



CURRY COUNTY
BOARD OF COMMISSIONERS
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AGENDA
TOWN HALL
February 12, 2025
1:00 p.m.

Location: Fairgrounds, Showcase Building @ 29392 Ellensburg Avenue, Gold Beach
Items may be taken out of sequence to accommodate staff availability and the public.

- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

- 2. DISCUSSION**
 - A. Declaration of Emergency – Wildfire Hazard Map
 - B. Wildland Urban Interface Legislation

- 3. OTHER**

ORS 192.640(1) provides that “... notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.”

- 4. ADJOURN**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of a Resolution Declaring a)
Local Emergency due to the Imposition of) RESOLUTION NO. _____
Wildfire Hazard Map and Wildland-)
Urban Interface Zone Legislation)**

WHEREAS, a physical threat to government of Curry County, its citizens, and its resources both natural and infrastructure based, exists as identified by the adopted State Wildfire Hazard Map and Wildland-Urban Interface (“WUI”) zones, which has resulted from the systemic failure of State and Federal agencies to manage public forest land; and those agencies’ contribution to the creation of referenced Wildfire Hazard Map and WUI zones without incorporating the best available science; and

WHEREAS, on September 30, 2024, Permanent Administrative Order DOF 19-2024, bearing a filing caption of “Wildfire Hazard Map and Procedural Rules” was filed with the Secretary of State and Legislative Council; and

WHEREAS, DOF 19-2024 codified and made amendments to Oregon Administrative Rules 629-001-000, 629-001-0005, 629-001-0010, 629-001-0015, 629-001-0020, 629-001-0045, 629-001-0055, 629-001-0057, 629-044-1000, 629-044-1005, 629-044-1011, 629-044-1016, 629-044-1021, 629-044-1026, 629-044-1031, 629-044-1036, and 629-044-1041; and

WHEREAS, this legislative action adopted the Wildfire Hazard Map and Wildland-Urban Interface which designated wildfire hazard zones across the State of Oregon, introduced procedural rules for notification, appeals of property assignments, hearings, and delegated certain authorities to the State Forester; and

WHEREAS, the recent legislation and the resulting changes to Oregon Law as set forth above have imposed significant financial burdens on property owners in the form of required investments in costly wildfire fortifications, driving up housing costs and creating a significant financial barrier for citizens; yet the full scope of the impacts of the legislation remains uncertain, with additional consequences expected; and

WHEREAS, as the Board noted in its formal comment opposing the legislation enacted by Senate Bill 762 and Senate Bill 80, no consideration was made for the unique climate factors in Curry County; and

WHEREAS, to date, no funding has been made available to mitigate the immense challenges faced by homeowners that may be unable to comply with the resiliency requirements due to financial constraints; and

WHEREAS, only approximately four percent (4%) of land within Curry County is zoned in a manner that allows residential development; and

WHEREAS, the Wildfire Hazard Map and Wildland-Urban Interface legislation critically limits Curry County's ability to address the much-needed housing crisis; and

WHEREAS, since 2002, approximately 750,000 acres of Curry County forestland, the majority of which is Federally managed, has been burned by wildfires as a direct result of the State and Federal government's failure to maintain those forests in a manner that minimizes the risk of wildfire while only six structures have been lost to fire; and

WHEREAS, the failure of State legislation to address the lack of public forest management poses physical safety risks and financial burdens to County residents and visitors, yet no requirements have been imposed on State and Federal agencies to address such mismanagement; and

WHEREAS, an undue financial burden on the citizens of Curry County is imminent due to the legislative directives to modify building and planning regulations; and

WHEREAS, the indirect results of these legislative directives will cause extreme negative impacts to Curry County and its 42 Special Districts, including Fire Departments, Hospitals, Ambulance Services, and Libraries; and

WHEREAS, a Fifth Amendment taking without just compensation has been enacted; and

WHEREAS, the Board of Curry County Commissioners has a duty to safeguard the health, safety, and welfare of Curry County citizens as set forth by the 10th Amendment of the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to ORS 401.309, the Curry County Board of Commissioners declares that a Local State of Emergency exists within Curry County due to the impacts of DOF 19-2024 and related legislation that threatens the health, safety and welfare of the citizens of Curry County.

2. This State of Emergency shall remain in effect until the regulations imposed by the legislation discussed above is modified or repealed, unless otherwise ordered by the Curry County Board of Commissioners.
3. A moratorium is imposed on any and all building and planning code changes related to this legislation.
4. The County formally declares its intention to assume its Constitutional management authority over all public forest lands within the metes and bounds of its border.

DATED this 5th day of February, 2025.

BOARD OF CURRY COUNTY COMMISSIONERS

Brad Alcorn, Chair

Approved as to Form:

Patrick Hollinger, Vice Chair

Michael E. Fitzgerald, OSB #950738
Curry County Legal Counsel

Jay Trost, Commissioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of a Resolution Declaring an)
Emergency due to Degraded Conditions,) RESOLUTION NO. _____
Imminent Threat from Catastrophic Fire)
on Federally Managed Lands)**

WHEREAS, it is the responsibility and within the scope of authority of the Curry County Board of Commissioners (“Board”) to exercise powers necessary and proper to protect public safety, health, promote public prosperity and improve the morals, order, comfort and convenience of the inhabitants of Curry County pursuant to the provisions of the Constitution and laws of this State; and

WHEREAS, historically, the Board has been periodically required to exercise those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and welfare of the County in appropriate instances; and

WHEREAS, by Resolution No. 25-_____, the Board has declared a State of Emergency due to the negative impacts of recent legislative directives resulting from the mismanagement of publicly-owned forestland by State and Federal agencies; and

WHEREAS, _____ has been severely and adversely affected by the _____ Fire(s), curtailing needful work to be done on the Rogue-Siskiyou National Forest and Kalmiopsis Wilderness Area for Wildland Urban Interface, Community Fire Protection and Rehabilitation measures; and

WHEREAS, the Board has an obligation to give effect to the _____; and

WHEREAS, the Curry County Sheriff’s Office has an obligation to protect the health, safety, and welfare of the residents and visitors of Curry County, and that existing State and local laws are not being routinely followed on Federally-managed forestlands in Curry County; and

WHEREAS, Federal laws (e.g. the National Environmental Policy Act, etc.) and regulations contain reciprocal requirements concerning cooperation, consultation and coordination by Federal agencies with state and local governments and such coordination and cooperation has not been forthcoming; and

WHEREAS, multiple-use management, timber sales, mineral utilization and livestock grazing have been curtailed to the point of causing greatly diminished health on our forests and have created catastrophic health, safety, welfare and economic effects to Curry County; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Curry County Board of Commissioners declares a State of Emergency and Disaster to exist in and around the communities and watershed both around and within the Rogue-Siskiyou National Forest and the Kalmiopsis Wilderness, including the Wildland Urban Interface areas identified as critical in the Curry County Community Wildfire Protection Plan.
2. The Curry County Board of Commissioners hereby formally demands that State and Federal officials take immediate action to eliminate hazardous conditions in and around the communities and watersheds in and around the Rogue-Siskiyou National Forest, the Kalmiopsis Wilderness, and any other Federally Managed land in Curry County, including the Wildland Urban interface areas identified as critical in the Curry County Community Wildfire Protection Plan
3. The Curry County Board of Commissioners invoking the inherent police powers of the state hereby formally gives notice to all relevant State and Federal officials that pursuant to its duty outlined above, after consulting with the State Forester and the Regional United States Forester, taking surveys, holding those public hearings as may be necessary and developing a plan to mitigate the effects of the disaster and as a county in which a disaster has been declared, we intend to unilaterally take such actions as are necessary to clear and thin undergrowth and to remove or log fire-damaged trees within the area of the disaster and to assess all attendant costs to those agencies charged with wise management of our forests and whose neglect has caused the dangerous conditions therein.
4. This Resolution shall be called immediately to the attention of the United States Secretary of Agriculture, Oregon Congressional Delegation, Oregon Governor Tina Kolen, the Oregon Legislature, the Oregon Department of State Lands and the Oregon Department of Emergency Management.
5. The Governor of the State of Oregon and the Oregon Department of Emergency Management are hereby called upon in the name of the State of Oregon to declare a State of Emergency and Disaster in Curry County and its national forests affected by threatened watersheds and air quality, high fire danger and catastrophic losses caused by wild fires and insect/pathogen infestation.

6. United States Forest Service personnel are hereby called upon to immediately respond to the communication, consultation and coordination with, and provide immediate notification to Curry County of all their activities, programs, planning, NEPA processes etc. within Curry County having as their object to abate fire, insect, and pathogen infestation, and dangers, support economic activities and contribute to the health, safety and welfare in Curry County, all within 30-days of passage of this resolution.
7. The Curry County Board of Commissioners calls upon the U.S. Department of Agriculture, U.S. Congress, the Oregon Legislature, and the Oregon Governor's office to immediately provide emergency funding to accomplish tree thinning, timber sales, dead tree removal, fuel-load reduction and livestock grazing to protect affected areas from catastrophic wildfire.
8. The Curry County Commission calls on State and Federal officials to immediately coordinate a meeting with Curry County officials to address the issues raised by this Resolution within 30-days of passage of this resolution.
9. The Curry County Board of Commissioners calls upon the U.S. Department of Agriculture and the U.S. Congress to conduct an investigation to determine why the requirements of County, State and Federal ordinances, laws and regulations are not being routinely followed in relation to public safety, recreation, wildfire and economic issues of Curry County forest lands and other federally managed lands.

DATED this ____ day of February, 2025. **BOARD OF CURRY COUNTY COMMISSIONERS**

Brad Alcorn, Chair

Approved as to Form:

Patrick Hollinger, Vice Chair

Michael E. Fitzgerald, OSB #950738
Curry County Legal Counsel

Jay Trost, Commissioner