

**Curry County Community Development Department
PLANNING COMMISSION STAFF REPORT**

Application AD-1907 is a request for conditional use approval for the mining and processing of aggregate along the Pistol River in the Forestry Grazing (FG) Zoning District. A public hearing was held for this application by the Planning Commission on June 20th, 2019. A decision was made by the Planning Commission to close the public hearing at that time and leave the record open for 14 days.

1. Background Information

Owner: Ronald Adams
26000 Myers Creek Road
Gold Beach, OR 97444

Applicant: Ronald Adams
26000 Myers Creek Road
Gold Beach, OR 97444

Land Use Review: Administrative Conditional Use Review Referred to the Planning Commission by Planning Director.

Property Description: Assessor's Map 38-14-00, Tax Lot 4900;
Assessor's Map 38-14-19D TL 200

Location Located above the Pistol River Bridge on Pistol River Loop Road, approximately .20 miles east from its intersection with US Hwy 101 and outside the Gold Beach Urban Growth Boundary (UGB).

Existing Development: None. Property is river/gravel resource with cattle grazing on adjacent lands. Gravel mining has occurred in the area previously.

Proposed Development: Proposed gravel extraction primarily on the gravel bar which may include some processing.

Zone: Forestry Grazing (FG) Zoning District

II. Applicable Review Criteria

To approve this application, the Planning Commission must determine that it is in conformance with the following sections of the Curry County Zoning Ordinance (CCZO):

Curry County Zoning Ordinance (CCZO)

Section 3.050	Forestry Grazing
Section 3.052	Conditional Uses Subject to Administrative Approval by the Director
	24. Land Based Mining (1, 10, 17)
Section 2.090	Procedure for Conditional and Permitted Uses
Section 7.010	Authorization to Grant or Deny Conditional Uses
Section 7.040	Standards Governing Conditional Uses
	1. Conditional Uses Generally
	10. Mining, quarrying, or other extractive activity
	17. Uses on Resource Land
Section 7.050	Time Limit on a Permit for Conditional Uses

III. Discussion

On June 20, 2019 the Planning Commission closed the public hearing on this application and left the record open for 14 days to allow for additional written evidence, arguments or testimony. Since closing the hearing and leaving the record open, the Planning Department has received new factual information from the applicant as well as arguments and written testimony from the applicant and citizens.

The applicant’s July 15, 2019 submittal specifically identifies the method to be used for gravel extraction. The applicant states “I am proposing to remove the gravel from this site by scalping the river bar that is up away from the river”. This information regarding the method to be used and the general location of the removal being the gravel bar as opposed to, for example, the river channel is new factual information that was not contained in the original application or presented by the applicant at the June 20, 2019 hearing.

In adherence to Oregon Revised Statute (ORS) 197.763 (6) *Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures*, Legal Counsel has reviewed the record to date for this application and provided the attached guidance for the Planning Commission’s consideration.

V. Staff Recommendation

At this time staff recommends the Planning Commission follow the legal advice of County Counsel to re-open the record for AD-1907 and allow seven (7) days for any party to submit new evidence or argument in relation to the gravel extraction method disclosed by the applicant.