

PORT ORFORD PLANNING COMMISSION AGENDA
GABLE CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING
Tuesday, August 13th, 2024, 5:30 PM

If unable to join in person; please join the meeting from your computer, tablet or smartphone.

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1. Call to Order
2. Chair Comments
3. Minutes July 8th, 2024 (pg. 2-4)
4. **Welcoming of Jerry Boydson as a Commissioner**
5. Public Comments (On Agenda Items Only)
6. Public Hearing: CUP 2024-02 – Rays Bottle Drop (pg. 5-8 + (A)(B)(C))
7. CUP Extension Discussion (pg. 9-14)
8. Planning Matters: DLCD Grant Update (pg. 15-45)
 - A. **Proposed Amendments to Use Zones with new uses and changing requirements**
 - B. **Cottage Residential concepts, viability for affordable housing**
9. Discussion Items
 - A. **Planning clearances approved since the last meeting**
10. Other Business
 - A. City Planner Comments
 - B. Planning Commission Comments
11. Public Considerations
12. Future Meetings
 - A. September 10th @ 5:30?
13. Adjourn

Item 3: Minutes from the July 8th 2024 Planning Commission Meeting

City of Port Orford
Planning Commission Meeting Minutes
In the Gable Chambers / Virtual participants
Monday, July 8th, 2024 at 3:30 P.M.

Commission Member	Present	City Staff	Present
Chairman Greg Thelen (GT)	Present	Joseph Harrison, Planning Tech. (JH)	Present
Vice Chair Pamela Berndt (PB)	Virtual	Crystal Shoji, City Planner (CS)	Virtual
Comm Sara Lovendahl (SL)	Present		
Comm Jennifer Head (JH)	Present		
Comm Carol Lawton (CL)	Absent		

*The minutes were prepared using the video available at:
https://www.youtube.com/watch?v=fhaWi_uAyUg*

1. (0:00-0:01) Call to Order
 - A. Chair Thelen called to order this Meeting of the Planning Commission on **July 8th**, 2024, at **(5:30)** p.m. with a roll call showing all members are present.
2. (0:01-0:04) Chair Comments
 - A. Commissioner Berndts term as a Commissioner has come to an end. Chair Thelen invites Berndt to join them as a non-voting member for this meeting and will look into avenues for her to continue to lend her expertise to the Commission as she can no longer serve as a voting member.
3. (0:04-0:06) June 10th Minutes
 - A. Joseph goes through corrections submitted prior to the meeting; 4(a) "Testimony can be found at" is completed to "Testimony can be found at the end of the document.", Commissioner Carol Lawton was shown as present during roll call, but she was not present.
 - B. Comm. JH moves to approve the minutes for June 10th with the aforementioned amendment.
 - C. Commissioner SL seconds the motion.
 - D. Vote: discussion on Absent vs Abstain on the vote; 4-0 @ 5:36.

Chairman Thelen Yes Commissioner Head Yes Commissioner Lawton Yes
Commissioner Berndt Yes

4. **(0:06-0:06) Public Comments (On Agenda Items Only)**
 - A. None
5. **(0:06-1:59) Planning Matters DLCD Grant Update:** Senior Planner Shoji goes through the proposed revisions on housing codes under the DLCD grant. See the planning packet for July 8th 2024 for full details. <https://portorford.org/wp-content/uploads/2024/07/Planning-agenda-7.8.2024-update-2.pdf>
 - A. Cottage Residential: Commissioners discuss utility hookups for ADUs, landscaping requirements for Cottage Clusters, the origin and purpose of Ord. 278, that Cottage Clusters should be conditional use, that ADU's should be allowed in any zone, restrictions on ADU's across all zones, parking requirements, sizing maximums for ADU's is 600 sq. ft..
 - B. Planned Unit Development: Crystal goes through the different kinds of proposed Planned Unit Developments and their proposed restrictions and requirements; manufactured home parks, ADU's, Cottage Clusters, and Variant Subdivisions. Commissioners request to add "Environmental" to the list of features that can be preserved under a Planned Unit Development. There is more to go over, however due to time constraints, the Commission moves on.
 - C. Meeting Extension
 - i. Commissioner SL moves to extend the meeting an additional 20 minutes
 - ii. Commissioner JH seconds the motion.
 - iii. Vote: Motion unanimously passes @ 7:29 pm
6. **(1:59-2:15) Discussion Items**
 - A. **Planning clearances that have been approved since the last meeting**
 - i. Driftwood renovations, septic tank fixes on King St., fences on 12th St., sign on Oregon St., 2 new homes with previous accounts.
 - B. **CUP extension discussion**
 - i. Chair Thelen takes recommendations to discuss at the next meeting: changes in land use and surrounding area, define "Substantial Construction", limit on the number of renewals, what needs to be shown to be granted an extension, add a fee, add language that makes it clear that burden of proof is on the applicant.
 - ii. Joseph recommends moving it higher on the agenda next month and by consensus, the Commission agrees.
 - C. **City residency requirements for Commission members.**
 - i. Commissioners request that forms for application for appointment link to the code explaining the

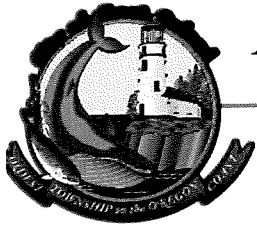
- D. Non-Conforming Uses**
 - i. Grandfathered uses and non-conforming setbacks can be fixed during renovations if they don't exacerbate the grandfathered non-conforming use.
 - E. New Residential Zone**
 - i. This is covered by the existence of the R-2 zone.
- 7. (2:15-2:20) Other Business**
 - A. Applications for Appointment: Berndt, Boydson**
 - i. Berndt's application is not applicable due to address change of the applicant.
 - ii. Commissioner SL moves to recommend Boydson's approval to the City Council
 - iii. Commissioner CL seconds the motion.
 - iv. Vote: having thanked Commissioner Pamala Berndt for her years of work on the commission, the Commissions votes unanimsouly to recommend application be moved onto the City Council. 4-0 @ 7:50
 - B. (2:20) City Planner Comments - None**
 - C. (2:20-2:22) Planning Commission Comments**
 - i. By consensus the Commission agrees to meet on the second Tuesday of each month @ 5:30.
- 8. (2:23) Public Considerations - None**
- 9. Future Meetings**
 - A. August 13th @ 5:30**
- 10. Adjourn**
- 11. Seeing no other business Chair GT adjourns the meeting at 7:55 pm**
- 12. Attest:**

Chair, Greg Thelen

Date

City Recorder, Joseph Harrison

Date



Item 5: CUP 2024-02 – Rays Bottle Drop

Staff Report

TO: Greg Thelen, Chair
Port Orford Planning Commission,

FROM: Joseph Harrison
Port Orford Planning Technician

DATE: August 13th, 2024

SUBJECT: CUP 2024-02

SUBJECT PROPERTIES:

Assessor's Map T32S, R15W, Sec 05AB
Tax Lot 3500

APPLICANTS: RAYS FOOD PLACE #55
C & K MARKET INC
850 OHARE PARKWAY SUITE 100
MEDFORD, OR 97504

Proposal: The proposed project is a Bottle Drop Mechanism to be installed at Rays Food Place, 1555 Oregon St. Port Orford OR, 97465. Map Tax Lot Number: 3315-05AB-03500-00.

Criteria and Findings

Within this section of the Staff Report, words that are quoted directly from the Code or Oregon Law are included in *italics*. Words that are paraphrased or provided as opinions or explanations are provided in regular font.

Port Orford Municipal Code, Title 17

Section 17.12.030 Commercial zone (4-C).

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

6. Retail or service establishment;

Findings: The preexisting use, a Grocery store is an outright use. This Planning Clearance is for an accessory prefabricated structure. Since it is a prefabricated structure in the Commercial Zone, this application is a Conditional Use Permit.

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:

6. Prefabricated structure.

Findings: The Proposed installation is considered a prefabricated structure under our code as there is no definition more applicable for a Bottle Drop Machine.

Section 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.

a. 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.

b. 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.

c. The City may require assurances to guarantee development in accordance with the standards established and conditions imposed in granting a conditional use.

Findings: None of the general additional standards for conditional use permits apply to a Bottle Drop machine in the Commercial Zone. The next section of the code will look at specific requirements for Prefabricated Structures.

I. Prefabricated Structure

a. Prefabricated structure intended for permanent placement and use:

- i. The prefabricated structure shall be placed on a permanent foundation that has perimeter walls and suitable strength and support capability to meet the State Building Code requirements for wind and seismic loads applicable to the City.*
- ii. The prefabricated structure shall have all axles and wheels removed and be placed on an excavated and backfilled site to be no more than 12 inches above grade or have a porch or deck and landscaping along the side(s) of the structure that face the street(s) to make it appear as though it was constructed on site.*
- iii. The prefabricated structure shall be connected to any needed utility services in accordance with all State Building Codes and City utility codes.*
- iv. If the prefabricated structure is accessory to an existing commercial structure it shall be placed on the parcel in a manner such that it has the appearance of being an addition to the existing structure. This can be achieved by using similar exterior paint, siding material or facade features as the existing structure.*

Findings: The proposed prefabricated structure is not a permanent installation and therefore is not subject to these conditions. However, the proposed installation does not conflict with the existing structure and the only needed utility, electricity, will be connected in accordance with State and City utility codes.

b. Temporary Prefabricated Office Structures.

- i. Temporary prefabricated structures may only be placed on a vacant or developed parcel in association with a construction project or similar event. The requirements of this section do not apply to prefabricated structures placed on property for less than 30 days.*
- ii. The temporary prefabricated structure shall be tied down or anchored so as to not to be overturned or substantially moved during high winds.*
- iii. The temporary prefabricated structure shall be connected to any needed utility services in accordance with all applicable State Building Codes and City utility codes.*
- iv. A conditional use permit for a temporary prefabricated structure shall not exceed a period of two years; however, the Planning Commission may grant one extension for an additional one year upon finding that the structure is needed to allow completion of the construction project and there have been no valid violations of the conditions on the permit by the applicant.*

Findings: The proposed installation is not a temporary office structure therefore this section of code is not applicable.

Lot Size. Except as provided in Sections 17.20.030 and 17.20.040 in a 4-C zone, the minimum lot size shall be as determined by the county health department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public and mutual water supply and a public sewage disposal system are available, there shall be no minimum lot area.

Findings: Tentative plat states that both are available under the compass; however water connections are currently unavailable. Alternative plans for water need to be explored and approved by Planning Commission before moving forward.

17.12.030 Commercial Zone (4-C)

E. Lot Size. Except as provided in Sections 17.20.030 and 17.20.040 in a 4-C zone, the minimum lot size shall be as determined by the county health department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public and mutual water supply and a public sewage disposal system are available, there shall be no minimum lot area.

Findings: The proposed installation does not violate setbacks. It is outside of ODOT right of way against Highway 101.

F. Height of Buildings. Except as provided in Section 17.20.050, in a 4-C zone, no structure shall exceed 35 feet in height.

Findings: The proposed installation does not violate height restrictions.

Summary: The proposed project is a Bottle Drop Container to be installed at Rays Food Place, 1555 Oregon St. Port Orford OR, 97465. This installation is considered a Prefabricated Structure under our current Municipal Code, however many of the definitions and requirements for Prefabricated Structures and Conditional Use Permits are not applicable due to the scale of the project. Therefore, it is the staff's recommendation to approve this project with no additional conditions other than potentially changing the location of the installation.

Exhibits Included as attachments to this Packet:

- Attachment (A): Exhibit (A) Planning Clearance Application
- Attachment (B): Exhibit (B) Site Plan
- Attachment (C): Exhibit (C) Example Drop Containers

Item 7: CUP Extension Requirements

Suggested draft to replace 17.32.060 Time limit on a permit for conditional use, and to add a new section on Revocation. (Codes referenced follow draft.)

Submitted for 8/13/24 meeting by Commissioner Thelen

EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void two (2) years after the date of approval of a conditional use application, unless:

1. use of the property permitted by the conditional use permit has actually commenced; or,
2. in the event that such use involves construction, substantial construction has taken place. For the purposes of this statute, “substantial construction” means 25% of the total project value has been expended for construction authorized under the conditional use permit.

B. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

1. The applicable extension application fee is paid.
2. The request for an extension is made in writing not later than forty-five (45) days prior to expiration of the original approval and provides documentation to support the extension request.
3. There are special or unusual circumstances that exist which warrant an extension.
4. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant’s proposal.

C. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

REVOCATION:

The Planning Commission, after notice and public hearing, may revoke a conditional use permit for any of the following reasons:

- A. Failure to comply with any prescribed requirement of the conditional use permit.
- B. Violation of any of the provisions of this Title.

C. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance.

Conditional use extension and revocation examples

B. PORT ORFORD

C. 17.32.060 Time limit on a permit for conditional use.

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, upon written application to the Planning Commission. (Ord. 278 § 6.050, 1977)

GOLD BEACH

Section 6.060. Time Limit on Permit for Conditional Use.

1. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. Substantial construction, in this case, means obtaining all necessary permits required by governmental agencies to commence construction of any structures or to commence the principal activity permitted by the conditional use permit.

2. Once the construction of the structure or facility specified in the conditional use permit is completed the conditional use permit is considered to be issued on a permanent basis.

3. The Planning Director may at their discretion issue conditional use permits which must be periodically reviewed to ascertain that the conditions of the permit are being complied with on a continuing basis.

4. The Planning Director may grant an extension if:

- a) An applicant makes a written request for an extension of the development approval period;
- b) The request is submitted to the Planning Director prior to the expiration of the approval period;
- c) The applicant states reasons that prevented the applicant from beginning development within the approval period; and
- d) The Planning Director determines that the applicant was unable to begin development during the approval period for reasons for which the applicant was not responsible.

Upon written application by the applicant, the Planning Director may extend authorization for an additional period not to exceed one year

CURRY COUNTY

Section 7.050. Time Limit on a Permit for Conditional Uses.

1. Authorization of a conditional use and permitted use, inside an urban growth boundary shall become null and void under the subsections (a) and (b) below unless substantial construction has taken place or an extension has been granted under Section 7.050 (5). Substantial construction in this case means obtaining all necessary permits required by governmental agencies to commence construction of any structures or to commence the principal activity permitted by the Conditional Use Permit.

- a) Authorization for uses in Sections 3.040 and 3.060 shall be void after four years.
- b) Authorization for all other uses shall become null and void after one year.

2. Once the construction of the structure or facility specified in the Conditional Use Permit or

Permitted Use is completed the Conditional Use Permit and Permitted use is considered to be authorized on a permanent basis.

3. Authorization of a Conditional Use Permit for transportation-related uses shall be null and void after a period specified by the decision specified by the decision maker as being reasonable and necessary based on seasonal weather conditions, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

4. Notwithstanding the requirements of 7.050(a) and (b), a discretionary decision approving development on agricultural or forest outside an Urban Growth Boundary (UGB) is void two years from the date of the final decision if the development is not initiated in that period.

5. The County may grant one extension period of up to 24 months if:

a) An applicant makes a written request for an extension of the development approval period;

b) The request is submitted to the County prior to the expiration of the approval period;

c) The applicant states reasons that prevented the applicant from beginning development within the approval period; and

d) The County determines that the applicant was unable to begin development during the approval period for reasons for which the applicant was not responsible.

6. The two year limit and standards for granting extensions of the Conditional Use Permits and Permitted Use authorization in subsection 5 above do not apply to those Conditional and Permitted Use Permits that do not involve structural development.

7. Additional extensions may be authorized under this section providing the applicable criteria for the decision have not changed.

8. Approval of an extension granted under this section is subject to appeal as a land use decision.

City of Aumsville Oregon

Revised 9/29/2020

21.07 Expiration of Approval:

(A) Site development review approval shall be effective for a period of 2 years from the date of approval, if the building permit has not been issued within the 2-year period.

(B) The Planning Commission may upon written request by the applicant and payment of the required fee, grant an extension of the approval period for a period not to exceed a total of 5 years from the original Site Development Review Notice of Decision, provided that:

1. No major modifications are made to the approved site development review plan;

2. The applicant can show intent to initiate to complete construction on the site within the extension period;

3. There have been no changes to the applicable ordinance provisions on which the approval was based. If there have been changes to the applicable ordinance provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site development review shall be required; and

4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within 2 years of site development approval was beyond the applicant's control.

(C) Site development review approval shall be voided immediately if development on the site is a departure from the approved plan or development use, or approved modified plan and development as provided for in Section 21.09(B)

City of Canby

16.50.070 Revocation of conditional use permits.

A. Automatic Revocation. All conditional use permits shall be automatically revoked if

not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits shall not be deemed exercised until the use of the property permitted by the conditional use permit has actually commenced or, in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

B. Revocation for Noncompliance. Any conditional use permit may be revoked by the City Council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

C. Extension of approval. A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:

1. Not change the original application.
2. Explain specifically why an extension is needed.
3. Be approved by the Planning Commission as a new business item.
4. If approved, those with standing on the original application shall be notified of the extension by mail. Those so noticed may obtain a public hearing on the extension by filing a request in writing within ten (10) days of the notice date. The public hearing shall follow the notice requirements and procedure for conditional use permits. The cost of notification and any required public hearing must be borne by the applicant.

An extension shall not be granted for more than one (1) year. (O

Florence city code

10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

10-4-9: REVOCATION: The Planning Commission, after notice and public hearing, may revoke a conditional

use permit for any of the following reasons:

- A. Failure to comply with any prescribed requirement of the conditional use permit.
- B. Violation of any of the provisions of this Title.
- C. The use for which the permit was granted has ceased to exist or has been suspended for six (6) consecutive months or for eighteen (18) months during any three (3) year period.
- D. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance. (Ord. 625, 6-30-80)

Hood River

17.06.040 Time Limits on a Permit for a Conditional Use. The conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

Bandon

17.92.100 Time limitation

A. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.

B. The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title.

C. A conditional use permit shall become void if the use is discontinued for a period of one year.

Brookings

17.136.080 Time limitation.

A conditional use permit shall become void after two years following approval, or after such greater time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The city may extend the period of time allowed to establish the conditional use for an additional period of one year, for good cause, if such extension request is submitted prior to expiration and subject to the requirements of this code. [Ord 12-O-693 § 2; Ord. 09-O-641 § 2; Ord. 89-O-446 § 1.]

Poulsbo code

“Substantial construction” means construction or improvement of a structure that equals or exceeds fifty percent of the market value of the structure

Fallsburg, NY

SUBSTANTIAL CONSTRUCTION

Following the issuance of site plan approval and all necessary building permits, substantial construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Substantial construction does not include land preparation (including clearing, excavation, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations or the erection of temporary forms or the installation of accessory buildings such as garages or sheds.

Rochester, WI

“Substantial Construction” means a considerable amount of work done towards completing the project that received approval, that may include obtaining necessary plot plans, surveys, engineering data,

easements, deed restrictions, approvals, permits, and physically starting the project. For typical building construction projects, the site work must progress beyond grading and completion of structural foundations, and construction must be occurring above grade to be considered substantial work.

Little Rock, AR

“Substantial construction” means that an on-site physical construction program has progressed to a point where 25% or more of the total project is completed or where 25% of the total cost of the project has been expended for materials which are at the site.

From LUBA decisions

31.2.2 Permits – Types – Conditional Use. Where the code provides a conditional use permit does not expire if “substantial construction” has occurred, and that “substantial construction” means 10 percent of the total project value has been expended for construction authorized under a development permit, the local government erred by counting expenditures for a culvert and fill creek crossing that were made when the permits issued authorized only a bridge crossing. *McKenzie v. Multnomah County*, 27 Or LUBA 523 (1994).

Item 8: Planning Matters

See the following pages for information submitted by Senior Planner Crystal Shoji

STAFF REPORT
Work Session for Housing Grant Work

To: Greg Thelen, Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP; City Planner

Date: August 13, 2024

Subject: DRAFT Revisions and Proposals

This DRAFT incorporates suggested code wording and changes to former drafts to incorporate Planning Commission review suggestions. As the grant planner, I have also integrated wording to accommodate and provide consistency as I review Oregon laws and communications provided by DLCD. This DRAFT incorporates changes that have been suggested over various months from January to July 2024.

- ✓ Proposed 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. Some of the numbering needs to be revised where the computer is hard to manage crossed out numbers that are imbedded. This can be managed prior to the final public hearings.
- ✓ Language that exists within our code that addresses housing options with no expectation for change is included with no bold or cross outs; code titles are highlighted in gray so that they are easy to identify. the
- ✓ Planner notes for backup information are included in *italics*.

17.040.30 Definitions *Need to sort childcare facility and where it is allowed from state*

Definitions of housing types: *Going through definitions from info in my housing Notebook.*

✓ **"Accessory dwelling unit (ADU)" means a building or structure that is incidental and subordinate to the principal residential use and the structure, with habitable space that provides shelter, cooking facilities, water and sanitary facilities subject to Section 17.16.090 Accessory Dwelling Unit (ADU). An ADU is not a motor vehicle or recreational vehicle. ADUs include, but may not be limited to the following examples:**

- A. Detached structures free-standing accessory structures.**
- B. Attached conversions such as apartments that are part of the primary dwelling including garage, attic spaces or other with at least a portion of one wall or floor connected to the residence.**
- C. Interior located within a building that was not originally designed or used as an ADU**

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

~~"Childcare facility means an establishment or place, not part of a public school system, in which more than three children not of common parentage, under the age of 14 years are commonly received for a period not exceeding 12 hours per day, for the purpose of being given board, care, or training apart from their parents or guardians. State rules on childcare facilities are underway at this time. Childcare facilities will likely be done with state rules. While there will also be some rules for family childcare homes, any state rules can be incorporated in the CUP process.~~

✓ **"Childcare facilities" include Childcare center or Family childcare homes:**

A. Certified childcare center," as defined in ORS 329A.250 mean any facility that provides childcare to children, including a day nursery, nursery school, childcare center, certified or registered family childcare home or similar unit operating under any name, but not including a number of exemptions noted in ORS 329A.250.

These are permitted in all commercial and industrial zones (except heavy industrial where "reasonable conditions" may be imposed but no special fees or requirements)

B. "Family childcare home" means childcare in the home for 16 (or is it up to 12) children permitted approved as a home occupation in residential zones and commercial zones subject to a conditional use permit. (this should be an administrative CUP).

~~"Cluster residential" means a development technique wherein house 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 single ownership, be in condominium ownership or other.~~

✓ **"Cottage residential" includes four or more single family detached dwelling units that are no more than 900 square feet in size organized to comply with Planned Unit Development requirements of the Port Orford Municipal Code. Cottage residential may be processed as one of the following:**

- 1) A subdivision processed through Title 16 and Chapter 17.28.**
- 2) Rental units maintained in one ownership processed through Chapter 17.28.**

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

"Dwelling, single-household 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-household family" means a building or detached dwellings grouped with common walkways, identical design features, common, landscaping and parking, including three or more dwelling units on an individual lot under one ownership, or multiple lots combined through a deed restriction

forbidding the sale of the units or lots separately, including but not limited to multiplexes, apartments, *and condominiums*.

"Dwelling, two-household 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" 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 visitors, guests, or occupants of the primary dwelling on the lot with a single-household dwelling.

"Manufactured dwelling," "manufactured dwelling park," "manufactured home" and "mobile home park" have the meanings given those terms in ORS 446.

"Manufactured dwelling park" means any place where four or more manufactured dwellings as defined in ORS 446, prefabricated structures as defined in ORS 455, or mobile homes that are relocatable as defined in ORS 446, are more than eight and one-half feet wide, located within 500 feet of one another on one lot, tract or parcel of land under the same ownership with the primary purpose of renting or leasing space to any person. Renting space refers to 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.

"Manufactured home" or "manufactured dwelling" 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 subdivision includes spaces being rented or leased for occupancy by no more than one manufactured dwelling per lot where a subdivision is 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-household, duplex, and multiple-household 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.

"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 the City of Port Orford Conditional Use Permit, Oregon State Building Codes has authority for plan review and construction of recreational vehicle parks.

✓ **"Residential care facility" means a residential care facility, residential training facility, or residential treatment facility as defined in ORS 443.400, licensed by the Oregon**

Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related to each other or to any other resident of the facility.

✓“Residential care home” means a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related to each other or to any resident of the residential home.

✓*This section has been reviewed and should be carried out in the (2-R) zone also*

17.12.010 Residential zone (1-R). *(Check all numbering and uses with CUP criteria for consistency throughout.)*

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-household family dwelling or duplex;
- ✓2. Manufactured home and prefabricated dwelling in accordance compliance with Section 17.16.040;
3. Accessory dwelling unit (ADU) in compliance with Chapter 17.16.090. *(This can be an outright use assuming our conditions are clear and objective.)*
5. 4. Home occupation *(needs conditions - What does the City have? Should be administrative approval, as has been in the past, but are there rules?)*
- ✓6. 5. Childcare facility; Family childcare facility-home limited to 12 or 16? children as a home occupation permitted in all dwellings in residential and commercial zone as home occupation subject to an administrative CUP
7. 6. Residential care home;
8. 7. Private stable where building site is one acre or more;
4. 8. Farming where building site is one acre or more, but not including commercial livestock production;

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, Conditional Uses.

1. Church or school;
2. Grange hall or Public or nonprofit community facility 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 in compliance with Chapter 8.20.
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 Chapter 17.28 ??~~
8. Cottage Residential in compliance with Chapter 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). Check all numbering

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-household family dwelling or duplex;
- ✓2. Manufactured home and prefabricated dwelling structure in accordance ~~compliance~~ with Section 17.16.040; *(this is being amended to comply with the law)*
- ~~3. Multiple family dwelling;~~
3. Accessory dwelling unit (ADU) in compliance with Section 17.16.090.
- ~~6. 4.~~ Home occupation, in compliance with Section 17.04.030 and Section 17.16.050; *Section 17.04.030 is a definition; Move definition requirements to 17.16.030 so that all conditions are together.*
- ~~7. Childcare facility;~~
5. Family childcare facility home limited to 12 children permitted in all dwellings as a home occupation; *permitted in all dwellings in residential and commercial zone as home occupation subject to a CUP. This maybe should be under CUP.*
- ✓8. 6. Residential care home;
4. 7. Private stable where building site is one acre or more;
- ~~9. Hospital, sanitarium, retirement home, medical or dental clinic.~~
5. 8. Farming where building site is one acre or more, but not including commercial livestock production;

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~~ in compliance with Section 17.32.050;**
2. Church, or school **in compliance with Section 17.32.050 (B)**
3. **Public or nonprofit community facility in compliance with Section 17.32.050 (B)**
4. **Health care facility including medical or dental clinic, residential care facility, retirement facility in compliance with 17.32.050 (B)**
5. **Multi-household dwelling in compliance with 17.32.050 (B)**
- ~~3. 6. Grange hall or Community building dwelling in compliance with 17.32.050(B);~~
- ~~4. 7. Public use facility or public utility, including, but not limited to, fire stations;~~
- ~~5. 8. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months in compliance with Chapter 8.20;~~
- ~~6. 9. Utility facility, including substation or pumping station or private generator;~~
- ~~9. Hospital, sanitarium, retirement home, medical or dental clinic.~~
- ~~7. 10. Commercial communications transmitter or receiver antenna;~~
- ~~8. 11. Planned unit development on a lot not less than three acres in compliance with Chapter 17.28;~~
12. **Cottage residential in compliance with Chapter 17.28.**

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-household-family dwellings~~ **dwelling** or duplex;
2. ~~Multiple Family dwelling;~~ **3. Accessory dwelling unit (ADU) in compliance with Section 17.16.090.**
- ~~2. 3. Manufactured home and prefabricated dwelling in compliance with Section 17.16.040;~~
- ~~3. 4. Club or lodge hall;~~
- ~~5. Hospital, sanitarium, retirement home, medical or dental clinic;~~
5. Retail or service establishment;

6. Automobile service station;
7. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
8. Building material storage yard;
9. Plumbing, electrical or paint contractors storage, repair or sales shop;
10. Tire retreading or vulcanizing shop; ?
11. Wholesale, trucking and storage establishment;
12. Machine shop or cabinet shop;
13. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 17.12.040 (C);
14. Public park playground, fire station, library or museum;
16. ~~Childcare facility~~: **Family childcare facility-home limited to 12 children permitted in all dwellings as a home occupation; permitted in all dwellings in residential and commercial zone as home occupation subject to a CUP**
17. Certified child care Center in compliance with ORS 329A.440
18. Residential ~~care~~ care home;
- ~~18. 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 in compliance with Section 17.32.050 (E);**
2. Recreational vehicle park **in compliance with Section 17.32**
RV parks are currently addressed in 17.16.070; should be moved to 17.32 because RV parks will be conditional use permits
3. Planned unit development on a lot of at least three acres in area in compliance with Chapter 17.28.
4. Multi-household dwelling in compliance with Section 17.32.050 (B)
- ~~3- 5.~~ Hotel or motel in compliance with Section 17.32.050 (B)
6. Residential care facility in compliance with Section 17.32.050 (B)
7. Health Care Facility in compliance with Section 17.32.050 (B)
8. Church, or school in compliance with Section 17.32.050 (B)
9. Public or nonprofit community facility in compliance with Section 17.32.050 (B)
10. Utility facility, including substation or pumping station or private generator;
- ~~4- 9.~~ Communications transmitter, receiver, antenna or tower;
- ~~5- 10.~~ Wind generator;

6. ?? Prefabricated structures (*Is this appropriate for commercial prefabricated structure when prefabricated dwellings are now permitted as residential structures by the state? See language 17.32.050 and discuss comments from State Building Codes and prefabricated dwellings.*)

12. Cottage residential.

13. Retirement Home in compliance with Section 17.32.050 (B).

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-household family dwellings dwelling~~ or duplex;
2. ~~Multiple family dwellings;~~ **Manufactured and prefabricated dwelling or duplex in compliance with Section 17.16.040**
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;~~ **Family childcare facility-home limited to 12 children permitted in all dwellings as a home occupation; permitted in all dwellings in residential and commercial zone as home occupation subject to a CUP**
19. Residential care home;
20. ~~Residential care facility.~~
21. **Retirement home in compliance with Section 17.32.050.**

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. **Cottage Residential? Planned** unit development ~~on a lot of at least three acres in area in compliance with Chapters 16.16 and 17.28.~~
9. **Multi-household Family dwelling in compliance with Section 17.32.050 (B)**
10. **Hotel or Motel in compliance with Section 17.32.050 (B)**
11. **Hospital in compliance with Section 17.32.050 (B)**
12. **Residential care facility in compliance with Section 17.32.050 (B)**

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 **in compliance with Section 17.32.050 (B)**;
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 **permitted 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-household-family dwelling residences~~ on existing lots or parcels.
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).

The Battle Rock mixed use zone needs to be addressed further related to assure that any zone amendments continue to recognize that it is to be a mixed use zone that encourages pedestrian activity, tourist commercial and tourist facilities in a compact area which may not be appropriate for large facilities except for hotels and motels. We should review some of the uses proposed in the (2-R) and the (4-C).

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-household family dwelling or duplex;
2. Manufactured home, in accordance with Section 17.16.040;
3. ~~Multiple Multi-household family dwellings~~ dwelling;
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~~; **Family childcare facility home limited to 12 children permitted in all dwellings as a home occupation; permitted in all dwellings in residential and commercial zone as home occupation subject to a CUP**
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; *We may want to make this consistent with whatever we decide is a large building in the previous zones that we have discussed.*
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).
8. **Cottage residential .**
9. **Residential care facility subject to ORS 418.**

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-~~ **Where** 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 and Prefabricated home placement on individual lots.

~~✓A manufactured or prefabricated 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-household dwellings constructed under the Low-Rise Residential Dwelling Code administered by the state building code as defined in ORS 455. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the external thermal envelope certification requirement.~~

~~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.~~

Chapter 17.16, Supplementary Provisions

17.16.080 Natural hazard overlay zone.

Remove the entire wording from this section, rename and move to be Chapter 17.22

✓17.16.090 Accessory 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 any existing single-household dwelling on an individual lot within zones where residential use is a permitted use subject to all the following:

A. Compliance Determination

An application for compliance determination shall be submitted to the Planning Department showing compliance with the criteria in Section 17.16.090 including additional local and state permits prior to Planning Clearance for a building permits. The application shall be stamped with the date at the time of submittal and show that fees have been paid.

If the application is incomplete to achieve approval within 180 days from the time of initial submission to the City, the application will be come void. If the project substantially changes with additional information, an additional fee may be assessed to cover additional time for review.

The City will need to determine all fees and SDC's that are applicable prior to enactment of the proposed code language. The city will also need to have an application form prepared at the time that this code is adopted as in B. Criteria, below to include a statement by the applicant regarding prohibition of use as a vacation rental etc.

B. Criteria

- a. An ADU is permitted to serve as a long-term rental; An ADU is prohibited from being advertised, promoted or utilized for a short-term rental or vacation rental in increments of 30-days or less subject to the City's Code (need Ordinance number) or as described in ORS 90.100. The completed application stating that there will be no short-term rental or vacation rental shall be signed by the applicant at the time of submission of the application and fees.**

- b. No ADU shall be permitted on a lot that is less than the minimum lot size currently required by the specific zoning applicable to the subject property.
- c. 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, or a violation.
- d. An ADU is permitted to have a maximum footprint of 600 square feet including enclosed habitable space.
- e. 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.
- f. An ADU shall comply with all the setbacks of the zone.
- g. *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. This is not a good requirement; this was an initial thought, but it will need discussion. Port Orford has no requirement for parking; there are some words about placement of parking in the Battle Rock (10-MU) zone State publications for ADU's states that ADU's should not have required parking; also, the City of Port Orford has no parking regulations, so it would be very difficult to determine when, where, and how any parking rules could apply to ADU's. After studying all of this, my recommendation is that the Battle Rock (10-MU) zone should perhaps not have ADU's for this reason and other. I will explain.*
- h. Residents and visitors of the ADU shall not block mailboxes where there is street delivery of mail.
- i. *An ADU shall obtain separate hookups for sewer and water from those of the single-household dwelling on the property. Greg will look into this and provide a recommendation.*
- j. The applicant shall provide the site plan to the State Fire Marshal and Coos Curry Electric along with the City's form for signoffs from the State Fire Marshal and Coos Curry Electric. The site plan provided along with the forms with signoffs shall be submitted at the time of filing the application with the City of Port Orford.
- k. An ADU shall comply with all Oregon building codes applicable for habitation as a single-household dwelling.
- l. An ADU shall not be partitioned, or otherwise divided from the property that has the primary dwelling.

Chapter 17.28 Planned Unit Developments

Sections:

17.28.010 Standards and requirements.

17.28.020 Procedure

17.28.010 Standards and Requirements

~~The following shall be observed when a planned unit development in a zone in which it is permitted.~~

17.28.010 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. This could include, but is not limited to features such as roads, common facilities open space or other, and may include varying housing types.**

A PUD may include varying housing types which could be integrated. Examples include subdivision, cottage residential, manufactured home park, RV Park and condominium development. The intent is to develop land and housing in a manner that creates an attractive, healthful, efficient, and stable environment with flexibility.

17.28.020 Procedure and Required Submissions.

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 minimum requirements to be included with 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; roads and street widths and plans for surfacing to comply with City requirements.**
- 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 plans including compliance with Chapter 15.17 Outdoor Lighting Code;**
- 12. Analysis of the proposed development in relationship to the neighborhood and the streets.**
- 13. Utility signoffs by the City of Port Orford, Coos Curry Electric, the Port Orford Rural Fire Department and the State Fire Marshall.**

14. Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs), articles and bylaws of the homeowner's association (HOA) if 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 traffic impacts in relation to adjacent streets and properties to assure that the development will not result in 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)~~

17.28.030 Findings for Approval of a PUD

The information submitted by the applicant shall be sufficient for the Planning Commission to make findings or conditions of approval to address the following:

- 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, where land division or subdivision is proposed.
- D. Justification for any deviations to accommodate needed housing where there is no land division or subdivision
- E. Compliance with Chapter 16.08.020 Tentative plans and plats – Contents, and Chapter 16.20 Final Plats where land division is proposed.
- F. Compliance with Municipal Code Chapter 15.17 Outdoor Lighting Code.
- G. Findings that streets are adequate to support the anticipated traffic.
- H. The applicant has demonstrated ability to complete the plan within the proposed stated timeframe.
- I. 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 are made conditions of approval.
- J. Compliance with the provisions of any applicable overlay zones has been addressed.
- K. Proposed utilities are adequate for the development.
- L. Evidence that the applicant is considering any applicable requirements with ORS 94 Real Property Development or ORS 100 Condominiums and other Oregon laws which regulate specific uses to be included in the PUD.
- M. The proposed Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs), articles and bylaws of the homeowner's association (HOA) comply with applicable Oregon laws including but not limited to ORS 92 Subdivisions and Partitions, ORS 94 Planned Communities, and ORS 100 Condominiums as applicable to the specific configuration and ownership pattern proposed.
- N. The Planning Director and Planning Commission may require additional detail.

17.28.050 Cottage residential development.

Cottage residential is permitted as a Conditional Use Permit under Chapter 17.32 intended to provide an option for a group of smaller housing units fronting on a street or common area.

- A. Cottage residential shall contain a minimum of four (4) dwelling units.

B. Any modifications to street standards may be justified and 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. The street shall be in compliance with fire safety standards of the State Fire Marshal signified by a signature on the street plan.**
- c. Each lot shall have frontage or access on a public street built to City specifications and accepted by the City of Port Orford, or a private street with a maintenance plan to be overseen by a Homeowners Association as addressed in 17.28.030 Findings for Approval of a PUD (M).**
- d. Two spaces for parking shall be provided on each subdivision lot, or otherwise a common parking area may be organized to include 1.5 parking spaces for each dwelling with a parking maintenance plan to be shared by all of the owners.**

C. Cottage residential shall not be utilized for vacation rentals. Applicants proposing cottage residential shall include a deed provisions on lots on any final plat(s) in the development that approved cottage residential units cannot be utilized as vacation rentals.

D. Cottage residential subdivisions 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.

E. Cottage residential 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.

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, health care facility Hospital, Nursing Home, Convalescent Home, residential care facility, retirement home facility, multi-household-family dwelling, school, motel, hotel, community building, and any large structure more than 125 feet in length or encompassing more than 4000 square feet, whether in one structure or individual structures under common ownership that constitute one facility.**

Make sure that we do not make a double requirement for groupings of buildings that would be covered by the PUD. See if this should include condominiums. Check to see if condominiums are fully covered in the PUD requirements. Do we need a definition for large structures? The examples provided here may be sufficient.

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 including, but not limited to topography, wetlands, natural hazards, and flood zone overlay areas.**

- b. A map of adjacent streets with widths, and location and distances of adjacent accesses and intersections.
 - c. Identification of zoning on subject property and adjacent lots, ownerships, zoning, building footprints.
 - d. Location of the site relative to the service area of the church, hospital or home;
 - e. The applicant shall provide the proposed site plan to the Port Orford Rural Fire District, the State Fire Marshal and Coos Curry Electric along with the City's form for signoffs from those entities. The site plan provided along with the forms and signoffs shall be submitted at the time of filing the application with the City of Port Orford for the conditional use permit.
 - f. ~~Probable growth needs.~~ Proposed underground and overhead utilities including water and sewer lines and lighting. Utilities shall be identified and located on the site plan, and signoffs of the site plan shall include, but not be limited to the State Fire Marshal, the City public works director and Coos Curry Electric.
 - g. ~~Site location relative to land uses in the vicinity;~~ and Proposed ingress, egress, and circulation patterns including streets and travel lanes with widths and improvements.
 - h. Footprints for all proposed structures for the subject property.
 - i. ~~Adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets.~~ Proposed parking, loading and turnaround spaces with identification of ADA areas for loading and unloading.
 - j. Proposed sidewalks and connections with adjacent sidewalks
 - k. Proposed landscaping plans and maintenance plans.
 - l. Proposed setbacks from adjacent residences.
 - m. Proposed building heights.
 - n. Shelters or structures for mechanical equipment, refuse and maintenance.
 - o. Documentation of any state licensing that is required for the use.
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:~~

1. **Oregon State Building Codes has authority for plan review and construction of manufactured dwelling parks.**
2. **Improvements in manufactured dwelling parks shall include paved (graveled streets, parking areas with fire hydrants and roadways designed to accommodate the movement of public fire vehicles to provide protection to the entire park.**
3. **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.~~
4. **Manufactured dwelling parks shall not be used for transient occupancy stays of less than thirty (30) days). The owner of a proposed manufactured shall sign a statement recognizing this provision.**
5. **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.**
6. **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.**
7. **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.**
8. **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: (*Look at CUP rules to see if there are some things about heights etc. for large buildings*).**
 - 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.**
- 9. 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.**
- 10. 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.**
- 11. Depending upon the size of the manufactured dwelling park, the Planning Commission may require a playground, open space, or other common facilities.**
- 12. A manufactured dwelling park shall show evidence of City sewer and water or State approved community water and wastewater systems.**
- 13. 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.**
- 14. Manufactured dwellings in a manufactured dwelling park shall include a water closet, lavatory and bathtub or shower, and a kitchen area containing a sink.**
- 15. In a manufactured dwelling park in which individual lots are separately owned, the owner of manufactured dwelling to be situated on the lot, and the owner of the lot shall agree that any manufactured home that is removed from its foundation 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.**

J. Recreational Vehicle (RV) Park Working on integrating this Friday, 8-2-24

1. As stated in ORS 197, the City may not prohibit the placement or occupancy of a recreational vehicle or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle complies with A, B, and C of Section 17.32.050 (J).

A. Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

B. Occupied as a residential dwelling; and

- C. Lawfully connected to water and electrical supply systems and a sewage disposal system.**
- D. The applicant shall state the intent to permit short term stays and/or long term stays of recreational vehicles. Proposed long term stay rental agreements and expectations shall be presented to the Planning Commission.**
- E. The City of Port Orford has the authority to impose other special conditions on the placement and occupancy through the conditional use permit approval process.**
- F. The placement and occupancy of recreational vehicles on individual lots is subject to Port Orford Municipal Code, Chapter 17.12.**

2. Site Plan and Criteria

All of the following components to be addressed with the site plan are criteria for approval of the application for the Conditional Use Permit.

- A. Plan review and construction of RV Parks shall comply with Oregon State Building Codes. Applicants are encouraged to consult with the building department so that the site plan layout and narrative of the application submitted to the City of Port Orford for the conditional use permit comply with building codes. Lack of compliance with State Building codes could cause delays in obtaining City approvals.**
- B. A site plan map drawn to scale, and narrative shall be provided.**
- C. The site plan shall depict topography and include wetland areas, hazards and other site conditions on the property and adjacent to the properties. Required wetland notification to the Department of State Lands may result in the need for a wetland delineation.**
- D. Special zone map overlays shall be identified.**
- E. The site plan shall show adjacent properties, and proposed amenities including but not limited to access, streets and street widths, spacing, vegetation and landscaping, fencing, walkways, parking, storage, permanent structures, trash area and collection plan and office space.**
- F. Utility easements for electricity, broadband, sewer and water and hookup locations shall be shown on site map to be included with requests for sign-off from providers. This shall include, but not be limited to the State Fire Marshal, ODOT if access is from Highway 101, Port Orford Fire District and Port Orford Public Works.**
- G. The applicant shall comply with the State Fire Marshal for all access roads and for any onsite parking. An inspection by the State Fire Marshal shall be arranged, conducted, recorded and presented to the Planning Commission.**

- H. The wastewater Plan shall be approved by the Public Works Superintendent and DEQ.**
- I. The RV park shall be served by City water or if no City water system is available, the water system shall be approved by State agencies having authority for RV Parks water approvals.**
- J. A drainage plan shall be prepared by an Oregon Registered Engineer. An Oregon Registered Geotechnical Engineer is required where there are slope hazards, subject to the Natural Hazards Overlay Zone in the Municipal Code, Title 17.**
- K. A parking space shall be provided for each recreational vehicle space on the site. In addition, guest parking spaces shall be provided within two hundred (200) feet of each RV space at a ratio of one guest parking space for each two mobile home spaces. Parking spaces shall be striped to comply with Port Orford size standards, with durable and dustless surfaces adequately maintained for all-weather use with striping.**
- L. The perimeter of the property shall have setbacks that comply with the zone, and where the zone has no setback requirements, the setbacks shall be as follows:**
 - d. The front yard shall be a 'minimum of ten feet.**
 - e. The side yard shall be a minimum of five feet.**
 - f. The rear yard shall be a minimum of five feet.**
- M. Setback areas shall be landscaped with vegetation that is expected to thrive when mature within the local climate, without the requirement for ongoing watering. A Vegetation Plan and landscape maintenance plan is required. Evidence of consultation with the Coos Curry Extension Service or another local expert about native plants that thrive without ongoing maintenance throughout the seasons shall be provided to the Planning Commission.**
- N. A landscaping plan including wooden site-obscuring fencing and/or plans for a hedge showing expected annual growth and with height and density of at least seven (7) feet within five (5) years shall be included within the setback area.**
- O. A maintenance plan for plants and grounds shall be provided at startup and for ongoing maintenance.**
- P. Stormwater shall comply with Chapter 17.18.**
- Q. An Erosion Prevention and Sediment Control Plan in compliance with Chapter 17.17 shall be provided.**
- R. Adequate trash and recycling bins and service shall be provided for use of tenants and visitors.**

- S. The applicant shall comply with Section 17.16.060, archaeological discoveries that are made when development activity is taking place on the site.
- T. All access roads shall be durable and dustless with width, depth and materials specified on the proposed site plan and presented to the Planning Commission.
- U. The Applicant shall provide a signed acknowledgement of *17.32.060 Time On a Permit for Conditional Use*.

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.

Planning Commission wants to keep this wording ✓ Done

I. Because of varying types and complexities of planned unit developments, the specifications 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 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)

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

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. This chapter provides an option for subdivision or partitioning with or without cottage residential development; linkage addresses the integration of zoning with the physical and cultural features of the property.

B. 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.

- C. 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.**
- D. 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 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.