



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

March 15, 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 001-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 29, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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.

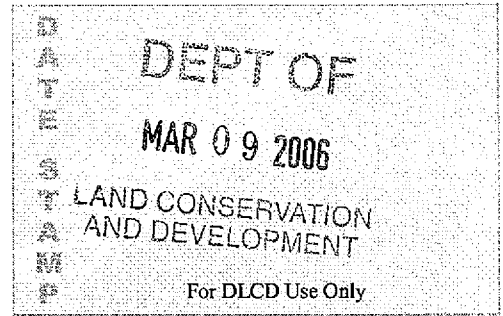
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Paul Klarin, Coastal Policy Analyst
David Pratt, Curry County

<paa> ya

FORM 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



Jurisdiction: Curry County Local file number: CP/ZC 0501

Date of Adoption: 3/6/2006 Date Mailed: 3/8/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 4/14/2006

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

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

Curry County amended Comprehensive Plan Goals 6 and 7 and adopted new ordinances for Erosion Prevention and Sediment Control (CCZO Section 3.300); Storm and Surface Water Management Standards (CCZO 3.400); and revised the Natural Hazard Overlay Zone (CCZO Sections 3.250 and 3.252).

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".

Some changes were made to the proposed amendments for Goal 6 and 7 of the Curry County Comprehensive Plan; the definition section of the Curry County Zoning Ordinance (CCZO); and the Natural Hazard Overlay Zone were made. The proposed Water Quality Overlay Zone was replaced with the Erosion Prevention and Sediment Control ordinance and the Storm and Surface Water Management Standards.

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: Countywide Acres Involved: --

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goals 6 and 7

Was an Exception Adopted? YES NO

DLCD File No.: 001-05 (14307)

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:

Division of State Lands (DSL); ODOT; ODFW; and the Cities of Brookings, Gold Beach, and Port Orford

Local Contact: **David Pratt, AICP** Phone: **(541) 247-3228** Extension: _____

Address: **P.O. Box746** City: **Gold Beach, OR**

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.

COPY

FILED WITH
MAR - 7 2006
CURRY COUNTY CLERK

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

In the Matter of the Adoption of Revisions to the) ORDINANCE NO 06-01
Goal 6 and Goal 7 Elements of the Curry County)
Comprehensive Plan to Include Policies for the)
Control of Erosion and Management of Stormwater;)
And in Response to Oregon Revised Statutes)
Chapter 195. 250 through 195.260 Regarding Rapidly)
Moving Landslides within the Land Use)
Jurisdiction of Curry County)

The Curry County Board of Commissioners ordains as follows:

Section 1 Findings:

1. The Federal Government has imposed regulations regarding water quality upon the State of Oregon.
2. The State of Oregon has imposed regulations regarding water quality upon Curry County through the Environmental Protection Agency and the Department of Environmental Quality.
3. The State of Oregon has imposed regulations regarding development in areas of natural hazards through Statewide Planning Goal 7, and Oregon Revised Statutes 195.250 through 195.260.
4. The economy of Curry County is dependant upon healthy fisheries and development of land.
5. The health, safety and welfare of the citizens of Curry County is of primary importance, and safe development and water quality are key factors in that health, safety and welfare.
6. Development in Curry County must include consideration of all natural hazards, and include appropriate erosion control and stormwater management, as identified and regulated by Federal and State Law, in order to provide for the health, safety and welfare of the public.

7. A formal application, CP/Z-0501, for a Post Acknowledgement Plan Amendment to allow adoption of Comprehensive Plan Policies to address these needs was filed by Curry County on April 18, 2005.
8. All preliminary hearings and other requirements of the Curry County Comprehensive Plan and Zoning Ordinance, and Oregon Administrative Rule for adoption of a Post-Acknowledgement Plan Amendment have been held, and fulfilled, in accordance with the procedural requirements of the Curry County Zoning Ordinance as of June 1, 2005.
9. After notice required by Oregon Revised Statute 215.503 to individual property owners; notice required by the Curry County Zoning Ordinance to affected Agencies, and due public notice in a newspaper of record, the Curry County Board of Commissioners has held a public hearing on these proposed comprehensive plan amendments on June 1, 2005, with continuances of the public hearing on July 22, 2005; December 5, 2005; February 15, 2006; and March 6, 2006, in accordance with State and Local Law.

Section 2 Repeal and Adoption:

- A. Curry County Ordinance 82-1 (Curry County Comprehensive Plan) and its subsequent amendments are amended by:
 - 1) Repealing the current section 6.6 of the Curry County Comprehensive Plan and adopting and inserting in its place the attached new Section 6.6 of the Curry County Comprehensive Plan, as shown in Exhibit A which is incorporated by reference.
 - 2) Repealing the current section 7.3 of the Curry County Comprehensive Plan and adopting and inserting in its place the attached new section 7.3 of the Curry County Comprehensive Plan, as shown on Exhibit B, which is incorporated by reference.

Section 3 Severance Clause:

- A. If any section, subsection, sentence, clauses or phrases 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.


Section 4 **Effective Date:** Consistent with ORS Chapters 197 and 215, this ordinance shall take effect upon its passage

Dated this 6th day of March, 2006.

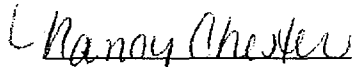
Approved as to form

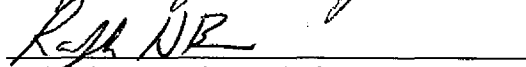

M. Gerard Herbage
Curry County Counsel

CURRY COUNTY BOARD OF COMMISSIONERS


Lucie La Bonte, Chair


Marlyn Schafer, Vice Chair


Recording Secretary


Ralph Brown, Commissioner

Effective Date:

March 6, 2006

Exhibit A

Curry County Comprehensive Plan – Goal 6 Element

Goal 6 - Air, Water and Land Resource Quality

GOAL: To maintain and improve the quality of the air, water and land resources of Curry County.

Policies

1. Curry County recognizes all applicable federal and state regulations concerning air, land and water quality and will cooperate with other governmental agencies in their implementation of these regulations to protect these resource qualities.
2. Curry County recognizes that development activities can cause loss of water quality, and can constitute a risk to the health, safety and welfare of its citizens due to transport of sediments and other pollutants by runoff, both at the time of construction, and from additional stormwater runoff generated by the creation of impervious surfaces, and from the loss of geological stability due to erosion and soil saturation. The County will limit these problems by establishing thresholds for vegetation removal and creation of impervious surfaces, and will allow development exceeding such thresholds only after approval of erosion control and stormwater management plans prepared by applicants or qualified professionals as specified by County Ordinance, and after all special construction techniques necessary for construction of the plan improvements have been designed by an engineer licensed by the State of Oregon.
3. Curry County maintains an environmental sanitation program for the regulation of on-site sewage disposal in order to protect water quality in the county.
4. Curry County will discourage activities which cause the degradation of the air, water or land resource quality in the implementation of its comprehensive plan and zoning ordinance.
5. Curry County has developed an active solid waste recovery and recycling program which promotes the recycling and proper disposal of solid waste in order to protect the quality of the air, water and land resources of the county.
6. Curry County will continue to promote the location of those businesses which may pose a noise nuisance problem into areas that are appropriate for such uses.

Exhibit B

Curry County Comprehensive Plan – Goal 7 Element

Goal 7 – Natural Hazards

GOAL: To protect life and property from natural disasters and hazards identified as potentially occurring in Curry County.

Policies:

1. Curry County has identified the location of potential natural hazard areas in the comprehensive plan and seeks to protect its citizens *and property* from harm or *damage* caused by natural hazards.
2. Curry County regulates the construction of structures through its administration of a State of Oregon-approved Building Code and will not permit the construction of a structure in a hazardous location as set forth under provisions of the building code.
3. Curry County has designated certain coastal areas which are subject to chronic natural hazards with a plans and zoning designation for “Beaches and Dune Conservation” which recognizes the limitations or these areas for development.
4. Curry County has identified lands in the comprehensive plan which are subject to periodic flooding in a series of flood hazard studies of local rivers, streams and lakes that were cooperatively prepared by the county and federal government, and will update these studies when new flood data becomes available.
5. Curry County participates in the National Flood Insurance Program for the protection of property located in the flood plains of local rivers, *streams and lakes* and will limit future development in flood plain areas under its Flood Damage Prevention Ordinance.
6. Curry County recognizes that areas within the county are subject to mass movements of soil and bedrock, including earthflow slump, and rapidly moving landslides, and has identified these areas and included maps of them in the comprehensive plan. The County will allow development in these areas only after the specific building site has been approved by a geologist or engineering geologist licensed by the State of Oregon and that all special construction techniques necessary to build on the site have been designed by an engineer licensed by the State of Oregon.

7. Curry County recognizes that many streams in the county have critical streambank erosion problems resulting in the loss of valuable resource land and has recognized the need for streambank protection structures along streams where the design of such structures is compatible with flood protection hydraulics and wildlife habitat values of the stream.
8. Curry County has developed an Emergency Services program to assist its citizens in the possibility of a general disaster by natural hazard such as earthquake, storm, or tsunami.
9. Curry County has an organized mutual aid agreement between all the city and rural fire departments in the county to suppress structural fires and minimize property loss.

Curry County on April 18, 2005.

8. All preliminary hearings and other requirements of the Curry County Comprehensive Plan and Zoning Ordinance, and Oregon Administrative Rule for adoption of a Post-Acknowledgement Plan Amendment have been held, and fulfilled, in accordance with the procedural requirements of the Curry County Zoning Ordinance as of June 1, 2005.
9. After notice required by Oregon Revised Statute 215.503 to individual property owners; notice required by the Curry County Zoning Ordinance to affected Agencies, and due public notice in a newspaper of record, the Curry County Board of Commissioners has held a public hearing on these proposed comprehensive plan amendments on June 1, 2005, with continuances of the public hearing on July 22, 2005; December 5, 2005; February 15, 2006; and March 6, 2006, in accordance with State and Local Law.

Section 2 Repeal and Adoption:

- A. Curry County Ordinance 94-15 and its subsequent amendments are amended to implement the policies in Chapters 6 and 7 of the Curry County Comprehensive Plan by:
 - 1) Amending the Curry County Zoning Ordinance by adoption and insertion of language into the text of the Zoning Ordinance in Section 1.030 - Definitions, as shown in Exhibit A, which is incorporated by reference. (Authorization is granted to renumber the definitions)
 - 2) Amending the Curry County Zoning Ordinance by adoption and insertion of new Sections 3.300, 3.301, 3.310, 3.320, 3.321, 3.322, 3.323, and 3.324 to create a new provision for Erosion Prevention and Sediment Control, as shown in Exhibit B, which is incorporated by reference.
 - 3) Amending the Curry County Zoning Ordinance by adoption and insertion of new Sections 3.400, 3.410, 3.420, 3.430, 3.440, 3.443, and 3.450 in the Curry County Zoning Ordinance to create a new provision for Storm and Surface Water Management Standards, as shown in Exhibit C, which is incorporated by reference.
 - 4) Amending the Curry County Zoning Ordinance by repealing the current text of Sections 3.250, and 3.252, and adopting and inserting in its place the attached new Sections 3.250, and 3.252, as shown on Exhibit D which is incorporated by reference.

Section 3 **Severance Clause:**

- A. If any section, subsection, sentence, clauses or phrases 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.

Section 4 **Effective Date:** Consistent with ORS Chapters 197 and 215, this ordinance shall take effect upon its passage

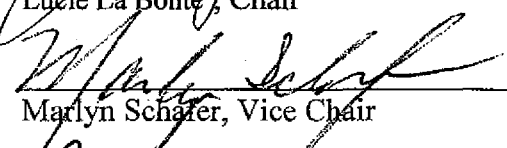
Dated this 6th day of March, 2006.

Approved as to form

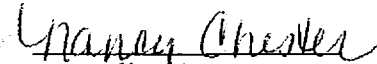

M. Gerard Herbage
Curry County Counsel

CURRY COUNTY BOARD OF COMMISSIONERS


Lucie La Bonte, Chair


Marilyn Schaefer, Vice Chair


Ralph Brown, Commissioner


Nancy Chester
Recording Secretary

Effective Date:

March 6, 2006

Exhibit A

DEFINITIONS

The following definitions are hereby added to Section 1.030 of the CCZO:

Average Slope. The average of percent slope between the highest and lowest points where development activity is to occur on the property resulting from the division of the increase in elevation in feet by the actual distance between the two points as measured in feet in flat plane on a map.

Development Activity: Any use or proposed use of land that requires disturbance of the vegetation or soils or which requires action of the Planning Division or Building Division to allow the construction or modification of structures or other improvements or to allow the division of the land.

Engineer. A certified geotechnical engineer or a registered professional engineer licensed by the State of Oregon with knowledge and experience relating to geology and geotechnical principles.

Geologic Hazard Area. Geologic Hazard Areas in Curry County are areas shown on the Natural Hazard Inventory maps adopted into the Goal 7 Element of the Curry County Comprehensive Plan, including the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletin 90 Land-Use Geology of Western Curry County, Oregon, and the DOGAMI maps known variously as "Further Review Areas." Geologic Hazard Areas include, but are not limited to,

- a) earthflow and slump topography with moderately sloping terrain and irregularities of slope, drainage, or soil distribution;
- b) areas of recent earth movement shown by tension cracks, bowed trees and other indicators;
- c) steep slope mass movement areas which are areas subject to localized debris slide, debris flow, rockfall, or rock slide;
- d) other areas as may be identified by in the preparation of assessments and reports pursuant to the requirements of Section 3.252.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides.

Geologist. A certified engineering geologist licensed by the State of Oregon as provided by ORS 672.505 to 672.705

Exhibit B

Erosion Prevention and Sediment Control

The following text is hereby added to the Curry County Zoning Ordinance as Section 3.300

Section 3.300 Erosion Prevention and Sedimentation Control

Purpose: The purpose of this provision, consistent with Goal 5 of the Curry County Comprehensive Plan, is 1) to preserve or enhance the health, safety, welfare and quality of life of the inhabitants of Curry County by providing clean water, and by minimizing risk to inhabitants and property through control of erosion and management of storm water and 2) to maintain or improve water quality within Curry County consistent with the requirements of the State of Oregon and the United States government.

This provision seeks to accomplish these goals by requiring measures to prevent erosion, control sediment, and properly manage runoff from sites with disturbed soils and on structures and improvements that are associated with development activities. It is within this purpose to require measures that are both temporary and permanent in order to achieve these purposes for the long term.

Section 3.301 Areas of Applicability

This section is applicable to all lands within Curry County that are not within the limits of an incorporated city, or under federal ownership at the date of an application for approval of development activity, provided, however, that lands within areas that are subject to an approved comprehensive storm water management plan which has been adopted by Curry County are excluded from the provisions regulating the management of storm water drainage.

Section 3.310 Review by Director

1. The Director shall review all applications for development activity for conformance with the standards and criteria of this section.
2. The Director may retain decision-making authority over matters subject to review or may refer such matters to the Planning Commission consistent with the provisions of Article II of the Curry County Zoning Ordinance.
3. The Director or the Planning Commission, as the case may be, may approve, approve with conditions, require changes to or deny the application based upon the criteria or standards listed in Section 3.322. The decisions in such matters may be appealed consistent with the provisions of Article II of the Curry County Zoning Ordinance.

Section 3.320 Erosion Prevention and Sedimentation Control

All development activity shall comply with the requirements for erosion prevention and sediment control. The intent of these provisions is to minimize the amount of sediment and pollutants that exit the site of development activity and, thereby, minimize the amount of such material that

reaches waterways, wetlands, public improvements and the property of others. These provisions are intended to require that temporary and permanent measures be taken for all development activity that require or result in the disturbance of the surface of soil and/or vegetation.

Section 3.321 Development Affected

1. All development activity can result in altered or increased runoff, erosion and sedimentation both during and following vegetation removal, grading, construction of improvements, landscaping and other activities that disturb the surface of the soil. Measures must be taken to manage site hazards such as water runoff, soil erosion and sediment deposition. The requirements of this section must be met by all development activities that:
 - a) Will result in the excavation of 800 square feet or more of soil surface or
 - b) Will result in the construction of either 2,000 square feet of impervious surface on a site or will result in the coverage of 25% or more of the area of a site in impervious surfaces, whichever is less.
2. The activities of home gardening that disturb less than one half an acre of land and agricultural activities undertaken pursuant to ORS 215.203(2) are excluded from this requirement.
3. Activities undertaking to control invasive bush species for fire control purposes or for the preservation of pre-existing clearings or meadows are excluded from the requirements of Section 3.322.
4. Activities undertaking exploration activity such as backhoe pits and bore holes not requiring newly constructed road access are excluded from the requirements of Section 3.322.

Section 3.322 Erosion Prevention and Sediment Control Plan

1. Applications for authorization to undertake development and other activities described in Section 3.321 must be accompanied by an Erosion Prevention and Sediment Control Plan.
2. The provisions of an Erosion Prevention and Sediment Control Plan shall:
 - a) demonstrate that the subject property will not be disturbed, excavated, filled or developed so as to cause movement of mud, soil, rock, vegetative material or any products of erosion or other depositional material onto, deposited upon or transported to the property of another;
 - b) include specific interim and permanent measures that will prevent erosion and control sedimentation on the subject property and meet the requirements of Section 3.322(2)(a);
 - c) include a strategy to minimize the removal of vegetation cover, particularly tree cover, necessary for access, building placement or to establish views for proposed structures or improvements. Nothing in this requirement shall reduce

the applicant's obligation to comply with the Fire Safety Areas required in Section 3.055.

- d) in cases of development activity that will result in the division of land, include both interim and permanent measures and improvements that must be taken and installed during the development of each lot or parcel created.

3. Preparation of Erosion Prevention and Sediment Control Plans

- a) On a single lot or parcel on which the development activity will occur on slopes of less than 15%, the plan may be prepared by the applicant utilizing best management practices. Plans for development activities that will result in the division of land may not be prepared pursuant to this subsection.
- b) Development activities on properties that were created pursuant to an application and for which an Erosion Prevention and Sedimentation Control Plan was approved shall comply with the provisions of that plan and may submit that plan in compliance with the requirements of Section 3.322(2).
- c) On lands on which the development or other activity will occur on slopes of 15% or greater, the plan must be prepared by a geologist.
- d) Plans prepared in Geologic Hazard Areas must also be prepared in consultation with, and be signed by, a geologist.
- e) Final recorded plats and subdivision maps shall indicate that the all lots or parcels must be developed consistent with the approved Erosion Prevention and Sedimentation Control Plan and that the measures and improvements specified in the plan must be maintained by the owner of each lot or parcel.
- f) The applicant or owner of any lot or parcel on which an Erosion Prevention and Sedimentation Control Plan has been approved shall record on the title to the subject property a notification of the existence of the plan, of the fact that it can be reviewed in the Planning Division files and that also specifies the obligation of subsequent land owners to refrain from interfering with such measures or improvements and to maintain them.

Section 3.323 Review and Approval of an Erosion Prevention and Sediment Control Plan

1. The Director shall review the proposed Erosion Prevention and Sedimentation Control Plan for consistency with the requirements and purposes of these provisions and may approve, approve with conditions, require changes to or deny the application based and such review.
2. No activities may be conducted on the property that is the subject of such a plan prior to the Director's written approval thereof or prior to the installation of the approved erosion prevention and sedimentation control measures.
3. If prior to applying for a permit or other authorization vegetation removal is required to allow surveying and/ or site study, the applicant shall submit a plot plan to the Director describing the amount and location of vegetation removal. If the property has slopes greater than 15%, vegetation can only be cut off at or above ground level. Stumps and

roots shall not be removed. The Director must approve this plan prior to any removal of vegetation.

Section 3.324 Installation and Certification of Erosion Prevention and Sediment Control Measures

1. The approved erosion prevention and sediment control measures shall be installed and maintained as required by the approved plan.
2. The installation of measures required in a plan prepared under Section 3.322(3)(c) may be certified by the applicant.
3. The installation of measures required in a plan prepared under Section 3.322(3)(d) shall be inspected by Curry County or may be certified by the engineer or by a geologist who prepared the plan.

Exhibit C

Storm and Surface Water Management Standards

The following text is hereby added to the Curry County Zoning Ordinance as Section 3.400

Section 3.400. Storm and Surface Water Management Standards

Purpose: Detention of stormwater collected from impervious surfaces on a given property, or within public rights-of-way, is essential to the management of stormwater in Curry County. This ordinance includes standards for conveyance of surface water to streams, creeks, and channels. It also addresses pollution reduction and flow control for stormwater generated from new and redevelopment. For the purpose of this ordinance, "new" and "redevelopment" refers to any man-made change to improved or unimproved real estate including, but not limited to the placement of buildings or other structures, dredging, filling, grading, or paving. The ordinance provides standards for addressing infiltration, treatment, and detention of stormwater separately as well as an option for a combined approach to mitigating the water quality impacts of developments that fall below a certain size threshold.

Section 3.401 - Applicability: No permit for construction of new development or tenant improvements that results in impervious cover greater than 500 square feet for development activity on any land within Curry County that is not within the limits of an incorporated city, or under federal ownership, at the date of an application shall be issued until effects on stormwater management are evaluated. The level of review varies according to the affected area:

1. 500-1,999 square feet. No stormwater management measures beyond any mitigation measures for pollution reduction or flow control are required.
2. 2,000-4,999 square feet. Conceptual plans shall be submitted for approval.
3. 5,000+ square feet. A comprehensive stormwater **management plan** shall be submitted for approval.
4. Areas smaller than 500 square feet may require review, and a greater level of review for properties between 500 and 4,999 square feet may be necessary when the site is identified as having especially sensitive conditions, including but not limited to wetlands, steep slopes, and fish bearing streams.

Separate applicability thresholds for Pollution Reduction and Flow Control Standards are listed in Section 3.440 Pollution Reduction and Flow Control Standards. Development projects shall not be phased or segmented in such a manner to avoid the requirement of these Rules and Regulations.

The Oregon Department of Transportation (ODOT) shall require stormwater and water quality management plan coordination, design approval to state standards, and applicable permits for all development impacting state transportation drainage facilities.

Section 3.410. Stormwater Management Plan Submittal

1. Site plans shall include the following analyses and descriptions:
 - a. A description of stormwater mitigation strategies to increase infiltration, promote evapotranspiration (use of water by plants), and reduce the amount of stormwater runoff generated from the site.
 - b. Calculations of the amount of impervious surface before development and the amount of impervious surface after development. Impervious surface refers only to strictly impervious surfaces including roofs of buildings, impervious asphalt and concrete pavements, and other specifically impervious pavement materials such as mortared masonry and gravel.
 - c. An analysis of vegetative and other treatment methods used to reduce pollutants.
 - d. An analysis of flow reduction methods including infiltration, detention, and retention techniques.
 - e. Statement of consistency with County stormwater management and, if applicable, the watershed management plan for the basin and/or requirements of a pollutant load reduction plan for a water quality limited stream which may be affected by ground disturbance or increased or altered flow regime.
2. Post-construction plans shall include the following information:
 - a. As-built plans, stamped an engineer or geologist indicating all stormwater mitigation and management strategies are installed per approved plans and approved changes.
 - b. Maintenance plans for all stormwater treatment facilities installed to comply with this ordinance. The maintenance program shall be subject to a recorded agreement with the County that outlines the stormwater treatment facility responsibilities of property owners and the County.

Section 3.420. General Requirements

1. **Intent and Purpose.** All development shall be planned, designed, constructed and maintained to provide a system by which storm/surface water within the development will be managed without causing damage or harm to the natural environment, or to property or persons and to protect property from flood hazards.
2. **Criteria.** Plans shall be submitted to the Curry County Public Services Department for review. All plans and calculations for areas 5,000 square feet or larger must be stamped and signed by a hydrologist, civil engineer, or other qualified person recognized by the County. Plan approval will be based on the following criteria:
 - a. Design, construction and maintenance of proposed stormwater management plan will result in limiting as much as possible the increase in post-development off-site stormwater flow over pre-development off-site stormwater flow.

- b. All in-stream culvert installations must allow fish passage in accordance with Division of State Lands (DSL) and the US Army Corps of Engineering (COE) and any other authorized federal, state, or local agency.
 - c. Installation of culverts, spans, or stormwater outfalls along natural water features shall be designed to emphasize preservation of natural flow conditions and pursue stream enhancement opportunities.
 - d. Stormwater mitigation strategies, such as retention of existing trees, and use of porous paving surfaces, as well as stormwater treatment and flow control facilities used to meet the requirements of this code must be included in the plans.
 - e. Stormwater management plan shall be consistent with the County's most current Stormwater engineering practice.
 - f. In areas of high pollutant load, stormwater infiltration shall incorporate, or be preceded by treatment as necessary to prevent siltation of the infiltration facility, protect ground water, and prevent toxic accumulations of pollutants in the soil.
 - g. All storm conveyance pipes, vaults and stormwater infiltration, treatment and detention facilities shall be built to specifications of the County.
 - h. The plan shall demonstrate compliance with the standards of CCZO Section 3.430 - Surface Water Conveyance Standards.
 - i. The plan shall demonstrate compliance standards of CCZO Section 3.440 - Pollution Reduction and Flow Control Standards.
3. **Infiltration Facilities.** The County reserves the right to restrict the use of infiltration facilities in high risk areas including those in Natural Hazard Areas with steep slopes, unstable soils, high water tables, or sites known to be contaminated by hazardous substances.
- a. Infiltration facilities which fall under the jurisdiction of DEQ's Underground Injection Control (UIC) Program must be registered with the state and meet the requirements of the UIC Program.
 - b. **Security.** Applicants shall provide cash or a letter of credit acceptable to the County to assure successful installation and initial maintenance of surface pollution reduction and flow control facilities.
 - c. **Contingency for system failure.** If the storm drainage system fails due to lack of maintenance or breakage, and there are impacts to downstream water quality or quantity as a result of the failure, the County may perform the maintenance or repair and has the authority to charge the owner of the facility.

Section 3.430. Surface Water Conveyance Standards

- 1. The following measures are designed to efficiently convey stormwater.

- a. Culverts in and spans of streams, creeks, gulches, and other natural drainage channels shall maintain a single channel conveyance system.
- b. Culverts and/or spans are to be sized for the 24-hour post-developed tributary conditions of the 10-year storm on streams with an average flow less than 200 cfs.
- c. Conveyance calculations shall use the following methods for analysis:
 - i. Projects smaller than 20 acres: The Rational Method, Santa Barbara Urban Hydrograph, SCS TR-55, HEC-1, or SWMM.
 - ii. Projects 20 acres or larger: Any of the methods except the Rational Method. Exceptions must be documented and approved by the County.
- d. Credit will not be given for in-stream and in-line detention.
- e. It shall be the responsibility of the owner that the new drainage system shall not negatively impact any natural water conditions. The owner is responsible for providing a drainage system for all surface water, springs, and groundwater on site and for water entering the property as well as management of springs and groundwater that surface during construction.

Section 3.440. Pollution Reduction and Flow Control Standards

- 1. **Applicability.** These standards shall apply to all subdivisions or site plan applications creating greater than 500 square feet of impervious surface or redevelopment footprint area, unless eligible for an exemption or granted a waiver by the County. Additionally, these standards apply to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times and at different schedules.
- 2. **Waivers.** The County at its discretion can waive in whole or in part minimum requirements for stormwater management, provided the applicant can prove with submitted findings that at least one of the following conditions applies:
 - a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives or standards of this section, the County's Stormwater Plan, or the County's Stormwater Management Program.
 - b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the County.
 - c. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by onsite practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.

- d. The County finds that meeting the minimum on-site management requirements is not feasible due to the nature or existing physical characteristics of a site.
- e. Non-structural practices will be used on the site that reduce: a) the generation of stormwater from the site, b) the size and cost of stormwater storage and c) the pollutants generated at the site. These non-structural practices are explained in detail in the current design manual and the amount of credit available for using such practices shall be determined by the County.

Section 3.443. Infiltration, Treatment, and Detention.

Proper management of stormwater includes a combination of infiltration, treatment, and detention. This Section establishes the review standards for each method.

1. Infiltration

- a. Infiltration systems are to infiltrate a minimum of one-half inch of rainfall in 24 hours.
- b. Stormwater treatment, in accordance with Section 3.443(2), shall occur prior to or concurrent with infiltration.
- c. Infiltration systems shall be designed to overflow to conveyance systems.
- d. Infiltration may be waived, or reduced, if it can be demonstrated by an engineer or geologist that infiltration will destabilize the soil, cause structural problems, or provide negative impacts to the environment, or because of site constraints such as high groundwater or soil contamination. In such cases, findings shall demonstrate that stormwater runoff will not adversely affect adjacent properties or substantially change the flow characteristics of receiving water ways, or if runoff is determined to occur, the developer shall be responsible for in-lieu-of fees for regional treatment or off-site mitigation.

2. Treatment

- a. Water quality treatment facilities shall be designed to capture and treat runoff for all flows up to the 80th percentile storm event.
- b. The water quality system shall use vegetation for treatment. Alternative systems may be used with approval of the of the Director after consulting an engineer and shall be designed to provide equivalent treatment as is provided with a vegetated system.
- c. Systems treating stormwater from over 5,000 square feet of impervious area and all systems must be designed by a registered engineer and be approved by the County.

3. Detention. On-site storm quantity detention facilities shall be designed to capture and detain runoff as follows:

- a. 2-year, 24-hour, post-developed runoff rate to a 2-year, 24-hour pre-developed discharge rate;
 - b. Sites with infiltration systems designed to handle storms in excess of that specified by Section 3.443(3)(a) (above) of this Section will be permitted to reduce on-site detention requirements by a volume equal to 100% of the infiltration capacity.
4. Conveyance. Infiltration, treatment, and detention facilities shall be constructed to convey excess stormwater. Conveyance systems shall be sized to meet the following conditions:
- a. Stormwater drainpipes draining less than 640 acres, 25-year 24-hour design storm.
 - b. Stormwater drain pipes draining greater than 640 acres, 50-year 24-hour design storm.

Section 3.450. Review Process

The requirements of this Chapter must be approved by the Public Services Director.

Exhibit D

Natural Hazard Overlay Revisions

The following text replaces Curry County Zoning Ordinance Sections 3.250, and 3.252

Section 3.250. Natural Hazard Overlay Zone (NH).

Purpose of Classification. The purpose of the NH zone is to provide for appropriate uses and protect people, lands and development in areas that have been identified in the Comprehensive Plan as being subject to various natural hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards. For the purposes of these provisions, areas subject to geologic hazards are known as "geologic hazard areas". Geologic hazard areas are shown on the Natural Hazard Inventory maps adopted into the Goal 7 Element of the Curry County Comprehensive Plan. The maps include the Oregon Department of Geology and Mining Industries Bulletin 90 Land Use Geology of Western Curry County, Oregon the DOGAMI maps known variously as the "Provisional Maps of Rapidly Moving Landslides" and the "Further Review Areas" maps. Geologic hazard areas may also be identified by site specific characteristics such as, but not limited to, earthflow and slump topography with moderately sloping terrain and irregularities of slope, drainage or soil distribution; steep slope mass movement areas subject to localized debris slides, debris flows, rock falls or rock slides, and other areas that may be identified by an engineer or geologist conducting the technical assessments required by the Curry County Zoning Ordinance.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides.

Section 3.252. Development in Areas of Geologic Hazards.

Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity application is submitted to the Director.

1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on contiguous and adjacent property and on upslope and downslope properties that may be at risk from, or pose a risk to, the development activity. The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:
 - a. A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.
 - b. A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in

order for the development activity to be undertaken safely and within the purposes of Section 3.250.

2. If the assessment provides a certification pursuant to Section 3.252(1)(a), the development activity may proceed without further requirements of this Section.
3. If the assessment provides a statement pursuant to Section 3.252(1)(b), the applicant must apply for and receive an Administrative Decision prior to any disturbance of the soils or construction.
4. Applications, which require an Administrative Decision pursuant to Section 3.252(3), shall provide the following information prior to the Planning Director's determination that the application is complete.

a) A geologic hazard mitigation report by a geologist prepared at the applicant's expense containing the following information:

i) Drawings at scales that allow for clear depiction of the following:

1. an index map showing the location of the development activity within Curry County;

2. A topographic site plan that shall include

a. all adjacent, contiguous and related property identified in the geologic hazard assessment as being at risk from or posing a risk to the development activity;

b. the degree of slope on the subject and adjacent properties;

c. all features on the subject and adjacent properties that may cause or contribute to mass movement. Such features shall specifically include any landslide, bluff failure or shoreline erosion that could migrate upslope into the subject or adjacent properties;

d. the location of all identified geomorphic features and micro-topographic features related to the identified geologic hazards, and

e. all features or conditions, which gave, rise to the statement pursuant to Section 3.252(1)(b) not otherwise required to be included.

3. A map that depicts features and conditions associated with any building site or construction site associated with the development activity.

ii) A technical analysis and narrative describing the following:

1. The geologic features or conditions of the property as well as those features or conditions which gave rise to the statement pursuant to Section 3.252(1)(b);
2. All features related to earth movement or geologic instability on, above and below the site;
 - a. The results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes, or other data obtained from the site investigation with data points clearly identified on a map;
 - b. Whether the proposed development activity can be safely sited on the subject property or at the site in view of the geological hazards and risks that have been identified in the geologic hazard assessment;
 - c. All features related to earth movement or geologic instability on, adjacent to, upslope or downslope from the subject property;
 - d. A clear statement of all requirements or conditions on the development activity that the geologist has determined are necessary to mitigate the geologic hazards that require mitigation;
 - e. A qualitative assessment of the likelihood that the proposed development activity will cause damage or contribute to damage to adjacent properties resulting from geologic hazards disclosed in the geologic hazard assessment or during the course of the preparation of the geologic hazard mitigation report.
 - f. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations
- b) In the event that the Director determines that the geologic hazard mitigation report fails to include the required information, fails to analyze or take into account documented hazards associated with the subject property or the proposed development activity, fails to consider new information made available to the Director or has other identified significant deficiencies, the Director shall:
 - i) Notify the applicant in writing to identify the deficiencies. Thereafter the applicant shall:
 1. provide a revised geologic hazard mitigation report or, in the applicant's discretion, request the Director to submit the geologic hazard mitigation report for peer professional review at the applicant's expense.
 2. In the event of peer review, the Director shall provide

the applicant with a list of three qualified professionals from which the applicant shall choose one to conduct the peer review.

5. Upon the Director's satisfaction with the geologic hazard mitigation report, the Director shall approve it in writing and may thereafter proceed with the determination of whether to grant the application.
6. If the geologic hazard mitigation report discloses that the entire subject property is subject to geologic hazards that cannot be mitigated or that the subject property does not contain sufficient area that can be mitigated to allow the development activity as proposed, or that the development activity presents a significant risk of damage to or destabilizing adjacent property that cannot be mitigated in the course of the development activity itself, the development activity shall not be allowed, and the application shall be denied.
7. Prior to approval of the development activity, the applicant shall provide a mitigation plan prepared by an engineer or geologist specific to the development activity and based on the approved geologic hazard mitigation report.
 - a. The mitigation plan must adequately address all issues identified in the geologic hazard mitigation report and protect the subject property and surrounding lands.
 - b. In the event that the development activity is a division of land, the mitigation plan shall specify mitigation measures or improvements that must be implemented on each parcel to assure the protection of the subject property and of other properties from the hazards identified in the geologic hazard mitigation report.
 - c. The mitigation plan shall specify which if any measures and improvements must be installed or constructed under the direction of a supervising engineer.
 - d. The applicant shall, prior to the issuance of any development permits, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of subsequent land owners to refrain from interfering with such measures or improvements and to maintain them.
 - e. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations.
8. The Director shall provide notice as required for an Administrative Decision to all affected parties regarding the proposed development in a natural hazard area. The Director shall consider the applicant's reports, proposed mitigation plan and any response from affected parties in making his decision. The Director's review of technical reports, plans and recommendations shall give greater consideration to the comments of engineers or geologists qualified to assess the contents of such reports, plans and recommendations.
9. Appeals of an Administrative Decision which challenge an assessment, report or plan prepared or approved under Section 3.252(1), (4), (5) or (7), shall be accompanied by an analysis of the challenged document. Such analysis must identify and analyze the purported deficiencies with sufficient clarity to allow the Director to assess the concerns. In the event that the Director does not have adequate technical ability to make such an

assessment, the Director may submit the matter for recommendation by an engineer or geologist in which case the appellant and the applicant shall equally share the cost of such peer review. Peer review shall be based on the entire record of the proposed development activity.

10. If a possible new geological hazard that has not been mapped is brought to the attention of county officials, the county shall then require that a geologist be hired by the County to investigate the subject site and report on the nature of the hazard and its possible impact to the proposed use and surrounding properties. The cost of this geological hazard investigation is to be paid by the applicant.
11. The development activity, if approved, must be constructed as approved and must implement the measures and improvements in the approved mitigation plan. The plans submitted for development permits shall bear a statement from the engineer that they include the mitigation measures contained in the approved mitigation plan. If required by the mitigation plan, installation or construction of such measures and improvements shall be undertaken under the supervision of an engineer.
12. Upon the completion of construction and prior to issuance of a certificate of occupancy, the supervising engineer shall certify that the measures and improvements in the approved mitigation plan have been properly installed. In the case of mitigation plans that do not require a supervising engineer, such certification shall be made in the form of a sworn affidavit by the applicant. No as-built changes to the requirements of a mitigation plan will be accepted in the absence of certification of the changes by the engineer or geologist who prepared the mitigation plan.