



CURRY COUNTY COMMUNITY DEVELOPMENT
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**Curry County Planning Commission
Summary of May 20, 2021 Meeting**

Call to Order:

The regular meeting of the Curry County Planning Commission was called to order by Chair Freeman at 5:30 pm. This meeting was held as both an in-person and a call-in conference via GoTo Meeting. Commissioner Kari Hamrell, Commissioner Michael Lange, Chair Ted Freeman, Commissioner Sharon Jensen, and Commissioner Robert VonBergman attended, whereas Vice Chair Diana St. Marie called in. Community Development Director Becky Crockett and Planner Nancy O'Dwyer also attended, whereas acting County Counsel Shala Kudlac also called in.

No changes were made to the agenda. Commissioner Jensen reported a conflict of interest with A-2101. Director Crockett welcomed Kari Hamrell as a new commissioner and noted re-appointments of Vice Chair St. Marie and Commissioner Lange. No public comments offered for items not on the agenda, and Director Crockett reviewed procedures for Quasi-Judicial Hearings.

Commissioner Jensen recused herself from the discussion of A-2101. Director Crockett summarized A-2101, an appeal of a planning clearance approval, and the staff report, concluding with the recommendation that the appeal be recognized. Three options were offered for consideration:

- The appellant's challenge to the Planning Director's decision be upheld, with a deed restriction limiting use of the proposed structure for storage.
- The appellant's challenge to the Planning Director's decision be upheld and the planning approval for an RV garage/storage building (PC-21-000034) be denied since the anticipated use of the structure as a pickleball court was not disclosed.
- The appellant's challenge to the Planning Director's decision be upheld and the Applicants (John Little and Alberta Rose) be required to fully disclose their pickleball court plans and apply for a conditional use permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.

Attorney Roger Gould presented for the Applicants and offered a second review. He put forward that the proposed structure was an accessory to the residential use and questioned whether conditions could be placed on uses that are allowed outright. Attorney Gould also offered that a fourth option was to deny the appeal. No others spoke in support of the Applicant.

Chip Shepherd (57591 Leeward St, Langlois, OR), Appellant, reviewed reasons for his appeal – the size and location of the proposed structure would 1) block his view and sun exposure, 2) reduce the value of his property, and 3) reduce enjoyment of his home. He also questioned whether the proposed structure was really “accessory” since its footprint was larger than Applicant’s residence. Shepherd noted that he had asked the Applicant to consider moving structure to the northwest corner of their property as another option.

Gary Garman (47555 Leeward St, Langlois, OR) spoke in favor of the Appellant, stating that he was also concerned about noise from a pickleball court.

Will Brady (92870 Boice Cope Rd, Langlois, OR) also spoke in favor of the Appellant. He felt that noise from pickleball court will impact their 30-year-old business, Floras Lake House by the Sea, a bed& breakfast establishment.

Liz Brady (92870 Boice Cope Rd, Langlois, OR) described the neighborhood as having been fractured over this issue, noting a private pickleball court on a family member’s adjacent property for 12 years that was closed due to noise problems.

Public Hearing was closed after rebuttals by the Attorney Gould and the Appellant Shepherd. Commissioners considered whether Appellant had standing and discussed options. Commissioner Lange motioned that Appellant had standing and that the third option (from the Staff Report) be adopted. Vice Chair St. Marie seconded the motion, the two remaining members of the commission also voted approval, and the motion passed unanimously.

Commissioner Jensen re-enter the meeting after the vote. Chair Freeman and Commissioner Jensen reported ex-parte contact for application AD-2106 since they had driven through the RV park, but both reported that this was not a conflict of interest.

Director Crockett reviewed AD-2106, an application requesting conditional use approval of an RV park expansion, as well as the staff report recommending approval, with conditions. Primary issues noted were 1) tent campsites in identified wetland areas and 2) the existing rock planter for the RV park’s sign, 20ft in the county road right-of-way, being a safety hazard. Letters of comment were received from the Kalmiopsis Audubon Society (supporting conditions of approval restricting tent camping in wetlands areas without delineation and limiting light pollution) and from Attorney Jeremiah Scannell representing George Miller (34071 Ophir Rd, Gold Beach, OR), an adjacent property to the south. (Attorney Scannell reviewed concerns later in the hearing.) Director Crockett concluded that there were 14 conditions in the Staff Report.

Applicant Danny Mulcahy (11874 Albissola Ave, Las Vegas, NV) provided two maps of the RV park to the commissioners. He noted experience owning another RV park and that he intends for this RV park to focus on vacationing, not affordable housing. Following questions from the commissioners, Applicant Mulcahy confirmed that there

was a recent survey, that he would remove the rock planter/sign if necessary, and that he would prefer to not cancel tent space reservations already made through September. Following additional questions about the identified wetlands area, Applicant Mulcahy noted he could get a Wetlands Determination within two weeks.

Chair Freeman asked whether Attorney Scannell (95000 Cypress Dr, Gold Beach, OR) wanted to speak in opposition. Attorney Scannell noted concerns about 1) the site plan not specifying the setbacks between the proposed new spaces and property lines, 2) property lines (on assessor's map) not matching prior survey, 3) septic system installed by prior property owner may not have been done through DEQ, and 4) beach access from RV park unmarked across highway.

Applicant Mulcahy responded, offering that 1) there is a recent survey of the property, 2) the beach access trail is owned by the RV park, 3) the proposed water tank is north of Mr. Miller's home site and will not impact his ocean view, and 4) there is at least 50ft, partly wooded, between the proposed RV spaces and the south property line. Following additional support for the application from David Rogers (live-in caretaker at the RV park), Chair Freeman closed the Public Hearing.

Commissioners discussed their concerns about the application. Commissioner Lange motioned to approve the application as conditioned in the Staff Report with two additions – 1) provide a wetlands determination to verify tent sites properly located outside wetlands area, and 2) identify property lines and lot line dimensions to assess amount of setback. Commissioner VonBergman seconded the motion, the three remaining commissioners also voted approval, and the motion passed unanimously. Attorney Scannell asked for verification of what was approved and confirmed with Director Crockett that the final order could be appealed. Director Crockett stated she would address the question of who had jurisdiction in the road right-of-way – ODOT or the County. Scheduling the next meeting will be dependent on completion of the final order.

Chair Freeman asked for clarification from acting County Counsel about site visitations in preparation for Planning Commission Meetings. Counsel offered that a site visit was acceptable, so long as permission was obtained and the visit was declared. Director Crockett proposed that Chair and Vice Chair positions be retained by the current commissioners since there were only a few meetings last year due to the pandemic. Commissioner Lange motioned to keep Chair Freeman and Vice Chair St. Marie in their current positions. Commissioner Hamrell seconded the motion, the three remaining commissioners also voted approval, and the motion passed unanimously.

The Planning Commission meeting ended 8:42 pm.