



CURRY COUNTY COMMUNITY DEVELOPMENT  
94235 MOORE STREET, SUITE 113  
GOLD BEACH, OREGON 97444

Becky Crockett  
Planning Director

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September 23, 2019

Ron Adams  
26000 Myers Creek Road  
Gold Beach, Oregon 97444

**RE: Notice of Decision**  
**Application AD-1907**  
**Map 38-14-00 Tax Lot 4900 and Map 38-14-19D Tax Lot 200**

Following a public hearing on June 20, 2019 and subsequent opportunities for additional testimony, evidence and arguments to be entered into the record until July 31, 2019, the Planning Commission **denied** your request for Conditional Use approval for land-based mining and processing of aggregate along the Pistol River. Enclosed is the Planning Commission Order with the findings supporting the decision. If you have any questions regarding this document, please contact the Curry County Planning Department.

A decision of the Planning Commission may be appealed to the Board of Commissioners by filing an application for appeal together with a fee of \$ 2306.00 with the Planning Department within fifteen (15) days of the mailing date (postmark) of this notice. If no notice is filed within this period, the decision of the Planning Commission is final.

Sincerely,

Becky Crockett  
Curry County Planning Director

Enclosure  
Copy to file AD-1907



# Curry County Community Development

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## BEFORE THE PLANNING COMMISSION CURRY COUNTY, OREGON

In the matter of Planning Commission file AD-1907, )  
a request for a Conditional Use approval for land-based )  
mining and processing of aggregate along the Pistol River )      FINAL ORDER  
in the Forestry Grazing (FG) zoning district )      and Findings of Fact

**ORDER in the DENIAL** of the request to approve the Conditional Use application AD-1907, filed by Ronald Adams., for land-based mining and processing of aggregate along the Pistol River. The subject property is located in the Forestry Grazing (FG) zone, and is designated as Assessor Map Numbers: 3814-00, tax lot 4900 and 3814-19D, tax lot 200, in Curry County, Oregon. Said application was filed as provided for in the Curry County Zoning Ordinance (CCZO) on May 13, 2019.

### WHEREAS:

This matter came before the Curry County Planning Commission for a decision on August 15, 2019. The application (AD-1907) sought approval for land-based mining and processing of aggregate along Pistol River on property identified as Curry County Assessor’s Map No.: 3814-00, tax lot 4900 and 3814-19D, tax lot 200 within the Forestry Grazing (FG) zone. A public hearing was held before the Planning Commission as a matter duly set upon the agenda of a regular meeting on June 20, 2019, after giving public notice to affected property owners and publication in the local newspaper as set forth in Section 2.070 of the CCZO.

At the public hearing on said application evidence and testimony was presented by the Planning Director in the form of Findings of Fact, Conclusions, and Exhibits. The hearing was conducted according to the rules of procedure and conduct of hearings on land use matters as set forth in Section 2.140 of the CCZO. The Planning Commission received oral and written evidence concerning this application. A decision was made by the Planning Commission to close the public hearing at that time and leave the record open for 14 days, until July 5, 2019.

Additional written evidence was submitted into the record during the 14 days in which the record was left open after the close of the public hearing. The applicant submitted new evidence into the record. The Planning Commission convened on July 25, 2019 to deliberate on the new evidence. At that time, the Planning Commission made a decision to re-open the record for an additional 7 days to provide an opportunity for interested persons to respond to the new evidence submitted by the applicant.

The Planning Commission convened again on August 15, 2019 to deliberate on the evidence submitted into the record. At the conclusion of review and consideration of the evidence in the record and upon a

motion duly made and seconded, the Planning Commission voted to **DENY** Conditional Use Application AD-1907 based on findings of fact and conclusions of law as set forth in this order and in Exhibit 1 attached hereto and included herein by this reference.

**FINDINGS OF FACT:**

The Planning Commission hereby adopts the findings in Staff Report dated August 8, 2019 (Exhibit 1) and the written and oral testimony submitted into the public hearing record as the basis for this decision.


**CONCLUSIONS OF LAW**

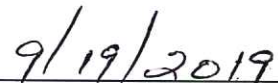
1. The burden of proof is upon the Applicant to prove that the proposal does fully comply with applicable ordinance criteria, Oregon State Statutes and Oregon Administrative Rules as set forth in CCZO Section 2.100(1) (a).
2. The Planning Commission finds that Exhibit 1, Findings of Fact and Conclusions and evidence and testimony presented at the hearing and submitted into the Record indicates that the Applicant has not provided sufficient information to make a determination to prove that the proposal does fully comply with applicable ordinance criteria, Oregon State Statutes and Oregon Administrative Rules.
3. The Planning Commission finds that the Applicant has not met the burden of proof to support approval of the proposed application for land based mining and processing of aggregate along the Pistol River.


**NOW THEREFORE LET IT HEREBY BE ORDERED** that AD-1907 a request for Conditional Use approval for land-based mining and processing of aggregate along the Pistol River on property located in the Forestry Grazing (FG) zone, and designated as Assessor Map Numbers as 3814-00, tax lot 4900 and 3814-19D, tax lot 200, in Curry County, Oregon filed by Ronald Adams, be **DENIED**.

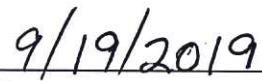
This order in the **DENIAL** of AD-1907 was reviewed and approved by the Planning Commission on this 19th day of September, 2019.

CURRY COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
Dianca St. Marie  
Acting Chairperson

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Becky Crockett  
Planning Director

  
\_\_\_\_\_  
Date