

**CITY OF PORT ORFORD
HYBRED SESSION OF THE COMMON COUNCIL
THURSDAY, August 18, 2022 AT 5:30 P.M.**

AGENDA

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1. **Call to Order**
2. **Additions to the Agenda**
3. **Presentations to Council/Citizens- September Suicide Awareness and Prevention Month & October Bully Prevention Month (Gordon Clay)**
4. **Consent Calendar**
 - a. Approve Minutes- July 21, 2022 (Pg. 3-10)
 - b. Summary of Workshop on August 8, 2022 (Pg. 11-14)
5. **Citizens' Concerns (Speak Only for Old & New Business Items on the Agenda)**
6. **Departmental Reports-**

a. Public Works (Pg. 15-16)	b. Administration (Pg. 17-24)	c. Finance (Pg. 25-36)
d.Planning (Pg.37-64)	e. Liaison	
Fire District- Garratt	TLT- Pogwizd	Watershed- (Pg. 65-66)
Port- Cox	Parks- Tidey	Emergency Mgmt.- Burns/Howe
School District- Kessler	Main Street- Burns	
7. **Old Business**
 - a. Building Maintenance/Roof Repair (Pg. 67-72)
 - b. Ordinance 2023-02 Building Code (Pg. 73-94)
 - c. Historic Commission Ordinance Update (Draft) (Pg. 95-108)
8. **New Business**
 - a. Right-Of-Way Usage License- 760 Jefferson Street (Pg 109-112)
 - b. Proposal for Road Closure – The Run to the Rogue Community Dinner (Pg. 113-116)
9. **Continuing Action Items**

a. Seasonal Gas Tax	b. Text My Gov.	c. Data Storage	d. Water Conservation Ordinance
d. Emergency Commission Ordinance	e.Website Update		
10. **Considerations**

a. Citizen	b. Staff	c. Councilor	d. Mayor
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11. **Future Meetings**
Thursday, September 15, 2022, In Gable Chambers Regular Meeting and Online 5:30pm.
11. **Adjourn**

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

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

City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: City Council meeting Minutes

ITEM NO: 4 A.

Attached are the City Council Meeting Minutes from July 21, 2022.

Suggested Motions

Motion to Approve the Meeting Minutes from July 21, 2022.

I move to approve the meeting minutes from July 21, 2022.

Motion to Deny the Meeting Minutes from July 21, 2022.

I move to deny the meeting minutes from July 21, 2022.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, July 21, 2022 at 5:30 P.M.

Mayor and Council	Present	City Staff	Present
<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>	
<i>Lorrin Kessler</i>	X	<i>Chief Hobart</i>	X
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

The minutes were prepared to the best of our ability considering the challenging quality of the audio associated with those participants attending in-person on the meeting video.

Others Present: Tate Scarpaci, Thomas Calvanese, Jenny Javier, Greg Thelen, Monica Ward (Curry County), Jennie McGregor, Vaughn Robison, Michelle Leonard, Ann Vileisis, Linda Tarr, Linda Maxon, Michael Shields.

1. Call to Order

Mayor Cox called to order this Meeting of the Common Council on Thursday, July 21, 2022, at 5:31 p.m.

2. Additions to the Agenda: Executive session ORS 192.(inaudible).

3. Presentation to Council / Citizens: Vaughn Robison, resident of Depot Bay, shares findings of research on marine reserves called Net Values. Councilors and packets are provided with a printed copy of the presentation. Mr. Vaughn defined marine reserves as boundary based managed marine areas and described the ecological, social and economic effects. Objectives are to conserve marine habitat, provide framework for scientific research and avoid adverse social and economic impact. Mr. Vaughn shared how he got his information and what he found with the information. Socioeconomic findings were presented.

4. Consent Calendar

Approve Minutes of June 16, 2022: Councilor Kessler moved to approve the minutes for the June 16, 2022 council meeting as written with a second. *Motion carried 5-0.*

Discussion: None.

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

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5. Citizens' Concerns:

Michelle Leonard, local resident, read a letter to Mayor Cox, council members and CA Ginsburg that addressed information on the next step of the Community Building and Legion Hall renovation. The community has been working to raise money for the project. The project is now at the cost of 1.7 million dollars with 140,000 dollars currently raised. There is the possibility of a federal block grant of 1.5 million dollars, but this grant must be applied for by the city. This letter asks the city to apply for this grant in a timely manner. If the city chooses not to apply, the current funds raised will have to be returned to the contributors.

6. Departmental Reports

a. Public Works: A written report has been provided to councilors by Jon Isadore. Mr. Isadore is not in attendance. Mayor Cox spoke on the automatic meter readers presented at the last meeting.

b. Administration/Financial Report: CA Ginsburg reviewed her written report with councilors. Councilor Burns asked about the memorial rock needing maintenance. Finance auditors will be in Port Orford the first week in September.

c. Planning: CA Ginsburg updated info on affordable housing and vacation rental progress.

d. Liaison Reports:

Fire District: Councilor Garratt announced the Fire Chief needs volunteers to replace those who relocated.

Watershed: Linda Tarr reported a forestry plan is underway for the damage by the fire. The report will be complete before 08/12/2022. The person responsible for the fire is refusing access for watershed inspection and repair.

Port: Mayor Cox reported the bids on the new cranes are in. The old cranes are certified. An additional halibut season has been added.

Parks: Councilor Tidey advised the disk golf is fully installed. Later in the year the disk golf will be expanded to the area of the nature trail.

Emergency Management: Mr. Howe is in attendance. Mr. Howe reported on the Emergency Management plan. The Emergency Response Commission is in the process of approving the plan. It will then go to City Council. The project scope is large, 5 pounds of food per day per person, which is 4-1/2 tons in Port Orford.

School: Councilor Kessler reported a high school teacher is leaving. The schoolboard is looking for a new superintendent to replace the current superintendent who is leaving next year.

Main Street: Councilor Burns reported that Main Street cosponsored the downtown cleanup. The cleanup was successful. The childcare system is progressing. City Hall landscaping is also progressing.

7. Old Business

a. Community Center Building Project: Local citizens advise that the CCD is able to offer small communities free time with the city to determine viable grant sources and can

do some grant writing and recording at no cost. She requested the city to explore this further. She also advised the city to let the Community Center Committee know as soon as possible if they choose not to pursue the grant project. They do not want to have to close the project and return the funds. The councilors are concerned about CA Ginsburg’s available time and workload.

Councilor Burns moved to approve moving forward with the CCD in pursuing the grant with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: Councilor Garratt agrees the building renovation is important.

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

b. Ordinance 2023-01 Ziply Franchise Agreement: The City Council had asked Ziply for free city services, which was rejected by Ziply. Councilor Burns moved that the City Council adopt Ziply Fiber Franchise Agreement Ordinance 2023-01 and approve the first and second readings by title only to take effect 30 days from July 21, 2022 which is August 20, 2022 with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: Councilor Garratt is disappointed in Ziply’s refusal and feels the city is giving up too soon, as this is a normal request.

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

c. Ordinance 2023-02 Building Code – related to dangerous building abatement: The Curry County code was rewritten to be more pertinent for the City of Port Orford. Councilor Pogwizd and Garratt would like “reasonable effort” defined in the Right of Entry with each step defined and each step recorded by the administration. There is concern of the building officials being given the power of law enforcement. Councilors need protocol for decisions defined. Liability, funds and lien process are discussed. CA Ginsburg will review other communities’ abatement codes. This will be sent back to staff for definitions.

Councilor Burns moved to table ordinance 2023-02 with Councilor Pogwizd as second.

Motion carried 6-0.

Discussion: As above.

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

d. Workshop – Types of Workshops, Dates and Times: A workshop to review the building code is suggested. A goal setting session is suggested. Councilors would like the workshops to be the same day of the month every month they are needed. By consensus, workshops will be the first Wednesday of the month at 5:30.

e. Grant Writing Companies Update: CA Ginsburg informed councilors that she has a meeting scheduled with Brandi about the CCD Grant Writing assistance services and options available to the city. She will have an update at the next meeting.

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8. New Business:

a. Ballot Measure 109 – Oregon Psilocybin Services Act – Mushroom growth and sale:

The State of Oregon’s ordinance is well written. The city has the option of doing nothing or sending this to voters for a 2-year ban or moratorium. Chief Hobart discussed the legalities of the ordinance with council members. Legal Counsel Kudlac advised to send to voters for a ban this must be brought during the general election is 2022 or 2024. Councilor Pogwizd moved to send this to voters for a ban with Councilor LaRoche as a second. *Motion died 2-4.*

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

Councilor Garrett moved to table ballot measure 109 indefinitely with Councilor Tidey as second. *Motion carried 5-1.*

Discussion: Ballot deadline outlined.

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

A motion is made and seconded to continue the meeting. *Motion carried 5-0.*

*Councilor Pogwizd Yes Councilor Burns Yes Councilor LaRoche No vote
Councilor Kessler Yes Councilor Tidey Yes Councilor Garratt Yes*

9. Continuing Action Items:

- a. Seasonal Gas Tax:** Three percent six months a year.
- b. Text My Gov**
- c. Data Storage**
- d. Water Conservation Ordinance**
- e. Historic Commission Ordinance Update**
- f. Emergency Commission Ordinance**
- g. Website Update**

10. Considerations:

Citizen: Linda Maxon, CEO of Coast Community Health Center shared concerns about alleged dog attack on Johnson Street. She spoke on the applicable ordinance and the need for such with enforcement. She spoke on animal bite injuries. The time and cost of treating the injuries have been excessive without reimbursement.

Ann Vileisis expressed appreciation for the work done by the volunteers and staff. Ms. Vileisis reported she has attended county planning meetings hoping for coordination between the city and county regarding Short Term Rentals.

4 Michael Shields, local resident, requested a permit for a privacy fence on the city easement.
5 An application has been submitted.

6
7 Coast Community Health Community introduced Dr. Ann Kellogg who has brought in
8 councilors as well as drug and alcohol addiction councilors to the community.

9
10 Linda Tarr spoke on section 2.4.114 where it says Board of Commissioners reserve the right
11 to preempt any building permit/application. She is concerned about the legality of this.

12
13 Greg Thelen, community member reported that the audio “is impossible.” He suggested
14 participants speak into their mics.

15
16 **Staff:** None.

17
18 **Councilor:** Councilor Burns is hoping the city will move forward with the new meters soon
19 since it takes a year for install.

20
21 **Mayor:** Mayor Cox expressed his appreciation to members of the community who are
22 involved in the community.

23
24 **11. Future Meetings: Thursday, August 18, 2022, Regular Council Meeting 5:30, hybrid.**

25
26 **Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 7:55 p.m.

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30 Attest:

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35 _____
Mayor, Pat Cox

36 _____
City Recorder, Jessica Ginsburg

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City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: City Council meeting Minutes

ITEM NO: 4 B.

Attached are the City Council Meeting Minutes from the Workshop on August 8, 2022

Suggested Motions

Motion to Approve the Workshop Meeting Minutes from August 8, 2022.

I move to approve the workshop meeting minutes from August 8, 2022

Motion to Deny the Workshop Meeting Minutes from August 8, 2022.

I move to deny the workshop meeting minutes from August 8, 2022.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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City of Port Orford Workshop

By Hybrid Meeting

MEETING AGENDA

Subject: Urban Growth Boundary

Date: August 8, 2022

Time: 4:30 p.m.

Purpose of the

Meeting: Urban Growth Boundary

In Attendance:

- X ___ Pat Cox, Mayor
- ___ Tim Pogwizd, President *Excused*
- X ___ Lorin Kessler, Councilor
- ___ Carolyn LaRoche, Councilor *Excused*
- X ___ Gary Burns, Councilor
- X ___ Greg Tidey, Councilor
- ___ James Garratt, Councilor
- X ___ Jessica Ginsburg, City Admin

Guests/Others:

- Steven Lawton
- Bob Hines
- Penny Sues/Dana Gurnee
- Tim Rossi - Planning
- Diana Larson
- Bob Morrow
- _____
- _____

Meeting Agenda

- Hear the issues/language changes
- Discuss the suggested changes to the code
- Finalize for Next Council Meeting/Special Session

Urban Growth Boundary and Short Term Rentals

Mon, Aug 8, 2022 4:30 PM - 5:00 PM (PDT)

Meeting called to order by Mayor Cox. At 4:30 p.m.

County representative in attendance. Workshop will not contain public comment; however, the hearing on the 17th will allow for public content. A special meeting to follow this workshop.

Becky Crockett, Curry county planning director, is in attendance and outlined the UGB proposal. She addressed focus of concerns:

Short Term rentals: In Curry County they are not residences. They must have a business license and must pay TLT tax in county. Councilors and attendees are invited to county public hearing on 17th 11:00 a.m.

Port Orford has moratorium currently for new STRs.

Burns addressed letters/emails with complaints of unregulated number of STRs is biggest issue communicated.

Ms. Crockett suggested Echo NW STR stats be reviewed. Generally, STRs do not generally take affordable housing off the market. Generally, developers put thousands of dollars in the STRs thus are not affordable

houses. Burns wants Curry County to put a moratorium on new STR applications. Falcone suggested addressing the board of commissioners with that request. Councilor Kessler is concerned about Urban Growth Boundary not having a moratorium.

Codes in UGB for STRs and multiple family housing are outlined. Current houses being built for STR is 550,000 plus dollars thus not affordable housing. Contractors prefer to work on high-ending houses rather than work-force houses since they make more money on them. Density is discussed. County limits 2 persons per bedroom and no additional.

Cox asked about location of Statewide planning goal for agricultural land. Cox recapped main concern about having a cap on new STRS until ordinance in place. Process of communicating with county planning is outlined. Councilors will discuss at the next meeting. DEQ has density regulations as well.

Council will have a special meeting before commissioner's meeting to determine what they want to send to county commissioners meeting.

Goal setting: Cox stated goals without plans tend to not get addressed.

- Cox suggested new meters be priority. Negotiations are in progress.
- Kessler is interested in attorney for STRs. CA Ginsburg will add to council meeting packet.
- Assistant for Jessica is a priority. A different type of advertising or a change in job description is suggested to accommodate someone locally.
- Grant writer or company
- Watershed management plan
- Second water source. Old Mill impound or other suitable source.

Much of this is inaudible.

Special meeting Friday 08/12/22 5:00. Content will not meet packet deadline.

Adjourned at 5:45

Water Plant: Op's - NO Run Days 4

Raw water into plant 7,256,000 Treated water 5,535,000 Backwash water used 232,000 Leaks 120K

Hubbard's / Reservoir Dredging / Dam leakage

1. Dredging waiting quote and permitting.
2. **Update** Billiter marine has received materials, waiting to start until flow slows down

Water Treatment plant, Finished Water Pump Replacement

1. **Update** Finished water pump #1 has been received and electrical upgrade is complete. Pump will be installed (rescheduled) late August
2. **Pending:** Multiple issues with communication / controls with plant (TAG) Will most likely have to go to cellular or internet for a reliable signal.
3. **Post Soda** pump motor failed, rebuilt pump and installed a used motor until new motor arrives.

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

1. **Coast guard hill pump station update,** Pump-Tech is working on redesign due to the power service that's available in order for current generator to be utilized.

Electronic read water meters: Sent required information on current meters to vender. I'll schedule a work session with council to discuss further.

Water distribution leaks repaired

1. Hamlet St. 2 mainline repairs
2. ¾" service line repair on King St.
3. 1" service line on Port Orford loop Rd

New Services:

- N/A

Meter Swop out'

- No meter swaps

Waste Water plant: Op's:

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

- **Update, Primary Clarifier** is down; gear box is rebuilt and blasting and paint to start on the 22nd by Koontz Machine.
- VFD controls for Raz / Waz pumps fried, current one is obsolete. Reese Electric is working on replacement.
- Arizona lift station, in progress and ordered 6-12 weeks out.
- Grit removal system, Koontz will be checking gear box when on site for Clarifier repairs / coating
- **Update**, blowers received and on site.
- Pending Influent Flow Meter, working on quote for replacement meter is no longer supported. Vender is looking for replacement flow meters.

Streets Maintenance:

- Continued mowing and trimming
- Fire Hydrant Main maintenance on going.
- potholes, cold patched received and placed. We'll continue with repairs as time allows
- Trimmed brush back on streets / intersections.

Parks

- Buffington playground equipment is in need of replacement, made temporary repairs to the supports but they are rusted completely off.
- Battle Rocks, Pending quotes for repairs (roof / rotten wood)
- Interpretive trail, wooden decking and railings are failing (rotten). Made temp repairs, looking for a contractor to R&R on platform/walkway.
- Pick up and disposal of trash and debris in parks.
- Continued mowing and trimming of parks.

PW Works Equipment PM's

- Run and Pm generators monthly
- Oil changes on work trucks

City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Administration Report

ITEM NO: 6b.

Water Infrastructure Grants- On Saturday August 13th I received a notice from the National League of Cities for a Bootcamp Training to help Cities Develop infrastructure Grant Applications. I signed up for the bootcamp training which takes place online. I also had a conversation with the RCAC and Civil West Engineers about a possible rate study. We will begin to work on getting a detailed scope of work in the next few weeks.

Building Inspector/Building Code- Updated Building code for Abatement and Nuisance and Dangerous Housing is in the Agenda. We are adopting the code that was written by the Curry County Building Inspector Garrett Thomson. Update in section 7b.

Accounts Receivable as of 07/31/2022-

Citation- \$673,452.00

Utilities- \$8,008.37 Inactive Accounts have a balance due of \$8,888.66

Emergency Management Planning- I have started to review the disaster plan that was drafted by Jim Howe and he should have the suggested changes from me within the next few weeks. We also have 17 pallets of emergency supplies that we need to find a good storage place for outside of the tsunami zone would be best.

Watershed Project-We received a draft of the Forest Management Plan that was put together by Springboard. I am in the middle of reviewing it and there have already been some changes suggested.

City Hall, Water Plant and Wastewater Plant- We are discussing the repairs and quotes in 7a.

Volunteers- We are always looking for more volunteers to help City Hall staff with organization and clean up inside city hall.

Annual City Business Licenses- A lot of business licenses have been issued. We are still missing a good portion of them. The reminder and late fees letter will be going out beginning this week.

Abatement of Buildings- A phone call has been made to Arcadia Environmental for the removal of asbestos.

Planning/ Building Permits- We have had about a handful of houses that have gone up in town that did not have the proper documentation and or fees paid. We are working with the Tribe and the County on these issues and how they need to be handled now and in the future.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

Application on Bootcamp p

Grant Application Bootcamp

*Enrollment Now Open for Technical Assistance
Program to Help Small, Mid-Sized Cities and Towns
Access Federal Infrastructure Dollars*

Submitting strong applications for federal

20

infrastructure money can be challenging for small and mid-sized cities, towns, and villages. To assist underserved local governments with populations of approximately 150,000 or less, the Local Infrastructure Hub is offering a series of bootcamps. The bootcamps are designed to help small and mid-sized local governments take advantage of the grant opportunities available through the Bipartisan Infrastructure Investment and Jobs Act.

REGISTER YOUR CITY

Bootcamp Offerings

Over the next two years, there will be at least 30 bootcamps, each tied to a specific category of funding available as part of the Bipartisan Infrastructure Law. The first five offerings that will be available this fall will focus on the following grant categories:

- **Building Resilient Infrastructure and**

Communities (\$1 billion) : Supports communities as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards.

- **Energy Efficiency and Conservation Block Grant Program (\$550 million)** : Supports communities to implement strategies to reduce fossil fuel emissions, reduce the total energy use of the eligible entities, improve energy efficiency in the transportation, building, and other appropriate sectors.
- **Flood Mitigation Assistance Grants (\$3.5 billion)** : Supports communities with projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program.
- **Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program (\$500 million)** : Supports communities on demonstration projects focused on advanced smart community technologies and systems in order to improve transportation efficiency and safety.
- **Charging and Fueling Infrastructure Grants (\$2.5 billion)** : Supports communities to address EV charging needs for passenger vehicles and light duty trucks.

What to Expect

Towns and cities participating in these programs will receive support from National League of Cities to develop a robust federal grant application, including access to subject matter experts, individualized coaching sessions, office hours, and peer-to-peer learning, as well as tools including templates, example submissions, and white papers. The technical assistance program will last approximately 3-4 months and participants will include mayors and municipal staff with job functions focused on finance, community engagement, and other relevant disciplines. A major emphasis will also be placed on helping communities understand federal priorities, such as equity and sustainability, and then incorporate these and other desired outcomes into submissions.

Cities interested in registering for any of the bootcamps being offered this fall can **submit an interest form** online. Registration will run from August 12 to August 31, 2022. Spots are limited to the


first several hundred cities that register, so cities are encouraged to register as soon as possible.

Frequently Asked Questions

What bootcamps will be offered in the future? 

Who will participate in the bootcamps and what is the expected time commitment? 

Can I participate in partnership with another city or with a group of neighboring municipalities? 

If my city participates, what can we expect to learn? 

Are all of the modules required? 

Can my city enroll in multiple bootcamps? 

Is there a cost to cities for participating? 

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City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Finance

ITEM NO: 6 c.

The financials thru July are attached to this document. There are a few budget items that were placed in the wrong accounts when it was uploaded. Those accounts should be fixed by the next council meeting.

We are having a meeting with the Auditors on the 19th. And they will be on site the week of September 6th. Shortly after their visit we are hoping to have the audited financials completed for FY2022 for the Council Review. At that point I will be able to give an accurate fund balance report and roll it forward monthly for the Council to see.

We have a big insurance payment coming up that is about \$68,000, this is for the liability insurance that will cover us thru June 2023.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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City of Port Orford

Income Statement Account Summary

For Fiscal: 2022-2023 Period Ending: 07/31/2022

	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 010 - GENERAL FUND					
Revenue					
010-00-40100	744,928.00	744,928.00	0.00	0.00	744,928.00
010-00-41110	339,915.00	339,915.00	2,981.27	2,981.27	336,933.73
010-00-41120	9,500.00	9,500.00	803.94	803.94	8,696.06
010-00-41160	3,000.00	3,000.00	1,433.00	1,433.00	1,567.00
010-00-41210	1,200.00	1,200.00	70.33	70.33	1,129.67
010-00-41220	20,500.00	20,500.00	2,280.49	2,280.49	18,219.51
010-00-41310	10,248.00	10,248.00	0.00	0.00	10,248.00
010-00-41320	1,090.00	1,090.00	0.00	0.00	1,090.00
010-00-42010	3,000.00	3,000.00	358.63	358.63	2,641.37
010-00-42110	4,202.00	4,202.00	725.97	725.97	3,476.03
010-00-42111	14,000.00	14,000.00	-0.43	-0.43	14,000.43
010-00-42112	2,251.00	2,251.00	0.00	0.00	2,251.00
010-00-42210	16,500.00	16,500.00	1,120.00	1,120.00	15,380.00
010-00-44214	0.00	0.00	10.00	10.00	-10.00
010-00-44330	8,000.00	8,000.00	669.77	669.77	7,330.23
010-00-44340	500.00	500.00	10.00	10.00	490.00
010-00-45120	270,000.00	270,000.00	10,992.25	10,992.25	259,007.75
010-00-45730	3,711.00	3,711.00	286.30	286.30	3,424.70
010-00-46114	10,000.00	10,000.00	0.00	0.00	10,000.00
010-00-46120	28,500.00	28,500.00	0.00	0.00	28,500.00
010-00-46140	13,000.00	13,000.00	0.00	0.00	13,000.00
010-00-46150	30,000.00	30,000.00	0.00	0.00	30,000.00
010-00-46210	100.00	100.00	0.00	0.00	100.00
010-00-46880	14,000.00	14,000.00	0.00	0.00	14,000.00
Revenue Total:	1,548,145.00	1,548,145.00	21,741.52	21,741.52	1,526,403.48
Expense					
010-10-51200	35,000.00	35,000.00	1,745.34	1,745.34	33,254.66
010-10-51350	12,000.00	12,000.00	1,209.05	1,209.05	10,790.95
010-10-51400	30,000.00	30,000.00	0.00	0.00	30,000.00
010-10-52010	6,169.00	6,169.00	202.85	202.85	5,966.15
010-10-52020	6,000.00	6,000.00	769.98	769.98	5,230.02
010-10-52030	4,131.00	4,131.00	1.07	1.07	4,129.93
010-10-52040	23,975.00	23,975.00	1,280.57	1,280.57	22,694.43
010-10-62210	4,500.00	4,500.00	391.94	391.94	4,108.06
010-10-62912	2,500.00	2,500.00	1,719.64	1,719.64	780.36
010-20-51310	11,432.00	11,432.00	609.40	609.40	10,822.60
010-20-51350	2,372.00	2,372.00	241.81	241.81	2,130.19
010-20-52010	1,039.00	1,039.00	61.41	61.41	977.59
010-20-52020	3,951.00	3,951.00	221.85	221.85	3,729.15
010-20-52030	8.00	8.00	0.43	0.43	7.57
010-20-52040	4,664.00	4,664.00	183.10	183.10	4,480.90
010-20-61210	1,221.00	1,221.00	0.00	0.00	1,221.00
010-20-61230	637.00	637.00	0.00	0.00	637.00
010-20-62170	4,280.00	4,280.00	300.00	300.00	3,980.00
010-20-62210	448.00	448.00	49.09	49.09	398.91
010-20-62230	944.00	944.00	99.37	99.37	844.63
010-20-62343	447.00	447.00	0.00	0.00	447.00
010-20-62910	219.00	219.00	0.00	0.00	219.00
010-20-62912	107.00	107.00	0.00	0.00	107.00
010-20-62941	4,497.00	4,497.00	200.00	200.00	4,297.00
010-20-63220	53,572.00	53,572.00	-3,450.00	-3,450.00	57,022.00

Income Statement

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	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining	
010-20-63230	County Assessments	15,138.00	15,138.00	-1,120.00	-1,120.00	16,258.00
010-30-51200	Administrator/Manager	8,000.00	8,000.00	581.78	581.78	7,418.22
010-30-51520	Police Chief	3,910.00	3,910.00	288.96	288.96	3,621.04
010-30-52010	Social Security	1,000.00	1,000.00	64.52	64.52	935.48
010-30-52020	PERS Retirement	1,500.00	1,500.00	228.05	228.05	1,271.95
010-30-52030	Worker's Comp./Disability Ins.	100.00	100.00	0.30	0.30	99.70
010-30-52040	Health, Dental, Life Ins.	2,000.00	2,000.00	156.96	156.96	1,843.04
010-30-61210	Office & Operating Supplies	3,000.00	3,000.00	0.00	0.00	3,000.00
010-30-62230	Postage	500.00	500.00	0.00	0.00	500.00
010-30-62835	Small Tools & Minor Equipment	10,000.00	10,000.00	0.00	0.00	10,000.00
010-30-62936	Miscellaneous	1,000.00	1,000.00	0.00	0.00	1,000.00
010-50-51301	Planning Assistant	6,049.00	6,049.00	583.10	583.10	5,465.90
010-50-52010	Social Security	446.00	446.00	42.94	42.94	403.06
010-50-52020	PERS Retirement	1,834.00	1,834.00	151.95	151.95	1,682.05
010-50-52030	Worker's Comp./Disability Ins.	3.00	3.00	0.20	0.20	2.80
010-50-52040	Health, Dental, Life Ins.	1,190.00	1,190.00	124.22	124.22	1,065.78
010-50-62150	Planning Contract	22,000.00	22,000.00	2,043.80	2,043.80	19,956.20
010-50-62160	Professional Services	500.00	500.00	0.00	0.00	500.00
010-50-62175	Legal Services	1,000.00	1,000.00	0.00	0.00	1,000.00
010-50-62230	Postage	500.00	500.00	1.14	1.14	498.86
010-50-62410	Advertising	200.00	200.00	0.00	0.00	200.00
010-60-61210	Office & Operating Supplies	8,931.00	8,931.00	808.18	808.18	8,122.82
010-60-61220	Office Equip. Leases	2,230.00	2,230.00	142.42	142.42	2,087.58
010-60-61230	Software Maintenance	10,034.00	10,034.00	0.00	0.00	10,034.00
010-60-62100	Bank Charges	5,155.00	5,155.00	0.15	0.15	5,154.85
010-60-62110	Auditing & Accounting	15,545.00	15,545.00	0.00	0.00	15,545.00
010-60-62140	Computer Services	2,831.00	2,831.00	15.00	15.00	2,816.00
010-60-62160	Professional Services	2,007.00	2,007.00	0.00	0.00	2,007.00
010-60-62161	Professional Grant Writing Services	40,000.00	40,000.00	0.00	0.00	40,000.00
010-60-62175	Legal Services	46,479.00	46,479.00	1,200.00	1,200.00	45,279.00
010-60-62180	Port Orford Rural Fire Dist.	53,946.00	53,946.00	0.00	0.00	53,946.00
010-60-62190	Curry County 911 Dispatch Service	35,000.00	35,000.00	0.00	0.00	35,000.00
010-60-62220	Internet Access	1,500.00	1,500.00	112.97	112.97	1,387.03
010-60-62230	Postage	1,500.00	1,500.00	256.13	256.13	1,243.87
010-60-62343	Travel & Training / Meetings	1,000.00	1,000.00	0.00	0.00	1,000.00
010-60-62410	Advertising	500.00	500.00	0.00	0.00	500.00
010-60-62610	Insurance & Bonds	21,588.00	21,588.00	0.00	0.00	21,588.00
010-60-62740	Electricity	15,633.00	15,633.00	642.75	642.75	14,990.25
010-60-62805	R & M City Hall	20,000.00	20,000.00	25.98	25.98	19,974.02
010-60-62819	Municipal Code Book	2,000.00	2,000.00	0.00	0.00	2,000.00
010-60-62835	Small Tools and Minor Equip.	6,500.00	6,500.00	84.22	84.22	6,415.78
010-60-62920	Dues & Memberships	250.00	250.00	0.00	0.00	250.00
010-60-62930	Custodial Services	3,000.00	3,000.00	242.26	242.26	2,757.74
010-60-62935	Custodial Supplies	500.00	500.00	0.00	0.00	500.00
010-60-62936	Miscellaneous	2,056.00	2,056.00	100.00	100.00	1,956.00
010-60-72012	City Hall Repairs	75,000.00	75,000.00	0.00	0.00	75,000.00
010-60-91114	Transfer to Parks Fund	30,000.00	30,000.00	0.00	0.00	30,000.00
010-60-91120	Transfer to Public Safety Fund	350,000.00	350,000.00	0.00	0.00	350,000.00
010-60-91130	Transfer to Water Enterprise	450,000.00	450,000.00	0.00	0.00	450,000.00
010-60-91142	Transfer to Streets Capital Improvement	27,000.00	27,000.00	0.00	0.00	27,000.00
010-60-98500	Contingency	23,977.00	23,977.00	0.00	0.00	23,977.00
	Expense Total:	1,548,145.00	1,548,145.00	12,614.88	12,614.88	1,535,530.12
	Fund: 010 - GENERAL FUND Surplus (Deficit):	0.00	0.00	9,126.64	9,126.64	
Fund: 014 - PARKS FUND						
Revenue						
014-00-40100	Prior Year Fund Balance	37,114.00	37,114.00	0.00	0.00	37,114.00
014-00-41410	Transient Lodging Tax	140,000.00	140,000.00	34,788.22	34,788.22	105,211.78
014-00-42010	Interest on Investments	800.00	800.00	244.76	244.76	555.24
014-00-43419	Buffington Park Playground Upgrade	5,000.00	5,000.00	0.00	0.00	5,000.00

Income Statement

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	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining	
014-00-44410	Rent - Community Building	1,000.00	1,000.00	0.00	0.00	1,000.00
014-00-44420	American Legion Income/Rent	3,000.00	3,000.00	0.00	0.00	3,000.00
014-00-44430	Visitor Center Rental	300.00	300.00	0.00	0.00	300.00
014-00-46110	Transfer from General Fund	30,000.00	30,000.00	0.00	0.00	30,000.00
014-00-46210	Miscellaneous Receipts	100.00	100.00	0.00	0.00	100.00
014-00-46880	Reimbursements	500.00	500.00	0.00	0.00	500.00
014-00-46887	Park Donations	0.00	0.00	400.00	400.00	-400.00
014-00-46888	Visitor Center Donations	118.00	118.00	0.00	0.00	118.00
014-00-46890	Contributions Fort Point	0.00	0.00	-40.73	-40.73	40.73
	Revenue Total:	217,932.00	217,932.00	35,392.25	35,392.25	182,539.75
Expense						
014-00-51505	PW Superintendent	1,000.00	1,000.00	839.19	839.19	160.81
014-00-51600	WWTP Operator	1,428.00	1,428.00	134.32	134.32	1,293.68
014-00-51800	Maintenance Worker #1	5,200.00	5,200.00	374.63	374.63	4,825.37
014-00-51801	Utility Worker #3	4,124.00	4,124.00	214.08	214.08	3,909.92
014-00-51810	Maintenance Worker #2	6,000.00	6,000.00	486.16	486.16	5,513.84
014-00-51820	Maintenance Worker #3	5,000.00	5,000.00	0.00	0.00	5,000.00
014-00-52010	Social Security	2,500.00	2,500.00	151.07	151.07	2,348.93
014-00-52020	PERS Retirement	5,000.00	5,000.00	533.79	533.79	4,466.21
014-00-52030	Worker's Comp./Disability Ins.	4,200.00	4,200.00	0.70	0.70	4,199.30
014-00-52040	Health, Dental, Life Ins.	7,500.00	7,500.00	500.63	500.63	6,999.37
014-00-53014	Charge to Parks	10,000.00	10,000.00	0.00	0.00	10,000.00
014-00-61210	Office & Operating Supplies	500.00	500.00	0.00	0.00	500.00
014-00-61260	Uniforms	750.00	750.00	0.00	0.00	750.00
014-00-61340	Fuel (Equip & Vehicles)	1,950.00	1,950.00	246.37	246.37	1,703.63
014-00-61360	Heating Fuel-Community Bldg	1,500.00	1,500.00	0.00	0.00	1,500.00
014-00-61361	Heating fuel - American Legion	1,500.00	1,500.00	0.00	0.00	1,500.00
014-00-62110	Auditing & Accounting	1,000.00	1,000.00	0.00	0.00	1,000.00
014-00-62160	Professional Services	500.00	500.00	0.00	0.00	500.00
014-00-62165	Tourism & Beautification Grant	15,000.00	15,000.00	9,690.00	9,690.00	5,310.00
014-00-62210	Telephone	400.00	400.00	45.22	45.22	354.78
014-00-62220	Internet Access	1,500.00	1,500.00	268.94	268.94	1,231.06
014-00-62410	Advertising	50,000.00	50,000.00	0.00	0.00	50,000.00
014-00-62415	Business Promotion	1,511.00	1,511.00	0.00	0.00	1,511.00
014-00-62610	Insurance & Bonds	4,314.00	4,314.00	0.00	0.00	4,314.00
014-00-62740	Electricity	1,212.00	1,212.00	0.00	0.00	1,212.00
014-00-62744	Electricity-Legion Hall	700.00	700.00	0.00	0.00	700.00
014-00-62745	Electricity-Community Bldg	5,000.00	5,000.00	0.00	0.00	5,000.00
014-00-62812	R & M - Battle Rock	2,500.00	2,500.00	184.17	184.17	2,315.83
014-00-62813	R & M - A-Frame	1,000.00	1,000.00	0.00	0.00	1,000.00
014-00-62814	R & M - Comm. Building	2,000.00	2,000.00	0.00	0.00	2,000.00
014-00-62817	R & M Visitor Center	5,000.00	5,000.00	0.00	0.00	5,000.00
014-00-62825	R & M - Buffington	1,200.00	1,200.00	662.23	662.23	537.77
014-00-62827	R & M - American Legion	1,000.00	1,000.00	0.00	0.00	1,000.00
014-00-62829	R & M - 12th St. Boat Ramp	2,000.00	2,000.00	19.47	19.47	1,980.53
014-00-62835	Small Tools & Minor Equipment	500.00	500.00	42.44	42.44	457.56
014-00-62836	Comm Bldg S Tools & Minor Equip	4,100.00	4,100.00	0.00	0.00	4,100.00
014-00-62837	Amer Legion S Tools & Minor Eq	2,000.00	2,000.00	4,184.98	4,184.98	-2,184.98
014-00-62840	Vehicles & Equipment Maint.	0.00	0.00	18.48	18.48	-18.48
014-00-62842	Parks Committee Projects	4,758.00	4,758.00	1,335.00	1,335.00	3,423.00
014-00-62846	Skate Park Committee Projects	1,000.00	1,000.00	0.00	0.00	1,000.00
014-00-62930	Custodial Services	1,600.00	1,600.00	1,307.74	1,307.74	292.26
014-00-62936	Miscellaneous	100.00	100.00	0.00	0.00	100.00
014-00-62945	Charge to Parks.	8,000.00	8,000.00	0.00	0.00	8,000.00
014-00-72036	Pinehurst Kayak Launch	200.00	200.00	0.00	0.00	200.00
014-00-72040	Battle Rock Parks Trails	2,500.00	2,500.00	0.00	0.00	2,500.00
014-00-73039	Visitor Center Improvements	1,000.00	1,000.00	0.00	0.00	1,000.00

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		Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
014-00-99000	Unappropriated Reserves	38,185.00	38,185.00	0.00	0.00	38,185.00
	Expense Total:	217,932.00	217,932.00	21,239.61	21,239.61	196,692.39
	Fund: 014 - PARKS FUND Surplus (Deficit):	0.00	0.00	14,152.64	14,152.64	
Fund: 020 - PUBLIC SAFETY						
Revenue						
020-00-40100	Prior Year Fund Balance	-114,821.00	-114,821.00	0.00	0.00	-114,821.00
020-00-41120	Property Taxes-Prior	9,565.00	9,565.00	645.98	645.98	8,919.02
020-00-41130	Public Safety Tax Option	279,912.00	279,912.00	0.00	0.00	279,912.00
020-00-41310	State Marijuana Tax	5,000.00	5,000.00	0.00	0.00	5,000.00
020-00-42010	Interest on Investments	1,500.00	1,500.00	8.28	8.28	1,491.72
020-00-43430	Police Grants	1,737.00	1,737.00	0.00	0.00	1,737.00
020-00-44190	Professional Services	6.00	6.00	0.00	0.00	6.00
020-00-44191	Burning Permit	360.00	360.00	0.00	0.00	360.00
020-00-45150	Insurance/Reimbursement	337.00	337.00	0.00	0.00	337.00
020-00-46110	Transfer From General Fund	350,000.00	350,000.00	0.00	0.00	350,000.00
020-00-46210	Miscellaneous Receipts	1,020.00	1,020.00	95.50	95.50	924.50
020-00-46710	Unclaimed Property	6,888.00	6,888.00	0.00	0.00	6,888.00
020-00-46880	Reimbursements	428.00	428.00	0.00	0.00	428.00
	Revenue Total:	541,932.00	541,932.00	749.76	749.76	541,182.24
Expense						
020-00-51100	Overtime	16,000.00	16,000.00	938.05	938.05	15,061.95
020-00-51120	On Call Pay	8,500.00	8,500.00	837.75	837.75	7,662.25
020-00-51520	Police Chief	65,000.00	65,000.00	5,836.89	5,836.89	59,163.11
020-00-51740	Police Sergeant	55,000.00	55,000.00	5,236.20	5,236.20	49,763.80
020-00-51755	Police Officer #2	48,750.00	48,750.00	4,075.20	4,075.20	44,674.80
020-00-51757	Police Officer #3	51,150.00	51,150.00	4,503.36	4,503.36	46,646.64
020-00-51850	Police Officer #4	20,000.00	20,000.00	2,601.00	2,601.00	17,399.00
020-00-52010	Social Security	21,957.00	21,957.00	1,799.31	1,799.31	20,157.69
020-00-52020	PERS Retirement	69,000.00	69,000.00	6,975.34	6,975.34	62,024.66
020-00-52030	Worker's Comp./Disability Ins.	12,000.00	12,000.00	8.58	8.58	11,991.42
020-00-52040	Health, Dental, Life Ins.	87,472.00	87,472.00	3,638.27	3,638.27	83,833.73
020-00-53020	Charge to Public Safety	31,452.00	31,452.00	0.00	0.00	31,452.00
020-00-61210	Office & Operating Supplies	2,000.00	2,000.00	155.00	155.00	1,845.00
020-00-61260	Uniforms	4,000.00	4,000.00	0.00	0.00	4,000.00
020-00-61340	Fuel (Equip & Vehicles)	13,100.00	13,100.00	1,809.15	1,809.15	11,290.85
020-00-62110	Auditing & Accounting	2,000.00	2,000.00	0.00	0.00	2,000.00
020-00-62140	Computer Services	110.00	110.00	0.00	0.00	110.00
020-00-62210	Telephone	6,734.00	6,734.00	294.39	294.39	6,439.61
020-00-62230	Postage	300.00	300.00	6.53	6.53	293.47
020-00-62343	Travel & Training / Meetings	2,504.00	2,504.00	0.00	0.00	2,504.00
020-00-62610	Insurance & Bonds	10,500.00	10,500.00	0.00	0.00	10,500.00
020-00-62835	Small Tools & Minor Equipment	1,000.00	1,000.00	12.99	12.99	987.01
020-00-62840	Vehicles & Equipment Maint.	6,000.00	6,000.00	26.00	26.00	5,974.00
020-00-62920	Dues & Memberships	532.00	532.00	0.00	0.00	532.00
020-00-62936	Miscellaneous	200.00	200.00	0.00	0.00	200.00
020-00-63215	Justice System	7,000.00	7,000.00	0.00	0.00	7,000.00
020-00-63216	King's Online	800.00	800.00	107.20	107.20	692.80
020-00-63223	Lexipol	2,647.00	2,647.00	0.00	0.00	2,647.00
020-00-74070	Equipment	10,000.00	10,000.00	0.00	0.00	10,000.00
	Expense Total:	555,708.00	555,708.00	38,861.21	38,861.21	516,846.79
	Fund: 020 - PUBLIC SAFETY Surplus (Deficit):	-13,776.00	-13,776.00	-38,111.45	-38,111.45	
Fund: 030 - WATER ENTERPRISE FUND						
Revenue						
030-00-40100	Prior Year Fund Balance	54,027.00	54,027.00	0.00	0.00	54,027.00
030-00-42010	Interest on Investments	1,000.00	1,000.00	135.83	135.83	864.17
030-00-43438	Hubbards Creek Watershed Grant	525,000.00	525,000.00	0.00	0.00	525,000.00
030-00-44109	Designated for Reserves	58,606.00	58,606.00	5,463.90	5,463.90	53,142.10
030-00-44110	Water Usage	400,000.00	400,000.00	35,259.03	35,259.03	364,740.97

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	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
030-00-44111 Door Hanger Fees	3,000.00	3,000.00	25.00	25.00	2,975.00
030-00-44112 Past Due Fees	13,000.00	13,000.00	945.00	945.00	12,055.00
030-00-44113 Contractor Water Usage	500.00	500.00	150.00	150.00	350.00
030-00-44114 Reconnect Fee	1,500.00	1,500.00	255.00	255.00	1,245.00
030-00-44116 Curtailment Fees	2,500.00	2,500.00	5,544.52	5,544.52	-3,044.52
030-00-44210 Water Connection Fees	5,000.00	5,000.00	0.00	0.00	5,000.00
030-00-45010 Irrigation Meters	1,000.00	1,000.00	0.00	0.00	1,000.00
030-00-45500 Restricted Cash-Deposits	2,000.00	2,000.00	100.00	100.00	1,900.00
030-00-46110 Transfer from General Fund	450,000.00	450,000.00	0.00	0.00	450,000.00
030-00-46210 Miscellaneous Receipts	213.00	213.00	-342.53	-342.53	555.53
030-00-46231 Transfer from Water Capital Reserves	100,000.00	100,000.00	0.00	0.00	100,000.00
030-00-46880 Reimbursements	1,000.00	1,000.00	0.00	0.00	1,000.00
030-00-46885 Bad Debt Received	500.00	500.00	0.00	0.00	500.00
Revenue Total:	1,618,846.00	1,618,846.00	47,535.75	47,535.75	1,571,310.25
Expense					
030-00-51100 Overtime	20,000.00	20,000.00	2,821.57	2,821.57	17,178.43
030-00-51120 On Call Pay	0.00	0.00	1,239.00	1,239.00	-1,239.00
030-00-51210 City Administrator	15,000.00	15,000.00	1,396.27	1,396.27	13,603.73
030-00-51300 Office Clerk	21,776.00	21,776.00	1,221.44	1,221.44	20,554.56
030-00-51350 Accounting Assistant	5,000.00	5,000.00	459.44	459.44	4,540.56
030-00-51400 Accountant	3,000.00	3,000.00	0.00	0.00	3,000.00
030-00-51505 PW Superintendent	32,500.00	32,500.00	3,176.92	3,176.92	29,323.08
030-00-51600 WWTP Operator	1,500.00	1,500.00	89.55	89.55	1,410.45
030-00-51800 Maintenance Worker #1	20,244.00	20,244.00	1,873.12	1,873.12	18,370.88
030-00-51801 Utility Worker #3	36,540.00	36,540.00	2,783.09	2,783.09	33,756.91
030-00-51810 Maintenance Worker #2	15,000.00	15,000.00	1,296.43	1,296.43	13,703.57
030-00-51820 Maintenance Worker #3	10,000.00	10,000.00	0.00	0.00	10,000.00
030-00-52010 Social Security	17,042.00	17,042.00	1,209.24	1,209.24	15,832.76
030-00-52020 PERS Retirement	54,303.00	54,303.00	4,262.64	4,262.64	50,040.36
030-00-52030 Worker's Comp./Disability Ins.	9,691.00	9,691.00	5.96	5.96	9,685.04
030-00-52040 Health, Dental, Life Ins.	69,517.00	69,517.00	3,712.92	3,712.92	65,804.08
030-00-61210 Office & Operating Supplies	1,889.00	1,889.00	27.58	27.58	1,861.42
030-00-61212 Water Purification Supplies	12,000.00	12,000.00	0.00	0.00	12,000.00
030-00-61220 Office Equip. Leases	1,000.00	1,000.00	0.00	0.00	1,000.00
030-00-61230 Software Maintenance	4,000.00	4,000.00	5.85	5.85	3,994.15
030-00-61260 Uniforms	600.00	600.00	0.00	0.00	600.00
030-00-61340 Fuel (Equip & Vehicles)	4,500.00	4,500.00	313.73	313.73	4,186.27
030-00-62100 Bank Charges	2,089.00	2,089.00	0.00	0.00	2,089.00
030-00-62110 Auditing & Accounting	7,500.00	7,500.00	0.00	0.00	7,500.00
030-00-62121 Engineering	15,000.00	15,000.00	0.00	0.00	15,000.00
030-00-62160 Contract Services	8,250.00	8,250.00	500.00	500.00	7,750.00
030-00-62210 Telephone	7,000.00	7,000.00	594.49	594.49	6,405.51
030-00-62220 Internet Access	750.00	750.00	89.99	89.99	660.01
030-00-62230 Postage	2,562.00	2,562.00	639.32	639.32	1,922.68
030-00-62343 Travel & Training / Meetings	1,986.00	1,986.00	335.00	335.00	1,651.00
030-00-62610 Insurance & Bonds	9,021.00	9,021.00	0.00	0.00	9,021.00
030-00-62740 Electricity	30,000.00	30,000.00	2,573.14	2,573.14	27,426.86
030-00-62811 Repairs/Maint-WTP	15,000.00	15,000.00	365.86	365.86	14,634.14
030-00-62816 Repairs & Maintenance Pump St	25,000.00	25,000.00	38.18	38.18	24,961.82
030-00-62830 Repairs & Maint.-Water Lines	20,000.00	20,000.00	1,908.46	1,908.46	18,091.54
030-00-62835 Small Tools & Minor Equipment	5,000.00	5,000.00	62.93	62.93	4,937.07
030-00-62840 Vehicles & Equipment Maint.	10,000.00	10,000.00	326.25	326.25	9,673.75
030-00-62844 Meter Repairs	10,000.00	10,000.00	0.00	0.00	10,000.00
030-00-62845 Repairs/Maint.(Test Equipment)	1,000.00	1,000.00	0.00	0.00	1,000.00
030-00-62912 Dues & OR Statutes	1,000.00	1,000.00	0.00	0.00	1,000.00
030-00-62925 Permits	4,000.00	4,000.00	1,500.00	1,500.00	2,500.00
030-00-62936 Miscellaneous	150.00	150.00	0.00	0.00	150.00
030-00-62943 Reimbursements / Deposits	500.00	500.00	0.00	0.00	500.00
030-00-62980 Lab Equipment & Supplies	2,500.00	2,500.00	0.00	0.00	2,500.00

Income Statement

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	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
030-00-62990 Testing	5,200.00	5,200.00	90.00	90.00	5,110.00
030-00-73031 Improvements-Water	450,000.00	450,000.00	0.00	0.00	450,000.00
030-00-73034 Equipment Replacement	0.00	0.00	1,573.96	1,573.96	-1,573.96
030-00-73035 WTP-Improvements	0.00	0.00	-0.25	-0.25	0.25
030-00-73036 Water Master Plan Update	525,000.00	525,000.00	0.00	0.00	525,000.00
030-00-73038 Hubbard Creek Impoundment	0.00	0.00	5.28	5.28	-5.28
030-00-97031 Transfer to Water Capital Reserves	56,492.00	56,492.00	0.00	0.00	56,492.00
030-00-97045 Transfer to Equip. Replace. Fu	10,000.00	10,000.00	0.00	0.00	10,000.00
030-00-98500 Contingency	38,744.00	38,744.00	0.00	0.00	38,744.00
Expense Total:	1,618,846.00	1,618,846.00	36,497.36	36,497.36	1,582,348.64
Fund: 030 - WATER ENTERPRISE FUND Surplus (Deficit):	0.00	0.00	11,038.39	11,038.39	
Fund: 031 - WATER CAPITAL RESERVES					
Revenue					
031-00-40100 Prior Year Fund Balance	86,989.00	86,989.00	0.00	0.00	86,989.00
031-00-42010 Interest on Investments	400.00	400.00	32.96	32.96	367.04
031-00-46130 Transfer from Water Enterprise	58,524.00	58,524.00	0.00	0.00	58,524.00
Revenue Total:	145,913.00	145,913.00	32.96	32.96	145,880.04
Expense					
031-00-91130 Transfer to Water Enterprise	100,000.00	100,000.00	0.00	0.00	100,000.00
031-00-98999 Reserved for Future Expenditures	45,913.00	45,913.00	0.00	0.00	45,913.00
Expense Total:	145,913.00	145,913.00	0.00	0.00	145,913.00
Fund: 031 - WATER CAPITAL RESERVES Surplus (Deficit):	0.00	0.00	32.96	32.96	
Fund: 035 - SEWER ENTERPRISE FUND					
Revenue					
035-00-40100 Prior Year Fund Balance	204,769.00	204,769.00	0.00	0.00	204,769.00
035-00-42010 Interest on Investments	5,603.00	5,603.00	347.85	347.85	5,255.15
035-00-44115 Designated for Reserves	59,423.00	59,423.00	6,064.96	6,064.96	53,358.04
035-00-44120 Sewer Usage	575,000.00	575,000.00	48,886.59	48,886.59	526,113.41
035-00-44213 Sewer Connection Fees	8,029.00	8,029.00	0.00	0.00	8,029.00
035-00-45500 Restricted Cash-Deposits	2,000.00	2,000.00	-100.00	-100.00	2,100.00
035-00-46210 Miscellaneous Receipts	1,000.00	1,000.00	0.00	0.00	1,000.00
035-00-46236 Transfer from Sewer Capital Reserves	100,000.00	100,000.00	0.00	0.00	100,000.00
Revenue Total:	955,824.00	955,824.00	55,199.40	55,199.40	900,624.60
Expense					
035-00-51100 Overtime	3,000.00	3,000.00	0.00	0.00	3,000.00
035-00-51200 City Administrator	17,000.00	17,000.00	1,512.61	1,512.61	15,487.39
035-00-51300 Office Clerk	16,500.00	16,500.00	1,221.43	1,221.43	15,278.57
035-00-51350 Accounting Assistant	5,000.00	5,000.00	507.78	507.78	4,492.22
035-00-51400 Accountant	10,000.00	10,000.00	0.00	0.00	10,000.00
035-00-51505 PW Superintendent	8,000.00	8,000.00	779.24	779.24	7,220.76
035-00-51600 WWTP Operator	50,000.00	50,000.00	4,253.57	4,253.57	45,746.43
035-00-51800 Maintenance Worker #1	5,628.00	5,628.00	272.46	272.46	5,355.54
035-00-51801 Utility Worker #3	5,200.00	5,200.00	470.98	470.98	4,729.02
035-00-51810 Maintenance Worker #2	6,500.00	6,500.00	648.21	648.21	5,851.79
035-00-52010 Social Security	7,500.00	7,500.00	703.23	703.23	6,796.77
035-00-52020 PERS Retirement	28,500.00	28,500.00	2,518.92	2,518.92	25,981.08
035-00-52030 Worker's Comp./Disability Ins.	4,750.00	4,750.00	3.71	3.71	4,746.29
035-00-52040 Health, Dental, Life Ins.	41,500.00	41,500.00	2,572.42	2,572.42	38,927.58
035-00-61210 Office & Operating Supplies	3,000.00	3,000.00	27.36	27.36	2,972.64
035-00-61220 Office Equip. Leases	1,200.00	1,200.00	0.00	0.00	1,200.00
035-00-61230 Software Maintenance	4,000.00	4,000.00	0.00	0.00	4,000.00
035-00-61260 Uniforms	500.00	500.00	0.00	0.00	500.00
035-00-61340 Fuel (Equip & Vehicles)	4,000.00	4,000.00	269.46	269.46	3,730.54
035-00-62100 Bank Charges	4,500.00	4,500.00	0.00	0.00	4,500.00
035-00-62110 Auditing & Accounting	4,800.00	4,800.00	0.00	0.00	4,800.00
035-00-62121 Engineering	1,000.00	1,000.00	0.00	0.00	1,000.00
035-00-62160 Contract Services	12,000.00	12,000.00	400.00	400.00	11,600.00

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		Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
035-00-62210	Telephone	3,000.00	3,000.00	340.72	340.72	2,659.28
035-00-62220	Internet Access	1,500.00	1,500.00	69.99	69.99	1,430.01
035-00-62230	Postage	3,000.00	3,000.00	639.31	639.31	2,360.69
035-00-62343	Travel & Training / Meetings	2,000.00	2,000.00	240.00	240.00	1,760.00
035-00-62610	Insurance & Bonds	8,500.00	8,500.00	0.00	0.00	8,500.00
035-00-62740	Electricity	35,200.00	35,200.00	1,943.77	1,943.77	33,256.23
035-00-62816	Repairs & Maint-Pump Station	17,000.00	17,000.00	460.00	460.00	16,540.00
035-00-62818	Repairs & Maint. - Sewer Lines	5,000.00	5,000.00	0.00	0.00	5,000.00
035-00-62821	Repairs & Maint-STP	20,000.00	20,000.00	13,274.51	13,274.51	6,725.49
035-00-62835	Small Tools & Minor Equipment	1,500.00	1,500.00	0.00	0.00	1,500.00
035-00-62840	Vehicles & Equipment Maint.	5,000.00	5,000.00	0.00	0.00	5,000.00
035-00-62845	Repairs/Maint.(Test Equipment)	1,000.00	1,000.00	0.00	0.00	1,000.00
035-00-62912	Dues & OR Statutes	500.00	500.00	0.00	0.00	500.00
035-00-62925	Permits	4,000.00	4,000.00	3,579.00	3,579.00	421.00
035-00-62936	Miscellaneous	1,000.00	1,000.00	0.00	0.00	1,000.00
035-00-62943	Reimbursements / Deposits	2,000.00	2,000.00	0.00	0.00	2,000.00
035-00-62980	Lab Equipment & Supplies	10,000.00	10,000.00	5.25	5.25	9,994.75
035-00-62990	Testing	2,000.00	2,000.00	0.00	0.00	2,000.00
035-00-73040	Wastewater Facilities Plan	100,000.00	100,000.00	0.00	0.00	100,000.00
035-00-81210	Bond Principal	26,432.00	26,432.00	0.00	0.00	26,432.00
035-00-81222	Rev. Bond III Principal	49,081.00	49,081.00	0.00	0.00	49,081.00
035-00-82210	Bond Interest	22,484.00	22,484.00	0.00	0.00	22,484.00
035-00-82222	Rev. Bond III Interest	84,171.00	84,171.00	0.00	0.00	84,171.00
035-00-97036	Transfer to Sewer Capital Reserves	62,933.00	62,933.00	0.00	0.00	62,933.00
035-00-97045	Transfer to Equip Replace Fund	10,000.00	10,000.00	0.00	0.00	10,000.00
035-00-98500	Contingency	30,000.00	30,000.00	0.00	0.00	30,000.00
035-00-98600	Bond Reserve - USDA 1996	48,916.00	48,916.00	0.00	0.00	48,916.00
035-00-98700	Bond Reserve-Revenue Bonds 04	133,252.00	133,252.00	0.00	0.00	133,252.00
035-00-99000	Unappropriated Reserves	22,277.00	22,277.00	0.00	0.00	22,277.00
	Expense Total:	955,824.00	955,824.00	36,713.93	36,713.93	919,110.07
	Fund: 035 - SEWER ENTERPRISE FUND Surplus (Deficit):	0.00	0.00	18,485.47	18,485.47	
Fund: 036 - SEWER CAPITAL RESERVES						
Revenue						
036-00-40100	Prior Year Fund Balance	253,342.00	253,342.00	0.00	0.00	253,342.00
036-00-42010	Interest on Investments	2,000.00	2,000.00	218.87	218.87	1,781.13
036-00-46135	Transfer from Sewer Enterprise	62,933.00	62,933.00	0.00	0.00	62,933.00
	Revenue Total:	318,275.00	318,275.00	218.87	218.87	318,056.13
Expense						
036-00-98999	Reserved for Future Expenditures	318,275.00	318,275.00	0.00	0.00	318,275.00
	Expense Total:	318,275.00	318,275.00	0.00	0.00	318,275.00
	Fund: 036 - SEWER CAPITAL RESERVES Surplus (Deficit):	0.00	0.00	218.87	218.87	
Fund: 040 - STREET FUND						
Revenue						
040-00-40100	Prior Year Fund Balance	91,458.00	91,458.00	0.00	0.00	91,458.00
040-00-41230	State Highway Tax	86,000.00	86,000.00	7,954.68	7,954.68	78,045.32
040-00-42010	Interest on Investments	500.00	500.00	99.99	99.99	400.01
	Revenue Total:	177,958.00	177,958.00	8,054.67	8,054.67	169,903.33
Expense						
040-00-51505	PW Superintendent	15,000.00	15,000.00	1,198.83	1,198.83	13,801.17
040-00-51800	Maintenance Worker #1	10,750.00	10,750.00	885.47	885.47	9,864.53
040-00-51801	Utility Worker #3	8,800.00	8,800.00	813.53	813.53	7,986.47
040-00-51810	Maintenance Worker #2	9,500.00	9,500.00	810.25	810.25	8,689.75
040-00-52010	Social Security	3,450.00	3,450.00	274.46	274.46	3,175.54
040-00-52020	PERS Retirement	10,000.00	10,000.00	966.33	966.33	9,033.67
040-00-52030	Worker's Comp./Disability Ins.	2,600.00	2,600.00	1.22	1.22	2,598.78
040-00-52040	Health, Dental, Life Ins.	18,700.00	18,700.00	872.49	872.49	17,827.51
040-00-61210	Office & Operating Supplies	250.00	250.00	0.00	0.00	250.00

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		Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
040-00-61260	Uniforms	500.00	500.00	0.00	0.00	500.00
040-00-61340	Fuel (Equip & Vehicles)	3,500.00	3,500.00	246.37	246.37	3,253.63
040-00-62610	Insurance & Bonds	5,500.00	5,500.00	0.00	0.00	5,500.00
040-00-62740	Electricity	1,500.00	1,500.00	0.00	0.00	1,500.00
040-00-62820	Repairs/Maintenance-Shop Yard	1,000.00	1,000.00	133.67	133.67	866.33
040-00-62835	Small Tools & Minor Equipment	1,000.00	1,000.00	4.83	4.83	995.17
040-00-62840	Vehicles & Equipment Maint.	2,500.00	2,500.00	5.36	5.36	2,494.64
040-00-62851	R & M - Streets	6,500.00	6,500.00	0.00	0.00	6,500.00
040-00-73031	Improvements - Streets	20,000.00	20,000.00	0.00	0.00	20,000.00
040-00-98500	Contingency	56,908.00	56,908.00	0.00	0.00	56,908.00
	Expense Total:	177,958.00	177,958.00	6,212.81	6,212.81	171,745.19
	Fund: 040 - STREET FUND Surplus (Deficit):	0.00	0.00	1,841.86	1,841.86	
Fund: 042 - STREETS CAPITAL IMPROVEMENT						
Revenue						
042-00-40100	Prior Year Fund Balance	4,365.00	4,365.00	0.00	0.00	4,365.00
042-00-42010	Interest on Investments	200.00	200.00	4.72	4.72	195.28
042-00-46110	Transfer from General Fund	27,000.00	27,000.00	0.00	0.00	27,000.00
	Revenue Total:	31,565.00	31,565.00	4.72	4.72	31,560.28
Expense						
042-00-98999	Reserved for Future Expenditures	31,565.00	31,565.00	0.00	0.00	31,565.00
	Expense Total:	31,565.00	31,565.00	0.00	0.00	31,565.00
	Fund: 042 - STREETS CAPITAL IMPROVEMENT Surplus (Deficit):	0.00	0.00	4.72	4.72	
Fund: 045 - EQUIPMENT REPLACEMENT FUND						
Revenue						
045-00-40100	Prior Year Fund Balance	113,503.00	113,503.00	0.00	0.00	113,503.00
045-00-42010	Interest on Investments	800.00	800.00	101.07	101.07	698.93
045-00-46030	Transfer from Water Enterprise	10,000.00	10,000.00	0.00	0.00	10,000.00
045-00-46035	Transfer from Sewer Enterprise	10,000.00	10,000.00	0.00	0.00	10,000.00
	Revenue Total:	134,303.00	134,303.00	101.07	101.07	134,201.93
Expense						
045-00-74020	Service Vehicle	100,000.00	100,000.00	0.00	0.00	100,000.00
045-00-98999	Reserved for Future Expenditures	34,303.00	34,303.00	0.00	0.00	34,303.00
	Expense Total:	134,303.00	134,303.00	0.00	0.00	134,303.00
	Fund: 045 - EQUIPMENT REPLACEMENT FUND Surplus (Deficit):	0.00	0.00	101.07	101.07	
Fund: 061 - WATER SYSTEM DEVELOPMENT						
Revenue						
061-00-40100	Prior Year Fund Balance	533,597.00	533,597.00	0.00	0.00	533,597.00
061-00-42010	Interest on Investments	4,000.00	4,000.00	576.76	576.76	3,423.24
061-00-44350	System Development Charges	40,000.00	40,000.00	0.00	0.00	40,000.00
	Revenue Total:	577,597.00	577,597.00	576.76	576.76	577,020.24
Expense						
061-00-98999	Reserved for Future Expenditures	577,597.00	577,597.00	0.00	0.00	577,597.00
	Expense Total:	577,597.00	577,597.00	0.00	0.00	577,597.00
	Fund: 061 - WATER SYSTEM DEVELOPMENT Surplus (Deficit):	0.00	0.00	576.76	576.76	
Fund: 062 - SEWER SYSTEM DEVELOPMENT						
Revenue						
062-00-40100	Prior Year Fund Balance	358,952.00	358,952.00	0.00	0.00	358,952.00
062-00-42010	Interest on Investments	2,500.00	2,500.00	387.99	387.99	2,112.01
062-00-44351	SDC Reimbursement Fees	27,540.00	27,540.00	0.00	0.00	27,540.00
062-00-44361	SDC Improvement Fees	2,820.00	2,820.00	0.00	0.00	2,820.00
	Revenue Total:	391,812.00	391,812.00	387.99	387.99	391,424.01

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	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Expense					
062-00-98999 Reserved for Future Expenditures	391,812.00	391,812.00	0.00	0.00	391,812.00
Expense Total:	391,812.00	391,812.00	0.00	0.00	391,812.00
Fund: 062 - SEWER SYSTEM DEVELOPMENT Surplus (Deficit):	0.00	0.00	387.99	387.99	
Total Surplus (Deficit):	-13,776.00	-13,776.00	17,855.92	17,855.92	

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City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Planning

ITEM NO: 6 d.

Attached are the amendments to the code that were discussed in the last Planning Commission Meeting.

Daniel will be working with them in the next meeting to clarify anything else that they want to address in the STR ordinance for a draft to be written. This last meeting we discussed some Good Neighbor Guidelines that the Planning Commission would like to be included in the business license process.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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STAFF REPORT

To: Krista Nieraeth, Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP; City Planner

Date: July 26, 2022

Subject: **DRAFT Revisions – For Review by Planning Commission August 2, 2022**

- ✓ Language that could be the basis for specifics within the code appear in **BOLD** font.
- ✓ Language that would be removed from our current code is shown with cross outs.
- ✓ Language that exists within our code that addresses housing options with no expectation for change is included with no bold or cross outs.

17.040.30 Definitions

Definitions of housing types:

"Accessory dwelling unit (ADU)" means an interior, attached, or detached residential structure with habitable space that provides shelter, cooking facilities, water and sanitary facilities that is accessory to a single-family dwelling. An ADU is not a motor vehicle or recreational vehicle. ADUs include, but may not be limited to the following examples:

- 1) **Cottages that are detached structures. These may be free-standing accessory structures or detached garage conversions.**
- 2) **Apartments that are attached or are part of the primary dwelling such as apartments over a garage, additions to existing dwellings, attic spaces or other conversions.**

"Apartment house." See "Dwelling, multi-family."

"Attached single-family dwellings." See "Rowhouse" or "Townhouse."

"Cottage Cluster residential" means a development technique wherein house sites housing sites or structures are grouped closer together with the remainder of the tract left in its a natural state or as landscaped open space. It does not necessarily have a mixture of housing types and uses, and is done in a unit, rather than planned phases. Structures can be in part of a single ownership, be in condominium ownership or other. Cottage Cluster Developments are processed

through Chapter 17.28 Planned Unit Development.

“Cottage dwelling” means a single family detached dwelling unit within a cottage housing development clustered around a common roadway, or space utilized by the occupants of the development and their guests.

"Condominium" means property development submitted under the provisions of ORS ~~are submitted under~~ ORS Chapter 100, processed in Port Orford through Chapter 16, and Section 17.28 Planned Unit Development.

"Dwelling, single-family" means a detached building or portion thereof, constructed on or off site containing ~~one dwelling unit~~ an independent living facility for one or more persons with provisions for living, sleeping, eating cooking and sanitation.

"Dwelling, multi-family" means a building containing three or more dwelling units on an individual lot, including, but not limited to multiplexes and apartments. ~~and condominiums.~~

"Dwelling, two-family" means a building designed for occupancy by two families, living separately, including duplex and semi-detached dwellings. ~~A two family dwelling may also be referenced as a duplex.~~ containing two independent living facilities with permanent provisions for living, sleeping, eating cooking and sanitation.

~~"Family" means an individual or two or more persons related by blood, marriage, legal adoption or guardianship, living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons, who need not be related by blood, marriage, legal adoption or guardianship living together in a dwelling unit. "Household" or "Family" means an individual, or two or more persons living together in a dwelling unit in which shelter, cooking facilities, water and sanitation are available.~~

"Guest house" means a small, detached accessory building without cooking facilities that is designed for and used to house nonpaying transient visitor or guests or occupants of the primary dwelling on the lot.

"Manufactured dwelling" means a residential trailer, mobile home, or manufactured home.

"Manufactured dwelling park" means any place where four or more manufactured dwellings or prefabricated structures as defined in ORS

455.010 that are relocatable, and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership; the primary purpose is to rent or lease space to any person for a charge or fee paid for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person, provided that each manufactured dwelling is not located on a single platted lot.

Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, intended for human occupancy, ~~that~~ **which** is being used for residential purposes, and was constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Mobile home" means a vehicle or structure constructed with wheels for movement on public highways, ~~that~~ **which** has sleeping, cooking and plumbing facilities; is intended for human occupancy and permanent residential purposes and ~~that met the Oregon Mobile Home Law in effect at the time of construction. that~~ **was constructed between January 1, 1962, and June 15, 1976; and met the construction requirements of Oregon mobile home law in effect at the time of construction.** The removal of the wheels does not alter this definition. A mobile home shall only be sited within an established mobile home park.

"Mobile home park" means a place where four or more mobile homes **recreational vehicles, or a combination thereof,** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such persons. **Mobile home park does not include lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City of Port Orford.**

"Planned Community" means any subdivision under ORS ~~Chapter 92 92.010 to 92.190~~ that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property and which is created under ORS ~~Chapter 94. 94.550 to 94.783.~~

"Planned unit development" means a single development in which a combination of uses compatible with the comprehensive plan and with neighboring properties is permitted subject to the procedural requirements of this title. ~~Some~~ **An** example ~~s~~ **are** is a planned housing project with **single-family, duplex,** and multiple-family homes, ~~apartment houses, and a shopping center; or a recreation~~ **facilities complex**

~~including the principle uses, parking, sanitary facilities and concessions or other similar uses.~~ **or other services to support the residential uses.**

"Prefabricated structure" means a building or subassembly which has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site; but does not include a manufactured structure.

1. "Recreational vehicle park" means a place where two or more recreational vehicles, ~~camping vehicles or trailers~~ are located within five hundred (500) feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose, the renting of space and related facilities for charge or fee, or the provision of space for free in connection with securing the patronage of a person.
"Recreational vehicle park" does not mean an area designated only for picnicking or overnight camping; or a manufactured dwelling park or mobile home park. In addition to City of Port Orford review responsibilities, Oregon State Building Codes has authority for plan review and construction of recreational vehicle parks.

17.12.010 Residential zone (1-R).

A. Purpose of Classification. The 1-R zone is designed to be applied to residential areas where dwellings are appropriate.

B. Uses Permitted Outright. In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling or duplex;
2. Manufactured home, in ~~accordance~~ **compliance** with Section [17.16.040](#);
3. Private stable where building site is one acre or more;
4. Farming where building site is one acre or more, but not including commercial livestock production;
5. Home occupation;
6. Childcare facility;
7. Residential care home;
8. Residential care facility;
9. **Accessory dwelling unit (ADU) in compliance with Chapter 17.16.090.**

C. Conditional Uses Permitted. In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. Church or school;
2. Grange hall or community building;

3. Public use facility or public utility, including, but not limited to, fire stations;
4. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months;
5. Utility facility, including substation or pumping station or private generator;
6. Commercial communications transmitter or receiver antenna;
7. Planned unit development ~~on a lot not less than three acres in compliance with Chapters 16.16 and 17.28.~~

E. Lot Size. Except as provided in Sections [17.20.030](#) and [17.20.040](#) in a ~~2-R~~ **1-R** zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water. If the lot is not served by public water system, the lot area shall conform to the State requirements established for on-site water supply.
2. When both a public water and sewage system are available:
 - a. For uses other than a mobile home park, the minimum lot area shall be 5,000 square feet; or
 - b. The minimum lot width shall be fifty (50) feet.

17.12.020 Residential zone (2-R).

A. Purpose of Classification. The 2-R zone is designed to be applied to residential areas where higher density housing is appropriate.

B. Uses Permitted Outright. In a 2-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling or duplex;
2. Manufactured home, in ~~accordance-~~ **compliance** with Section [17.16.040](#);
3. ~~Multiple~~ **Multi**-family dwelling;
4. Private stable where building site is one acre or more;
5. Farming where building site is one acre or more, but not including commercial livestock production;
6. Home occupation;
7. Childcare facility;
8. Residential care home;
9. Residential care facility.

10. Accessory dwelling unit (ADU) in compliance with Chapter 17.16.090.

C. Conditional Uses Permitted. In a 2-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. **Manufactured dwelling** ~~Park Mobile home~~ park;
2. Church or school;
3. Grange hall or community building;
4. Public use facility or public utility, including, but not limited to, fire stations;
5. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months;
6. Utility facility, including substation or pumping station or private generator;
7. Commercial communications transmitter or receiver antenna;
8. Planned unit development ~~on a lot not less than three acres~~ **in compliance with Chapters 16.16 and 17.28**;
9. Hospital, sanitarium, retirement home, medical or dental clinic.

17.12.030 Commercial zone (4-C).

A. Purpose of Classification. The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

B. Uses Permitted Outright. In a 4-C zone, the following uses and their accessory uses are permitted outright, provided that such use of operation does not create a nuisance because of odor, noise, dust, smoke, or gas:

1. Single-family dwellings or duplex;
2. **Manufactured home, in compliance with Section [17.16.040](#)**;
- ~~2- 3. Multiple Multi-family dwellings;~~
- ~~3- 4.~~ 4. Hotel or motel;
- ~~4- 5.~~ 5. Club or lodge hall;
- ~~5- 6.~~ 6. Hospital, sanitarium, retirement home, medical or dental clinic;
- ~~6- 7.~~ 7. Retail or service establishment;
- ~~7- 8.~~ 8. Automobile service station;
- ~~8- 9.~~ 9. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
9. ~~10.~~ Building material storage yard;

- 10. 11. Plumbing, electrical or paint contractors storage, repair or sales shop;
- 11. 12. Tire retreading or vulcanizing shop;
- 12. 13. Wholesale, trucking and storage establishment;
- 13. 14. Machine shop or cabinet shop;
- 14. 15. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section [17.12.040](#) (C);
- 15. 16. Park playground, fire station, library or museum;
- 16. 17. Childcare facility;
- 17. 18. Residential ~~care~~ care home;
- 18. 19. Residential care facility.

C. Conditional Uses Permitted. In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

- 1. ~~Mobile home park and/or recreational vehicle park; Manufactured dwelling Park Mobile home park;~~
- 2. Recreational vehicle park;
- 3. Planned unit development ~~on a lot of at least three acres in area in compliance with Chapters 16.16 and 17.28.~~
- 4. Utility facility, including substation or pumping station or private generator;
- 5. Communications transmitter, receiver, antenna or tower;
- 6. Wind generator;
- 7. Prefabricated structure.

17.12.040 Industrial zone (5-I).

A. Purpose of Classification. The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

B. Uses Permitted Outright. In a 5-I zone, the following uses and their accessory uses are permitted outright:

- 1. Single-family dwellings or duplex;
- 2. ~~Multiple~~ Multi-family dwellings;
- 3. Hotel or motel;
- 4. Club or lodge hall;
- 5. Hospital, sanitarium, retirement home, medical or dental clinic;

6. Retail or service establishment;
7. Automobile service station;
8. ~~Trailer or camping vehicle park;~~ **Recreational vehicle park;**
9. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
10. Building material storage yard;
11. Plumbing, electrical or paint contractor's storage, repair or sales shop;
12. Tire retreading or vulcanizing shop;
13. Wholesale trucking and storage establishment;
14. Machine shop or cabinet shop;
15. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabrication activities except those specifically listed in subsection C of this section;
16. Utility facility, including substation or pumping station or private generator;
17. Communications transmitter, receiver, antenna or tower;
18. Childcare facility;
19. Residential care home;
20. Residential care facility.

C. Conditional Uses Permitted. In a 5-I zone, the following and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. Manufacturing plant, including lumber and plywood mills;
2. Rendering plant or slaughterhouse;
3. Pulp or paper mill;
4. Cement or asphalt plant;
5. Airport or heliport;
6. Church or school;
7. Park, playground, fire station, library or museum;
8. Planned unit development ~~on a lot of at least three acres in area in~~ **compliance with Chapters 16.16 and 17.28.**

17.12.060 Marine activity zone (7-MA).

A. Purpose of Classification. The marine activity zone is to provide areas suitable for uses which depend upon or are benefitted by a waterfront location, and to reserve such areas for these uses.

B. Uses Permitted Outright. In a 7-MA zone, the following uses and their accessory uses are permitted outright:

1. Boat launching or moorage facilities, marina, boat charter service;
2. Piers, docks, bulkheads, jetties and backfills;
3. Seafood processing, storage and sales;
4. Boat and marine equipment sales, service, storage, rental or repair;
5. Fishing supply storage, manufacturing and sales;
6. Retail sales of water sporting goods or similar commodities;
7. Dredging and fill maintenance;
8. Offices which are related to marine activity;
9. Experimental laboratory for research or marine coastal production or resource;
10. Aquaculture and accessory facilities;
11. Open recreation area ~~and park~~ or recreational facility;
12. **Day use and picnicking.**

C. Conditional Uses Permitted. In a 7-MA zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. Eating and drinking establishments;
2. Motel or hotel;
3. Gift, novelty, or specialty shops, including the manufacture of such goods;
4. Government structure and use of land;
5. Storage of marine-oriented materials;
6. Public utility or public communication facilities;
7. Small boat manufacturer.

17.12.080 Shoreland overlay zone (9-SO).

A. Purpose of Classification. The purpose of the 9-SO zone is to protect shoreland resources identified in the comprehensive plan and to apply development standards to all uses within the shoreland boundary as applicable.

B. Uses Permitted Outright. In the 9-SO zone, the following uses are permitted outright. If they are conditional uses in the underlying zone, they shall be subject to the conditions referenced in Chapter [17.32](#).

1. Uses allowed in the underlying zone;

2. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
3. Water-dependent commercial and recreational developments;
4. Aquaculture;
5. Single-family ~~residences on existing lots or parcels~~ **dwelling**;
6. Dredged material disposal (DMD), mitigation or restoration on sites designated in the comprehensive plan.

17.12.090 Battle Rock mixed use zone (10-MU).

A. Purpose of Classification. The intent of the Battle Rock mixed use (10-MU) zone is to maintain small coastal town ambiance and small town neighborhood character by enhancing the economic value by identifying its unique features with planning that can systematically organize the development that will occur in the future, to encourage pedestrian friendly tourist commercial uses, and provide opportunities for residents and visitors to enjoy the built and natural environment.

B. Uses Permitted Outright. In the 10-MU zone, the following uses and their accessory uses are permitted outright subject to the conditions within this chapter:

1. Single-family dwelling or duplex;
2. Manufactured home, in accordance with Section [17.16.040](#);
3. ~~Multiple~~ **Multi**-family dwellings;
4. Home occupations;
5. Hotel, motel or other lodging;
6. Restaurants;
7. Club or lodge hall;
8. Emergency care facilities, medical or dental clinic;
9. Retail use, professional office or service use, including galleries;
10. Light manufacturing;
11. Park playground, fire station, library or museum;
12. Childcare facility;
13. Residential care home or residential care facility;
14. Any permitted use where building footprint exceeds 6,000 square feet, shall be subject to site plan review to comply with the provisions set forth in Chapter [17.33](#), Site Plan Review;
15. Any permitted use where building length exceeds 125 feet shall be subject to site plan review to comply with the provisions set forth in Chapter [17.33](#), Site Plan Review;

16. Day use and picnicking;

C. Conditional Uses Permitted. In a 10-MU zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32, and subject to the conditions within this 10-MU zone chapter:

1. Manufactured ~~dwelling home~~ park subject to Section 17.32.050 (A) and (E);
2. Planned unit development, ~~planned community, and cluster residential with multiple structures~~ subject to **in compliance with Chapters 16.16 and Section 17.28** on a lot of at least three acres in area, and subject to Section 17.32.050(A);
3. Utility facility, including substation or pumping station or private generator, subject to Section 17.32.050(A) and (D);
4. Wireless telecommunications facility, subject to building height restriction of zone, and subject to Section 17.32.050(A) and (D);
5. Wind generator, subject to Section 17.32.050(A) and (D);
6. Unified development on a lot of at least one-half acre, or 21,780 square feet, subject to Section 17.32.050(A);
7. Any permitted use with prefabricated structure, subject to Section 17.32.050(A) and (I).

E. Design Standards for All New Development. All new structures and substantial improvements in a 10-MU zone shall conform to the following design standards:

8. Manufactured ~~Home~~ **Dwelling** park. When manufactured homes within the manufactured ~~home dwelling~~ park are oriented with their back or side yards facing a public right-of-way, the Planning Commission may require installation of fencing and planting of a 10-foot-wide landscape buffer between the right-of-way and the manufactured home park for the privacy and security of residents and the aesthetics of the streetscape.

Chapter 17.16 Supplementary Provisions

17.16.040 Manufactured home placement on individual lots.

A manufactured home placed on an individual lot shall ~~comply with the following provisions. C.~~ **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. Additional certification shall not be required.

~~A.—The manufactured home shall be multi-sectional and enclose a space of not less than 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 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. Additional certification shall not be required.~~

17.16.090 Additional Dwelling Unit (ADU)

The purpose of this clause is to increase housing options within the City of Port Orford. All the following criteria shall apply.

A single ADU with a kitchen is a permitted accessory use to an existing single-family-dwellings on an individual lot within 1-R and 2-R in residential zones subject to all the following:

- a. An ADU is permitted to serve as a long-term rental; An ADU is not permitted to be used for a short-term rental in increments of 30-days or less.**
- b. No ADU shall be permitted on a lot that is less than 5,000 square feet.**
- c. An ADU shall not be advertised or otherwise promoted as a vacation rental.**
- d. An ADU is not permitted on an individual lot where more than one dwelling unit already exists through a permitted duplex, a grandfathered dwelling use, a violation other.**

- e. **An ADU is permitted to have a maximum footprint of 750 square feet including enclosed habitable space.**
- f. **A guest house that exists on an individual lot may be modified to include a kitchen when there is compliance with all the criteria of Section 17.16.090.**
- g. **An ADU shall comply with all the setbacks of the zone.**
- h. **Applications for an ADU shall include a site plan with measurements showing that there is room for three (3) dedicated parking spaces on the lot in order to be approved for an ADU.**
- i. **Residents and visitors of the ADU shall not block mailboxes where there is street delivery of mail.**
- j. **An ADU shall obtain separate hookups for sewer and water from those of the single-family dwelling on the property.**
- k. **An ADU shall comply with all building codes applicable for habitation as a single-family dwelling.**

17.32.050 Additional standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards in this title, conditional uses must meet the following standards:

A. Conditional Uses, Generally.

1. **Setbacks.** In a residential zone, yards shall be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.
2. **Limitation on Access to Property and on Openings to Buildings.** The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.
3. **The City may require assurances to guarantee development in accordance with the standards established and conditions imposed in granting a conditional use.**

B. Church, Hospital, Nursing Home, Convalescent Home, Retirement Home, Multi-family dwelling unit(s), not including condominiums.

1. ~~A church, hospital, nursing home, convalescent home or retirement home may be authorized as a conditional use after consideration of the following factors:~~ **Such uses may be authorized by the Planning Commission as a conditional use after presentation of a site plan addressing all of the following factors and findings that the Planning Commission has determined that the use complies with City requirements and will serve the needs of the intended use.**

- a. ~~Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school or parish house are considered separate principal uses with additional lot area required);~~ **A map of existing features on the property and identified adjacent uses. This map should include but not be limited to topography, wetlands, natural hazards, adjacent streets with widths and location of underground and overhead utilities.**
- b. ~~Location of the site relative to the service area of the church, hospital or home;~~ **Proposed ingress and egress.**
- c. ~~Probable growth needs.~~ **Proposed underground and overhead utilities including water and sewer lines and lighting.**
- d. ~~Site location relative to land uses in the vicinity;~~ **All proposed structures.**
- e. ~~Adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets.~~ **Proposed parking spaces with identification of ADA spacing, areas for loading and unloading, and travel lanes with widths and improvements.**
- f. **Proposed sidewalks.**
- g. **Proposed landscaping.**
- h. **Setbacks.**
- i. **Proposed shelters or structures for mechanical equipment and refuse.**

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

E. ~~Mobile Home Park.~~ **Manufactured Dwelling Park**

~~A mobile home manufactured dwelling park may be permitted as a conditional use provided it meets the requirements of the zoning, Chapter 446 of Oregon Revised Statutes,~~

~~and the Rules Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trail Parks adopted by the Oregon State Board of Health, and all the following standards:~~

~~2. In addition, the following minimum standards shall apply:~~

2. Oregon State Building Codes has authority for plan review and construction of manufactured dwelling parks.
3. Improvements in manufactured dwelling parks shall include paved streets, roads and parking areas with fire hydrants and roadways designed to accommodate the movement of public fire vehicles to provide protection to the entire park.
4. ~~Parking Space Requirement.~~ A parking space shall be provided for each ~~mobilehome~~ **manufactured home** space on the site. In addition, guest parking spaces shall also be provided ~~in every mobilehome park~~ within two hundred (200) feet of the ~~mobilehome spaces~~ **each manufactured home space** and ~~served~~ at a ratio of one **guest** parking space for each two ~~mobilehome~~ **manufactured dwelling** spaces. Parking spaces shall have durable and dustless surfaces adequately maintained to **city standards** for all-weather use, ~~and shall be properly drained.~~ **with approved drainage.**
5. Manufactured dwelling parks shall not be used for transient occupancy stays of less than thirty (30) days).
6. Maps showing topography, wetlands, hazards, and other site conditions shall be included on a map and included as an element of any application to the City.
7. ~~A site plan~~ drawn to scale shall be provided. The site plan shall show adjacent properties, streets, and street widths, proposed spacing, existing vegetation to be maintained, proposed landscaping including selected plant species, walkways, parking, storage, permanent structures, office space and other information required by this section.
8. Utility easements including those for city services, electricity, and other public facilities shall be shown on the site map. Provisions for television and telephone shall be provided. Sewer and water and hookup locations shall be included.
9. The perimeter of the property shall have setbacks that comply with the zone; and where the zone has no setback requirements, the setbacks for the use shall be as follows:
 - a. The front yard shall be a 'minimum of ten feet.
 - b. The side yard shall be a minimum of 10 feet.
 - c. The rear yard shall be a minimum of 10 feet.
10. Setback areas shall be landscaped with vegetation that is expected to grow to six feet in height at maturity, and thrive within the local climate, without a

necessity for ongoing watering. Approved six-foot fencing may be substituted for landscaping on some sides of the property subject to Planning Commission approval. Vegetation, landscaping, and fencing shall be maintained.

11. The manufactured dwelling park shall have engineered plans approved for storm and surface water management and erosion prevention and sediment control in compliance with Chapters 17.17 and 17.18.
12. Depending upon the size of the manufactured dwelling park, the Planning Commission may require a playground, open space, or other common facilities.
13. A manufactured dwelling park shall show evidence of City sewer and water or State approved community water and sewer systems.
14. Any locations for accessory buildings to be permitted in the manufactured dwelling park shall be approved as an element of the site plan for the manufactured dwelling proposed for approval by the Planning Commission.
15. Manufactured dwellings in a manufactured dwelling park shall include a water closet, lavatory and bathtub or shower, and a kitchen area containing a sink.
16. In a manufactured dwelling park in which individual lots are separately owned, the same person shall own the manufactured dwelling to be situated thereon, and the owner of the lot shall agree that if the manufactured home is removed from its foundation, the owner shall within 30 days either replace the manufactured home with another approved home, or remove the foundation, manufactured home accessory structures and other structures on the property and disconnect sewer, water and other utilities. The agreement shall further provide that the city may make the removal and disconnection and place a lien against the property for the cost of the work.

Chapter 17.28 Planned Unit Developments

17.28.010 ~~Standards and requirements.~~ General Provisions.

Purpose and Intent

The following shall be observed when a planned unit development in a zone in which it is permitted. (~~Ord. 278 § 5.010, 1977~~) **The PUD conditional use permit process provides an opportunity for the property owner to preserve unusual physical features that are part of the site by providing for equivalent use of the remainder of the property to comply with the intent of the zoning.**

Historical, topographical, or other distinctive features of the property may be protected or enhanced through the PUD. A PUD is suitable for condominium development, subdivision development and other development that includes

common ownerships by the occupants. This could include, but is not limited to features such as facilities, open space or other, and may include varying housing types. The intent is to develop land and housing in a manner that creates an attractive, healthful, efficient, and stable environment.

17.28.020 Procedures.

Application

~~The following procedures shall be observed is required when a planned unit development proposal is to be submitted for consideration.~~

Procedures and documents to be included for submitting the application are provided within this section:

- A. ~~An applicant shall submit 15 copies of a preliminary development plan to the Planning Commission for study at least seven days prior to the commission meeting at which it is to be considered. The preliminary plan shall include the following information: A preapplication conference shall be scheduled with the City prior to the filing of any application for a PUD. The applicant is required to address the intent of the PUD and provide draft documents described in this Section. Engineers, planners, architects, or other professionals who will be preparing the application should be included in the preapplication meeting. The City may invite state agency personnel or other stakeholders having an interest in the application.~~

- B. **The following documents are to be included in the application:**

~~The preliminary plan shall include the following information:~~

- ~~1. Proposed land uses, building locations and housing unit densities;~~
- ~~2. Proposed circulation pattern indicating the status of street ownership;~~
- ~~3. Proposed open space uses;~~
- ~~4. Proposed grading and drainage pattern;~~
- ~~5. Proposed method of water supply and sewage disposal;~~
- ~~6. Economic and supporting data to justify any proposed commercial and industrial elements in the area not so zoned;~~
- ~~7. Relation of the proposed development to the surrounding area and to the comprehensive plan.~~

~~B. Prior to discussion of the plan and a planning Commission meeting, copies shall be given to the City Engineer and county sanitarian for study and comment.~~

- 1. Existing site maps showing physical features of the site and narrative that addresses the PUD.**
- 2. Proposed land uses, building locations and housing units with density, calculations that comply with the zoning; or explanation of a vision**

to meet a housing need, with reasons and findings as to any purpose for the development and a proposal to dispense with such density calculations.

3. Description of unusual physical or cultural feature(s) of the property which can be conserved and thus provide the applicant with equivalent use of the property as a result of the PUD process;
4. Proposed circulation pattern indicating the proposed street ownership;
5. Proposed open space and common areas including appropriate access with pathways or sidewalks;
6. Site maps with topography, culture, or history with and notations of special conditions or objectives that exist to warrant departure from standard zoning requirements;
7. Proposed method of water supply and sewage disposal;
8. Setbacks around the perimeter of the property that comply with the zoning;
9. Proposed landscaping plan that shows landscaping and any fencing; proposed within the perimeter of the site in compliance with the zoning;
10. Economic and supporting data to justify any proposed nonresidential elements;
11. Lighting to comply with Chapter 15.17 Outdoor Lighting Code;
12. Analysis of the proposed development in relationship to the neighborhood and the streets.
13. Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs), articles and bylaws of the homeowner's association (HOA) as applicable.

~~B. Prior to discussion of the plan and a Planning Commission meeting, copies shall be given to the City Engineer and county sanitarian for study and comment.~~

- C. The applicant shall submit a consolidated plan that includes all that is required under Municipal Code Chapter 16.16 including submission of a tentative plan in compliance with Section 16.08.020.

- D. The applicant shall include analysis of the PUD in relation to adjacent streets and properties to assure that there are not negative aspects due to lack of capacity.**
- E. The applicant shall provide a timeframe for completion of the project along with explanations or charting of activities to be completed.**
- F. The City will schedule and provide notice of a Planning Commission's public hearing.**
- G. Following any approval of the tentative plat, the applicant shall comply with Chapter 16.20 Final Plats.**
- ~~C. In reviewing the preliminary plan, the commission must determine that:~~
- ~~1. Special physical conditions or objectives or development exist to warrant a departure from standard regulation requirements.~~
 - ~~2. Resulting development will not be inconsistent with the comprehensive plan objectives or zoning provisions of the area.~~
 - ~~3. The area around the development can be planned to be in substantial harmony with the proposed plan.~~
 - ~~4. The plan can be completed within a reasonable period of time.~~
 - ~~5. Any proposed commercial or industrial development can be justified economically.~~
 - ~~6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside and adjacent to the planned unit development.~~
 - ~~7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.~~
- ~~D. If the Planning Commission finds that the foregoing provisions are satisfied, the proposal shall be processed in accordance with the procedure used for establishing a subdivision. If the Planning Commission finds to the contrary, they may recommend the application be denied or returned to the applicant for revision.~~
- ~~E. In addition to the requirements of this section, the Planning Commission shall follow the procedure for considering an amendment as required in Chapter 17.32.~~
- ~~F. Permits for the construction in a planned unit development shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the commission for processing as an amendment to this title.~~
- ~~G. An approved planned unit development shall be identified on the zoning map.~~
- ~~(Ord. 278 § 5.020, 1977)~~

17.28.050 Criteria for Approval of a PUD

- A. Compliance with the Port Orford Comprehensive Plan Goals and Policies.
- B. Compliance with the Provisions of Chapter 17.28.
- C. Compliance with Title 16, Chapter 16.16 of the Port Orford Municipal Code, except where the Planning Commission permits deviation and provides findings to allow for a needed housing type that is not addressed within Chapter 16.16.
- D. Compliance with Chapter 16.08.020 Tentative plans and plats – Contents, and Chapter 16.20 Final Plats.
- E. Compliance with Municipal Code Chapter 15.17 Outdoor Lighting Code.
- F. Streets are adequate to support the anticipated traffic.
- G. Demonstrated ability to complete the plan within the proposed stated timeframe.
- H. Compliance with Municipal Code, Chapter 17.17 Erosion Prevention and Sediment Control, Chapter 17.18 Storm and Surface Water Management Standards, and other requirements of the code that apply.
- I. Compliance with the provisions of any applicable overlay zones.
- J. Proposed utilities are adequate for the development.
- K. Compliance with ORS 94 Real Property Development and other Oregon laws which regulate specific uses to be included in the PUD.
- L. The proposed Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs), articles and bylaws of the homeowner's association (HOA) as provided need to comply with applicable Oregon laws including but not limited to ORS 94 Planned Communities, and ORS 100 Condominiums.

~~Chapter 16.16~~

~~PLANNED UNIT DEVELOPMENTS~~

~~Sections:~~

~~16.16.010 General provisions.~~

~~16.16.020 Tentative plans –~~

~~Contents.~~

~~16.16.030 Action by the planning director and planning commission.~~

~~16.16.010 General provisions.~~

~~A. A planned unit development is a development for multiple use of all or a portion of the land and facilities. Examples are a condominium, subdivision type development, where there are common areas such as parks, recreational areas~~

~~and facilities, etc., for the use of the owners or occupants rather than the general public; trailer or mobile home parks, or private mausoleum or cemetery.~~

~~B. The intent of a planned unit development is to develop land for residential, business, commercial, industrial or other uses in a manner which creates an attractive, healthful, efficient and stable environment.~~

~~C. No multiple unit structure or structures shall be constructed on one site containing over~~

three acres unless it is an approved planned unit development.

D. Before any plan or plat of a planned unit development may be made and recorded, the person proposing the same or his authorized agent or representative, shall make an application in writing to the planning commission for approval thereof. Each application shall be accompanied by seven copies of a tentative plan including plats and maps showing the general design.

E. The application shall be filed with the city clerk.

F. Approval of the tentative plan shall not constitute final acceptance, however, approval of such tentative plan shall be binding upon the planning commission for the purposes of the preparation of the final plan and the planning commission may require only such changes as are necessary for compliance with its approval of the tentative plan.

G. Detailed specifications of buildings are not required, however the applicant must furnish proof that the same comply with applicable building, health, fire and safety codes.

H. Before final approval the applicant must furnish proof of compliance with all applicable laws pertaining to condominiums and joint ownership and use.

I. Because of varying types and complexities of planned unit developments, the specifications first dispose of this. If such disposition is favorable to the applicant, the planning commission shall then proceed with the consideration of the planned unit development in accordance with Section 16.08.040, subsections

D and E. (Ord. 258 § 7(7), 1974)

required herein are minimum requirements, and greater detail may be required by the planning director or planning commission.

(Ord. 258 § 7(A), 1974)

16.16.020 Tentative plans Contents

A. The tentative plat or map shall be to the largest practical scale so as to show clearly all details and shall be to a scale of one inch to twenty five (25), fifty (50) or one hundred (100) feet.

B. The tentative plat or map shall in general follow the requirements for tentative plans and plats of subdivisions as contained in Section 16.08.020, and, in addition, shall contain the following:

1. Location and dimensions of all proposed and existing structures together with the name and address of any architect, engineer or designer designing the same;

16.04.070

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2. Housing or use densities;

3. Location and size of all parking areas;

4. Landscaping, walls and fences. (Ord. 258 §

7(B), 1974)

16.16.030 Action by the planning director and planning commission.

In general the actions taken by the planning director and the planning commission shall be

the same as stated in Section 16.08.040, pertaining to subdivisions and major partitions.

In the event of a zone change or a conditional use

permit is required, the planning commission shall

Chapter 16.16

PLANNED UNIT DEVELOPMENT

Sections:

16.16.010	General Provisions.
16.16.020	Tentative plan.
16.16.030	Final Plat.

16.16.010 General Provisions

- A. The purpose of this chapter is to provide the necessary linkage necessary for the subdivision plat to work hand in hand with Chapter 17.28, which addresses the site and the integration of zoning with the physical and cultural features of the property.
- B. This chapter provides an option for cottage dwelling development within the Commercial (4-C) zone. Applicants proposing cottage dwelling or cottage cluster development within the (4-C) zone may utilize Planned Unit Development criteria as an option to create a unique subdivision with common areas.
- C. A Tentative Plan shall be approved in a consolidated application with Chapter 17.28 of the Port Orford Municipal code whereby the application for a PUD is approved through a Conditional Use Permit.
- D. Approval of the tentative plan is binding upon the City for purposes of the preparation of the final plan. The Planning Commission may require only such changes as are necessary for compliance with the approval of the tentative plan.
- E. Final Approval constitutes compliance with all the applicable requirements and conditions of the City and State of Oregon for approval of the PUD. Upon final approval, the approved PUD is identified on the zoning map.

16.16.020 Criteria for cottage development in the (4C) zone

Cottage dwellings are intended to provide an option for a group of smaller housing units fronting on a roadway or common area.

- A. Cottage dwelling groups shall contain a minimum of four (4) dwelling units.
- B. Any modifications to street standards may be permitted as part of the Conditional Use Permit application provided that there is compliance with the following:

- a. Proposed streets shall be included on the site plan for development presented by the applicant as part of the consolidated approval of the PUD through the conditional use permit process.
 - b. There shall be compliance with fire safety standards of the State Fire Marshal.
 - c. Each lot shall have frontage or access on a public street.
 - d. Two spaces for parking shall be provided on each lot, or otherwise a common parking area may be organized to include two parking spaces for each dwelling with a maintenance plan to be shared by all of the owners.
 - e. A maintenance plan for streets and common areas shall be part of the application except where a road is built to City specifications and accepted by the City of Port Orford.
- C. A Cottage dwelling shall not be permitted as a vacation rental.
- D. Cottage dwellings shall be separated by fenced yards, or ten (10) feet of landscaping approved as an element of the PUD through the consolidated land use processes of the conditional use permit approval and the organization of a subdivision or amalgamation of lots through a replat process.
- E. Cottage dwellings shall include at least three of the following building articulation features:
- a. Dormer.
 - b. Recessed entry.
 - c. Bay or bow window.
 - d. Attached garage.
 - e. Roof with a pitch greater than nominal 3/12.
 - f. Offset on building face or roof that is a minimum of twelve (12) inches.
 - g. Covered porch entry.
 - h. Eaves that are a minimum of six inches.
 - i. Roof of tile, composition, shake, standing seam metal or other metal roofing simulating traditional roofing material such as slate and tiles.
 - j. Shingle siding.
 - k. Shutters.
 - l. Secondary entrance.
 - m. Other design features may be considered subject to approval by the City Planning Commission or the City Council as applicable to the approval process.

16.16.030 Tentative plan

- A. The tentative plat or map shall be to the largest practical scale to show the required details and shall be to a scale of one inch to twenty-five (25), fifty (50) or 100 (100) feet.
- B. The Tentative plan map(s) shall be as specified for tentative plat maps included for subdivisions and partitions as contained in Section 16.08.020, with additional items for the PUD application as follows:
 - a. Any replat, boundary adjustments or partitioning that is necessary for the PUD use shall be part of the consolidated application.
 - b. The boundary line of the entire tract to be included within the PUD.
 - c. Location and dimensions of all proposed structures, and existing structures that will remain on the tract shall be shown.
 - d. The name of the PUD shall not be identical to any other PUD or subdivision within Curry County.
 - e. The name and address of any architect, engineer, surveyor and/or landscape architect involved in preparing the application.
 - f. Legal description, and assessor's map numbers shall be included.
 - g. Contours with intervals of five feet or less shall be shown.
 - h. The names of adjacent subdivisions and partitions shall be included.
 - i. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract shall be included.
 - j. Proposed street patterns and sidewalks in the interior, with widths, grades, and names of all streets within the PUD shall be provided.
 - k. A chart with approved housing density equivalents shall be included except where such requirements do not exist in the specific zone.
 - l. Location, size and provision for maintenance of any common ownerships including, but not limited to streets, sidewalks, trails, parking areas and open space shall be included, along with dimensions.
 - m. Any existing wetlands, hazard areas, tsunami overlay, or flood overlay areas shall be identified and considered in the presentation for development of the site.
 - n. Accesses for the PUD shall be specified.
 - o. Easements, together with their location and purpose shall be included.
 - p. Metes and bounds description of the PUD lot, with distances to the nearest tenth of a foot and angles to the nearest thirty-second shall be included.
 - q. Zoning as set forth in the zoning ordinance for the PUD lot shall be identified.
 - r. Location of all monuments found or set in the area shall be included.
 - s. A plan providing for electrical and other necessary services to the lot, with letters from the appropriate utilities stating that they can serve the PUD use shall be included.

- t. Landscaping plan and any walls or fencing to be part of the PUD.
- u. A storm and surface water management plan as set forth in Chapter 17.18 shall be provided.
- v. An erosion and sediment control plan as set forth in Chapter 17.17 shall be included.
- w. A vicinity map with the site identified shall be included.
- x. Other information that may be required by the City.

16.16.030 Final plat

The Final Plat shall comply with the approved tentative plan, subject to Chapter 16.20; the final plat shall also comply with applicable provisions of Oregon laws, which may apply, depending upon the configuration of the PUD. These laws may include one or more of the following:

- a. ORS 92, Subdivisions and Partitions.
- b. ORS 94, Real Property Development (planned communities).
- c. ORS 100, Oregon Condominiums Law.

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Port Orford Watershed Council Report

Forest Management Plan

Ben Hayes of Springboard Forestry has sent the first draft to DEQ for review. There will be minor clarification on soils, but otherwise it meets the requirements for the Drinking Water State Revolving Fund loan.

Originally Ben rearranged the work plan to provide the portion necessary for the DWSRF application in time for the August 12 deadline. Since that is no longer relevant, they will release the plan for the entire watershed in September.

There will be a public outreach effort to share the plan sometime in Fall 22.

Progress on Drinking Water State Revolving Fund Loan Application

Linda Tarr worked with Jacquie Fern, with help from Robbie Lascheck of Curry Watersheds Partnership to complete a first draft of the narrative portion of the application. Without any engagement from City Administration, it wasn't possible to take advantage of the review process prior to the August 12 deadline. There must be engagement from the City on the financial information and decisions that are required.

The next deadline is DECEMBER 9, 2022. To take advantage of the review process, an internal deadline of NOVEMBER 15 is recommended.

Does the City plan to follow through on the commitment to The Conservation Fund to seek funding and purchase the Wilson property? If so, can there be direct involvement from one or more members of the Council to cover the tasks needed to apply for this funding?

Lee Property Update

The Yellow Book Appraisal came in at \$425,000. Mary Lee withdrew from her agreement with the City and Wild Rivers Land Trust, as this amount does not meet her economic goals. She has approached POWC and WRLT about a possible purchase of the portion of the property that includes the creeks and steep slopes. There will be discussion next week about possible strategies to protect this critical part of the Watershed. A Conservation Easement is something POWC will research.

Coalition for Oregon Land Trusts Conference 9/22/22

POWC and WRLT are co-hosting this conference of public, private and non-profit organizations involved in drinking water protection. This will include a walking tour of portions of the Port Orford Watershed. Estimated

number of attendees is ~35. WRLT is coordinating the liability waiver and access with City Admin.

Planning for Oregon Land Acquisition and Conservation Workshop

Linda was asked to help plan a conference of DEQ, EPA and other entities planning the process by which Bipartisan Infrastructure funds will be used for land acquisition for drinking water protection. This will happen either in late October or early November. This is an opportunity to advocate for this funding to be available in a timely manner, accessible for small communities with administrative capacity challenges.

Fundraiser with WRLT

A fundraiser was held on Saturday, August 13 at Mr. Ed's. Two bands, raffle prizes, silent auction. Lots of support from the community on the prizes. Originally this had been planned to begin fundraising for purchase of the Lee property. The plan was changed to raise funds to recoup the cost of the Yellow Book appraisal for the Lee property and support the cost of stewardship for proposed Conservation Easements in the Watershed.

City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Roof and Building Repair

ITEM NO: 7 a.

Building Repair and Maintenance quotes have been received by both Tom West and Roofers LLC. We have reached out a multiple other Roofing companies and have never received a call back. I have heard that they are all very busy.

I have attached the repair quotes for the City Council to Review.

Suggested Motions

Motion to Approve the quote from Roofers LLC.

I move to approve the quote from Roofers LLC for repair of the Wastewater Treatment Plant, Water Treatment Plant, Visitors Center, Community Center Building, and City Hall.

Motion to Approve the quote from Tom West

I move to approve the quote from Tom West on the Water Treatment Plant.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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The Roofers LLC

CCB #215757
95862 Dotson Lane
Brookings, OR.
97415

City Hall Building: Findings are as follows:

Roof is leaking. TPO roof is newer than the others and thus less urgent. It is my opinion that this roof is failing due to pitch and layout. This building really should be pitched. No way of knowing how much wood rot is under the TPO or pinpoint the leaks. Temporarily we may be able to seal seams to try and stall the leaks, but it will need more in a couple of years. You will need a construction company/architect to plan new roof/pitch. Also, HVAC, Plumbing, Heating, and Electric will all need to be involved. Once the building is ready, we can roof the pitched building. This is a large project, however, looking at the big picture it is more cost effective. One major renovation and then its good for another 35 to 40 years. The flat roofing usually only holds up for 10 to 12 here on the coast and usually ends with replacing plywood from leaks being undiscovered.

The Water Treatment Building:

Roof is beyond bad. Top priority! The wood is rotten and will need replaced, because we know this to be the case, it is my opinion that this too should be pitched. Now is the perfect time to do so. The additional cost of trusses is minimal on this small 2 part roof. (Estimated cost of pitching roof is \$5000.00 to \$8000.00 depending on the damage to support beams.) Once it's pitched the cost of roofing is approximately \$10,000 and \$4000 for the existing pitched roof beside it.

Waste Water Treatment Building:

Roof is bad. Shingles are deteriorated and showing fiberglass. The penetrations are all leaking, and the ridge is leaking. The vents are crumbling to touch, and all the pipe jacks are cracked. We caulked the holes and put ice and water at ridge to help prevent wind driven rain, but that is only a temporary fix. This building needs to be fixed as soon as possible to prevent further damage. The estimate to fix this building \$27,500.00.

The Visitors Center:

Roof is past age and needs to be replaced. Its leaking from numerous places, including skylights. The tongue and groove beneath the deck is showing water stains and will continue to rot until it is replaced. The estimate to reroof this building is \$11250.00.

The Community Building:

This roof is metal and still has lots of life to it. The screws need to be replaced and perhaps a coat of paint to prevent the continuation of rust, but all and all it's the least important of the listed roofs. Time and Materials for screw replacement.



Proposal

Tom West

LICENSED~BONDED~INSURED~ CCB# 214839
PO BOX 943
Port Orford, OR 97465
(541) 621-9943

2/25/22

City of Port Orford
Water Treatment Plant
Arizona St

Description: Complete Re-Roof Labor and Materials

Remove all roofing down to the deck.

Clean up and remove all roofing debris from jobsite.

Install heavy duty #30 Platinum roofing underlayment.

Install Owens Corning Duration lifetime limited warranty asphalt shingles.

Install drip edge flashing on all edges.

Install all necessary flashings.

Install ridge vent on all ridges.

Total Price \$ 31,500

Upgrade to Tiger Paw underlayment additional \$1000.00

Upgrade to stainless steel eave flashing additional \$1200.00

All extra woodwork to be done on a time and material basis
@ \$45.00 per hour.

10 year warranty on all workmanship

~LICENSED~BONDED~INSURED~
CCB# 214839
Tom West
PO BOX 943
Port Orford, OR 97465
(541) 621-9943



Tom West Roofing & Siding

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City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Abatement of Nuisance and Dangerous Housing

ITEM NO: 7 b.

As discussed at the last meeting we have decided to curb the code more towards Port Orford. I have also put in some wording with regards to Reasonable Effort.

I have attached a copy of the Ordinance with the updates that I have completed. There are a few highlighted parts at the end that need some clarification and discussion before the final draft is ready for the City Council to review.

I am meeting with the Auditors the week of September 6th. I would like to discuss with them about setting up an additional fund for building abatement.

Please let me know if there are any additional changes that you would like made to this code.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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DIVISION EIGHT **CURRY COUNTY/CITY OF PORT ORFORD BUILDING**
CODE

SECTION 2.08.010 **TITLE**

These regulations shall be known as the "~~Curry County~~City of Port Orford Building Code", may be cited as such and will be referred to herein as "this ~~Ceode~~" or "~~the building Code~~Building Code".

SECTION 2.08.020 **AUTHORITY; PURPOSE**

1. The ~~building code~~Building Code is adopted pursuant to and under the authority of ORS 203.035, 455.150, and 479.855 and OAR chapter 918, division 308, and constitutes the exercise of authority over a matter of ~~city~~county concern.
2. The ~~building code~~Building Code applies ~~to all unincorporated areas within the county and to all areas within the corporate limits of any city that has entered into an intergovernmental agreement with the county that so provides the City limits of the City of Port Orford~~.
3. Adoption of the ~~building code~~Building Code is necessary for the protection of public health, safety, and welfare.

SECTION 2.08.030 **ADOPTION; SCOPE**

1. The following Oregon Specialty Codes, Oregon Administrative Rules, and standards, are adopted and incorporated herein as if fully set forth:
 - A. The Oregon Structural Specialty Code, as adopted by and together with OAR chapter 918, division 460, including section 116 and the appendices adopted by the state of Oregon and specifically adopting Appendices G, H and J.
 - B. The Oregon Mechanical Specialty Code, as adopted by and together with OAR chapter 918, division 440.
 - C. The Oregon Plumbing Specialty Code, as adopted by and together with OAR chapter 918, division 750 thru division 780.
 - D. The Oregon One- and Two-Family Dwelling Specialty Code, as adopted by and together with OAR chapter 918, division 480.
 - E. The manufactured dwelling parks and mobile home parks rules, as adopted by and together with OAR chapter 918, division 600.
 - F. The manufactured dwelling installation rules, as adopted by and together with OAR chapter 918, division 500 thru division 520, including the Oregon Manufactured Dwelling Standard.
 - G. The recreational park and organizational camp rules, as adopted by and together with OAR chapter 918, division 650.
 - H. International Existing Building Code, specifically including appendix's A through C.
2. The ~~B~~Building Code shall apply to the construction, reconstruction, alteration, moving, repair, maintenance, and installation of any building or structure except those located in a public way.

SECTION 2.08.040 **DEFINITIONS**

For the purpose of the ~~B~~Building Code, the following definitions shall apply:

1. "Building Official" means the person appointed by the ~~Curry County Board of Commissioners~~City of Port Orford City Council to administer the provisions of the ~~B~~Building Code.

SECTION 2.08.050 FEES

1. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the Curry County Board of Commissioners deems reasonable in order to administer the ~~building code~~ **Building Code** shall be as provided in the Building Division Fee Schedule.
- 4-2. ~~The fees by the building department shall be used for the administration and enforcement of a building inspection program under ORS 455.210(3)G.~~
- 2-3. ~~The building official~~ **Building Official** may authorize the refunding of fees paid in accordance with the refund policy in effect.
- 3-4. The determination of value or valuation under any provisions of the ~~building code~~ **Building Code** shall be made by the ~~building official~~ **Building Official**. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

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SECTION 2.08.060 GENERAL POWERS and DUTIES of the BUILDING OFFICIAL

1. There is hereby established a ~~building code~~ **Building Code** enforcement agency which shall be under the administrative and operational control of the Building Official.
2. The ~~building official~~ **Building Official** is authorized and directed to enforce all the provisions of the ~~building code~~ **Building Code**. For such purposes, the ~~building official~~ **Building Official** shall have the powers of a law enforcement officer.
3. The ~~building official~~ **Building Official** shall have the power to render written and verbal interpretations of the ~~building code~~ **Building Code** and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the ~~building code~~ **Building Code**.

SECTION 2.08.070 DEPUTIES

~~In accordance with prescribed procedures~~ The Building Official may appoint deputies, technical officers, inspectors, and other employees to carry out the functions of the ~~code~~ **Building Code** enforcement agency.

SECTION 2.08.080 RIGHT of ENTRY

When the Building Official deems it desirable or necessary to make an inspection to enforce the provisions of the ~~building code~~ **Building Code**, or when the ~~building official~~ **Building Official** has reasonable cause to believe that there exists in a building or upon a premises a condition, which is contrary to, or in violation of the ~~building code~~ **Building Code**; or which otherwise makes the building or premises unsafe, dangerous or hazardous, the ~~building official~~ **Building Official** may enter the building or premises at reasonable times to inspect or to perform the duties imposed by the ~~building code~~ **Building Code**, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises ~~are deemed to be~~ **are deemed to be** unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises ~~and for the purpose of requesting~~ **entry**. ~~Reasonable efforts to receive consent to enter the buildings or property may be obtained by any means including but not limited to written, facsimile,~~

telephonic, or in-person consent. A property owners application for any permit, license or approval with respect to an activity in or on a building or property shall be deemed to be consent to city officers, officials and empourrs to enter the building or property to perform any inspections. If entry is refused, the ~~building official~~Building Official shall have recourse to the remedies provided by law to secure entry.

SECTION 2.08.090 STOP WORK ORDERS

1. When any work is being performed in violation of this Title, the Building Official may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Building Official issues a stop work order, the responsible party may not resume work until such time as the Building Official gives specific approval in writing. The stop work order will be in writing and will include:
 - A. The date that the order is issued;
 - B. The permit or registration number, where applicable;
 - C. The site address, legal description or project location that is subject to the order;
 - D. A description of the violations that have been observed; and
 - E. The conditions under which the work may resume.
2. The stop work order will be posted by the Building Official at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered to the responsible party, or delivered by Registered or Certified Mail to the responsible party. If the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.
3. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
4. A stop work order is effective upon posting.
5. When an emergency condition exists, the Building Official may issue a stop work order orally. The Building Official will then issue a written order as provided under Subsection A., above, within one working day.

SECTION 2.08.100 AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES

The ~~building official~~Building Official shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by the ~~building code~~Building Code when necessary to eliminate an immediate hazard to life or property. The ~~building official~~Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

SECTION 2.08.110 CONNECTION AFTER ORDER to DISCONNECT

No person shall make connections from an energy, fuel or power supply, nor supply energy or fuel to any equipment regulated by this Code which has been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be discontinued by the ~~building official~~Building Official, until such time as the building officialBuilding Official authorizes the reconnection and use of such equipment.

SECTION 2.08.120 OCCUPANCY VIOLATION

Whenever any building, structure or equipment therein regulated by the ~~building code~~Building Code is being used contrary to the provision of this code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be

discontinued. Such persons shall discontinue the use within the time prescribed by the ~~building official~~**Building Official** after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the ~~building code~~**Building Code**.

SECTION 2.08.130 CODE for the ABATEMENT of DANGEROUS BUILDINGS

1. CURRENTLY ADOPTED EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE.

Preface. ____The provisions of this code were developed to afford jurisdictions reasonable procedures for the classification and abatement of dangerous buildings.

This Ceode is designed to be compatible with the International Existing Building Code. While the housing Ceode is applicable only to residential buildings, 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.

If properly followed, the provisions of this code will provide the ~~building official~~**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.

2. CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

**CHAPTER 1
TITLE AND SCOPE**

SECTION 101 — TITLE

These regulations shall be known as the Code for the Abatement of Dangerous Buildings, may be cited as such, and will be referred to herein as "this Ceode."

SECTION 102 — PURPOSE AND SCOPE

102.1 Purpose. It is the purpose of this Ceode to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this Ceode is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

SECTION 103 — ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the currently adopted edition of the International Existing Building Code.

**CHAPTER 2
ENFORCEMENT**

SECTION 201 — GENERAL

201.1 Administration. The ~~building-official~~Building Official is hereby authorized to enforce the provisions of this code.

The ~~building-official~~Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer, the fire marshal and the ~~building-official~~Building Official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the ~~building-official~~Building Official or the ~~building-official~~Building Official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the ~~building-official~~Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the ~~building-official~~Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the ~~building-official~~Building Official shall have recourse to the remedies provided by law to secure entry.

"Authorized representative" shall include the officers named in Section 201.2 and their authorized inspection personnel.

SECTION 202 — ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the ~~building-official~~Building Official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 — VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 — INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the ~~building-official~~Building Official in accordance with and in the manner provided by this code and Sections 110 and 1701 of the currently adopted edition of the Oregon Structural Specialty Code and Section R109 of the currently adopted edition of the Oregon Residential Specialty Code.

SECTION 205 — BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the ~~building-official~~Building Official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and

training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The ~~building official~~Building Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be ~~appointed by the governing body~~the Port Orford City Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the ~~building official~~Building Official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the ~~building official~~Building Official, who shall make them freely accessible to the public.

205.2 _____ Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

CHAPTER 3 DEFINITIONS

SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

~~"Building Code"~~ "Building Code" means is the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

~~"Dangerous Building" means~~ DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

~~HOUSING CODE is~~ "Housing Code" means the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

SECTION 302 — DANGEROUS BUILDING

For the purpose of this ~~Code~~, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

- ~~1. 4-~~ Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- ~~2. 2-~~ Whenever the walking surface of any aisle, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

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- ~~3.~~ 3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- ~~4.~~ 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- ~~5.~~ 5. Whenever any portion or member or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and hereby injure persons or damage property.
- ~~6.~~ 6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the work stresses permitted in the Building Code for such buildings.
- ~~7.~~ 7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- ~~8.~~ 8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- ~~9.~~ 9. Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.
- ~~10.~~ 10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- ~~11.~~ 11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
- ~~12.~~ 12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- ~~13.~~ 13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
- ~~14.~~ 14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- ~~15.~~ 15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement,

inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

- ~~16.~~ ~~16.~~ Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient ~~fire-resistant~~ fire-resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
- ~~17.~~ ~~17.~~ Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or in equity jurisprudence.
- ~~18.~~ ~~18.~~ Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

CHAPTER 4 NOTICES AND ORDERS OF BUILDING OFFICIAL

SECTION 401 — GENERAL

401.1 ~~_____~~ Commencement of Proceedings. When the ~~building-official~~ Building Official has inspected or caused to be inspected any building and has found and determined that such building is dangerous building, the ~~building-official~~ Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 ~~_____~~ Notice and Order. The ~~building-official~~ Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. ~~4.~~ The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. ~~2.~~ A statement that the ~~building-official~~ Building Official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
3. ~~3.~~ A statement of the action required to be taken as determined by the ~~building-official~~ Building Official as follows:
 - 3.1 ~~3.4~~ If the ~~building-official~~ Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the ~~building-official~~ Building Official shall determine is reasonable under all of the circumstances.
 - 3.2 ~~3.2~~ If the ~~building-official~~ Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the ~~building-official~~ Building Official to be reasonable.
 - 3.3 ~~3.3~~ If the ~~building-official~~ Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the ~~building-official~~ Building Official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date

of the order; and that the demolition be completed within such time as the ~~building official~~**Building Official** shall determine is reasonable.

4. ~~4.~~ Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the ~~building official~~**Building Official** (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. ~~5.~~ Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the ~~building official~~**Building Official** to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the ~~building official~~**Building Official** within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 _____ Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the ~~building official~~**Building Official** or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the ~~building official~~**Building Official** to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

401.4 _____ Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the ~~building official~~**Building Official**. If no address of any such person so appears or is known to the ~~building official~~**Building Official**, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

401.5 _____ Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the ~~building official~~**Building Official**.

SECTION 402 — RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the ~~building official~~**Building Official** shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the ~~building official~~**Building Official** shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

SECTION 403 — REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the ~~building official~~**Building Official** (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition or any dangerous building or structure:

- 1. ~~4-~~Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - 1.1 ~~4-4~~The building shall be repaired in accordance with the current ~~building code~~**Building Code** or other current code applicable to the type of substandard conditions requiring repair; or
 - 1.2 ~~4-2~~The building shall be demolished at the option of the building owner; or
 - 1.3 ~~4-3~~If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
- 2. ~~2-~~If the building or structure is in such condition as to ~~make it~~**render it** immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

SECTION 404 — NOTICE TO VACATE

404.1 _____ Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

404.2 _____ Compliance. Whenever such notice is posted, the ~~building official~~**Building Official** shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

**CHAPTER 5
APPEAL**

501.1 _____ Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the ~~building official~~**Building Official** under this code by filing at the office of the ~~building official~~**Building Official** a written appeal containing:

1. ~~4-~~A heading in the words: "Before the ~~board-of-appeals~~Port Orford City Council of the of"
2. ~~2-~~A caption reading: "Appeal of", giving the names of all appellants participating in the appeal.
3. ~~3-~~A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. ~~4-~~A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. ~~5-~~A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. ~~6-~~The signatures of all parties named as appellants and their official mailing addresses.
7. ~~7-~~The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the ~~building official~~Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the ~~building official~~Building Official.

501.2 _____ Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the ~~building official~~Building Official shall present it at the next regular or special meeting of the ~~board-of-appeals~~Port Orford City Council.

501.3 _____ Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the ~~board-of-appeals~~Port Orford City Council shall fix a date, time and place for the hearing of the appeal by the ~~board~~Port Orford City Council. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the ~~building official~~Building Official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the ~~secretary~~City Administrator of the ~~board~~City of Port Orford either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 — EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the ~~building official~~ **Building Official** issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

CHAPTER 6 PROCEDURES FOR CONDUCT OF HEARING APPEALS

SECTION 601 — GENERAL

601.1 _____ Hearing Examiners. The **Port Orford City Council** ~~board~~ may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the **Port Orford City Council** ~~board~~ for decision.

601.2 _____ Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the **Port Orford City Council** ~~board~~.

601.3 _____ Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the **Port Orford City Council** ~~board~~, but shall in no event be greater than the cost involved.

601.4 _____ Continuances. The **Port Orford City Council** ~~board~~ may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.5 _____ Oaths – Certification. In any proceedings under this chapter, the **Port Orford City Council** ~~board~~, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.6 _____ Reasonable Dispatch. The **Port Orford City Council** ~~board~~ and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 602 — FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the Port Orford City Council (the board of appeals or name of hearing examiner) at [location] on the day of, 2....., at the hour, [date + time] upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (board of appeals or name of hearing examiner)."

SECTION 603 — SUBPOENAS

603.1 _____ **Filing of Affidavit.** The ~~Port Orford City Council board or examiners~~ may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular aspect.

~~**603.2** _____ **Cases Referred to Examiner.** In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.~~

603.23 _____ **Penalties.** Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

SECTION 604 — CONDUCT OF HEARING

604.1 _____ **Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

604.2 _____ **Oral Evidence.** Oral evidence shall be taken only on oath or affirmation.

604.3 _____ **Hearsay Evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

604.4 _____ **Admissibility of Evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

604.5 _____ **Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

604.6 _____ **Rights of Parties.** Each party shall have these rights, among others:

1. ~~4-~~To call and examine witnesses on any matter relevant to the issues of the hearing;
2. ~~2-~~To introduce documentary and physical evidence;
3. ~~3-~~To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. ~~4-~~To impeach any witness regardless of which party first called the witness to testify;
5. ~~5-~~To rebut the evidence; and
6. ~~6-~~To be represented by anyone who is lawfully permitted to do so.

604.7 _____ **Official Notice.**

604.7.1 _____ **What may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

604.7.2 _____ **Parties to be notified.** Parties present at the hearing informed of the matters to be noticed, and these matters noted in the record, referred to therein, or appended thereto.

**CHAPTER 7
ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL
OR THE BOARD OF APPEALS**

SECTION 701 — COMPLIANCE

701.1 ~~_____~~ **General.** After any order of the ~~building-official~~**Building Official** or ~~the-board-of-appeals~~**Port Orford City Council** made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 ~~_____~~ **Failure to Obey Order.** If, after any order of the ~~building-official~~**Building Official** ~~Port Orford City Council or board-of-appeals~~ made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the ~~building-official~~**Building Official** may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 ~~_____~~ **Failure to Commence Work.** Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. ~~4-~~The ~~building-official~~**Building Official** shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

2. ~~2-~~No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the ~~building-official~~**Building Official** have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
3. ~~3-~~The ~~building-official~~**Building Official** may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

SECTION 702 — EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the ~~building-official~~**Building Official** may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the ~~building-official~~**Building Official** determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The ~~building official~~**Building Official**'s authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

SECTION 703 — INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

CHAPTER 8 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 — GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the ~~building-official~~**Building Official** shall, issue an order therefor to a private contract under the direction of the Building Official and the work shall be accomplished. Plans and specifications therefor may be prepared by said Building Official, or may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard contractual procedures shall be followed.

801.2 Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

SECTION 802 — REPAIR AND DEMOLITION FUND

802.1 General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

802.2 Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

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**CHAPTER 9
RECOVERY OF COST OF REPAIR OR DEMOLITION**

SECTION 901 — ACCOUNT OF EXPENSE, FILING OF REPORT

The Building Official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said official shall prepare and file with the administrative assistant to the Community Development Department of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

SECTION 902 — NOTICE OF HEARING

The Building Official shall also present the completed report to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The Building Official of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the official. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the official's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

SECTION 903 — PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the administrative assistant to the Community Development Department of this jurisdiction at any time prior to the time set for the hearing on the report of the official. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The administrative assistant to the Community Development of this jurisdiction shall endorse on every such protest or objection the date of receipt. The Building Official shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

SECTION 904 — HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the official together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the

legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

SECTION 905 — PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

905.1 _____ General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

905.2 _____ Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

905.3 _____ Special Assessment. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

SECTION 906 — CONTEST

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

SECTION 907 — AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal monthly installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

SECTION 908 — LIEN OF ASSESSMENT

908.1 _____ Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

908.2 _____ Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

SECTION 909 — REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

SECTION 910 — FILING COPY OF REPORT WITH COUNTY AUDITOR

If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

SECTION 911 — COLLECTION OF ASSESSMENT PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

SECTION 912 — REPAYMENT OF REPAIR AND DEMOLITION FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.

SECTION 2.08.140 PLANS and PERMITS

1. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the ~~building official~~**Building Official**. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the ~~building official~~**Building Official** finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the ~~building code~~**Building Code** and other pertinent laws and ordinances, and that the fees have been paid, the ~~building official~~**Building Official** shall issue a permit therefore to the applicant.
2. When the ~~building official~~**Building Official** issues the permit where plans are required, the ~~building official~~**Building Official** shall endorse in writing or stamp the plans and specifications. Such approved plans and specifications shall not be changed, modified and altered without authorizations from the ~~building official~~**Building Official**, and all work regulated by the ~~building code~~**Building Code** shall be done in accordance with the approved plans.
3. The ~~building official~~**Building Official** may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the ~~building code~~**Building Code**. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

SECTION 2.08.150 RETENTION of PLANS

One set of approved plans, specifications and computations shall be retained by the ~~building official~~**Building Official** for a period of not less than ~~2 years~~**90-days** from the date of completion of the work covered therein and one set of approved plans and specifications shall be returned to the applicant,

and the returned set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 2.08.160 VALIDITY of PLANS

1. No permit shall be issued if the parcel of land or the use of the land on which the building, structure, or equipment is to be placed, erected, altered, equipped or used is in violation of any Curry County ordinance or code.
2. The issuance or granting of a permit or approval of plans, specification and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the ~~building code~~Building Code or of any other Curry County ordinance or code. Permits presuming to give authority to violate or cancel the provisions of the ~~building code~~Building Code or other Curry County ordinance or code shall not be valid.
3. The issuance of a permit based on plans, specifications and other data shall not prevent the ~~building official~~Building Official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of the ~~building code~~Building Code or of any other Curry County ordinance or code.

SECTION 2.08.170 EXPIRATION of APPLICATTIONS, PLANS and PERMITS

1. Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the ~~building official~~Building Official. The ~~building official~~Building Official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
2. Every permit issued by the ~~building official~~Building Official under the provisions of the ~~building code~~Building Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.
3. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The ~~building official~~Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended without justifiable cause demonstrated in writing.

SECTION 2.08.180 WORK WITHOUT PERMIT; INVESTIGATION FEES

1. Whenever any work for which a permit is required by the ~~building code~~Building Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the ~~building-code~~Building Code nor from any penalty prescribed by law.

SECTION 2.08.190 PERMITS NOT TRANSFERABLE

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

SECTION 2.08.200 SUSPENSION; REVOCATION

The ~~building-official~~Building Official may, in writing, suspend or revoke a permit issued under the provisions of the ~~building-code~~Building Code whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any provision of the ~~building-code~~Building Code.

SECTION 2.08.210 INSPECTIONS

1. It shall be the duty of the permit holder or the permit holder's agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the ~~building-official~~Building Official. The permit holder shall not proceed with the building construction until authorized by the ~~building-official~~Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper installation shall be the responsibility of the permit holder or the permit holder's agent.
2. Work requiring a permit shall not be commenced until the permit holder or the permit holder's agent has posted or otherwise made available a inspection record card such as to allow the ~~building-official~~Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the ~~building-official~~Building Official.

SECTION 2.08.220 PUBLIC NUISANCE

The erection, construction, reconstruction, alteration, maintenance, installation or use of any building, structure, manufactured dwelling, or mobile home in violation of the ~~building-code~~Building Code shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 2.08.230 JURISDICTION

The Circuit Court for the State of Oregon for the County of Curry has jurisdiction over any and all violations of the ~~building-code~~Building Code.

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SECTION 2.08.240 REMEDIES NOT EXCLUSIVE

None of the remedies available to the County as set forth in the ~~building-code~~Building Code are exclusive. Nothing in the ~~building-code~~Building Code shall preclude any remedy otherwise available to the County, either in law or equity.

City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Historic Preservation 17.15 Revisions

ITEM NO: 7 c.

A few meetings ago the City Council approved that the Historic Preservation Commission move out from under the Planning Commission. I have revised chapter 17.15 for the Historic Preservation Commission to reflect this change. Please review the attached draft and let me know of any changes you would like made. If there are none then I will have the final draft/changes ready for approval at the next Regular City Council Meeting in September 2022.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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Chapter 17.15

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HISTORIC PRESERVATION**Sections:**

- 17.15.010 Title.**
- 17.15.020 Purpose.**
- 17.15.030 Applicability.**
- 17.15.040 Definitions.**
- 17.15.050 The Historic Preservation Commission.**
- 17.15.060 Duties of Commission.**
- 17.15.070 Severability.**
- 17.15.080 Conflicts with other laws.**
- 17.15.090 Identification and evaluation of historic resources.**
- 17.15.100 Landmark register.**
- 17.15.110 Treatment of historic resources listed in the landmark register.**
- 17.15.120 Removal of landmarks from the landmark register.**
- 17.15.130 Economic hardship.**
- 17.15.140 Appeals.**
- 17.15.150 Re-submittal of a previously denied application.**
- 17.15.160 Enforcement of the provisions of this chapter.**

17.15.010 Title.

The City of Port Orford Historic Preservation Ordinance. (Ord. 2012-06 § 1, 2012)

17.15.020 Purpose.

The City of Port Orford establishes a Historic Preservation Ordinance to identify, recognize, and preserve significant properties related to the community's history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.

The process is a voluntary process for property owners who wish the historic value of their property to be preserved. (Ord. 2012-06 § 2, 2012)

17.15.030 Applicability.

No provision of this chapter shall be construed to prevent the ordinary maintenance of a landmark when such action does not involve a change in design, materials, or appearance. No provision in this chapter shall be construed to prevent the alteration, demolition, or relocation of a landmark when the Building Official certifies that such action is required for the public safety. At his or her discretion, the Building Official may find that under State law and Section 17.15.110(D)(3) that a landmark does not meet current building code but is not dangerous. (Ord. 2012-06 § 3, 2012)

17.15.040 Definitions.

The following definitions apply to terms used in this chapter. Terms not defined have their commonly construed meaning:

- Alteration:** An addition, removal, or reconfiguration that changes the appearance of a landmark. Painting, when color is not specifically noted in landmark's record of designation, and ordinary maintenance are excluded from this definition.
- Building:** A house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.
- Certificate of appropriateness (COA):** A document issued by the Historic Preservation Officer indicating that the applicant has satisfactorily met the provisions of this chapter for the alteration, relocation, or demolition of a landmark.
- Demolition:** The complete destruction or dismantling of 65% of, or greater, of the entirety of a landmark.
- Eligible/contributing:** A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of the City of Port Orford.
- Eligible/significant:** A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of the City, and are likely individually eligible for listing in the landmark register.
- Exceptional significance:** The quality of historic significance achieved outside the usual norms of age, association, or rarity.
- Historic Commission:** A subcommittee of the [City Planning Commission](#) [Port Orford City Council](#) and is responsible for the administration of this chapter.
- Historic integrity:** The quality of wholeness of historic location, design, setting materials, workmanship, feeling, and/or association of a historic resource, as opposed to its physical condition.
- Historic resource:** A building, structure, object, site, or district that is at least 50 years old or is of exceptional significance and potentially meets the integrity and significance criteria for listing in the landmark register, but may not necessarily be recorded in the historic resource survey.
- Historic resources of Statewide significance:** Buildings, structures, sites, and objects, that are listed in the National Register.
- Historic resource survey:** The record of buildings, structures, objects, and sites recorded by the City of Port Orford used to identify historic resources potentially eligible for listing in the City of Port Orford landmark register.
- Historic significance:** The physical association of a building, structure, site, object, with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.
- Landmark:** A building, structure, site, or object, listed in the landmarks register.
- Landmark register:** The list of historic resources officially recognized by the City of Port Orford as important to its history and afforded the protection under this chapter.
- National Register of Historic Places:** The nation's official list of buildings, structures, sites, and objects, important in the nation's history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the "National Register." Historic resources listed in the National Register are referred to as "Historic Resources of Statewide Significance" in Oregon Revised Statutes.
- Non-contributing:** A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in Period: A building, structure, object, or site that was originally constructed outside the applicable period of significance.

Object: A construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, including a fountain, sculpture, monument, milepost, etc.

Ordinary maintenance: Activities that do not remove materials or alter qualities that make a historic resource eligible for listing in the landmark register, including cleaning, painting, when color is not specifically noted in the landmark's record of designation, and limited replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material. Excluded from this definition is the replacement of an entire window sash or more than 20% of the siding or trim on any one side of a resource at any one time within one calendar year.

Period of significance: The time period, from one to several years or decades, during which a landmark was associated with an important historic event(s), trend(s), person(s), architecture, method(s) of construction.

Record of designation: The official document created by the Commission that describes how a landmark meets the criteria for listing in the landmark register.

Rehabilitation: The process of returning a landmark to a state of utility through repair or alteration, which makes possible an efficient use while preserving those portions and features of the landmark and its site that convey its historic significance.

Relocation: The removal from or moving of a landmark from its original location noted in the record of designation.

Site: The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.

Streetscape: The physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree lawn, sidewalk, retaining walls, landscaping and building setback.

Structure: A functional construction made usually for purposes other than creating human shelter, such as an aircraft, bridge, barn, fence, dam, tunnel, etc. (Ord. 2012-06 § 4, 2012)

17.15.050 The Historic Preservation Commission.

The Historic Preservation Commission is a subcommittee of the ~~Planning Commission~~ Port Orford City Council and composed of at least three persons. The Planning Commission serves the purpose of conducting land use procedures when needed. The Historic Preservation Commission will now be referred to as the Commission. (Ord. 2012-06 § 5, 2012)

17.15.060 Duties of Commission.

- A. Employing the procedures and criteria in Section 17.15.090, the Commission shall identify and evaluate properties in the City of Port Orford and maintain a Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as "SHPO."
- B. Employing the procedures and criteria in Section 17.15.110, the Commission shall designate properties to the landmark register.
- C. Employing the procedures and criteria in Section 17.15.120, the Commission shall review and act upon applications for the alteration, relocation, or demolition of landmarks.
- D. The Commission shall support the enforcement of all State laws relating to historic preservation.
- E. The Commission shall perform any other functions that may be designated by resolution or motion of the City Council.

- F. The Commission may publish and adopt written and graphic guidelines and example materials to clarify the criteria in this chapter and to assist applicants in developing complete and viable applications to designate, alter, rehabilitate, relocate, or demolish landmarks. Documents intended to be used for the regulation of alterations as defined in this chapter must be voted on and adopted by the Commission and approved as part of the City of Port Orford Zoning and Development Code using the established procedures for amendments.
- G. The Commission may undertake to inform the citizens of, and visitors to the City of Port Orford, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of landmarks; provide information on State and Federal preservation programs; and document landmarks prior to their alteration, demolition, or relocation and archive that documentation.
- H. For purposes consistent with this chapter and subject to the approval the City Council, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; assist the owners of landmarks in securing funding for the preservation of their properties; and report on such activities to the City Council.
- I. The Commission may comment on local, State, or Federal issues, laws, and requests relating to historic preservation.
- J. The Commission may seek expert assistance and elect to form ad hoc committees to carry out its business. (Ord. 2012-06 § 6, 2012)

17.15.070 Severability.

If any portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this chapter, which shall remain in force and effect. (Ord. 2012-06 § 7, 2012)

17.15.080 Conflicts with other laws.

If the provisions of this chapter are found to be in conflict with Federal or State laws, the Federal or State law shall prevail. This chapter will take precedence over previously adopted City Code Section 17.16.070. (Ord. 2012-06 § 8, 2012)

17.15.090 Identification and evaluation of historic resources.

The historic resource survey lists, describes, and determines the eligibility of historic resources for listing in the landmark register. Not all properties listed in the historic resource survey are eligible for listing in the landmarks register. A property need not be first listed in the historic resource survey before being nominated to the landmark register under Section 17.15.100.

- A. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.
- B. Before commencing inventory studies or updates, the Commission/~~Planning Commission~~ shall provide public notice describing the inventory, its purposes, and invite public participation as required to news media and posted at Post Office.
- C. Surveyed properties shall be identified as eligible-contributing (EC), eligible/significant (ES), non-contributing (NC), or not in period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO and be supplied to the agency within six months of the completion of the study.

- D. The historic resource survey shall be maintained as a public record with the exception of archaeological sites, which is prohibited by State law.
- E. Citizens shall have the opportunity to review and correct information included in the historic resource survey.
- F. The Commission may collect further information, including, but not limited to, current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already listed in the landmark register or National Register for the purposes of administering this chapter pursuant to the provisions of this section. (Ord. 2012-06 § 9, 2012)

17.15.100 Landmark register.

The Commission may designate historic resources to the landmark register as a means of providing recognition of their significance and providing incentives and guidelines for their preservation. The landmark register is maintained by the City of Port Orford and shall be available to the public.

- A. Historic resources within the corporate boundaries of the City of Port Orford and listed in the National Register before and after the adoption of the ordinance codified in this chapter are automatically listed in the landmark register and need not be documented and adopted as outlined in subsections (B)(2) through (B)(4). In such cases, the National Register nomination shall serve as the record of designation. As historic resources of Statewide significance, all National Register-listed properties are subject to the regulations in Section 17.15.110, pursuant to Oregon State Law. Notice of this action shall be provided in writing to each property owner and to the Commission at its next regularly scheduled meeting.
- B. Criteria for Designating Historic Resources to the Landmark Register. Any building, structure, object, or site may be designated to the landmark register if it meets all the criteria of subsection A or all of the criteria listed below:
 1. The property is located within the boundaries of the City of Port Orford.
 2. The property is over 50 years of age or of exceptional importance.
 3. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that may destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the form and appearance of the historic resource when viewed from the public right-of-way.
 4. The property has historic significance as demonstrated by meeting at least one of the following criteria:
 - a. Association with events that have made a significant contribution to the road patterns of our history; and/or
 - b. Association with the lives or persons significant in our past; and/or
 - c. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
 - d. Have yielded, or may be likely to yield, information important in prehistory or history.
- C. Nomination Procedure. The nomination procedures are as follows:

1. The nomination for a historic resource to the landmark register must include a statement discussing how the property meets the criteria under subsection B of this section and be documented at a minimum to the standards established by the Oregon Historic Preservation Office for Intensive Level Surveys in the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO. They may establish additional standards for a complete application.
 2. Prior to setting the proposed nomination on the agenda for the next relevant Commission meeting, property owners shall be informed in writing of the nomination process pursuant to local and State law. To be listed in the landmark register, the property owner(s) shall provide to the City a written statement acknowledging that the owner understands the nomination process and the results of such a designation, and wishes to have their property listed in the landmark register.
 3. Upon acceptance of a complete application and receipt of written owner consent, the Commission/~~Planning Commission~~ shall schedule a public hearing before the ~~Commission~~ Port Orford City Council pursuant to applicable State and local laws.
 4. The Commission/~~Planning Commission~~ shall review the documentation for completeness, accuracy, and compliance with subsection B, "Criteria for Designating Historic Resources to the Landmark Register" of this section. The Commission/~~Planning Commission~~ may make a recommendation to approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information as requested by the Commission. The Commission shall develop written findings to support its decisions.
 5. Applications will be approved or denied by the Commission/~~Planning Commission~~.
 6. Upon final approval by the Commission/~~Planning Commission~~, a record of designation shall be prepared that includes the original nomination materials, and any testimony or additional materials considered during the nomination process that establishes the eligibility of the historic resource for listing in the landmark register.
 7. A record of designation may be amended through the process described in subsection C at the next regular Commission meeting.
- D. Results of Listing in Landmark Register. Historic resources listed in the landmark register receive the following benefits:
1. Landmarks are protected under the provisions of Sections 17.15.110 through 17.15.150.
 2. The Commission will bring zone variances and/or conditional use permits to the Planning Commission for approval /~~Planning Commission shall consider granting zoning variances and/or conditional use permits~~ in order to encourage the productive use and preservation of landmarks.
 3. The local Building Official shall consider waiving certain code requirements in accordance with the existing State Building Code.
 4. Property owners of landmarks may seek technical or financial assistance from the ~~Planning Commission~~ in applying for grants or tax incentives for rehabilitating their properties as resources and funds are available.
 5. Property owners of landmarks are eligible to receive City pass through grants and loans to assist with the preservation of their buildings as resources and funds are available. (Ord. 2012-06 § 10, 2012)

17.15.110 Treatment of historic resources listed in the landmark register.

The Landmarks Commission shall use the provisions of this section to preserve the exterior character-defining features of individual landmarks; the exterior of individual buildings in landmark historic districts; and exteriors and interiors of City-owned landmarks.

- A. Activities not subject to the provisions of this section:
1. Alterations to building interiors.
 2. Application of exterior paint color when color is not specifically noted in record of designation.
 3. Alterations to landscape features not specifically identified as historically significant in record of designation.
- B. No landmark or exterior landscape or archaeological element noted as significant in the record of designation shall be altered, relocated, or demolished, or a new building or structure constructed on the same lot as a landmark without a certificate of appropriateness signed and issued by the **Planning Commission**. Certificates must be presented to the Building Official before a building or demolition permit is issued.
1. An application for a Certificate of Appropriateness must include a description of the proposed activity, accompanying maps, photographs, drawings, and other documentation. The **Planning Commission and/or Port Orford City Council** may establish additional standards for a complete application, including defining different criteria for a complete application under provisions in subsections C, D, and E of this section.
 2. Upon acceptance of a complete application, the Commission shall decide at the next scheduled Commission Meeting if the proposed work is subject to provisions in subsection C, D, or E of this section.
 3. The Commission minutes will summarize the proposed project, noting the criteria specified in this chapter under which the application shall be considered. At the next scheduled meeting, the Commission will make a recommendation to approve, approve with conditions, or deny the application for a certificate of appropriateness. Materials that may be used in the preparation of the report include the record of designation; and/or National Register nomination; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections from the public-right-of way to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office. Documents not available from the City at the time of application for a certificate of appropriateness shall be made available to the applicant at least 10 calendar days before a public hearing is held or administrative decision is made.
 4. The Commission shall review and act upon applications for the alteration, relocation, and demolition of a landmark. Applications for the alteration of a landmark may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a landmark may be approved, approved with conditions, or the action delayed for up to one year. The Commission minutes will reflect findings to support its decisions.
 5. Approval for the alteration of a landmark shall be effective for a period of two years and one year for the relocation or demolition of a historic resource.
- C. The Commission may approve the alteration of a landmark without a public hearing when the proposed alteration will not significantly change the qualities that merited the listing of the landmark in the landmark register.
- Activities eligible for this provision include the following:
1. Construction of a fence that meets code requirements of the City of Port Orford.

2. Demolition of an outbuilding noted as sharing a lot with a landmark and specifically noted as not historically significant in its designation.
 3. New addition to a landmark or new construction not visible from the public right-of-way.
- D. A public hearing before the Commission/~~Planning Commission~~Port Orford City Council shall be required for activities not exempted in subsections (A)(1) through (A)(3) and C(1) through (C)(3) of this section.
1. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The Commission may assign a staff member or other appropriate person(s) to complete the consultation. The Commission may also form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex-parte contact at the time of a public hearing on the proposal.
 2. Upon acceptance of a complete application the ~~Planning Commission~~ Port Orford City Council as the parent to the Historic Preservation Commission shall schedule a public hearing pursuant to applicable local and State laws.
 3. In order to approve an application for the alteration of a landmark, the Commission/~~Planning Commission~~Port Orford City Council must find that the proposal meets the following guidelines as applicable:
 - a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships; and/or
 - b. The historic integrity of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided; and/or
 - c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken; and/or
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or
 - f. Deteriorated historic features should be repaired rather than replaced. The severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence; and/or
 - g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and/or
 - h. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken; and/or
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and/or

- j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. In addition to meeting the applicable guidelines in subsections (D)(3)(a) through (D)(3)(j) of this section, in order to approve an application for the alteration of a landmark the Commission/~~Planning Commission~~ must find that the proposal meets the following design standards as applicable:
- a. Vacant buildings shall be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety; and/or
 - b. Rehabilitation work, especially on the exterior and the principal facades shall preserve the existing historic features or replace them if absolutely necessary with features and materials known to have existed on the building through verifiable evidence such as photographs. Alterations to landmarks shall not be based on speculation, but instead on documentary evidence; and/or
 - c. New additions shall be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and/or
 - d. Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing landmarks, or additions to landmarks shall be compatible with the existing historic building(s).
 - e. Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) shall be complimentary, but shall not replicate historic features on surrounding historic buildings; and/or
 - f. Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and shall take up about the same percentage of the overall façade as those on surrounding historic buildings; and/or
 - g. Moving landmarks shall be avoided, especially to create artificial groupings; and/or
 - h. The demolition of landmarks shall be avoided whenever possible; and/or
 - i. Any applicable design guidelines adopted by the Commission in Section 17.15.060.
- E. A public hearing before the Commission ~~and Port Orford City Council/Planning Commission~~ shall be required to relocate or demolish a landmark.
1. In order to approve an application for the relocation of a landmark, the Commission shall find that:
 - a. The applicant has completed a replacement plan for the site, including drawings approved by the Building Official. Plans must be submitted for review by the Commission pursuant to subsection D as it relates to new construction; and
 - b. The Building Official determines and states in writing that the building may not be safely removed from the site; and
 - c. The value to the community of the proposed use of the property outweighs the value of retaining landmark at the original location. Public testimony shall be considered when making this determination.
 2. In order to approve an application for the demolition of a landmark, the Commission must find:
 - a. The conditions in subsection (E)(1)(a) through (c) have been met as applicable; and
 - b. The property owner can demonstrate an economic hardship as described in Section 17.15.130.

3. At the hearing of an application to relocate or demolish a landmark the Commission ~~and Port Orford City Council /Planning Commission~~ may, in the interest of exploring reasonable alternatives, delay approval for up to 180 calendar days from the date of the hearing. Not more than 60 and not less than 30 calendar days prior to the expiration of the delay period, the ~~Planning Commission~~~~Port Orford City Council~~ shall schedule a public hearing pursuant to local and State laws to consider if there are still reasonable alternatives to explore, and if the group will request in writing to continue the delay for an additional period of up to 180 calendar days.
4. The Commission ~~and Port Orford City Council /Planning Commission~~ may not delay the relocation or demolition of a landmark for more than 360 calendar days subject to the provisions of this section.
5. In approving or denying an application for the relocation or demolition of a landmark, the Commission/~~Port Orford City Council~~~~Planning Commission~~ may impose the following conditions:
 - a. Photographic, video, or drawn recordation of the landmark in its original location; and/or
 - b. In the case of demolition, the landmark be transported to a new site, and that, to the extent possible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and/or
 - c. In the cases of properties listed in the National Register, that the applicant attempt to obtain permission to move the landmark from the National Park Service in order to retain the property's listing in the National Register and/or assume all responsibility and cost of removing the landmark if permission cannot be obtained; and/or
 - d. Other reasonable mitigation measures.
6. Upon issuing approval for the demolition of a landmark, the Commission shall post a legal notice in a local newspaper of record announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and invite the public to provide alternatives to the demolition for consideration by the Commission.
7. Relocated landmarks shall remain listed in the landmark register unless removed under Section 17.15.120.
8. Demolished landmarks shall be removed from the landmark register using the procedures described in Section 17.15.120. (Ord. 2012-06 § 11, 2012)

17.15.120 Removal of landmarks from the landmark register.

A public hearing before the Commission and a signed certificate of appropriateness shall be required to remove a landmark from the landmark register.

- A. An application to remove a landmark from the landmark register shall not be considered for one year after the denial of an application for the relocation or demolition of the same landmark under Section 17.15.110(E)(1).
- B. Landmarks concurrently listed in the landmark register and National Register will be considered for removal from the landmark register only after the landmark is removed from the National Register and the SHPO has provided written evidence of the removal to the ~~Planning Commission~~~~Port Orford City Council~~.
- C. The Commission shall establish standards for a complete application for the removal of a landmark from the landmark register. Upon acceptance of a complete application, the Commission shall schedule a public hearing pursuant to applicable local and State laws.
- D. In order to approve an application for the removal of a landmark from the landmark register the Commission must find the following:

1. The landmark has ceased to meet the criteria for listing in the landmark register because the qualities which caused it to be originally listed have been lost or destroyed; and/or
 2. The property owner at the time the property was added to the landmark register did not provide written permission for such action as required under Section 17.15.100. This provision does not apply to landmarks listed in the National Register.
- E. Landmarks accidentally destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of Section 17.15.110 and meeting the definition of “demolished” as defined in this chapter may be removed administratively from the landmark register by the Assistant Planner. Notice of this action and written evidence documenting the demolition of the landmark shall be provided to the Commission at their next regular meeting. This same documentation shall be provided to the SHPO. If a landmark is also listed in the National Register, the Commission shall request that the SHPO remove the property from the National Register if not requiring the owner to do so under subsection D.
- F. Upon removing a landmark from the landmark register, the Commission ~~and Port Orford City Council /Planning Commission~~ shall post a legal notice in a local newspaper of record announcing the removal, the criteria under which the removal was approved, and the historic significance of the property. (Ord. 2012-06 § 12, 2012)

17.15.130 Economic hardship.

The Commission ~~and Port Orford City Council /Planning Commission~~ shall approve a relocation, demolition, or modify or exempt a property from the requirements of Section 17.15.110 if the applicant can demonstrate that complying with the provisions of this chapter creates an economic hardship that prevents the profitable use of the subject property.

- A. Economic hardship may only be considered in a separate hearing after an application for approval for the alteration, relocation, or demolition of a landmark has been issued or denied and all pending appeals to the Land Use Board of Appeals, the Land Conservation and Development Commission, and local, State, and Federal courts are resolved.
- B. Separate standards for demonstrating an economic hardship are established for investment or income-producing and non-income-producing properties:
 1. Economic hardship for an income-producing property shall be found when the property owner demonstrates that a reasonable rate of return cannot be obtained from the landmark if it retains its historic features, buildings, or structures in either its present condition or if it is rehabilitated.
 2. Economic hardship for a non-income-producing property shall be found when the property owner demonstrates that the landmark has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.
- C. Owners seeking approval for economic hardship must provide sufficient information, as determined by the Commission ~~/Planning Commission~~. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
 1. Willful or negligent acts by the owner; and/or
 2. Purchase of the property for substantially more than market value; and/or
 3. Failure to perform normal maintenance and repairs; and/or
 4. Failure to diligently solicit and retain tenants; and/or
 5. Failure to provide normal tenant improvements. (Ord. 2012-06 § 13, 2012)

17.15.140 Appeals.

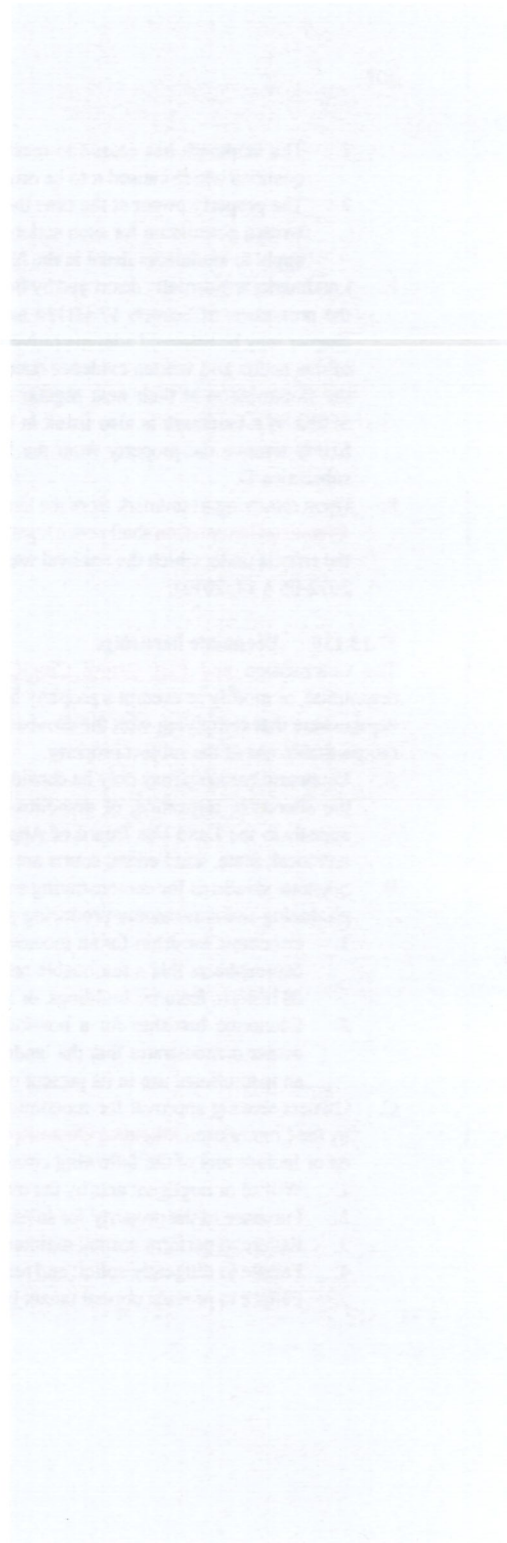
Decisions of the Commission/~~Planning Commission~~ are appealable to the City Council. Decisions of City Council are appealable to the Oregon State Land Use Board of Appeals. (Ord. 2012-06 § 14, 2012)

17.15.150 Re-submittal of a previously denied application.

An application for approval which was denied and which on appeal has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least two years from the date the final City action is made denying the application unless there is a substantial change in the facts or a change in City policy which would change the outcome. (Ord. 2012-06 § 15, 2012)

17.15.160 Enforcement of the provisions of this chapter.

Penalties for violations of the provisions of this chapter shall be the same as for violation of the City of Port Orford Planning Code. (Ord. 2012-06 § 16, 2012)



City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Right-Of-Way License Request

ITEM NO: 8 A.

Warrick Excavating has requested a Right of Way Permit for 760 Jefferson St. I have attached a copy of the request. John will have his approval/Deny at the meeting.

Suggested Motions

Motion to Approve the Right-Of-Way License

I move to approve the Right-Of-Way License for 760 Jefferson St.

Motion to Approve the Right-Of-Way License with Public Works Conditions

I move to approve the Right-Of-Way License for 760 Jefferson St with the conditions that Public Works has requested.

Motion to Deny the Right-Of-Way License

I move to deny the Right-Of-Way License for 760 Jefferson St.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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City of Port Orford

P.O. Box 310, Port Orford, Ore. 97465
(541) 332-3681 / Fax (877) 281-5307

CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

Licensee Information:

Name: Zeff Warrick / Warrick Excavating Phone #: 541-297-5759 Date: 8-10-22
Address: 63325 Gypsy Dr. Coos Bay Signature: Zeff Warrick
Property location: 760 Jefferson st.
Assessors Map: _____ Lot#: _____

Description of Improvements: Attach Drawings / Plans if available:

Stock pile material for project
Access for Driveway in near future

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.
8. If applicant disagrees with the action of City Staff, an appeal may be filed with the City Council within 14 days of the action, or the decision becomes final.
9. Criteria that will be used to evaluate proposed right-of-way use:
 - A. Potential impact on existing utilities (water, sewer, storm water, etc.) including potential future maintenance requirements for those utilities.
 - B. Will the proposed use negatively impact visibility for traffic on adjoining roadways?
 - C. Are there any other potential public safety concerns?
 - D. Will the proposed use be likely to create negative visual impact on adjoining properties?
 - E. Will the proposed use impact any other existing uses?
 - F. Is granting the ROW usage license in the public interest?

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City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 08/18/2022

SUBJECT: Proposal for Road Closure

ITEM NO: 8 B.

The Run of the Rogue would like to host a Community Dinner at the Community Center on September 10, 2022. However, due to Covid they would like to host it outside the Community Center Building and have the Road closed on Saturday September 10, 2022 from 11am to 7pm.

Suggested Motions

Motion to Approve the Road Closure

I move to approve the Road Closure on September 10th from 11am to 7pm for the Run to the Rogue Community Dinner.

Motion to Deny the Road Closure

I move to deny the Road Closure on September 10th from 11am to 7pm for the Run to the Rogue Community Dinner.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

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Proposal for road closure (shown on map) September 10, 2022 , from 11am-7pm For The run to the Rogue Community Dinner. 100+ people

The Run to the Rogue commemorates the trail of tears 234 mile run, walk in 3 days.

Port Orford community has always provided a meal for this special event. Due to Covid it was canceled for two years ,but this year they have decided to do the run, this has always been a special event in Port Orford for The Confederated tribes of the Siletz. Because of Covid and the safety of everyone involved we have decided to do a to-go meal outside of the building were they will have food to choose and put in to go containers Due to the Proximity of hwy 101 I feel it would be safer to close the road for the hours of this event Thanks you for your time and please consider this for our citizens and there's.

Sincerely Yours. Joanie McNerlin. 541-366-1213

P.s. If you would like to donate your time or homemade desserts or money to purchase food please call me and leave a message Thank you

P.O. Box 385, Port Orford, OR
97465

Google Maps 1235 Oregon St

