



**Planning Commission Meeting Agenda  
Thursday, November 17, 2016; 5:30 PM  
County Annex, 94235 Moore Street/Blue Room, Gold Beach, Oregon**

- 1. Call to Order / Roll Call**
- 2. Pledge of Allegiance**
- 3. Adoption/minutes: 10.27.2016**
- 4. Agenda:**
  - 4A. Review of Article II - Procedures For Making Land Use Decisions Sections 2.050(b) Pre-Application meeting and 2.060 Administrative and Discretionary Application and County Response.
  - 4B. Review of Article VII - Conditional and Permitted Uses related to the addition of a template for a visual impact study for wind generated power facilities.
- 5. Commissioner Comments**
- 6. Director Comments**
- 7. Adjournment: no later than 8:00 PM**

**Curry County Planning Commission Meeting  
October 27, 2016 Minutes**

**Call to Order:** 5:30 P.M.

**Commissioners Present:** Vice Chair Brazil, Commissioners Kennedy (arriving at 5:40), St. Marie, Morrow, Freeman, McHugh (phone).

**Commissioners Absent:** Chair Boniface (Excused)

**Staff Present:** Community Development Director, Carolyn Johnson, Nancy Chester, Planner, Reily Smith, Surveyor

**Minutes:** **Commissioner Freeman** moved and **Commissioner St. Marie** seconded a motion to approve the January, February, March, April and June 2016 minutes. The motion carried unanimously and the minutes were approved. **Commissioner Morrow** moved and **Commissioner St. Marie** seconded a motion to approve the August 2016 minutes. Under discussion, **Commissioner Freeman** noted that had he been at the August 2016 Planning Commission meeting, he would have supported accessory dwelling units in the Forest Grazing zone. The motion carried unanimously with **Commissioners Freeman and McHugh** abstaining. The minutes were approved.

**Agenda Items:** Reviewed and discussed by the Commissioners, Staff and audience participated in the discussion on the following:

**Agenda item 4A: Review of draft Curry County Surveyor's suggested language for a new ordinance to establish standards and requirements for the review and approval of survey maps, partition plats, condominium plats, subdivision plats and property line adjustments.**

**Surveyor Smith** provided an overview of the draft suggested language. No members of the public spoke. After discussion, **Commissioner Freeman** moved to recommend Board of Commissioner authorization of the Surveyor's suggested language with two modifications, 1) replace the reference to the county treasurer to draft Article Eleven, Section 11.17.030(l)7 and 2) place in quotes the word Aliquot in 11.17.020c.

**Commissioner St. Marie** seconded the motion; the motion carried unanimously and the recommendation of the Planning Commission will be presented to the Board of Commissioners when they evaluate this matter.

**Agenda item 4B: Review of Article II - Procedures For Making Land Use Decisions.**

The focus of the discussion was regarding two matters, 1) the requirement for a pre-application meeting noted in Section 2.050(a). and 2) the requirement for a pre-application neighborhood meeting noted in Section 2.050(b).

**1) the requirement for a pre-application conference noted in Section 2.050(a).**

After a brief oral report by **Carolyn Johnson, Community Development Director**, the public comment period was opened and comment was provided by **Richard Weise** of Brookings who noted that the requirement was inconsistent with Section 2.060 which did not specify a requirement for a pre-application conference. **Mr. Weise** opposed the pre-application conference requirement. **Director Johnson** confirmed the inconsistency, and advised the Planning Commission some revision would be required to provide consistency between the two sections. After some discussion, the **Commissioner McHugh** moved to retain the language in Section 2.050(a) as currently worded. **Commissioner Morrow** seconded the motion. The roll call vote indicated three Commissioners supporting the current language (**McHugh, Morrow and Brazile**) and three Commissioners voting against the current language (**Kennedy, St. Marie, Freeman**). No other motion was made. **Director Johnson** indicated the matter will be shared with the Board of Commissioners for evaluation.

**2) the requirement for a pre-application neighborhood meeting noted in Section 2.050(b).**

After a brief oral report by **Carolyn Johnson, Community Development Director**, the public comment period was opened and comment was provided by **Richard Weise** of Brookings, speaking against the requirement for a pre-application neighborhood meeting. **Bret Curtis**, Realtor in Curry County, also spoke against the requirement. **Carl King**, of Nesika Beach presented an alternative to the proposed language that would simplify the requirement. After the close of the public hearing, the **Planning Commission** discussed the matter. **Commissioner McHugh** moved to revise the language to remove the “requirement” for the pre-application meeting and replace it with the word “recommend” and to end the text of the section at the conclusion of the second sentence of the first paragraph of the section. **Commissioner Morrow** seconded the motion. Upon the roll call vote, **Commissioners Brazil, Morrow** and voted for the motion. **Commissioners St. Marie, Kennedy and Freeman** voted against the motion. **Commissioner McHugh** declined to vote. The motion carried.

**Commissioner McHugh** asked that the Commission direct staff to develop options for consideration that would take into account the scale and use of the subject property for which a land use application would be proposed. **It was the consensus of the Planning Commission** for staff to bring to the November 17 Planning Commission meetings alternatives for the Planning Commission to consider related to Commissioner McHugh’s proposal.

The **Planning Commission** concurred not to undertake additional review of Agenda item C related to review of Zoning Ordinance Article III, Agenda item D related to Article VII and Agenda Item E related to Comprehensive Plan Chapter 7.

**Community Development Director Carolyn Johnson** asked that the Commission briefly look at the notation under Article VII related to increasing the size of structures

for cottage industries to 10,000 sq. ft. The reasoning behind the suggested alternative came from the many inquiries staff receives from the public for the County to offer a greater size of structure for cottage industry purposes. **The Commission** did not support a language revision to increase the structure size of 1,450 sq. ft. already reviewed by the Planning Commission in past meetings. **Director Johnson** noted the language as written would remain.

**Agenda Item 5. Commissioner Comments** – There were no Commissioner comments.

**Agenda Item 6. Director Comments – Community Development Director Johnson** advised the Planning Commission that the Board of Commissioners was scheduled to review the Zoning Code section amendments the Planning Commission has been reviewing in the past months. The Board review will be held on December 7, 2016. DLCD will be forwarded the draft revisions shortly. The Planning Commission meeting on November 17 will be the last meeting on the topics the Commission has been reviewing since March of 2016. Additional Zoning Code section updates for Planning Commission review are forthcoming in the near future.

**Adjournment:** 8:10 PM



## PLANNING COMMISSION AGENDA REPORT

**Meeting Date:** November 17, 2016

**Prepared by:** Carolyn Johnson, Community Development Director

**Agenda Items:**

**4A. Review of Article II - Procedures For Making Land Use Decisions Sections 2.050(b) Pre-Application meeting and 2.060 Administrative and Discretionary Application and County Response.**

**4B. Review of Article VII - Conditional and Permitted Uses related to the addition of a template for a visual impact study for wind generated power facilities.**

**Recommendation:** Accept presentation, open to the public, provide comments.

**Summary: 4A. Review of Article II - Procedures For Making Land Use Decisions.**

At the October 27, 2016 Planning Commission meeting, the Commission reached a determination to modify Section 2.050(b) to read in its entirety as follows:

**Section 2.050(b). Pre-application neighborhood meeting.**

An applicant sponsored neighborhood pre-application meeting is recommended prior to submitting a land use application to the County Community Development Department. The purpose of this meeting is to provide the neighborhood and interested parties, including the local fire district, with knowledge of the proposed development and/or land use, and/or comprehensive plan or zoning ordinance amendment and enable direct communication between all parties.

The Commission also directed the creation of some alternative language for the above for with consideration to development type and scale. Staff forwarded worksheets to each Planning Commissioner requesting individual Planning Commissioner thoughts on alternatives. Responses from the Commissioners have been tabulated resulting in limited consensus. The Commission should take a look at the tally of their responses (attached) and determine whether additional discussion is warranted.

As an alternative to developing a detailed list of permits and land uses for which conferral with neighboring property owners is specified, the following language is suggested.

**Section 2.050(b). Pre-application neighborhood meeting.**

*An applicant sponsored neighborhood pre-application meeting or communication with adjacent property owners may be is recommended or required by the Director prior to submitting a land use application to the Community Development Department. The purpose of this ~~meeting communication~~ is to would be to provide the neighborhood and interested parties, including the local fire district, with knowledge of the proposed development and/or land use, and/or comprehensive plan or zoning ordinance amendment and enable direct communication between all parties.*

**Application completeness – time frames**

The Commission also questioned the length of time the County has to deem an application complete. A revisit to Section 2.060 reveals that question is not addressed in the draft; language has been added as 2.060(2) in italic language and taken verbatim (with some numbering modifications) from ORS 215.427 Final action on permit or zone change application and refund of fees. 2.060(2) addresses completeness of applications, time limitations of the County to take action on requested permits and how refunds for application fees are to be handled.

**Section 2.060 Administrative and Discretionary Permit application and completeness.**

1. *Applications.* Applications shall be submitted on forms provided by the Director. An application shall be complete and include:
  - A. The information required on the application form
  - B. Plans and Exhibits as required for the specific approvals sought
  - C. A written statement or letter explaining how the application satisfies each and all the relevant Zoning Ordinance criteria and standard in sufficient details
  - D. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
  - E. The required fee.

F. An applicant signature confirming that the information submitted is complete and correct.

G. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable.

H. Any other information deemed pertinent by the Director to determine the land use application adequate for a comprehensive review.

2. *Completeness. The Director shall date stamp the date of submission on application materials. Except as provided in subsections (3), (5) and (10) of this section, the County shall take final action on an application for a permit within an urban growth boundary, limited land use decision or zone change, including resolution of all appeals under ORS (215.422 (Review of decision of hearings officer or other authority)), within 120 days after the application is deemed complete. The County shall take final action on all other applications outside an urban growth boundary for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422 within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section. If an application for a permit, limited land use decision or zone change is incomplete, the County shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the County of:*

*(a) All of the missing information;*

*(b) Some of the missing information and written notice from the applicant that no other information will be provided; or*

*(c) Written notice from the applicant that none of the missing information will be provided.*

3.(a) *Standards on which application review will be based. If the application was complete when first submitted or the applicant submits the requested additional information as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the County has a comprehensive plan and land use regulations acknowledged under ORS 197.251 (Compliance acknowledgment), approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*

3.(b) *Industrial or traded section development. If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.*

4. *Void application. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:*

- (a) All of the missing information;*
- (b) Some of the missing information and written notice that no other information will be provided; or*
- (c) Written notice that none of the missing information will be provided.*

5. *Extension of 120 or 150 days. The 120 or 150 day period set in subsection (2) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.*

6. *120 or 150 day extension applicability. The 120 or 150 day period set in subsection (2) of this section applies:*

- (a) Only to decisions wholly within the authority and control of the governing body of the County; and*
- (b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (Procedures prior to request of an enforcement order) (2)(b).*

7. *When the 120 or 150 day extension rule does not apply. Notwithstanding subsection (6) of this section, the 120 or 150 day period set in subsection (2) of this section does not apply to a decision of the County making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610 (Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development).*

8. *Refund of application fees. Except when an applicant requests an extension under subsection (5) of this section, if the County does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the County shall refund to the applicant, subject to the provisions of subsection 9. of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.*

9. *A County may not compel an applicant to waive the period set in subsection (2) of this section or to waive the provisions of subsection (8) of this section or ORS 215.429 Mandamus proceeding when County fails to take final action on land use applications within specified time as a condition for taking any action on an application*

*for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.*

10. *The periods set forth in subsection (2) of this section and the period set forth in subsection (5) of this section may be extended by up to 90 additional days if the applicant and the county agree that a dispute concerning the application will be mediated.*

#### **4B. Review of Article VII - Conditional and Permitted Uses related to the addition of a template for a visual impact study for wind generated power facilities.**

The new draft Conditional Use Permit Section includes standards and regulations related to Commercial Utility facilities, including Wind Power Generation Facilities. Section 23.(b)(6) criteria addresses how to minimize the visual impact of these facilities. The text previously provided to the Planning Commission did not include language specific to the requirement for a Visual impact study or lighting around the proposed wind generating facility. The language **below** now includes references to these specifics. Planning Commission review and comment is requested.

#### 23. Commercial Utility Facilities

##### b) Wind Power Generation Facility in Resource Zones.

(6) Minimize visual impact. The proposed wind energy project must be designed to minimize visual impact. A Visual impact study shall be prepared by a licensed landscape architect to assess the proposal and provide recommendations on how the project could be designed and/or positioned to minimize the project's visual impact and access thereto; a recommended resource for the Study is the May, 2011 CESA State Clean Energy Program guide outlining a Visual Impact Assessment Analysis for Wind Energy projects. The Additionally, the design of the proposed project is subject to the following:

(a) Underground electric collection lines (transmission lines that connect each turbine to a substation).

(b) Turbine towers of uniform design, color and height.

(c) Minimum lighting necessary for safety and security purposes **that is shielded from public view** in addition to aviation warning lights required by federal or state law as a part of the proposed wind energy project permitting application.

(d) Appropriate techniques to prevent casting glare from the on-site area lighting.

(e) Use of existing roads to provide access to the site, or if new roads are needed, minimizing the amount of land used for new roads and locating roads to reduce visual impact and other adverse environmental impacts such as erosion.

(f) Use of existing substations, or if new substations are needed, minimizing the number of new substations.

On Resource zoned property - Forest Grazing/Timber/Agricultural/Exclusive Farm Use		
Land Use application	RECOMMEND Neighborhood Pre-application consultation?	REQUIRE Neighborhood Pre-application consultation? Yes or No. If yes, type of consult? Option A- Extensive requirements (like the PC Oct 13 draft noted) or Option B - Signed statement of applicant has reviewed proposal with adjacent neighbors
One Conditional Use Permit No consensus	Yes Yes No  No 2 recommend neighborhood pre-application consultation, one of these with Option B. 2 do not recommend or wish to require. 1 would require with Option B.	NA B NA Yes - B
More than One Conditional Use Permit on a property No consensus	Yes Yes No Yes Yes 1 would recommend but does not specify notification. 2 would recommend with Option A 1 would recommend with Option B 1 would not recommend or require	NA A NA A B
Subdivision No consensus	Yes Yes Yes 3 would recommend, of these, one would require A and one would require B. 2 would require with A.	NA A B Yes – A Yes - A
One Variance No consensus	Yes Yes No  No 1 would recommend 1 would recommend with Option B 1 would not recommend 1 would not require	NA B NA No

<p>More than One Variance  <b>No consensus</b></p>	<p>Yes  Yes  No    Yes  3 would recommend with one having no preference for neighbor notification, one preferring option A and one preferring option B  1 would not recommend or require  1 would require with Option A</p>	<p>NA  A  NA  Yes – A  B</p>
<p>Zoning Ordinance amendment, text or map  <b>No consensus</b></p>	<p>Yes  Yes  No  2 would recommend, one with no preference on notification and one with Option A  1 would not recommend or require  2 would require with Option A</p>	<p>NA  A  NA  Yes – A  Yes - A</p>
<p>Comprehensive Plan amendment, text or map  <b>No consensus</b></p>	<p>Yes  Yes  No  2 would recommend, one with no preference for notification and one with Option A  1 would not recommend or require  2 would require with Option A.</p>	<p>NA  A  NA  Yes – A  Yes - A</p>
<p>Others?  (examples, combinations of the above?)  <b>No consensus</b></p>	<p>0  Yes  NA    NA  3 no answer  1 recommend with option A  1 require with any combination of permits</p>	<p>NA  A  NA  Yes – any combination</p>

On Non-Resource Residentially zoned property		
Land Use application	RECOMMEND Neighborhood Pre-application consultation?	REQUIRE Neighborhood Pre-application consultation? Yes or No If yes, type of consult? Option A- Extensive requirements (like the PC Oct 13 draft noted) or Option B - Signed statement of applicant has reviewed proposal with adjacent neighbors
One Conditional Use Permit No consensus	Yes Yes No  No 2 recommending, one of these with Option A 2 not recommending or requiring 1 requiring with option A	NA A NA Yes - A
More than One Conditional Use Permit on a property No consensus	Yes Yes No 2 recommending, one of these with Option A 1 neither recommending or requiring 2 requiring, one with A and one with B	NA A NA Yes - A Yes - B
Subdivision No consensus	Yes Yes No 2 recommending, one with no preference and one with Option A 1 neither recommending or requiring 2 requiring with option A	NA A NA Yes - A Yes - A
One Variance No consensus	Yes Yes No No 2 recommending, one with Option B the other with no preference 2 neither recommending or requiring 1 no response	NA B NA No

<p>More than One Variance  Majority recommending, but differences in notification.</p>	<p>Yes  Yes  No    Yes  3 recommending, one with no preference, one with Option A and one with Option B  1 neither recommending or requiring  1 requiring with option A</p>	<p>NA  A  NA  Yes – A  B</p>
<p>Zoning Ordinance amendment, text or map  Majority recommend but with different notification requirements.</p>	<p>Yes  Yes  Yes  3 recommending, one no preference, one option A and one option B.  2 requiring – Option A</p>	<p>NA  A  B  Yes – A  Yes - A</p>
<p>Comprehensive Plan amendment, text or map  No consensus</p>	<p>Yes  Yes  No  2 recommending, one with no notification preference and one with option A.  1 neither recommending or requiring  2 requiring with option A</p>	<p>NA  A  NA  Yes – A  Yes - A</p>
<p>Others?  (examples, combinations of the above?)  No consensus</p>	<p>0  Yes  NA    1 recommending with Option A  1 requiring</p>	<p>NA  A  NA  Yes – any combination  NA</p>

On Commercial and Industrial property		
Land Use application types	Recommend Neighborhood Pre-application consultation? Yes or No	Require Neighborhood Pre-application consultation? Option A Extensive requirements (like the PC Oct 13 draft noted) or Option B Signed statement of applicant has reviewed proposal with adjacent neighbors
Conditional Use Permit – one use No consensus	Yes Yes No  No 2 recommending, one with preference for option A 1 neither recommending or requiring 2 requiring with option B	NA A NA Yes - B
Conditional Use Permit – more than one use Similar with 4 recommending but with different options.	Yes Yes Yes  Yes 4 recommending, one with no notification preference, one with option A and two with option B. 1 requiring with option A.	NA A B Yes – A B
Lot line adjustment Similar with 3 recommending but with different options.	Yes Yes No  Yes 3 recommending, one no notification preference, two with option B. 1 neither recommending or requiring 1 requiring with option B	NA B NA Yes – B B
Subdivision No consensus	Yes Yes No 2 recommending, one with no notification preference and one with option A 1 neither recommending or requiring 2 requiring with option A	NA A NA Yes – A Yes - A

Variance Similar with 3 recommending but with different options.	Yes Yes No  Yes 3 recommending, one with no notification preference and two with Option B 2 neither recommending or requiring	NA B NA No B
More than one Variance Similar with 4 recommending but with different options.	Yes Yes Yes  Yes 4 recommending with various notification options selected 1 required with option A	NA A B Yes – A B
Zoning Ordinance amendment, text or map Similar with 3 recommending but with different options.	Yes Yes Yes 3 recommending with various notification options 2 requiring with option A	NA A B Yes – A Yes - A
Comprehensive Plan amendment, text or map Similar with 4 recommending but with different options.	Yes Yes Yes 3 recommending with various options 2 requiring with option A	NA A B Yes – A Yes - A
Others: (examples, combinations of the above?) No consensus	Yes Yes NA NA 2 recommending with various options 1 requiring with option B 1 requiring with any combination	NA A B Yes – any combination NA