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Curry County Planning Commission

**Meeting Summary of
July 25, 2019**

Chair Ted Freeman called the meeting to order at approximately 5:30 pm. Nancy O'Dwyer did a roll call. Members present: Ted Freeman, Diana St Marie, Sharon Jensen Lynne Dewald and Michael Lange. Staff Present: Director Becky Crockett, County Counsel John Huttli, and Nancy O'Dwyer. Chair Freeman made a request to hear any public comments for items that were not on the agenda. There were none. Director Crockett read the procedures for quasi-judicial hearings.

Chair Freeman inquired whether board members had any ex parte contact or conflict of interest with the two applications proposed. Director Crockett noted that there is a form available for reporting conflict of interest. Chair Freeman noted his past work in the rock business, but that he has fully retired. Because of his history, Chair Freeman felt he had ex parte contact for the Kiewit/Foster proposal of the Upland Quarry (AD-1909). County Counsel Huttli asked whether this ex parte contact would impact Chair Freeman's consideration of facts and evidence on the proposal, and Chair Freeman confirmed that it would not. As reported in the last Planning Commission meeting (6/20/2019), Chair Freeman felt he had a conflict of interest in regards to the Pistol River Gravel Extraction (AD-1907) since he had done business with Mr. Adams in the past. Chair Freeman said he would again exclude himself from the AD-1907 discussion and decision.

Chair Freeman then requested approval of the minutes from June 20, 2019 meeting. Commissioner Jensen motioned to approve the minutes and Commissioner Dewald seconded the approval. Board approved unanimously.

Chair Freeman asked Vice Chair St Marie to take over the meeting for the Pistol River Gravel Extraction proposal, and Vice Chair St Marie asked Director Crockett to review the status of AD-1907. Director Crockett reminded the board that the record was left open for 14 days for public comment. The applicant then had 7 days to respond to the public submittals. However, the applicant's response included new information. Director Crockett explained that, per Oregon Statute, if new information is received during this process, than the comment period needs to be re-opened. Director Crockett noted that Assistant County Counsel Kudlac had reviewed the submitted information and suggested that the comment period be re-opened. County Counsel Huttli stated the bottom line is that the commissioners are not yet in a position to decide on this

proposal, since Oregon law says the public can respond. However, submittals can only be in response to the new information. Commissioner Lange asked if it was unusual to leave comment period open to the next planning commission meeting. County Counsel Huttl noted that there is a difference between response time and time of the next meeting, explaining that the board can set a time for public comments (usually 7 to 14 days), then the applicant has 7 days to respond and then the staff has 7 days to assimilate the responses. Commissioner Lange asked Director Crockett how much time staff needed. Director Crockett stated 4 days. County Counsel Huttl also expanded that he had received an email of questions about hypotheticals, enforcement, etc, but that these items should be discussed during board deliberations. Commissioner Lange moved to re-open the record for 7 days for public comment on new information. Commissioner Dewald seconded the motion and the board approved unanimously. A public viewer asked whether this meant 7 business days or 7 calendar days. County Counsel Huttl confirmed 7 calendar days, reviewed the website access, and asked for staff's phone number.

Chair Freeman opened the next agenda item, the proposed Kiewit/Foster Conditional Use Upland Quarry (AD-1909). Director Crockett summarized the proposal and stated that the situation was similar to the prior proposal (Adams AC-1907). Comments had been received into the record for 7 days (following the last planning commission meeting) and the applicant submitted substantial information in response. Since new information was included, Oregon statute requires that the record be reopened for public response to the new information. Commissioner Jensen asked whether it should be 7 or 14 days. County Counsel Huttl clarified that it could be no less than 7 days. Vice Chair St Marie inquired how much staff time was needed. Director Crockett stated 4 days, with information posted online, ready for the next meeting on August 15th. Director Crockett clarified that her aim is to give the planning commission 10 days to review information prior to a meeting.

Commissioner Jensen questioned how notice was given. Director Crockett explained that the information is placed in the two newspapers and posted on the website. The Curry County Zoning Ordinance requires that we notify property owners within 500ft. Chair Freeman clarified that notice is given to property owners within 500ft from the property lines, not the proposed project site. Commissioner Jensen asked which newspapers were noticed, and Director Crockett noted that the two recognized by the county were the Brookings Pilot and the Curry County Reporter. County Counsel Huttl noted that there is no prohibition against extending the scope of notification, and mentioned that the county has recently added the Port Orford News to the list of recognized newspapers. Commissioner Jensen asked Director Crockett to add the Port Orford News newspaper to the notification list. County Counsel Huttl noted that people can ask to be included to notifications. Director Crockett agreed, also noting that this information is also accessible from the Planning Commissioners website.

Chair Freeman asked if there were any Planning Director Updates. Director Crockett noted two recent newspaper articles. The Capital Press reported on the Adams Gravel Extraction proposal. Director Crockett noted that the reporter had called about the

proposal and requested information collected for the file. The Brookings Pilot had an article stating that the Sant Pacific project had been approved. Director Crockett explained that this project has Administrator Approval for the PUD, but the proposed subdivision application will be on the agenda for next month's planning commission meeting. Another possible addition to the agenda will be a proposal for a new RV Park in Nesika Beach. Commissioner Lange asked why a PUD would need to apply for a subdivision. Director Crockett explained that a PUD can be held as one lot; but, if the property owner intends to sell PUD units, than a subdivision must also be completed. County Counsel Huttl recommended that the newspaper articles be included in the staff report.

County Counsel Huttl also asked how many openings there are for the planning commission board. Director Crockett noted that there are still 2 openings, 1 in the Central County area and 1 in the North County area. Vice Chair St Marie asked if the positions were being actively recruited. Director Crockett said no, but that one person had just expressed an interest in the North County position that day. County Counsel noted that there is passive recruitment via the posting on the Planning Commission Website. Director Crockett noted that she was happy with the current board, and didn't want to get in the situation where there were 6 members (even number). Commissioner Jensen also commented that she appreciated the staff. Chair Freeman adjourned the Planning Commission meeting at approximately 7:35 pm.