

**PORT ORFORD PLANNING COMMISSION AGENDA
GABLE CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING
Tuesday, July 21st, 2026, 5:00 PM**

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

<https://meet.goto.com/815658101>

You can also dial in using your phone.

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1. Call to Order
2. Chair Comments
3. Public Comments (On Agenda Items Only)
4. Additions to the Agenda
5. Minutes May 12th, 2026
6. Elk River Property Development Conditional Use Permit Extension Request
7. Discussion Items
 - A. Planning Clearance forms update discussion
 - B. Planning Clearances approved since last meeting
8. Other Business
 - A. City Planner Comments
 - B. Planning Commission Comments
9. Public Considerations
10. Future Meetings
 - A. August 11th @ 5:00
11. Adjourn



TO: Port Orford Planning Commission Chair Greg Thelen

FROM: Crystal Shoji, AICP, Port Orford City Planner

DATE: July 6, 2026

SUBJECT: Elk River Development Request for Extension

The City of Port Orford has received a request for an extension to continue with efforts to complete construction and development as described in land use approvals CUP(s) 16-02 and 16-03, initially approved in April of 2017. While the City of Port Orford amended their process for extensions in 2025, applicants who are seeking an extension to permits issued under the Port Orford Municipal Code language that existed in 2017 continue to be subject to the language that existed at that time when extensions were first requested. Chapter 17.32, Conditional Uses, Section 17.32.060 Time limit on a Permit for Conditional Use that was in effect in 2017 states the following:

Authorization of a conditional use shall be void after one year or year {sic} or such lesser time as the authorization may specify unless substantial construction has taken place. However, the planning commission may extend the authorization for an additional period not to exceed one year, upon written application to the planning commission.

One-year extensions have been granted by the City of Port Orford from the year of 2018 through the year of 2025 to allow the applicants to complete local and State permitting. State permitting cannot be approved prior to the local jurisdiction's approval of the conditional use permit. State permitting processes are technical in nature, and may be subject to public comment periods, public notice, specific engineering to resolve problems and other items needing resolution. The Planning Commission has a duty to understand the reasoning behind any requested extension, and the applicant has the burden of proof for justifying the need for any extension. The applicants have submitted a letter of request with general statements explaining their ongoing activities towards moving forward.

The applicant letter dated April 14, 2026, from Troy Russell makes reference to "awaiting a Memorandum of Understanding (MOU) with the City of Port Orford" in an active application with Oregon DEQ. The letter also states that the City of Port Orford is awaiting the results of Phase II of a feasibility study assessment by Civil West/Verdantas Engineering before the Council can consider "an MOU regarding providing treated wastewater for reuse."

A letter to Troy Russell dated April 13, 2026, from City Administrator Melissa Radcliffe states: "Once the final Design has been submitted, the City Council can decide how to move forward with the remaining funds to improve the function of the WWTP. The lottery money allocated

through the State Legislature will be used for the facility upgrades that are recommended in our plant.”

The Planning Commission is charged with determining whether Elk River Development is meeting their burden of proof for justifying an extension. Section 17.04.140 Burden of proof and criteria for decision provides guidance for the applicant in Article 2. Procedures for Land Use Actions. Here is the excerpt:

17.04.140 Burden of proof and criteria for decision.

- A. *The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent.*
- B. *The proposal must be supported by proof that conforms to the applicable elements of the comprehensive plan and to applicable provisions of this ordinance, especially the specific criteria set forth for the particular type of decision under consideration.*
- C. *The applicant and any opponent may submit to the hearings body a set of written findings or statements of factual information which are intended to demonstrate the request is in compliance or noncompliance with the required criteria.*

When the applicants submitted their application in 2017, they provided evidence that the City deemed necessary for approval of two Conditional Use Permits (CUP's). The Port Orford zoning code in 2017 did not provide criteria for any extension in Chapter 17.32.060 Time limit on a permit for conditional use. However, there were a number of conditions in the approval of the CUP's. The request for extension is not a public hearing, and it is not a time for debate of the CUP that was granted. In past years, the City Planning Commission has asked the applicants to show that there is a reason for asking for an extension and that there is ongoing activity that would justify the extension. The justification or burden of proof for granting the extension has been presented in the letter from Troy Russell, dated April 14, 2026, and included with this Staff Report.

The Planning Commission is being asked to determine whether this 9th extension is justified; there is little explanation or evidence presented to explain the delays. While City code lacks specific criteria, the applicants have not provided reasoning that explains how they have proceeded to bring the City of Port Orford to the table to review and respond to a draft MOU. The Planning Commission has the responsibility to understand why extension requests are now in their 9th year, and how progress is being made. Without such information explained in a written presentation, the Planning Commission may deny the extension or explain why they believe that another extension is justified and grant the extension. In 2025, the Planning Commission denied the request for an extension; the City Council reversed the decision in an appeal.

See Attachments:

- Letter from Troy Russell Elk River Property Development, LLC to the Planning Commission dated April 14, 2026
- Letter from City Administrator Melissa Radcliffe to Troy Russell dated April 13, 2026

April 14, 2026

Port Orford Planning Commission

City of Port Orford

555 W 20th Street

Port Orford, OR 97465

Dear Planning Commission,

This letter is to inform you that Elk River Property Development, LLC (ERPD) will be requesting a one-year extension for Conditional Use Permits (CUP) 16-02 and 16-03, per Port Orford Municipal Code 17.32.060. There current term for CUP 16-02 and 16-03 is unclear, but the previous term ran from June 16, 2024. I am submitting this letter early to be sure that its received in a timely manner.

ERPD has an active application with Oregon DEQ and is awaiting a Memorandum of Understanding (MOU) with the City of Port Orford to move that application forward. The City of Port Orford is awaiting the results of Phase II of a feasibility study assessment by Civil West/Verdantas Engineering before the Council can consider an MOU regarding providing treated wastewater for reuse. The accompanying letter from Melissa Radcliffe speaks of this process.

Progress continues at the golf course project site as we are still clearing gorse, and replanting the bare ground to either fine fescue, or pasture grasses, depending on the location. The site for our irrigation reservoir has been cleared and our engineering firm, The Dyer Partnership, has begun the diligence for the reservoir design.

Thank you,



Troy Russell

Elk River Property Development, LLC



Melissa Radcliffe
City Administrator

(541) 332-3681 555 20th Street PO Box 310 Port Orford, OR 97465

April 13, 2026

Troy Russell

RE: ERPD Letter Request for PO Planning Commission

The City of Port Orford's Recycled Water Project is in Phase II of the Feasibility Study with Civil West/Verdantas. This phase includes data collection at the WWTP (Discharge Monitoring Report (DMR) Analysis, existing flow rates, pollutant loading data, etc.), Alternatives Analysis, giving recommendations, the preparation of reports, regulatory coordination (with agencies such as the DEQ, etc...), and presenting the findings to the City Council.

Once the final Design has been submitted, the City Council can decide how to move forward with the remaining funds to improve the function of the WWTP. The lottery money allocated through the State Legislature will be used for the facility upgrades that are recommended in our plant.

Thank you for your interest in this project.

Sincerely,

Melissa Radcliffe
Email: mradcliffe@portorfordor.gov

The City of Port Orford is an equal opportunity employer.