



## CURRY COUNTY COMMUNITY DEVELOPMENT

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### Curry County Planning Commission

#### Summary of February 20, 2020 Meeting

##### **Call to Order:**

The regular meeting of the Curry County Planning Commission was called to order by Chair Freeman at 5:30pm. Commissioners present included Chair Freeman, Vice Chair St. Marie, Commissioner DeWald and Commissioner VonBergman. Commissioners Lange and Jensen had asked to be excused for this meeting. Chair Freeman recommended changing the order of the agenda. Board voted unanimously to approve meeting summary from November 14, 2019. Director Crockett reviewed rules governing a quasi-judicial decision meeting. No commissioner reported conflict of interest, bias, or ex-parte contact with agenda items.

##### **Public Hearings:**

**AD-1926:** An application by Bandon Concrete requesting conditional use approval for aggregate storage and a portable asphalt plant in a Forestry-Grazing use zone.

Director Crockett noted that she had referred this application to the planning commission due to public interest in the issue and then presented the staff report. Stockpiling is allowed outright in the FG zone, but the portable asphalt plant requires conditional use approval. The applicant requests conditional use approval of the site for a temporary portable asphalt plant, and the temporary portable asphalt plant would be owned by and operated by any company utilizing the site while doing a paving job. The temporary portable asphalt plant would be removed from the site when that specific job is completed. Application does not include any gravel or rock mining, or removal of other subsurface resources.

Staff recommends approval with conditions: 1) construction of a 30ft wide, 10ft high berm, 2) applicant to proceed with Change of Use form from OR Dept of Forestry prior to development, 3) maintenance of a 50ft setback from riparian area, 4) provision of an Erosion Prevention and Sediment Control (EPSC) plan approved by DEQ and county, 5) limit operation during daylight hours only, 6) delineation of the riparian area along Swanson Creek, and 7) permit valid for 3 years and an extension would require satisfactory review. Director Crockett then summarized concerns noted in public comments received up to 5pm.

The agent (Planner Crystal Shoji) and the applicants (Floyd and Carl Foster) were present and available for questions. Agent Shoji explained that the county's conditional use permit was the first step and that more specific state permits were needed once county approval was obtained. Agent Shoji clarified that

they hope to get site approval for the use, but each company using a portable asphalt plant temporarily on the site would have to apply for their state and county permits for each specific job.

Chair Freeman asked for public comments. Charlie Valentine (PO Box 1047, Langlois, OR), has a small business in north Curry County and spoke in favor of the application.

Bob Morrow (PO Box 916, Langlois, OR) reviewed a letter he provided opposing the application. His concerns were: 1) no economic benefits (possible negative), 2) toxic pollutants reduce air quality and causing health problems, and 3) traffic estimates are underestimated. He requested that the record be left open if the application moves forward.

Mr. Holman (46206 Hwy 101, Langlois, OR) questioned whether the application would increase in competition and whether that would benefit local companies.

Rebecca Sanders (46612 Hwy 101, Langlois, OR) lives and works at KOA and opposes the application. She opposes the application since she is concerned about loss of tourists to KOA from reduced air quality and increased traffic, as well as damage to waterways, stock-raising, and property values.

Offered time for rebuttal, Agent Shoji and Applicant Floyd Foster responded to the concerns raised. Agent Shoji noted that the county can specify requirements to qualify a temporary asphalt plant and that the applicants plan to meet county and DEQ requirements regards water quality, storm water, noise and air discharge. She confirmed that FG does in fact allow for temporary asphalt plants as conditional uses. The applicant does not agree that traffic will be doubled and will comply with ODOT requirements. This application will benefit locals since Curry County has special quality rock used all over Oregon. She also noted that this site is not in big game habitat and is not protected.

Applicant Floyd Foster disagreed with one opponent's claim of increased traffic noise, citing the existing use of chip trucks along the highway. He noted that wind blows from the direction of the KOA campground during the summer, when asphalt paving is more likely to occur, not toward the KOA. He also recognized that nearly everyone had to drive on asphalt to get to this meeting.

Director Crockett recognized that our code does not address requirements for temporary portable asphalt plants and proposed that the applicant could establish siting conditions for permitting individuals using temporary portable asphalt plants. The planning director could review and apply those siting conditions as specific projects come forward. County Counsel Huttli clarified that the stockpiling portion of application is allowed outright, so this decision should focus on whether there is enough information to allow the request of temporary portable asphalt plants.

Pamela Travis (46592 Hwy 101, Langlois) lives across from the proposed project. She had missed Chair Freeman's request for other speakers in opposition and asked to speak at this time. She was also concerned about noise, dust, reduced quality of life and reduced property values. Applicant was offered a chance to rebut.

Chair Freeman closed the public hearing at this point and board members discussed the application. The board then asked the applicant if they would consider revising the application with conditions that they would impose on themselves to prevent impacts offered during public hearing. Planner Shoji said that they would consider the request, but that they would need a 150-day option to ask for an extension. County Counsel Huttli proposed that absent board members could review tapes of this

meeting and be available to participate in that next hearing on this application. Director Crockett proposed that the applicant put the revisions in the form of conditions for the planning director's review. Commissioner DeWald motioned to re-notice the public hearing after a revision to the application was submitted. Commissioner St. Marie seconded the motion, and the motion was approved unanimously.

**AD-1925:** A conditional use application from Curry County Parks Department requesting approval of a dry camping facility at Social Security Bar on the Chetco River in the Forestry Grazing zone.

Director Crockett provided a summary of the staff report, recommending approval with conditions to limit camping spaces to 50 sites and to review status with the parks director at the end of a year.

Applicant Hopkins (Director of Curry County Parks Dept) provided an overview of the dry camping project, highlighting that the City of Brookings owns the access (currently negotiating lease agreement for access) and the Division of State Lands (DSL) owns the gravel bar. DSL is unable to respond quickly to complaints (noise, unattended fires and debris), and there is a need for local management and quicker response. DSL requires a Land Use Compatibility Statement which requires conditional use approval by the county. He wants to be proactive in keeping this river access open and managed since DSL could alternatively shut down this area given the illegal camping, trash and complaints. Director Crockett noted a letter from the local ODFW (Stephen Mazur, OR Dept of Fish and Wildlife) recommending conditions. Applicant Hopkins answered questions from commissioners on ODFW recommended setbacks, seasonal opening/closure, fire pits, sani-cans, leases, displaced illegal campers and ODFW recommended extended buffering at the upper end of the gravel bar, beach area for day users, and disallowing tent camping in that area.

Chair Freeman asked for public comment from proponents of this application. Brian Davis (98431 S Bank Chetco, Brookings) noted that he basically supported the application, but has concerns about the number of spaces (recommended fewer RV spaces), about whether the host had control to stop illegal campers, about water quality (recommended testing before and after camp established), and about late-night host coverage. Tom Howell (99151 S Bank Chetco, Brookings) expressed concern over law enforcement response, who would be responsible and how long it would take.

Chair Freeman offered Applicant Hopkins rebuttal time. Applicant Hopkins explained that the camp host, Curry County Parks Department and Code Enforcement would attempt voluntary compliance but would have the ability to give citations. The Curry County Sheriff's Office would oversee issues that escalate above citations. Applicant Hopkins went on to note that water quality testing would not be helpful since it may not isolate the camp's use. Also, the camp host would live onsite (near the entrance) and would patrol the entire gravel bar.

Chair Freeman closed the public hearing on AD-1925 and commissioner discussion followed. Vice Chair St. Marie motioned to approve AD-1925 with staff report conditions, including conditions #1 (setback camping to above willows along river), #2 (limited to summer months), and #4 (create buffer to protect up river end of the gravel bar) proposed by ODFW. Commissioner Dewald seconded the motion and the motion was approved unanimously.

Chair Freeman introduced S-1901, Final Plat and Plans for the subdivision at Pacifica at Rogue Reef. Director Crockett expanded that the subdivision was in various states of development, with water and

sewer installed for phase 1 of the project. Preliminary plat approval was based on completion of 32 conditions, and all have been met except for condition #32, which requires subdivision's infrastructure to be in place for final plat approval. Director Crockett noted that the county recommends that the commission approve a portion of the subdivision where the infrastructure is in place and County Counsel has been provided with a letter of Financial Assurance that assures that the applicant will complete the subdivision's infrastructure. County Counsel explained the letter of Financial Assurance (based on an engineer's determined cost). Following a short discussion, Commissioner Dewald motioned that the Final Plat and Plans for S-1901 be approved for Phase 1 (lots 1-18) with the applicant's letter of Financial Assurance. Vice Chair St. Marie seconded the motion, and the board passed the motion unanimously.

Chair Freeman motioned to adjourn, and the meeting ended about 8:20 pm.