



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

March 5, 2007

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 005-06



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: March 21, 2007

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
Dave Pratt, Curry County

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Notice of Adoption

In person electronic mailed

DEPT OF

MAR 01 2007

LAND CONSERVATION AND DEVELOPMENT

DATE
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For DLCD Use Only

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-0603**

Date of Adoption: **2/20/2007**

Date Mailed: **2/27/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/23/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Comp plan change with a concurrent zone change from Marine Activity to Light Commercial for property located at 94230 Wedderburn Loop.

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

Plan Map Changed from: **Special Use Lands**

to: **Commercial**

Zone Map Changed from: **Marine Activity MA**

to: **Light Commercial C-1**

Location:

Acres Involved: **1**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
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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 # 005-06 (15722)

DLCD file No. _____

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

City of Gold Beach, ACOE, ODOT, DSL, ODFW, DLCD

DEPT OF

MAR 01 2007

Local Contact: **Dave Pratt, Planning Director**

Phone: (541) 247-3228

Extension: LAND CONSERVATION
AND DEVELOPMENT

Address: PO Box 746

Fax Number: 541-247-4579

City: Gold Beach

Zip: 97444-

E-mail Address: prattd@co.curry.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **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.

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)
Comprehensive Plan and Zoning)
Maps Related to File No. CP-0602/)
Z-0603 for Applicants Ben Zare and)
Linda Zare)

ORDINANCE NO. 07-01

The Board of Curry County Commissioners ordains as follows:

Section 1

This ordinance amends the Curry County Comprehensive Plan Designation of the subject property from "Special Use Land" to "Commercial", and further changes the zoning of the subject property from Marine Activity to Light Commercial.

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:

Assessor Map No. 36-15-25DA

Tax Lot 800

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 comprehensive plan and zone change in accordance with Sections 2.060(3)(a)(b), 9.021 and 9.030 of the CCZO. The order approving this comprehensive plan and zone change

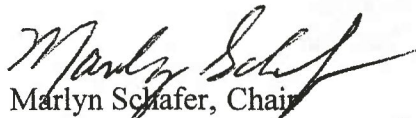
with the attached staff report (but not the exhibits to the staff report) is designated as Exhibit II and is hereby adopted as part of this ordinance.

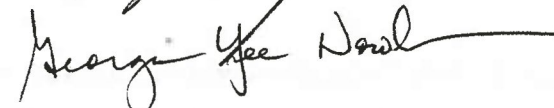
Section 5

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 20th day of February, 2007.

BOARD OF CURRY COUNTY COMMISSIONERS


Marlyn Schafer, Chair


Georgia Yee Nowlin, Vice Chair


Lucie La Bonté, Commissioner

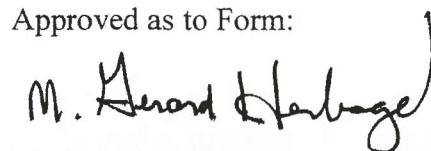
Recording Secretary:

LINDA ELIFMAN

First Reading: 2/20/07
Second Reading: N/A
Effective Date: 2/20/07

(Pursuant to ORS Chapters 197 and 215)

Approved as to Form:


M. Gerard Herbage
Curry County Legal Counsel

BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

COPY

In the Matter of an Order)
 Approving the Application)
 of Ben Zare and Linda) Order No. 12519
 Zare in File No. CP-0602/)
 Z-0603)

This matter came before the Board of Curry County Commissioners on the application of Ben Zare and Linda Zare in Application File No. CP- 0602/Z-0603. The application seeks an amendment to the comprehensive plan designation of the subject property from "Special Use Land" to "Commercial" and further changes the zoning of the subject property from Marine Activity (MA) to Light Commercial (C-1).

The subject property consists of approximately 1.13 acres and is located at 94230 Wedderburn Loop near Gold Beach, Oregon. It is located adjacent to the Rogue River and Wedderburn Loop approximately ¼ mile west of its intersection with Highway 101. The subject property is further described as Tax Lot 800 on Assessor Map No. 36-15-25DA.

The Board of Curry County Commissioners, following appropriate notice as required by law, held a hearing on the matter on January 23, 2007. Agent Laura Greatehead represented the applicants. Evidence, including a staff report, was received into the record. Of significance, there was not testimony or evidence offered against the proposal. The Board closed the record on January 23rd, and then began to deliberate to reach a decision. It then made an oral decision to approve the application, subject to conditions as listed at the conclusion of this order.

In making its decision, the Board noted that the subject property had inadvertently been left out of a legislative zone change in 2004. At that time nineteen of twenty parcels were partially re-zoned from Marine Activity to Light Commercial within the Rogue River estuary. (The subject property was the one left out.) Ten of these parcels were located within the city limits of Gold Beach; ten were located within the jurisdiction of Curry County.

The Board further noted (as did DLCD) that the 2004 inventory has sufficient surplus to accommodate the conversion. Further, the subject property has not been in water dependent use since 1984, with the exception of its use for storage of bridge construction materials from 2001 to 2005.

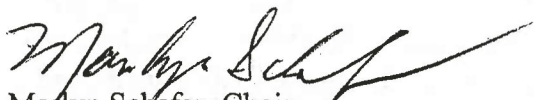
In reviewing all of the evidence in this matter, the Board finds that the Applicants have met their burden of proof. The decision criteria, facts and analysis supporting the decision criteria are found in the staff report submitted to the record in this matter. This document, without the attachments, is made part of the order and incorporated by reference.

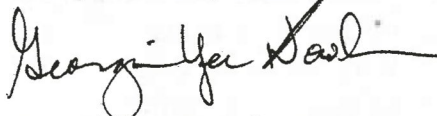
NOW, THEREFORE, for the reasons stated above, it is hereby ordered that Application File No. CP-0602/Z-0603 be approved subject to the below-listed conditions attached hereto and incorporated by reference.

1. The comprehensive plan designation of Special Use Land and the zone of Marine Activity shall remain unchanged for the southerly 75 feet of the subject property adjacent to the Rogue River.
2. At the time of development of the subject parcel the applicants shall be required to comply with the Oregon Department of Fish and Wildlife (ODF&W) requirements for habitat restoration on the Rogue River bank.
3. This application is subject to the requirement that the City of Gold Beach must adopt changes to its water-dependent lands inventory consistent with this application.

DATED this 20th day of February, 2007.

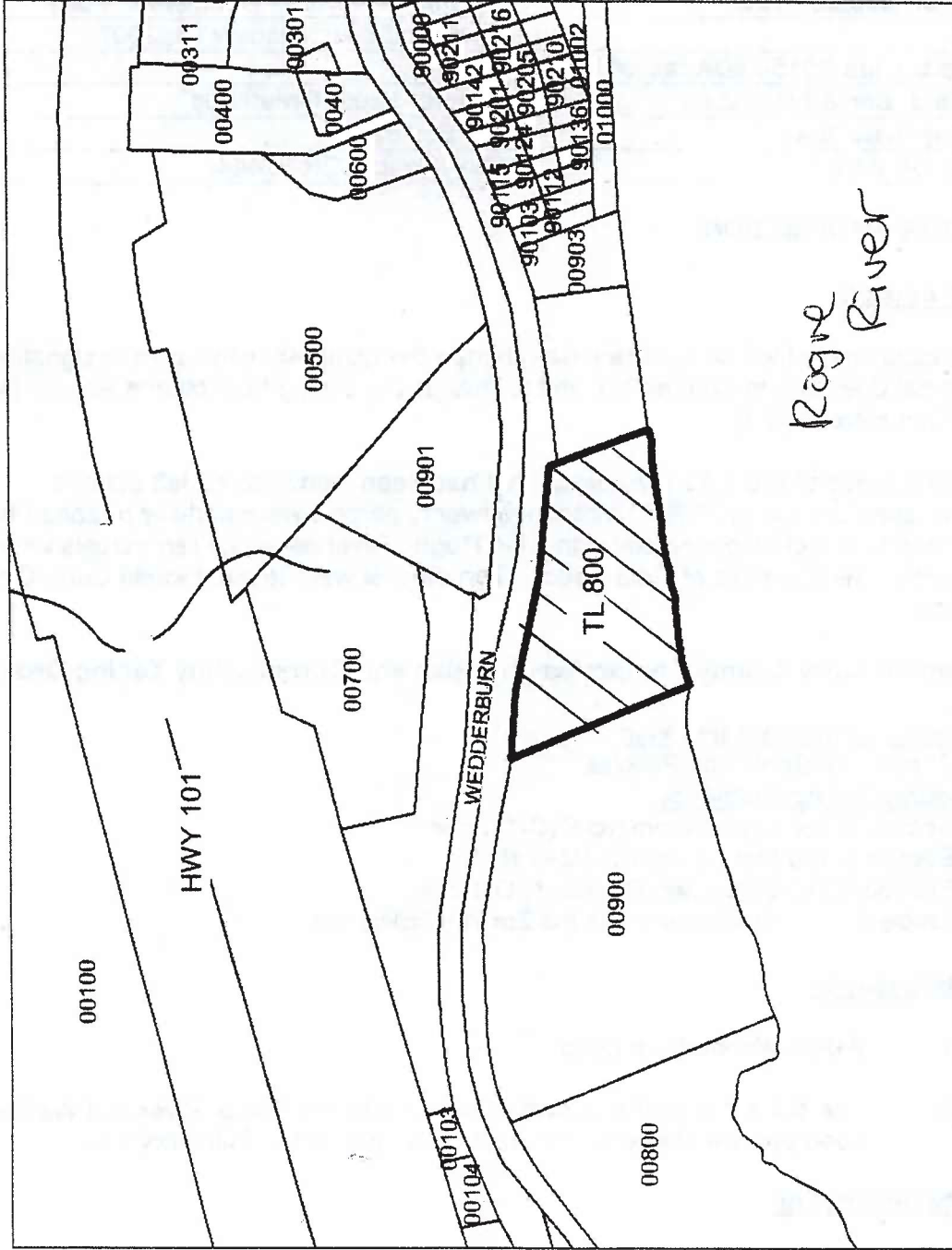
BOARD OF CURRY COUNTY COMMISSIONERS


Marlyn Schafer, Chair


Georgia Yee Nowlin, Vice Chair


Lucie La Bonté, Commissioner

EXHIBIT I

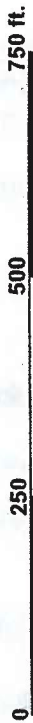


Legend

- STREAMS
- ROADS MAP
- PARCELS
- CITY LIMITS
- TOWNSHIP



Scale: 1:2,500



Map center: 42° 25' 42.1" N, 124° 25' 14.0" W

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.

EXHIBIT II

CURRY COUNTY BOARD OF COMMISSIONERS STAFF REPORT AND FINDINGS January 16, 2007

I. APPLICATION INFORMATION

| | |
|---|---|
| File No. CP-0602/Z-0603 | Application Date: October 20, 2006 |
| | Hearing Date: January 23, 2007 |
| Map and tax lot: 3615-25DA tax lot 800 | |
| Applicants: Ben & Linda Zare | Agent: Laura Greathead |
| 339 Valley View Road | PO Box 830 |
| Ashland, OR 97530 | Gold Beach, OR 97444 |

II. SITE INFORMATION

Basis Proposal:

The applicants have filed an application to change the comprehensive plan designation from Special Use Land to Commercial and to change the zoning from Marine Activity (MA) to Light Commercial (C-1).

The subject property is a 1.13 acre parcel that had been inadvertently left out of a legislative zone change in 2004. Nineteen of twenty parcels were partially re-zoned from Marine Activity to Light Commercial within the Rogue River estuary. Ten parcels were located within the city limits of Gold Beach. Ten parcels were located within Curry County jurisdiction.

Statement of Curry County Comprehensive Plan and Curry County Zoning Ordinance criteria:

Curry County Comprehensive Plan

Chapter 17 Goals and Policies

Curry County Zoning Ordinance

Section 3.150 Light Commercial (C-1) zone

Section 3.190 Marine Activity (MA) zone

Section 3.240 Shoreland Overlay (SO) zone

Article IX Amendments to the Zoning Ordinance

Property Location.

Address: 94230 Wedderburn Loop

Location: The subject property is located adjacent to the Rogue River and Wedderburn Loop approximately ¼ mile west of its intersection with Hwy 101.

Property Description:

Total Land Area: approximately 1.13 acres Current Zoning: Marine Activity (MA)

Existing Land Use: The subject property is currently utilized as construction storage for the recent Rogue River bridge rehabilitation project. A construction job site trailer is the only object on the parcel at this time.

Surrounding Land Use: Property to the northwest is zoned Residential (R-1), northeast is zoned Light Commercial (C-1), the adjacent parcel to the west is one of the 2004 re-zoned Marine Activity/Light Commercial parcels (adjacent to the Rogue River with a zoning designation of Marine Activity), to the south is the Rogue River.

Soils and Natural Features:

1. Soils Present on Subject Property:

According to US Soil Conservation Service (SCS) maps that were published in May 1990, the soils on the subject property are classified as "53 – Orthents." Orthents are defined as Entisols that lack horizon development due to either steep slopes or parent materials that contain no permanent weatherable minerals such as ironstone. Typically, Orthents are exceedingly shallow soils and are often referred to as "skeletal soils", or, in the FAO soil classification, as Lithosols. The basic requirement for recognition of an Orthent is that any former soil has been either completely removed or so truncated that the diagnostic horizons typical of all orders other than Entisols are absent.

The *Soil Survey of Curry County* completed by the US Department of Agriculture, Natural Resource Conservation Service (NRCS), classifies the soil on the subject property as "Urban Land (266)" in nearly level or gently sloping areas with a land form of marine terraces or stream terraces with a bedrock depth of greater than 10 inches. The major uses listed include industrial and residential development in and around the cities of Brookings, Gold Beach, and Port Orford.

2. Topography

The subject property is a flat bench from Wedderburn Loop to the riverbank.

3. Geological and Flood Hazards

According to maps provided by the Department of Geology and Mineral Industries (DOGAMI) Bulletin 90, the subject property is not located within an area of potential geologic hazard.

The subject property is located adjacent to the Rogue River. The FEMA Flood Insurance Rate map indicates that the subject property is located within an area of special flood hazard as defined and regulated by the County Flood Damage Prevention Ordinance. Any development proposed in the future will be required to comply with the Curry County Flood Damage Prevention Ordinance.

4. Other Natural Features

a. Streams, rivers, lakes

The southerly portion of the subject property is adjacent to the Rogue River.

b. Wetlands, riparian vegetation

The area adjacent to the Rogue River contains very little, if any riparian vegetation. However, proposed development will still be required to comply with the 75 foot riparian setback from the Rogue River. The Oregon Department of Fish and Wildlife requested, at the preapplication meeting for this application, that the applicants provide habitat restoration when they begin development of the subject parcel.

c. Wildlife habitat

The subject property is not located in a "sensitive" or "peripheral" big game habitat area as indicated by the Curry County Comprehensive Plan Maps and is, therefore, not subject to suggested big game dwelling density guidelines from the Oregon Department of Fish and Wildlife.

d. Other features (archeological, historical, natural area, etc.)

There are no identified archeological, historical, or natural areas located on the subject property. However, the Wedderburn area is an area of known Native American activity. Any discovery of artifacts in the development phase will require compliance with the provisions of the Archeological and Historical Sites Zone of the CCZO.

Services and Facilities Available to Subject Property:

- 1. Water Source: The subject property is served by the City of Gold Beach municipal water.
- 2. Sewage Disposal: The subject property is served by the Knoxtown-Wedderburn Sanitary District for sewage disposal.
- 3. Electric Power: Coos Curry Electric Cooperative
- 4. Telephone: Verizon Northwest is the service provider for Curry County.
- 5. Protective Services:
 - Police: Curry County Sheriff Department
 - Fire: Gold Beach-Wedderburn Rural Fire Protection District
- 6. School District: Central Curry School District.

Assessment Status:

According to the Curry County Assessor's Office the subject parcel is currently being assessed as Commercial River front property.

Urban Growth Boundary Proximity Information:

The subject property is located within the City of Gold Beach Urban Growth

Boundary.

Road Information:

Nearest Public Road Serving Subject Property: Wedderburn Loop road.

Road Condition: Two-lane paved county maintained road.

III. FINDINGS AND STAFF ANALYSIS

The burden of proof in justifying any land use decision is upon the applicant(s). The applicants have submitted findings to support the requested land use change.

A. Type of Land Use Action:

The request is to amend the *Curry County Comprehensive Plan* by changing the plan designation from Special Use Land to Commercial and the zoning map from Marine Activity (MA) to Light Commercial (C-1) for the subject parcel.

Under Statewide Planning Goal 2 - Land Use Planning - applications for comprehensive plan changes that do not have significant effect beyond the immediate area of the change are considered "minor" must be based on special studies or other information. The applicants have submitted documentation which serves as the factual basis to support the requested changes to the *Curry County Comprehensive Plan* and the Curry County Zoning map.

In 2004, the County and City of Gold Beach jointly adopted a study of water dependant - Marine Activity lands within the Rogue River estuary. Fifteen and ½ acres were identified in the study as surplus and available for re-zoning. Of the 15.5, 13.17 were rezoned in 2004 which left 2.33 acres for possible rezoning in the future. The subject parcel was inadvertently left out of the legislative zone changes in 2004.

B. Relevant Legal Citations, Criteria, and Findings:

Applicable Curry County Comprehensive Plan Goals and Objectives

The applicant has addressed the goals and objectives of the Curry County Comprehensive Plan. The Planning Director concurs with the applicants findings with the following additions:

- (1) **Goal 11 – Public Facilities and Services:** *To plan and develop a timely orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Finding: Public water and sewer are already available to the subject parcel.

- (2) **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:** *To protect natural resources and historic areas and open spaces.*

Finding: The use of the subject property for marine activity was established before the adoption of the statewide goals and the *Curry County Comprehensive Plan* and Zoning Ordinances. The County and the City of Gold Beach jointly initiated zone changes for much of the marine land within the Rogue River

estuary/port basin in 2004. It was found at that time that approximately 15.5 acres were available to be re-zoned. In 2004, 13.17 acres were re-zoned leaving 2.33 for future re-zoning if requested.

The Rogue River and its banks are within a riparian corridor area. The boundaries of riparian corridors are established under Curry County Zoning Ordinance (CCZO) Section 3.281(2) at 75-feet from the top bank. Removal of vegetation within the riparian corridor area is prohibited except:

- a) As necessary for restoration activities, such as replacement of non-native vegetation with native riparian species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
- b) As necessary for the development of approved water-dependent or water-related uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.
- c) Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Oregon Department of Fish & Wildlife. If no hazard will be created, the trees, once felled, may be required to be left in place in the riparian area.
- d) Activities as necessary for uses involving forest practices subject to ORS 527.610 to 527.770, 527.990(1) and 527.992 and involving farming practices defined by ORS 30.930(2).

Curry County Zoning Ordinance (CCZO) also prohibits permanent alteration of the riparian corridor by placement of structures, by grading or the creation of impervious surfaces, except for the uses list under CCZO 3.283 provided they are designed to minimize intrusion into the riparian area, and no other options or locations are feasible.

The proposal is to change the zoning designation of the portion of Marine Activity land that is outside of the riparian corridor. The area adjacent to the Rogue River will remain Marine Activity.

- (3) **Goal 7 - Natural Hazards:** *To protect life and property from natural disasters and hazards identified as potentially occurring in Curry County.*

Finding: The Rogue River is subject to seasonal flooding. Additionally, the subject property is located close to the mouth of the river and the Pacific Ocean so tidal influences affect the subject parcel. Any development proposed on the parcel in the future will be required to comply with the Curry County Flood Damage Prevention Ordinance.

- (4) **Goal 16 – Estuaries:** *To recognize the unique environmental, economic and social values of the county estuaries and to protect, maintain and develop the long term values, diversity and benefits of these estuaries.*

Finding: The Rogue River estuary is one of two major estuaries designated in

Curry County. The Comprehensive Plan has specific policies for estuary shorelands which this parcel is located within.

The subject property was historically used as a barge loading dock for ocean timber transportation. In the past 30 years the site has largely been vacant and unused. A dock is no longer located at the subject property. As mentioned earlier, ODFW requested that greater natural habitat-riparian vegetation be cultivated along the shore at this site to encourage the return of native species. If the comprehensive plan/zone change request is granted, the applicants shall be required to comply with ODFW habitat restoration recommendations as a condition of approval.

- (5) **Goal 17 – Coastal Shorelands:** *To conserve, protect, and where appropriate develop and where appropriate restore the resources and benefits of the county's shorelands, beaches and dunes.*

Finding: Habitat restoration and appropriate development at this site will greatly improve the coastal shoreland on the subject property. The area immediately adjacent to the river, within the coastal shorelands, is to be left Marine Activity and not rezoned to Light Commercial.

C. Applicable Curry County Zoning Ordinance Standards:

- (1) **Section 9.030 Application for a Comprehensive Plan Amendment**

An application for a zone change which requires an amendment to the comprehensive plan designations shall be filed in accordance with Article II of this ordinance. Certain comprehensive plan amendments will involve exceptions to the Statewide Planning Goals which shall be processed in accordance with Statewide Planning Goal 2 and related Oregon Administrative Rules (OAR's). The applicant will be required to submit any additional findings, or information related to the Goal 2 exception with the application for a zone change. Comprehensive plan amendments to prove that land is not resource land as defined by the Statewide Planning Goals shall meet the standards in Section 9.031. The Board will consider the comprehensive plan amendment simultaneously with the zone change as a single application.

Finding: The request for the comprehensive plan change from Special Use Lands to Commercial was filed in accordance with Article II of the CCZO therefore this criterion is met. The subject property is located within the City of Gold Beach Urban Growth Boundary. A goal 2 exception to this area has already been taken. The subject property is not currently designated as resource land therefore Section 9.031 does not apply. The criteria under CCZO § 9.021 does apply to a comprehensive plan change with concurrent zone change.

- (2) **Section 9.021 Standards for a Zone Change**

The Commission or Board shall determine that the zone change requests meet the following standards:

1. *Rezoning of the subject property will conform with the intent of all relevant policies of the Comprehensive Plan;*

Finding: All relevant Comprehensive Plan policies were cited above. A copy of the staff report and findings for the 2004 legislative Marine Activity to Light Commercial zone changes are also included to demonstrate conformance with plan policies.

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 statement of the Light Commercial zone states the following: The C-1 zone is designated to be applied to areas such as community shopping centers and business districts which cater to the needs of nearby residential areas. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.

The subject property is located in an area adjacent to a large resort complex with a motel, condominiums, and a restaurant. Across the street from the subject parcel are mini-storage units and a small RV park. To the east of the subject parcel is another small RV park. A large storage and warehouse facility is located to the west as well as the seasonal Coast Guard facility. The subject property is located within the City of Gold Beach Urban Growth Boundary.

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

Finding: As mentioned above, the proposed zone change will not interfere with the other commercial currently occurring on adjacent parcels.

4. *Rezoning of the subject property will not adversely impact the orderly provision of public services (water, sewer, police, fire, schools, etc) in the area in which the property is located; and*

Finding: The subject property is currently served by all the public services. No additional services will be required.

5. *Amendments to the comprehensive plan and zoning designations of the subject property which significantly affect a transportation facility (see # 6, below) 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. This shall be accomplished by one of the following:*

- a) *Limiting allowed land uses to be consistent with the planned function of the transportation facility;*
- b) *Amending the Transportation System Plan to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the*

Transportation Planning Rule; or,

- c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

Finding: The applicant has provided findings to address this criterion; the Planning Director hereby incorporates and adopts those findings by this reference.

- 6. *A comprehensive plan or zoning designation amendment significantly affects a transportation facility if it:*
 - a) *Changes the functional classification of an existing or planned transportation facility;*
 - b) *Changes standards implementing a functional classification system;*
 - c) *Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or*
 - d) *Would reduce the vehicle/capacity ratio and level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.*

Finding: The applicant has provided findings to address this criterion; the Planning Director hereby incorporates and adopts those findings by this reference.

IV. PUBLIC COMMENT

The following comments have been received from interested parties, agencies, and affected property owners:

1. Email from the Department of Land Conservation and Development (DLCD) dated January 16, 2007

The email states that DLCD has no objection to the proposed zone change provided the 2004 water-dependant lands inventory has sufficient surplus to accommodate the conversion. Additionally, if the comprehensive plan/zone change is approved the City of Gold Beach must also adopt the changes to their water-dependent land inventory as was done in 2004.

DLCD noted that the application stated the subject property has not been in water dependent use since 1984. The property was utilized for storage of bridge construction materials during the Rogue River bridge rehabilitation project from 2001 to 2005. That use was determined to be water dependent.

Response: As mentioned previously, 2.33 acres are still surplus for conversion. The City of Gold Beach is in concurrence with the requested comprehensive

plan/zone change and if approved will also adopt the change. Staff notes that the subject property was in water dependent use for the bridge rehabilitation.

V. CONCLUSION

The applicable statewide goals; the applicable goals and policies of the *Curry County Comprehensive Plan*; and the standards for a comprehensive plan change with a concurrent zone change have been met. The request to change the comprehensive plan designation from Special Lands to Commercial and to change the zoning from MA (Marine Activity) to C-1 (Light Commercial) for property in Curry County (Tax Assessor Map 3615-25DA tax lot 800) and located along Wedderburn Loop is warranted.

VI. RECOMMENDED CONDITIONS OF APPROVAL

If the Board approves the requested comprehensive plan/zone change, staff recommends that the following conditions of approval be applied:

- (a) The comprehensive plan designation of Marine Activity shall apply to the southerly 75 feet of the subject property adjacent to the Rogue River.
- (b) At the time of development of the subject parcel the applicants shall be required to comply with Oregon Department of Fish and Wildlife (ODFW) requirements for habitat restoration along the Rogue River bank.