

**CITY OF PORT ORFORD  
VIRTUAL SESSION OF THE COMMON COUNCIL  
THURSDAY, JANUARY 21, 2021 AT 3:30 P.M.**

Council Meeting  
Thu, Jan 21, 2021 3:30 PM - 6:30 PM (PST)  
**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/402291549>

**You can also dial in using your phone.**

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

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

**Access Code: 402-291-549**

**AGENDA**

1. **Call to Order**
2. **Additions to the Agenda**
3. **Presentations to Council/Citizens: Dine & Stay – Summer Matteson**  
**HEARING CONTINUED – BUILDING HEIGHT IN ALL ZONES**
4. **Consent Calendar**
  - a. Approve Minutes November 19, 2020 Council
5. **Citizens' Concerns (Speak Only for Old & New Business Items on the Agenda)**
6. **Departmental Reports**
  - a. Public Works   b. Admin   c. Finance   d. Watershed   e. Liaison
7. **Old Business**
  - a.
8. **New Business**
  - a. Election Proclamation
  - b. 2019-2020 Audit – Approval
  - c. Resolution 2021-03 – Authorized Signatures for City Business
  - d. Appointments to Parks and Planning
  - e. Electronic Meetings Policy
9. **Considerations**
  - a. Citizen   b. Staff   c. Councilor   d. Mayor
10. **Continuing Action Items**
  - a. Water   b. Sewer   c. Vac. Rentals   d. Brd. of Appeals   e. Planning Procedures
  - f. ADU's   g. Council Rules   h. Rural Fire Dept. Contract   i. SDC's   j. Gas Tax
11. **Future Meetings**

Thursday, February 18, 2021, Regular Council Meeting 3:30 p.m. by virtual meeting
12. **Adjourn**



**City of Port Orford**  
**555 W. 20<sup>th</sup> St.**  
**P.O. Box 310**  
**Port Orford, OR 97465**

**Staff Report**

**To:** Port Orford City Council

**Prepared by:** Crystal Shoji, AICP, Port Orford Planner

**Subject:** Proposed Zone Text Amendments to modify building height restrictions within in the City of Port Orford

**Staff Report:** October 8, 2020  
Revised November 3, 2020  
Revised January 13, 2021

**Status of Proposal:**

Virtual Meeting (public testimony - in person closed on November 19, 2020 at City Council Public Hearing; written testimony closed on at the end of the day on December 3, 2020.

City Council Virtual Continued Hearing scheduled for Thursday, January 21, 2021, 3:30 p.m.; The public is invited to participate by observing the City Council's Virtual Continued Hearing. No more public testimony will be taken.

**Public Testimony:**

This staff report and written testimony submitted by the public throughout this process have been incorporated as Exhibits A – QQQ. The City Council has been provided the documents for their consideration. The List of Exhibits was updated on January 11, 2020 to incorporate a revised List of Exhibits two comments that were inadvertently left out of the list prepared and provided to the City Council in December. See Attachment D. The Planning Commission Recommendation of November 12, 2020 is included as Attachment E.

This Staff Report provides the criteria of the Municipal Code. Language quoted directly from the Port Orford Municipal Code and the Statewide Planning Goals is shown in *italics*. Findings and comments provided by the City Planner are shown in regular font.

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

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

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

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

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

Findings: The City is following the procedures set forth in Section 17.40.030 of the code. Notice for the proposed amendments was provided to DLCD and property owners. See Property Owner Notice, Attachment A.

**17.40.040 Criteria and Approval for Zone Text or Map Amendment.**

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

- a. *Either the original wording or designation was made in error, or the amendment is justified due to changing circumstances.*
- b. *Any amendment must comply with the Port Orford Comprehensive Plan Goals and Policies.*

Findings: The proposal to amend height restrictions is justified due to changing circumstances. It has been many decades since the height restrictions within the code were put in place. At this time, the City Council is considering whether the City of Port Orford will be best served for future development by amending height restrictions.

At the time that the bulk of the existing height restrictions were put into place, the City of Port Orford was more reliant on heavy industry that was part of the timber industry, the fishing industry and local services to support the industry. The timber industry currently employs fewer people, and tourism is a growing segment of the economy.

Various Coastal cities in Oregon have enacted lower height restrictions than those that are currently in the Port Orford Municipal Code, Title 17.

***City of Port Orford Comprehensive Plan Goals and Policies*** (Amended July 18, 2019).

**STATEWIDE PLANNING GOAL 9: ECONOMIC DEVELOPMENT**

**City Goals**

1. *Provide opportunities throughout the city for a variety of economic activities that are important to the health, welfare and prosperity of the citizens and community of Port Orford.*
2. *Diversify and improve the economy of Port Orford, while protecting the natural environment that makes the city a unique and inviting place.*

### City Policies

3. *Encourage and support efforts to improve Port facilities, the harbor and fisheries including:*
  - a. *Replacement and maintenance of docks and infrastructure.*
    - b. *Rebuilding and maintaining the jetty.*
    - c. *Controlling and mitigating shoaling through dredging or jetty infrastructure.*
    - d. *Encourage the development of educational research and tourism facilities.*
5. *Encourage efforts to stimulate the tourism industry.*
6. *Encourage human-scale amenities within commercial areas and adjacent to trails and lookouts to encourage tourism and enhance the city's sense of place.*

Findings: The comments of Port of Port Orford indicate that new height limitations in the Port area would not encourage and support efforts to improve Port facilities. To respond to this, the Planning Commission proposed a new exception to permit a new stationery boat hoist at the Port area, if and when needed. See Section 17.20.050 General exception to building height limitations, page 8 and 9 of this document. The City Council may choose to allow for taller structures in the basin of Port of the Port Orford and elsewhere. The Port of Port Orford is zoned as marine activity zone (7-MA) in both the basin area and at the top of Dock Road.

Lowering height restrictions should be considered in relation to efforts to stimulate the tourism industry. New height limitations could discourage efforts to stimulate the tourism industry by limiting access to views that could be enjoyed by the traveling public. On the other hand, lower height limitations could contribute to enhancing the city's sense of place over time by providing human-scale amenities that may be unique to Port Orford's small town ambiance.

To accommodate observation facilities, staff has included a definition option that defines "observation tower" as a "public" structure. See page 6 of this document. A definition for observation facilities is included in the proposed amendments because observation facilities are permitted in Section 17.20.050 General exception to building height limitations, at bottom of page 8 of this document. The proposed language would define that a public observation tower is allowed, but does not provide an exception for private residences to include observation towers that are taller than the height restrictions of the zone.

The Port Orford City Council is asked to consider positive and negative impacts on economic development at the Port facilities, and development of tourism industry that could be the result of reducing heights now permitted throughout the City. The City's Comprehensive Plan Policies

that are provided above provide language for the City Council to consider when amending the code.

#### *STATEWIDE PLANNING GOAL 10: HOUSING*

##### City Goals

1. *Allow for a full range of housing types, locations and densities through planning and zoning.*

Findings: No specific expense would be added for housing by enactment of lower height limitations. The land base for housing would not be modified in any way. A full range of housing types, locations and densities through planning and zoning would continue to be available within the City of Port Orford with any reduction in building heights in residential zones. There could, however, be both positive and negative implications for residential uses, depending upon the locations of specific properties.

#### *STATEWIDE PLANNING GOAL 17: COASTAL SHORELANDS*

4. *Provide for water-dependent and water-related uses, and for nondependent nonrelated uses, in the city, compatible with existing or committed uses.*
5. *Provide for water-oriented uses that provide for enhanced views or access to coastal waters in conjunction with water-dependent and water-related uses.*

Findings: The selected goals and policies in the City's Comprehensive Plan that are addressed above within this Staff Report may be deemed applicable. To approve the proposed amendments, it is appropriate that the Council provide findings to confirm that the proposed amendments are consistent with the goals and policies of City's Comprehensive Plan.

#### **Recommendations for Council Consideration**

The City Council is charged with determining that any height restrictions adopted throughout the City are consistent the Comprehensive Plan Goals and Policies and appropriate for the City's future development.

The following suggestions, (A) – (H), provide the areas to be addressed.

- A. Determine whether lower height restrictions in industrial, marine, commercial and shoreland areas are consistent with providing opportunities throughout the city for a variety of economic activities. Provide an explanation that will serve as the Council findings for the amendments. See Port Commission comments, Exhibit T.
- B. Determine that any amendments of height restrictions will benefit the health, welfare and prosperity of the citizens and community of Port Orford. Provide an explanation that will serve as the Council findings for the various amendments.

- C. Determine where new lower height restrictions will allow for and stimulate development of the tourism industry. If you believe this to be true, provide an explanation that will serve as Council findings to support new limitations on height in specific areas of the City.
- D. Determine whether you agree with the staff finding that lower height restrictions will encourage human-scale amenities within commercial areas and adjacent to trails and lookouts to encourage tourism and enhance the city's sense of place. If you do agree, feel free to utilize the staff finding provided in the middle of page 3. The City Council is free to disagree, with the staff finding on page 3 (or any other staff findings).
- E. Determine whether lower height restrictions in specific areas are consistent with diversifying and improving the economy of Port Orford, while protecting the natural environment that makes the city a unique and inviting place. Explain your position to provide findings for your decision.
- F. Determine whether you agree with the staff finding that the proposed height restrictions will continue to allow for a full range of housing types and locations and densities through planning and zoning within the City of Port Orford.
- G. Determine whether the proposed height restrictions are consistent with the needs of water-dependent and water-related uses, and for nondependent nonrelated uses, in the city, compatible with existing or committed uses. The following definitions from the *Statewide Planning Goals and Guidelines, Definitions* may be helpful:

*Water -Dependent. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.*

*Water Oriented. A use whose attraction to the public is enhanced by a view of or access to coastal waters.*

*Water-Related. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods and services offered. . . .*

- H. Determine that the height amendments to be adopted are consistent with the language of the Comprehensive Plan Goals and Policies as presented within the Staff Report.

**In Consideration of Amendments to Building Height Restrictions  
Within the City of Port Orford**

**Format of Proposed Zone Text Amendments in this section:**

Titles of chapters and sections are shown in *bold font italics*.

Current code language is in regular font.

Language proposed to be removed is shown with ~~strikethrough~~.

New text language proposed to be added is shown in **bold font**.

Notes from the Planner for decision body consideration are in italicized in regular font.

***Port Orford Municipal Code Chapter 17.04***

***17.04.030 Definitions***

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

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

*Planner’s Note: A proposed graphic is included as Attachment B along with this document. Please determine whether it is helpful to include this graphic as an addendum or to further clarify the definition of “Height of buildings” within the Port Orford Municipal Code, Title 17 Zoning, Section 17.04.030 Definitions.*

*“Observation tower” is included in the height exemptions of the current code. See section 17.20.050 General exception to building height limitations, pages 8 and 9, of this document. Planning Commission discussion suggested that **public** observation towers that exceed the height restrictions may be appropriate. The definition that defines “observation tower” as a public structure would provide a limitation for the exemption for public structures only.*

***Port Orford Municipal Code Chapter 17.12***

***17.12.010 Residential zone (1-R)***

G. Height of Buildings. Except as provided in Section 17.20.050 in a 1-R zone no building shall exceed ~~thirty-five (35)~~ **twenty-five (25)** feet in height.

**17.12.020 Residential zone (2-R)**

G. Height of Buildings. Except as provided in Section 17.20.050 in a 2-R zone no building shall exceed ~~thirty-five (35)~~ **twenty-five (25)** feet in height.

**17.12.030 Commercial zone (4-C)**

F. Height of Buildings. Except as provided in Section 17.20.050 in a 4-C zone no building shall exceed ~~forty-five (45)~~ **twenty-five (25)** feet in height.

**17.12.040 Industrial zone (5-I)**

*Planner's Note: There are currently no restrictions in the 5-I zone. The following height restriction has been proposed.*

**F. Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone no building shall exceed twenty-five (25) feet in height.**

**17.12.050 Controlled development zone (6-CD)**

**C. Height of Buildings. Except as provided in Section 17.20.050 in a 6-CD zone no building shall exceed twenty-five (25) feet in height.**

*Planners Note: There are currently no restrictions in the 6-CD zone. The above height Restriction is one option.*

*Renumbering would be required to incorporate the wording of "C. Height of Buildings" as presented above. The current language is, C. Conditional Use Permitted in the 6-CD zone, permits public utility facilities, communication facilities, structures for recreation activities, etc. All numbers following the new "C" would be revised.*

**17.12.060 Marine activity zone (7-MA)**

E. Height of buildings. Except as provided in Section 17.12.050 in a 7-MA zone, no building shall exceed ~~forty-five (45)~~ **twenty-five (25)** feet in height.

*Planner's Note: We have communications from the Port of Port Orford that any proposed 25-foot height limitation will not allow for the uses that are needed in the Port area. The stationery boat hoist that currently operates at the Port has now been proposed for inclusion as an exception under the proposed language of Section 17.20.050 General Exception to Building Height, at the bottom of page 8 of this document. Please determine how best to address all of the concerns of the Port to accommodate Port facilities.*



**17.12.070 Public facilities and park zone (8-PF)**

**D. Height of Buildings.** Except as provided in Section 17.20.050 in an 8-PF zone no building shall exceed twenty-five (25) feet in height.

*Planner's Note: There are currently no restrictions in the 8-PF zone. This zone allows city utilities and infrastructure. The proposed 25-foot height restriction may not accommodate some proposed public facilities.*

**17.12.080 Shoreland overlay zone (9-SO)**

**G. Height of Buildings.** Except as provided in Section 17.20.050 in an 9-SO zone no building shall exceed twenty-five (25) feet in height.

*Planner's Note: There are currently no restrictions in the 9-SO zone. The zone referenced in this section has permitted uses including those in the underlying zone, water-dependent commercial and recreational developments and single-family dwellings. This zone includes conditional uses such as water-dependent commercial and industrial uses, residential uses, and other. As an overlay zone, you may wish to utilize the height restrictions of the underlying zones, rather than proposing a new height restriction for the overlay zone. Please consider whether the 25-foot limitation will be appropriate for water-dependent, water-related and water-oriented commercial and industrial uses. The definitions of such uses are on page 5 of this document.*

**17.12.090 Battle Rock Mixed Use zone (10-MU)**

**B. Uses Permitted Outright**

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

*Planner's Note: When the language in #15 shown above is removed, the following numbered reference in the code, #16, will become #15 and numbers following will be recalculated.*

**H. Height of Buildings.** Except as provided in Section 17.20.050 in a 10-MU zone, no building shall exceed ~~forty-five (45)~~ **twenty-five (25)** feet in height.

*Planner's Note: The Battle Rock mixed use zone has a requirement for Site Plan Review for building heights that exceed 35 feet. The height limitation of twenty-five (25) feet that has been proposed would necessitate removing this language as shown with a cross-out as shown above within this section.*

**Chapter 17.33 Site Plan Review**

3. No signage shall be displayed on building above ~~thirty-five (35)~~ **twenty-five (25)** feet.

**17.20.050 General exception to building height limitations.**

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

*Planner's Note: The comma between the words, "aerial" and "cooling" in our code language for exceptions appear to be misplaced. This should be removed when amendments to this section are incorporated.*

**17.32.050 Additional standards governing conditional uses.**

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

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

**17.46.080 Evacuation Route Improvement Requirements.**

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

# TO DETERMINE BUILDING HEIGHT

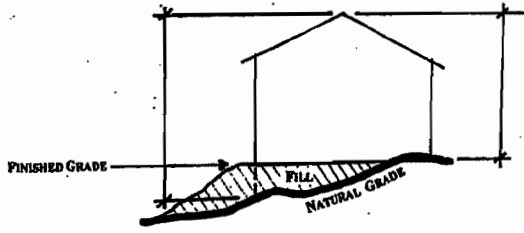


FIGURE A

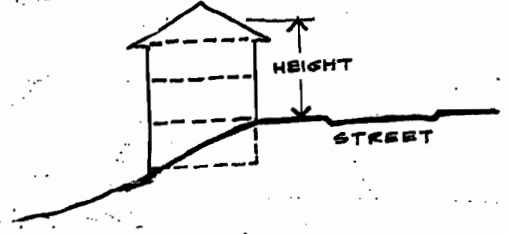
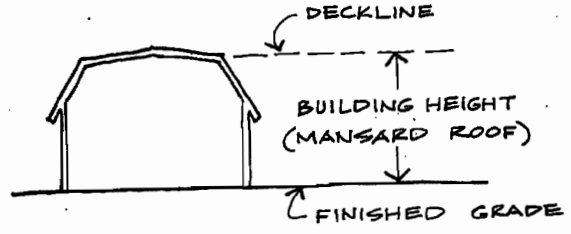
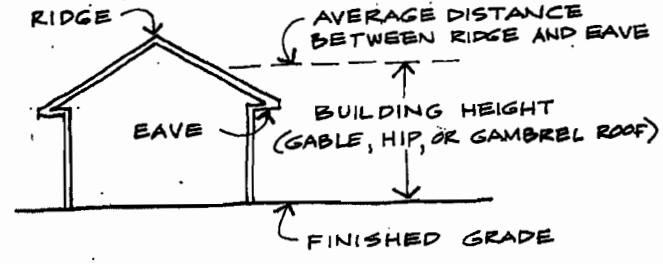
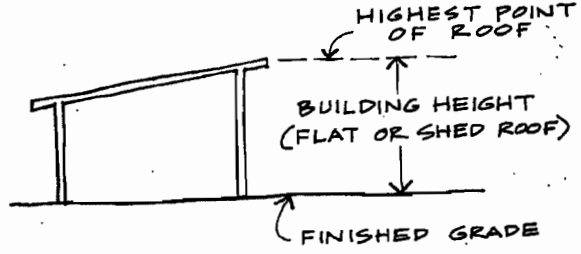


FIGURE B





**NOTICE OF A PROPOSED CHANGE  
TO A COMPREHENSIVE PLAN OR  
LAND USE REGULATION  
FORM 1**

<b>FOR DLCD USE</b>
File No.:
Received:

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

Jurisdiction: **City of Port Orford**

Local file no.: **PO Zone Amendment 20-01**

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

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

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

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

Street address: **555 W 20<sup>th</sup> Street** City: **Port Orford** Zip: **97465**

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

**Port Orford Municipal Code Chapter 17.12 – all use zones.**

Date of first evidentiary hearing: **November 10, 2020**

Date of final hearing: **November 19, 2020**

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

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_

X  New or amended land use regulation

- Zoning map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_

An exception to a statewide planning goal is proposed – goal(s) subject to exception:

Acres affected by map amendment:

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

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

# NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

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

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

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

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

This form is available here:

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

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at <http://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

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

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

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

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

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

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

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

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<sup>1</sup> 660-018-0022 provides:

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

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

**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**Notice checklist. Include all that apply:**

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

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

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

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

On Tuesday, November 10, 2020 at 3:30 p.m. and Thursday, November 19, 2020 at 3:30 p.m., the City of Port Orford will hold public (virtual) hearings regarding the adoption of amendments to the City's Title 17.12 Use Zones and 17.33 Site Plan Review in the City Council Chambers. The City of Port Orford has determined that adoption, which will be by ordinance, may affect the permissible uses of your property and other properties in the city, and may change the value of your property.

The proposed ordinance language is available for inspection at the Port Orford City Hall located at 555 W. 20<sup>th</sup> Street, Port Orford, Oregon. Copies of the proposed amendments are also available for purchase at the cost of 25 cents per page. For additional information concerning the amendments, you may contact the City of Port Orford, Phone 541-332-3681.

**City Planning Commission Public Hearing (Via Virtual Meeting)**

**Tuesday, November 10, 2020 at 3:30 p.m.**

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

**<https://global.gotomeeting.com/join/139160733>**

**You can also dial in using your phone.**

United States (Toll Free): 1 877 309 2073

United States: +1 (646) 749-3129

**Access Code: 139-160-733**

**City Council Public Hearing (Via Virtual Meeting)**

**Thursday, November 19, 2020 at 3:30 p.m.**

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

**<https://global.gotomeeting.com/join/372736485>**

**You can also dial in using your phone.**

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

**Access Code: 372-736-485**

*You are invited to participate in either or both of the hearings, and in any workshops or continuation of the hearings that may be scheduled and announced at hearings.*

**What is the purpose and content of the proposed amendments?**

The following information describes the zoning provisions that are under consideration. For more information, please review the proposed documents at City Hall and/or attend the hearing. The proposal is to amend this ordinance to the zoning chapter. Please participate in the hearings for more information.

The purpose of this change is to reduce building heights across all zones within the City of Port Orford to 25 feet in height. These requirements apply to all new and substantially enlarged construction.

*Please contact the City of Port Orford if you have questions or concerns. Phone: 541-332-3681.*



**List of Exhibits**  
**Record Closed December 3, 2020**  
**For the Topic of Proposed Height Amendments**  
**to the Port Orford Municipal Code – Title 17 Zoning**

*This is a List of Exhibits submitted to the  
Port Orford Planning Commission and Port Orford City Council.*

- Exhibit A     Staff Report (Revised 1-13-21)  
                  (Attachment A) Graphic – How to Determine Building Heights  
                  (Attachment B) Notice to DLCDD  
                  (Attachment C) Measure 56 Notice  
                  (Attachment D) List of Exhibits – Revised 1-11-21  
                  (Attachment E) Recommendations to City Council from Planning Commission,  
                  11-12-21
- Exhibit B     Communication from Port Manager Pat Cox, Port of Port Orford, 10-28-20
- Exhibit C     Communication from Jean Dahlquist, Fair Housing Council of Oregon, 10-29-20
- Exhibit D     Communication from Citizen Steve Lawton, 10-16-20
- Exhibit E     Communication from Jeffrey R. McVannel, CCB#203703, OCHI#1689, 10-28-20
- Exhibit F     Communication Steve Lawton, 11-3-20
- Exhibit G     Communication from Karen and Jim Whelan, 11-6-20
- Exhibit H     Communication from Allan Lazo, Executive Director, Fair Housing Council of  
                  Oregon, 11-9-20
- Exhibit I     Communication from Dorothy Dana, Trustee, Dana Family Trust, 11-8-20
- Exhibit J     Communication from David Bassett, 11-10-20
- Exhibit K     Summary Chart of Testimony, Planning Commission Public Hearing (Virtual  
                  Meeting), 11-10-20
- Exhibit L     Communication from Ann Vileisis, 11-13-20
- Exhibit M     Communication from Mr. and Mrs. Acey Johnson, 11-18-20
- Exhibit N     Communication from Laurie Prouty, 11-19-20

- Exhibit O      Communication from Cheryl Cherise, 11-19-20
- Exhibit P      Communication from Sharon Rock, Co-Trustee, Sharon M. Rock Family Trust  
11-16-20
- Exhibit Q      Communications from David McCutcheon, 11-19-20
- Exhibit R      Communication from Cathy Boden, 11-19-20
- Exhibit S      Communication from Dana S. Gurnee, 11-12-20
- Exhibit T      Communication from Port of Port Orford Commission President, Aaron  
Ashdown, 11-19-20
- Exhibit U      Communication from Michael McDonough, 11-24-20
- Exhibit V      Communication from Michele Leonard, 11-25-20
- Exhibit W      Communication from Dana S. Gurnee, 11-30-20
- Exhibit X      Communication from Pamela Berndt, 11-27-10
- Exhibit Y      Communication from Gayle Wilcox, 12-2-20
- Exhibit Z      Communication from Charles Silberman, 12-3-20
- Exhibit AA     Communication from Kathy Boden, 12-3-20
- Exhibit BB     Communication from John Shipp, 12-3-20
- Exhibit CC     Communication from Greg Thelen, 12-3-20
- Exhibit DD     Communication from Aimee Munford, 12-3-20
- Exhibit EE     Communication from Owen Munford, 12-3-20
- Exhibit FF     Communication from Kevin Miller, 12-1-20
- Exhibit GG     Communication from Cheryl Gorn, 12-1-20
- Exhibit HH     Communication from Jon Hewitt, 12-1-20

- Exhibit II      Communication from Joy Linebarger, 12-1-20
- Exhibit JJ      Communication from Florence Prescott, 11-30-20
- Exhibit KK      Communication from Greg Thelen, 11-26-20
- Exhibit LL      Communication from Jeffrey R McVannel, CCB#203703, HI#1689, 11-10-20
- Exhibit MM      Communication from Tim Palmer, 11-19-20
- Exhibit NN      Communication from Penny Sues, 11-19-20
- Exhibit OO      Communication from Harry Riead, 11-22-20
- Exhibit PP      Communication from Steve Lawton, 11-24-20
- Exhibit QQ      Communication from Ann Vilesis, 11-30-20
- Exhibit RR      Communication from Carolyn Folden, 11-25-20
- Exhibit SS      Communication from Kerry Holman, 11-29-10
- Exhibit TT      Communication from Kevin McHugh, 12-3-20
- Exhibit UU      Communication from Cynthia Freeman, 12-3-10
- Exhibit VV      Communication from Jennifer Robertson-Bastian, 12-3-20
- Exhibit WW      Communication from Francie MacLeod, 12-3-20
- Exhibit XX      Communication from Maria Opie & James Juntunen, 12-3-20
- Exhibit YY      Communication from Laszlo & Patricia Bernat, 12-3-20
- Exhibit ZZ      Communication from Mike DuBose, 12-3-20
- Exhibit AAA      Communication from Dorothy Dana, Trustee, The Dana Family Trust, 12-2-20
- Exhibit BBB      Communication from Jennifer Head, PhD, 12-3-20
- Exhibit CCC      Communication from Carlene Armi, 12-3-20
- Exhibit DDD      Communication from Julian Head, 12-3-20

- Exhibit EEE Petition (#1-11 sheets), To Port Orford City Council for Better Building Heights, 12-3-20 (*petition not screened for duplicate signatures*)
- Exhibit FFF Communication from Jeff Hogan, TWG Properties, LLC, 12-3-20
- Exhibit GGG Communication from Jason Youmans, 12-3-10
- Exhibit HHH Communication from Pam Dana, Member, The Dana Family Trust, 12-1-20
- Exhibit III Petition (#2-8 sheets), To Port Orford City Council for Better Building Heights, 12-3-20 (*petition not screened for duplicate signatures*)
- Exhibit JJJ Communication from Marjory (Midge) Hayes, 12-3-20
- Exhibit KKK Communication from Pat Rhoaden, 12-3-20
- Exhibit LLL Communication from Ann Vileisis, 12-3-20
- Exhibit MMM Communication from Joy May, 12-2-20
- Exhibit NNN Communication from Mark Dana, 12-3-20
- Exhibit OOO Communication from John and Vicki O'Shaughnessy, 12-3-20
- Exhibit PPP Communication from Sara Lovendahl, 11-19-20
- Exhibit QQQ Communication from Sara Lovendahl, 12-3-20

**Recommendation to City Council**

**From**

**Planning Commission**

**TO: Major and City Council**  
**From: Port Orford Planning Commission**  
**Date: November 12, 2020**  
**Subject: Modify Building Height Restrictions**

It is the recommendation of the Port Orford Planning Commission that the Port Orford City Council does not change the building heights at this time in any of the use zones.

The Commission voted 7-0 in favor of adding under 17.20.050 General exception to building height limitations, stationery boat hoist.

Thirty two people were in attendance to this virtual meeting.

Planning Commission voted 4 to 3 in favor of the motion to not change the building height restrictions of the current ordinance.

October 28, 2020

Port Orford Planning Commission  
P.O. Box 490  
Port Orford, Or. 97465

To the City Council and Planning Commission of Port Orford, OR.,

I am Pat Cox, you most likely know me as a Councilor for the City of Port Orford, and I am also the Manager of the Port of Port Orford. Ironically, I am writing today to try and get an exemption from a possible zoning change that I helped set in motion. I fully appreciate and understand the City's effort to keep our community's small-town tradition and village persona.

This proposed change does not align with the needs of the Port. As the major economic driver in our community it is important that the Port have the flexibility to thrive and grow. Our unique maritime industry has specific needs to be able accomplish this. The overview of our mission statement reads as follows,

Provide ocean access for commerce and recreation.

Build our Port's financial strength

Increase and diversify our operating revenues

Make the highest and best use of our financial tools, people, and property assets.

Improve our region's special quality of space.

Create diverse means for regional economic well-being.

The City's motivation "*to improve our region's special quality of space*" is appreciated, but this building height maximum does not align with the Port's mission.

My research has determined that the Zoning restrictions in every other Marine district in the county has at least a thirty-five foot maximum with the ability for exemptions or conditional use

**Exhibit B**

to necessitate our unique Maritime Industry. The Port of Port Orford has the most specific needs on the whole Oregon Coastline.

The City's proposed reduction of building height to twenty-five feet across all zones will not be feasible for the Port of Port Orford. This proposed change would also impede the fleet from building appropriate structures to maintain and expand their business within commercial zones. In the Purposes portion of the City Zoning 17.04.020 states in its second Purpose "*to encourage any legitimate use of the land to locate in such a place in the City that may prosper without harm to its neighbors or the economy of the City as a whole*" The Port of Port Orford is vital to the economy of Port Orford and any impediment to the Port or the Fleet operations directly contradict that Purpose in the new Zoning proposal.

Currently the Port uses hoists that are over sixty feet tall. These hoists are imperative to the function of the Port, and the Port is imperative to City. We can exist within the parameters of the Zoning in place and feel that the Port can improve and expand within its conditions. A twenty-five-foot building max is not practical or feasible for the Port of Port Orford.

It is critical that the Port property be exempted from these restrictions for the health of the Port and Port Orford. The Port is currently in the process of Redeveloping its facilities and this restriction could force major changes and make some commercial activities impossible.

There was significant amount of work put into the current zoning and the Port of Port Orford was involved in the process. As the Manager of the Port of Port Orford I cannot support the proposed zoning change but look forward to working with the city in the future to enhance our community.

Respectfully,

Pat Cox, Port Manager Port of Port Orford

## Crystal Shoji

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

Jean,

I reviewed our Goal 10 policies in our Comprehensive Plan Policies document and the Statewide Planning Goal. I have attached our Comprehensive Plan Goals and Policies. I did not see anything of concern or applicability in that all housing types will continue to be allowed. No specific expense would be added, and no land base for housing would be reduced. I would be happy to include such a statement within the Staff Report. If you have concerns or suggestions, please provide comment for the Planning Commission's consideration.

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

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

Good morning Crystal,

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

### Jean Dahlquist

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

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

Good Afternoon,

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



prior to the initial public hearing of the Planning Commission to be held on November 10 at 3:30 p.m. – a virtual meeting. See attached Measure 56 Notice for access to the meeting.

Crystal Shoji, AICP- Port Orford Planner

Shoji Planning, LLC

P.O. Box 462

Coos Bay, OR 97420

Phone: 541-267-2491

**From:** Jean Dahlquist [mailto:[jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)]

**Sent:** Wednesday, October 28, 2020 8:49 AM

**To:** [patty@portorford.org](mailto:patty@portorford.org)

**Subject:** PO Zone Amendment 20-01

Good morning,

My name is Jean Dahlquist and I am conducting some research for the Fair Housing Council of Oregon (FHCO). I was hoping to obtain the staff report and all corresponding attachments for the PO Zone Amendment 20-01 when available. We will be reviewing Goal 10 findings specifically, and submitting positive or negative comment letters when appropriate. The goal of the Goal 10 project is to ensure cities/counties are fulfilling their Statewide Planning Goal obligation in regards to Goal 10.

Thus, I just wanted to introduce myself and let you know that I am available for any questions or staff report review. I'm hoping this can be a collaborative process where we can both learn from each other. In the meantime, we have obtained the following resource to help guide future staff reports: <https://www.housinglandadvocates.org/wp-content/uploads/2018/04/Goal-10-Guidance-Letter-to-Cities-and-Counties-signed.pdf>.

Please confirm receipt of this e-mail, and I look forward to hearing from you soon,

Very Respectfully,

**Jean Dahlquist**

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: [jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)

[Linkedin](#)

## Crystal Shoji

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

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

Patty

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

Patty and Kevin,

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

### **Possible Definition for Determining Building Height Relative to Grade**

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

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

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

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

Respectfully,

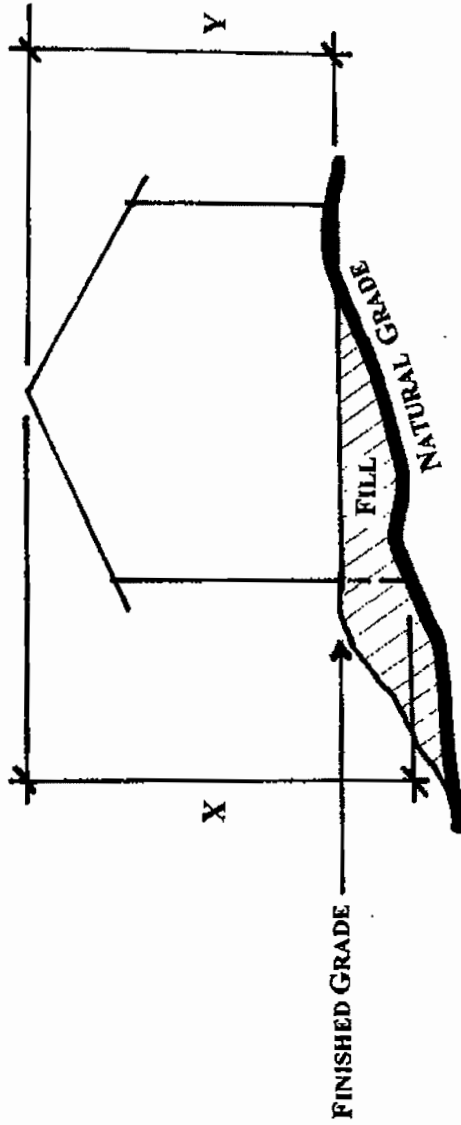
Steve Lawton  
710 Jefferson St.  
Port Orford

## TO DETERMINE BUILDING HEIGHT

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

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



X = tallest building height

Y = shortest building height

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

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

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

4

**Patty Clark**

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

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

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

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

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

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

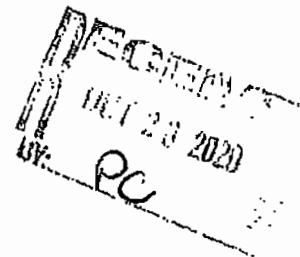
A 36' wide house would be limited to less than a 3 in 12 roof. Now you are getting into needing roofing materials other than composition shingles for proper drainage (adding to the cost).

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

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

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

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



November 3, 2020

**To:** Port Orford Planning Commission

**From:** Steve Lawton  
710 Jefferson St  
Port Orford

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

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

**Exhibit F**

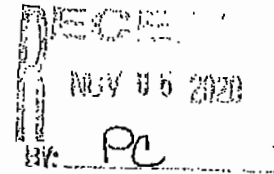
- The Port Orford planning document “Looking to the Future” states that “the present pipe sizes in the area (MU 10 Zone) are inadequate to handle the flow necessary in a fire emergency”
- Potential water shortages may result in:
  - inadequate water to fight house fires and wildfires
  - mandatory closures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

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

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

November 5, 2020

City of Port Orford  
Port Orford Planning Commission  
Port Orford City Council  
555 West 20th Street  
Port Orford, Oregon 97465



RE: Proposed Zone Amendment to Height Restrictions

Dear Sirs/Madams;

This letter is regarding opposition to the proposed Zone Amendment to R1 Height Restrictions In the City of Port Orford.

While we appreciate the City of Port Orford's desire to maintain a small town aesthetic; this amendment is **Absolutely the wrong way to go about** it for the following reasons:

1. The tourism based economy will be adversely affected by such a broad amendment. **The Pacific Ocean is the draw; anything that detracts from the ability to develop view properties will debase our biggest asset.**
2. The proposed height restriction amendment will destroy the ability to develop a property's full site potential and will be a **monumental transfer in real estate value between adjacent parcels.** It is not the job of government to move the goalposts and pick new winners/losers. It is also highly likely that this amendment will expose the city to protracted and costly Fifth Amendment Takings litigation (sovereign immunity not withstanding).
3. The value of view parcels will be severely degraded by the proposed amendment, **negatively affecting the tax base and the ability to provide vital city services.**
4. **The public good arising from this amendment consists of rosy scenarios, dreams and buzzwords whereas the damage to real people is very real.** To wit, our lot is at 808 King Street, within the Seacliff Subdivision (on Coast Guard Hill, arguably one of the crown jewels of the Pacific Coast) where the layout of parcels was carefully designed under the existing 35' height code to afford the best possible views for all the parcels. The views are the entire reason for this subdivision (and thus property value). We are spending our life's savings (and all we can borrow!) to purchase the property and build our forever home and need to be able to build to the height specified by code to see over homes on adjacent lots (which are height constrained by the subdivision CCR's).
5. The timing of this amendment is, at the very least, inopportune and smacks of malfeasance to be **pursued during a public health crisis when a robust public forum for the affected parties is impossible.** Bringing this action forward now has the odor (whether right or wrong) of using calamity to slip through a ruinous decree, supported only by narrow interests seeking to benefit from the disorder.

We would appreciate your consideration in providing a more nuanced approach to reach the desired objective on a more rational basis.

Sincerely,  
Karen/Jim Whelan  
4425 Pine Cone Drive  
Etna, CA 96027  
530-598-8590  
jwhelan@sistel.net

**Exhibit G**





November 9, 2020

Port Orford Planning Commission  
555 W. 20th St.  
P.O. Box 310  
Port Orford, OR 97465

**Re: Port Orford Municipal Code Chapter 17.12 - all use zones. Lowers building height restrictions to 25 feet (approximately two stories) in all zones. (20-01)**

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. Goal 10 findings are also required for code changes affecting residential development feasibility, such as parking standards and setbacks.

The staff report for 20-01 does not include findings for Statewide Planning Goal 10 describing the effects of the amendments on the City. The staff report does state that "the City Council and Planning Commission have determined that that the City of Port Orford will be best served by maintaining a small-town ambiance" which is not an adequate basis for a decision. For example, what are the housing needs of the citizens of Port Orford? It does not appear to us that limiting the future housing supply indefinitely through a blanket height restriction will serve those needs,



whatever they may be. Goal 10 findings must demonstrate that the proposed change does not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, because the proposed changes have the potential to eliminate the feasibility of numerous housing types and reduce the number of potential units from the City, the report should reference the City's HNA to demonstrate how the City will still be able meet its housing needs in type and affordability level. Only with a complete analysis quantifying the potential gain in needed housing as compared to the BLI, can the public understand whether the City is achieving its goals through 20-01.

HLA and FHCO urge the Commission to defer adoption of the proposed 20-01 until Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Allan Lazo, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Allan Lazo at [information@fhco.org](mailto:information@fhco.org) or reach him by phone at (503) 223-8197 ext. 104.

Thank you for your consideration.

A handwritten signature in black ink that reads "Allan Lazo". The signature is written in a cursive, flowing style.

Allan Lazo  
Executive Director  
Fair Housing Council of Oregon

/s/ Jennifer Bragar  
Jennifer Bragar  
President  
Housing Land Advocates

cc: Kevin Young ([kevin.young@state.or.us](mailto:kevin.young@state.or.us))

From: Dana Family Trust  
Dorothy Dana, Trustee  
P.O. Box 336  
Port Orford, OR 97465

To: Port Orford City Council  
Port Orford Planning Commission

Date: November 8, 2020

SUBJECT: PROPOSAL FOR HEIGHT CHANGE from 35 Ft TO 25 FT

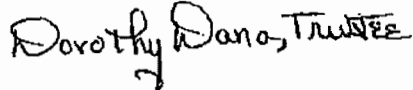
Dear Council Members and Port Orford Planning Commission,

My name is Dorothy Dana, Trustee for the Dana Family Trust. My family purchased our home, and several commercial properties in downtown Port Orford, approximately 20 years ago and we have lived in Port Orford full time since. We understand and love this community BUT we do NOT want and should absolutely NOT be subject to lose property value on our property due to reduced property heights restrictions.

The commercial property we purchased in Port Orford were purchased with the understanding that the height for building structures were 35 feet on commercial properties. While I love the small-town atmosphere that exists in the residential district and support the 25-ft restriction on single-unit dwellings, I also believe that the 35-ft restriction on commercial property in the business district is an appropriate limit. This height allows flexibility to support business development that benefits job production and opportunity for profitability, while maintaining a deterrent to high-rise construction. In addition, reducing the height restriction could negatively impact the fair market value of commercial properties and the ability to market those properties to prospective buyers in the future. We believe our commercial properties are grandfathered at the existing height

In summary, I want to go on record that we are opposed to the PROPOSED CHANGE of height from the 35-Foot height to 25 feet on new construction on commercial property and request that this proposed change be rejected.

Sincerely Yours,



Dana Family Trust  
Dorothy Dana, Trustee

**Exhibit I**

## Patty Clark

---

**From:** Terrie Richards <trichards@portorford.org>  
**Sent:** Tuesday, November 10, 2020 2:40 PM  
**To:** 'Patty Clark'  
**Subject:** FW: Proposal to limit all Building Heights to 25 feet in Port Orford.

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

**From:** David Bassett [mailto:dabpe@peak.org]  
**Sent:** Tuesday, November 10, 2020 2:00 PM  
**To:** Terrie Richards <trichards@portorford.org>  
**Subject:** Re: Proposal to limit all Building Heights to 25 feet in Port Orford.

David Bassett <dabpe@peak.org> wrote:

>  
>Honorable Mayor, Council and Planning Commissioners via City Administrator.  
>  
>I am unable to attend the PC meeting on Tues Nov 10th due to county inspections and other obligations.  
>  
>Please share my objections to this proposal with all concerned, including planning consultant Crystal. Thank you.  
>  
>Briefly outlined, the problems with this concept are:  
>  
>1. As land becomes more expensive and limited in availability laterally, the solution has always been to go UP. No ordinance should ever impede fundamental economic factors that keep our society and local communities vibrant and successful.  
>  
>2. 25 feet is not even enough for many two story buildings. As designs, materials and engineering capabilities improve over time, no arbitrary limit should be a barrier to what owners wish to achieve on THEIR property. As a Port Commissioner, such a limit is clearly unworkable.... just as it is in the rest of the City.  
>  
>3. If the objective of this ill-conceived concept was to preserve views or solar access, those issues should be addressed via easements. Ashland dealt with these matters many years ago and clearly developed good solutions that could be studied and perhaps utilized here.  
>  
>4. 'Height' is such a relative issue... especially on sloping ground.... endless debate rages as to where to measure from and it simply doesn't matter. What matters are view sight lines and solar access. Again, the answer is via easements. See Ashland, Medford, Eugene and more codes for much better ideas.  
>  
>5. I hope the rampant rumors of self-serving objectives in this case are not true, but this proposal has been very poorly approached and there are so many bigger concerns to deal with in Port Orford.  
>  
>For example, you have an adopted Dangerous Building code.... yet don't use it! Numerous examples still exist that have received formal complaints for years.... yet nothing happens to require the property to be made safe! I know you are all busy, but what's more important than Public Safety? What liability does the City face for inaction if fires or

deaths occur due to malfeasance and negligence? If funding is an issue, just let me know. Private enterprise cannot do it all. The fundamental purpose of government is to protect the health, welfare and safety of the citizens. Please do so!

>

>Abandoned, vacant, derelict, failed buildings are a blight and severe safety hazard.... and must be abated.... you have the adopted tools to do so. Why is no action taken?

>

>Proposing a 25 foot height limit is clearly an error, please abandon this lunacy and move on to issues that really matter.

>

>Thank you. David A Bassett, PE, CBO.

>

>PS. After 50 years as a Professional Engineer and Nationally Certified Building Official, I remain mystified at the lack of attention and ACTION with respect to things that make a real difference and the amount of time spent on unworkable ideas that go nowhere. We know how and should do so much better!

>

>Sent by Android phone of David A Bassett PE, CBO, 541.660.3131 :-)

**Port Orford Planning Commission**  
**Public Hearing (Virtual) – Height Amendments**  
November 10, 2020

This testimony is from the virtual Public Hearing held by the Port Orford Planning Commission meeting on November 10, 2020 at 3:30 p.m. This Public Hearing was held to consider height amendments.

The testimony is provided in a summarized format in that the Minutes of the meeting will not be available prior to the virtual City Council Public Hearing to be held November 19, at 3:30 p.m. The wording provided in the summary is not verbatim. Specific language provided by the citizens who testified will be available when the minutes of the meeting have been compiled at a future date.

<b>Person Testifying</b>	<b>General Summary of Comment</b>
Erin Kessler	Opposed to “arbitrary limitations.”
John Etna California	Opposed: Associated with Exhibit B, which was previously submitted into the record.
Dorothy Dana, Dana Family Trust, Residence at 205 Seacliff Drive	Opposed to height amendments: These are not in keeping with what the property owners have counted on for their properties. Information was also presented in Exhibit D which is included in the Council packet.
Mike Dubose	Opposed: “Dismayed by proposed arbitrary changes – bad for economic development” within the City.
Jeff Bodner, Trustee for Bodner Douglas Trust	Opposed: The proposed height amendments are not good for future economic development of the City.
Mark Dana, Dana Family Trust	Opposed: The proposed amendments will be bad for tourism development.
Gary Robertson, EDOBA Design	Opposed: It is hard to keep buildings down to 28 feet if they are two-story. There are many considerations in addition to ceiling height. A single-story dwelling on a severe slope require 32 feet in height. The code should always allow for a 12-foot ceiling height; two floors must have a flat roof to maintain a 25-foot height. A single-story shed with a slope roof can be over 30 feet due to its nature. Provided clarifications of fire-fighting capabilities in response to ongoing discussion.
Ann Vileisis	Supports the intent of keeping the City small and livable.
Edward Kessler, Kessler business on Oregon	Opposed: Does not support 25-foot limitation. It is not “common sense.” Twenty-five feet is not tall enough

Nov. 13, 2020

Dear Port Orford City Council Members:

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

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

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

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

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

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

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

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

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

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

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

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

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

—Ann Vileisis, 608 Oregon St., Port Orford



November 18, 2020

City of Port Orford  
555 W. 20th St.  
PO Box 310  
Port Orford, OR 97465

To the Honorable Mayor, City Administrator, City Council and Planning Commission Members,

We are the owners of the Pho Restaurant located at 190 6<sup>th</sup> Street in Port Orford; currently in Colorado and unable to attend the PC meeting on Thursday Nov 19<sup>th</sup>. We are writing this letter to object to the proposed height restrictions being considered by the PC for the city of Port Orford.

In receipt of a letter sent to the city by Mr. Dave Bassett dated November 11, 2020, we note that Mr. Bassett is a Licensed Professional Engineer in Oregon and is also the Curry County Building Inspector. We know Mr. Bassett and believe he is a very qualified individual concerning matters of building and public safety. We agree with his assessment that the proposed building height of 25 feet is unworkable especially for commercial development. A good case for references is building height restrictions for commercial structures currently in place in neighboring coastal cities of Brookings, Gold Beach and Coos Bay. There, restrictions range between 35 and 40 feet; in the City of Bandon, height allowed for commercial structures is 45 feet. Similar consideration exists elsewhere in coastal California.

Here, the proposed restriction actually constitutes a taking which, according to the Fifth Amendment, is only allowed by the government if doing so increases the general public welfare. In this case, based on the County Building Inspectors assessment, it is evident that reducing height and restricting development in a commercial zone in Port Orford does not meet the test of improving the public welfare. In fact, the opposite is true.

In order for Port Orford to generate sufficient funding to maintain and improve/upgrade its infrastructures in the service of town residents, and for those residents to continue to enjoy heightening standards of living, the town must perpetually look for ways to introduce initiatives geared to encourage and spur economic development, not to

enact rules that would deter and stifle progress. To do so is to intentionally and deliberately decrease the quality of life for its residents.

Inasmuch as a vibrant local economy provides much needed jobs and enhance the standards of living for the local populace, property owners in the commercial district should be encouraged to build.

We have learned that this initiative may have been advanced by personal interest vs. the wider interest of the town. For that reason, we ask the Council to act in defense of the latter, in order to preserve and encourage the growth of the town and the enhancement of quality of life for its citizens.

As was stated so eloquently by Mr. Bassett, proposing a 25-foot height limit in Port Orford "is clearly an error (and the city should) abandon this lunacy and move on to issues that really matter".

Sincerely,

A handwritten signature in black ink, appearing to read "Acey Johnson", with a long horizontal flourish extending to the right.

Mr. and Mrs. Acey Johnson  
190 6<sup>th</sup> Street  
Port Orford, Oregon 97465

To the City Council and Planning Commission of Port Orford,

Nov. 19, 2020

Dear Port Orford City Council Members,

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

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

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

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

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

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

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

Respectfully,

Laurie Prouty

11/19/20

Greetings,

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

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

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

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

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

Sincerely,

Cheryl Cherise

## Crystal Shoji

---

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

Sent from my iPad

Begin forwarded message:

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

Dear Port Orford Mayor and Councilmembers,

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

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

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

Thank you for your work and for considering my thoughts,

Sharon Rock

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



Virus-free. [www.avq.com](http://www.avq.com)

**Patty Clark**

---

**From:** Dave McCutcheon <coastallivefish@gmail.com>  
**Sent:** Thursday, November 19, 2020 1:24 PM  
**To:** patty@portorford.org  
**Subject:** Fwd: City Height Building Ordinance Proposal

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

**From:** **Dave McCutcheon** <coastallivefish@gmail.com>  
**Date:** Thu, Nov 19, 2020 at 12:39 PM  
**Subject:** City Height Building Ordinance Proposal  
**To:** Terrie Richards <trichards@portorford.org>, <pcox@portorford.org>, <tpogwizd@portorford.org>, <jgarratt@portorford.org>, <gburns@portorford.org>, <claroche@portorford.org>, <lkessler@portorford.org>

I strongly urge the Port Orford City Council to reject the proposed Height Limit change that is on the City Council meeting agenda for today, November 19th, 2020.

As an owner of three properties within the city limits of Port Orford, my home at 320 16th St, my retirement/investment view lot on 265 14th St, and my commercial city block on 18th St, I have a vested interest in the outcome of this building code ordinance change. At all three properties I would not be blocking the view of any other neighbor's property of an Ocean View; which to me is the only reason the proposal even exists.

As a commercial fisherman I am interested in expanding my current life long investment of 2 working boats with permits for the nearshore fishery and my newly acquired refrigeration truck with supporting structures to a boat barn, shop with an office or apartment overhead on my commercial city lot. This proposal will seriously inhibit and remove economic potential from me, my children, and any potential employees (deckhands, truck drivers, and the like). Please do not pass this ordinance.

Thank you,  
David McCutcheon



**Patty Clark**

---

**From:** Dave McCutcheon <coastallivefish@gmail.com>  
**Sent:** Thursday, November 19, 2020 1:24 PM  
**To:** patty@portorford.org  
**Subject:** Fwd: Please Don't Limit Port Orford's Potential As A Working Community

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

**From:** Dave McCutcheon <coastallivefish@gmail.com>  
**Date:** Thu, Nov 19, 2020 at 12:53 PM  
**Subject:** Please Don't Limit Port Orford's Potential As A Working Community  
**To:** Terrie Richards <trichards@portorford.org>, <pcox@portorford.org>, <tpogwizd@portorford.org>, <jgarratt@portorford.org>, <gburns@portorford.org>, <claroche@portorford.org>, <lkessler@portorford.org>

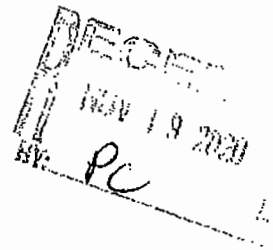
My estimate is that the berm between the ocean and the lake will cease to exist through much of the year in 10 years or so. There are significantly fewer dunes on the beach since the late 80's and early 90's, when the town used a waste water leachfield in the dunes of Agate beach, which was destroyed in an El Nino winter in 1993 or so. The treated sewage water flowed out of 3 inch broken leach pipes sticking out of the dunes, 6 ft. above beach level. Perhaps the sand from the Elk River will be enough to maintain the beach as an ocean barrier, but I would say that is not the trend.

Every home west of the highway will want to have as much height above sea level as possible in the code, to allow for a concrete garage/shop on the first floor.

Personally, I plan to build over a shop with an 18' to 20' working height so as to be able to work on boats, etc. Let's encourage local entrepreneurial endeavors, not hamper them.

Thank you,

David McCutcheon





## Crystal Shoji

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

Sent from my iPad

Begin forwarded message:

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

Greetings City Council Members and City Administrator Terrie,

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

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

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

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

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

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

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

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

Thank you for considering my thoughts.

Cathy Boden

November 12, 2020

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

Comments Regarding Adoption of Amendments to City's Use Zones

Dear City Councilors of Port Orford, Oregon:

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

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

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

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

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

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

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

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

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

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

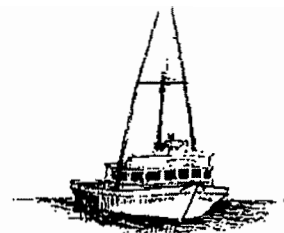
If the city taxpayers vote to finance a new, more capacious, robust water system, then you will know that they welcome high-rise development throughout the city. The council could arrange for an election in May 2021 for a water bond.

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

Respectfully,

Dana S. Gurnee

Port of Port Orford  
Post Office Box 490  
300 Dock Road  
Port Orford, OR 97465



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November 18, 2020

Dear Mayor and Council,

The Commission for the Port of Port Orford met for their regular meeting on November 17<sup>th</sup>, 2020 and had discussion on the Cities' proposal to modify building height restrictions within all zones. The proposed change to a twenty-five-foot height restriction would have a negative effect on present and future Port operations. The Port of Port Orford does not support the proposed building height amendment to the Cities' Marine Activity Zone (7-MA), and requests retention of the existing building height limits in Chapter 17.12.060 Marine Activity Zone of the Port Orford Municipal Code Book.

Respectfully requested,

Aaron Ashdown  
Port of Port Orford Commission President

To City Council,

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

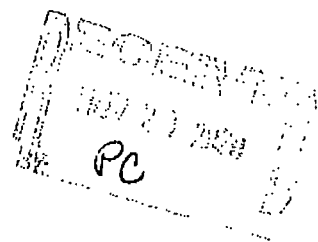
Thank you.

Michael McDougall

Residence: 15 Geer Cir.

Port Orford.

Property  
owner : 736 Washington St  
Port Orford



**Patty Clark**

---

**From:** Michele Leonard <bobandmichele1976@gmail.com>  
**Sent:** Tuesday, November 24, 2020 4:10 PM  
**To:** Terri Richards; Patty Clark  
**Subject:** Building Ordinance - Height Restriction

Dear Terry and Patty,

Although I am a Planning Commissioner, I'm speaking only as a local citizen. I'm not representing the Planning Commission itself.

I was very disappointed in the way the last Planning Commission proceeded. When the agenda item of building height reduction was kicked back to City Council, it was surprising to say the least. Just to be clear, I was not in favor of that move. I was ready to continue discussion and do support the proposed idea of reducing building heights. While I understand there are developers who don't want to see the ordinance changed, it seemed a compromise could have been negotiated. A 28 or 30 foot cap might save our town from unsightly and unsafe construction. Even if Port Orford was to retain the current 35 foot cap, there are areas in town that are actually set at 45 feet. Excluding the Port, I believe all 45 foot areas need to be eliminated. Arguments in favor of lowering building heights have been numerous and include best practice fire protection in conjunction with water pressure availability. When the proposed revisions suddenly felt shelved, it seemed the commission had voted to, "throw the baby out with the bathwater." I was under the impression this was a task assigned to the commission for consideration and revisal, not something that could be so easily dismissed.

If you would please share my concern with our respected Council Members. It would be greatly appreciated.

Gratefully,

Michele Leonard

RECEIVED  
NOV 23 2020  
PC

**Terrie Richards**

---

**From:** Dana Gurnee <danascott000@gmail.com>  
**Sent:** Sunday, November 29, 2020 1:59 PM  
**To:** Tim Pogwizd; Pat Cox; Terrie Richards  
**Subject:** Moratorium on Building Permits Until 3-1-21

Date: November 29, 2020

To: Tim Pogwizd, Mayor of Port Orford, Oregon

To: Pat Cox, Mayor-Elect of Port Orford, Oregon

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

From: Dana S. Gurnee  
834 Deady St.  
Port Orford, OR 97465  
[danascott000@gmail.com](mailto:danascott000@gmail.com)

Re: Moratorium on New Building Permits Until 3-1-2021

Dear People:

I understand that you have received a well-written and well-thought-out request for there to be an immediately called special session of the Port Orford City Council to take up this matter of business: a temporary moratorium on all building permits to be in effect until the City Council has decided whether to revise allowed building heights for future development in the city.

I am assuming that your decision will be made at the next-scheduled council meeting in January 2021. It hope that the decision will be to revise permitted heights, since it was the council's order in August 2020 to the Planning Commission to prepare documents and findings to accomplish



this goal. The Planning Commission has followed the council's order, and I hope that the council follows through.

I won't add to your reading material by reciting the good writing and reasoning of others.

But I would like you to know that I support the moratorium. I suggest that a date be stated, a date that shortly follows the date of the January meeting: March 1, 2021.

Thank you for considering my input.

Dana S. Gurnee

Date: November 29, 2020

To: Tim Pogwizd, Mayor of Port Orford, Oregon

To: Pat Cox, Mayor-Elect of Port Orford, Oregon

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

From: Dana S. Gurnee  
834 Deady St.  
Port Orford, OR 97465  
[danascott000@gmail.com](mailto:danascott000@gmail.com)

Re: Moratorium on New Building Permits Until 3-1-2021

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request for there to be an immediately called special session of the Port Orford City Council to take up this matter of business: a temporary moratorium on all building permits to be in effect until the City Council has decided whether to revise allowed building heights for future development in the city.

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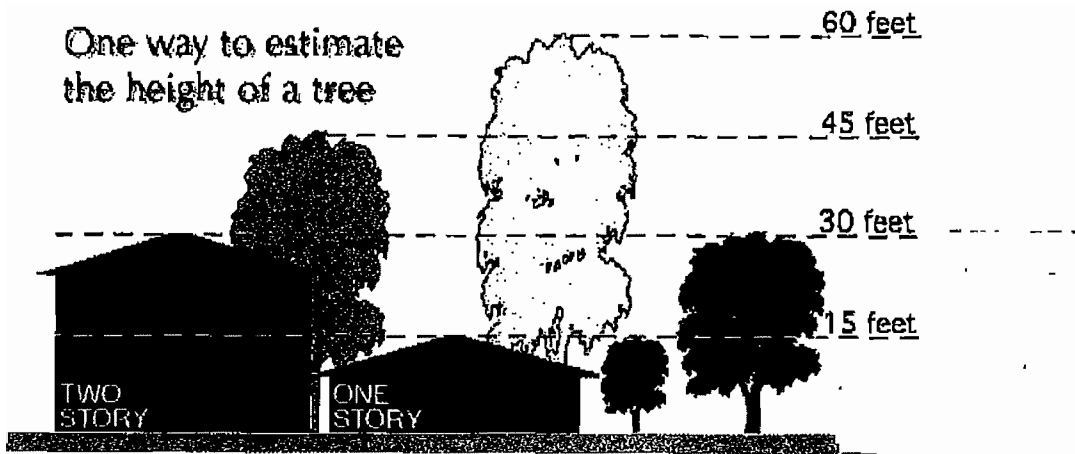
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But I would like you to know that I support the moratorium. I suggest that a date be stated, a date that shortly follows the date of the January meeting: March 1, 2021.

Thank you for considering my input. Thank you for your work.

Dana S. Gurnee

One way to estimate  
the height of a tree



**Terrie Richards**

---

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

Date: November 29, 2020

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

From: Dana S. Gurnee  
834 Deady St.  
Port Orford, OR 94765  
[danascott000@gmail.com](mailto:danascott000@gmail.com)

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

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

=====

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

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

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

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

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

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

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

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

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

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

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

-- Dana S. Gurnee



**URGENT REQUEST FOR BUILDING HEIGHT REDUCTIONS IN PORT ORFORD**

November 27, 2020

Dear Mayor Pogwizd and City Council Members,

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Pamela Berndt

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

[5dotarts@gmail.com](mailto:5dotarts@gmail.com)

Mayor Tim Pogwizd

Cc: City Council at large

Mayor-elect Pat Cox

Terrie Richards

Patty Clark

Dear Port Orford City Council members,

12/1/2020

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

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

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

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

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

Thanks you so much for your time.

Sincerely,



Gayle Wilcox

Property owner

Small Business owner

Retire Fire Chief

Retired EMT I and Director of Ambulance Operations



**Exhibit Y**



Terrie Richards:

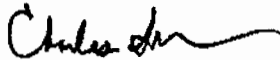
My name is Charles Silberman and I am a property owner at Cedar Terraces (Lot 20, Cedar Terraces Sixth Addition, tax lot 2110). I was very concerned to hear that there are portions of Port Orford where there are no height restrictions, and am in favor of a 25' height limit.

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

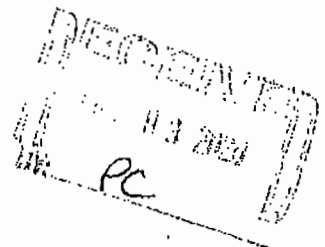
When my wife first took me to Port Orford for the first time in 1989, I was overwhelmed by its natural beauty. I still am. It is one of the most beautiful spots in the world, and I can say that because I travel quite a bit.

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

Sincerely,



Charles Silberman



**Exhibit Z**

**Regarding: Building Height & potential density issues in Port Orford**

Mayor Pogwidz & Mayor-elect Cox,

12/2/2020

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

I am truly concerned for our small community.

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Cathy Boden

580 7<sup>th</sup> St. (residence)

343 9<sup>th</sup> St. (business)

Port Orford, Oregon 97465

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12/2/20

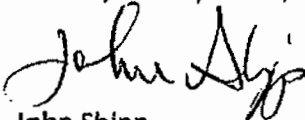
Hello Mayor Tim Pogwidz and Council Member Pat Cox,

Hope that you had a safe and enjoyable holiday.

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

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

Thank-you very much,

  
John Shipp

580 7<sup>th</sup> St and 343 9<sup>th</sup> St



**Exhibit BB**

December 3, 2020

Dear Mayor Pogwizd and Port Orford City Council Members,

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

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

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

Thank you for your careful consideration of this issue,



Greg Thelen  
165 23<sup>rd</sup> St.  
Port Orford



**Terrie Richards**

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

Dear Port Orford City Council Members,

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

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

With respect,  
Aimee Munford

Aimee Munford  
215 17th Street  
Port Orford, Oregon



PC

**Terrie Richards**

---

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

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

Sincerely,  
Owen Munford

Owen Munford  
215 17th Street  
Port Orford, Oregon

RECEIVED  
DEC 2 2020  
PC

## Terrie Richards

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

Dear Port Orford City Council Members:

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

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

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

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

Sincerely,

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

Sent from Mail for Windows 10



Mayor Tim Pogwizd:

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

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

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

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

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

Sincerely,

  
Cheryl Gorn

✓

**Terrie Richards**

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

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

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

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

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

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

Sincerely,  
John Hewitt



**Terrie Richards**

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

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

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

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

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

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

Sent from my iPhone



**Terrie Richards**

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

Dear Tim and Councillors,

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

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

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

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

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

Sent from my iPad

## **Terrie Richards**

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**From:** Mayor Tim Pogwizd <tpogwizd@portorford.org>  
**Sent:** Thursday, November 26, 2020 7:34 AM  
**To:** Terrie Richards  
**Subject:** Fwd: immediate moratorium on building permits over 28 feet  
**Attachments:** moratorium letter.docx; Untitled attachment 00677.htm

Sent from my iPad

Begin forwarded message:

**From:** Greg Thelen <gkthelen@gmail.com>  
**Date:** November 25, 2020 at 3:28:10 PM PST  
**To:** tpogwizd@portorford.org  
**Subject:** immediate moratorium on building permits over 28 feet

For immediate attention regarding a Moratorium on new construction over 28 feet in Port Orford

November 25, 2020

Dear Mayor Pogwizd,

I respectfully request that the City Council enact a moratorium on permits for new construction of buildings over the height of 28 feet until the Council and the Planning Commission can adopt a Comprehensive Plan and rules that will deal with building height issues to maintain the essential character of Port Orford.

It has come to my attention that a builder or builders are planning to erect structures of a height that would permanently alter the nature of our town. I believe the time to act is now for us to arrive at a vision and Plan that will serve to maintain the "value of place" which we currently enjoy.

Thank you for your timely consideration of this matter,

Greg Thelen

PO Box 216

165 23<sup>rd</sup> St.

Port Orford



Virus-free. [www.avq.com](http://www.avq.com)

**Terrie Richards**

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

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

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

Below would be approximately a typical theoretical two story house design; 2' stem wall foundation on 8" footing 1' 1st story floor system 9' 1st floor walls 1' 2nd story floor system 8' 2nd story walls Total so far without the roof system in this theoretical house is 21'. This would only allow a 4' rise in height for the roof trusses etc. Therefore with a 24' wide house the maximum roof slope would be a 4' rise in a 12' run. 4 in 12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Terrie Richards**

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

TO: Port Orford City Council  
November 19, 2020

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

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

Two additional points I would make:

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

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

Thank you.

Penny Suess  
834 Deady St., Port Orford

**Terrie Richards**

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**From:** Harry Riead <hsriead@gmail.com>  
**Sent:** Sunday, November 22, 2020 4:55 PM  
**To:** Terrie Richards; tpogwizd@portorford.org  
**Subject:** Re: building heights

Correction: I meant to say the distance X was probably at least 6 feet plus the height of the house.

On Sun, Nov 22, 2020 at 4:47 PM Harry Riead <hsriead@gmail.com> wrote:

I live at 1224 Jackson St., Port Orford. I live in an older home that was built on a steep slope. I estimate that the distance X on your attachment F was probably at least 6 feet. I suggest that you base your building height limitation on the shortest building height (Y on attachment F). This is based on the following 2 reasons. 1) The proposed limit of 25 feet based on the average height could require low slope roofs. 2) Once the lot is graded the distance X is difficult or impossible to measure.

November 24, 2020

**To:** Port Orford City Council

**From:** Steve Lawton  
710 Jefferson St.  
Port Orford

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

### **Appropriate Balance**

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

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

### **Inadequate City Water System and Water Supply**

- The City is barely meeting the water demand by our current residents, businesses and visitors
- During the driest summer months and peak tourist season, the City struggles to meet the peak demand and is running at full capacity (300,000 gallons per day)
- The proposed building height restriction is the only immediate, no-cost option to ensure the City has adequate water to meet the current needs of our community
- The 2010 Port Orford Water Supply Expansion Report states the "City is running out of water"
- In 2006 and 2020, the City prepared for emergency water shortages requiring voluntary conservation due to high demand and inadequate water levels in our reservoir
- Three- and four-story tall buildings will place a disproportionate demand on the aging and inadequate City water and sewer system and will require significant and costly infrastructure improvements
- The City has inadequate water volume and pressure to serve three- and four-story tall buildings
- The Port Orford planning document "Looking to the Future" states that "the present pipe sizes in the area (MU 10 Zone) are inadequate to handle the flow necessary in a fire emergency"
- Is the City willing to ask the voters to approve a major bond measure that will significantly raise taxes for such water system improvements while knowing it will have a difficult time being passed?
  - Since the City Service Development Charges will not fully cover those costs, it is unfair for residents to have to subsidize the costly water and sewer system improvements that are required for 3- and 4-story tall buildings

### **Inadequate Fire Protection**

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

**Exhibit PP**

### **Lowering the Allowable Building Height will Not Harm Our Local Economy**

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

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

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

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

Thank you for your consideration.

### **Please Note**

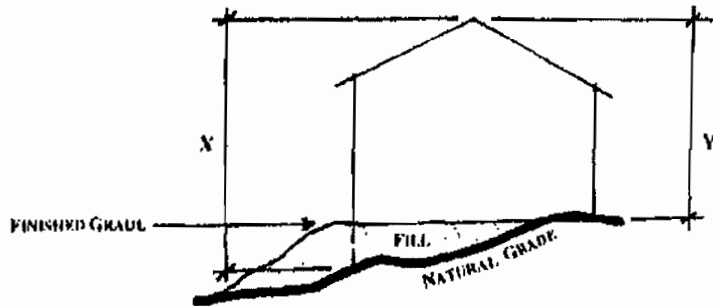
As a possible resource for the City Council, I have also included a copy of a planning document with an excellent diagram from the City of Yachats that concisely depicts how to determine the height of a building relative to grade.

## TO DETERMINE BUILDING HEIGHT

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

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



X = tallest building height  
Y = shortest building height  
 $(X + Y) / 2 =$  Average height (H)

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

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

## **Terrie Richards**

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**From:** Mayor Tim Pogwizd <tpogwizd@portorford.org>  
**Sent:** Wednesday, November 25, 2020 2:48 PM  
**To:** Terrie Richards  
**Subject:** Fwd: URGENT, need to consider temporary time out for new buildings over 30 ft BEFORE JANUARY 2020

Sent from my iPad

Begin forwarded message:

**From:** Ann Vileisis <annvil@earthlink.net>  
**Date:** November 25, 2020 at 11:14:37 AM PST  
**To:** tpogwizd@portorford.org, Pat Cox <patcoxportorford@gmail.com>  
**Subject:** URGENT, need to consider temporary time out for new buildings over 30 ft BEFORE JANUARY 2020

Dear Mayor Tim and Mayor elect Pat,

I hate to bother you during this holiday week, but it's come to my attention that the action you took at your last meeting --to delay any decision in order to allow for more proper consideration of all salient issues and facts regarding the proposed reduction in building heights ---has inadvertently given those who would build 45 ft tall buildings an open time to plow ahead with their plans.

This goes **totally against** what the Council --and community wanted-- which was a more careful consideration, with more complete information, of this issue that's so critical for the future of our town.

As you well know, many local citizens raised very important issues, about water availability, fire safety, costs of development, and about the need for more local people to have more of a say about what our town will look like in the future --not just investors, many of whom don't even live in our city.

I think the water issue remains a very big question mark since there have been so many new developments throughout town in the past year, plus many buildings now being built not yet online to our water system, and we have a whole new medical center coming too --and so it makes sense to have a time out until we can obtain more credible information --not just offhand comments of "it's not a problem."

But I realize that now --if big buildings are herded in fast ahead of your January decision, we will have basically lost the opportunity --forever --to get this right.

**URGENT REQUEST FOR BUILDING MORATORIUM IN PORT ORFORD**

11/25/2020

Hello Mayor Pogwizd

Hope that you enjoy the holiday.

We have been living in Port Orford for 22 years and have lived a block away from "The 101" since moving here. We are pedestrians, by bicycle and on foot, we have taken a slow look at our town. I think its important right now to place a moratorium on buildings over 30', so we, as a town and a community of folks, can take a slower look at how buildings over 30' will affect our lives.

We are home gardeners, so we spend a bit of time thinking about water. Will we have enough water to grow our food?

Enough water for the folks who live here, including the gardens and landscaping that surround their homes and businesses. Enough water to fight fires. What will tall buildings look like? How will it feel to walk by them? Can we fight fires up there?

There are many things to consider, we ask you to place a moratorium on buildings over 30', so we can slow down, do a little research, gather some facts, have some conversations, and make a good decision for our town and community.

Thank you very much for your hard work,

John Shipp  
Cathy Boden

Hand Copy  
**RECEIVED**  
11/30/20 (JW)

## **Terrie Richards**

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

To: Mayor Tim Pogwitz

cc: Terry Richards }

Pat Cox

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

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

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

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

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

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

Carolyn Folden

14 Hamlet,

Port Orford, OR 97465



**Terrie Richards**

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

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

Kerry Holman, retired building contractor  
103513th  
Port Orford

--

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

December 3, 2020

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

via Electronic Mail

Dear Mayor Pogwizd and the Common Council of Port Orford,

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

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

#### **Protecting a small town ambience**

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

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

In the August 20, 2020 Council meeting, Council made known its intention to move aggressively preto serve the small town ambience enjoyed by the residents of Port Orford. Reducing the allowable building heights in all zoning districts is the least draconian step in protecting a residential small town ambience. For example, some Cities actively reject all forms of development that reduce the desired character of the city<sup>1</sup> and others restrict developments that impact the value of their viewshed<sup>2</sup>. Clearly, restricting development is not the intent of the proposed changes, and clearly, zoning to protect the essential character of a City is not prohibited by law, rules, policies, or the Comprehensive Plan.

#### **Legislating design**

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

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

### **Local architectural norms**

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

The housing market demographics of home sales and new construction show a steady trend towards buyers in the upper income brackets, and the cost of these homes has steadily risen to more than \$300,000.<sup>3</sup> Clearly, attractive and desirable housing for all income brackets can and is being built at heights no taller than 26-28 feet.

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

### **Effect on land held in speculation**

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

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

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

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

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

### **Effect of land held in speculation**

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

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

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

### **Other jurisdictions**

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

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

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

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

## Calculating optimal building height

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

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

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

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

## Public safety

### Fires

Public safety is the most important consideration when setting allowable building height. In Port Orford, fire safety depends on two factors: water availability and consistent water pressure in the mains, and the capabilities of the Port Orford Rural fire Protection District. According to multiple conversations with Fire Chief David Duncan<sup>11</sup>, the equipment currently in service in the Port Orford Fire Department can reach as tall as ~30 feet at maximum extension (a 24 foot ladder with a 6 foot extension).

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

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

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

## **Earthquakes**

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

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

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

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

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

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

## **Failure of planning commission**

The failure of the City planning commission should not go without public comment. The City of Port Orford is authorized by Oregon Revised Statutes to create a city planning commission. The City of Port Orford Planning Commission is established by the Municipal Code. The duties and responsibilities of city planning commissions are established in Oregon Revised Statutes.<sup>14</sup> When the City Council unanimously approved an order directing the planning commission to reduce building heights in all City zoning districts<sup>15</sup>, the State or Oregon does not provide the commission the authority to refuse that directive, and by returning a different recommendation, the planning commission failed in its responsibility to Mayor and Council.

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

### **Summary**

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

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

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

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

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

### **Recommendations**

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

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

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

Respectfully yours,

/s/ Kevin B McHugh

Kevin McHugh  
Port Orford, Curry County, Oregon

cc: Terrie Richards, Port Orford City Administrator

**Footnotes:**

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



## **Terrie Richards**

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

Hello,

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

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

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

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

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

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

Thanks for reading,

Regards,



Cynthia Freeman

## **Terrie Richards**

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**From:** Jennifer Robertson-Bastian <goldcoastjennifer@gmail.com>  
**Sent:** Thursday, December 3, 2020 11:52 AM  
**To:** trichards@portorford.org; patty@portorford.org  
**Subject:** Fwd:

Council Members,

As it stands, a land owner could build a sprawling single story home of 7 bedrooms and 9 bathrooms for their traditional family. This is much or more than a Bed and Breakfast or Lodge or Vacation Rental. A Bed and Breakfast, Lodge or Vacation Rental is not using more water or changing the overall architectural look of the town. Large sprawling compounds may.

- If the height restriction were to be passed there are going to be a lot of flat roofed homes and businesses. Do we just want to drive down the street and see a bunch of boxes? I don't!

- People should be allowed to have an attic if they so desire or even a ceiling fan with lights.

Eg: my daughter is 6'2" in bare feet. Her partner is 6'7" in bare feet. How are they to have a two story home and a ceiling fan with a light if they so desire? or do yoga? with an 8' ceiling height and a pitched roof?

- The minimum lot size for Port Orford is 50X100'. How is a family on a budget supposed to build a 4 bedroom house with a garage without going up a second story?

I've recently seen a petition going around town regarding the building height proposals and it also mentions other items. I agree that there is an overwhelming need for not only a functional water system, but also affordable housing. However, affordable housing units do not pencil out for even the most philanthropic investor. A better - and more affordable option that can pencil out - is to concentrate on ADUs rather than focusing on building heights.

There are matters in this town that deserve our time and attention. All the efforts, time and attention given to this proposal of a 25' or even 30' height restriction seem to be a tragic waste rather than dealing with issues that could benefit more dire and concerning problems for the citizens of Port Orford.

Respectfully,

Jennifer Robertson-Bastian

**Terrie Richards**

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

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

**Terrie Richards**

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

Dear Mayor Pogwizd,

Dear

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

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

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

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

Thank you,  
Maria Opie  
James Juntunen

**Terrie Richards**

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**From:** Tricia Country music, originals <tricia.bernat@gmail.com>  
**Sent:** Thursday, December 3, 2020 1:05 PM  
**To:** trichards@portorford.org  
**Subject:** Building Height Restrictions

Dear Citizens

My husband Laszlo Bernat and I,,Patricia Bernat do not want to see restrictions on building heights in Port Orford. We do not feel it is good for the city tax base. We need to plan for inevitable growth. We are more interested in the quality of construction that goes into the buildings because of our inclement weather. The use of many so called qualified building materials such as oriented strand board on house frames and roofs in high wind areas is a disaster in the making for a quality long lasting residence. Also there is the liability for the materials rotting and flying around in high winds in a short period of time, not to mention the exposure to hazard materials. We feel better

qualified builders and inspections are far more important than building restrictions.

Please take into consideration that one cannot expect people not to want to live here and we must plan for the future.

Sincerely,

Laszlo and Patricia Bernat  
PO Box 460  
Poet Orford, Oregon 97465

## **Patty Clark**

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**From:** Mike DuBose <mikedubose@outlook.com>  
**Sent:** Thursday, December 3, 2020 11:43 AM  
**To:** trichards@portorford.org; patty@portorford.org  
**Subject:** Public Comment Input Regarding Height Limit and Proposed Changes

Port Orford City Officials and Agents:

As a property owner and part time resident of Port Orford, I am vehemently opposed to a reduction from the current approved building height level of primarily thirty five feet, which I understand was initially proposed and justified based on mis-informed understanding of the fire departments fire fighting limits. Although I understand the supplemental argument to maintain the Port Orford small town feeling, this argument is not supported by logic or facts. If there are other public arguments being made for this change those arguments should be closely inspected for alignment with the City Charter.

The major points against changing what had been a well thought out and working height limit are summarized as follows:

- It is proven that per square foot it is less expensive and more affordable to build multiple stories than single stories. No ordinance change should ever impede fundamental economic factors that have kept the Port Orford community successful. Port Orford is now beginning to develop successfully and in a controlled manner based on well thought out land use rules...why would we consider interfering with that progress?
- The fire department is certified and trained to fight fires on structures up to 35 feet so the original basis of this proposed change seems in error.
- 25 feet is not enough for most two-story buildings. Such a change would drive aesthetically inadequate designs and appearances actually hurting the town's aesthetics and overall attractiveness.
- It seems like the energy of the City could be better allocated to establish/preserve city aesthetics by dealing with derelict properties. The adoption of further building restrictions would work against such objectives.

Lastly I must say that there is currently a well thought through building height limit of 35' for the predominance of the city. These limits were established and well known to all current property owners and in some cases the basis for the valuation of their property. It's not reasonable nor judicious to change the rules mid-stream.

Thanks

**Mike DuBose**  
**Oregon Office: (541)846-0259**  
**Primary Calendar & Email: [MikeTDuBose@outlook.com](mailto:MikeTDuBose@outlook.com)**  
**Port Orford Property Addresses**

- 1859 Arizona St
- 1901 Arizona St
- 1923 Arizona St



From: Dorothy Dana, Trustee,  
The Dana Family Trust  
P.O. Box 336  
Port Orford, OR 97465

To: Port Orford City Council and the Port Orford Planning Commission

Date: December 2, 2020

Re: Proposal for Height Change from 45' and 35' (respectively) to 25' (all zones)

Dear: Port Orford City Council Members and Port Orford Planning Commission

My name is Dorothy Dana, Trustee for the Dana Family Trust. My family purchased our home and several commercial properties in downtown Port Orford over the course of the past two decades. We have lived in Port Orford full time since moving here. We understand and love this community BUT we do NOT want, and should absolutely NOT, be subject to lose value on our properties due to a misguided policy to reduce property height restrictions as being proposed by staff to the City Council.

The commercial properties we purchased in Port Orford were purchased with the explicit understanding that the height for building structures in a business zone would be capped at 45 feet; and likewise, with residential and some mixed-use zone capped at 35 feet. Never problematic in the past, the current building height limits have long supported the promise of this township, and are both reasonable and appropriate. Our fire systems, water resources, and popularity among tourists have not suffered from the current height limits; thus, there is no reasonable (or rational) necessity for height alterations or random reductions. The current height limits allow for flexibility in attracting sustainable, tasteful, business investments that will lend to sorely needed economic opportunities for our community. If nothing else, think about the youth of our community who need jobs and opportunities in the future to stay in Port Orford. Random reductions in building height restrictions would signal outwardly that Port Orford is hostile to potential business investment, entrepreneurial profitability, and creative, sustainable growth. Further, a reduction in building heights would negatively impact the fair market value of our City's commercial properties and the ability of current property owners (your neighbors) to market their properties to prospective buyers in the future. An act by our City Council that knowingly leads to the devaluation of a certain segment of its citizenry's property values or economic worth for the enjoyment of a few others would be immoral and lacking of conscience.

In summary, I want to go on record to state that I am strongly opposed to the proposed change of the current building heights (as zoned) to a City-wide 25 feet limitation on new construction, and we urge the City Council to reject this misguided, discriminatory proposed change.

If this re-zoning proposal is ultimately accepted, we request to be grandfathered in under current code—allowing for an exemption for our commercial properties from being subject to a reduced building height limitation now or in future. We bought our business properties as a clear and strategic investment, mindful of the 45' maximum building heights in the commercial zone, with a dream towards the potential our properties could realize in future. If it were your property and investment, you would feel the same.

Thank you for your time and consideration.

Dorothy Dana, Trustee  
The Dana Family Trust

**Exhibit AAA**



Dear Mayor Tim, City Council, and City Manager,

Please accept my testimony in support of lowering the allowable building heights in Port Orford to a maximum of 28' in residential zones and 30' in commercial zones, with exceptions for the marine port zone and city public works.

**Emotionally-driven testimony:**

I grew up in a suburb of New York City and spent the first half of my life seeking solace in the woods and in rural places, which were few and far between. Twenty years ago, I moved from Liège, Belgium to the Southern Oregon Coast to do my PhD at the Oregon Institute of Marine Biology, the University of Oregon's marine biology field station, located in Charleston. The moment I arrived at the Oregon Coast, I knew that I had finally found my place.

During my two decades on the Oregon Coast, I lived in Charleston, in Coquille, and in Bandon before finally settling in Port Orford. About 10 years ago, while living in Bandon, I was asked to join the Redfish Rocks Community Team (RRCT) and fell head-over-heels in love with Port Orford. There was something so special about this beautiful, small, close-knit community with such an amazing spirit and capacity for collaboration. In December of 2016, real estate prices were still relatively low, and we were lucky enough to be able to afford a home in Port Orford, which we adore. At today's prices, a home in Port Orford would have been beyond our reach.

As far as my son and I are concerned, Port Orford is the most wonderful and beautiful community in the country...one of the last truly unspoiled places. The natural beauty and unique character of Port Orford have attracted an eclectic and wonderful group of dedicated citizens over the years. What draws us here, and/or keeps us here, is the unique character, natural beauty, and village vibe of our beautiful little town.

**Data-driven testimony:**

**The affordable housing crisis in Port Orford**

Affordable housing for year-round residents and long-term contributors to our community has been steadily declining in recent years, largely owing to the increase in vacation rentals such as Airbnb listings and VRBOs. There is most definitely a place for these types of rentals in our community, as they do bring in an interesting array of visitors and infuse the local economy with money. However, the balance is close to tipping, and long-term residents—millennials, elders, and everyone in between—are struggling to find affordable places to rent or to buy. For example, the median household income of a Port Orford resident is approximately \$30,920 per year (US average is \$53,482 per year; 2018 data), while the median gross listing price of the 84 homes listed for sale in Port Orford on Realtor.com is \$310,000. Out-

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

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

### Calculations of building height on a sloped site

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

### The future of Port Orford is in your hands

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

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

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

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

### Comparisons to other cities, towns, and communities

The proposed building heights (28' residential and 30' commercial) are consistent with height limits in nearby communities and other small, coastal towns such as Gearhart, Yachats, Rockaway Beach, Bandon, and Gold Beach (30' or below for all but agricultural buildings and heavy industrial zones; see testimonies and research by Ann Vileisis, Sara Lovendahl, and Kevin McHugh). Furthermore, the maximum allowable building height across nearly all residential zones in Portland is 30', with the exception of the high-density housing zone R2.5, which was created to address the shortage of affordable rental housing in Portland, and not to accommodate tourists<sup>1</sup>. Thus, the maximum allowable building heights in residential zones in Portland, a city of more than 664,000, are 5' lower than the current buildings heights allowed in residential zones in Port Orford.

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

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

### Concerns about infrastructure

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

Respectfully yours,

Jennifer Head, PhD

### References

1. Title 33, Planning and Zoning\_33.110 Single-Dwelling Zones.pdf. Accessed December 3, 2020. <https://www.portlandoregon.gov/bps/article/53295>
2. Comprehensive Plan | City of Gearhart Oregon. Accessed December 3, 2020. <https://www.cityofgearhart.com/general/page/comprehensive-plan>
3. Sustainable Tourism: Five Essentials for Rural Areas and Small Towns. KANAVA. Accessed December 3, 2020. <https://www.kanavainternational.com/2016/09/sustainable-tourism-five-essentials-for-rural-areas-and-small-towns>

Dear City Council, Mayor Tim, and City Manager,

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

Respectfully,

Carlene Armi

Dear Mayor Tim, the City Council, and City Manager

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

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

Sincerely,

Julian Head

Petition to Port Orford City Council for Better Building Heights






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

**Action petitioned for**  
 We, the undersigned, urge our leaders to act now to establish new building heights of 28' for all residential zones and 30' for all commercial zones, including zones without height restrictions and with the exception of the port/marine zone.

Printed Name	Signature	Address	Comment	Date
Margaret Boyd	<i>[Signature]</i>	1400 California St.		12/1/2020
SERRY BOYD	<i>[Signature]</i>	1400 California St		12/1/2020
John Wenzel	<i>[Signature]</i>	31 Hardet Str		12/2/20
SARA LOUENBACH	<i>[Signature]</i>	31 Hamlet St 97465		12/2/2020
PETER SUICO	<i>[Signature]</i>	42131 HEIKU LN 97465		12/2/2020
MAX BEEREN	<i>[Signature]</i>	1938 JACUSON		12/3/2020
Bobby DeQuattro	<i>[Signature]</i>	POB 1080, Port Orford		12/3/2020

# Petition to Port Orford City Council for Better Building Heights

<p>Petition summary and background</p>	<p>The people of Port Orford want to preserve the small-town atmosphere and unique character of our special place on the southern Oregon coast. Current zoning allows for 45-ft tall buildings all along Hwy 101 and in many other parts of town. This is much taller than most other coastal towns and cities. We also have serious concerns about whether the infrastructure of Port Orford can support our community now, let alone with new, large commercial structures designed to increase tourism and vacation rentals instead of providing much-needed affordable housing for full-time residents. By amending our current building ordinance to a maximum 28' across all residential zones and 30' across all commercial zones—including any zones with no height restrictions—our town will enable a sensible change with the goal of keeping our town special, while also encouraging healthy, robust business operations with modest, well-planned, and sustainable growth.</p>
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Printed Name	Signature	Address	Comment	Date
Cherie White		Port Orford, OR 97465 590 Oregon St.	"Please think Safety First"	12-3-2020
ANN VILKIS		608 Oregon St Port OR		12/3/2020
Tim Polwar		608 Oregon St. Port Orford	too	
DAVID QUATE		503 JACKSON P. ORFORD	getting guidance needed	12-3-2020
TOM CAVALIERE		PO BOX 860 PORT ORFORD, OR		12/3/2020



# Petition to Port Orford City Council for Better Building Heights

Petition summary and background

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

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We, the undersigned, urge our leaders to act now to establish new building heights of 28' for all residential zones and 30' for all commercial zones, including zones without height restrictions and with the exception of the port/marine zone.

Printed Name	Signature	Address	Comment	Date
1 JOHANN PRUITT	<i>John P. Pruitt</i>	2524 PO L PORT ORFORD OR		12-3-20
2 Cynthia Freeman	<i>Cynthia Freeman</i>	250 15th St. Port Orford		12-3-20
3 STAN TUPPER	<i>Stan Tupper</i>	260 17th Port Orford		12-3-20
4 Charlotte Tupper	<i>Charlotte Tupper</i>	260 17th Port Orford		12-2-20
5 Andy Bradford	<i>Andy Bradford</i>	9766 9th Port Orford		12-2-20
6 Brandi Robson	<i>Brandi Robson</i>	1736 Jackson St		12-2-20
7 Ryan Marsh	<i>Ryan Marsh</i>	42743 Marble Ln		
<del>Chris Marsh</del>	<del><i>Chris Marsh</i></del>			
8 Chris Marsh	<i>Chris Marsh</i>	93835 Elk River		12-2-20
MARJORIE BROMSER	<i>Marjorie Bromser</i>	231 19th St		Dec 3, 2020

Notes: Provision for exemption? Daylight basement loop holes?

10	Nicole Banksfan	Nick Banksfan	B 1434 PO. 97465	541 425-6866
11	Kitty Muller	Kitty Million	PO Box 17-3 97465	541 6040524
12	Diane Rockefeller	Diane Rockefeller	PO Box 1434 97465	woofs9@hotmail.com 541 332 0886
13	Kathyrne Self	Kathyrne Self	P.O. Box 1135	Portford Dec 2 228-614-1984
14	DAVE ENDNER	<del>David Endner</del>	P.O. Box 1334	12/2
15	CHERRY BEKEN	Cherry Beken	PO BOX 901	541 373-7223
16	Amy Berni	<del>Amber Berni</del>	9116 Jackson A	12/2
17	Michelle Kinnon	<del>Michelle Kinnon</del>	1325 Jackson	541 253 1759
18	Dorothy Stephens	<del>Dorothy Stephens</del>	1307 Jackson	12/2/20
19	Heidi Knopf	<del>Heidi Knopf</del>	935 Jackson	12/2/20
20	Janett Sultzbach	Janett Sultzbach	POB 412 Langlois	12-2-20
21	Tara Ramsay	Tara Ramsay	PO 212 Portford	Tramsey 846@gmail.com 12-2-2020
22	Maya Holiman	Maya Holiman	PO 51 Portford	maya.holiman@gmail.com 12-2-2020

maria.ruth.opic@gmail.com

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Printed Name	Signature	Address	Comment	Date
LINDA SMITH	<i>Linda Smith</i>	908 JEFFERSON ST	STRONGLY AGREE	12-2-20
Becky Flake	<i>Becky Flake</i>	250 10 <sup>th</sup> St	Agree	12-2-20
PATRICIA RHOADES	<i>Patricia Rhoades</i>	775 Jefferson St	P.O. needs this protection	12/2/20
K. Morsio	<i>K. Morsio</i>	210 W 9th	POBOX 1274	12/2/20
Joetta Lawrence	<i>Joetta Lawrence</i>	702 Centennial Rd.	Totally! Keep Orford	12/2/20
Kristin Kirchgaster	<i>Kristin Kirchgaster</i>	42505 Port Orford Cp. Rd.	Keep Port Orford small	12/2/20
Cathy A. Boden	<i>Cathy A. Boden</i>	580 7 <sup>th</sup> Street   343 9 <sup>th</sup> St.	Citizen control over development Strongly agree! Smart growth	12/2/20
Dianne Hosford	<i>Dianne Hosford</i>	2715 Port Orford Loop	Please - no sign! trees	12/2/20
Barbie Black	<i>Barbie Black</i>	666 Jackson St #1	Agree	12/2/20
Sharon Lashburn	<i>Sharon Lashburn</i>	1063 13th St	NONE	12/2/20

*Ed R. Combs*

Printed Name	Signature	Address	Comments	Date
Aron Kostelnik	<i>Aron Kostelnik</i>	630 Tichenor St. Box 793 #42825 Henster Hill Rd	Agree	12/2/20
Michelle Elizabeth Coffey	<i>Michelle</i>	42162 N Fork Hubbard Cr Rd P.O. Oxford	Believe are (35 years) because it is so small + SWA	12-2-20
Richard Hazard	<i>Richard Hazard</i>	42134 NE Hubbard Cr Rd P.O. Oxford		12-2-20
Shirley Ann Smith	<i>S.A.S.</i>	42134 NE Hubbard Cr Rd. P.O. Oxford OR 97465		12-3-20
Debra LeMay	<i>Debra LeMay</i>	42132 NE Hubbard Cr Rd. P.O. Oxford OR 97465		12-3-20
Robin LeMay	<i>Robin LeMay</i>	PO Box 955 P.O. Oxford OR 97465	I live here see the views!	12-3-20
Tyler Doby	<i>Tyler Doby</i>	PO Box 955 P.O. Oxford OR 97465		12-3-20
Diana LeMay-Smith	<i>Diana LeMay-Smith</i>	PO Box 1303 P.O. Oxford OR 97465		12-3-20
Nancy Angelesco	<i>Nancy Glenn</i>	PO OR 97465	Not here.	12-3-20
David Angelesco	<i>David Angelesco</i>	PO Box 1303 P.O. OR 97465		12-3-20
Ed R. Conroy	<i>Ed R. Conroy</i>	P.O. Box 3 P.O. Oxford OR	Agree	12-3-20
JENNIFER LEE WILSON	<i>Jennifer Lee Wilson</i>	PO BOX 1028 #12 HAMMET P.O. OR 97465	DON'T DO IT	12/3/20
<del>James Farmer</del>	<del>James Farmer</del>			
<del>Blair Davis</del>	<del>Blair Davis</del>	42719 Silver SPRINGSB		12/3/20
James Farmer	<i>James Farmer</i>	PO Box 1303 P.O. Oxford OR 97465		11/23/20
Talon Broadbent	<i>Talon Broadbent</i>	PO Box 1503 P.O. OR 97465		12/3/20


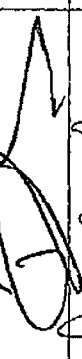



## Petition to Port Orford City Council for Better Building Heights

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

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Printed Name	Signature	Address	Comment	Date
Kately R. Schumacher		2137 Oregon St Port Orford	We love a small town Keep the buildings low - 28/30	12/1/20
DAVID HOSACK		2211 Oregon St Port Orford	28/30 FOOT LIMIT = GOOD	12/1/20
Cheryl Cherise		2137 Oregon St. OR. Port Orford	Port Orford water issues too 28/30 Maximums desirable	12/1/20
Louise P. Mackay		2119 Oregon St Port Orford	28/30 Foot Limit is good	12/1/20
Kristi Bisbrow		93025 Cemetery Rd	28/30 Maximums	12-1-20

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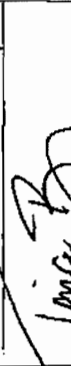
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Printed Name	Signature	Address	Comment	Date
Laurie Prooty	<i>Laurie Prooty</i>	1035 13th St. Port Orford		11/30/20
KERRY HOLMAN	<i>Kerry Holman</i>	1035 13th St. P.O.		Nov 30/2020
Hattie Kugler	<i>Hattie Kugler</i>	17 Hamlet St. P.O.		12/1/20
ROGER PASMUSAN	<i>Roger Pasmusan</i>	17 Hamlet St P O 97465	UTILITY POLE = 45'	12/1/20
MARK LANRTON	<i>Mark Lanrton</i>	41901 KUMBEK WAY .P.O.		12/1/20
John Shipp	<i>John Shipp</i>	580 7th St		12/1/20
DAISY FRANZINI	<i>Daisy Franzini</i>	580 King St		12/2/20
Mark Lipe	<i>Mark Lipe</i>	42768 Myrtle Ln.		12/2/20
Chail Dawn	<i>Chail Dawn</i>	96258 Echoe Ck Rd		12/2/20
C. NELY Suckase	<i>C. Nely Suckase</i>	331 11th St		12/2/20

# Petition to Port Orford City Council for Better Building Heights

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Printed Name	Signature	Address	Comment	Date
Greg Thelen		165 23rd St Port Orford	Thank you	11-3-20
Clement Wood		145 23rd St Port Orford		11-3-2021
Tina Beresford		2270 Jefferson St "		11-3-2021





## **Patty Clark**

---

**From:** jeffhogan55 <jeffhogan55@gmail.com>  
**Sent:** Thursday, December 3, 2020 9:14 PM  
**To:** trichards@portorford.org; patty@portorford.org  
**Cc:** Grant Hogan  
**Subject:** Height Restrictions Port Orford

Port Orford City Officials:

As property and business owner "Mtn Sea Fitness" with family as full time residents of Port Orford, we are opposed to the reduction from the current approved building height level of thirty five feet.

Some crucial points against changing the existing working height limit are as follows:

- Building commercial and or residential space has evolved over the years to the point open floor plans and raised ceiling heights are the new norm giving a more open air feel. In doing so, the conventional wisdom of 12' per story on building heights have also changed requiring greater heights for building aesthetics to satisfy these architectural cravings.
- We feel the City of Port Orford has transitioned from its traditional economy of logging and fishing into more tourist based economy. Limiting and or restricting future development in the community only impedes future generations to enjoy, flourish and remain in this great community.
- As a family business who originated from a small town, we hold dearly the values of a small community. We cherish the opportunity for our future generations to remain in a town like Port Orford and raise families.
- Putting further restrictions on building in Port Orford will restrict the willness for future development and opportunities of future generations in the community.
- Realistically, the economics of building in Port Orford are marginal, with further restrictions it only adds to these difficulties and can make these projects uneconomically viable.

We believe the current building height limit of 35' for the the city is reasonable and allows enough flexibility in architectural design that will enhance the community.

Jeff Hogan  
TWG Properties, LLC

**Confidentiality Note:** This email, and any attachment to it, contains privileged and confidential information intended only for the use of the individual(s) or entity named on the email. If the reader of this email is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this email in error, please immediately return it to the sender and delete it from your system. Thank you.

## **Patty Clark**

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**From:** Jason Youmans <freestylebuilders@yahoo.com>  
**Sent:** Thursday, December 3, 2020 6:08 PM  
**To:** patty@portorford.org  
**Subject:** Fwd: Amended FULL letter- RE: Building height restrictions final presentation. For real.

So sorry patty. This was the first day since my surgery I could manage the energy to address this. Hopefully it's ok. And still within the time frame of being in today the third of dec 2020.  
Again thank you.

Sent from my iPhone

Begin forwarded message:

**From:** Dragonfly Farm & Nursery <contact@dragonflyfarmlanglois.com>  
**Date:** December 3, 2020 at 5:53:47 PM PST  
**To:** freestylebuilders@yahoo.com  
**Subject:** Amended FULL letter- RE: Building height restrictions

\*\*\* Please allow this updated letter into the records\*\*\*\*

To whom it may concern:

My name is Jason Youmans.

I own commercial property on 410 6th St. in Port Orford.

It is a steep lot on the corner of HWY 101 and Harbor Drive (I believe). It is the road to the Harbor from HWY 101 West of the "Triangle Parking Lot" on HWY 101.

My Phone number is 541-404-7800.  
Email: [Freestylebuilders@yahoo.com](mailto:Freestylebuilders@yahoo.com)  
Mailing Address: PO Box Bandon, OR 97411

I have owned this lot for approximately 15 years.

The lot is 75' x 100' and sits between 6th St. and 7th St. (South to North) and between Harbor Drive and Tichnor (East to West).

Though I understand the concept/desire to create a town "maintaining a small town ambiance" with "human-scale buildings" compatible with existing development within city limits. I embrace this concept personally in practice, with the development of 5 previous lots out of 1 acre! Instead of 10 lots or worse I could have developed.

In fact, I even went so far as to put a deed restriction on these lots, stating 1 item - the construction had to be framed or built on site, with no other restrictions. Purpose was to prevent off site manufactured dwellings built somewhere else then hauled to Port Orford, thus providing

very little local employment, as well as little to zero creativity.

It wasn't accidental that there was only 1 item on the deed restriction. The reasoning was as follows:

- 1.) Small towns up until 1990 had restricted offsite built manufactured homes then that industry fought in courts prevailing with the outcome that it was discrimination to prevent these types of homes. This resulted quickly in towns seeing increases of barrack looking box type buildings with little resemblance of human-scale homes. In fact, they appeared more like industrial scale chicken huts. Furthermore these building types do not hold up well to Oregon Coast weather and fall into disrepair within 10 years.
- 2.) Very few local jobs came from this building process, and at a time when logging and fishing and natural resource jobs were in decline. The hope and to some extent the success was that local construction would at least partially bridge the gap created when those industries were diminishing. As I said they did to some extent, yet with the off site built homes taking away a large part of the promise that construction was going to fulfill a needed repair to the economy.
- 3.) Restrictions on building heights are likely going to have similar diminishing economic results on employment opportunities. It is the creative opportunities when building homes that provides the abundance of economic stimulus in this process. Not restraint and sameness of designs. Also creativity unencumbered by restrictive appearance codes which can sprout the diverse human-scale process in each project.

**When discussing height issues, I strongly suggest we consider positive incentive based methods first before the punishing negative restrictive methods.**

This has worked on the lots I developed and as of this year are now fully developed. These lots are on the corner of 12th St. and California St. near Garrison Lake boat ramp if you would like to check them out. My lot I still own in Port Orford is a challenge. After years I've found the best way to create a dwelling/commercial combo building. All the while respecting:

- 1.) The natural setting
- 2.) My neighbors views
- 3.) My view
- 4.) Mitigation of the wind effects
- 5.) Mitigation of the steep lot

At first it appeared I would need to put a building site on the southwest corner of my lot. Yet after years of planning, I realized I could build vertically on the northwest corner of my lot (also allowing a smaller footprint). This new plan still:

- 1.) Blends with the natural setting
- 2.) Doesn't block my neighbors view
- 3.) Mitigates North winds in summertime
- 4.) Mitigates the steep lot

Though my current height limits allow 45' height, it is highly unlikely I will require or desire to build that height. That depends on how sloped lot developments will be measured, as in from downhill or uphill as a starting point, or from a retaining wall (top or bottom). This proposal is incomplete at this time as it does not provide such details.

Now, if height restrictions are approved then I will be forced to build horizontally, stretching out

a larger footprint, and putting my building in a location closer to my neighbors house blocking his view. It will also have a much larger impact on the natural surroundings of this prominent lot. **I do NOT want this and object loudly to being put in this position by this proposal.** Anyone who knows me realizes I will do the best possible method to reduce site degradation through creative development and yet will be restricted to do so by this proposal.

Furthermore, at 25' height for those unfamiliar with building, this only allows Max 2 floors with max height of 8' ceilings (Not 10' ceilings).

I would like more time to address this but have your deadline to contend with. I've been dealing with a very serious life threatening surgery for the last 3 weeks and haven't been able to tend to this. I also feel issues such as this one should be done after this pandemic when we can have public meetings again.

Sincerely,  
Jason Youmans

Pam Dana, Member  
The Dana Family Trust  
P.O Box 336  
Port Orford, OR 97465

December 1, 2020

Port Orford City Council  
City of Port Orford  
555 W. 20<sup>th</sup> Street  
P.O Box 310  
Port Orford, OR 97465

Cc: Port Orford Planning Commission  
PO Box 490  
Port Orford, OR 97465

Re: Proposal to Reduce City Building Height Limitations

Dear City Council:

First, thank you for your time and consideration in reviewing this letter of input. My name is Pam Dana, member of the Dana Family Trust, and I am writing in **OPPOSITION** to the proposal being considered by the City Council to reduce building heights on new construction from the current 45' (commercial) and 35' (residential, mixed use) to a Citywide 25' maximum building height. I also write in support of the Port Orford Planning Commission majority vote of November 10, 2020, to retain the current building heights in Port Orford at status quo, and to reject any reduction of new building heights as currently zoned.

Our family has lived in Port Orford for just under 20 years and, with a vision towards the future, invested in several properties (to include vacant and mixed-use buildings) in the downtown business zone. Like several others that have provided testimony before the City Planning Committee and the City Council, our Family Trust invested in these strategically located commercial properties with the full knowledge that the height restrictions for current and future building structures in the business zone was 45 feet. Our recognition of, and attention to, this allowable height is significant because that height has always had clear and inherent value to us, and the potential opportunities these properties offer.

**Exhibit HHH**

A City Council action to reduce the currently zoned building heights would consciously and unnecessarily serve to strip us of property value, economic opportunity, and investment promise, and would place inordinate burdens, restrictions, and limitations on our personal property rights and vested uses. Such a municipal action would be wrongful and discriminatory as it only affects a select number of property owners, and seems to be motivated by and targeted on those owners with downtown properties. In fact, at both the Planning Commission and City Council recent hearings, it was noted by some that if building heights were not reduced for future developments, a hotel (or other business construct) could be built up to the currently allowable 45 feet, thus "blocking views." This viewpoint neglects the fact that the current zoning has long allowed for 45' construction heights in properly zoned properties, with the recognition that views (albeit minimal) could have been blocked for decades.

The rationale given by staff for the proposed change in building heights is to preserve and enhance the small town and human scale feel of Port Orford; thereby creating a "sense of place" and prompting increased tourism. The City of Yachats was repeatedly referenced as an example for Port Orford to follow. As a note of reference, the City of Yachats has a number of hotels and housing complexes that are three-plus stories in height (thus taller than 45 feet) and the town remains lovely, quaint, human scale, touristed, and economically vibrant.

While we join everyone in appreciating the small-town atmosphere that exists in Port Orford, we believe that the current building restriction is an appropriate height and does nothing to take away from the "small-town charm" of the community. After all, the 45-foot height has been in place for decades with no impact on the small-town atmosphere and "human scale" of Port Orford. To suggest that a 10 to 20-foot reduction in allowable building heights would attract more tourists, and therefore economic opportunity, is simply not based on fact. In fact, it could be more easily argued that current allowable heights offer more potential for supporting exciting investments, economic opportunity, community vibrance, and tourism (with a focus on more lucrative multi-day stays versus drive-thru tourism) than ever a height reduction could or would.

Likewise, an arbitrary reduction in building heights would not serve to create a greater "sense of place" as proposed in staff report considerations, but instead lead to economic stagnation and local revenue losses. The current and very reasonable buildings heights have long been in place to allow and support flexibility for sustainable business developments and community investments of benefit to future job creation and economic opportunities. Without such opportunities, many people will eventually be forced to relocate or commute to find work elsewhere, or rely upon social assistance to keep them afloat.

Pam Dana, December 1, 2020

Page Three

Further rationale given in staff reports for the proposed change to reduce new building heights is attributed to the notion that the fire department cannot fight fires at current building heights...heights that have been in effect for decades. Testimony at the Planning Commission refuted this staff claim with one testimony noting that Fire Department officials attested that they were able to fight fires at current allowable building heights. I would argue that if fire department equipment and capabilities are currently inadequate to fight local fires at current standards, then the City should first prioritize investments in the necessary resources to support these brave first responders to do their jobs to the best of their ability...rather than take away current property rights and vested uses from a select group of property owners under the ruse of "fire hazard." New building developments, particularly above certain heights, regularly and by building code standards, put in place a range of fire suppression and remediation systems that far surpass those constructs of lower heights and age of construction.

City water supply issues were also cited as a reason for reducing heights of future buildings. While certainly a concern to all citizens to have an ample, quality, and healthy water supply, it would be hard to contend with certainty that a taller building would use more water than a building of lesser height just because it's taller. It's the intention and use of the building that would determine the water use outcome. A one-story 6 unit motel, would theoretically use as much water as a three-story, 6 unit boutique hotel. Height restrictions alone do little to solve the water supply issues; however, holding developers responsible to put in place water supply, conservation, and remediation measures that would minimize excessive consumption would be meaningful.

Reducing building heights to an arbitrary 25 feet would negatively impact future business investments, job creation prospects, and certainly the fair market value of all commercial and mixed-use properties and vacant lots in Port Orford--and the ability of current owners to market their properties to potential buyers. It would be unconscionable for the City Council to use its powers to take away property rights, property value, and economic promise from select citizenry.

In that the Dana Family Trust owns among the very few vacant lots on HWY 101 in the business district that also have ocean views, we believe that the proposed move to reduce building heights would place inordinate burdens, restrictions, and limitations on our private property rights and vested uses. And frankly, we believe it to be a direct attack on our real property rights, and would cause clear, immediate, and immeasurable harm to the economic value and potential opportunities our investment properties afford us (and the community) if such a building height reduction policy was implemented.



Pam Dana, December 1, 2020  
Page Four

In summary, I join the City Planning Commission in its decision of November 10, 2020, to OPPOSE the proposed change from the current zoned building heights to a reduced Citywide 25 feet limitation on new construction, and urge that the City reject this proposed change. If such a policy is implemented, we request that our commercial properties be grandfathered in under current height codes; thus being exempted, in perpetuity, from future height reductions.

Sincerely,







A handwritten signature in black ink, appearing to read "Pam Dana", with a long, sweeping horizontal stroke extending to the right.

Pam Dana, Member

# Petition to Port Orford City Council for Better Building Heights






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

We, the undersigned, urge our leaders to act now to establish new building heights of 28' for all residential zones and 30' for all commercial zones, including zones without height restrictions and with the exception of the port/marine zone.

Printed Name	Signature	Address	Comment	Date
Mary Lou Boyd		1400 California St		12/1/2020
Serry Boyd		1400 California St		12/1/2020
John Lovenshul		31 Hamlet St		12/2/20
SARA LOVENSCHUL		31 Hamlet St 97465		12/2/2020
RETOR		42131 HOLTEN LN 97465		12/2/2020
MAX BERGEN		1958 JACKSON		12/3/2020






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<p><b>Action petitioned for</b></p>	<p>We, the undersigned, urge our leaders to act now to establish new building heights of 28' for all residential zones and 30' for all commercial zones, including zones without height restrictions and with the exception of the port/marine zone.</p>

Printed Name	Signature	Address	Comment	Date
Kately R. Schmuck		2137 Oregon St Port Orford	We love a small town Keep the buildings low - 28/30	12/1/20
DAVID HOSACK		2211 Oregon St Port Orford	28/30 Foot Limit = good	12/1/20
Cheryl Cherise		2137 Oregon St. OR	water issues too 28/30 Maximums desired	12/1/20
Sara Ann Leach		2119 Oregon St Port Orford	28/30 Foot Limit is good	12/1/20
Kristi Disbrow		93025 Cemetery Rd	28/30 Maximums	12-1-20

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Printed Name	Signature	Address	Comment	Date
Pamela Berndt		100 103 Port Orford OR 97465		12-1-20
Rose Jones		PO Box 497 Port Orford OR 97465		12-1-20
Alan Jones		PO Box 497 Port Orford OR 97465		12-1-20
Michael Eganis		PO Box 444 Port Orford OR 97465		12-1-20
Courten Nblan		1424 2nd St. Larsons OR 97450		

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Printed Name	Signature	Address	Comment	Date
Laurie Prooty	<i>Laurie Prooty</i>	1035 13th St. Port Orford		11/30/20
Kerry Howman	<i>Kerry Howman</i>	1035 13th St. P.O.		Nov 30/2020
Hattie Kugler	<i>Hattie Kugler</i>	17 Hamlet St. P.O.		12/1/20
Roder Pasmusa	<i>Roder Pasmusa</i>	17 MARPLET ST P O 97165	UTILITY POLE = 90'	12/1/20
MARK LANRISON	<i>Mark Lanrison</i>	41901 BURBANK WAY P.O.		12/1/20
John Shipp	<i>John Shipp</i>	580 7th St		12/1/20
DAISY FRANZINI	<i>Daisy Franzini</i>	580 King St		12/2/20
Mark Lipe	<i>Mark Lipe</i>	42769 Myrtle Ln.		12/2/20
Earl Duon	<i>Earl Duon</i>	96258 Echoe Ckt Rd		12/2/20
Cindy Swakase	<i>Cindy Swakase</i>	331 11th St		12/3/20

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Printed Name	Signature	Address	Comment	Date
Jana A Smith	<i>Jana A Smith</i>	908 JEFFERSON ST	STRONGLY AGREE	12-2-20
Becky To Flake	<i>Becky To Flake</i>	250 10 <sup>th</sup> St	Agree	12-2-20
PATRICIA RHODES	<i>Patricia Rhodes</i>	475 Jefferson St	P.O. needs this protection	12/2/20
K. Morrison	<i>K. Morrison</i>	210 W 9th	PO BOX 1274	12/2/20
Joetta Lawrence	<i>Joetta Lawrence</i>	702 Courtland Rd.	Totally agree! Keep Port Orford special	12/2/20
Kristin Kirchgiesler	<i>Kristin Kirchgiesler</i>	42505 Port Orford Cp Rd.	Keep Port Orford small	12/2/20
Cathy A. Baden	<i>Cathy A. Baden</i>	580 7th Street   343 9th St.	Citizen control over development Strongly agree! Smart growth	12/2/20
Diane Hoffer	<i>Diane Hoffer</i>	2715 Port Orford Loop	Please don't take any more	12/2/20
Bobbie Black	<i>Bobbie Black</i>	600 Jackson St #1	Agree	12/2/20
Sharon Lashway	<i>Sharon Lashway</i>	1063 13th St.	NONE	12/2/20

*Ed P. Conroy*

Printed Name	Signature	Address	Comments	Date
Aron Kostecki	Aron Kostecki	630 Tichenor St.	Agree	12/2/20
Mary Elizabeth Carter	Mary Elizabeth Carter	Box 793 #42825 Hensley Hill Rd		12-2-20
Richard Hazard	Richard Hazard	42162 N. Fort Hubbard Ct Rd Port Orchard	I live here (38 years) because it is small town	12-2-20
Suzanne Leung Smith	Suzanne Leung Smith	42134 NE Simpson Cr Rd Port Orchard		12-2-20
Debra Johnson	Debra Johnson	7417 N.E. Hubbard Cr Rd. Port Orchard OR 97145		12-3-20
Robin Johnson	Robin Johnson	42132 N.E. Hubbard Cr Rd. Port Orchard OR 97145		12-3-20
Tyler Digby	Tyler Digby	PO Box 955 Port Orchard OR 97145	I live here for the views!	12-3-20
Dawn Leung-Smith	Dawn Leung-Smith	PO Box 955 Port Orchard OR 97145		12-3-20
Nancy Angelico	Nancy Angelico	PO Box 1303 Port Orchard OR 97145	Not here.	12-3-20
David Angelico	David Angelico	PO Box 1303 Port Orchard OR 97145		12-3-20
Ed R. Conway	Ed R. Conway	PO Box 3 Port Orchard OR 97145	Agree	12-3-20
JENNIFER LEE WILSON	JENNIFER LEE WILSON	PO BOX 1078 #12 HAMMET PO OR 97145	DON'T DO IT	12/5/20
<del>James Farmer</del>	<del>James Farmer</del>			
James Farmer	KATHY DAVIS	42719 SILVER SPRINGS DR PO Box 1303 Port Orchard OR 97145		12/3/20
Talen Broadbent	Talen Broadbent	PO Box 1503 PO OR 97145		12/3/20

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**Petition summary and background**

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Printed Name	Signature	Address	Comment	Date
1 JOANN PRATT	<i>Joann Pratt</i>	2524 POLPORTRD OR		12-3-20
2 Cynthia Freeman	<i>Cynthia Freeman</i>	250 15th St. Port Orford		12-3-20
3 STAN TUPPER	<i>Stan Tupper</i>	260 17th Street		12-3-20
4 Charlotte Tupper	<i>Charlotte Tupper</i>	260 17th Street		12-2-20
5 Andy Bradford	<i>Andy Bradford</i>	97 Mc 9th St		12-2-20
6 Brandi Robson	<i>Brandi Robson</i>	1730 Jackson		12-2-20
7 Ryan Marsh	<i>Ryan Marsh</i>	4274 3 Maple Ln		
<del>Chris Marsh</del>	<del><i>Chris Marsh</i></del>			
8 Chris Marsh	<i>Chris Marsh</i>	93835 Elk River		12-2-20
MARJORIE PROMSER	<i>Marjorie Promser</i>	231 19th St.		Dec 2, 2020



Notes: Provision for exemption? Daylight basement loopholes?

10	Nicole Banks for	Nicole Banks for	P.O. 1434 P.O. 97465	541 425-6866
11	Kitty Muller	Kitty Million	P.O. Box 173 97465	541 604-0524
12	Diane Rockafellow	Diane Rockafellow	P.O. Box 1434 97465	woofs9@hotmail.com 541 332-0586
13	Kathryn Self	Kathryn Self	P.O. Box 1135	Port Orford Dec 2 928-64-1987
14	DAVE ENDRE	David Endre	P.O. Box 1354	12/2
15	CHERRY BECKEN	Cherry Becken	P.O. Box 901	541-373-7023
16	Nancy Berni	Nancy Berni	9110 Jack Jack A	12/2
17	Michael Kinnon	Michael Kinnon	1325 Jacksack	541 255 1759
18	Dorothy Stephens	Dorothy Stephens	1307 Jacksack	12/2/20
19	Heidi Knorr	Heidi Knorr	935 Jackson	12/2/20
20	Janett Saltzback	Janett Saltzback	POB 412 Langlois	12-2-20
21	Janet Ramsey	Janet Ramsey	PO 212 Port Orford	Tramsey 810@gmail.com 12-2-2020
22	Maura Holliman	Maura Holliman	PO 51 Port Orford	maura.holliman@gmail.com 12-2-2020

manja.ruth.opic@gmail.com

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

Dec. 1, 2020

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

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

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

Sincerely yours,

*Marjory (Midge) Hayes*

Marjory Hayes  
P.O. Box 1361  
710 Deady Street

RECEIVED  
DEC 1 2020  
11  
12  
13

**Exhibit JJJ**

December 3, 2020

To: Port Orford City Council

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

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

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

Sincerely,

*Pat Rhoades*

Exhibit KKK

Dec. 3, 2020

Dear Mayor and City Council members,

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

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

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

***Protect our town's unique and special character***

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

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

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

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

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

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

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

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

#### **Battle Rock Mixed Use (10 MU) Zone is flawed**

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

#### ***Questions about water availability underscore need for slow growth***

Many questions have been raised but not answered about our availability of water. In our city, Port Orford's City Water Master plan (2014) prepared by Dyer Engineers indicates that our city has "water rights" that can accommodate annual growth of 1%, but water "rights" do not translate into *actual* water availability, especially at times of drought and peak use during summer months, and it does not take into account enormous water losses in our leaky system, which are often > 40% of water, or future risks of logging in our water supply watershed that could increase sedimentation and reduce water storage.

We all know that our water system is already degraded and overtaxed and so adding new tall buildings, with potentially high numbers of new water users, could add stress to the existing system. Also, we've already had many new buildings built just in the past year that have not yet begun to tap water -- and we have a new medical clinic coming on line, too. Already some property owners within city limits say they cannot get water service (City Council Minutes, June 18, 2020). Allowing large buildings that will further stress our water system could lead to curtailment or the need for water rationing, as outlined in the 2014 Water Master Plan. Ideally, we'll be able to improve our water system and water security, but in the meantime, slow growth is the most sensible option.

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

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

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

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

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

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

***No impact on potential for workforce/affordable housing***

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

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

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

### **Proposed exemptions**

#### **1. "Projections"**

The current findings recommend "General Exceptions to Building Height Limitations" for: *chimney, tank, church spire, belfry, dome, manument, fire and hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers and other similar projections.*

Rather than making all these "projections" --some potentially quite tall --outright uses, I urge you to adopt code that would make all projections that extend more than three feet beyond height limits "conditional uses" to give the Planning Commission and community the opportunity to provide input on specific conditions to ensure that the "projections" are appropriate for each location.

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

#### **2. Marine Zone**

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

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

### **CONCLUSION AND FINAL RECOMMENDATIONS**

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

Thank you for your public service!

Sincerely,



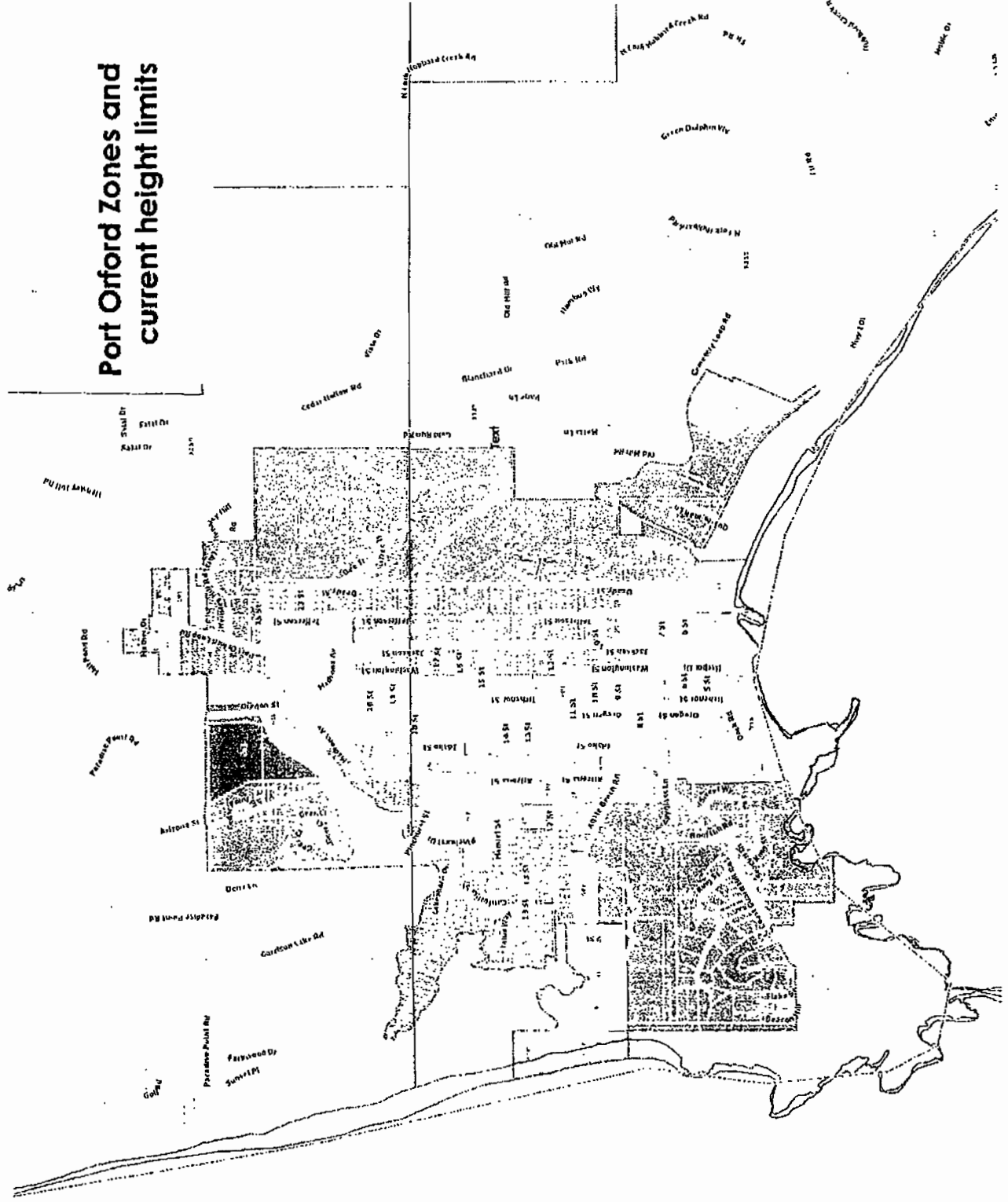
Ann Vilelisis, 608 Oregon St. Port Orford

# Port Orford Zones and current height limits

- General**
- Urban Growth Boundary
  - City Limits
  - Townships
  - Roads
  - State Highways (1)

- All Roads**
- All Roads**

- City of Port Orford**
- Port Orford Zoning**
- 10-MU 45 feet
  - 1R 35 feet
  - 2R 35 feet
  - 4C 45 feet
  - S-1 No limit
  - 6CD No limit
  - 7MA 45 feet
  - 8PF No limit





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

**Port Orford's (population ~1,148)**

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

**Heights in Zoning code:**

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

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

*Across the board, 30 ft.*

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

**Heights in Zoning code:**

Residential (R1, R2, R3, R4) 30 ft  
Commercial 1 (retail), 30 ft  
Public Facility zone, 30 ft.

**GEARHART, OR, (population 1,462, "small town values")**

*Across the board, 30 ft.*

<https://www.cityofgearhart.com/general/page/zoning-ordinance>

**Heights in Zoning code:**

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

**ROCKAWAY BEACH, (population 1,403, "small town, big beach")**

*Lower heights (20ft to 29ft, east of Hwy 101)/ up to 45 feet in some zones farther from ocean front, downtown zone*

<https://corb.us/index.asp?SEC=56B38658-34B3-4C77-9934-FCC5A5AFBB9E&DE=4329F7CC-B932-4845-AF3D-569536D7DC2E>

**Heights in Zoning code:**

Single family, 20 ft on oceanfront, 24 feet west of Hwy 101, 29 ft east of highway 101  
Residential, 24 ft west of highway 101, 29 ft east of Hwy 101  
Lower density residential, 20 ft on ocean front, 29 ft east of Hwy 101  
Resort residential, 20 ft on ocean front, 29 ft east of Hwy 101, more than 2,000 ft east from the Oregon Coordinate line, 45 ft.  
Commercial, downtown oceanfront zone (3d ave to 6<sup>th</sup> ave), 20 ft; otherwise 45 ft, but with design standards

## Crystal Shoji

---

**From:** Terrie Richards <trichards@portorford.org>  
**Sent:** Tuesday, December 08, 2020 3:25 PM  
**To:** 'Patty Clark'; 'Crystal Shoji'  
**Subject:** FW: Building height limits in Port Orford

I do not recall seeing this letter in the pile - Sorry

*Terrie Richards*

City Administrator  
City of Port Orford  
(541) 366-4568

**From:** Joy May [mailto:joyfordemocrats@gmail.com]  
**Sent:** Wednesday, December 2, 2020 5:46 PM  
**To:** trichards@portorford.org  
**Cc:** tpogwizd@portorford.org; pcox@portorford.org  
**Subject:** Building height limits in Port Orford

I am writing this letter in support of the Port Orford City Council's decision on August 20th, which directed the Port Orford Planning Commission to draft language setting allowable building heights to 25 feet across all zones in Port Orford. I must admit, I was rather confused at the onset as to why the Planning Commission would vote to disregard that unanimous directive. However, after reading all of the information included in the packet of materials from the City Council meeting of November 19th, I do understand the Commission's, as well as the Council's, hesitancy to fully pass the new language that would impose the 25 foot height limits. The comments included in the letter from the Fair Housing Council of Oregon and concerns cited by Pat Cox pertaining to the Port development would be the two areas I would understand as needing a more thorough discussion. I do believe both of these concerns can be dealt with by further investigation and also within the language of the new zoning code.

My concern then stems not in the delay in making this decision but in the window of time it now presents for developers to act in accordance with the established zoning code. I would ask the City Council to place a temporary moratorium on new building permits for buildings 30 ft or greater. This will protect the city we all love while providing the time to obtain more information and make a thoughtful, well-reasoned decision on the pending issue of building heights.

Sincerely,  
Joy May  
20 Geer Circle  
Port Orford, OR

Mark Dana  
C/O 205 Sea Cliff  
Port Orford, Or 97465

December 3, 2020

TO: City of Port Orford City Council  
RE: Proposed Modifications to Building Height Restrictions

Dear Port Orford City Council:

I am writing in response to the proposed modifications to building height restrictions that would reduce height of new buildings to a maximum of 25 feet. I am against that proposed change.

The existing height restrictions in effect for Port Orford provide reasonable and appropriate limits to building heights without adversely impacting the small-town appeal or the ability of the City to encourage tourism and thoughtful economic development. Cities come in all shapes and sizes, from sleepy little villages to bustling metropolises. While everyone has their own idea of the perfect amount of "bustle" a city should have, I believe Port Orford's existing height restrictions coupled with complimentary supporting requirements to promote attractive developments will result in a city that all Port Orford residents, merchants and workers can remain proud of.

I would like to address some of the concerns expressed in recent meetings and/or writings related to this subject:

- **Obstruction to Existing Scenic Views-** The loss of view to one property by the construction of a new structure on another property, and the associated potential loss of property value as a result is an understandable concern. My mother has a nice view from her house but there is one lot between her house and the ocean. Eventually when a new house, even if only 25 high gets built, it will block much of that view. But that is not uncommon. Depending on the difference in distance and elevation (slope) between an existing and a new building on two neighboring properties, lowering the height restriction by ten feet may not provide much protection to existing views. While the City could implement the proposed new height restriction in favor of existing building residents, or even pass a moratorium on any construction that blocks their view, the rights of an owner wishing to build upon a lot are just as important and those rights need to be considered. More important than the height of the building would be regulating the appearance of the structures that may be constructed, since that will become part of the new view.
- **Water Supply-** Of all the resources/services available to a community, adequate supply of clean water is one of the most important. Constraints on providing the expected quality and quantity of water in Port Orford has long been a challenge and the City has identified goals in "Ordinance 2012-03: City of Port Orford Comprehensive Plan Goals and Policies Attachment A" including adoption and maintenance of public facilities plans for water, wastewater and

**Exhibit NNN**

storm drainage. One of the City's listed goals is to "Restore Garrison Lake for drinking water as a secondary source to Hubbard Creek". Not knowing how realistic or controversial that goal is, and whether this or another solution is more viable, it is evident that the City has made great effort in identifying solutions. In addition to considering Bond measures and increased taxes, the City's Ordinance 2012-03 suggests that new development may be required to "install new pump stations or other infrastructure to provide the capacity to support the new development", and already requires that new applicants pay for any extensions of water and sewer into the Urban Growth Boundary while encouraging development within the City prior to expanding into the Urban Growth Boundary. It is reasonable to expect that development fees based on the size or value of the proposed development could be imposed. In general, lowering height restrictions on new buildings will not save much water, and in those developments where increased water consumption is expected, mitigations are available. Based on this understanding, water should not be a deciding factor in considering the change to the City's building height restrictions.

- **Fire Department Equipment Deficiencies** Fire fighting capabilities are very important to the safety and security of a community. There seemed to be some confusion on whether the existing fire department equipment in Port Orford can adequately respond to fire or other emergencies at buildings that could be constructed to the current height limits. Whether ladders are available at a proper height for rescue at a window (which would be lower than the ultimate building height) or whether taller ladders are available to reach the highest rooftop is important. However, it seems more reasonable to procure adequate equipment for the fire department to use for the worst cases rather than to constrain the development of the City because the equipment is not available. Again, it may be possible for development fees to be imposed to supplement the required funding for this equipment.

Listening to the discussions in City Planning and City Council Meetings, and reading through the goals and policies of Ordinance 2012-03 and the letters from Port Orford's citizens, it is evident that the City is committed to proper planning and development processes. It is true that property development can create additional strain on already stressed services and infrastructure and city budgets, and can have other negative impacts to neighboring residents or businesses. However, wise development will benefit everyone in the community, including improvement to quality of life/standard of living, better services, and increased property values.

I believe Port Orford's existing height restrictions allow for wise development without limiting creativity in implementing the city's stated goals of "considering main street improvements and town theme concepts aimed at enhancing the image and impact of the City...". I recommend that the existing height restrictions be retained and the proposed modifications to the height restrictions be rejected.

Thank you for your time.

Sincerely,



Mark Dana

**Patty Clark**

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**From:** John O'Shaughnessy <oshaughnessy7@gmail.com>  
**Sent:** Thursday, December 3, 2020 5:24 PM  
**To:** patty@portorford.org  
**Subject:** 30 ft. Height Limits

My wife and I have owned a home in Port Orford for 16 years. We bought our home because of the unique character of our little hamlet. While we support growth in our town, we strongly feel that the height limit for construction should not be over 30 ft. We feel any building over 30 ft. would forever alter the character of Port Orford, and exacerbate our current water problem. Any new construction, especially for structures over 30 ft., would tax our city's infrastructure.

Thank you for your consideration.

Sincerely,

John and Vicki O'Shaughnessy

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PLUS THIS SHOULD BE DONE AFTER WE CAN  
HAVE PUBLIC MEETINGS AGAIN -  
PANDEMIC

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My lot is 20' wide by 100' deep  
AFTER YEARS IVE FOUND THE BEST WAY TO  
CREATE A DWELLING FOR MYSELF AND MY  
BUILDING - A HOUSE WITH 5 FEATURES  
1) THE NATURAL SETTING  
2) MY INTERESTS  
3) MY VIEW  
4) MY NEEDS  
5) MY BUDGET

1/10/2020

I am proud to be a member of the  
WEST COAST

WEST COAST  
WEST COAST

WEST COAST  
WEST COAST

WEST COAST  
WEST COAST

THOSE I AM DESCRIBING ARE...  
THEY ARE...  
I AM BRINGING...  
IN PRACTICE...  
5- PREVIOUS...  
LOTS OR...  
IN FACT...  
DEED RESTRICTIONS...  
BUILT ON SITE...  
PURPOSE...  
DWELLINGS...  
TO PORT...  
EMPLOYMENT...  
AS WELL AS...  
TO ZERO CREATIVITY



November 19, 2020

Dear Port Orford City Council Members:

Steve Lawton outlines in his well-reasoned letter, dated November 3, why adjusting building height in Port Orford is essential. I am writing in support of the proposed planning ordinance which reduces building heights to 25 feet.

Taking this action will align Port Orford with other towns along the Oregon coast. Below are excerpts from several coastal cities' building codes:

Bandon:

"In residential R zones 28 feet in height is permitted. Any height over 28 feet to a limit of 35 feet requires Conditional Use Permit."

Brookings:

"Maximum building structure height. No structure shall be over 30 feet in height, except as provide in BMC ..."

Manzanita:

"The maximum building or structure shall be 28 feet 6 inches. However, if more than half of the roof area has a roof pitch of less than 3 in 12, the building or structure height shall not exceed 24 feet. The height of a stepped or terraced building shall be the maximum height of any segment of the building."

Cannon Beach:

"The maximum building height in the city's residential zones is 28 feet. The maximum building height in the City's RM, residential motel, Zone is 32 feet. The maximum building height in the C1, limited commercial zone is 28 feet."

Gold Beach:

"Except as provided in Section 4.020. in a 2 R zone, no building shall exceed 25 feet." This limit applies to other residential zones. Gold Beach code has a no Shoreline development clause. The code outlines exceptions to the permitted 25 'height limit.

One only needs to drive through these towns to witness communities maintaining economic viability, livability and character while preserving reasonable building heights.

A cautionary tale. In the early 1970's, two unrestricted building projects were completed in Pacific Beach and La Jolla, California. After witnessing the devastating impact on surrounding communities, San Diego voters approved a citizen initiative limiting building heights to 30 feet. Nearly 50 years later, the two projects remain warts on the cities of La Jolla and Pacific Beach and serve as a reminder for the need to reasonably restrict building heights in communities, large and small, before irreversible damage.

I do not advocate Port Orford morph into a Southern California community. Port Orford does not have the infrastructure to support three story buildings. Current City water supply is fragile approaching

critical condition in the summer months. It is stated that fire suppression capability cannot support three story structures. Our local residents are not in a position to absorb the financial impact required to maintain 30' or three-story buildings.

Why support the initiative:

- Inadequate water and infrastructure to support larger structures
- Maintains livability and coastal character
- Current safety service limitations
- Ability to maintain economic viability
- Avoidance of harmful financial impact on residents due to potential increased taxes, insurance rates and public service costs
- A proactive approach to building heights that our city can realistically support
- Aesthetic and architectural integrity is not adversely affected. One might say the measure provides enhancement.
- No adverse effect to affordable housing.
- "No specific expense would be added, and no land base for housing would be reduced." City planner Shoji.

Failure to support this initiative could result in long lasting and unfavorable consequences for our community.

I live in a small home on Garrison Lake. I own another home on .94 acres, unobstructed ocean views, within the MU10 zone. I would benefit financially, if I were to subdivide my property and build multistory structures. I cannot do this in good conscience - lining my pockets at the expense of community well-being is simply unacceptable.

I support the 25' adjustment. I also see the possibility of a 28' compromise with additional review.

Thank you for allowing me to voice my support and concerns. I appreciate the hard work you do to support the betterment of our community.

Sara Lovendahl  
31 Hamlet St  
Port Orford OR

November 19, 2020

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Taking this action will align Port Orford with other towns along the Oregon coast. Below are excerpts from several coastal cities' building codes:

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**Exhibit PPP**

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Thank you for allowing me to voice my support and concerns. I appreciate the hard work you do to support the betterment of our community.

Sara Lovendahl  
31 Hamlet St  
Port Orford OR

December 3, 2020

Dear Mayor and Port Orford City Council members:

First, I want to state I am not anti-growth. However, having lived in three towns where unregulated and poorly considered height limits resulted in long lasting blemishes on the town's landscape, I am dedicated to well-reasoned and sustainable growth. I am writing to support building heights, 28 feet for residential zones/buildings and 30 feet in commercial zones with the elimination of unrestricted height limit zones. I support appropriate exemption for the Port.

I ask you to consider concerns and input from residents who live outside the city limits. The citizens who live in the hills behind the city, i.e. Cedar Terrace, as well as Paradise Point, are a vital part of the Port Orford community.

As I stated in my November 19, 2020 letter (attached), adjusting heights will align Port Orford to other coastal towns. In the towns surveyed the residential heights ranged from 25' to 30', with an average of 28'. In response to those who state that adjusting heights is arbitrary, I offer in review, the towns surveyed addressed adoption of building heights seriously with careful deliberation and in no way acted arbitrarily. The Council's current information gathering and assessment process negates the arbitrary argument.

One cannot stress enough the value in maintaining Port Orford's livability and coastal character. Our Port Orford charm draws tourists as well as long term residents. I cannot count the number of times visitor customers expressed their appreciation for Port Orford as a lovely coastal town, uncrowded and relaxing.

Our current real estate market is quite healthy without three- and four-story buildings. The construction of multistory structures would adversely impact the character of our coastal neighborhoods and businesses, possibly reducing some property values.

Frankly, Port Orford cannot support the demands on water, fire suppression, parking and traffic these structures impose. The ability of our fire department to contain a fire in a structure higher than 25' remained unresolved at the last council meeting.

A failure of infrastructure to support tourism can be disastrous. A study conducted in October 2018 by Institute for Policy Research & Engagement affiliated with the University of Oregon, stated a town's inability to meet the demands of increased tourism results in disappointment and non-returning visitors. The same study revealed most visitors were drawn the north coast by the natural beauty and ocean. I suspect the same applies to the southern coast more specifically Port Orford.

Adjusting heights to 28' and 30' will NOT adversely impact:

- Affordable housing,
- Our ability to maintain economic viability
- Tourism
- Aesthetic and architectural diversity
- Land base for housing.
- Port Orford's unique coastal charm

**Exhibit QQQ**

Supporting heights at 28' will:

- Allow the city to support buildings within safety service limitations
- Avoid harmful financial impact on residents due to potential increased taxes, insurance and public service cost.
- Maintain Port Orford's livability, cultural/historic identity and small-town character. Particularly for those who chose to live in Port Orford year-round.
- Provide investment aligned with community ability and desires.
- Preclude investment focused on financial gain without consideration for community impact.
- Prevent building structures with long lasting and unfavorable consequences.
- Provide the City Council an opportunity to manage growth in a responsible manner.

I will continue to invest in Port Orford with a focus on community well-being. I cannot support the vision of a Vero Beach or a canyon of multistory buildings, some obstructing our spectacular ocean view, altering the dynamics of Port Orford . This simply is not who we are as a community.

For all the reasons listed above, I support a maximum of 28' across all residential zones and consideration for 30' in commercial zones, with an exception for the Port.

I appreciate all the time and energy you give to our lovely city. Thank you for providing me the opportunity to express my concerns and perspective.

Respectfully

Sara Lovendahl  
31 Hamlet St

**Recommendation to City Council**

**From**

**Planning Commission**

**TO: Major and City Council**  
**From: Port Orford Planning Commission**  
**Date: November 12, 2020**  
**Subject: Modify Building Height Restrictions**

It is the recommendation of the Port Orford Planning Commission that the Port Orford City Council does not change the building heights at this time in any of the use zones.

The Commission voted 7-0 in favor of adding under 17.20.050 General exception to building height limitations, stationery boat hoist.

Thirty two people were in attendance to this virtual meeting.

Planning Commission voted 4 to 3 in favor of the motion to not change the building height restrictions of the current ordinance.

**City of Port Orford**  
**City Council Meeting Minutes**  
**In the Gable Chambers / Virtual participants**  
**Thursday, November 19, 2020 at 3:30 P.M.**

<b>Mayor and Council</b>	<b>Present</b>	<b>City Staff</b>	<b>Present</b>
<i>Tim Pogwizd, Mayor</i>	X	<i>Planner Crystal Shoji</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Pat Cox, President</i>	X	<i>David Johnson, Finance</i>	X
<i>Lorin Kessler</i>	X		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		

Media Present:

Others Present: Felix Jaramillo, Linda Tarr, David Smith, Dana Gurnee. See hearing for public testimony.

**1. Call to Order**

Mayor Pogwizd called to order this Regular Meeting of the Common Council on Thursday, November 19, 2020 at 3:33 p.m. The meeting is held via internet connection due to COVID-19 restrictions set in place by the State of Oregon.

**2. Additions to the Agenda:** Council Hearing Decision to follow the hearing.

**3. Presentations to Council/Citizens**

Coast Community Health update: Felix Jaramillo presented the update on services at the new Tichenor site clinic and the Wellness Center. Visual aids are shared. Doctor Lawry, Port Orford physician, is the medical doctor for the Wellness Center two days a week and will move to the new site on Tichenor. Todd Jeter is a new hire for behavior mental health services. Kirsten Aasen is the population health manager. Doug Smith from Modern Systems is the lead engineer project manager that is physically responsible for managing the project. He is in attendance for one month. Paul Kentner, BSN is the clinical on-site manager. In 2019 Coast Community Health Care opened the small clinic that was donated to Coast Community by Umpqua Bank. A grant for substance use disorder provided for interior remodel, and Main Street and Coast Community co-wrote a grant to pay for the exterior of the building.

Coast Community Health recently collaborated with Oregon Health Authority who wrote Coast Community Health into a grant to help provide dental services at the Auburn Center through CCOs such as AllCare and Advanced Health through Advantage Dental. This will likely begin January 1, 2021 with low-level dental services. COVID-19 might interrupt this tentative plan. This facility will remain open until the full-service campus is built on Tichenor.



Three months ago, ground broke at the Tichenor site. The foundation is complete. Modules will be placed on the foundations. There are a total of nine modules, two for the outreach building and seven for the main clinic. These are scheduled to arrive 11/30/2020, 12/02/2020 and 12/07/2020. Coast Community asked the City Council for permission to place the modules around the construction site to avoid school schedules. Chair McHugh expressed concern about fire hazard with the modules placed close to other structure. Doug Lawry advised the first two buildings showing up will be placed directly onto the property. They prefer to place the third one on the south end of the property between the clinic and the school. On December 2, 2020 they plan to bring in the three to be placed on the areas along side of the road that are graveled 20 feet from the building. The other two will be closer to woods and will not be within 20 feet of the church or the Mason's building. The remainder on 12/07/2020 will remain on the truck. Mr. Jaramillo is communicating with Mr. Shapiro regarding modules and his property. Full construction of the clinic is expected by mid-February. Images of the modules at finish are presented.

Coast Community expects to start providing services the second quarter of 2021. The full-service campus on Tichenor will provide services specifically to Port Orford residents. In addition, they are responsible as a federally qualified healthcare center in the north Curry area to provide preventative healthcare services, full pharmacy, that will be open to all coast patients and the community as well. Substance use disorder counseling and support groups will be provided.

**4. Consent Calendar** – Councilor Burns moved to approve the minutes for the council meeting of October 15, 2020 with Councilor LaRoche as second. *Motion carried 5-0.*

Discussion: None.

<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Cox</i>	<u><i>Yes</i></u>
<i>Councilor Garratt</i>	<u><i>Yes</i></u>	<i>Councilor Kessler</i>	<u><i>Yes</i></u>		

**5. Citizen Concerns:**

Dana Gurnee speaks in opposition to the proposed proclamation for School Choice Week. This was presented last year in exactly the same form. At that time councilors and the mayor did not state support. He states, Port Orford depends on its public schools, which are doing fine for the city. He feels the city council should not endorse a proclamation that implies that the public schools are ho-hum choice among a variety of gorgeous options. He states that the City Council should not endorse a proclamation until the local schoolboard has the opportunity to give an opinion. In Mr. Gurnee's opinion, the City Council should read the Face Book page of the backers of this proclamation to discover facts about the group and what their deeper motivations might be. He feels there should be considerations of proclamations only in very rare cases of extreme locality and very special people. He asks that the city eliminate the waste of time and resources.

**PUBLIC HEARING: Building Height In All Zones**

Mayor Pogwizd calls the hearing to order. Councilor Cox declared a potential conflict of interest, because he is employed by the Port or Port Orford, and they are involved in the subject. Conflict of interest does not apply to a legislative hearing since it affects a community as a whole.

**Planning Commission Recommendation:** Planner Shoji presented the staff report and procedural items. Planner Shoji read the recommendation from the Planning Commission: It is the recommendation of the Port Orford Planning Commission that the Port Orford City Council does not change building heights at this time in any of the use zones. The Commission voted 7 to 0 in favor of adding under section 17.20.050 of the municipal code a general exception to building height limitations that would include a stationary boat hoist, so that any changes that are made to the stationary boat hoist can be allowed. The Planning Commission reported that 32 people were in attendance of the virtual meeting of the Planning Commission. The Planning Commission voted 4 to 3 in favor of the motion to not change the building height restrictions in the current ordinance.

Planner Shoji presented the order of the legislative public hearing outline that informs how the hearing has to go.

**Exhibits:**

Planner Shoji presented letters and testimony received in written from members of the public in Port Orford that are in the record. She read the names and exhibits:

Exhibit A: Staff report.

Exhibit B: Letter from Port manager, Pat Cox.

Exhibit C: Letter from the Fair Housing Council, Jean Dahlquist.

Exhibit D: Letter from Steve Lawton.

Exhibit E: How to Determine Building Height.

Exhibit F: Letter from Jeffrey McVannel.

Exhibit G: Letter from Steve Lawton

Exhibit H: Letter from Karen and Jim Weiland

Exhibit I: Letter from Fair Housing council.

Exhibit J: Letter from Dana Family Trust.

Exhibit K: Letter from David Bassett.

Exhibit L: Chart and oral testimony from the Planning Commission hearing that includes names of those that testified.

Exhibit M: Letter from Ann Vileisis.

Exhibit N: Letter from Mr. and Mrs. A. C. Johnson.

Exhibit O: Letter from Jennifer Head on behalf of Lori Prouty and Cheryl Cherise.

Exhibit P: Letter from Sharon Rock.

Exhibit Q: Letter from David McCutcheon.

Exhibit R: Second letter from David McCutcheon.

Exhibit S: Letter from Kathy Bodin submitted by Mayor Pogwizd.

Exhibit T: Letter from the Port Commission of the Port of Port Orford submitted by Pat Cox.

Exhibit U: Letter from Dana Gurnee, dated November 12.

Exhibit V: Letter from Sara Lovendahl

Planner Shoji advised that anyone with written testimony has to let it be recognized at this hearing so it will go into the record. At the end of the meeting the public will be informed as to how many days they will have to submit their written testimony to City Hall.

**Staff Report:**

Findings required prior to approval of the height amendments:

Statewide Planning Goal #9, Economic Development is in the city's Comprehensive Plan.

- Goal 1 is to provide opportunities throughout the city for a variety of economic activities that are important to the health, welfare and prosperity of the citizens the community of Port Orford.
- Goal 2 is to diversify and improve the economy of Port Orford while protecting the natural environment that makes the city a unique and inviting place.
- Policy 3: A) Encourage and support efforts to improve Port facilities, the harbor and fisheries including replacement and maintenance of docks and infrastructure. B) Rebuilding and maintaining the jetty. C) Controlling and mitigating shoaling through dredging or jetty infrastructure. D) Encourage the development of an educational research and tourism facilities.
- Policy 5: Encourage efforts to stimulate the tourism industry.
- Policy 6: Encourage human-scale amenities within commercial areas and adjacent to trails and lookouts to encourage tourism and enhance the city's sense of place.

Findings for above suggested by Planner Shoji: From comments of Port personnel, it appears that the 25-foot height limitation would not encourage efforts to improve port facilities. In addition, the limitation could limit efforts to stimulate the tourism industry by providing opportunities for viewing from observation facilities, if observation facilities are curtailed as previously discussed by the Planning Commission. A definition for observation facilities is included in the proposed amendment. See section 17.20.050 General Exception to Building Height Limitations, which provides a new exception to allow a new stationary boat hoist.

The 25-foot height limitation may not encourage efforts to stimulate the tourism industry if it limits access to views that could be enjoyed by the traveling public in commercial areas of the city. The Planning Commission and the City Council will be asked to consider any limitations that could result from a 25-foot limitation in commercial and marine zones. The proposed 25-foot zoning limitations proposed in the amendments that can encourage enhancing the city's sense of place over time can include providing human-scale amenities that may be unique to Port Orford's small town ambiance.

Statewide Planning Goal 10: Housing.

- City goal 1: Allow for a full range of housing types, locations and densities through planning and zoning. A proposed finding might be, no specific expense would be added

for housing by enacting the 25-foot height limitation. The land-base for housing would not be modified in any way. A full range of housing types and locations and densities through planning and zoning will continue to be available within the City of Port Orford.

Statewide Planning Goal 17: Coastal Shorelands. Provide for water dependent and water related uses and for nondependent nonrelated uses in the city compatible with existing and committed uses. City goal 5: Provide for water oriented uses that provide for enhanced views or access to coastal waters in conjunction with water dependent and water related uses. A proposed finding might be, the selected goals and policies in the city's comprehensive plan addressed above within this staff report may be deemed applicable. To approve the proposed amendments, it is appropriate to have findings to confirm that the proposed amendments are consistent with the goals and policies of the city's comprehensive plan. Areas for consideration are suggested and provided to Council.

Staff recommendation: Go back to the decision points, make findings for height amendments, make one final finding that proposed height amendments are consistent with the language of the Comprehensive Plan.

**Proposals:**

17.04.030, Definitions need reviewed. Below are some proposals by Planning Commission prior to the recommendation to not make building height changes.

- Residential Zone, R1, proposal is to change building height limitations from 35 feet to 25 feet
- Residential Zone, 2R, proposal is for a 25-foot height limitation.
- Commercial Zone, 4C, proposal is to change building height limitation from 45 feet to 25 feet.
- Industrial Zone, 5I, there are currently no restrictions, so proposal would be to add a 25-foot height limitation.
- Controlled Development Zone, 6CD, there are currently no restrictions, so the proposal would be to add a 25-foot height limitation.
- Marine Zone, 7MA, proposal is to change to 25-foot height limitations. Planner's note is that this might cause some problems referring to the stationary boat hoist, etc. The Planning Commission recommended the stationary boat hoist be put into exceptions.
- Public Utilities and Park Zone, 8PF, there are currently no restrictions, so proposal would be to add a 25-foot height limitation. Planner Shoji recommends caution in this zone.
- Shoreland Overlay Zone, 9SO, there are currently no restrictions, so proposal would be to add a 25-foot height limitation.
- Battle Rock Mixed Use Zone, 10MU, currently states any building height to exceed 35 feet should be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review. Proposal is to change 45 feet to a 25-foot height limitation.
- Site Plan Review states no signage shall be displayed on building above 35 feet. Proposal is to change to 25 feet.

- Section 17.20.050, General Exceptions to Building Height limitations, proposal is to add the stationary boat hoist as a general exception.
- Section 17.32.050, Additional Standards Governing Conditional Uses currently includes churches, hospitals, nursing homes, convalescent homes, retirement homes and states they may be built to the height limitations of the zone in which it is located to the maximum height as determined by the State Fire Marshal if the total floor area of the building does not exceed 1.5 times the area of the site and if yard dimensions in each case are equal to at least 2/3 of the height of the principle structure.
- 17.46.080, D, Tsunami Evacuation Structures are currently not subject to the building height limitations of the code.

**Discussion:** Kevin McHugh verified with the fire chief that they can reach heights of 32 feet with their equipment. Planner Shoji advised that most town on the coast have 35 feet in their ordinance.

**Public Testimony:**

Dorothy Dana, trustee for Dana Family Trust: Expressed opposition to the 25-foot building height limitations but can support the 25-foot restriction in residential zones though prefers 35 feet in the business district. She feels the Dana family should not be subject to loss of property value due to reduced property height restrictions. Their commercial property in Port Orford was purchased with the understanding that mixed use height was 45 feet, and 35 feet on commercial properties. The 35-foot height allows flexibility to support business development that benefits job production and profitability while maintaining a deterrent to the high-rise construction. She expressed that reducing the height restriction could negatively impact the fair market value of commercial properties and ability to market those properties to prospective buyers in the future. In summary, Ms. Dana wanted to go on record that they are opposed to the proposed change of height from 35 feet to 25 feet on new construction of commercial property and requests that this proposed change be rejected.

Penny Sues supports changing Port Orford's zoning to achieve a uniform building height of 25 feet across all zones. She feels the city does not at this time have adequate infrastructure, especially water and sewer service and fire fighting capacity to serve the higher population densities that would result from an influx of new multistory buildings. Ms. Sues addressed chapter 17.20.050, General Exceptions to Building Height Limitations. These exempt certain structures that are guaranteed to be taller than any proposed building height. Currently these are allowed in all zones at any height. Ms. Sues feels in all cases structures should be permitted only as conditional uses. Ms. Sues addressed chapter 17.12.060, Marine Activity Zone 7MA, and feels it should be reviewed in light of the Port's development plans and appropriate height limits tailored to suit.

Dana Gurnee believes the city council should amend height restrictions immediately. He believes 25 feet allows a large personal or vacation rental home and seems to be a good number for a water challenged town. He is hoping that after the 25 feet limit is in place the

city council submits to citizens a water bond. If a water bond is supported, it would enable high-rise development, which would provide an immediate increase in property taxes enabling potential developers join long-time residents in financing the transformation of Port Orford.

Ann Vileisis, resident of Port Orford in 10MU zone supports a 30-foot height limit, as discussed in the September meeting, or a lower limit of 28 feet. She is concerned that the city does not have the capacity to fight fires in the 45-foot-tall buildings allowed in the 10MU zones, both in terms of equipment and in terms of fire flow. The Port Orford planning report indicates the pipe sizes in the 10MU zone are inadequate to handle the flow necessary in a fire emergency. Ms. Vileisis feels adopting a 28- or 30-foot height limit is not arbitrary and would bring Port Orford in line with other coastal communities. Ms. Vileisis cherishes the village character of Port Orford and is concerned that too many too tall buildings will make the village feel like a big city. She urges council to move the 25 feet upward to a more reasonable height of 28 or 30 feet and make adjustments in the Marine Zone.

Gary Robertson is in favor of maintaining the small town feel and not having outsized structures in the area. He does not support having the same building height limitation across all zones. There is a different design criterion for the use zones. He reported the reason why many municipalities and counties have adopted a 35-foot height limit is to allow for two-story structures, but not three, and allowing for topography in the area. He reported that people do not realize the other infrastructure that has to go along with ceiling height to make a two-story building. A 25-foot height restriction will be limited to an eight-foot ceiling for a two-story residence on level ground with no slope. A two-story building with 8-foot ceilings, 2-foot crawl space, 12-inch floor joists for each floor with 6/10 roof pitch is over 28 feet. A property with a single story on a steep slope with a roof pitch and allowance for the daylight basement is over 32 feet. That is one reason the 35-foot limitation came into this area. A single slope (shed roof) is twice as high as a standard gable roof, because it does not split in the middle. Commercial construction will need to allow for a 12-foot ceiling for each floor. In commercial structures there is intricate heating, ventilation and cooling. There could be larger ducts, etc. The commercial spaces are designed to be able to adapt to the use they are going to have. Industrial uses might have a need for a 20-foot-tall door. Mr. Robertson stated applying the 25-foot height limit over every zone does not make sense. There are different uses and design criteria for different zones. He is not opposed to limiting a 45-foot-tall building, that is currently allowed as a variance. A condition of the variance could be made to include fire suppression. He is concerned about what will happen to those that have already paid for and developed, plans done, engineering done upon the criteria currently in place.

Sharon Rock, Port Orford property owner and Arizona resident follows up on her email exhibit P. She read the email to council members and those attending the meeting. In the email, she urged the council to limit the building height limitations to 25 feet across all zones. She is concerned that the fire department is not certified to fight fires in buildings three stories or higher. She is concerned that the city's water supply is increasingly being

strained, especially in summer. Bigger buildings have increased water demand. She feels that new real estate development is fundamentally unsustainable. She encourages land use that is easier on the natural environment. Ms. Rock suggested that architects, developers, designers and individuals will adapt to a 25-foot height limit with exceptions addressed.

Sara, resident and property owner, supports the proposed planning ordinance, which reduces the building heights to 25 feet. Sara shares other city building height limitations found during her research. These communities maintain an economic livability and character while preserving reasonable building heights. She is concerned Port Orford does not have the infrastructure to support three-story buildings. She feels that failure to support this initiative could result in long-lasting and unfavorable consequences for the community. Sara supports the 25-foot limitation but also sees the possibility of a compromise since 28 feet is throughout the coastal communities.

Tim Palmer, resident of Port Orford, supports a 28-foot height limitation to buildings. He feels this is an acceptable limitation that would allow for two-story buildings and encroach minimally on real estate plans for future development. Mr. Palmer agrees a height limit is needed to support the city's water and fire infrastructure. He agrees a height limit is needed to maintain the small-town character. He reported most Port Orford buildings are 28 feet or less; however, there may be some nuances and exceptions written into the ordinance. His opinion is that affordable housing will not be affected by a 28-foot limit and limiting the height of buildings will not diminish property values in town, but rather enhance them.

David McCutcheon, resident of Port Orford and property owner heavily invested in Port Orford and decidedly opposes the idea of limiting height limits. If the city is worried about water, he suggested a moratorium on new building until the water problem is solved. If there is a concern about fire department capabilities, place an appropriate reservoir in poor pressure areas or require other fire suppression equipment in buildings. The self-interest of Port Orford citizens is unacceptable to people who want to work in Port Orford and create a working environment. He would like to see Port Orford a viable community that is not just for the money retirees. He reminded that Port Orford is one of the few working communities remaining next to the ocean and would like that encouraged. He feels that people will want to build upward in the future.

Mark Dana feels the existing building height restrictions in place are appropriate for the preservation of economic growth, business opportunity, tourism support, and aesthetics opportunities should not be restricted. He is not in favor of boxy little buildings due to restricted height. He suggested infrastructure concerns should be handled with development fees or other resolutions other than height.

Pam Dana supports the Port Orford Planning Commission opposition to the building height limitation. She appreciates the small-town atmosphere and believes the current building restrictions have not taken away from the small-town charm of Port Orford and for decades

has long allowed for flexibility to support business development and job production and opportunities for profitability while maintaining deterrent to excessive high-rise construction. An arbitrary building height reduction to 25 feet would not serve to create a greater sense of place as proposed in the staff report considerations and would negatively impact future business development. Ms. Dana feels that the reduction would place an inordinate burden on property rights and would cause clear and immeasurable economic harm. She asks that during deliberations the city council look out for the whole community.

Francie MacLeod, Port Orford resident, supports keeping the two-story limit; however, she understands the need to have the 30-foot leeway in terms of construction. She is concerned about fire and water. She supports the character of Port Orford and does not want to see three and four story buildings overlooking the ocean.

Jennifer Head, resident of Port Orford, spoke in support of lowering the allowable building height in all zones to a maximum height of 30 feet. She echoed the points raised by Steve Lawton in his letter to the planning commission. She agrees with Jeff Mc Vannel's comments regarding the 30-foot maximum height to maintain adequate roof pitch as well as those of Pat Cox regarding an exemption for the Port of Port Orford. Using increased vertical height to increase the number of people per unit does not serve to meet the needs of local residents nor increase local affordable housing. It will serve to benefit mostly tourists, part-timers, short-term visitors and investors. Ms. Head is concerned about Port Orford's water and fire infrastructure. The citizens of Port Orford should not bear any further increase in water/sewer rates, as they are already high. She summarizes a 30-foot limit is not arbitrary and is consistent with the limits of other small coastal communities in Oregon. Ms. Head plans to submit a letter in writing to the council.

Pat Cox, Port of Port Orford, presents correspondence signed by the Port Commission president. The letter shared that the Commission for the Port of Port Orford met on November 17, 2020 and discussed the city's proposal to modify building height restrictions within all zones. The proposed change to a 25-foot height restriction would have a negative effect on present and future port operations. The Port of Port Orford does not support the proposed building height amendment to the city's marine activity zone, 7MA, and requests retention of the existing building height limits in chapter 17.12. 060, Marine Activity Zone of the Port Orford municipal code book. The Port is not trying to weigh in on the city's business or show support or opposition of the 25-foot limitation but are just trying to maintain what the Port currently has for functional purposes.

Kevin McHugh spoke as the chair of the Parks Commission addressing the mayor, members of the common council and the staff. He had corrections on information received from staff. City council sent instructions to the planning commission to reduce the building height across all zones and make all zones the same height. The planning commission is therefore required to present their recommendation to allow the city council to decide whether it is a good idea or not. He is a citizen of the Port Orford urban growth boundary. Kevin McHugh



does not personally support the 25-foot building height limitation across all zones. He believes they should allow 27-foot building heights for all residential buildings and 30-foot building heights for all commercial structures. All zoning allows single family or multifamily residential structures within the zones, thus he suggests height limitations per zone will not be effective, but height limitations per residential structures and height limitation per commercial structures would be effective. He gave a height example of the utility pole in front of Dana's Trading Post is 35 feet high. The utility pole in front of the Wooden Nickle is 30 feet high and the Wooden Nickle is 31 feet. Kevin McHugh respectfully requested the council make some changes to the building height restrictions and suggested it is not the city's job to maximize the value of property. Kevin McHugh reminded that the Planning Commission voted unanimously to remove the word dome from exceptions to the building height limitations.

Legal Counsel Kudlac instructed council where to find the Planning Council recommendation in their packet so they can understand the difference between the Planning Commission's recommendation and the speaker's testimony.

Steve Lawton, resident of Port Orford, clarified that his testimony is not about protecting his property view. Mr. Lawton supports a 35-foot limit with the Port being exempt. He is more concerned with the future of the small residential coastal community than he is with the height of the building. He would like to find a balance between protecting the character of the close-knit friendly town and maximizing the financial gains of investors and developers. A 3 and 4 story tall building would be too large and damage the characters of the community. Water, sewage and off-street parking would be adversely affected. If 3 and 4 story buildings are allowed real estate will go up in value, because it will generate a greater return for investors, thus adversely affecting affordable housing.

Representative David Brock Smith, resident of Port Orford, is a third-generation citizen of Port Orford and former member of city council, former chamber president of the City of Port Orford, former member of the Port Orford schoolboard and former Curry County Commissioner. He is currently the representative for house district 1 and is chair of the Oregon Legislative bi-cameral bi-partisan Coastal Caucus. He appreciates hearing today's testimony. He suggested the council look at the testimony by Mr. Bassett who has been a long-time building inspector. He addressed the testimony about other communities and stresses that Port Orford is unique geographically. He addressed the testimony about Port Orford's water system and reminded that there is not a water or sewer moratorium currently. He suggested that when there are larger developments for construction there are building codes that must be adhered to, such as fire suppression systems that are not volume using hoses, but smaller systems that reserve water. He addressed fire department capabilities and stated that the fire departments is capable and has been capable of fighting fire within the community and continues to do so. He addressed investors and reminded council of the Work Force Housing legislation that he passed in the 2017 session that allows multi-family housing to be built. As long as the multi-family housing units are renting at 120 percent or below

median income the owner can get a tax incentive. This could provide work-force housing for the community of Port Orford, that is desperately needed. Many of Port Orford rentals have been moved to vacation rentals. He adamantly disagrees with those that have stated building height limitation will not affect work-force housing. Port Orford is limited in area that is buildable. In order to build multi-family housing, Port Orford will have to build up. The height limitation of 35 feet will be needed to accommodate this multi-family housing. It costs less to build those units than it does to build multiple lower units. Representative David Brock Smith urges and respectfully requests the council to not limit development. Water and sewer services in Port Orford are limited due to the fact that there is a finite number of people to pay for the system. In order to lower the rates, there must be more people contributing to the cost of the system, and those more people are in the form of developmental houses and multifamily structures that are connected to the service to be used.

Court Boice with roots in Port Orford compliments the tremendous testimony. He addressed fire risk, health risk of an aging community with aging population and the important issue of housing. Port Orford has a restriction in buildable land. Mr. Boice agrees with middle class housing managed progression, which combats poverty. He speaks on Port Orford's water issues. No communities in Curry County really have a solid water foundation. Mr. Boice has four years in his term and will make it his interest to see to what extent he can contribute and work with the cities to identify ways to move forward with the water system issues. Water issues are not limited to Port Orford but are across the state of Oregon now and in the future.

Mayor Pogwizd suggested a deadline to receive written testimony. Additional testimony received will be included in the next packet. By consensus, city councilors agree to close public testimony December 3, 2020. By consensus, city councilors agree to continue deliberation at the regular session January 21, 2021 at 3:30 PM. A motion will be needed to open discussion. A decision is not required at the next meeting.

## 6. Departmental Reports:

**Watershed:** Linda Tarr corrected that Lone Rock is willing to work with the watershed on a conservation easement around the tributary streams. She thinks that if Lone Rock purchases the property their intention is to hold onto it. She spoke on the Wilson property Development. Sean Stevens from Business Oregon has more information about possible funding for this, but he was not ready for the special meeting. He would like a conference call with David Johnson and CA Richards and Ms. Tarr on the 30<sup>th</sup>. Hopefully a special meeting can be held after the 30<sup>th</sup> regarding the Wilson parcel. The broker for the property has been contacted. They are doing a "quiet sale," which is not opened to the public. They tend to offer the property to other timber companies. They have not closed or accepted any offer at this time. It is still a viable possibility that the city could work towards becoming the owner of that property. The city will have to work quickly. The Wilson Company wants to sell the property within two months. Mayor Pogwizd suggested Ms. Tarr discuss the purchase of the property with David Johnson. Ms. Tarr reported there is a willing partner in the conservation fund that are willing to be a bridge buyer, in that they would make an offer

to the Wilson Company to purchase the property and require the City of Port Orford's council commit to partnering with the conservation fund. Legal Council Kudlac expressed her concern of putting the city on the hook to find funding that they are not able to find. She asks about setbacks. Stacy (sp?) clarifies there are 50 feet setbacks in the 700 feet closest to the reservoir but beyond that it narrows significantly. Linda Tarr will send an email to councilors to clarify details. Linda Tarr request a conference call with David Johnson and Jacquie Fern from DEQ. Ms. Tarr recommended the city hire a professional grant writer to work David Johnson. Money might be available from water source protection and other nonprofits that might help fund a grant writer and legal fees. David McCutcheon advised of Dana Hitch from State Lands who works in wetlands litigation who is a possible source of funding.

Ms. Tarr reported on the Oregon Health Authority grant for planning for fire prevention and some treatment of gorse on the Sorenson property. Business Oregon gave approval and now it is in the hands of OHA to approve the changes.

**Financial Director:** None.

**Liaison:** Councilor Cox reported the new project manager at the Port is working with staff. Last month, funding was delayed due to COVID, but it is still earmarked for the Port.

Councilor Garratt spoke regarding the fireboard on some issues progressing with negotiation with the renewal of the contract. Councilor Garratt recommends two council members should be appointed to be involved in the negotiation proceedings excluding himself. The fireboard has expressed that they would like to be negotiating with councilors rather than just the finance director.

## **7. Old Business:**

- a. Community Center Request for Annual Christmas Dinner: The Community Center is currently closed due to COVID-19 guidelines. A safety plan was requested from the requestor, but they have not replied. By consensus, councilors deny the use of the Community Center for the annual Christmas dinner due to governor mandates.

## **8. New Business:**

- a. Proclamation – School Choice Week: Dies for lack of a motion.

## **9. Considerations**

### **a. Citizen**

David Smith expresses his appreciation for city council efforts.

Dave encouraged the city implement an ordinance regarding tree removal during property development. Trees are a wind break in a town with a lot of wind. Clear cutting affects people down wind. Trees are also aesthetic.

**b. Staff**

None.

**c. Councilor**

None.

**d. Mayor**

Mayor Pogwizd addressed the December regular meeting of the common council. Due to holiday schedules, Mayor Pogwizd offered cancelling the December meeting. By consensus, council members agree to cancel the December meeting of the common council. David Johnson advised that the audit will need approved before the end of the year. He will file an extension. If the extension is not approved, he will request a special meeting.

**11. Future Meetings:**

Thursday, January 21, 2020 Regular Meeting of the Common Council at 3:30 p.m.

**12. Adjourned**

There being no further business, Mayor Pogwizd adjourned the meeting at 7:03 p.m.

Attest:

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

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

FINANCIAL REPORT  
January 8, 2021

For the month of December, the total revenue and expenditures for all funds was \$165,535.46 and \$205,343.25 respectively. Following is a more detailed narrative of the activity per fund.

General Fund:

The General fund received \$39,938.39 in revenue of which \$5,451.04 was from property tax receipts, \$17,573.50 from citations, \$105.52 from the State Cigarette Tax, \$3,670.41 from State Liquor Tax, \$3,003.00 in planning fees, \$223.20 interest, \$9,284.37 in capital investment return from Coos Curry Electric Coop, \$307.50 in impound fees, and \$320.00 in court administrative fees. For the month of December, the General Fund disbursed \$65,413.58 of which \$14,094.42 was for wages, \$8,134.40 in citation assessments and reimbursements, \$135.25 for transcriptionist fees, \$242.26 for custodial services, \$1,200.00 for legal services, \$2,676.96 for our contract planner, \$115.00 legal fees for a disputed planning decision, \$536.68 for office supplies, \$300.00 for the municipal judge, \$145.15 in bank fees, \$818.92 for electricity, \$142.42 payment for the copier lease, \$275.02 for computer services, \$1.83 for maintenance to City Hall, \$71.07 in custodial supplies, \$86.00 for a lien release, \$312.22 for telephone service, \$35,776.00 for the annual Fire contract payment, \$250.00 to file the Audit with the Secretary of State, and \$99.98 for internet service.

Parks:

Parks received \$1,623.88 in revenue which consists of \$923.95 for the third quarter TLT receipts, \$600.00 for rental of the Visitor Center, \$44.47 for electricity reimbursement, and \$55.46 in interest. For the month of December, \$8,226.19 was disbursed for Parks of which \$4,985.21 was for payroll, \$86.61 for fuel, \$412.08 for electricity, \$28.03 for telephone service, \$33.79 for transcriptionist fees, \$294.07 for maintenance at Battle Rock, \$81.69 for maintenance at the A-Frame, \$35.55 for maintenance at the Community Building, \$202.90 for maintenance at Buffington Park, \$106.60 for maintenance at the American Legion Hall, \$151.92 for maintenance at the 12<sup>th</sup> ST Boat Ramp, \$500.00 for a grant writer to write a grant with Oregon Marine Board for the Pinehurst Kayak launch, and \$1,307.74 for custodial services.

Public Safety:

\$45,535.93 was disbursed for the Police Department of which \$40,123.47 was for payroll, \$17.38 for office supplies, \$862.43 for fuel, \$16.60 for postage, \$1,176.21 for training, \$82.13 for vehicle maintenance, \$50.00 for Kings online, \$2,750 for the Justice System, and \$457.71 for telephone service. Public Safety received \$5,919.70 in revenue of which \$4,330.06 was from property tax receipts, \$113.00 for insurance reports, \$20.00 for burn permits, \$323.46 from the Oregon DUII Grant, \$994.75 for the sale of firearms, and \$138.43 in interest.

Water Enterprise:

The Water Department received \$42,500.53 in revenue of which \$41,097.74 was from the November utility billing of which \$4,382.19 is designated to be set aside for Water Capital Reserves, \$1,338.00 for one new service, and \$64.79 in interest. The Water Enterprise Fund paid out \$39,775.67 of which \$28,092.61 was for payroll, \$470.93 for telephone services, \$139.97 for fuel, \$300.88 for bank merchant fees, \$79.99 for internet service, \$8.09 for office supplies, \$949.06 for solar salt and super floc, \$2,963.62 for electricity, \$500.00 for contract services, \$2,934.99 for maintenance of pump stations, \$282.33 lease payment, \$285.00 for training, \$663.20 for vehicle maintenance, \$450.00 for testing, and \$1,655.00 for work on the new contact tank.

Water Capital Reserves:

The Water Capital Reserve Fund received \$123.24 in interest. The Water Capital Reserve Fund balance is now \$209,729.57.

Sewer Enterprise:

The Sewer Enterprise Fund received \$53,293.47 in cash receipts which consists of \$207.68 in interest, \$772.00 for one new services, and \$52,313.79 was from the November utility billing of which \$4,449.46 is designated to be set aside for Sewer Capital Reserve. The Sewer Enterprise fund outflow for December was \$35,812.35 of which \$21,146.27 was for payroll, \$300.87 in merchant fees, \$2,502.70 for electricity, \$270.59 for telephone service, \$136.23 for fuel, \$282.33 for lease payment, \$1,326.42 for vehicle maintenance, \$315.30 for minor equipment, \$3.28 for office supplies, \$1,707.19 for lab supplies, \$617.50 to have our outfall permit renewed, \$127.50 for work on the grit disposal system, \$6,965.85 for maintenance of lift stations, and \$110.32 for internet service.

Sewer Capital Reserves:

The Sewer Capital Reserves received \$118.11 in interest. The Sewer Capital Reserve Fund balance is now \$201,009.60.

Street Fund:

For December the Street Fund received \$7,376.99 of which \$7,277.24 was from the State Highway tax, and \$99.75 in interest. \$7,094.81 was disbursed for Streets, of which \$5,957.05 was for wages, \$107.00 for the port-a-potty, \$120.94 for fuel, \$93.82 for electricity, and \$816.00 for work on paving of the Ocean View street.

Streets Capital Improvement Fund

The Streets Capital Improvement Fund received \$2.55 in interest and the new balance is now \$4,332.18.

Equipment Replacement Fund:

The Equipment Replacement Fund received \$47.70 in interest. The balance of the Equipment Replacement Fund is \$82,838.08.

Water and Sewer SDC:

The Water SDC Fund received \$257.96 in interest and \$9,096.00 for one new hookup. The Sewer SDC Fund received \$176.79 in interest and \$5,060.00 for one new hookups. The balances of the SDC funds are as follows:

Water SDC	\$448,096.58
Sewer SDC Reimbursement	\$276,891.97
Sewer SDC Improvement	\$ 29,066.01

David Johnson



City of Port Orford

Detail Report
Account Detail
Date Range: 07/01/2020 - 12/31/2020

Table with columns: Account, Fund: 030 - WATER ENTERPRISE FUND, Post Date, Packet Number, Source Transaction, Description, Vendor, Beginning Balance, Total Activity, Total Debits, Total Credits, Ending Balance. Includes sub-totals for Project Account and Credits Running Balance.

Detail Report

Account

030-00-44109

Date Range: 07/01/2020 - 12/31/2020

Beginning Balance 0.00

Name Desingnated for Reserves - Continued

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
12/07/2020	UBPKT01474	Utility Adj. Bill Other	Utility Adj. Bill Other Packet UBPKT01474			14.74		-28,074.64
12/08/2020	UBPKT01476	Utility Adj. Bill Other	Utility Adj. Bill Other Packet UBPKT01476			11.81		-28,062.83
12/09/2020	UBPKT01477	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			6.64		-28,056.19
12/09/2020	UBPKT01478	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			6.89		-28,049.30
12/11/2020	UBPKT01479	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01479				0.34	-28,049.64
12/17/2020	UBPKT01487	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01487				15.92	-28,065.56
12/21/2020	UBPKT01490	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			15.02		-28,050.54
12/29/2020	UBPKT01493	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01				22.72	-28,073.26

Total Fund: 030 - WATER ENTERPRISE FUND: 0.00 -28,073.26 327.96 28,401.22 -28,073.26



Account **035-00-44115** Designated for Reserves

Post Date	Packet Number	Source Transaction	Description	Vendor	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
07/01/2020	UBPKT01373	Utility Regular Bill Pa	Utility Regular Bill Packet UBPKT01373		0.00	-26,916.90	292.42	27,209.32	-26,916.90
07/08/2020	UBPKT01379	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01379					2,896.25	-2,896.25
07/08/2020	UBPKT01381	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01381					0.27	-2,896.52
08/03/2020	UBPKT01388	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01388					0.80	-2,897.32
08/03/2020	UBPKT01390	Utility Regular Bill Pa	Utility Regular Bill Packet UBPKT01390					17.27	-2,914.59
08/10/2020	UBPKT01393	Utility Adj. Bill Other	Utility Adj. Bill Other Packet UBPKT01393			100.00		5,237.87	-8,152.46
08/11/2020	UBPKT01394	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			7.50			-8,052.46
08/11/2020	UBPKT01395	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			26.59			-8,044.96
08/12/2020	UBPKT01398	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01398					0.10	-8,018.47
08/26/2020	UBPKT01400	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01400					4.65	-8,023.12
08/31/2020	UBPKT01402	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			1.32			-8,021.80
09/01/2020	UBPKT01404	Utility Regular Bill Pa	Utility Regular Bill Packet UBPKT01404					5,113.24	-13,135.04
09/11/2020	UBPKT01408	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01408					5.99	-13,141.03
09/15/2020	UBPKT01410	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			34.21			-13,106.82
09/22/2020	UBPKT01416	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01416					6.08	-13,112.90
09/29/2020	UBPKT01419	Utility Adj. Bill Other	Utility Adj. Bill Other Packet UBPKT01419			5.89			-13,107.01
09/30/2020	UBPKT01425	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			0.40			-13,106.61
09/30/2020	UBPKT01426	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			3.29			-13,103.32
09/30/2020	UBPKT01428	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01428					8.93	-13,112.25
10/01/2020	UBPKT01431	Utility Regular Bill Pa	Utility Regular Bill Packet UBPKT01431					5,027.69	-18,139.94
10/08/2020	UBPKT01434	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01					10.42	-18,150.36
10/15/2020	UBPKT01436	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01436					5.91	-18,156.27
10/15/2020	UBPKT01437	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01					10.42	-18,166.69
10/16/2020	UBPKT01439	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			9.42			-18,157.27
10/28/2020	UBPKT01441	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01441					28.80	-18,186.07
10/28/2020	UBPKT01443	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01443					8.79	-18,194.86
10/30/2020	UBPKT01447	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			19.95			-18,174.91
11/02/2020	UBPKT01449	Utility Regular Bill Pa	Utility Regular Bill Packet UBPKT01449					4,295.41	-22,470.32
11/23/2020	UBPKT01457	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			8.41			-22,461.91
11/25/2020	UBPKT01460	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01460					8.53	-22,470.44
11/30/2020	UBPKT01463	Utility Adj. Bill Other	Utility Adj. Bill Other Packet UBPKT01463			3.00			-22,467.44
11/30/2020	GLPKT09515	JN06338	To Correct UBPKT01447 an Post Deposit to			19.95		19.95	-22,487.39
11/30/2020	GLPKT09556	JN06338R	To Correct UBPKT01447 an Post Deposit to			19.95		13.63	-22,467.44
12/02/2020	UBPKT01467	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01467					4,376.20	-22,481.07
12/03/2020	UBPKT01469	Utility Regular Bill Pa	Utility Regular Bill Packet UBPKT01469						-26,857.27
12/07/2020	UBPKT01474	Utility Adj. Bill Other	Utility Adj. Bill Other Packet UBPKT01474			9.83			-26,847.44
12/08/2020	UBPKT01476	Utility Adj. Bill Other	Utility Adj. Bill Other Packet UBPKT01476			8.00			-26,839.44
12/09/2020	UBPKT01477	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			9.12			-26,830.32
12/09/2020	UBPKT01478	Miscellaneous Adjust	Miscellaneous Adjustment Packet UBPKT01			9.41			-26,820.91
12/11/2020	UBPKT01479	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01479					0.29	-26,821.20
12/17/2020	UBPKT01487	Utility Disconnect Bill	Utility Disconnect Bill Packet UBPKT01487					13.73	-26,834.93

Detail Report

Account

035-00-44115

Date Range: 07/01/2020 - 12/31/2020

Beginning Balance 0.00  
 Total Activity -26,916.90  
 Total Debits 292.42  
 Total Credits 27,209.32  
 Ending Balance -26,916.90

Designated for Reserves - Continued

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
12/21/2020	UBPKT01490	Miscellaneous Adjust	Miscellaneous Adjustment Packet	UBPKT01		16.13		-26,818.80
12/29/2020	UBPKT01493	Miscellaneous Adjust	Miscellaneous Adjustment Packet	UBPKT01			98.10	-26,916.90
<b>Total Fund: 035 - SEWER ENTERPRISE FUND:</b>						<b>292.42</b>	<b>27,209.32</b>	<b>-26,916.90</b>

Grand Totals:

0.00      -54,990.16      620.38      55,610.54      -54,990.16



# Bank Transaction Report

City of Port Orford

## Transaction Detail

Issued Date Range: 12/01/2020 - 12/31/2020

Issued	Number	Description	Amount
<b>Bank Draft</b>			
12/04/2020	<a href="#">DFT0005903</a>	AsiFlex	41.66
12/04/2020	<a href="#">DFT0005904</a>	VOYA - Oregon Savings Growth Plan	307.50
12/04/2020	<a href="#">DFT0005905</a>	PERS	329.34
12/04/2020	<a href="#">DFT0005906</a>	PERS	820.79
12/04/2020	<a href="#">DFT0005907</a>	PERS	1,571.62
12/04/2020	<a href="#">DFT0005908</a>	PERS	1,264.27
12/04/2020	<a href="#">DFT0005909</a>	PERS	559.32
12/04/2020	<a href="#">DFT0005910</a>	PERS	2,438.61
12/04/2020	<a href="#">DFT0005911</a>	Oregon Dept of Revenue	28.67
12/04/2020	<a href="#">DFT0005912</a>	Oregon Dept of Revenue	19.88
12/04/2020	<a href="#">DFT0005913</a>	Rogue Credit Union	840.50
12/04/2020	<a href="#">DFT0005914</a>	Oregon Dept of Revenue	1,943.72
12/04/2020	<a href="#">DFT0005915</a>	Rogue Credit Union	2,330.81
12/04/2020	<a href="#">DFT0005916</a>	Rogue Credit Union	3,593.82
12/18/2020	<a href="#">DFT0005918</a>	AsiFlex	41.82
12/18/2020	<a href="#">DFT0005919</a>	VOYA - Oregon Savings Growth Plan	307.50
12/18/2020	<a href="#">DFT0005920</a>	PERS	329.34
12/18/2020	<a href="#">DFT0005921</a>	PERS	828.64
12/18/2020	<a href="#">DFT0005922</a>	PERS	1,548.98
12/18/2020	<a href="#">DFT0005923</a>	PERS	1,150.48
12/18/2020	<a href="#">DFT0005924</a>	PERS	680.57
12/18/2020	<a href="#">DFT0005925</a>	PERS	2,403.47
12/18/2020	<a href="#">DFT0005926</a>	Oregon Dept of Revenue	27.71
12/18/2020	<a href="#">DFT0005927</a>	Oregon Dept of Revenue	21.52
12/18/2020	<a href="#">DFT0005928</a>	Rogue Credit Union	812.88
12/18/2020	<a href="#">DFT0005929</a>	Oregon Dept of Revenue	1,857.53
12/18/2020	<a href="#">DFT0005930</a>	Rogue Credit Union	2,181.57
12/18/2020	<a href="#">DFT0005931</a>	Rogue Credit Union	3,475.74
12/18/2020	<a href="#">DFT0005932</a>	U.S. Bank Equipment Finance	142.42
12/31/2020	<a href="#">DFT0005933</a>	VOYA - Oregon Savings Growth Plan	50.00
12/31/2020	<a href="#">DFT0005934</a>	PERS	436.67
12/31/2020	<a href="#">DFT0005935</a>	PERS	156.05
12/31/2020	<a href="#">DFT0005936</a>	PERS	242.13
12/31/2020	<a href="#">DFT0005937</a>	Oregon Dept of Revenue	2.50
12/31/2020	<a href="#">DFT0005938</a>	Oregon Dept of Revenue	1.90
12/31/2020	<a href="#">DFT0005939</a>	Rogue Credit Union	73.92
12/31/2020	<a href="#">DFT0005940</a>	Oregon Dept of Revenue	161.12
12/31/2020	<a href="#">DFT0005941</a>	Rogue Credit Union	223.93
12/31/2020	<a href="#">DFT0005942</a>	Rogue Credit Union	316.08
<b>Total Drafts</b>			<b>33,564.98</b>

Issued Check	Number	Description	Amount
12/02/2020	<a href="#">15486</a>	Law Offices of Frederick J Carleton	1,200.00
12/02/2020	<a href="#">15487</a>	Perry, Andrew	436.26
12/03/2020	<a href="#">15488</a>	PARC Resources, LLC	500.00
12/04/2020	<a href="#">15489</a>	CIS-Health Insurance	13,871.25
12/04/2020	<a href="#">15490</a>	Void Check	0.00
12/04/2020	<a href="#">15491</a>	Void Check	0.00
12/04/2020	<a href="#">15492</a>	Void Check	0.00
12/04/2020	<a href="#">15493</a>	Teamsters Local U. #206	239.50
12/09/2020	<a href="#">15494</a>	Carson Oil Company	77.09
12/09/2020	<a href="#">15495</a>	CASH IN OFFICE	16.60
12/09/2020	<a href="#">15496</a>	Coos-Curry Electric Co-op	5,915.24
12/09/2020	<a href="#">15497</a>	Void Check	0.00
12/09/2020	<a href="#">15498</a>	Curry County Clerk	86.00
12/09/2020	<a href="#">15499</a>	Curry County Treasurer	720.80
12/09/2020	<a href="#">15500</a>	Gold Beach Lumber	199.78
12/09/2020	<a href="#">15501</a>	NOR-PAC Powers Systems, LLC.	1,989.62
12/09/2020	<a href="#">15502</a>	Office Depot, Inc.	23.23
12/09/2020	<a href="#">15503</a>	One Call Concepts, Inc.	4.80
12/09/2020	<a href="#">15504</a>	Oregon Dept of Revenue CFA	2,650.00
12/09/2020	<a href="#">15505</a>	Quadient Leasing USA, Inc.	564.66
12/09/2020	<a href="#">15506</a>	Rogue Credit Union-Visa	270.02
12/09/2020	<a href="#">15507</a>	Shoji Planning, LLC	2,676.96
12/09/2020	<a href="#">15508</a>	TransUnion Risk and Alternative Data Solutions, Inc	50.00
12/09/2020	<a href="#">15509</a>	U. S. Cellular	345.13
12/11/2020	<a href="#">15510</a>	Allstream	131.75
12/11/2020	<a href="#">15511</a>	AT&T Mobility	295.62
12/11/2020	<a href="#">15512</a>	Charter Communications	300.29
12/11/2020	<a href="#">15513</a>	Civil West Engineering Services, Inc.	816.00
12/11/2020	<a href="#">15514</a>	CMI Software Corp	2,750.00
12/11/2020	<a href="#">15515</a>	Coastal Paper & Supply, Inc.	770.65
12/11/2020	<a href="#">15516</a>	Void Check	0.00
12/11/2020	<a href="#">15517</a>	Void Check	0.00
12/11/2020	<a href="#">15518</a>	Coos-Curry Supply, Inc.	295.35
12/11/2020	<a href="#">15519</a>	Golders NAPA Auto Parts	311.01
12/11/2020	<a href="#">15520</a>	IDEXX Distribution, Inc. US Reference Info.	1,707.19
12/11/2020	<a href="#">15521</a>	McCowan Clinical Laboratory, Inc.	370.00
12/11/2020	<a href="#">15522</a>	ODOT Fuel Sales	1,269.09
12/11/2020	<a href="#">15523</a>	Office Depot, Inc.	122.07
12/11/2020	<a href="#">15524</a>	Pacific Office Automation	198.54
12/11/2020	<a href="#">15525</a>	Port Orford Rural Fire District	35,776.00
12/11/2020	<a href="#">15526</a>	Rogue Credit Union-Visa	563.40
12/11/2020	<a href="#">15527</a>	Roto Rooter, A Waste Connection Co.	1,097.00
12/11/2020	<a href="#">15528</a>	South Coast Septic	5,915.00
12/11/2020	<a href="#">15529</a>	Vend West Services	34.75
12/11/2020	<a href="#">15530</a>	Ziplay Fiber	98.60
12/17/2020	<a href="#">15531</a>	Coastal Paper & Supply, Inc.	76.04
12/17/2020	<a href="#">15532</a>	Kimberly Devane	275.00
12/17/2020	<a href="#">15533</a>	Law Offices of Frederick J Carleton	115.00



Issued	Number	Description	Amount
12/17/2020	<a href="#">15534</a>	McCowan Clinical Laboratory, Inc.	80.00
12/17/2020	<a href="#">15535</a>	Oregon Association Chiefs of Police	75.00
12/17/2020	<a href="#">15536</a>	Rogue Protection Group	650.00
12/17/2020	<a href="#">15537</a>	Shinae Kim	53.00
12/17/2020	<a href="#">15538</a>	Sylvia Kahn	53.00
12/17/2020	<a href="#">15539</a>	Tanay Deshmukh	53.00
12/18/2020	<a href="#">15540</a>	CIS-Health Insurance	12,460.58
12/18/2020	<a href="#">15541</a>	Void Check	0.00
12/18/2020	<a href="#">15542</a>	Void Check	0.00
12/18/2020	<a href="#">15543</a>	Void Check	0.00
12/18/2020	<a href="#">15544</a>	Teamsters Local U. #206	239.50
12/18/2020	<a href="#">15545</a>	Aryanfard, Arjang	14.95
12/18/2020	<a href="#">15546</a>	Billeter Marine, LLC	2,895.00
12/18/2020	<a href="#">15547</a>	Charter Communications	99.98
12/18/2020	<a href="#">15548</a>	CIS-Worker's Comp	7,486.13
12/18/2020	<a href="#">15549</a>	Coos-Curry Electric Co-op	875.90
12/18/2020	<a href="#">15550</a>	Void Check	0.00
12/18/2020	<a href="#">15551</a>	OAWU	285.00
12/18/2020	<a href="#">15552</a>	The Dyer Partnership Engineers & Planners, Inc.	2,400.00
12/18/2020	<a href="#">15553</a>	UNIVAR USA, Inc.	658.00
12/31/2020	<a href="#">15554</a>	Law Offices of Frederick J Carleton	1,200.00
12/31/2020	<a href="#">15555</a>	AccuScript Transcription and Typing Services	169.04
12/31/2020	<a href="#">15556</a>	Bullfrog Enterprises	182.04
12/31/2020	<a href="#">15557</a>	Curry County Road Department	82.13
12/31/2020	<a href="#">15558</a>	Curry County Treasurer	829.60
12/31/2020	<a href="#">15559</a>	Oregon Dept of Revenue CFA	3,500.00
12/31/2020	<a href="#">15560</a>	Secretary of State	250.00
12/31/2020	<a href="#">3051</a>	Hobart, Hank L	1,898.39
<b>Total Checks</b>			<b>121,615.53</b>
<b>EFT</b>			
12/03/2020	<a href="#">60</a>	Gary Milliman	300.00
12/03/2020	<a href="#">61</a>	Gregory T. Ryder	1,550.00
12/03/2020	<a href="#">62</a>	Terrusa, David R	500.00
12/04/2020	<a href="#">DFT0005902</a>	Payroll EFT	21,861.14
12/18/2020	<a href="#">DFT0005917</a>	Payroll EFT	21,225.61
12/31/2020	<a href="#">63</a>	Gary Milliman	300.00
12/31/2020	<a href="#">64</a>	Gregory T. Ryder	1,550.00
12/31/2020	<a href="#">65</a>	Terrusa, David R	500.00
<b>Total EFT</b>			<b>47,786.75</b>

CITY OF PORT ORFORD PLANNING COMMISSION  
MINUTES OF MEETING

Tuesday, November 10, 2020, 3:30 p.m.

Regular Meeting  
Virtually held  
555 W. 20<sup>th</sup> Street  
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission Tuesday, November 10, 2020 at 3:33 p.m.

Those members present were: Chair McHugh, Commissioner Stetson, Commissioner Leonard, Commissioner Nieraeth, Commissioner Jezuit, Commissioner Schofield, Commissioner Berndt.

City staff present were ~~CA Richards~~, Planner Crystal Shoji, Legal Counsel Kudlac and Planning Assistant Patty Clark.

Others present were Erin Kessler, Jeff Bodner, Sharon Rock, Dana Gurnee, Steve Cameron, Erin, Alan J, Dorothy Dana, Mark Dana, Mike DuBose, Mickey Walker, Steve Lawton, Tom Calvanese, Jeff Bodner.

2. Additions to the Agenda: None.

3. Approval of Agenda:

**Commissioner McHugh moved to approve the agenda for the meeting of November 10, 2020 as written with Commissioner Berndt as second. All approved the motion.**

4. Approval of Minutes:

**Commissioner Stetson made the motion to approve the minutes as written of Port Orford Planning Commission special session dated September 29, 2020 and the October 13, 2020 regular session with Commissioner Berndt as second. All approved the motion.**

5. Comments from the Public: None.

6. **Public Hearing: Building Height in All Zones:** Guidelines are reviewed by Chair McHugh.

A. Staff Report: City Planner Shoji presented the staff report.

Planner Shoji asked for introductions, which were made. The staff report presents what needs determined to make the ordinance change.

Finding: Requirements of the municipal code as to processes and why the city is able to change the ordinance. Finding is that the city has not had any changes for a long time. The City Council initiated this change feeling it would be useful to change the heights, which begins the process of the change going to the Planning Commission and back to the City Council.

Criteria addressing the statewide planning goals through the Port Orford adopted goal language. Findings will not adversely affect goals and criteria.

- Goal 1: Economic Development: Provide opportunities throughout the city for a variety of economic activities related to health, welfare, and prosperity of the citizens in the community of Port Orford.
- Goal 2: Diversify and improve the economy of Port Orford by protecting the natural environment that makes the city a unique and inviting place.
  - City policy to encourage and support efforts to improve Port facilities, harbor and fisheries including replacement and maintenance of docks and infrastructure, rebuilding and maintaining the jetty, controlling and mitigating shoaling, etc.
  - Encouraging the development of research and tourism facilities.
- Goal 3: Encourage efforts to stimulate the tourism industry.
- Goal 4: Encourage human scale amenities within commercial areas and adjacent to trails and lookouts, to encourage tourism and enhance the city's sense of place.

Relevant findings, presented by Planner Shoji:

- Statewide Planning Goal for Housing: City's goal is to allow a full range of housing types, locations, and densities through planning and zoning. Finding is, this change is not affecting this statewide planning goal; however, the planning commission might find different with hearing input from citizens.
- Statewide Planning Goal for Coastal Shorelines: Required to provide for water dependent and water related uses. This is a major part of Port Orford's economy. Provide for nondependent and nonrelated uses in the city compatible with existing or committed uses. Provide for water oriented uses that have enhanced views or access to coastal waters in conjunction with water dependent and water related uses. Proposed findings are provided by Planner Shoji, which the planning may or may choose not to adopt.
- Planner Shoji left detailed findings up to the Planning Commission. Suggestions are provided.

Staff Recommendations: When findings are made to allow specific changes, a final finding will need to be made that the proposed height amendments are consistent with the language of the comprehensive plan, goals and policies.

Definitions:

Dome: Having a rounded or curving shape of a dome without angles and corners.

Height of Buildings: Vertical distance from the average finished grade to the highest point of the building including the roof beams on a flat or shed roof, the deck level on a mansard roof; and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. Average finished grade includes and encompasses any fill above natural grade.

Observation Tower: A **public** structure used to view events from a long distance. This is an exemption.

Port Orford Municipal Code Chapter 17.12:

Residential Zone R1, a 25-foot height is proposed.

Residential Zone 2R, a 25-foot height is proposed.

Commercial Zone 4C, a 25-foot height is proposed, a change from 45.

Industrial Zone 5I, a 25-foot height is proposed. There are currently no height regulations.

Controlled Development Zone 6CD, a 25-foot height is proposed. There are currently no height regulations.

Marine Activity Zone 7MA, a 25-foot height is proposed, a change from 45 feet. There is a letter from the Port asking commissioners to determine if this change will be injurious or negative for economic development.

Public Facilities and Park Zones, a 25-foot height is proposed. There are currently no height regulations.

Shoreland Overlay Zone, a 25-foot height is proposed. There are currently no height regulations.

Battle Rock Mixed Use Zone 10MU, a 25-foot height is proposed. Currently this has a 45 foot general height and 35 feet height for view. Commissioners will need to be sure this is not injurious or negative to commercial development. The language in the site plan review is proposed to a 25-foot height, a change from 35 feet.

General Exceptions to Building Height Limitations:

- Exempting stationary boat hoist at the port.
- Previously additional standards governed conditional uses that would give certain facilities the right to go taller with a conditional use permit. It is proposed that be taken out.



- There is currently an exemption in place for tsunami evacuation structures. No change is proposed.

Exhibits:

- Exhibit A: Staff report as presented above including attachments.
  - Attachment A: Letter from Port.
  - Attachment B: Email from Jean Dahlquist of Fair Housing Council of Oregon.
  - Attachment C: Email from Steve Lawton.
  - Attachment D: Figure A, a drawing of building height and illustrations.
  - Attachment E: Letter from Contractor Jeffrey McVannel.
  - Attachment F: A letter from Steve Lawton.
- Exhibit B: Email to the City of Port Orford from Karen and Jim Weiland
- Exhibit C: Letter from Fair Housing Council of Oregon.
- Exhibit D: Letter from the Dana Family Trust.
- Exhibit E: Letter from David Bassett.
- Exhibit F: Article provided by Erin Kessler.

Commissioner Leonard asked if a developer or individual currently has a permit to build a structure over the 25-foot level, and then the ordinance is changed, is the permit still acknowledged. Planner Shoji answered that any permit that is filed stands as currently stated.

Commissioner Nieraeth asked if the fire department has been contacted regarding their capacities. Planning Clerk Clark reported the fire chief stated they are registered to fight fires within 35 feet.

B. Public Testimony:

Erin Kessler, city resident, asked if the 25-foot number is due to limitations on the fire ladder height. She shared that a generation of building and development determined by an arbitrary number based on what seems like a current fire ladder restriction is detrimental. The city can find a way to fund an infrastructure to keep the town safe without stifling development. Ms. Kessler agrees there should be building height limitations, but the regulations should not be an arbitrary number determined by possibly the height of a ladder. The issue is not building development. The issue is, Port Orford needs better fire safety infrastructure. It is up to Port Orford elected officials and voters to find a way to accomplish this rather than putting in more codes. Ms. Kessler implores the city to consult with architects, engineers and designers to better understand the height limitations of a 2-story commercial building. The city has limited people building affordable housing and people investing in the community to bring in new commerce, especially on Highway 101. She agrees two or three stories are ample. She is attaching an article about a coastal town that decided to put reasonable height limitations in place. Ms. Kessler does not support the 25 foot limitation. Legal Counsel Kudlac advised

commissioners there is a link to the article in the comment section in the chat box. This information should be accepted into the record. The article will be Exhibit F.

Jim Weiland, Etna California, feels this amendment is contrary to the development and economy of the area. The view and the ocean are the attractions, and that is what has been invested in. He is speaking for the Seacrest subdivision on Coast Guard Hill.

Dorothy Dana, trustee for the Dana Family Trust, stated the family purchased their home and several commercial properties in downtown Port Orford approximately 20 years ago. Ms. Dana reported the family trust does not want and should not be subject to loss of property value due to reduced property height restrictions. Their commercial property in Port Orford was purchased with the understanding that mixed use height was 45 feet on commercial properties. While loving the small-town atmosphere and supporting the 25 foot restriction in residential, she feels 35 foot restriction in business districts is appropriate. The 35 foot height allows flexibility to support business development that benefits job production and profitability while maintaining a deterrent to the high-rise construction. She expressed that reducing the height restriction could negatively impact the fair market value of commercial properties and ability to market those properties to prospective buyers in the future. In summary, Ms. Dana wanted to go on record that they are opposed to the proposed change of height from 35 feet and 45 feet to 25 feet on new construction of commercial property and requests that this proposed change be rejected.

Mike DuBose is a homeowner and property owner in Port Orford. He is dismayed by the proposed change from what he felt was a well thought through and satisfactory height limit to something that seems somewhat arbitrary. He feels this will negatively impact future investments in the community. He feels the community is on a positive trend currently and does not want something done to potentially disrupt that and bring in long-lasting implications that are not fully understood. He is against this proposed height limitation change. He does not see a positive impact from this change.

Jeff Bodner, Dexter Oregon, trustee for Bodner Douglas 1999 Trust, has property across from the Castaway on Oregon Street. After the collapse of the housing market the property values went down. This proposal will make the property values go down further. This is not good for economic development. It limits development, which is less revenue. Mr. Bodner addressed the issue of views. He stated some lots do not block the view of any other address. Those lots will not cause a view problem if buildings are a height of 35 feet. Mr. Bodner stated he is on record as opposing this amendment.

Mark Dana, Albany California, representing the Dana Family Trust agrees with other callers opposing the reduction of building height restriction. He feels the development of properties

would be beneficial to the economic development of Port Orford enhancing tourism facilities. He states there are beautiful things that could result from a 35 foot height restriction with 45 feet in the Battle Rock mixed use zone. Mr. Dana expressed his appreciation for the great things the planning commission has done so far. He believes the restrictions are a little too much. He believes the current 35 feet and 45 feet will be acceptable with the use of setbacks, etc.

Gary Robertson, Port Orford resident and property owner, advised that a lot of people will only think of ceiling heights with a 25-foot height restriction. He stated there is a lot more to it. He advised that on level ground even with an 8-foot ceiling, there is a 2-foot crawl space over the existing grade, 12 inch floor joists to meet the Oregon energy code combined with a 6/12 roof pitch is well over 28 feet. He is currently working on a single story on a slope with 40 feet in height due to the slope. Commercial designers allow for a 12-foot ceiling height. There can be substantial duct work and other items to hide. To allow for a 10-foot ceiling and two floors it will have to be a flat roof to accommodate the height change to 25 feet. A single slope roof, shed roof, can be twice as high as a gable roof. This will be a detrimental change for people that already thinking about investing significant dollars in the community.

Ann Vileisis, resident of Port Orford, supports the intent of the building height revisions. She likes the intent of keeping the community small scale and livable. She stated she lives in the 10MU zone and is concerned about 45-foot buildings considering she has heard for years that Port Orford does not have the firefighting capacity to take care of them. She would like the firefighting capacity clarified. She is concerned about tall buildings being dispersed with residential communities in the 10MU zone. She would like the planning commission to figure this out for the benefit for everyone.

Edward Kessler, resident of Port Orford and business owner in Port Orford, supports the intent of the measure to limit height to a reasonable level, but he does not support the 25-foot requirement. It is going to go against individuals who want to invest in the community. It does not seem common sense. He thinks a 35-foot height is appropriate. He feels that as someone that already has a successful business and is hoping to invest more in Port Orford, he really does not want to be limited to an arbitrary height that does not make sense to him. He would like to invest in the community with commercial property and affordable housing. He would like those buildings to be nice and not standard stick frame. He cannot see that happening in a 25-foot restriction without running into problems. Mr. Kessler expressed his appreciation for all that the city government does for the community.

Planner Shoji reported that commercial building code requires fire sprinklers, etc. when they are a certain height and size.

Hearing no further public comment, Chair McHugh closed the public testimony.

C. Discussion and Deliberations:

Chair McHugh commented on testimony about deeded view and requested information on a deeded view. Legal Counsel Kudlac advised a deeded view is generally a restriction on a piece of property that they cannot go over a certain height to protect a neighboring view of another property. It is a legal contract between the two property owners.

Referring to the staff report, Chair McHugh does not agree to having a definition of dome and having a definition of observation tower in the municipal code. He does not believe creating an observation deck throughout the town or building domes on top of structures should be a use permitted outright, nor is it classified of a use permitted outright in the code. He believes domes and observation decks should be a conditional use rather than outright use.

Chair McHugh moved to not approve the addition of definitions for domes and observation decks with Commissioner Jezuit as second. *Withdrawn.*

Discussion: Planner Shoji asks for clarification. The two exemptions are to be removed out of the code and not have definitions is two different actions. She states the definition has called it a **public** structure, thus she clarifies that commissioners do not want any public structures that are observation towers or similar in the City of Port Orford. The definition excludes private landowners from raising something that can be called an observation tower.

Chair McHugh withdrew his motion and Commissioner Juzuit withdrew her second.

Chair McHugh moved to eliminate the definition of a dome from the staff report and not adopt it as part of the changes with Commissioner Jezuit as second. *Withdrawn.*

Discussion: Planner Shoji asks if Chair McHugh wants two actions; 1) Remove Dome from what are already excluded things, so not to allow domes in the town for churches or anything. 2) Remove the definition. Chair McHugh stated if the planning commissioners feel that domes are desirable in certain situations, he would add that they would be only available through a conditional use permit with a public hearing. Legal Counsel Kudlac advised that as written domes are not excluded from town, but they will have to apply with the height limitations. They are currently under the exception for building height limitations in 17.20.050.

Chair McHugh withdraws his motion and Commissioner Juzuit withdraws her second.

Chair McHugh refers to exclusions 17.20.050. In that section there is an exception for domes. He does not want to permit domes. He feels domes will create a tall, towering structure. He

would like them to be allowed only by conditional use permit, so they are subject to a public hearing and public input.

Chair McHugh moved that in 17.20.050, General Exceptions to Building Height Limitations, the exception for a dome attached to a structure be removed with Commissioner Jezuit as second. ***Motion carried 5-2.***

Discussion: None.

<b>Comm. McHugh</b>	<b><u>Yes</u></b>	<b>Comm. Leonard</b>	<b><u>Yes</u></b>	<b>Comm. Nieraeth</b>	<b><u>Yes</u></b>
<b>Comm. Stetson</b>	<b><u>Yes</u></b>	<b>Comm. Berndt</b>	<b><u>Yes</u></b>	<b>Comm. Jezuit</b>	<b><u>No</u></b>
<b>Comm. Schofield</b>	<b><u>No</u></b>				

Chair McHugh moved to remove the definition of dome, since the word dome is no longer contained in the municipal code with Commissioner Leonard as second. ***Motion carried 6-1.***

Discussion: Commissioner Berndt feels it would be helpful to define the structure that a dome goes on, meaning commercial versus residential. Legal Counsel Kudlac stated if that were to be done, it could be done the same way observation tower was done, where it is stated public structure, businesses, etc. The actual buildings could be identified in the definition such as churches, etc. Commissioner Nieraeth stated that the word dome has been removed, so wonders why the definition is necessary.

<b>Comm. McHugh</b>	<b><u>Yes</u></b>	<b>Comm. Leonard</b>	<b><u>Yes</u></b>	<b>Comm. Nieraeth</b>	<b><u>Yes</u></b>
<b>Comm. Stetson</b>	<b><u>Yes</u></b>	<b>Comm. Berndt</b>	<b><u>Yes</u></b>	<b>Comm. Jezuit</b>	<b><u>Yes</u></b>
<b>Comm. Schofield</b>	<b><u>No</u></b>				

Residential Zone 1R: Public testimony opposes the change to 25 feet. Commissioner Berndt moved to keep the residential zone building height restriction to 25 feet with Commissioner Jezuit as second.

Discussion:

Commissioner Nieraeth addressed Jeffrey McVannel's letter writing about how a structure is built. Twenty-five feet increases the cost of building, and Port Orford's idea is to build affordable housing. As an employer, it is difficult to bring in employees to live in and be a part of Port Orford without affordable housing. Mr. McVannel advised 28 feet is better than 25. The fire department is registered for 35-foot buildings. Chair McHugh stated that the architect will have to get involved to accommodate the 25 feet limit with housing designs. He understands that the cost will be more. He reminded that the commission can increase the height, but he does not want it increased to 30 feet and does not want it returned to 35 feet.

Commissioner Jezuit addressed structures that Jeffrey McVannel has built. The buildings are attractive. Mr. McVannel is respected as a builder in town. Commissioner Jezuit reminded that they chose 25 feet due to fire department issues, but she now does not see why 30 feet cannot be built. Chair McHugh stated that 30 feet is technically a three-story building and 35

feet is definitely a three-story building. Chair McHugh stated that 25 feet brings the buildings back down to scale.

Commissioner Berndt agrees that in a residential zone 25 feet is sufficient. She feels there are different definitions and opinions on what is affordable housing versus high end housing. She feels 25 feet will provide enough space for a two-story structure with vaulted ceilings and loft in a single story building.

Commissioner Stetson stated she prefers 28 or 30 feet since the fire department is registered for that height of building. Commissioner Stetson stated that she feels this is something that does not need done and is a waste of time.

Commissioner Leonard was impressed with the public testimony. She is willing to compromise with 28 feet. She reminded that 28 feet was suggested at last meeting.

Commissioner Schofield feels that this entire conversation over the last months contradicts the city's goals and comprehensive plan. She is of the thought that no changes whatsoever need to be made to the building heights.

Commissioner Leonard asked if this was being done for the city. Chair McHugh reminded that the commissioners are acting under the direction of the City Council. The City Council directed the Planning Commission to reduce the allowable building height across all zones in the city and the building height should be uniform across all zones. That does not mean that is the best idea. Commissioner Leonard does not feel the uniform height across all zones will work.

Commissioner Neiraeth does not understand why the City Council wants the building height restriction lowered and does not feel the uniformity will work. She suggested calling a vote on 1R zone change and asked legal counsel if this is appropriate. Chair McHugh advised that discussion must be completed first.

With no further discussion, Chair McHugh opened the floor for a motion. Commissioner Neiraeth moved to retain the current height limitation in all zones with Commissioner Stetson as second. ***Motion carried 4-3.***

Discussion: Commissioner Leonard clarified that if passed no changes will be made and that is the end of this discussion in all zones. It will then be forwarded to City Council.

Chair McHugh does not favor this due to some zones allowing 35 feet and some allowing 45 feet. He reported people have purchased property with a view and has been paying property taxes for decades. Commissioner Schofield advised that when these properties were purchased, the buyers were aware that something could be built and block the view. If the

City Council wants to keep the small-town ambience, maybe they should redo the comprehensive plan. Chair McHugh agrees that one or two special zones could allow different building heights. The comprehensive plan is short and could be amended. Commissioner Schofield suggested taking this back to council and asking them to review the comprehensive plan prior to making this change. Commissioner Leonard supports the concept that the people behind potential development is not as much her concern as is the potential of a large motel going in. Planner Shoji advised that the comprehensive plan is a general document that does require statement of how the city is going to allow development of the town. The findings that commissioners are asked to make are to prevent the city from doing something that will stifle the development of the town. The comprehensive plan does what the state planning goals require the city to do. The commission has the right to develop a vision for a certain part of town that maybe the city does not have yet. There is a vision for the Battle Rock area with a level of code that allowed for more intense development in many ways but did not go so far as larger cities do.

Chair McHugh does not agree that the Planning Commission send a recommendation to council that they are wrong in requesting this amendment. He suggested tabling the issue and request that City Council join the Planning Commission in a joint workshop for discussion of where commissioner’s think there are failings and ask for further guidance. Legal Council advised that when a draft ordinance is created this matter will go back to hearing and the public will have to be notified. Planning Clerk Clark reported that is at a cost to the city.

<b>Comm. McHugh</b>	<b><u>No</u></b>	<b>Comm. Leonard</b>	<b><u>No</u></b>	<b>Comm. Nieraeth</b>	<b><u>Yes</u></b>
<b>Comm. Stetson</b>	<b><u>Yes</u></b>	<b>Comm. Berndt</b>	<b><u>No</u></b>	<b>Comm. Jezuit</b>	<b><u>Yes</u></b>
<b>Comm. Schofield</b>	<b><u>Yes</u></b>				

Chair McHugh referred to 17.20.050 exceptions where commissioners added the hoist on the Port dock as an exception, and he would like to see that section incorporated into the municipal code. Legal Council Kudlac reported it is appropriate that the exception be inserted in the current order of this meeting.

Chair McHugh moved that the Planning Commission insert the hoist on the Port dock as an exception into the municipal code with Commissioner Stetson as second. ***Motion carried 7-0.***

Discussion: None.

<b>Comm. McHugh</b>	<b><u>Yes</u></b>	<b>Comm. Leonard</b>	<b><u>Yes</u></b>	<b>Comm. Nieraeth</b>	<b><u>Yes</u></b>
<b>Comm. Stetson</b>	<b><u>Yes</u></b>	<b>Comm. Berndt</b>	<b><u>Yes</u></b>	<b>Comm. Jezuit</b>	<b><u>Yes</u></b>
<b>Comm. Schofield</b>	<b><u>Yes</u></b>				

After discussing punctuation and spelling, Kevin McHugh closed the public hearing.

7. Planning Matters: None.

8. Other Business

A. Announcements and Communications:

1) City Planner Comments: None.

2) Planning Commission Comments: Chair McHugh announced that City Council officially sent the Outdoor Lighting Code, chapter 15.17 back to the planning commission with two issues to address. They are concerned that the penalty and enforcement may be too draconian. They are concerned about the recommendation that security lighting be moved to the perimeter of the properties saying that it could place an undo burden on the commercial business having to run electrical service to the perimeter of their property. This should appear on next month's agenda. Chair McHugh restated that the Planning Commission has voted to assign him the task of attending the City Council meetings when business goes to council from the Planning Commission. He will be attending the City Council meeting on December 19 when building heights are discussed.

9. Considerations from the public: None.

**10. Chair McHugh adjourned the November 10, 2020 meeting at 5:38 p.m. `**



CITY OF PORT ORFORD PLANNING COMMISSION  
MINUTES OF MEETING

Tuesday, October 13, 2020, 3:30 p.m.

Regular Meeting  
Virtually held  
555 W. 20<sup>th</sup> Street  
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission Tuesday, October 13, 2020 at 3:15 p.m.

Those members present were: Chair McHugh, Commissioner Stetson, Commissioner Schofield, Commissioner Jezuit, Commissioner Berndt, Commissioner Nieraeth and Commissioner Leonard.

City staff present were Planner Crystal Shoji, Legal Counsel Kudlac and Planning Assistant Patty Clark.

Others present were Steve Lawton and Dana Gurnee.

2. Additions to the Agenda: None.

3. Approval of Agenda:

**Commissioner McHugh moved to approve the agenda for the meeting of October 13, 2020 as written with Commissioner Stetson as second. Passed by consensus.**

4. Approval of Minutes:

**Commissioner Berndt made the motion to approve the minutes as written of Port Orford Planning Commission meeting dated August 11, 2020 with Commissioner McHugh as second. All approved the motion.**

**Commissioner Leonard made the motion to approve the minutes of Port Orford Planning Commission meeting dated September 8, 2020 with modifications if appropriate with Commissioner Berndt as second. All approved the motion.**

5. Comments from the Public.

Steve Lawton: Gave a summary of events leading to the building height review on the planning commission agenda. Mr. Lawton facilitated a session for the city council January 16, 2020 with the purpose of council developing the ten most important items the city council wanted to work on in the year 2020. Out of those ten items, one was the building height review. City council is concerned about city density and water capacity. It then evolved into an agenda item for city council August 20, 2020, which resulted in a directive to the planning commission.

Dana Gurnee: Port Orford resident gives his appreciation to the commissioners for the work they have done revising the ordinance regarding building height.

#### 6. Planning Matters.

Reducing building height in all zones: Commissioner McHugh presented a letter received by Planner Shoji. Planner Shoji reviewed the memo and the staff report with commissioners. She explained the format and highlighted notes for discussion.

In Residential Zones 1R and 2R the current 35 feet is changed to 25 feet. Commercial C Zone currently stating 45 feet is also proposed to 25 feet.

The Industrial Zone, 5I, currently has no restrictions and is proposed to 25 feet. Ordinance 17.12.050, Controlled Development Zone 6C currently has no restrictions and is proposed 25 feet in height.

The Marine Activity Zone currently has no restrictions and will need commissioners to review and discuss. This includes the port lifts that are fixed to the ground.

Public Facility and Park zones currently have no restrictions and will need commissioners to review and discuss. This zone includes wastewater plant and water facilities.

Shoreland Zone 17.12.080 does not currently have restrictions and is proposed 25 feet in height. This zone currently has permitted uses including those in underlying zones, which are water dependent commercial and recreational developments and single-family dwellings. This needs discussion.

Battle Rock Mixed Use Zone currently includes verbiage that if 35 feet is exceeded it will need site plan review. If there will be a restriction to 25 feet that verbiage will have to be removed and numbers will have to be adjusted.

General Exceptions to Building Height Limitations: At this point, there are no proposed changes, but commissioners can add general exceptions.

Additional Standards Governing Conditional Uses; hospital, nursing home, etc.: Current code states these can exceed height limitations in the zone that they are located in if approved by state fire marshal. This will need commissioner's review and discussion.

Tsunami Evacuation Route Improvement: There is a section of that zone that addresses evacuation structures being exempt from height restrictions.

Planner Shoji addressed compliance items:

Statewide Planning Goals: The city has to show that they are complying with the statewide planning goals. She presented a list that she feels pertains. Commissioners will need to agree on findings. There are definitions outlined by Planner Shoji that need reviewed.

Definitions:

- Grade: Commissioner McHugh advised the more common term is Finished Grade. Commissioners agree to leave the term as is.
- Residential 1R zone amended to 25 feet building height is agreed upon by commissioners and adopted.
- Residential 2R zone amended to 25 feet building height is agreed upon by commissioners and adopted.
- Commercial 4C zone amended to 25 feet building height is agreed upon by commissioners and adopted.
- Industrial 5I zone amended by adding 25 feet building height is agreed upon by commissioners and adopted.
- Height of buildings exceptions provided in 17.20.050 in a 6C zone, no building shall exceed 25 feet in height is agreed upon by commissioners and adopted.
- Marine Activity Zone includes buildings anchored to the ground but actually does not begin until dock height that might be technically more than 25 feet high. Planner Shoji suggested an exception of not having a 25 feet restriction in the Marine Zone. She also suggested an exception per building in Marine and Public Facilities zones. Planner Shoji suggested to communicate with the Port and Public Works to be sure they understand how this affects their facilities. Commissioner McHugh suggested communicating with the fire department about their capabilities in this zone and Public Facilities Zone. Planner Shoji and Assistant Planner Clark will communicate with the Port and Public Works about ramifications of this change in their zones. Assistant Planner Clark will contact the fire chief. Grade will be defined as dock level in this zone.
- 17.12.080 Shoreline Overlay Zone is a small 50-foot overlay in the hightide area defined in the comprehensive plan. Buildings not to exceed 25 feet in height is agreed upon by commissioners and adopted.
- 17.12.090 Battle Rock Mixed Use Zone 10MU currently states 35 feet, which will be amended to 25 feet in height. This is agreed upon by commissioners and adopted.

- 17.33 Site Plan Review: No signage shall be displayed above 25 feet is agreed upon by commissioners and adopted.
- 17.20.050 General Exceptions to Building Height Limitations: Commissioners are concerned that exceptions can create loopholes. Planner Shoji suggested this as an area where exceptions for the Marine Zone can be added. There is a citizen in town interested in an observation dome. Planner Shoji will look for a definition for an observation dome and present it to commissioners.
- 17.32.050 Additional Standards Governing Conditional Uses: Currently reads churches, hospitals, nursing homes, convalescing homes and retirement homes can be built to any height depending on approval by the state fire marshal. Assistant Planner Clark reported examples of convalescent homes and hospitals in neighboring cities that are 8 stories high that would fit by Battle Rock Park. Commissioner McHugh suggested removing 17.32.050 from the ordinance. Commissioners agree to remove Additional Standards 17.32.050 from the building height ordinance.
- Tsunami Evacuation Route Improvements: Comm. McHugh suggested exempting the Tsunami Evacuation Route Improvement from the 25 feet building height ordinance. Commissioners agree to exempt Tsunami Evacuation Route Improvement structures from this ordinance.

Commissioner McHugh moved to accept proposed changes as written and amended and schedule a hearing in November with Commissioner Stetson as second.

7. Announcements and Communications:

City Planner Comments: None.

Planning Commission Comments: None.

8. Old and Continuing Business:

Dark Sky Ordinance: Council is concerned about the violation and punishment area. They feel it is too strict. They are sending it back to Planning Commission. Commissioners are requested to research and come up with ideas prior to next meeting.

9. Considerations from the public:

Steve Lawton will resubmit the testimony that was not included on September 9 to

Commissioners and Assistant Planner Clark. Assistant Planner Clark will include it in the next meeting packet.

**10. Chair McHugh adjourned the meeting at 5:09 p.m. `**

CITY OF PORT ORFORD PLANNING COMMISSION  
MINUTES OF MEETING

Tuesday, September 29, 2020, 3:30 p.m.  
Special Virtual Meeting  
Port Orford City Hall, virtually by internet  
555 W. 20<sup>th</sup> Street  
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

Chair McHugh called to order the special meeting of the City of Port Orford Planning Commission Tuesday, September 29, 2020 at 2:43 p.m.

Those members present were: Chair McHugh, Commissioner Stetson, Commissioner Berndt, Commissioner Leonard.

City staff present were Planner Crystal Shoji and Planning Assistant Patty Clark.

Others present were Dana Gurnee.

2. Comments from the Public:

Dana Gurnee: Mr. Gurnee understood the purpose of the meeting today was to follow the instructions of the City Council to make modifications in the ordinance to reduce building heights in all zones. He recalls the planners talking about the pros and cons of the concept of height adjustment at the last meeting. He felt that was not the purpose of that meeting, nor the purpose of this meeting. Mr. Gurnee informed the commission of his appreciation for their hard work.

3. Planning Matters: Reduce the Allowable Building Heights in All Zones:

Planning is under instructions from Port Orford City Council to make a reduction across all zones in the allowable building height. The original City Council motion was for a reduction to 25 feet. That motion was cancelled, and City Council was instructed to send this matter to Port Orford Planning Commission for deliberation and hearing.

Commissioner Leonard stated she feels the 25 feet limit is appropriate and 30 feet is high. She contacted the county, and they stated their maximum is 35 feet, which she feels is high for Port Orford. Commissioner McHugh advised that council has made two suggestions, one of 25 feet and one being 30 feet.

At the last Planning Commission meeting, commissioners asked for an example of scale. Commissioner McHugh advised that the Wooden Nickel building in Port Orford is 30 feet tall. The poles that the high-pressure sodium lamps are mounted on, are all 30 feet tall with the lamps 26 feet high on the pole. Building code allows for flat roofs. A 30 feet tall flat-roofed building is very large. Commissioner McHugh reminds commissioners that the fire department is not capable of providing fire suppression services on a building more than two stories high. Thirty feet can be a 3-story building.

Commissioner Stetson stated she feels 25 feet is sufficient. She feels 30 feet is too high.

Commissioner Berndt stated she is inclined to compromise between 25 and 30 feet. Twenty-seven feet might accommodate both residential and commercial. She wonders if the city wants a consistent one size fits all approach. Commissioner McHugh reminded that Council wanted a blanket change across all zones. Commercial structures will be included. Commissioner Berndt stated the Commission might want to consider an adjustment in a circumstance where a view is blocked, which might require reviewing different zones.

Assistant Planner Clark advised the City Council has made it clear to her that they are going to accept nothing but one height city-wide.

Planner Shoji advised it might be helpful to look at the different zones and determine what is suitable for all zones. The Planning Commission's job is to inform the Council of any concerns as well as recommendations. Once the height is decided, she can write up the wording of zones and bring it back to commissioners.

Commissioner McHugh stated the current ordinance allows one foot of foundation above ground. A common height of a first-floor ceiling is 9 feet. There is one foot between floors. A common height of the second story ceiling is 8 feet. An 8-foot pitched roof is common. That is a total of 26 feet, higher than 25.

Commissioner Leonard asked about variances. Assistant Planner Clark advised a variance is something that does not fit on a piece of land correctly, which will likely not affect height. Planner Shoji advised exceptions will have to be spelled out in the ordinance.

Commissioner Stetson moved to make the maximum building height across all zones 25 feet with commissioner Berndt as second. *Motion carried 4-0.*

Discussion: Assistant Planner Clark advised that at the next commission meeting commissioners would accept the changes that Planner Shoji will write up. The notices for hearing will have to be posted and then a hearing held. The hearing will not actually happen until November.

<b>Comm. Stetson</b>	<u><b>Yes</b></u>	<b>Comm. Berndt</b>	<u><b>Yes</b></u>	<b>Comm. Leonard</b>	<u><b>Yes</b></u>
<b>Comm. McHugh</b>	<u><b>Yes</b></u>				

Commissioner McHugh moved for Planner Shoji and Assistant Planner Clark to make the changes to the ordinance keeping the definition of building height and current exceptions, though changing all building heights permissible to 25 feet with Commissioner Stetson as second. *Motion carried 4-0.*

Discussion: None.

<b>Comm. Stetson</b>	<u><b>Yes</b></u>	<b>Comm. Berndt</b>	<u><b>Yes</b></u>	<b>Comm. Leonard</b>	<u><b>Yes</b></u>
<b>Comm. McHugh</b>	<u><b>Yes</b></u>				

4. Chair McHugh adjourned the meeting at 3:11 p.m. `

## City of Port Orford, Curry County, Oregon

### “ELECTION PROCLAMATION”

WHEREAS, a General Election was held in Port Orford, Curry County, Oregon on November 3, 2020, and

WHEREAS, registered voters in the city limits of Port Orford voted on candidates for three open Council positions, and one open Mayor position.

WHEREAS, Pat Cox (542 votes) were elected to fill the four-year term as Mayor.

WHEREAS, Gary Burns (515 votes), and Gregory Tidey (447 votes), and Tim Pogwizd (452 votes) were elected to fill the three open four-year Council positions.

WHEREAS, the terms for these positions start on January 21, 2021 and expire on December 31, 2024,

NOW, THEREFORE, the Elections Official of the City of Port Orford hereby proclaims the election of these positions to be official.

Signed this 23<sup>TH</sup> day of November, in the year 2020.

  
\_\_\_\_\_  
Patty Clark, Elections Officer

ATTEST:

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



**RESOLUTION 2021-03**

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

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

**WHEREAS**, the authorized persons listed for the City of Port Orford accounts require updating  
based on the November 3, 2020 election of new Councilors; and

**WHEREAS**, the following are to be the only authorized signatories with Rogue Credit Union:  
Tim Pogwizd, Lorin Kessler, Pat Cox, James Garratt, Carolyn LaRoche, Gary Burns, Gregory  
Tidey and David Johnson,

**NOW, THEREFORE,**

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

Approved by the *Common Council of the City of Port Orford* and effective this 21st day of  
January 2021.

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

ATTEST:

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

## Recommendation to City Council

From

Planning Commission

**TO:** Major and City Council  
**From:** Port Orford Planning Commission  
**Date:** January 13, 2021  
**Subject:** Recommendations for Planning Commission Appointments

It is the recommendation of the Port Orford Planning Commission, by unanimous vote, that the Port Orford City Council appoint the following applicants to serve a two year term on the Planning Commission.

- Michele Leonard
- Dianne Schofield
- Greg Thelen

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 Parks Commission

Name: Eddie Kessler

Mailing Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

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

E-mail: \_\_\_\_\_

Current Employment: Self employed

Area of Interest: trails and parks infrastructure

Area of expertise: Recreation consulting

Why do you want to serve? To help my community

Previous service in this appointed position or similar position Founding member of wild rivers coast mountain bike association board member of Evison Mtn. So, Board member of valley mountain bikers and hikers, professional member of Professional Trail Builders Assoc.

Other volunteer activities Scholastic MTB Coach, trail advocate

Does your schedule allow you to attend;

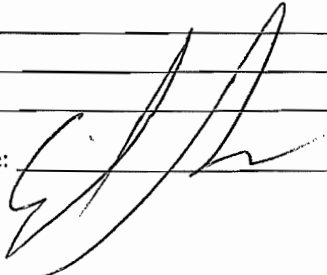
Daytime Meetings  yes  no Evening meeting  yes  no

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

Have you ever been convicted of a crime?  yes  no If yes, please explain

Additional Comments \_\_\_\_\_

Date: 11/6/20

Signature: 

Please return application to:

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

Phone: 541-332-3681

Fax: 1-877-281-5307

email: [trichards@portorford.org](mailto:trichards@portorford.org)

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 Port Orford Planning Commission

Name: Greg Thelen

Mailing Address: PO Box 216 Port Orford OR 97465

Physical Address: \_\_\_\_\_

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

E-mail: \_\_\_\_\_

Current Employment: retired

Your area of interest: land use planning; preserving dark skies

Your area of expertise: building trades - former General Contractor; former school administrator

Why do you want to serve? to help Port Orford maintain liveability and preserve our small town ambience while encouraging sustainable growth

Previous service in this appointed position of a similar position \_\_\_\_\_

Other volunteer activities Port Orford Community Co-op staff and Board Member, former Board Member and Secretary of Cascade Valley School

Does your schedule allow you to attend?

Daytime Meetings  yes  no Evening meetings  yes  no

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

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

Additional comments: I also write and perform music, and have an interest in amateur astronomy.

Date: 12-11-20 Signature: Greg Thelen

Please return to:

City of Port Orford

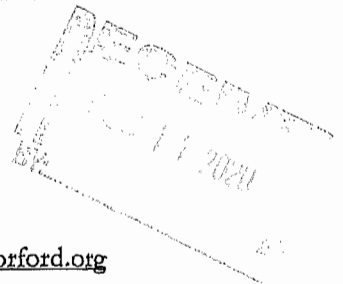
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# ELECTRONIC MEETING POLICY

## PURPOSE

The need and advantage of holding electronic meetings from time to time is both acknowledged and necessary. This policy is intended to provide guidance when holding and participating in these meetings.

## DEFINITIONS

**Electronic meeting:** An electronic or e-meeting is any meeting that takes place in an online and/or telephonic environment. An e-meeting is a web-based meeting or conference format that allows people to see and/or hear each other. Participants talk in real time and make presentations with visual aids such as charts and graphs.

## SCOPE

This policy provides for the use of electronic means for council meeting, commission meetings, committee meetings, board meetings and meetings of the whole – especially when physical meetings cannot be held.

Electronic meetings may be used to hold meetings subject to due notice requirements for any such meeting being met (or waived by unanimous consent in special circumstances).

All participants must have access to the necessary equipment for participation. A right of membership is participation; therefore, the type of technology or technologies used must be accessible to all members to be included in the meeting.

All rules pertaining to in-person meetings apply equally to electronic meetings, for example, notice, pre-meeting packet requirements, quorum, minute taking, voting, confidentiality requirements, etc.

All meeting participants must ensure they understand this type of meeting becomes part of the public record. Any statements made are understood that they are “on record.” Meeting participants agree that they will maintain a level of professionalism and any meeting backdrops will be in good taste.

All provision and policy related to in-camera meetings and conflict of interest will apply equally for all electronic meetings.

**At no time will meeting participants record any portion of the meeting. The only exception to this is any recording made by the Recorder or other approved corporate officer for the purpose of minute taking or sharing for civic engagement purposes.**

In no circumstance are discussions in the “chat” function of virtual meeting software to be copied and saved by meeting participants or included as part of the official meeting minutes. Only when it is announced as a request for chat questions by the meeting chair, and those questions are subsequently read aloud for all participants to hear will they be included as part of the official record.

Subject to any conditions or limitations provided for under the Act, Regulations, Bylaws or this Policy (which some jurisdictions waive during the course of a declared emergency), a member, board or committee member who participates in a meeting through electronic means shall be deemed to be present at the meeting and will be recorded as in attendance and part of the quorum of the meeting.

## ELECTRONIC MEETING PROCEDURE

- The Department Head of a member of the department that is developing the meeting agenda will serve as the technology lead for each electronic meeting. This includes establishing and distributing electronic meeting URL's, assisting the city recorder with proper meeting notice as well as making sure the meeting is recorded (in audio and/or video form) for future preservation and documentation.



## ELECTRONIC MEETING POLICY

- The Head or Chair of the Committee will be the chair of the meeting.
- Any technology employed will enable every member of the council, commission, committee or board to hear and be heard by all other participants in the meeting.
- The Chair will ensure that declarations of conflict of interest are heard by all present and that those participating have an opportunity to verbally declare any conflict.
- The meeting will be administered in such a way that the rules governing conflict of interest are complied with.
- Attendance shall be taken and duly recorded to ensure participants are recognized as in attendance.
- Participants will identify themselves before speaking or by using the software's technology to put their first and last name on the screen in order to assist the recording secretary in recording the minutes.
- Those participating in an electronic meeting shall notify the Chair of their departure (either temporary or permanent) from the meeting, before absenting themselves, in order to ensure a quorum is maintained.
- All meeting participants must have a copy of the meeting packet including the agenda prior to the meeting for reference during the electronic meeting.
- Voting at electronic meetings shall be carried out as follows for all meetings and for all votes to ensure that accurate records of votes are maintained:
  - When a vote is called, following a clear and concise set of motions, the chair of the meeting will ask for a roll call vote.
  - The Recorder or Secretary of the meeting will call upon each individual member, asking members for a verbal of "yes/no" or "yea/nay" vote. Either is acceptable.
  - Following the vote, the Recorder/Secretary will announce the total votes for each side.
  - The Chair will then announce the number of votes cast in favor or against the motion and whether motion carries.
- The Chair will make the decision as to whether the motion was carried or defeated.
- To avoid as much disruption as possible and to support seamless dialogue the debate, all participants will keep their electronic devices on mute unless speaking.
- Any open chat windows in the technology must be used only to resolve technological problems – it should not be used for side discussions, lobbying other members and participants or voicing support for motions on the floor. Members, Boards and Committees meet and have authority only as a collective with due order.
- The GoToMeeting software shall serve as the electronic meeting software of choice, allowing for proper recording and archiving to take place in a like method for all city meetings.
- The cost for such software and storage will be shared equally with departments in the city.

It is understood by the presiding body and by employees and volunteers of the City of Port Orford that this is not a permanent replacement for physical meetings. This policy is meant to give councils, commissions, committees and boards the opportunity to meet when physical meetings are not possible

This policy was approved and adopted by the Port Orford City Council on the \_\_\_\_ day of \_\_\_\_\_, 2021

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Mayor Pat Cox