

**PORT ORFORD PLANNING COMMISSION AGENDA
GABLE CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING
Tuesday, March 11th, 2025, 3:30 PM**

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

<https://meet.goto.com/883947253>

You can also dial in using your phone.

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Access Code: 883-947-253

1. Call to Order
2. Chair Comments
3. Minutes February 11th, 2025
4. Application for Appointment: Margot Truini
5. Public Comments (On Agenda Items Only – Comments on the Public Hearing will have its own time)
6. Planning Matters: Planning Commission Workshop, Review of Public Comment topics and Final Notes on Proposed Code Revisions
 - A. Staff Report
 - B. Proposed Updates
7. Discussion Items
 - A. Planning clearances approved since the last meeting
 - B. Short-Term Rental paperwork updates
 - C. Short-Term Rental ordinance revision
8. Other Business
 - A. City Planner Comments
 - B. Planning Commission Comments
9. Public Considerations
10. Future Meetings
 - A. April 9th @ 3:30
11. Adjourn

Item 3: Minutes for the February 11th 2025 Planning Commission Meeting

City of Port Orford
Planning Commission Meeting Minutes
In the Gable Chambers / Virtual participants
Tuesday, February 11th, 2025 at 3:30 P.M.

Commission Member	Present	City Staff	Present
<i>Chairman Greg Thelen</i>	Present	<i>Joseph Harrison, Planning Tech.</i>	Present
<i>Vice Chair Sara Lovendahl</i>	Present	<i>Crystal Shoji, City Planner</i>	Present
<i>Comm Carol Lawton</i>	Present		
<i>Comm Jerry Boydston</i>	<i>Present</i>		
<i>Comm VACANT</i>	<i>VACANT</i>		

Testimony provided by: Guy Vernon, 1250 Deady St., Ryan Feldman

Exhibits are included at the end of the Document.

The minutes were prepared using the video available at:

<https://www.youtube.com/watch?v=DTlx6jw8SnI>

1. Call to Order

A. Chair Thelen called to order this Meeting of the Planning Commission on October 3rd, 2023, at (3:33) p.m. with a roll call showing all members are present.

2. Chair Comments:

A. Chair Thelen begins the meeting by thanking citizens that came out to participate in the hearing and provide their thoughts to the Planning Commission.

3. Minutes January 14th, 2025

A. Comm. CL moves to approve the minutes as written.

B. Comm. JB seconds the motion.

C. Vote: Unanimous yes with no further discussion.

<i>Chairman Thelen</i>	<i>Yes</i>	<i>Commissioner Lovendahl</i>	<i>Yes</i>
<i>Commissioner Lawton</i>	<i>Yes</i>	<i>Commissioner Boydston</i>	<i>Yes</i>

4. Public Comments (On Agenda Items Only) : None

5. Public Hearing: Updates to Port Orford Municipal Code, Title 17 Zoning and Title 16 Subdivision

- A. Introductions: Planning Commission Members, Volunteers, & Staff introduce themselves.
- B. Legislative Public Hearing Outline:
 - i. Planning Chair Greg Thelen explains the process and rules for the hearing then opens the Public Hearing at 3:37 pm.
- C. Staff Report and Review of Proposed Updates
 - i. Planning Director Crystal Shoji, AICP goes through the proposed code revisions and staff report. The Major updates are; definitions, ADU code implementation, PDU code revisions, and use changes. For the full list of proposed revisions, please see the following document:

<http://portorford.org/wp-content/uploads/2025/02/2025-Proposed-Amendments-PC-Public-Hearing-2-11-.pdf>

<http://portorford.org/wp-content/uploads/2025/02/2025-Proposed-Amendments-PC-Public-Hearing-2-11-.pdf>

- D. Public Testimony/Comments
 - i. Guy Vernon provided written testimony in the form of an article from The Atlantic “America Doesn’t Have a Housing Crisis, It has a Moving Crisis” (Added as Exhibit A)
 - ii. **1250 Deady St.** Are old buildings going to be affected instead of new developments? Why plan to build when we don’t have water? Does this only effect low-income housing?
 - iii. Ryan Feldman 5th St. – All of the areas ADU is referenced refer to code 17.16.080 which wouldn’t exist under the proposal. Would multi-family dwellings be grandfathered? Would buildings that are not presently considered ADU’s be considered an ADU’s. Mr. Ryan Feldman agrees to submit an email with his concerns so the Planners can respond accordingly. (Added as exhibit B)
 - iv. Troy Russell Resident of Bandon. Consider adding specific verbiage to 17.32.060 pg. 46 which he brought in on printouts for the Planning Commission. (Added as exhibit C)
- E. Public Hearing is Closed @ 4:32 by Chair Thelen
- F. Planning Commission Deliberation

- i. There has to be some work done to the proposed Site Plan review code, recommendations came in from DLCD.
- ii. Manufactured Dwelling Park shouldn't be conditional use, the State thinks it should be outright but well-defined so that it's clear what needs to be present for approval.
- iii. With the above changes being fairly substantial, the City Council can continue its upcoming hearing if necessary.

6. Discussion Items

- A. **Planning clearances** approved since the last meeting – None
- B. **FEMA compliance;** the City Council previously implemented a Pre-Implementation Compliance Measure to adhere to FEMA Floodplain Insurance requirements. There is an ordinance that FEMA is in the process of drafting and refining. When it gets released to the state, the City will need to adopt it.
- C. **What needs attention:** Chair Thelen requests that the Planning Commissioners state what their goals are for this year/ what they see as fixable problems in town.
 - i. Multiple Commissioners discuss Derelict/Nuisance Buildings and Ordinance enforcement policies so that some of the problem areas in town start to come into compliance.
 - ii. There are concerns over Property Number Visibility – In case of emergencies, emergency services must know where they are needed.

7. Public Considerations

8. Future Meetings

- A. **March 11th @ 3:30**

9. Adjourn

- A. **Seeing no other Business, Chair Thelen adjourns the meeting @ 5:20 pm**

Attest:

Chair, Greg Thelen

Date

City Recorder, Joseph Harrison

Date

Exhibit List

A – The Atlantic: “America Doesn’t Have a Housing Crisis, It has a Moving Crisis” submitted by Guy Vernon

<https://www.theatlantic.com/magazine/archive/2025/03/american-geographic-social-mobility/681439/>

B – Email Communication submitted by Ryan Feldman

<http://portorford.org/wp-content/uploads/2025/03/Feldman-testimony-2.11.2025.pdf>

C – Code Language proposal submitted by Troy Russell

D – Stateline: Rural Communities Embrace ADUs to Boost Housing Supply: How planners, lawmakers, and residents are changing attitudes and zoning rules about accessory dwelling units in small towns. Submitted by Crystal Shoji

<http://portorford.org/wp-content/uploads/2025/03/Stateline-Rural-Communities-ADU.pdf>

4 Application for Appointment: Margot Truini

APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

If you do not wish to have any specific information in this form given out to the general public, please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law

I am interested in serving as a member of the Planning Commission

Name Margot Truini

Mailing address PO Box 1336, Port Orford, Oregon 97465

Residence address if different from above 602 Madrona Ave., Port Orford, OR 97465

Home telephone 928-853-9527 Work telephone N/A

Email Truinibills@gmail.com Fax _____

Current employment Earthworks Worm Farming LLT

Your area of interest To effectively help the Planning Commission with establishing guidelines for presentation to the City Mayor and Council.

Your area of expertise I have previous and current experience working with others on committees.

I am comfortable using many different kinds of computer software.

Why do you want to serve? My career with the U.S. Geological Survey included presenting scientific

data without bias. I would be able to bring this skill to any work I would participate on with the Planning Commission.

I want to feel like I am contributing to the community of Port Orford, OR in a meaningful way.

Previous service in this appointed position or a similar position I have previously had little experience
with City planning. However, I have planned and managed large projects to completion. I believe this is an important skill.

Other volunteer activities I am currently a board member on the Curry County Cultural Commission; I am currently

a volunteer at the Port Orford Co-op; and I served as president for the Arizona Hydrological Society.

Does your schedule allow you to attend;

Daytime Meetings yes no Evening meetings yes no


Does your schedule limit the days you could attend meetings? yes no

Have you ever been convicted of a crime? yes no If Yes, please explain

Additional comments I believe I have the temperament and skills to learn and gain the necessary knowledge

I would need to be effective as a member of ^{the} planning commission. Port Orford is a wonderful community

I would enjoy the chance to serve this community on the Planning Commission.

Date 3/4/25 Signature 

Please return to:

City of Port Orford
P.O. Box 310
Port Orford, Oregon 97465

6(a) Staff Report

The staff report will be available online once it is submitted by Crystal Shoji.

6(b) Proposed Updates

Port Orford Planning Commission Proposed Amendments

Planning Commission Public Hearing
February 11, 2025; 3:30 P.M., City Council Chambers
Latest updates March 3, 2025

About this Document

Please consult the Port Orford Web Site, for all current language in The Municipal Code.
<https://portorford.org/municipal-code/>

This document does not include the entire Port Orford Municipal Code, Titles 17, Zoning or Title 16, Subdivisions. The intent has been to show the context of current code that intersects with update language.

Within this document, the following are pertinent:

- ✓ Current language within the context of the proposed code is shown in regular font.
- ✓ Proposed new language appears in **BOLD** font.
- ✓ Language that would be removed from our current code as part of the proposed amendments is shown with ~~cross-outs~~. Existing and Proposed titles are set apart from the text.
- ✓ Planner notes including backup information and reference are included in *italics and highlighted in gray*.
- ✓ Numbering in this document does not reflect the numbering in the current code. The computer system and/or the operator at Shoji Planning have had difficulty including old numbers and new numbers side by side; imbedded automatic numbering is hard to supervise; therefore new numbering and formatting exist throughout this proposed document next to current code and proposed code whether or not the wording is new.

Chapter 17.04 GENERAL PROVISIONS
Article 1. General Provisions

17.40.030 Definitions

"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 17.16.080 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 free-standing accessory structures.
- B. Attached conversions such as apartments that are part of the primary dwelling including garage, attic spaces or other space 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
- D. There may be instances where an ADU is both a duplex and a single-family dwelling. In this instance the property owner may elect to apply either definition to define their proposed or existing development or change their election.

The highlighted section above is straight from a Frequently Asked Questions paper from DLCD, 2021 which was found through research to respond to public testimony.

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

~~“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.~~

“Childcare facilities” include “Certified childcare center” and “Registered family childcare homes” as defined in ORS 329A.250 and this ordinance:

- 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. *This use is required statewide in all commercial and industrial zones, except heavy industrial; “reasonable conditions” may be imposed but no special fees or requirements permitted; the state permits this use to be processed as an administrative CUP).***
- B. **“Registered family childcare home” means childcare in the home for up to 12 children permitted and approved as a home occupation in residential zones and commercial zones subject to Section 17.16.050.**

~~“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 cluster” includes three or more single family detached dwelling units with each dwelling being no more than 900 square feet in size organized to comply with Planned Unit Development requirements of the Port Orford Municipal Code. Cottage cluster may be processed as one of the following:

- 1) A subdivision processed through Title 16 and Chapter 17.28.
- 2) Rental or lease units under 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-unit ~~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-unit ~~family~~" a building or three or more detached dwelling units including three or more dwelling units grouped on an individual lot with common elements, including, but not limited to identical design features on structures, common signing, landscaping, parking, and installation of central services such as lighting water, heating, refrigeration and waste disposal, including but not limited to multiplexes, apartments and condominiums.

"Dwelling, two-unit ~~family~~" means a building designed for occupancy by two ~~families~~ households, 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. A two-unit dwelling is also referenced as a duplex. Also, refer to definition of ADU.~~

Consider testimony that allowing a long-term rental from an ADU, but not a short-term rental is inconsistent with ADU as a long-term rental, but not a short term-rental as described in Municipal Code Chapter 5.05. This could be addressed in the Chapter 5.05, our ADU rules when we get there, or not addressed at all. Look at our ADU Ordinance, this draft document; definitions in this document may resolve.

“Expedited Land Use Decision” means division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 and may be processed under the requirements of ORS 197.360 – ORS 197.758, that:

- (A) Includes only land that is zoned for residential uses and is within an urban growth boundary.
- (B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
- (C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Port Orford Comprehensive Plan and

land use regulations for full or partial protection of natural features under the Statewide Planning Goals that protect coastal shorelands, beaches and dunes and other features.

~~"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-unit dwelling.

~~"Health care established facility"~~ means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care, ~~and~~ nursing services, **living assistance, residential treatment or training, or a combination thereof** on a continuous basis. "Health care facility" includes residential care facility, but does not include residential care home.

"Home occupation" means a lawful occupation carried on within a dwelling or an enclosure of less than 400 square feet in a dwelling or building accessory to a dwelling, by members of a ~~family~~ **household** occupying the dwelling **unit** as a residence provided the residential character of the building is maintained and the occupation conducted in such a way as to not give an outward appearance of a business in the ordinary meaning of the term, except as provided in Section [17.16.050](#), nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

"Limited land use decision" is a final decision or determination that is consistent with applicable provisions of the Port Orford Comprehensive Plan, zoning and land development standards and is subject to approval or denial under the provisions of ORS 197.195.

~~"Lot area" means the total horizontal~~ **area encompassed within the acreage that is** within the lot lines of a ~~the~~ lot.

"Manufactured dwelling," "manufactured dwelling park," "manufactured home" and "mobile home park" have the meanings given those terms in ORS 446.003.

"Manufactured and/or prefabricated dwelling park" means any place where four or more manufactured dwellings as defined in ORS 446.003, prefabricated dwellings 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 ~~that~~ 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 is a** planned housing project with **single-unit, duplex, and multiple-unit** family residential use, ~~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 assembled on-site; but does not include **mean a "manufactured structure dwelling (a dwelling built to federal HUD standards) as defined in ORS 446.003 or a "small home" (400 square feet or less) built to a residential code as defined in ORS 455.616.**

~~"Recreational vehicle" means a vacation trailer or self-propelled vehicle or structure designed for frequent or constant highway use and for vacation recreational purposes, but not for normal residential purposes, and may be equipped with plumbing, sink or toilet. a vehicle with or without motive power with the meaning given that term in ORS~~

~~"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 fifteen individuals who need not be related to each other or to any other resident of the facility as set forth in ORS 197.

"Residential care home" means a residential treatment or training or an adult foster home as defined by ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 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 five or fewer individuals who need not be related to each other or to any resident of the residential home as set forth in ORS 197.

"Residential Trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy that is being used for residential purposes and that was constructed before January 1, 1962.

"Right of review" means a decision regarding a Planning Commission action may be appealed to the City Council by an appellant with standing, subject to Section 17.04.200 – 17.04.210 and application fees to cover the cost of the hearing and related professional costs.

17.04.275 Limited land use decision (Type II Procedure)

Limited land use decision shall apply to Site Plan Review where the City Planning Official or their designee performs administrative staff reviews with public notice and an opportunity for appeal to the Planning Commission; alternatively the City Planning Official may refer a Type II application to the Planning Commission for review and decision in a public meeting.

(A) Application requirements.

(1) Application forms. Applications for projects requiring an administrative land use decision shall be made on forms provided by the City Planning Official.

(2) Submittal information. The City Planning Official shall advise the applicant on what constitutes a complete application. At a minimum, the application shall include all of the following:

- (a) The information requested on the application form;
- (b) Plans and exhibits as required for the specific approval(s) as defined in Chapter 17.33, Site Plan Review and through a Pre-application when required by the City Planning Official.
- (c) A written statement or letter explaining how the application satisfies each and all of the relevant code criteria and standards in sufficient detail;
- (d) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
- (e) The required fee.

(B) Procedure.

(1) The City Planning Official shall provide written notice of a pending Type II decision to the individuals and agencies addressed in this section and provide a 14-day period for submission of written comments prior to the Type II decision.

(2) The purpose of the Pending Type II notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. The intent is to invite people to participate early in the decision-making process. Notices shall be mailed to:

(a) All owners of real property within a minimum of 200 *(Limited land use law requires a minimum 100 feet, but our quasi-judicial procedure is 200 feet so it can be consistent)* of the subject site;

(b) Any person who submits a written request to receive a notice; and

(c) Any governmental agency that is entitled to notice under Section 17.32.040

Notification of public agencies and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

(d) The City shall notify the Oregon Department of Transportation of projects involving access to a State highway.

(3) The notice of pending administrative decision, at a minimum, shall contain all of the following information:

(a) The deadline for submitting written comments must allow for at 14 days for comment prior to the scheduled decision date of the Planning Commission meeting where the application is referred to the Commission for review;

(b) A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;

(c) The address and City contact person for submitting written comments; and the date, time, and location the City Planning Official or Planning Commission, as applicable, is scheduled to make a decision on the application;

(d) The street address or other easily understandable reference to the location of the proposed use or development;

(e) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

(f) Statement that all evidence relied upon by the City Planning Official or Planning Commission, as applicable, to make its decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City; and

(g) Statement that after the comment period closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

(4) The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

(5) At the conclusion of the comment period, the City Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the City Planning Official may transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.

(6) Where the City Planning Official refers an application subject to administrative review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the Commission makes a final decision within the 120-day period prescribed under State law (O.R.S. 227.178) and as described in Section 17.04.155. The applicant may voluntarily waive his or her right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to Section 17.04.155, in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

(7) Within 7 days of a Type II (administrative) decision, the City Planning Official shall proceed to prepare a notice of decision and mail it to the applicant and property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The City Planning Official shall cause an affidavit of

mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

(8) The administrative notice of decision shall contain all of the following information:

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);

(c) A statement of where the City's decision can be obtained;

(d) The date the decision shall become final, unless appealed; and

(e) A statement that all persons entitled to notice may appeal the decision to the Planning Commission or City Council, as applicable, pursuant to Sections 17.04.210 – 17.04.250.

(9) Effective date of decision. Unless the conditions of approval specify otherwise, an administrative decision becomes effective 14 days from date that the decision notice was mailed, unless the decision is appealed pursuant to Section 17.04.275 (C).

(C) Appeal of Type II (administrative) decision. A Type II administrative decision made by the City Planning Official may be appealed to the Planning Commission; and a Type II administrative decision made by the Planning Commission may be appealed to the City Council, as applicable, pursuant to the following:

(1) Who may appeal. The following people have legal standing to appeal a Type II administrative decision:

(a) The applicant and owner of the subject property;

(b) Any person who was entitled to written notice of the Type II decision; and

(c) Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

(2) Appeal filing procedure.

(a) Notice of appeal. Any person with standing to appeal, as provided in division (C)(1), above, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures.

(b) Time for filing. A notice of appeal shall be filed with the City Planning Official within the timeframe specified on the notice of decision; which is typically 14 days from the date the notice of decision is mailed.

(c) Content of notice of appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:

1. An identification of the decision being appealed, including the date of the decision;

2. A statement demonstrating the person filing the notice of appeal has standing to appeal;

3. A statement explaining the specific issues being raised on appeal; and

4. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

(3) Scope of appeal. The appeal of a Type II administrative decision shall be a hearing de novo, either before the Planning Commission, where the contested decision was made by the City Planning Official, or before the City Council when the Planning Commission made the contested decision. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the administrative decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.

(4) Appeal hearing procedure. Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings in Sections 17.04.090 – 17.04.150, containing requirements for public hearing notices, conduct of hearings, and decision-making procedures.

Chapter 17.12 USE ZONES

17.12.010 Residential zone (1-R).

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

B. Uses Permitted Outright. In a 1-R zone, the following uses and their accessory uses are permitted outright **in accordance with Chapter 17.33 Site plan review, as applicable.**

1. Single-**unit** ~~family~~ dwelling or duplex;
2. Manufactured ~~home~~ or **prefabricated dwelling** in ~~accordance~~ **compliance** with Section [17.16.040](#);
3. **Accessory dwelling unit (ADU) in compliance with Section 17.16.080;** *(This can be an outright use assuming our conditions are clear and objective.)*
4. Home occupation **in compliance with Section 17.16.050;**
5. ~~Childcare facility;~~ **Registered Family childcare facility home for up to 12 children in compliance with Section 17.16.050;**
Registered Family childcare is a permitted use in all dwellings in residential and commercial zones as home occupation subject to an administrative approval under Oregon law.
6. Residential care home;
7. ~~Private stable where building site is one acre or more;~~
7. Farming where building site is one acre or more, but not including commercial livestock production;

Consider Manufactured or Prefabricated dwelling park for (1-R) as per discussion and reference. It would need to be an outright use, subject to Site Plan Review.

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~~ station;
4. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months **in compliance with Chapter 8.20**.
5. **Private stable where building site is one acre or more;**
6. Utility facility, including substation or pumping station or **private generator;**
Propose calling this "generator to serve the utility facility" where permitted in all zones.
7. Commercial communications transmitter or receiver antenna.
8. Planned unit development ~~on a lot not less than three acres~~ **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 \(2-R\)](#)

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 **in accordance with Chapter 17.33 Site plan review as applicable**.

1. Single-~~unit family~~ dwelling or duplex;
2. Manufactured or **prefabricated dwelling in accordance- compliance** with Section [17.16.040](#); *(This is being amended to comply with Oregon law)*
3. ~~Multiple family dwelling;~~ **Multi-unit dwelling.**
3. **Accessory dwelling unit (ADU) in compliance with Section 17.16.080;**
4. Home occupation, **in compliance with Section 17.16.050;**

7. Childcare facility;

5. Registered Family childcare facility-home for up to 12 children in compliance with Section 17.16.050;

(permitted in all dwellings as a home occupation in residential and commercial zones subject to staff approval)

6. Residential care home;

7. Residential Care Facility;

8. Manufactured and prefabricated dwelling park, Mobile home Park is included along with manufactured dwelling/prefabricated dwelling in definitions, this document. Do we already have mobile home park in this zone? That could be reason to include.

8. Private stable where building site is one acre or more;

9. Farming where building site is one acre or more, but not including commercial livestock production;

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. Mobile home park

2. Church, or school;

3. Grange hall or community building; Public or nonprofit community facility;

4. **Health care facility, retirement facility;**

5. **Retirement home;**

5. Public use facility or public utility, including, but not limited to fire station;

6. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months **in compliance with Chapter 8.20;**

7. Private stable where building site is one acre or more;

8. Utility facility, including substation or pumping station or private generator;

9. Hospital, sanitarium, retirement home, medical; Medical or dental clinic;

10. Commercial communications transmitter or receiver antenna;

11. Planned unit development on a lot not less than three acres 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 **and community** 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, **in accordance with Chapter 17.33 Site plan review, as applicable.** ~~provided that The intent is that such use of operation does not create a nuisance because of odor, noise, dust, smoke, lighting, or gas:~~ **permitted uses are compatible with the mixed use nature of the zone.**

1. ~~Single-unit family dwellings~~ **dwelling** or duplex;
2. ~~Multiple Family dwelling~~ **Accessory dwelling unit (ADU) in compliance with Section 17.16.080;**
3. **Manufactured or prefabricated dwelling in compliance with Section 17.16.040;**
4. **Multi-unit dwelling;**
5. Hotel or Motel;
6. ~~Club or lodge hall;~~
7. ~~Hospital, sanitarium, retirement home, medical or dental clinic;~~ **Health Care Facility;**
8. Medical or dental clinic;
9. Retail or service establishment;
10. Automobile service station, **or charging station;**
11. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
12. Building material storage yard;
13. Plumbing, electrical or paint ~~contractors~~ contractor storage, repair or sales shop;
14. ~~Tire retreading or vulcanizing shop;~~
15. Machine shop or cabinet shop;
16. Wholesale, trucking ~~and or storage establishment~~ **facility;**
17. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities; except those specifically listed in Section 17.12.040 (C)
18. **Home occupation, in compliance with Section 17.16.050;**
19. ~~Childcare facility;~~ **Registered Family childcare facility home limited to 12 children subject to Section 17.16.050; *State requires in all dwellings in residential and commercial zone as home occupation subject staff approval***
20. **Certified childcare Center in compliance with ORS 329A.440**
21. Residential ~~ear~~ care home;
22. Residential care facility;
23. **Manufactured or prefabricated dwelling park, Mobile home Park; *Is there one already in the zone?***

24. Prefabricated Structure. Temporary prefabricated structure placement for more than 30 days in compliance with Chapter 17.16.070. *Language has been changed due to State Building Codes requirements for prefabricated dwellings that likely did not exist when the code was adopted.*

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;
2. Recreational vehicle park;
3. Planned unit development on a lot of at least three acres in area **in compliance with Chapter 17.28;**
4. **Church or school;**
5. **Government or nonprofit playground park, fire station, library, museum;**
6. **Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months in compliance with Chapter 8.20;**
7. **Retirement Home;**
8. Utility facility, including substation or pumping station or **private generator;**
9. Communications transmitter, receiver, antenna or tower;
10. Wind generator;

17.12.040 Industrial zone (5-I).

A. Purpose of Classification. **The industrial zone is intended to provide for limited or light industrial uses in a mixed use zone. 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 **in accordance with Chapter 17.33 Site plan review, where applicable:**

1. Single-unit ~~family dwelling~~ **dwelling** or duplex;
2. **Manufactured or prefabricated dwelling individual lot in compliance with Section 17.16.040;** ~~Multiple family dwellings;~~
3. **Multi-unit-dwelling;**
4. Hotel or Motel;
5. **Accessory dwelling unit (ADU) in compliance with Section 17.16.080;**
6. ~~Trailer or camping vehicle park;~~
7. ~~Club or lodge hall;~~
8. ~~Hospital, sanitarium, retirement home,~~ **Health care facility;**
9. **Home occupation, in compliance with Section 17.16.050.**

10. ~~M~~medical or dental clinic;
11. Retail or service establishment;
12. Automobile service station **or charging station**;
- ~~8. Trailer or camping vehicle park~~
13. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
14. Building material storage yard;
15. Plumbing, electrical or paint contractor's storage, repair or sales shop;
- ~~14. Tire retreading or vulcanizing shop;~~
16. Wholesale trucking ~~and storage establishment~~ **or storage Facility**;
18. Machine shop or cabinet shop;
19. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabrication activities except those specifically listed in Section 17.12.040 (C);
20. Utility facility, including substation or pumping station or **private generator**;
21. Communications transmitter, receiver, antenna or tower;
22. ~~Childcare facility~~; **Registered Family childcare facility-home limited to 12 children permitted in all dwellings in compliance with Section 17.16.050**; *State required in all dwellings in residential and commercial zone as home occupation subject staff approval.*
- 23.** Residential care home;
24. Residential care facility;

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

1. **Recreational vehicle park**;
2. Manufacturing plant, including lumber and plywood mills;
- ~~2. Rendering plant or slaughterhouse;~~
- ~~3. Pulp or paper mill;~~
- ~~4. Cement or asphalt plant;~~
- ~~3. Airport or heliport;~~ Heliport;
4. Church or school;
5. **Government or nonprofit playground, park, fire station, library, museum**;
~~Park, playground, fire station, library or museum;~~
6. Recreational vehicle temporarily used to relieve hardship for a period not to exceed 12 months **in compliance with Chapter 8.20**;
7. **Planned** unit development on a lot of at least three acres in area **in compliance with Chapter 17.28**;

17.12.050 Controlled development zone (6-CD). *(not proposed for change)*

17.12.060 Marine activity zone (7-MA).

A. Purpose of Classification. The marine activity zone provides 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 **in accordance with Chapter 17.33 Site plan review, as applicable.**

Uses in the 7-MA zone are regulated for water-dependent and water-related businesses and water oriented uses by the Statewide Planning Goals. Changing the current code except as proposed could require full evaluation; uses within this zone are not housing related under the current grant from DLCD.

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. The following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. Eating and drinking establishments; *This may be considered a water Oriented use.*
2. Motel or hotel; *This may be considered a Water Oriented use.*
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.

17.12.070 Public facilities and park zone (8-PF). *(no proposed use changes)*

17.12.080 Shoreland overlay zone (9-SO). *(no proposed use changes)*

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 **in accordance with Chapter 17.33 Site plan review, as applicable.**

~~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-~~unit family~~ **dwelling residences** on existing lots or parcels;
6. Dredged material disposal (DMD), mitigation or restoration on sites designated in the comprehensive plan.

C. Conditional Uses Permitted. In the 9-SO zone the following uses and their accessory uses are permitted in accordance with Chapter 17.32.

1. Uses permitted conditionally and other uses allowed in the underlying zones;
2. Water-dependent commercial uses;
3. Water-dependent industrial uses;
4. Subdivisions and partitions;
5. Temporary use of dredged material disposal (DMD), mitigation or restoration sites;
6. Other uses not listed in subsection B of this section which are permitted in the underlying zone;
7. Riprap, shoreline or erosion-control structure **in compliance with the Port Orford Comprehensive Plan and Statewide Planning Goal #18.**

D. Additional Coastal Resources. Except where findings are contained in the ~~comprehensive plan~~ **Port Orford Comprehensive Plan**, uses in areas identified as coastal wetlands, significant wildlife resources, coastal headlands, exceptional coastal landscapes or historic and archeological sites, shall require affirmative findings that

the above resources are protected. These resources are identified on the coastal shorelands inventory.

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

- A. Purpose of Classification. The intent of the Battle Rock mixed use (10-MU) zone is to maintain small coastal town ambiance and small town neighborhood character by enhancing the economic value by identifying its unique features with planning that can systematically organize the development that will occur in the future, to encourage pedestrian friendly tourist commercial uses, and provide opportunities for residents and visitors to enjoy the built and natural environment.
- B. Uses Permitted Outright. In the (10-MU) zone, the following uses and their accessory uses are permitted outright subject to the conditions within this chapter and in accordance with Chapter 17.33 Site plan review, as applicable.
1. Single-unit family dwelling or duplex;
 2. Manufactured or prefabricated dwelling or duplex in accordance with Section 17.16.040;
 3. Accessory dwelling unit (ADU) in compliance with Section 17.16.080; *Public testimony: concern expressed for ADU's that cannot be used for short-term rentals when that is the main purpose of the zone. Testimony stated that ADU's are consistent with the zone's purpose. This is currently addressed in the proposed ADU rules 17.16.080, but that is the concern.*
 4. ~~Multiple Multi-unit family dwellings~~ dwelling
 5. Home ~~occupations~~ occupation in compliance with Section 17.16.050.
 6. Hotel, motel or other lodging;
 7. ~~Restaurants~~ Restaurant;
 7. ~~Club or lodge hall;~~ **Public or nonprofit community facility;**
 8. Emergency care ~~facilities~~ facility;
 9. ~~medical~~ Medical or dental clinic;
 10. Retail use, professional office or service use, including galleries;
 11. Light manufacturing (see **Manufacture, light**);
 12. Park playground, fire station, library or museum;
 13. ~~Childcare facility;~~ **Registered Family childcare facility home limited to 12 children permitted in all dwellings, in compliance with Section 17.16. 050;** *(Use permitted in all dwellings in residential and commercial zone as home occupation subject to an administrative review.)*
 14. Residential care home ~~or residential care facility;~~
 15. Residential care facility;

16. **Certified childcare Center in compliance with ORS 329A.440;**

~~14. Any permitted use that exceeds 6,000 square feet, shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33 Site Plan Review;~~

~~15. Any permitted use where building length exceeds 125 feet shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review;~~

16. Manufactured and prefabricated dwelling park;

This is currently a CUP but the State does not permit that. ORS 197.490 also states that a manufactured dwelling park shall not be established on land within an urban growth boundary, which is planned or zoned for commercial or industrial options unless there is no other access available. I suggest that we remove this from Battle Rock. We also have it in 2-R and (4-C). It could also be removed from (4-C) which is also mixed use with residential, but at least it fits the mixed use purpose of the (4-C) zone where it does not with Battle Rock (10-MU).

17. Day use and picnicking;

18. Temporary prefabricated structure placement for more than 30 days in compliance with Chapter 17.16.070.

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 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 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 in compliance with Section 17.32.050(A) and (D);
4. Wireless telecommunications facility in compliance with the building subject to height restriction of zone in compliance with Sections 17.20.050 and 17.32.050(A) and (D);
5. Wind generator subject to in compliance with 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 in compliance with Section 17.32.050(A).
- ~~7. Any permitted use with prefabricated structure, subject to Section 17.32.050(A) and (I).~~

~~D. Other Applicable Use Standards~~ **Other applicable use standards.**

The uses in Section(D), are processed through Chapter 17.33, Site plan review:

1. Outdoor sales and/or service areas over 200 square feet in size are not permitted in this zone, except for restaurants, farmers markets, plant nurseries, sculpture gardens.

2. Outdoor storage areas will be enclosed and screened from view by suitable hedges, fencing or walls and will not exceed 200 square feet in size.
3. Indoor storage will not be the principal use of property.

E. Design Standards for All New Development. Design standards for all new development. **The following design standards are for all new structures, and additions to existing structures that are subject to a building permit, whether residential, commercial, governmental, civic, industrial or mixed use. Design Standards are processed subject to Chapter 17.33, site plan review processes.**

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

1. ~~Building size. Any building more than 125 feet in length or exceeding 35 feet in height or with a footprint greater than 6,000 square feet shall be considered a large structure requiring site plan review in compliance with standards set forth in Chapter 17.33~~
2. Building Articulation. All new commercial structures shall utilize at least six of the following design features. All new residential structures shall utilize three.
 - a. Dormers.
 - b. Recessed entries.
 - c. Cupolas or tower.
 - d. Bay or bow windows.
 - e. Attached garage.
 - f. Roof with a pitch greater than nominal 3/12.
 - g. Offsets on building face or roof that are a minimum of 12 inches.
 - h. Covered porch entry.
 - i. Pillars or posts.
 - j. Eaves that are a minimum of six inches.
 - k. Roof of tile, composition, shake, standing seam metal, or other metal roofing simulating traditional roofing materials such as slate and tiles.
 - l. Horizontal lap siding.
 - m. Shingle siding.
 - n. Parapets.
 - o. Other design features may be considered subject to approval by the City's designated design specialist, the City Planning Commission, or the City Council as applicable to the approval process.

3. Highway 101 ~~Ground floor~~ **ground floor** ~~Façade~~ **façade**. All new structures and substantial improvements, fronting Highway 101, shall provide at least 25% of the ground floor facade facing the highway with windows or building entrances.
4. Off-street parking for ~~Properties~~ **properties** with ~~Frontage~~ **frontage** on Highway 101 and for new commercial structures throughout the Battle Rock Mixed Use zone (10-MU). All off-street parking areas shall be located behind, under, or to the side of a building, and shall incorporate a landscaped buffer from adjacent property as well as from any sidewalk abutting the parking area.
5. Mechanical ~~Equipment~~ **equipment**. All mechanical equipment shall be concealed from view of public streets and neighboring properties.
6. Landscaping. All new structures and substantial improvements shall have lot design to conform to the following landscaping requirements:
 - a. All areas abutting a street that are not occupied by structures or driveway shall be landscaped or provide public space such as walking path, sidewalk, or bench area.
 - b. Lots with footprint area for new structure or combined new structures exceeding 3,000 square feet shall provide landscaping coverage for at least five percent of lot area.
7. ~~Drive Through Drive-In Facilities~~ **Drive-through/drive-in facilities**. Drive-through/drive-in facilities shall conform to the following placement standards
 - a. The drive-through/drive-in use shall orient to an alley, driveway, or interior parking area, and not a street;
 - b. The drive-through/drive-in facilities shall not be located within 20 feet of a street and shall not be oriented to a street corner;
 - c. Drive-through/drive-in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.
8. Manufactured ~~Home~~ **or prefabricated dwelling** park. ~~When manufactured~~ **Where** homes within the manufactured ~~home~~ and **prefabricated dwelling** park are oriented with their back or side yards facing a public right-of-way, the Planning Commission ~~may~~ **shall** require installation of fencing and planting of a 10-foot-wide landscape buffer between the right-of-way and the manufactured **and prefabricated dwelling** park for the privacy and security of residents and the aesthetics of the streetscape.

~~9. Commercial Residential Overlay~~ **Commercial-residential overlay (CRO).** The CRO is intended to combine residential household living with public and commercial services at an appropriate neighborhood scale.

- a. New commercial structures shall be a maximum of 1,750 square feet.
- b. Commercial conversions and remodels shall have a maximum of 1,750 square feet designated for commercial use.
- c. Except as provided in Sections 17.20.010 and 17.20.020, in the CRO setbacks shall be as follows:
 - i. The front yard shall be a minimum of 10 feet.
 - ii. The side yard shall be a minimum of five feet.
 - iii. The rear yard shall be a minimum of five feet.

~~17.33.020 Large Structure in Battle Rock mixed use zone (10-MU).~~

~~E. Design Features.~~

~~Renumber and move the entire section to the Battle Rock zone.~~

Note: Rename and renumber and remove the Large structure section (titled above), which is currently in Chapter 17.33 Site plan Review to include the requirements for all structures to comply with design standards in the Battle Rock (10-MU) zone.

Move the following Section F. Design features to follow after E. Design Standards for All new development (numbers 1 – 9).

F. Design features. Utilizing processes and guidance outlined in Chapter 33, Site plan review, all new structures, excepting residential single-unit or duplex dwellings, having a footprint or combined footprints of one or more permitted structures that constitute a single permitted use exceeding 2,000 square feet, shall be subject to site plan review under Chapter 33. Site plan review shall be carried out by the Planning Commission to assure that the requirements in Section(F) are addressed by the applicant. ~~Commercial and residential buildings shall incorporate the following design standards to promote the intent of the underlying zone. Any omission of a following standard must be supported with reasons why such standard is inapplicable.~~

- a. ~~Clearly defined primary entrance, through use of any or all of the following:~~
Use one or more of the following features to define an entrance on the street: awning, canopy or porte-cochere, recess, projections.
- b. Orient nonresidential buildings ~~el~~ **with access adjacent** to the street to promote pedestrian oriented development.
- c. Off-street parking is to be divided by landscaping areas into bays of not more than 24 parking spaces per bay.
- d. Corner buildings shall ~~have corner entrances, or~~ at least one corner entrance within 20 feet of the street corner.

- e. Buildings shall provide at least 50% of the ground floor façade facing the street with windows or building entrances.
- f. On multistory buildings, define and separate ground floors from upper stories by use of **one or more of the following** architectural features: ~~eornices,~~ **cornice**, trim, ~~overhangs-overhang,~~ **canopies canopy**, or other features.
- g. Pitched roofs ~~to~~ **shall** incorporate two of the following features: ~~Eaves-eaves,~~ hips, gables, clerestories, corner elements (e.g., tower), brackets, dormers.
- h. Pitched roofs may be terminated in a parapet. Parapet must include two of the following features: cornice, decorative frieze, brackets, ornamentation appropriate to the building architecture.
- i. Façades **facing streets** shall ~~be articulated~~ incorporate on all street facing elevations a minimum of five of the following features on each elevation: ~~Building~~ **building** offsets, windows, entrances, weather protection (awning, canopy), projections, sheltering roofs, terraces, decks, distinct pattern of divisions in surface materials, ornamentation, small scale lighting, varying building mass, planters; other design features may be considered to meet the minimum of five features. ~~articulation standards for each elevation subject to the conditional use permit application approval process.~~
- j. ~~Avoid parking accesses from or located on street corners.~~ **Parking access to the property shall not be provided less than 20 ft. from street corners.**
- k. ~~Provide dark sky lighting at main entrances of parking areas and pathways compatible with building architectural style.~~ **Lighting must be provided at main entrances and parking areas in compliance with Chapter 15.17 Outdoor lighting code.**
- l. Buildings shall have adequate fire protection **to comply with building codes as and accesses complying with State fire Marshal recommendations.** ~~determined by the State Fire Marshal.~~
- m. ~~Commercial or multifamily residential structures shall demonstrate adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets.~~ **Automobile access from City streets shall be approved by the appropriate jurisdiction on a City service provider form that is presented for site plan review..**
- n. No signage shall be displayed on building above 35 feet.

The following wording from the code now follows “F. Design features, (a through n) prior to “ G. Sewer and water line Hookups.”

The light blue area on the map (Exhibit B attached to the ordinance codified in this section and included by reference) is the commercial-residential overlay and is now an overlay within the Battle Rock mixed use (10-MU) zone.

G. F. Sewer and Water water Line line Hookups-hookups.

1. Provision of Sewer and Water. Sewer and water shall be provided by the City of Port Orford, and distribution systems shall be built to City and State specifications.
2. Sewer Line Hookups. Sewer lines shall be installed to City standards to connect sites for new development to existing mains. In areas where a sewer main is not adjacent to a proposed lot or an existing lot proposed for development, the developer will pay the cost of extending the main line and any lift necessary to provide adequate sewage disposal to the parameter of the lot. At the request of the developer, the City shall consider sharing in the cost of the main line extension or lift station, but the City is under no obligation to participate.
3. Water Line Hookups. Adequate water lines shall be installed to City standards to connect sites for new development to existing mains. In areas where a water main is not adjacent to the individual lot that is proposed to be developed, the developer will pay the cost of extending the main to the parameter of the lot. At the request of the developer, the City shall consider sharing in the cost of the main line extension, but the City is under no obligation to participate.

H. Lot size. In a 10-MU zone, there shall be no minimum lot area.

I. Height of buildings. Except as provided in Section 17.20.050, in a 10-MU zone no structure shall exceed 35 feet in height.

J. Uses not listed. It is recognized in the development of a comprehensive Land Development Ordinance that:

1. Not all uses of land and water can be listed, nor anticipated; or
2. A use may have been inadvertently omitted from the list of those specified as permitted or conditional in each of the various districts designated; or
3. Ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this chapter.

Therefore the phrase "plus other uses deemed to be similar and not more obnoxious or detrimental to the public health safety, and welfare" shall be unmentioned, but included in "Uses Permitted Outright" and "Conditional Uses Permitted" in this district. The classification of an outright use or a conditional use is the responsibility of the Planning Director. Should a conflict arise over the classification of the proposed use, an interpretation by the Planning Commission can be requested.

Chapter 17.16 Supplementary provisions.

- 17.16.020 Maintenance of minimum requirements.
- 17.16.030 Zone Boundaries.
- 17.16.040 Manufactured homes and prefabricated dwelling placement on individual lots.
- 17.16.050 Home occupations occupation.
- 17.16.060 Archaeological provisions.
- 17.16.070 Temporary prefabricated structures.**
- ~~17.16.080 Natural hazard overlay zone (NH). (This section is proposed to be a stand-alone chapter as it is now presented in Section 17.16.080 of Port Orford Title 17 to become Chapter 22.)~~
- 17.16.080 Accessory dwelling unit (ADU).**

17.16.040 Manufactured and prefabricated dwelling placement on individual lots.

A manufactured ~~or prefabricated home dwelling~~ 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-unit 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 dwelling 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.~~

17.16.050 Home occupations occupation.

Oregon laws now require that in-home childcare facilities are to be processed as home occupations subject to administrative approvals. Home occupation provisions are proposed to

accommodate such uses and be more formalized so that the City of Port Orford maintains records of approvals.

A home occupation in a dwelling or an accessory structure shall comply with the following provisions:

- A. The home occupation must be secondary to the main use of the property as a residence.
- B. No materials or mechanical equipment shall be used which will be detrimental to the residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- C. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require bulk delivery by a commercial vehicle or a trailer or the parking of customer vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.
- D. One sign, not internally lighted, 10 square feet or less, **shall be permitted**.
- E. No outdoor storage related to the occupation is permitted.
- ~~F. Should additional space or employees be required for the operation of a home occupation, requests shall be made to the Planning Commission.~~
- F. Where the applicant is the owner of the property, a copy of the deed showing that ownership must be provided. Where the applicant is not the property owner, the applicant shall present a copy of the deed showing the ownership. Both the applicant and the property owner shall sign an application for the home occupation. The application shall present a site plan showing the space that will be utilized for the home occupation, along with a written description of how all of the operations that take place at the site will be in compliance.**
- G. The proposed home occupation shall be reviewed for compliance with the requirements of Section 17.16.050 by City Planning Staff.**
 - a. Where a determination is made that the proposal is in compliance with the criteria, and the City has signed off on the application, the applicant can proceed with the home occupation.**
 - b. Where the staff determines that the proposed home occupation will not comply, and denies the application, the applicant may appeal the decision to the Planning Commission, utilizing the fee approved by the City Council for appeals. Any appeal of the staff decision shall constitute a review of the home occupation use outlined in Section 17.16.050 (H).**

- H. Any indications of the following activity shall initiate staff review of the home occupation use.
 - a. An employee who is not a member of the household unit is working on the property on a regular basis to sustain the home occupation;
 - b. Additional space or an accessory structure is proposed to be added for the operation of the home occupation;
 - c. Property owners within the vicinity express concerns about activities subject to compliance with Section 17.16.050.
 - d. Application may be made to the Planning Commission for a conditional use permit in compliance with Chapter 17.32 where issues are unresolved through staff and applicant interactions.

17.16.070 Temporary prefabricated structure placement to exceed 30 days.

- a. The temporary prefabricated structure may only be placed on a vacant or developed parcel in association with a construction project or another purpose that is not for habitation.
- b. The temporary prefabricated structure shall be tied down to withstand high winds. The temporary prefabricated structure shall be connected to any necessary utility services in accordance with all applicable State Building Codes and City utility codes.
- c. The permit for a temporary prefabricated structure shall not exceed a period of two years; however, the Planning Commission may grant an extension for an additional one year utilizing the requirements of Section 17.32.060 Time limit on a permit or a conditional use permit approval

~~7.16.080 Natural hazard overlay zone.~~

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

17.16.080 Accessory dwelling unit (ADU).

Purpose: The purpose is to increase housing options within the City of Port Orford. Within zones where residential use is permitted, a single ADU is permitted as an accessory use on a lot where there is one existing single-unit dwelling, when the lot complies with the size requirements of the zone for a single-unit dwelling and all of the following:

All the following criteria shall apply.

A. Compliance Determination

An application for compliance determination shall be submitted to the Planning Department showing compliance with the criteria in Section 17.16.080 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 deemed to be incomplete and cannot be approved within 180 days from the time of the initial submission to the City, the application will become void, and no fees will be returned. If the project substantially changes with additional information following the City's compliance determination, an additional fee may be assessed to cover a new review.

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 Municipal Code, Chapter 5.05 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.

Consider moving the above highlight in the ADU ordinance rather than the zoning ordinance to prevent land use parameters and restrictions or consult with Port Orford City Attorney. We have comments about this to consider from the public hearing also.

- 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) An ADU shall comply with all the setbacks of the zone.

Removed the wording about not blocking mailboxes etc. as recommended by DLCD housing team.

- f) An ADU shall obtain separate connections to service pipes for sewer and water from those of the single-unit dwelling on the property where the combined fixture count of the ADU and single-unit dwelling exceed the lateral capacity specified in the Oregon Plumbing Code. *This has new wording suggested at the State level.*

- g) The applicant shall provide the site plan and City forms to the State Fire Marshal for approvals to be provided for Planning Clearance. The site plan that

complies with applicable requirements of Chapter 17.33 of this code shall be submitted to the City Planning Office as part of the application.

- h) An ADU shall comply with all Oregon building codes applicable for habitation as a single-unit dwelling. Propose removing per DLCD housing team; propose adding that ADU's may be approved as a stick-built home, prefabricated or manufactured dwelling.**
- i) An ADU shall not be partitioned, or otherwise divided from the property that has the primary dwelling except where there is compliance with any minimum lot size for the two lots.**

Chapter 17.22

Natural hazard overlay zone (NH).

The existing Natural hazard is proposed to be moved in full to become stand-alone Chapter 17.22.

Chapter 17.28 Planned unit Developments-development.

Sections:

17.28.010 ~~Standards and requirements.~~ **Purpose and Intent.**

17.28.020 Procedure.

17.28.050 Findings for Approval.

~~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 integrate varying housing types including, but not limited to subdivision, cottage cluster, manufactured and prefabricated dwelling park, RV Park and condominium development. The intent is to provide flexibility to develop the property and housing in a manner that creates an attractive, healthy, efficient, and stable environment.

17.28.020 Procedure.

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 involved in preparing the application shall be included in the preapplication meeting. The City may invite State agency personnel or other stakeholders who have 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 plan 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 signoff comments and signoff 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. Title 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 ensure 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 and charting of activities to be completed.

F. The City will schedule and provide notice of any public hearing required to be held by the Planning Commission.

G. Following any approval of the tentative plat, and prior to any construction, the applicant shall comply with Chapter 16.20 Final Plats.

~~C.—In reviewing the preliminary plan, the commission must determine that:~~

~~1.—Special physical conditions or objectives or development exist to warrant a departure from standard regulation requirements.~~

~~2.—Resulting development will not be inconsistent with the comprehensive plan objectives or zoning provisions of the area.~~

~~3.—The area around the development can be planned to be in substantial harmony with the proposed plan.~~

~~4.—The plan can be completed within a reasonable period of time.~~

~~5.—Any proposed commercial or industrial development can be justified economically.~~

~~6.—The streets are adequate to support the anticipated traffic and the development will not overload the streets outside and adjacent to the planned unit development.~~

~~7.—Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.~~

~~D.—If the Planning Commission finds that the foregoing provisions are satisfied, the proposal shall be processed in accordance with the procedure used for establishing a subdivision. If the Planning Commission finds to the contrary, they may recommend the application be denied or returned to the applicant for revision.~~

~~E.—In addition to the requirements of this section, the Planning Commission shall follow the procedure for considering an amendment as required in Chapter [17.32](#).~~

~~F.—Permits for the construction in a planned unit development shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the commission for processing as an amendment to this title.~~

~~G.—An approved planned unit development shall be identified on the zoning map.~~

~~(Ord. 278 § 5.020, 1977)~~

17.28.050 Findings for approval.

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 of the Port Orford Municipal Code, where land division, lot line adjustment, lot merger or subdivision are proposed.

- D. Justification for any deviations to accommodate needed housing.**
- E. Compliance with the requirements of Section 17.32 for cottage cluster residential units that are organized within a grouped housing area of a PUD.**
- F. Compliance with Chapter 16.08.020 Subdivisions - Tentative plans and plats - Contents, and Chapter 16.20 Final Plats where land division is proposed.**
- G. Compliance with Municipal Code Chapter 15.17 Outdoor Lighting Code.**
- H. Findings that streets are adequate to support the anticipated traffic.**
- I. The applicant has demonstrated ability to complete the plan within the proposed stated timeframe.**
- J. 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.**
- K. Compliance with the provisions of any applicable overlay zones has been addressed.**
- L. Proposed utilities are adequate for the development.**
- M. 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.**
- N. Any 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.**
- O. The Planning Director and Planning Commission may require additional detail.**

Chapter 17.32 Conditional Uses Use

Sections:

- 17.32.010 Authorization to grant or deny conditional use.
- 17.32.020 Application for a conditional use.
- 17.32.030 Public hearing on a conditional use.
- 17.32.040 Notification of public agencies.
- 17.32.050 Additional standards governing conditional uses.
- 17.32.060 Time limit on conditional use approval.**
- 17.32.070 Appeal.**
- 17.32.075 Revocation of conditional use permit.**

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. **Standards and criteria.** The City may require assurances to guarantee development in accordance with the standards established **within this Chapter 17.32**, and conditions imposed by the City in granting a conditional use **to carry out the purpose of the specific zone.**
4. **Criteria to be addressed when there is a new structure proposed for conditional use permit approval is provided in Section 17.33.050 Criteria to be addressed. Approval of site plan documents for the new structure will be the purview of the Planning Commission under the procedures of the conditional use permit. The Planning Commission may require additional information and narrative.**
5. **When a new structure is involved, the applicant is advised to request a pre-application meeting with City staff to ensure is mutual understanding of the criteria, and procedures, and the proposed development. The pre-application meeting is subject to a fee.**

B. Church, ~~health care facility~~ Hospital, Nursing Home, ~~Convalescent Home~~, retirement home facility, multi-unit ~~family~~ dwelling, school, motel, hotel, public or nonprofit community facility, fire station or other government structure, and any other structure that is listed as a conditional use within the use zones; such facilities may include one structure or individual structures under common ownership that constitute one facility.

- ~~1. A church, hospital, nursing home, convalescent home or retirement home may be authorized as a conditional use after consideration of the following factors:~~

A use listed in Section 17.32.050 (B) that is listed as a conditional use in any zone, may be authorized by the Planning Commission as a conditional use after the applicant provides a presentation of narrative and site plan addressing the requirements of the conditional use, including Sections 17.32.050 Additional standards governing conditional use, A, 1 – 5 and B, 1-3 and the criteria in Section 17.33.050.

1. Sufficient area provided for the building including considering growth needs, required yards, off-street parking **and loading and other specific needs for the use requested.** (~~related structures and uses~~ **Related structures that are not part of the main facility such as a manse, parochial school or parish house are may be considered as separate principal uses requiring with additional lot area, separate permitting, required); or other requirements;**

2. ~~Location of the site relative to the service area of the church, hospital or home;~~
Orientation of the structure and proposed activities on the lot are major components to be addressed by the applicant;

~~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.~~

1. ~~A mobile home park may be permitted as a conditional use provided it meets the requirements of the zoning, Chapter 446, 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.~~
2. ~~In addition, the following minimum standards shall apply:~~
 - a. ~~Parking Space Requirement. A parking space shall be provided for each mobilehome space on the site. In addition, guest parking spaces shall also be provided in every mobilehome park within 200 feet of the mobilehome spaces served and at a ratio of one parking space for each two mobilehome spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.~~

E. Recreational Vehicle (RV) Park.

In compliance with 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 this Section. This section does not apply to recreational vehicles placed on individual lots.

- 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.**
1. **Site plan and criteria: A site plan map drawn to scale, and narrative shall be included to comply with 1. Site plan and criteria, (a – i). in this section and Section 17.33.050 Criteria. The applicant shall present the information at a public hearing for consideration of the conditional use permit.**
 - a. **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 other documents that provide rules and expectations for tenants shall be presented to the Planning Commission.

- b. Applicants are encouraged to consult with the local jurisdiction for Oregon Building Codes prior to preparing the site plan for Planning Commission consideration so that the site plan layout and narrative of the application submitted for the conditional use permit comply with both City and State requirements. Lack of understanding and compliance with State Building Codes could cause delays in obtaining City approvals.
- c. The RV park shall be served by City water if available. Water for the RV Park shall be approved by State agencies having authority for RV Parks water approvals. Wastewater plan shall be approved by the Port Orford Public Works Superintendent and DEQ.
- d. One (1) 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 RV spaces. Parking spaces shall be striped to comply with Port Orford size standards for parking spaces. Access and continuous road surfaces shall have durable and dustless surfaces adequately maintained for all-weather use with striping.
- e. Setbacks shall comply with the zone. Where the zone has no setback requirements the setbacks for the use shall be a minimum of ten (10) feet from all property lines. Setbacks contain landscaping as described within Chapter 33 or six foot fencing from adjacent properties.
- f. 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.
- g. Streetlights shall be shown on the site plan with placement at intervals of no greater than 200 feet along access drives and internal roads. All lighting shall comply with Chapter 15.17 Outdoor Lighting Code.
- h. The Applicant shall provide a signed acknowledgement of 17.32.060 Time On a permit for conditional use.
- i. The City of Port Orford has the authority to address additional City requirements or impose other special conditions on the placement and occupancy through the conditional use permit approval process.

~~I. Prefabricated Structure.~~

~~1. Prefabricated structure intended for permanent placement and use:~~

- a.—~~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.~~
- b.—~~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.~~
- e.—~~The prefabricated structure shall be connected to any needed utility services in accordance with all State Building Codes and City utility codes.~~
- d.—~~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.~~

2.— Temporary Prefabricated Office Structures.

(Current code language is proposed for change as per State Building requirements for manufactured homes and changes that have evolved over time as proposed throughout this document.)

- a.—~~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.~~
- b.—~~The temporary prefabricated structure shall be tied down or anchored so as to not to be overturned or substantially moved during high winds.~~
- e.—~~The temporary prefabricated structure shall be connected to any needed utility services in accordance with all applicable State Building Codes and City utility codes.~~
- d.—~~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. (Ord. 2004-05 § 1, 2004; Ord. 278 § 6.040, 1977)~~

I. Cottage cluster.

- 1. Cottage cluster is approved through a Planned Unit Development (PUD), which is authorized through a conditional use permit.**

2. Cottage cluster shall contain a minimum of (3) three dwelling units of no more than 900 square feet in size, organized through a PUD, and having similar structural features as identified in #5 (a.) – (m.) of this section. The intent is to create similar design, scale, complimentary color palate and other features to create a unified grouping.
3. Cottage cluster shall not be utilized for vacation rentals. Applicants proposing a cottage cluster subdivision or cottage cluster rental units shall include deed provisions and notes on any final subdivision or PUD plat that approved cottage cluster units shall not be utilized as vacation rentals.
4. Cottage cluster subdivisions units 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.
5. Cottage cluster 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.

~~17.32.060 — Time limit on a permit or a conditional use permit approval~~

~~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~~

17.32.060 Time limit on conditional use approval.

A. Authorization of a conditional use permit shall be void two (2) years after the date of approval of a conditional use application, unless use of the property permitted by the conditional use permit has actually commenced; or, in the event

that such use involves construction, all necessary permits have been issued and satisfactory documentation is provided that the required construction has been commenced and diligently pursued. With regard to new structures, construction of a building foundation shall satisfy the “commenced and diligently pursued” requirement.

B. Upon application prior to expiration of the conditional use permit, the Planning Commission may grant up to three (3) extensions of one (1) year maximum duration each, based on compliance with the following criteria:

- 1. The extension application form is complete and applicable 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.**
- 2. The request includes documentation of special or unusual circumstances that exist which warrant an extension.**
- 3. The applicant has the burden of proof for showing evidence of progress toward completion of the approved use.**

17.32.070 Appeal.

Appeal of a Planning Commission decision on a conditional use permit is subject to all the requirements of Sections 17.04.200 Right of review through Section 17.04.260 Reapplication following denial.

17.32.075 Revocation of conditional use permit.

A. The Planning Commission, upon notice to the permit holder, may revoke a conditional use permit for any of the following reasons:

- 1. Failure to comply with any prescribed requirement of the conditional use permit.**
- 2. Violation of any of the provisions of this Title.**
- 3. The use for which the permit was granted has been so exercised as to be detrimental to public health, safety or general welfare, or so as to constitute a nuisance.**
- 4. 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.**
- 5. Revocation of a conditional use permit may be appealed in compliance with Section 17.32.070.**

This Site Plan Review section highlighted in gray is proposed to be replaced.
Chapter 17.33 Site plan review.

Sections

- 17.33.010 Purpose.
- ~~17.33.020 Large Structure in mixed use zone (10-MU)~~
- 17.33.030 Right of zoning.**
- 17.33.050 Planning Commission review procedures.**
- 17.33.050 Site plan preparation.**
- 17.33.070 Battle Rock zone(10-MU) site plan review.**

17.33.010 Purpose

The purpose of site plan review is to promote public health, safety and general welfare by providing for ~~nondiscretionary~~ review of expansions of permitted existing development and new development to ensure that there is compliance with ~~those~~ City standards set forth in this section. **Site plan review applies to structures and amenities that are organized on the site for uses and activities that are authorized as permitted uses.**

~~17.33.020 Large structure in Battle Rock mixed use zone (10-MU)~~

~~**17.33.030 Right of zoning.**~~ *This wording to be removed. We need to revise this to include the procedures of Limited Land Use Decisions in another section where this site plan review section just incorporates them. This previous draft is included for information and reference only.*

New or expanding permitted structural development is subject to site plan review by staff, or referral to the Planning Commission prior to planning clearance. The purpose is to ensure that all requirements are addressed. Site plan review is to determine compliance with City requirements for permitted uses, and not subject to a quasi-judicial hearing.

- A. Staff have responsibility for carrying out site plan review for single-unit and duplex residential, to include nondiscretionary decisions. Planning Commission review shall be carried out subject to Section 17.33.030 (B); site plan review by the Planning Commission may also be carried out at the request of the applicant or staff.**
- B. When the footprint or combined footprints of more than one permitted structure, designed for one permitted use, other than single-unit and duplex residential, exceeds 2,000 square feet, site plan review shall be carried out by the Planning Commission in compliance with this chapter.**

17.33.050 Planning Commission review procedures.

- A. The Planning Commission has responsibility for site plan review for all structures, except single-unit and duplex residential structures, where the**

development exceeds 2,000 square feet. The 2,000 square feet includes all enclosed space, whether this is an addition to an existing structure, a new structure, or combination of the footprint of structures that are or will become part of one facility with a new addition.

- B. A preapplication meeting with the applicant shall be scheduled to ensure that the applicant has all of the necessary information to complete a professional site plan that complies with City Codes.
- C. The site plan shall be provided by the applicant to the City 40 days prior to the scheduled Planning Commission meeting where the review will take place to allow time for staff review. Staff may suggest that the applicant clarify, add or remove information prior to the Planning Commission review.
- D. The Planning Commission's site plan review notice shall be scheduled and posted at three locations including, but not limited to the Port Orford City Hall, the Port Orford Public Library, and the Port Orford Post Office a minimum of fourteen (14) days prior to the meeting. The posting shall make reference to the site plan, which will be posted on the City's web site for public review seven (7) days prior to the Planning Commission review.
- E. At the posted time and date of the meeting, the Planning Commission will take testimony from members of the public prior to the Applicant's presentation of the site plan and Planning Commission deliberations.
- F. The Planning Commission may complete their review, suggest changes to the site plan, or continue the meeting for further review. The applicant may request a continuation of the meeting to prepare or present further information.

17.33.060 Applicant's site plan preparation.

The applicant has responsibility for preparing a site plan which may include more than one sheet to comply with the requirements. Site plan review for a Planning Commission review shall consider all of the following requirements. The applicant shall be prepared to explain why specific requirements may not apply. An engineer or another qualified professional shall prepare and present the site plan.

- A. The site plan shall be drawn to a legible scale (no less than 1-inch equals 50 feet) with a north arrow.
- B. The location of the property shall be identified by address, assessors map number and tax lot.
- C. The square footage dimensions of the property shall be provided with differentiation between City right of way and the property line.
- D. The name and address, phone number and signature of the applicant and owner shall be provided. If the owner is not the applicant, the site plan shall

be accompanied by a signature and statement from the owner of the property authorizing the application.

- E. All streets, sidewalks, curb cuts and fencing bordering, and on the property shall be shown and identified; adjacent uses shall be identified.**
- F. Existing structures on the subject property shall be shown with indications where structures are to be removed or maintained.**
- G. Footprint(s) of proposed structures, location of proposed driveways, parking spaces, sidewalks, curb cuts and fencing shall be shown.**
- H. Setbacks from property lines of all existing structures to be maintained and proposed structures shall be shown.**
- I. Easements for utilities as coordinated with Port Orford public works shall be identified. Utility easements for electricity, broadband, sewer and water and hookup locations shall be shown. Provider sign-off and comment on City forms shall be provided to include the State Fire Marshal, ODOT if the property borders Highway 101, Port Orford Fire District and Port Orford Public works. An inspection by the State Fire Marshal shall be arranged, conducted, recorded and presented to the Planning Commission where applicable.**
- J. Proposed and existing access shall be shown with signoff from the jurisdiction having authority. The applicant shall comply with the State Fire Marshal for all access roads and for any onsite parking.**
- K. Topographic lines, and other natural features including wetlands, flood plain, geologic hazards and other site conditions shall be shown on the site plan.**
- L. Erosion and drainage plans shall be prepared in compliance with Chapters 17.17 and 17.18 showing downspout fallout.**
- M. An Oregon Registered Geotechnical Engineer is required where there are slope hazards, in compliance with Natural Hazards Overlay, Chapter 17.22,**
- N. Landscape plans showing spacing, vegetation, fencing, walkways and parking shall be shown, with narrative describing how plants will be maintained at startup and on an ongoing basis.**
- O. Trash areas and collection plan shall be addressed.**
- P. Grading and fill plan of any removal, addition or redistribution of soils shall be indicated and required permits addressed.**
- Q. Water and wastewater plans shall be described and approved by the Public Works Superintendent and State agencies, where applicable.**

- R. Setback areas shall be shown where there are adjacent residential properties. Landscaping shall show 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, where applicable.**
- S. A maintenance plan for plants and grounds shall be provided at startup and for ongoing maintenance.**
- T. Adequate trash and recycling bin areas shall be shown.**
- U. The applicant shall comply with Section 17.16.060, archaeological discoveries that are made when development activity is taking place on the site.**
- V. Areas for parking and loading shall be identified.**
- W. Signing to comply with Chapter 15.16 of the municipal code, and lighting, to comply with Chapter 15.17 shall be shown on the site plan.**
- X. The City of Port Orford has the authority to impose other special conditions through the site plan review process.**
- Y. Authorization of site plan review shall be void two (2) years after the date of approval, unless the development permitted through site plan review has satisfactory documentation that the necessary permits for construction have commenced.**

17.33.070 Battle Rock zone(10-MU) site plan review.

The Battle Rock (10-MU) zone design standards incorporate the requirements of Chapter 17.33 to ensure that specific design requirements are incorporated in all uses in the Battle Rock (10-MU) zone. Specific uses for review are found in the Battle Rock zone, Chapter 17.12 Use Zones, Section 17.12.090(E) and (F).

Proposed replacement Site plan review.

Chapter 17.33 Site plan review.

Sections

17.33.010 Purpose.

~~17.33.020 Large Structure in mixed use zone (10-MU)~~

17.33.030 Procedures.

17.33.050 Criteria to be addressed.

17.33.050 Site plan preparation.

17.33.070 Battle Rock zone(10-MU) specific criteria.

17.33.975 Manufactured and prefabricated dwelling park specific criteria.

17.33.010 Purpose

The purpose of site plan review is to promote public health, safety and general welfare by providing for ~~non-discretionary~~ review of expansions of permitted existing development and new development to ensure that there is compliance with ~~those City standards set forth in this section.~~ **prior to planning clearance. Site plan review applies to structures and amenities organized on the site for uses and activities that are authorized as permitted uses.**

~~1733.020 Large structure in Battle Rock mixed-use zone (10-MU)~~

17.33.030 Procedures.

New or expanding structural development permitted outright within Chapter 17.12 Use Zones is subject to site plan review to receive authorization / planning clearance for a building permit. The purpose is to ensure that all requirements are addressed. n

- A. Type I site plan review is carried out by the City Planning Official to include, but not limited to planning clearance on single-unit dwellings, duplexes including their accessory uses, and accessory dwelling units (ADU's) and other uses that encompass less than 2,000 square feet of enclosed space. Site plan review by the Planning Commission may be carried out by the Planning Commission under (B) Type II procedures within this section at the request of the applicant or the City Planning Official.**

- B. Type II site plan review is carried out in compliance with Section by the Planning Commission subject to Section 17.04.275 when the footprint or combined footprints of more than one permitted structure, designed for a single permitted use, other than single-unit, duplex residential and ADU and accessory dwellings, exceed 2,000 square feet of enclosed space whether an addition to an existing structure, a new structure, or combination of the footprint of structures that become part of one facility.**
 - a. A preapplication meeting with the applicant shall be scheduled to ensure that the applicant has all of the necessary information to complete a professional site plan that complies with City Codes for presentation at the site plan review meeting.**
 - b. The site plan and narrative shall be provided by the applicant to the City along with the fee and processed in compliance with Section 17.04.275 Limited Land Use Decision (Type II Procedure).**

17.33.050 Criteria to be addressed.

The applicant has responsibility for preparing a site plan which may include more than one sheet of paper to comply with the requirements. Site plan review shall consider all of the following requirements. The applicant shall explain why specific requirements may not apply to their site plan and written presentation. The applicant is encouraged to have the site plan prepared and presented by a qualified

professional familiar with preparing and presenting site plan information.

- A. The site plan shall be drawn to a legible scale (no less than 1-inch equals 50 feet) with a north arrow.**
- B. The location of the property shall be identified by address, assessors map(s) and map numbers, and tax lot(s).**
- C. The square footage dimensions of the property shall be provided with differentiation between City right of way and the property line.**
- D. The name and address, phone number and signature of the applicant and the owner shall be provided. If the owner is not the applicant, the site plan shall be accompanied by a signature and statement from the owner of the property authorizing the application.**
- E. All proposed streets, sidewalks, curb cuts and fencing bordering the property shall be shown and identified; adjacent uses shall be identified.**
- F. As a condition of approval, access, turnarounds, and drives to parking or other amenities shall be shown with a City utility provider form completed and signed by the City or other agency having jurisdiction for the street. The State Fire Marshal has sign-off for accesses, and interior streets and turnarounds in order to ensure safety and accessibility by fire safety vehicles. An inspection by the State Fire Marshal may be arranged to include City staff, and presented at the at the site plan review meeting.**
- G. Existing structures on the subject property shall be shown with indications where structures are to be removed or maintained. Proposed structures including accessory structures shall be shown.**
- H. Any locations for proposed accessory buildings shall be identified on the site plan. Footprint(s) of proposed structures, location of proposed driveways, parking spaces, sidewalks, curb cuts and fencing shall be shown.**
- I. Setbacks from property lines shall be identified to comply with the City code.**
- J. Easements for utilities shall be identified and coordinated with City public works. Utility easements for electricity, broadband, sewer and water and hookup locations shall be shown. Provider signatures and comment shall be on City utility forms provided by the applicant to the Port Orford Fire District and Port Orford Public works for signoff and comment.**
- K. Topographic lines, and other natural features including wetlands, flood plain, geologic hazards and other site conditions shall be shown on the site plan and addressed by the agency or profession having jurisdiction.**

- a. Wetlands are regulated by Oregon Department of State Lands and the City of Port Orford Comprehensive Plan, City Policies, Statewide Planning Goal 17 and OAR 660-023 based upon Goal 5. Protections of riparian area buffers no less than 100 feet of the ocean shore or 50 feet from the top of bank of Garrison Lake, coastal and wetland areas are required.
 - b. Floodplain is regulated by Port Orford Flood Overlay map from FEMA, Chapter 17.19 of the Municipal Code and technical FEMA regulations.
 - c. Geologic Hazard Areas addressed in Chapter 17.22 are subject to a Geologic Hazard Report prepared by a Geologist as defined within Section 17.04.030.
- L. Plans shall be prepared to comply with Municipal Code Chapter 17. 17 Erosion Prevention and Sediment Control and Chapter 17.18 Storm and Surface Water Management as a condition of approval.
- M. Landscape plans showing spacing, vegetation, fencing, walkways and parking shall be shown, with narrative describing how plants will be maintained at startup and on an ongoing basis.
- N. Trash areas and collection plan shall be addressed.
- O. A grading and fill plan with any proposed removal, addition or redistribution of soils shall be indicated with required State and local permits addressed.
- P. Ten-foot setback areas with plantings or a six-foot wooden or decorative fence shall be included where there are adjacent residential properties, or residential properties across the street facing rear or side lot lines. Landscaping shall show 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 are required. Evidence of consultation with the Coos Curry Extension Service or another identified local expert about native plants that thrive without ongoing maintenance throughout the seasons shall be provided where applicable.
- Q. Water and wastewater plans shall be presented and approved by the Public Works Superintendent and any State agencies having jurisdiction.
- R. Adequate trash and recycling bin areas shall be shown with pickup addressed.
- S. The applicant shall comply with Section 17.16.060 for protocol when there are archaeological discoveries at the time that development activity is taking place on the site.
- T. Areas for parking and loading shall be identified.
- U. Signing to comply with Chapter 15.16 of the municipal code, and lighting, to comply with Chapter 15.17 shall be shown on the site plan.

V. Areas for parking and loading shall be identified with surfacing, drainage and other requirements described in the Municipal Code, Title.

W. Authorization to commence following site plan review shall be void two (2) years after the date of approval, unless the development permitted through site plan review has satisfactory documentation that the necessary permits for construction have been submitted.

17.33.070 Battle Rock zone(10-MU) specific criteria.

In addition to the criteria addressed within this chapter, the Battle Rock (10-MU) zone includes design standards subject to Chapter 17.33. Site plan review design standards and features are found in the Battle Rock zone, Chapter 17.12 Use Zones, Section 17.12.090, (A), (B), (D) and (E), and (F).

17.33.975 Manufactured and prefabricated dwelling park specific criteria.

In addition to the processes addressed within this chapter, Section 17.33.050 Criteria to be addressed, provides the requirements for the applicant to carry out in preparing the site plan.

- A. Oregon State Building Codes has a number of site regulations with authority for plan review and construction of manufactured dwelling parks.**
- B. Lighting shall comply with the City's Municipal Code, Section 15.17 with streetlights shown on the site plan with placement at intervals of no greater than 200 feet along access drives, internal roads and pathways.**
- C. A landscaping plan including a six foot 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.**
- D. Streetlights shall be shown on the site plan with placement at intervals of no greater than 200 feet along access drives and internal roads. All lighting shall comply with Chapter 15.17 Outdoor Lighting Code.**
- E. Road improvements and parking in manufactured dwelling parks shall include paved or graveled streets to provide durable dustless surfaces with all-weather surfacing designed and maintained to accommodate the movement of public fire vehicles and provide protection to the entire park. Designated parking shall be shown on the site plan and Fire hydrants are required.**
- F. A parking space shall be provided for each manufactured or prefabricated dwelling space on the site in compliance with the City's parking space size by definition; in addition, guest parking spaces shall be provided within two hundred (200) feet of each manufactured or prefabricated dwelling space at a ratio of one guest parking space for each two manufactured or prefabricated dwelling spaces. Parking spaces shall have durable and dustless surfaces adequately maintained to City standards for all-weather use-with approved drainage.**
- G. Manufactured dwelling parks shall not be used for transient occupancy stays of less than thirty (30) days). The owner of the proposed manufactured dwelling shall sign a statement recognizing this provision. Acknowledgment of this shall be provided on the site plan and approved plat.**
- H. Signing shall comply with the Sign Code, Chapter 15.16.**
- I. The owner of the lot shall agree that any manufactured and prefabricated dwelling that is removed from its foundation shall within 30 days either be replaced with another approved manufactured or prefabricated dwelling.**

- a. The foundation of any manufactured or prefabricated dwelling or accessory structure that is being removed shall also be removed.
- b. Sewer, water and other utilities shall be disconnected.
- c. The agreement shall further provide that the City place a lien against the property for the cost of such work.

J. In the manufactured dwelling park where the spaces are maintained in one ownership with individual spaces separately leased, the owner or a manager shall live on the premises.

K. Any locations for accessory buildings to be permitted in the manufactured dwelling park shall be approved as an element of the site plan presented to the Planning Commission.

L. The manufactured dwelling park shall show evidence of City sewer and water and/or State approved community water and wastewater systems.

~~§ 17.33.020 Large structure in Battle Rock mixed use zone (10-MU).~~

The requirements of this section and reference to site plan review are now proposed for incorporation in the Battle Rock mixed use zone (10-MU) and to be removed from site plan review.

~~A. Commercial and residential buildings shall incorporate the following design standards to promote the intent of the underlying zone. Any omission of a following standard must be supported with reasons why such standard is inapplicable.~~

- ~~1. Clearly defined primary entrance, through use of any or all of the following: awning, canopy or porte-cochere, recess, projections.~~
- ~~2. Orient building close to street to promote pedestrian-oriented development.~~
- ~~3. Off-street parking to be divided by landscaping areas into bays of not more than 24 parking spaces per bay.~~
- ~~4. Corner buildings shall have corner entrances, or at least one entrance within 20 feet of the street corner.~~
- ~~5. Buildings shall provide at least 50% of the ground floor façade facing the street with windows or building entrances.~~
- ~~6. On multistory buildings define and separate ground floors from upper stories by use of architectural features such as cornices, trim, overhangs, canopies, or other features.~~
- ~~7. Pitched roofs to incorporate two of the following features: Eaves, hips, gables, clerestories, corner elements (e.g., tower), brackets, dormers.~~

~~8.~~ Pitched roofs may be terminated in a parapet. Parapet must include two of the following features: cornice, decorative frieze, brackets, ornamentation appropriate to the building architecture.

~~9.~~ Façades shall be articulated on all street facing elevations and shall incorporate a minimum of five of the following on each elevation: Building offsets, windows, entrances, weather protection (awning, canopy), projections, sheltering roofs, terraces, decks, distinct pattern of divisions in surface materials, ornamentation, small scale lighting, varying building mass, planters; other design features may be considered to meet the minimum of five articulation standards for each elevation subject to the Conditional Use Permit application approval process.

~~10.~~ Avoid parking accesses from or located on street corners.

~~11.~~ Provide dark sky lighting at main entrances of parking areas and pathways compatible with building architectural style.

~~12.~~ Buildings shall have adequate fire protection as determined by the State Fire Marshal.

~~B.~~ Commercial or multifamily residential structures shall demonstrate adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets.

~~C.~~ No signage shall be displayed on building above 35 feet.

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

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

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

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

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

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

~~B. The tentative plat or map shall in general~~

~~; follow the requirements for tentative plans and plats of subdivisions as contained in Section 16.08.020, and, in addition, shall contain the following: twenty five (25), fifty (50) or one hundred (100) feet.~~

~~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;~~

~~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 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 first dispose of this. If such disposition is favorable to the applicant, the planning director and 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), 1074)

PLANNED UNIT DEVELOPMENT (PUD)

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 land development options on existing parcels and for subdivision and partitioning; zoning requirements are integrated with the physical and cultural features of the property through density equivalents for the development as a whole, rather than lot size requirements.**
- 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. Any proposal for cottage cluster development shall be included and sited on the planned unit development plat.**
- C. Approval of the tentative plan is binding upon the City for purposes of the preparation of the final 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 to include 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 is to be included within the PUD except where there are adjacent legal lots.**
 - 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 shown.
- 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 shown.
- 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.

7(a) & (b) Staff Report

1. Discussion and possible recommendation to City Council:

Amend the Short-Term Rental section of Chapter 5 Business Licenses and Regulations, 5.05.080 Operational requirements and standards for short-term rentals to add that accessory dwelling units (ADUs) may not be used as short-term rentals. This was initially proposed to be included in the ADU part of the current zoning update, and our DLCD representative recommended that it be put into the STR code in Chapter 5 to avoid potential land use litigation.

(This could be inserted after item J, which prohibits RVs from being used as STRs):

No accessory dwelling unit. An ADU is prohibited from being advertised, promoted or utilized for a short-term rental or vacation rental.

2. Discussion and possible recommendation to City Council:

Amend the Short-Term Rental section of Chapter 5 Business Licenses and Regulations, item 2. b. below with the language shown. Our Police Department has advised that Oregon driver's licenses don't always have current addresses on them. This part of the STR code applies to residential zones where a cap is in effect on the overall number of STRs. It allows residents to rent out a portion of their home as a short-term rental without being subject to the cap if they can prove they are actually present in the home while the STR portion is being rented.

5.05.050 Application and Fee

2.

Proof of Residential Use (for hosted home shares within the R1 and R2 zones only). The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:

a. A copy of voter registration.

b. A copy of an Oregon driver's license or identification card.

(Replace with) A copy of a government issued ID showing current address.

c. A copy of Federal income tax return from previous tax year (page 1 only; financial data should be redacted).