



ADMINISTRATIVE STAFF REPORT AND DECISION

File: AD-2503, Floodplain Review
Location: 3115-00 TL 1200 & 3115-15 TL 900
Zoning Designation: Forestry Grazing (FG)
Date Notice of Application Mailed: April 28, 2025
Date of Decision: August 5, 2025
Decision: Approval

I. OWNER/APPLICANT

Gabriel & Janet Azevedo
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Langlois, OR 97450

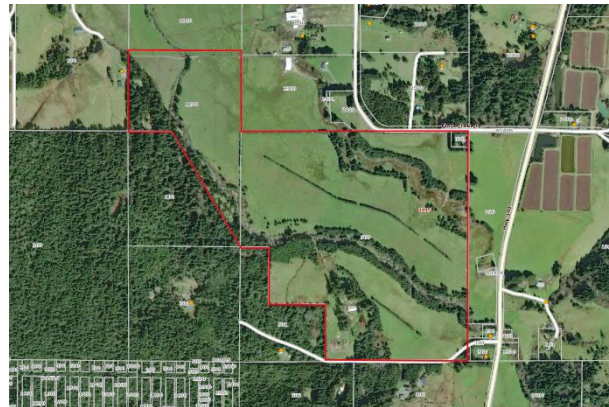
Stonecypher Ranch, Inc.
Mike Brown
PO Box 1061
Langlois, OR 97450

APPLICANT

Curry Soil & Water Conservation District
PO Box 666
Gold Beach, OR 97444

AGENT

Drew Harper
Curry Soil & Water Conservation District
PO Box 666
Gold Beach, OR 97444



II. PROJECT INFORMATION

The request is for improvements to fish habitat in Willow Creek, including the installation of habitat logs in four locations along the channel and planting native riparian vegetation.

A. Surrounding Land Use:

North – Forestry Grazing (FG)
South – Forestry Grazing (FG)
East – Forestry Grazing (FG)
West – Forestry Grazing (FG)

- B. Comprehensive Plan Land Use Designation: Forest
- C. Zoning Designation: Forestry Grazing (FG)
- D. Parcel Size: 178.30 Acres
- E. Map Overlays: Riparian Buffer and Floodplain
- F. Fire District: Langlois Fire

III. COMPLIANCE WITH APPLICABLE CRITERIA

In order to approve the request, findings must be made showing consistency with all applicable criteria. The applicant submitted a general narrative describing the project, providing findings, site plan, elevations and other preliminary documents for County consideration.

CCZO approval criteria for an Administrative Review in relation to the Applicant's submittal are summarized in the staff report and addressed in detail in the findings that follow. This request will be the subject of an Administrative Decision under the authority granted by Section 2.060(1), and in accordance with the procedural requirements of Sections 2.090, 2.100 and 2.110 of the Curry County Zoning Ordinance (CCZO).

APPLICABLE CRITERIA

Section 2.060 (1) (2) of the Curry County Zoning Ordinance (CCZO) authorizes the Planning Director to administratively approve or deny uses subject to administrative review.

The proposed development must comply with the applicable provisions of the CCZO and the Curry County Comprehensive Plan (CCCP). Generally, unless noted, if a request is found to be consistent with the CCZO, it is consistent with the CCCP. The following sections of the CCZO will be considered in the review of this application:

Curry County Zoning Ordinance

- Section 3.050 Forestry Grazing (FG)
- Section 3.251 Flood Plain
- Section 3.280 Riparian Corridor Buffer Overlay Zone
- Section 3.300 Erosion Prevention and Sediment Control
- Ord 2018-06 Curry County Flood Damage Prevention Ordinance

ARTICLE III. USE ZONES

CCZO Section 3.050. Forestry Grazing (FG)

Purpose of Classification: The Forestry Grazing Zone is applied to resource areas of the county where the primary land use is commercial forestry with some intermixed agricultural uses for livestock uses. The purpose of the Forestry Grazing Zone is:

- (a) to implement the forest land policies of the Curry County Comprehensive Plan*

CCZO Section 3.051. Uses Permitted Outright

6. Uses to conserve soil, air and water quality on forest lands and to provide for wildlife and fisheries resources.

Finding: The request is for a watershed restoration project that is designed to improve fish habitat and water quality in Willow Creek. Project activities include the placement of logs to create instream habitat structures, the removal of invasive weeds from portions of the riparian area, and the planting and establishment of native riparian vegetation. **The provisions of this section have been met.**

CCZO Section 3.251. Flood Plain

Portions of zones may be subject to flooding. Restrictions, conditions and regulations for the construction of buildings and uses of land lying in the flood plain zone are subject to the Flood Damage Prevention ordinance of Curry County. The flood plain zones, as indicated on Flood Plain Maps, are an official part of the County Zoning Maps. Flood Hazard Development Permits under the Flood Damage Prevention Ordinance are subject to administrative approval by the Director.

FINDING: Flood Hazard Development permits are required for the proposed development. Findings specific to the Flood Damage Prevention Ordinance are addressed in the findings below. FEMA's Habitat Assessment is not required for this application because the Willow Creek Riparian and Instream Restoration 2023 project does not involve new construction, development of habitable or enclosed structures, or activities that would otherwise trigger a formal FEMA biological or habitat review. Instead, the project consists of habitat restoration actions—such as the placement of large woody debris for instream habitat, removal of invasive species, and the planting of native riparian vegetation—that are specifically designed to enhance, not degrade, fish and wildlife habitat. The proposal is entirely ecological in nature and explicitly avoids any fill or disturbance that would adversely affect threatened or endangered species or their critical habitat. Additionally, permitting documentation and engineering analyses confirms that the project will not increase flood risk or alter hydrology significantly, further exempting it from FEMA's habitat assessment requirements. All floodplain compliance has been addressed through county-level engineering "no-rise" documentation, and the application demonstrates compatibility with local and federal conservation goals. **The provisions of this section have been met with conditions.**

CCZO Section 3.280. Riparian Corridor Buffer Overlay Zone (RB)

Purpose of Classification: The purpose of the RB zone is to insure that riparian corridors identified in the County's Goal 5 water resources inventory (Comprehensive Plan Figure 5.8.A, Table 5.8.A, Table 5.8.C and Table 5.8.D) are protected as habitat for fish, other aquatic life and wildlife, to control erosion and limit sedimentation, and to reduce the effects of flooding. The provisions of this section attempt to accomplish these goals by excluding structures from buffer areas around lakes, streams and associated wetlands, and by prohibiting vegetation removal or other alteration to those buffers.

FINDING: This section is designed to protect riparian corridors identified in the County's Goal 5 water resources inventory. The goals include conserving fish, aquatic life, wildlife habitat, controlling erosion, limiting sedimentation, and reducing flood effects. The code accomplishes this by excluding structures from riparian buffer areas around lakes, streams, and wetlands and by prohibiting vegetation removal or other alterations within those buffers.

The project does not propose any new structural development within the riparian buffer. Only the placement of large woody material (logs and boulders) is proposed, designed for habitat enhancement and not as permanent structures.

SHN provided a "no-rise" certification, confirming that flood storage and flow are not adversely affected, which supports the intent to reduce flooding and erosion. The project also includes a robust Erosion Prevention and Sediment Control Plan, which limits soil disturbance, minimizes vegetation removal, and prescribes immediate revegetation of exposed areas with native species.

Invasive plant control and native replanting specifically improve long-term riparian buffer quality for habitat and stability. **The provisions of this section have been met.**

CCZO Section 3.282. Uses Permitted in Riparian Corridors

The following uses are allowed on lands located within a riparian corridor area as defined in subsection 1, above:

- 1. Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the RB zone subject to the additional procedure and requirements of subsection 3.283, below.*
- 2. The requirements of the RB zone does not regulate forest practices subject to ORS 527.610 to 527.770, 527.990(1) and 527.992 and the rules adopted pursuant thereto or to farm practices defined by ORS 30.930(2).*

FINDING: This section establishes which uses are permissible in riparian corridors and allows restoration or enhancement projects that improve habitat, stabilize banks, or control invasive species, provided they do not degrade the buffer's function.

The project's primary activities include woody debris placement, invasive species control, and native planting and are classic examples of permitted uses, as they are specifically intended to restore and enhance habitat and support long-term corridor function. All activities avoid construction of prohibited structures and instead prioritize restoration ecology, directly aligned with permitted uses under the zoning code. **The provisions of this section have been met.**

CCZO Section 3.300. Erosion Prevention and Sediment Control

Purpose: The purpose of this provision, consistent with Goal 5 of the Curry County Comprehensive Plan, is 1) to preserve or enhance the health, safety, welfare and quality of life of the inhabitants of Curry County by providing clean water, and by minimizing risk to inhabitants and property through control of erosion and management of storm water and 2) to maintain or improve water quality within Curry County consistent with the requirements of the State of Oregon and the United States government.

FINDING: An Erosion Prevention and Sediment Control (EPSC) Plan is included, ensuring best management practices to prevent sediment release during construction, a requirement of the ordinance. All ground-disturbing work is scheduled to occur during the dry season on slopes less than 15%, with the installation of silt fencing and rapid revegetation of disturbed areas. **The provisions of this section have been met.**

ARTICLE VI. SUPPLEMENTARY PROVISIONS

CCZO Section 4.011. Riparian Vegetation Set-back

The following set-backs shall be required from waterbodies for the protection of riparian vegetation:

- 1. Notwithstanding any yard or other setback requirement in any zone, all structural development located along a stream, river, or lake shall maintain the requirements of the Riparian Corridor Buffer Overlay (RB) zone, if applicable, or if not applicable then a minimum fifty (50) foot setback from the top of the bank of that water body.*

FINDING: The proposal is for the removal of invasive vegetation and planting native plants, in addition to the placement of logs instream to create habitat areas. No structures are being constructed as part of this request. No setbacks are required. **The provisions of this section are not applicable.**

CURRY COUNTY FLOOD DAMAGE PREVENTION

4.1-2 Application for Development Permit

Application for a development permit shall be made on forms furnished by the Flood Hazard Administrator to be submitted with a fee as established by order of the Board and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;*
- (2) Elevation in relation to mean sea level to which any structure has been flood proofed.*
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 9.2-2; and*
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.*

Additional information which may be required by the Flood Hazard Administrator includes: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

FINDING: The proposal is for the removal of invasive vegetation and planting native plants, in addition to the placement of logs instream to create habitat areas. No structures are being constructed as part of this request. Subsection (1) – (3) are not applicable to this project. The applicant provided the necessary information documenting the proposal and installation methods of the habitat structures. **The provisions of this section have been met.**

Alterations to Watercourse

The proposed project activities are within a Special Flood Hazard Area (SFHA) and includes the placement of logs instream in four areas to create habitat structures. The placement of “structures” or logs in this case requires a No Rise Certification from a registered professional engineer. As required by this section, a No Rise Certification was completed by SHN Engineers & Geologists, Inc. The County adopts SHN Engineers & Geologist’s report by reference and accepts the No Rise Certification. **The provisions of this section have been met.**

9.1-2 Development Standards

- (1) No development shall be allowed that will:*
 - (i) adversely restrict, alter, or increase the flow of floodwaters in the floodway;*
 - (ii) adversely affect the efficiency or capacity of the floodway or the integrity or stability of flood protection facilities; or*
 - (iii) increase water surface elevation within any area of special flood hazard or the location of the floodway during the base level flood beyond minimum FEMA standards.*

FINDING: SHN Engineers & Geologists, Inc conducted a flood elevation impact analysis specific to the Curry County floodplain regulations. The analysis found that each woody habitat structure installation will displace approximately 5 cubic yards of flood water, while the total floodplain storage volume in the installation area exceeds 10,000 cubic yards. This means the impact on flood storage is negligible. The project engineer certified that the proposed structures "will not result in an increase in flood hazard," and "*will not increase the water surface elevation of the base flood more than one foot at any point within the community,*" which directly addresses minimum federal and county standards for floodplain development. The engineering report, by SHN, essentially provides a "no-rise" certification, a core element of Curry County's ordinance for floodplain work, confirming that the work will not adversely affect base flood elevations. **The provisions of this section have been met.**

- (2) *All structures constructed in areas of shallow flooding shall have adequate drainage paths (ditches, culverts, storm drains, etc.) around them to guide floodwaters away from the structure. Structures constructed on slopes shall have drainage paths around them to guide floodwater safely down the slope in natural flow pattern. Drainage paths used to comply with this section shall not direct floodwaters in a manner so as to cause an adverse effect on adjacent structures or property.*

FINDING: The proposal includes the placement of logs in-stream in four areas to create habitat structures. These structures are instream and have demonstrated to have minimal impact on the displacement of floodwaters or on the total volume of available storage. As proposed, the installation of the structures will have a negligible impact on the volume available for flood storage when compared to the volume occupied by the proposed habitat structures. **The provisions of this section have been met.**

- (3) *No dwelling shall be constructed in an area of special flood hazard if the lot or parcel contains sufficient, suitable, existing, buildable land area so as to permit construction at least one foot above the base flood elevation or outside the area of special flood hazard.*

FINDING: No dwellings are proposed as part of this request. **The provisions of this section are not applicable.**

9.1-3 Anchoring

- (1) *All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.*
- (2) *All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to; use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).*

FINDING: No new construction or substantial improvements are proposed as part of this request. **The provisions of this section are not applicable.**

9.1-4 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

9.1-5 Utilities

- (1) All new and replacement public water supply systems shall be floodproofed to one foot above base flood elevation to minimize or eliminate infiltration of flood waters into the system.*
- (2) New and replacement public sanitary sewage systems shall be designed to flood proof to one foot above base flood elevation to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*
- (3) All new and replacement private water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
- (4) On-site waste water disposal systems shall be permitted only if located and designed to avoid impairment and to eliminate contamination during flooding consistent with the Oregon Department of Environmental Quality.*
- (5) Electrical, telephone and television lines, heating, ventilation, . plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Poles and towers shall be constructed and placed to minimize risk of flood damage.*
- (6) Construction of utilities shall be done in a way which minimizes the impact on the flood plain and drainage hazard area. The site shall be restored, as far as practicable, to its original state.*
- (7) Drainage systems shall be designed and constructed according to the adopted master drainage plan for the area, if one has been completed.*

FINDING: No dwellings, construction or utilities are proposed as part of this request. **The provisions of this section are not applicable.**

9.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation; except in an A O zone the lowest floor, including basement, shall be elevated above the highest adjacent grade of the building site, t or above the depth number on the FIRM and at least two (2) feet if no depth number is specified; or, together with attendant utility and sanitary facilities, shall:

- (1) be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water in accordance with the State Building Code;*

- (2) *have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and*
- (3) *be certified by a registered professional engineer or architect that the design and methods for construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the Flood Hazard Administrator as set forth in Section 4.3-3 (2).*

FINDING: No non-residential construction is proposed as part of this request. **The provisions of this section are not applicable.**

- (5) *The Flood Hazard Administrator shall notify applicants who are floodproofing nonresidential buildings that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building constructed to the base floodlevel will be rated as one (1) foot below that level).*

FINDING: No floodproofing is proposed as part of this request. **The provisions of this section are not applicable.**

- (6) *Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.*
- (7) *Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.*

FINDING: No structures are proposed as part of this request. No maintenance plan or emergency action plan is required. **The provisions of this section are not applicable.**

9.2-5 Below-grade crawl spaces

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, CrawlSpace Construction for Buildings Located in Special Flood Hazard Areas:

- (1) *The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.*

FINDING: The proposal does not include the construction of a building. **The provisions of this section are not applicable.**

- (2) *The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.*
- (3) *Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.*
- (4) *Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.*
- (5) *The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.*
- (6) *The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.*
- (7) *There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.*
- (8) *The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used. For more detailed information refer to FEMA Technical Bulletin 11-01.*

FINDING: The proposal does not include the construction of a building. **The provisions of this section are not applicable.**

ADMINISTRATIVE DECISION AND CONDITIONS OF APPROVAL

Application AD-2503 for a Floodplain Review within the Forestry Grazing (FG) Zoning District, located on Assessor's Map 3115-00, Tax Lot 1200 and 3115-15, Tax Lot 600, is **TENTATIVELY APPROVED**.

The Applicant has demonstrated that this request will meet all applicable flood hazard prevention requirements without the need for conditions of approval, provided the restoration efforts conform to the application documents submitted.

This decision is limited to the review of Curry County applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other county, state and federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating the development.

Notice of this Administrative Decision is being sent to property owners within the statutory vicinity of this property. This decision may be appealed to the Planning Commission if a Notice of Appeal is filed within 12 business days of the date this notice was mailed and with the required fee in accordance with Section 2.065 of the Curry County Zoning Code. Decisions cannot be directly appealed to LUBA.



Zac Moody
Contract Planner

8/5/25
Date

CC: File, Property Owner, Applicant, Agent