



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

02/07/2012

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 003-11

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: Thursday, February 23, 2012

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

DEPT OF

FEB 03 2012

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-1104**

Date of Adoption: **1/31/2012**

Date Mailed: **2/2/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/12/2011

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".

To amend Curry County Zoning Ordinance (CCZO) Sections 3.130 to 3.133 to allow single family residential, multiple family residential, residential care, and/or mixed (commercial and residential) use in existing non-residential structures/buildings constructed prior to February 13, 1989 on parcels with a zoning designation of Rural Commercial (RC).

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

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

to: **N/A**

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

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

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...

35-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. 003-11 (19010) [16925]

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

Cities of Port Orford, Gold Beach, and Brookings, Rural Fire Protection Districts; State Fire Marshall, Water Districts (Harbor, Nesika/Ophir, Langlois, Gold Beach, and Old Sheep Ranch); ODOT, DLCD, and The Brookings-Harbor SD 17C, Central Curry SD 1, and Port Orford-Langlois SD 2CJ

Local Contact: **David Pratt, Interim Planning Director** Phone: (541) 247-3228 Extension:
Address: P.O. 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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of Text Amendments)
to the Curry County Zoning Ordinance) ORDINANCE NO. 12-01
Related to the Rural Commercial Zone)

The Curry County Board of Commissioners ordains as follows:

Section 1: Findings

1. These amendments to the Curry County Zoning Ordinance were proposed to promote reuse and redevelopment of existing buildings in rural communities that are no longer being used for their original intended purpose.
2. Notice of the proposed amendments was forwarded to the Department of Land Conservation and Development ("DLCD") on October 12, 2011.
3. Following published notice on January 18, 2012, as required by law, the Board of Curry County Commissioners held a public hearing on January 31, 2012, to consider this ordinance.

Section 2: Amendments

The Curry County Zoning Ordinance is amended as shown in Attachment "A." The Planning Division staff is authorized to insert clean copies of the approved text into the Curry County Zoning Ordinance following adoption of this ordinance by the Board.

Section 3: Severance Clause

If any section, subsection, sentence, clauses or phrases of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

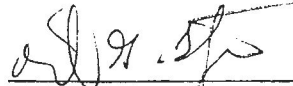
Section 4: Effective Date:

Consistent with ORS Chapters 197 and 215, this ordinance shall take effect upon its passage.

Dated this 31st day of January, 2012.

CURRY COUNTY BOARD OF COMMISSIONERS

BOARD OF CURRY COUNTY COMMISSIONERS



David G. Itzen, Chair

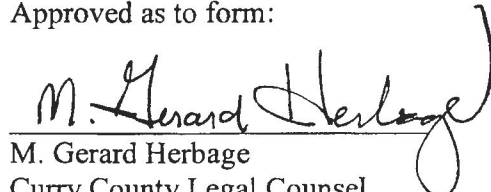


Bill Waddle, Vice Chair



George Rhodes, Commissioner

Approved as to form:



M. Gerard Herbage
Curry County Legal Counsel

ATTACHMENT "A"

CURRY COUNTY ZONING ORDINANCE

RURAL COMMERCIAL ZONE

(BOC Meeting Date: January 31, 2012)

Proposed text amendments to the *Curry County Zoning Ordinance* to the Rural Commercial (RC) zone.

Added text is in **bold**; Deleted text is ~~struck through~~

Section 3.130. Rural Commercial Zone (RC).

Purpose of Classification: The RC zoning classification is applied to all rural lands with existing commercial uses in built and committed exceptions ~~areas~~ to the Statewide Planning Goals as of the date of adoption of this ordinance. All future rezoning to this zoning designation shall **either be limited to areas where a rural exception has already been taken or shall** require an exception to Goals 3 ~~and/or 4, 14 and other~~ Goals which ~~are ever~~ is applicable to the specific site. Land uses shall be limited to commercial; **church; school; community building for public or non-profit organization; single-family residential; multiple-family residential; residential care; or mixed (commercial and residential)** uses appropriate for the rural area in which ~~it~~ **the property** is located. Commercial uses in this zoning designation must be compatible with any adjacent agricultural or forestry uses and are limited to development which is suitable to individual water wells and septic systems or existing public utilities.

Section 3.131. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

1. Single family dwelling or mobile home on each contiguous ownership or platted subdivision lot approved prior to August 12, 1986 or lot subsequently approved at the minimum lot size specified by this zone.
2. Existing retail, professional or service establishments may be continued and expanded including the expansion of existing structures to a total of 2500 square feet.
3. **Single family, multiple family, residential care, or mixed (commercial and residential) use in existing non-residential structures/buildings constructed prior to February 13, 1989. Commercial uses in existing non-residential structures shall be limited to the uses listed in Section 3.132(1, 7, 12, 13).**

Section 3.132. Conditional Uses Subject to Administrative Approval by the Director.

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

1. New retail, professional, or service establishment, or expansion of an existing structure to greater than 2500 square feet in area which is appropriate for and limited to serving the requirements of the rural area in which it is located and which shall not have adverse impacts on any farm or forest uses on adjacent lands. The following are specific uses allowed:
 - a. grocery or food store;
 - b. general hardware, farm supply or feed store;
 - c. appliance, small engine, pump sales or repair shop;
 - d. art studio or gallery;
 - e. barber or beauty shop;
 - f. bakery;
 - g. book or stationary shop;
 - h. garden supply, greenhouse or nursery which includes retail sales;
 - i. restaurant, cafe or tavern;
 - j. professional office such as, real estate sales, legal office, accountant office, etc.;
 - k. handicraft or gift store including the manufacture of such goods on the premises; and
 - l. other uses of a similar type and scale to those listed in ~~a-m~~ **a through k** above.
2. Home occupation. (7)
3. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for

material that cannot be reasonably stored in an established commercial storage facility.

4. One manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. (17)
5. Television, microwave, and radio communication facilities and transmission antenna towers.
6. Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale. (5)
- ~~7. Approval of a division of land under Section 3.133.~~
78. Church, school or community building for public or non-profit organizational use.
89. Repair garage provided there is no outside storage of vehicles or of equipment being repaired.
940. Recreational vehicle park/rural or campground. (6)
1044. Automobile service station.
1142. Mini storage facility.
1243. Medical, dental, or veterinary clinic.
13. **Residential care facility.**

Section 3.133. Lot Size and Dwelling Density.

This zoning designation is applied to all existing rural commercial uses and dwellings on the date of adoption of this ordinance. These preexisting commercial uses are confined to no more than the contiguous ownership in existence at the time of plan adoption. Rezoning of land to this designation or division of land to create new parcels or to site additional uses as provided in this zone shall meet the following criteria:

1. have the minimum impact on any adjacent resource lands;
2. be of the minimum size necessary to fulfill the need; **and**
3. shall meet any lot size requirements determined for proper installation and operation of water supply and sewage disposal systems. ~~;~~**and**

~~4. no division of land shall be allowed that will create a vacant parcel that is less than five acres in size unless the county has approved a Goal 2 exception to Goal 14 and any other applicable Goals.~~

Section 3.134. Set-Backs.

See Article IV.

Section 3.135. Height of Buildings.

See Article IV.

Section 3.136. Off-Street Parking and Loading.

See Article IV.

CURRY COUNTY BOARD OF COMMISSIONERS
REQUIRED STATUTORY NOTICE OF ADOPTION

DEPT OF

FEB 03 2012

LAND CONSERVATION
AND DEVELOPMENT

Date: February 2, 2012

Notice is hereby given that the Curry County Board of Commissioners adopted an amendment to its land use regulations regarding the Rural Commercial zone on January 31, 2012.

Action Taken: The Curry County Board of Commissioners APPROVED the request to amend the Curry County Zoning Ordinance (CCZO) Sections 3.130 to 3.133 to allow single family residential, multiple family residential, residential care, and/or mixed (commercial and residential) use in existing non-residential structures/buildings constructed prior to February 13, 1989 on parcels with a zoning designation of Rural commercial (RC).

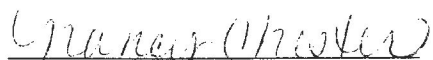
Decision Date: January 31, 2012

Appeal Requirements: 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.

Document Review: A copy of the amendment to the land use regulation, findings, exhibits and related documents are available for inspection at the Department of Public Services, P.O. Box 746, 94235 Moore Street, Gold Beach, OR 97444, from 1-5 p.m. Monday – Thursday. Copies of these documents are available upon payment of a copy charge of .25 per page.

Additional information can be obtained by contacting Nancy Chester, Planning Clerk, Curry County Department of Public Services at (541) 247-3284 or by e-mail at chestern@co.curry.or.us.

Certificate of Mailing: I, Nancy Chester do hereby certify that this notice was deposited in the mail on February 2, 2012, and sent to all persons who participated in the proceedings leading to the adoption of the amendment or requested the County in writing that they be given notice of the decision.



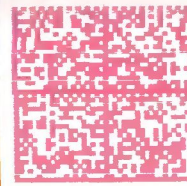
Nancy Chester
February 2, 2012

Dept. of Public Services
P.O. Box 746
Gold Beach, OR 97444

CERTIFIED MAIL™



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