



#### Department of Land Conservation and Development

635 Capitol Street, Suite 150 Salem, OR 97301-2540 (503) 373-0050 Fax (503) 378-5518 www.lcd.state.or.us



# NOTICE OF ADOPTED AMENDMENT

03/09/2011

TO: Subscribers to Notice of Adopted Plan

or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Curry County Plan Amendment

DLCD File Number 001-10

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: Monday, March 21, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. No LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: David Pratt, Curry County

Jon Jinings, DLCD Community Services Specialist

Dave Perry, DLCD Regional Representative



# **E2** DLCD Notice of Adoption Working Days after the Fi

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

| ,      | In person electronic mailed |
|--------|-----------------------------|
| A<br>T | DED                         |
| E      | DEPT OF                     |
| TLAN   | MAR 0 2 2011                |
| M<br>P | NO CONSERVATION Only        |

| NAME OF TAXABLE PARTY O  |   |                         |  |  |  |  |
|---|---|-------------------------|--|--|--|--|
| Jurisdiction: Curry County  | Local file number: CP-1                               | 1001                    |  |  |  |  |
| Date of Adoption: 02/23/2011  | Date Mailed: 02/28/201                                | Date Mailed: 02/28/2011 |  |  |  |  |
| Was a Notice of Proposed Amendment (Form  | 1) mailed to DLCD? Xes                                | No Date: 12/08/2009     |  |  |  |  |
|   | Comprehensive Pla                                     | n Map Amendment         |  |  |  |  |
| ☐ Land Use Regulation Amendment   | Zoning Map Amend                                      | Zoning Map Amendment    |  |  |  |  |
| New Land Use Regulation   | Other:  | Other:                  |  |  |  |  |
| Summarize the adopted amendment. Do no  | ot use technical terms. Do not wri                    | te "See Attached".      |  |  |  |  |
| Certain policies in Curry County Comprehensi<br>Chapter 14 – Urbanization, were amended un<br>language in the "City of Brookings and Curry<br>Agreement" dated June 30, 2010.   | der Curry County Ordinance 11-0                       | 1 to reflect new        |  |  |  |  |
| The proposed amendments to the Comprehen Facilities Plan for the Brookings Urban Area.  |   | n of a new Public       |  |  |  |  |
| Does the Adoption differ from proposal? Yes   | s, Please explain below:                              |                         |  |  |  |  |
| The Curry County Board of Commissioners d<br>Urban Area.  | id not adopt the Public Facilities P                  | lan for the Brookings   |  |  |  |  |
| Plan Map Changed from: <b>N/A</b>   | to: N/A   |                         |  |  |  |  |
| Zone Map Changed from: N/A  | to: N/A   |                         |  |  |  |  |
| Location: N/A   | Acr   | res Involved: N/A       |  |  |  |  |
| Specify Density: Previous: N/A  | New: N/A  |                         |  |  |  |  |
| Applicable statewide planning goals:  |   |                         |  |  |  |  |
| 1 2 3 4 5 6 7 8 9 1<br>\[ \times \time | $\begin{array}{c ccccccccccccccccccccccccccccccccccc$ | 17 18 19                |  |  |  |  |
| Was an Exception Adopted? ☐ YES ☒ NO  |   |                         |  |  |  |  |
| Did DLCD receive a Notice of Proposed Ame   | endment   |                         |  |  |  |  |
| 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              |  |  |  |  |

| DLCD file No.   |  |
|---|--|
| Please list all affected State or Federal Agencies, Local Governments or Special Districts: |  |

City of Brookings, Harbor Sanitary District, Harbor Water PUD, Harbor Rural Fire Protection District and Camellia Park Sanitary District

Local Contact: David Pratt Phone: (541) 247-3228 Extension: N/A

Address: P.O. Box 746 Fax Number: 541-247-4579

City: Gold Beach Zip: 97444 E-mail Address: prattd@co.curry.or.us

# **ADOPTION SUBMITTAL REQUIREMENTS**

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

- 1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
- 2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
- 3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
- 4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
- 5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
- 6. In addition to sending the Form 2 Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
- 7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
- 8. Please mail the adopted amendment packet to:

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

9. Need More Copies? Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

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

| In the Matter of Adoption        | ) |              |       |
|----------------------------------|---|--------------|-------|
| Of Revisions to the Curry County | ) | ORDINANCE NO |       |
| Comprehensive Plan Regarding     | ) |              | 11-01 |
| The City of Brookings and Curry  | ) |              |       |
| County Urban Growth Area Joint   | ) |              |       |
| Management Agreement             | ) |              |       |

The Curry County Board of Commissioners ordains as follows:

# Section 1: Findings

- A. A series of public hearings were held before the County and City of Brookings Planning Commissions in 2009 and 2010 to receive comments from the general public for the purpose of updating the City of Brookings and Curry County Urban Growth Area Joint Management Agreement (JMA) of January 21, 2001. Both written and oral testimony were received and recommendations for updating the 2001 JMA were formulated and forwarded to the Curry County Board of Commissioners and the Brookings City Council for consideration.
- B. After holding a joint public hearing and approving a revised JMA, the Brookings City Council and the Curry County Board of Commissioners entered into a revised JMA on June 30, 2010.
- C. The revised JMA of June 30, 2010, requires that the comprehensive plan policies that are contained in the JMA be incorporated into the County and City of Brookings comprehensive plans within 180 days of the adoption of the JMA.
- D. The amendments to the Curry County Comprehensive Plan that are required to be incorporated involve: Agricultural Lands (Goal 3) Policies No. 10, 11, 12 and 13 and Urbanization (Goal 14) Policy No. 14. The amendments are attached hereto and incorporated by reference to this ordinance. The proposed amendments reflect the adopted changes to the policies related to the conversion of urbanizable land to urban land within the UGA as required in the JMA dated June 30, 2010.

- E. Following published notice as required by law, the Board of Curry County Commissioners held a public hearing on January 31, 2011, to consider this ordinance. The Board then held the record open until February 9, 2011, to allow for additional written public comment. It then reconvened on February 23, 2011, for deliberation and adoption of this ordinance.
- F. It was proposed that the amendments to the Curry County Comprehensive Plan also include the adoption of a Public Facility Plan for the Brookings Urban Area dated September 2, 2010, and adopted by the City of Brookings on January 24, 2011. The Board declined to adopt the above-referenced Public Facility Plan, in part because the Harbor Sanitary District is still in the process of adopting its Comprehensive Plan.

# Section 2: Amendments

The Curry County Comprehensive Plan (Ordinance 83-7, and its subsequent amendments) is amended as reflected in Attachment "A" that is incorporated by reference. Planning Staff is authorized to insert clean copies of the text into the Comprehensive Plan following adoption of this ordinance by the Board.

## Section 3: Severance Clause

If any section, subsection, sentence, clause or phrase 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 5: Effective Date

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

Dated this 23rd day of February, 2011.

CURRY COUNTY BOARD OF COMMISSIONERS

absent George Rhodes, Chair

David G. Itzer Vice Chair

Bill Waddle, Commissioner

Bill Waddle

Approved as to Form:

M. Gerard Herbage
Curry County Legal Counsel

Manay Charles
Recording Secretary

First Reading: 1/31/2011
Second Reading: N/A
Effective Date: 2/23/2011

# ATTACHMENT A

Draft Curry County Comprehensive Plan update through 2009 2010
Proposed text in Bold
Text to be omitted has strikethroughs

# Chapter 3 - AGRICULTURAL LANDS

# 3.1 INTRODUCTION

Agricultural land is important to Curry County in several respects; it provides a significant contribution to the overall economic structure of the county, it provides much of the open space areas in the county, and the aesthetically pleasing nature of farm lands add to the scenic beauty of the county. In terms of economic importance measured by gross value of resource products, agriculture ranks second behind forest products and greater than the fishery or mineral industry. The State of Oregon has also recognized the importance of these lands and through the provisions of the State-wide Planning Goals and Guidelines has required that agricultural lands be preserved and maintained for farm use.

Statewide Planning Goal 3 specifically requires that "These lands shall be inventoried and preserved by adopting exclusive farm use zoned pursuant to ORS Chapter 215. Such minimum lot sizes are utilized for any farm use shall be appropriate for continuation of the existing, commercial agricultural enterprise of the area.. Conversion of rural agricultural land to urbanizable land shall be based upon consideration of the following factors: 1) environmental, energy, social, and economic consequences; 2) demonstrated need consistent with LCDC Goals; 3) unavailability of an alternative suitable location for the requested use; 4) compatibility of the proposed use with related agricultural land; and 5) the retention of Class I, II, III, and IV soils in farm use."

The purpose of this section of the plan is to adequately identify those lands in Curry County which are important to agriculture in the county and to meet the requirements of LCDC Goal 3. Part of this section of the plan is an inventory map (See Agricultural Lands Map, Inventory Map Atlas) which shows the location of all SCS Class I-IV soil types in the county, SCS Class VIw soil which is suitable for growing cranberries and other grazing lands. The plan also provides an assessment of the historical background of agriculture in the county, the typical agricultural practices, agricultural income and economic structure, a rationale for land use designations on agricultural lands, and policies regarding agricultural lands.

## 3.2 AGRICULTURAL LAND DEFINITIONS

Various definitions have been developed for agricultural lands which are designed to specify certain aspects and properties of these lands.

The U.S. Department of Agriculture in the Secretary's Memorandum No. 1827, developed the following definitions of agricultural land:

# 1) Prime Farmlands:

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is

practices.

- 6. Plans for construction at McVay State Park shall be submitted to Curry County for public review to ascertain that they are compatible with the comprehensive plan and adjacent land uses as required by State-wide Planning Goals 1 and 2.
- 7. The county and adjacent special districts will be restricted in the extension of urban services (water lines, sewer lines, improved streets, etc.) into the farm district except within the City of Brookings Urban Growth Boundary and under the provision of alleviating a health hazard.
- 8. The southern boundary of the City of Brookings Urban Growth Boundary must be defined by those areas which are committed to urban development by approval of a Goal 2 exception if the Harbor Bench Farm District is to be maintained for agricultural use.

(Amended by Ordinance 95-10, adopted August 21, 1995)

- 9. The Harbor Bench Farm District depends on a groundwater aquifer for irrigation water which is recharged by rainfall on and runoff from the Harbor Hills. The county therefore has established the Harbor Hills Special Plan Area (lands north and east of US 101 within Sections 9, 10, 14, and 15, T41S, R13W and that drain across the Harbor Bench Farm District) as an area of environmental concern.
- 10. The Harbor Hills Special Plan Area is established as an area of environmental concern and shall be so designated on the comprehensive plans. Special Plans shall be adopted as post acknowledgement plan amendments pursuant to ORS 197.610 by the City and County before any development permits are issued by the County or City for construction within the Special Planned Areas.
- 11. The county County shall commission or require a comprehensive surface water management plan for the Harbor Hills Special Plan Area prior to land use approvals for new development (other than that allowed by the present zoning designation) zoning designation) to address surface water runoff, stream channel erosion, and potential impacts on the groundwater balance of the Harbor Bench aquifer. All future nonresource development, including roads and infrastructure shall comply with this plan. The plan shall include appropriate measures to assure that impacts from future development on water resources will be prevented or remedied. The plan shall include, but not be limited to:
  - a. Baseline data on stream discharges and velocities, Harbor Bench groundwater levels and water quality;
  - Standards to assure that stream channels, groundwater levels and water quality will not be adversely affected by future development;
  - c. Provisions for on-going monitoring of stream discharges and velocities, groundwater levels and water quality; and
  - d. Provisions for remedial actions should if adverse impacts on stream channels, groundwater levels or

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water quality result from development.

- 12. Proposed development within the Harbor Hills Special Plan Area shall be required to address hazards, erosion and surface water runoff and groundwater impacts by providing detailed geologic and hydrologic studies prior to any land use approvals. The studies shall meet the requirements set forth in the comprehensive surface water management plan described in Policy 40 11 above and clearly demonstrate how impacts to stream channels, water supplies and water quality will be prevented. The county shall require remedial measures and other conditions necessary to address significant impacts from development on these factors.
- 13. The effects of existing and planned public roads on surface runoff, stream channel erosion and Harbor Bench groundwater resources shall be addressed in the development of comprehensive surface water management plan described in Policy 40 11 above. Future construction or alteration of public roads shall meet the standards described in Policy 40 11 part b and provide remedial actions as described in Policy 40 11 part d. The county County shall work with the Oregon Department of Transportation to prevent further impacts on Harbor Bench water resources from runoff through Highway 101 culverts under U. S. 101.
- 14. The Oregon Water Resources Department shall be consulted prior to the following actions affecting the Harbor Hills Special Plan Area:
  - a. Adoption or amendment of the comprehensive surface water management plan described in Policy 40 11; and
  - b. Approval of geologic and hydrologic studies and land use proposals described in Policy 44 12.

(Amended by Ordinance 95-10, adopted August 21, 1995)

### 3.8.2 Blacklock Cranberry Farm District

The Blacklock Cranberry Farm District has been defined to encompass an agricultural area of about 2300 acres in the north part of the county which has a soil type that is suitable for the cultivation of cranberries. This farm district includes that part of the county which has a large contiguous area of Blacklock series soil. The Blacklock soils are found in flats and depressions on the marine terrace that extends between Port Orford and Langlois. The predominant soil of this series is the Blacklock fine sandy loam which is a low permeability, strongly acid soil which is of low fertility except for cranberries and shore pine or spruce which can be grown for Christmas trees.

Although this soil is mapped at various places on the coastal terrace in northern Curry County; the largest tract of Blacklock soil is found in the farm district shown in Figure 3.8.B. This farm district has been defined by U.S. 101 on the east and Floras Lake State Park on the west which are both cultural and physiographic boundaries for Blacklock soil. The northern and southern boundaries of the district are defined by section lines which generally follow the limit of Blacklock soil in this area.

Present farm development in this district is limited to cranberry bogs located along

# Draft Curry County Comprehensive Plan update through 2009 2010 Proposed text in Bold Text to be omitted has strikethroughs

# Chapter 14 - URBANIZATION

#### AMENDMENTS:

(Ordinance 89-1, adopted February 13, 1989, amended Sections 14.4-14.8)
(Ordinance 90-09, adopted May 7, 1989, amended Section 14.8)
(Ordinance 95-10, adopted August 21, 1995, adding policies related to Brookings UGB expansion)
(Ordinance 98-5, repealed and replaced entire chapter)

#### 14.1 INTRODUCTION

Provision of adequate urban and urbanizable lands is essential as a means of meeting the development needs of the county. This chapter of the comprehensive plan describes the population of the county, including its historical growth patterns and distribution, urban growth boundaries of the county's three cities, the rural communities and other committed rural residential areas, and the possible need for additional rural residential lands.

Goal 14 requires that comprehensive plans "provide for an orderly and efficient transition from rural to urban land use. Urban growth boundaries shall be established to identify and separate urbanizable land from rural land." It further states that establishment of these boundaries shall be based upon the following considerations:

- 1. Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals;
- 2. Need for housing, employment opportunities, and livability;
- 3. Orderly and economic provision for public facilities and services:
- 4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
- 5. Environmental, energy, economic and social consequences;
- 6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
- 7. Compatibility of the proposed urban uses with nearby agricultural activities.

Sufficient amounts of urbanizable land should be designated to accommodate further urban expansion taking into account (1) the growth policy of the area; (2) population needs by the year 2015; (3) the carrying capacity of the planning area; and (4) open space and recreational needs. In addition consideration should be given to the carrying capacity of the air, land and water resources of the planning area.

# 14.2 POPULATION DATA

A significant portion of the available information on the population of Curry

- 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 and 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 has been approved by the county. A zone change from RR-10 or RR-5 to RR-2 shall only be permitted in Rural Land Exception areas existing as of February 13, 1989 that not are not within a current Urban Growth Boundary.

(Amended by Ordinance 06-08, adopted November 2, 2006)

- 11. Curry County recognizes that rural residential development in the Floras Lake area (Rural Lands Exception Areas 1 and 2) is 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 uses on rural lands; new commercial uses shall be no greater than 2500 square feet in area allowed only upon a finding that they are appropriate for, and limited to the needs and requirements of the rural area in which they are located; new commercial uses in the Rural Resort Commercial zone shall be limited to hotels, motels, and lodges no greater than 5000 square feet in size and no more than 40 lodging units. The county will not allow the rezoning of land to Rural Resort Commercial or Rural Residential without an approved Goal 2 exception to Goal 14.
- 13. The establishment of new rural industrial uses not legally established prior to August 12, 1986, will require a "reasons" exception (OAR 660-04-022) to Statewide Planning Goals 3 and/or 4, 11, and 14 and other Goals applicable to the specific site.
- 14. With regard to the Brookings UGB, the city and county The City (of Brookings) and County agree that the conversion of land from urbanizable to urban within the UGA must occur in an orderly and well planned manner that considers the economic and environmental issues identified as part of the UGB amendment. With that interest in mind, the following policies are agreed to and incorporated into the comprehensive plan:
  - a. Until a public facilities plan is adopted, no land will be rezoned from the existing designation to an urban land use designation. Uses shall be permitted to develop under current county County plan and zoning designations in the same manner that they were permitted prior to being

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included within the UGB. The City and County may agree to and adopt ordinance provisions to preserve the UGB's potential for future urbanization.

- b. The owners of properties which are designated as "Master Planned Areas" on the map attached to the UGB agreement shall be required to prepare a master plan prior to development (other than that allowed by the present zoning designation) that sets forth the land use, road circulation system, and plans for municipal water, sanitary sewer, and management of surface runoff. Master plans shall be developed in coordination with and be approved by the special service providers of these services. Master Plans the Urban Growth Area shall be adopted as post acknowledgement plan amendments pursuant to ORS 197.610 by the City and County before any development permits are issued by the County for construction within the Master Planned Areas. Compliance with the master plan shall be a condition of development permit approval by the city or county. The County shall have the final decision on all Master Plans within the UGA. If the area has been annexed to the City, only the City must adopt the Master Plan as a Comprehensive Plan amendment. Compliance with the master plan shall be a condition of development approval by the City or County.
- Prior to developing a master plan as required by b) above, property c. owners shall enter into a collaborative process with the city and county to establish development goals and formalize, by written agreement, procedural and financial considerations for developing and carrying out the master plan. Development goals shall address the mix of housing (type, density and income levels), and non-residential uses, which should be encouraged to provide local services and decrease auto use. The County and City shall each adopt a Master Plan Zone defining standards and criteria to be used within the designated Master Plan Areas as shown on the Brookings Urban Growth Boundary Area Map (Harbor Hills Master Plan Area and Jacks Creek Master Plan Area). These Master Plan Zones must be adopted by the County and the City-respectively prior to submission of a proposed specific master plan for the Harbor Hills or Jacks Creek Master Plan areas. The City and County will review the proposed Master Plan Zones as described in Section VI. "Coordination of Legislative Land Use Decisions", of this document the UGB agreement.
- d. All new development shall be required to obtain sanitary sewer service from either the City of Brookings or Harbor Sanitary District depending upon agreed service areas. If waste water treatment capacity is not available, or not legally or physically available, at the time of development, an interim on-site sewage disposal system which meets all state and local requirements may be approved. Use of an interim on-site sewage disposal system is limited to a rural level of development or is specifically allowed by the Public Facilities Plan. This interim development approval shall be conditioned to require connection to a public system when capacity becomes legally and physically available. Written confirmation must be provided by the appropriate agency

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stating that the system meets all state and local requirements prior to final approval of the development. Use of an interim on-site sewage disposal system is limited to a rural level of development or as specifically allowed by the Public Facilities Plan. For interim development after the date of adoption (June 30, 2010), approval shall require a condition that connection to a public sewer system shall occur when service is within 300 ft. of any building requiring services and the existing septic system fails as determined by the appropriate authority.

All new development shall be required to obtain public water service from e. either the City of Brookings or the Harbor Water Public Utility District, depending on agreed service areas. If public water eapacity service is not available, or not legally or physically available, at the time of development and an interim on-site water system which meets all state and local requirements may be approved. Use of an interim on-site water system is limited to a rural level of development or is specifically allowed by the Public Facilities Plan. This interim development approval shall be conditioned to require connection to a public system when water service becomes legally and physically available. Written confirmation must be provided by the appropriate agency stating that the system meets all state and local requirements prior to final approval of the development. Use of an interim on-site water system is limited to rural level of development or is specifically allowed by the Public Facilities Plan. For interim development after the date of adoption (June 30, 2010), approval shall require a condition to connect to a public water system when water service is contiguous to the subject property and the existing water system fails or is identified as a public health hazard and no other alternate approved water source is available.

(Amended by Ordinance 01-01, adopted January 22, 2001)

- 15. The City shall implement the Water Conservation Plan. The City of Brookings, in conjunction with Curry County and the Harbor Water District will explore alternatives to reduce water withdrawals from the Chetco River. Consideration of future water use will include the following items:
  - a. Findings that recognize that the fish resource of the Chetco River is significant;
  - b. A copy of the study titled "Water Intake Evaluation Report" which contains a finding that water withdrawal at the rate of 5.1 cubic feet per second will not have an adverse impact on the fishery.

(Amended by Ordinance 01-01, adopted January 22, 2001)
(Amended by Ordinance 02-03, adopted August 30, 2002, repealed and replaced 2001 amendment)

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Curry County Public Services PO Box 746 Gold Beach, Oregon 97444



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DLCD 635 Capitol Street NE Suite 150 Salem, OR 97301-2540 Attn: Plan Amendment Specialist