

# ATTACHMENT D

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text adds *Curry County Zoning Ordinance* ARTICLE III - Section 3.082. and rennumbers the sections following.

Added text is in **bold in red**;

Deleted text is ~~struck through~~ in **red**

### Section 3.080. Rural Residential Zone (RR).

Purpose of Classification. The Rural Residential Zone is designed to allow for low density residential development outside urban growth boundaries and rural communities defined by the Comprehensive Plan.

### Section 3.081. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

1. A 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 subject to approval of on-site sewage disposal and domestic water source by the agency regulating these facilities.

NOTE: Comprehensive Plan policy related to Floras Lake North (RLE-1) and Floras Lake South (RLE-2) exception areas states that development in the Pacific City Town Plats will not be allowed as one dwelling unit per lot but at one dwelling per contiguous ownership subject to approval of on-site sewage disposal system and water source by the agency regulating these facilities.

2. Farming or forestry use.

### Section 3.082. Permitted Uses Subject to Zoning Standards and Planning Clearance.

1. **Accessory Dwelling Units (ADU) as specified in Section 4.100.**
2. **Short-Term Rental as specified in Section 4.300.**

### Section 3.08~~2~~3. 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. Home occupation. (7)
2. 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.
3. 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)
4. Television, microwave, and radio communication facilities and transmission antenna towers.
5. 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)
6. Animal hospital or kennel.
7. Church, school, or community building for public or non-profit organizational use. (3,4)
8. The employment of land for the primary purpose of obtaining a profit in money by stabling or training equines.

### **Section 3.0834. Lot Size and Dwelling Density.**

The RR zone has minimum lot sizes of 2, 5, and 10 acres which are applied according to policies in the comprehensive plan. Changes in minimum lot size designation from 10 to 5 acres shall only be approved by the Board when found to be in compliance with the policies related to the urbanization element of the Curry County Comprehensive Plan and upon a determination that all proposed lots are adequate for proper sewage disposal and have a suitable source of water for residential use.

Changes in minimum lot size in from 10 or 5 acres to 2 acres shall only be approved by the Board for land within a Rural Residential zoning designation if the proposed development on the subject property:

1. Was within a Rural Exceptions area as of February 13, 1989; and
2. Is not currently within an Urban Growth Boundary; and
3. Is found to be in compliance with the policies related to the urbanization element of the Curry County Comprehensive Plan; and
4. Is not applied to areas presently zoned for rural use unless a ~~Goal 14~~ an exception to Statewide Goal 14 (Urbanization) is approved by the County; and

5. Demonstrates that:
  - a) Rural uses, density, and public facilities and services are compatible with and will not commit adjacent or nearby resource land to non-resource use; or
  - b) The plan and zoning designations limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; and
6. Has a conceptual development plan showing the number of lots or parcels; the location of lot or parcel lines; and proposed road and access connections.

Prior to approval for division of land, the proposed development shall:

7. Demonstrate compliance with an approved conceptual plan; and
8. Have an approved septic site evaluation for each proposed lot or parcel and
9. Have suitable source of water for each proposed lot or parcel, accompanied by any required water rights and meeting the following standards:
  - a) Water Source. Each proposed dwelling, parcel, lot, or place of public occupancy shall be served by one of the following water sources:
    - (1) A new or existing well or improved spring.
    - (2) An existing well or improved spring that currently serves one or two other dwellings. The applicant shall secure an easement to supply water from the owner of the land on which the water source is located and to permit the maintenance of all physical improvements of the water system. Such easement shall be reviewed and approved by the County Sanitarian.
    - (3) An existing public water system, if authorized by the water system's representative.
    - (4) A new or expanded community water system, if approved pursuant to this code, and determined to be in conformance with the standards and plan specifications for water systems by the County Sanitarian and Contract County Engineer. Expansion of any new community water systems shall provide sufficient fire flows determined to be necessary by the district's fire chief in accordance with the Uniform Fire Code, as adopted by the District and the County.

- (5) Testing well pump test production shall be performed between July 15th and October 15th.
- b. Water Well Standards. If a well is proposed for single or group domestic water system, the applicant shall submit the following evidence that the well yields a minimum flow of 500 gallons per day of microbiologically safe water for each dwelling, lot, or parcel:
- (1) A well log, if available, prepared by a licensed well driller and filed with the State Watermaster indicating the well is a drilled, cased well.
  - (2) A water quality test prepared by an approved testing laboratory showing that the well meets the Environmental Protection Agency (EPA) standards for coliform bacteria and nitrates.
  - (3) A current certified production report prepared in accordance with state statutes and Oregon Administrative Rules (OAR 690-217).
  - (4) A pump test conducted in accordance with OAR 690-217.
- c. Spring Standards. If a spring is proposed to be used as a water source, the applicant shall design and construct improvements to protect the spring from contamination and to collect the water for distribution. This shall be done as follows:
- (1) A professional engineer and/or hydrologist shall conduct a survey of the area surrounding the spring and collect samples of the spring water.
  - (2) A water quality test prepared by an approved testing laboratory showing that the well meets the Environmental Protection Agency (EPA) standards for coliform bacteria and nitrates.
  - (3) The professional engineer and/or hydrologist shall advise the applicant what measures are necessary to ensure water quality.
  - (4) The applicant shall implement the measures recommended in subsection iii.
- d. Public Water System Standards. If a public water system is proposed, the applicable standards of the Oregon State Statutes (ORS) and Oregon Administrative Rules shall apply.

- e. Nothing in this section is intended to conflict with ORS 537.505, et. seq., and the provisions of state law shall apply and prevail as applicable to any actual or intended groundwater use.

**Section 3.08~~45~~. Set-Backs.**

See Article IV.

**Section 3.08~~56~~. Height of Buildings.**

See Article IV.

**Section 3.08~~67~~. Off-Street Parking and Loading.**

See Article IV.