



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

October 24, 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
DLCDC File Number 004-06



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 9, 2006

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

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

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

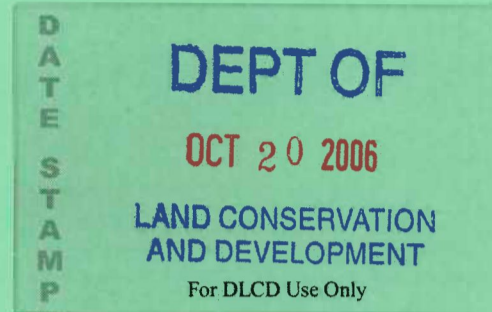
Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
David Pratt, Curry County

<paa> yal



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: Z-0602

Date of Adoption: 9/5/2006 Date Mailed: 10/18/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 7/3/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Exemption to Goal 14

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Change the the zoning designation of an 18.22 acre parcel, identified as Curry County Tax Assessor's Map/Lot No. 37-14-00 -04600 and located at 27799 Highway 101, from Rural Residential - Ten Acres (RR-10) to Residential to Residential - Five (RR-5).

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".
Same

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: 27799 Highway 101 Acres Involved: 18.22

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goal 14 - Urbanization

Was an Exception Adopted? YES NO

DLCD File No.: 004-06
(15360)

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:

Curry County and the City of Gold Beach (OR)

Local Contact: **David J. Pratt, AICP** Phone: **(541) 247-3304** Extension: _____

Address: **P.O. Box 746** City: **Gold Beach**

Zip Code + 4: **97444-** Email Address: **prattd@co.curry.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

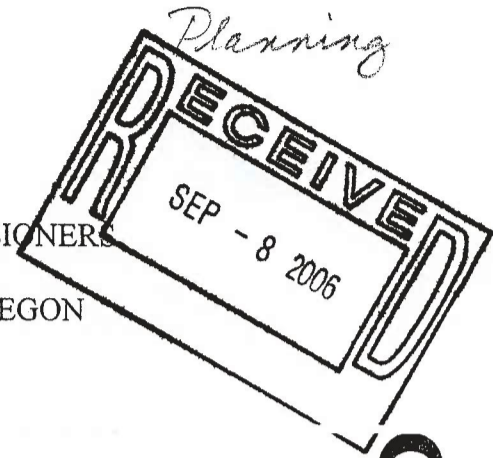
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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



COPY

In the Matter of the Adoption)
Of a Change to the Curry County)
Zoning Map Related to File No.)
Z-0602 for Applicants Marvin)
Zuber and Sharon Zuber)

ORDINANCE NO. 06-06

The Board of Curry County Commissioners ordains as follows:

Section 1

This ordinance amends the Curry County Zoning Map of the subject property from Rural Residential Ten (RR-10) to Rural Residential Five (RR-5).

Section 2

This ordinance is being adopted under the authority of ORS chapters 197 and 215 and the Curry County Zoning Ordinance (CCZO) following published notice.

Section 3

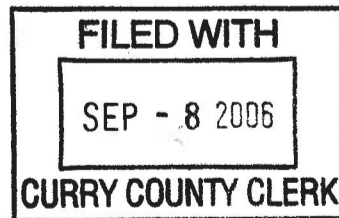
This amendment to the Curry County Zoning Map applies only to the following land as described in the records of the Curry County Assessor:

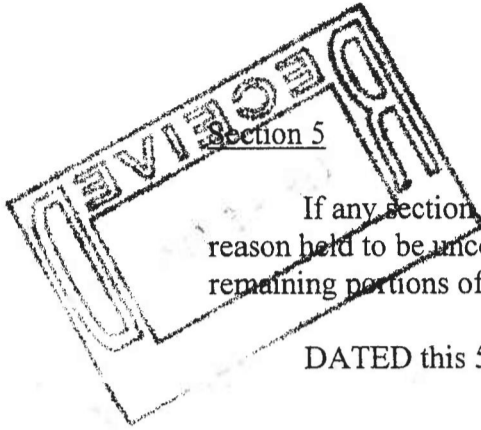
Tax Lot 4600 on Assessor's Map 37-14 & Index

This property is shown on the attached map marked as Exhibit I, which is incorporated by reference.

Section 4

The Curry County Board of Commissioners approved this application for a zone change in accordance with Sections 2.060(3)(b) and 9.021 of the CCZO and by taking a Goal 2 exception to Goal 14 (Urbanization). The order approving this zone change with the attached Findings of Fact and Conclusions is designated as Exhibit II and is hereby adopted as part of this ordinance.





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.

DATED this 5th day of September, 2006.

BOARD OF CURRY COUNTY COMMISSIONERS

Lucie La Bonté
Lucie La Bonté, Chair

Marilyn Schaefer
Marilyn Schaefer, Vice Chair

Ralph H. Brown
Ralph H. Brown, Commissioner

Recording Secretary:

Patricia R. Cook

First Reading: 9/5/06
Second Reading: N/A
Effective Date: 9/5/06

(Pursuant to ORS Chapters 197 and 215)

Approved as to Form:

M. Gerard Herbage
M. Gerard Herbage
Curry County Legal Counsel

Z-0602 Zuber 37-14-00; TL 4600



- Legend**
- ~ ROADS ORTHO
 - PARCELS
 - ▬ URBAN GROWTH BOUNDARY
 - TOWNSHIP

Scale: 1:9,000



Map center: 42° 21' 41.7" N, 124° 24' 47.6" W

The contents of this map represent 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 a particular purpose, or any other matter.

Exhibit "II"

FILED WITH
SEP - 7 2006
CURRY COUNTY CLERK

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

In the Matter of an Order)
Approving the Application) ORDER NO. 12436
Of Marvin Zuber and Sharon)
Zuber in File No. Z-0602)

COPY

This matter came before the Board of Curry County Commissioners on the application of Marvin Zuber and Sharon Zuber in Application File No. Z-0602. The application seeks a zone change of the subject property from Rural Residential Ten (RR-10) to Rural Residential Five (RR-5).

The subject property consists of approximately 18.22 acres and is located at 27799 Highway 101 near Gold Beach, Oregon. It is located east of Highway 101 approximately 1/4 mile south of Thimbleberry Road outside of the Gold Beach Urban Growth Boundary. The subject property is further described as Tax Lot 4600 on Assessor's Map No. 37-14 & Index.

This zone change request originally came before the Curry County Planning Commission on May 25, 2006. The Planning Commission approved the zone change subject to four conditions of approval. However, since the proposed zone change involved an exception to Statewide Goal 14 (Urbanization), the application was referred to the Board of Curry County Commissioners for consideration under CCZO Section 2.060(3)(b) for a second public hearing.

The Board of Curry County Commissioners, following appropriate notice as required by law, held a public hearing on this matter on August 21, 2006. Laura Greathead represented the applicants. Evidence was received in favor of the application, and no evidence was received in opposition to the application. The Board then closed the record of this hearing and began to deliberate towards a decision.

When the Board reviewed the evidence in this matter, it found that the Applicants had met their burden of proof. The decision criteria and facts and analysis supporting the decision criteria are found in Attachment A- "Curry County Board of Commissioners

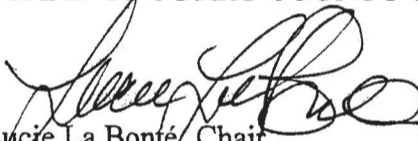
Findings of Fact and Conclusions Zone Change Application No. Z-0602", that is incorporated by reference.


NOW, THEREFORE, based upon the reasons reflected above, it is hereby ordered that Application File No. Z-0602 is approved subject to the following conditions of approval:

1. Proof of on-site domestic water supply and on-site sewage disposal authorization for each parcel shall be submitted at the time of application for subdividing the parcels.
2. The applicants shall provide proof of a valid ODOT Road Approach Permit for a single shared access to Highway 101 at the time of application for subdividing the parcels.
3. If the proposed subdivision creates a road adjacent to an existing County road, the new road shall connect to the existing County road to provide connectivity.
4. Prior to partitioning, an overall geohazard report shall be submitted which identifies for each proposed parcel a minimum of one suitable building area and access to the building area.

DATED this 5th day of September, 2006.

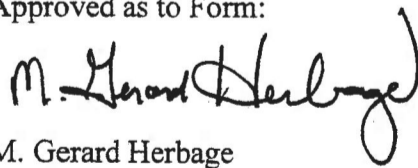
BOARD OF CURRY COUNTY COMMISSIONERS


Lucie La Bonté, Chair


Marilyn Schafer, Vice Chair


Ralph H. Brown, Commissioner

Approved as to Form:


M. Gerard Herbage
Curry County Legal Counsel

Attachment A

**CURRY COUNTY BOARD OF COMMISSIONERS
FINDINGS OF FACT AND CONCLUSIONS
ZONE CHANGE CASE NO. Z-0602**

I APPLICATION INFORMATION

File No.	Z-0602	Application Date:	April 16, 2006
		File Complete Date:	April 26, 2006
		Hearing Date:	Aug. 21, 2006
Applicants:	Marvin & Sharon Zuber PO Box 40 Ophir, OR 97464	Agent:	Laura Greathead PO Box 380 Gold Beach, OR 97444

II. SITE INFORMATION

Property Address: 27799 Highway 101

Location: The subject property is located east off of Hwy 101 approximately ¼ mile south of Thimbleberry Road outside of the City of Gold Beach Urban Growth Boundary.

Property Description:

Assessor Map No.: 37-14-00 index tax lot 4600
Total Land Area: 18.22 acres

Current Zoning: Rural Residential (RR-10) 10 acre minimum

Existing Land Use: Property is currently vacant but was previously developed with a single family dwelling.

Surrounding Land Use: To the north and south are residential lots. To the west is Hwy 101 and Cape Sebastian State Park. To the east is resource land.

Topography: The property is moderately to steep sloping to the west.

Geological and Flood Hazards: The subject property is located in an area identified as possible geological hazard. Site specific geohazard reports would be required at the time of development of residential lots. There are no flood hazards present.

III. Nature of the Request and Background

On April 13, 2006, a formal application (Z-0602) for a zone change from **Rural Residential Ten (RR-10)** with a minimum lot size of 10 acres to **Rural Residential Five (RR-5)** of property identified as Curry County Tax Assessor's Map Number 37-14-00

Tax Lot 4600 and located at 27799 Highway 101 was submitted to the County for consideration. The subject property is within the North Eighty (RLE-30) exception area. The application was deemed complete on April 26, 2006. The matter was referred to the Curry County Planning Commission for a public hearing under the provisions of CCZO Section 3.083 that states:

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

The zone change request came before the Planning Commission on May 25, 2005. The Planning Commission approved the zone change subject to four conditions of approval. Since the proposed zone change involved an exception to Statewide Goal 14 (Urbanization), the matter was referred to the Board of Commissioners for consideration under CCZO Section 2.060(3)(b) for a second public hearing. CCZO Section 2.060(3)(b) requires the Curry County Board of Commissioners as authority in reviewing and approving or denying exceptions to Statewide Planning Goals.

IV. Findings in Conformance with the Curry County Comprehensive Plan and Zoning Ordinance

Applicable Decision Criteria

Curry County Comprehensive Plan

Section 14.7 Zoning of Rural Lands
Section 14.8 Plan Policies regarding Urbanization

Curry County Zoning Ordinance

Section 3.080 Rural Residential
Section 3.083 Lot Size and Dwelling Density
Article IX Amendments to the Zoning Ordinance

Oregon Administrative Rules (OAR)

OAR Chapter 660, Division 4 Interpretation of Goal 2 Exception Process

OAR Chapter 660, Division 14 Application of the Statewide Planning Goals to Newly Incorporated City and to Urban Development on Rural Lands

A. *Comprehensive* CCZO Section 9.021 Standards for a Zone Change provides standards for the determination of zone changes and the response to the standards are as follows:

1. *Rezoning of the subject parcel will conform with the intent of all relevant*

policies of the Comprehensive Plan;

FINDING: The Applicants have adequately addressed *Curry County Comprehensive Plan Goal 7* (Natural Hazards), Policies No. 1, 2, and 6; *Goal 11* (Public Facilities), Policies No. 1, 4, 6, and 9; and *Goal 12* (Transportation), Policies No. 1, 2, and 12 on pages 7 and 8 of the "Zuber Zone Change Request" narrative (Applicants' Findings). *Curry County Comprehensive Plan Goal No. 14* was addressed separately.

2. *Rezoning of the subject property will conform with the intent of the zoning designation to which the subject property is proposed to be changed as defined in the purpose statement of the proposed zone;*

FINDING: The purpose of the Rural Residential Zone is to allow low density residential development outside of urban growth boundaries and rural communities as defined by the *Curry County Comprehensive Plan*. A change in the zoning designation of the subject property has not been requested. The Rural Residential (RR) designation remains the same. The proposed zone change, if approved, will only change the minimum size designation from ten (10) to five (5) acres.

3. *Rezoning of the subject property will not seriously interfere with the permitted uses on other nearby parcels;*

FINDING: The request to change the minimum size designation will not interfere with the permitted uses on nearby parcels. According to County records, ten (10) of the eleven (11) lots within the North Eighty (RLE-30) exception area are under three acres in size. The proposed change will be consistent in size and use with the nearby parcels.

4. *Rezoning of the subject property will not adversely impact the orderly provision of public services; and*

FINDING: Properties within the North Eighty exception are served by wells and septic systems. According to the Applicants, the proposed zone change leading to development of the subject property will have negligible impact on police (County Sheriff), fire, schools, and electric utilities.

5. *Amendments to the comprehensive plan and zoning designation of the subject property, which significantly affect a transportation facility, shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility as identified in the Transportation System Plan (TSP).*

FINDING: According to the Applicants, the subject property currently has access to Highway 101. The Development Review Planner for the Oregon Department of Transportation (ODOT), Region 10 submitted comments on the proposed zone change request. For consistency with OAR 734-051-010 (Access Management), he recommended that the Applicants provide proof of a valid ODOT Road Approach Permit for a shared access to Highway 101 prior to the subdivision of

the site (subject property) and provide local road connectivity to Curry County roads, if possible, as part of the subdivision.

6. *A comprehensive plan or zoning designation amendment significantly affects the transportation facility if it changes the functional classification or existing transportation facility; changes standards implementing functional classifications system; allows types of levels of land use that would result in levels of travel that are inconsistent with the transportation facility; would reduce the capacity, ration and level of service of the facility below the minimum acceptable level in the TSP.*

FINDING: As pointed out by the Applicants, the subject property has an existing access to Highway 101 and the *Curry County Transportation System Plan* designates Highway 101 as a principal arterial. According to the Applicants, the proposed zone change will generate 7 to 10 trips per day per home and will not affect the capacity of Highway 101.

- B. *Curry County Comprehensive Plan Section 14.7 ZONING OF RURAL LANDS – describes the zoning designations for rural communities and rural exception areas. Rural Communities are assigned the RCR (Rural Community Residential) designation and Rural Exception Areas are assigned the RR (Rural Residential) designation.*

FINDING: The subject parcel is currently zoned Rural Residential and is located within the North Eighty Area, Rural Land Exception Number 30. It is currently zoned Rural Residential 10 acre minimum.

- C. *Comprehensive Plan Section 14.8 – PLAN POLICIES REGARDING URBANIZATION – states:*

“Curry County has zoned lands located within the various rural land exception areas for Rural Residential (RR-5, RR-10) use which limits rural residential development to dwellings on existing parcels and the development of new parcels at a density of 5 acre or 10 acre minimum lot sizes.”

FINDING: The Applicants are proposing a change from 10 acre minimum to 5 acre minimum. The requested zone change is consistent with this policy.

- D. *Curry County Zoning Ordinance Section 3.080 – Rural Residential Zone (RR) is designed to allow for low density residential development outside of urban growth boundaries and rural communities.*

FINDING: The subject parcel is located in a Rural Land Exception (area and is currently zoned Rural Residential 10 acre minimum.

- E. *CCZO Section 3.083 – Lot Size and Dwelling Density states:*

“The RR zone has minimum lot sizes of 5 and 10 acres which are applied according to policies in the comprehensive plan. Changes in minimum lot size designation from 10 to 5 acres shall only be approved by the

Commission when found to be in compliance with the policies related to the urbanization element of the Curry County Comprehensive Plan and upon a determination that all proposed lots are adequate for proper sewage disposal and have a suitable source of water for residential use.”

FINDING: The Applicants have provided findings to address the relevant criteria above. Proof of the proper sewage disposal and suitable source of water shall be required as a condition of approval prior to subdividing the parcel.

V. COMMENTS RECEIVED

One comment was received from Oregon Department of Transportation regarding the proposal. ODOT made the following requests that are to be made a condition of approval:

- The applicants shall provide proof of a valid ODOT Road Approach Permit for a shared access to Highway 101 prior to subdivision of the site.
- The applicants shall provide local road connectivity to County roads, if possible, as part of the subdivision.

A letter dated July 25, 2006, has been received from the South Coast Regional Representative, Department of Land Conservation and Development, regarding the proposed zone change and the need to address an exception to Goal 14 (Urbanization) pursuant to OAR 660, Division 014.

An Addendum to the zone change application was submitted by their Agent on August 11, 2006. The addendum summarized the requirements for exception to Goal 14 (Urbanization).

VI. COMPLIANCE WITH THE OREGON ADMINISTRATIVE RULES (OAR) CHAPTER 660, DIVISION 4 AND OAR CHAPTER 660, DIVISION 14

- A. Under Oregon Administrative Rule (OAR) 660-004-0040(6), a local government's requirements for minimum lot or parcel sizes in rural residential areas can not be amended to allow a smaller minimum to any individual lot or parcel without taking an exception to Goal 14 (Urbanization) under OAR 660, Division 014. However, OAR 660-014-0030(2) states that "...conclusions, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exception standard (e.g. that it is not appropriate to apply Goals 14's requirement prohibiting the establishment of urban uses on Rural Land)." It further states that if "...a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed."
- B. OAR 660-014-0030(3) states:

"A decision that land is committed to urban levels of development shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:

- (a) Size and extent of commercial and industrial uses;
- (b) Location, number and density of residential dwellings;
- (c) Location of urban levels of facilities and services; including at least public water and sewer facilities; and
- (d) Parcel sizes and ownership patterns."

FINDING/CONCLUSION: The Applicants have adequately addressed the standards under OAR 660-014-0030(3) in the narrative submitted with the application (see pages 3 and 4 of the Application Packet). In summary, the Applicants have demonstrated that the facts and findings support the conclusion that the subject property is irrevocably committed to urban levels of development thereby satisfying the Goal 2 exceptions standards that are explicit in OAR 660-014-0030(1),(2),(3), and (4). The analysis, using the standard 160 acre grid test, indicates that, although the area is not served by public water or sewer facilities, it is committed to an urban level of development. With an average lot size of 3.71 acres within the grid area, the proposal to change the minimum lot/parcel size from ten (10) to five (5) acres is consistent with the land use and density pattern in this area.

- C. According to DLCD, Goal 14 exceptions "...are typically reserved for areas removed from the urban growth boundaries that are characterized by urban use types and densities and which may have public water and sewer services."

RESPONSE: The North Eighty Area does not have public water or sewer services. Parcels in the area are served by private wells and septic systems. It should be noted that before a division of land can occur or building permits are issued, the owner/development must demonstrate that domestic water is available to the site and that a septic system is feasible. A well log has been submitted with the application.

- D. Since it has been demonstrated that the proposed zone changes meet the provisions of OAR 660-014-0030(2), the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed. However, to insure compliance with the Goal 14 exception process under OAR 660-004, the following criteria should be addressed in addition to the County's review standards for rural zoning amendments:

1. *Justify why the state policy embodied in Goal 14 should not apply to this proposal;*

RESPONSE: In 1989, County adopted the Exceptions Document to the *Curry County Comprehensive Plan*. The subject property is within the North Eighty (RLE-30) exception area and consists of approximately

18.22 acres of land. Out of the eleven parcels within this exception area, the subject property is the only parcel with a land area in excess of three acres.

An exception to Goal 4 (Forest Lands) was approved in 1989 for the subject property and the justification states that the subject property (1) had a single family dwelling; (2) was bordered on two sides by parcels with single family dwellings; (3) is steeply sloping toward Highway 101 and is forested with non-commercial trees; (4) is irregular in shape making it difficult to manage for timber production and to harvest if it could produce timber; and (5) is adjacent to four residentially development lots along the southerly property line. An exception to Goal 3 (Agriculture) was not taken since the soil type was not conducive to agricultural use; the terrain was relatively steep and not suitable for agricultural use; the area was forested so that it was not suitable as pasture for agriculture or ranching use; and there was no source of irrigation water within the exception area.

Since the subject property is not suitable for agricultural use and an exception to Goal 4 (Forest Lands) was approved and the subject property is not an estuarine resource, a coastal shoreland, or a beach or dune, the subject property is not, by definition under OAR 660-004-0005(2), resource land. Although a Goal 14 exception was not taken for the North Eighty Area, the fact that the subject property is not resource land and an analysis of the area shows that the average lot size of surrounding property of 3.71 acres makes it suitable for rural residential development at rural densities such as five acres or an urban level of development of less than five acres. Therefore, the state policy embodied in Goal 14 does not apply.

2. *Explain why areas that do not require an exception to Goal 14 cannot reasonably accommodate the proposed use;*

RESPONSE: Since the subject property is not resource land, it is conducive for rural or urban level of residential single family development. Furthermore, it is not the use that is in question but the minimum lot/parcel size and density. The use, Rural Residential, is not the subject of the zone change and remains the same. Therefore, the proposed use can be accommodated without taking an exception to Goal 14.

3. *Explain why the long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measure designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and*

RESPONSE: The subject property is in an existing rural exception area and is not subject of a change in use, but a change in density. The long-term environmental, economic, social and energy consequence of two additional single family dwellings in the North Eighty area will be minimal

given the parcel and road configurations; the topographical characteristics; and the residential development of the surrounding property as is demonstrated in the narrative submitted with the application request.

4. *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts*

RESPONSE: The proposed use has and will continue to be compatible with adjacent uses. Since the average property within the study area is approximately 3.71 acres, the requested zone change to reduce the minimum lot size from 10 to 5 acres is compatible with the density of the surrounding properties.

VII. CONCLUSION

The Curry County Zoning Ordinance permits the change in minimum lot size from 10 acres to 5 acres within the Rural Residential zone when found to be in compliance with the Comprehensive Plan, the Curry County Zoning Code, and the appropriate provisions of the Oregon Administrative Rules. The applicants have demonstrated that this request meets the applicable requirements and standards for such a minimum lot size change.