

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

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

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

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

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

- ii. Manufactured Dwelling Park shouldn't be conditional use, the State thinks it should be outright but well-defined so that it's clear what needs to be present for approval.
- iii. With the above changes being fairly substantial, the City Council can continue its upcoming hearing if necessary.

6. Discussion Items

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

7. Public Considerations


8. Future Meetings

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

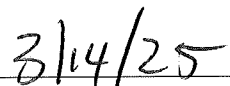
9. Adjourn

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


Attest:



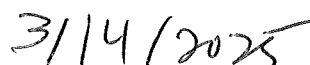
Chair, Greg Thelen



Date



City Recorder, Joseph Harrison



Date

Exhibit List

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

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

B – Email Communication submitted by Ryan Feldman

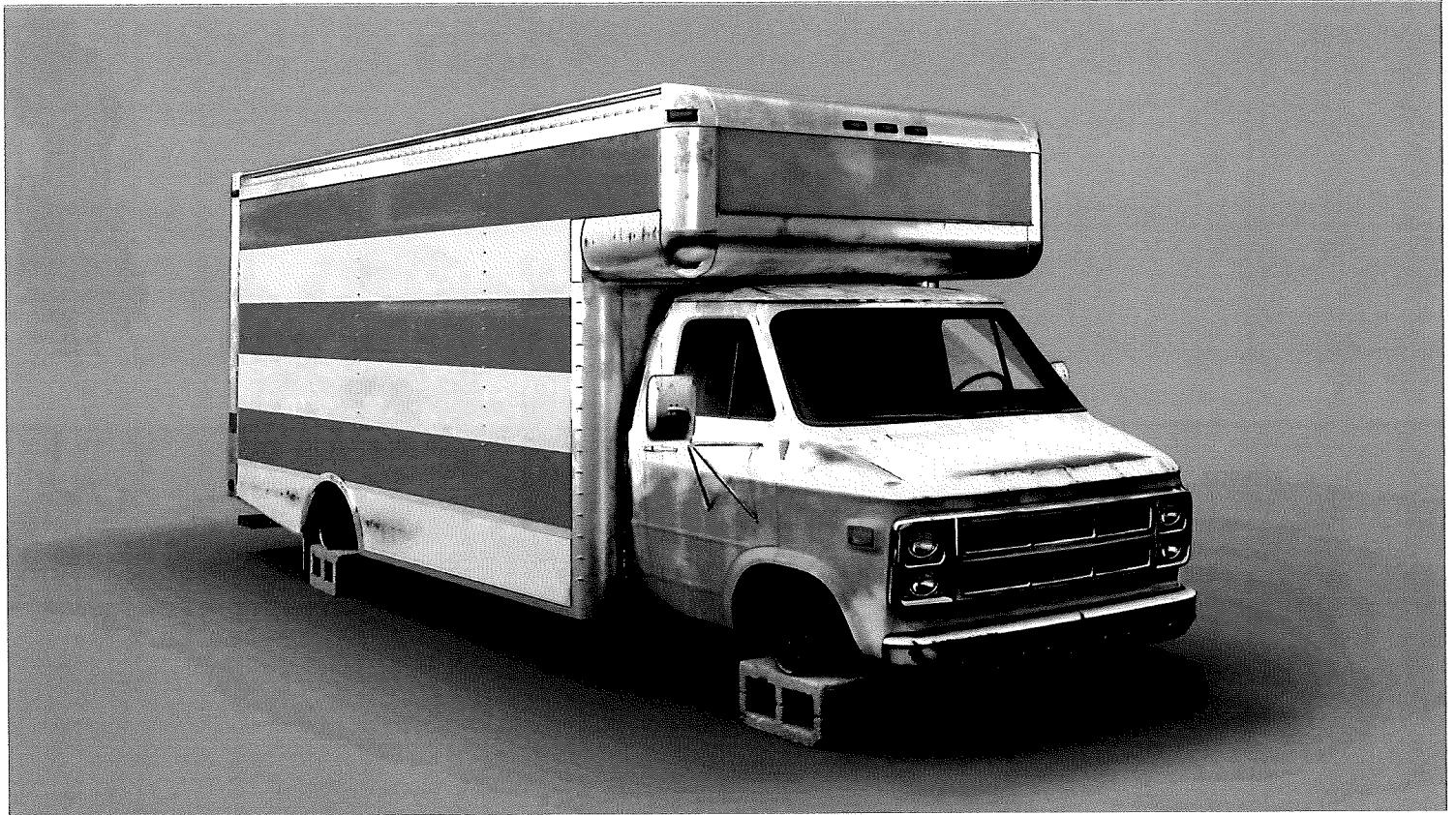
<http://portorford.org/wp-content/uploads/2025/03/Feldman-testimony-2.11.2025.pdf>

C – Code Language proposal submitted by Troy Russell

<http://portorford.org/wp-content/uploads/2025/03/Elk-River-Testimony-for-Code-updates-2-11-25.pdf>

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

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



IDEAS

HOW PROGRESSIVES FROZE THE AMERICAN DREAM

The U.S. was once the world's most geographically mobile society. Now we're stuck in place—and that's a very big problem.

By Yoni Appelbaum
Illustrations by Javier Jaén

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THE IDEA that people should be able to choose their own communities—instead of being stuck where they are born—is a distinctly American innovation. It is the foundation for the country’s prosperity and democracy, and it just may be America’s most profound contribution to the world.

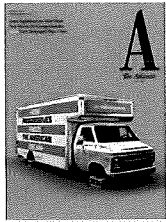
No society has ever been as mobile as the United States once was. No society has even come close. In the 19th century, the heyday of American mobility, roughly a third of all Americans changed addresses each year. European visitors were astonished, and more than slightly appalled. The American “is devoured with a passion for

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one place. Americans moved far more often, over longer distances, and to greater

advantage than did people in the lands from which they had come. They understood this as the key to their national character, the thing that made their country distinctive. “We are a migratory people and we flourish best when we make an occasional change of base,” one 19th-century newspaper explained. “We have cut loose from the old styles of human vegetation, the former method, of sticking like an oyster to one spot through numberless succeeding generations,” wrote another.



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As the 19th century turned into the 20th, as two world wars passed, as the Baby Boom began, Americans kept on moving. And as Americans moved around, they moved up. They broke away from stultifying social hierarchies, depleted farmland, declining towns, dead-end jobs. If the first move didn't work out, they could always see a more promising destination beckoning them onward.

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ABOUT THE AUTHOR



Yoni Appelbaum

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Proposed Amendments



From Ryan Feldman <rfeldmancpa@hotmail.com>
To jharrison@portorford.org <jharrison@portorford.org>
Date 2025-02-12 09:16

Hello Joseph,

Per the discussion at the Planning Commission Public Hearing dated February 11, 2025, I am documenting the projected issues caused by the proposed planning changes.

1. Accessory Dwelling Unit (ADU) as defined on page 10 is linked to code 17.16.090, and the correct code is 17.16.080. This is also the case on page 15, 17, 18, 19, 23, and 32.
2. The numbering/lettering on page 28 isn't consistent, as it is keeping the legacy numbering starting at "A. Sewer and Water line Hookups", when the prior item is "F. Design Features."
3. The term ADU has severe overlap with the term "Dwelling, two-unit", as defined on page 12, therefore, there are existing legally built structures or add-ons that would fall under "Dwelling, two-unit" and could be classified as an ADU, as the language states (Page 12) "Dwelling, two-unit" means a building designed for the occupancy by two households, living separately, including duplex AND semi-detached dwellings" Hence current structures that may be used as a short-term rental legally under the current regulations, would now have to change their intended purpose creating monetary harm to current owners, because as written in section 17.16.080, "An ADU is permitted to serve as a long-term rental; An ADU is prohibited from being advertised, promoted or utilized for a short-term rental or vacation rental in increments of 30-days or less subject to the Municipal Code, Chapter 5.05 or as described in ORS 90.100. The completed application stating that there will be no short-term rental or vacation rental shall be signed by the applicant at the time of submission of the application and fees."
4. Additionally, the purpose classification of the "17.12.090 Battle Rock mixed use zone" is "The intent of the Battle Rock mixed use (10-MU) zone is to maintain small coastal town ambiance and small town neighborhood character by enhancing the economic value by identifying its unique features with planning that can systematically organize the development that will occur in the future, to encourage pedestrian friendly tourist commercial uses, and provide opportunities for residents and visitors to enjoy the built and natural environment." including Hotels, etc. which could be problematic from a Land Use legal perspective, as the purpose clearly states, "pedestrian friendly tourist commercial uses" and they allow Hotels, of which a short-term rental is in essence. (also to a lesser extent 5-I and 4-C who allow hotels, which oftentimes use short-term rental aps, however, the purposes of those zones aren't as problematic).

Potential Solutions

1. Create an exception for zone 10-MU that allows ADU's to be used for short term rentals. For example, on 17.16.080 section B. Letter a), "An ADU is prohibited from being advertised, promoted, or utilized for a short-term rental (except in zone 10-MU, etc.)...."
2. Create a similar change in section 17.12.090, section B. Number 3.
3. Add a definition for legacy structures that could now be defined as ADU's.
4. Adjust the definition for ADUs 17.40.030 to include a section that it only applies to new structures and approvals.
5. Create a grandfather clause inside of 17.16.080 similar to solution 1, that simply states this only applies to new structures.

Thank for your attention on this matter, please let me know if you have any additional questions, and notify me in writing for any changes related to this matter.

Ryan Feldman
455 5th Street

February 11, 2025

Port Orford Planning Commission
555 W 20th Street
Port Orford, OR 97465

Dear Commissioners,

Please consider adding the following text, as subsection C to 17.32.060:

C. Previously issued conditional use permits in effect on the effective date of these amendments will be subject to the standards for duration and extension in effect on the date the conditional use permit was originally issued.

Thank you for your consideration,

Troy Russell

Elk River Property Development

Rural Communities Embrace ADUs to Boost Housing Supply

How planners, lawmakers, and residents are changing attitudes and zoning rules about accessory dwelling units in small towns.

Dec. 17, 2024

Aside from an extra mailbox, there's little indication from the street that Ron Durand's lot is home to two homes. But tucked above the garage is a two-bedroom apartment, where his daughter and granddaughter live. It's the first accessory dwelling unit (ADU) to be built since the town of Newmarket, New Hampshire, eased its housing rules in 2023. State lawmakers and city planners across the country are increasingly eyeing ADUs as one way to combat the challenges of housing affordability and availability, including in rural areas. Home to about 9,500 people, Newmarket showcases how quickly attitudes are changing on the issue: Just a few years ago, another family looking to convert a garage attic on their rural lot gave up after facing too much red tape and resistance from town leaders. But now, the town's planning department is outright encouraging the units, easing restrictions on how and where they can be built.

Durand stresses that the idea won't work for every property, but he thinks more homeowners should consider ADUs. "Not all situations are probably this ideal," Durand says. "This just happened to work out really, really well." Durand's conversion cost about \$300,000 — not cheap, but certainly much less than the cost of new housing in the area: Just up the hill, newly built condos start at nearly \$900,000.

The 'gateway drug' for additional housing

ADUs can't fix the housing shortage, but they can make a difference, says Jason Jordan, principal in public affairs at the American Planning Association (APA).

They're generally more politically palatable because they can increase housing density and inventory without drastically changing the fabric of neighborhoods. "I sometimes think of it as the gateway drug of zoning reform," he says.

APA has for years worked with AARP to develop model legislation on ADU creation. Jordan says more states will be taking up the issue in 2025 legislative sessions. While attitudes are changing, he says, homeowners in a majority of municipalities are still banned from adding additional units by their local zoning regulations.

Even when legislatures condone ADUs, local governments can still layer many rules and regulations that make them difficult or impossible to build, says Emily Hamilton, senior research fellow at the Mercatus Center, a conservative think tank at George Mason University. Some states, including California, have refined their ADU laws in recent years to remove potential local barriers such as parking requirements and setbacks from the street. "There are so many ways that localities can obstruct ADUs, if that's their goal," Hamilton says. "In California, it's been a process of dozens of statewide ADU laws that have passed to get to the point where they're really broadly feasible to build."

Changing attitudes in New Hampshire

Perched atop a hill overlooking green farm fields, Bill and Gail Nostrom's property offers a scenic portrait of autumn in New England. It sits on a wide cul-de-sac, but with two acres, the neighbors' homes are barely visible. Just before the pandemic, the couple wanted to convert the attic of their detached garage into an apartment for their son. But that effort was stymied by town rules that ADUs be physically attached to homes. While the property is miles away from the neighborhoods and businesses at the heart of Newmarket, it — like all rural areas in the state — is still subject to town zoning and building regulations.

Gail Nostrom says one town official outright said they didn't want to see "that type of housing" pop up across the community. "We just thought, boy, what an answer," she says. "But the powers that be are the powers that be." So, they set the idea aside and left the garage attic unfinished.

Bill and Gail Nostrom hoped to construct a garage apartment in Newmarket, New Hampshire, before the pandemic, but were blocked by local rules at the time. But their challenges piqued the interest of state representative Ellen Read, a Democrat and Newmarket resident. In early 2024, Read introduced legislation to make it easier for property owners to create ADUs by requiring that localities allow up to two units without any special requirements over lot sizes, setbacks, aesthetics, or design review. Her legislation passed the state house but did not advance through the senate. Read has already submitted the bill again ahead of the 2025 session.

But her community is moving forward either way. To spur ADU development, Newmarket in 2023 eased zoning rules by reducing ADU parking requirements and allowing units detached from the primary home. Communities across the Granite State are making similar moves. "I've seen the interest increase drastically. It used to be like, 'Ehh, that's just a weird thing that some communities do,'" says Mari Brunner, senior planner for the city of Keene in the southwest corner of the state. "Now, I think almost every single community is looking at it."

Keene, a community of about 23,000, relaxed its ADU requirements in 2023. Nearby, in Peterborough, town leaders have sought to ease concerns about the housing additions by showcasing how little they change neighborhoods. Earlier this year, town leaders led a bus tour to offer a view of what the units looked like inside. They also played a game of "I Spy" while aboard the bus, says Danica Melone, the town's director of planning and building. "The purpose of that was to really show that a lot of these ADUs blend right into their surroundings," she says. "They're hiding in plain sight." Peterborough, home to about 6,500 people, currently has about two dozen ADUs. Each unit moves the needle by opening up a house or apartment for someone else, Melone says.

"It's kind of a carousel of housing," she says. "Moreover, now we have someone who's living in the community, who's going to continue to contribute to our tax base. . . . It most definitely has an impact."

Kevin Hardy is a staff writer for *Stateline*. This story was reprinted with permission from States Newsroom, a national nonprofit news organization focused on state policy.