

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, November 10, 2020
3:30 PM**

How to Participate:

Planning Meeting November 10, 2020
Tue, November 10, 2020 3:30 PM - 5:30 PM (PDT)

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

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

You can also dial in using your phone.

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

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

Access Code: 139-160-733

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

<https://global.gotomeeting.com/install/139160733>

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Approval of Minutes: September 29, 2020 Special Session and October 13, 2020 Regular Session
5. Comments from the Public
6. Public Hearing – Reduce the Allowable Building Height in All Zones
 - Order of Proceedings
 - Call to Order
 - Staff Report (Exhibit A), including Attachments
 - (A) Letter from Port Manager Pat Cox
 - (B) Letter from Fair Housing Council Jean Dahlquist
 - (C) Letter from Citizen Steve Lawton
 - (D) How to Determine Building Height
 - (E) Letter from Jeffery McVannel
 - (F) Letter from Steve Lawton
 - Public Input
 - Close Hearing
 - Planning Commission Deliberation
7. Planning Matters
 - None
 - Other Business
8. A. Announcements and Communications:
 - City Planner Comments
 - Planning Commission Comments

B. Old and Continuing Business
9. Public Considerations
10. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING

Tuesday, September 29, 2020, 3:30 p.m.
Special Virtual Meeting
Port Orford City Hall, virtually by internet
555 W. 20th Street
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

Chair McHugh called to order the special meeting of the City of Port Orford Planning Commission Tuesday, September 29, 2020 at 2:43 p.m.

Those members present were: Chair McHugh, Commissioner Stetson, Commissioner Berndt, Commissioner Leonard.

City staff present were Planner Crystal Shoji and Planning Assistant Patty Clark.

Others present were Dana Gurnee.

2. Comments from the Public:

Dana Gurnee: Mr. Gurnee understood the purpose of the meeting today was to follow the instructions of the City Council to make modifications in the ordinance to reduce building heights in all zones. He recalls the planners talking about the pros and cons of the concept of height adjustment at the last meeting. He felt that was not the purpose of that meeting, nor the purpose of this meeting. Mr. Gurnee informed the commission of his appreciation for their hard work.

3. Planning Matters: Reduce the Allowable Building Heights in All Zones:

Planning is under instructions from Port Orford City Council to make a reduction across all zones in the allowable building height. The original City Council motion was for a reduction to 25 feet. That motion was cancelled, and City Council was instructed to send this matter to Port Orford Planning Commission for deliberation and hearing.

Commissioner Stetson moved to make the maximum building height across all zones 25 feet with commissioner Berndt as second. *Motion carried 4-0.*

Discussion: Assistant Planner Clark advised that at the next commission meeting commissioners would accept the changes that Planner Shoji will write up. The notices for hearing will have to be posted and then a hearing held. The hearing will not actually happen until November.

Comm. Stetson	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Leonard	<u>Yes</u>
Comm. McHugh	<u>Yes</u>				

Commissioner McHugh moved for Planner Shoji and Assistant Planner Clark to make the changes to the ordinance keeping the definition of building height and current exceptions, though changing all building heights permissible to 25 feet with Commissioner Stetson as second. *Motion carried 4-0.*

Discussion: None.

Comm. Stetson	<u>Yes</u>	Comm. Berndt	<u>Yes</u>	Comm. Leonard	<u>Yes</u>
Comm. McHugh	<u>Yes</u>				

4. Chair McHugh adjourned the meeting at 3:11 p.m. `

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING

Tuesday, October 13, 2020, 3:30 p.m.

Regular Meeting
Virtually held
555 W. 20th Street
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission Tuesday, October 13, 2020 at 3:15 p.m.

Those members present were: Chair McHugh, Commissioner Stetson, Commissioner Schofield, Commissioner Jezuit, Commissioner Berndt, Commissioner Nieraeth and Commissioner Leonard.

City staff present were Planner Crystal Shoji, Legal Counsel Kudlac and Planning Assistant Patty Clark.

Others present were Steve Lawton and Dana Gurnee.

2. Additions to the Agenda: None.

3. Approval of Agenda:

Commissioner McHugh moved to approve the agenda for the meeting of October 13, 2020 as written with Commissioner Stetson as second. Passed by consensus.

4. Approval of Minutes:

Commissioner Berndt made the motion to approve the minutes as written of Port Orford Planning Commission meeting dated August 11, 2020 with Commissioner McHugh as second. All approved the motion.

Commissioner Leonard made the motion to approve the minutes of Port Orford Planning Commission meeting dated September 8, 2020 with modifications if appropriate with Commissioner Berndt as second. All approved the motion.

5. Comments from the Public.

Steve Lawton: Gave a summary of events leading to the building height review on the planning commission agenda. Mr. Lawton facilitated a session for the city council January 16, 2020 with the purpose of council developing the ten most important items the city council wanted to work on in the year 2020. Out of those ten items, one was the building height review. City council is concerned about city density and water capacity. It then evolved into an agenda item for city council August 20, 2020, which resulted in a directive to the planning commission.

Dana Gurnee: Port Orford resident gives his appreciation to the commissioners for the work they have done revising the ordinance regarding building height.

6. Planning Matters.

Reducing building height in all zones: Commissioner McHugh presented a letter received by Planner Shoji. Planner Shoji reviewed the memo and the staff report with commissioners. She explained the format and highlighted notes for discussion.

In Residential Zones 1R and 2R the current 35 feet is changed to 25 feet. Commercial C Zone currently stating 45 feet is also proposed to 25 feet.

The Industrial Zone, 5I, currently has no restrictions and is proposed to 25 feet. Ordinance 17.12.050, Controlled Development Zone 6C currently has no restrictions and is proposed 25 feet in height.

The Marine Activity Zone currently has no restrictions and will need commissioners to review and discuss. This includes the port lifts that are fixed to the ground.

Public Facility and Park zones currently have no restrictions and will need commissioners to review and discuss. This zone includes wastewater plant and water facilities.

Shoreland Zone 17.12.080 does not currently have restrictions and is proposed 25 feet in height. This zone currently has permitted uses including those in underlying zones, which are water dependent commercial and recreational developments and single-family dwellings. This needs discussion.

Battle Rock Mixed Use Zone currently includes verbiage that if 35 feet is exceeded it will need site plan review. If there will be a restriction to 25 feet that verbiage will have to be removed and numbers will have to be adjusted.

General Exceptions to Building Height Limitations: At this point, there are no proposed changes, but commissioners can add general exceptions.

Additional Standards Governing Conditional Uses; hospital, nursing home, etc.: Current code states these can exceed height limitations in the zone that they are located in if approved by state fire marshal. This will need commissioner's review and discussion.

Tsunami Evacuation Route Improvement: There is a section of that zone that addresses evacuation structures being exempt from height restrictions.

Planner Shoji addressed compliance items:

Statewide Planning Goals: The city has to show that they are complying with the statewide planning goals. She presented a list that she feels pertains. Commissioners will need to agree on findings. There are definitions outlined by Planner Shoji that need reviewed.

Definitions:

- Grade: Commissioner McHugh advised the more common term is Finished Grade. Commissioners agree to leave the term as is.
- Residential 1R zone amended to 25 feet building height is agreed upon by commissioners and adopted.
- Residential 2R zone amended to 25 feet building height is agreed upon by commissioners and adopted.
- Commercial 4C zone amended to 25 feet building height is agreed upon by commissioners and adopted.
- Industrial 5I zone amended by adding 25 feet building height is agreed upon by commissioners and adopted.
- Height of buildings exceptions provided in 17.20.050 in a 6C zone, no building shall exceed 25 feet in height is agreed upon by commissioners and adopted.
- Marine Activity Zone includes buildings anchored to the ground but actually does not begin until dock height that might be technically more than 25 feet high. Planner Shoji suggested an exception of not having a 25 feet restriction in the Marine Zone. She also suggested an exception per building in Marine and Public Facilities zones. Planner Shoji suggested to communicate with the Port and Public Works to be sure they understand how this affects their facilities. Commissioner McHugh suggested communicating with the fire department about their capabilities in this zone and Public Facilities Zone. Planner Shoji and Assistant Planner Clark will communicate with the Port and Public Works about

ramifications of this change in their zones. Assistant Planner Clark will contact the fire chief. Grade will be defined as dock level in this zone.

- 17.12.080 Shoreline Overlay Zone is a small 50-foot overlay in the hightide area defined in the comprehensive plan. Buildings not to exceed 25 feet in height is agreed upon by commissioners and adopted.
- 17.12.090 Battle Rock Mixed Use Zone 10MU currently states 35 feet, which will be amended to 25 feet in height. This is agreed upon by commissioners and adopted.
- 17.33 Site Plan Review: No signage shall be displayed above 25 feet is agreed upon by commissioners and adopted.
- 17.20.050 General Exceptions to Building Height Limitations: Commissioners are concerned that exceptions can create loopholes. Planner Shoji suggested this as an area where exceptions for the Marine Zone can be added. There is a citizen in town interested in an observation dome. Planner Shoji will look for a definition for an observation dome and present it to commissioners.
- 17.32.050 Additional Standards Governing Conditional Uses: Currently reads churches, hospitals, nursing homes, convalescing homes and retirement homes can be built to any height depending on approval by the state fire marshal. Assistant Planner Clark reported examples of convalescent homes and hospitals in neighboring cities that are 8 stories high that would fit by Battle Rock Park. Commissioner McHugh suggested removing 17.32.050 from the ordinance. Commissioners agree to remove Additional Standards 17.32.050 from the building height ordinance.
- Tsunami Evacuation Route Improvements: Comm. McHugh suggested exempting the Tsunami Evacuation Route Improvement from the 25 feet building height ordinance. Commissioners agree to exempt Tsunami Evacuation Route Improvement structures from this ordinance.

Commissioner McHugh moved to accept proposed changes as written and amended and schedule a hearing in November with Commissioner Stetson as second.

7. Announcements and Communications:

City Planner Comments: None.

Planning Commission Comments: None.

8. Old and Continuing Business:

Dark Sky Ordinance: Council is concerned about the violation and punishment area. They feel it is too strict. They are sending it back to Planning Commission. Commissioners are requested to research and come up with ideas prior to next meeting.

9. Considerations from the public:

Steve Lawton will resubmit the testimony that was not included on September 9 to Commissioners and Assistant Planner Clark. Assistant Planner Clark will include it in the next meeting packet.

10. Chair McHugh adjourned the meeting at 5:09 p.m. `



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

Staff Report

To: Port Orford Planning Commission
Port Orford City Council

Prepared by: Crystal Shoji, AICP, Port Orford Planner

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

Date: October 8, 2020
Revised November 3, 2020

Scheduled Hearings:

- **Planning Commission Public Hearing – Tuesday, November 10, 2020; Via Virtual Meeting at 3:30 p.m.**
- **City Council Public Hearing – Thursday, November 19, 2020; Via Virtual Meeting at 3:30 p.m.**

Portions of this Staff Report respond to the criteria of the Municipal Code. In this portion of the Staff Report, language quoted from the Port Orford Municipal Code and the Statewide Planning Goals is shown in *italics*. Findings and comments provided by the City Planner are shown in regular font.

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

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

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

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

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

B. Any amendment shall be adopted by (Ordinance [sic].

Findings: The City is following the procedures set forth in Section 17.40.030 of the code.

17.40.040 Criteria and Approval for Zone Text or Map Amendment.

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

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

Findings: The proposal to amend height restrictions is justified due to changing circumstances. It has been many decades since the height restrictions within the code were put in place. At this time, the City Council and Planning Commission have determined that the City of Port Orford will be best served by maintaining a small-town ambiance with human-scale buildings that are compatible with existing development within the City.

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

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

STATEWIDE PLANNING GOAL 9: ECONOMIC DEVELOPMENT

City Goals

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

City Policies

- 3. Encourage and support efforts to improve Port facilities, the harbor and fisheries including:
 - a. Replacement and maintenance of docks and infrastructure.*
 - b. Rebuilding and maintaining the jetty.*
 - c. Controlling and mitigating shoaling through dredging or jetty infrastructure.*
 - d. Encourage the development of educational research and tourism facilities.**

5. *Encourage efforts to stimulate the tourism industry.*
6. *Encourage human-scale amenities within commercial areas and adjacent to trails and lookouts to encourage tourism and enhance the city's sense of place.*

Findings: From the comments of Port personnel, it appears that the proposed 25 ft. height limitation would not encourage and support efforts to improve Port facilities. In addition, the limitation could limit efforts to stimulate the tourism industry by providing opportunities for viewing from observation facilities, if observation facilities are curtailed as previously discussed by the Planning Commission. A definition for observation facilities is included in the proposed amendment. See Section 17.20.050 General exception to building height limitations, page 8 of this document proposes a new exception to allow a new stationery boat hoist.

The 25-foot height limitation may not encourage efforts to stimulate the tourism industry if it limits access to views that could be enjoyed by the traveling public in commercial areas of the City. The Planning Commission will be asked to consider any limitations that could result from a 25-foot limitation in commercial and marine zones.

The proposed 25-foot zoning limitations proposed in the amendments can encourage enhancing the city's sense of place over time by providing human-scale amenities that may be unique to Port Orford's small town ambiance.

STATEWIDE PLANNING GOAL 10: HOUSING

City Goals

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

Findings: No specific expense would be added for housing by enactment of the 25-foot height limitation. The land base for housing would not be modified in any way. A full range of housing types and locations and densities through planning and zoning will continue to be available within the City of Port Orford.

STATEWIDE PLANNING GOAL 17: COASTAL SHORELANDS

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

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

- A. Determine whether the height restrictions as proposed in industrial, marine, commercial and shoreland areas are consistent with providing opportunities throughout the city for a variety of economic activities that are important to the health, welfare and prosperity of the citizens and community of Port Orford.
- B. Determine whether height restrictions as proposed at 25 feet will continue to allow for and stimulate the tourism industry.
- C. Determine whether you agree with the staff finding that the proposed height restrictions are consistent with encouraging human-scale amenities within commercial areas and adjacent to trails and lookouts to encourage tourism and enhance the city's sense of place.
- D. Determine whether the proposed height restrictions are consistent with diversifying and improving the economy of Port Orford, while protecting the natural environment that makes the city a unique and inviting place. Please see comments submitted by Pat Cox regarding the uses of the Port of Port Orford, Attachment A.
- E. Determine whether you agree with the staff finding that the proposed height restrictions will continue to allow for a full range of housing types and locations and densities through planning and zoning within the City of Port Orford. Please see communications from the Fair Housing Council Attachment B.
- F. Determine whether the proposed height restrictions are consistent with the needs of water-dependent and water-related uses, and for nondependent nonrelated uses, in the city, compatible with existing or committed uses. The following definitions from the *Statewide Planning Goals and Guidelines, Definitions* may be helpful:

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

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

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

Staff Recommendations:

The decision-making body is charged with considering the determinations set forth on page 4 of this document. The Planning Commission must determine that amending the height restrictions throughout the City as proposed in the attached draft amendment document are consistent the Comprehensive Plan Goals and Policies, or modifying the proposal to achieve consistency. Please see the list of policies and determinations that must considered and discuss your options. If the decision-making body makes the determination that there the height restrictions could provide adverse effects in any of the zones based upon the determinations from (A) – (F) above, a particular zone could be excluded from new or amended height restrictions, or specific exceptions could be provided within the City’s zoning ordinance.

When you have made all of the necessary adjustments to the language that is proposed in order to amend the code, please determine affirmative findings of compliance with the language of the Comprehensive Plan Goals and Policies included within this Staff Report. In addition, it will be important to make one additional general finding as follows:

Finding: The proposed height amendments are consistent with the language of the Comprehensive Plan Goals and Policies as presented within the Staff Report.

Note that the Proposed Amendments that may need adjustment are provided beginning on the next pate of this staff report.

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

Format of Proposed Zone Text Amendments in this section:

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

Current code language is in regular font.

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

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

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

Port Orford Municipal Code Chapter 17.04

17.04.030 Definitions

“Dome” means having the rounded or curving shape of a dome without angles and corners.

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

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

Planner’s Note: See communication from Stephen Lawton, Attachment C regarding building height. A proposed graphic is included as Attachment D to this document. Please determine whether it is helpful to include this graphic as an addendum or to further clarify the definition of “Height of buildings” within the Port Orford Municipal Code, Title 17 Zoning, Section 17.04.030 Definitions.

Dome and observation tower are included in the exemptions of the current code. See section 17.20.050 General exception to building height limitations, page 8 of this document.

Port Orford Municipal Code Chapter 17.12

17.12.010 Residential zone (1-R)

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

17.12.020 Residential zone (2-R)

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

17.12.030 Commercial zone (4-C)

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

17.12.040 Industrial zone (5-I)

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

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

17.12.050 Controlled development zone (6-CD)

Planner's Note: There are currently no restrictions in the 6-CD zone. The following height restriction is proposed:

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

Planners Note: Renumbering would be required to incorporate the wording of "C. Height of Buildings" in the wording above.

In the current language, C. Conditional Use Permitted in the 6-CD zone permits public utility facilities, communication facilities, structures for recreation activities, etc.

17.12.060 Marine activity zone (7-MA)

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

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

17.12.070 Public facilities and park zone (8-PF)

Planner's Note: There are currently no restrictions in the 8-PF zone. This zone allows city utilities and infrastructure. The following height restriction is proposed:

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

17.12.080 Shoreland overlay zone (9-SO)

Planner's Note: There are currently no restrictions in the 9-SO zone. The following height restriction is proposed:

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

Planner's Note: This zone outlined in this section has permitted uses including those in the underlying zone, water-dependent commercial and recreational developments and single-family dwellings. This zone includes conditional uses that include water-dependent commercial and industrial uses, residential uses, and other. As an overlay zone, you may wish to utilize the height restrictions of the underlying zones, rather than proposing a new height restriction for the overlay zone.

17.12.090 Battle Rock mixed use zone (10-MU)

B. Uses Permitted Outright

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

Planner's Note: When the language in #15 above is removed, the following numbered reference in the code, #16, will become #15.

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

Chapter 17.33 Site Plan Review

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

17.20.050 General exception to building height limitations.

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

Planner's Note: The comma between the words, "aerial" and "cooling" in our code language for exceptions appear to be misplaced. Please consider this.

17.32.050 Additional standards governing conditional uses.

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

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

17.46.080 Evacuation Route Improvement Requirements.

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

October 28, 2020

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

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

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

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

Provide ocean access for commerce and recreation.

Build our Port's financial strength

Increase and diversify our operating revenues

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

Improve our region's special quality of space.

Create diverse means for regional economic well-being.

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

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

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

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

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

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

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

Respectfully,

Pat Cox, Port Manager Port of Port Orford

Crystal Shoji

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

Jean,

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

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

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

Good morning Crystal,

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

Jean Dahlquist

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

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

Good Afternoon,

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

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

Crystal Shoji, AICP- Port Orford Planner

Shoji Planning, LLC

P.O. Box 462

Coos Bay, OR 97420

Phone: 541-267-2491

From: Jean Dahlquist [<mailto:jdahlqu1@gmail.com>]

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

To: patty@portorford.org

Subject: PO Zone Amendment 20-01

Good morning,

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

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

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

Very Respectfully,

Jean Dahlquist

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: jdahlqu1@gmail.com

[Linkedin](#)

Crystal Shoji

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

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

Patty

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

Patty and Kevin,

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

Possible Definition for Determining Building Height Relative to Grade

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

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

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

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

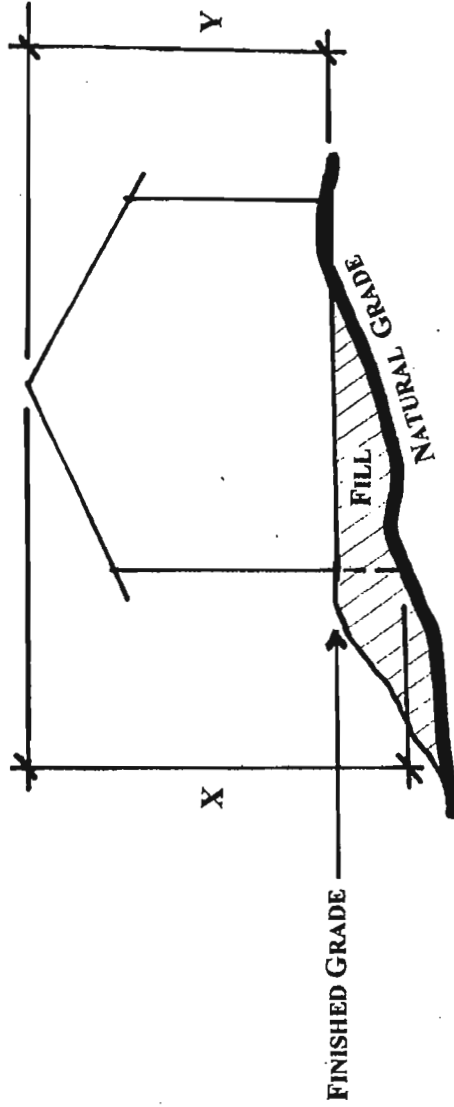
Respectfully,

Steve Lawton
710 Jefferson St.
Port Orford

TO DETERMINE BUILDING HEIGHT

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

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



X = tallest building height

Y = shortest building height

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

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

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

TO DETERMINE BUILDING HEIGHT

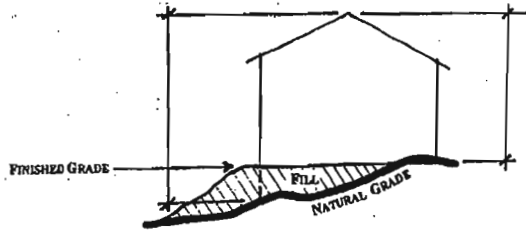


FIGURE A

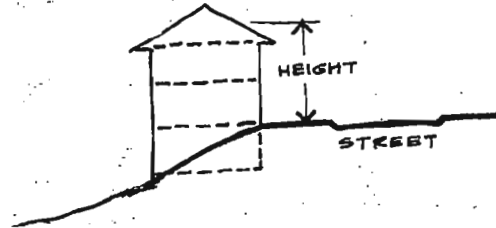
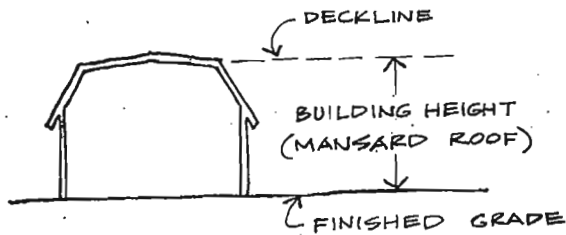
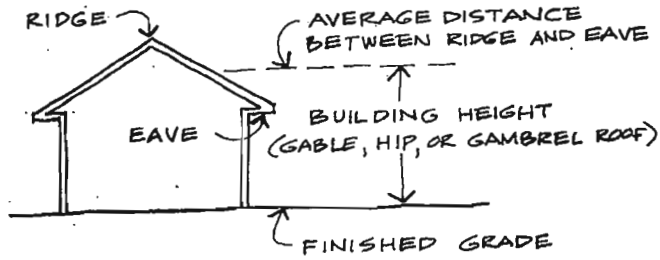
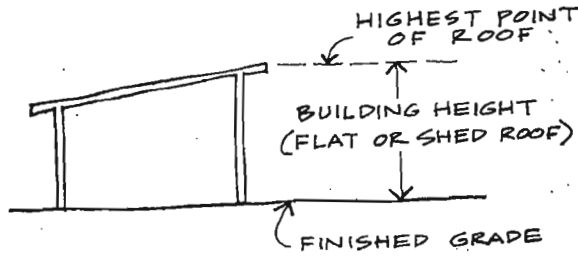


FIGURE B



Patty Clark

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

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

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

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

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

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

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

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

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

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

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



November 3, 2020

To: Port Orford Planning Commission

From: Steve Lawton
710 Jefferson St
Port Orford

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

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

Attachment F

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

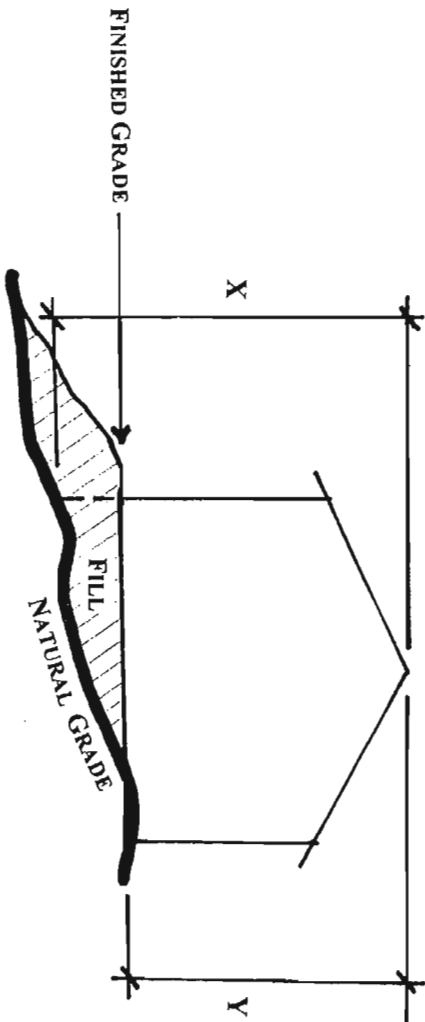
Based on the above reasons, I support the proposed planning ordinance to reduce building heights across all zones within the City of Port Orford to 25 feet. I believe that it will protect the character and livability of our community while serving the needs of investors and not harming the local economy.

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

TO DETERMINE BUILDING HEIGHT

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

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



X = tallest building height

Y = shortest building height

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

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

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