



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 26, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Port Orford Plan Amendment
DLCD File Number 002-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 9, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Bev Manes, City of Port Orford

<paa> ya/email

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

(See second page for submittal requirements)

SEP 19 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Port Orford

Local File No.: None

(If no number, use none)

Date of Adoption: 9-15-2008
(Must be filled in)

Date Mailed: 9-18-2008
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: June 26, 2008

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

"Update specific minor and major partitioning standards and procedures to reflect the requirements of ORS 92 and City needs; Update final plat requirements. Update residential zones to include uses required by Oregon law and to clarify procedures."

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice for the proposed amendment, write "N/A".

"A few wording changes; addition of provision of sewer and water wording in ordinance 2009-03 as well as Amending Conditional Uses permitted in residential zones by deleting reference to RV's on site during construction. Although ORS 197.615 requires notice be sent to persons who participated in the proceedings (hearings) leading to the adoption of amendments to the land user regulations or new land use regulations, no one wrote, spoke, or requested notification of the adoption."

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 1, 2 and 7

Was an Exception Adopted? Yes: No:

Does Adopted Amendment affect the areas in unincorporated Washington County where the

Zoning Code applies? Yes No

DLCD File No.:

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Bev Manes

Area Code + Phone Number: 541-332-3681

Address: PO Box 310

City: Port Orford, OR

Zip Code+4: 97465

Email Address: bev@portorford.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE**

(21) days of the date, the "Notice of Adoption" is sent to DLCD.

6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

J:\pa\paa\forms\form2-noticead.frm

revised: 01/01/2004

ORDINANCE 2009-01

AN ORDINANCE OF THE CITY OF PORT ORFORD REPLACING IN ITS ENTIRETY ORDINANCE 2006-12, WHICH REPLACED ORDINANCE 0195-02, DEVELOPMENT IN AREAS OF GEOLOGICAL HAZARD, AND AMENDING ORDINANCE 278, THE ZONING ORDINANCE OF THE CITY OF PORT ORFORD

An ordinance amending Ordinance 278, the Zoning Ordinance of the City of Port Orford in the following particulars only:

BE IT ORDAINED by the Common Council of the City of Port Orford that Ordinance 278 shall be amended in the manner set forth in Attachment A to this ordinance.

In all other respects, Ordinance 278 shall remain the same and in full force and effect.

PASSED by the Common Council of the City of Port Orford this 15th day of September 2008.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 15th day of September, 2008, by the following vote:

Yes: M. Finley, E. Beck, W. McArdle, S. Abbott, J. Hewitt, D. Smith

No: 0

Abstain: 0

Passed: 6 to 0 Failed: _____

Jim Auburn
Jim Auburn, Mayor Date
City of Port Orford, Curry County, Oregon

ATTEST:

Beverley Manes
Beverley Manes, City Recorder
City of Port Orford, Curry County, Oregon

EXHIBIT A

Natural Hazard Overlay Revisions

The following text replaces Section 2.860. Development in Areas of Geologic Hazard of Ordinance 0195-02, amending Ordinance 278, the Zoning Ordinance of the City of Port Orford, and listed in that City's Municipal Code as:

Chapter 17.16.080 Natural Hazard Overlay Zone (NH).

Purpose of Classification. The purpose of the NH overlay zone is to protect people, lands and development in areas that have been identified as being subject to various natural hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards. For the purposes of these provisions, areas subject to geologic hazards are known as "geologic hazard areas." Geologic hazard areas are shown on the Natural Hazard Inventory maps adopted in the Goal 7 Element of the City of Port Orford Comprehensive Plan, and incorporated in the Curry County Geographic Information System (GIS). The maps include the Oregon Department of Geology and Mining Industries Bulletin 90 Land Use Geology Langlois/Cape Blanco and Port Orford Quadrangle maps, and the DOGAMI maps known variously as the "Provisional Maps of Rapidly Moving Landslides" and the "Further Review Areas" maps. Geologic hazard areas may also be identified by site specific characteristics such as, but not limited to, earth flow and slump topography with moderately sloping terrain and irregularities of slope, drainage or soil distribution; steep slope mass movement areas subject to localized debris slides, debris flows, rock falls or rock slides, and other areas that may be identified by a geologist conducting the technical assessments required by the City of Port Orford Municipal Code.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides. Areas identified with more than 15% slope shall be subject to the Natural Hazards Overlay requirements.

A. Development in Areas of Geologic Hazards.

Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity application is submitted to the City.

1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on contiguous and adjacent property and on upslope and down slope properties that may be at risk from, or pose a risk to, the development activity. The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or

alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:

- a. A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.
 - b. A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Chapter 17.16.080 of the Port Orford Municipal Code.
2. If the assessment provides a certification pursuant to Section (1)(a), the development activity may proceed without further requirements of this Section.
 3. If the assessment provides a statement pursuant to Section (1)(b), the applicant must comply with the further requirements of this Section prior to any disturbance of the soils or construction.
 4. Applications, subject to Section (3) (above), shall provide the following information prior to the Planning Director's determination that the application is complete.
 - a) A geologic hazard mitigation report by a geologist prepared at the applicant's expense containing the following information:
 - i) Drawings at scales that allow for clear depiction of the following:
 1. an index map showing the location of the development activity within City of Port Orford;
 2. A topographic site plan that shall include:
 - a. all adjacent, contiguous and related property identified in the geologic hazard assessment as being at risk from or posing a risk to the development activity;
 - b. the degree of slope on the subject and adjacent properties;
 - c. all features on the subject and adjacent properties that may cause or contribute to mass movement. Such features shall specifically include any landslide, bluff failure or shoreline erosion that

could migrate upslope into the subject or adjacent properties;

- d. the location of all identified geomorphic features and micro-topographic features related to the identified geologic hazards, and
- e. all features or conditions, which gave, rise to the statement pursuant to Section 3.252(1)(b) not otherwise required to be included.

- 3. A map that depicts features and conditions associated with any building site or construction site associated with the development activity.

ii) A technical analysis and narrative describing the following:

- 1. The geologic features or conditions of the property as well as those features or conditions which gave rise to the statement pursuant to Section (1)(b);
- 2. All features related to earth movement or geologic instability on, above and below the site;
 - a. The results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes, or other data obtained from the site investigation with data points clearly identified on a map;
 - b. Whether the proposed development activity can be safely sited on the subject property or at the site in view of the geological hazards and risks that have been identified in the geologic hazard assessment;
 - c. All features related to earth movement or geologic instability on, adjacent to, upslope or downslope from the subject property;
 - d. A clear statement of all requirements or conditions that the geologist has determined are necessary to mitigate the geologic hazards;
 - e. A qualitative assessment of the likelihood that the proposed development activity will cause damage or contribute to damage to adjacent properties resulting from geologic hazards disclosed in the geologic hazard assessment or during the course of the preparation of the geologic hazard mitigation report.

- d. The applicant shall, prior to the issuance of any development permits, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of subsequent land owners to refrain from interfering with such measures or improvements and to maintain them.
 - e. A schedule of inspections shall be completed by the engineering geologist to assure compliance with recommendations, and reports shall be provided to the City prior to final plat approvals or issuance of permits for other development activity.
8. A Conditional Use Permit shall be required for development activity in all geologic hazard areas except where a certification has been provided under Chapter 17.16.080(A)(1)(a). The Planning Commission shall consider reports submitted by qualified professionals, including the proposed mitigation plan and any response from affected parties in making their decision. The Director or the Planning Commission may request the input of the city engineer to be provided at the applicant's expense.
 9. Appeals of a Conditional Use Permit which challenge an assessment, report or plan prepared or approved under Chapter 17.16.080(A)(1), (4), (5) or (7), shall be accompanied by an analysis of the challenged document. Such analysis must identify and analyze the purported deficiencies with sufficient clarity to allow the Director to assess the concerns. In the event that the Director does not have adequate technical ability to make such an assessment, the Director may submit the matter for recommendation by an engineer or geologist in which case the appellant and the applicant shall equally share the cost of such peer review. Peer review shall be based on the entire record of the proposed development activity.
 10. If a possible new geological hazard that has not been mapped is brought to the attention of city officials, the City may then require that a geologist be hired by the City to investigate the subject site and report on the nature of the hazard and its possible impact to the proposed use and surrounding properties. The cost of this geological hazard investigation is to be paid by the applicant.
 11. The development activity, if approved, must be constructed as approved and must implement the measures and improvements in the approved mitigation plan. The plans submitted for development permits shall bear a statement from the geologist that the mitigation measures contained in the approved mitigation plan have been included in the plans submitted for the permit. If required by the mitigation plan, installation or construction of such measures and improvements shall be undertaken under the supervision of an engineer.
 12. In the case of a building permit, upon the completion of construction and prior to issuance of a certificate of occupancy, the supervising geologist or engineer shall certify that the measures and improvements in the approved mitigation plan have been properly installed. In the case of mitigation plans that do not require a supervising geologist or engineer, such certification shall be made in the form of a sworn affidavit by the applicant. No as-built changes to the requirements of a mitigation plan will be accepted in the absence of certification of the changes by the engineer or geologist who prepared the mitigation plan.

ORDINANCE 2009-02

AN ORDINANCE OF THE CITY OF PORT ORFORD AMENDING ORDINANCE 258, BY ADDING "PURPOSE" BETWEEN SECTIONS I AND II; ADDING NEW DEFINITIONS TO SECTION II; REPLACING SECTION IV, SALES OF PROPERTY; AMENDING SECTION X, HEARINGS; AND ADDING SIX SECTIONS TO THE ORDINANCE TO COMPLY WITH CURRENT STATE STANDARDS. (ATTACHMENT A); AND

AMENDING ORDINANCE 258, SECTION V(A), REPLACE (2) & (3); ADD (4), (5), & (6); MOVE OLD (3) TO (7); DELETE SECTION V(D); (ATTACHMENT B); AND

AMENDING ORDINANCE 258, SECTION VI(A), DELETE (A); AMEND SECTION VI(B)(1)d BY ADDING REFERENCE, AND ADD i AND j.; ADD THREE NEW SECTIONS FOR TIME LIMITS, EXTENSIONS OF TIME AND LIMITATIONS ON MINOR PARTITIONING; (ATTACHMENT C); AND

AMENDING ORDINANCE 258, SECTION 8(A), FINAL PLATS, ADDING MINOR PARTITIONS UNDER GENERAL PROVISIONS; FINAL MAP PROCEDURES TO MINOR PARTITIONS, MAJOR PARTITIONS AND SUBDIVISIONS; COMBINING FINAL PLATS FOR ALL; DELETING SECTION: FINAL PLATS FOR MAJOR PARTITIONS AND SECTION: ACTION BY THE PLANNING DIRECTOR AND PLANNING COMMISSION. (ATTACHMENT D).

An ordinance amending Ordinance 258, the Subdivision Ordinance of the City of Port Orford in the following particulars only:

BE IT ORDAINED by the Common Council of the City of Port Orford that Ordinance 258 shall be amended in the manner set forth in Attachments A, B, C. and D to this ordinance.

In all other respects, other than renumbering sections or subsections to accommodate the changes herein, Ordinance 258 shall remain the same and in full force and effect.

PASSED by the Common Council or the City of Port Orford this 15th day of Sept., 2008.

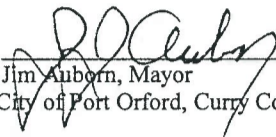
The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 15th day of Sept., 2008, by the following vote:

Yes: Mr. Finch, E. Beck, W. McCardle, S. Whitt, J. Hewitt, D. Smith

No: 0


Abstain: 0

Passed: 6 to 0 Failed: _____



Jim Auburn, Mayor Date
City of Port Orford, Curry County, Oregon

ATTEST:



Beverley Manes, City Recorder
City of Port Orford, Curry County, Oregon

Chapter 16.04 General Provisions and Administration

Amending Ordinance 258, by adding “Purpose” between Sections I and II; adding new definitions to Section II; replacing Section IV, Sales of Property; amending Section X, Hearings; and adding six sections to the ordinance to comply with current State Standards.

16.04.015 Purpose.

Partitioning and subdivision regulations are enacted to accomplish the orderly division and development of land within the City of Port Orford to promote the public health, safety, and the general welfare of the City. This is accomplished through regulations and standards that govern the approval of plats for land divisions and land reconfiguration including, but not limited to land partitions, subdivisions, replats and planned unit developments.

16.04.020 Definitions.

“Expedited Land Division” is a land division action that meets all of the criteria of ORS 197.360 and is subject to all of the provisions of ORS 197.360 – ORS 197.365.

“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.

“Tentative plan” means the preliminary plat map and plans or the tentative plat map and plans indicating the proposed layout of the subdivision. The tentative plan includes the site plan and explanatory information submitted for preliminary approval.

16.04.040 Authorizations for Sale of Lots.

- A. No person shall divide land, except after the approval of such division pursuant to this ordinance.
- B. No person shall sell any lot in any subdivision for which approval is required by this Ordinance:
 - 1. Until such approval is obtained, and
 - 2. The plat of the subdivision has been acknowledged and recorded with the recording officer of the County.
- C. No person shall negotiate to sell, advertise, solicit or promote to sell any lot in a subdivision until there is tentative approval. Prior to tentative approval, however, the owner or owner’s agent may obtain non-binding, fully refundable without condition “reservation” agreements.
- D. When a subdivision has been granted tentative approval, the owner or owner’s agent may negotiate and enter into binding sale agreements that are specifically conditioned upon final

EXHIBIT A

subdivision plat approval. In negotiating to sell a lot in a subdivision a person may use the tentative approval.

- E. No person shall sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat for such subdivision has been so recorded.
- F. No person may sell any parcel or unit of land in a partition for which approval is required by this ordinance until such approval is obtained and the partition recorded. However, a person may negotiate to sell a parcel in a partition prior to the required approval of the partition, provided that the sale agreement is specifically conditioned upon final partition plat approval.
- G. No person shall create a street or road for the purpose of partitioning or subdividing an area or tract of land without the appropriate partitioning or subdivision approvals of the City of Port Orford under this chapter.
- H. No instrument dedicating land to public use shall be recorded unless the City Council has accepted the dedication.

16.04.050 Hearings.

A. Notice.

- 1. Notice of hearing for a subdivision, major partition or planned unit development shall be mailed to the applicant, affected agencies, affected property owners and interested parties as set forth in Title 17, Section 17.04.100 Notice at least twenty (20) days before such hearing.

16.04.090 Subdivision of Existing Mobile Home Parks and Manufactured Dwelling Parks.

Conversions of existing mobile home parks and manufactured dwelling parks (lawfully approved before July, 2001) in order to allow for individual ownership interest in the lot on which the dwelling is located are subject to ORS 92.830 - 92.845.

16.04.100 Preapplication.

Prior to filing an application for partitioning of land, subdivision, reconfiguration of platted lots, or lot line adjustment, the owner or authorized agent of such land shall initially submit a sketch map of sufficient accuracy to determine the procedures that apply so that staff can respond regarding application procedures. The applicant shall comply with all applicable sections of this ordinance.

16.04.110 Two-Step Land Division Process.

EXHIBIT A

- A. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed through a two-step process including tentative approval and final approval:
1. Tentative Approval. The tentative map and plan shall be approved before the final plan and plat can be submitted for approval.
 - a. All land division shall comply with Section 16.04.120 Criteria for Tentative Approval of Partitions and Subdivisions at the time of tentative approval.
 - b. Standards and procedures set forth in Chapter 16.12, Minor Partitions and applicable portions of 16.20 Final Plats shall apply to all minor partitions.
 - c. Tentative approval of any major partitions, subdivisions, and planned unit development shall be considered at a public hearing. The findings of compliance with the criteria specified in Section 16.04.120 of this chapter, and applicable conditions of approval for compliance with Chapters 16.08 Subdivisions and Major Partitions, 16.16 Planned Unit Developments, and 16.20 Final Plats shall be spelled out by the Planning Commission at the time of tentative approval.
 2. Final Plan and Final Plat Approval. Final plan and plat approval shall comply with this chapter and all the conditions of the tentative approval and the requirements for the final plat approval set forth in this ordinance as follows:
 - a. Minor Partitions: Chapters 16.12 and 16.20.
 - b. Subdivisions and Major Partitions: Chapters 16.08 and 16.20.
 - c. Planned Unit Developments: Chapters 16.08, 16.16 and 16.20.

16.04.120 Criteria for Tentative Approval of Partitions and Subdivisions.

Tentative approval for partitioning or subdivision may be granted when the Planning Commission provides findings that all of the following criteria are met:

- A. **Compliance with ORS Chapter 92.** Conformance with ORS 92 shall be a condition of all approvals.
- B. **Conformance to City Plans and Policies.** All proposals shall conform with the intent of the Comprehensive Plan, and with provisions of this Ordinance, and other adopted plans and policies including, but not limited to, the Port Orford Design Standards, taking into consideration existing and planned streets, parks and recreation areas, public facilities, and specific requirements of the underlying zone, any applicable overlay zone requirements, and all requirements of tentative approval.
- C. **Future Potential Redivision Plan.** When partitioning or subdividing units of land into lots greater than twice the area of the minimum lot size allowed by the underlying zone in residential zones, or greater than one acre in commercial or industrial zones, or where the area proposed to be divided includes only part of the unit of land in a single ownership, the Planning Commission shall find the following:
 1. That the lots are of such size, shape and orientation as to facilitate future redivision in accordance with the requirements of the zone as set forth by the applicable zoning in this ordinance.

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2. Those street right-of-way alignments will be capable of serving future development of the property, and connect to adjacent properties, including existing and planned rights-of-way to serve the property and adjacent properties.

D. **Properties Adjacent to the City Limits.** When property that is proposed for development is adjacent to the City Limits, the city shall provide notice of the proposed development to the Curry County Planning Department for purposes of coordination at the same time that notice is provided to adjacent property owners.

E. **Access to Lots.** Each lot or parcel shall be capable of being served by a public or private road or street that provides satisfactory vehicular access to an existing street in compliance with City of Port Orford Design Standards approved by the City Council. The Planning Commission shall assure that the proposed ingress and egress are adequate for fire protection and other services.

F. **Continuation of Existing Streets.**

1. **Abutting New Lots.** The Planning Commission may require that existing streets abutting new lots be continued through dedication of an easement, improvement of an existing right-of-way or dedication of improved right-of-way on the property, provided the requirement that is imposed on the applicant in regards to providing easements, right-of-way, or dedications of streets is roughly proportional in nature and extent to the impact that can result from the proposed partitioning or subdivision. In such cases, the Planning Commission shall make findings as to the elements that make the easements, right-of-way, or dedications “roughly proportional” to the impacts of the partitioning or subdivision that are being allowed. The Planning Commission shall assure that any street that is proposed to be accepted as a dedicated street by the City connects directly to a City-maintained street. If proposed streets do not connect directly to City-maintained streets, the Planning Commission shall recommend that street dedications not be accepted for maintenance by the City.

2. **Continuation of Street Existing in Adjoining Properties.** A partition or subdivision that does not abut an existing street system may provide for the continuation of a street in adjoining property through dedication of an easement, improvement of an existing right-of-way, or dedication of improved right-of-way on the property. In such cases, the Planning Commission shall make findings that the requirement that is imposed on the applicant in regards to providing easements, right-of-way, or dedications of streets is roughly proportional in nature and extent to the impact that can result from the proposed uses for the new lots, if and when fully developed. The number of lots that could ultimately be created, topography, lot size and shape, zoning requirements and the layout of properties within the vicinity are pertinent.

G. **Adequate Utilities.** All lots created through partitioning and subdivision shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable to standards set forth in the City of Port Orford Design Standards approved by the City Council.

EXHIBIT A

- H. **Buildable Lots.** The Planning Commission must make a determination that all lots that are created for residential purposes are buildable lots, and that the public welfare and safety will be served by the configuration of the lots with respect to size, shape, topography and natural features.
- I. **Erosion and Runoff.** The Planning Commission should require conditions so that development activity will not accelerate runoff or make other changes in the natural landscape that will exacerbate existing runoff or erosion patterns that will negatively affect the public welfare of the safety of neighboring properties as a result of the development.
- J. **Flood Areas.** All partitions and subdivisions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a flood way. All new lots shall be buildable without requiring development within the flood way. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.
- K. **Base Flood Elevation.** Where new lots are being created in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, the applicant shall provide the base flood elevation prepared by a licensed civil engineer certified and qualified to evaluate flood elevations. The applicant shall employ the person or team preparing the Flood Elevation Report.
- L. **Geologic Hazards:** At the time of tentative plat approval, all partition and subdivision proposals in geologic hazard areas shall provide a geologic hazard assessment in compliance with the requirements of Chapter 17.16.080, so that there can be a determination that the lots being created are buildable lots.
- M **Wetlands:** At the time of tentative plat approval, there must be a determination that all lots being created are buildable lots with respect to the location of wetlands. When property is shown as having wetlands on the City of Port Orford's Local Wetlands Inventory or the Approved Wetlands Inventory of the Oregon Department of State Lands, a wetlands delineation by an approved wetland delineator may be required so that this determination can be made.
- N **Riparian Areas.** At the time of preliminary plat approval, there must be a determination that all lots being created are buildable lots with respect to the location of riparian areas. A delineation of riparian areas on the properties where there are streams identified as wetland areas may be required so that this determination can be made as addressed in Section 16.04.120 (J) and subject to Section 17.12.080 Shoreland overlay zone (9-SO).

EXHIBIT A

O Jurisdictional Concerns. Jurisdictional concerns of state and federal agencies including, but not limited to the Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Transportation (ODOT), Department of State Lands (DSL), the State Department of Forestry, the Department of Environmental Quality (DEQ), Department of Geology and Mineral Industries

(DOGAMI), Oregon State Parks, and the Federal Emergency Management Agency (FEMA) shall be considered when applicable, and the applicant shall be required to show that they can accommodate or alleviate jurisdictional concerns prior to final plat approval.

16.04.130 Criteria for Final Plat Approval of Partitions and Subdivisions.

- A. **Conformity with Tentative Approval.** The partition or subdivision plat must be in substantial conformity with the provisions of the tentative approval, and with the requirements of ORS 92.
- B. **Private Streets, Roads and Accesses.** Streets, roads and accesses held for private use and indicated on the tentative plat map of such partition or subdivision must be approved by the City.
- C. **Dedication of Property for Public Use.** The partition or subdivision plat must include a dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems where such dedication was made a condition of the approval of the tentative plat and plan.
- D. **Explanations of Common Improvements.** Explanations of all common improvements required as conditions of tentative approval of the partition or subdivision must be referenced on the partition or subdivision plat for recording.
- E. **Certification from Special Districts.** A certification from any fire or forest protection district, irrigation district, drainage district, water control district, water improvement district or district improvement company that appears to be located within the boundaries of the proposed partition or subdivision that the partition or subdivision shall state that the partition or subdivision is entirely excluded from the district or company, or that it is included within the district or company for purposes of receiving services and subject to the fees and other charges of the district or company.
- F. **Drainage:** All partition and subdivision proposals shall provide for adequate surface water drainage in compliance with the City of Port Orford Design Standards approved by the City Council. Water quality or quantity control improvements may be required.
- G. **Provision for Improvements.** Improvements including streets, sidewalks, water distribution lines, sewage collection lines, land surface drainage electrical service, telephone service, T.V. cable service, fire protection service or any other service, utility or improvement required by the City as a condition of approval shall be the responsibility of the applicant. It shall also be the responsibility of each applicant to complete such construction, installation or repair as a condition of, and prior to, final approval or recording of a subdivision plat or

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partition map for subject property. In the alternative, and subject to approval of the City Council prior to final plat approval, the applicant may enter into an agreement with the City, which agreement is hereinafter referred to as a "Subdivision Improvement Guarantee and Performance Bond," which shall specify the following:

1. Specify the responsibilities of the applicant, and the date by which all required improvements and repairs shall be completed.
2. State that the agreement is for the benefit of the local government and not the ultimate purchasers of individual lots, units, or real estate interests.
3. State that the City staff and professionals retained by the City may come onto the property and inspect and complete work as necessary.
4. State that if the work is not completed by the date specified the City may recover as damages an amount equal to the amount of the improvement guarantee and performance bond as provided pursuant to a Subdivision Improvement Guarantee and Performance Bond described within this section.
5. State that the City of Port Orford may at its own option complete all or part of any such improvements or repairs, and recover the full cost and expenses, and in either case shall have the right to collect from the applicant any court costs, attorneys' fees or damages incurred by the City of Port Orford by reason of failure of the applicant to provide all specified improvements, or by reason of any breach of any such subdivision improvement guarantee and performance bond as may be incurred in the collection of any amount due from said applicant to the City of Port Orford, whether or not suit or action be commenced, including any costs or attorneys' fees incurred in any appeal.
6. State that the applicant shall pay a fee to reimburse to the City of Port Orford its costs and expenses in authorizing, preparing and administering any agreement in respect thereto, the amounts of which shall be determined from time to time by resolution of the City Council of the City of Port Orford.
7. The City Attorney shall approve the agreement between the applicant and the City.

H. Improvement Guarantee and Performance Bond. When 70% of the improvements have been completed, if the City Council authorizes deferral of completion of improvements, the applicant shall execute a subdivision improvement guarantee and performance bond in form approved by the City of Port Orford, and in an amount at least 150% of the cost of the remaining improvements as estimated by the City Manager/Engineer, payment and performance of which will be secured by means of one or more of the following:

1. A guarantee upon such bond executed by a surety company authorized to transact business in the State of Oregon, in form and manner approved by the Port Orford City Attorney.
2. A cash deposit, which may be in the form of a cash deposit deposited with the City of Port Orford, or may be in the form of a certificate of deposit or other negotiable instrument for the payment of money, drawn on and payable on demand by, a bank or savings and loan association doing business in the State of Oregon, which certificate shall be approved by the City Manager/Engineer, and which shall be endorsed, assigned or otherwise irrevocably transferred to the City of Port Orford and placed in the possession of the City of Port Orford during the period in which it shall remain as security for such subdivision improvement guarantee and performance bond. The City

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- may, in its discretion, require acknowledgment of such transfer from the issuer of such a certificate.
3. A duly recorded first mortgage upon real property having a value equal to at least 150 percent of the amount of such improvement guarantee and performance bond. It shall be the responsibility of such applicant to provide a mortgagee's policy of title insurance and to pay any other expenses incurred with respect to the creation of such a mortgage interest.
 4. At the option of the City Council, specify such other security as in its discretion the Council shall see fit.
- I. Local Improvement District. Although the City of Port Orford shall be under no obligation to form a local improvement district or otherwise to provide for the construction of such improvements, if the City of Port Orford shall elect to permit the applicant to apply for the formation of a local improvement district for the construction of all or part of such improvements, and if such improvements shall be so constructed, and if the applicant shall elect to pay the cost of the improvements as assessed against each lot in installments under the Bancroft Act of the State of Oregon and the ordinances of the City of Port Orford, then the obligation with respect to such portion of the improvements as are constructed shall be deemed wholly performed on the part of such applicant at such time as the City of Port Orford shall adopt its ordinance assessing the cost of such improvements against the property thereby benefited, thereby creating a duly subsisting assessment lien upon such benefited property.
- J. Certificate and Guarantee of Improvements. The City of Port Orford shall not accept the responsibility for any improvements, nor release a subdivision improvement guarantee and performance bond, or any security therefor, until such time as a licensed professional engineer working at the discretion of the City Council, shall submit a certificate stating that the applicant has submitted a detailed "as built" engineering plan and survey of the subdivision, indicating location, dimensions, materials and other information as may be required by the City of Port Orford. Notwithstanding such approval or acceptance, or the release of any subdivision guarantee and improvement bond or any security therefor, the applicant shall, and by proceeding with such project in accord with this ordinance does, for a period of one year following the submission of such a certificate, guarantee that such improvements and repairs are constructed and performed in a good and workmanlike manner, using first class materials, in accordance with all standards and requirements of the City of Port Orford and all requirements and conditions imposed for the approval of the subdivision or partition by the Port Orford City Planning Commission and the Port Orford City Council.
- K. Reduction in Security Upon Partial Completion of Improvements. The security for, or the amount of the obligation of any corporate surety providing a guarantee upon, any subdivision improvement guarantee and performance bond, may be reduced, at the discretion of the City of Port Orford upon approval of the City Council, prior to completion and dedication of all such improvements, if a portion shall be satisfactorily completed. Such reduction shall be in the same proportion to the whole of the bond as the ratio of the improvements that have been

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satisfactorily completed and dedicated to the total cost of all such required improvements and repairs.

16.04.140 Applicable Standards

Approval or denial for a partitioning or subdivision application shall be based upon the Standards, including Port Orford Design Standards, and criteria that were applicable at the time the application was submitted.

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Chapter 16.08 SUBDIVISIONS AND MAJOR PARTITIONS

Amending Ordinance 258, Section V(A), replace (2) & (3); add (4), (5), & (6); move old (3) to (7); delete Section V (D)

- 16.08.010 General provisions**
- 16.08.020 Subdivisions–Tentative
Plans and plats– Contents.**
- 16.08.030 Major partitions–
Tentative plans and
maps–Contents.**
- 16.08.050 Replatting**

16.08.010 General provisions.

- A. Application. Before a plat of any subdivision or the map of any major partition may be made and recorded, the person proposing the subdivision or the major partition or his authorized agent or representative shall make an application in writing to the city for approval of such proposed subdivision or major partition. The filing fee shall be paid at this time. The application shall be filed with the city planner. The applicant shall submit 12 copies of the required tentative partitioning or subdivision plat map and a completed written application, along with the filing fee to initiate the application.
- B. Completeness Check and Notice. Upon receipt of all information, and the fee, and after the check for completeness and accuracy in accordance with Chapter 17, Section 17.04.155 the planner shall set the date of the Planning Commission hearing, and proceed to provide notice to be mailed at least 20 days before the date of hearing set forth in Chapter 17, Section 17.04.100.
- C. Review by Special Districts, Agencies and Departments. At the time that notice is provided as set forth in Section 16.08.010 (B), the City planner shall distribute copies of the proposed plat to special districts, affected city departments, and local, state and federal agencies for review and comment. If the city receives no written response or time extension requests prior to the hearing, the planner shall deem that there are no issues of concern to the affected departments, special districts and agencies.
- D. Hearing Process. Major partitioning and subdivision shall be processed as quasi-judicial actions with the Order of Proceedings set forth in Chapter 17, Section 17.04.150. The Planning Commission will hold a public hearing and approve or deny of the tentative plat and plan based upon all the requirements of this ordinance.
- E. Approval. No plat or map will be considered for final approval until the tentative plan has been approved. The decision for tentative approval shall comply with all the requirements of this ordinance. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or the map of the pro-posed major partition for recording; however, approval of such tentative plan shall be binding upon the planning commission for

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the purposes of the preparation of the plat or map and the planning commission may require only such changes in the plat or the map as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or the proposed major partition, (Ord. 258 § 5(A), 1974).

- F. Time Limit for Tentative Approval. Tentative approval shall be null and void if the final map is not submitted to the City within one year after the tentative approval, except when the Planning Commission has granted an extension. Filing the extension within the required time frame is the responsibility of the applicant.
- G. Extension of Final Plat Approval. Any extension on the time limit for tentative approval of partitioning or subdivision beyond the time limits set forth in Chapter 16, Section 16.08.010 (F) shall be requested in writing by the applicant along with the reasons why the applicant is requesting the extension. Any request for an extension shall be submitted to the Planning Commission prior to the date on which the tentative approval will be null and void. The Planning Commission may grant one year extensions of the approval of the tentative approval beyond the original one-year limitation when it is determined that there is sufficient reason to allow the extension due to circumstances beyond the control of the applicant.

Chapter 16.12 MINOR PARTITIONS

Amending Ordinance 258, Section VI(A), delete (A); amend Section VI(B)(1)d by adding reference, and add i and j.; add three new sections for time limits, extensions of time and limitations on minor partitioning

Sections:

- 16.12.010 Standards and procedures for submission of tentative maps.**
- 16.12.020 Action by the planning director and planning commission.**
- 16.12.030 Time limit for tentative approval.**
- 16.12.040 Extension of tentative approval.**
- 16.12.050 Limitations on minor partitioning.**

16.12.010 Standards and procedures for submission of tentative maps.

A. The map shall be of a size and scale as prescribed by the planning director and shall contain the following:

1. North point, scale and date of application;
2. Names and addresses of the partitioner and of the surveyor employed to make the survey and map;
3. Written legal description of the entire property and of the proposed partitions;
4. Description and location of all permanent and reference monuments found or set within the area, with all descriptions being by metes and bounds and not by reference to lot and block.
5. Names of existing streets and the planned location of any future proposed streets on land retained by partitioner;
6. Location and outline of existing buildings on the lots being partitioned and within one hundred (100) feet thereof;
7. Location of all existing and proposed utilities, easements, sewer and waterlines;
8. Zoning districts and restrictions in that area. (Ord. 258 § 6(B), 1974)
9. Proposed lot numbers;
10. Other information may be required to show compliance with the requirements of Section 16.04.120 as determined by the Planning Director.

B. In addition there shall be accompanying information which shall include:

1. Any unusual topographic or geologic feature;
2. A statement indicating that there have been no lots created or sold from the tract within the past 5 years. (Ord. 2007-02 020B, 2006) (Ord. 2009-02 010 thru 050, 2008)

16.12.020 Action by the planning director and planning commission.

A. The planning director shall maintain a file properly indexed for all applications and plans. One copy of such shall be marked "file copy" and shall be permanently filed. Each such

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permanent copy shall show the date of filing, name of person filing the same and the amount of fee paid.

- B. When the application has been deemed complete the planning director shall make an investigation of the proposed minor partition. The planning director may refer the application to the Planning Commission for their consideration and decision. All of the timelines set forth in Chapter 17, Section 17.04.155 Final Action on certain applications required within 120 days, are applicable.
- C. Conditions and requirements of tentative approval, or any reasons for disapproval of the tentative plan shall be provided to the applicant in writing.
- D. The final map shall comply with all applicable sections of Chapter 16.20.

16.12.030 Time limit for tentative approval.

Time Limit for Tentative Approval. Tentative approval shall be null and void if the final map is not submitted to the city within one year after the tentative approval, except when the Planning Director has granted an extension. Filing the extension within the required time frame is the responsibility of the applicant.

16.12.040 Extension of tentative approval.

Any extension on the time limit for tentative approval of partitioning or subdivision beyond the time limits set forth in Section 16.12.030 shall be requested in writing by the applicant along with the reasons why the applicant is requesting the extension. Any request for an extension shall be submitted to the Planning Director prior to the date on which the tentative approval will be null and void. The Planning Director may grant a one (1) year extension of the approval of the tentative approval beyond the original one-year limitation when it is determined that there is sufficient reason to allow the extension due to circumstances beyond the control of the applicant.

16.12.050 Limitations on minor partitioning.

Minor partitions shall be allowed only one time on any parcel or tract, within any 5-year period. Subsequent partitions within a 5-year period shall comply with all the requirements for Major Partitions and Subdivisions.

Chapter 16.20 FINAL PLATS

Amending Ordinance 258, Section 8(A), Final Plats, adding Minor Partitions under General Provisions; Final Map Procedures to Minor Partitions, Major Partitions and Subdivisions; combining Final Plats for all; deleting Section: Final Plats for Major Partitions and Section: action by the Planning Director AND Planning Commission.

Sections:

- 16.20.010 Filing— minor partitions, major partitions and subdivisions.**
- 16.20.015 Final Map Procedures – minor partitions.**
- 16.20.018 Final Plat Procedures – major partitions and subdivisions.**
- 16.20.020 Approval of Final plats - minor partitions, major partitions and subdivisions.**
- 16.20.030 Approval of Final plans - Planned unit developments.**
- 16.20.040 Action by the applicant – minor and major partitions and subdivisions.**

16.20.010 Filing – minor partitions, major partitions and subdivisions.

- A. Filing of all final plats is subject to the provisions of ORS 92 under the jurisdiction of the Curry County Surveyor.
- B. All plats and maps and other writing made a part of such plats and maps shall be made in black India ink or photocopy upon material that is suitable for binding and copying purposes, and that it be of sufficient strength and durability to be a permanent record of the city.
- C. The size of the paper shall be eighteen (18) inches by twenty-four (24) inches. There shall be at least one inch of clear space left around all sides.
- D. The scale shall be of one inch to twenty (20), twenty-five (25), fifty (50) or one hundred (100) feet.
- E. Only one side of the material may be used.
- F. All lettering, affidavits, dedications, etc., shall be of such size as will be clearly legible. Space shall be provided for all necessary signatures of approving agencies. The following signatures will show the city's approval:
 - 1. The Planning Commission Chair and the city administrator will be the signatories to show the city's approval on plats for major partitions and subdivisions.
 - 2. The planning director will be the signatory to show the city's approval of plats for minor partitions, except where the minor partition has been approved by the Planning Commission, then the Planning Commission Chair shall be the signatory.
- G. The plat or map shall be placed on as many sheets as necessary but when two or more sheets are used there shall be a face sheet, index sheet and a sheet showing the entire layout sheet may be combined.

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- H. The survey and final plat shall bear the seal and signature of a land surveyor licensed in the state of Oregon.

16.20.015 Final map procedures – minor partitions

- A. The signature of the City Planning Director on the final plat shall signify that the final plat complies with all of the requirements and conditions of tentative approval as set forth in this ordinance, and with minor partitioning requirements of Section 16.20 Final Plats.
- B. If there is no person designated by the city council as planning director at the time of application, applications for minor partitions shall be submitted to the planning commission for consideration, and the Planning Commission Chair shall sign any letter of disapproval or approval.
- C. Approval of the tentative map is null and void if the final plan is not submitted to the planning director within one year after the date of the letter of approval.
- D. Upon final approval, the partitioner may proceed to sell the lots without further action or filing. (Ord. 2007-02 § 030(B), (D), (E), 2006).

16.20.018 Final plat procedures - major partitions and subdivisions.

Planning Commission Procedures. The Planning Commission shall consider the final plat in relation to the tentative approval, and all of the final plat and map filing requirements at a regular Planning Commission meeting within 45 days from the time that the City Planner has deemed the final plat is complete. The Planning Commission shall recommend approval of the final plat provided that the final plat conforms in all respects to the tentative approval. The signature of the City Planning Commission Chair on the Final Plat shall signify compliance with the requirements of tentative approval and with this ordinance. Following Planning Commission approval, the final plat shall be forwarded to the City Council.

City Council Procedures. The City Council's review is limited to consideration of the final plat in regards to acceptance of bonding, completion of public infrastructure improvements or other public improvements and agreements for future acceptance of infrastructure. The Council's responsibility is to assure that streets and other infrastructure proposed to be dedicated to the public use shall be dedicated without any reservation or restriction. Acceptance of all public improvements shall be by resolution of the City Council. The signature of the City Administrator shall signify that the City Council has assured one of the following:

- A. Improvements as required by this ordinance have been completed prior to the Council's acceptance of dedications and signing of the final plat, and a certificate of such has been provided by the city engineer, or
- B. A performance bond has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements.

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16.20.020 Approval of Final Plats - minor partitions, major partitions and subdivisions

The final plat and plans shall include:

- A. The name of the partition or subdivision;
- B. North point, scale and date submitted;
- C. Names and addresses of the owner/developer, and of the engineer or surveyor and of the land planner or landscape architect if one has been employed;
- D. The tract designation and legal description and existing tax lot and map numbers;
- E. The boundary line of the entire tract and the portion partitioned or subdivided;
- F. The names of adjacent subdivisions or partitions or the names of recorded owners of adjoining parcels of unsubdivided land;
- G. The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, and other important features such as section lines, incorporation lines, special district boundaries, and school district boundaries;
- H. Existing sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto together with pipe sizes, grades and locations;
- I. All parcels of land dedicated for public use or reserved in the deeds for the use of all property owners in the proposed partition or subdivision together with the purpose of conditions or limitations of such reservation, if any;
- J. The street pattern showing the names, widths and grades, and the length of all arcs, tangents and radii, and all internal angles and points of curvature;
- K. Easements including those for public services and utilities together with their dimensions and purpose;
- L. Parcels and lots with lot dimensions, lot numbers and where applicable, block numbers.
. Where lots are to be used for purposes other than residential, it shall be indicated on such lots;
- M. Parks, playgrounds, recreational areas, parkway and open space for public use;
- N. Covenants conditions and restrictions that will be filed with the Curry County Clerk;
- O. Location of all monuments found or set in the area. All monuments set shall meet specifications as set forth in Section 12, Chapter 696, Oregon Laws, 1973';
- P. Boundaries of wetlands, streams, waterways, geologic hazard areas, floodway and 100-year floodplain, bluffs, riparian setbacks, and other setbacks pertinent to such boundaries, where required as a condition of tentative plat approval;
- Q. A description of the proposed method of supplying domestic water to the proposed lots, including:
 1. A certification that the City is able to supply water for the subdivision because the water is available and the developer's infrastructure is adequate to provide the water to the lot line of each and every lot depicted in the proposed plat, or
 2. For subdivisions, a bond, contract, or other assurance by the applicant to the city that a domestic water supply infrastructure will be installed by or on behalf of the applicant to the

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lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract, or other assurance by the applicant to be determined by a registered professional engineer, subject to change in such amounts determined necessary by City Council.

3.. In addition to subdivision (1) and (2) of this subsection the applicant shall furnish proof that engineering plans and drawings for the water supply system have been approved by the Oregon State Health Division;

R. A description of the proposed method of providing sewage disposal to the proposed lots, including:

1. A certification by a city-owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon, that a sewage disposal will be available to the lot line of each and every lot depicted on the proposed plat, or

2. A bond, contract or other assurance by the applicant to the city that a sewage disposal system will be installed by or on the behalf of the applicant to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the City Council deems necessary.

S. A description of the proposed street and road improvements including:

1. Certification from the city engineer that all streets and roads proposed by the applicant have been completed to city standards or a bond by the applicant to the city that all road and street improvements will be completed to city standards, the amount of the bond to be determined by the city engineer;

2. Certification from the city engineer that all grading and erosion control measures comply with city standards;

3. Certification from the city engineer that wastewater infrastructure complies with the city standards;

4. Certification from the city engineer that any water infrastructure complies with city standards;

T. The affidavit of the engineer or land surveyor that he has correctly surveyed the property and that all corners and monuments are properly set or that all monuments for the exterior boundaries have been set, that all interior monuments will be set on or before a certain date; and that a cash deposit or approved bond to cover the cost of setting the same has been furnished, pursuant to Sections 12, 13 and 14, Chapter 696, Oregon Laws, 1973;

U. A subdivision guarantee, provided by a recognized land title insurance company;

V. A letter from the electrical and telephone utilities stating that these utilities have been installed and inspected as per the plan provided as part of the tentative approval and can be energized to any lot in the proposed subdivision at the request of the owner. (Ord. 313 (part), 1982; Ord. 258 § 8(B), 1974).

W. All information to show compliance with the conditions of tentative plan approval.

16.20.030 Approval of Final plans – planned unit developments.

The final plan shall show:

- A. The information required for the final approval of a subdivision as contained in Section 16.20.020;
- B. Location and dimensions of all proposed and existing structures together with the name and address of any architect, engineer or designer designing the same;
- C. Housing or use densities;
- D. Location, size, parking spaces and circulation plan for all parking areas;
- E. Landscaping, walls and fencing;
- F. Common areas.
- G. A statement that any required zone change or conditional use has been granted and that the plan conforms to the zone or conditions of any conditional use, except where the planned unit development is being submitted as part of a consolidated application for simultaneous approval of all city applications. (Ord. 258 § 8(D), 1974)

16.20.040 Action by the applicant.

Within seven days of recording the final plat, the applicant shall provide a copy of the recorded final plat to the city for the city records.

ORDINANCE 2009-03

AN ORDINANCE OF THE CITY OF PORT ORFORD AMENDING ORDINANCE 278 ADDING PROVISIONS TO COMPLY WITH CURRENT OREGON REVISED STATUTES GOVERNING A CONSOLIDATED APPLICATION AND TIME FRAMES FOR PROCESSING APPLICATIONS; AND ADDING PROVISIONS FOR PUBLIC TEXT CORRECTIONS IN SUBDIVISION AND ZONING ORDINANCES WITHOUT A HEARING. (EXHIBIT A).

AN ORDINANCE OF THE CITY OF PORT ORFORD AMENDING ORDINANCE 278, ARTICLE II, USE ZONES; ADDING TO ZONES 1-R, 2-R, 4-C AND 5-I, CHILD CARE AND RESIDENTIAL CARE FACILITIES UNDER "USES PERMITTED OUTRIGHT" TO COMPLY WITH CURRENT OREGON REVISED STATUTES; AND ADDING A SECTION ON PROVISION OF SEWER AND WATER. (EXHIBIT B)

AMENDING ORDINANCE 278, ARTICLE II USE ZONES, SECTION 2.120 AND 2.220; DELETING REFERENCE TO RV'S DURING CONSTRUCTION UNDER CONDITIONAL USES IN 1-R AND 2-R ZONES (EXHIBIT C)

An ordinance amending Ordinance 278, the Zoning Ordinance of the City of Port Orford in the following particulars only:

BE IT ORDAINED by the Common Council of the City of Port Orford that Ordinance 278 shall be amended in the manner set forth in Attachments A and B to this ordinance.

In all other respects, Ordinance 278 shall remain the same and in full force and effect.

PASSED by the Common Council of the City of Port Orford this 15th day of Sept., 2008.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 15th day of Sept., 2008, by the following vote:

Yes: M. Finch, E. Beck, K. McCrindle, J. Abbott, J. Hewitt, D. Smith

No: 0

Abstain: 0

Passed: 6 to 0 Failed: _____

Jim Auburn
Jim Auburn, Mayor
City of Port Orford, Curry County, Oregon Date

ATTEST:

Beverly Manes
Beverly Manes, City Recorder
City of Port Orford, Curry County, Oregon

Chapter 17.04 General Provisions

Amending Ordinance 278 adding provisions to comply with current Oregon Revised Statutes governing a consolidated application and time frames for processing applications; and adding provisions for public text corrections in subdivision and zoning ordinances without a hearing.

17.04.075 Consolidated Application

Concurrent Processing. Any application for discretionary permits for one development may be processed concurrently with other permits under this ordinance as a consolidated application at the applicant's request. All applicable fees shall apply.

17.04.155 Final action on certain applications required within 120 days.

- A. Except as provided in subsections (B) and (F) of this section, the City shall take final action on an application for a permit or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.
- B. If an application for a permit, land use decision or zone change is incomplete, the City planner shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the governing body or its designee of:
 - 1. All of the missing information;
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - 3. Written notice from the applicant that none of the missing information will be provided.
- C. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- D. If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.
- E. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:
 - 1. All of the missing information;
 - 2. Some of the missing information and written notice that no other information will be provided; or
 - 3. Written notice that none of the missing information will be provided.

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- F. The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. Except in the case of an amendment to the Comprehensive Plan or a consolidated application that includes a Comprehensive Plan Amendment under ORS 197.610 (1), the total of all extensions may not exceed 245 days.
- G. ORS 227.178 provides further regulations concerning time frames, exceptions and refunds that apply in specific circumstances.

17.04.085 Minor Text Corrections.

The planning Commission may correct Chapter 16 and 17 of the Municipal Code in a public meeting without prior notice or a public hearing for the purposes of correcting the arrangement of information and numbering, correcting misspellings, typographical, clerical or grammatical errors, or changing the name of an agency by reason of a name change prescribed by law, provided that the correction does not alter the sense, meaning, effect or substance of this ordinance. If any correction to Chapter 16 and 17 made pursuant to this Section differs in sense, meaning, effect, or substance from any adopted ordinance, the adopted ordinance shall prevail. The City Manager/Recorder shall maintain a record, available for public access, of all corrections made under this Section.

17.12 Use Zones

Amending Ordinance 278, Article II, Use Zones; adding to zones 1-R, 2-R, 4-C and 5-I, child care and residential care facilities under “uses permitted outright” to comply with current Oregon Revised Statutes; and adding a section on Provision of sewer and water.

17.12.010 Residential Zone (1-R)

- B. Uses Permitted Outright in a 1-R zone, the following uses and their accessory uses are permitted outright:
6. Childcare Facility.
 7. Residential Care Home
 8. Residential Care Facility
- D. Provision of sewer and water
1. Sewer service shall be provided by the City of Port Orford, with hookups installed to City standards.
 2. Sewer lines for new development shall connect 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 shall 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 may consider sharing in the cost of the main line extension or lift station, but the City is under no obligation to participate.
 3. Water lines to connect sites for new development to existing mains shall be installed to City standards. In areas where a water main is not adjacent to the lot proposed for development, the applicant will pay the cost of extending the main to the parameter of the lot. At the request of the developer, the City may consider sharing in the cost of the main line extension, but the City is under no obligation to participate.
- E. Lot Size Except as provided in Sections 17.20.030 and 17.20.040 in a 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 any state requirements established for on-site water supply.
 2. When both public water and sewer are available:
 - a. Unchanged
 - b. Unchanged
 3. Unchanged

17.12.020 Residential Zone (2-R)

- B. Uses Permitted Outright in a 2-R zone, the following uses and their accessory uses are permitted outright:
7. Childcare Facility
 8. Residential Care Home
 9. Residential Care Facility
- D. Provision of sewer and water
1. Sewer service shall be provided by the City of Port Orford, with hookups installed to City standards.
 2. Sewer lines for new development shall connect 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 shall 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 may consider sharing in the cost of the main line extension or lift station, but the City is under no obligation to participate.
 3. Water lines to connect sites for new development to existing mains shall be installed to City standards. In areas where a water main is not adjacent to the lot proposed for development, the applicant will pay the cost of extending the main to the parameter of the lot. At the request of the developer, the City may consider sharing in the cost of the main line extension, but the City is under no obligation to participate.
- E. Lot Size Except as provided in Sections 17.20.030 and 17.20.040 in a 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 any state requirements established for on-site water supply.
 2. When both public water and sewer are available:
 - a. Unchanged
 - b. Unchanged
 - a. Unchanged

17.12.030 Commercial Zone (4-C)

- B. Uses Permitted Outright in a 4-C zone, the following uses and their accessory uses are permitted outright:
16. Childcare Facility
 17. Residential Care Home
 18. Residential Care Facility

EXHIBIT B

D. Provision of sewer and water

1. Sewer service shall be provided by the City of Port Orford, with hookups installed to City standards.
2. Sewer lines for new development shall connect 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 shall 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 may consider sharing in the cost of the main line extension or lift station, but the City is under no obligation to participate.
3. Water lines to connect sites for new development to existing mains shall be installed to City standards. In areas where a water main is not adjacent to the lot proposed for development, the applicant will pay the cost of extending the main to the parameter of the lot. At the request of the developer, the City may consider sharing in the cost of the main line extension, but the City is under no obligation to participate.

17.12.040 Industrial Zone (5-I)

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

18. Childcare Facility
19. Residential Care Home
20. Residential Care Facility

D. Provision of sewer and water

1. Sewer service shall be provided by the City of Port Orford, with hookups installed to City standards.
2. Sewer lines for new development shall connect 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 shall 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 may consider sharing in the cost of the main line extension or lift station, but the City is under no obligation to participate.
3. Water lines to connect sites for new development to existing mains shall be installed to City standards. In areas where a water main is not adjacent to the lot proposed for development, the applicant will pay the cost of extending the main to the parameter of the lot. At the request of the developer, the City may consider sharing in the cost of the main line extension, but the City is under no obligation to participate.

17.12 Use Zones

Amending Ordinance 278, Article II, Use Zones; Amending Conditional Uses Permitted in residential zones 1-R and 2-R, by deleting the reference to RV's on site for twelve months during construction. This allowance will be addressed under RV Siting at a later date.

Sections:

17.12.010 Residential zone (1-R).

C. Conditional Uses Permitted.

5. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed twelve (12) months; Ord. 278 §§ 2.120, 1977)

17.12.020 Residential zone (2-R).

C. Conditional Uses Permitted.

5. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed twelve (12) months; Ord. 278 §§ 2.220, 1977)