



Oregon

Theodore R. Kubongoski, 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

09/25/2012

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 001-12

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, October 11, 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

DATE STAMP

DEPT OF

SEP 21 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/Z-1201**

Date of Adoption: **9/19/2012**

Date Mailed: **9/20/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/10/2012

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 in the Comprehensive Plan designation from "Special Use Lands" to "Commercial" with a concurrent zone change from Public Facilities (PF) to Rural Commercial (RC) for property property that is located in the Rural Community of Langlois with an address of 48363 Highway 101, Langlois, Oregon and identified as Curry County Assessor's Map 31-15-02BA; Tax Lot 100.

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

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

to: **Commercial**

Zone Map Changed from: **Public Facility(PF)**

to: **Rural Commercial**

Location: **48363 Highway 101 - Map 31-15-02BA; TL 100**

Acres Involved: 6.98

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. 001-12 (19431) [17174]

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

Department of Land Conservation and Development (DLCD); Oregon Department of Transportation (ODOT);
and the Port Orford/Langlois School District 2CJ

Local Contact: **David Pratt, Interim Planning Director** Phone: (541) 247-3228 Extension:
Address: 94235 Moore Street, Suite 113 Fax Number: 541-247-4579
City: Gold Beach, OR 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 the Adoption)
of a Change to the Curry County)
Comprehensive Plan and Zoning) ORDINANCE NO. 12-02
Maps Related to File No. CP/Z-1201)
for Applicant Port Orford-Langlois)
School District 2CJ)

WHEREAS, this matter came before the Board of Curry County Commissioners (the "BOARD") on the application of the Port Orford-Langlois School District 2CJ filed on June 5, 2012, to change the Curry County Comprehensive Plan designation from "Special Use Lands" to "Rural Commercial" with a concurrent zone change from Public Facilities (PF) to "Rural Commercial" for property known as the Langlois Elementary School as described on Curry County Tax Map 31-15-02BA, Tax Lot 100; and

WHEREAS, the subject property consists of 6.98 acres and contains the currently vacant elementary school, and is located on the east side of Highway 101 in the Langlois Rural Community; and

WHEREAS, the BOARD following the required legal notice, held a hearing on the application on September 11, 2012, with the Applicant being represented by attorney Shala McKenzie Kudlac. Testimony and exhibits including the corrected staff report were received into the record. No person submitted written or oral testimony in opposition to the application. The record was closed at the conclusion of the hearing. After deliberation, a motion was made and the application was approved; and

WHEREAS, in reviewing all of the evidence in this matter, the BOARD finds that the Applicant has met its burden of proof. The decision criteria, facts and analysis supporting the decision criteria are found in the corrected staff report submitted to the record in this matter. The corrected staff report without exhibits is made part of the ordinance and is incorporated here by reference as Exhibit II;

NOW, THEREFORE, IT IS ORDAINED as follows:

Section 1

This ordinance amends the Curry County Comprehensive Plan Designation of the subject property from "Special Use Lands" to "Commercial", and further changes the zoning of the subject property from Public Facilities ("PF") to Rural Commercial ("RC").

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. 31-15-02BA Tax Lot 100

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), 9.021 and 9.030 of the CCZO.

Section 5

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

Section 6

This Ordinance is effective immediately upon adoption by the BOARD.

DATED this 19th day of September, 2012.

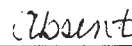
BOARD OF CURRY COUNTY COMMISSIONERS



David G. Itzen, Chair

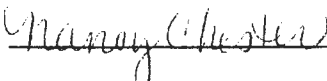


Bill Waddle, Vice Chair



George Rhodes, Commissioner

Recording Secretary:



First Reading: 9/19/12
Second Reading: N/A
Effective Date: 9/19/12

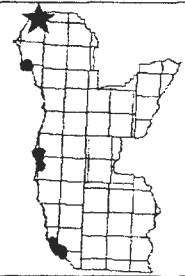
(Pursuant to ORS Chapters 197 and 215)

Approved as to Form:



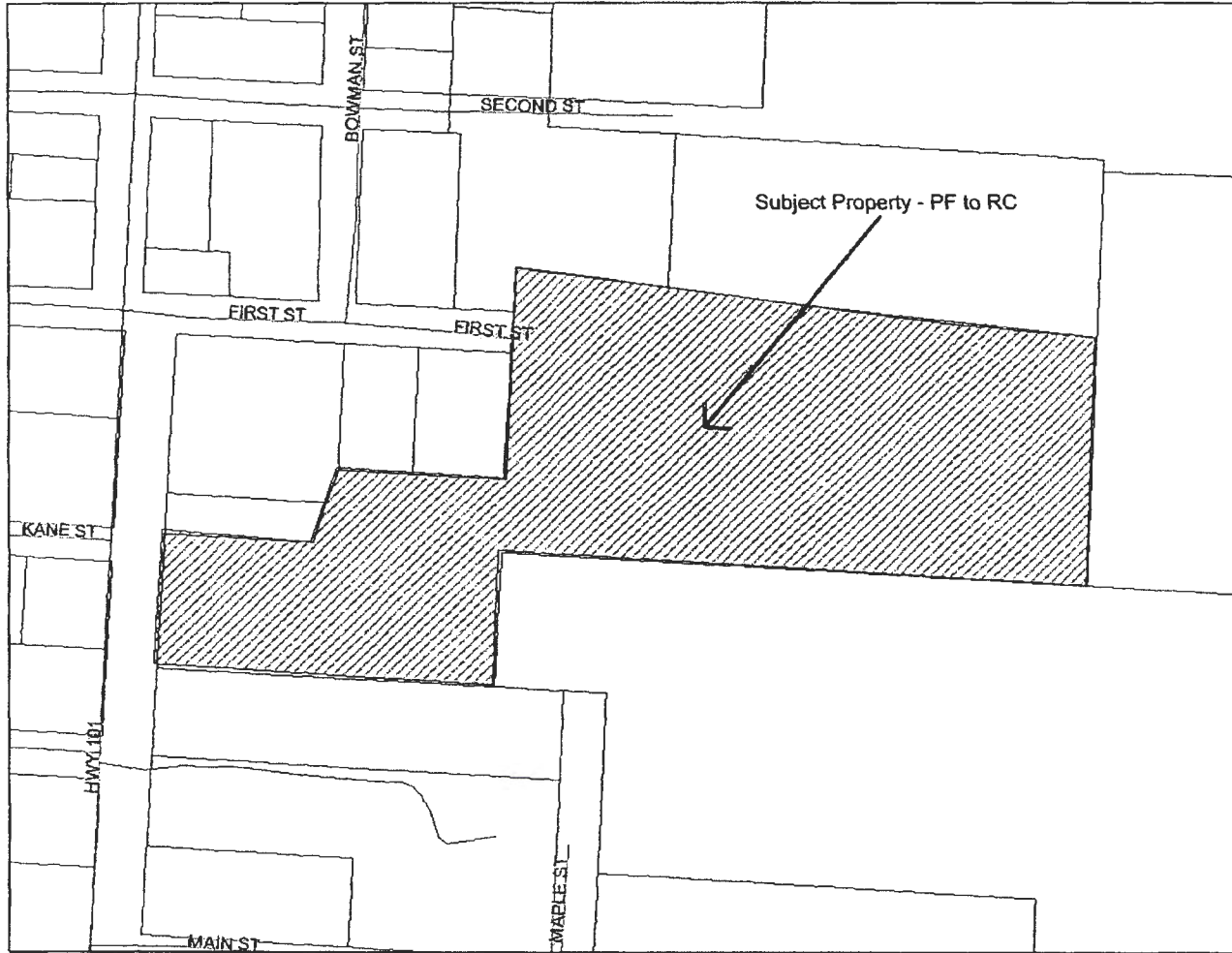
M. Gerard Herbage
Curry County Legal Counsel

CP/Z 1201 Port Orford/Langlois School Dist 2CJ Exhibit I



Legend

- ROADS ORTHO CORRECTED
- PARCELS
- CITY LIMITS



0 225 450 675 ft.

Map center: 42° 55' 31.5" N, 124° 26' 52.0" W



Scale: 1:2,357

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
September 11, 2012

I. APPLICATION INFORMATION

File No.: CP/ZC-1201

Applicant: Port Orford-Langlois School District 2CJ
P.O. Box 8
Port Orford, OR 97465

Agent: Shala McKenzie Kudlac
P.O. Box 38
Bandon, OR 97411

Application Date: June 5, 2012

File Complete Date: June 27, 2012

Hearing Date: September 11, 2012

Land Use Request:

The Applicant's agent filed a request to change the Curry County Comprehensive Plan ("Comprehensive Plan") designation from "Special Use Lands" to "Commercial" with a concurrent zone change from Public Facilities ("PF") to Rural Commercial ("RC") for property identified as Curry County Tax Map 31-15-02BA, Tax Lot 00100, for the purpose of transferring the subject property to private ownership.

II. SITE INFORMATION

Property Location:

Address: 48363 Hwy 101

Location: The subject property is located in the Rural Community of Langlois on the eastside of Highway (Hwy) (See Attachment A) and is outside of the City of Port Orford Urban Growth Boundary ("UGB").

Property Description:

Total Land Area: 6.98 acres **Current Zoning:** Public Facilities (PF)

Assessor Map No.: 31-15-02BA **Tax Lot Number:** 00100

Existing Land Use:

The subject property has an existing and currently vacant school building with accessory structures. It is the site of the former Langlois Elementary School.

Surrounding Land Use:

Properties along the western portion of the subject property along Hwy 101 have a zoning designation of RC and contain various retail businesses. Properties to the north, east, and south along the eastern portion of the subject property have a zoning designation of Rural Community Residential (RCR) with minimum parcel sizes of 1 and 5 acres, and are either committed to or are developed for single family residential use.

Natural Features:

1. Topography

According to the County's Geographic Information System (GIS), the elevations on the subject property vary from a height of approximately 184 feet above mean sea level in Northeast corner of the subject property to a low of 83 feet above mean sea level along the west property line with slopes varying from 1 to 13 percent.

2. Geological and Flood Hazards

According to the "Provisional Maps of Rapidly Moving Landslides" provided by the Department of Geology and Mineral Industries ("DOGAMI") Bulletin 90 and adopted as part of the Comprehensive Plan, the subject property is not located within a "geologic hazard area."

3. Other Natural Features

a. Streams, rivers, lakes

Under CCZO Section 4.011 (1), all structural development must maintain the requirements of the Riparian Corridor Buffer Overlay (RB), if applicable, or if not applicable, then a minimum of a 50-foot setback from the top of bank.

b. Wetlands, riparian vegetation

According to the *National Wetlands Inventory* map published by the US Department of the Interior, Fish and Wildlife Forestry Service, there appears to be wetlands located along the southwestern portion of the subject property. Prior to issuance of a development permit, the Oregon Department of State Land must be notified.

c. Wildlife habitat

The subject property is not located in a "sensitive" or "peripheral" big game habitat area as indicated on 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.)

The subject property is not listed as a significant resource in the *Natural Resources Inventory Document* (January 1983).

Services and Facilities Available to Subject Property:

1. Water Source: Langlois Water System
2. Sewage Disposal: On-site sanitary septic system
3. Electric Power: Bandon Electric
4. Telephone: Frontier
5. Protective Services:
 - Police: Curry County Sheriff's Department
 - Fire: Langlois Rural Fire Protection District
6. School District: Port Orford/Langlois School District 2CJ
7. Road Information:
 - Nearest Public Road Serving Subject Property: Hwy 101
 - Road Condition: Two-lane paved state-maintained road
 - Other Roads Serving Subject Property: None

III. RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS

Applicant has the burden of proof in justifying any land use decision. Applicant has submitted findings to support the requested land use. These findings together with supporting documents are attached to this report (Attachment B). This section contains the applicable criteria and an examination of the relevant facts in relation to such criteria.

List of Applicable Criteria:

A request to amend the Comprehensive Plan and the zoning designation is subject to approval by the Board pursuant to CCZO Section 2.060(3) (a). 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 Future Planning Issues
- Goal 9 Economic Development, Policies 5-6
- 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 1, 6, 7, 9, 10, and 12

Oregon Administrative Rules (OAR)

- 660-022-0030 Planning and Zoning of Unincorporated Communities

Curry County Zoning Ordinance

- Section 3.130 Rural Commercial Zone (“RC”)
- 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

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 need, in this particular case, is the preservation, reuse, and continued maintenance of an existing building, the former Langlois Elementary School which was built in 1939. In addition to the school, which has approximately 6,805 square feet of floor area, there is a gym which has approximately 8,424 square feet of floor area. Both structures are currently vacant. The County recognized the public need for the reuse and maintenance of such buildings in rural communities (Langlois, Agnes, Ophir, and Nesika Beach) and rural exception areas by amending its zoning ordinance (Curry County Ordinance No. 12-01).

Comprehensive Plan Section 19.2 also requires applicant to submit sufficient factual information to support the change. To support a minor amendment, like the present

request, sufficient factual information must be submitted 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 "Special Use Lands" to "Commercial." Both are non-resource designations. Accordingly, 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. Applicant submitted documentation (Attachment B) as a factual basis in support of the request.

Conclusion: Applicant's request satisfies the first part of the standard because there is evidence of a public need to retain and reuse existing structures that are no longer being used for their original intended purpose. If the Board finds that the documentation is sufficient to prove the request satisfies the applicable Comprehensive Plan policies and CCZO, then the second part of the standard is also satisfied. It should be noted, however, that this application involves the reuse of an existing school building and the rezoning of undeveloped acreage. The reuse of the building is clearly contemplated and provided for in the Curry County Zoning Ordinance and Comprehensive Plan. The future development of the undeveloped acreage is not before the Commissioners at this time. The development of that land may require additional amendments to the Zoning Ordinance.

Curry County Comprehensive Plan Policies:

Both the change in zoning and the amendment to the Comprehensive Plan designation must comply with applicable Comprehensive Plan policies. 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. If applicant's requested zone change satisfies the Comprehensive Plan policy requirements, then the change in Comprehensive Plan designation from "Special Use Lands" to "Commercial" is warranted. This staff report addresses compliance with the Comprehensive Plan policies below under CCZO Section 9.021(1).

Oregon Administrative Rules (OAR)

OAR 660-022-0030 Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

Findings: The subject property is located within the Langlois Rural Community and is, therefore, subject to the applicable provisions of OAR 660-022-0030. As indicated by the Applicant, the County has provisions in the *Comprehensive Plan, Zoning*

Ordinance, and Exception Statement for Langlois Community (Attachment C) to meet the provisions of ORS 197.610 through 197.625.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

Findings: The residential uses, lot/parcel sizes, and densities for rural communities are specified in in CCZO Sections 3.091 to 3.093 for the Rural Community Residential (RCR) zone and CCZO Sections 3.131 to 3.133 for the Rural Commercial (RC) zone as well as in the *Exception Statement for Langlois Community*.

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Expansion of a use existing on the date of this rule;

(c) Small-scale, low impact uses;

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3) (a);

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;

(B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and

(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.;

(g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:

(A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or

(B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

Findings: No new or expanded industrial use is being proposed. The proposal is to allow the reuse of an existing school building for residential, commercial, or commercial-residential mixed use. Therefore, this standard does not apply.

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Small-scale, low impact uses;

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

Findings: The school building already exists. The commercial uses that are listed and applied in the RC zone (CCZO Sections 3.131 and 3.132) are intended to be small scale low impact uses to serve the community and surrounding rural area of Langlois.

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:

(a) Any number of new motel and hotel units may be allowed in resort communities;

(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;

(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.

Findings: No hotel or motels are permitted outright or conditionally under the RC zoning designation. Therefore, this criterion does not apply.

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

Findings: As indicated by the Applicant, the zone change from a Public Facilities designation to Rural Commercial will have no adverse affect on agricultural or forestry uses. It should be noted that the proposed zone change will occur within an existing rural community.

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

Findings: The RC zone allows only those uses, residential and light commercial, that are compatible with identified function, capacity and level of service to the adjacent highway (Hwy 101). Hwy 101 is designated as a major arterial and is currently operating a level of service "A."

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

- (A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and
- (B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

Findings: According to the Applicant, the subject property is not located near or adjacent to any bodies of water and will have no adverse affects on state or federal water quality regulations and the water in the community is adequate to serve the uses available under the proposed change. Sewer is unavailable to the site. The subject property is serviced by an on-site system.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

Findings: There are no acknowledged metropolitan areas within Curry County. Therefore, this criterion does not apply.

(10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4, 000 square feet of floor space.

Findings: The proposed zone change to RC will allow land use options for existing buildings, a school and gym, with a combined total floor area of approximately 15,229 square feet and located on the subject property.

(11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.

Findings: The proposed use will be limited to residential and/or commercial with no industrial component. Therefore, this criterion does not apply.

Conclusion: Staff concurs with the Applicant's findings in that the applicable criteria for planning and zoning of unincorporated communities have been addressed and fulfilled. The adequacy of public services will be reviewed at the time development plans are submitted for the reuse of the school building, and when development is applied for the undeveloped acreage.

Curry County Zoning Ordinance:

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 or 4 whichever is applicable to the specific site. Land uses shall be limited to commercial; church; school; or 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 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.

Findings: The basic proposal is to change the zoning designation of the subject property from Public Facilities (PF) to facilitate the transfer land from public to private ownership. The subject property is within the Langlois Rural Community. The uses that are allowed under the RC zone are comparable to the existing uses nearby and would accommodate the retention and reuse of an existing and vacant school and separate gym with a combine total of approximately 15,229 square feet of usable space. The properties adjacent to and located to the north, west, and south of the western portion of the subject property have zoning designation of RC. Parcels along the property to the north, east, and south of the eastern part of the subject property have a zoning designation of RCR. The proposed zone change meets this standard because the subject property is in an area suitable for the RC zone.

It should be noted that the RC was applied to all rural lands with existing commercial uses in built and committed exceptions areas to the Statewide Planning Goals as of February 1989. Under CCZO Section 3.130, all future rezoning to the RC zoning designation must be limited to areas where a rural exception has already been taken or an exception to Goals 3 or 4 whichever is applicable to the specific site. In this case, the subject property is located within the Langlois Rural Community and some lands within this community, including the subject property, were included in this exception area since they were physically developed to the extent that they cannot be used for agriculture or for forest uses. The exceptions to Goal 3 (Agricultural Lands); Goal 4 (Forest Lands) Goal 11 – Public Facilities and Services; and Goal 14 - Urbanization were justified and taken in 1989 (See Attachment C).

This application has been primarily the reuse of the existing building. The County recognizes that there is an undeveloped portion of this property, which is also included in the rezoning and redesignation. Use and development of the undeveloped portion will constitute a “new use” and will need to be evaluated under applicable regulations at the time that applications are submitted for that land. The rezoning of the entire parcel as RC is consistent with the adjacent properties and the exception obtained by the County in 1989. It must be noted that the parcel adjacent and to the east of the subject property has

a zoning designation of FG and under CCZO Section 3.133- **Lot Size and Dwelling Density**, the rezoning of land to the RC designation or division of land to create new parcels or to site additional uses as provided in this zone must 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. meet any lot size requirements determined for proper installation and operation of water supply and sewage disposal systems.

Conclusion: Land uses in the RC zone are limited to commercial; church; school; or 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 the subject property is located. The exceptions to Goals 3, 4, 11, and 14 were taken in 1989. Furthermore, commercial uses in this zoning designation must be and are compatible with adjacent agricultural or forestry uses and are limited to development which is suitable to individual water wells, or in this case community water, and septic systems or existing public utilities. Therefore, the proposed comprehensive plan and zone change is consistent with the intent of the RC 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/Conclusion: 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 June 27, 2012. This criterion has been met because the property owner's agent initiated the amendment to the Comprehensive Plan.

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/Conclusion: The findings and conclusions 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 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 because those requests are not “development activity” as defined by CCZO. Below is a discussion of the relevant Comprehensive Plan policies in relation to the current request:

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

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 located within the rural community of Langlois. The existing building, a former school, is currently vacant. County staff concurs with the Applicant in that the current zoning designation of Public Facilities (PF) is only practical if the subject property remains under the School District ownership or other public ownership. However, faced with a declining enrollment and budgetary shortfall, the School District must sell the subject property which, most likely, would be to a buyer in the private sector.

The current PF zoning designation of subject property would not be beneficial to a buyer in the private sector and creates the need for a change in the comprehensive plan and zoning designation. The requested change would expand the list of land uses permitted outright (i.e., multiple-family residential; residential care; or mixed (commercial and residential) uses appropriate for the rural area in which the property is located if developed within an existing building. The request to change the comprehensive plan and zoning designation is consistent with this policy and would make the building on the subject property an attractive site for a variety of residential, non-profit, and/or retail-commercial uses that would serve the needs of the Langlois Rural Community.

Conclusion: The change in the zoning designation of subject property is consistent with this policy by making the site more attractive for redevelopment. Furthermore, the existing building and parking lot will provide an incentive for redevelopment. Therefore, this policy has been satisfied.

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 intent of this policy is to ensure that the County has sufficient land available for commercial and industrial use and that such land is located in a suitable area. There is an existing school building which could be used for residential and/or commercial use. The subject property is located within Langlois Rural Community and

has a zoning designation of PF. Properties abutting the western portion of the subject property also have a zoning designation of RC which allows single family, multiple-family residential; residential care; or mixed (commercial and residential) uses outright as appropriate for the rural area in which the property is located. The change in the zoning designation of the subject property from PF to RC would be compatible and consistent with the use of the surrounding properties and the intent of Economic Policy 6.

Furthermore, according to the Applicant findings statement, a change in the zoning designation from PF to RC is the most practical and beneficial use of the property and, based on its location, is "...almost wholly surrounded by properties zoned Rural Commercial, the property is ideally situated to have this same zone designation." The Applicant further states that the uses allowed in the Rural Zone are compatible with the surrounding properties; the County has "...found the community of Langlois to be suitable for commercial uses as outlined in the Exceptions Statement..." (See Attachment C).

Conclusion: 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 and/or residential use. Therefore, applicant's request conforms to the intent of this policy. Therefore, the intent of Economic Policy 6 is met.

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 Public Facility (PF) and is located within the Langlois Rural Community. CCZO Section 3.131 (3) allows single family, multiple-family residential; residential care; and/or mixed (commercial and residential) uses that are permitted outright only in existing buildings located within rural communities and exception areas that were constructed prior to February 13, 1989. The uses listed in the RC zone and the existing school building would facilitate and encourage the development of affordable housing both in terms of location and quality. The existing structures, formerly the Langlois Elementary School and gym, contain a combine total of approximately 15,229 square feet of potential useable space for residential and commercial use in the Langlois Rural Community. Furthermore, the Applicant argues that there is a "critical" need for low income housing throughout the state of Oregon especially along the south coast where the economy has suffered a severe down turn. The proposed request for the zone change to RC would assist in fulfilling an affordable housing need and the reuse of the vacant school building could promote the recognized need for affordable housing.

Conclusion: Applicant's request is consistent with the intent of this policy. The change in zoning from PF to RC will not significantly impact the forms of housing available in

other parts of the county but has the potential of providing affordable housing in the Langlois Rural Community. Therefore, the intent of this policy has been met.

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/Conclusion: The findings set forth above under Goal 10, Housing Policy 1 are incorporated herein. The subject property is currently designated as land for special use such as public facility use under the Comprehensive Plan. A commercial designation with an RC zoning will permit the same type of housing, single family, as currently allowed, as well as residential multi-family and residential care in buildings constructed prior to February 1989. Applicant's request is consistent with the intent of this policy because the change to a commercial designation will not significantly affect other 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 Langlois Rural Community outside of any urban growth boundary. The *Curry County Comprehensive Plan (CCCP)* Section 11.1 defines Rural Facilities and Services as:

“Facilities and services which are suitable and appropriate solely for the needs of rural lands.”

Rural community service area is defined under CCCP Section 11.10 as basic protective services; energy and communication services; educational services; water and sewage disposal on individual basis; and a public water system together with a commercial center (store, post office, church, etc.). This definition describes the service area of Langlois.

The Applicant has submitted completed “Service Provider Confirmation Forms” from the Langlois Water District, Langlois Rural Fire Protection District and Bandon Electric. The type of public facilities and services that are provided in the Langlois Rural Community, as listed under CCCP Section 11.2, are as follows:

- *Public water systems are those that serve incorporated cities, rural communities, and rural areas.*

Findings: The subject property is within the Langlois Rural Community and is served by a community water system (Langlois Water District). The District submitted the following comments on May 22, 2012:

“The Langlois Water District presently serves the property known as the Blanco School (Brick building and gym) at 48363 Hwy 101 in Langlois. Present connection is listed as non-benefitted (Public School) on a one-inch service. Re-zoning from Public to Rural Commercial will shift the class of service to (Commercial). Langlois Water District Ordinance requires the customer to file an amended application for any change in service.”

It appears that the service provider addressed only the former Langlois Elementary School and not the service for the former Blanco Junior High School. Upon the request of County staff, the Langlois Water District submitted the following revised comments on July 26, 2012 (Attachment E):

“Present connections* are listed as Non-Benefitted (Public School) on a one-inch service. Rezoning from Public to Rural Commercial will shift the class of service to [Commercial 1”]. Langlois Water District Ordinance requires the customer to file an amended application for any change in service. Ref:* 48363 Hwy 101 and 48421 Hwy 101).”

- *Public sewage disposal systems are those that serve incorporated cities, and their urban growth areas.*

Findings: Langlois is a rural community that is not served by a public sewage disposal system but by individual onsite septic systems. According to the Applicant’s findings, the subject property is served by an on-site sanitary septic system. The County Supervising Sanitarian submitted the following comments regarding that system:

“Prior to any change of use or construction, a water pollution control facilities permit is required for sewage flows greater than 2500 gpd. A specific site plan including number of dwellings, bedrooms, specific business type and number of employees will be required prior to construction.”

- *Fire protection districts are those that serve incorporated cities, rural communities and rural areas.*

Findings: The subject property is within the Langlois Fire Protection District.

The District submitted the following comments:

“Current accessibility for vehicles is good. Needs to be maintained as the use of the buildings changes.”

- *Law enforcement services are those that serve the incorporated cities and the county-wide area.*

Findings: Law enforcement services are provided by the Curry County Sheriff.

- *Public health services are those that serve the incorporated cities and the county-wide area.*

Findings: There are health services that are provided County wide.

- *Educational services are provided throughout the county by several school districts.*

Findings: Educational services to the Langlois Rural Community are provided by the Port Orford – Langlois School District 2CJ.

- *Electrical energy and communication services are provided throughout the populated areas of the county by rural electrification co-op and a private telephone corporation.*

Findings: The subject property is currently being served by Bandon Electric and Frontier (telephone).

Conclusion: As indicated in the findings listed above, it is evident that Langlois meets the definition of a rural community service area since it has a community water system and a commercial center.

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: According to the Exception Statement for the Langlois Rural Community, the community is served by a public road system that consists of Highway 101 as the main street with county maintained residential streets in the central part of the community. The subject property has direct access onto Highway 101 which has a functional classification of Principal Arterial. It is the only road currently serving the subject property. The request is to change the Comprehensive Plan and zoning designation of the

subject property, which is already developed, from public facilities to commercial. Conformance with the *Curry County Transportation System Plan* (TSP) is address below.

Conclusion: If the proposed request for a proposed Comprehensive Plan and zoning designation is found to be consistent with the *Curry County Transportation System Plan*, then the request is warranted.

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/Conclusions: No new access ways are being proposed. The Applicant states in its findings that access to and from the property will remain on Highway 101 and that pedestrian and bicycle access to the subject property will remain since there is crosswalk in front of the subject property. 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/Conclusions: The proposed request will encourage the redevelopment and reuse of the subject property which has existing structures, the former Langlois Elementary School and gym. The subject property is located within the Langlois Rural Community where services (post office, grocery store, restaurant, library, and other commercial businesses) are pedestrian accessible reducing reliance on the automobile. Therefore, the intent of this policy is met.

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/Conclusions: The subject property has direct access to Hwy 101. Hwy 101 has existing traffic volumes of 4,500 (AADT) on Hwy 101 south of Kane Street. Hwy 101 is, according to the TSP, operating with an "A" level of service (LOS) and volume/capacity ratio (V/C) of 0.32 which is well below the maximum V/C ratio of 0.70 set by ODOT for rural communities outside of Urban Growth Boundaries. According to the Oregon Department of Transportation (ODOT), the allowed rural commercial land uses will not significantly affect US (Hwy) 101's function, capacity or performance standards and no further analysis is necessary for state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060).

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

Findings/Conclusions: There will be no new accesses onto Hwy 101. The proposal is to have continued access from the subject property to Hwy 101 by way of the existing

driveways. No other existing or planned roadways will be affected. 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 1: Curry County defines "rural uses" as those uses which are located outside of urban growth boundaries including non-urban agriculture, forestry, open space, sparse settlement, small farms or acreage homesites with no or hardly any public services.

Findings/Conclusion: The subject property is currently zoned PF and is within the Langlois Rural Community outside of any urban growth boundary. The proposed RC zone applies to all rural lands including unincorporated community areas. The Applicant's request is consistent with the intent of this policy.

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/Conclusion: The subject property is located in the Langlois Rural Community. An exception to Goal 14 as well as Goals 3, 4, and 11 was justified by the County in February 1989 (see Attachment C). Furthermore, the high density residential uses (i.e. multi-family and residential care) are limited to rural land with a zoning designation of RC which has existing structures/buildings that were constructed prior to February 13, 1989. Therefore, the intent of this policy has been met.

Policy 6: Curry County recognizes the rural communities of the county as an additional type of development in the county and has determined boundaries for these communities based on the existing land use in the community and the requirements for a Goal 2 exception to Goal 14.

Findings/Conclusion: The Langlois Rural Community was recognized and a boundary was determined based on the existing land use which was physically developed and irrevocably committed to urban use (See Attachment C). Therefore, this policy has been met.

Policy 7: Curry County recognizes rural lands in the county and seeks to retain the rural character of these lands by limiting the development of these lands through rural zoning which will retain the rural character of these areas as reflected in the existing lot size pattern.

Findings/Conclusion: The RC zone is designed to retain the rural character of rural communities and rural exception areas by limiting higher density residential and

residential care uses to existing structures with an RC zoning designation that were constructed prior to February 13, 1989. Therefore, the intent of this policy is met.

Policy 9: Curry County has zoned lands located within the rural communities for either urban use or rural use based on Goal 2 exceptions to Goal 14 for the areas zoned for urban uses; the urban use zones Rural Industrial (RI), Rural Commercial (RC), Rural Resort Commercial (RRC), and Rural Community Residential (RCR-1 and RCR-2.5) shall not be applied to areas presently zoned for rural use unless a Goal 14 exception is approved by the county.

Findings/Conclusion: The findings for Urbanization Policy 1 apply. Therefore, the intent of this policy is met.

Policy 10: Curry County has zoned lands located within the various rural land exception areas for Rural Residential (RR-2, RR-5, and RR-10) use which limits rural residential development to dwellings on existing parcels and the development of new parcels at a density of 2-acre, 5-acre and 10-acre minimum lot sizes. Rural Residential-Two ((RR-2) shall not be applied to areas presently zoned for rural use unless a Goal 14 exception has been approved by the county. A zone change from RR-10 or RR-5 to RR-2 shall only be permitted in Rural Land Exception areas existing as of February 13, 1989 that not are not within a current Urban Growth Boundary.

Findings/Conclusion: This policy applies to rural exception areas, not to rural communities.

Policy 12: Curry County will limit commercial uses on rural lands; new commercial uses shall be no greater than 2500 square feet in area allowed only upon a finding that they are appropriate for, and limited to the needs and requirements of the rural area in which they are located; new commercial uses in the Rural Resort Commercial zone shall be limited to hotels, motels, and lodges no greater than 5000 square feet in size and no more than 40 lodging units. The county will not allow the rezoning of land to Rural Resort Commercial or Rural Residential without an approved Goal 2 exception to Goal 14.

Findings/Conclusion: The RC zoning designation allows new commercial uses in existing structures and buildings that were constructed prior to February 1989. The purpose of allowing the redevelopment of subject property is to reuse the existing structures/buildings and fulfill a need for multi-family and/or senior housing within the Langlois area. Therefore, 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/Conclusion: CCZO Section 3.130 sets forth the purpose statement for the RC zoning. The findings and conclusions outlined under CCZO Section 3.130 are incorporated herein. As explained above under CCZO Section 3.130, applicant's request conforms with the purpose of the RC zone.

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 subject property is within the Langlois Rural Community. The RC zone permits uses that will serve nearby residences and is on land where a Goal 14 exception has already been taken. The property adjacent to and located on the western portion of the subject property has an RC zoning designation. The parcels adjacent to the eastern portion of the subject property have zoning designations of RCR-1 (Rural Community Residential –one (1) acre minimum), RCR-5, and RCR-10.

Conclusion: The change in the zoning designation to RC will be consistent with adjacent and contiguous properties because these properties are similarly zoned and have similar uses as those permitted in the RC and RCR zones. Therefore, 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 subject property is adjacent to and surrounded by residential and light commercial uses. It is within the Langlois Rural Community and has a rural community level of service. The application indicates that the following services are available to the property: water source – Langlois Community Water; sewage disposal – an existing individual on-site sanitary system; Electrical Power – Bandon Electric; Telephone Service – Frontier; Fire Department/District – Harbor Rural Fire Protection District; and School District – Port Orford/Langlois School District 2CJ. The County, including the Curry County Sheriff officers, will continue to provide services whether or not the comprehensive plan and zone change are granted.

Conclusion: 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/Conclusion: Land uses on the subject property will be limited to the uses permitted outright and conditionally in the RC zone. Furthermore, ODOT has determined that the proposed Comprehensive Plan amendment and proposed zone change does not significantly affect state transportation facilities under Oregon's Transportation Planning Rule or Access Management Rule. Therefore this standard is met.

- 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/Conclusions: The subject property will continue to have direct access to Hwy 101 regardless of whether the request for the Comprehensive Plan/Zone change is granted. According to the adopted *Curry County Transportation System Plan*, Hwy 101 has an Average Daily Traffic volume capacity of 16,000 vehicles while traffic volumes on Hwy 101, just south of Kane Street in Langlois are 4,500 vehicles per day. Therefore, this standard is met.

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

Findings/Conclusions: The change will not impact the existing pedestrian or bicycle circulation system. The proposed zone change would allow additional housing opportunities in an area that is in close proximity to rural commercial services and would be conducive to pedestrian and bicycle traffic, thereby reducing reliance on the automobile. As indicated in applicant's findings, the change in zoning designation of the subject property from PF to RC is required to make the site, which contains a vacant school building, attractive to the private sector and to provide an incentive for the

redevelopment and reuse of an existing building. It will also accommodate the transfer of the subject expansion from public (Port Orford/Langlois School District 2CJ) to private ownership. Therefore, 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:*
 - a. *Changes the functional classification of an existing or planned transportation facility;*

Findings: As proposed, the request to change the comprehensive plan and zoning designation will not require a change in the functional classification of Hwy 101. Hwy 101 has a functional classification of Principal Arterial with a vehicular capacity of 16,000 vehicles per day. The traffic count, as listed in the adopted *Curry County Transportation System Plan* in Langlois just south of Kane Street is 4,500 vehicles per day.

- b. *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. Therefore, this standard has been satisfied.

- 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*

Findings: The proposed change in comprehensive plan and zoning designation will not affect the current functional classification of Hwy 101 nor will it result in changes in the level of travel or access.

- 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.*

Findings: The proposed development will not reduce the vehicle/capacity ratio and level of service of Hwy 101 below the minimum acceptable level of service.

Conclusion: The proposed comprehensive plan/zone change will not significantly affect Hwy 101.

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/Conclusion: 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 June 27, 2012. The 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.

IV. PUBLIC COMMENT

The Planning Division received the following comments from interested parties, agencies, and affected property owners:

ODOT: Letter from Thomas Guevara, Development Review Planner dated July 27, 2012 (Attachment D). ODOT indicated that they had reviewed the proposed land use changes and determined that the allowed rural commercial land uses will not significantly affect US (Hwy) 101’s function, capacity or performance standards. According to the Oregon Department of Transportation (ODOT), no further analysis is necessary for state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060). However, ODOT advised “...that future site development will trigger our review of road approaches (driveways) to US 101 under the State Access Management Rule (OAR 734-051-000).” ODOT further states that the existing road approaches do not meet minimum access spacing standards, and they have no record of road approach permits on file for these driveways. According to ODOT, Tax lot 100 is not access controlled and has abutter rights along the highway. The developer will need to apply for ODOT Road Approach Permits prior to site development.

V. CONCLUSION

The applicable goals and policies of the Comprehensive Plan and the standards for a zone change have been met. The request to change the comprehensive plan designation from "Special Use Lands" to "Commercial" and a zone change from Public Facility (“PF”) to Rural Commercial (“RC”) for property identified as Curry County Tax Assessor Map No.: 31-15-02BA, Tax Lot No. 00100 is warranted.

VI. RECOMMENDATION

It is recommended that the Board approve the request to change the Curry County Comprehensive Plan designation from "Special Use Lands" to "Commercial" with a concurrent zone change from Public Facilities ("PF") to Rural Commercial ("RC") for property identified as Curry County Tax Map 31-15-02BA, Tax Lot 00100.

Attachments:

- A. Site Map
- B. Applicant's Findings for a Comprehensive Plan Change with a concurrent Zone Change (CPZC-1202) dated June 5, 2012
- C. "Exception Statement: Langlois Rural Community"
- D. Letter from Thomas Guevara, Jr., Development Review Planner, Oregon Department of Transportation dated July 27, 2012
- E. Revised "Service Provider Confirmation Form" from the Langlois Water District dated July 26, 2012

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LAND CONSERVATION
AND DEVELOPMENT

Department of Land Conservation and Development
635 Capitol St NE, Suite 150
Salem, Or 97301-2540
Attn: Plan Amendment Specialist

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