



## CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES

### PLANNING DIVISION

### APPLICANT ASSISTANCE SHEET

## COMPREHENSIVE PLAN/ZONE CHANGE

### WHAT YOU WANT TO DO:

The present zoning of your property does not permit you to develop or use the land in the way that you desire. You need to change the land use designation in the Curry County Comprehensive Plan and the zoning of the property to allow your intended use. In order to do this you must request a site specific plan/zone change. You need to know about the comprehensive plan/zone change procedure.

### WHAT IS A COMPREHENSIVE PLAN AMENDMENT

Curry County, as with all cities and counties in Oregon, is required to have a comprehensive land use plan which has been approved by the state. This plan has been adopted as a county ordinance and has specific designations for the use of all lands within the county excluding land within the incorporated cities which have their own plans. A comprehensive plan/zone change usually means replacement of one land use designation with another (i.e. "Timber" with "Rural Residential") and likewise with the comparable zoning designation. These are called "minor amendments" because they affect only one parcel of land rather than a whole area of the county.

The procedure for Comprehensive Plan/Zone Changes is specifically found in Article IX of section of the ordinance is available if you wish to review the actual ordinance provisions. [This brochure is intended to explain the Comprehensive Plan/Zone Change procedure and is not a substitute for the ordinance provisions.](#)

### WHAT IS THE BASIC PROCEDURE OF A COMPREHENSIVE PLAN/ZONE CHANGE?

The Comprehensive Plan/Zone Change procedure for resource land is quite difficult because the request must meet the complex requirements of Oregon's Statewide Planning Goals, the state Administrative Rules related to the Goals and the county's comprehensive plan policies. All comprehensive plan/zone change requests are decided by the Curry County Board of Commissioners because they are ordinance amendments which can only be approved by the governing body of the county. However, a zone change which does not involve a plan change (i.e. Residential One to Residential Three) can be decided by the Curry County Planning Commission.

The basic procedure for considering a comprehensive plan/zone change is as follows:

1. You make an application for the proposed comprehensive plan/zone change for the subject property in accordance with the zoning ordinance.
2. A notice of the pending plan/zone change is provided to the Oregon Department of Land Conservation & Development 45 days prior to the public hearing on the matter.
3. A notice is provided to you and all other affected parties 20 days prior to the public hearing on the proposed change.

4. A notice is published in the local newspaper 10 days prior to the public hearing on the proposed change.
5. The Planning Director prepares and makes available to you and all parties a staff report regarding the application 7 days prior to the public hearing on the proposed change.
6. The Board of Commissioners hold an initial public hearing on the proposed change and receive the staff report, exhibits and oral testimony into the record of the pending decision and continue the public hearing for at least 14 days to allow final written testimony and to consider the record.
7. The Board of Commissioners reconvenes the public hearing to hear final oral argument regarding the proposed change and makes its oral decision on the request.
8. The Board's oral decision is documented in a written Order and if it is approved an ordinance is prepared to change the plan and zoning designation of the subject property.
9. The written Order and ordinance are signed by the Board and notice of the decision is provided to all affected parties. This final notice of the decision initiates a 21 day appeal period.

Comprehensive Plan/Zone Change decisions of the Board of Commissioners are appealable to the Oregon Land Use Board of Appeals by an affected party who has standing in the decision by participating in the public hearing orally or in writing.

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## WHAT ARE THE SPECIFIC REQUIREMENTS FOR APPLICATION?

### A. *Who can make application?*

An application for a Comprehensive Plan/Zone Change of resource land may be submitted by any of the following:

- a) The owner(s) of the property as listed in the records of the Curry County Assessor;
- b) The purchaser of the subject property who submits an executed contract of purchase that has been recorded with the county;
- c) A lessee in possession of the subject property who submits written consent of the application from the owner; or
- d) The agent of any of the above who submits evidence of being the authorized agent in writing by the principal.

### B. *What must the application contain?*

The application must be filed on an application form provided by the Department of Public Services/Planning Division. In addition to the completed application form you must submit additional information in support of the application which will be discussed with you by a staff member. A checklist of required information for the application is attached to the application and will be reviewed with you at the time you pick up the application form. **All information indicated on the checklist must accompany the application when you submit it to the county.** Incomplete applications will be returned without further processing as required by the zoning ordinance. The application must also be accompanied by the required fee in order to be accepted by the county.

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### C. *How do I file my application?*

Once you have completed the application form, prepared supportive findings and obtained all additional information you are ready to submit the application to the county. You should then request a pre-application meeting to review the application. The pre-application meeting for this type of application is usually attended by county staff and staff from the various affected state and local agencies. Attendees of the meeting will review the application and additional materials with you and advise you as to any information that may be missing or inadequate. Bear in mind that comprehensive plan/zone changes of resource land often involve "Exceptions" to Oregon's Statewide Planning Goals which require complex factual findings to justify the proposed change (see "Exceptions to State Planning Goals" Planning Assistance Sheet).

The role of the county staff will be to help you deal with the forms and requirements for application to the county and to help you understand the land use decision process. **Staff cannot actually prepare your application for you, nor can they act as advocates or opponents.** If you encounter difficulties in preparing the findings and obtaining the additional information to support your application, you should consider engaging the services of a private consultant who can become your advocate and help you effectively make your case.

### D. *How is my application processed?*

Once your application is accepted by the county as complete, the Comprehensive Plan/Zone Change review process is initiated by the county. The county must provide a 45 day notice to the Oregon Department of Land Conservation & Development (DLCD) indicating which of the Statewide Planning Goals would be affected by the proposed plan/zone change.

Normally DLCD will respond to this notice in writing with a statement of concurrence or opposition to the proposal which gives the agency legal standing in the decision process. The remaining steps in processing your application will be carried out as indicated above under "Basic Procedure".

### E. *How long does the process take?*

The length of the complete Administrative Decision process can be somewhat variable based upon the current number of land use decision applications being processed by the county. However, from the date that the county accepts your application as complete you can expect a decision on your request within six (6) to eight (8) weeks. Also be advised that unexpected problems may arise with your application during the investigation which may require additional staff research or more information from you to resolve the problem.



Mack Arch on the Curry coast

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