



Chair Bob Morrow
Commissioner John Brazil
Commissioner Karen Kennedy

Commissioner Becky Crockett
Commissioner Ted Freeman
Commissioner Diana St. Marie
Vice Chair Shannon Pagano

Planning Commission Meeting Agenda
Thursday, June 21, 2018 at 5:30 PM
County Annex, 94235 Moore Street/Blue Room, Gold Beach, Oregon

- 1. Call to Order / Roll Call**
- 2. Pledge of Allegiance**
- 3. Acceptance of the Agenda**
- 4. Correspondence**
- 5. Public Comment for items not on the Agenda**
- 6. Agenda**

A. A Planning Commission Resolution adoption of Resolution O-2018-02 repealing Resolution O-2017-07 and recommending Board of Commissioners adoption of Zoning Ordinance Section 3.256. Wildfire Hazards Overlay Zone.

- 7. Commissioner Comments**
- 8. Director Comments**
- 9. Adjournment: no later than 8:30 PM**

CORRESPONDENCE

From: rosemary grace [<mailto:oceanrosebud@gmail.com>]

Sent: Monday, June 04, 2018 10:13 AM

To: John Huttl; Douglas Macaluso

Subject:

Chair John Brazil Commissioner Kevin McHugh Vice Chair Bob Morrow Commissioner Ted Freeman Commissioner Karen Kennedy Commissioner Diana St. Marie Commissioner Shannon Pagano

John Huttl, Curry county counsel,

John, can you please share this communication with the above named group. I do not have their emails. In particular please share with the chair of the planning commission, John Brazil. I would like to please call this to his particular attention as he is the chair. He was also one of the ones who denied me my variance so many years ago because maybe..... he did not have this information I will share now.

I am asking for help and for clarification of a puzzling situation that causes me great concern.

In 2012, PPWSC was making lawsuit noises, so I wanted an official certified copy of my partition plat and to view the original mylar. Renee was surprised, but she called the county surveyors office.....and was told the cost would be 35.00 dollars for a certified copy. I said fine. Renee herself went over to get the certified copy from Gerald Floyd and I proceeded to pay her office35 dollars and received a receipt.

In very recent weeks, in speaking to a legal friend, and showing them my massive file that I have accumulatedIt was suggested to me I investigate the death of Robert E Hammond, he was the president of Pigeon point Corporation and "he" "signed" the official copy of the plat back in 1993 and it was notarized by officials at Curry county and recorded as the last partition series of "Pigeon point."

ALL of the planning officials, the commissioners and many other officials signed with their official signatures approving and authorizing the validity of the "FACTS" of this partition plat. Seems to me that was an awful lot of people who knew Mr Hammond senior and watched him "SIGN" these documents

"Houston".....we have a genuine puzzle, Robert E. Hammond from Texas, married to Marilyn Hammond.....the lady who LAWFULLY and LEGALLY conveyed my "property" 65 acres MORE or less, is deceased, apparently February 24, 1992.

She is also now deceased according to her obituary. she was preceded in death by her husband, Robert E. Hammond.....who died February 24, 1992..... A year before the plat was recorded..... Maybe it was an apparition????? Maybe the Curry county notary had a vision, Maybe..... it was A "Robert" Hammond who had NO legal authority to sign such a document?? If in fact, Mr Hammond died before the plat was signed or even before the application process to divide land was even started.....we have a genuine, bona fida, Curry county mystery.

To recap.....There are no members of the Pigeon point water supply company, no voting rights either, I just can't figure out how ppwsc thought she had the authority to sue me over the water???????? Her name is not on the original papers filed with the secretary of State's office. I know this because I went to the Capitol 2 weeks ago. While there,I saw Brock Smith, he is doing a great job for the citizens of Curry county, we should be proud of him.

Seems to me that was an awful lot of people who could have made a colossal mistake. Mistakes happen. Please let us fix this together. I have asked at least 100 times.

Regards, Mary Alice Macaluso

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2Macs on the Ocean Rose



Planning Commission Staff Report

Prepared by Carolyn Johnson, Community Development Director

Date: June 21, 2018

Agenda Item A: A Planning Commission Resolution adoption of Resolution ZOA-2018-02 repealing Resolution ZOA-2017-07 and recommending Board of Commissioners adoption of Zoning Ordinance Section 3.256. Wildfire Hazards Overlay Zone.

Recommendation: Adopt Resolution ZOA-2018-02

Summary: The Planning Commission adopted Resolution ZOA-2017-07 in February, 2017 recommending Board of Commissioner adoption of a new Zoning Ordinance section specifying fire prevention criteria for development in areas outside of Forest Grazing and Timber zones.

Key to the use of these regulations was the Applicability section which stated:

2. *This section shall apply to development activity on all lands within areas identified as "High" and "Medium" risk on the Oregon Department of Forestry 2013 Fire Threat Index map for Curry County incorporated into the comprehensive plan by reference."*

As staff began preparation for review of the regulations by the Board of Commissioners in July the Chetco Bar Fire was underway. It was timely to give pause and take another look at the Oregon Department of Forestry 2013 Fire Threat Index map to see if or how the map could be effectively utilized. The map presentation (Attachment 2) was problematic as it is not parcel specific nor available for inclusion in the County's GIS system. A search for a new map commenced so the Planning Commission could revisit this topic.

After conferral with a number of fire prevention and forest agencies, locating another map source to trigger the requirements for compliance with wildfire safety criteria remained elusive. Varying agency maps of wildfire areas can change, and naming a specific map for use in determining requirements for development could be difficult over time as maps change and the Zoning Ordinance is infrequently modified.

An alternative to explore is to move away from using a map altogether and tie the use of the criteria to potential for response time. A suggested alternative:

2. *Applicability: This section shall apply to development activity on all lands more than three miles from an assigned responding fire district.*

The practical use of these criteria would occur when an applicant for development outside the Forest Grazing and Timber zones would submit an application for development. Applicants would be required to identify their property and its proximity to a fire district responsible for fire protection for their property. If the property was over three miles from the fire district, the requirements outlined in the Wildfire Overlay zone would be applied during the review of the development application.

Commission discussion of this alternative is requested. Should there be concurrence for this alternative; a Planning Commission resolution is attached recommending repeal of the prior Commission resolution 2017-07 and Board review of the revised regulations. (Attachment 1)

Public comments from Mr. Mark Nast on the draft regulations can be found on Attachment 3.

ATTACHMENT 1

Resolution 2018-02

A Resolution of the Curry County Planning Commission repealing Planning Commission Resolution ZOA-2017-07 and recommending the Curry County Board of Commissioners adopt Zoning Ordinance Section 3.256. Wildfire Hazards Overlay Zone.

WHEREAS, the Oregon Department of Land and Conservation provided funding and technical assistance in 2015 and 2016 to create a Wildfire Hazards Overlay Zone as an update to Zoning Ordinance Article III; and

WHEREAS, Curry County Community Development staff and the Planning Commission worked on the Wildfire Hazards Overlay on February 21, 2017 and May 17, 2018 in duly noticed public hearings.

NOW, THEREFORE, BE IT RESOLVED that the Curry County Planning Commission hereby repeals Resolution ZOA-2017-07.

BE IT FURTHER RESOLVED that the Curry County Planning Commission recommends Board of Commissioners adoption of new Zoning Ordinance Section 3.256. Wildfire Hazards Overlay Zone attached hereto as **EXHIBIT 1**.

UPON MOTION of Planning Commissioner _____, seconded by Planning Commissioner _____, the foregoing Resolution is hereby approved and adopted the 21st day of June, 2018, by the following roll call, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Bob Morrow
Planning Commission Chairperson

ATTEST

Carolyn Johnson
Community Development Director

EXHIBIT 1

Section 3.256. Wildfire Hazard Standards

1. Purpose: The purpose of this section is to implement the wildfire hazard policies set forth in Chapter 7 of the Curry County Comprehensive Plan by establishing fire safety standards for development of new and replacement structures and substantially improved structures in those high wildfire hazard areas that are located outside of the Timber Zone and the Forestry Grazing Zone. It is the intent of this section to provide for the application of standards to high wildfire hazard areas that are equivalent to those that apply in the Timber Zone and Forestry Grazing Zone and to otherwise manage development in a manner that reduces the risk to life and property from wildfire hazards by:

- a) Identifying areas subject to wildfire hazard;
- b) Assessing the risks to life and property posed by new development in areas of known wildfire hazard; and
- c) Applying standards to the siting and design of new development on lands subject to wildfire hazard that will reduce the risk to life and property from these hazards.

2. Applicability: This section shall apply to development activity on all lands more than three miles from a responding fire district.

3. Wildfire Hazard Area Requirements: Except on lands within the Timber Zone (Section 3.040) and the Forestry Grazing Zone (Section 3.050), new, replacement and substantial improvements to residential or commercial structures in areas subject to this section shall comply with the requirements of Section 3.256 for a Conditional or Permitted Use permit or Planning Clearance in conjunction with a building permit or grading permit.

a) Application, review, decisions, and appeals of Conditional or Permitted Use permits for development in Wildfire Hazard Areas shall be in accordance with the requirements for administrative decisions pursuant to Section 2.060(1).

b) A decision to approve Conditional or Permitted Use permits for development in a Wildfire Hazard Area shall require findings that the proposed development conforms to or can be conditioned to conform to the requirements of subsections 4. and 5.

c) In approving a Conditional or Permitted Use permit or Planning Clearance for development in a Wildfire Hazard Area, the reviewing authority may impose any conditions which are necessary to ensure compliance with this section or with any other applicable provisions of the Curry County Zoning Ordinance.

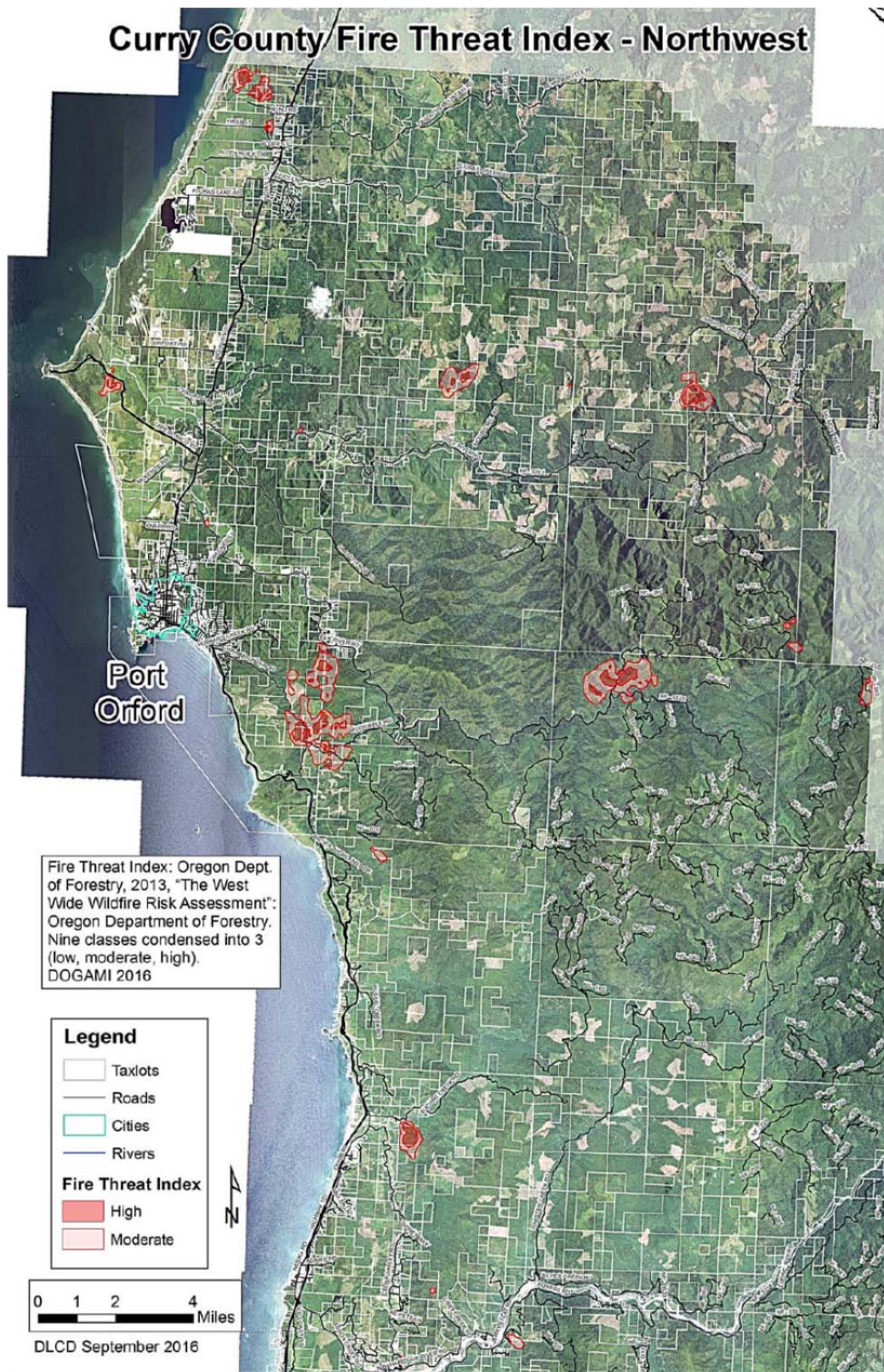
4. Structure Safety and Siting Requirements: All new, replacement or substantial improvements to dwellings and commercial structures subject to this section shall conform to the following requirements:

- a) Except as provided for in subsection b), the dwelling or structure shall be located on a parcel that is located within a structural fire protection district or for which the owner has contracted with a structural fire protection district for residential fire protection.
- b) If the new dwelling, replacement of a structure or an expanded existing structure over 50% of its floor area is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the reviewing authority determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the reviewing authority may provide an alternative means for protecting the dwelling from fire hazards. The alternative means for providing fire protection may include a fire sprinkling system compliant with NFPA 1142 standards, on-site fire suppression equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least the minimum amount of water specified by NFPA criteria based on the size of the structure or a stream that has a continuous year round flow of at least one cubic foot per second and meets NFPA standards for adequate water flow. Local Fire district and Fire Code requirements shall also apply. A connection to the water source consistent with County standards shall also be required. The applicant shall provide verification from the Oregon Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 10 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- c) Except as provided for in subsection e), a primary fire safety area shall be maintained around all structures on land owned or controlled by the applicant. The primary fire safety area shall consist of an area of at least thirty (30) feet in width in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath the trees.
- d) Except as provided for in subsection e), a secondary fire safety area shall be maintained around the primary fire safety area on land owned or controlled by the applicant. The secondary fire safety area shall consist of an area of at least one hundred (100) feet in width in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches.
- e) In areas subject to the Scenic Waterway Area Overlay Zone, the primary and secondary fire safety area requirements of this section may be modified as necessary to comply with specific siting standards contained in any state or federal approved Scenic Waterway Management Program.
- f) The new dwelling, replacement dwelling or expansion of the floor area of an existing dwelling shall be subject to the requirement for a fire retardant roof.

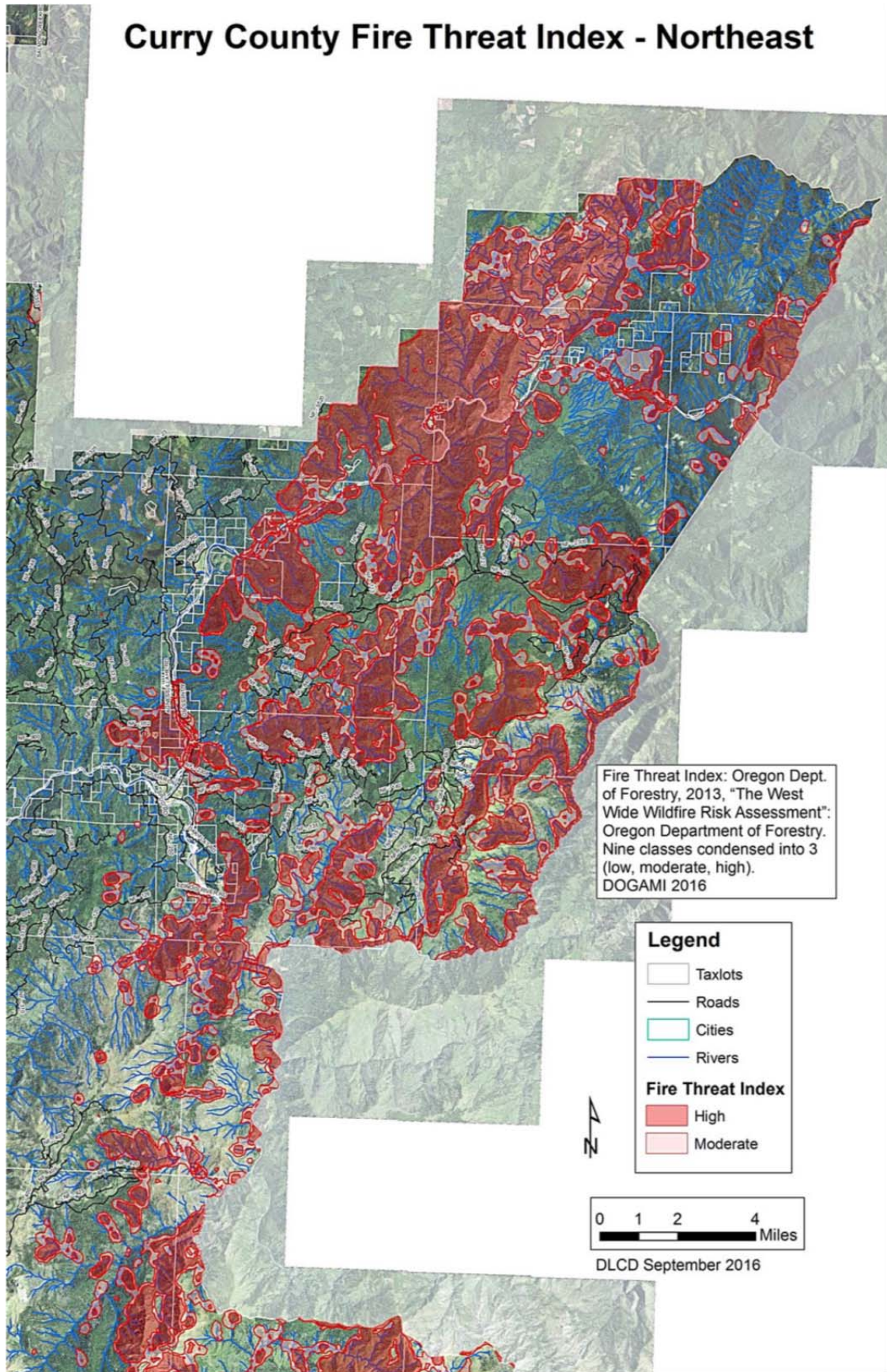
- g) All chimneys shall have an approved spark arrester.
 - h) The dwelling or structure or improvements to expand the existing structure more than 50% of its existing area shall not be sited on a slope of greater than 40 percent, unless no area of lesser slope is present on the subject lot or parcel.
5. Access Requirements: All new dwellings and commercial structures shall provide private roads, driveways, bridges and culverts in conformance with the following standards:
- a) A drivable surface width consistent with County access standards.
 - b) An all-weather drivable surface.
 - c) An unobstructed horizontal clearance of not less than ten (10) feet from the centerline of the road or driveway and an unobstructed vertical clearance of not less than fourteen (14) feet.
 - d) An average grade that does not exceed thirteen and one-half (13.5%) percent for any one mile of road length; or exceed twenty (20%) percent for any four hundred (400) consecutive feet of road length.
 - e) A drivable surfaced turnaround which has either a forty-five (45) foot radius cul-de-sac, or a sixty (60) foot "T-shaped" design for the turning of firefighting equipment. This standard may be modified for projects proposing a shorter driveway upon authorization of the Chief of the fire district with jurisdiction. Authorization by the Chief for a shorter driveway or turn around must be included with a Conditional or Permitted Use Permit application or a Planning Clearance. In the absence of a Fire District serving the subject site, the Director may authorize a shorter driveway or turn around.
 - f) Roads, driveways, bridges and culverts shall be designed and maintained to support a minimum gross weight (GVW) specified by the Oregon Fire Code for the passage of fire fighting vehicles or equipment.
 - g) Bridges or culverts which are part of the construction of the road or driveway to the dwelling or structure shall have written verification from a Professional Civil Engineer, licensed in the State of Oregon, that the structure can meet the construction standard specified by the Oregon Fire Code.
 - h) All bridges shall be inspected and certified as to compliance with the Oregon Fire Code construction standard at an interval not greater than once every two years from the date of this ordinance. The inspection report shall be completed by a Civil Engineer at the applicant's expense and filed with the Fire District with applicable jurisdiction. In the absence of a Fire District applicable jurisdiction, the inspection report will be filed with the Community Development Department.
6. A variance from these standards may be granted through the provisions of Article VIII of this ordinance. In addition to conformance with the standards of Section 8.030, granting a variance from these standards for a lot or parcel served by a structural fire protection district shall require a written statement from the fire chief of the fire protection district serving the

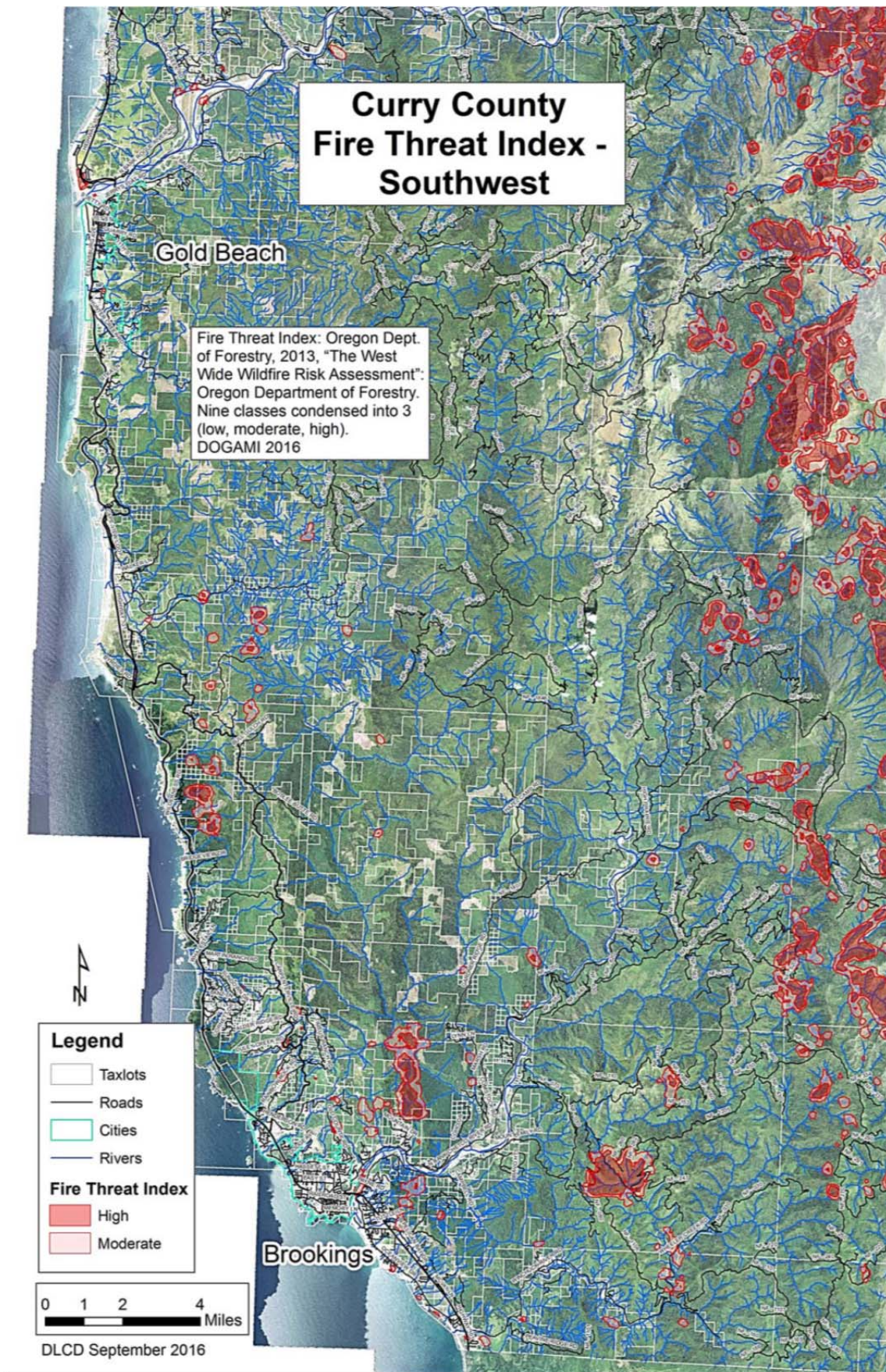
subject site which states that their fire-fighting vehicles and equipment can negotiate the proposed road and/or driveway.

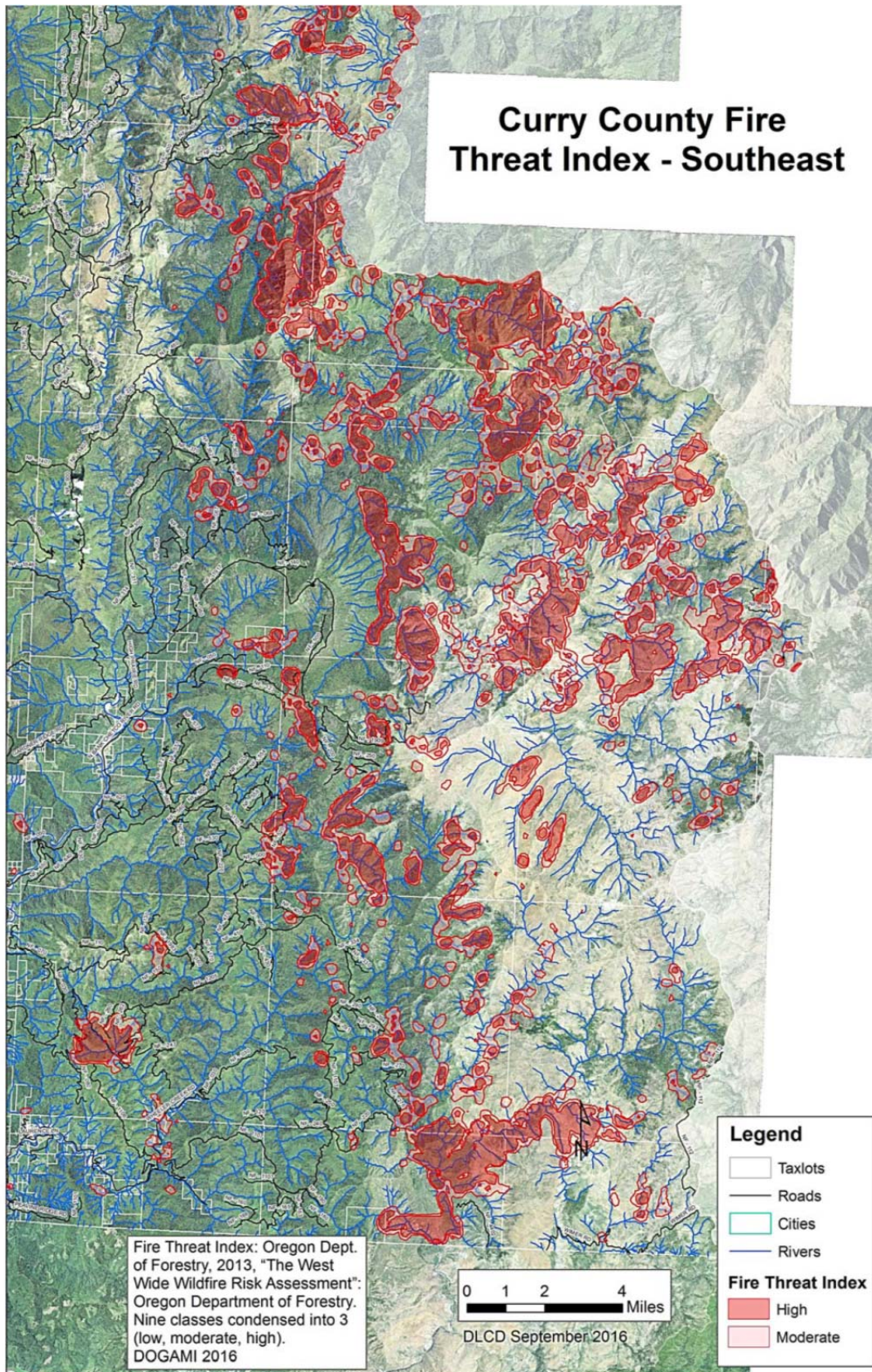
Attachment 2



Curry County Fire Threat Index - Northeast







ATTACHMENT 3

From: Carolyn Johnson <johnsonc@co.curry.or.us>
To: Mark Nast <markn141388@yahoo.com>
Sent: Friday, May 18, 2018 12:10 PM
Subject: RE: discussion topics for a one-on-one meeting?? - back to you

Hello Mr. Nast,

Due to a notification error on staff's part, there was not a Planning Commission meeting last night. On the next Planning Commission agenda I'll be sure to add an item for "Public comment for items on the agenda". The balance of your comments can be provided to the Planning Commission when they meet next as the Wildfire Hazard overlay zone discussion will be on their next agenda. I will be sure to include in their next packet along with the responses of this email. *Good. Feel free to pass on any of our e-mails. I will pay more attention to my incoming e-mails from the county.*

In the meantime, a few comments on your email points.

- Addressing failure to perform. Please refer to Zoning Ordinance (ZO) section 10.050. *You are good! It's even in my 1994 edition! I think/know there is still wiggle-room to cheat - and I can use my circumstance(s) as examples.*
- Lesson in zoning – overlay zones are typically for specific areas where certain criteria must be met regardless of the underlying permitted land uses. And the County comprehensive plan does not have a glossary. Given extremely limited staff resources I don't see the creation of a glossary in the near future. *I acknowledge the persistent, and on-going, lack of resources. For future discussion: why does 'staff' have to create a draft-glossary for presentation to the Planning Commission? Why can't a member of the public make a submission to 'staff' (to be vetted) before making a presentation to the PC?*
- Applicability of the proposed Wildfire overlay zone - would be applicable to any area that is not within three miles from a responding fire district, regardless of the underlying zoning.
- Verbiage - "structural fire protection district" - as referenced in section 6 this should be amended to reflect the same language in the summary and in section 2. I will make this suggestion to the Commission. *OK! I wasn't imagining things.*
- Riparian Corridors 4b– Zoning Ordinance section 3.280 identifies the County's Riparian corridor Buffer Overlay zone (RB) and outlines limitations and standards on land uses in these areas. To address your concern it would be best to include a reference in the draft language for authorization of the Department of Environmental Quality and the Department of Water Resources for fire protection

utilizing any stream source that is a part of the riparian overlay zone and/or any other water resource. [This should be an interesting discussion.](#)

- Average grade calculation, the reference is in 5a. [We both got it wrong! We should be referencing 5d.](#) A definition can be added. If you have a suggestion I would gladly take it. Unfortunately I do not have a suggestion. I asked the question because this is the kind of 'ordinance' that drives me crazy. That is: a requirement is specified, yet not defined how to achieve it. In my experience this allows for uni-lateral interpretation by any planning department employee attempting to explain such an ordinance to an applicant/developer.
- Culverts, the reference is in 5g. [My apologies. I mis-referenced this too.](#) the standard for developing a road or driveway over a pre-existing culvert would be the same as that for a new culvert. The Planning Commission can add language include. Currently a new dwelling cannot be authorized for occupancy without an inspection of a driveway to the unit to assure the driveway complies with the ZO. [Another interesting topic. Particularly in the context of 'affordable' development costs, and the costs associated with on-going validations. I would be particularly interested in Karen Kennedy's insights regarding the responsibilities of a realtor in providing 'disclosure' to prospective buyers.](#)

The give and take you seek with the Planning Commission can be achieved at their next meeting. [Super!](#) You have many points, and it would be best to go over these with the Planning Commission for a collective understanding and analysis.

Carolyn