 7 d.

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### Previous Council Meeting:

There were some suggestions on changes to the draft along with questions about how the penalties should be done.

### Goal for December 2021 Council Meeting

The changes that were discussed at the meeting in November have been completed and tracked on the Ordinance draft attached. It needs to be decided how City Council will like the penalties to be calculated.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## ORDINANCE NUMBER 2022-04

### AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD

The Common Council of the City of Port Orford hereby ordains that the following Ordinance 2022-04 be adopted for Water Curtailment

#### CHAPTER 13.05

##### SECTIONS:

13.05.010	Title
13.05.020	Purpose
13.05.030	Definitions
13.05.040	Application of Procedure
13.05.050	Levels of Concern
13.05.060	Regulation of Prinking and Water During Level of Concern Conditions
13.05.070	Nonessential Residential Water
13.05.080	Nonessential Commercial or Industrial Use
13.05.090	Gutter Flooding
13.05.100	Regulation of Applications for New Water Services
13.05.110	Penalty
13.05.120	Variances

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

#### 13.05.020 - Purpose:

The City hereby declares that water shortage emergency condition exists in the City of Port Orford when the Hubbard's Creek holding pond and/or treated water holding tank is below standards set by the Public Works Supervisor. City Administrator and the Public Works Supervisor acknowledges that during such times of low water supply the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, fire protection and aquatic life protection.

In order to conserve the water supply for the greatest public benefit with particular regards to domestic use, sanitation, fire protection, safety, and aquatic life protection, the City adopts the following regulations and restrictions on the delivery and consumption of water during drought conditions.

**13.05.030 - 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.

**Customer:** means any person designated in city records to receive City of Port Orford water service.

**City Administrator:** means the City Administrator of the City of Port Orford, or any authorized employee of the City of Port Orford designated by him/her

**Person:** means any person, firm, entity, partnership, association, corporation, company or organization of any kind.

**Water:** means water from the City of Port Orford, unless expressly provided otherwise or required by contract.

**Water Curtailment Measures:** means any restrictions or rules set forth in this Ordinance to address the First, Second, Third or Fourth Levels of Concern set forth herein.

**First Level of Concern:** means when water reaches \_\_\_\_\_ feet in Hubbard’s Creek Holding pond or \_\_\_\_\_ feet in the treated water tank.

**Second Level of Concern:** means when water reached \_\_\_\_\_ feet in Hubbard’s Creek Holding Pond and/or \_\_\_\_\_ feet in the treated water tank.

**Third Level of Concern:** means when water reaches \_\_\_\_\_ feet in Hubbard’s Creek Holding Pond and/or \_\_\_\_\_ feet in the treated water tank.

**Fourth Level of Concern:** means when water reached \_\_\_\_\_ feet in Hubbard’s Creek Holding Pond and/or \_\_\_\_\_ feet in the treated water tank; or when the State of Oregon declares a drought emergency in Curry County Oregon.

**Designated Party:** Persons designated by the City Administrator to

**13.05.040 –Application and Procedure:**

The provision of the Ordinance shall apply to all customers using water provided by the City of Port Orford at such times as Hubbard's creek decreases to \_\_\_\_\_ or less and the treated water holding tank decreases to \_\_\_\_\_ or less. Upon implementation of the Water Curtailment Measures, such measures shall remain in effect until the stream flow has increased about trigger level for a continuous 24 hours as verified by the Public Works Supervisor or City Administrator.

The Penalty provisions for the Ordinance will not be enforced unless and until public notice has been posted in at least three (3) public places or notice has been published in the local newspaper after the first confirmation of Second, Third or Fourth Level of concern conditions, evidenced by the measurement in Hubbard's Creek Holding Pond and the treated water holding tank. Notice shall be republished for each separate occurrence of Second, Third, or fourth level of concern conditions following a non-drought period.

**13.05.050 –Levels of Concerns:**

No employee or contractor of the city in the watershed shall violate any rules and regulations adopted by the city to protect the purity of the water and prevent pollution.

**13.05.060 – Regulation of Sprinkling and Water During Level of Concern Conditions:**

- 1) First Level of Concern: Conditions, persons and customers are requested to voluntarily reduce their water use. The City may issue a formal or informal request for such reduction, including a summary of the water level condition, the reason for the requested curtailment, and a warning that mandatory curtailment will be required if the voluntary measures do not sufficiently reduce water usage by 20% within 30 days.
- 2) Second Level of Concern: Conditions, no person or customers shall sprinkle, water or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, ~~gardens, vegetables~~, flowers, or any other vegetation, except as follows:
  - a. Irrigation, sprinkling, and/or watering is only permitted by residences west of Hwy 101 on even numbered calendar days.
  - b. Irrigation, sprinkling, and or watering is only permitted by residences east of Hwy 101 on odd-numbered calendar days.

- 3) Third Level of Concern: Conditions, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, flowers or any other vegetation. Direct hand watering of food producing plants (herbs, fruit, and vegetable) shall be permitted.
- 4) Fourth Level of Concern: conditions, there is imposed on persons and customers a mandatory reduction in water usage as follows:
  - a. No person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers plants, vines, flowers ~~gardens~~ or any other vegetation.
  - b. For residential customers, the City may issue a maximum daily allotment for water use per meter. A person or customer who exceeds the maximum daily allotment shall be subject to the penalty provisions of the Ordinance.
  - c. The City may require the use of shower flow restrictors, toilet damming devices, or other water conservation devices.
  - d. Bulk water sales shall be suspended.

**13.05.070- Nonessential Residential Water Use:** The following residential water uses are hereby determined to be nonessential and are prohibited during Second, Third and Fourth Level of Concern Conditions.

- 1) The use of water to wash any motor bike, motor vehicle, boat (excluding Commercial Fishing Vessels), trailer, ~~or airplane or other vehicle~~, except when such water is used at a commercial washing facility;
- 2) The use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court or other hard-surfaced area, or any building or structure;
- 3) The use of water to fill, refill or add to any indoor or outdoor swimming pool, Jacuzzi pool, except for the following: neighborhood fire control purposes, where the pool has a recycling water system and evaporative cover, or where the use of the pool is required by a medical doctor's prescription; and

- 4) The use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.

**13.05.080 – Nonessential Commercial or Industrial Use:** During Second, Third and Fourth level of concern conditions, the following commercial and/or industrial water uses are hereby determined to be nonessential and are prohibited:

- 1) Serving City water for drinking at a restaurant, hotel, café, cafeteria, or other public place where food is sold, served, or offered for sale, to any person unless requested by such person;
- 2) The use of water for scenic or recreational ponds and lakes, except for the minimum amount required to support aquatic life;
- 3) The use of water from hydrants for constructions purposes, fire drills, or any purpose other than fire-fighting
- 4) The use of water by a golf course to irrigate any portion of its grounds except those areas designated as tees and greens;
- 5) The use of water for dust control

**13.05.090 – Gutter Flooding:** No person or customer shall cause water to run to waste in any gutter or drain during a Second, Third, or Fourth level of concern.

**13.05.100 – Regulation of Applications for New Water Services:** No new, additional, further expanded or increased-in-size water services connections, meters, services lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed during a Second, Third, or Fourth Level of Concern.

**13.05.110 - Penalty:** The following penalty provisions apply to violations of this Ordinance:

- 1) Penalties for violating this Ordinance shall be cumulative in that they me be in additional to, not in lieu of, other penalties, remedies, or surcharges established by this chapter.

**Commented [JG1]:** Did you want to do a dollar value as a fine or a multiple. This was not decided at the last meeting

- 2) Second Level of Concern: Any Customers who exceed the 2 times their annual average of water usage shall pay a surcharge of two (2) times the rate for water delivered in excess of the average volume.
- 3) Third Level of Concern: Any customers who excess 2-4 times their annual average of water usage shall pay a surcharge of three (3) times the rate for water delivered excess of the average volume.
- 4) Fourth Level of Concern: Any Customers who exceeds 4 and over their annual average of water usage shall pay a surcharge of four (4) times the rate for water delivered in excess of the average volume.

**13.05.120 -Variances:** The City Administrator may, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances, failure to grant such variances would cause an emergency condition affecting health, sanitation or fire protection.

The City Council shall ratify or revoke any such variance or adjustment as its next scheduled meeting. Any such variance or adjustment so ratified, may be revoked by later action of the City Council.

No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to issuance of said temporary variance.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this \_\_\_<sup>th</sup> day of \_\_\_1 and effective the \_\_\_<sup>th</sup> day of \_\_\_by the following vote:

DATED :

Passed or Failed by the following Roll Call Vote

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Passed \_\_\_\_\_ Failed \_\_\_\_\_

\_\_\_\_\_  
Mayor Pat Cox

ATTEST:

\_\_\_\_\_  
Jessica Ginsburg, City Recorder



**Jessica Ginsburg**

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**From:** rkwfineprints@juno.com  
**Sent:** Thursday, December 2, 2021 11:04 AM  
**To:** jginsburg@portorford.org  
**Subject:** RE: Rowly's request

What a star you are. Thankyou.

I dont have any other info to offer that wont cloud the issue - keep it simple.

Please see below -

### WATER

Rowland Willis  
611 19th st, Port Orford OR 97465.  
Tel 541 366 0042

I would like to thank the Council and everyone else involved, for the work that is being done to address the water situation. I have listened intently and you have convinced me that all aspects of the issue are being addressed.

While the water issue is alive and in every ones minds and as a way to raise extra funds from the right users would this be a good time to introduce a steeper sliding scale with a lower cu ft starting point (say 1500 cu ft) for water usage. You might actually raise extra funds and from the right people without penalizing the already water conscious. It might even be possible to lower the starting rate as bargaining tool so that the first 1500 and 500 = 2000 point is the same cost as existing. Food for thought. Thank you.

Regards Rowly

----- Original Message -----

From: "Jessica Ginsburg" <jginsburg@portorford.org>  
To: <rkwfineprints@juno.com>  
Subject: RE: Rowly's request  
Date: Thu, 2 Dec 2021 07:56:23 -0800

I like where you are going with that! Yes we can try that not a problem. I will look for all the information on your old complaint too so that we can make sure they have a full picture of what is going on. If there is anything that you have also done in the past and would like me to include that please send it to me.

I am so sorry they are very frustrating to deal with and seems to love to ignore our requests.

Talk to you soon!

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Water Infrastructure Funding Update

ITEM NO: 7 e.

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Jessica has been working with Multiple parties on Water Funding. We had a meeting in September with multiple different parties that help with funding. From the USDA, RCAC, Civil West Engineering and Dyer. I have attached some information that we received from the USDA about possible grants. They are smaller but options.

I am working with Monica who is creating Curry County Emergency Mitigation Plan and she suggested that we put the drought and water issues that we have in the City of Port Orford's portion of the plan. She stated that with us identifying it in the Mitigation plan that we will have a better chance of receiving funds based on the newest grants that are coming in 2022. Monica and I have a plan to meet in the Spring of 2022 to begin the process of applying for those grants.

Marlin from Civil West Engineering sent an e-mail to me on 11/30/2021 about a grant for Water Infrastructure for up to \$750,000 per City. I have asked him to look into a few things and as of December 10<sup>th</sup> I have not heard back. Following up Monday with him.

The final item that I have been looking into is the SDC fees that residents pay to the City of Port Orford when having water and or sewer installed on their property. According to City Code 13.10 System Development Charges we can use part of those funds for Capital Improvements with City Council Approval. However, we need to match the payment that we received with the line that the residence is on. I am still working on this and should have it ready in January 2022. I am also having John identify the worst lines in the city so that we can try and get to those 1<sup>st</sup>.

Attachment 7.e.1- Water & Waste Disposal Predevelopment Planning Grants

Attachment 7.e.2- Special Evaluation Assistance for Rural Communities

Attachment 7.e.3- 11/30/2021 E-mail from Marlin with Brochure

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# Water & Waste Disposal Predevelopment Planning Grants

Attachment 7.e.1

## What does this program do?

**This program assists low-income communities with initial planning and development of applications for USDA Rural Development Water and Waste Disposal direct loan/grant and loan guarantee programs.**

## Who may apply?

- **Most state and local governmental entities**
- **Nonprofit organizations**
- **Federally recognized Tribes**

### What is an eligible area?

- Rural areas and towns with populations of 10,000 or less – check eligible addresses
- Federally recognized tribal lands
- Colonias

**NOTE:** The area must have a median household income below the poverty line or less than 80 percent of the statewide non-metropolitan median household income.

### How may the funds be used?

Grants may be used to pay part of the costs of developing a complete application for USDA Rural Development Water & Waste Disposal direct loan/grant and loan guarantee programs.

### What are the terms for the grants?

- Grants may not be used to pay for work already completed.
- The amount of the grant will be subtracted from the total grant eligibility if a USDA grant is awarded for part of the water or waste disposal project.
- These grants do not have to be paid back if the application for the USDA direct loan or loan/grant combination is not successful.
- Grants are based on demonstrated need and subject to the availability of funds.

- Partnerships with other federal, state, and local entities are encouraged, and grants are awarded only when the applicant cannot afford to borrow the needed funds.

### Is there a maximum grant amount?

Maximum of \$30,000 or 75 percent of the predevelopment planning costs.

### Are matching funds required?

Yes, at least 25 percent of the project cost must come from the applicant or third-party sources. In-kind contributions do not count toward this minimum.

### How do we get started?

Applications for this program are accepted year round through your local RD office. Program resources are available online (includes forms needed, guidance, certifications, etc.).

### Who can answer questions?

- Help is always available through your local RD office.
- Participating nonprofit associations also offer assistance and training.

# Water & Waste Disposal Predevelopment Planning Grants

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## What governs this program?

- Code of Federal Regulations, [7 CFR 1780](#)
- Agricultural Act of 2014

## Forms & Resources

**NOTE:** Please select your state in the dropdown menu above to find the [state office contact information](#) and speak to a program specialist before attempting to fill out any forms or applications. This will save you time in completing your application.

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**NOTE:** Because citations and other information may be subject to change, please always consult the program instructions listed in the section above titled “*What Governs This Program?*” You may also contact your local office for assistance. You will find additional forms, resources, and program information at [rd.usda.gov](http://rd.usda.gov). *USDA is an equal opportunity provider, employer, and lender.*

# Special Evaluation Assistance for Rural Communities and Households

Attachment 7.e.2

## What does this program do?

**This program helps very small, financially distressed rural communities with predevelopment feasibility studies, design, and technical assistance on proposed water and waste disposal projects.**

## Who may apply?

- **Most state and local governmental entities**
- **Nonprofits**
- **Federally recognized Tribes**

### What is an eligible area?

Areas to be served must be rural and financially distressed:

- Rural areas with a population of 2,500 or less
- Have a median household income below the poverty line or less than 80 percent of the statewide non-metropolitan median household income based on latest Census data

### How may the funds be used?

To pay predevelopment planning costs, including:

- Feasibility studies to support applications for funding water or waste disposal projects
- Preliminary design and engineering analysis
- Technical assistance for the development of an application for financial assistance

### Are there additional requirements?

The predevelopment planning costs must be related to a proposed project that meets the following requirements:

- Construct, enlarge, extend, or improve rural water, sanitary sewage, solid waste disposal, and storm wastewater disposal facilities

- Construct or relocate public buildings, roads, bridges, fences, or utilities and to make other public improvements necessary for the successful operation or protection of facilities
- Relocate private buildings, roads, bridges, fences, or utilities, and other private improvements necessary for the successful operation or protection of facilities

### How do we get started?

- Applications for this program are accepted year round through your local RD office.
- Program resources are available online (i.e., forms, guidance, certifications, etc.).

### What governs this program?

- Code of Federal Regulations, Title 7, Part 1774 – 7 CFR 1774
- Section 306 of the Consolidated Farm and Rural Development Act

### Why does USDA Rural Development do this?

To help very small, financially distressed rural communities extend and improve water and waste treatment facilities that serve local households and businesses.

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**NOTE: Because citations and other information may be subject to change, please always consult the program instructions listed in the section above titled “What Governs This Program?” You may also contact your local office for assistance. You will find additional forms, resources, and program information at rd.usda.gov. *USDA is an equal opportunity provider, employer, and lender.***

**Jessica Ginsburg**

Attachment 7.e.3

**From:** Marlin Gochnour <Mgochnour@civilwest.net>  
**Sent:** Monday, December 6, 2021 1:41 PM  
**To:** Jessica Ginsburg  
**Subject:** RE: potential funding

Jessica,

If you want us to prepare an application for submittal just say go and we can do the work under the general EOR agreement. Talking with Will and Sean in my office the initial application is not overly long or complicated so it should not take more then a day give or take.

Thanks,

**Marlin Gochnour, PE, SE, MBA** | President

Civil Licensed: OR, WA, ID, MT, WY, IL, HI, KS

Structural Licensed: UT

p 541.982.4136 | c 541.808.8169



**Civil West Engineering Services, Inc.**

486 E Street, Coos Bay, OR 97420

p 541.266.8601 | f 541.266.8681

[www.civilwest.com](http://www.civilwest.com)

**From:** Jessica Ginsburg <jginsburg@portorford.org>

**Sent:** Wednesday, December 1, 2021 10:59 AM

**To:** Marlin Gochnour <Mgochnour@civilwest.net>

**Subject:** RE: potential funding

Marlin-

Yes I would love to work on getting the process started for some of the water funds. What do we need to do to begin the process?

Thanks!

*Sincerely,*

*Jessica Ginsburg  
 City Administrator  
 City of Port Orford*

Phone: Office: 541-366-4568

Cell: 541-655-0044

Fax: 877-281-5307

**From:** Marlin Gochnour [<mailto:Mgochnour@civilwest.net>]

**Sent:** Tuesday, November 30, 2021 3:45 PM

**To:** Jessica Ginsburg <[jginsburg@portorford.org](mailto:jginsburg@portorford.org)>

**Cc:** Marlin Gochnour <[Mgochnour@civilwest.net](mailto:Mgochnour@civilwest.net)>

**Subject:** potential funding

Jessica,

Below is the info we received from Sean about the COVID-19 grant funds that are available to help with water infrastructure projects. Let me know if you would like any help investigating this funding opportunity.

Thanks,

**Marlin Gochnour, PE, SE, MBA** | President

Civil Licensed: OR, WA, ID, MT, WY, IL, HI, KS

Structural Licensed: UT

p 541.982.4136 | c 541.808.8169



**Civil West Engineering Services, Inc.**

486 E Street, Coos Bay, OR 97420

p 541.266.8601 | f 541.266.8681

[www.civilwest.com](http://www.civilwest.com)

**From:** STEVENS Sean \* BIZ <[Sean.STEVENS@biz.oregon.gov](mailto:Sean.STEVENS@biz.oregon.gov)>

**Sent:** Monday, November 29, 2021 2:45 PM

**To:** Jerek Hodge <[jhodge@civilwest.net](mailto:jhodge@civilwest.net)>

**Cc:** MCVEETY Jeremy \* BIZ <[Jeremy.MCVEETY@biz.oregon.gov](mailto:Jeremy.MCVEETY@biz.oregon.gov)>

**Subject:** RE: CDBG grants

Jerek,

I have checked with our CDBG Program Manager about the potential eligibility of this project.

Here is his response: "A water line replacement project can potentially be eligible for up to \$750,000 in CDBG-CV funds if the water lines serve residences, hospitals, schools, etc. and the tie-back to COVID-19 can be made. It is under the COVID-19 Impact Assistance Public Facilities grant eligibility on the last page of [this brochure](#)."

The communities would also need to qualify as Low-to-Moderate Income in order to be an eligible applicant. For the Coos, Curry, Douglas Region, these include: Powers, Port Orford, Canyonville, Drain, Elkton, Glendale and Reedsport.

Thanks,  
Sean Stevens

**Sean Stevens, EDFP**  
Regional Development Officer  
South Coast Region

**Business Oregon** | New website: [www.biz.oregon.gov](http://www.biz.oregon.gov)  
541-954-0903 mobile





# COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Grant Opportunities to Prepare, Prevent,  
and Respond to COVID-19



[biz.oregon.gov](http://biz.oregon.gov)

# FIND THE RIGHT GRANT FOR YOUR COMMUNITY

Image: Head Start, Brookings, Oregon

## COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT FUNDING

Business Oregon has made available Cares Act funding through the Community Development Block Grant (CDBG) Program. Several grant opportunities are now open for applications for communities affected by COVID-19.

### Emergency Small Business & Microenterprise Assistance Program

This grant program is intended to help low- and moderate-income (LMI) businesses and employees prepare, prevent, and respond to the economic impacts of the COVID-19 crisis.

#### What funds are available?

Up to \$100,000 for a single city or up to \$500,000 for multiple cities collaborating.

Up to \$500,000 per county.

#### What can the grant be used for?

Assistance to revitalize businesses and labor force affected by COVID-19 including:

- Cash Grants
- Job Training
- Licensing
- Certifications
- Marketing
- Business Redesign

#### Program Limits:

- One (1) LMI job must be created/retained for every \$2,500 awarded to the applicant
- One (1) microenterprise must be assisted for every \$10,000 awarded

## Who can apply?

All Oregon cities, counties, and tribes.

## How do I apply?

Applications are available until funding is fully obligated. To submit an application, visit the Business Oregon [CDBG- COVID-19 Programs webpage \(https://www.oregon.gov/biz/programs/CDBG/Pages/default\)](https://www.oregon.gov/biz/programs/CDBG/Pages/default).

#### Eligibility Requirements:

Applicants must meet all of the following:

- Low-Moderate Income (LMI)
- Documented COVID-19 impacts
- No access to other assistance for the same time period costs (no duplication of benefit)
- Complete the project within one year
- Eligibility requirements are in the current NOFA that expires May 31, 2022

Contact **Jeremy McVeety**, Regional Project Manager at (971) 375-8051 or [jeremy.mcveety@biz.oregon.gov](mailto:jeremy.mcveety@biz.oregon.gov) for assistance and more information.

**Business Oregon 's infrastructure finance programs assist communities** to build infrastructure capacity to address public health safety and compliance issues as well as support their ability to attract, retain and expand businesses, We strive to coordinate the delivery of infrastructure financing to Oregon communities and to better collaborate with local partners.

### **Emergency Housing Related Assistance Program**

This grant program provides housing assistance to low-to-moderate income (LMI) households impacted by COVID-19.

#### **What funds are available?**

Up to \$400,000 for a single city or up to \$500,000 for multiple cities collaborating.

Up to \$600,000 for a single county or up to \$800,000 for multiple counties collaborating.

### **Rent/Mortgage/Utility Assistance**

#### **What can the grant be used for?**

Assist LMI households with up to six months of past due rent, mortgage, or utility bill assistance.

- Rent must be within the Fair Market Rent or from a rent reasonable study conducted by the applicant or a local Public Housing Authority
- Rental assistance excludes late fees
- Mortgage assistance may include taxes, insurance, and late fees
- Utility assistance excludes water or sewer bills
- All assistance must bring the household into a current billing status
- All assistance payments must be made to the landlord, mortgage servicer, or gas/electric service provider

### **Housing Rehabilitation Assistance**

#### **What can the grant be used for?**

Health and Safety Activities: Rehabilitation of owner-occupied homes that improve the quality of life for households affected by COVID-19 including:

- Improved ventilation
- Removal of lead-based paint
- Private well and water lines
- Private septic and drain fields
- Standard building code improvements

Continued on the next page

## **COVID-19 Impact Assistance Program**

This grant program helps mitigate the impacts of COVID-19 on low- and moderate-income (LMI) beneficiaries.

### **What funds are available?**

Up to \$250,000 per city/county recipient.

### **What can the grant be used for?**

Assistance to provide new or expanded services in response to COVID-19 including:

- Participate in new or existing childcare services
- Support job creation in new and expanding businesses that manufacture medical supplies necessary to respond to infectious disease including purchasing machinery, equipment, and working capital
- Broadband connection planning to extend services to LMI communities

## **Impact Assistance Public Services Grants**

### **What funds are available?**

Up to \$50,000 per city/county recipient.

### **What can the grant be used for?**

Assistance to provide new or expanded public services to LMI communities in response to COVID-19 including:

- Carry out job training to expand the health care workforce available to treat disease within a community
- Conduct training for COVID-19 literacy and implement measures to reduce the impact of COVID-19 outbreak on businesses, workers, customers, and the public
- Provide vaccines, testing, diagnosis, treatment, or other services at fixed or mobile locations
- Increase existing health services and facilities capacity and availability for infectious disease response
- Provide equipment, supplies, and materials necessary to carry out a public service
- Deliver meals to individuals with medical vulnerabilities
- Project Turnkey Operations to support operational capacity for temporary shelter

## **Impact Assistance Public Facilities Grants (Acquisition, Rehab, Construction)**

### **What funds are available?**

Up to \$750,000 per city/county recipient.

### **What can the grant be used for?**

Assistance to acquire, construct, or rehabilitate community facilities and infrastructure in LMI communities related to COVID-19 including:

- Facilities to provide vaccines, testing, diagnosis, treatment, or other services at fixed or mobile locations
- Child care facilities
- Food bank facility expansion or storage rental, and food distribution
- Repurpose a motel or hotel building to use as a temporary shelter or enable permanent housing
- Facilities to manufacture medical supplies necessary to respond to infectious disease
- Broadband connections and related infrastructure to residents and community facilities
- Replace water distribution system and water supply

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: TLT Grant Approval Main Street

ITEM NO: 7 f.

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In July of 2020 Main Street brought a TLT Grant Approval to City Council. They were approved for \$2,159 by the TLT Committee. However, City Council approved \$1,159 and stated that they would like Main Street to come back to the following meeting to discuss the mural on the Salty Dog which was the other \$1,000. This was never done however they Mural has been completed and Main street would like the opportunity to receive the other funds. I have the Original application and the meeting minutes from the July 2020 meeting.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

Approved  
3159 00

**CITY OF PORT ORFORD**  
**City Beautification and Tourism Development Fund**  
 2020-2021 GRANT APPLICATION FORM

Grant project design requirements: 1) your project must enhance and/or beautify the city; 2) promote the development of the city's tourism industry through promotion outside the city; or 3) support projects designed to attract visitors to the city. All projects must reflect the full diversity of the Port Orford community.

1. Project Name: Continued Beautification at the North End of Main Street II \*
2. Organization or Business Name: Port Orford Main Street Revitalization Association
3. Contact Name(s) and Title: Karen Auburn, Volunteer Director
4. Phone Number(s): 541-290-9980 E-mail: kauborn@me.com
5. Is organization a non-profit? yes Number: 27-0725184
6. Previous recipient of TLT Grant Funds? Yes x No     if yes, when and how were the funds used? Beautification projects were done along Highway 101 in 2019: 1. Brick wall and bench at Driftwood School and 2. Restoration of Whale mural on the old dental building
7. Grant Project Narrative: A detailed description of the proposed project or the activity and how it will help the City regarding Tourism and Beautification must be included with the application. (Limit to attached page)
8. Projected start date: ASAP Projected completion date: late fall
9. Amount requested in this application: \$2,200
10. Budget (use attached sheet) a 50% match is required. Businesses must match 50% in cash.

Signature


Date May 14, 2020

Send application to City of Port Orford, P.O. Box 310, or drop in the payment drop box at 555 West 20<sup>th</sup> Street, Port Orford, OR 97465 or e-mail [trichards@portorford.org](mailto:trichards@portorford.org)

**CITY OF PORT ORFORD**  
**City Beautification and Tourism Development Fund**  
 2020-2021 GRANT APPLICATION FORM

**Grant Narrative:** please include why this will benefit Port Orford and promote tourist

A visitor's first impression of Port Orford needs to be improved to entice the visitor stay, a need that exists for people entering the city from the North where the entrance is not appealing. We seek to introduce a "wow" factor with bold and differing attractions to peak curiosity to stay and explore Port Orford's unique combination of visitor services and outdoor recreational opportunities. We believe adding artwork at the North entrance will stimulate interest in visitor's stopping and staying in Port Orford.

Our desired artwork includes:

1. A mural created by a local artist on the west side of the Salty Dawg building located at Highway 101 & Madrona St.
2. Three seven-foot artfully and locally painted fiberglass fish sculptures positioned at the northerly entrance to the city on the west site of Highway 101 & Madrona St. Fiberglass seals in Florence and bears in Grants Pass were spectacular. \*However, the cost of this effort is not realistic and will be developed from a different source.
3. Installation of 15 oversized wild flower murals on fence bordering the RV park on the east side of Highway 101 from Madrona to Dollar General.
4. A cluster of seven pillars – 7 ft tall and 12 in diameter - artfully decorated by local artists installed in front of the apartments on Highway 101 south of Madrona St. See [hppt/pin.it/6/QZopo](https://pin.it/6/QZopo). The Chain-link fence is being replaced as part of the landscaping in addition to other work already planned at this site.

The TLT grant for Beautification of North Main Street approved in April was for \$5,500 for \$15,000 project – a collaboration with Neighborworks Umpqua (NWU). NWU is contributing \$5000 and United Way is contributing a day of caring for the problem house in this area. To expand the project, NWU is applying for an AARP grant (very competitive), and was in the process of applying for a Travel Oregon grant that was postponed or cancelled because of COVID-19. If additional funds are available, this artwork combined with the project funded for landscaping, new fencing to replace the chain link fence, and more will make a big difference to the north entrance on Costal Highway 101 in Port Orford. We need a grand, inviting entrance to Port Orford.

**CITY OF PORT ORFORD**  
**City Beautification and Tourism Development Fund**  
 2020-2021 GRANT APPLICATION FORM

**BUDGET:****Project/Program Expenses**

Line Item	Total Cost	TLT Funds	Other Revenue Source
Mural on SaltyDawg Blg West side – Artist Fee	\$1,500	\$1000	\$500
Paint for mural & cluster of pillars	*350	\$350	
Lumber for cluster of pillars	\$800	\$500	\$300
Cement for installation of pillars	\$250	\$250	
Volunteer help of artists to paint pillars	\$500		\$500
Volunteer help of handymen to install pillars	\$500		\$500
Refurbish girl scout murals, frame and installation	\$500	\$100	\$400
*fiberglass fish blanks (\$800 each + shipping)	*(\$2600)		
*special paint for fiberglass fish blanks	*(\$600)		
*artist fees for fiberglass fish blanks	*(\$3000)		
*Materials and volunteer help for installation of fiberglass blanks	*(\$600)		
<b>Total</b>	<b>\$4,500</b>	<b>\$2,200</b>	<b>\$2,200</b>

\*This part of the project is not realistic for this application

**Other Revenue Sources: include source, amount, and status (i.e. planned, pending, secured)**

Source (Amount)	Status	Source (Amount)	Status
Port Orford Main Street (\$1,800)	Secured		
NW Umpqua and donations (\$500)	Pending		

Is the project/program budget included in your organization's operating budget? yes



*You may change the number of rows in the tables above as needed. However, all information must be included and the project/program budget is limited to one single sided page*

As described in the TLT Ordinance;

No grant shall exceed fifty percent (50%) of the total project cost. No funds shall be disbursed until the grant recipient shows, to the satisfaction of the City, that it has the matching funds in cash or cash equivalent.

2020-2021 TLT Grant Applications Approved

Total Grant Amount \$10,000.00

00/00/2020

00/00/2021

Business/ Group	\$ Requested	Committee Approved	Council Approved
Port Orford Jubilee	<u>4,000</u>	<u>4,000</u>	_____
<i>old Jail</i> Port Orford Main St.	<u>900<sup>00</sup></u>	<u>900</u>	_____
<i>ARTS Council</i> Port Orford Jubilee	<u>1,000</u>	<u>1,000</u>	_____
<i>NORTHEND</i> Port Orford Main St.	<u>5,500</u>	<u>5,500</u>	_____
P.O. Library	<u>541.00</u>	<del>800.00</del> <u>541 + 200</u>	_____
Total	\$0.00	\$0.00	

CARRY OVER \$2859<sup>00</sup> ✓

**B. Final Approval for Engineer of Record:** CA Richards reported receiving one packet in response to her RFP request from Civil West Engineers who have been trying to get business from Port Orford for a while. They have assisted with the fish screen at the impound and some with the Deady Street issue. Two engineers can be considered. There is an agreement in place with Dyer Partnership for the contact tank.

Councilor Burns moved to approve Dyer Partnership and Civil West Engineers as Port Orford's Engineer of Record with Councilor LaRoche as second. *Motion carried 3-0.*

Discussion: None.

*Councilor Burns Yes Councilor LaRoche Yes Councilor Cox Yes*

**C. Seasonal Fuel Tax:** Fuel tax May through October for road and sidewalk repair. Two cents per gallon is favored. Councilor Cox suggested tabling this until Councilor Garratt is in attendance and council has time to sell the idea to the citizens. CA Richards suggested discussing no later than January.

Councilor Cox moved to table the Seasonal Fuel Tax until December with Councilor Burns as second. *Motion carried 3-0.*

Discussion: None.

*Councilor Burns Yes Councilor LaRoche Yes Councilor Cox Yes*

**D: TLT Grant Approvals:** This is to approve the second round of TLT grants.

Councilor Burns moved to approve the TLT additions with Councilor Cox as second.

*Motion carried 3-0.*

Discussion: Historically, TLT provides grants for beautification. They added businesses into the group; however, an organization can do an in-kind match and a business is required a 100 percent cash match, for instance if they are approved for 1000 dollars from TLT they have to provide 1000 dollars of their own money for the project. CA Richards clarifies that council is asked to approve what the TLT committee already approved; 1) Tasty Kate wants to improve/rehab the corner property for 700 dollars. 2) Battle Rock Communications requested 600 dollars to help create a Jammin' Salmon suit. 3) Main Street's project to continue beautification on the north end of Highway 101 is a total cost of 4,500 dollars. They requested 2,200 dollars. The TLT committee approved 2,159 dollars. The project includes a Mural on the side of Salty Dog's building which is at the cost of 1,500 dollars. Salty Dog is paying 500 dollars of that cost. Council questions if the Salty Dog should have to pay half of the mural cost. The mural is for the beautification of the north end of town, and the building is convenient. There is no assurance that the building will not change hands and the mural will not be painted over. Councilor Cox would like this subject tabled to provide council time to review. Councilor Cox would like their projects addressed separately. Councilor LaRoche would like a presentation to council.

○ Councilor Burns rescinded his motion and Councilor Cox rescinded his second.

Councilor Burns moved to accept the Tasty Kate project with Councilor Cox as second.

***Motion carried 3-0.***

Discussion: None.

***Councilor Burns Yes Councilor LaRoche Yes Councilor Cox Yes***

Councilor Burns moved to accept the two Main Street projects to not include the 1,000 dollars for the mural pending a presentation on the mural with Councilor LaRoche as second. ***Motion carried 3-0.***

Discussion: CA Richards will ask TLT for the presentation on the mural.

***Councilor Burns Yes Councilor LaRoche Yes Councilor Cox Yes***

## 8. New Business:

### **A: Approve Application to the Marine Board for Pinehurst Boat Ramp/Kayak**

**Launch/Restroom:** A mechanism to help people get in and out of kayaks at a lake has been offered. The Marine Board does not want it attached to the 12<sup>th</sup> Street boat ramp since it is already to capacity. They want it at the Pinehurst boat ramp; however, there is just a dirt path to the water without a dock. Karen Auburn has agreed to write a grant to the Marine Board for a boat ramp, kayak launch and restroom. They are asking City Council to approve them to write that grant.

Councilor Burns moved to allow writing of the grant with Councilor LaRoche as second.

***Motion carried 3-0.***

Discussion: None.

***Councilor Burns Yes Councilor LaRoche Yes Councilor Cox Yes***

### **B: Planning Commission Appointment – Kim Nye – Pamela Berndt – Jeanne Jezuit:**

Pamela Berndt and Jeanne Jezuit are in attendance. Jeanne Jezuit introduced her extensive local government experience as a commissioner of Parks and Recreation in a 3,500-park district. She was on numerous committees. She has been in Port Orford six years and would like to be part of the process of keeping the best of what is here and planning for the future making sure the city is moving forward with a planning program instead of what is already there. Pamela Berndt introduced herself as a resident of Port Orford for 15 years. She loves the community and would love to be on a team that helps to plan for the future as well as current issues that come up. She works part time for Wild Rivers Land Trust essentially preserving the local wilderness. She loves the outdoors.

Councilor Cox moved to appoint Pamela Berndt and Jeanne Jezuit to the planning commission with Councilor LaRoche as second. ***Motion carried 3-0.***

Discussion: None.

***Councilor Burns Yes Councilor LaRoche Yes Councilor Cox Yes***

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 TLT

Name: Laurie Prouty

Mailing Address: 1035 13th St, Port Orford

Physical Address: same

Home Phone: 541.287.2000 Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: laurieprouty@gmail.com

Current Employment: retired

Your area of interest: family, community, healthy life styles

Your area of expertise: communicating, listening  
striving to be fair

Why do you want to serve? To try to help bring funds to benefit the Port orford community

Previous service in this appointed position of a similar position served last term

Other volunteer activities Port Orford Co-op, manage the community garden, SMART (before covid)

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 not on Wednesdays

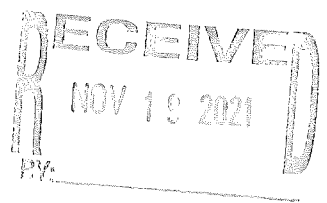
Have you ever been convicted of a felony?  yes  no If Yes, please explain.

Additional comments: PORT ORFORD is a fabulous place to live!!

Date: 11/15/2021

Signature: Laurie Prouty

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



Phone: 541-366-4568

Fax: 877-281-5307

jginsburg@portorford.org

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Department of Revenue Collections

ITEM NO: 8 b.

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I have contacted the Oregon Department of Revenue and they are able to assist us in the collection efforts of Citations and Utilities. I need City Council approval to move forward with this agreement for collections. The E-mail from the Department of Revenue and a Registration form is attached.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## Jessica Ginsburg

---

**From:** BENNETT Nikki \* DOR <Nikki.BENNETT@dor.oregon.gov>  
**Sent:** Monday, September 20, 2021 8:50 AM  
**To:** jginsburg@portorford.org  
**Subject:** Collections Information  
**Attachments:** Restricted Registration Form.docx

Hi Jessica,

Sorry I did not get this to last Thursday. Your agency is able to use our offset program. We do not perform active collections on this type of program. What happens is, if you have a debtor set up and that debtor is expecting a refund from our system, the refund is taken and applied to the debt. The debtor receives a letter letting them know where their refund went.

We charge 10% collection that is taken only if money applies to a debt. We supply monthly reports that will give you certain details such as the payment report. The payment report will list the debtor's name along with the dollar amount that was taken and applied to the debt. It will also list our collections fee amount. The fee is held from the money transfer.

We supply reports and send an ACH money transfer once a month. The reports are available through ROL (Revenue OnLine). ROL is also where you can look up the individual debts and make changes to a balance. We do not charge your agency for the set up of the program or for any change or recalls you perform.

We require the debt be \$25 or higher and we also require the debtor's social security number for set up.

I have attached our restricted registration form. This form is used to create a program code in our system. A program code separates your agencies debts from other agencies debts. It also allows our system to create reports with your debtor's information.

I am sure that you will have additional questions. Just let me know and I will help. You can have your debts with us in the offset program and have them at a Private Collection Firm. A few collection firms I have heard about that are in Oregon are:

Southern Oregon Credit Services  
 Professional Credit Services

If this program is something you'd like to do, please send me the completed attached form and I can get the process started to create a program code in our system. Once I create a program code, I will then send a Service Agreement.



**Nikki Bennett**  
 Program Analyst 2  
 Other Agency Accounts Unit  
 971-707-0132  
[Oregon Department of Revenue](#)  
[OAA Client Agency Resources](#)



\*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

This email may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this email in error, please advise me

immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system. Data Classification: Level CL2 - Limited

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Department of Revenue (OAA) New Program Information Form

Revenue Use Only

 Restricted

Program Code:

Full Agency Name:

Date:

--	--

Full Agency Address:

--

Public Referral Phone #:

Fax Number:

**Money Transfer Information (for monthly Treasury transfer of funds collected)** Local Government Investment Pool Account:

Bank Account:

 Checking or  Savings

Bank Routing Number:

Bank Account Number:

**Program Attributes:** Pass the cost of collections to the debtor. (Our system will figure the fee so your agency is made whole.)**Agency Contact Information for program:**

Agency IT Contact Name/Title:

E-mail:

Direct Phone Number:

First OAA Contact Name:

E-mail:

Direct Phone Number:

Second OAA Contact Name:

E-mail:

Direct Phone Number:

Type of debt being assigned to OAA for collection:

--

Please email this completed form to: [OAA.technicalhelp@oregon.gov](mailto:OAA.technicalhelp@oregon.gov)

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Dark Sky Enforcement

ITEM NO: 8 c.

---

As most of City Council is already aware we have had 1 continual complaint for Dark Skies. That is the lights outside of Gold Beach Lumber. I have sent multiple letters, Shala has sent letters offering for the City to pay for the shrouding and Rowly has also sent multiple letters. Unfortunately we have not heard from them. Rowly would like to make a motion to go ahead and enforce or not to enforce the penalties on them. I have had other complaints for Dark skies including Circle K and they have all been fixed and are in compliance.

---

SUBMITTED BY:

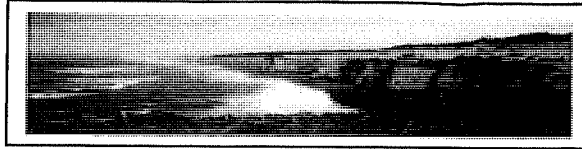
Jessica Ginsburg

Jessica Ginsburg, City Administrator

**Carleton Law Offices  
Attorneys at Law**

**Frederick J. Carleton**  
Attorney at Law

**Shala McKenzie Kudlac**  
Associate



301 Hwy. 101  
P.O. Box 38  
Bandon, OR 97411  
541-347-2468  
Fax: 541-347-6198  
Email: bandonlaw@gmail.com

Charles M. McNair  
Fowler & McNair, LLP  
P.O. Box 1746  
Medford, OR 97501-0136

**Re: Gold Beach Lumber – Dark Sky Lighting – OEC 608**

Dear Mr. McNair:

Thank you for your correspondence regarding the light issue at Gold Beach Lumber's store located in Port Orford, Oregon.

The City would like to reach a resolution which is the best possible outcome for all of those involved including your client. In an effort to be a good neighbor, the City is willing work with Mr. Ringer and pay for the shrouding of the two offensive lights located at his establishment. With that effort, it is hoped that those shrouds can maintain the light within the confines of Mr. Ringer's property, as well as, having enough light to satisfy his safety concerns.

It is hoped that this offer can resolve the matter and the city will not have to pursue other avenues of recourse pursuant to their ordinances. We do try to work with property owners to reach the best possible outcomes for contentious situations such as the present.

Please respond to this offer within 15 days.

Warm Regards,

Shala M. Kudlac

Cc: City of Port Orford

**Jessica Ginsburg**

---

**From:** rkwfineprints@juno.com  
**Sent:** Wednesday, December 1, 2021 6:02 PM  
**To:** jginsburg@portorford.org  
**Subject:** Rowly's request

Hello Jessica, hope you are well.

I was present at the last Council Meeting, yes right to the end. Unfortunately I didn't find out the latest on my lighting complaint of 7/21/21.

Can I suggest as in **15.17.130 Enforcement, abatement, and penalties** that it is time for the complaint to be included in the next Council package.

Ideally they would make a motion followed by a decision - to go ahead and enforce or not to enforce.

Either way, I respect the Council and will obviously live with what ever their decision is.

Please let me know, what is happening.

Regards Rowly

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 12/16/2021

SUBJECT: Opening Legion Hall and Community Building

ITEM NO: 8 d.

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Where community transmission is "substantial" or "high," everyone must wear a mask inside federal buildings, regardless of vaccination status. This applies to federal employees, contractors, and members of the public. Social distancing and other safety precautions still apply. Since we are not marked as high then we have to just require masks indoors according to 333-019-1025

Attachment 8.d.1- Oregon Health Authority 333-019-1025

Attachment 8.d.2- County Community Transmission

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## Oregon Health Authority

### Public Health Division - Chapter 333

#### Division 19

#### INVESTIGATION AND CONTROL OF DISEASES: GENERAL POWERS AND RESPONSIBILITIES

#### 333-019-1025

#### Masking Requirements for Indoor Spaces

(1) COVID-19 infection is transmitted predominately by inhalation of respiratory droplets generated when people cough, sneeze, sing, talk, or breathe. Studies show that masks and face coverings block the release of respiratory droplets into the environment and can also reduce the wearer's exposure to droplets. COVID-19 viral particles spread between people more readily indoors and when people are closer together for longer periods of time indoors. This rule is necessary to help control COVID-19, reduce hospitalizations and deaths, and provide general health protection to people in Oregon.

(2) Nothing in this rule is intended to:

(a) Prohibit an individual or person from complying with a more restrictive mask requirement.

(b) Prohibit a person, including a business or governmental entity from applying more restrictive requirements.

(3) For the purposes of this rule, the following definitions apply:

(a) "Business" includes an individual, organization or entity engaged in commercial, industrial, non-profit or professional activities.

(b) "Common or shared space" means an area where individuals may interact such as a restroom, breakroom, hallway, elevator, lobby, classroom, large room with cubicles, meeting rooms, conference rooms and any area open to the public.

(c) "Face covering" means a cloth, polypropylene, paper or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face.

(d) "Face shield" means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.

(e) "Household" means individuals who live together in a single residence.

(f) "Indoor spaces" means anywhere indoors, including but not limited to public and private workplaces, businesses, indoor areas open to the public, building lobbies, common or shared spaces, classrooms, elevators, bathrooms, transportation services and other indoor space where people may gather for any purpose. An indoor space does not include a private residence or a private automobile being used for personal use and that is not used for ride sharing services.

(g) "Mask" means a medical grade mask.

(h) "Person responsible for an indoor space" means any person or governmental entity responsible for the activities within an indoor space.

(i) "Private individual workspace" means an indoor space within a public or private workplace used for work by one individual at a time that is enclosed on all sides with walls from floor to ceiling and with a closed door.

(j) "Public and private workplaces" means indoor places where people work, including but not limited to businesses, banks, food processing plants, manufacturing facilities, construction sites, warehouses and farms.

(k) "Public transportation" means any form of transportation open to the public including but not limited to trains, buses, trolleys, street cars, vans, school buses, airplanes, boats, ride sharing services. Public transportation does not include private vehicles unless the private vehicle is being used for public transportation such as ride sharing services.

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(l) "Ride sharing services" means transportation services, whether public or private, where a driver transports an individual or a group of people in a vehicle and charges a fare or bills for services. Ride sharing services include, but are not limited to, taxicabs, Uber, and Lyft.

(m) "Transportation hub" means any airport, bus terminal, marina, seaport or other port, subway station terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

(4) Individuals, regardless of vaccination status, are required to wear a mask, face covering or face shield except as exempted in section (5) of this rule when in an indoor space.

(5) A mask, face covering, or face shield is not required when an individual:

(a) Is under five years of age or not yet in kindergarten; unless an individual is using public transportation or in transportation hubs in which case an individual under two years of age is not required to wear a mask, face covering or face shield.

(b) Is sleeping.

(c) Is actively eating or drinking.

(d) Is engaged in an activity that makes wearing a mask, face covering or face shield not feasible, such as when actively swimming.

(e) Is in a private individual workspace.

(f) Must remove the mask, face covering or face shield briefly because the individual's identity needs to be confirmed by visual comparison, such as at a bank or if interacting with law enforcement.

(g) Is practicing or playing a competitive sport at any level.

(h) Is officiating a competitive sport that requires a high level of physical exertion by the official.

(i) Is performing, including but not limited to playing music, delivering a speech to an audience, and theater.

(6) A person responsible for an indoor space must:

(a) Ensure that employees, contractors, and volunteers comply with this rule within the indoor space.

(b) Make reasonable efforts to ensure customers, guests, visitors and other individuals comply with this rule within the indoor space.

(c) Post signs at every entrance to the indoor space that masks, face coverings or face shields are required as described in this rule.

(7) Nothing in this rule is intended to prohibit an employer or place of public accommodation from making reasonable accommodations in order to comply with the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act, ORS 659.850 or applicable provisions of ORS chapter 659A.

(8) Penalties: Any person who violates any provision of this rule is subject to civil penalties of up to \$500 per day per violation.

**Statutory/Other Authority:** ORS 413.042, ORS 431A.010, ORS 431.110 & ORS 433.004

**Statutes/Other Implemented:** ORS 431A.010, ORS 431.110 & ORS 433.004

**History:**

PH 83-2021, temporary adopt filed 11/23/2021, effective 11/23/2021 through 02/08/2022

PH 41-2021, temporary adopt filed 08/27/2021, effective 08/27/2021 through 02/08/2022

PH 35-2021, temporary adopt filed 08/11/2021, effective 08/13/2021 through 02/08/2022

Please use this link to bookmark or link to this rule.

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# County COVID-19 Community Transmission

The Centers for Disease Control and Prevention (CDC) have developed evidence-based metrics that Oregon public health officials use to determine and track COVID-19 community transmission.

## ***What is the data source?***

Data presented in this document come from Oregon's case investigation database, the Oregon Pandemic Emergency Response Application (Opera). Opera is the tool by which Local Public Health Authorities (LPHAs) receive and process COVID-19 test results, including Electronic Laboratory Reports (ELRs) and Electronic Case Reports (ECRs), as well as manage information collected from case interviews and medical record reviews.

## ***What is the time period?***

On Mondays, OHA pulls the number of COVID-19 cases, cases per 100,000 residents, and test positivity by county for the previous four full weeks from Opera. Weeks run from Sunday to Saturday following the CDC's standard Morbidity and Mortality Weekly Report (MMWR) week. The case counts, case rates, and test positivity numbers from the previous full week are used to determine level of community spread. For case counts and case rates, cases are assigned to an MMWR week based on the date when public health first identified them as a confirmed or presumptive COVID-19 case. For percent test positivity, lab results are assigned to a MMWR week based on the date the test result was reported to public health.

## ***How Does OHA Calculate Test Positivity?***

OHA receives test results from a variety of laboratories and health care providers. To calculate test positivity, OHA pulls all test results received from Electronic Lab Reports (ELRs) and via Oregon's COVID Reporting Portal (OCR) that were reported to public health in the previous full MMWR week by county. Next, the positive number of test results in each county are divided by the total number of test results in each county to calculate the county's test positivity rate.

## ***Are Adults in Custody (AICs) Included in County Case Counts?***

The data presented in this document includes all COVID-19 cases reported in a jurisdiction, so may include AICs.



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## Weekly Monitoring Periods From November 7 - December 4

This table is based on data pulled at 12:01 AM on 12/5/2021. For case counts and case rates, cases are assigned to a week based on their true case date, which is the date when public health first identified them as a confirmed or presumptive COVID-19 case. For percent positivity in testing, lab results are assigned to a week based on the date their test result was reported to Public Health. All data are provisional and subject to change. Week of data indicates the first day of the week for the data displayed. Weeks run Sunday to Saturday.

County	Week of Date	Case Count	Cases per 100,000	Percent Positivity
Oregon, Statewide	November 7, 2021	5,902	138.3	6.2%
	November 14, 2021	5,856	137.2	6.0%
	November 21, 2021	4,123	96.6	5.6%
	November 28, 2021	6,513	152.6	5.9%
Baker	November 7, 2021	24	141.9	7.3%
	November 14, 2021	46	272.0	9.4%
	November 21, 2021	37	218.8	11.6%
	November 28, 2021	34	201.1	10.7%
Benton	November 7, 2021	106	112.0	3.0%
	November 14, 2021	111	117.3	3.3%
	November 21, 2021	49	51.8	1.9%
	November 28, 2021	132	139.4	3.1%
Clackamas	November 7, 2021	539	126.4	6.2%
	November 14, 2021	551	129.2	6.1%
	November 21, 2021	413	96.8	6.2%
	November 28, 2021	539	126.4	5.6%
Clatsop	November 7, 2021	32	81.1	7.8%
	November 14, 2021	24	60.8	6.7%
	November 21, 2021	45	114.1	17.8%
	November 28, 2021	43	109.0	10.5%
Columbia	November 7, 2021	79	148.3	9.2%
	November 14, 2021	87	163.3	9.0%
	November 21, 2021	72	135.1	13.9%
	November 28, 2021	123	230.9	12.9%
Coos	November 7, 2021	83	131.1	5.7%
	November 14, 2021	123	194.3	6.2%
	November 21, 2021	62	97.9	6.3%
	November 28, 2021	206	325.4	9.7%
Crook	November 7, 2021	57	243.2	8.4%
	November 14, 2021	97	413.8	10.7%
	November 21, 2021	43	183.4	7.9%
	November 28, 2021	118	503.4	10.9%

## Weekly Monitoring Periods From November 7 - December 4

This table is based on data pulled at 12:01 AM on 12/5/2021. For case counts and case rates, cases are assigned to a week based on their true case date, which is the date when public health first identified them as a confirmed or presumptive COVID-19 case. For percent positivity in testing, lab results are assigned to a week based on the date their test result was reported to Public Health. All data are provisional and subject to change. Week of data indicates the first day of the week for the data displayed. Weeks run Sunday to Saturday.

County	Week of Date	Case Count	Cases per 100,000	Percent Positivity
Curry	November 7, 2021	26	113.0	4.6%
	November 14, 2021	17	73.9	5.8%
	November 21, 2021	22	95.6	8.3%
	November 28, 2021	32	139.1	5.9%
Deschutes	November 7, 2021	599	304.0	9.2%
	November 14, 2021	568	288.3	9.4%
	November 21, 2021	395	200.5	10.3%
	November 28, 2021	541	274.6	8.4%
Douglas	November 7, 2021	236	209.7	11.4%
	November 14, 2021	243	215.9	8.6%
	November 21, 2021	160	142.2	10.1%
	November 28, 2021	286	254.2	8.6%
Gilliam	November 7, 2021	13	653.3	14.3%
	November 14, 2021	3	150.8	11.4%
	November 21, 2021	1	50.3	9.1%
	November 28, 2021	0	0.0	0.0%
Grant	November 7, 2021	34	464.8	4.0%
	November 14, 2021	10	136.7	13.8%
	November 21, 2021	3	41.0	4.8%
	November 28, 2021	6	82.0	7.0%
Harney	November 7, 2021	12	164.8	12.7%
	November 14, 2021	9	123.6	13.8%
	November 21, 2021	5	68.7	10.0%
	November 28, 2021	23	315.9	18.9%
Hood River	November 7, 2021	31	120.9	8.6%
	November 14, 2021	43	167.7	13.1%
	November 21, 2021	25	97.5	8.8%
	November 28, 2021	53	206.7	14.5%
Jackson	November 7, 2021	298	133.5	7.1%
	November 14, 2021	381	170.7	7.8%
	November 21, 2021	241	108.0	6.9%
	November 28, 2021	405	181.4	7.7%

## Weekly Monitoring Periods From November 7 - December 4

This table is based on data pulled at 12:01 AM on 12/5/2021. For case counts and case rates, cases are assigned to a week based on their true case date, which is the date when public health first identified them as a confirmed or presumptive COVID-19 case. For percent positivity in testing, lab results are assigned to a week based on the date their test result was reported to Public Health. All data are provisional and subject to change. Week of data indicates the first day of the week for the data displayed. Weeks run Sunday to Saturday.

County	Week of Date	Case Count	Cases per 100,000	Percent Positivity
Jefferson	November 7, 2021	85	352.6	10.6%
	November 14, 2021	73	302.8	10.9%
	November 21, 2021	29	120.3	7.3%
	November 28, 2021	64	265.5	8.1%
Josephine	November 7, 2021	128	147.9	6.7%
	November 14, 2021	144	166.4	7.2%
	November 21, 2021	87	100.5	6.8%
	November 28, 2021	230	265.7	9.2%
Klamath	November 7, 2021	221	324.6	10.9%
	November 14, 2021	123	180.7	8.7%
	November 21, 2021	84	123.4	8.6%
	November 28, 2021	117	171.9	6.8%
Lake	November 7, 2021	31	383.9	15.4%
	November 14, 2021	20	247.7	9.0%
	November 21, 2021	4	49.5	7.3%
	November 28, 2021	21	260.1	7.5%
Lane	November 7, 2021	391	102.5	4.4%
	November 14, 2021	387	101.5	3.5%
	November 21, 2021	307	80.5	3.5%
	November 28, 2021	437	114.6	4.4%
Lincoln	November 7, 2021	81	167.7	9.0%
	November 14, 2021	81	167.7	10.0%
	November 21, 2021	75	155.3	9.6%
	November 28, 2021	70	144.9	6.1%
Linn	November 7, 2021	323	253.7	8.7%
	November 14, 2021	290	227.8	7.5%
	November 21, 2021	204	160.2	6.3%
	November 28, 2021	363	285.1	7.3%
Malheur	November 7, 2021	42	130.8	9.0%
	November 14, 2021	39	121.5	8.2%
	November 21, 2021	19	59.2	6.9%
	November 28, 2021	15	46.7	3.4%

## Weekly Monitoring Periods From November 7 - December 4

This table is based on data pulled at 12:01 AM on 12/5/2021. For case counts and case rates, cases are assigned to a week based on their true case date, which is the date when public health first identified them as a confirmed or presumptive COVID-19 case. For percent positivity in testing, lab results are assigned to a week based on the date their test result was reported to Public Health. All data are provisional and subject to change. Week of data indicates the first day of the week for the data displayed. Weeks run Sunday to Saturday.

County	Week of Date	Case Count	Cases per 100,000	Percent Positivity
Marion	November 7, 2021	467	133.8	8.0%
	November 14, 2021	529	151.5	8.8%
	November 21, 2021	359	102.8	7.6%
	November 28, 2021	500	143.2	7.3%
Morrow	November 7, 2021	20	155.9	10.2%
	November 14, 2021	38	296.3	18.4%
	November 21, 2021	5	39.0	5.6%
	November 28, 2021	11	85.8	3.8%
Multnomah	November 7, 2021	820	98.8	4.5%
	November 14, 2021	798	96.2	4.5%
	November 21, 2021	559	67.4	3.7%
	November 28, 2021	880	106.1	4.1%
Polk	November 7, 2021	139	165.9	8.2%
	November 14, 2021	151	180.2	8.5%
	November 21, 2021	103	122.9	6.8%
	November 28, 2021	185	220.8	9.0%
Sherman	November 7, 2021	9	501.4	18.5%
	November 14, 2021	4	222.8	6.6%
	November 21, 2021	2	111.4	7.1%
	November 28, 2021	3	167.1	5.7%
Tillamook	November 7, 2021	43	162.1	7.6%
	November 14, 2021	25	94.2	5.9%
	November 21, 2021	28	105.5	7.7%
	November 28, 2021	35	131.9	7.0%
Umatilla	November 7, 2021	125	153.4	8.8%
	November 14, 2021	85	104.3	5.3%
	November 21, 2021	41	50.3	4.5%
	November 28, 2021	57	69.9	4.7%
Union	November 7, 2021	22	82.0	5.7%
	November 14, 2021	31	115.5	8.3%
	November 21, 2021	29	108.0	8.7%
	November 28, 2021	35	130.4	5.4%

## Weekly Monitoring Periods From November 7 - December 4

This table is based on data pulled at 12:01 AM on 12/5/2021. For case counts and case rates, cases are assigned to a week based on their true case date, which is the date when public health first identified them as a confirmed or presumptive COVID-19 case. For percent positivity in testing, lab results are assigned to a week based on the date their test result was reported to Public Health. All data are provisional and subject to change. Week of data indicates the first day of the week for the data displayed. Weeks run Sunday to Saturday.

County	Week of Date	Case Count	Cases per 100,000	Percent Positivity
Wallowa	November 7, 2021	2	27.9	4.5%
	November 14, 2021	4	55.9	5.6%
	November 21, 2021	17	237.4	13.5%
	November 28, 2021	9	125.7	4.3%
Wasco	November 7, 2021	54	197.8	7.3%
	November 14, 2021	37	135.6	4.6%
	November 21, 2021	11	40.3	3.8%
	November 28, 2021	48	175.9	8.3%
Washington	November 7, 2021	518	83.5	4.4%
	November 14, 2021	557	89.8	4.1%
	November 21, 2021	475	76.6	4.5%
	November 28, 2021	729	117.6	4.9%
Wheeler	November 7, 2021	0	0.0	20.8%
	November 14, 2021	6	416.7	5.6%
	November 21, 2021	0	0.0	0.0%
	November 28, 2021	2	138.9	4.5%
Yamhill	November 7, 2021	212	195.2	9.8%
	November 14, 2021	121	111.4	8.6%
	November 21, 2021	112	103.1	9.6%
	November 28, 2021	161	148.2	9.1%