



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

08/30/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Curry County Plan Amendment
DLCD File Number 001-11

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: Wednesday, September 14, 2011

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: David Pratt, Curry County
Jon Jinings, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

AUG 25 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **Curry County**

Local file number: **CP/Z-1101**

Date of Adoption: **8/17/2011**

Date Mailed: **8/24/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3/28/2011

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".

Change the Comprehensive Plan designation from "Residential" to "Commercial" and the zoning designation from Residential-Three (R-3) to Light Commercial (C-1) for property consisting of approximately 2.61 acres and identified on Curry County Assessors Map as 41-13-05DD TL 03300.

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

Plan Map Changed from: **Residential**

to: **Commercial**

Zone Map Changed from: **Residential-Three (R-3)**

to: **Light Commercial (C-1)**

Location: **Map No. 41-13-05DD TL 03300**

Acres Involved: **3**

Specify Density: Previous: **22 units/acre**

New: **22 units/acre**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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 file No. _____

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

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

Local Contact: **David J. Pratt, Planning Director**

Phone: (541) 247-3228 Extension: 0

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 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

**NOTICE OF CURRY COUNTY
BOARD OF COMMISSIONERS DECISION**

Date: August 24, 2011

File No.: CP-Z - 1101

Applicant: Ken Byrtus
Agent: Eagle Two Development, Leroy Blodgett

Location: The subject property located behind the Harbor Shopping Center and adjacent to the Portside RV Park and within Brookings Urban Growth Boundary.

Decision:

The Curry County Board of Commissioners Approved the request to change the Curry County Comprehensive Plan designation of a property from “Residential” to “Commercial” with a concurrent zone change from Residential-Three (R-3) to Light Commercial (C-1) that is identified on Assessor’s Map 41-13-05DD; Tax Lot 3300.

REQUIRED STATUTORY NOTICE

The Curry County Board of Commissioners decision on this matter is the final review available through the County. The decision may be challenged by filing a notice of intent to appeal with the State Land Use Board of Appeals pursuant to ORS 197.830. The State Land Use Board of Appeals address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552, phone (503) 373-1265.

Additional information can be obtained as outlined below:

Curry County Department of Public Services
P.O. Box 746
94235 Moore Street, lower level
Gold Beach, OR 97444
David J. Pratt, AICP Planning Director
Ph. (541) 247-3228 email: prattd@co.curry.or.us
Jeni Meyer, Assistant Planner
Ph. (541) 247-3261 email: meyerj@co.curry.or.us

A copy of the decision order, application, documents and evidence submitted by the applicant, and applicable decision criteria are available for inspection at the Department of Public Services. Copies of these documents are available upon payment of a copy charge of .25 per page.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

**In the Matter of the Adoption)
of an Amendment to the Curry)
County Comprehensive Plan)
and Zoning Map related to)
Land Use File No. CP/ZC-1101)
for Applicant Kenneth L. Byrtus)**

ORDINANCE NO. 11-02

The Board of Curry County Commissioners ordains as follows:

Section 1

This ordinance amends the Curry County Comprehensive Plan designation from "Residential" to "Commercial" and the Curry County Zoning Map from Residential-Three ("R-3") to Light Commercial ("C-1") for property indentified as Curry County Tax Map No. 41-13-05DD; tax lot 3300.

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 Comprehensive Plan and Zoning Map applies only to the following land as described in the records of the Curry County Assessor:

Assessor Map No. 41-13-05DD Tax Lot 3300

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 amendment and zone change in accordance with Section 2.060(3)(a)


and Article 9 of the CCZO. The order approving this application 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 17th day of August, 2011

BOARD OF CURRY COUNTY COMMISSIONERS


George Rhodes, Chair


David G. Itzen, Vice Chair


Bill Waddle, Commissioner


Recording Secretary:


Nancy Chesk

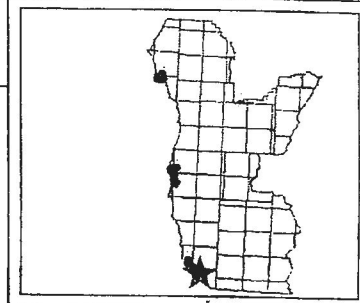
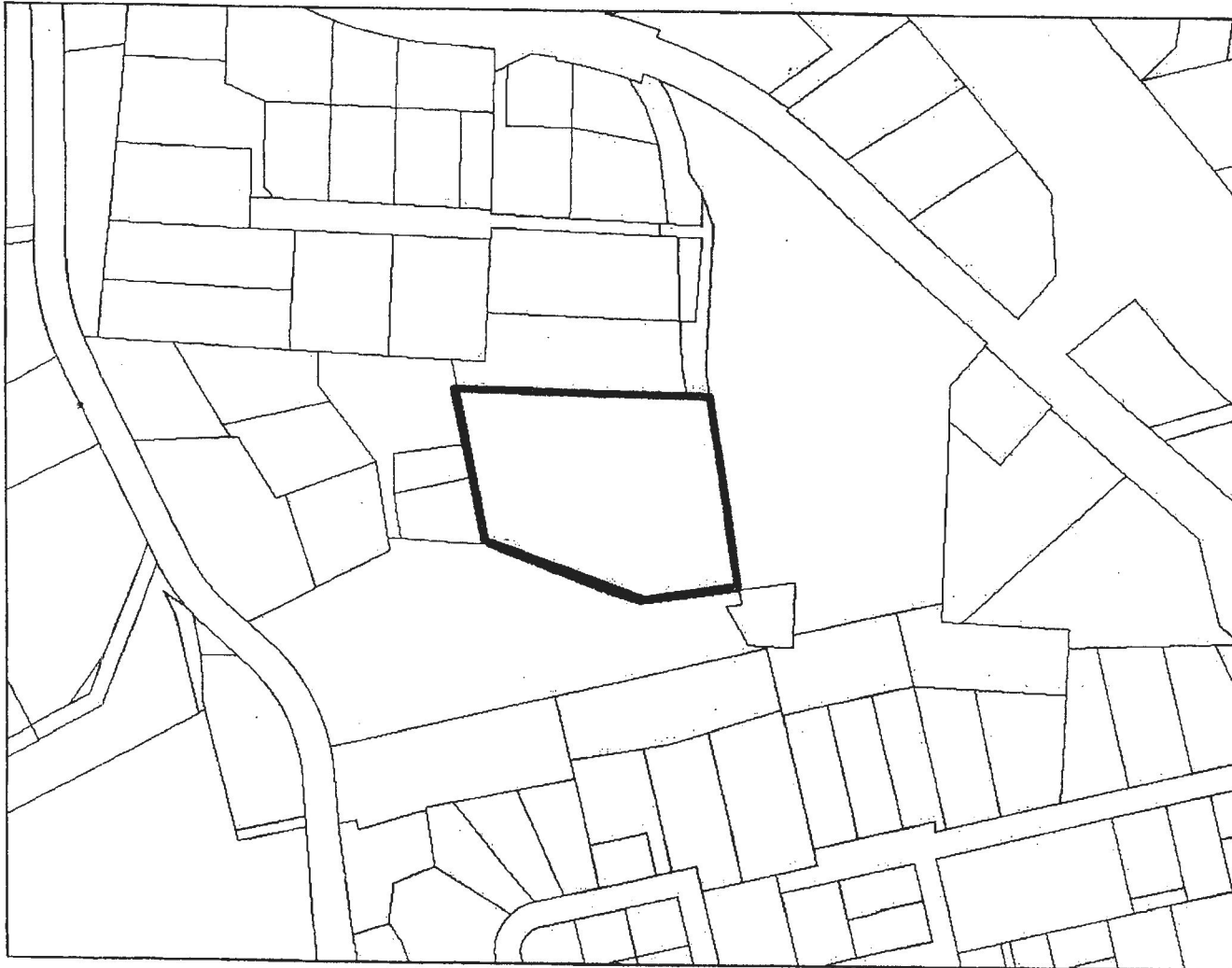
First Reading: August 17, 2011
Second Reading: N/A
Effective Date: August 17, 2011

(Pursuant to ORS Chapters 197 and 215)

Approved as to Form:


Jenifer Meyer
Curry County Assistant Legal Counsel

Assessor Map No. 41-13-05DD; tax lot 3300



Legend

- PARCELS
- CITY LIMITS
- TOWNSHIP



Map center: 42° 2' 57.5" N, 124° 15' 46.7" W



Scale: 1:3,154

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.

Notes: Subject property is outlined in black.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

**In the Matter of an Order regarding the
Request to Change a Curry County
Comprehensive Plan Designation and
Concurrent Zone Change (CP/ZC-1101)**

ORDER NO. 13557

ORDER to change the Curry County Comprehensive Plan designation from "Residential" to "Commercial" with a concurrent zone change from Residential-Three to Light Commercial for property indentified as Curry County Tax Map No. 41-13-05DD; tax lot 03300.

I. PROCEDURAL BACKGROUND

This matter came before the Board of Commissioners on the application of Kenneth L. Byrtus ("applicant") in Land Use File No. CP/ZC-1101. Applicant requests an amendment to the Curry County Comprehensive Plan ("Comprehensive Plan") designation from "Residential" to "Commercial" with a concurrent zone change from Residential-Three ("R-3") to Light Commercial ("C-1") for property indentified as Curry County Tax Map No. 41-13-05DD; tax lot 03300.

The Board held a hearing on the matter on May 25, 2011. At the hearing, Mr. Leroy Blodgett presented the case for applicant; Mr. David Peterson testified in opposition on behalf of C&K Market, Inc. ("C&K"). The Board continued the matter until June 16, 2011, for deliberation and a decision, and moved to leave the record open for submittal of further evidence by all parties until June 8, 2011, rebuttal until June 13, 2011, and final argument by applicant until June 15, 2011. On June 16, 2011, the Board reconvened as scheduled. After discussion, the Board moved to continue the hearing until July 18, 2011, and reopen the record for submittal of further evidence by all parties until June 30, 2011, rebuttal until July 7, 2011, and final argument by applicant until July 14, 2011. On July 18, 2011, the Board reconvened to deliberate and reach a decision. The Board passed a motion to orally approve Land Use File No. CP/ZC-1101. The matter was continued until August 17, 2011, to approve the final order and ordinance.

II. STATEMENT OF FACTS

1. The subject property is indentified as Curry County Tax Map No. 41-13-05DD; tax lot 03300. It is approximately 2.61 acres in size and is located within the City of Brookings Urban Growth Boundary ("UGB").
2. The property is currently zoned R-3 and is vacant.
3. C&K owns the property adjacent to the east, which is zoned C-1 and contains the Harbor Shopping Center. Applicant owns the property to the south, which contains the Portside RV Park and is zoned C-1. Properties to the west and north have mixed zoning designations of C-1 and Residential-Two ("R-2"). They contain residential uses, a small RV park and some commercial offices.

4. According to the “Provisional Maps of Rapidly Moving Landslides” prepared by the Oregon Department of Geology and Mineral Industries and adopted as part of the Comprehensive Plan, an area along the south property line of the subject property is within a “Further Review Area” and may be susceptible to moving slides.
5. The property is served by urban services, including Harbor Water District, Harbor Sanitary District and Coos-Curry Electric Cooperative, Inc.
6. The nearest public road serving the property is Lower Harbor Road. It is a two-lane paved County-maintained road. Tolman Lane also serves the subject property. Tolman Lane is a private, substandard road under multiple ownerships and without adequate easements.
7. Applicant proposes to build 2 new access ways. The first would be used by the properties located west of the subject property to access Tolman Lane. The second will be an interior access way from applicant’s existing adjacent RV park to the subject property.

III. DECISION CRITERIA

A request to amend the Comprehensive Plan and the zoning designation is subject to approval by the Board pursuant to Section 2.060(3)(a) of the Curry County Zoning Ordinance (“CCZO”). In order to grant approval, applicant must prove compliance with the applicable provisions of the Comprehensive Plan and the CCZO.

Curry County Comprehensive Plan

- Section 19.2 Comprehensive Plan Revisions
- Goal 8 Recreation, Policy 3
- Goal 9 Economic Development, Policies 4-6
- Goal 10 Housing, Policies 1-2
- Goal 11 Public Facilities & Services, Policy 1
- Goal 12 Transportation, Policies 2, 6, 10, 12, 17
- Goal 14 Urbanization, Policies 2-4

Curry County Zoning Ordinance

- Section 3.150 Light Commercial Zone (C-1)
- Section 9.010 Authorization to Initiate Amendments
- Section 9.020 Application for a Zoning Change
- Section 9.021 Standards for a Zone Change
- Section 9.030 Application for a Comprehensive Plan Amendment

IV. ANALYSIS AND FINDINGS

Curry County Comprehensive Plan

Section 19.2 Comprehensive Plan Revisions

... Any change in the comprehensive plan shall be based on a justification of the public need for the change and shall be supported by information that forms a factual basis for the change.

Findings: Under Comprehensive Plan Section 19.2, applicant must (1) establish that the requested amendment fulfills a public need and (2) submit factual information to support the request. Public need is not a defined term. The Board has discretion to determine what the public need is and whether applicant has submitted substantial evidence to show that the request fulfills the stated need. The Board finds that the public need addressed by applicant's request is the need to facilitate increased tourist activity, particularly in the Brookings-Harbor area and associated economic growth.

The County previously recognized the public need to facilitate increased tourist activity and associated economic growth in the Comprehensive Plan. For example, policy 4 under Goal 9 "recognizes that tourism is an important part of [the County's] economy and seeks future development of this industry by attracting more destination tourists to the area and extending recreational opportunities." Policy 3 under Goal 8 "encourages the private development of recreational facilities within the county."

Applicant submitted evidence into the record that substantiates the County's ongoing public need to facilitate increased tourist activity and associated economic growth. The *City of Brookings Economic Opportunities Analysis* prepared in April 2009, by Econorthwest demonstrates the County's increasing reliance on tourist activity:

One way to estimate changes in the economic impact of tourism is to examine changes in lodging tax receipts and direct travel spending. . . . Tax receipts increased between 2002 and 2007 in both Curry County and Brookings, with an increase of \$700,000 (29%) in Curry County and \$27,700 (19%) in Brookings. Direct travel spending in Curry County grew from \$92.1 million in 2002 to \$108.4 million in 2007, an increase of \$16.3 million or 18%. . . . Direct spending on tourism accounted for nearly 1,800 jobs in Curry County in 2007

Furthermore, the location of the subject property makes it ideal for facilitating an increase in tourist activity. The subject property is located adjacent to the Harbor Shopping Center and in walking distance from the facilities and retail center at the Port of Harbor.

Applicant is making the present request because he hopes to expand his adjacent RV park. The County only allows RV parks on property zoned C-1. According to the study by Econorthwest, there is insufficient property in the Brookings-Harbor area zoned C-1, and thus, allowing RV parks. Econorthwest estimates that the City of Brookings needs 52 to 99 more commercial sites to accommodate employment

growth in the next 20 years. Although this study is particular to the City of Brookings and its economic strategy, the Board considers it substantial evidence of the lack commercial land available in the Brookings UGB because the needs within the UGB are likely similar to those within the City of Brookings. The request would increase the land available for RV parks and allow applicant to expand his own existing RV park. A RV park is a place for tourist activity by definition under the CCZO, "a commercially developed area devoted to overnight temporary use for vacation and recreation purposes." The Board finds that applicant's request fulfills the public need to facilitate increased tourist activity and associated economic growth.

Comprehensive Plan Section 19.2 also requires applicant to submit sufficient factual information to support the change. To support a minor amendment, applicant must submit sufficient factual information to establish that the request meets the applicable Comprehensive Plan policies and CCZO. Under Comprehensive Plan Section 19.2, amendments to a comprehensive plan that do not have significant effect beyond the immediate area of the change are considered minor. The requested amendment will change the Comprehensive Plan designation from "Residential" to "Commercial." Both are non-resource designations within the Brookings UGB. The amendment will not cause a qualitative change to the character of the land use and will not require an exception to Oregon's Statewide Planning Goals. Accordingly, the amendment is minor. As discussed below, the Board finds that Applicant submitted substantial evidence in support of the request.

Curry County Comprehensive Plan Designation

Both the change in zoning and the amendment to the Comprehensive Plan designation must comply with the decision criteria. The CCZO implements the Comprehensive Plan policies by specifying zoning districts, the permissible land uses within each zone and procedures for changing a zone. The Comprehensive Plan designation is simply a grouping of the zones that allow similar uses as delineated in the CCZO. The commercial and residential Comprehensive Plan designations do not have characteristics separate from the representative zoning districts. Therefore, if applicant's requested zone change satisfies the relevant criteria, then the Comprehensive Plan designation amendment necessarily satisfies the requirements.

Compliance with the Comprehensive Plan policies is discussed below under CCZO Section 9.021(1).

Curry County Zoning Ordinance:

Section 3.150 Light Commercial Zone (C-1)

Purpose of Classification: 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.

Findings: The basic proposal is to rezone the subject property from R-3 to C-1 to accommodate the expansion of an existing RV park, which is a use permitted outright in the C-1 zone. The subject property is within the Brookings UGB. The allowed uses under the C-1 zone are comparable to the existing uses nearby. The property adjacent and located to the east is zoned C-1 and contains the Harbor Shopping Center. The property to the south contains the Portside RV Park and has a zoning designation of C-1. Properties to the west and north have mixed zoning designations of C-1 and R-2 and contain residential uses, a small mobile home park and some commercial offices. The Board finds that the proposed zone change meets this standard because the subject property is in an area suitable for the C-1 zone.

Section 9.010 Authorization to Initiate Amendments.

An amendment to this ordinance in the text or the map may be initiated by the Board of County Commissioners, the Planning Commission, Director or by application of a property owner or his authorized agent.

Findings: Applicant satisfied this standard because applicant's agent filed an application for a zone change and an amendment to the Comprehensive Plan designation pursuant to CCZO Article II. The Planning Division deemed the application complete on March 28, 2011.

Section 9.020 Application for a Zoning Change.

An application for an amendment by a property owner or his authorized agent shall be filed with the Commission or Board in accordance with Article II of this ordinance.

Findings: The findings under CCZO Section 9.010 are incorporated herein. This criterion has been met.

Section 9.021 Standards for a Zone Change.

The Commission or Board shall determine that 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;*

The Comprehensive Plan policies under Goal 8 – Recreation, Goal 9 – Economic Development, Goal 10 – Housing, Goal 11 – Public Facilities and Services, Goal 12 – Transportation and Goal 14 – Urbanization apply to applicant's request. Goal 7- Natural Hazards does not apply at the time of request for a zone change or amendment to a Comprehensive Plan designation. CCZO requires applicants/property owners to address potential natural hazards in connection with the submission of a development activity application. The definition of "development activity" under CCZO does not include requests for a zone change or an amendment to a Comprehensive Plan designation.

Below is a discussion of the relevant Comprehensive Plan policies in relation to the present request:

Goal 8 – Recreation: *To provide for the recreational needs of County citizens and visitors.*

Policy 3: Curry County encourages the private development of recreational facilities within the county.

Findings: “Recreational facility” is not a defined term in the Comprehensive Plan or CCZO. CCZO Section 1.030(112) defines “recreation” as experiences voluntarily engaged in for leisure. The R-3 zone does not allow any uses that are primarily utilized for recreation. In contrast, the C-1 zone, as conditioned would allow RV parks and campgrounds. CCZO Section 1.030(117) defines an urban RV park as “a commercially developed area devoted to overnight temporary use for vacation and recreation purposes.” “Campground” is defined as “an area . . . that is devoted to overnight temporary use for vacation or recreational purposes.” The Board finds that applicant’s request is in keeping with the intent of this policy because the zone change would allow the subject property to be developed with RV parks and campgrounds, recreational facilities by definition. Furthermore, the zone change to C-1 will allow applicant to expand his existing RV park.

Goal 9 – Economic Development: *To diversify and improve the economy of the County.*

Policy 4: Curry County recognizes that tourism is an important part of its economy and seeks future development of this industry by attracting more destination tourists to the area and extending recreational opportunities.

Findings: The findings under Comprehensive Plan Section 19.2 are incorporated herein. CCZO Section 1.030(140) defines a “tourist facility” to include hotels, motels and trailer parks. The C-1 zone, as conditioned will allow RV parks. The Board finds that applicant’s request conforms to this policy because the zone change will expand the land available for recreational RV parks.

Policy 5: Curry County recognizes that local commercial enterprise and industry should be diversified and seeks to attract new business and industry to the county by providing attractive sites and incentives for relocation.

Findings: The subject property is adjacent to the Harbor Shopping Center, and near Port of Harbor facilities and some commercial offices. This location makes it an attractive site for new businesses. The current R-3 zoning does not permit commercial uses. The C-1 zone, as conditioned would allow RV parks and campgrounds -- commercial uses. As a result, new business could locate on the subject property and take advantage of the location and surrounding development. The rezone is in accordance with this policy because it would make an attractive site available for commercial use.

Policy 6: The Curry County Comprehensive Plan designates land suitable for commercial and industrial use and provides zoning that is compatible for those uses.

Findings: The findings under CCZO Section 3.150 are incorporated herein. Although the County did not designate the subject property as commercial in the Comprehensive Plan, the surrounding zoning and uses indicate that it is in an area suitable for commercial use.

Goal 10 – Housing: *To provide for the housing needs of the citizens of the county.*

Policy 1: Curry County encourages the development of adequate housing for all of its citizens in terms of location, quality, and affordability.

Findings: The subject property is currently zoned R-3. According to CCZO Section 3.120, the R-3 zone is intended to be applied to areas where high density housing is appropriate. The R-3 zone also permits single-family dwellings. Similarly, the C-1 zone encourages high density housing and allows single-family dwellings. CCZO Section 3.151 allows multiple-family dwellings as an outright permitted use and CCZO Section 3.152 permits single-family dwellings and manufactured homes with a conditional use permit. A mobile home park is the only type of housing permitted in R-3 that is not permitted in C-1. The Board finds that applicant’s request is in accordance with the intent of this policy because the change will not significantly impact the types or location of available housing.

Policy 2: Curry County recognizes the need for all forms of housing and has designated lands for residential use with conventional homes, mobile homes, multi-family dwellings, and mobile home parks.

Findings: The findings set forth above under Goal 10, policy 1 are incorporated herein. A May 2011 Econorthwest study found that within the Brookings UGB “there is more than adequate land zoned R-3 to meet the multifamily housing needs for the next 20 years.” Applicant’s request is in accordance with the intent of this policy because the change to C-1 will not affect the forms of housing available in the County.

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.*

Policy 1: Curry County recognizes three levels of public facilities and services existing in the county:

- a. rural services;*
- b. rural community services;*
- c. urban services; and*

has defined these levels as part of the comprehensive plan.

Findings: The subject property is located within the Brookings UGB. As a result, it is under the “urban services” level of public facilities. The zone change and amendment to the Comprehensive Plan designation will not alter the level of public facilities and services necessary for the property nor will they require the development of new public facilities. Any development on the property, whether it is zoned R-3 or C-1, would require proof that it had adequate sewer, water and electrical services upon application for a development permit. These issues need not be addressed in the present application.

Adequate fire protection, however, is not required for development permit approval. Harbor Rural Fire Protection District requires applicant to address access and coverage at the time of development. The Board chooses to address this matter for all potential development by imposing a condition: Prior to any development activity on the subject property, the developer/property owner shall submit evidence of adequate fire protection from Harbor Rural Fire District. With this condition of approval, the intent of this policy is met.

Although applicant addressed Goal 11, policies 2, 6, 7 and 14 in its findings, the Board does not find these relevant. The subject property is within the UGB and the requested change will not affect the level or types of services.

Goal 12 – Transportation: *To provide and encourage a safe, convenient and economical transportation system.*

Policy 2: All development proposals, plan amendments, and zone changes shall conform with the adopted Transportation System Plan.

Findings: The Curry County Transportation System Plan (“TSP”) guides the management of existing transportation facilities. The overall goal of the TSP is to provide and encourage a safe, convenient and economic transportation system. In the present case, the Board finds the following specific goals relevant: Goal 2 – Improve and enhance safety and traffic circulation and preserve the level of service on local street systems; Goal 4 – Increase the use of alternative modes of transportation (walking, bicycling, rideshare/carpooling and transit) through improved access, safety and service; Goal 5 – Provide and encourage a safe, convenient and economic transportation system; and Goal 6 – Ensure that the road system within the County is adequate to meet public needs, including the transportation disadvantaged. These goals are reflected in the Comprehensive Plan policies set forth below and the findings discussed with respect to each Comprehensive Plan policy are incorporated herein.

The current access to the subject property is to/from Tolman Lane and out to Shopping Center Avenue. Tolman Lane runs along the entire east side of the subject property, turns west and then runs along the entire south side of the property. It is the only way in and out for the properties located west of the subject property. The City of Brookings recommended that the County Roadmaster address the adequacy of Tolman Lane for additional traffic. The County Roadmaster describes Tolman Lane as a grandfathered,

private, substandard road under multiple ownerships and that is not adequately protected with easements.

To address the inadequacy of Tolman Lane, applicant proposes to construct two new access ways. The first would serve the properties located west of the subject property. It would connect with Tolman Lane, which connects to Shopping Center Avenue. Applicant intends to grant property owners a legal easement to use this access way. The new easement will provide the property owners certainty that they have a legal access route from Tolman Lane to their residences. To ensure that the proposal meets the objectives of the TSP by improving existing access, a condition of approval requires the property owner to construct the access way and to obtain all required permits. To ensure the enhancement of legal access, a condition of approval requires the property owner to grant reciprocal and irrevocable access easements to the properties located west of the subject property for use of the new access road. Copies of the recorded easements must be submitted along with any development permit applications.

Although this new access way is a condition of approval, applicant does not propose to block the use of Tolman Lane along the east side of the property behind Harbor Shopping Center. Applicant believes it is reasonable to impose a 20-foot setback along the east property line. The Board adopts this setback as a condition of approval.

The second access way will be located on the adjacent property owned by applicant. It will serve the subject property and funnel all traffic through the existing RV park to Lower Harbor Road. This second access way is not subject to County road requirements because it is an interior road that does not access a County road. Applicant already has rights for the existing RV park to access Lower Harbor Road, which is a County road. The interior access way is subject to state requirements for RV parks. Applicant proposes limiting the use of Tolman Lane by the subject property, except in emergencies. As a condition of approval, access to/from the existing Tolman Lane and the subject property shall be restricted with a gate. Tolman Lane shall be used by the subject property for access in emergencies only. Access to the subject property shall be to Lower Harbor Road via an interior access way on the adjacent property to the south. Property owner/developer must construct the access way and obtain all required permits. The Board finds that this condition will ensure that the Comprehensive Plan amendment and zone change do not impact Tolman Lane.

The Board notes there are uses (i.e., hotel or motel; dinner-entertainment club, lounge or tavern; hospital, sanitarium, medical or dental clinic; retail or service establishment of a light commercial character, etc.) that are permitted outright in the C-1 zone which could make access to/from the subject property through the existing RV park to Lower Harbor Road impracticable. Therefore, to meet the intent of this standard, the Board imposes a condition to restrict the uses permitted outright on the subject property to “multiple-family dwellings” and “recreational vehicle trailer park/rural or urban, or campground.” Any changes to the uses permitted outright on the subject property will require a separate zone change.

Evidence in the record suggests that the subject property is in ideal location for alternative transportation because of its proximity to Harbor Shopping Center and the Port of Brookings. Under the current layout, any development on the subject property would have to use the indirect route from Tolman Lane to Shopping Center Avenue to Lower Harbor Road to access the facilities at the Port of Brookings. The Board finds that the new access way via the adjacent property to Lower Harbor Road will provide a direct route that will be more convenient and safer for pedestrians and bicyclists.

With the recommended conditions of approval, the request conforms to the goals and objectives of the TSP. The request provides and encourages a safe, convenient, and economic transportation system without acquiring new right-of-way for access to the subject property; it improves and enhances safety and traffic circulation by providing access to Lower Harbor Road; and it improves the use of alternative modes of transportation (i.e., walking, bicycling, etc.) by its location and access to Lower Harbor Road. Applicant's request meets the intent of this policy with the conditions of approval.

Policy 6: Curry County will seek to provide facilities for safe and convenient pedestrian and bicycle circulation and access, both within new residential and commercial development, and on public roads.

Findings: As discussed above, the new access way will provide safe and convenient access from the subject property for pedestrians and bicyclists to Harbor Shopping Center and Lower Harbor Road. The proposed development meets the intent of this policy.

Policy 10: The comprehensive plan encourages development to occur near existing community centers where services are presently available so as to reduce the dependence on automotive transportation.

Findings: The subject property is located in close proximity to two commercial centers that offer community services. It is immediately adjacent to the Harbor Shopping Center and is located near the Port of Brookings. The Board finds that applicant's request meets the intent of this policy.

Policy 12: Curry County shall include a consideration of a proposal's impact on existing or planned transportation facilities in all land use decisions.

Findings: Because of the conditions of approval described above, the only transportation facility at issue is Lower Harbor Road. Lower Harbor Road is a County road and is classified as a collector road. The TSP provides traffic information and the current and future level of service for County roads. Lower Harbor Road has a capacity of 10,000 vehicles. Existing traffic volume is 3,400 vehicles per day, with an "A" level of service ("LOS") and volume/capacity ratio ("V/C") of 0.34. The projected LOS in 2017, the end of the TSP planning period is a "B" level. At that time, the traffic volume is estimated to be 6,600 vehicles per day, with a V/C of .66. C&K argues that the traffic analysis submitted by applicant omits the required analysis at the end of the transportation

planning period. The Board finds that the TSP, along with the evidence in the record, is sufficient to analyze the traffic impact in 2017, the end of the TSP planning period.

Comprehensive Plan Goal 12, policy 12, along with CCZO 9.021(5) and OAR 660-012-0060 require the Board to evaluate and make findings regarding the traffic impacts on Lower Harbor Road. Applicant submitted a traffic impact analysis conducted by H. Lee & Associates, a traffic engineering and consulting firm comparing the traffic associated with the most traffic-intensive use allowed outright under the existing R-3 zone with traffic associated with the most traffic-intensive uses allowed outright under the proposed C-1 zone, as conditioned.

In the June 2, 2011 report, H. Lee & Associates estimates trip generation based on the rates published in "Trip Generation, 8th Edition" (Institute of Transportation Engineers, 2008). H. Lee & Associates estimates that the R-3 zoning would generate a maximum of 29 AM peak hour trips (6 in, 23 out) and 35 PM peak hour trips (23 in, 12 out). This is based on 56 multiple-family dwelling units, the highest and most intense use permitted outright in the R-3 zone. The most traffic-intensive uses allowed outright under the proposed C-1 zone, as conditioned are the RV park and multiple-family dwellings. H. Lee & Associates estimates that a RV park would generate 12 AM peak hour trips (5 in, 7 out) and 24 PM peak hour trips (17 in, 7 out). H. Lee & Associates concludes that the proposed RV development "is expected to generate fewer AM and PM peak hour trips than the existing R-3 zoning, maximum development scenario and therefore [the proposal will] have no traffic impacts." The Board necessarily finds that a reduction in trips would not cause a negative impact to traffic conditions on Lower Harbor Road at the present or at the end of the TSP planning period, when Lower Harbor Road is estimated to have a B LOS.

The traffic generated by 113 multiple-family dwelling units (the maximum units normally allowed under C-1 zoning) is estimated to be 58 AM peak hour trips (11 in, 47 out) and 70 PM peak hour trips (45 in, 25 out). The proposed multiple-family dwelling use would increase AM peak hour trips by 29 and PM peak hour trips by 35. H. Lee & Associates concludes that the estimated increase is not likely to change the level of service or performance of the surrounding street network. The Board finds that based on the present A LOS and estimated B LOS at the end of the TSP planning period, this increase would not significantly affect the transportation facility under current conditions or at end of the TSP planning period. Notwithstanding these findings, to ensure that there is no significant affect the Board imposes a condition of approval limiting the maximum number of multiple-family dwelling units on the subject property to one unit per 2000 square feet of property. This effectively caps the number of multiple-family dwelling units to the maximum number of multiple-family dwelling units allowed under the current R-3 zoning. The traffic generated by a 56-unit multiple-family dwelling under the C-1 zone is equal to a 56-unit multiple family dwelling under the current R-3 zone; therefore, there is no significant impact.

The Board does not need to analyze the other uses normally permitted in the C-1 zone because a condition of approval limits the uses to RV parks, campgrounds and one

multiple-family dwelling unit per 2000 square feet of property. An application for a zone change would be required to change the permitted uses. At the time of the application, the property owner/developer would have to prove compliance with local and state transportation criteria in order to change the outright permitted uses. C&K agrees in its May 23, 2011 letter that it is appropriate under CCZO and state regulations to impose a condition of approval limiting uses to ensure there is no significant impact on a transportation facility.

The Site Development Review Planner from the Oregon Department of Transportation, Region 3, states in his letter of May 10, 2011, that ODOT has "... reviewed the project and determined that it does not significantly affect state transportation facilities under Oregon's Transportation Planning Rule or Access Management Rule."

C&K contends that applicant should have submitted a traffic impact analysis for the current access via Tolman Lane to Shopping Center Avenue. The Board finds that the traffic impact analysis for Lower Harbor Road is sufficient to meet the requirements of Statewide Planning Goal 12, CCZO Section 9.021(5) and OAR 660-012-0060 because the Board has imposed a condition that requires access via the new interior access way. If applicant later wants to use Tolman Lane to access the subject property, the owner or developer of the subject property would have to file a new application to change the zoning (along with the conditions), which would require review under Goal 12 and County and state traffic regulations for any requested change in access.

C&K also argues that the traffic analysis for Lower Harbor Road insufficient because it is based on an unreasonable assumption that an interior access way on the existing RV park can be built safely and to code. The Board disagrees. There is substantial evidence in the record to support a finding that it is feasible to build the proposed access way in a manner that is safe and meets applicable development standards. For example, applicant submitted a geologic hazard assessment performed under CCZO 3.252 for the limited purpose of establishing the feasibility of the access way. CCZO Section 3.252 requires a geologic hazard assessment prepared by a geologist at the time of submitting a development permit application. "Geologist" is defined by CCZO § 1.030(57) as a "certified engineering geologist" licensed by the State of Oregon. The policy behind CCZO Section 3.252 is for the County to rely on qualified professionals to analyze geologic conditions and decide whether proposed activities pose a risk to the subject or adjacent properties.

Applicant submitted an assessment prepared by Mr. James Rodine, a certified engineering geologist licensed by the State of Oregon. Mr. Rodine's geologic hazard assessment certifies that the access way "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." If an assessment provides this certification, then under CCZO Section 3.252(2), applicant can proceed with its development activity without meeting further geologic hazard mitigation requirements.

C&K claims that the report submitted by Mr. Rodine is inadequate to support the conclusion that the access way can be built safely without further mitigation. In support of this argument, C&K submitted evaluations of Mr. Rodine's work by Mr. William Gali, a licensed geotechnical engineer and Mr. Ron Sonnevil, a certified engineering geologist. Both Mr. Gali and Mr. Sonnevil question Mr. Rodine's geologic assessment of the area. The issues identified are discussed in several submissions by C&K in the record. The Board notes that Mr. Gali is not a certified engineering geologist and is not qualified to do a geologic assessment under the County zoning regulations. In addition, the Board notes that neither Mr. Gali nor Mr. Sonnevil did an independent geologic hazard assessment as described in CCZO Section 3.252(1). Both Mr. Gali's and Mr. Sonnevil's evaluations focus on reviewing Mr. Rodine's work. The record includes extensive responses by Mr. Rodine to each of the issues identified by Mr. Gali and Mr. Sonnevil.

While the Board respects Mr. Gali's and Mr. Sonnevil's opinions and acknowledges the difference in opinion, the Board finds it reasonable to rely on the certification of Mr. Rodine, a certified engineering geologist. The Board acknowledges that C&K offered to pay for half of a third party review of Mr. Rodine's assessment. While the zoning ordinances give the Board authority to require a peer review at an applicant's expense in the event that there is no certification, there is no authority in cases like the present where Mr. Rodine certified that the development activity could be accomplished without mitigation or control measures. Moreover, the Board does not believe a peer review is necessary given the evidence in the record to find that the access way is feasible.

In addition to Mr. Rodine's report, there is other evidence in the record regarding the feasibility of the access way. Each of the Commissioners visited the subject property to view the access road. The access road was sufficiently constructed at the time of the site visits to allow the Commissioners to walk up the hill from the adjacent RV park to the subject property. Mr. David Gowers, a registered professional civil engineer licensed by the State of Oregon submitted a letter dated June 14, 2011 explaining that he reviewed the overall design of the access road and performed a detailed structural review of the proposed pile section. He determined that the pile performance was adequate and overall design intent was sound. This letter is signed and stamped by Mr. Gower. The Board notes that the record does not contain any plans for the access way that have been stamped by Mr. Gower, but does not find stamped plans necessary for a feasibility determination. Compliance with state regulations for alterations to RV parks, including the access way is handled by the Building Division pursuant to development permit applications. Based on the evidence in the record from Mr. Rodine and Mr. Gowers, the Board finds that applicant has a solution or is reasonably likely to find a solution to any problems identified by C&K's consultants and is likely to meet the requirements for a building permit.

C&K questions whether Mr. Rodine is properly qualified to design the access road and whether the admittedly "unconventional" design is safe. C&K points out that ORS 672.020(1) and ORS 672.060(3) require the practice of engineering to be done by or under the control of a licensed engineer. When considering applicant's development permit application, the County Building Division will evaluate the changes to the existing

RV park, including the access way and determine any engineering requirements. The Board notes that Mr. Gowers does claim to be the engineer of record for the access way in his July 14, 2011 letter, and to have been involved with and overseen the design and modifications of the access way at every stage. The Board finds that Mr. Rodine's certification and Mr. Gowers' statements are sufficient evidence to reasonably believe that applicant can meet the relevant standards for a development permit. Responsibility for determining compliance properly lies with the County building inspectors as part of the development permit process.

Based on Mr. Rodine's and Mr. Gowers' submissions and the site visit, the Board finds that the access way is feasible and imposes conditions of approval to assure that such is built. Therefore, the access way premise is practical and it was reasonable for applicant to only submit a traffic analysis for Lower Harbor Road. This approval is conditioned in a way that would effectively require a new demonstration that the TPR is satisfied in order to modify the outright permitted uses or access to the subject property.

Policy 17: Curry County shall protect the function of existing and planned roadways as identified in the TSP.

Findings: The findings under Goal 12, policy 12 are incorporated herein. There will be no new access onto Lower Harbor Road or Shopping Center Avenue. The subject property will have access to Lower Harbor Road through the existing driveway at the Portside RV Park. No other existing or planned roadways will be affected because of the condition of approval restricting access to Tolman Lane from the subject property except in emergencies. The proposed development meets the intent of this policy.

Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use in the County.*

Policy 2: Curry County defines "urban uses" as those which are high intensity residential, commercial or industrial uses located inside urban growth boundaries, or outside urban growth boundaries where an exception to Goal 14 has been justified.

Findings: The subject property is currently zoned R-3 and is within the Brookings UGB. The R-3 zone is intended to apply to urban areas where high density housing is appropriate. The C-1 zone also allows urban uses. Applicant's request is in accordance with the intent of this policy because it will not change the urban nature of the subject property.

Policy 3: Curry County recognizes the urban growth boundaries of Port Orford, Gold Beach and Brookings and the mutually adopted Management Agreements for these areas.

Findings: The subject property is within the Brookings UGB. The intent of this policy is met because the County has responsibility for land use decisions outside of city

boundaries pursuant to Article III of the Joint Management Agreement with the City of Brookings adopted June 30, 2010.

Policy 4: The county will work to coordinate with the respective cities with regard to land use decisions affecting the urban growth areas.

Findings: The County provided the City of Brookings with notice of applicant's request. The findings dealing with the City of Brookings' concerns under Goal 12, policy 2 are incorporated herein. The City of Brookings recommended the County require applicant to submit any necessary geologic hazard reports and storm drainage materials prior to issuing construction permits. CCZO requires applicant to submit a geologic hazard assessment and storm and surface water management plan prior to obtaining a development permit. These requirements will be adequately dealt with at the time of application to the County Building Division for development permits. The intent of this policy is met.

Section 9.021 Standards for a Zone Change (continued)

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

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;*

Findings: CCZO Section 3.150 sets forth the purpose statement for the C-1 zone. The findings under CCZO Section 3.150 are incorporated herein. As explained under CCZO Section 3.150, applicant's request conforms with the purpose of the C-1 zone, and therefore, the zoning designation.

Section 9.021 Standards for a Zone Change (continued)

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

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

Findings: The findings under CCZO Section 3.150 are incorporated herein. The change in the zoning designation to C-1 will be compatible with adjacent and contiguous properties because these properties are similarly zoned and have similar uses as those permitted in the C-1 zone. As discussed above under Goal 12, policy 2, the zone change approval is conditioned on a 20-foot setback on the east property line to ensure any eventual development does not impede the use to the east. This standard has been met.

Section 9.021 Standards for a Zone Change (continued)

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

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*

Findings: The findings under Goal 11, policy 1 are incorporated herein. Evidence in the record indicates that the following services are available to the property: water source – Harbor Water District; sewage disposal – Harbor Sanitary District; Electrical Power – Coos-Curry Electric Cooperative, Inc.; Telephone Service – Verizon; Fire Department/District – Harbor Rural Fire Protection District; and School District – Brookings-Harbor 17-C. The County, including the County Sheriff officers, will continue to provide services whether or not the Comprehensive Plan and zone change are granted.

Although water service is available, Harbor Water District may have to re-locate its waterline. There is no evidence in the record indicating if the need to relocate the waterline is specific to the C-1 zoning or is a requirement for any development on the subject property, including within the current R-3 zone. Any development on the subject property; regardless whether it is within the R-3 or C-1 zone, requires proof that there is adequate water service upon application for a development permit. The County will address the possible relocation of the Harbor Water District waterline at the time a development application is submitted. This standard is met because the change in zoning and Comprehensive Plan designation will not affect the availability of services.

Section 9.021 Standards for a Zone Change (continued)

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

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;*

Findings: The relevant findings under Goal 12, policies 2 and 12 are incorporated herein. This standard is met with the imposed conditions of approval.

- 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,*

Findings: The relevant findings under Goal 12, policies 2 and 12 are incorporated herein. With the imposed conditions of approval, there is no need to amend the TSP.

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

Findings: The relevant findings under Goal 12, policies 2, 6 and 12 are incorporated herein. This standard is met.

Section 9.021 Standards for a Zone Change (continued)

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

- 6. A comprehensive plan or zoning designation amendment significantly affects a transportation facility if it:
 - d. Changes the functional classification of an existing or planned transportation facility;**

Findings: The findings under Goal 12, policy 12 are incorporated herein. As conditioned, the request to change the Comprehensive Plan and zoning designation will not require a change in the functional classification of a transportation facility.

- e. Changes standards implementing a functional classification system;*

Findings: There will be no changes required in implementing the functional classification system as a result of the proposed Comprehensive Plan and zone change.

- f. 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*

Findings: The findings under Goal 12, policy 12 are incorporated herein. Applicant's request will not affect the current functional classification of any transportation facilities.

- g. Would reduce the vehicle/capacity ratio and level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.*

Findings: The findings under Goal 12, policy 12 are incorporated herein. The proposed changes to the Comprehensive Plan and zoning will not reduce the vehicle/capacity ratio and level of service of Lower Harbor Road below the minimum acceptable level of service.

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.

Findings: The findings under CCZO Section 9.010 are incorporated herein. The Comprehensive Plan amendment does not require an exception to Oregon's Statewide Planning Goals. The subject property is not resource land and is not planned or zoned as resource land. Therefore, this criterion is satisfied.

V. DECISION

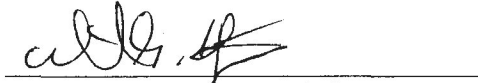
NOW THEREFORE LET IT BE ORDERED that the Curry County Board of Commissioners **APPROVES** Land Use File No. CP/ZC-1101, the request of Kenneth L. Byrtus to amend the Curry County Comprehensive Plan designation from "Residential" to "Commercial" with a concurrent zone change from Residential-Three to Light Commercial for property indentified as Curry County Tax Map No. 41-13-05DD; tax lot 03300, subject to meeting the following conditions:

1. Property owner/developer shall construct two new access ways so they meet all applicable regulations, including County and State of Oregon requirements. One access way shall serve the properties located west of the subject property for access to Tolman Lane. The second access way shall serve the subject property and be located on the adjacent existing RV park property.
2. Property owner/developer shall obtain all required permits to construct and maintain both access ways.
3. All development on the subject property shall be set back at least 20 feet from the east property line.
4. At the time of a development permit application, the developer/property owner shall submit evidence of adequate fire protection from Harbor Rural Fire District.
5. The uses permitted outright on the subject property shall be limited to "multiple-family dwellings" and "recreational vehicle trailer park/rural or urban, or campground." The maximum number of multiple-family dwelling units on the subject property is limited to one per 2000 square feet of property. Any changes to the uses permitted outright on the subject property shall require the property owner to submit an application and obtain approval for a zone change.
6. Access to/from the existing Tolman Lane and the subject property shall be restricted with a gate. Tolman Lane shall be used by the subject property for access in emergencies only. Access to the subject property shall be to/from Lower Harbor Road via an interior access way on the adjacent property to the south of the subject property. Any changes to the subject property's access or use of Tolman Lane will require the property owner to submit an application and obtain approval for a zone change.
7. The property owner must grant reciprocal and irrevocable access easements to the properties located west of the subject property for use of the new access road to Tolman Lane. The property owner/developer must submit copies of the recorded easements with any development permit applications.

DATED this 17th day of August, 2011


BOARD OF CURRY COUNTY COMMISSIONERS


George Rhodes, Chair

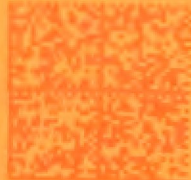

David G. Itzen, Vice Chair


Bill Waddle, Commissioner

Approved as to Form:


Jenifer Meyer
Curry County Assistant Legal Counsel

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



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08/25/2011

LAND CONSERVATION
AND DEVELOPMENT

Department of Land conservation and Development
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Salem, Or 97301-2540
Attn: Plan Amendment Specialist