



# CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES

## PLANNING DIVISION

COURTHOUSE ANNEX • 94235 MOORE STREET • PO BOX 746 • GOLD BEACH, OREGON 97444

**David J. Pratt, AICP**  
Director

Phone (541) 247-3284  
FAX (541) 247-4579

(2)

A-1002 / DR 1001

FOR OFFICE USE ONLY

DATE RECEIVED:

RECEIVED  
OCT 07 2010

### NOTICE OF APPEAL

This is a request to appeal the following decision by Curry County

BY:  \_\_\_\_\_

Land Use Decision by the Curry County Planning Commission

Land Use Decision by the Planning Director

### DECISION INFORMATION

Decision Date: September 23, 2010 Application File #: DR-1001

Applicant Name(s): James A Crook / Crook Family LLC

### APPELLANT INFORMATION

**STANDING:** I have standing because (check one):

I am the applicant or agent of the applicant

I participated in the decision orally at the hearing or with written testimony

I represent an agency that is affected by the decision and have standing through participation in the hearing process

**Appellant Name(s), address, telephone, email:**

Oregon Shores Conservation Coalition  
PO Box 33  
Seal Rock, Oregon 97376  
(503) 238-4450  
orshores@teleport.com

Oregon Coast Alliance  
PO Box 5464  
Charleston, Oregon 97420  
(503) 391-0210  
thehomecountry@onemain.com

**NOTE:** An appeal of a decision will be heard by the appeals body specified in the relevant ordinance as a de novo (or entirely new) hearing. Appeals must be filed within the appeal period specified following the initial decision to be considered by the appeals body. The required fee, in currency or negotiable instrument must accompany this notice in order for it to be accepted as an appeal by the county.

**ADDENDUM TO APPEAL NOTICE  
OREGON COASTAL ALLIANCE  
OREGON SHORES  
DR-1001**

Appellants are parties of record having provided testimony, orally and in writing, during the Planning Commission hearing process. ORCA's prior comments of August 11<sup>th</sup>, 25<sup>th</sup> and September 2, 2010 and Oregon Shores' prior comments of August 12<sup>th</sup>, 25<sup>th</sup>, and September 2, 2010 form the basis for this appeal. Those comments raise arguments in sufficient detail to allow the County to respond. The following points of appeal are a summary and the appeal includes, but is not limited to, the issues identified below.

**1. CCZO 4.082(5)**

The record states that some clearing has already occurred in areas which will become fairways for the golf resort. This clearing constitutes development and violates this provision of the zoning ordinance.

Condition of approval 20 allowing on-site construction and development activities prior to Final Master Plan approval, including site preparation and grading for the approved golf course, building pads and construction of private and public infrastructure facilities including but not limited to water (potable and for fire protection facilities), sanitary sewer, irrigation, storm water facilities and on- and off-site roadway improvements, violates this provision of the ordinance.

**2. CCZO 4.083(5)(a)**

The application does not provide a detailed estimate of water demands for maximum build out.

**3. CCZO 4.083(5)(b)**

The applicant has failed provide information on whether it is feasible to provide water sufficient to supply the needs of the proposed resort. There is no evidence that domestic water, irrigation water, or water for fire suppression is available.

**4. CCZO 4.083(5)(c & d)**

The application does not contain a Water Conservation Plan or a Low Impact Development Plan sufficient to satisfy these provisions.

**5. CCZO 4.083(6)**

The application's failure to identify adequate water sources for this proposed project invalidates the proposed fire suppression plan.

**6. CCZO 4.083(11)**

The application does not provide an explanation of how the homeowners' association and common areas will be maintained in perpetuity.

**7. CCZO 4.083(16)**

The application does not demonstrate that the proposed erosion and sediment control plan complies with CCZO 3.300 and other applicable code provisions.

The application fails to demonstrate that the resort can comply with DEQ standards to obtain needed 1200 C and 1200 Z permits.

The application fails to demonstrate that the proposal can comply with DSL and Army Corps of Engineers wetlands fill permits.

**8. CCZO 4.083(18)**

The economic study submitted with the application fails to provide an analysis of projected impacts.

**9. CCZO 4.083(20)**

The application does not demonstrate that the proposed geologic hazard overview complies with the applicable provisions of the CCZO.

**10. CCZO 4.083(21)**

The application does not demonstrate how the development will avoid violating ORS 97.740. The record does not show that the applicants have taken account of the existence of Native American artifacts and the presence of a historic pioneer trail on the subject property.

**11. CCZO 4.085(1)(c)**

The application fails to identify how any open space will be permanently protected.

**12. CCZO 4.085(3)(a)**

The Fish and Wildlife Habitat information submitted in support of the application is inadequate to identify wildlife habitat or provide an estimate of habitat or important natural features that must be retained. The applicants have not demonstrated that they can control predatory and invasive species in and around the subject property. Agreements with the Oregon Islands National Wildlife Refuge do not demonstrate compliance with this and related sections of the CCZO.

**13. CCZO 4.085(3)(b)**

The application does not address adverse impacts to adjacent uses from proposed surface water withdrawals. The application fails to demonstrate that avoidance of adverse impacts to adjacent uses is not possible or that proposed mitigation measures will adequately protect adjacent uses.

**14. CCZO 4.085(3)(g)**

The applicant's hazard overview map is inconsistent with the County's own adopted hazard areas maps.

**15. CCZO 4.085(3)(h)**

The hazards overview does not adequately identify shorelands or demonstrate how hazards will be avoided. The application fails to address all applicable comprehensive plan provisions or demonstrate that compliance with comprehensive plan provisions is feasible.

**16. Transportation**


The application has proposed to make changes to Highway 101. These plans require further public hearings and no provision for those hearings have been made.

**17. Appeal Fee**

Oregon Shores and Oregon Coastal Alliance protest the appeal fee pursuant to CCZO 2.170(8).

RECEIVED  
OCT 07 2010

KENNETH D. HELM  
ATTORNEY AT LAW

BY: -----

16289 NW MISSION OAKS DRIVE  
BEAVERTON, OR 97006

TELEPHONE  
503-753-6342

E-MAIL  
kmhelm@comcast.net

Mr. David Pratt, Planning Director  
Curry County Dept. of Public Services  
Courthouse Annex  
P.O. Box 746  
94235 Moore St.  
Gold Beach, OR 97444

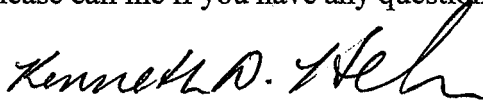
October 6, 2010

Re: Notice of Appeal of Curry County Planning Commission approval of DR 1001.

Mr. Pratt:

Enclosed is a Notice of Appeal of the Planning Commission's approval, on September 23, 2010, of the Crook Point Tentative Master Plan, case file DR-1001, and an Addendum to the Notice of Appeal identifying the primary issues raised at the public hearings below which provide the basis for this appeal. Also enclosed is the required appeal fee of \$1,842.00 as specified in the Notice of Planning Commission Decision.

Please call me if you have any questions regarding the Notice of Appeal.



Kenneth D. Helm, OSB #955170