

CITY OF PORT ORFORD

City Council Decision, Order and Findings 2025 Extension of CUP 16-02 and 16-03

Findings:

1. Port Orford Municipal Code 17.32.060 provides that the Planning Commission may extend authorization for a conditional use permit for an additional period not to exceed one year, upon written application to the Planning Commission.
2. In 2016, applicant Elk River Property Development applied for conditional use permits to install pipelines across City property. The purpose of these pipelines is to transport recycled water from the city's wastewater treatment plant to a planned golf course.
3. The City approved the applications for CUP 16-02 and CUP 16-03 on June 16, 2017. Successive one-year extensions have been approved by the City in subsequent years.
4. A request for an extension of CUP 16-02 and CUP 16-03 was timely filed by the applicant on May 12, 2025.
5. The City interprets Port Orford Municipal Code 17.32.060 to give the City authority to grant extensions to CUPs for the period of one year per extension. There is no limitation on the number of extensions which may be granted so long as the duration of each does not exceed one year. The Land Use Board of Appeals has confirmed the City's interpretation of Port Orford Municipal Code 17.32.060. See *Suess v. City of Port Orford*, LUBA No. 2020-076 (Jan. 22, 2021).
6. The granting of extensions is not contingent on whether there has been "substantial construction" of the project. If "substantial construction" has taken place, a request for an extension is unnecessary.
7. The City's interpretation is consistent with the previous decisions in this matter granting multiple extensions for a period of one year each.
8. Construction has not started on the pipeline project as of this date. Therefore, the 2024 extension is needed in order to keep the original CUP approvals active.
9. The original CUP approval at issue here includes Condition N, which requires DEQ permitting prior to the start of construction. Condition N says: "No work may commence in any way on any of the pipeline and pump station until all local, County and State permits are in hand."

10. The Planning Commission voted to deny the extension request by decision dated June 23, 2025. Following a timely appeal by the applicant, and following a public hearing on the applicant's appeal, the Council hereby approves the requested 2025 extension.

Conclusion and Order:

Based on all of the above, the City Council concludes that another one-year extension of the CUP is warranted.

The appeal is upheld; the decision of the Planning Commission is reversed.

The one-year extension is approved, and the term of this extension runs from June 16, 2024, which is the anniversary of the original permit issued on June 16, 2017.

Signed this ____ day of October, 2025.

Anne Vileisis, Mayor
City of Port Orford, Curry County

Joseph Harrison, City Recorder
City of Port Orford, Curry County

NOTICE

This is notice of the final decision of the City in this matter. Any party seeking further review must file an appeal directly with the Oregon Land Use Board of Appeals (LUBA) within the timelines set forth in state law. See LUBA's website for more information.