



Oregon

Theodore R. Kulongoski, Governor

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

August 29, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gold Beach Plan Amendment
DLCD File Number 001-08

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: September 11, 2008

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).

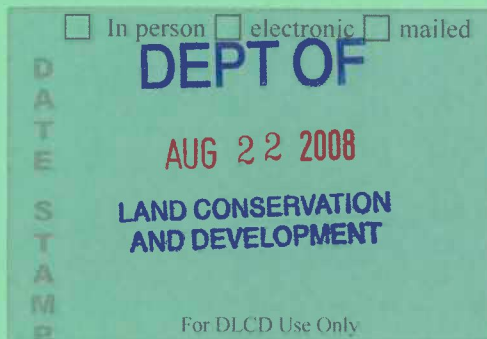
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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
Jodi Fritts, City of Gold Beach

<paa> yal

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

Jurisdiction: **City of Gold Beach**

Local file number: **GBZ-0701**

Date of Adoption: **8/11/2008**

Date Mailed: **8/19/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/12/2008

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Zone change from county Industrial (I) designation to City of Gold Beach Industrial (5-I). More of a housekeeping than actual zone change.

Does the Adoption differ from proposal? No, no explanation is necessary

No

Plan Map Changed from:

to:

Zone Map Changed from: **I**

to: **5-I**

Location: **3714-18C TL 1200/2505**

Acres Involved: **15**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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 #001-08 (16645)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Curry County

Local Contact: **Jodi Fritts, Associate Planner**

Phone: **(541) 247-3284** Extension:

Address: **PO Box 746**

Fax Number: **541-247-4579**

City: **Gold Beach**

Zip: **97444-**

E-mail Address: **frittsj@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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 618

AN ORDINANCE ADOPTING A CHANGE IN THE CITY OF GOLD BEACH
COMPREHENSIVE PLAN AND ZONING MAP ON A PARCEL IDENTIFIED AS
ASSESSOR MAP 3714-18C TAX LOT 1200

THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

- A. This ordinance amends the City of Gold Beach Comprehensive Plan designation from Residential to Industrial and amends the Zoning Map from Curry County Residential Two (R-2) to City of Gold Beach Industrial (5-I) on property identified as Assessor Map 3714-18C tax lot 1200 located off of Mill Stream Road in the Hunter Creek area.
- B. This ordinance amends the City of Gold Beach Zoning Map from Curry County Industrial (I) to City of Gold Beach Industrial (5-I) on property identified as Assessor Map 3714-18C tax lot 2505 located off of Mill Stream Road in the Hunter Creek area.
- C. This amendment to the Comprehensive Plan and Zoning Map of the City of Gold Beach applies only to the following land as described in the records of Curry County Assessor:

Assessor Map:	3714-18C	Tax Lot:	1200
Assessor Map:	3714-18C	Tax Lot:	2505

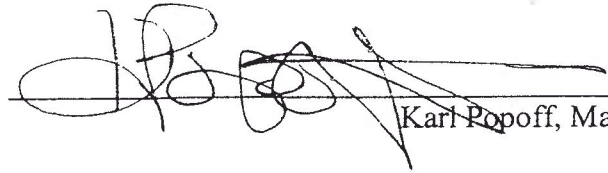
- C. This zone change is approved in accordance with Article VIII of the Gold Beach Zoning Ordinance. A map indicating the proposed zoning is included with this ordinance as EXHIBIT A.
- D. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Gold Beach as follows:

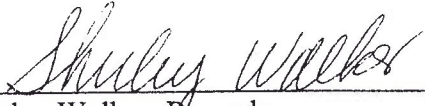
- 1. The Comprehensive Plan and Zoning Maps be amended as specified in "A", "B", and "C" above and as shown on EXHIBIT A.

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this
11th day of August, 2008.

Approved by the Mayor this 11 day of August, 2008

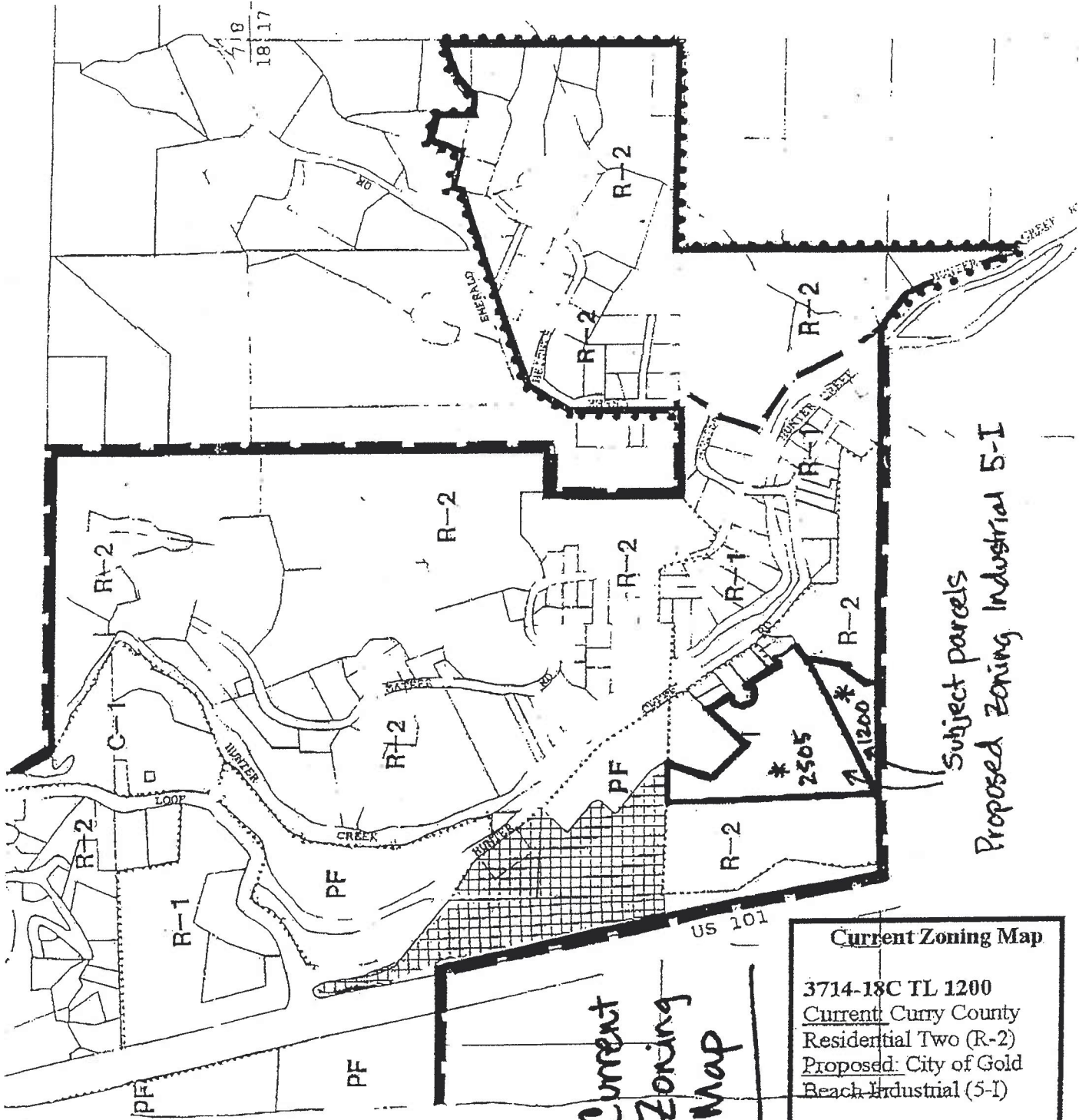

Karl Popoff, Mayor

ATTEST:


Shirley Walker, Recorder

7/14/08-First Reading:	ayes <u>4</u>	nays <u>0</u>	absent <u>0</u>
8/11/08-Second Reading	ayes <u>4</u>	nays <u>0</u>	absent <u>0</u>

ORDINANCE 618 EXHIBIT A



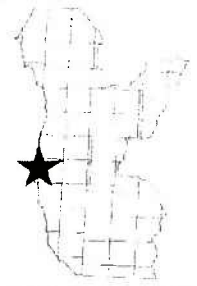
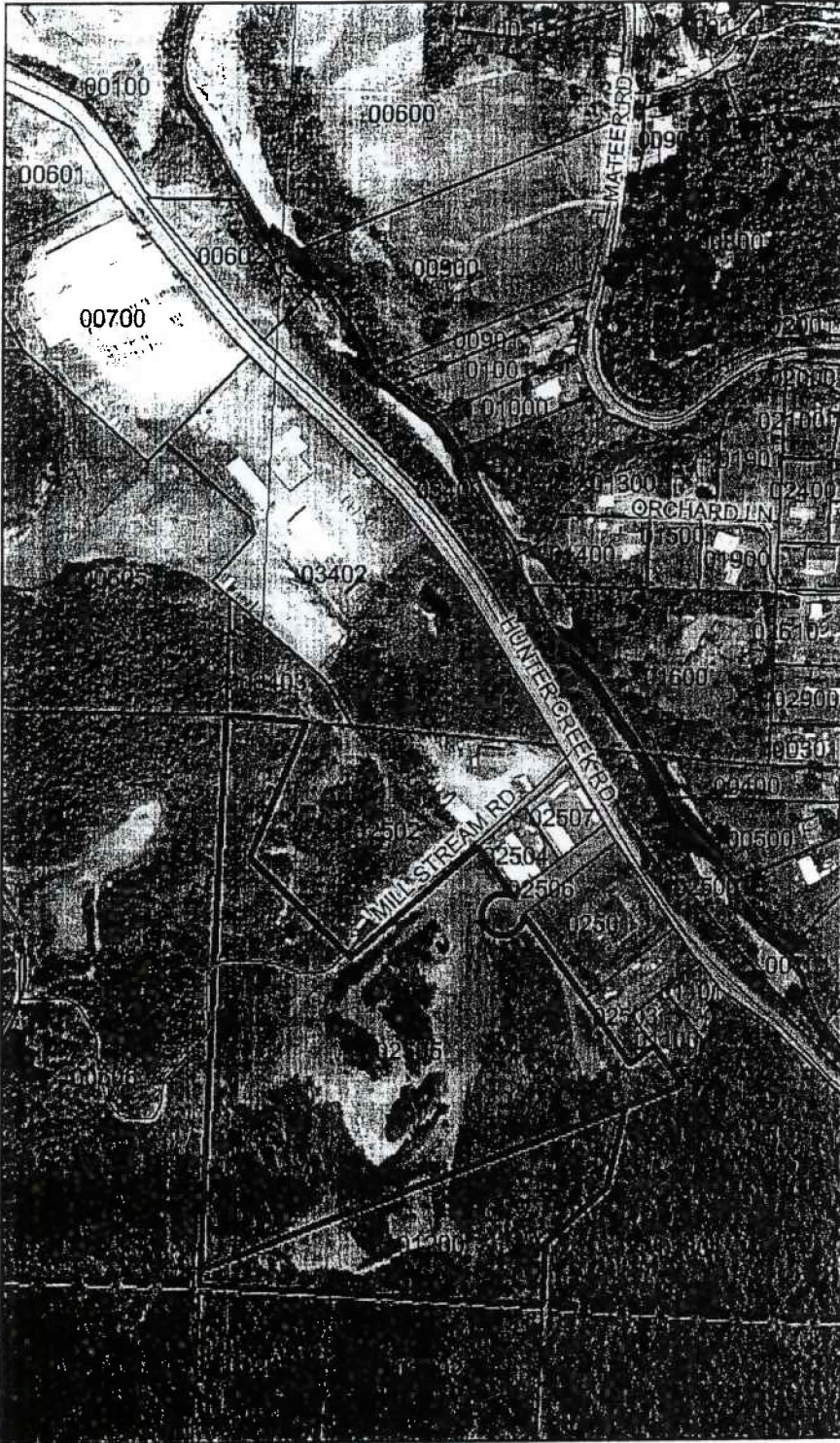
OCEAN

Current Zoning Map	
3714-18C TL 1200	Current: Curry County Residential Two (R-2) Proposed: City of Gold Beach Industrial (5-I)
3714-18C TL 2505	Current: Curry County Industrial (I) Proposed: City of Gold Beach Industrial (5-I)





Subject parcels
Proposed Zoning Industrial 5-I

Current Zoning Map

Hughes Zone Change



Legend

-  ROADS ORTHO CORRECTED
-  PARCELS
-  CITY LIMITS
-  TOWNSHIP

0 300 600 ft.

Map center: 42° 22' 25.2" N, 124° 24' 52.1" W



Scale: 1:5,000

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

**CITY OF GOLD BEACH PLANNING COMMISSION
STAFF REPORT**

**IN THE MATTER OF THE REQUEST FOR A COMPREHENSIVE PLAN AND ZONING
CHANGE FROM COUNTY INDUSTRIAL (I) TO CITY INDUSTRIAL (5-I)**

MAP DESCRIPTION:

TWP: 37 S RANGE: 14 W SECTION: 18C TAX LOT(s): 2505

LOCATION: The subject property is located south of Hunter Creek Road in the vicinity of the ODOT shops off of Mill Stream Road.

NATURE OF APPLICATION: An administrative request for a zoning change from County Industrial (I) to City Industrial (5-I)

I. BACKGROUND INFORMATION

- 1) **Parcel Size:** approx 15.5 Acres
- 2) **Fire Protection:** City of Gold Beach
- 3) **Zoning:** County Industrial (I)

II. APPLICABLE CRITERIA

To approve this application, the Planning Commission must determine that it is in conformance with the following sections of the CITY OF GOLD BEACH Zoning Ordinance (GBZO) & Comprehensive Plan:

Article VIII Amendments to the Zoning Ordinance

Section 9.010 Zoning of Annexed Areas

Curry County Zoning Ordinance

Industrial (I)

Section 2.400 Industrial (5-I) zone

City of Gold Beach Comprehensive Plan

Plan Policies

Goal 6 – Air, Water, and Land Resource Quality

Goal 9 – Economy

Goal 10 – Housing

Land Use Classifications

Industrial

III. FINDINGS OF CONFORMANCE WITH THE GBZO:

- 1) **Article VIII Amendments to the Zoning Ordinance**
 - Section 8.010 Authorization to Initiate Amendments
 - Section 8.020 Application for a Zone Change

Section 8.030 Public Hearing on Zoning Amendment

FINDING: Pursuant to the requirements of Article VIII, the City has initiated the map amendment to clean up the Hunter Creek zoning since it's annexation over 10 years ago.

- 2) **Section 9.010 Zoning of Annexed Areas.** Where an area is zoned by Curry County at the time of annexation to the city, the Curry County zoning regulations application to the annexed area shall continue to apply until the City Council enacts zoning in the annexed area. The City Council shall have the authority to enact any zoning they deem appropriate for the annexed area.

FINDING: The subject property was annexed into the City during the Hunter Creek annexation of the late 1990's. The County zoning designation of Industrial (I) is still applicable to the subject property. In order to bring the zoning in Hunter Creek into the City designations a request is being made to convert the parcel from County Industrial to City Industrial. The current zoning of the area is attached as EXHIBIT A.

- 3) **Zone change standards:** the Zoning Ordinance has no specific criteria to be addressed for a zoning change. The Comprehensive Plan Land Use Classifications are attached as EXHIBIT B.

The following comprehensive plan policies are related to the proposed change:

GOAL 6 – AIR, WATER, AND LAND RESOURCE QUALITY

Goal: To retain the quality of the air, water and land resources of Gold Beach.

Policies:

- a) To conform to all applicable statutes concerning discharges into the air and water, and unto the land.
- b) To encourage industries which can readily conform to applicable pollution standards.
- c) To encourage rational land use activities in areas adjacent to the City; to insure the City's air, water and land resources are not degraded by such activities.
- d) To conform to applicable statewide standards regarding noise pollution.

GOAL 9 – ECONOMY

Goal: To diversify and improve the economy of Gold Beach

Policies:

- a) To encourage commercial and industrial development which is non-polluting in nature.
- b) To encourage and support efforts to improve Port facilities and the entrance to the Harbor.
- c) To encourage further development of the airport.
- d) To encourage the development of tourist related facilities.
- e) To encourage local processing of wood and useable items.
- f) To reduce unemployment, the out-migration of youth and accommodate the growth of the local labor force, by increasing job opportunities.
- g) To encourage economic activities which provide year-round employment.

GOAL 10 – HOUSING

Goal: To develop a variety of adequate, quality housing and rental units.

Policies:

- a) To encourage maximum usage of land within the City.

- b) To encourage a variety of residential lot sizes, diversity of housing types and a range in housing prices.
- c) To encourage the rehabilitation of substandard housing.
- d) To encourage the development of rental units in all price ranges.

FINDING: The applicants provided a brief summary of their request (EXHIBIT C) with the initial GBZ-0701 request.

IV. COMMENTS RECEIVED

The Department of Land Conservation & Development responded to the initial GBZ-0701 request (EXHIBIT D) and commented that they felt the proposed RV park in the Industrial zone was not an appropriate use. DLCD felt that the City's Comprehensive Plan did not anticipate RV parks in the Industrial zone and therefore the use was inconsistent.

The City of Gold Beach Comprehensive Plan was adopted in 1979 and acknowledged by DLCD. Trailer or camping vehicle parks have been an outright use in the Industrial (5-I) zone since as far back as at least 1988 (staff will investigate older zoning ordinances prior to the hearing).

V. SUMMARY CONCLUSIONS

The Gold Beach Zoning Ordinance permits zone changes subject to compliance with Article VIII-Amendments to the Zoning Ordinance. The zoning designations in the Hunter Creek area should be converted to city designations since it has been sometime since Hunter Creek was annexed. This request is for a straight conversion from County Industrial to City Industrial.

EXHIBITS: A: Industrial zoning 1988 & current
 B: Comp Plan Land Use Classifications
 C: Maps
 D: Letter from DLCD

- (9) Airport related buildings.
- (10) Machine shop or cabinet shop.
- (11) Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except those specifically listed in Section 2.420.
- (12) Tire retreading or vulcanizing shop.

Section 2.330. Lot Size.

Except as provided in Sections 4.030 and 4.040 in a 4-C zone:

- (1) The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.340. Height of Buildings.

Except as provided in Section 4.050 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

INDUSTRIAL ZONE (5-I)

Purpose of Classification: The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

Section 2.410. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

- (1) Retail or service establishment.
- (2) Automobile service station.
- (3) Trailer or camping vehicle park.
- (4) Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
- (5) Building material storage yard.

- (6) Plumbing, electrical, or paint contractor's storage, repair or sales shop.
- (7) Tire retreading or vulcanizing shop.
- (8) Wholesale trucking and storage establishment.
- (9) Machine shop or cabinet shop.
- (10) Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.420.
- (11) Utility facility, including substation or pumping station.
- (12) Communications transmitter, receiver, antenna or tower.

Section 2.420. Conditional Uses Permitted.

In a 5-I zone, the following and their accessory uses are permitted when authorized in accordance with Sections 6.010 through 6.050:

- (1) Manufacturing plant, including lumber and plywood mills.
- (2) Airport or heliport.
- (3) Church or school.
- (4) Park, playground, fire station, library or museum.
- (5) Planned Unit Development on a lot of at least three (3) acres in area.
- (6) Wind generators.
- (7) Mobile or portable office.

Section 2.430. Lot Size.

Except as provided in Sections 4.030 and 4.040 in a 5-I zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

EXHIBIT A:

City of Gold Beach Zoning Ordinance: Industrial Zone (5-I)

Current

Section 2.410. Purpose of Classification: The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

Section 2.420. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Retail or service establishment.
2. Automobile service station.
3. Trailer or camping vehicle park.
4. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
5. Building material storage yard.
6. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
7. Tire retreading or vulcanizing shop.
8. Wholesale trucking and storage establishment.
9. Machine shop or cabinet shop.
10. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.420.
11. Utility facility, including substation or pumping station.
12. Communications transmitter, receiver, antenna or tower.

Section 2.430. Conditional Uses Permitted.

In a 5-I zone, the following and their accessory uses are permitted when authorized in accordance with Sections 6.010 through 6.050:

1. Manufacturing plant, including lumber and plywood mills.
2. Airport or heliport.
3. Church or school.
4. Park, playground, fire station, library or museum.
5. Planned Unit Development on a lot of at least three (3) acres in area and in compliance with Article V.
6. Wind generators
7. Mobile or portable office.

Section 2.440. Lot Size.

Except as provided in Sections 4.030 and 4.040 in a 5-l zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, compliance with the off-street parking ordinance shall be required.

Section 2.450. Height of Building.

Except as provided in Section 4.050 in a 5-l zone, no building shall exceed thirty-five (35) feet in height; however, buildings up to fifty (50) feet in height may be allowed as a conditional use.

LAND USE CLASSIFICATIONS

The land use map is the part of the plan that links the inventories, goals and policies with the actual reality of the land. The land use map is the most important part of the plan to potential users of the land, as it determines the uses that will be allowed throughout the city.

The plan map was developed with past and current trends in mind. It should be pointed out that when and if these trends change, changes in the plan might be required. This degree of flexibility is necessary for a small community like Gold Beach, because significant changes in the economic sector can radically modify predictions that were based on trends that were evident at the time the plan was developed.

The Gold Beach Comprehensive Plan utilizes seven broad land use classifications which are identified and defined below.

LAND USE CLASSIFICATIONS:

Residential
Commercial
Industrial
Public and Semi-public
Marine Activity
Airport Activity
Conservation

Residential - The purpose of this classification is to designate lands which are suitable for residential development. Public facilities are already provided or feasibly can be provided to these areas.

Commercial - The purpose of this classification is to designate lands which are suitable for the continuance and expansion of a full range of commercial activities. These areas have the full range of urban services and are suitable to meet the commercial needs of Gold Beach's residents and visitors.

Industrial - The purpose of the Industrial classification is to provide areas for heavy commercial uses or industrial uses which do not possess nuisance characteristics such as noise, dust, smoke odor, fire, or explosion hazards. Some heavier industrial activities can be allowed via a permit basis.

Public and Semi-Public - This classification designates lands to be used for public and semi-public facilities such as schools, government offices, airports, hospitals, parks, port facilities, public maintenance yards, and vacant lands which are owned by the public and will be utilized for public facilities in the future.

EXHIBIT B

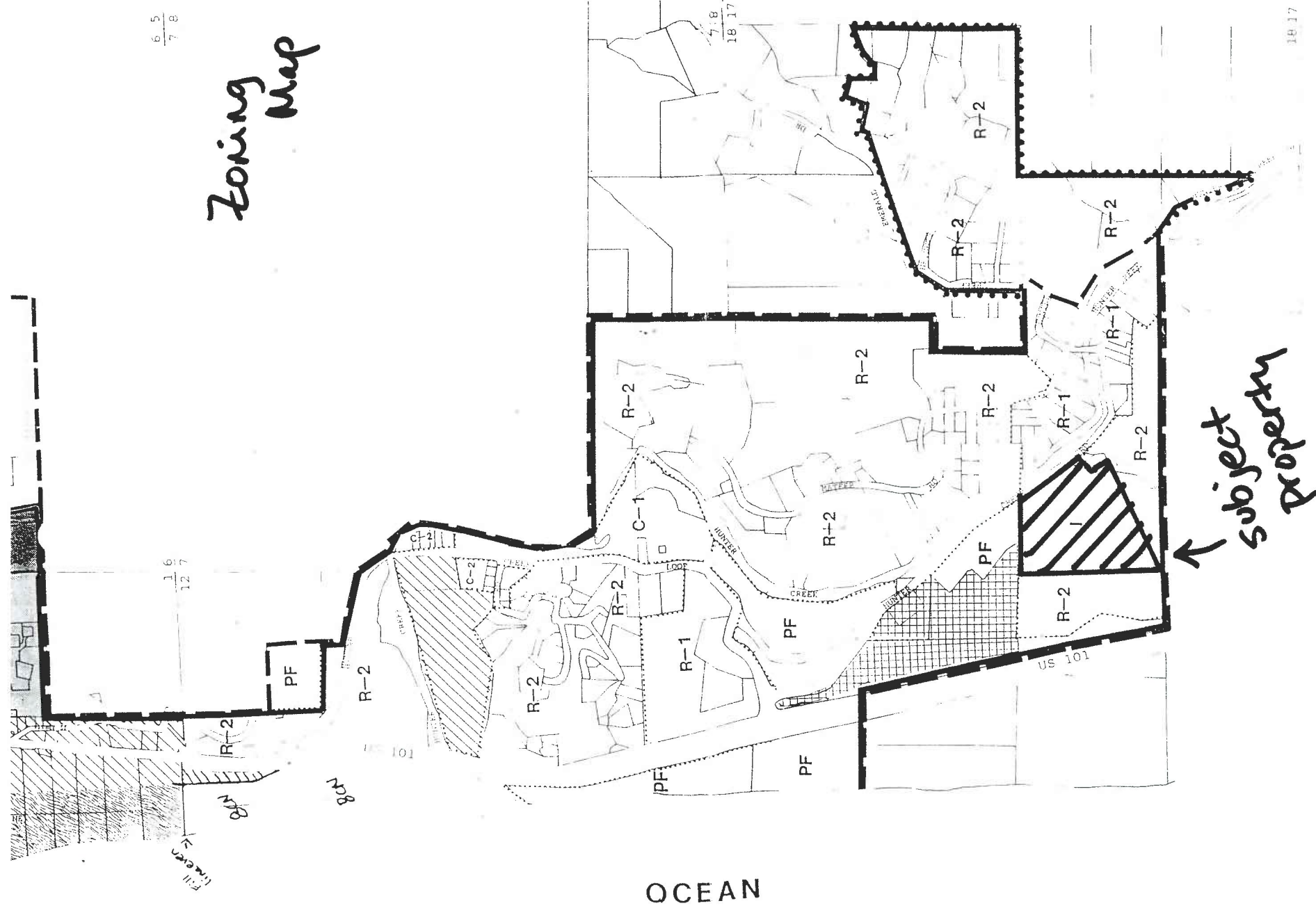
Zoning Map

6.5
7.8

1.6
12.7

7.8
18.17

18.17

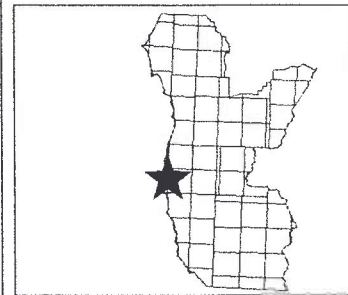


OCEAN

R.1
R.1

EXHIBIT C

3714-18C TL 2505



Legend

- ROADS ORTHO CORRECTED
- PARCELS
- CITY LIMITS
- TOWNSHIP



Map center: 42° 22' 18.9" N, 124° 24' 51.2" W



Scale: 1:3,499

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

Thank you for the opportunity to comment on this proposal. Please enter these comments into the record. If you have questions, or if I may be of assistance, please call me at 541-270-3279, or send e-mail to dave.perry@state.or.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Perry', with a stylized flourish at the end.

Dave Perry
South Coast Regional Representative.
Dept. Land Cons. And Development

Cc: Dave Pratt

**CITY OF GOLD BEACH PLANNING COMMISSION
STAFF REPORT**

**IN THE MATTER OF THE REQUEST FOR A COMPREHENSIVE PLAN AND ZONING
CHANGE FROM RESIDENTIAL (R-2) TO INDUSTRIAL (5-I)**

APPLICANT: Hughes Commercial Real Estate **FILE:** GBZ-0701
PO Box 97
Salida, CA 95368

AGENT: Jim Pex
1925 Timberline Dr
Coos Bay, OR 97420

MAP DESCRIPTION:

TWP: 37 S RANGE: 14 W SECTION: 18C TAX LOT(s): 1200

LOCATION: The subject property is located south of Hunter Creek Road in the vicinity of the ODOT shops off of Mill Stream Road.

NATURE OF APPLICATION: A request for a comprehensive plan and zoning change from Residential (R-2) to Industrial (5-I)

I. BACKGROUND INFORMATION

- 1) **Parcel Size:** approx 5 Acres
- 2) **Fire Protection:** City of Gold Beach
- 3) **Zoning:** Residential (R-2)

II. APPLICABLE CRITERIA

To approve this application, the Planning Commission must determine that it is in conformance with the following sections of the CITY OF GOLD BEACH Zoning Ordinance (GBZO) & Comprehensive Plan:

Article VIII Amendments to the Zoning Ordinance

Section 9.010 Zoning of Annexed Areas

Curry County Zoning Ordinance

Residential (R-2)

Section 2.400 Industrial (5-I) zone

City of Gold Beach Comprehensive Plan

Plan Policies

Goal 6 – Air, Water, and Land Resource Quality

Goal 9 – Economy

**CITY OF GOLD BEACH PLANNING
GBZ-0701 HUGHES**

Goal 10 – Housing

Land Use Classifications

Residential

Industrial

III. FINDINGS OF CONFORMANCE WITH THE GBZO:

1) **Article VIII Amendments to the Zoning Ordinance**

Section 8.010 Authorization to Initiate Amendments

Section 8.020 Application for a Zone Change

Section 8.030 Public Hearing on Zoning Amendment

FINDING: Pursuant to the requirements of Article VIII, the applicant's agent has initiated a zone change by filing the appropriate application. Notice of the public hearing was sent to surrounding properties owners and published in the paper as required.

- 2) **Section 9.010 Zoning of Annexed Areas.** Where an area is zoned by Curry County at the time of annexation to the city, the Curry County zoning regulations application to the annexed area shall continue to apply until the City Council enacts zoning in the annexed area. The City Council shall have the authority to enact any zoning they deem appropriate for the annexed area.

FINDING: The subject property was annexed into the City during the Hunter Creek annexation of the late 1990's. The County zoning designation of Residential (R-2) is still applicable to the subject property. The applicant is requesting a comprehensive plan and zoning designation change to the City of Gold Beach zoning of Industrial (5-I). The current R-2 zoning and proposed Industrial zoning are attached as EXHIBIT A.

- 3) **Zone change standards:** the Zoning Ordinance has no specific criteria to be addressed for a zoning change. The Comprehensive Plan Land Use Classifications are attached as EXHIBIT B.

The following comprehensive plan policies are related to the proposed change:

GOAL 6 – AIR, WATER, AND LAND RESOURCE QUALITY

Goal: To retain the quality of the air, water and land resources of Gold Beach.

Policies:

- a) To conform to all applicable statutes concerning discharges into the air and water, and unto the land.
- b) To encourage industries which can readily conform to applicable pollution standards.
- c) To encourage rational land use activities in areas adjacent to the City; to insure the City's air, water and land resources are not degraded by such activities.
- d) To conform to applicable statewide standards regarding noise pollution.

GOAL 9 – ECONOMY

Goal: To diversify and improve the economy of Gold Beach

Policies:

- a) To encourage commercial and industrial development which is non-polluting in nature.
- b) To encourage and support efforts to improve Port facilities and the entrance to the Harbor.
- c) To encourage further development of the airport.
- d) To encourage the development of tourist related facilities.
- e) To encourage local processing of wood and useable items.
- f) To reduce unemployment, the out-migration of youth and accommodate the growth of the local labor force, by increasing job opportunities.
- g) To encourage economic activities which provide year-round employment.

GOAL 10 – HOUSING

Goal: To develop a variety of adequate, quality housing and rental units.

Policies:

- a) To encourage maximum usage of land within the City.
- b) To encourage a variety of residential lot sizes, diversity of housing types and a range in housing prices.
- c) To encourage the rehabilitation of substandard housing.
- d) To encourage the development of rental units in all price ranges.

FINDING: The applicants have provided a brief summary of their request (EXHIBIT C). A map of surrounding land uses is attached as well as contours and landslide hazard.

IV. SUMMARY CONCLUSIONS

The Gold Beach Zoning Ordinance permits zone changes subject to compliance with Article VIII-Amendments to the Zoning Ordinance. Very little criteria must be addressed to apply for a zone change. The requested five acre change will not cause a significant change to surrounding land use pattern—adjacent parcels are zoned Industrial and Public Facilities.

- EXHIBITS:
- A: R-2 & Industrial zoning
 - B: Land Use Classifications
 - C: Applicant findings
 - D: Maps

EXHIBIT A: CURRENT & PROPOSED ZONING DESIGNATIONS:

Curry County Zoning Ordinance Section 3.110.

Residential-Two Zone (R-2).

Purpose of Classification: The R-2 zone is designated to be applied to residential areas where a variety of types of single family dwellings are appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.

Section 3.111. Uses Permitted Outright.

The following uses and their accessory uses shall be permitted outright:

1. Single-family dwelling.
2. Mobile Home or Manufactured Home.

Section 3.112. Conditional Uses Subject to Administrative Approval by the Director.

The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

1. Home occupation. (7)
2. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
3. One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. (17)
4. Television, microwave, and radio communication facilities and transmission antenna towers.
5. Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale. (5)
6. Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.
7. Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.
8. Mobile home park. (6)
9. Church, school, or community building for public or non-profit organizational use. (3,4)
10. Planned unit development restricted to the uses and dwelling density allowed by this zone and limited to single family dwellings that are separate discrete structures.

Section 3.113. Lot Size and Dwelling Density.

Except as provided in Sections 5.030 and 5.040 in an R-2 zone:

1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
3. In areas which are served by both community water supply system and community sewage system, the minimum lot area may be 6,000 square feet.
4. For a mobile home park served by community water supply and community sewage systems the minimum shall be 6,000 square feet or 3,000 square feet per mobile home space, whichever is greater.
5. The minimum lot width shall be sixty (60) feet.

Section 3.114. Set-Backs.

See Article IV.

Section 3.115. Height of Buildings.

See Article IV.

Section 3.116. Off-Street Parking and Loading.

See Article IV.

**City of Gold Beach Zoning Ordinance:
Industrial Zone (5-I)**

Section 2.410. Purpose of Classification: The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

Section 2.420. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Retail or service establishment.
2. Automobile service station.
3. Trailer or camping vehicle park.
4. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
5. Building material storage yard.
6. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
7. Tire retreading or vulcanizing shop.
8. Wholesale trucking and storage establishment.
9. Machine shop or cabinet shop.
10. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.420.
11. Utility facility, including substation or pumping station.
12. Communications transmitter, receiver, antenna or tower.

Section 2.430. Conditional Uses Permitted.

In a 5-I zone, the following and their accessory uses are permitted when authorized in accordance with Sections 6.010 through 6.050:

1. Manufacturing plant, including lumber and plywood mills.
2. Airport or heliport.
3. Church or school.
4. Park, playground, fire station, library or museum.
5. Planned Unit Development on a lot of at least three (3) acres in area and in compliance with Article V.
6. Wind generators
7. Mobile or portable office.

Section 2.440. Lot Size.

Except as provided in Sections 4.030 and 4.040 in a 5-l zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, compliance with the off-street parking ordinance shall be required.

Section 2.450. Height of Building.

Except as provided in Section 4.050 in a 5-l zone, no building shall exceed thirty-five (35) feet in height; however, buildings up to fifty (50) feet in height may be allowed as a conditional use.

LAND USE CLASSIFICATIONS

The land use map is the part of the plan that links the inventories, goals and policies with the actual reality of the land. The land use map is the most important part of the plan to potential users of the land, as it determines the uses that will be allowed throughout the city.

The plan map was developed with past and current trends in mind. It should be pointed out that when and if these trends change, changes in the plan might be required. This degree of flexibility is necessary for a small community like Gold Beach, because significant changes in the economic sector can radically modify predictions that were based on trends that were evident at the time the plan was developed.

The Gold Beach Comprehensive Plan utilizes seven broad land use classifications which are identified and defined below.

LAND USE CLASSIFICATIONS:

Residential
Commercial
Industrial
Public and Semi-public
Marine Activity
Airport Activity
Conservation

Residential - The purpose of this classification is to designate lands which are suitable for residential development. Public facilities are already provided or feasibly can be provided to these areas.

Commercial - The purpose of this classification is to designate lands which are suitable for the continuance and expansion of a full range of commercial activities. These areas have the full range of urban services and are suitable to meet the commercial needs of Gold Beach's residents and visitors.

Industrial - The purpose of the Industrial classification is to provide areas for heavy commercial uses or industrial uses which do not possess nuisance characteristics such as noise, dust, smoke odor, fire, or explosion hazards. Some heavier industrial activities can be allowed via a permit basis.

Public and Semi-Public - This classification designates lands to be used for public and semi-public facilities such as schools, government offices, airports, hospitals, parks, port facilities, public maintenance yards, and vacant lands which are owned by the public and will be utilized for public facilities in the future.

EXHIBIT
B

J & A ENGINEERING LLC

1925 Timberline Drive, Coos Bay Oregon

June 11, 2007

Dear Planning Commissioners:

Hughes Commercial Real Estate is applying for a zoning change of the attached parcel from an existing R-2 to an Industrial Zone. There are a few reasons for the changes that we feel are appropriate uses of the land within the City limits.

One, the adjacent parcels are Industrial zones, with commercial businesses already in place. Two, we would like to include this parcel within our master plan of an RV Park being currently designed within tax lot 2505. Three, we will only utilize this portion of the land for smaller vehicles that wish to have a quieter place to stay outside of the larger and busier section of the park. Finally, we do not want to change the natural presence of the existing lot in any way besides placing an adequate road to the existing sites that can be created from natural topography. A large drainage separates the property to the south, outside city limits, so our proposed actions will not create adverse effects on neighboring properties due to this change. Thank you in your consideration of this matter.

Sincerely,

James D. Pex, P.E.
Principal

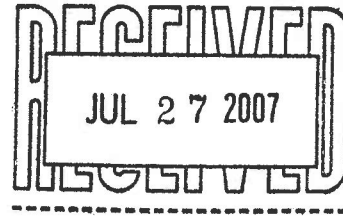
EXHIBIT C-1

J & A ENGINEERING LLC

1925 Timberline Drive, Coos Bay Oregon

July 26, 2007

Curry County Planning Department
PO Box 746
Gold Beach, OR 97444



RE: Gold Beach Zone Change Application T37-14-18c

To Whom It May Concern:

We understand, that there may have been some questions regarding the proposed zone change that Hughes Commercial is applying for within tax lot #1200. I will attempt to explain Hughes desires as they relate to the Goals of the City of Gold Beach's Master Plan.

The current residential zone, is surrounded by industrial zoning, which we would like to incorporate within our master plan usage of an RV Park. This is a conditional use for that zone application. The current zoning, which is residential, is perhaps in- appropriate because it creates a small pocket of residential locations in the middle of industrial locations. It does not bode well for multiple use facilities to have residential homes intertwined within the same area. Topography blocks the rest of the residential area surrounding this parcel, so no additional disturbance should be encountered from the proposed change. I have tried to address the issues as clearly as possible and have outlined below the Goal numbers assigned to each pertinent area in question.

Goal 9:

The proposed development will incorporate multiple overnight facilities to recreational and tourists traveling through the Gold Beach area and encourage longer stays. This also would bring additional tourism dollars to the local economy with estimating amounts of up to 20 non-resident travelers per night that would utilize the local area for food and travel expenses. If left unchanged, the property in question would have a maximum economic impact of two residential homesites that would involve taxes for each location and minimum influx to the local economy.

Goal 10:

This process may be attained to allotting rental properties, but on a short stay basis in general. It has not been decided to date how to allocate timelines or rules that will apply to the park.

62

Goal 11:

All utilities shall be underground in nature, but we do not want to completely limit the power company due to a final design not being completed to date. It is our intent to have a clean, unobstructed facility throughout the property. All facilities shall be submitted to the City for review by staff and the city engineer prior to bidding and construction of the area. All pipe sizing shall incorporate the ability to be expanded later in time. Construction shall be placed with new pipes and standard regulations to ensure leaks and malfunctions to the city facilities are kept in check. The owner of the property has been involved with the Developer Sewer Expansion for the City of Gold Beach improvements to the wastewater collection system. In fact, the proposed pond that will be part of the overall design within the area will incorporate all storm water flows to existing amounts and keep the same drainage path to a wetland located approximately 1/2 mile away.

Goal 12:

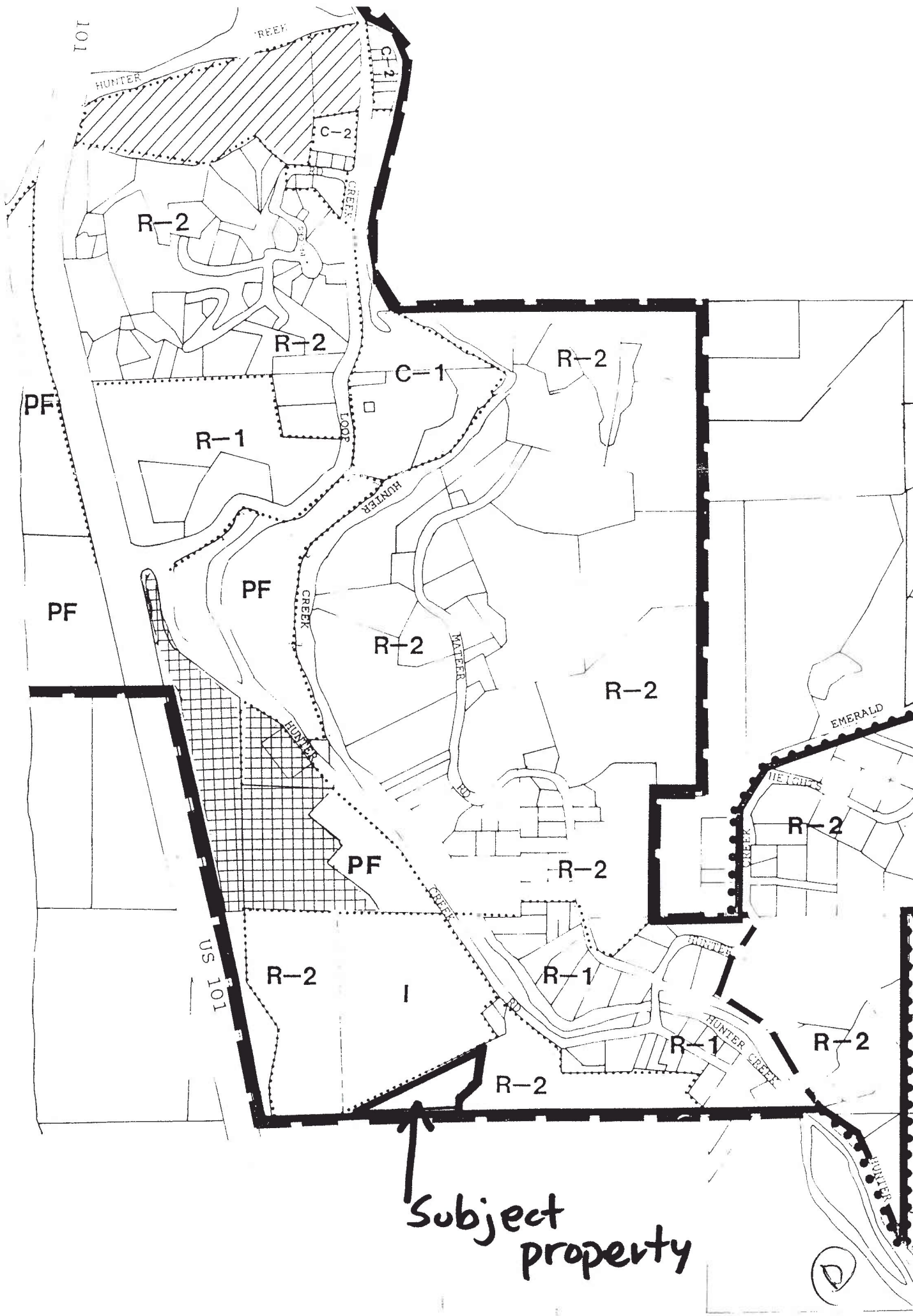
The proposed parcel will be kept as a private street, however all utilities shall have exclusive easements to the City and appropriate agencies (Coos-Curry, Verizon, ect.) to maintain their interests of keeping ownership of public utilities. However, during the construction of the area, Mill Stream Road shall be built to City specifications as agreed upon by the previous developer that never came to fruition.

If there are any other concerns regarding our application, please feel to give me a call at 541-267-9516.

Sincerely,

James D. Pex, P.E.
Principal

63



Subject
property

CURRY COUNTY PUBLIC SERVICES
P.O. BOX 746
GOLD BEACH, OR 97444



Hasler

016H16503102
\$02.530
08/21/2008
Mailed From 97444
US POSTAGE

DLCD
ATTN-Plan Amendment Specialist
635 Capitol St NE SUITE 150
Salem OR 97301