



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT

March 31, 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 001-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: April 11, 2008**

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 DATE SPECIFIED ABOVE.**

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

<paa>

**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

**MAR 24 2008**

(See second page for submittal requirements)

**LAND CONSERVATION  
AND DEVELOPMENT**

Jurisdiction: City of Port Orford

Local File No.: POZ 801

number, use none)

(If no

Date of Adoption: **March 17, 2008**  
(Must be filled in)

Date Mailed: **March 21, 2008**  
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: **March 23, 2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

(Please Specify Type of Action)

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

The City of Port Orford has adopted a new Commercial-Residential Overlay within the Battle Rock Mixed Use Zone (10-MU) to replace portions of the Battle Roc Mixed Use (10-MU) zone that was in effect. The new zone limits the square footage of new commercial structures, including remodels, and provides setback standards for structures. Standards within the City's existingsign code apply. The map amendment defines the area for the zone change.

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".

The adopted amendment further refines the Battle Rock 10-MU zone that was adopted as a result of DLCD funded refinement plan for the southern part of Port Orford.

Plan Map Changed from: NA

to: NA

Zone Map Changed from: N/A  
Mixed Use (10-MU)

to: Add an Overlay to the Battle Rock

Location: Southern portion of Port Orford  
Unknown

Acres Involved:

Specify Density: Previous: None

New: NA

Applicable Statewide Planning Goals: NA

**DLCD # 001-08 (NOA)**

Was an Exception Adopted? Yes:  No:

Does Adopted Amendment affect the areas in unincorporated Washington County where the Zoning Code applies? Yes  No

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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: ODOT, Port of Port Orford, Curry County Planning Department, Curry County Building Codes

Local Contact: Beverley Manes, City Recorder and Crystal Shoji, City Planner

Area Code + Phone Number: 541-332-3681

Address: P.O. Box 310

City: Port Orford, OR

Zip Code+4: 97465

Email Address: shoji@uci.net

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## **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.

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: ODOT, Port of Port Orford, Curry County Planning Department, Curry County Building Codes

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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.

**NOTICE OF ADOPTION OF  
AMMENDMENTS TO LAND USE REGULATIONS, AND ADOPTION OF NEW LAND  
USE REGULATIONS**

**ORS 197.615** requires notice be sent to persons who participated in the proceedings (hearing) leading to the adoption of amendments to the comprehensive plan or land use regulations or new land use regulations

On March 17, 2008, the Port Orford City Council adopted Ordinance 2008-08, amending and adding to Ordinance 2008-04, amending and adding to Port Orford Ordinance 278, Zoning, creating a Commercial-Residential Overlay zone within the 10-MU zone in the Battle Rock Area; amending and adding to zoning ordinance, and Ordinance 2008-09, Amending the zoning map to reflect the new Commercial-Residential Overlay within the 10-MU zone area.

These Ordinances and the Findings thereto may be viewed at City Hall during the hours of 7:30 a.m. to Noon, and 1:00 p.m. to 4:30 p.m. Monday through Friday, and at the Port Orford Library from 10:00 a.m. too 5:00 p.m., Monday through Friday, and Saturday from 1:00 to 5:00 p.m., beginning Friday, March 21, 2008.

Notwithstanding the requirements of ORS 197.830(2), persons who participated either orally or in writing in the local government hearings leading to the adoption of an amendment to an acknowledged comprehensive plan or land use regulations or a new land use regulation may appeal the decision to the Land Use Board of Appeals within 21 days of this mailing date. The requirements for appealing the decision are contained in Oregon Revised Statutes 197.830 to 197.845, and OAR 661 Division 10.

Mailed: March 21, 2008.

  
Beverly Manes, City Recorder

## CERTIFICATE OF MAILING

I, PATTY CLARK, HEREBY CERTIFY THAT I AM MAILING THE NOTICE OF ADOPTION OF AMENDMENTS TO THE PORT ORFORD LAND USE REGULATIONS, AND NEW LAND USE REGULATIONS TO THE PERSONS WHO PARTICIPATED IN THE PROCEEDINGS, TODAY, FRIDAY, MARCH 21, 2008, AT THE U. S. POST OFFICE IN PORT ORFORD.

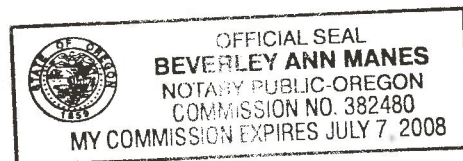
Signed: *Patty Clark*  
Patty Clark, Clerk, City of Port Orford

State of OREGON

County of CURRY

Signed or attested to before me on this 21<sup>st</sup> day of March, 2008 by Patty Clark.

*Beverley Ann Manes*  
Beverley Ann Manes  
Notary Public – State of Oregon  
My commission expires July 7, 2008



**City of Port Orford  
P.O. Box 310  
Port Orford, Oregon 97465  
541-332-3681**

**Commercial-Residential Overlay (CRO)  
Final Order**

The Port Orford City Council adopted new Commercial-Residential Overlay (CRO) language and defined the area where the CRO applies. See attached Ordinance No. 2008-08, Zone Text Amendment and 2008-09, Zone Map Amendment.

**DATE OF ADOPTION:** March 17, 2008

**Findings of Fact**

**Finding:** This application and the interest of the neighborhood group in requesting the overlay and map amendments that are being considered in this application came about as a result of the City of Port Orford's process of planning for the southern portion of the City that spanned two years, and provided the opportunity for citizens to identify and comprehend planning issues.

**Finding:** The planning process that was utilized involved widespread citizen involvement with a visioning process, site walks, presentation of analysis and alternatives and community discussion about planning matters.

**Finding:** City staff and planning consultants provided the neighborhood group sample ordinances for their consideration, and provided information as to how ongoing planning could incorporate planning for the neighborhood.

**Finding:** All planning reports have been provided to the public at meetings, and information has been on the City's Web Site.

**Finding:** The neighborhood group has had a number of meetings with property owners in the vicinity to reach consensus on their proposal.

**Finding:** The Planning Commission encouraged the neighborhood group to pursue the proposal for the overlay to the Battle Rock (10-MU) zone.

**Finding:** The proposal for the proposed text change for the identified neighborhood Commercial-Residential area has been revised and simplified from the initial proposal that was considered by the Planning Commission.

**Finding:** No further notification of property owners or the general public is necessary because the amended proposed text amendment is less intensive than that which was noticed to the landowners, and presented at the public hearing on October 9, 2007.

**Finding:** The revised proposed additions to the Zoning Ordinance will provide a neighborhood Commercial-Residential Overlay to the Battle Rock (10-MU) zone.

**Finding:** The Overlay text wording provides restrictions on the size of commercial structures and setbacks for the area that is identified on the map. The identified area will be designated on the zoning map as a result of the Zone Map Amendment.

**Finding:** The 14 properties with 12 owners are an appropriate area to designate for overlay because the property owners believe that the overlay will provide safeguards to maintain the residential character of their neighborhood.

**Finding:** The Battle Rock (10-MU) zone provides the basic development standards for the neighborhood where the overlay is proposed.

**Finding:** The 1,750 square foot limitation on the size of commercial structures provides a transition by limiting commercial size in an area that is residentially oriented.

**Finding:** The setbacks are in keeping with those in residential zones.

**Finding:** The likelihood of a large commercial development is improbable and not cost effective because:

- Market Research inquiries with Best Western, Motel 6 and Holiday Express indicate that Port Orford does not have the numbers to support them due to projected visitor numbers and size of work force.
- New trends are leaning toward boutique hotels and motels in small coastal towns.
- 

**Finding:** Ocean view properties are currently available, including adjacent property and port property.

**Finding:** A larger development is better suited elsewhere in the City's commercial zone and adjacent to Highway 101.

**Finding:** The larger pieces of property have archeological and wetland values making large commercial development more difficult.

**Finding:** Larger properties within the Overlay have only limited ocean views.

  
\_\_\_\_\_  
Beverley Manes, City Recorder

  
\_\_\_\_\_  
Date

### **Appeal Procedures**

ORS 197.620 Who may appeal. (1) Notwithstanding the requirements of ORS 197.830 (2), persons who participated either orally or in writing in the local government proceedings leading to the adoption of an amendment to an acknowledged comprehensive plan or land use regulation or a new land use regulation may appeal the decision to the Land Use Board of Appeals under ORS 197.830 to 197.845.

Appeal procedures are set forth in ORS 197.830.

ORDINANCE 2008-08

AN ORDINANCE OF THE CITY OF PORT ORFORD, OREGON AMENDING THE ZONING ORDINANCE (Ordinance #278), ADDING TO ORDINANCE #2008-04, AND INCLUDING THESE AMENDMENTS IN THE MUNICIPAL CODE

Be it ordained by the *Common Council of the City of Port Orford* that Port Orford Ordinance #278 is amended and the subsequent Ordinance #2008-04 be added to by the following text changes.

**Ordinance #2008-04 New Number Added: Municipal Code – Section 17.12.090 Battle Rock Mixed Use Zone (10-MU), E. Design Standards for All New Development, additional number to read as follows:**

9. **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 sq. ft.
  - b. Commercial conversions and remodels shall have a maximum of 1,750 sq. ft. 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:
    1. The front yard shall be a minimum of ten feet.
    2. The side yard shall be a minimum of five feet.
    3. The rear yard shall be a minimum of five feet.

The foregoing ordinance was enacted by the Common Council of the *City of Port Orford* this 17<sup>th</sup> of March 2008.

Yes: Ed Beck, Stephen Abbott, David Smith  
John Hewitt

No: Walter Finck, Sr.

Abstain: \_\_\_\_\_

James Auburn  
James Auburn  
Mayor of the *City of Port Orford*  
Curry County Oregon

ATTEST:

Beverley Manes  
Beverley Manes  
City Recorder of the *City of Port Orford*  
Curry County Oregon

ORDINANCE 2008-09

**AN ORDINANCE OF THE CITY OF PORT ORFORD, OREGON ADOPTING AMENDMENTS TO THE PORT ORFORD ZONING MAP OF SEPTEMBER 2007**

Be it ordained by the *Common Council of the City of Port Orford* that the Zoning Map of September 2007 be amended to incorporate the Commercial Residential Overlay within the Battle Rock Mixed Use (10-MU) Zone to reflect changes set forth in Ordinance 2008-08 as follows:

**Ordinance #2008-08 New Number Added: Muncipal Code – Section 17.12.090 Battle Rock Mixed Use Zone (10-MU), E. Design Standards for All New Development, area to be added as follows:**

**9. Commercial-Residential Overlay**

The light blue area on the attached map is the Commercial-Residential Overlay and is now an overlay within the Battle Rock Mixed Use (10-MU) Zone.

The foregoing ordinance was enacted by the Common Council of the *City of Port Orford* this 17<sup>th</sup> of March 2008.

Yes: Ed Beck, Stephen Abbott, David Smith

John Heintz

No: Miller Finch, Sr.

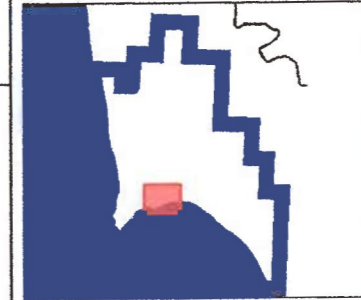
Abstain: Ø

James Auburn  
James Auburn  
Mayor of the *City of Port Orford*  
Curry County Oregon

ATTEST:

Beverley Manes  
Beverley Manes  
City Recorder of the *City of Port Orford*  
Curry County Oregon

# CR Overlay



## Legend

- RIVERS
- ROADS
- PARCELS
- URBAN GROWTH BOUNDARY
- OCEAN

0 450 900 1350 ft.

Map center: 42° 44' 37.0" N, 124° 29' 55.0" W



Scale: 1:4,679

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.



U.S. POSTAGE  
PAID  
PORT ORFORD, OR  
97465  
MAR 21, '08  
AMOUNT

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9730

**\$5.94**

009004-00

**Attn: Plan Amendment Specialist  
Dept. of Land Conservation & Dev  
635 Capitol Street, NE, Suite 150  
Salem, OR 97301-2540**

**Wiley Manes, City Recorder  
of Port Orford  
Box 310  
Orford, OR 97465**

2002 0220 4000 6470 6694

