

**CITY OF PORT ORFORD  
ONLINE SESSION OF THE COMMON COUNCIL  
THURSDAY, FEBRUARY 17, 2021 AT 5:30 P.M.**

**AGENDA**

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

<https://global.gotomeeting.com/join/374007005>

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

**United States (Toll Free): [1 877 309 2073](tel:18773092073)**

**United States: [+1 \(646\) 749-3129](tel:+16467493129)**

**Access Code: 374-007-005**

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

<https://global.gotomeeting.com/install/374007005>

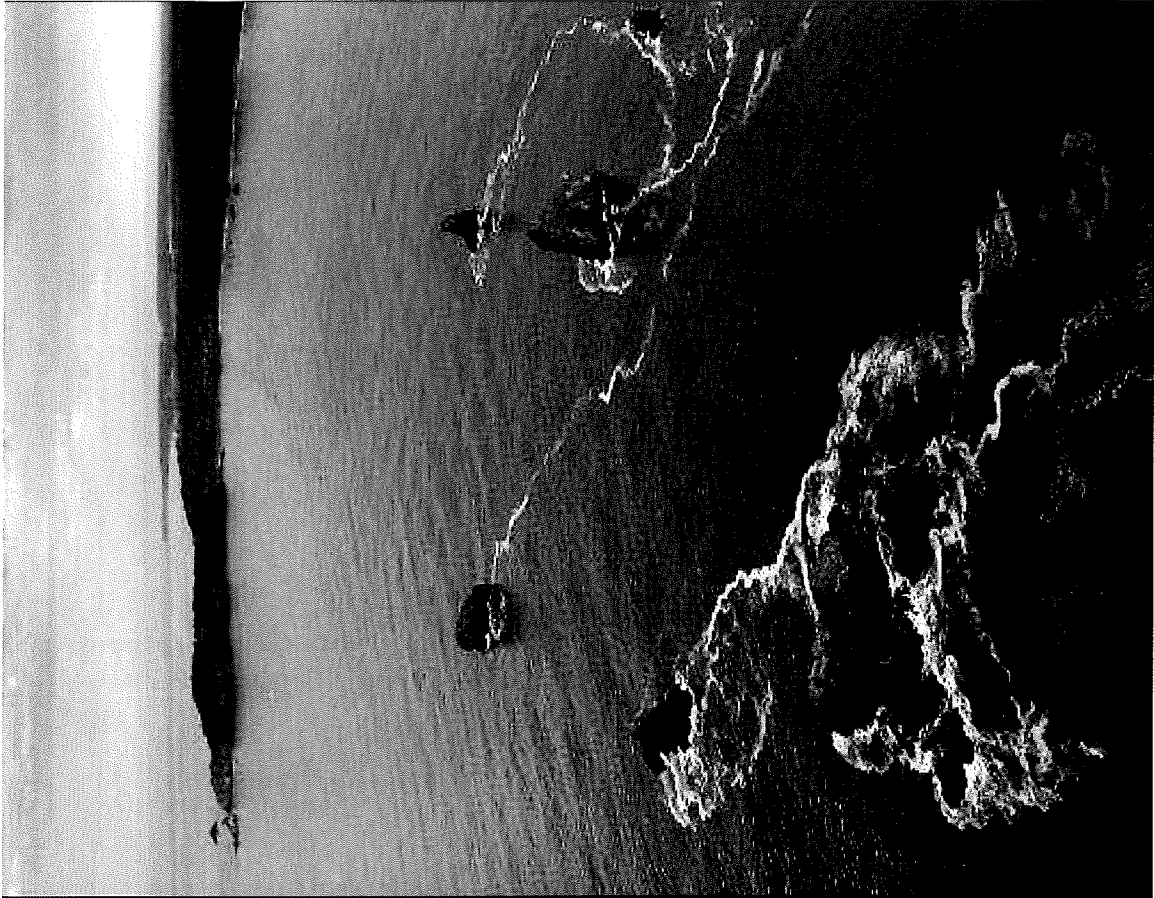
1. **Call to Order**
2. **Additions to the Agenda**
3. **Presentations to Council/Citizens- Redfish Rocks (Pg. 3-14)**
4. **Consent Calendar**
  - a. Approve Minutes January 20, 2022 (Pg. 15-20)
5. **Citizens' Concerns (Speak Only for Old & New Business Items on the Agenda)**
6. **Departmental Reports-**
  - a. Public Works (Pg.21-22)
  - b. Administration (pg 23-33)
  - c. Finance (Pg.34-35)
  - d. Planning (Pg 36)
  - e. Liaison

Fire District- Garratt	TLT- Pogwizd	Watershed- LaRoche	Health- Burns
Port- Cox	Parks- Tidey	Emergency Mgmt.- Burns	
School District- Kessler	Main Street- Burns		
7. **Old Business**
  - a. First Reading Ordinance 2022-04 Water Curtailment ( Pg.37-43)
  - b. Second Reading Ordinance 2022-04 Water Curtailment (If Approved for 2 reading in 1 meeting)
  - c. Hubbard's Creek Repair Bids (Pg. 44-49)
    - 1) Stettler Supply Company
    - 2) Billeter Marine, LLC
  - d. Seasonal Gas Tax Discussion (Pg. 50-61)
  - e. Water Infrastructure Update (Pg. 62-76)
8. **New Business**
  - a. First Draft of Ordinance 2022-05 Abatement of Nuisance and Dangerous Housing (Pg. 77-98)
  - b. Water Curtailment 2<sup>nd</sup> Level Declaration (Pg. 99-101)
  - c. Water Conservation Rates (Pg. 102-108)
  - d. Contract for Water Assistance Provisions (Pg. 109-117)
  - e. Right-Of-Way Usage- Stephen Stetson (Pg. 118-120)
  - f. Vacation Rentals (pg. 121-155)
9. **Considerations**
  - a. Citizen
  - b. Staff
  - c. Councilor
  - d. Mayor
10. **Future Meetings**

Thursday, March 17, 2022, Regular Council Meeting 5:30 Hybrid
11. **Adjourn**

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

- If you plan to speak/comment during the meeting (when permissible to do so), please announce your name and “how” you are joining the meeting (i.e. by computer and/or phone). Speak slowly and clearly, so the organizer may “find” you and identify your “caller” location.
- Please wait to be called on to speak, to avoid talking over someone.
- When you are not speaking, please mute yourself (so the organizer doesn’t have to do this).
- Please limit side conversations and multitasking while you are in the meeting.
- Be aware even if you are not on camera, sound can be heard over unmuted phones and will be distracting. And if you are on camera “absences” will be noticeable, and also distracting.
- To minimize feedback noise, we will only have the meeting host, Mayor, and one other speaker unmuted at any time during the meeting.
- Please be aware that if poor etiquette is being observed, it may be called out so you have an opportunity to fix the situation.



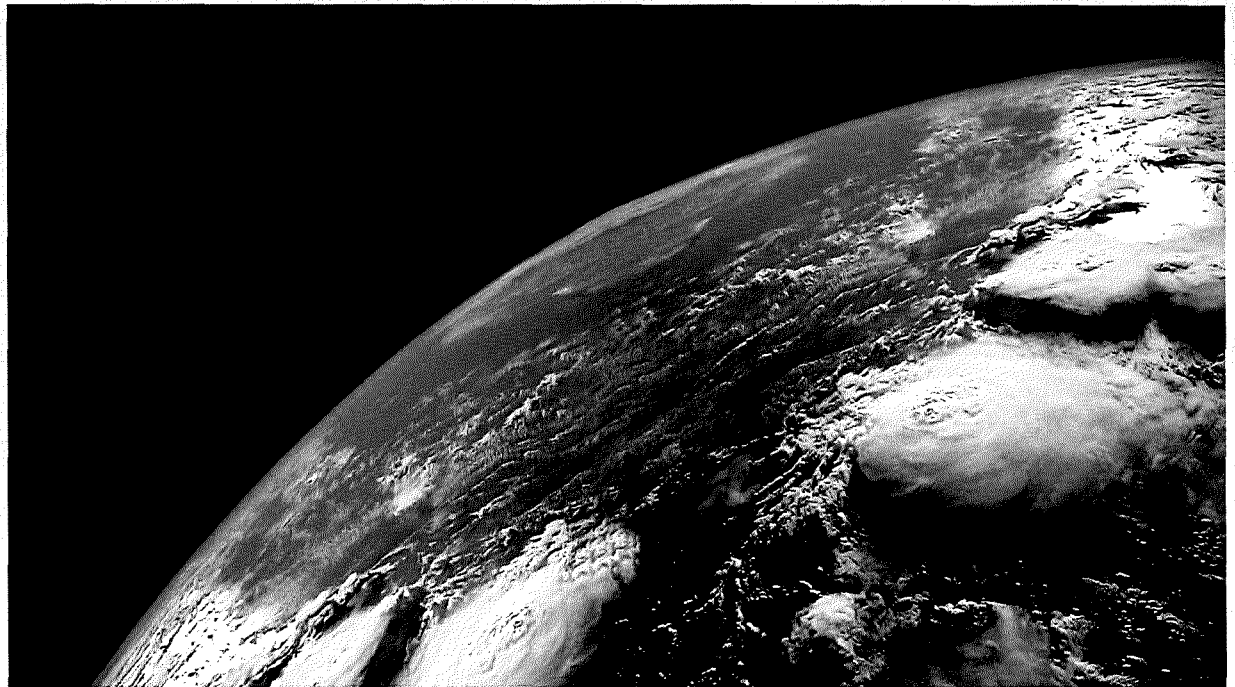
# Redfish Rocks Marine Reserve

Connecting Community to  
Conservation, Research, and Coastal  
Livelihoods



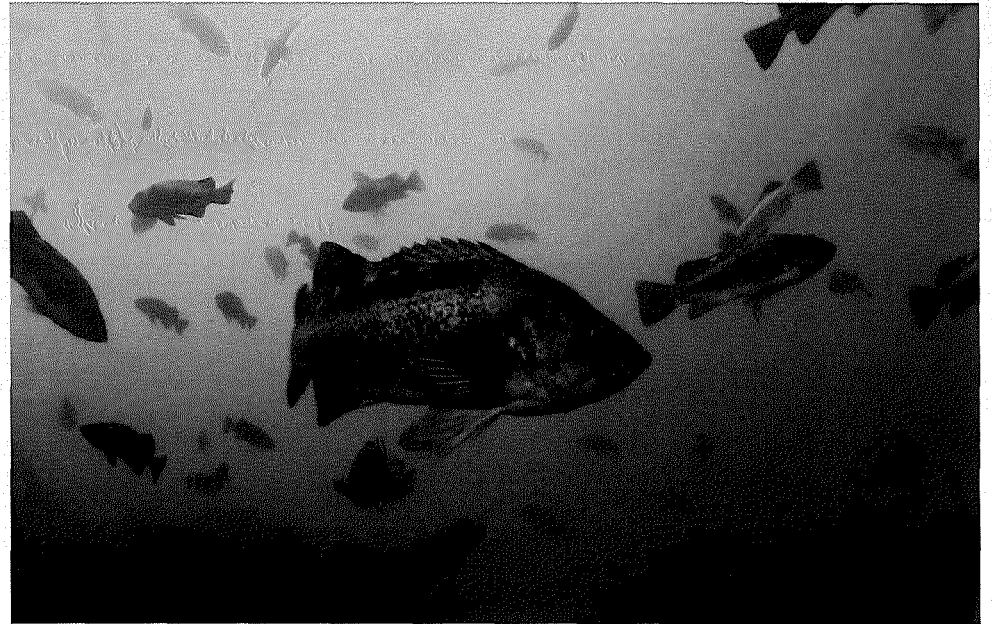
# Global Context of Marine Reserves and Marine Protected Areas

- UN has declared “It is the decade of ocean science”
- There is a global network of marine protected areas
- Currently less than 3 percent of the world’s oceans are protected
- There is still so much we don’t know
  - Scientists estimate that only 5% of the world’s oceans have been explored by humans
  - 94% of living species on Earth are aquatic



## Why Are Marine Reserves Important?

- Marine Reserves are living laboratories
- Long term investments in a more sustainable future for local fisheries
- Marine Reserves boost tourism
- Connectivity



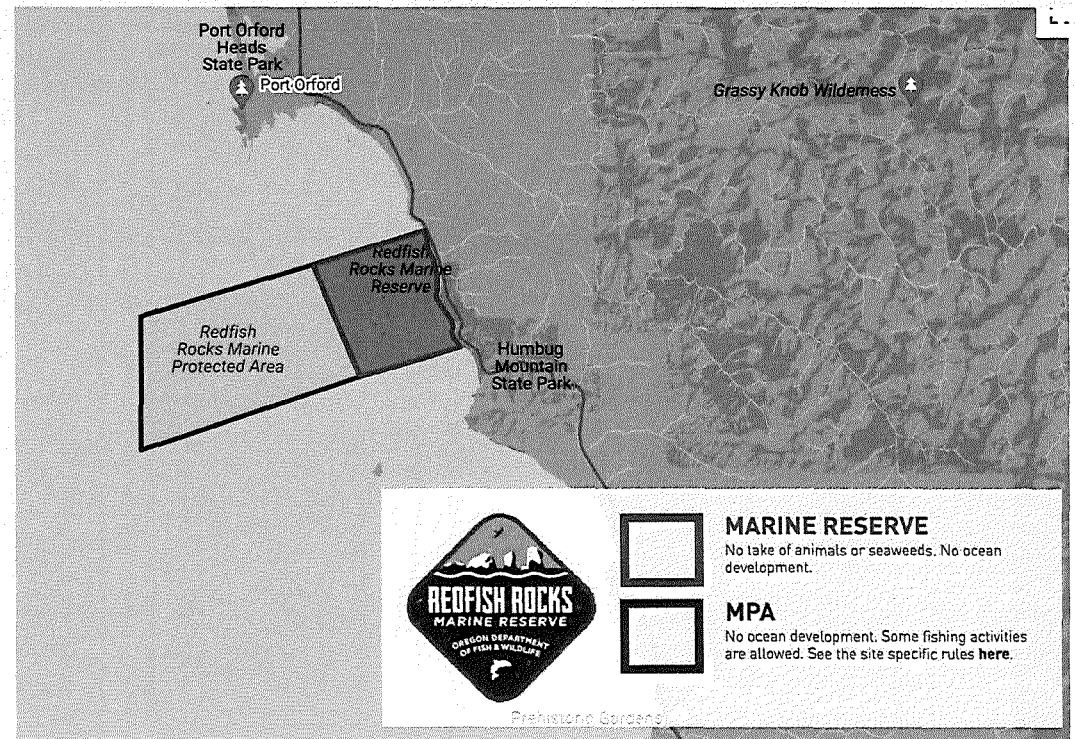
# Oregon Marine Reserve Program

- Five Marine Reserves in Oregon:
  - Cape Falcon
  - Cascade Head
  - Otter Rock
  - Cape Perpetua
  - Redfish Rocks



# Redfish Rocks Marine Reserve

- Monitoring began in 2010
- Take restrictions began in 2012
- Prior to restrictions, Redfish Rocks was heavily fished by the Port Orford fleet
- Reserve was proposed by a group of Port Orford fishermen



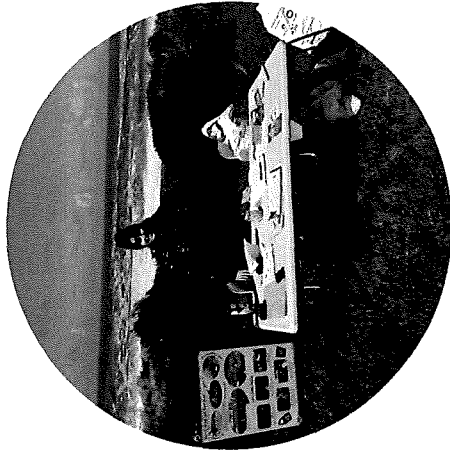
## Redfish Rocks Community Team

The Redfish Rocks Community Team is a diverse coalition of community members, including scientists, fishermen, business owners, educators, and volunteers with the mission of supporting the Redfish Rocks Marine Reserve through education, interpretation, and marine stewardship opportunities.

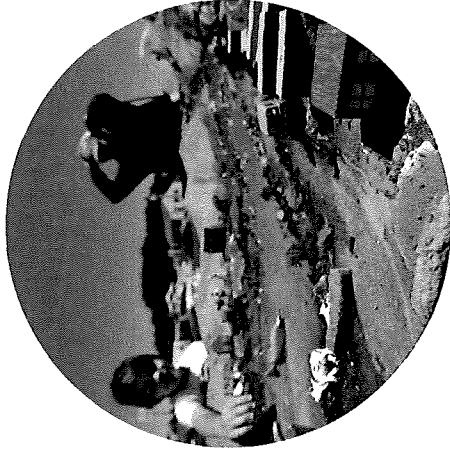




# Community Engagement



Interpretation



Education



Citizen Science

## Shining a Spotlight on Coastal Livelihoods

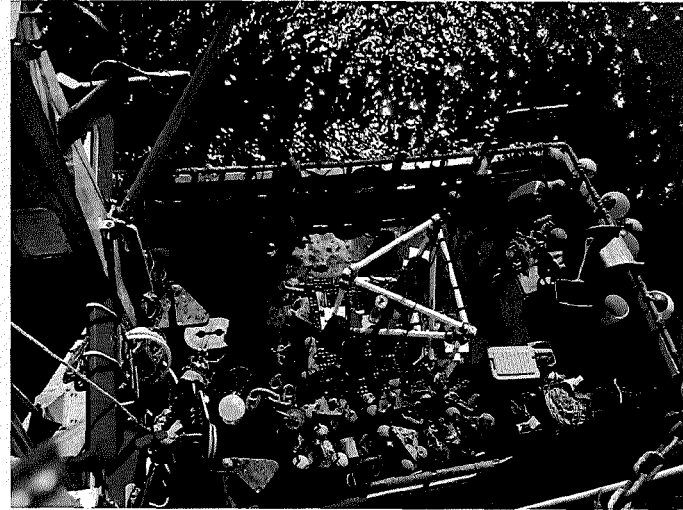
We could not exist without the support of the Port Orford community, so we do our best to give back and promote local coastal livelihoods.

- Fishing boat tours
- Redfish Rocks on the Dock
- Fishing video series (to be released soon)
- Junket Tour

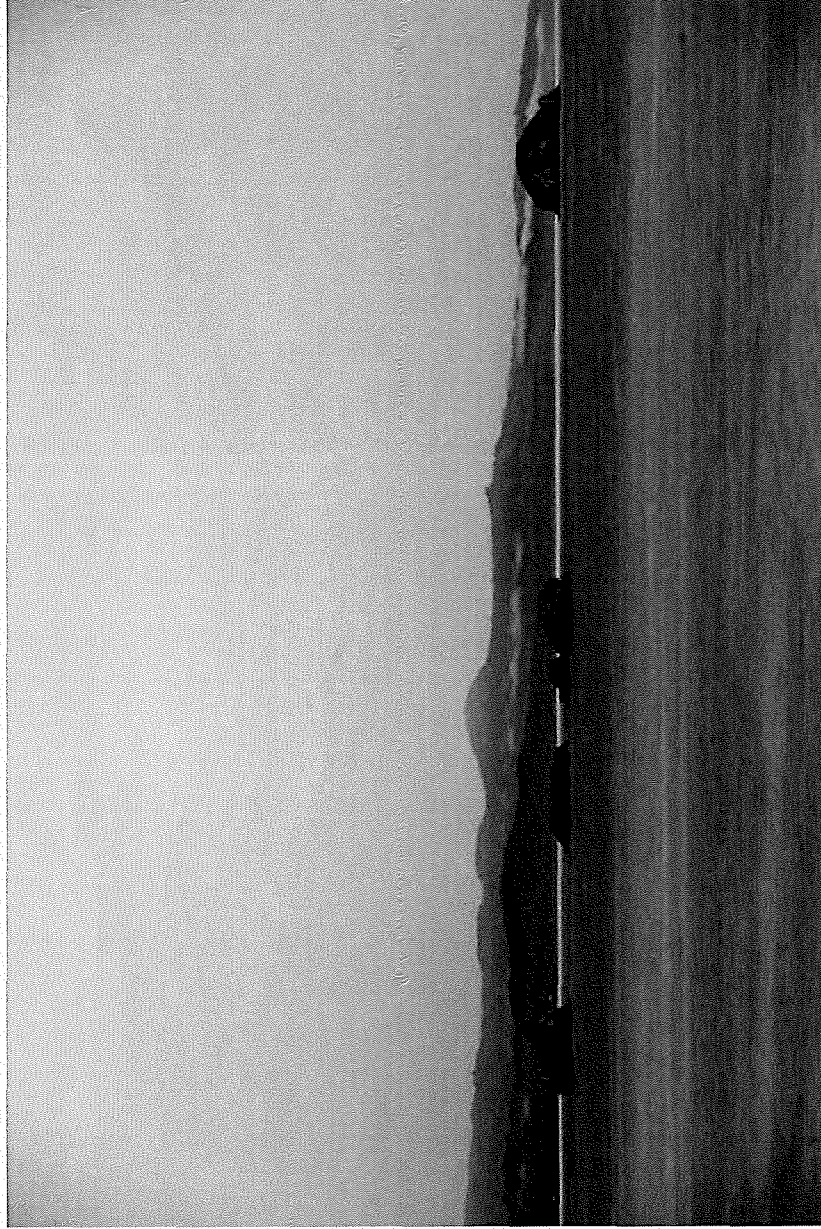


# Science

- Ecological monitoring
- Human dimensions research
- Oregon State University connection
  - PISCO (Partnership for Interdisciplinary Studies of Coastal Oceans)
  - Fish recruitment
  - Acoustic telemetry
  - Ocean acidification monitoring
  - OSU Field Station



# 10 Year Anniversary!



## Looking Forward

- What is the future of marine stewardship in Oregon?
- With an ever changing climate, it is more important than ever to understand marine ecosystems
- Our goal is inspire the next generation of ocean stewards



# Get involved

- Volunteer Opportunities:
  - Bioblitz
  - Junket tour
  - Coastal bird monitoring
  - Youth outreach
  - Interpretation
- Subscribe to our newsletter at [www.redfishrocks.org](http://www.redfishrocks.org)
- Follow us on social media:
  - Facebook: <https://www.facebook.com/RedfishRocksCT>
  - Instagram: [@redfishrockscommunityteam](https://www.instagram.com/redfishrockscommunityteam)



**City of Port Orford**  
**City Council Meeting**  
**In the Gable Chambers / Virtual participants**  
**Thursday, January 20, 2021 at 5:30 P.M.**

<b>Mayor and Council</b>	<b>Present</b>	<b>City Staff</b>	<b>Present</b>
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Tim Pogwizd, President</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Gary Burns</i>	X	<i>John Isadore, Public Works</i>	X
<i>Lorin Kessler</i>	X		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Planning Commissioner Berndt, Planning Commissioner Thelen, Penny Suess and Dana Gurney, Steve Lawton, Bret Cecil, Ann Vileisis, Tom Calvanese

**1. Call to Order**

President Cox called to order this Meeting of the Common Council on Thursday, January 20, 2022, at 5:30 p.m.

**2. Additions to the Agenda:** None.

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

**4. Consent Calendar**

**a. Approve Minutes December 16, 2021:** Councilor LaRoche moved to approve the minutes for the December 16, 2021, council meeting with Councilor Kessler as second.

*Motion carried 4-0.*

Discussion: None.

*Councilor LaRoche*    Yes        *Councilor Pogwizd*    Yes  
*Councilor Kessler*    Yes        *Councilor Tidey*        Yes

**5. Annual Calendar Beginning of Year Housekeeping – Will be presented to Parks and Planning also.**

- a. Updated copy of municipal code to City Council members.
- b. Copy of council rules provided to council members.
- c. List of current committee/commissioner membership.

**6. Citizen Concerns**

Stephen Lawton, resident of Port Orford, expressed appreciation to the public works staff for their hard effort. Mr. Lawton spoke in support of the vacation rental moratorium licenses. He supports the Planning Commission and City Council to develop ordinances that will assist in

4 resolving the water issues. He feels the moratorium on golf grounds should not be included  
5 as an exception.

6  
7 Ann Vileisis, resident of Port Orford, expressed appreciation to the public works. Ms.  
8 Vileisis spoke in support of the pause on issuing permits for short term vacation rentals until  
9 an ordinance is developed. She appreciates the city working on the water issues and  
10 recognized that growing food is essential. Ms. Vileisis asked that bulk sales of water be  
11 reviewed and farms using large amounts of water needs investigated. She feels that the golf  
12 courses are not essential. She encouraged the city to look for grant money for the water  
13 infrastructures.

14  
15 Tom Calvanese expressed appreciation for the councilors and the mayor. He shared  
16 information with councilors about a petition circulating. This conversation was muted due to  
17 council rules.

## 18 19 7. Department Reports

20 a. **Public Works:** John Isadore updated councilors on the wastewater treatment plant.

21 There was a major failure last month. Public works was able to take maintenance  
22 measures with the assistance of South Coast. Parts have been ordered. Garrison Lake is  
23 the only emergency water system listed for the city. The city has to reinitiate the  
24 application for water rights. The topic of pursuing **Garrison Lake for a backup water**  
25 **source will be an agenda item.**

26 b. **Administration/Finance:** A report was submitted to councilors. Councilor Cox  
27 addressed updating uniform building codes to 2021 codes. The 1982 codes were last  
28 adopted in 1984 by resolution. **This topic will be on the agenda next month.** Financial  
29 report entries were clarified.

30 c. **Planning:** A report was submitted by Planning. No further questions.

31 d. **Liaison:**

32 **Fire District** – Councilor Garratt reiterated the fire district is still looking for volunteers  
33 to serve as fire fighters and positions of assistance. He suggested potential volunteers can  
34 contact the fire district’s Facebook page. Councilor Pogwizd complimented the fire  
35 district’s response to last night’s fire.

36 **TLT** – Councilor Pogwizd reported this is a work in progress. Two TLT applicants were  
37 voted in at the recent meeting. Two additional applicants are pending.

38 **Watershed** – A written report has been submitted. Councilor LaRoche has no additional  
39 information. The main topic is the placement of the eels. Mayor Cox would like a drone  
40 video to track gorse progression over years.

41 **Health** – Councilor Burns reported there are new mental health employees. Curry Health  
42 Network has new employees. He will research on how they will support each other.  
43 COVID’s new variant is spreading throughout the citizens. He is impressed with the new  
44 clinic.

45 **Port** - Mayor Cox reported the crab season is slowing and prices are going up. He will  
46 soon have a redevelopment presentation.



4       **Parks** – Councilor Tidey gave a report on fund raisers that were discussed at the last Park  
5 Commission meeting. Nuisance trees have been removed in Buffington Park. Land has  
6 been cleared for the expansion of the skate park and playground improvement.

7       **Emergency** – Councilor Burns reported getting five pallets of PPE towards the caches.  
8 Cache locations are being discussed.

9       **School District** – Councilor Kessler advised the next meeting is Monday. The school  
10 made announcements that City Hall and the Fire District need volunteers, which is  
11 showing some success.

12       **Main Street** – Councilor Burns reported exploring the advertisement for tourism. He  
13 will meet with Wild River Coast Alliance for assistance.  
14

15 **8. Old Business:**

16       **a. Seasonal Gas Tax Draft Ordinance:** Councilor Pogwizd reminded councilors they are  
17 voting to hand this off to the citizens to vote on. He agrees with he way it is written.  
18 Councilor Garratt identified decisions still needed: 1) It states April 1 through October 31  
19 as seasonal dates. ***Councilors agree by consensus to change the dates from May 1***  
20 ***through October 31.*** 2) It is written for two cents per gallon to be imposed on all motor  
21 vehicle fuel dealers in Port Orford, which includes the card locks and the Port, thus  
22 taxing the fleet in the Port of Port Orford, the logging industry and anybody with a card  
23 lock. Councilors agree by consensus to exclude the Port of Port Orford and card lock fuel  
24 dealers. The ordinance as written singles out the one gas station in town. CA Ginsburg  
25 will get examples from cities with Ports and card locks. The timeline was discussed.  
26 Process was discussed. ‘

27 Councilor Burns moved to table this item for next month’s agenda with Councilor  
28 Pogwizd as second. ***Motion carried 6-0.***

29 Discussion: None.

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

33       **b. Vacation Rental Moratorium Discussion:** CA Ginsburg, Legal Counsel Kudlac and  
34 Planner Shoji met and came up with the suggestion of not issuing new permits but not  
35 issuing restrictions. Legal Counsel Kudlac stated DLCDC advised this. The buildings  
36 currently under construction can move forward, but a pause will be on future BRD  
37 licenses.

38 Councilor Burns moved for a moratorium on issuance of new business licenses for  
39 vacation rentals in R1 and R2 up to a year with Councilor Kessler as second. ***Motion***  
40 ***carried 4-2.***

41 Discussion: Councilor Garratt suggested adding the word “new” due to renewals.  
42 Councilor Pogwizd questions how to handle the 30 days it will take the moratorium to be  
43 in effect. Legal Counsel Kudlac advised that since this is not an ordinance it can go into  
44 effect immediately. Councilor Garratt would prefer a shorter timeline, so people are  
45 aware the council is actively working on an ordinance to address the problem.

46 ***Councilor Garratt       No        Councilor LaRoche   Yes        Councilor Burns       Yes***

4            **Councilor Kessler**        Yes            **Councilor Tidey**        No            **Councilor Pogwizd**        Yes  
5

6            **c. Water Curtailment Ordinance 2022-04-Draft review 3:** There is more water loss in  
7            the summer due to fires, leaks and silt in the intake. By consensus councilors agree to  
8            remove the golf course language from exceptions. Councilors discussed who will declare  
9            the emergency and implement curtailment. Legal Counsel Kudlac advised councilors of a  
10           the missing definition. John Isadore agrees with the definition of level 1-4 but would like a  
11           definition limited to 3 levels in the future. **The draft will need typed for next meeting.**  
12

13           **d. Water installation of New Services:** By not allowing new hookups the city is stopping  
14           construction. The option of wells is not feasible for all land owners due to regulations of  
15           placement and lack of water on the property. This should apply to new services only.  
16           Services installed but not connected cannot be stopped. Councilor Garratt hopes to keep  
17           the time frame as short as possible. **Councilors agree by consensus** to move forward. Tax  
18           lot owners need to be notified by a reliable method outside of the water bills.  
19

20 **9. New Business**

21           **a. TLT Committee Appointment – Nancy Fraser:** Councilor Burns moved to accept  
22           Nancy Fraser’s appointment to the TLT committee with Councilor Kessler as second.  
23           **Motion carried 6-0.**  
24           Discussion: None.

25           **Councilor Garratt**        Yes            **Councilor LaRoche**        Yes            **Councilor Burns**        Yes  
26           **Councilor Kessler**        Yes            **Councilor Tidey**        Yes            **Councilor Pogwizd**        Yes  
27

28           **b. TLT Committee Appointment – Michele Leonard:** Councilor Burns moved to accept  
29           Michele Leonard’s appointment to the TLT committee with Councilor Kessler as second.  
30           **Motion carried 6-0.**  
31           Discussion: None.

32           **Councilor Garratt**        Yes            **Councilor LaRoche**        Yes            **Councilor Burns**        Yes  
33           **Councilor Kessler**        Yes            **Councilor Tidey**        Yes            **Councilor Pogwizd**        Yes  
34

35           **c. Resolution 2022-02, Seasonal Motor Fuel Tax Call to Vote:** As above. No vote.  
36

37           **d. Right of Way Request – Marty Million, 1840 Oregon Street:** Councilor Burns moved  
38           to accept the right of way request with Councilor Tidey as second. **Motion carried 6-0.**

39           **Councilor Garratt**        Yes            **Councilor LaRoche**        Yes            **Councilor Burns**        Yes  
40           **Councilor Kessler**        Yes            **Councilor Tidey**        Yes            **Councilor Pogwizd**        Yes  
41

42           **e. Right of Way Request – Coast Community Health:** Councilor Burns moved to accept  
43           the right of way request with Councilor Tidey as second. **Motion carried 6-0.**

44           Discussion: Coast Community would like to park a mobile trailer on the right of way. It  
45           will not be in the spaces the school uses for parking.  
46           **Councilor Garratt**        Yes            **Councilor LaRoche**        Yes            **Councilor Burns**        Yes

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

6 **f. Right of Way Request – Lisa Pittelli:** Councilor Burns moved to accept the right of way  
7 request with Councilor Pogwizd as second. *Motion carried 5-0.*

8 Discussion: Councilor LaRoche asked why the fence cannot be on the applicant’s own  
9 land. It is explained that the front line of the fence is on the owner property but sides  
10 extend onto right of way.

11 *Councilor Garratt* Yes *Councilor LaRoche* No *Councilor Burns* Yes  
12 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes  
13

14 **g. Planning Committee Appointment Krista Nieraeth:** Ms. Nieraeth needs to reup to the  
15 Planning Commission. Councilor Pogwizd moved to accept Krista Nieraeth’s application  
16 with Councilor Kessler as second. *Motion carried 6-0*

17 Discussion: None.

18 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes  
19 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes  
20

21 **h. Planning Committee Appointment – Pamela Berndt:** Ms. Berndt needs to reup to the  
22 Planning Commission. Councilor Pogwizd moved to accept Pamela Berndt’s application  
23 with Councilor LaRoche as second. *Motion carried 6-0.*

24 Discussion: None.

25 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes  
26 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes  
27

## 28 10. Considerations

### 29 Citizens:

30 Tim Palmer, Port Orford resident, advised of a petition with 178 signatures to be presented to  
31 councilors and administration regarding of a development being proposed.

32  
33 Steve Lawton spoke in favor of taxing vacation rentals and stated others agree.

34  
35 Ann Vileisis expressed appreciation to councilors and mayor. She stated that citizens are  
36 frustrated with the process and lack of citizen involvement. Ms. Vileisis drew attention to the  
37 resource of a DLCD introductory guide for land use planning for small cities. She agrees  
38 with moving forward in updating the codes.

39  
40 Pamela Berndt, resident of Port Orford expressed appreciation to council. She advised there  
41 is some drone footage of the watershed done by Wild Winter Land Trust to promote  
42 awareness of the watershed.

43  
44 Jennifer Head, resident, expressed her appreciation for the clickable meeting link on the  
45 agenda. Ms. Head supports vacation rental moratorium and water curtailment. Ms. Head

4 offered her services as a grant writer, but due to her schedule will have to serve in an editing  
5 capacity or work with a team.

6  
7 **Staff:** None.

8  
9 **Councilors:** None.

10  
11 **Mayor:** Mayor Cox asked about a Facebook post and was advised that volunteers for grant  
12 writing were requested.

13  
14 **11. Future Meetings**

15 **Thursday, February 17, 2022, Regular Council Meeting 5:30, hybrid.**

16  
17 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:07 p.m.

18  
19  
20 Attest:

21  
22  
23  
24  
25 \_\_\_\_\_  
Mayor, Pat Cox

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

## **Public Works report for the month of January 2022**

### **Water Plant: Op's - NO Run Days 5**

Raw water into plant 5,939,000 Treated water 4,422,000 Backwash water used 140,00 Leaks 205,000

### **Immediate Major Issues Water**

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

1. Dredging waiting quote and permitting.
2. **Update** Dam leakage, Civil West Engineering the city has received 2 bids awaiting the 3<sup>rd</sup>.

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

1. **Update** Finished water pump replacement, waiting on delivery of new pump / electrical parts were delivered and are on site. Spoke with vender still on back order.
2. **Update** Pressure relief valve repairs, parts on order 6-8 weeks out.
3. **In Progress** Water rights permitting for Garrison Lake and Mill creek from 2007 still in process.
4. Water survey, updating operation and maintenance manuals in progress.

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

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

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

1. **Update** Scatter 7 turbidity meter is repaired and back in operation
2. Dam repairs on hold till we find a contractor to install the liner. 2 bids received

### **Water leaks Repaired:**

- Tichenor Ave. Still need to set meter and box waiting on fittings
- 9<sup>th</sup> St. 2" service had split at coupler

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

- No new services installed

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

- No meter swaps

## Public Works report for the month of January 2022

### Waste Water plant: Op's:

Grit system and classifier replacement on going. Repairs & maintenance plant / collections.

- Arizona lift station, piping has failed to pressure line. This station will need retrofitted ASAP working with Smith and loveless for a quote.
- Grit removal system, some parts received continue working on repairs.
- Idaho Lift Station electrical components installed both pumps are repaired and back in operation
- Wyoming, lift-station back in operation
- 25<sup>th</sup> Street Lift-Station, both pumps are repaired and in operation
- Ordered 2 new blower 5-6 months out maybe early July
- Pending Influent Flow Meter, working on quote for replacement meter is no longer supported
- Received Muffin Monster grinder, prepping for install
- Repaired leaks on hot water heater legion hall and repair heater
- City hall council chambers heat is out, parts on order circuit board and fan motor
- Submitted forms to participate with Oregon State University in the national wastewater surveillance study for COVID. Not only were we chosen to receive a free auto sampler and materials, **we are the only wastewater treatment facility in Curry county participating.** The data will go into a national database with the Oregon Health Authority.

### Streets Maintenance:

- Continue winter time maintenance, mowing and trimming as needed and time allows
- Fire Hydrant Main. Started annual hydrant maintenance on going.
- No pot hole Main this month
- Trees, cleaned up and disposed of blown down trees in various locations
- Cleared / cleaned storm basins and drainage throughout the city.

### Parks

- Repair roof on concession stand and pull men toilet and replaced wax ring at Buffington
- Battle Rocks, Roof leaks in both bathrooms and rotten wood around sky-lights.
- Interpretive trail, wooden decking and railings are failing (rotten). Made temp repairs
- Pick up and disposal of trash and debris in parks.
- Un-clog & clean 12<sup>th</sup> St & Battle Rock bathrooms (26 time's)
- Avery to install pressure tank for Battle rock bathrooms to increase flush pressure.
- Continue mowing and trimming of parks as time allows.

### PW Works Equipment PM

- Run and Pm generators monthly
- Oil changes on work trucks
- Repaired muffler and installed new side window on backhoe

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Administration Report

ITEM NO: 6b.

---

### Projects Completed:

Union Contract Approved and Signed in July 2021

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

New Waste Water Treatment Plant Operator Started in September 2021

Contractor Hired for City Hall repairs

Utility Accounts Receivable Reviewed and Collections letters sent.

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

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

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

TLT Committee has been formed and once we start to get grant applications we will be calling our 1<sup>st</sup> meeting.

### Ongoing Projects and Updates:

**Water Infrastructure Grants**-Update in the Old Business section of Agenda 7e.

**Building Inspector/Building Code**- Updated Building code for Abatement and Nuisance and Dangerous Housing is in the Agenda under New Business Section 8a.

**Citation Clean up**- I have been reviewing the Open Citation listing and as of December 10<sup>th</sup> I have reviewed \$622,175.36. We have sent \$332,856.91 in Collection letters, \$192,827 needs to be reserved on the balance sheet, \$17,962 are international tickets that will be Written off, \$25,021 has paid, \$26,929 is current receivables (within 30 days), \$26,578 need additional research. We have been receiving a good portion back with bad addresses and in January I concentrated on updating that information and sending out updated letters. I have not been able to concentrate on this as much as I wanted due to being short staffed. When this project started the balance outstanding was \$837,217.86 thru 09/28/2021. As of February 10<sup>th</sup> the balance due is \$742,477.25 thru 09/28/2021 also. Therefore, we have collected **\$94,740.61** in past due Citations.

**Emergency Management Planning**- Monica is in the wrap up stages of the plan. We will be having a wrap up session shortly. The survey time was extended to the end of January. Thank you all that participated!

**Watershed Project-**Updated in the Watershed Liaison report by Linda Tarr. On 01/13/2022 I walked the watershed property with Erin and volunteers with the Watershed. It was great to see the progress they have made on the Gorse removal/cleanup. We will be looking for Volunteers to continue with the clean up efforts along with grants and other funding sources to cover costs.

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

**City Hall, Water Plant and Wastewater Plant-** The buildings that we work in are in need of repairs and "facelifts". We are looking for volunteers that can participate and help with any aspect of the projects that need to be done. We are going to have a new payment window installed at the Receptionist's desk in City Hall soon. Our building permit with Curry County was extended till July of 2022. However, we anticipate having that project completed well before then.

**Field Trip for 5<sup>th</sup> Graders-** I have been working with Nancy, Cathy and Linda on getting a series of field trips set up for Nancy's 5<sup>th</sup> grade class. We have had our field trips with the 5<sup>th</sup> graders that started at Hubbards Creek and ended in City hall on 02/17/2021. They had great question, observations and hopefully we will have some future City Employees in the group. John and I received some great Thank you Letters from the class that are attached to this report.

**Volunteers-** We have received many applications from Volunteers willing to come and assist City staff on multiple projects. Calls are starting to get returned and hoping to start to have some Volunteers starting before the end of February. Thank you to everyone who handed in a form!

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



1210 Oregon Street  
Port Orford, OR 97465  
February 21, 2022

Dear Jessica,

Thank you for giving us permission to go out to the Hubbard Creek Watershed. First, I learned a lot about the pump in the shed. Second, I learned a lot up by the bridge. I learned about how clean the water was <sup>and the fish</sup> and the turbidometer worked. I wish I could go show my family it is really cool.

Sincerely,

Brooke H.

1210 Oregon street  
port Orford, OR 97465  
February 2, 2022

Dear Jessica Ginsburg,

Thank you for your help on everything you did for us. I loved everything we did, and what you did. You helped me learn things I did not know. You inspired me with what you know. If I come back, I will be curious about what you put up to work. Last, I love your work!

Signature,

Kayla Colgrove

Tessa Hackett  
2-2-22

1210 Oregon Street  
Port Orford, OR 97465  
February 2, 2022

Dear Jessica,

Thank you for giving us permission to be at the wonderful Hubbard Creek Watershed. First, one of the things I was interested in, the pump station. Another thing, is to thank you for letting us have a good time there. I really enjoyed being outside at the watershed. Finally, that's every thing I wanted to thank you for have a nice day.

From,

Tessa Hackett

1210 Oregon street  
port Orford, Or 97465  
February 2, 2022

Dear Jessica,

Thank you for letting us go to the reservoir. First, I found that not a lot of people been to the reservoir. Another thing is that how everyone worked together to set this up. It was interesting how the water was clean before it was prohibited. I really like the place and want to learn more.

Sincerely

Mia Breschere

1210 Oregon Street  
Port Orford, OR 97465  
February 2, 2022

Dear, Jessica Ginsburg,

Thank you for letting us be able to come, and go look at different activities. I really liked how the lamprey can help clear out the creek. But I did not like the run back up the hill. One fact I learned was that it is hard to collect water to analyze the water. But I don't get how you guys can filter all of the water with just one filter.

Sincerely,

From: Emily Sullivan

12.10 Oregon Street  
Port Orford, OR 97465  
February 2, 2022

Dear John,

Thank you for showing  
us the pump house. I did not  
like how you drove up when we  
ran. I like how you showed  
us how it worked. I like  
how you know my family.  
Thank you for all the things  
you did.

Sincerely,

Richard Sanchez

1210 Oregon Street  
Port Orford, OR 97465  
February 2, 2022

Dear John,

I am writing to you because I want to say thank you for showing us the water pump station. It was very loud but fun its cool that you do most of the work with pumping water. Next I want to tell you a interesting fact that I learned is that if the power goes out you just stop pumping water. This was a very fun field trip and I want to say thank you!

Sincerely,

Stella Stallard

1210 Oregon Street  
Port Orford OR Street  
February 2, 2022

Dear John,

Thank you for showing my class the water pumps. That was so much fun learning how the water pumps work. Another fun part was learning about how you clean the water. That was my favorite part! Last, it was cool how you could feel the water going through the water pumps. Thank you.

Sincerely, Ava Holm  
Ava Holm



1210 Oregon Street  
Port Orford, OR 97465  
February 2, 2022

Dear John,

Thank you for answering my questions and knowing how to explain so that I would understand. I was really interested in the fish ladder. How do you stand the sound of the pump every day? I'm impressed on how you explain! How did you learn all that stuff?

Sincerely,

Hailey Burdick

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Finance

ITEM NO: 6 c.

---

### Explanation of the Group Summary Financials:

Last meeting Mayor Cox had asked about how the Budget Remaining and the YTD Activity were the same. The Budget Remaining is taking the Total Current Budget and subtracting the Year to date Activity and that is how you get the budget remaining. With that being said then you are always going to have the Budget remaining opposite (Meaning if the YTD Activity is a Positive then Budget remaining will be a Negative) of what is in the YTD Activity.

Deana and I are working on creating a monthly close check list. From what we have both seen that has not been done and that will help the new accountant with her monthly duties.

Deana and I have also created a monthly close binder with all the reconciliations and other important closing documents.

We have been able to operate and pay all the bills without having to move money from the LGIP account. That account has been getting deposits only. We Started July 1 with \$1,817,555 and we are currently at \$ 2,391,162.70

We received a good portion of funds from property tax payment in November and they will continue to come in throughout the year.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**Group Summary**

Account Type	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
<b>Fund: 010 - GENERAL FUND</b>					
Revenue	929,383.00	929,383.00	13,789.17	800,986.51	128,396.49
Expense	929,383.00	929,383.00	41,791.40	229,593.74	699,789.26
<b>Fund: 010 - GENERAL FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-28,002.23</b>	<b>571,392.77</b>	<b>-571,392.77</b>
<b>Fund: 014 - PARKS FUND</b>					
Revenue	260,416.00	260,416.00	30,228.53	108,578.54	151,837.46
Expense	260,416.00	260,416.00	6,367.08	48,513.16	211,902.84
<b>Fund: 014 - PARKS FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>23,861.45</b>	<b>60,065.38</b>	<b>-60,065.38</b>
<b>Fund: 020 - PUBLIC SAFETY</b>					
Revenue	588,755.00	588,755.00	103.94	5,358.17	583,396.83
Expense	588,555.00	588,555.00	37,482.06	261,001.79	327,553.21
<b>Fund: 020 - PUBLIC SAFETY Surplus (Deficit):</b>	<b>200.00</b>	<b>200.00</b>	<b>-37,378.12</b>	<b>-255,643.62</b>	<b>255,843.62</b>
<b>Fund: 030 - WATER ENTERPRISE FUND</b>					
Revenue	1,075,142.00	1,075,142.00	38,524.56	261,543.91	813,598.09
Expense	1,075,142.00	1,075,142.00	38,547.09	277,736.75	797,405.25
<b>Fund: 030 - WATER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-22.53</b>	<b>-16,192.84</b>	<b>16,192.84</b>
<b>Fund: 031 - WATER CAPITAL RESERVES</b>					
Revenue	83,408.00	83,408.00	0.00	209.10	83,198.90
Expense	83,408.00	83,408.00	0.00	0.00	83,408.00
<b>Fund: 031 - WATER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>209.10</b>	<b>-209.10</b>
<b>Fund: 035 - SEWER ENTERPRISE FUND</b>					
Revenue	1,321,853.00	1,321,853.00	50,550.32	331,334.66	990,518.34
Expense	1,321,853.00	1,321,853.00	35,304.33	189,119.12	1,132,733.88
<b>Fund: 035 - SEWER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>15,245.99</b>	<b>142,215.54</b>	<b>-142,215.54</b>
<b>Fund: 036 - SEWER CAPITAL RESERVES</b>					
Revenue	255,359.00	255,359.00	0.00	419.48	254,939.52
Expense	255,359.00	255,359.00	0.00	0.00	255,359.00
<b>Fund: 036 - SEWER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>419.48</b>	<b>-419.48</b>
<b>Fund: 040 - STREET FUND</b>					
Revenue	177,933.00	177,933.00	0.00	112,651.79	65,281.21
Expense	177,733.00	177,733.00	6,060.61	131,431.08	46,301.92
<b>Fund: 040 - STREET FUND Surplus (Deficit):</b>	<b>200.00</b>	<b>200.00</b>	<b>-6,060.61</b>	<b>-18,779.29</b>	<b>18,979.29</b>
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT</b>					
Revenue	32,451.00	32,451.00	0.00	15.91	32,435.09
Expense	32,451.00	32,451.00	0.00	0.00	32,451.00
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>15.91</b>	<b>-15.91</b>
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND</b>					
Revenue	113,884.00	113,884.00	0.00	191.63	113,692.37
Expense	113,884.00	113,884.00	0.00	0.00	113,884.00
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>191.63</b>	<b>-191.63</b>
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT</b>					
Revenue	516,563.00	516,563.00	9,096.00	28,328.45	488,234.55
Expense	516,563.00	516,563.00	0.00	0.00	516,563.00
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>9,096.00</b>	<b>28,328.45</b>	<b>-28,328.45</b>
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT</b>					
Revenue	339,889.00	339,889.00	5,060.00	20,925.81	318,963.19
Expense	339,889.00	339,889.00	0.00	0.00	339,889.00
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>5,060.00</b>	<b>20,925.81</b>	<b>-20,925.81</b>
<b>Total Surplus (Deficit):</b>	<b>400.00</b>	<b>400.00</b>	<b>-18,200.05</b>	<b>533,148.32</b>	

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Planning

ITEM NO: 6 d.

---

On February 1<sup>st</sup> the 1st meeting about vacation rentals. There was lengthy discussions about ways to manage the vacation rentals in the Residential Zones. Krista and I were tasked with creating an online Survey for the residents of port orford complete. The survey is attached to this document. Commissioner Berndt and Commissioner Thelen are working together to start to put together a check list for what could be required in a possible new Business License packet. This will be presented at the next planning meeting March 1 2022.

We received two new building permit application this month for:

710 Kings Street

1078 Agate Beach Road

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Water Curtailment Ordinance 2022-04-1st and 2<sup>nd</sup> Readings

ITEM NO: 7 a &amp; b.

---

The final draft of the Water Curtailment Ordinance is attached. We can do 2 readings by title only if no council members present request a full a reading, three copies are open for the public review no later than 1 week before the first reading, and/or a notice is posted at City Hall and 2 other public places in the City.

### Suggested Motions:

#### ***Motion to have Ordinance passed in 1 night with 2 readings.***

I make a motion that the council adopt the Water Curtailment Ordinance 2022-04 in one meeting with both reading this evening.

(If the vote is unanimous to adopt in one meeting, then please see one meeting adoption motion)

(If the vote is **NOT** unanimous, please proceed to the TWO meeting adoption motion below)

#### ***Motion to have Ordinance adopted in 1 meeting.***

I make the motion that the Council adopt the Water Curtailment Ordinance 2022-04 and approve the first and second readings by title only as an emergency to take effect February 18, 2022.

#### ***Motion to have Ordinance adopted in 2 meetings.***

I make a motion that the Council adopt the Water Curtailment Ordinance 2022-04 and approve the first reading by title only.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## ORDINANCE NUMBER 2022-04

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

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

#### CHAPTER 13.05

##### SECTIONS:

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

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

#### **13.05.020 - Purpose:**

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

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

Ordinance 2022-04

Water Curtailment

Page 1 of 7

**13.05.030 - Definitions:**

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

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

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

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

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

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

**First Level of Concern:** means when water reaches 2.5 feet in Hubbard's Creek Holding pond or 16 feet in the treated water tank.

**Second Level of Concern:** means when water reached 2.0 feet in Hubbard's Creek Holding Pond and/or 14 feet in the treated water tank.

**Third Level of Concern:** means when water reaches 1.8 feet in Hubbard's Creek Holding Pond and/or 12 feet in the treated water tank.

**Fourth Level of Concern:** means when water reached 1.5 feet in Hubbard's Creek Holding Pond and/or 10 feet in the treated water tank; or when the State of Oregon declares a drought emergency in Curry County Oregon.

**13.05.040 –Application and Procedure:**

The provision of the Ordinance shall apply to all customers using water provided by the City of Port Orford at such times as Hubbard's creek decreases to 1.5 feet or less and/ or the treated water holding tank decreases to 10 feet or less. Upon implementation of the Water Curtailment Measures, such

measures shall remain in effect until the stream flow has increased above trigger level for a continuous 24 hours as verified by the Public Works Supervisor and or City Administrator or the treated water tank is 15 feet or greater.

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

**13.05.050 –Levels of Concerns:**

There are four levels of concern depending on the levels in Hubbards Creek and or the treated water tank.

**13.05.060 – Regulation of Water usage During Level of Concern Conditions:**

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



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

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

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

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

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

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

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

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

- 1) Penalties for violating this Ordinance shall be cumulative in that they may be in addition to, not in lieu of, other penalties, remedies, or surcharges established by this chapter.
- 2) Second Level of Concern: Any Customers who exceed usage two (2) times the annual average of water usage in their designated zone shall pay a surcharge of two (2) times the rate for water delivered in excess of the average volume.
- 3) Third Level of Concern: Any customers who exceed two to four (2-4) times the annual average of water usage in their designated zone shall pay a surcharge of three (3) times the rate for water delivered excess of the average volume.

- 4) Fourth Level of Concern: Any Customers who exceeds four (4) and over the annual average of water usage in their designated zone shall pay a surcharge of four (4) times the rate for water delivered in excess of the average volume.

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

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

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

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this \_\_\_<sup>th</sup> day of \_\_\_ 1 and effective the \_\_\_<sup>th</sup> day of \_\_\_ by the following vote:

DATED :

Passed or Failed by the following Roll Call Vote

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

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

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

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

ATTEST:

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

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Hubbard Creek Repair Bids

ITEM NO: 7 c.

---

On November 15<sup>th</sup> a temporary repair plan was created by Civil West Engineering located in Coos Bay. Civil West reached out a multiple contractors and did not start to hear back from them till January 2022. We have not received 3 bids however in the purchase order policy it states an exception if there is an emergency. John and I beleve that this is an emergency since we have had very little rain this past month and we need to capture and retain as much water as possible.

There are 4 documents in item 7.c.

- 1) Civil West Engineering Temporary Water Dam Fix
- 2) Purchase Order Policy
- 3) Quote from Billeter Marine, LLC
- 4) Quote from Stettler Supply Company

### Suggested Motions:

#### ***Motion to approve the bid from Billeter Marine LLC***

I make a motion that the Council accept the bid from Billeter Marine, LLC for \$12,508 to preform the repairs at Hubbard Creek Reservoir.

#### ***Motion to approve the bid from Stettler Supply Company***

I make a motion that the Council accept the bid from Stettler Supply Company for \$17,450 to preform the repairs at Hubbard Creek Reservoir.

---

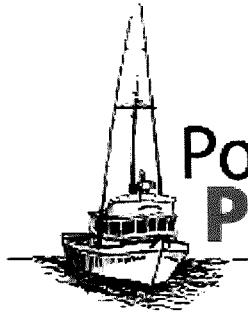
SUBMITTED BY:

Jessica Ginsburg

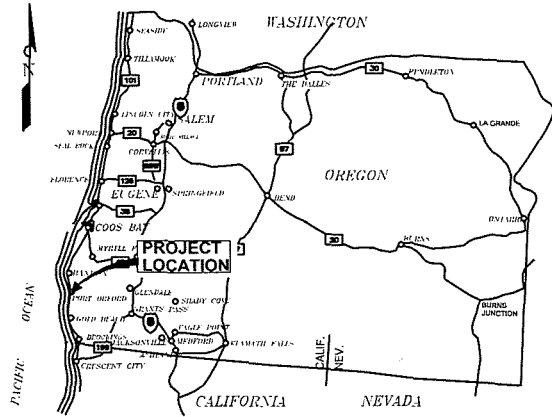
Jessica Ginsburg, City Administrator

# CITY OF PORT ORFORD

## CURRY COUNTY, OREGON



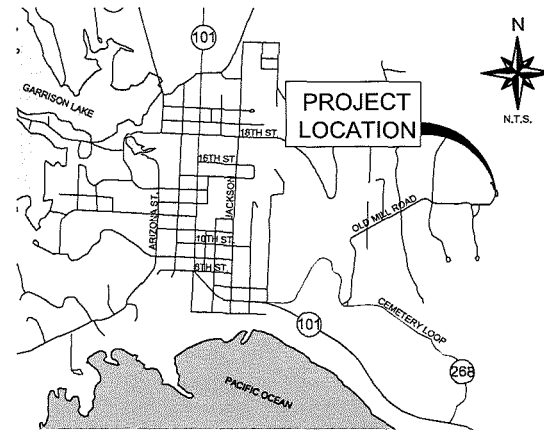
# Port of Port Orford



LOCATION MAP

# HUBBARD RESERVOIR TEMPORARY WATER DAM

PROJECT NO. 2510-003  
NOVEMBER 4, 2021



VICINITY MAP  
NOT TO SCALE

**GENERAL NOTES**

1. ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN A COPY OF THE RULES BY CALLING THE CENTER. NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987. STAT. AUTH.: ORS 757.542 THROUGH ORS 757.562 AND ORS 757.983.
2. THE CONTRACTOR SHALL CONTACT 'ONE CALL' FOR UTILITY LOCATES PRIOR TO EXCAVATION. (1-800-332-2344)
3. ALL OVERHEAD ELECTRICAL DISTRIBUTION SYSTEMS MAY NOT BE SPECIFICALLY INDICATED ON THE DRAWINGS BUT DO EXIST ALONG THE PIPELINE ROUTES. CONTRACTOR IS TO TAKE ALL NECESSARY PRECAUTION AROUND EXISTING POWER LINES AND MAINTAIN SAFE DISTANCES DURING THE CONSTRUCTION PROCESS.
4. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO ALL GOVERNING AGENCIES REGULATORY REQUIREMENTS. OWNER/CONTRACTOR SHALL OBTAIN ALL NECESSARY CITY AND COUNTY PERMITS RELATES TO THE CONSTRUCTION OF IMPROVEMENTS SHOWN HEREON.
5. PROPERTY AND RIGHT OF WAY LINES SHOWN IN THIS PLAN SET ARE APPROXIMATE AND BASED ON BEST AVAILABLE INFORMATION. CONTRACTOR SHALL OBTAIN TEMPORARY CONSTRUCTION ACCESS OR PERMISSION IF NECESSARY FROM PRIVATE LAND OWNERS PRIOR TO ENTERING PRIVATE PROPERTY.

**SHEET INDEX**

SHEET#	SHEET NAME
G1.0	COVER SHEET
S1.0	GENERAL NOTES
S2.0	IMPROVEMENT PLAN



PREPARED BY:  
**Civil West**  
Engineering Services, Inc.  
830 OHARE PARKWAY, SUITE 102  
MEDFORD, OR 97504  
www.civilwest.com

REV.	DATE	DESCRIPTION	BY	CHECKED BY

CITY OF PORT ORFORD CURRY COUNTY, OREGON	HUBBARD RESERVOIR TEMPORARY WATER DAM	COVER SHEET
---	--	-------------

DATE: 11/15/21  
**G-1**  
11/15/2021



Know what's below.  
Call before you dig.



## PROJECT GENERAL NOTES: (PORT ORFORD, OREGON)

### GENERAL INFORMATION

1. GOVERNING CODE IS THE 2018 OREGON STRUCTURAL SPECIALTY CODE, ASCE7-16, ACI 318-19, AWC-NDS-18, AWC-SPDWS, IBC-18.
2. THE PROJECT WAS DESIGNED FOR THE FOLLOWING LOADS:  
LOADS:
  - a. FLUID LIVE 312 PSF
  - b.
  - c. DEAD 10 PSF
  - d. WIND LOAD 120 MPH EXPOSURE B  
IW = 1.0
  - e. SEISMIC LOAD SEISMIC DESIGN CATEGORY D  
SEISMIC SITE CLASS D  
S<sub>s</sub> = 2.258  
S<sub>i</sub> = 1.044  
V = 26.1 K (R=4)
3. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING WORK.
4. ALL FEATURES OF CONSTRUCTION NOT FULLY SHOWN SHALL BE OF THE SAME TYPE AND CHARACTER AS SHOWN FOR SIMILAR CONDITIONS SUBJECT TO REVIEW OF THE ENGINEER OF RECORD.
5. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS AND METHODS. RESPONSIBILITY SHALL INCLUDE BUT IS NOT LIMITED TO DEMOLITION AND CONSTRUCTION MEANS AND METHODS, TECHNIQUES, SEQUENCING, AND SAFETY REQUIRED TO COMPLETE CONSTRUCTION.
6. ALL ERECTION BRACING, TEMPORARY SHORING AND CONSTRUCTION SEQUENCING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
7. RESIDENCE HAS BEEN DESIGNED BASED ON THE ASSUMPTION THAT THE BUILDING LOT IS FLAT. G.C. TO CONTACT ENGINEER IF RETAINING WALLS ARE REQUIRED.
8. ALL WATERPROOFING, DAMP PROOFING, AND WEATHERPROOFING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
9. EXISTING CONCRETE STRUCTURE PRESENT ARE BASED ON HISTORICAL DESIGN DOCUMENTS AND LIMITED FIELD SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY ALL DIMENSIONS PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES, CONTRACTOR IS TO NOTIFY THE DESIGN ENGINEER FOR CLARIFICATION.
10. PRIOR TO THE INSTALLATION OF THE STOP-LOG SYSTEM, CONTRACTOR SHALL PRESSURE WASH AND CLEAN EXISTING STRUCTURE AT A MINIMUM 1" IN EACH DIRECTION OF THE PROPOSED IMPROVEMENTS. ANY DAMAGED SURFACES IDENTIFIED WILL TO BE REPAIRED IN COORDINATION WITH DESIGN ENGINEER FOR DIRECTION OR REPAIRS TO CONCRETE PRIOR TO INSTALLATION.
11. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DE-WATER AREA WHERE IMPROVEMENTS WILL BE INSTALLED.
12. ACCESS TO SITE IS LIMITED AND ARE TO BE COORDINATED WITH THE CITY FOR ACCESS.

### INSPECTION

1. SPECIAL INSPECTION REQUIRED SHALL BE PROVIDED PER OSSC CHAPTER 17 AND AS REQUIRED BY LOCAL JURISDICTION.
2. GC SHALL NOTIFIED AND COORDINATE WITH CIVIL AND/OR CITY PUBLIC WORKS FOR INSPECTION AFTER EACH LINE ITEM IS COMPLETED.

### FRAMING LUMBER

1. ALL FRAMING LUMBER SHALL BE DOUGLAS FIR-LARCH AND SHALL BE GRADED UNER THE MOST RECENTLY ADOPTED RULES OF THE WEST COAST LUMBER INSPECTION BUREAU (WCLIB).
2. ALL BEAMS AND JOISTS SHALL BE NUMBER 2 (UNLESS NOTED OTHERWISE).
3. ALL STUDS AND BLOCKING SHALL BE NUMBER 2.
4. ALL LUMBER IN CONTACT WITH CONCRETE OR EXPOSED SHALL BE PRESSURE TREATED IN ACCORDANCE WITH AWPA STANDARD C-2 AND SHALL BEAR THE AWPA QUALITY MARK.

### STRUCTURAL STEEL

1. ALL STRUCTURAL STEEL SHALL BE AS FOLLOWS:
  - WIDE FLANGE SHAPES - ASTM A992, GRADE 50
  - CHANNELS, PLATES AND ANGLES (EXCEPT AS NOTED) - ASTM A36
  - HOLLOW STRUCTURAL SECTIONS (TUBES) - ASTM A500, GRADE 'B' (FY = 46 KSI)
2. ALL WELDING SHALL CONFORM TO AWS (CURRENT EDITION) SPECIFICATIONS.
3. ALL WELDS TO BE E70 ELECTRODE. ALL WELDS TO BE 1/16" SMALLER THAN THINNEST MATERIAL TO BE WELDED U.N.O.
4. ALL FABRICATION, ERECTION, IDENTIFICATION AND PAINTING SHALL CONFORM TO AISC SPECIFICATIONS. 'BP-X' REFERENCES COLUMN BASE PLATES, REFER TO DETAILS FOR 'BP-X' REFERENCES AND REQUIREMENTS.



PREPARED BY:  
859 OHARE PARKWAY, SUITE 102  
MEDFORD, OR 97504  
641-266-6601  
www.civilwest.com

REV.	DATE	DESCRIPTION	BY

DESIGNED BY: DCK  
DRAWN BY: NCK  
CHECKED BY: JWG  
PROJECT NO: 2510003

CITY OF PORT ORFORD  
CURRY COUNTY, OREGON  
HUBBARD RESERVOIR TEMPORARY  
WATER DAM  
SHEARWALL AND HOLD DOWN  
SCHEDULE

DATE SHEET PLO: **S1.1**  
11/15/2021

SCALE: 1/8" = 1'-0" (SEE DRAWING NOTES FOR DIMENSIONS AND TOLERANCES)

## **PURCHASE ORDER POLICY**

All purchases must be done through the City of Port Orford Purchase Order system.

The steps involved in this purchasing system are as follows:

1. There is an identified need for some equipment or supplies.
2. The items are identified, and three quotes are obtained for the purchase of these items.
  - A. Three oral quotes (documented) for items under \$5000
  - B. Three written quotes for items \$5000 to \$10000
  - C. Formal bid process for purchases greater than \$10000 except emergencies.
3. The purchase order form is filled out and submitted to City of Port Orford Finance Dept.
4. The purchase order request is compared to the budget to ascertain if funding is available.
5. If budget funding is available, the Finance Director “signs off” on the purchase order.
7. The purchase order request is routed to City Administrator for “sign off.”
8. After City Administrator sign off, purchase order is returned to Finance.
9. Finance Department assigns a Purchase Order Number.
10. The purchase order is then returned to the department head.
11. Department head places the order, signs the authorization, and returns the purchase order to finance.
12. Item arrives. Packing slip is routed to finance department, where it is matched to the purchase order.
13. Invoice arrives in finance department. Invoice, purchase order, and packing slip are matched up in finance department.
14. The packing slip is verification that the item arrived, and is complete, and appropriate. This will allow the invoice to be paid.
15. Mayor may act in Administrator’s absence. AP/Payroll may act in Finance Director’s absence.

**Advantages: This system allows the Finance Director to maintain situational awareness concerning the budget and the status of all line items. The system also allows more pairs of eyes to see each order before it goes out. This can provide an additional “sanity check” for all orders being placed. This should reduce purchasing errors, and result in the best price being obtained. The return of the packing slip to finance allows the completion of the loop as far as acquisition is concerned. This allows finance to know about budget draws up front, and allows the tracking of the purchase from order to arrival. This should prevent invoices from being paid in error, or being paid before arrival of the items ordered. This will also allow better reporting of line item balances, since the Finance Director will have the latest information.**

**Disadvantages: Somewhat increased workload for the Finance Department, and in particular, the Finance Director. Somewhat increased workload for City Administrator as well.**



# Billeter Marine, LLC

520 3<sup>rd</sup> Court  
Coos Bay, OR 97420

Ph: 541.269.8600  
Fx: 541.266.0532

<b>To:</b> City Of Port Orford	<b>Contact:</b> Jessica Ginsburg
<b>Address:</b> 555 W. 20th St, PO Box 310 Port Orford, OR 97465	<b>Phone:</b> 541-332-3681
	<b>Fax:</b>
<b>Project Name:</b> Stop Log Installation	<b>Bid Number:</b> 22-416
<b>Project Location:</b> Hubbard Creek Reservoir, Port Orford, OR	<b>Bid Date:</b> 2/4/2022

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
	00	Mobilization & Shipping	1.00	LS	\$2,584.00	\$2,584.00
	01	Pressure Wash And Prep Flume Walls Where Stop Log Chanells Attach	1.00	LS	\$365.00	\$365.00
	02	Fabricate And Hot Dip Galvanize Steel Stop Log Channels	2.00	EACH	\$1,780.00	\$3,560.00
	03	Pressure Treated Douglas Fir #2 & Btr Full Roughsawn Dimension Stop Logs Per Plan	22.00	EACH	\$111.00	\$2,442.00
	04	Install Stop Log Channels And Stop Logs	1.00	LS	\$2,077.00	\$2,077.00

**Total Base Bid Price: \$11,028.00**

## HDPE Liner

05	HDPE Liner And Installation	1.00	LS	\$1,480.00	\$1,480.00
----	-----------------------------	------	----	------------	------------

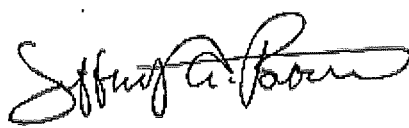
**Total Price for above HDPE Liner Items: \$1,480.00**

### Notes:

- The above prices do not include Permits. If permits are to be obtained by Billeter Marine, LLC an extra charge of 75.00 per hour plus materials (if any) will be charged in addition to the proposal amount
- Billeter Marine, LLC reserves the right to pass on any material price increases that occur between the time this quote was given and the time of construction.
- Quote good if accepted in writing within 7 days. Please sign and return one copy of this proposal to signify an acceptance of this quote and its terms and conditions as stated or feel free to call me if you have any questions. Our CCB# is 166653
- Any additional work will be billed on a cost plus 10% basis.
- All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the agreed upon price. All agreements contingent upon strikes, accidents or delay beyond our control. Owner to carry fire, tornado, and other necessity insurance. Our workers are fully covered by Workmen's Compensation Insurance.
- Billeter Marine, LLC reserves the right to make progress billings on projects with durations greater than 1 month. This contract is to be paid in full within 30 days from the date the work has been substantially completed. Interest at the rate of ONE AND ONE-HALF (1-1/2%) PER MONTH (18% PER ANNUM) will be charged on all balances not paid when due. In the event legal action is necessary to enforce the contract, the prevailing party will be entitled to court costs and reasonable attorney fees.

### Payment Terms:

50% deposit due prior to commencement of work. Remaining balance due upon completion.

<p><b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b> <b>Billeter Marine LLC</b></p> <p><b>Authorized Signature:</b> </p> <p><b>Estimator:</b> Jeff Brown 541-269-8600 jeff@billetermarine.com</p>
---	--



# Stettler Supply Company

"Committed to Service Excellence" Since 1948

**Pumps & Pump Stations | Agricultural Irrigation | Water Treatment | Water Systems**

4420 Ridge Drive NE, Salem OR 97301

**503-585-5550** local **866-985-5550** toll-free **503-581-6799** fax

CCB #33228

City of Port Orford  
Hubbard Reservoir Temporary Water Dam

01/28/2022

Christopher Kinney  
Civil West Engineering Services, Inc.  
P: 541.982.4267 / c: 541.290.7974  
Email: [Ckinney@civilwest.net](mailto:Ckinney@civilwest.net)

**Job Site:**

Old Mill Rd  
Port Orford, OR 97465

**Project:**

Fabricate, powder coat, and install a temporary storm reservoir dam per drawings. All materials and labor for project (per plan) included.

**Timeline:**

Upon agreement we would need to schedule this project. Once scheduled, we estimate the project could be completed in 3-5 days.

**Background:**

"During the field inspection on the raw water reservoir, significant leakage was identified with water jetting from multiple locations where the existing stop logs have deteriorated. Directly below the stop logs we observed board fragments which according to City Staff were not there when they attempted to plug the leaks several days earlier. The leaks observed appeared to have an approximate flow of between 80 to 100 GPM which with the low incoming stream flow and current low water storage level the City may potentially lose the ability to draw water from this source, leaving the City with no access to raw water for their water treatment plant. Among the potential solutions discussed, it was determined that due to the poor condition of the existing stop logs a new temporary stop log system should be installed within the existing concrete structure but as far downstream from the current stop logs as possible."

**Estimate: \$17,450.00**

Price Valid for 30 Days  
Thanks for the opportunity!

**Chris Roberts**

Office: 503.585.5550 | Cell: 971-719-6906

[chrisr@stettlersupply.com](mailto:chrisr@stettlersupply.com)

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Seasonal Gas Tax

ITEM NO: 7 d.

At the January 20, 2022 meeting the Council was struggling with some aspects of the Seasonal Motor Vehicle Fuel Tax Ordinance. The biggest item that was discussed was how to exclude the port and the card stations that are in Port Orford City limits.

The morning after the meeting I received the attached e-mail from Rowly and his suggestion was to have the Season Motor Fuel Tax on Ethanol based Fuels only. I agreed that this is a very good fix to the issues that we had last month. I reviewed the Ordinance and updated the definition of Motor Vehicle Fuel. Attached is an update of the Ordinance for City Council to Review.

### Suggested Motion:

#### ***Motion to approve the Change:***

I make a motion to approve the change of the Season Motor Vehicle Fuel Tax Ordinance to be Ethanol Based Fuels only.

#### ***Motion to table the discussion for additional research:***

I make a motion to take the discussion of the Seasonal Motor Vehicle Fuel Tax Ordinance for additional research for an additional month.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**Jessica Ginsburg**

---

**From:** rkwfineprints@juno.com  
**Sent:** Friday, January 21, 2022 11:29 AM  
**To:** pcox@portorford.org; jginsburg@portorford.org; tpogwizd@portorford.org  
**Subject:** Seasonal fuel tax  
**Attachments:** WhatsApp Video 2022-01-16 at 2.24.33 AM.mp4; WhatsApp Image 2022-01-16 at 2.26.36 AM.jpeg

Hello folks, You had a good meeting yesterday. I bet you knew that already.

I have a suggestion, it might be a non starter but here goes anyway. The seasonal fuel tax could be on Ethanol based fuels only, this firmly hits the main target and misses most of local businesses. You will miss the transient diesel users but it might be a worthwhile trade to keep it simple. Just a thought. You are all doing a great job.

On a lighter note, Englands PM (Boris) had a secret party during the lock down, the worst bit was the party was on the night before Prince Philips funeral at which even the Queen sat alone, social distancing.

Of course he told lies etc but the cell videos leaked out any way. He has since apologized to the Queen. But - this is how the Brits protest. Enjoy.

Regards Rowly



24.	3.15.240	Records to be Kept by Dealers.	Formatted: Font: (Default) Times New Roman
25.	3.15.250	Records to be Kept Three Years.	Formatted: Font: (Default) Times New Roman
26.	3.15.260	Use of Tax Revenues.	Formatted: Font: (Default) Times New Roman
27.	3.15.270	Administration.	Formatted: Font: (Default) Times New Roman
28.	3.15.280	Voter Referral.	Formatted: Font: (Default) Times New Roman
29.	3.15.290	When Tax Shall Take Effect.	Formatted: Font: (Default) Times New Roman
30.	3.15.300	Severability.	Formatted: Font: (Default) Times New Roman

“The People of the City of Port Orford ordain as follows”

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

3.15.020 Section 2. Findings. The City Council of the City of Port Orford finds:

- A. The public highways, roads, and streets in the city and those subject to city control are consistently in need of construction, reconstruction, improvements, repair, upkeep and maintenance, to promote ease of travel and commerce in and around the city;
- B. The city’s current revenue sources do not produce adequate funding to fund said construction, reconstruction, improvement, repair, upkeep, and maintenance;
- C. The city wishes to enact a \$0.02 per gallon motor vehicle fuel tax on all motor vehicle fuel dealers beginning ~~May~~ April 1 to October 31 in order to provide additional funds for said construction, reconstruction, improvement, repair, upkeep, and maintenance of the public highways, roads, and streets in the city and those subject to city control;
- D. The city referred a proposed \$0.02 per gallon motor vehicle fuel tax to the electors of the City of Port Orford for their approval at the election held on November 08, 2022.
- E. On November 08, 2022 the electors of the City of Port Orford approved a \$0.02 per gallon motor vehicle fuel tax; and
- F. The monies generated by this ordinance will be dedicated to the construction, reconstruction, improvements, repair, maintenance, operation, and use of public highways, roads, and streets in the city and those subject to city control as required by the Oregon Constitution.

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

- A. City. The city of Port Orford, Oregon.

B. Dealer. Any person who:

- 1) Imports or causes to be imported motor vehicle fuel for sale, use or distribution in the city;
- 2) Produces, refines, manufactures or compounds motor vehicle fuel in the city for use, distribution or sale in the city; or
- 3) Acquires in the city for sale, use or distribution in the city motor vehicle fuels with respect to which there has been no motor vehicle fuel tax previously incurred.
- 4) "Dealer" does not include any person who imports into the city motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer hereunder if that dealer assumes liability for the payment of the applicable motor vehicle fuel tax to the city.

C. Distributor. In addition to its ordinary meaning, the deliverer of motor vehicle fuel by a dealer to any service station or into any tank, storage facility, or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks or motor vehicles whether or not the service station, tank, or storage facility is owned, operated, or controlled by the dealer.

D. Motor vehicle. All vehicles, engines or machines, moveable or immovable, operated or propelled by the use of motor vehicle fuel.

E. Motor vehicle fuel. Means and includes gasoline, diesel, and any other inflammable or combustible gas or liquid, by whatever name that gasoline, gas, or liquid is known or sold, usable as fuel for the operation of motor vehicles. Ethanol based fuels. —Propane fuel and motor vehicle fuel used exclusively as a structural heating source are excluded as a taxable motor vehicle fuel.

F. Person. Every natural person, association, firm, partnership or corporation.

G. Service station. Means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

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

A. A person who is not a licensed dealer shall not accept or receive motor vehicle fuel in this city from a person who supplies or imports motor vehicle fuel who does not hold a valid motor vehicle fuel dealer license in this city. If a person is not a licensed dealer or licensed motor vehicle fuel handler in this city and accepts or receives motor vehicle fuel, the purchaser shall be responsible for all taxes, interests and penalties prescribed herein.

B. A licensed dealer who accepts or receives motor vehicle fuel from a person who does not hold a valid dealer license in this city, shall pay the tax that would have otherwise been imposed upon the unlicensed dealer by this ordinance to the city, or its authorized agent, upon the sale, use or distribution of the motor vehicle fuel.

B.

Formatted: Font: (Default) Times New Roman

Formatted: Normal, No bullets or numbering

3.15.050 Section-5. Amount and Payment.

- A. In addition to any fees or taxes otherwise provided for by law, every dealer in the city engaging in the sale, use or distribution of motor vehicle fuel shall:
- 1) Not later than the 25<sup>th</sup> day of each calendar month, render a statement to the city or its authorized agent, of all motor vehicle fuel sold, used, or distributed by them in the city as well as all such fuel sold, used, or distributed in the city by a purchaser thereof upon which sale, use, or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month and within the time provided in this ordinance ; and
  - 2) Pay a motor vehicle fuel tax on the basis of \$0.02 per gallon of such motor vehicle fuel so sold, used, or distributed as shown by such statement in the manner and within the time provide in this Ordinance.
- B. The motor vehicle fuel tax shall not be imposed wherever it is prohibited by the Constitution, laws of the United States, or the State of Oregon.

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

3.15.070 Section-7. License Application and Issuance.

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

Formatted: Normal, No bullets or numbering

Formatted: Font: (Default) Times New Roman

E.

3.15.080 Section 8. Failure to Secure License.

- A. If any dealer sells, distributes or uses any motor vehicle fuel without first filing the certificate and securing the license required by 3.15.070 Section 7, the motor vehicle fuel tax shall immediately be due and payable on account of all motor vehicle fuel so sold, distributed or used.
- B. The city shall proceed forthwith to determine, from the best available sources, the amount of such tax, and it shall assess the tax in the amount found due, together with a penalty of 200% of the tax, and shall make its certificate of such assessment and penalty, determined by the City Manager or the city's duly authorized agent. In any suit or proceeding to collect such tax or penalty or both, the certificate is prima facie evidence that the dealer therein named is indebted
- C. Any tax or penalty so assessed may be collected in the manner prescribed in 3.15.120 Section 12 of this ordinance with reference to delinquency in payment of the fee or by an action at law.
- D. In the event any suit or action is instituted to enforce this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued, reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

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

3.15.100 Section 10. Cancellation of License.

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

3.15.110 Section 11. Remedies Cumulative. Except as otherwise provided in 3.15.120 Sections 12 and 3.15.140 14, the remedies provided in 3.15.080 Sections 8 and 3.15.100 10 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this ordinance.

3.15.120 Section 12. Delinquency.

- A. Except as provided in subsection (B) and (C) of this section, if payment of the tax is not paid as required by sections 4 and 5 of this ordinance, a penalty of 1% of such license tax shall be assessed and be immediately due and payable.
- B. Except as provided in subsection (C) of this section, if the payment of the tax and penalty, if any, is not made on or before the 1<sup>st</sup> day of the next month following that month in which payment is



due, a further penalty of 10% of the tax shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (A) of this section and shall be immediately due and payable.

- C. Penalties imposed by this section shall not apply if a penalty has been assessed and paid pursuant to 3.15.080 Section 8.
- D. The city or its authorized agent may for good cause shown waive any penalties assessed under this section.
- E. If any person fails to pay the license tax, interest, or any penalty provided for by this section, the tax, interest, and/or penalty shall be collected from that person for the use by the city. The city shall commence and prosecute the final determination in any court of competent jurisdiction an action at law to collect the same.
- F. In the event any suit or action is instituted to collect the tax, interest, or any penalty provided for by this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

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

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

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

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

3.15.170 Section 17. Transporting Motor Vehicle Fuel in Bulk. Every person operating any conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk shall, before entering upon the public streets of the city with such conveyance, have and possess during the entire time of such

hauling or transporting of motor vehicle fuel, an invoice, bill of sale, or other written statement showing the number of gallons conveyed, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by the city to inquire into, or investigate such matters, produce and offer for inspection the invoice, bill of sale, or other statement.

3.15.180 Section 18. Exemption of Exported Fuel.

- A. The tax imposed by 3.15.040 Section 4 shall not be imposed on motor vehicle fuel that is:
- 1) Exported from the city by a dealer; or
  - 2) Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area, or areas outside the city in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the city in such detail as may be required.
- B. In support of any exemption from motor vehicle fuel taxes claimed under this section other than in the case of stock transfers or deliveries in their own equipment, every dealer must execute and file with the city or its authorized agent, an export certificate in such form as shall be prescribed, prepared and furnished by the city or its authorized agent, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the city, and giving such details with reference to such shipment as may be required. The city or its authorized agent may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The city or its authorized agent, may, in a case where it believes no useful purpose would be served by filing of an export certificate, waive the certificate.
- C. Any motor vehicle fuel carried from the city in the fuel tank of a motor vehicle shall not be considered as exported from the city.
- D. No person shall, through false statements, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the city motor vehicle fuel tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof to be used, distributed or sold in the city and fail to notify the city or its authorized agent and the dealer from whom the motor vehicle fuel was originally purchased of their act.
- E. No dealer or other person shall conspire with any person to withhold from export, divert from export, or return motor vehicle fuel to the city for sale or use so as to avoid any fees imposed herein.
- F. In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the city or its authorized agent. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

3.15.190 Section-19. Sales to Armed Forces Exempted. The motor vehicle fuel tax imposed by 3.15.040 Section-4 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States for use in ships, aircraft or for export from the city; but every dealer shall be required to report such sales to the city, in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

3.15.200 Section-20. Fuels in Vehicles Coming into City Not Taxed. Any person coming into the city in a motor vehicle may transport in the fuel tank of such vehicle motor vehicle fuel for their own use only and for the purpose of operating such motor vehicle without securing a license or paying the tax provided in Section 4, or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the city is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing the fuel into the city shall be subject to all provisions herein applying to dealers.

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

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

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

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

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

3.15.250 Section-25. Records to be Kept Three Years. Every dealer shall maintain and keep, for a period of three (3) years, all records of motor vehicle fuel used, sold, and distributed within the city by such dealer, together with stock records, invoices, bills of lading, and other pertinent papers as may be required by the city or its authorized agent. In the event such records are not kept, the dealer shall reimburse the

city or its authorized agents for all travel, lodging, and related expenses incurred in examining such records. The amount of such expenses shall be an additional tax imposed hereunder.

3.15.260 Section 26. Use of Tax Revenues.

- A. The city manager or designee shall be responsible for the disposition of the revenue from the tax imposed by this ordinance in the manner provided by this section.
- B. For the purposes of this section, "net revenue" means the revenue from the tax imposed by this ordinance remaining after providing for the cost of administrating the motor vehicle fuel tax to motor vehicle fuel dealers and any refunds and credits authorized herein. The program administration costs of revenue collection and accounting activities shall not exceed ten and one-half percent (10.5%) for the first year and ten percent (10%) thereafter, of annual tax revenues.
- C. The net revenue shall be used only for the activities related to the construction, reconstruction, improvement, repair, and maintenance of public highways, roads and streets within the city which are subject to city control.

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

3.15.280 Section 28. Voter Referral. This ordinance was referred to the electors of the city of Port Orford at the November 03, 2020 election. A copy of the ballot measure for this referral is attached hereto and by this reference incorporated herein.

3.15.290 Section 29. When Tax Shall Take Effect. The taxation imposed by this ordinance shall commence ~~May~~ April 1 thru October 31 annually

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

DATED the <sup>th</sup> day of January 2022

Passed or Failed by the following Roll Call Vote

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

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

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

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

ATTEST:

---

Jessica Ginsburg, City Recorder

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Water Infrastructure Update

ITEM NO: 7 e.

---

In the December 16, 2021 Council meeting it was approved to go ahead and have Civil West Engineering start to pursue 750K for water infrastructure funding. On January 19, 2022 we received notice (e-mail attached) that the project was not a good fit for program. Emergency Funding for water system design and planning are not part of that particular program. Which is something that we need to have done. However, business Oregon did say the "traditional" CDBG program application open Feb 1. And Closes April 30 with deadline for pre-application submission on March 30<sup>th</sup>. They recommended a predevelopment meeting to make sure we meet all the program requirements. They also suggested that if we can fund design with other funds then they recommend waiting till Fall 2022 to apply for the CDBG Construction Funds. Continuing conversation with Civil West Engineering about the next step.

On January 19<sup>th</sup> I received an e-mail from Representative Smith. We had a meeting the week prior with Commissioner Boice and we did discuss the water infrastructure issues that we have and about trying to get funding. Representative Smith is going to work on seeking funding for the City of Port Orford Water Infrastructure this Legislative short session. He asked that I fill out the Capital Funding Request Form that was attached to his email and get it back to him by January 24<sup>th</sup>. I filled it out the total request was for \$9.5 million. A copy of what was submitted is attached. We are in the waiting game now for this possibility.

I am still planning on working with Monica from Curry County on funds for water infrastructure based on what was written in the Emergency Plan for City of Port Orford in the Spring of 2022.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## Jessica Ginsburg

---

**From:** MCVEETY Jeremy \* BIZ <Jeremy.MCVEETY@biz.oregon.gov>  
**Sent:** Wednesday, January 19, 2022 9:51 AM  
**To:** slloyd@civilwest.net; jginsburg@portorford.org  
**Cc:** STEVENS Sean \* BIZ  
**Subject:** RE: Act-On Form Submit Alert (Form: CDBG-CV Pre-application, Submitter: slloyd@civilwest.net)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Sean – thank you for this application on behalf of the City of Port Orford. This project does not appear to be a good fit for the CDBG-CV emergency funding as water system design and planning are not eligible at this time. The CDBG program anticipates opening to eligible city and county applicants in spring 2022 and other opportunities for financing planning or design activities are available through other funding sources. I encourage the city to work with your Regional Development Officer, Sean Stevens (Cc'd here) in developing a future project and identifying the best available funding sources.

Regards,

**Jeremy McVeety**  
 CDBG Regional Project Manager  
**Business Oregon** | [www.oregon.gov/biz](http://www.oregon.gov/biz)  
 971-375-8051 mobile



**From:** root@act-on.net <root@act-on.net>  
**Sent:** Monday, January 17, 2022 10:19 AM  
**To:** MCVEETY Jeremy \* BIZ <Jeremy.MCVEETY@biz.oregon.gov>; SCHAADT Fumi \* BIZ <Fumi.SCHAADT@biz.oregon.gov>; BOYCE Kaitlin \* BIZ <Kaitlin.BOYCE@biz.oregon.gov>; GONZALES Shelby M \* BIZ <Shelby.M.GONZALES@biz.oregon.gov>; SCHOEN Rena \* BIZ <Rena.SCHOEN@biz.oregon.gov>  
**Subject:** Act-On Form Submit Alert (Form: CDBG-CV Pre-application, Submitter: slloyd@civilwest.net)

### Form Submit Report for CDBG-CV Pre-application (Page:CDBG-CV Pre-application)

**Org Name :** City of Port Orford

**Org type :** city

**Contact Name :** Sean Lloyd

**Phone :** 541-982-4083

**Phone (cell) :** 541-404-2738

**Title :** Representative Project Engineer

**Email :** [slloyd@civilwest.net](mailto:slloyd@civilwest.net)

**Project Benefited Area :** City of Port Orford - Water Supply

**Project Category :** Public Works

**Amount :** \$750,000

**Amount potential app :** \$0

**Budgeted :** Not Budgeted

**Other Funds 1 :**

**Other funds 1 amount :**

**Funding status :**

**Term :**

**Other funds 2 :**

**Other funds 2 amount :**

**Total Project Cost :** \$750,000

**Opportunity or problem :** The City of Port Orford is a small city on the southern Oregon coast. Their income is already low and has made budgeting to repair an aging and failing water system very difficult. The effects of Covid have seen City income decline even further. Without adequate funding, the City is unable to keep the water distribution system in a reliable state, and a failure of the system could be devastating to the community, including the local medical clinics. Additionally, many residents have needed to resort to tele-work, tele-school, and even tele-medicine due to the ongoing pandemic. Failures in the water system would have ongoing and cascading negative effects for this small community with it's shallow resource pool.

**Proposal or Solution :** Civil West Engineering is proposing an analysis to determine the lines that are most in need of repair and to give a preliminary cost so that the City has the tools required to request proposals for the design work of the aforementioned water line improvements.

**Sub grantee information :** Civil West Engineering is assisting with the planning and application. Beyond this, The City would request quotes for Engineering services to design the improvements.



## Jessica Ginsburg

---

**From:** STEVENS Sean \* BIZ <Sean.STEVENS@biz.oregon.gov>  
**Sent:** Monday, January 24, 2022 11:01 AM  
**To:** Sean Lloyd; MCVEETY Jeremy \* BIZ; jginsburg@portorford.org  
**Cc:** GONZALES Shelby M \* BIZ  
**Subject:** RE: Act-On Form Submit Alert (Form: CDBG-CV Pre-application, Submitter: slloyd@civilwest.net)

Sean,

My apologies for my delayed response.

The "traditional" CDBG program Application Round opens on February 1, 2022 and closes on April 30, 2022 with a deadline for pre-application submission of March 30, 2022. If the City of Port Orford is planning to apply during this round, I would recommend a predevelopment meeting to make sure all program requirements are met prior to applying. More information on this program is located here:

<https://www.oregon.gov/biz/programs/CDBG/Pages/default.aspx>

We will also have another round in Fall 2022. CDBG can be used for Design or Construction. If the City can fund design with other funds, I would recommend waiting until Fall 2022 to apply for CDBG Construction Funds.

Thanks,  
 Sean Stevens

**Sean Stevens, EDFP**  
 Regional Development Officer  
 South Coast Region  
*New Email: [sean.stevens@biz.oregon.gov](mailto:sean.stevens@biz.oregon.gov)*

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



**From:** Sean Lloyd <slloyd@civilwest.net>  
**Sent:** Wednesday, January 19, 2022 9:56 AM  
**To:** MCVEETY Jeremy \* BIZ <Jeremy.MCVEETY@biz.oregon.gov>; jginsburg@portorford.org  
**Cc:** STEVENS Sean \* BIZ <Sean.STEVENS@biz.oregon.gov>  
**Subject:** RE: Act-On Form Submit Alert (Form: CDBG-CV Pre-application, Submitter: slloyd@civilwest.net)

As in, it will be opened in Spring 2022 for water system design and planning?

Are funds currently available for water system repair/replacement construction costs?

**Sean D. Lloyd, PE**  
 Civil Lincensed: OR  
 p 541.982.4083 | c 541.404.2738



**Civil West Engineering Services, Inc.**

486 E Street, Coos Bay, OR 97420

p 541.266.8601 | f 541.266.8681

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

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

**Sent:** Wednesday, January 19, 2022 9:51 AM

**To:** Sean Lloyd <[Slloyd@civilwest.net](mailto:Slloyd@civilwest.net)>; [jginsburg@portorford.org](mailto:jginsburg@portorford.org)

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

**Subject:** RE: Act-On Form Submit Alert (Form: CDBG-CV Pre-application, Submitter: [slloyd@civilwest.net](mailto:slloyd@civilwest.net))

Hello Sean – thank you for this application on behalf of the City of Port Orford. This project does not appear to be a good fit for the CDBG-CV emergency funding as water system design and planning are not eligible at this time. The CDBG program anticipates opening to eligible city and county applicants in spring 2022 and other opportunities for financing planning or design activities are available through other funding sources. I encourage the city to work with your Regional Development Officer, Sean Stevens (Cc'd here) in developing a future project and identifying the best available funding sources.

Regards,

**Jeremy McVeety**

CDBG Regional Project Manager

**Business Oregon** | [www.oregon.gov/biz](http://www.oregon.gov/biz)

971-375-8051 mobile



**From:** [root@act-on.net](mailto:root@act-on.net) <[root@act-on.net](mailto:root@act-on.net)>

**Sent:** Monday, January 17, 2022 10:19 AM

**To:** MCVEETY Jeremy \* BIZ <[Jeremy.MCVEETY@biz.oregon.gov](mailto:Jeremy.MCVEETY@biz.oregon.gov)>; SCHAADT Fumi \* BIZ

<[Fumi.SCHAADT@biz.oregon.gov](mailto:Fumi.SCHAADT@biz.oregon.gov)>; BOYCE Kaitlin \* BIZ <[Kaitlin.BOYCE@biz.oregon.gov](mailto:Kaitlin.BOYCE@biz.oregon.gov)>; GONZALES Shelby M \* BIZ

<[Shelby.M.GONZALES@biz.oregon.gov](mailto:Shelby.M.GONZALES@biz.oregon.gov)>; SCHOEN Rena \* BIZ <[Rena.SCHOEN@biz.oregon.gov](mailto:Rena.SCHOEN@biz.oregon.gov)>

**Subject:** Act-On Form Submit Alert (Form: CDBG-CV Pre-application, Submitter: [slloyd@civilwest.net](mailto:slloyd@civilwest.net))

**Form Submit Report for CDBG-CV Pre-application (Page:CDBG-CV Pre-application)**

**Org Name :** City of Port Orford

**Org type :** city

**Contact Name :** Sean Lloyd

**Phone :** 541-982-4083

**Phone (cell) :** 541-404-2738

**Title :** Representative Project Engineer

**Email :** [sllloyd@civilwest.net](mailto:sllloyd@civilwest.net)

**Project Benefited Area :** City of Port Orford - Water Supply

**Project Category :** Public Works

**Amount :** \$750,000

**Amount potential app :** \$0

**Budgeted :** Not Budgeted

**Other Funds 1 :**

**Other funds 1 amount :**

**Funding status :**

**Term :**

**Other funds 2 :**

**Other funds 2 amount :**

**Total Project Cost :** \$750,000

**Opportunity or problem :** The City of Port Orford is a small city on the southern Oregon coast. Their income is already low and has made budgeting to repair an aging and failing water system very difficult. The effects of Covid have seen City income decline even further. Without adequate funding, the City is unable to keep the water distribution system in a reliable state, and a failure of the system could be devastating to the community, including the local medical clinics. Additionally, many residents have needed to resort to tele-work, tele-school, and even tele-medicine due to the ongoing pandemic. Failures in the water system would have ongoing and cascading negative effects for this small community with it's shallow resource pool.

**Proposal or Solution :** Civil West Engineering is proposing an analysis to determine the lines that are most in need of repair and to give a preliminary cost so that the City has the tools required to request proposals for the design work of the aforementioned water line improvements.

**Sub grantee information :** Civil West Engineering is assisting with the planning and application. Beyond this, The City would request quotes for Engineering services to design the improvements.

---

## 2021-23 CAPITAL FUNDING REQUEST PROJECT INFORMATION FORM

Legislative Fiscal Office  
900 Court St. NE, H-178  
Salem, OR 97301




---

### CONTACT INFORMATION FOR RECIPIENT ORGANIZATION

Legal Name City of Port Orford

Organization Type Government Federal Tax ID Number 93-6002346

Address 555 W. 20th Street

City Port Orford State OR Zip Code 97465

Contact Person Jessica Ginsburg- City Administrator

Contact Phone (541) 366-4568 Contact Email jginsburg@portorford.org

---

### PROJECT INFORMATION

Project Name City of Port Orford CIP for Water and Wastewater Systems Phase 1

#### Project Description

Phase 1 of the City of Port Orford's Capital improvement plan are the highest priority projects that are required to be addressed to ensure the effective treatment and delivery of the water for the City of Port Orford residents and customers.

Project Location Port Orford Oregon

Project Schedule (Please describe the project's readiness, including planned start and end dates and any remaining permits, approvals, or other steps that must be completed prior to beginning.)

The project is ready to begin when the funding is secured. Attached is the detail on each section of the project within phase 1. Each section of phase 1 has been identified in our City's Water Master Plan from November 2014 that was done by Dyer Engineers.

**PROJECT BUDGET****Estimated Project Cost**

Construction/Renovation	_____
Site Improvements	<u>8,500,000</u>
Land Acquisition	_____
Architectural and Engineering Fees	<u>100,000</u>
Equipment	<u>900,000</u>
Contingencies	_____
Other Costs (specify) _____	_____
Other Costs (specify) _____	_____
<b>Estimated Total Project Costs</b>	<u><b>9,500,000</b></u>

**Amount Requested** 9,500,000 **Percent of Total Project Cost** 100%

**Type of Funding Requested** Lottery Bond - Economic Development

**Matching Funds**

State Funds (source) _____	_____
Federal Funds (source) _____	_____
Private/Other Grants _____	_____
Donations/Gifts _____	_____
Other Revenues/Financing (source) _____	_____
Other Revenues/Financing (source) _____	_____
<b>Total Matching Funds</b>	<u><b>0</b></u>

**OTHER INFORMATION**

Grants financed through the issuance of bonds are not available until bonds are sold. Multiple factors impact the timing of sales; however, many sales often occur during the last six months of the biennium (Oregon's biennial budget begins on July 1 of odd-numbered years and runs through June 30 of the next odd-numbered year). Significant decreases in revenues or changes in financial conditions subsequent to authorization may also delay or prevent the issuance of bonds, which means that the approved projects or grants would also be delayed or not funded.

Public works projects, including any project that uses \$750,000 or more of public funds for constructing, reconstructing, painting or performing a major renovation on a road, highway, building, structure or improvement of any type, may be subject prevailing wage requirements. Grant recipients must comply with prevailing wage rate laws and should consult the Oregon Bureau of Labor and Industries to determine whether a project is subject to prevailing wage.

**Please return the completed form and any supporting documentation to:**

Walt Campbell, Principal Legislative (Bonds) Analyst  
[walt.campbell@oregonlegislature.gov](mailto:walt.campbell@oregonlegislature.gov)

# Capital Improvement Plan

---

## 8.1 Background

A Capital Improvement Plan (CIP) is a long-term program for replacement of existing or installation of new infrastructure required to improve a system's function or maintenance. The Capital Improvement Plan for water and wastewater systems provides the City Council, staff and residents with a systematic approach to dealing with its short-term and long-term infrastructure needs and demands.

Under ORS 223.309(1), a capital plan, public facilities plan, master plan or comparable plan must be prepared before the adoption of system development charges (SDCs). This plan must list the capital improvements that may be funded with improvement fee revenues and include the estimated cost and timing of each improvement. Oregon Revised Statutes discuss which improvements may be funded by SDC revenues (ORS 223.307) and what type of projects qualifies for credit purposes. The Capital Improvement Plan may be modified at any time pursuant to ORS 223.309 (2).

Water system improvements recommended for the City of Port Orford are provided in this Plan along with associated costs. The recommended improvements for the City's Capital Improvement Plan were derived from the analysis presented in Sections 4, 5, 6, 7, 9, and 10.

## 8.2 Project Phasing

To assist the City in its planning efforts, the proposed Capital Improvements have been assigned to one of two phases with Phase I being the most critical projects and Phase 2 being lower priority projects. A brief description of each Phase and the types of projects within that phase is provided below.

**Phase I** projects are considered the most critical and should be undertaken as soon as funding is available. These projects include improvements that are considered to maintain the quality of the system, increase fire flow, reduce unaccounted water losses, and meter the system.

**Phase II** projects are important projects that should be taken as funding becomes available. These improvements include water treatment plant improvements, extension of the life of the existing tanks, installation of needed telemetry for the entire system and addressing future water source needs. While these projects are not included in the "critical" list, they should be considered as important and necessary for continued optimal system performance.

The phase of each improvement will be presented and discussed with City staff and council. The cost estimates presented in this Plan reflect the basis previously described in Section 8. The estimates presented herein are preliminary and are based on the level and detail of planning presented in this Plan. As projects proceed and as site-specific information becomes available, the estimates may require updating.

Compilation of an environmental report is typically a requirement of government organizations funding infrastructure improvements. The purpose of this environmental report is to consider any adverse effects that the project may have on the surrounding environment and propose mitigation measures to minimize these impacts. The estimated cost for compiling an environmental report for each Phase was included in this CIP.

A brief description of each phase of improvements including recommended improvements, associated costs, and estimated percentage and cost eligibility for improvement system development charges (See Section 8.), is discussed below. Detailed cost estimates for the CIP project are in Appendix F.

### **8.2.1 Phase I Improvements**

Phase I improvements called for in this CIP represent the highest priority projects that require addressing in order to ensure the effective treatment and delivery of water for the City's residents and customers.

#### Project Descriptions

##### **1. Meters (Total Cost: \$200,000)**

Comparison of the raw water usage records and metered water use indicate a high percentage of unaccounted-for water within the distribution system. A meter replacement program is proposed to eliminate meter inaccuracies that contribute to the high loss rate. According to City staff many of the meters are over forty years old and had use prior to installation. The meter replacement project includes approximately 500 residential meters, 140 larger commercial meters, and a backflow prevention device for the grade school.

To identify areas with badly deteriorated and leaking pipelines, it is proposed that metering vaults be placed on mains within the distribution system. As shown as part of the proposed improvements in Figure 5.5 four metering vaults locations are proposed.

Total construction cost for service meter replacement and installation of distribution system metering is \$161,000. The total project budget, including contingency and engineering for the mainline metering vaults is estimated at \$200,000.

##### **2. Leakage and Detection Program (Total Cost: \$50,000)**

The City may wish to perform a preliminary survey of the water treatment plant by an engineer before embarking on this improvement. This preliminary study is estimated to cost from \$10,000 to \$20,000 for development of a program to detect and repair leaks to reduce the quantity of unaccounted water.

##### **3. Replace Filters and Install Air Scour System for Water Treatment Plant (Total Cost: \$719,000)**

The water treatment plant is in need of the following: repair floor slab, replace filter media, and install air scour system for the filtration system.

##### **4. Priority 1 Waterline Replacement Improvements (Total Cost: \$2,822,605)**

Based on input from the City's staff regarding excessive leakage and other high maintenance issues the following waterlines were determined to be of the highest priority for replacement:

- A. Lakeshore Drive (a):** The existing unknown-size water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of Lakeshore Drive and Hamlet Place. The line will continue west along Lakeshore Drive, in the same location as the existing waterline, to the end of Lakeshore Drive. The total improvement length is approximately 1,550 feet.
- B. Hamlet Place:** The existing 4-inch water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of Lakeshore Drive and Hamlet Place. The line will continue west along Hamlet Place in the same location as the existing waterline, to the end of Lakeshore Drive. The total improvement length is approximately 2,500 feet.
- C. Lakeshore Drive:** The existing 4-inch water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of Lakeshore Drive and Pinehurst Drive. The line will continue east along Lakeshore Drive, then along Park Drive in the same location as the existing waterline, to Arizona Street. The total improvement length is approximately 1,260 feet.
- D. Wyoming Street:** The existing 6-inch water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of Hamlet Place and Wyoming St. The line will continue south along Wyoming St. in the same location as the existing waterline, continuing east along 12<sup>th</sup> Street to Arizona Street, continuing north along Arizona Street to 12<sup>th</sup> Street, then east along 13<sup>th</sup> Street to Oregon Street. The section along 13<sup>th</sup> Street is a new installation that was requested by the City for serviceability issues. The total improvement length is approximately 2,680 feet.
- E. Jackson Street:** The existing 6-inch water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of 25<sup>th</sup> Street and Jackson Street. The line will continue south along Jackson Street, in the same location as the existing waterline, to 18<sup>th</sup> Street. The total improvement length is approximately 1,960 feet.
- F. Ninth Street:** The existing 6-inch water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of Arizona Street and 9<sup>th</sup> Street. The line will continue east along 9<sup>th</sup> Street, in the same location as the existing waterline, to Jackson Street. The total improvement length is approximately 1,670 feet.
- G. Seventh Street:** The existing 6-inch water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of Coast Guard Road and 7<sup>th</sup> Street. The line will continue east along 7<sup>th</sup> Street, in the same location as the existing waterline, crossing a wooded draw to Oregon Street. The total improvement length is approximately 1,020 feet.
- H. Pinehurst Drive:** The existing 6-inch water main needs to be replaced due to excessive leakage and other high maintenance issues. The new 6-inch diameter line will begin at the intersection of Arizona Street and Pinehurst Drive. The line will continue east along Pinehurst Drive, in the same location as the existing waterline, to Oregon Street/Highway 101. The total improvement length is approximately 820 feet.



**5. Priority 1 Treated Water Storage Improvements (Total Cost: \$1,947,300)**

Based on computer modeling of the City's water distribution system, fire flows available to certain areas are below those required:

**Deady Street Reservoir:** The abandoned existing treated water reservoir needs to be removed and replaced with a new 0.1MG treated water reservoir.

**6. Priority 2 Waterline Replacement Improvements (Total Cost: \$3,029,225)**

Based on computer modeling of the City's water distribution system, fire flows available to certain areas are below those required:

- A. Coast Guard Hill Road:** The existing 6-inch water main needs to be replaced due to inadequate fire flow availability. The new 8-inch diameter line will begin at the intersection of Coast Guard Hill Road and Sweet Way. The line will continue west along Coast Guard Hill Road, in the same location as the existing waterline, to the end of Coast Guard Hill Road. A new pump station and PRV will be installed along Coast Guard Hill Road between Sweet Way and Tichenor Avenue. The total improvement length is approximately 3,900 feet.
- B. Deady Street South:** The existing 6-inch water main needs to be replaced due to inadequate fire flow availability. The new 10-inch diameter line will begin at 9<sup>th</sup> St. and Deady St. The line will continue south along Deady Street, in the same location as the existing waterline, to the end of Deady Street at 6<sup>th</sup> Street. The total improvement length is approximately 700 feet.
- C. Deady Street North:** The existing 2-inch water main needs to be replaced due to inadequate fire flow availability. The new 8-inch diameter line will begin at 9<sup>th</sup> Street and Deady Street. The line will continue north along Deady Street, in the same location as the existing waterline, to the end of Deady Street. Also a new pump station and PRV station will be installed near Deady Street and 10<sup>th</sup> Street. The total improvement length is approximately 1,000 feet.
- D. Sixth Street/Jefferson/Seventh Street:** The existing 6-inch water main needs to be replaced due to inadequate fire flow availability. The new 8-inch diameter line will begin at 6<sup>th</sup> Street and Deady Street. The line will continue west along 6<sup>th</sup> Street, in the same location as the existing waterline, run north along Jefferson Street to 7<sup>th</sup> Street, then to the intersection of Jackson Street and 7<sup>th</sup> Street. The total improvement length is approximately 1,400 feet.
- E. Jefferson Street Pump Station:** The existing pump station needs to be replaced due to inadequate fire flow availability. The new pump station and PRV station will be constructed near 9<sup>th</sup> Street and Deady Street.
- F. Dock Road:** The existing 4-inch water main needs to be replaced due to inadequate fire flow availability. The new 8-inch diameter line will begin at 5<sup>th</sup> Street and Dock Road. The line will continue south along Dock Road, in the same location as the existing waterline, to the end of Dock Road. A new PRV station will be installed approximately 300 feet along Dock Road from 5<sup>th</sup> Street. The total improvement length is approximately 1,800 feet.

- G. King Street:** The existing 2-inch waterline needs to be replaced due to inadequate fire flow availability. The new 6-inch diameter line will begin at King Street and Coast Guard Hill Road. The line will continue west along King Street, in the same location as the existing waterline, and a new section of 6-inch line will connect the gap and replace the existing 2-inch line approximately halfway along King Street. Individual PRVs will need to be installed to each residence along the King Street after the improvement site. The total improvement length is approximately 1,060 feet.
- H. Idaho Street, 14<sup>th</sup> Street to 18<sup>th</sup> Street:** The existing 2-inch and 4-inch waterlines along Idaho Street (Idaho Street and 14<sup>th</sup> Street, and Idaho Street and 18<sup>th</sup>, respectively), needs to be replaced due to inadequate fire flow availability. The new 4-inch diameter line will begin at Idaho Street and 14<sup>th</sup> St. The line will continue north along Idaho Street, in the same location as the existing waterline, to Idaho Street and 18<sup>th</sup> Street. The total improvement length is approximately 1,150 feet.
- I. 20<sup>th</sup> Street/Jefferson Street/19<sup>th</sup> Street:** The existing 4-inch waterline needs to be replaced due to inadequate fire flow availability. The new 6-inch diameter line will begin at 20<sup>th</sup> Street and Jackson Street. The line will continue east along 20<sup>th</sup> Street, in the same location as the existing waterline, to Jefferson Street, south to 19<sup>th</sup> Street, and then continue west along 19<sup>th</sup> Street to Tichenor Avenue. The total improvement length is approximately 1,600 feet.
- J. Beacon Hill Lane and Flake Street:** The existing 2-inch and 4-inch waterlines need to be replaced due to inadequate fire flow availability. The new 4-inch diameter line will begin at Beacon Hill Lane and Coast Guard Hill Road. The line will continue north along Beacon Hill Lane in the same location as the existing waterline, and then run east to the end of Flake Street. A new 6-inch waterline will begin at Coast Guard Hill Road, and Flake Street, then run along Flake Street to its end where the above-mentioned new 4-inch waterline will connect. The total improvement length is approximately 875 feet.

## 7. Priority 2 Coast Guard Hill Reservoir Improvements (Total Cost: \$567,350)

The Coast Guard Hill Reservoir is in need of maintenance and improvements. A mixer needs to be installed to resolve the ongoing problem with stagnant water that contributes to taste and odor issues. The gauge on the side of the tank suffered storm damage some years ago and needs replacement. The exterior of the concrete tank is in need of general maintenance to extend its lifetime. In addition, the installation of a seismic shutoff valve assembly is recommended for safety reasons and to retain water in the tank in case of a seismic event.

A summary of the Phase I, Priority 2 improvements is presented in Table 8.2.1.1.

**TABLE 8.2.1.1  
SUMMARY OF PHASE 1, PRIORITY 1 WATER SYSTEM IMPROVEMENTS**

No. as per Fig. A	Project Description	Project Cost, \$
N/A	Metering	\$200,000
N/A	Leakage and Detection Program	\$50,000
		\$250,000

**TABLE 8.2.1.2  
SUMMARY OF PHASE 1, PRIORITY 1 WATER TREATMENT PLANT PROJECTS**

No. as per Fig. A	Project Description	Project Cost, \$
N/A	Filter Replacement/Install Air Scour System	\$719,000
	Total	\$719,000

**TABLE 8.2.1.3  
SUMMARY OF PHASE 1, PRIORITY 1 WATERLINE REPLACEMENT PROJECTS**

No. as per Fig. A	Project Description	Project Cost, \$
A	Lakeshore Drive (a)	\$343,650
B	Hamlet Place	\$512,600
C	Lakeshore Drive (b)	\$242,275
D	Wyoming Street	\$515,550
E	Jackson Street	\$347,700
F	9 <sup>th</sup> Street	\$411,880
G	7 <sup>th</sup> Street	\$257,175
H	Pinehurst Street	\$191,775
	Total	\$2,822,605

**TABLE 8.2.1.4  
SUMMARY OF PHASE 1, PRIORITY 1 TREATED WATER STORAGE IMPROVEMENTS**

No. as per Fig. A	Project Description	Project Cost, \$
A	Deady St. Reservoir Replacement	\$1,947,300

**TABLE 8.2.1.5  
SUMMARY OF PHASE 1, PRIORITY 2 TREATED WATER STORAGE IMPROVEMENTS**

No. as per Fig. A	Project Description	Project Cost, \$
A	Coast Guard Hill Reservoir Improvements	\$567,350

**TABLE 8.2.1.6  
SUMMARY OF PHASE 1, PRIORITY 2 WATERLINE REPLACEMENT PROJECTS**

No. as per Fig. A	Project Description	Project Cost, \$
A	Coast Guard Hill	\$821,820
B	Deady S	\$179,500
C	Deady N	\$350,750
D	6th/Jeff/7th	\$318,275
E	Jefferson PS	\$149,500
F	Dock	\$296,955
G	King	\$235,000
H	Idaho	\$200,650
I	20th	\$296,325
J	Beacon	\$180,450
	<b>Total</b>	<b>\$3,029,225</b>

**Total Phase I Improvements is \$9,335,480.**

### 8.2.2 Phase II Improvements

Phase II improvements of this CIP represent important projects that require addressing once Phase I Improvements have been addressed and financing is available. These projects include water treatment improvements projects and water source improvements. These improvements are discussed in detail below.

#### Project Descriptions

##### 1. Priority 3 Waterline Replacement Improvements (Total Cost: \$2,919,965)

Based on computer modeling of the City's water distribution system, fire flows available to certain areas are below those required:

- A. Agate Beach Road/California Street:** The existing dead end 2-inch waterlines along Agate Beach Road need to be replaced due to inadequate fire flow availability. The new 6-inch diameter line will begin at the intersection of California Street and 12<sup>th</sup> Street. The line will continue southwest along California Street, then south to Agate Beach Road, then east to a point. The total improvement length is approximately 2,000 feet.
- B. 18<sup>th</sup> Street and Oregon Street:** The existing dead end 4-inch water main at the intersection of 18<sup>th</sup> Street and Oregon Street needs to be connected to the three way waterline intersection at the same street intersection to increase fire flow. The new 6-inch diameter line will connect these two locations.  
The total improvement length is approximately 100 feet.
- C. Vista Drive and Pump Station:** The existing 4-inch waterline needs to be replaced due to inadequate fire flow availability. The new 6-inch diameter line will begin at the intersection of Vista Drive and Jefferson Street. The line will continue east along Vista Drive, in the same

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Abatement of Nuisance and Dangerous Housing

ITEM NO: 8 a.

---

Attached is a copy of the Current Ordinance for the dealing with Abatement of Nuisance and Dangerous Housing. This was adopted in 1984 and it adopted the 1982 version. Since then the 1982 version has been updated using the Uniform Code for the Abatement of Dangerous Buildings, Uniform Building Code 1997.

The Uniform Building Code was replaced with the International Building Code in 1998 to current.

In the International Building Code there is a book for Existing Buildings. I have a PDF version of the whole book it is 321 pages. I did not print it but I have an article attached understanding the compliance methods and the Existing Building code from the 2014 Oregon Structural specialty Code that was not adopted by the state but can be adopted by municipalities.

This is open for discussion and direction on how the council would like to move forward with this change.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

ORDINANCE NO. 321-84

AN ORDINANCE DEALING WITH ABATEMENT OF NUISANCE AND DANGEROUS HOUSING.

BE IT ORDAINED by the Common Council of the City of Port Orford as follows:

Section 1. That the Uniform Code for the Abatement of Dangerous Buildings, Uniform Building Code, 1982 Edition published by the International Conference of Building Officials for The Abatement of Dangerous Buildings, a copy of which is on file in the City Administrators Office, City of Port Orford, Oregon is adopted in its entirety by the City of Port Orford.

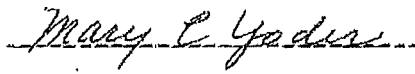
Section 2. That Ordinance No. 305 is hereby repealed.

Read three (3) times in full this 14th day of May, 1984 upon final passage adopted by more than 2/3 of all the members of the Common Council of the City of Port Orford, taken by ayes and nays.

ATTEST:

  
City Recorder

The foregoing Ordinance is hereby approved by me this 14<sup>th</sup> day of May, 1984.

  
Mayor

ORDINANCE NUMBER 2022-05

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

The Common Council of the City of Port Orford hereby ordains that the following Ordinance 2022-05 be adopted for the edition of the International Existing Building Code.

Section 15.04.010 of Title 15 Chapter 15.04 Abatement of Nuisance and Dangerous Housing of the Port Orford Municipal code is hereby amended and corrected to read as follows:

15.04.010: Adoption by Reference:

The approved editions of the following nationally recognized code, are adopted as the official building code of the City of Port Orford.

- A. International Existing Building Code: The International Existing Building Code is designed to apply to all types of buildings and structures. The notices, orders and appeals procedures specified have been found to be workable and are referenced by the Uniform Building Code. The provisions of this code will provide the building official with the proper legal steps in abating, dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

Section 2. That Ordinance No. 321-84 is hereby repealed

DATED :

Passed or Failed by the following Roll Call Vote

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

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

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

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

ATTEST:

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



## Permit Center

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

Email: [permits@cob.org](mailto:permits@cob.org) Web: [www.cob.org/permits](http://www.cob.org/permits)

# International Existing Building Code Understanding the Compliance Methods

The 2018 edition of the International Building Code (IBC) requires the use of the International Existing Building Code (IEBC) when a project intends to modify an existing building. This includes repairs, alterations, relocation of buildings, additions and change of occupancy.

The IEBC is beneficial to the building owner and the project design team because it allows “flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements” that may be otherwise impractical with full enforcement of the IBC. The intent of the IEBC is still to maintain minimum levels of safety regarding “fire prevention, structural and life safety features of the rehabilitated building.”

In order to use the IEBC, the design professional and/or applicant must select one of three compliance methods that they feel best suits their scope of work. The three potential compliance methods offer different strategies for dealing with the application of code requirements to the existing building.

### **Option 1: Prescriptive Compliance Method (Chapter 5)**

Generally when using the Prescriptive method, the proposal must comply with the provisions of the International Building Code (IBC). This method has some specific requirements for structural upgrades depending on project scope, and offers some minor exceptions to full compliance with the IBC in certain scenarios.

### **Option 2: Work Area Compliance Method (Chapter 6 through 12)**

This method categorizes alterations into three levels, based on the scope of work. Each level has specific code provisions and exceptions that may apply to the area of work, the affected building story, or the entire building depending on the scope of the alteration. Projects in levels 2 and 3 must comply with the previous levels' requirements.

**Level 1** – Minor alterations that include the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose.

**Level 2** – Alterations that include the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment. The majority of tenant improvements fall into this level. Depending on the scope of work, upgrades to sprinkler systems, open floor penetrations, and/or means of egress may be required.

**Level 3** –Alterations, including those mentioned in other levels, where the work area exceeds 50% of the building area. In certain situations, this level may require improving safety of certain building features beyond the work area.

### **Option 3: Performance Compliance Method (Chapter 13)**

The Performance method may be the most flexible, but also requires the most thorough evaluation of the existing building. Using a numerical scoring system involving 19 safety parameters and the degree of code compliance for each, this method allows the project design team to show that alterations, while not meeting new construction requirements, improve the current situation.



## CHAPTER 34

# EXISTING BUILDINGS AND STRUCTURES

### SECTION 3401 GENERAL

**3401.1 Scope.** The provisions of this chapter shall control the *alteration, repair, addition* and change of occupancy of existing buildings and structures.

**Exception:** Alterations to existing *bleachers*, grandstands and folding and telescopic seating shall comply with ICC 300. Sections 501.2, 502, 503 and 504 of ICC 300 are not adopted by the State of Oregon.

**3401.2 Maintenance.**

**Not adopted by the State of Oregon but may be adopted by local municipalities.**

Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the *building official* shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

**3401.3 Compliance.** *Alterations, repairs, additions* and changes of occupancy to existing structures shall comply with the provisions for *alterations, repairs, additions* and changes of occupancy in the *Energy Code, Fire Code, Fuel Gas Code, Mechanical Code, Plumbing Code, Residential Code* and NFPA 70.

**3401.4 Building materials and systems.** Building materials and systems shall comply with the requirements of this section.

**3401.4.1 Existing materials.** Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the *building official* to be unsafe per Section 116.

**3401.4.2 New and replacement materials.** Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Except for structural repairs and alterations, like materials shall be permitted for repairs and alterations, provided no hazard to life, health or property is created. Hazardous materials shall not be used where the code for new construction would not *permit* their use in buildings of similar occupancy, purpose and location.

**3401.4.3 Existing seismic force-resisting systems.** Where the existing seismic force-resisting system is a type that can be designated ordinary and is a type that is allowed in the *Seismic Design Category*, values of  $R$ ,  $\Omega_0$ ,

and  $C_d$  for the existing seismic force-resisting system shall be those specified by this code for an ordinary system unless it is demonstrated that the existing system will provide performance equivalent to that of a detailed, intermediate or special system.

**3401.5 Dangerous conditions.** The *building official* shall have the authority to require the elimination of conditions deemed *dangerous*.

**3401.6 Alternative compliance.** Work performed in accordance with the latest revision of Oregon Statewide Alternate Method 08-05 shall be deemed to comply with the provisions of this chapter. See [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

### SECTION 3402 DEFINITIONS

**3402.1 Definitions.** The following terms are defined in Chapter 2:

**DANGEROUS.**

**EXISTING STRUCTURE.**

**PRIMARY FUNCTION.** See Chapter 11, Accessibility.

**SUBSTANTIAL STRUCTURAL DAMAGE.**

**TECHNICALLY INFEASIBLE.** See Chapter 11, Accessibility.

### SECTION 3403 ADDITIONS

**3403.1 General.** *Additions* to any building or structure shall comply with the requirements of this code for new construction. *Alterations* to the existing building or structure shall be made to ensure that the existing building or structure together with the *addition* are no less conforming with the provisions of this code than the existing building or structure was prior to the *addition*. An existing building together with its *additions* shall comply with the height and area provisions of Chapter 5.

**3403.2 Flood hazard areas.** For buildings and structures in *flood hazard areas* established by the Flood Plain Administrator, any *addition* that constitutes substantial improvement of the existing structure, as defined in Section 1612.2, shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established by the Flood Plain Administrator, any additions that do not constitute substantial improvement of the existing structure, as defined in Section 1612.2, are not required to comply with the flood design requirements for new construction.

**OAR 918-008-0000** is not part of this code but is provided here for the reader's convenience:

**918-008-0000 Purpose and Scope.**

(1) The Department of Consumer and Business Services, Building Codes Division, adopts model building codes, standards and other publications by reference, as necessary, through administrative rule to create the state building code. When a matter is included in a specialty code or referenced publication that is in conflict with Oregon Revised Statutes or Oregon Administrative Rules, the statute or rule applies and the code or standard provision does not. All remaining parts or application of the code or standard remain in effect.

(2) Unless required by law, matters generally not authorized for inclusion in a specialty code or referenced standard include, but are not limited to: licensing or certification requirements, or other qualifications and standards for businesses or workers; structures or equipment maintenance requirements; matters covered by federal or state law; and matters that conflict with other specialty codes or publications adopted by the department.

(3) OAR 918-008-0000 to OAR 918-008-0070 provides the process for adopting and amending the state building code that is consistent across all program areas.

(4) The state building code is derived from the most appropriate version of base model codes, which are updated periodically.

(5) The Oregon specialty code amendment process begins approximately midway into a code cycle.

(6) An appropriate advisory board approves or forwards the adoption of the Oregon specialty code and amendments to the Department for adoption.

(7) Notwithstanding sections (3) through (6) of this rule, the division may adopt supplemental code amendments as authorized by OAR 918-008-0028.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.020, 455.030 & 479.730

Stats. Implemented: ORS 447.020, 455.030 & 479.730

Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97; BCD 3-2006(Temp), f. & cert. ef. 3-1-06 thru 8-27-06; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 1-2014, f. 1-22-14, cert. ef. 4-1-14

**3403.3 Existing structural elements carrying gravity load.**

Any existing gravity load-carrying structural element for which an *addition* and its related alterations cause an increase in design gravity load of more than 5 percent shall be strengthened, supplemented, replaced or otherwise altered as needed to carry the increased gravity load required by this code for new structures. Any existing gravity load-carrying structural element whose gravity load-carrying capacity is decreased shall be considered an altered element subject to the requirements of Section 3404.3. Any existing element that will form part of the lateral load path for any part of the *addition* shall be considered an existing lateral load-carrying structural element subject to the requirements of Section 3403.4.

**3403.3.1 Design live load.** Where the *addition* does not result in increased design live load, existing gravity load-carrying structural elements shall be permitted to be evaluated and designed for live loads *approved* prior to the

*addition*. If the *approved* live load is less than that required by Section 1607, the area designed for the non-conforming live load shall be posted with placards of *approved* design indicating the *approved* live load. Where the *addition* does result in increased design live load, the live load required by Section 1607 shall be used.

**3403.4 Existing structural elements carrying lateral load.**

Where the *addition* is structurally independent of the *existing structure*, existing lateral load-carrying structural elements shall be permitted to remain unaltered. Where the *addition* is not structurally independent of the *existing structure*, the *existing structure* and its *addition* acting together as a single structure shall be shown to meet the requirements of Sections 1609 and 1613.

**Exception:** Any existing lateral load-carrying structural element whose demand-capacity ratio with the *addition* considered is no more than 10 percent greater than its demand-capacity ratio with the *addition* ignored shall be permitted to remain unaltered. For purposes of calculating demand-capacity ratios, the demand shall consider applicable load combinations with design lateral loads or forces in accordance with Sections 1609 and 1613. For purposes of this exception, comparisons of demand-capacity ratios and calculation of design lateral loads, forces and capacities shall account for the cumulative effects of *additions* and *alterations* since original construction.

**3403.5 Smoke alarms in existing portions of a building.**

Where an *addition* is made to a building or structure of a Group R or I-1 occupancy, the existing building shall be provided with *smoke alarms* in accordance with Section 1103.8 of the *Fire Code*.

**SECTION 3404  
ALTERATIONS**

**3404.1 General.** Except as provided by Section 3401.4 or this section, *alterations* to any building or structure shall comply with the requirements of the code for new construction. *Alterations* shall be such that the existing building or structure is no less complying with the provisions of this code than the existing building or structure was prior to the *alteration*.

**Exceptions:**

1. An existing *stairway* shall not be required to comply with the requirements of Section 1009 where the existing space and construction does not allow a reduction in pitch or slope.
2. *Handrails* otherwise required to comply with Section 1009.15 shall not be required to comply with the requirements of Section 1012.6 regarding full extension of the *handrails* where such extensions would be hazardous due to plan configuration.

**3404.2 Flood hazard areas.** For buildings and structures in flood hazard areas established by the Flood Plain Administrator, any alteration that constitutes substantial improvement of the existing structure, as defined in Section 1612.2, shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in flood hazard areas established by the Flood Plain Administrator, any alterations that do not constitute substantial improvement of the existing structure, as defined in Section 1612.2, are not required to comply with the flood design requirements for new construction.

**3404.3 Existing structural elements carrying gravity load.** Any existing gravity load-carrying structural element for which an *alteration* causes an increase in design gravity load of more than 5 percent shall be strengthened, supplemented, replaced or otherwise altered as needed to carry the increased gravity load required by this code for new structures. Any existing gravity load-carrying structural element whose gravity load-carrying capacity is decreased as part of the *alteration* shall be shown to have the capacity to resist the applicable design gravity loads required by this code for new structures.

**3404.3.1 Design live load.** Where the *alteration* does not result in increased design live load, existing gravity load-carrying structural elements shall be permitted to be evaluated and designed for live loads *approved* prior to the *alteration*. If the *approved* live load is less than that required by Section 1607, the area designed for the non-conforming live load shall be posted with placards of *approved* design indicating the *approved* live load. Where the *alteration* does result in increased design live load, the live load required by Section 1607 shall be used.

**3404.4 Existing structural elements carrying lateral load.** Except as permitted by Section 3404.5, where the *alteration* increases design lateral loads in accordance with Section 1609 or 1613, or where the *alteration* results in a structural irregularity as defined in ASCE 7, or where the *alteration* decreases the capacity of any existing lateral load-carrying structural element, the structure of the altered building or structure shall be shown to meet the requirements of Sections 1609 and 1613.

**Exception:** Any existing lateral load-carrying structural element whose demand-capacity ratio with the *alteration* considered is no more than 10 percent greater than its demand-capacity ratio with the *alteration* ignored shall be permitted to remain unaltered. For purposes of calculating demand-capacity ratios, the demand shall consider applicable load combinations with design lateral loads or forces per Sections 1609 and 1613. For purposes of this exception, comparisons of demand-capacity ratios and calculation of design lateral loads, forces, and capacities shall account for the cumulative effects of *additions* and *alterations* since original construction.

**3404.5 Voluntary seismic improvements.** *Alterations* to existing structural elements or additions of new structural elements that are not otherwise required by this chapter and are initiated for the purpose of improving the performance of the seismic force-resisting system of an *existing structure* or the performance of seismic bracing or anchorage of existing nonstructural elements shall be permitted, provided that an engineering analysis is submitted demonstrating the following:

1. The altered structure and the altered nonstructural elements are no less conforming with the provisions of this code with respect to earthquake design than they were prior to the alteration.
2. New structural elements are detailed as required for new construction.

3. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required for new construction.

4. The alterations do not create a structural irregularity as defined in ASCE 7 or make an existing structural irregularity more severe.

**3404.6 Smoke alarms.** Individual *sleeping units* and individual *dwelling units* in Group R and I-1 occupancies shall be provided with *smoke alarms* in accordance with Section 1103.8 of the *Fire Code*.

## SECTION 3405 REPAIRS

**3405.1 General.** Buildings and structures, and parts thereof, shall be repaired in compliance with Section 3405.

Devices or safeguards which are required by this code shall be repaired in conformance with the code edition under which installed. To determine compliance with this subsection, the *building official* shall have the authority to require a building or structure to be reinspected.

Work on nondamaged components that is necessary for the required *repair* of damaged components shall be considered part of the *repair* and shall not be subject to the requirements for *alterations* in this chapter. Routine maintenance required by Section 3401.2, ordinary repairs exempt from *permit* in accordance with Section 105.2, and abatement of wear due to normal service conditions shall not be subject to the requirements for *repairs* in this section.

**3405.2 Substantial structural damage to vertical elements of the lateral force-resisting system.** A building that has sustained *substantial structural damage* to the vertical elements of its lateral force-resisting system shall be evaluated and repaired in accordance with the applicable provisions of Sections 3405.2.1 through 3405.2.3.

### Exceptions:

1. Buildings assigned to *Seismic Design Category A*, *B*, or *C* whose *substantial structural damage* was not caused by earthquake need not be evaluated or rehabilitated for load combinations that include earthquake effects.
2. One- and two-family dwellings need not be evaluated or rehabilitated for load combinations that include earthquake effects.

**3405.2.1 Evaluation.** The building shall be evaluated by a *registered design professional*, and the evaluation findings shall be submitted to the *building official*. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of this code for wind and earthquake loads.

Wind loads for this evaluation shall be those prescribed in Section 1609. Earthquake loads for this evaluation, if required, shall be permitted to be 75 percent of those prescribed in Section 1613.

**3405.2.2 Extent of repair for compliant buildings.** If the evaluation establishes compliance of the pre-damage building in accordance with Section 3405.2.1, then repairs

## EXISTING BUILDINGS AND STRUCTURES

shall be in accordance with the *Building Code* for new construction.

**3405.2.3 Extent of repair for noncompliant buildings.** If the evaluation does not establish compliance of the pre-damage building in accordance with Section 3404.2.1, then the building shall be rehabilitated to comply with applicable provisions of this code for load combinations that include wind or seismic loads. The wind loads for the repair shall be as required by the building code in effect at the time of original construction, unless the damage was caused by wind, in which case the wind loads shall be as required by this code. Earthquake loads for this rehabilitation design shall be those required for the design of the pre-damage building, but not less than 75 percent of those prescribed in Section 1613. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of this code for new buildings of similar structure, purpose and location.

**3405.3 Substantial structural damage to gravity load-carrying components.** Gravity load-carrying components that have sustained *substantial structural damage* shall be rehabilitated to comply with the applicable provisions of this code for gravity loads. Nondamaged gravity load-carrying components that receive dead, live or snow loads from rehabilitated components shall also be rehabilitated or shown to have the capacity to carry the design loads of the rehabilitation design. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of this code for new buildings of similar structure, purpose and location.

**3405.3.1 Lateral force-resisting elements.** Regardless of the level of damage to vertical elements of the lateral force-resisting system, if *substantial structural damage* to gravity load-carrying components was caused primarily by wind or earthquake effects, then the building shall be evaluated in accordance with Section 3405.2.1 and, if noncompliant, rehabilitated in accordance with Section 3405.2.3.

**Exceptions:**

1. One- and two-family dwellings need not be evaluated or rehabilitated for load combinations that include earthquake effects.
2. Buildings assigned to *Seismic Design Category A, B, or C* whose *substantial structural damage* was not caused by earthquake need not be evaluated or rehabilitated for load combinations that include earthquake effects.

**3405.4 Less than substantial structural damage.** For damage less than *substantial structural damage*, *repairs* shall be in accordance with the *Building Code*. New structural members and connections used for this repair shall comply with the detailing provisions of this code for new buildings of similar structure, purpose and location.

**3405.5 Flood hazard areas.** For buildings and structures in *flood hazard areas* established by the Flood Plain Administrator, any *repair* that constitutes substantial improvement of the existing structure, as defined in Section 1612.2, shall comply with the flood design requirements for new construction, and all aspects

of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established by the Flood Plain Administrator, any *repairs* that do not constitute substantial improvement or repair of substantial damage of the existing structure, as defined in Section 1612.2, are not required to comply with the flood design requirements for new construction.

## SECTION 3406 FIRE ESCAPES

**3406.1 Where permitted.** Fire escapes shall be permitted only as provided for in Sections 3406.1.1 through 3406.1.4.

**3406.1.1 New buildings.** Fire escapes shall not constitute any part of the required *means of egress* in new buildings.

**3406.1.2 Existing fire escapes.** Existing fire escapes shall be continued to be accepted as a component in the *means of egress* in existing buildings only.

**3406.1.3 New fire escapes.** New fire escapes for existing buildings shall be permitted only where exterior *stairs* cannot be utilized due to lot lines limiting *stair* size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.

**3406.1.4 Limitations.** Fire escapes shall comply with this section and shall not constitute more than 50 percent of the required number of *exits* nor more than 50 percent of the required *exit* capacity.

**3406.2 Location.** Where located on the front of the building and where projecting beyond the building line, the lowest landing shall not be less than 7 feet (2134 mm) or more than 12 feet (3658 mm) above grade, and shall be equipped with a counter-balanced stairway to the street. In alleyways and thoroughfares less than 30 feet (9144 mm) wide, the clearance under the lowest landing shall not be less than 12 feet (3658 mm).

**3406.3 Construction.** The fire escape shall be designed to support a live load of 100 pounds per square foot (4788 Pa) and shall be constructed of steel or other *approved* noncombustible materials. Fire escapes constructed of wood not less than nominal 2 inches (51 mm) thick are permitted on buildings of Type V construction. Walkways and railings located over or supported by combustible roofs in buildings of Type III and IV construction are permitted to be of wood not less than nominal 2 inches (51 mm) thick.

**3406.4 Dimensions.** *Stairs* shall be at least 22 inches (559 mm) wide with risers not more than, and treads not less than, 8 inches (203 mm) and landings at the foot of stairs not less than 40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.

**3406.5 Opening protectives.** Doors and windows along the fire escape shall be protected with  $\frac{3}{4}$ -hour opening protectives.

## SECTION 3407 GLASS REPLACEMENT

**3407.1 Conformance.** The installation or replacement of glass shall be as required for new installations.

### SECTION 3408 CHANGE OF OCCUPANCY

**3408.1 Conformance.** No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the *building official*, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Unless additions or alterations are made to the building or facility, change in use or occupancy alone shall not require compliance with the provisions of Chapter 11, Accessibility. Additionally, changes in occupancy resulting in multifamily dwellings need not comply with Division III, Covered multifamily dwellings (see Section 1102).

**3408.2 Certificate of occupancy.** A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

**3408.3 Stairways.** An existing *stairway* shall not be required to comply with the requirements of Section 1009 where the existing space and construction does not allow a reduction in pitch or slope.

**3408.4 Seismic.** When a change of occupancy results in a structure being reclassified to a higher risk category, the structure shall conform to the seismic requirements for a new structure of the higher risk category.

#### Exceptions:

1. Specific seismic detailing requirements of Section 1613 for a new structure shall not be required to be met where the seismic performance is shown to be equivalent to that of a new structure. A demonstration of equivalence shall consider the regularity, over-strength, redundancy and ductility of the structure.
2. When a change of use results in a structure being reclassified from Risk Category I or II to Risk Category III and the structure is located where the seismic coefficient,  $S_{DS}$ , is less than 0.33, compliance with the seismic requirements of Section 1613 are not required.

### SECTION 3409 HISTORIC BUILDINGS

**3409.1 Historic buildings.** Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the *building official*, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
2. Any unsafe conditions, as described in this code, are corrected.

3. The restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.
4. The *building official* seeks the advice of the State of Oregon historic preservation officer. In case of appeals related to historic buildings, the local appeals board or the appropriate state appeals board shall seek the advice of the State of Oregon historic preservation officer.

Historic Preservation Officer, Oregon Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem, OR 97301. Telephone (503) 986-0707.

### SECTION 3410 MOVED STRUCTURES

**3410.1 Conformance.** Buildings or structures moved into or within the jurisdiction shall comply with ORS 455.410.

**ORS 455.410** is not part of this code but is reproduced here for the reader's convenience:

#### **455.410 Relocated buildings, substantial compliance required; permits.**

- (1) Existing buildings or structures which are removed from their foundation and relocated to another site within this state shall be in substantial compliance as defined in subsections (2) and (3) of this section.
- (2) "Substantial compliance" means compliance with local construction codes in effect as of the original permit date of the building or structure, or where there was no permitting required at the time of original construction, with basic health and safety standards, as described in the closest dated Uniform Housing Code, as published by the International Conference of Building Officials as of the date of construction. Only the insulation, overhead and underneath the structure, shall be upgraded to the current insulation requirements of the state building code, or to the maximum extent possible subject to the design of the structure. Nothing in this statute shall be construed to mean that all heating, plumbing and electrical systems shall be replaced with systems meeting current standards for new construction, except that any life-threatening deficiencies in those systems shall be repaired, notwithstanding that the cost of rehabilitation may exceed 50 percent of the value of the structure before rehabilitation.
- (3) All foundation and basement construction on the structure and any remodeling at the new location shall be constructed subject to all applicable local current building and safety codes, or where none exist, with the applicable standards as described in the Uniform Housing Code described in subsection (2) of this section.
- (4) All moved houses shall be provided with either battery-operated or hard-wired smoke detection devices located in accordance with the provisions of the state building code.
- (5) Nothing in this section is intended to permit any person to move a structure unless the person first consults the appropriate building inspection authority and obtains all required permits. [Formerly 456.756; 1989 c.1068 §1]

## SECTION 3411

### ACCESSIBILITY FOR EXISTING BUILDINGS

**3411.1 Scope.** The provisions of Sections 3411.1 through 3411.9 apply to maintenance, change of occupancy, *additions* and *alterations* to existing buildings, including those identified as *historic buildings*.

**Exception:** Type B *dwelling* or sleeping units required by Section 1107 of this code are not required to be provided in existing buildings and facilities being altered or undergoing a change of occupancy.

**3411.2 Maintenance of facilities.** A *facility* that is constructed or altered to be *accessible* shall be maintained *accessible* during occupancy.

**3411.3 Extent of application.** An *alteration* of an existing *facility* shall not impose a requirement for greater accessibility than that which would be required for new construction. *Alterations* shall not reduce or have the effect of reducing accessibility of a *facility* or portion of a *facility*.

**3411.4 Change in occupancy.** Where a building or a portion thereof is changed to a new occupancy classification, any alterations shall comply with Sections 3411.6, 3411.7 and 3411.8.

**3411.5 Additions.** Provisions for new construction shall apply to *additions*. An *addition* that affects the accessibility to, or contains an area of, a *primary function* shall comply with the requirements in Section 3411.7.

**3411.6 Alterations.** A *facility* that is altered shall comply with the applicable provisions in Chapter 11 of this code, unless *technically infeasible*. Where compliance with this section is *technically infeasible*, the *alteration* shall provide access to the maximum extent technically feasible.

#### Exceptions:

1. The altered element or space is not required to be on an *accessible route*, unless required by Section 3411.7.
2. *Accessible means of egress* required by Chapter 10 are not required to be provided in existing facilities.
3. The *alteration* to *Type A* individually owned *dwelling units* within a Group R-2 occupancy shall be permitted to meet the provision for a *Type B dwelling unit* and shall comply with the applicable provisions in Chapter 11 and ICC A117.1.

**ORS 447.241** is not a part of this code but is reproduced here for the reader's convenience:

#### **447.241 Standards for renovation, alteration or modification of certain buildings; barrier removal improvement plan.**

(1) Every project for renovation, alteration or modification to affected buildings and related facilities that affects or could affect the usability of or access to an area containing a primary function shall be made to insure that, to the maximum extent feasible, the paths of travel to the altered area and the rest rooms, telephones and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope.

(2) Alterations made to the path of travel to an altered area may be deemed disproportionate to the overall alteration when the cost exceeds 25 percent of the alteration to the primary function area.

(3) If the cost of alterations to make the paths of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the paths of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(4) In choosing which accessible elements to provide under this section, priority shall be given to those elements that will provide the greatest access. Elements shall be provided in the following order:

- (a) Parking;
- (b) An accessible entrance;
- (c) An accessible route to the altered area;
- (d) At least one accessible restroom for each sex or a single unisex restroom;
- (e) Accessible telephones;
- (f) Accessible drinking fountains; and
- (g) When possible, additional accessible elements such as storage and alarms.

(5) A series of small alterations to an area served by a single path of travel does not satisfy the obligation to provide an accessible path of travel created under subsection (1) of this section.

(6) If an area containing a primary function has been altered without providing an accessible path of travel to the area and subsequent alterations affecting the same path of travel are undertaken within three years of the original alteration, the total cost of the alterations to the primary function area on the path of travel during the preceding three-year period shall be considered in determining whether the cost of making the path of travel accessible is disproportionate.

(7)(a) A barrier removal improvement plan may satisfy the requirements of subsection (1) of this section. The plan shall require an equivalent or greater level of barrier removal than required by subsection (1) of this section.

(b) The barrier removal improvement plan shall include:

- (A) A letter of participation from the building owner;
- (B) A building survey that identifies existing architectural barriers;
- (C) An improvement plan and time schedule for removal of architectural barriers; and
- (D) An implementation agreement.

(c) The barrier removal improvement plan may be reviewed and accepted through the waiver process under ORS 447.250. The plan shall be reviewed upon completion or every three years for compliance with the requirements of this section.

8) For purposes of this section, "primary function" is a major activity for which the facility is intended. [1993 c.503 §7]

**3411.7 Alterations affecting an area containing a primary function.** Where an *alteration* affects the accessibility to, or contains an area of *primary function*, the route to the *primary function* area shall be *accessible*. The *accessible route* to the *primary function* area shall include toilet facilities or drinking fountains serving the area of *primary function*.

#### Exceptions:

1. The costs of providing the *accessible route* are not required to exceed 20 percent of the costs of the

*alterations* affecting the area of *primary function*. (See ORS 447.241).

2. This provision does not apply to *alterations* limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to *alterations* limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to *alterations* undertaken for the primary purpose of increasing the accessibility of an existing building, *facility* or element.
5. This provision does not apply to altered areas limited to *Type B dwelling* and *sleeping units*.

**3411.8 Scoping for alterations.** The provisions of Sections 3411.8.1 through 3411.8.14 shall apply to *alterations* to existing buildings and facilities.

**3411.8.1 Entrances.** *Accessible* entrances shall be provided in accordance with Section 1105.

**Exception:** Where an *alteration* includes *alterations* to an entrance, and the *facility* has an *accessible* entrance, the altered entrance is not required to be *accessible*, unless required by Section 3411.7. Signs complying with Section 1110 shall be provided.

**3411.8.2 Elevators.** Altered elements of existing elevators shall comply with the *Elevator Code* and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

**3411.8.3 Platform lifts.** Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with the *Elevator Code* shall be permitted as a component of an *accessible route*.

**Exception:** For existing churches and fraternal organizations, Limited Use/Limited Access (LULA) elevators may be used in lieu of a standard elevator when approved by the *building official* and the Oregon Building Codes Division Elevator Safety Section.

**3411.8.4 Stairs and escalators in existing buildings.** In *alterations*, change of occupancy or *additions* where an escalator or *stair* is added where none existed previously and major structural modifications are necessary for installation, an *accessible* route shall be provided between the levels served by the escalator or *stairs* in accordance with Sections 1104.4 and 1104.5.

**3411.8.5 Ramps.** Where slopes steeper than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing *facilities* shall comply with Table 3411.8.5.

TABLE 3411.8.5  
RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

**3411.8.6 Reserved.**

**3411.8.7 Accessible dwelling or sleeping units.** Where Group I-1, I-2, I-3, R-1, R-2 or R-4 *dwelling* or *sleeping units* are being altered or added, the requirements of Section 1107 for *Accessible units* apply only to the quantity of spaces being altered or added.

Where Group R-2 *dwelling* or *sleeping units* are being added, the requirements of Section 1107 for *Accessible units* apply only to the quantity of units being added.

**3411.8.8 Type A dwelling or sleeping units.** Where more than 20 Group R-2 *dwelling* or *sleeping units* are being altered or added, the requirements of Section 1107 for *Type A units* apply only to the quantity of the spaces being altered or added. Where Group I-1, Condition 2 assisted living facilities and residential care facilities, and Group R-4, Condition 2 assisted living facilities and residential care facilities are being altered or added, the requirements of Section 1107 for *Type A units* apply only to the quantity of spaces being altered or added. Where Group I-1, Condition 2 assisted living facilities and residential care facilities and Group R-4, Condition 2 assisted living facilities and residential care facilities are being converted by a change of use or undergo a change of occupancy, the requirements of Section 1107 for *Accessible units* and *Type A units* shall apply.

**Exception:** Where existing bathing facilities are being altered in both Group I-1, Condition 2 residential care facilities without memory care endorsement and Group R-4, Condition 2 residential care facilities without memory care endorsement, one in ten existing bathing facilities shall be required to meet the roll-in type shower compartment requirements of Section 1107 if a common bathing facility is provided outside the dwelling or sleeping unit.

**3411.8.9 Type B dwelling or sleeping units.** Where four or more Group I-1, I-2, R-1, R-2, R-3 or R-4 *dwelling* or *sleeping units* are being added, the requirements of Section 1107 for *Type B units* apply only to the quantity of the spaces being added.

**3411.8.10 Jury boxes and witness stands.** In *alterations*, *accessible* wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the *means of egress*.

**3411.8.11 Toilet rooms.** Where it is *technically infeasible* to alter existing toilet and bathing rooms to be *accessible*, an *accessible* family or assisted-use toilet or bathing room constructed in accordance with Section 1109.2.1 is permitted. The family or assisted-use toilet or bathing room shall be located on the same floor and in the same area as the existing toilet or bathing rooms.

**3411.8.12 Dressing, fitting and locker rooms.** Where it is *technically infeasible* to provide *accessible* dressing, fitting or locker rooms at the same location as similar types of rooms, one *accessible* room on the same level shall be provided. Where separate-sex facilities are provided,

## EXISTING BUILDINGS AND STRUCTURES

*accessible* rooms for each sex shall be provided. Separate-sex facilities are not required where only unisex rooms are provided.

**3411.8.13 Reserved.**

**3411.8.14 Thresholds.** The maximum height of thresholds at doorways shall be  $\frac{3}{4}$  inch (19.1 mm). Such thresholds shall have beveled edges on each side.

**3411.9 Historic buildings.** These provisions shall apply to facilities designated as historic structures that undergo *alterations* or a change of occupancy, unless *technically infeasible*. Where compliance with the requirements for *accessible routes*, entrances or toilet rooms would threaten or destroy the historic significance of the facility, as determined by the *building official* after consultation with the appropriate historic preservation officer, the alternative requirements of Sections 3411.9.1 through 3411.9.4 for that element shall be permitted.

**Exception:** *Type B dwelling* or *sleeping units* required by Section 1107 are not required to be provided in historical buildings.

**3411.9.1 Site arrival points.** At least one *accessible* route from a site arrival point to an *accessible* entrance shall be provided.

**3411.9.2 Multilevel buildings and facilities.** An *accessible route* from an *accessible* entrance to public spaces on the level of the *accessible* entrance shall be provided. Where an accessible route is technically infeasible to all levels, displays, written information and documents shall be located where they can be seen by a seated person.

**3411.9.3 Entrances.** At least one main entrance shall be *accessible*.

**Exceptions:**

1. If a main entrance cannot be made *accessible*, an *accessible* nonpublic entrance that is unlocked while the building is occupied shall be provided; or
2. If a main entrance cannot be made *accessible*, a locked *accessible* entrance with a notification system or remote monitoring shall be provided.

The route of travel for the accessible entry shall not pass through hazardous areas, storage rooms, closets, kitchens or spaces used for similar purposes.

Signs complying with Section 1110 shall be provided at the primary entrance and the *accessible* entrance.

**3411.9.4 Toilet and bathing facilities.** Where toilet rooms are provided and the alteration of the same would adversely affect the historical significance of the building, at least one *accessible* family or assisted-use toilet room complying with Section 1109.2.1 shall be provided.

## SECTION 3412 COMPLIANCE ALTERNATIVES

**3412.1 Compliance.** The provisions of this section are intended to maintain or increase the current degree of public safety, health and general welfare in existing buildings while permitting repair, *alteration*, *addition* and change of occu-

pancy without requiring full compliance with Chapters 2 through 33, or Sections 3401.3, and 3403 through 3409, except where compliance with other provisions of this code is specifically required in this section.

**3412.2 Applicability.** Structures existing prior to July 1, 2014, in which there is work involving *additions*, *alterations* or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**3412.2.1 Change in occupancy.** Where an existing building is changed to a new occupancy classification and this section is applicable, the provisions of this section for the new occupancy shall be used to determine compliance with this code.

**3412.2.2 Partial change in occupancy.** Where a portion of the building is changed to a new occupancy classification, and that portion is separated from the remainder of the building with *fire barriers* or *horizontal assemblies* having a *fire-resistance rating* as required by Table 508.4 for the separate occupancies, or with *approved* compliance alternatives, the portion changed shall be made to comply with the provisions of this section.

Where a portion of the building is changed to a new occupancy classification, and that portion is not separated from the remainder of the building with *fire barriers* or *horizontal assemblies* having a *fire-resistance rating* as required by Table 508.4 for the separate occupancies, or with *approved* compliance alternatives, the provisions of this section which apply to each occupancy shall apply to the entire building. Where there are conflicting provisions, those requirements which secure the greater public safety shall apply to the entire building or structure.

**3412.2.3 Additions.** *Additions* to existing buildings shall comply with the requirements of this code for new construction. The combined height and area of the existing building and the new *addition* shall not exceed the height and area allowed by Chapter 5. Where a *fire wall* that complies with Section 706 is provided between the *addition* and the existing building, the *addition* shall be considered a separate building.

**3412.2.4 Alterations and repairs.** An existing building or portion thereof, which does not comply with the requirements of this code for new construction, shall not be altered or repaired in such a manner that results in the building being less safe or sanitary than such building is currently. If, in the *alteration* or repair, the current level of safety or sanitation is to be reduced, the portion altered or repaired shall conform to the requirements of Chapters 2 through 12 and Chapters 14 through 33.

**3412.2.4.1 Flood hazard areas.** For existing buildings located in *flood hazard areas* established by the Flood Plain Administrator, if the alterations and repairs constitute substantial improvement of the existing building, the existing building shall be brought into



compliance with the requirements for new construction for flood design.

**ORS 447.241** is not a part of this code but is reproduced here for the reader's convenience:

**447.241 Standards for renovating, altering or modifying of certain buildings; barrier removal improvement plan.**

(1) Every project for renovation, alteration or modification to affected buildings and related facilities that affects or could affect the usability of or access to an area containing a primary function shall be made to insure that, to the maximum extent feasible, the paths of travel to the altered area and the rest rooms, telephones and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope.

(2) Alterations made to the path of travel to an altered area may be deemed disproportionate to the overall alteration when the cost exceeds 25 percent of the alteration to the primary function area.

(3) If the cost of alterations to make the paths of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the paths of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(4) In choosing which accessible elements to provide under this section, priority shall be given to those elements that will provide the greatest access. Elements shall be provided in the following order:

- (a) Parking;
- (b) An accessible entrance;
- (c) An accessible route to the altered area;
- (d) At least one accessible restroom for each sex or a single unisex restroom;
- (e) Accessible telephones;
- (f) Accessible drinking fountains; and
- (g) When possible, additional accessible elements such as storage and alarms.

(5) A series of small alterations to an area served by a single path of travel does not satisfy the obligation to provide an accessible path of travel created under subsection (1) of this section.

(6) If an area containing a primary function has been altered without providing an accessible path of travel to the area and subsequent alterations affecting the same path of travel are undertaken within three years of the original alteration, the total cost of the alterations to the primary function area on the path of travel during the preceding three-year period shall be considered in determining whether the cost of making the path of travel accessible is disproportionate.

(7)(a) A barrier removal improvement plan may satisfy the requirements of subsection (1) of this section. The plan shall require an equivalent or greater level of barrier removal than required by subsection (1) of this section.

- (b) The barrier removal improvement plan shall include:
  - (A) A letter of participation from the building owner;
  - (B) A building survey that identifies existing architectural barriers;
  - (C) An improvement plan and time schedule for removal of architectural barriers; and
  - (D) An implementation agreement.

(c) The barrier removal improvement plan may be reviewed and accepted through the waiver process under ORS 447.250. The plan shall be reviewed upon completion or every three years for compliance with the requirements of this section.

8) For purposes of this section, "primary function" is a major activity for which the facility is intended. [1993 c.503 §7]

**3412.3 Acceptance.** For *repairs, alterations, additions* and changes of occupancy to existing buildings that are evaluated in accordance with this section, compliance with this section shall be accepted by the *building official*.

**3412.3.1 Hazards.** Where the *building official* determines that an unsafe condition exists, as provided for in Section 116, such unsafe condition shall be abated in accordance with Section 116.

**3412.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *Fire Code*.

**3412.4 Investigation and evaluation.** For proposed work covered by this section, the building owner shall cause the existing building to be investigated and evaluated in accordance with the provisions of this section.

**3412.4.1 Structural analysis.** The owner shall have a structural analysis of the existing building made to determine adequacy of structural systems for the proposed *alteration, addition* or change of occupancy. The analysis shall demonstrate that the building with the work completed is capable of resisting the loads specified in Chapter 16.

**3412.4.2 Submittal.** The results of the investigation and evaluation as required in Section 3412.4, along with proposed compliance alternatives, shall be submitted to the *building official*.

**3412.4.3 Determination of compliance.** The *building official* shall determine whether the existing building, with the proposed *addition, alteration* or change of occupancy, complies with the provisions of this section in accordance with the evaluation process in Sections 3412.5 through 3412.9.

**3412.5 Evaluation.** The evaluation shall be comprised of three categories: fire safety, means of egress and general safety, as defined in Sections 3412.5.1 through 3412.5.3.

**3412.5.1 Fire safety.** Included within the fire safety category are the structural fire resistance, automatic fire detection, fire alarm, automatic sprinkler system and fire suppression system features of the facility.

**3412.5.2 Means of egress.** Included within the means of egress category are the configuration, characteristics and support features for *means of egress* in the facility.

**3412.5.3 General safety.** Included within the general safety category are the fire safety parameters and the means of egress parameters.

**3412.6 Evaluation process.** The evaluation process specified herein shall be followed in its entirety to evaluate existing buildings. Table 3412.7 shall be utilized for tabulating the results of the evaluation. References to other sections of this code indicate that compliance with those sections is required in order to gain credit in the evaluation herein outlined. In

applying this section to a building with mixed occupancies, where the separation between the mixed occupancies does not qualify for any category indicated in Section 3412.6.16, the score for each occupancy shall be determined and the lower score determined for each section of the evaluation process shall apply to the entire building.

Where the separation between mixed occupancies qualifies for any category indicated in Section 3412.6.16, the score for each occupancy shall apply to each portion of the building based on the occupancy of the space.

**3412.6.1 Building height.** The value for building height shall be the lesser value determined by the formula in Section 3412.6.1.1. Chapter 5 shall be used to determine the allowable height of the building, including allowable increases due to automatic sprinklers as provided for in Section 504.2. Subtract the actual *building height* in feet from the allowable and divide by 12 1/2 feet. Enter the height value and its sign (positive or negative) in Table 3412.7 under Safety Parameter 3412.6.1, Building Height, for fire safety, means of egress and general safety. The maximum score for a building shall be 10.

**3412.6.1.1 Height formula.** The following formulas shall be used in computing the *building height* value.

$$\text{Height value, feet} = \frac{(AH) - (EBH)}{12.5} \times CF \tag{Equation 34-1}$$

$$\text{Height value, feet} = (AS - EBS) \times CF \tag{Equation 34-2}$$

where:

- AH = Allowable height in feet from Table 503.
- EBH = Existing *building height* in feet.
- AS = Allowable height in stories from Table 503.
- EBS = Existing *building height* in stories.
- CF = 1 if (AH) - (EBH) is positive.
- CF = Construction-type factor shown in Table 3412.6.6(2) if (AH) - (EBH) is negative.

**Note:** Where mixed occupancies are separated and individually evaluated as indicated in Section 3412.6, the values AH, AS, EBH and EBS shall be based on the height of the occupancy being evaluated.

**3412.6.2 Building area.** The value for building area shall be determined by the formula in Section 3412.6.2.2. Sec-

tion 503 and the formula in Section 3412.6.2.1 shall be used to determine the allowable area of the building. This shall include any allowable increases due to frontage and automatic sprinklers as provided for in Section 506. Subtract the actual *building area* in square feet from the allowable area and divide by 1,200 square feet. Enter the area value and its sign (positive or negative) in Table 3412.7 under Safety Parameter 3412.6.2, Building Area, for fire safety, means of egress and general safety. In determining the area value, the maximum permitted positive value for area is 50 percent of the fire safety score as listed in Table 3412.8, Mandatory Safety Scores.

**3412.6.2.1 Allowable area formula.** The following formula shall be used in computing allowable area:

$$A_a = [A_t + (A_t \times I_f) + (A_t \times I_s)] \tag{Equation 34-3}$$

where:

- A<sub>a</sub> = Allowable *building area* per story (square feet).
- A<sub>t</sub> = Tabular *building area* per story in accordance with Table 503 (square feet).
- I<sub>s</sub> = Area increase factor due to sprinkler protection as calculated in accordance with Section 506.3.
- I<sub>f</sub> = Area increase factor due to for frontage as calculated in accordance with Section 506.2.

**3412.6.2.2 Area formula.** The following formula shall be used in computing the area value. Determine the area value for each occupancy floor area on a floor-by-floor basis. For each occupancy, choose the minimum area value of the set of values obtained for the particular occupancy

$$\text{Area value } i = \frac{\text{Allowable area } i}{1,200 \text{ square feet}} \left[ 1 - \left( \frac{\text{Actual area } i}{\text{Allowable area } i} + \dots + \frac{\text{Actual area } n}{\text{Allowable area } n} \right) \right] \tag{Equation 34-4}$$

where:

- i = Value for an individual separated occupancy on a floor.
- n = Number of separated occupancies on a floor.

**3412.6.3 Compartmentation.** Evaluate the compartments created by *fire barriers* or *horizontal assemblies* which comply with Sections 3412.6.3.1 and 3412.6.3.2 and which are exclusive of the wall elements considered under

TABLE 3412.6.3  
COMPARTMENTATION VALUES

OCCUPANCY	CATEGORIES*				
	a Compartment size equal to or greater than 15,000 square feet	b Compartment size of 10,000 square feet	c Compartment size of 7,500 square feet	d Compartment size of 5,000 square feet	e Compartment size of 2,500 square feet or less
A-1, A-3	0	6	10	14	18
A-2	0	4	10	14	18
A-4, B, E, S-2	0	5	10	15	20
F, M, R, S-1	0	4	10	16	22

For SI: 1 square foot = 0.093 m<sup>2</sup>.

a. For areas between categories, the compartmentation value shall be obtained by linear interpolation.

Sections 3412.6.4 and 3412.6.5. Conforming compartments shall be figured as the net area and do not include shafts, chases, *stairways*, walls or columns. Using Table 3412.6.3, determine the appropriate compartmentation value (CV) and enter that value into Table 3412.7 under Safety Parameter 3412.6.3, Compartmentation, for fire safety, means of egress and general safety.

**3412.6.3.1 Wall construction.** A wall used to create separate compartments shall be a *fire barrier* conforming to Section 707 with a *fire-resistance rating* of not less than 2 hours. Where the building is not divided into more than one compartment, the compartment size shall be taken as the total floor area on all floors. Where there is more than one compartment within a *story*, each compartmented area on such *story* shall be provided with a *horizontal exit* conforming to Section 1025. The *fire door* serving as the *horizontal exit* between compartments shall be so installed, fitted and gasketed that such *fire door* will provide a substantial barrier to the passage of smoke.

**3412.6.3.2 Floor/ceiling construction.** A floor/ceiling assembly used to create compartments shall conform to Section 711 and shall have a *fire-resistance rating* of not less than 2 hours.

**3412.6.4 Tenant and dwelling unit separations.** Evaluate the *fire-resistance rating* of floors and walls separating tenants, including *dwelling units*, and not evaluated under Sections 3412.6.3 and 3412.6.5. Under the categories and occupancies in Table 3412.6.4, determine the appropriate value and enter that value in Table 3412.7 under Safety Parameter 3412.6.4, Tenant and Dwelling Unit Separations, for fire safety, means of egress and general safety.

TABLE 3412.6.4  
SEPARATION VALUES

OCCUPANCY	CATEGORIES				
	a	b	c	d	e
A-1	0	0	0	0	1
A-2	-5	-3	0	1	3
A-3, A-4, B, E, F, M, S-1	-4	-3	0	2	4
R	-4	-2	0	2	4
S-2	-5	-2	0	2	4

**3412.6.4.1 Categories.** The categories for tenant and dwelling unit separations are:

1. Category a—No *fire partitions*; incomplete *fire partitions*; no doors; doors not self-closing or automatic-closing.
2. Category b—*Fire partitions* or floor assemblies with less than a 1-hour *fire-resistance rating* or not constructed in accordance with Sections 708 or 711.
3. Category c—*Fire partitions* with a 1-hour or greater *fire-resistance rating* constructed in accordance with Section 708 and floor assemblies with a 1-hour but less than 2-hour *fire-resistance rating* constructed in accordance with

Section 711, or with only one tenant within the floor area.

4. Category d—*Fire barriers* with a 1-hour but less than 2-hour *fire-resistance rating* constructed in accordance with Section 707 and floor assemblies with a 2-hour or greater *fire-resistance rating* constructed in accordance with Section 711.
5. Category e—*Fire barriers* and floor assemblies with a 2-hour or greater *fire-resistance rating* and constructed in accordance with Sections 707 and 711, respectively.

**3412.6.5 Corridor walls.** Evaluate the *fire-resistance rating* and degree of completeness of walls which create *corridors* serving the floor, and constructed in accordance with Section 1018. This evaluation shall not include the wall elements considered under Sections 3412.6.3 and 3412.6.4. Under the categories and groups in Table 3412.6.5, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.5, Corridor Walls, for fire safety, means of egress and general safety.

TABLE 3412.6.5  
CORRIDOR WALL VALUES

OCCUPANCY	CATEGORIES			
	a	b	c <sup>a</sup>	d <sup>a</sup>
A-1	-10	-4	0	2
A-2	-30	-12	0	2
A-3, F, M, R, S-1	-7	-3	0	2
A-4, B, E, S-2	-5	-2	0	5

a. Corridors not providing at least one-half the travel distance for all occupants on a floor shall be category b.

**3412.6.5.1 Categories.** The categories for Corridor Walls are:

1. Category a—No *fire partitions*; incomplete *fire partitions*; no doors; or doors not self-closing.
2. Category b—Less than 1-hour *fire-resistance rating* or not constructed in accordance with Section 708.4.
3. Category c—1-hour to less than 2-hour *fire-resistance rating*, with doors conforming to Section 716 or without *corridors* as permitted by Section 1018.
4. Category d—2-hour or greater *fire-resistance rating*, with doors conforming to Section 716.

**3412.6.6 Vertical openings.** Evaluate the *fire-resistance rating* of *exit* enclosures, hoistways, escalator openings and other shaft enclosures within the building, and openings between two or more floors. Table 3412.6.6(1) contains the appropriate protection values. Multiply that value by the construction type factor found in Table 3412.6.6(2). Enter the vertical opening value and its sign (positive or negative) in Table 3412.7 under Safety Parameter 3412.6.6, Vertical Openings, for fire safety, means of egress, and general safety. If the structure is a one-story building or if all the unenclosed vertical openings within the building conform to the requirements of Section 708,

## EXISTING BUILDINGS AND STRUCTURES

enter a value of 2. The maximum positive value for this requirement shall be 2.

**TABLE 3412.6.6(1)**  
**VERTICAL OPENING PROTECTION VALUE**

PROTECTION	VALUE
None (unprotected opening)	-2 times number floors connected
Less than 1 hour	-1 times number floors connected
1 to less than 2 hours	1
2 hours or more	2

**TABLE 3412.6.6(2)**  
**CONSTRUCTION-TYPE FACTOR**

FACTOR	TYPE OF CONSTRUCTION								
	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
	1.2	1.5	2.2	3.5	2.5	3.5	2.3	3.3	7

**3412.6.6.1 Vertical opening formula.** The following formula shall be used in computing vertical opening value.

$$VO = PV \times CF \quad (\text{Equation 34-5})$$

where:

$VO$  = Vertical opening value.

$PV$  = Protection value [Table 3412.6.6(1)].

$CF$  = Construction type factor [Table 3412.6.6(2)].

**3412.6.7 HVAC systems.** Evaluate the ability of the HVAC system to resist the movement of smoke and fire beyond the point of origin. Under the categories in Section 3412.6.7.1, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.7, HVAC Systems, for fire safety, means of egress and general safety.

**3412.6.7.1 Categories.** The categories for HVAC systems are:

1. Category a—Plenums not in accordance with Section 602 of the *Mechanical Code*. -10 points.
2. Category b—Air movement in egress elements not in accordance with Section 1018.5. -5 points.
3. Category c—Both categories a and b are applicable. -15 points.
4. Category d—Compliance of the HVAC system with Section 1018.5 and Section 602 of the *Mechanical Code*. 0 points.
5. Category e—Systems serving one story; or a central boiler/chiller system without ductwork connecting two or more stories. 5 points.

**3412.6.8 Automatic fire detection.** Evaluate the smoke detection capability based on the location and operation of *automatic fire detectors* in accordance with Section 907 and the *Mechanical Code*. Under the categories and occupancies in Table 3412.6.8, determine the appropriate value and enter that value into Table 3412.7 under Safety

Parameter 3412.6.8, Automatic Fire Detection, for fire safety, means of egress and general safety.

**TABLE 3412.6.8**  
**SMOKE CONTROL VALUES**

OCCUPANCY	CATEGORIES				
	a	b	c	d	e
A-1, A-3, F, M, R, S-1	-10	-5	0	2	6
A-2	-25	-5	0	5	9
A-4, B, E, S-2	-4	-2	0	4	8

**3412.6.8.1 Categories.** The categories for automatic fire detection are:

1. Category a—None.
2. Category b—Existing *smoke detectors* in HVAC systems and maintained in accordance with the *Fire Code*.
3. Category c—*Smoke detectors* in HVAC systems. The detectors are installed in accordance with the requirements for new buildings in the *Mechanical Code*.
4. Category d—*Smoke detectors* throughout all floor areas other than individual *sleeping units*, tenant spaces and *dwelling units*.
5. Category e—*Smoke detectors* installed throughout the floor area.

**3412.6.9 Fire alarm systems.** Evaluate the capability of the *fire alarm system* in accordance with Section 907. Under the categories and occupancies in Table 3412.6.9, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.9, Fire Alarm Systems, for fire safety, means of egress and general safety.

**TABLE 3412.6.9**  
**FIRE ALARM SYSTEM VALUES**

OCCUPANCY	CATEGORIES			
	a	b <sup>a</sup>	c	d
A-1, A-2, A-3, A-4, B, E, R	-10	-5	0	5
F, M, S	0	5	10	15

a. For buildings equipped throughout with an *automatic sprinkler system*, add 2 points for activation by a sprinkler waterflow device.

**3412.6.9.1 Categories.** The categories for *fire alarm systems* are:

1. Category a—None.
2. Category b—*Fire alarm system* with *manual fire alarm boxes* in accordance with Section 907.4 and alarm notification appliances in accordance with Section 907.5.2.
3. Category c—*Fire alarm system* in accordance with Section 907.
4. Category d—Category c plus a required *emergency voice/alarm communications* system and a *fire command center* that conforms to Section 403.4.6 and contains the *emergency voice/alarm communications* system controls, fire depart-

ment communication system controls and any other controls specified in Section 911 where those systems are provided.

**3412.6.10 Smoke control.** Evaluate the ability of a natural or mechanical venting, exhaust or pressurization system to control the movement of smoke from a fire. Under the categories and occupancies in Table 3412.6.10, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.10, Smoke Control, for means of egress and general safety.

**TABLE 3412.6.10  
SMOKE CONTROL VALUES**

OCCUPANCY	CATEGORIES					
	a	b	c	d	e	f
A-1, A-2, A-3	0	1	2	3	6	6
A-4, E	0	0	0	1	3	5
B, M, R	0	2 <sup>a</sup>	3 <sup>a</sup>	3 <sup>a</sup>	3 <sup>a</sup>	4 <sup>a</sup>
F, S	0	2 <sup>a</sup>	2 <sup>a</sup>	3 <sup>a</sup>	3 <sup>a</sup>	3 <sup>a</sup>

a. This value shall be 0 if compliance with Category d or e in Section 3412.6.8.1 has not been obtained.

**3412.6.10.1 Categories.** The categories for smoke control are:

1. Category a—None.
2. Category b—The building is equipped throughout with an *automatic sprinkler system*. Openings are provided in exterior walls at the rate of 20 square feet (1.86 m<sup>2</sup>) per 50 linear feet (15 240 mm) of *exterior wall* in each *story* and distributed around the building perimeter at intervals not exceeding 50 feet (15 240 mm). Such openings shall be readily openable from the inside without a key or separate tool and shall be provided with ready access thereto. In lieu of operable openings, clearly and permanently marked tempered glass panels shall be used.
3. Category c—One enclosed *exit stairway*, with ready access thereto, from each occupied floor of the building. The *stairway* has operable exterior windows and the building has openings in accordance with Category b.
4. Category d—One *smokeproof enclosure* and the building has openings in accordance with Category b.
5. Category e—The building is equipped throughout with an *automatic sprinkler system*. Each floor area is provided with a mechanical air-handling system designed to accomplish smoke containment. Return and exhaust air shall be moved directly to the outside without recirculation to other floor areas of the building under fire conditions. The system shall exhaust not less than six air changes per hour from the floor area. Supply air by mechanical means to the floor area is not required. Containment of smoke shall be considered as confining smoke to the floor area involved without migration to other floor areas. Any other

tested and *approved* design which will adequately accomplish smoke containment is permitted.

6. Category f—Each *stairway* shall be one of the following: a *smokeproof enclosure* in accordance with Section 1022.10; pressurized in accordance with Section 909.20.5 or shall have operable exterior windows.

**3412.6.11 Means of egress capacity and number.** Evaluate the *means of egress* capacity and the number of exits available to the building occupants. In applying this section, the *means of egress* are required to conform to the following sections of this code: 1003.7, 1004, 1005, 1014.2, 1014.3, 1015.2, 1021, 1024.1, 1027.2, 1027.5, 1028.2, 1028.3, 1028.4 and 1029. The number of exits credited is the number that is available to each occupant of the area being evaluated. Existing fire escapes shall be accepted as a component in the *means of egress* when conforming to Section 3406.

Under the categories and occupancies in Table 3412.6.11, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.11, Means of Egress Capacity, for means of egress and general safety.

**TABLE 3412.6.11  
MEANS OF EGRESS VALUES**

OCCUPANCY	CATEGORIES				
	a	b	c	d	e
A-1, A-2, A-3, A-4, E	-10	0	2	8	10
M	-3	0	1	2	4
B, F, S	-1	0	0	0	0
R	-3	0	0	0	0

a. The values indicated are for buildings six stories or less in height. For buildings over six stories above grade plane, add an additional -10 points.

**3412.6.11.1 Categories.** The categories for Means of Egress Capacity and number of *exits* are:

1. Category a—Compliance with the minimum required *means of egress* capacity or number of *exits* is achieved through the use of a fire escape in accordance with Section 3406.
2. Category b—Capacity of the *means of egress* complies with Section 1004 and the number of *exits* complies with the minimum number required by Section 1021.
3. Category c—Capacity of the *means of egress* is equal to or exceeds 125 percent of the required *means of egress* capacity, the *means of egress* complies with the minimum required width dimensions specified in the code and the number of *exits* complies with the minimum number required by Section 1021.
4. Category d—The number of *exits* provided exceeds the number of *exits* required by Section 1021. *Exits* shall be located a distance apart from each other equal to not less than that specified in Section 1015.2.
5. Category e—The area being evaluated meets both Categories c and d.

TABLE 3412.6.14  
ELEVATOR CONTROL VALUES

ELEVATOR TRAVEL	CATEGORIES			
	a	b	c	d
Less than 25 feet of travel above or below the primary level of elevator access for emergency fire-fighting or rescue personnel	-2	0	0	+2
Travel of 25 feet or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel	-4	NP	0	+4

For SI: 1 foot = 304.8 mm.  
NP = Not permitted.

**3412.6.12 Dead ends.** In spaces required to be served by more than one *means of egress*, evaluate the length of the *exit* access travel path in which the building occupants are confined to a single path of travel. Under the categories and occupancies in Table 3412.6.12, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.12, Dead Ends, for means of egress and general safety.

TABLE 3412.6.12  
DEAD-END VALUES

OCCUPANCY	CATEGORIES <sup>a</sup>		
	a	b	c
A-1, A-3, A-4, B, E, F, M, R, S	-2	0	2
A-2, E	-2	0	2

a. For dead-end distances between categories, the dead-end value shall be obtained by linear interpolation.

**3412.6.12.1 Categories.** The categories for dead ends are:

1. Category a—Dead end of 35 feet (10 670 mm) in nonsprinklered buildings or 70 feet (21 340 mm) in sprinklered buildings.
2. Category b—Dead end of 20 feet (6096 mm); or 50 feet (15 240 mm) in Group B in accordance with Section 1018.4, exception 2.
3. Category c—No dead ends; or ratio of length to width (l/w) is less than 2.5:1.

**3412.6.13 Maximum exit access travel distance.** Evaluate the length of *exit access* travel to an *approved exit*. Determine the appropriate points in accordance with the following equation and enter that value into Table 3412.7 under Safety Parameter 3412.6.13, Maximum Exit Access Travel Distance, for means of egress and general safety. The maximum allowable *exit access* travel distance shall be determined in accordance with Section 1016.1.

$$\text{Points} = 20 \times \frac{\text{Maximum allowable travel distance} - \text{Maximum actual travel distance}}{\text{Max. allowable travel distance}}$$

(Equation 34-6)

**3412.6.14 Elevator control.** Evaluate the passenger elevator equipment and controls that are available to the fire department to reach all occupied floors. Emergency recall and in-car operation of elevator recall controls shall be provided in accordance with the *Fire Code*. Under the categories and occupancies in Table 3412.6.14, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter

3412.6.14, Elevator Control, for fire safety, means of egress and general safety. The values shall be zero for a single-story building.

**3412.6.14.1 Categories.** The categories for elevator controls are:

1. Category a — No elevator.
2. Category b—Any elevator without Phase I emergency recall operation and Phase II emergency in-car operation.
3. Category c — All elevators with Phase I emergency recall operation and Phase II emergency in-car operation as required by the *Fire Code*.
4. Category d—All meet Category c; or Category b where permitted to be without Phase I emergency recall operation and Phase II emergency in-car operation; and at least one elevator that complies with new construction requirements serves all occupied floors.

**3412.6.15 Means of egress emergency lighting.** Evaluate the presence of and reliability of *means of egress* emergency lighting. Under the categories and occupancies in Table 3412.6.15, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.15, Means of Egress Emergency Lighting, for means of egress and general safety.

TABLE 3412.6.15  
MEANS OF EGRESS EMERGENCY LIGHTING VALUES

NUMBER OF EXITS REQUIRED BY SECTION 1015	CATEGORIES		
	a	b	c
Two or more exits	NP	0	4
Minimum of one exit	0	1	1

**3412.6.15.1 Categories.** The categories for means of egress emergency lighting are:

1. Category a—*Means of egress* lighting and *exit* signs not provided with emergency power in accordance with Chapter 27.
2. Category b—*Means of egress* lighting and *exit* signs provided with emergency power in accordance with Chapter 27.
3. Category c—Emergency power provided to *means of egress* lighting and *exit* signs which provides protection in the event of power failure to the site or building.

**3412.6.16 Mixed occupancies.** Where a building has two or more occupancies that are not in the same occupancy classification, the separation between the mixed occupancies shall be evaluated in accordance with this section. Where there is no separation between the mixed occupancies or the separation between mixed occupancies does not qualify for any of the categories indicated in Section 3412.6.16.1, the building shall be evaluated as indicated in Section 3412.6 and the value for mixed occupancies shall be zero. Under the categories and occupancies in Table 3412.6.16, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.16, Mixed Occupancies, for fire safety and general safety. For buildings without mixed occupancies, the value shall be zero.

**TABLE 3412.6.16  
MIXED OCCUPANCY VALUES<sup>a</sup>**

OCCUPANCY	CATEGORIES		
	a	b	c
A-1, A-2, R	-10	0	10
A-3, A-4, B, E, F, M, S	-5	0	5

a. For fire-resistance ratings between categories, the value shall be obtained by linear interpolation.

**3412.6.16.1 Categories.** The categories for mixed occupancies are:

1. Category a—Occupancies separated by minimum 1-hour *fire barriers* or minimum 1-hour *horizontal assemblies*, or both.
2. Category b—Separations between occupancies in accordance with Section 508.4.
3. Category c—Separations between occupancies having a *fire-resistance rating* of not less than twice that required by Section 508.4.4.

**3412.6.17 Automatic sprinklers.** Evaluate the ability to suppress a fire based on the installation of an *automatic sprinkler system* in accordance with Section 903.3.1.1. “Required sprinklers” shall be based on the requirements of this code. Under the categories and occupancies in Table 3412.6.17, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter

3412.6.17, Automatic Sprinklers, for fire safety, means of egress divided by 2 and general safety.

**TABLE 3412.6.17  
SPRINKLER SYSTEM VALUES**

OCCUPANCY	CATEGORIES					
	a	b	c	d	e	f
A-1, A-3, F, M, R, S-1	-6	-3	0	2	4	6
A-2	-4	-2	0	1	2	4
A-4, B, E, S-2	-12	-6	0	3	6	12

**3412.6.17.1 Categories.** The categories for *automatic sprinkler system* protection are:

1. Category a—Sprinklers are required throughout; sprinkler protection is not provided or the sprinkler system design is not adequate for the hazard protected in accordance with Section 903.
2. Category b—Sprinklers are required in a portion of the building; sprinkler protection is not provided or the sprinkler system design is not adequate for the hazard protected in accordance with Section 903.
3. Category c—Sprinklers are not required; none are provided.
4. Category d—Sprinklers are required in a portion of the building; sprinklers are provided in such portion; the system is one which complied with the code at the time of installation and is maintained and supervised in accordance with Section 903.
5. Category e—Sprinklers are required throughout; sprinklers are provided throughout in accordance with Chapter 9.
6. Category f—Sprinklers are not required throughout; sprinklers are provided throughout in accordance with Chapter 9.

**3412.6.18 Standpipes.** Evaluate the ability to initiate attack on a fire by making a supply of water available readily through the installation of standpipes in accor-

**TABLE 3412.6.19  
INCIDENTAL USE AREA VALUES**

PROTECTION REQUIRED BY TABLE 509	PROTECTION PROVIDED						
	None	1 Hour	AS	AS with SP	1 Hour and AS	2 Hours	2 Hours and AS
2 Hours and AS	-4	-3	-2	-2	-1	-2	0
2 Hours, or 1 Hour and AS	-3	-2	-1	-1	0	0	0
1 Hour and AS	-3	-2	-1	-1	0	-1	0
1 Hour	-1	0	-1	0	0	0	0
1 Hour, or AS with SP	-1	0	-1	0	0	0	0
AS with SP	-1	-1	-1	0	0	-1	0
1 Hour or AS	-1	0	0	0	0	0	0

AS = Automatic sprinkler system; SP = Smoke partitions (see Section 508.2.5).  
Note: For Table 3412.7, see next page.

## EXISTING BUILDINGS AND STRUCTURES

dance with Section 905. Required standpipes shall be based on the requirements of this code. Under the categories and occupancies in Table 3412.6.18, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.18, Standpipes, for fire safety, means of egress and general safety.

**TABLE 3412.6.18  
STANDPIPE SYSTEM VALUES**

OCCUPANCY	CATEGORIES			
	a <sup>a</sup>	b	c	d
A-1, A-3, F, M, R, S-1	-6	0	4	6
A-2	-4	0	2	4
A-4, B, E, S-2	-12	0	6	12

a. This option cannot be taken if Category a or b in Section 3412.6.17 is used.

**3412.6.18.1 Standpipe.** The categories for standpipe systems are:

1. Category a—Standpipes are required; standpipe is not provided or the standpipe system design is not in compliance with Section 905.3.
2. Category b—Standpipes are not required; none are provided.
3. Category c—Standpipes are required; standpipes are provided in accordance with Section 905.
4. Category d—Standpipes are not required; standpipes are provided in accordance with Section 905.

**3412.6.19 Incidental uses.** Evaluate the protection of incidental uses in accordance with Section 509.4.2. Do not include those where this code requires automatic sprinkler systems throughout the buildings, including *covered or open mall buildings, high-rise buildings, public garages and unlimited area buildings*. Assign the lowest score from Table 3412.6.19 for the building or floor area being evaluated and enter that value into Table 3412.7 under safety Parameter 3412.6.19, Incidental Use Area, for fire safety, means of egress and general safety. If there are no specific occupancy areas in the building or floor area being evaluated, the value shall be zero.

**3412.7 Building score.** After determining the appropriate data from Section 3412.6, enter those data in Table 3412.7 and total the building score.

**3412.8 Safety scores.** The values in Table 3412.8 are the required mandatory safety scores for the evaluation process listed in Section 3412.6.

**3412.9 Evaluation of building safety.** The mandatory safety score in Table 3412.8 shall be subtracted from the building score in Table 3412.7 for each category. Where the final score for any category equals zero or more, the building is in compliance with the requirements of this section for that category. Where the final score for any category is less than zero, the building is not in compliance with the requirements of this section.

**3412.9.1 Mixed occupancies.** For mixed occupancies, the following provisions shall apply:

1. Where the separation between mixed occupancies does not qualify for any category indicated in Section 3412.6.16, the mandatory safety scores for the occupancy with the lowest general safety score in Table 3412.8 shall be utilized (see Section 3412.6).
2. Where the separation between mixed occupancies qualifies for any category indicated in Section 3412.6.16, the mandatory safety scores for each occupancy shall be placed against the evaluation scores for the appropriate occupancy.



**TABLE 3412.7  
SUMMARY SHEET—BUILDING CODE**

Existing occupancy: _____		Proposed occupancy: _____	
Year building was constructed: _____		Number of stories: _____ Height in feet: _____	
Type of construction: _____		Area per floor: _____	
Percentage of open perimeter increase: _____%			
Completely suppressed:	Yes ____ No ____	Corridor wall rating: _____	
Compartmentation:	Yes ____ No ____	Required door closers: Yes ____ No ____	
Fire-resistance rating of vertical opening enclosures: _____			
Type of HVAC system: _____, serving number of floors: _____			
Automatic fire detection:	Yes ____ No ____	Type and location: _____	
Fire alarm system:	Yes ____ No ____	Type: _____	
Smoke control:	Yes ____ No ____	Type: _____	
Adequate exit routes:	Yes ____ No ____	Dead ends: _____	Yes ____ No ____
Maximum exit access travel distance: _____		Elevator controls:	Yes ____ No ____
Means of egress emergency lighting: Yes ____ No ____		Mixed occupancies:	Yes ____ No ____

SAFETY PARAMETERS	FIRE SAFETY (FS)	MEANS OF EGRESS (ME)	GENERAL SAFETY (GS)
3412.6.1 Building Height			
3412.6.2 Building Area			
3412.6.3 Compartmentation			
3412.6.4 Tenant and Dwelling Unit Separations			
3412.6.5 Corridor Walls			
3412.6.6 Vertical Openings			
3412.6.7 HVAC Systems			
3412.6.8 Automatic Fire Detection			
3412.6.9 Fire Alarm Systems			
3412.6.10 Smoke Control	* * * *		
3412.6.11 Means of Egress Capacity	* * * *		
3412.6.12 Dead Ends	* * * *		
3412.6.13 Maximum Exit Access Travel Distance	* * * *		
3412.6.14 Elevator Control	* * * *		
3412.6.15 Means of Egress Emergency Lighting			
3412.6.16 Mixed Occupancies		* * * *	
3412.6.17 Automatic Sprinklers		÷ 2 =	
3412.6.18 Standpipes			
3412.6.19 Incidental Use			
<b>Building score — total value</b>			

\* \* \* \*No applicable value to be inserted.

## EXISTING BUILDINGS AND STRUCTURES

**TABLE 3412.8  
MANDATORY SAFETY SCORES<sup>a</sup>**

OCCUPANCY	FIRE SAFETY (MFS)	MEANS OF EGRESS (MME)	GENERAL SAFETY (MGS)
A-1	20	31	31
A-2	21	32	32
A-3	22	33	33
A-4, E	29	40	40
B	30	40	40
F	24	34	34
M	23	40	40
R	21	38	38
S-1	19	29	29
S-2	29	39	39

- a. MFS = Mandatory Fire Safety;  
MME = Mandatory Means of Egress;  
MGS = Mandatory General Safety.

**TABLE 3412.9  
EVALUATION FORMULAS<sup>a</sup>**

FORMULA	T.3410.7			T.3410.8	SCORE	PASS	FAIL
FS-MFS $\geq$ 0	_____	(FS)	—	_____ (MFS) =	_____	_____	_____
ME-MME $\geq$ 0	_____	(ME)	—	_____ (MME) =	_____	_____	_____
GS-MGS $\geq$ 0	_____	(GS)	—	_____ (MGS) =	_____	_____	_____

- a. FS = Fire Safety  
ME = Means of Egress  
GS = General Safety  
MFS = Mandatory Fire Safety  
MME = Mandatory Means of Egress  
MGS = Mandatory General Safety

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Water Curtailment 2<sup>nd</sup> Level Declaration

ITEM NO: 8 b.

---

Since the City of Port Orford has had very little rain during this winter along with waiting on the repairs to be completed on the Dam at Hubbard Creek John and I suggest to the Council that they declare a second level of concern for water curtailment.

In order to enforce the penalties of the Water Curtailment Ordinance we need to post the public notice in atleast 3 public places or notice has been published in the local newspaper after the 1<sup>st</sup> confirmation.

Attached is a copy of the notice that will be posted in 2 public places. In addition to posting the public notice the attached letter will be sent out to all land owners within city limits and to all city water and sewer customers due to the fact that we have many renters in our community.

### Suggested Motion:

I make a motion to declare a 2<sup>nd</sup> level of concern from the Water Curtailment Ordinance 2022-04 beginning on February 18, 2022.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



## CITY OF PORT ORFORD

◆ 555 W. 20<sup>th</sup> St. ◆ P.O. Box 310, Port Orford, OR 97465 ◆ Ph: 541-366-4568 ◆ fx: 877-281-5307 ◆

### ***PUBLIC NOTICE***

## *2<sup>nd</sup> Level of Concern Declared for Water Curtailment beginning 02/18/2022*

*No Person or Customer shall sprinkle, water or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, flowers, or any other vegetation except:*

- 1) Irrigation, sprinkling, and/or watering is only permitted by residences **WEST of Hwy 101** on **EVEN** numbered calendar days.*
- 2) Irrigation, sprinkling, and/or watering is only permitted by residences **EAST of Hwy 101** on **ODD** numbered calendar days.*

*Additional Nonessential Residential, Commercial or Industrial uses that are prohibited in the Water Curtailment Ordinance 2022-04 are available at City Hall. Along with new water service regulations and penalties for violation of the Water Curtailment Ordinance 2022-04.*

*Letters will be mailed out to ALL Land Owners and Water/Sewer Customers on 02/18/2022*

# CITY OF PORT ORFORD

555 West 20<sup>th</sup> Street  
 Post Office Box 310  
 Port Orford, Oregon 97465  
 541-332-3681(v)  
[jginsburg@portorford.org](mailto:jginsburg@portorford.org)

February 18, 2022

Re: Implementation of Water Curtailment 2<sup>nd</sup> Level of Concern

Dear Residents and Land Owners of Port Orford:

On February 17, 2022 The City Council of Port Orford declared a 2<sup>nd</sup> level of concern based on the Water Curtailment Ordinance 2022-04. During the 2<sup>nd</sup> level of concern the following items tasks are prohibited.

- No sprinkle, water or Irrigate any shrubbery, trees, lawn, grass, ground covers, plants, vines, flowers or any other vegetation except as follows:
  - Residences West of Hwy 101 can Water on Even-Numbered Days
  - Residences East of Hwy 101 can water on Odd- Numbered Days
- No Filling of Pools, Spas ponds or fountain for aesthetic purposes.
- No Car Washing at home- The Car Wash on 101 is on a well & it will still be open for use
- No NEW Water hook ups
- Water can be served IF requested in Restaurants
- No use of water from hydrants for any purpose other than Fire-Fighting
- No usage of waer to wash down sidewalks, walkways, driveways, parking lot or other hard-surfaced area of any builiding or structure.
- No Washing of Boats, Water Crafts, ATV's and UTV's unless at the designated car wash- Excluding Commercial Fishing Vessels

In order to help us conserve water within Port Orford here are some Indoor Water Conservation tips:

- Take a shallow bath instead of a shower. (Saves 15-20 gallons per day). If you take a shower, make it 5 minutes and install a shower timer.
- Don't use the toilet as a garbage can. (Saves 400-600 gallons per month).
- Turn off the water while brushing your teeth. (Saves 3 gallons per day).
- Run only full loads in the washing machine and dishwasher. (Saves 75-200 gallons per week).
- Keep a bottle of cold water in the refrigerator for drinking instead of running the faucet. (Saves 200-300 gallons per month).
- Use the garbage disposal less and compost more. (Saves 50-150 gallons per month).
- If you don't want water in a restaurant, don't take it, you will save the water in the glass and the water used to wash the glass. (Collectively saves millions of gallons per year).

The City is looking into all options in order to remedy the situation; however, we need to all work together to conserve water until then.

Thank you for your efforts in this matter:

*Jessica Ginsburg*

City Administrator  
 City of Port Orford

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Water Conservation Rates

ITEM NO: 8 c.

---

### Water Rates Discussion-

More likely than not we will have to do water rate study in order to receive some funding for the Water Infrastructure. It was mentioned by Jason from RCAC in the September 2021 meeting. I have attached a copy of our current rate schedule. Along with a portion of our water mater plan that discusses conservation practices and the current water rates, and another section on Rate Structure.

It does not look like rates were increased this year. However, in the previous years their had been rate increases by about \$1 between the base rate and the reserve fund.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## CITY OF PORT ORFORD

Schedule of Utilities Rates

As of May 11, 2021

### Water Enterprise Fund

Water Rates

	Current Rate	+	Proposed Increase	=	New Proposed Rate
<b>Base Rate</b>	\$ 30.69		\$ -		\$ -
<b>Consumption</b> (cost per 1,000 gallons used)					
0 - 2,000	Included in the base rate				
2,001 - 5,000	\$ 8.69		\$ -		\$ -
5,001 - 10,000	\$ 10.75		\$ -		\$ -
10,001 - 20,000	\$ 11.79		\$ -		\$ -
> 20,000	\$ 12.79		\$ -		\$ -

### Water Capital Reserve Fund

Water Reserve Rates

	Current Rate	+	Proposed Increase	=	New Proposed Rate	RCAC Recommended Goal
<b>Base Rate</b>	\$ 3.50		\$ 0.50		\$ 4.00	\$ 10.00
<b>Consumption</b> (cost per 1,000 gallons used)						
0 - 2,000	Included in the base rate					
2,001 - 5,000	\$ 1.50		\$ 0.50		\$ 2.00	\$ 2.00
5,001 - 10,000	\$ 1.50		\$ 0.50		\$ 2.00	\$ 4.00
10,001 - 20,000	\$ 1.50		\$ 0.50		\$ 2.00	\$ 4.00
> 20,000	\$ 1.50		\$ 0.50		\$ 2.00	\$ 4.00

### Sewer Enterprise Fund

Sewer Rates

	Current Rate	+	Proposed Increase	=	New Proposed Rate
<b>Base Rate</b>	\$ 43.37		0		\$ -
<b>Consumption</b> (cost per 1,000 gallons used)					
	\$ 7.55		\$ -		\$ -

### Sewer Capital Reserves Fund

Sewer Reserve Rates

	Current Rate	+	Proposed Increase	=	New Proposed Rate	RCAC Recommended Goal
<b>Base Rate</b>	\$ 3.00		0.5		\$ 3.50	\$ 8.00
<b>Consumption</b> (cost per 1,000 gallons used)						
	\$ 1.00		\$ 0.50		\$ 1.50	\$ 2.00

the influent line to the WTP. The City's water diversion will be measured with this device. This flow measurement system complies with the measurement standards in OAR 690-085.

### **Current Conservation Practices (OAR 690-86-150(3))**

The current conservation practices employed by the City of Port Orford are metering and rate structure. The vast majority of the existing water system is metered, enabling the City to charge its users according to consumption. The meters are read on fixed intervals and can be used for audits and accounting practices.

The City current rate method assesses a fee for basic service (which includes the first 2,000 gallons). The customer is billed the base rate regardless of whether or not the water is used. Thereafter, the customer is billed on a sliding scale for additional 2001 to 5000 gallons used, 5001 to 10,000 gallons used, 10,000 to 20,000 gallons used, and over 20,000 gallons. This rate structure is in conformance with the requirements of OAR 690-086-150(4d). This water rate structure provides excellent revenue stability, is a good conservation tool, provides good equity, and is simple to administer and explain.

### **Planned Conservation Program Activities (OAR 690-86-150(4,6))**

This section describes the City of Port Orford's planned water conservation program activities for the Years 2015 to 2020. A table of conservation benchmarks, as required in the Division 86 rules, is at the end of each section. These conservation benchmarks are specific commitments that the City will implement according to the schedule in each table. The Year 2015 to 2020 time period is the focus of the conservation benchmarks, as the proposed submission of a revised Water Management and Conservation Plan for the City is the Year 2020.

### **Annual Water Audit (OAR 690-086-150(4a))**

The purpose for a water audit is to track the efficiency of the system, monitor water consumption levels, determine effectiveness of conservation measures, and gather system performance data. The OAR requires determination of the level of water loss as communities seek to reach efficiency goals of 90 percent or greater.

The City will compile an annual water audit of its system, since it currently does not perform one. Installation of water meters is recommended for those services not currently metered. A spreadsheet and method for incorporating this data into the spreadsheet will need to be developed to incorporate the various water measurement data and perform the necessary calculations in a reasonable time frame.

The City will also develop estimates of known uses and losses on a monthly basis and maintain records of this water use. Known uses and losses will include estimating quantities of water used for flushing mains, loss due to major leaks or water main replacement, and water utilized through hydrant meters. In addition, the City will need to implement a system to track water used for fire suppression and training through its hydrants. This auditing will be implemented as soon as possible even though all of the components may not be in place.

In addition to annual audits, the City will implement a monthly water audit within its raw and treated water systems. This monthly audit will prove to be helpful in detecting irregular water use patterns that may be attributable to leaks, malfunctions, and other system problems. Performance of monthly audits will provide the City with relatively "fast" feedback on the performance of its system and the response of



specific repairs or improvements that have been developed. Conservation benchmarks for annual water audits are listed in Table 10.3.1.

**TABLE 10.3.1  
ANNUAL WATER AUDIT BENCHMARKS – YEAR 2015-2020**

Benchmark	Start Date	Frequency or Completion
Install new meters & read existing water meters as described under Metering Benchmarks (Table 9.3.2)	2018	Dec. 2019
Develop electronic spreadsheets & procedure for implementing audits	2018	Dec. 2019
Collect & record monthly meter readings, complete monthly audits	2018	Monthly
Perform annual water audit	2018	Annual

### **Metering (OAR 690-086-150(4b))**

City facilities are mostly metered and usage is being tracked for some uses.

### **Metering Testing and Maintenance Program (OAR 690-086-150(4c))**

Water meters are a water provider's cash register used to equitably charge for provided water. Yet many providers rely on old, poorly maintained meters that can be inaccurate by as much as 10 to more than 50 percent of the actual water flowing through the meters. Inaccurate water meters usually are providing flow readings in favor of the customer. The water that is able to "slip" through the meter undetected becomes not only lost revenue, but also lost water.

The City has replaced some of the ¾-inch and 1-inch meters throughout the years; however, most of the meters are old and may be inaccurate. Typically the meter testing schedule for these size meters ranges from 5 years (for 2-inch) to 8 years (for ¾-inch). Thus, the 2-inch meters were tested in Year 2010 and the ¾-inch meters beginning in the Year 2011. However due to the number of meters to be tested, it is recommended that meter testing be done on one-quarter of the system meters every year for four years.

The large meters (2-inch and larger) will be calibrated annually and a program will be implemented.

The City will verify the WTP source meters at least every two years, or as needed, by using the drawdown or fill up method. With this method, a known or calculated amount of water flows through the meter and then a comparison is done between the calculated and metered amounts. The source meter can be verified by calculating the amount of water that is filling up the flocculation basin and two sediment basins (with no outputs). For both methods, at least two to three drawdowns or fillups will be conducted and the results averaged to verify the source meter accuracy.

Meter testing and maintenance program conservation benchmarks are shown in Table 10.3.2.

**TABLE 10.3.2  
METER TESTING & MAINTENANCE PROGRAM BENCHMARKS – YEAR 2010-2015**

Benchmark	Start Date	Frequency or Completion
Verify 2-inch Meters within system	2015	Every 5 years
Verify ¾-inch Meters	2015	¼ of total meters, Annually from 2010-2012
Verify Large Meters (>2-inch)	Ongoing	Annually
Source Meters	2015	Every 2 years or as needed

### **Rate Structure (OAR 690-086-150(4d))**

The City of Port Orford currently charges customers for their water based upon a standard base rate plus a sliding scale consumption rate. The customer is billed the base rate regardless of whether or not the water is used. The City current rate method assesses a fee for basic service (which includes the first 2,000 gallons). The customer is billed the base rate regardless of whether or not the water is used. Thereafter, the customer is billed on a sliding scale for an additional 2001 to 5000 gallons used, 5001 to 10,000 gallons used, 10,000 to 20,000 gallons used, and over 20,000 gallons. This rate structure is in conformance with the requirements of OAR 690-086-150(4d).

### **Leak Detection Program (OAR 690-086-150(4e))**

No annual water audits have been carried out to determine the amount of leakage in the City's system due to the number of unmetered services. Consequently, the City is not able to determine at this time if system leakage exceeds 10 percent. However, the City's percent of non-account water losses discussed in Section 9.2 is at a level that suggests implementation of a leak detection program would be prudent. A leak detection program makes use of planned strategy and various techniques and technologies to efficiently and effectively locate leaks in the system and identify pipelines requiring repair or replacement.

#### Leak Detection Measures

Leak detection measures may include regular on-site testing using computer-assisted leak detection equipment, sonic leak detection surveys, or another acceptable method for detecting leaks along water distribution mains, valves, services, and meters. The inspections can also include the internal inspection of water tanks and reservoirs. The City staff or an outside consultant can perform leak detection of the City's water system.

A number of different methods are available for locating leaks in a water system. The simplest method of leak detection is to search for and locate wet spots or green areas that might indicate the presence of a leak. This technique would be especially suited for water mains that are not under buildings or paved surfaces.

The next level of leak detection is to use listening devices that amplify vibrations caused by a leak. The simplest device is a steel bar held against a pipe or valve. To detect leaks, listening devices (such as geophones) will be placed on fire hydrants, valves, meters, mains and services. If a leak sound is detected, a detailed investigation will be initiated by listening to each meter in the area of the leak sound. Listening on the meter allows one to check the meter coupling and curb stop for leakage and may indicate whether the leak is on the service or main.

For more sophisticated detection techniques, the City may wish to bring in leak-detection consultants to scan the water system for leakage. These detection techniques include the use of electronic leak detectors and leak noise correlators. A typical leak detection survey costs anywhere from \$100 to \$400 per mile of main surveyed, depending on the size of the system, the material of mains to be surveyed, and the distance traveled (Fenney 1999). Leaks from PVC and PE pipes and appurtenances are difficult to detect because sound does not travel very far through these materials. Special listening equipment may be needed for these pipes. General surveying equipment costs from \$2,000 to \$5,000, while leak noise correlators can cost from \$35,000 to \$60,000 (Ibid 1999).

Another method that the City may employ to detect leaks is the isolation method. This method includes the isolation of short piping sections utilizing existing and newly installed mainline valves. The mainline

The water supplier description element of a Municipal WMCP shall include at least the following information:

- (1) A description of the supplier's source(s) of water including diversion, storage and regulation facilities, exchange agreements, intergovernmental cooperation agreements, and water supply or delivery contracts;
- (2) A delineation of the current service areas and an estimate of the population served and a description of the methodology(ies) used to make the estimate;
- (3) An assessment of the adequacy and reliability of the existing water supply considering potential limitations on continued or expanded use under existing water rights resulting from existing and potential future restrictions on the community's water supply;
- (4) A quantification of the water delivered by the water supplier that identifies current and available historic average annual water use, peak season of use, average day use, and peak day use;
- (5) A tabular list of water rights held by the Municipal Water Supplier that includes the following information:
  - (a) Application, permit, transfer, and certificate numbers (as applicable);
  - (b) Priority date(s) for each right;
  - (c) Source(s) of water for each right;
  - (d) Type(s) of beneficial uses specified in each right;
  - (e) Maximum instantaneous and annual quantity of water allowed under each right;
  - (f) Maximum instantaneous and annual quantity of water diverted under each right to date;
  - (g) Average monthly and daily diversions under each right that is conveyed through the supplier's distribution system for the previous year, and if available for the previous five years;
  - (h) Currently authorized date for completion of development under each right; and
  - (i) Identification of any streamflow-dependent species listed by a state or federal agency as sensitive, threatened or endangered that are present in the source, any listing of the source as water quality limited and the water quality parameters for which the source was listed, and any designation of the source as being in a critical ground water area.
- (6) A description of customers served including other water suppliers and the estimated numbers for each sector; general water use characteristics of residences, commercial and industrial facilities, and any other uses; and a comparison of the quantities of water used in each sector with the quantities reported in the water supplier's previously submitted water management and conservation plan and progress reports;
- (7) Identification and description of interconnections with other water supply systems;
- (8) A schematic of the system that shows the sources of water, storage facilities, treatment facilities, major transmission and distribution lines, pump stations, interconnections with other water supply systems, and the existing and planned future service area; and
- (9) A quantification and description of the system's Water Losses that includes any available information regarding the sources of significant losses and, to the extent possible, identification of those losses as either real or apparent losses.

**Statutory/Other Authority:** ORS 536.027, 537.211 & 540.572

**Statutes/Other Implemented:** ORS 537.230, 537.630 & 539.010

**History:**

WRD 7-2018, amend filed 12/21/2018, effective 12/21/2018

WRD 4-2002, f. & cert. ef. 11-1-02

WRD 11-1994, f. & cert. ef. 9-21-94

#### **690-086-0150**

##### **Municipal Water Conservation Element for a Municipal WMCP**

The water conservation element of a Municipal WMCP shall include at least the following:

- (1) A progress report on the conservation measures scheduled for implementation in a water management and conservation plan previously approved by the Department, if any;
- (2) A description of the water supplier's water use measurement and reporting program and a statement that the program complies with the measurement standards in OAR Chapter 690, Division 85, that a time extension or waiver has been granted, or that the standards are not applicable;
- (3) A description of other conservation measures, if any, currently implemented by the water supplier, including any

measures required under water supply contracts;

(4) A description of the specific activities, along with a schedule that establishes five-year Benchmarks, for implementation of each of the following conservation measures that are required of all Municipal Water Suppliers:

(a) An annual Water Audit that includes a systematic and documented methodology for estimating any un-metered authorized and unauthorized uses, and an analysis of the water supplier's own water use to identify alternatives to increase efficiency;

(b) If the system is not fully metered, a program to install meters on all un-metered Water Service Connections. The program shall start immediately after the plan is approved and shall identify the number of meters to be installed each year with full Metering completed within five years of approval of the water management and conservation plan;

(c) A meter testing and maintenance program;

(d) A rate structure under which customers' bills are based, at least in part, on the quantity of water metered at the service connections;

(e) If the annual Water Audit indicates that the system's Water Losses exceed 10 percent:

(A) Within two years of approval of the water management and conservation plan, the water supplier shall provide a description and analysis identifying potential factors for the loss and selected actions for remedy;

(B) If actions identified under subsection (A) do not result in the reduction of Water Losses to 10 percent or less, within five years of approval of the water management and conservation plan, the water supplier shall:

(i) Develop and implement a regularly scheduled and systematic program to detect and repair leaks in the transmission and distribution system using methods and technology appropriate to the size and capabilities of the Municipal Water Supplier or a line replacement program detailing the size and length of pipe to be replaced each year; or,

(ii) Develop and implement a water loss control program consistent with American Water Works Association's standards.

(f) A public education program commensurate to the size of the Municipal Water Supplier to encourage efficient indoor and outdoor water use that includes regular communication of the supplier's water conservation activities and schedule to customers;

(5) If the Municipal Water Supplier serves a population greater than 1,000 and proposes to expand or initiate diversion of water under an Extended Permit for which resource issues have been identified under OAR 690-086-0140(5)(i), or if the Municipal Water Supplier serves a population greater than 7,500, a description of the specific activities, along with a schedule that establishes five-year Benchmarks, for implementation of each of the following measures; or documentation showing that implementation of the measures is neither feasible nor appropriate for ensuring the efficient use of water and the prevention of waste:

(a) Technical and financial assistance programs commensurate to the size of the Municipal Water Supplier to encourage and aid residential, commercial and industrial customers in implementation of conservation measures;

(b) Supplier financed retrofitting or replacement of existing inefficient water using fixtures, including distribution of residential conservation kits and rebates for customer investments in water conservation;

(c) Adoption of rate structures, billing schedules, and other associated programs that support and encourage water conservation;

(d) Water reuse, recycling, and non-potable water opportunities; and

(e) Any other conservation measures identified by the water supplier that would improve water use efficiency.

**Statutory/Other Authority:** ORS 536.027, 537.211 & 540.572

**Statutes/Other Implemented:** ORS 537.230, 537.630 & 539.010

**History:**

WRD 7-2018, amend filed 12/21/2018, effective 12/21/2018

Renumbered from 690-086-0140, WRD 4-2002, f. & cert. ef. 11-1-02

WRD 11-1994, f. & cert. ef. 9-21-94

WRD 7-2018, amend filed 12/21/2018, effective 12/21/2018

WRD 4-2002, f. & cert. ef. 11-1-02

WRD 11-1994, f. & cert. ef. 9-21-94

690-086-0160

**Municipal Water Curtailment Element for a Municipal WMCP**

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Contract for Water Assistance Provisions

ITEM NO: 8 d.

---

Late January City Hall Received a letter from Oregon Coast Community Action. They have a new program that will benefit low-income households. The low-income water assistance program is a new federal emergency water and wastewater assistance program funded in 2021 with Consolidated Appropriations Act and American Rescue Plan Act.

Residential customers of Curry County will apply to the Oregon Coast Community Action for assistance. Oregon Coast Community Action will determine eligibility and payment amounts and make the payments directly to the City of Port Orford on behalf of the customer.

The attached is a vendor agreement which will enable the City of Port Orford to share customer account information and will enable Oregon Coast Community Action to submit payments to the City of Port Orford on behalf of our water and/or sewer customers.

### Suggested Motion:

I make a motion that the Council approve the City Administrator to sign the vendor agreement with Oregon Coast Community Action for the Low-Income Household Water Assistance Program.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



**Oregon Coast Community Action**  
Feed • House • Warm • Educate

January 21st 2022

**CITY OF PORT ORFORD  
PO BOX 310  
PORT ORFORD OR 97465**

**RE: LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWA)**

**To the owner or operator of the water or wastewater utility:**

Oregon Coast Community Action (ORCCA) is excited to announce the start of a new program benefiting our low-income households. The Low-Income Household Water Assistance (LIHWA) Program.

Oregon Coast Community Action is a Community Action Agency (CAA), created in 1965 to provide cost effective joint administration, leadership, and support for children's programs and emergency services on the Southern Oregon Coast.

LIHWA is a new federal emergency water and wastewater assistance program, established and funded through the 2021 Consolidated Appropriations Act (CAA) and the 2021 American Rescue Plan Act (ARPA). The program is designed to provide low-income households with assistance for their drinking water and wastewater services and Oregon Housing and Community Services (OHCS) will be distributing funds for the state in partnership with the Community Action Agency (CAA) network and water districts.

The program is designed such that residential customers, of Coos and Curry Counties, will apply to Oregon Coast Community Action for assistance. Oregon Coast Community Action will then determine eligibility and payment amounts and then make direct payments to the utility on behalf of the ratepayer. We anticipate to be able to start supporting payments as early as February 2022.

In order to ensure the success of the LIHWA program, and help support our low-income community, it is essential that we have your collaboration and participation.

We have attached our vendor agreement for your consideration as official participants in the LIHWA program. The agreement will enable utilities to share ratepayer account information with ORCCA and enable ORCCA to submit payments to the utilities on behalf of ratepayers.

We hope you will join us in the LIHWA program which will help not only our low-income community members but support your utility service as well. In order to partner with us on the LIHWA program you need only to sign both copies of the attached vendor agreement and return them to Oregon Coast Community Action via posted mail, or email at your earliest convenience.

Mail:  
Attn: Laura Hunter  
1855 Thomas Ave  
Coos Bay, Or 97420

Email:  
[waterassistance@orcca.us](mailto:waterassistance@orcca.us)  
Subject: (your business name) LIHWA  
Vendor Agreement

We appreciate your participation in helping to strengthen our community up and look forward to working with you in the future. If you have any questions or need more information, please don't hesitate to contact us.

**Drew Farmer**  
Executive Director

**Laura Hunter**  
Interim Essential Services Director  
Phone number: 541.435.7080  
Email: [lhunter@orcca.us](mailto:lhunter@orcca.us)

CONTRACT FOR WATER ASSISTANCE PROVISIONS  
BETWEEN  
OREGON COAST COMMUNITY ACTION (ORCCA)  
AND

---

This Low-Income Housing Water Assistance (LIHWA) Program Agreement (“Agreement”) is entered into by and between the **Oregon Coast Community Action (ORCCA)** (“Agency”), \_\_\_\_\_ (“Vendor”), and the Oregon Housing and Community Services Department, together with its successors and assigns (“Department”), (each a “Party” and collectively the “Parties) under the following terms:

1. Entire Contract

- a) This Agreement is the mechanism by which all Parties can carry out the provisions of the Low-Income Household Water Assistance (LIHWA) Program.
- b) It is understood and agreed that the entire contract between the Parties is contained in this Agreement.
- c) This Agreement supersedes all previous commitments, promises, representations either oral or written, between the Parties relating to the subject matter hereof.
- d) The person signing this Agreement on behalf of the Vendor certifies and attests that the Vendor has the power and authority to enter into and perform this Agreement, and that the signor has full and complete authority to bind the Vendor.
- e) All the words and phrases used in this Agreement shall have the meanings given herein or as used in the LIHWA Program Requirements and other related requirements unless the context clearly requires otherwise.

2. Definitions

- a) Authorization means a form that contains the Eligible Household’s account number, name of person applying for LIHWA assistance, name on the account, address of Eligible Household, and amount of the LIHWA Payment to be applied to the Eligible Household’s account.
- b) Commitment means the initial communication that an Eligible Household has qualified for LIHWA Payments and serves as notice of the forthcoming Authorization.
- c) Eligible Household means a household receiving services from the Vendor that has been determined, by the Agency in accordance with LIHWA eligibility guidelines, to be eligible for a LIHWA Payment.
- d) LIHWA Payment(s) includes regular and crisis payments made by the Agency to the Vendor on behalf of Eligible Households for eligible drinking water and/or wastewater service charges (including reconnection charges, fees, penalties, or reduction of current charges and fees).

3. The Agency agrees to do the following:

- a) To assign a vendor number/business code to each Vendor after the Agreement is fully executed.
- b) To obtain an Eligible Household’s consent through a Release of Information in order for the Agency to initiate two-way communication with the Vendor regarding Account information (such as current amount owed, status of service, and crisis situation indicators).
- c) To effectuate LIHWA Payments to the Vendor on behalf of Eligible Households, including:
  - i. Notifying the Vendor of Commitments through an agreed-upon format (i.e., direct portal input, written, oral, etc.),
  - ii. Notifying the Eligible Household of Commitments made to Vendor,
  - iii. Pursuant to Commitment, submitting payment to the Vendor promptly and no later than 45 days after Commitment issued, and
  - iv. Prior to receipt of payment, notifying Vendor of any changes to Commitments caused by federal or state law.
- d) To issue to Vendor a single check or Automated Clearing House (ACH) payment that includes benefits for all Eligible Households. A payment register precedes the check or ACH deposit. The register includes the names of the Eligible Households, the account names and numbers, the amounts to be applied to each account, and the addresses and counties of residence of the Eligible Households.



- e) To inform the Vendor in the case an Eligible Household is in crisis or life-threatening situation and speaking to the Vendor on behalf of the Eligible Household when a member of the Eligible Household is not present or does not have accessibility to such a discussion.

4. The Vendor agrees to do the following:

- a) To refer its customers to the Agency for assistance.
- b) To charge all Eligible Households using the Vendor's normal billing process.
- c) To charge all Eligible Households the price normally charged for drinking water and/or wastewater services supplied to non-eligible households, except for other billing assistance and/or discount programs.
- d) Not to exclude or discriminate against any Eligible Households with respect to cost of services, terms, deferred payment plans, credit, conditions of sale, or discounts and programs offered to non-eligible households.
- e) Not to treat any Eligible Households adversely because of receipt of LIHWA assistance.
- f) To continue to apply the regular drinking water and/or wastewater service charges and credits of payments in regular fashion, even in consideration of a Commitment or LIHWA Payment.
- g) To process all LIHWA Payments, on behalf of Eligible Households from the Agency, including:
  - i. Applying a credit notation to the Eligible Household's account as soon as the Vendor receives a LIHWA Authorization from the Agency.
    - 1. This credit can only be applied to water and wastewater related charges and fees.
    - 2. This credit cannot be applied to charges and fees including but not limited to police, streetlights, and garbage service.
  - ii. Applying and itemizing LIHWA Payments for all Eligible Households identified in the LIHWA Payment Register as directed by the Agency.
  - iii. Posting all payments to Eligible Household accounts promptly after being received, no later than the next billing cycle.
  - iv. If a LIHWA Payment cannot be credited to the Eligible Household's account, processing a refund, according to the Oregon LIHWA Vendor Refund Policies, directly to the Eligible Household within thirty (30) days.
- h) To discuss the Eligible Household's crisis or life-threatening situation with the Agency, speaking on behalf of the Eligible Household when a member of the Eligible Household is not present or does not have accessibility to the discussion.
- i) To cooperate with the Agency, once informed of the crisis or life-threatening situation and in receipt of a Commitment, to resolve the Eligible Household's situation related to drinking water and/or wastewater services with urgency.
- j) To comply with Oregon LIHWA Vendor Refund Policies, as described below in this Agreement.
- k) To maintain an accounting system and supporting fiscal records that represent the amounts and billing of drinking water and/or wastewater services provided to Eligible Households.
- l) To fully cooperate with the Department's and Agency's monitoring practices, including but not limited to providing requested documentation for Federal representatives or Oregon Secretary of State representatives within set time frames, as well as communicating with Department or Agency staff.
- m) To provide at no cost to the Department, Eligible Household, or Agency, written information on an Eligible Household's drinking water and/or wastewater services costs, bill payment history, and/or arrearage history for no more than the previous 12 monthly billing periods, even when it may be from a prior occupant household.
- n) To provide at no cost to the Department or Agency, or an authorized agent to the Department or Agency, for the purposes of research, evaluation, and analysis, information on household drinking water and/or wastewater services costs and usage for Eligible Households.
- o) **Program Requirements:** Vendor agrees to timely satisfy all requirements of this Agreement, including all LIHWA Regulations or other forms of LIHWA federal guidance, as applicable, and all other applicable federal, state, and local statutes, rules, regulations, ordinances, and orders (all of the foregoing, as amended from time to time, collectively, the "Program Requirements") to the satisfaction of Department or Agency.

5. Termination

- a) This Agreement shall terminate upon the earliest to occur of the following events:

- i. A change in the requirements of applicable Federal or State regulations for LIHWA administration,
  - ii. A change in the state plan for administering LIHWA that affects the terms and conditions of this Agreement,
  - iii. Thirty (30) days' written notice of termination by any Party,
  - iv. Mutual consent of all Parties,
  - v. Any license or certificate required by law or regulation to be held by the Vendor to provide services outlined in this Agreement is denied, revoked, or not renewed, or
  - vi. The end of the LIHWA program year, which begins on January 1, 2022 and ends on September 30, 2023.
- b) This Agreement will terminate effective immediately upon determination by the Department that the Vendor is not in compliance with the terms of this Agreement, including the Program Requirements. The Vendor will be notified within ten (10) days of termination.
  - c) Termination by any Party shall not discharge any obligations owed by any Party to another or to an Eligible Household or any liability, which has accrued prior to termination.
  - d) The rights and remedies of any Party provided in this Agreement shall not be exclusive and are in addition to any other rights and remedies provided by law.

#### 6. Miscellaneous

- a) **Subcontracts:** The Vendor shall not enter into any subcontracts, beyond those already in place for normal and current billing operations, for any of the services provided under this Agreement without obtaining prior consent from the Department or Agency. The Vendor shall also provide the subcontract agreement(s) with this Vendor Agreement (see Attachment A).
- b) **Amendments:** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever, except by written instrument between the Parties.
- c) **Execution and Counterparts:** This Agreement may be executed in counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.
- d) **Severability:** If any court of competent jurisdiction shall hold any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision hereof.
- e) **Assignment:** The Vendor shall not assign or transfer its interest in this Assignment without the express written consent of the Department and Agency.
- f) **Waiver:** The failure by any Party to enforce any provision of this Agreement shall not constitute a waiver by another Party of that or any other provision.
- g) **Independent Contractors/Workers' Compensation Coverage:** Vendor and Agency are independent contractors under this Agreement and both covenant, warrant, and affirm that neither they nor any of their agents, representatives or employees are an officer, employee, or agent of the other party. Vendor and Agency further covenant, warrant and affirm that they shall provide Workers' Compensation insurance for their prospective employees and require such by their subcontractors.
- h) **Indemnity:** Subject to any applicable limitations in the Oregon Constitution and the Oregon Tort Claims Act, each Party (the "Indemnifying Party") shall save, defend (consistent with ORS chapter 180), indemnify and hold harmless the other Party, the Department and each of their officers, agents, employees and members (the "Indemnified Parties") from all claims, suits or actions of whatsoever nature (collectively, "Claims") to the extent resulting from or arising out of the negligent or wrongful acts or omissions of the Indemnifying Party or its subcontractors, agents, or employees in its performance or non-performance of its obligations under this Agreement unless such Claims primarily result from the Indemnified Party or Parties' negligence, gross negligence or willful misconduct. In no event shall either Party be liable to the other for Claims in an amount more than \$50,000 per event.
- i) **Successors in Interest:** The provisions of this Agreement shall be binding upon and shall inure to the benefit of the Parties hereto, and their respective successors and assigns, if any.
- j) **Force Majeure:** A Party shall not be held responsible for delay or default as a result of an event or action beyond its reasonable control, including without limitation, fire, riots, acts of God or war.
- k) **Governing Law:** This Agreement is governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.
- l) **Merger:** This Agreement constitutes the entire Agreement between the Parties. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties.

- 115 m) **Mediation:** In the case the Parties become involved in a dispute regarding any part of this Agreement, the Parties shall submit to mediation prior to the commencement of litigation to enforce this Agreement. The mediator shall be an individual mutually acceptable to all Parties. Each Party shall pay its own cost for the time and effort involved in mediation and agrees to split equally the cost of the mediator. All Parties agree to exercise best efforts and act in good faith to resolve all disputes.
- n) **Eligible Household Information Confidentiality:** Due to the obligations outlined in this Agreement, all Parties will have access to Confidential Information of Eligible Households, including but not limited to household member names, social security numbers, addresses, account numbers, account payments and balances, and income information. All Parties shall use appropriate safeguards to prevent the disclosure of Confidential Information to unauthorized third parties (which excludes, for example, compliance with applicable Public Records Laws or as required by an official court order), and shall prevent employees, agents or subcontractors from accessing, copying, disclosing or using any such Confidential Information.
- o) **Red Flag Rules:** All Parties agree to establish, maintain, and abide by reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft related to Eligible Households through the administration of LIHWA.
- p) **Funds Available and Authorized:** The Vendor understands and agrees that payment of amounts under this Agreement is contingent on the Department receiving appropriations or other expenditure authority sufficient to allow the Department and Agency to continue to make payments under this Agreement.
- q) **Effective Date and Duration:** This Agreement shall be effective upon execution by all Parties and shall remain in effect until terminated as described in the "Termination" section herein.
- r) **Further Acts:** Vendor will do, make, execute, and deliver all such further acts or writings as Department or Agency may require to protect the Department or Agency's rights under this Agreement.
- s) **False Claims Act:** The Parties acknowledge the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any "claim" (as defined by ORS 180.750) made by (or caused by) a Party that pertains to this Agreement or LIHWA Payments for Eligible Households. The Parties certify that no claim is or will be a "false claim" (as defined by ORS 180.750) or an act prohibited by ORS 180.755. Each Party further acknowledge, in addition to the remedies under this Agreement, if it makes (or causes to be made) a false claim or performs (or causes to be performed) an act prohibited under the Oregon False Claims Act, the Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against the Party.

**IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their duly authorized representatives as of the date(s) written below.**

**VENDOR:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

**AGENCY:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Agency Name: OREGON COAST COMMUNITY ACTION (ORCCA)

## Oregon's Low-Income Household Water Assistance (LIHWA) Program Vendor Refund Policy

1. Credit Balances – Unless there is an event otherwise noted in this Refund Policy, all LIHWA Payments that create a credit balance remain on the Eligible Household's account until exhausted.
2. Ineligible Credit Balances - In the event that a LIHWA Payment cannot be applied to the Eligible Household's account, the remaining balance shall be returned to the Eligible Household within thirty (30) days after the Vendor receives the LIHWA Payment.
3. Deposits – All deposits and accrued interest become the property of the Eligible Household and shall be returned to the Eligible Household at the time specified in the deposit agreement in a manner consistent with applicable administrative rules, approved tariffs and other law.
4. Voluntary Closure and Moves - If the Eligible Household voluntarily closes the account that received a LIHWA Payment or moves to another service address that the Vendor does not represent, any credit balances resulting from a LIHWA Payment shall be refunded to the Eligible Household. If the Eligible Household moves to another service address by which the Vendor does represent, any credit balances resulting from a LIHWA Payment shall be transferred to the new address.
5. Inability to Locate Eligible Household – In the event that the Vendor is unable to locate the Eligible Household within one (1) year after service has been discontinued for any reason, any unused portion of a LIHWA Payment shall be returned to the Oregon Department of State Lands as unclaimed property.
6. Deceased Eligible Household – In the event a LIHWA Payment remains on the Eligible Household's account and the account is closed, the Vendor shall return the LIHWA Payment credit balance to the Department no later than the end of the program year. The Vendor shall submit a check to the Department with the notation of number six of this Refund Policy.
7. Return Address for Refunds to the State of Oregon – Mail refunds to:

OREGON HOUSING AND COMMUNITY SERVICES, ENERGY SERVICES SECTION  
 ATTN: LIHWA PROGRAM REFUND  
 725 SUMMER ST NE, SUITE B SALEM, OR  
 97301

*Refunds must include the following information: Eligible Household name, Eligible Household address, Name of Agency that provided LIHWA Payment to Eligible Household, Date of LIHWA Payment to Vendor, Reason for the return.*
8. Incorrect Payments – All Agencies and Vendors are required to review the LIHWA Payments register for accuracy. In the event an Agency makes a payment in error, the Agency must correct the error within thirty (30) days of the error's discovery and the Agency is responsible for any applicable late charges, interest, or other penalties that cannot be waived in good faith. LIHWA Payments made in error must be corrected by the Agency and will be refunded from subsequent LIHWA Payments made to the Vendor. In the event the Vendor credits an account in error due to causes other than Agency error or otherwise misappropriates LIHWA Payments, the Vendor must correct the error within thirty (30) days of the error's discovery and is responsible for any applicable late charges, interest, or other penalties that cannot be waived in good faith.

117  
**Drinking Water and/or Wastewater Utility Vendor Information**

Vendor Name		
Primary Contact Name	Primary Contact Phone	Customer Service Phone
Primary Contact Mailing Address	Primary Contact Fax	Primary Contact Email
Payment Contact Name	Payment Contact Phone	
Payment Contact Mailing Address	Payment Contact Fax	Payment Contact Email

Legal Name (For tax purposes)			
Taxpayer Identification Number (TIN)			
Type of TIN			
	Employer ID Number (FEIN)		Social Security Number (SSN)
	Individual Taxpayer ID Number (ITIN)		
Type of Entity			
	Individual/Sole Proprietor		Limited Liability Company
	Corporation		Government Entity

Counties served (Please check all that apply)							
	Baker		Douglas		Lake		Tillamook
	Benton		Gilliam		Lane		Umatilla
	Clackamas		Grant		Lincoln		Union
	Clatsop		Harney		Malheur		Wallowa
	Columbia		Hood River		Marion		Wasco
	Coos		Jackson		Morrow		Washington
	Crook		Jefferson		Multnomah		Wheeler
	Curry		Josephine		Polk		Yamhill
	Deschutes		Klamath		Sherman		

Tribes served (Please check all that apply)			
	Burns Paiute		Confederated Tribes of Warm Springs
	Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians		Cow Creek Band of Umpqua Indians
	Confederated Tribes of Grand Ronde		Coquille Indian Tribe
	Confederated Tribes of Siletz		Klamath Tribes
	Confederated Tribes of Umatilla Reservation		

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Right -Of-Way Usage License

ITEM NO: 8 e.

---

Attached is the Right-Of-Way Usage License application for Stephen Stetson located at 1895 Washington Street. They would like to put in a fence lin, continued from Previous Right-of-Way Usage License.

John Signed off with a condition that the owners or tenants will need to clean up the old wood in the Right-of-way.

Chief Hobart was on vacation and unable to sign before the council received their packet.

### Suggested Motion:

#### ***Approval of the Right-Of-Way Usage License Motion:***

I make a motion that the Council approve the Right-Of-Way Usage license with the conditions that are suggested by Public Works for Stephen Stetson at 1895 Washington St..

#### ***Denial of the Right-Of Way Usage License Motion:***

I make a motion that the Council deny the Right-Of-Way Usage license for Stephen Stetson at 1895 Washington St..

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# City of Port Orford

## CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

**Licensee Information:**

Date: 1 FEB 2022

Name: STEPHEN STETSON Phone: 503 780 1905

Address: PO BOX 872017 Signature: [Signature]  
VANNOUVOR WA

Property location: 1895 WASHINGTON

Assessors Map#: \_\_\_\_\_ Lot#: \_\_\_\_\_

**Description of Improvements:** Attach Drawings / Plans if available:

PUT IN FENCE LINE, CONTINUED  
FROM PREVIOUS RIGHT OF WAY USAGE LICENSE

**Agreements:**

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. **HOLD HARMLESS CLAUSE:** The licensee agrees that their performance under this permit is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this permit and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the permit holder would be liable hereunder.

# City of Port Orford

## OFFICE USE ONLY

### PUBLIC WORKS REVIEW

Reviewed by: John Seaborn Title: PW Super Date: 2/9/22

Recommendation: Approve  Approve w/Conditions  Deny

Conditions Owners will need to clear up ~~at~~ old wood in  
right away -

### POLICE DEPARTMENT REVIEW

Name: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Recommendation: Approve  Approve w/Conditions  Deny

Conditions \_\_\_\_\_

### CITY ADMINISTRATION REVIEW & FINAL DECISION

Recommendation: Approve  Approve w/Conditions  Deny

Conditions \_\_\_\_\_

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

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



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Vacation Rentals

ITEM NO: 8 f.

---

At the last Planning Meeting there was a comment made by Crystal Shoji about Vacation Rentals in Residential Zones. She said that they are illegal in those zones according to our code. Using the word illegal started a very lengthy discussion between myself, Shala and Crystal. During this discussion Crystal mentioned that lodging is listed in the Battle Rock Zone, Hotel/Motel listed in 4-C and 5-I Zones, and Hotel /Motel listed as Conditional use in the Marine Activity Zone. This is a type of lodging where people **PAY TO STAY**. My thought was the **PAY TO STAY** then would also go for long term rentals too. So would they be illegal too?

When this happened it also triggered e-mails from residents in the City of Port Orford questioning the Building Permits and Business Licenses that are and have been issued.

- 1) in the Building permit applications ( Packet attached) the applicant is not asked or required to tell us what the building or structure will be used for once it is finished. Some of the houses that are used for Vacation rentals were built by previous owners as their own home. So they would have never known that their house was going to be turned into a short term vacation rental.
- 2) Business Licenses that have been issued for vacation rentals were issued according to Chapter 5.04 Business Licenses Generally. Section 5.04.070 (copy attached) states that all trade, shops, business, profession, home occupations, occupations, and callings carried on in the City of Port orford and not licensed and taxed by other provisions of this ordinance or other ordinances of the City of Port Orford shall be licesned. Vacation Rentals are taxed by the TLT tax so they should have a business license.

I was also able to see in the City of Port Orford code 17.08.030 Authorization of similar uses (attached) states that City Council may permit in a particular zone a use not listed in this title. However, it does not authorize the inclusion in a zone where it is not listed of a use specidifcally listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

I am reading this that City Council Approved this title (Short Term Vacation Rentals or something similar) when business licenses started to be issued for them per code Chapter 5.04 section 070. We also do not have this title listed in another zone and we also have certain businesses that are based out of residential houses in the residential zones ie. Child Care Facility, Residential Care Home and Residential Care Facility.

In the Code we do not have a definition for Hotel, Motel or Lodging. The items hotel, motel are listed under the Tourist Facility definition. I have attached the code definitions from the Coos Bay code which are very specific about what lodging, hotel/motel and vacation rentals are. I would like to suggest that the council direct Planning to amend the definitions that are listed in our code and add Hotel/Motel and Lodging into the City of Port Orford Municipal Code.

**Suggested Motion**

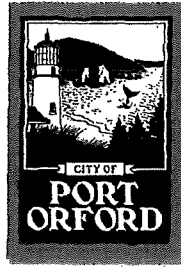
I make a motion that the Council direct the Planning Commission to review and amend the definitions for Hotel/Motel and Lodging in the City of Port Orford Code.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



## PLANNING CLEARANCE REQUIREMENTS

The Planning Department must approve most construction projects by authorizing a "Planning Clearance" prior to Curry County processing and issuing a Building Permit. Before you submit your Planning Clearance application, check with the Planning Department by calling 541-332-3681 or visit us at 555 W 20<sup>th</sup> Street in Port Orford. Our hours are Monday through Friday from 7:30 AM to 4:30 PM.

Your Planning Clearance application will include an application form, an \$ 91.00 application fee, and three copies of a Site Plan, floor plans and elevations or three copies of the building plans that will be used to submit a building permit to the Curry County Building Department. Also required will be a completed Coos-Curry Electric Coop authorization form, Port Orford Fire Department Authorization form, and Erosion control form, and information on how you access water to your property. Your plans must include the following:

### **A Site Plan** that identifies:

Your project street address	Proposed new structures or additions as a part of this application.
Assessor map and tax lot numbers	Existing utility locations (electric, water, sewer, storm drain, etc.)
North arrow	Any known easements
Names of adjacent streets	Existing fences and / or retaining walls
Lot dimensions and approximate square footage	Any other development or natural features such as septic drain fields, wells, tanks, springs, creeks, river, ocean shore etc.
Access/driveway locations	Slope of the property and general drainage direction (is the property level or sloped)
Existing structural development (house, shed, accessory structures) with dimensions and distances to property lines and other development.	Address of adjacent parcels (if known)

**A Floor plan** that identifies each room of the structure, including locations of closets, wet bars, windows. **Elevations** of the building, including front, rear and side views. Doors and windows are to be shown on each elevation.

**NOTE:** If your project is a single family home or commercial structure, after you receive your Planning Clearance, the Curry County Building Department will require preparation of the plans by a licensed engineer or architect. You may use these plans when submitting your planning clearance application, but the plans must include all the information noted above.

If you have questions when preparing your Planning Clearance application, notify Port Orford Planner, Patty Clark, at 541-332-3681.

## **DEVELOPMENT APPLICATION AND REVIEW PROCESS**

### **1. APPLICANT SUBMITS APPLICATION.**

Applicant submits completed planning clearance application, erosion control application and if required, an erosion control plan, plot plan, application fee and any other required information.

### **2. PORT ORFORD PLANNER REVIEWS APPLICATION AT THE COUNTER AND CHECKS TO SEE IF ALL REQUIRED INFORMATION IS SUBMITTED.**

If all required information is submitted, the application and all required materials are date stamped received.

### **3. PORT ORFORD PLANNER REVIEWS THE APPLICATION & GOES THROUGH THE APPLICATION CHECKLIST IDENTIFYING COMPLIANCE OR NON COMPLIANCE.**

If the application material shows non-compliance, the applicant is notified of deficiencies in the application. If the Plot plan indicates information that is non-compliant, the applicant will be required to re-draw the plans to show compliance prior to the Planning Clearance approval.

### **4. UPON PLANNING CLEARANCE APPROVAL – PORT ORFORD PLANNER WILL:**

Date stamp approval of each page of the Planning Clearance and project plans.

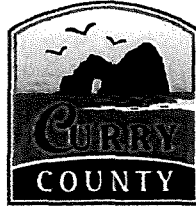
Scan and email a copy of the Planning Clearance and all related conditions to the Curry County Building Department.

Retain a copy of the Planning Clearance and project plans for the Port Orford Planning Department.

Give two copies of the Planning Clearance and two copies of the plans to the applicant.

### **5. UPON PLANNING CLEARANCE APPROVAL – APPLICANT WILL:**

Submit the Planning Clearance to the Curry County Building Department.



## **CURRY COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

### **PLANNING CLEARANCE APPLICATION REQUIREMENTS**

The Planning Department must approve most construction projects prior to issuance of any Building, Sanitation, or Erosion permits. Before submitting your applications, please check with the planning department at 541-247-3284 for zoning/land-uses.

1. **PLOT PLAN** – Please draw the plot plan to a suitable scale on an 8 1/2 by 11 sheet of paper. Include the items listed below:

Existing and proposed structures and driveways

Measured distance between structures and property lines

Property lines and all easements

Existing & proposed wells, springs, streams and rivers

Existing and proposed septic systems – include tank, drain-field and repair areas

Any distinctive topographic features including existing or proposed cuts & fill

Existing and proposed adjacent roads and highways

**Note:** Failure to provide an accurate plot plan may result in a delay of your proposed project

#### **2. Mandatory Erosion Control Application:**

The mandatory erosion control application form is required and must be completed, signed and dated, even if all answers are no.

**If you have any questions when filling out the planning clearance form, please call 541.247.3304.**

## List of Requirements for Plan Documents

<p><b>2 Complete Sets of Legible Plans.</b></p> <p>Must be drawn to scale, showing conformance to the applicable local and state building codes. Lateral design details and connections must be incorporated into the plans or on a separate full size sheet attached to the plans with cross-references between plan location and details. Plan review cannot be completed if copyright violations are evident.</p>
<p><b>Site/Plot Plan</b></p> <p>The plan must show: lot and building setback dimensions; property corner elevations (if there is more than 4' elevation differential, the site plan must show contour lines at 2' intervals for a distance away from the building necessary to show compliance with OTFDC Sec. 401); location of easements and driveway, footprint of structure (including decks), location of wells/septic systems, utility locations, any known fill sites or landslide hazard areas, North direction indicator, lot area, impervious area, existing structures on site, and surface drainage.</p>
<p><b>Foundation Plan and Cross Section.</b></p> <p>Show footing and foundation dimensions, anchor bolts, any hold-downs and reinforcing steel, construction details, foundation vent size and location, soil type, and ground-floor elevation. Also show location of each storm drain, sanitary sewer, and water service connection.</p>
<p><b>Floor Plans.</b></p> <p>Show for each floor, including basements, all dimensions, room identification, door and window sizes and locations, stairs, location of smoke detectors, water heater, HVAC equipment, ventilation fans, plumbing fixtures, balconies and decks 30" above grade, etc.</p>
<p><b>Cross Section(s) and Details.</b></p> <p>Show all framing member sizes and spacing such as floor beams, headers, joists, sub-floor, wall construction, and roof construction. More than one cross section may be required to clearly portray construction. Show details of all wall and roof sheathing, roofing, roof slope, ceiling height, siding material, footings and foundations, stairs, insulation, fireplace construction, thermal insulation, etc.</p>
<p><b>Elevation Views.</b></p> <p>Provide elevations for new construction; minimum of two elevations for additions and remodels. Exterior elevations must reflect the actual grade if the change in grade is greater than 4' at building envelope. Full size sheet addendums showing foundation elevations with cross-references are acceptable.</p>
<p><b>Wall Bracing (Prescriptive Path) and/or Lateral Analysis Plans.</b></p> <p>Building plans must show construction details and locations of exterior and interior lateral brace panels; for non-prescriptive path analysis provide specifications and calculations to engineering standards.</p>
<p><b>Floor/Roof Framing Plans.</b></p> <p>Required for all floor/roof assemblies indicating member sizing, spacing, bearing locations, nailing and connection details. Also show purlin/strut locations. In addition, show location of attic ventilation.</p>
<p><b>Beam Calculations.</b></p> <p>Provide two sets of calculations using current code design values for all beams and multiple joists exceeding prescriptive code requirements, and/or any beam/joist carrying a non-uniform load.</p>
<p><b>Roof Truss and Manufactured Floor Member Details.</b></p> <p>Show, if applicable, manufactured truss and floor joist layout. Truss calculations must be turned in before building permits are issued.</p>
<p><b>Electrical Plans.</b></p> <p>Required when house is over 10,000 sq. ft. and/or panel is more than 400 Amps. This consists of load calculations and line drawing of service.</p>
<p><b>Paved Driveway, Sidewalk, and Culvert.</b></p> <p>If applicable, include location, width, and other specifications as required. Collector or arterial street access requires a turn-around driveway</p>

<b>Flood-Plain Information.</b> Buildings shall not be constructed within the floodway of 100-year flood zones. Structures may be constructed within the 100-year flood plain if the finished floor and all electrical and mechanical systems are not less than one (1) foot above the base flood elevation. For flood plain map information, please check with the Planning Department.
<b>Energy Code Compliance.</b> Identify the prescriptive path or provide calculations.
<b>Engineer's Calculations.</b> When required or provided, (i.e., foundation, sheer wall, roof truss, retaining walls exceeding 4', etc.) shall be stamped by and engineer or architect licensed in Oregon and shall be shown to be applicable to the project under review by cross-reference to the applicable plan location.



**PLANNING CLEARANCE FORM**  
 Planning/Building  
 Curry County Community Development  
 94235 Moore Street, Suite 113  
 Gold Beach, OR 97444  
 Phone 541-247-3304 Fax 541-247-4579

COUNTY

**Applicant: read and complete items 1-8.**

**1. PLANNING CLEARANCE FOR:** (check applicable items)

- Sewage Disposal Permit/Authorization Notice
- Manufactured Home Permit Year \_\_\_\_\_ Bedrooms \_\_\_\_\_  
 Width of Manf. Home at base \_\_\_\_\_ feet
- Pre-Fab New \_\_\_\_\_
- Building Permit COMM  SFD  #Bedrooms \_\_\_\_\_  
 Type and Size: \_\_\_\_\_
- Letter of approval signed by Deputy State Fire  
 Marshal (Required for Commercial)

**CONTRACTOR INFORMATION**

- Owner Built
- Contractor Name: \_\_\_\_\_ Reg. #: \_\_\_\_\_
- Manf. Home Installer: \_\_\_\_\_ Reg# \_\_\_\_\_

**\$200.00 ADDITIONAL FEE FOR NEW RURAL ADDRESS**  
 New Rural Address - Address # \_\_\_\_\_  
 Replacement Plate - \$40.00

**2. EXISTING DEVELOPMENT:**

- Dwellings (stick built) how many? \_\_\_\_\_
- Mobile Homes how many? \_\_\_\_\_
- Other Buildings how many? \_\_\_\_\_

**3. WATER SOURCE:**

- Well  Spring  Other: \_\_\_\_\_
- If on Well / Spring:
  - Attach *Well Log* or *Water Right* documentation.
- If in a Water District:
  - Verification (from an authorized district representative) is required *prior* to submission of this clearance form.

SIGNATURE OF WATER DISTRICT REPRESENTATIVE  
 \_\_\_\_\_

Farmland Special Assessment

Signature of County Assessor  
 \_\_\_\_\_

Forestland Special Assessment

Signature of County Assessor  
 \_\_\_\_\_

**3A. SANITARY DISTRICTS:**

SIGNATURE OF WEDDERBURN, HARBOR, PORT ORFORD or  
 GOLD BEACH SANITARY REPRESENTATIVE.  
 \_\_\_\_\_

SIGNATURE OF CITY OF BROOKINGS  
 \_\_\_\_\_

**3C. COOS-CURRY / BANDON ELECTRIC COORDINATION**  
 This form must be signed off and turned in when the Permit  
 Is applied for. See Attachment

**4. PROPERTY DESCRIPTION:**

Assessor Map # \_\_\_\_\_ Tax Lot# \_\_\_\_\_  
 Acreage \_\_\_\_\_ Street address or location: \_\_\_\_\_

**5. PROPERTY OWNER INFORMATION:**

Property Owner: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City \_\_\_\_\_ St. \_\_\_\_\_ Zip \_\_\_\_\_ Phone# \_\_\_\_\_

**6. ACCESS:**

Does property access a county or state road?  Yes  No  
 If YES, do you have an access permit?  Yes  No  
 State or County permit # \_\_\_\_\_

If NO, an access permit from the county or state (contact appropriate  
 agency depending on whether it is a state or county road) will be required  
 before this form can be processed. County Rd. Dept. 541-247-7097

**7. PLOT PLAN/EROSION CONTROL PLAN**

An accurate plot plan and Erosion control plan is required for processing of  
 this permit clearance. Please draw an accurate plot plan on the reverse side,  
 and fill out and sign the enclosed erosion control plan.

**8. APPLICANT SIGNATURE:**

By my signature, I certify that I am the owner, or have the owner's consent  
 to apply for a permit on the above referenced property and by my signature  
 I also certify that the information provided by me is correct and hereby  
 grant the staff of the Curry County Dept of Public Services permission to  
 enter this property for purposes of this application.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Mailing address \_\_\_\_\_

City \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_ PH \_\_\_\_\_

Date: \_\_\_\_\_

Note: This form is intended for county staff use in processing  
 development permits and does NOT constitute a permit. Approval of  
 this form authorizes only WHAT is applied for under NO. 1 at the time  
 it is filed. Building plans **MUST** be turned in within one year of the  
 Planning Department's approval, or Planning Clearance and fees will  
 need to be re-submitted.

e-mail address: \_\_\_\_\_

PC#: \_\_\_\_\_ ZONING: \_\_\_\_\_ FORTHCOMING \_\_\_\_\_ IN DRAWER \_\_\_\_\_ ATTACHED \_\_\_\_\_ PLANS: \_\_\_\_\_



**(FOR OFFICIAL USE ONLY)**  
**PLANNING STANDARDS AND REQUIREMENTS**

**Land Use Zone:** \_\_\_\_\_

**Property Line Setbacks:**

Harbor Bench Farm District Setback  
**FRONT:**

35 feet from the center of all roads OR 10 feet from any property line adjacent to a road--which ever is greater

Vision clearance

No requirement

**SIDE:**

5 feet from property line for structures 15' and under  
*For structures exceeding 15'--add 6 inches (1/2 foot) for every foot over 15' height* TOTAL SETBACK \_\_\_\_\_

No requirement

**BACK:**

5 feet from property line for structures 15' and under  
*For structures exceeding 15'--add 6 inches (1/2 foot) for every foot over 15' height* TOTAL SETBACK \_\_\_\_\_

No requirement  
*NOTE: Eaves, gutters, sunshades, and other similar architectural features may not project into required setbacks more than two (2) feet*

---

**Off Street Parking:**

# of 9' x 18' parking spaces required

parking lot plan required       No requirement

---

**Structure Height:**

35' maximum       45' maximum

Airport Overlay Zone requires \_\_\_\_\_ feet

No requirement

---

**Lot Origin and Previous Land Use Action:**

Pre-existing       Land use approved

Previous Land Use Actions: \_\_\_\_\_

---

**\*\* No REMOVAL OR DISTURBANCE of Riparian Vegetation within:**

50 feet      OR       75 feet

*of any streams, rivers, or lakes per county Riparian Buffer Overlay Zone requirements*

---

**Fire Break:**

A firebreak of \_\_\_\_\_ feet must be maintained around all proposed structures

No requirement

**Special Requirements or Considerations:**

100 year flood plain  
 FIRM or Floodway Panel# \_\_\_\_\_  
 Geologic Hazard as identified on DOGAMI maps  
 Wetland or potential wetland as identified by  
 Wetland Inventory Maps: Map# \_\_\_\_\_  
 Scenic Waterway  
 USFS approval \_\_\_\_\_ ODPH approval \_\_\_\_\_  
 Historic structure/cultural site/historic-archeological overlay

---

**CONDITIONS OF APPROVAL:**

\_\_\_\_\_

---

The above proposal has been reviewed and found compatible with the applicable LCDC Acknowledged Plan; provided the above referenced standards are maintained at the time of construction

---

**County Planning Staff Reviewer:**

\_\_\_\_\_

Signature \_\_\_\_\_  
 Title \_\_\_\_\_ Date \_\_\_\_\_

---

**City Planning Staff Reviewer (if required):**

Outside Urban Growth Boundary  
 Inside Urban Growth Boundary, outside city limits  
 Inside city limits

---

Signature \_\_\_\_\_  
 Title \_\_\_\_\_ Date \_\_\_\_\_

---

**Sanitarian Reviewer:**

Permit # \_\_\_\_\_ Authorization Notice# \_\_\_\_\_

System approved       System denied

Comments:  
 \_\_\_\_\_

---

Signature \_\_\_\_\_  
 Title \_\_\_\_\_ Date \_\_\_\_\_

**MANDATORY EROSION CONTROL APPLICATION**  
**FAILURE TO PROVIDE THE REQUESTED INFORMATION WITH YOUR PLANNING CLEARANCE APPLICATION WILL DELAY THE REVIEW OF YOUR APPLICATION.**

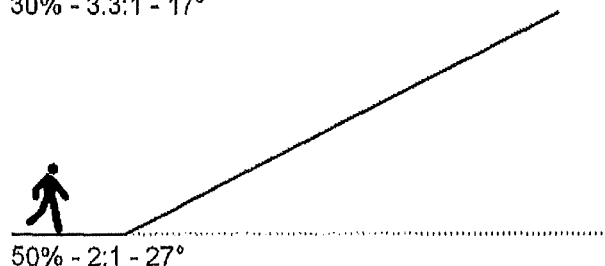
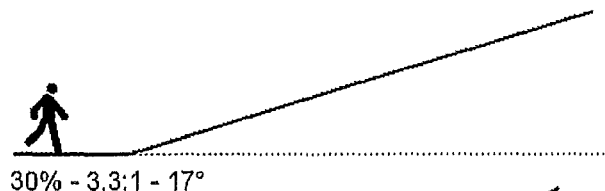
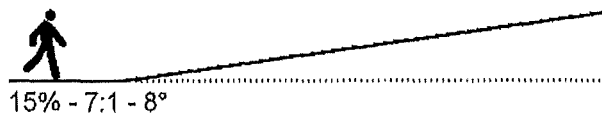
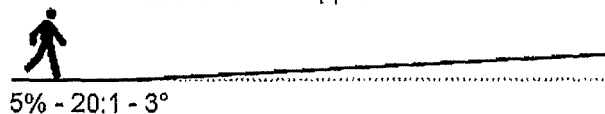
**EPSC SITE PLAN REQUIREMENTS**

- All property lines and adjacent roadways
- Location of all existing and proposed buildings
- Location of proposed or existing on-site septic areas
- Location of all natural and artificial water features (rivers, streams, drainage, wetlands, etc)
- Location of access road or driveway
- Location and area of site disturbance associated with your project
- Direction of slopes on site; sectors within the area of land disturbance shall be labeled in ranges:
  - Less than 15% slope
  - 15% to 20% slope
  - 20% or greater slope (SEE EXAMPLE BELOW FOR ASSISTANCE)
- Existing (pre-development) drainage pattern
- Location of proposed erosion control measures:
  - Access points: (construction entrance, existing paved driveway or access protected with alternative measures such as wood chips, plywood, etc)
  - Perimeter containment measures: (sediment fence, compost filter berm, existing structures, etc)
  - Inlet protection if located in an area with storm drainage system
  - Riparian protection
- Stockpile or staging areas of disturbed material
- North arrow
- Scale (1" = X') of site plan—please use even scale numbers such as: 10', 20' 50' or 100' use engineering scale NOT architectural

**FAILURE TO PROVIDE THE REQUESTED INFORMATION WITH YOUR PLANNING CLEARANCE APPLICATION WILL DELAY THE REVIEW THE APPLICATION.**

**Visual Examples of Slope**

Numbers are approximate



If you have questions regarding completing this form correctly, please contact the Port Orford Planning Department at 541-247-3304.

**EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN REVIEW  
APPLICATION**

PROPERTY OWNER INFO: NAME:		PHONE:
RESPONSIBLE PARTY FOR INSTALLATION & MAINTENANCE OF EROSION CONTROL MEASURES:		
NAME:	PHONE:	
ADDRESS:	ACREAGE:	
CITY/STATE/ZIP:		
PROPERTY DESCRIPTION: ASSESSOR MAP/TAXLOT:		
PROPOSED DEVELOPMENT:		
<input type="checkbox"/> SFD <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> MULTIFAMILY <input type="checkbox"/> LAND DIVISION <input type="checkbox"/> SITE WORK ONLY		
1. WILL 800 SQUARE FEET OR MORE OF SOIL SURFACE BE DISTURBED?    YES <input type="checkbox"/> NO <input type="checkbox"/>		
2. WILL 2,000 SQUARE FEET OF IMPERVIOUS SURFACE BE CREATED?    YES <input type="checkbox"/> NO <input type="checkbox"/> (IMPERVIOUS MEANS WATER CAN'T GET THROUGH IT TO THE GROUND—LIKE PAVEMENT, CONCRETE, ROOFS OR BUILDINGS—WATER THEN SHEETS OFF OF THESE SURFACES)		
3. WILL IMPERVIOUS SURFACES COVER MORE THAN 25% OF THE LOT AREA?    YES <input type="checkbox"/> NO <input type="checkbox"/>		
WHICH IS LESS: THE 2,000 SQ FT    OR    THE 25% COVERAGE?:    CIRCLE ONE		
<p align="center"><b>IF YOU ANSWERED YES TO ANY OF THE 3 QUESTIONS ABOVE YOU MUST SUBMIT A EPSC PLAN SEE BELOW:</b></p>		

**PLEASE SUBMIT THE FOLLOWING ITEMS FOR EPSC PLAN REVIEW:**

1. DETAILED SITE PLAN-REQUIRED ELEMENTS ON THE BACK OF THIS FORM
2. BEST MANAGEMENT PRACTICES (BMP'S) TO BE UTILIZED TO PREVENT EROSION—SUCH AS STRAW BALES, SILT FENCES, SEEDING/SODDING, GRAVELING EXPOSED AREAS ETC
3. STRATEGY TO MINIMIZE THE REMOVAL OF VEGETATION COVER, PARTICULARLY TREE COVER

**ON SLOPES GREATER THAN 15% OR WITHIN AREAS OF GEOLOGIC HAZARD YOUR PLAN MUST  
BE PREPARED BY A LICENSED GEOLOGIST**

**APPLICANT CERTIFICATION;** I hereby affirm, under penalty for perjury, that I am the owner or authorized representative of the owner and have full authority and responsibility to execute this erosion control application. I agree to abide by the requirements of the approved erosion control plan and/or the erosion control ordinances to the best of my ability. I am the party responsible for erecting and maintaining the erosion control best management practices (BMP) on this site until such time as the final occupancy permit is obtained or until a follow up permit is issued to another party. I understand that representatives of Curry County may enter the site to inspect the BMP's installed and that because of the uncertainty of construction practice, weather, topography and/or other conditions they may require additional practices beyond those shown on the approved plan to be installed.

Signature of Applicant: \_\_\_\_\_

Date \_\_\_\_\_

**SITE PLAN WORKSHEET**  
**Please prepare a complete site plan. An incomplete site plan will delay review of your project.**

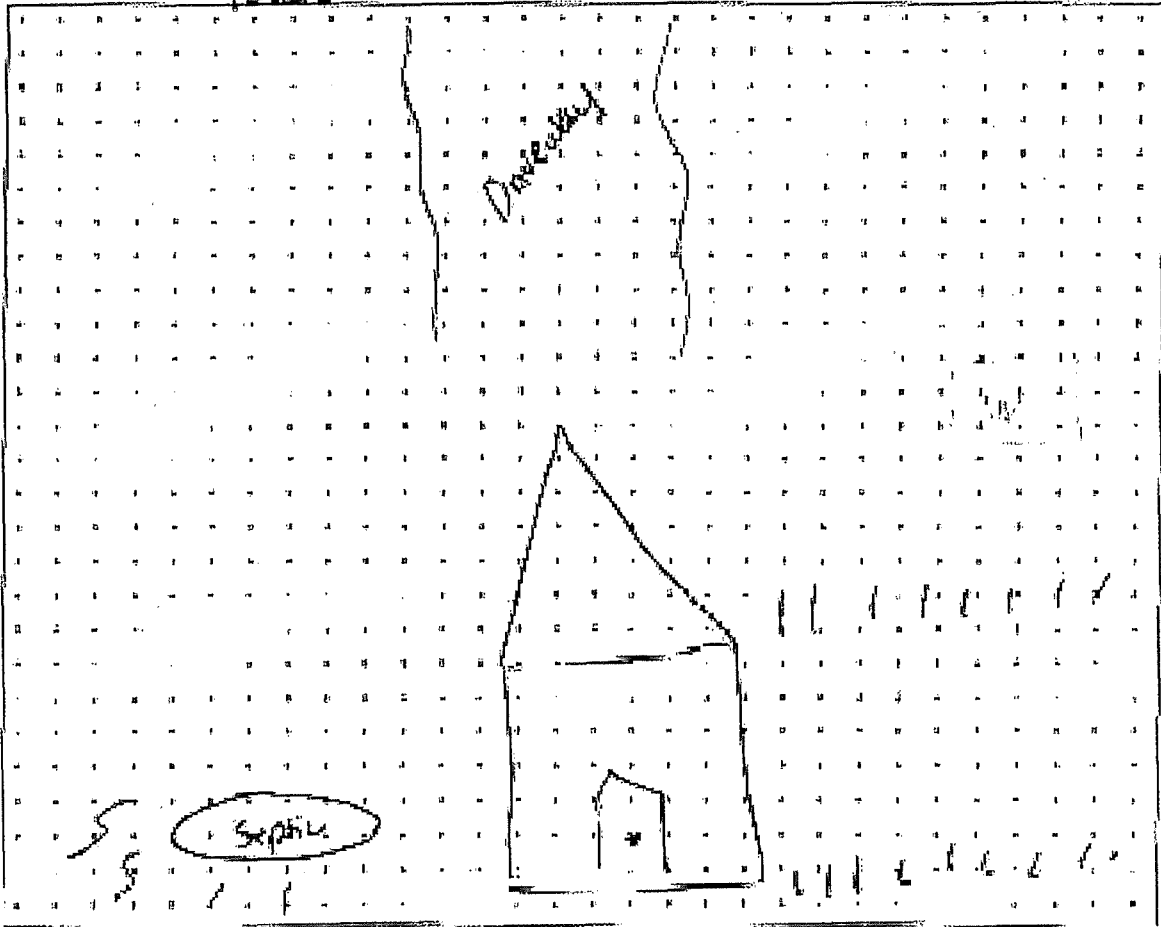
**NORTH ARROW:  
(WHICH DIRECTION)**

**SCALE:**

Scale: 1 Square = \_\_\_\_\_ Feet

*1/2 acre*

SITE PLAN MUST SHOW ALL PROPERTY LINES AND DIMENSIONS

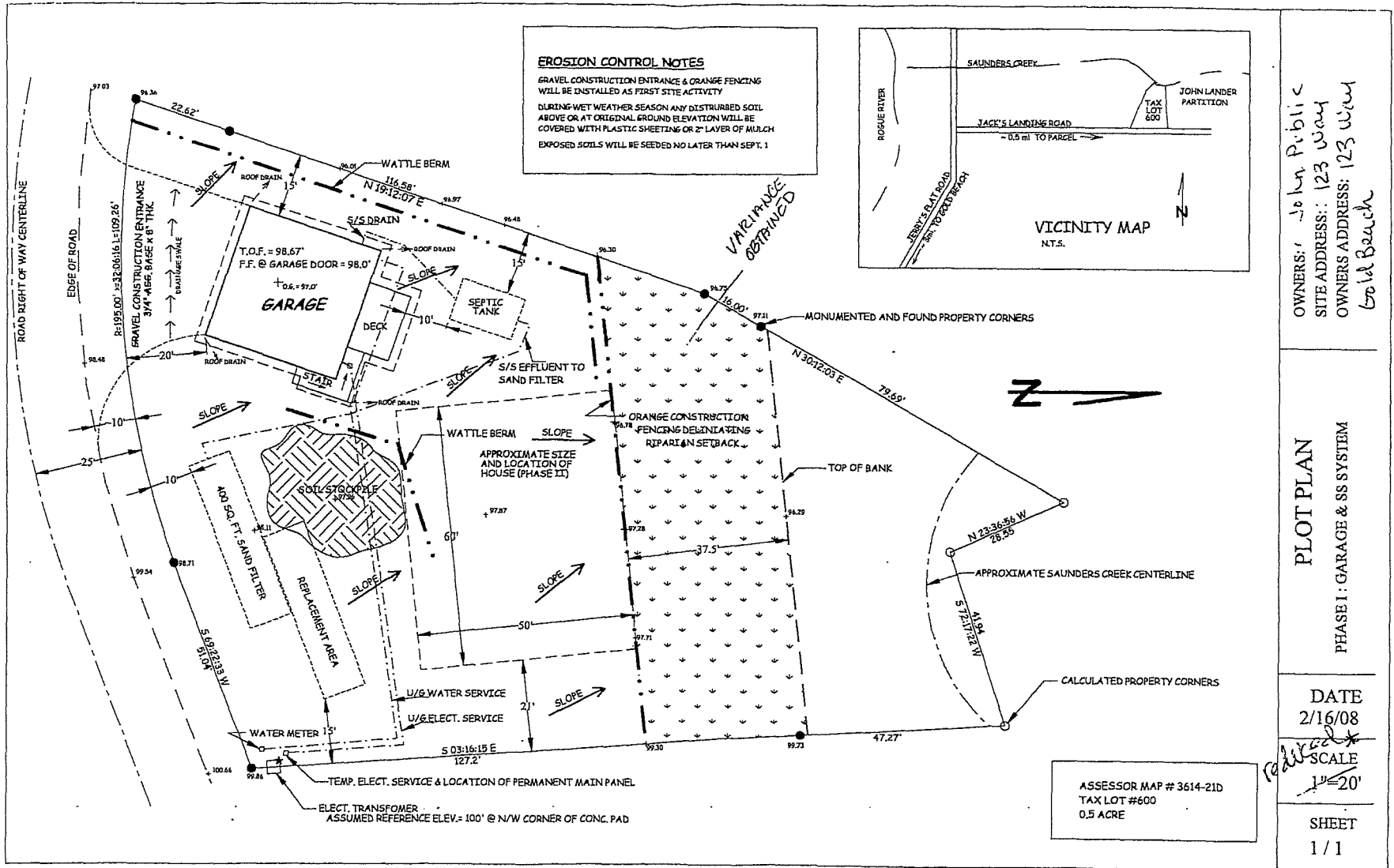


I certify that the above information is accurate to the best of my knowledge.

# BAD SITE PLAN

## MINIMUM SITE PLAN REQUIREMENTS

Property owner(s) name(s)	North arrow	Assessor Map and tax lot number
Exterior property lines	Existing easements and their purpose	Shorelines, water features, streams, rivers, drainages
Existing structures	Proposed structures	Property setback lines (check with planning if you are unsure)
Driveways or accessways	Septic system and drainfields	Well or other domestic water source
Streets, roads, highways adjacent to property	Physical address if one has been assigned	



# City of Port Orford

555 W. 20th St, PO Box 310, Port Orford, OR 97465. 541.332.3681 or 877.281.5307 FX

## PLANNING CLEARANCE APPLICATION

Date Received: \_\_\_\_\_ Planning Clearance Date: \_\_\_\_\_

Project Address: \_\_\_\_\_ Assessor's Parcel No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Project Description, including all accessory uses and/or structures.

\_\_\_ Residential      \_\_\_ Commercial      Parcel Zone \_\_\_\_\_

\_\_\_ Required: Three copies of a Site Plan, floor plans and elevations (requirements attached) or three copies of the building plans that will be used to submit a building permit to the Curry County Building Department.

\_\_\_ Required Coos-Curry Electric Coop authorizing power. Blank form is attached.

\_\_\_ Port Orford Fire Depart Authorization form. Blank form is attached.

\_\_\_ Erosion control form and plan if required.      \$\_\_\_ Planning Clearance fee

\_\_\_ Identification of how water is made available to the property.

**This application will not be accepted without the required information and \$\_\_\_ application fee.**

Applicant/Agent or Contractor Name \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Mailing Address including City, State and Zip code: \_\_\_\_\_

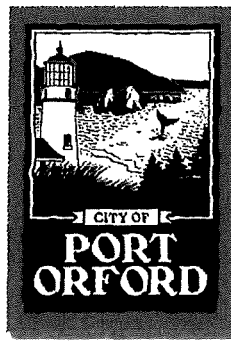
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**APPLICANT/OWNER CERTIFICATION:** I certify that I am the owner, or have the owner's consent/authorization to apply for a permit(s) on the above referenced property. By my signature I certify that the information provided herein is correct and all the provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I acknowledge that granting of a permit by the City does not authorize or presume to give authority to me to violate or cancel the provisions of any other local, state, or federal laws that may be applicable to this development proposal. Additionally, by signing this application form I acknowledge that I am granting the City of Port Orford staff or their agent(s) authorization to enter onto the subject property for the purposes related to this application proposal.

### SIGNATURE OF OWNER(S) OF THE PROPERTY REQUIRED

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date



## CITY OF PORT ORFORD PLANNING CLEARANCE CHART 1-R and 2-R properties

Item	Permitted or /Required Code reference	Complies?
Outright permitted Land Uses	17.10.010 - 1-R zone, Single family dwelling or duplex, manufactured home, private stable or farming where lot is > 1 acre, home occupation, childcare or residential care facility or residential care home. 17.10.020 - 2-R zone, all 1-R uses and multiple family dwellings.	
Manufactured Home	17.16.040 A. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. B. The manufactured home shall have the hitch, wheels and axles removed and be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is not more than twelve (12) inches above grade. C. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings. D. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the external thermal envelope certification requirement.	
Water Source	___ well ___ spring ___ City water If a well or a spring is to be utilized, documentation of water source and quality is to be provided.	
Connection to City water and/or sewer? Must comply with Zoning Ordinance sections 17.10.010(D) for 1-R property and 17.10.020(D) for 2-R property.		
Setbacks (17.10.010(F) for 1-R zone and 17.10.121(F) for 2-R zone and 17.12.080( E ) for Shoreland Overlay zone)		
Front	10'	
Side	5'	
Rear	5'	
Riparian Setback	Except as necessary for water-dependent uses, all developmental mineral extraction activities shall be set back fifty (50) feet from the stream bank of all perennial streams to protect riparian vegetation as identified in the comprehensive plan. A lesser distance may be approved based on a specific site investigation as part of the permit application process and concurrence with the lesser distance by the Oregon Department of Fish and Wildlife and Division of State Lands.	



## CITY OF PORT ORFORD PLANNING CLEARANCE CHART 1-R and 2-R properties

Item	Permitted or /Required Code reference	Complies?
Exceptions to setbacks 17.20.101	Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and similar architectural features may project into a required yard not more than two feet. Roadside stands, fences, hedges, walls and signs may be located within a required yard.	
Height 17.12.101(G)	Except as provided in Section 17.20.050 in a 1-R and 2-R zone no building shall exceed thirty feet (30) feet and two stories in height.	
Exceptions to height 17.20.050	The following type of structure or structural parts are not subject to the building height limitations of this title: chimney, tank, church spire, belfry, dome, monument, fire and hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers, and other similar projections.	
Erosion control 17.17.050	Development with excavation of 800 square feet or more of soil surface or development with mud, soil, rock, vegetative material or any products of erosion or other depositional material onto, deposited upon or transported to the property of another are subject to the requirements of Zoning Ordinance 17.17.050.	
Other Zoning Ordinance requirements		
Flood zone 17.19	required <input type="checkbox"/> not required. <input type="checkbox"/>	
Storm/Surface Water Management 17.18	required <input type="checkbox"/> not required. <input type="checkbox"/>	
Historic Preservation 17.15	required <input type="checkbox"/> not required. <input type="checkbox"/>	

**CITY PLANNING CLEARANCE:**

Planning clearance is granted for the uses and accessory uses specified on the \_\_\_\_\_, 2021

Planning Clearance application form submitted by \_\_\_\_\_ for the property located at \_\_\_\_\_  
\_\_\_\_\_. Authorization of said uses and accessory uses are subject to the requirements referenced on the City of Port Orford Development Standards noted on the Port Orford Planning Clearance chart above and water and sewer are available for this property. Additional requirements for compliance with the Port Orford Zoning Ordinance are / are not attached. An Erosion Control plan for the property was / was not required. The Erosion Control Plan is / is not attached. If an Erosion Control Plan is required, all requirements of the Plan shall be met.

This Planning Clearance is valid until \_\_\_\_\_, 20\_\_\_\_.

This Planning Clearance does not constitute a permit to construct any structure. You must secure a Building Permit from the Curry County Building Department prior to construction. The Building Department will require a copy of this Planning Clearance and two sets of Plans stamped by the City of Port Orford noting that the plans have received a Planning Clearance.

\_\_\_\_\_  
Planning

\_\_\_\_\_  
Port Orford Rural Fire Department

\_\_\_\_\_  
Water Department

\_\_\_\_\_  
Sewer Department

**APPLICANT/OWNER AGREEMENT:** By my signature, I certify that I am the owner and that I have received, accepted and will comply with the conditions specified in this Planning Clearance. I understand that this Planning Clearance does not constitute a building permit and I must apply to the Curry County Building Department for a building permit to construct my project at \_\_\_\_\_ in Port Orford and any other permit required for compliance other local, state, or federal laws.

**SIGNATURE OF OWNER(S) OF THE PROPERTY REQUIRED**

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

# BUILDING PERMIT APPLICATION

## CURRY COUNTY – GOLD BEACH – PORT ORFORD

DEPARTMENT USE ONLY	
Permit No:	
Office:	
By:	Issue Date:

TYPE OF WORK	
<input type="checkbox"/> New construction	<input type="checkbox"/> Demolition
<input type="checkbox"/> Addition/alteration/replacement	<input type="checkbox"/> Other:
CATEGORY OF CONSTRUCTION	
<input type="checkbox"/> 1- and 2-family dwelling	<input type="checkbox"/> Commercial/industrial
<input type="checkbox"/> Accessory building	<input type="checkbox"/> Multi-family
<input type="checkbox"/> Master builder	<input type="checkbox"/> Other:
JOB SITE INFORMATION AND LOCATION	
Job site address:	
City/State/ZIP:	
Suite/bldg./apt. no.:	Project name:
Cross street/directions to job site:	
Subdivision:	Lot no.:
Tax map/parcel no.:	
DESCRIPTION OF WORK	
<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> TENANT
Name:	
Address:	
City/State/ZIP:	
Phone: ( )	Fax: ( )
<input type="checkbox"/> APPLICANT	<input type="checkbox"/> CONTACT PERSON
Business name:	
Contact name:	
Address:	
City/State/ZIP:	
Phone: ( )	Fax: ( )
E-mail:	
CONTRACTOR	
Business name:	
Address:	
City/State/ZIP:	
Phone: ( )	Fax: ( )
CCB lic.:	County Business Lic no:

DEPT. USE ONLY	
1- AND 2-FAMILY DWELLING	
Permit fees* are based on the value of the work performed. Indicate the value (rounded to the nearest dollar) of all equipment, materials, labor, overhead, and the profit for the work indicated on this application.	
Valuation	
Number. of bedrooms:	
Number of bathrooms:	
Total number of floors:	
New dwelling area:	square feet
Garage/carport area:	square feet
Covered porch area:	square feet
Deck area:	square feet
Other structure area:	square feet
COMMERCIAL-USE CHECKLIST	
Permit fees* are based on the value of the work performed. Indicate the value (rounded to the nearest dollar) of all equipment, materials, labor, overhead, and the profit for the work indicated on this application.	
Valuation	
Existing building area:	square feet
New building area:	square feet
Number of stories:	
Type of construction:	
Occupancy groups:	
Existing:	
New:	
BUILDING PERMIT FEES*	
<i>Please refer to fee schedule</i>	
Fees due upon application	
State surcharge (12% of permit fee)	
Amount received	
Date received:	

This permit application expires if a permit is not obtained within 180 days after it has been accepted as complete.

**Curry County Department of Community Development**  
 94235 Moore St. Suite 113  
 Gold Beach, OR 97444  
 Phone: 541-247-3304  
 Fax: 541-247-4579  
 e-mail: [buildingpermits@co.curry.or.us](mailto:buildingpermits@co.curry.or.us)

Authorized signature:

Print name:	Date:
-------------	-------

AVAILIBLTY OF POWER - ELECTRIC COORDINATION



1. THE SUBJECT PROPERTY IS WITHIN THE SERVICE TERRITORY OF COOS CURRY ELECTRIC AND CAN BE PROVIDED ELECTRIC POWER ONCE THE ROUTE HAS BEEN DETERMINED, EASEMENTS AND/OR PERMITS OBTAINED, AND ALL FEES PAID.
2. UTILITY NOTIFICATION CENTER SHOULD BE CALLED BEFORE ANY TRENCHING OR EXCAVATION.
3. STRUCTURES ARE NOT ALLOWED UNDERNEATH OR ON TOP OF ANY COOS CURRY FACILITIES.
4. NATIONAL ELECTRIC SAFETY CODE CLEARANCE REQUIREMENTS SHALL BE FOLLOWED

Situs address –

Township

Range

Section

Taxlot (s)

CCEC Representative \_\_\_\_\_ Date \_\_\_\_\_

Owner/ Representative \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address for all Coos-Curry Electric Co-op offices: P.O. Box 1268, Port Orford OR 97465-1268

Port Orford Office: 43050 Hwy 101 Port Orford OR 97465 · Phone: 541-332-3931 Fax: 541-332-3501

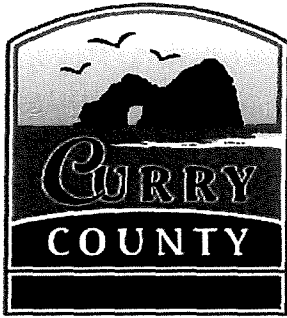
Brookings Office: 816 Railroad St Brookings OR 97415 · Phone: 541-469-2103 Fax: 541-469-3193

Gold Beach Office: 29439 Ellensburg Gold Beach OR 97444 · Phone: 541-247-6638 Fax: 541-247-6630

Coquille Office: 220 S Mill Ave Coquille OR 97423 · Phone: 541-396-3118 Fax: 541-396-3119

www.ccec.coop

After Hours Outage Number 866-352-9044



DECLARATION OF VALUE

The value of a building project is the total actual construction cost for all classes of work. An accurate estimate of value must include all costs for architectural, structural, electrical, plumbing, heating, and ventilation devices and equipment, and the contractor's profit – even if he or she has a financial interest in the project.

I hereby certify the estimated value of the construction project described herein to have been prepared consistent with the above description, and declare it to be

\$ \_\_\_\_\_.

I understand that the Building Department is not bound by this estimate for establishing permit fees.

Project Identification: Permit Number \_\_\_\_\_

Type of Structure \_\_\_\_\_

Map \_\_\_\_\_ Tax Lot \_\_\_\_\_

Street Address \_\_\_\_\_

Owner Name \_\_\_\_\_

Signature of Declarant \_\_\_\_\_

**Please Check One:**

Owner

Builder

Representative with Written Authorization



# CITY OF PORT ORFORD

---

◆ 555 W. 20<sup>th</sup> St. ◆ P.O. Box 310, Port Orford, OR 97465 ◆ Ph: 541-366-4568 ◆ Fx: 877-281-5307 ◆

I, the undersigned, hereby agree to comply with all ordinances, rules and requirements of the City of Port Orford, Curry County and the State of Oregon.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## FIRE DISTRICT SIGN OFF FORM

This form must be taken to the local Fire Department with the Plot Plan that must be turned in when applying for a building permit. Please discuss your proposed development with the Fire Department to ensure fire safety and get the signature of the Fire Department Representative. Return the Permit Clearance and this form with your plans to Curry County Department of Community Development.

\_\_\_\_\_ Signature of Fire Department Representative

\_\_\_\_\_ Signature of Applicant

Fire District/ Department	Contact	Phone Number
Agness Fire	Bill Scherbarth	541 247-7987
Brookings Fire	Jim Watson	541 469-1142
Brookings Rural	Jim Watson	541 469-1142
Cape Ferrelo Fire	Aaron Johnson	541 661-1499
Cedar Valley Fire	Wade Hooley	541 698-6237
Gold Beach Fire	Tyson Krieger	541 247-6204
Harbor Fire	John Brazil	541 469-5301
Langlois Fire	Mike Murphy	541 348-2304 541 253-6191
Ophir Fire	Adam Brotton	541 698-6110
Pistol River Fire	Rocky Carpenter	541 247-2886
Port Orford Fire	David Duncan	541 332-3681
Sixes Fire	Wayne Moore	541 348-9927 541 253-6028
Upper Chetco Fire	Jim Watson	541 469-1142
Wedderburn Rural	Tyson Krieger	541 247-6204
Winchuck Fire	Bill Hauer	541 469-7048

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are adopted by the State of Oregon.

SECTION D101  
GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*. The *fire code official* may be guided by the Oregon Department of Land and Conservation and Development's Neighborhood Street Design Guidelines, June 2001.

SECTION D102  
REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds (27 240 kg).

Exception: The minimum weight specified in Section D102.1 may be increased by the *fire code official* based upon the actual weight of fire apparatus vehicles serving the jurisdiction that provides structural fire protection services to the location, including fire apparatus vehicles that respond under automatic and mutual aid agreements.

D102.1.1 Access in wildland-urban interface areas. For egress and access concerns in wildland-urban interface locations, the *fire code official* may be guided by the *International Wildland-Urban Interface Code*.

SECTION D103  
MINIMUM SPECIFICATIONS

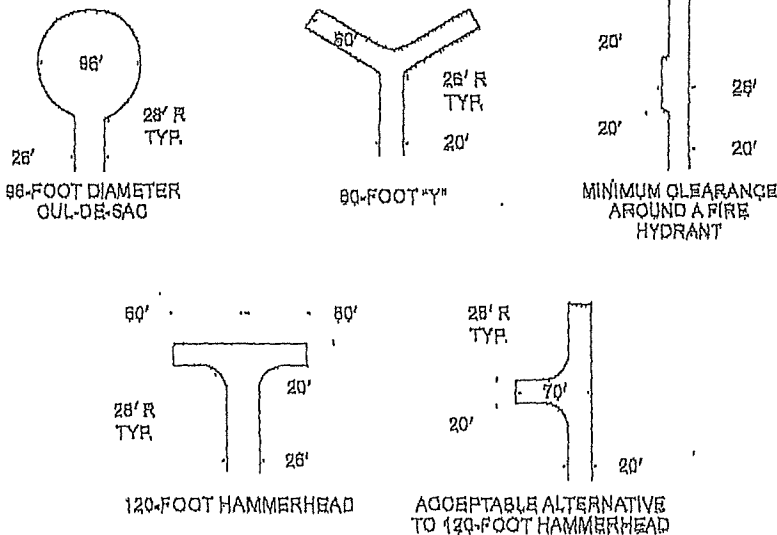
D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

Exception: The *fire code official* is authorized to modify the provisions of Section D103.1 when:

1. In accordance with Oregon Administrative Rule (OAR) 918-480-0100, all buildings are completely protected with an approved automatic fire sprinkler system;
2. Provisions are made for the emergency use of sidewalks by such means as rolled or mountable curbs capable of supporting the fire department's apparatus;
3. Streets or roadways are identified for one-way circulating flow of traffic or pullouts are provided every 150 feet (45 720 mm) on streets or roadways identified for two-way traffic; or
4. A grid system for traffic flow is provided and streets or roadways in the grid do not exceed 300 feet (91 400 mm) in length but are accessible at each end from approved access roadways or streets.

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.



For SI: 1 foot = 304.8 mm.

FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND



## APPENDIX D

**D103.3 Turning radius.** The minimum turning radius shall be determined by the *fire code official*.

**D103.3.1 Drainage.** When subject to run-off damage, the *fire code official* is authorized to require approved drainage.

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

TABLE D103.4  
REQUIREMENTS FOR DEAD-END  
FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the *fire code official*.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the *fire code official*.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**D103.6 Signs.** Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted

on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

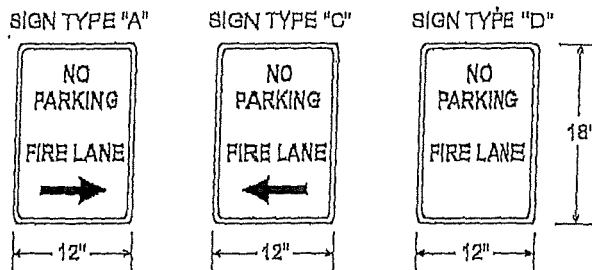


FIGURE D103.6  
FIRE LANE SIGNS

**D103.6.1 Roads 20 to 26 feet in width.** Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

**D103.6.2 Roads more than 26 feet in width.** Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

## SECTION D104

## COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

**D104.1 Buildings exceeding three stories or 30 feet in height.** Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

**D104.2 Buildings exceeding 62,000 square feet in area.** Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520 m<sup>2</sup>) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

**D104.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

## SECTION D105

## AERIAL FIRE APPARATUS ACCESS ROADS

**D105.1 Where required.** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

#### D108 REFERENCED STANDARDS

ASTM	F 2200—05	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC—12	International Fire Code	D101.5, D107.1
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through February 2006	D103.5

### SECTION D106

#### MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

### SECTION D107

#### ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads, and shall meet the requirements of Section D104.3.

#### Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.

## CITY OF PORT ORFORD WATER AND SEWER SERVICE REQUEST

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE:# \_\_\_\_\_ MESSAGE#: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

HOW MANY IN HOUSEHOLD: \_\_\_\_\_

RACIAL CATEGORIES:  
(this question is required  
by USDA to be eligible  
for certain City funding)

" White    " Black or African American  
" Hispanic or Latino    " Asian  
" American or Alaskan Native  
" Native Hawaiian or Pacific Islander

LAST SERVICE ADDRESS: \_\_\_\_\_

CITY AND STATE: \_\_\_\_\_

NOTICE TO RENTERS: A MINIMUM \$100.00 (ONE HUNDRED DOLLARS) SERVICE SECURITY DEPOSIT IS REQUIRED BEFORE WATER AND SEWER SERVICE WILL BEGIN. THE DEPOSIT WILL BE APPLIED TO LAST BILLING UPON MOVING OUT OF RENTAL.

TURN ON DATE: \_\_\_\_\_ MOVE IN DATE: \_\_\_\_\_

SERVICE ADDRESS: \_\_\_\_\_

OWNERS NAME: (if different from above) \_\_\_\_\_

OWNERS ADDRESS: \_\_\_\_\_

OWNERS PHONE: \_\_\_\_\_

*I am requesting water and sewer service at the above address. I understand I am responsible for all sewer and water billings at the above service address until the time I personally request and sign a service disconnection notice. I also understand that verification of past sewer and/or water service history may be made, and this may reflect a need for a higher security deposit.*



# CITY OF PORT ORFORD

---

◆ 555 W. 20<sup>th</sup> St. ◆ P.O. Box 310, Port Orford, OR 97465 ◆ Ph: 541-366-4568 ◆ Fx: 877-281-5307 ◆

*Applicant agrees to pay all professional fees incurred with the planning clearance application received for \_\_\_\_\_.*

---

*Sign*

---

*Date*

C. The license fee herein required shall be due and payable on July 1 of each year for the fiscal year commencing with such date, and shall be delinquent on and after the thirtieth day of July. Licenses for persons engaging any trade, shop, business, profession home occupation, occupation or calling after July 1<sup>st</sup> in any year, shall be due and payable from such persons engaging in such trade, shop, business, profession, home occupation, occupation or calling and shall be delinquent if not paid within thirty (30) days after such person shall engage in any such trade, shop, business, profession, home occupation, occupation or calling.

D. Each branch establishment of a business or location of a business conducted by any person shall, for the purpose hereof, be a separate business and subject to the license thereof herein provided, but warehouses used solely in connection with the business licensed pursuant to the provisions of this chapter and operated by the person conducting such business, shall not be a separate place of business or branch establishment.

E. The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of the fee thereon s herein provided and for the penalty for failure to pay the same, or to comply with the provisions of this chapter to the extent and with like effect as if such agents or agents were themselves proprietors. (*Ord 282 §§ 1 (e), 2, 1978*)

**5.04.050 Exceptions.**

No person who is employed solely by a licensed business in the City of Port Orford shall be required to obtain a license. (*Ord. 282 § 1 (d), 1978*)

**5.04.060 Payment of fee not to be construed as permitting prohibited activities.**

The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the *City of Port Orford* to the person engaged therein to engage therein in the event such business is unlawful, illegal or prohibited by the laws of the *State of Oregon* or the *United States* or ordinance of the *City of Port Orford, Oregon*. (*Ord. 282 § 2 (c), 1978*)

**5.04.070 Fees enumerated.**

A. all trades, shops, business, profession, home occupations, occupations, and callings carried on in the *City of Port Orford*, and not licensed and taxed by other provision of this ordinance or other ordinances of the *City of Port Orford*, shall be licensed and the amount to be paid as such fee shall be set by resolution of the Council.

B. If any person be engaged in operating or carrying on in the *City of Port Orford, Oregon*, more than one trade, shop, profession, occupation, business, home occupations or calling, then such person shall pay the license herein prescribed for as many of such trades, shops, profession, occupation, businesses, home occupations, or callings, as are carried on by such person, except as herein otherwise specifically provided. (*Ord 2000-03 § 4, 2000*)

**5.04.080 Procedure for obtaining license.**

All licenses shall be issued by the *City Recorder* of the *City of Port Orford*. (*Ord. 2000-05 § 5, 2000*)

**5.04.090 Prohibitions.**

It is unlawful for any person to willfully make any false or misleading statement to the City Recorder for the purpose of determining the amount of any license fee herein provided to be paid by any such person, or to fail or refuse to comply with any of the provisions of this chapter to be complied with or observed by such person, or to fail or refuse to pay before the same shall be delinquent any license fee or penalty hereby required to be paid by any such person. (*Ord. 282 § 6 (a), 1978*)

**5.04.100 Penalty for delinquent payment.**

In the event any person required to obtain a license shall fail or neglect to obtain the same before it shall become delinquent, the *City Recorder* shall collect upon the payment therefor and in addition thereto a penalty of ten percent of the fee thereof for each calendar month or fraction thereof the same shall be delinquent. (*Ord. 282 § 6 (b), 1978*)

**5.04.110 Fees subject to change—Additional fees.**

Nothing herein contained shall be taken or construed as vesting as right in any license as a contract obligation on the part of the City as to the amount of the fee hereunder. Other or additional taxes or fees and the fees herein provided for may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the said City, and any business may be reclassified or sub classified at any time and other or additional fees or taxes levied. No person having received a license and paid the fee required therefor under this chapter shall be entitled to any refund. (*Ord 282 § 6 (c), 1978*)

**5.04.120 Violation—Penalty.**

A. The conviction of any person for violation of any of the provision of this chapter shall not operate to relieve such person from paying any fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such fee be a bar to or prevent any prosecution in the City court of any complaint for the violation of any of the provisions of this chapter.

B. Any person violating any of the provision of this chapter shall upon conviction thereof in the City court, be punished by fine of not to exceed two hundred dollars (\$200.00), or by confinement in the City jail not to exceed thirty (30) days, or by both such fine and imprisonment. (*Ord. 282 §§ 7, 8, 1978*)

## Chapter 5.04

### BUSINESS LICENSES GENERALLY

#### Sections:

<b>5.04.010</b>	<b>Purpose.</b>
<b>5.04.020</b>	<b>Applicability.</b>
<b>5.04.030</b>	<b>Definitions.</b>
<b>5.04.040</b>	<b>License fees imposed.</b>
<b>5.04.050</b>	<b>Exceptions.</b>
<b>5.04.060</b>	<b>Payment of fee not to be construed as permitting prohibited activities.</b>
<b>5.04.070</b>	<b>Fees enumerated.</b>
<b>5.04.080</b>	<b>Procedure for obtaining license.</b>
<b>5.04.090</b>	<b>Prohibitions.</b>
<b>5.04.100</b>	<b>Penalty for delinquent payment.</b>
<b>5.04.110</b>	<b>Fees subject to change – Additional fees.</b>
<b>5.04.120</b>	<b>Violation –Penalty.</b>

#### **5.04.010 Purpose.**

This chapter is enacted, except as hereinafter otherwise specified, to provide revenue for municipal purposes and to provide revenue to pay for the necessary expenses required to issue the license for and regulate the business licensed. (*Ord. 282 § 2 (a), 1978*)

#### **5.04.020 Applicability.**

Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the *City of Port Orford, Oregon* which is exempt from taxation or regulation by the city by virtue of the *Constitution of the United States* or the *State of Oregon*, or applicable statutes of the *United States* or the *State of Oregon*. (*Ord. 282 § 2 (b), 1978*)

#### **5.04.030 Definitions.**

As used in this chapter,

“Business” means profession, trades, occupations, shops and all and every kind of calling carried on for profit or livelihood with the exception of home occupations.

“Home occupation” means an occupation, other than retail sales, carried on within a dwelling, or building accessory to a dwelling, in an area zoned Residential-1 or Residential-2 under the *City of Port Orford Land Development Ordinance*.

“Person” means an individual, partnership, corporation, limited company, joint venture, cooperative, or any other entity in law or in fact. (*Ord. 2000-05 § 1, 2000*)

#### **5.04.040 License fees imposed.**

A. There are imposed upon all business, trades, shops, profession, home occupations, callings and occupations not licensed by other ordinance of the City of Port Orford requiring a license fee, license fees in the amounts hereinafter prescribed, and it is unlawful for any person to transact and carry on any such business in the City without first having obtained a license thereof for the current fiscal year as herein provided, or complying with any and all applicable provision of this chapter.

B. The license fee shall commence July 1 each year, commencing with the year 1977, and shall terminate at midnight June 30 of the following year. The fee for any such license issued during the second half of any fiscal year shall be one-half of the fee in this chapter provided for the fee for any license issued prior to January 1<sup>st</sup> of any fiscal year shall be the full fee herein set forth.

## Chapter 17.08

### ADMINISTRATION

#### Sections:

- 17.08.010 Zoning of annexed areas.**
- 17.08.020 Enforcement.**
- 17.08.030 Authorization of similar uses.**
- 17.08.040 Appeal.**
- 17.08.050 Form of petitions, applications and appeals.**
- 17.08.060 Time limit for City decision.**
- 17.08.070 Abatement and penalty.**

#### **17.08.010 Zoning of annexed areas.**

Where an area is zoned by Curry County at the time of annexation to the City, the Curry County zoning regulations applicable to the annexed area shall continue to apply until the City Council enacts City of Port Orford zoning in the annexed area. (Ord. 278 § 9.000, 1977)

#### **17.08.020 Enforcement.**

The City Council or its agent shall have the power and duty to enforce the provisions of this title. (Ord. 278 § 9.010, 1977)

#### **17.08.030 Authorization of similar uses.**

The City Council may permit in a particular zone a use not listed in this title, provided the use is of the same general type as the uses permitted there by this title. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone. (Ord. 278 § 9.020, 1977)

#### **17.08.040 Appeal.**

An action or ruling of the Planning Commission pursuant to this title may be appealed to the City Council within 15 days after the Planning Commission has rendered its decision, or may be designated for hearing by the City Council. Written notice of an appeal shall be filed within the 15-day period, and if the City Council does not designate the action or ruling for hearing, the decision of the Planning Commission shall be final. If an appeal is filed, or the City Council elects to hear the matter, the City Council shall receive a report from the Planning Commission and shall hold a public hearing on the subject. (Ord. 278 § 9.030, 1977)

#### **17.08.050 Form of petitions, applications and appeals.**

Petitions, applications and appeals provided for in this title shall be made on forms provided for the purpose, or as otherwise prescribed by the City in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Where plans must be submitted, the plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets. (Ord. 278 § 9.040, 1977)



**17.08.060 Time limit for City decision.**

The City shall render a final decision regarding all land use applications applicable to this title within 120 days of receipt of a complete application. (Ord. 278 § 9.050, 1977)

**17.08.070 Abatement and penalty.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title shall be guilty of a code violation, and upon conviction shall be subject to the following:

- A. A civil penalty not to exceed \$750.00 per violation; each day that the violation persists after written notice has been provided to the offender shall constitute a separate and distinct violation.
- B. In addition to any monetary penalty assessed, the City may institute appropriate actions or proceedings to abate, correct, remove, prevent, restrain or eliminate any violation of this title. (Ord. 2003-03 § 5, 2003)

**Tourist habitation** – Establishments primarily engaged in the provision of lodging services on a temporary basis (30 days or less) with incidental food, drink, and other sales and services intended for the convenience of guests. The following are tourist habitation use types:

(a) Bed and Breakfast. Lodging services involving the provision of room and/or board in an existing dwelling with no more than eight bedrooms.

(b) Bed and Breakfast House. A hotel in what was built as a single-unit dwelling and which offers up to six bedrooms for transient guests. This definition is for historic reference for vacation rentals authorized prior to October 15, 2020.

(c) Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

(d) Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels and pay for stay arrangements in city residences (examples: Airbnb, Vrbo).

(e) Waterfront Heritage Bed and Breakfast. Lodging facilities in the WH zone in a dwelling with no more than eight bedrooms involving the provision of room and board.

(f) Waterfront Inn. Overnight lodging facilities in the WH zone with all units water-oriented. A restaurant and conference facilities may be included.

(g) Hostel. A property where four to 20 individuals may live for not more than 30 continuous days, exclusive of management staff who may reside on the property. If there are more than 20 persons at maximum occupancy, such a facility shall be considered a hotel or motel as defined in this chapter.

(h) Hotel/Motel. A building or portion thereof designed and used for transient lodging in a nonresidential zone, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment and personal services.

(i) Vacation Rental. A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.

**Tract** – One or more contiguous lots or parcels under the same ownership.

**U.**

From: Craig Rosenauer  
1 Geer Circle, Port Orford

To: City of Port Orford

Re: Vacation Renta; Status and Business License Transfer

I lost the opportunity to sell my property yesterday when the potential buyer called the city about a business license for the vacation rentals he wanted to purchase as an investment.

My business license says nothing about inability to transfer to new owners. My property was listed for sale January 8, 2022, before the January 20, 2022 moratorium on new business licenses for vacation rentals.


This denial from the city to honor our business contract is affecting the value of my property. I bought that derelict property in 2017 and changed it into a showcase vacation rental with a very significant financial and time commitment.

I recently purchased the derelict Shoreline Motel and am in the process of doing the same; I listed 1 Geer Circle to help fund that venture. Denying me a business license renewal is wrong and likely illegal.

I also would like to remind you that I have been paying TLT taxes and property taxes with my vacation rentals and have had no disturbances.

I will be consulting my attorney.

I propose the city of Port Orford commit a business license in writing for any potential buyers of 1 Geer Circle.



541-441-3399