



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

November 9, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Curry County Plan Amendment
DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 27, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
David J. Pratt, Curry County

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2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
STAMP
DEPT OF
NOV 07 2006
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: Curry County Local file number: _____

Date of Adoption: 11/2/2006 Date Mailed: 11/3/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 1/24/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To allow 2.0 acre parcels/lots in the Curry County Rural Residential (RR) zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".

Criteria for conceptual plan, water source, Goal 14, and septic were added.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: County wide Acres Involved: _____

Specify Density: Previous: 10 or 5 acre minimum New: 2 acre minimum

Applicable Statewide Planning Goals: 1, 2, 10, 12, and 14

Was and Exception Adopted? YES NO

DLCD File No.: 002-06 (14956)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, Cities of Brookings, Gold Beach, and Port Orford, DSL, Parks, ODFW, & DEQ

Local Contact: **David J. Pratt, AICP** Phone: **(541) 247-3304** Extension: _____
Address: **P.O. 746** City: **Gold Beach**
Zip Code + 4: **97444-** Email Address: **prattd@co.curry.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 **green paper only**; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of Text Amendments)
To the Curry County Comprehensive) ORDINANCE NO. 06-08
Plan to Allow Two Acre Lots or Parcels)
In the Rural Residential Zone)

The Curry County Board of Commissioners ordains as follows:

Section 1: Findings

1. These amendments to the Curry County Comprehensive Plan Ordinance were initiated by the Board of Commissioners for the purpose of allowing two acre lots or parcels in the Rural Residential (RR) Zone.
2. Notice of the proposed amendments was forwarded to the Department of Land Conservation and Development (DLCD) on January 24, 2006.
3. The Board of Curry County Commissioners held public hearings on the amendments on April 18, 2006, June 7, 2006, July 17, 2006, September 5, 2006, September 28, 2006, October 16, 2006, and November 2, 2006. In addition, the Board of Curry County Commissioners held a work session with the Curry County Planning Commission on June 5, 2006, to discuss the proposed amendments.
4. Currently, the Rural Residential Zone has a minimum lot/parcel size of either 5 or 10 acres.
5. Under the proposed text amendments to the Curry County Comprehensive Plan and Zoning Ordinance, to change the minimum lot size from either 5 or 10 acres to 2 acres, an application for a zone change and for a Statewide Goal 2 (Land Use Planning) exception to Goal 14(Urbanization) would have to be filed and approved by the Board of Curry County Commissioners.

Section 2: Amendment

The Curry County Comprehensive Plan Ordinance (Ordinance 82-1, and its subsequent amendments) is amended as shown in Attachment "A" that is incorporated by reference.

CURRY COUNTY, GOLD BEACH, OR FEE \$0.00
RENEE KOLEN, COUNTY CLERK

11/02/2006 #2006-C-488
02:55:43PM 1 OF 5

Section 3: Severance Clause

If any section, subsection, sentence, clauses or phrases of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4: Effective Date:

Consistent with ORS Chapters 197 and 215, this ordinance shall take effect upon its passage.

Dated this 2nd day of November, 2006.

CURRY COUNTY BOARD OF COMMISSIONERS

OPPOSED

Lucie LaBonté, Chair

Marlyn Schafer

Marlyn Schafer, Vice Chair

Ralph H. Brown

Ralph H. Brown, Commissioner

Approved as to Form:

M. Gerard Herbage

M. Gerard Herbage
Curry County Counsel

Cherilyn Chester

Recording Secretary

Effective Date: 11/2/2006

ATTACHMENT A

AMENDMENTS TO THE CURRY COUNTY COMPREHENSIVE PLAN

The following text replaces the policies to Goal 14 (Urbanization) of the *Curry County Comprehensive Plan* to allow 2.0 acres lots/parcels in the Rural Residential (RR) zone.

Added text is in **bold**;

Deleted text is ~~struck through~~.

1. Curry County defines "rural uses" as those uses which are located outside of urban growth boundaries including non-urban agriculture, forestry, open space, sparse settlement, small farms or acreage homesites with no or hardly any public services.
2. Curry County defines "urban uses" as those *which* are high intensity residential, commercial or industrial uses located inside urban growth boundaries, or outside urban growth boundaries where an exception to Goal 14 has been justified.
3. Curry County recognizes the urban growth boundaries of Port Orford, Gold Beach and Brookings and the mutually adopted Management Agreements for these areas.
4. The county will work to coordinate with the respective cities with regard to land use decisions affecting the urban growth areas.
5. The county will cooperate with the respective cities to review the established urban growth boundaries at the time of periodic review of the comprehensive plan. Such review will be based upon consideration of the following:
 - a) demonstrated need to accommodate long-range urban population growth requirements;
 - b) need for housing, employment opportunities, and livability;
 - c) orderly and economic provision for public facilities and services;
 - d) maximum efficiency of land uses within and on the fringe of the existing urban area;
 - e) environmental, energy, economic and social consequences;
 - f) retention of agricultural land, with class I being the highest priority for retention and class VI the lowest;

- g) compatibility of the proposed urban uses with nearby agricultural activities.
6. Curry County recognizes the rural communities of the county as an additional *type* of development in the county and has determined boundaries for these communities based on the existing land use in the community and the requirements for a Goal 2 exception to Goal 14.
 7. Curry County recognizes rural lands in the county and seeks to retain the rural character of these lands by limiting the development of these lands through rural zoning which will retain the rural character of these areas as reflected in the existing lot size pattern.
 8. Curry County has zoned the lands located within the various urban growth areas for urban use and these urban land use zones shall not be applied to lands lying outside of a defined urban growth boundary.
 9. Curry County has zoned lands located within the rural communities for either urban use or rural use based on Goal 2 exceptions to Goal 14 for the areas zoned for urban uses; the urban use zones Rural Industrial (RI), Rural Commercial (RC), Rural Resort Commercial (RRC) and Rural Community Residential (RCR-1 and RCR-2.5) shall not be applied to areas presently zoned for rural use unless a Goal 14 exception is approved by the county.
 10. Curry County has zoned lands located within the various rural land exception areas for Rural Residential (**RR-2, RR-5, and RR-10**) use which limits rural residential development to dwellings on existing parcels and the development of new parcels at a density of **2-acre, 5 acre or 10 acre** minimum lot sizes. **Rural Residential-Two (RR-2) shall not be applied to areas presently zoned for rural use unless a Goal 14 exception is approved by the county. A zone change from RR-10 or RR-5 to RR-2 shall only be permitted in Rural Land Exceptions areas existing as of February 13, 1989 that are not within a current Urban Growth Boundary.**
 11. Curry County recognizes that rural residential development in the Floras Lake area (Rural Lands Exception Areas 1 and 2) are unique because of the existence of the Pacific City Town Plats, therefore, development in these exception areas will be limited to one dwelling unit per contiguous ownership of record (all contiguous platted lots in single ownership) and further divisions of land will be limited to a 5 acre minimum lot size.
 12. Curry County will limit commercial and industrial uses on rural lands to no more than a total of three separate commercial or industrial uses

on a single parcel presently zoned for such use; and not allow the rezoning of land to permit more than a total of three separate commercial or industrial uses within a single rural exception area excluding rural communities.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of Text Amendments)
to the Curry County Zoning Ordinance) ORDINANCE NO. 06-09
to Allow Two Acre Lots or Parcels)
in the Rural Residential Zone)

The Curry County Board of Commissioners ordains as follows:

Section 1: Findings

1. These amendments to the Curry County Zoning Ordinance were initiated by the Board of Commissioners under the provisions of Curry County Zoning Ordinance (CCZO) Section 9.010 for the purpose of allowing two acre lots or parcels in the Rural Residential (RR) Zone.
2. Notice of the proposed amendments was forwarded to the Department of Land Conservation and Development (DLCD) on January 24, 2006.
3. The Board of Curry County Commissioners held public hearings on the amendments on April 18, 2006, June 7, 2006, July 17, 2006, September 5, 2006, September 28, 2006, October 16, 2006 and November 2, 2006. In addition, the Board of Curry County Commissioners held a work session with the Curry County Planning Commission on June 5, 2006, to discuss the proposed amendments.
4. Currently, the Rural Residential Zone has a minimum lot/parcel size of either 5 or 10 acres.
5. Under the proposed text amendments to the Curry County Comprehensive Plan and Zoning Ordinance, to change the minimum lot size from either 5 or 10 acres to 2 acres, an application for a zone change and for a Statewide Goal 2 (Land Use Planning) exception to Goal 14(Urbanization) would have to be filed and approved by the Board of Curry County Commissioners.

Section 2: Amendment

The Curry County Zoning Ordinance of 1994 (as amended) is further amended as shown in Attachment "A" that is incorporated by reference.

Section 3: Severance Clause

If any section, subsection, sentence, clauses or phrases of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4: Effective Date:

Consistent with ORS Chapters 197 and 215, this ordinance shall take effect upon its passage.

Dated this 2nd day of November, 2006.

CURRY COUNTY BOARD OF COMMISSIONERS

OPPOSED

Lucie LaBonté, Chair

Marlyn Schafer

Marlyn Schafer, Vice Chair

Ralph H. Brown

Ralph H. Brown, Commissioner

Approved as to Form:

M. Gerard Herbage
M. Gerard Herbage
Curry County Counsel

Unanoy Chester
Recording Secretary

Effective Date: 11/2/2006

ATTACHMENT A

TEXT AMENTMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text replaces *Curry County Zoning Ordinance Section 3.083*.

Added text is in **bold**;

Deleted text is ~~struck through~~.

Section 3.083. Lot Size and Dwelling Density.

The RR zone has minimum lot sizes of **2, 5, and 10** acres which are applied according to policies in the comprehensive plan. Changes in minimum lot size designation from 10 to 5 acres shall only be approved by the ~~Commission~~ **Board** when found to be in compliance with the policies related to the urbanization element of the Curry County Comprehensive Plan and upon a determination that all proposed lots are adequate for proper sewage disposal and have a suitable source of water for residential use.

Changes in minimum lot size in from 10 or 5 acres to 2 acres shall only be approved by the Board for land within a Rural Residential zoning designation if the proposed development on the subject property:

1. **Was within a Rural Exceptions area as of February 13, 1989; and**
2. **Is not currently within an Urban Growth Boundary; and**
3. **Is found to be in compliance with the policies related to the urbanization element of the Curry County Comprehensive Plan; and**
4. **Is not applied to areas presently zoned for rural use unless a ~~Goal 14~~ an exception to Statewide Goal 14 (Urbanization) is approved by the County; and**
5. **Demonstrates that:**
 - a. **Rural uses, density, and public facilities and services are compatible with and will not commit adjacent or nearby resource land to non-resource use; or**
 - b. **The plan and zoning designations limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; and**

6. Has a conceptual development plan showing the number of lots or parcels; the location of lot or parcel lines; and proposed road and access connections.

Prior to approval for division of land, the proposed development shall:

7. Demonstrate compliance with an approved conceptual plan; and
8. Have an approved septic site evaluation for each proposed lot or parcel and
9. Have suitable source of water for each proposed lot or parcel, accompanied by any required water rights and meeting the following standards:
 - a. **Water Source.** Each proposed dwelling, parcel, lot, or place of public occupancy shall be served by one of the following water sources:
 - i. A new or existing well or improved spring.
 - ii. An existing well or improved spring that currently serves one or two other dwellings. The applicant shall secure an easement to supply water from the owner of the land on which the water source is located and to permit the maintenance of all physical improvements of the water system. Such easement shall be reviewed and approved by the County Sanitarian.
 - iii. An existing public water system, if authorized by the water system's representative.
 - iv. A new or expanded community water system, if approved pursuant to this code, and determined to be in conformance with the standards and plan specifications for water systems by the County Sanitarian and Contract County Engineer. Expansion of any new community water systems shall provide sufficient fire flows determined to be necessary by the district's fire chief in accordance with the Uniform Fire Code, as adopted by the District and the County.
 - v. Testing well pump test production shall be performed between July 15th and October 15th.
 - b. **Water Well Standards.** If a well is proposed for single or group domestic water system, the applicant shall submit the following evidence that the well yields a minimum flow of 500 gallons per day of microbiologically safe water for each dwelling, lot, or parcel:

- i. A well log, if available, prepared by a licensed well driller and filed with the State Watermaster indicating the well is a drilled, cased well.
 - ii. A water quality test prepared by an approved testing laboratory showing that the well meets the Environmental Protection Agency (EPA) standards for coliform bacteria and nitrates.
 - iii. A current certified production report prepared in accordance with state statutes and Oregon Administrative Rules (OAR 690-217).
 - iv. A pump test conducted in accordance with OAR 690-217.
- c. **Spring Standards.** If a spring is proposed to be used as a water source, the applicant shall design and construct improvements to protect the spring from contamination and to collect the water for distribution. This shall be done as follows:
- i. A professional engineer and/or hydrologist shall conduct a survey of the area surrounding the spring and collect samples of the spring water.
 - ii. A water quality test prepared by an approved testing laboratory showing that the well meets the Environmental Protection Agency (EPA) standards for coliform bacteria and nitrates.
 - iii. The professional engineer and/or hydrologist shall advise the applicant what measures are necessary to ensure water quality.
 - iv. The applicant shall implement the measures recommended in subsection iii.
- d. **Public Water System Standards.** If a public water system is proposed, the applicable standards of the Oregon State Statutes (ORS) and Oregon Administrative Rules shall apply.
- e. Nothing in this section is intended to conflict with ORS 537.505, et. seq., and the provisions of state law shall apply and prevail as applicable to any actual or intended groundwater use.