

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP (ARS)

Revision 1-26-2021

SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

**PROPOSED AGENDA ITEM TITLE:** Discuss Ordinance 22-04

**AGENDA DATE:** 4-7-23 **DEPARTMENT:** Counsel **TIME NEEDED:** 30min

**COMPLIANCE WITH CURRY COUNTY STRATEGIC PLAN**

(Check all that apply)

1. Financial Stability ☒ 2. Economic Development ☒ 3. Quality of Life ☒  
4. Public Trust ☒ 5. Infrastructure ☒

**RECOMMENDED AGENDA CATEGORY** DISCUSSION

If this is a Presentation, who is doing the Presentation?

**CONTACT PERSON:** Ted Fitzgerald **TODAY'S DATE:** 4-6-23

**BRIEF BACKGROUND:** The Board will discuss the impact of Ordinance 22-04 on STR's (Short Term Rentals).

**FILES ATTACHED:**

- (1) Ordinance 22-04  
(2)  
(3)  
(4)  
(5)

**INSTRUCTIONS ONCE SIGNED:**

- ☒ No Additional Activity Required OR  
☐ File with County Clerk Name:  
☐ Send Printed Copy to: Address:  
☐ Email a Digital Copy to: City/State/Zip:  
☐ Other Phone:

**Note: Most signed documents are filed/recorded with the Clerk per standard process.**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of ZOA.2022.1 Repeal of )   ORDINANCE NO. 22-04  
Curry County Zoning Ordinance Article )  
I, Section 1.030 Definitions; Article III, )  
Sections 3.080 – Section 3.150 Zoning; )  
Article IV, Section 4.090, Accessory )  
Dwelling Unit Standards, inside the Urban )  
Growth Boundaries (UGB), Adoption of )  
Article I, Section 1.030 Definitions; Article )  
II, Section 2.400, Board of Commissioners )  
Review of Applications and Appeals; )  
Article III, Sections 3.080 - Section 3.157, )  
Zoning Uses; Article IV, Section 4.090 )  
Accessory Dwelling Unit Standards, inside )  
the Urban Growth Boundaries (UGB); )  
Article IV, Section 4.100, Accessory )  
Dwelling Unit Standards Outside Urban )  
Growth Boundaries (UGB); Article IV, )  
Section 4.200, Neighborhood Activity )  
Center and High Intensity Recreation )  
Urban Use Standards in the R2 Zoning )  
District; Article IV, Section 4.300, Short- )  
Term Rentals; Article VIII, Sections 8.100 )  
– 8.175, Property Line Adjustments )**

**THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDAINS AS  
FOLLOWS:**

**SECTION 1                      TITLE**

This Ordinance shall be known as ZOA.2022.1.

**SECTION 2                      AUTHORITY**

This ordinance is being adopted under the authority of ORS Chapters 197 and 215, and Curry County Zoning Ordinance (CCZO) Article IX Amendments to the Zoning Ordinance and Section 2.300 Legislative Hearings. These provisions which are set forth in State Law and the Curry County Zoning Ordinance establish specific public participation requirements which have been followed and include public notifications for a workshop and a public hearing before the Curry County Planning Commission and public notifications for a workshop and public hearing before the Board of Commissioners.

### **SECTION 3**            **PURPOSE**

The purpose of this Ordinance is to make several changes to the Curry County Zoning Ordinance. The changes are for the purpose of carrying out five (5) primary land use objective. They are:

- 1. Authorizing the Board of Commissioners to review applications and appeals.
- 2. Increasing housing opportunities in the R2 zoning district.
- 3. Allowing an Accessory Dwelling Unit (ADU) on Residential zoned land.
- 4. Regulation of Short-Term Rentals (STRs) using clear and objective standards.
- 5. Defining requirements for Lot Line Adjustments.

The staff report and findings for these changes is included as Exhibit #1 which is attached hereto and incorporated by reference. These changes do not include comprehensive plan or zoning changes to properties.

### **SECTION 4**            **REPEAL OF ZONING ORDINANCE ARTICLES and SECTIONS**

This ordinance repeals Curry County Zoning Ordinance Article I, Section 1.030, Definitions; Article III, Sections 3.080 – Section 3.150 Zoning Uses; and Article IV, Section 4.090, Accessory Dwelling Unit Standards, inside the Urban Growth Boundaries (UGB).

### **SECTION 5**            **ADOPTION of ZONING ORDINANCE ARTICLES AND SECTIONS**

After a duly noticed public hearing on August 17, 2022, and the Board having heard public and staff comments on the proposed changes, it was determined that the proposed changes will allow the County to address housing, short term rental regulation, and other issues of note in an efficient manner pursuant to the findings made in the staff report presented at the public hearing. This ordinance repeals the Zoning Ordinance sections identified above and adopts Curry County Zoning Ordinance Article I, Section 1.030 Definitions; Article II, Section 2.400, Board of Commissioners Review of Applications and Appeals; Article III, Sections 3.080 – Section 3.157, Zoning Uses; Article IV, Section 4.090 Accessory Dwelling Unit Standards, inside the Urban Growth Boundaries (UGB); Article IV, Section 4.100, Accessory Dwelling Unit Standards Outside Urban Growth Boundaries (UGB); Article IV, Section 4.200, Neighborhood Activity Center and High Intensity Recreation Urban Use Standards in the R2 Zoning District; Article IV, Section 4.300, Short-Term Rentals; Article VIII, Section 8.100 – 8.175, Property Line Adjustments. These Zoning Code changes are attached hereto in Exhibit #2 and incorporated by reference.

### **SECTION 6**            **SEVERANCE CLAUSE**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional (or otherwise invalid), such decision shall not

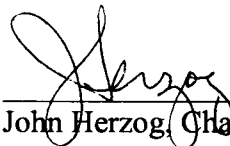
affect the validity of the remaining portions of this Ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional (or otherwise invalid).

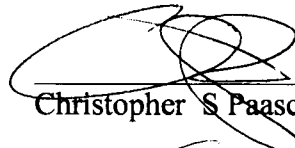
**SECTION 7**      **EFFECTIVE DATE**

This Ordinance is being adopted pursuant to ORS Chapter 197 and ORS Chapter 215, and shall be effective upon adoption.

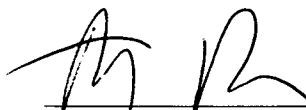
**DATED** this 7th day of September 2022.

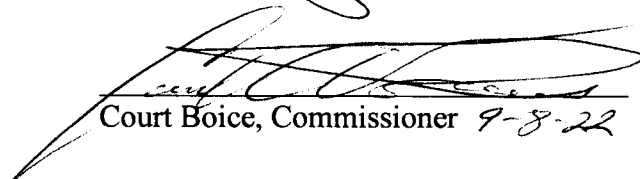
**BOARD OF CURRY COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
John Herzog, Chair

  
\_\_\_\_\_  
Christopher S Paasch, Vice Chair

Approved as to Form:

  
\_\_\_\_\_  
Anthony Pope, OSB # 192939  
Curry County Legal Counsel

  
\_\_\_\_\_  
Court Boice, Commissioner 9-8-22

## EXHIBIT 1

**Curry County Board of Commissioners  
Amendments to the  
August 8, 2022 Staff Report**

**Note: New language is Noted in Bold**

Application: ZOA 2022.1

Amendments to the Curry County Zoning Ordinance (CCZO)

Land Use Changes to the CCZO: Several changes to the CCZO are proposed to carry out four (4) primary land use objectives. They are:

- 1.) Increase housing opportunities in the R-2 zoning district (Attachment G);
  - 2.) Regulation of Short-Term Rentals (STRs) using clear and objective standards (Attachment N);
  - 3.) Allowing an Accessory Dwelling Unit (ADU) on Rural Residential land (Attachment L); and
  - 4.) Defining requirements for Lot Line Adjustments (Attachment O).
- 5.) Authorizing the Board of Commissioners to review applications and appeals**

**Finding: The Curry County Zoning Code amendments (Section 2.400) to allow the Board of Commissioners (BOC) to “call up” a land use decision will be allowed consistent with compliance of Section 2.070 Noticing Requirements, Evidentiary Hearing for review and consideration of an application. The objective to allow the BOC to weigh in early on a land use decision or appeal is simply to expedite a potentially contentious application through the review, hearings, and appeal process.**

**The Department of Land Conservation and Development (DLCD) in their comment letter dated July 20, 2022 (attached) stated:**

**“The decision to call up or pre-empt a land use decision or land use application should be decided at a public hearing.”**

**The Curry County BOC is a three (3) member Board. As such, all meetings and subsequent decisions by the BOC require public notification and the opportunity for public comment.**

Legislative Review Process: Amendments to the CCZO require a Legislative Review Process in accordance with Section 2.300 of the CCZO. Section 2.300(2)a) states:

*The Planning Commission will conduct the first evidentiary hearing on the application ..... and notice of the hearing will be prepared in accordance with ORS 215.503 as applicable”.*

**Finding: The first evidentiary hearing was held on July 21, 2022 before the Curry County Planning Commission. Notice of the hearing was published in three newspapers within**

Curry County – The Pilot (6/24/22), The Port Orford News (6/29/22) and the Curry Reporter (6/29/22).

The purpose of the first evidentiary hearing before the Planning Commission was to:

*“Consider the application, the Director staff report and recommendation, and the evidence presented at the public hearing, and then recommend the Board of Commissioners either approve, approve with conditions, or deny the application”.*

Finding: The Planning Commission considered and discussed the proposed CCZO amendments at a public workshop held on May 19, 2022 and updated them at a public meeting on June 16, 2022. No comments were received from the public during these scheduled and publicly notified meetings. However, several comments were made and received about short term rentals prior to the development of the CCZO language to address short-term rentals. Staff has earnestly tried to incorporate these early comments into the CCZO language proposed for adoption.

The Planning Commission considered the application for ZOA 2022.1, the Director’s staff report with recommendations and the evidence presented prior to and at the public hearing on July 21, 2022. The Planning Commission voted to approve and forward ZOA 2022.1 to the Board of Commissioners for their approval. The record of hearing of the July 21, 2022 Planning Commission is included in the record.

Section 2.300 (3) states:

*“The Board of Commissioners will conduct a public hearing on the application pursuant to the relevant procedures set forth in Section 2.300(5). Upon receipt of a Planning Commission recommendation, the Board of Commissioners will hold at least one (1) public hearing before taking final action on the application. The Board will then take final action to approve, approve with conditions, or deny the application. The Board of Commissioners may either adopt or direct Planning Staff to modify the finding and recommendation of the Planning Commission as part of its action. Unless otherwise specified in the motion after deliberation, the Board of Commissioners will direct staff to bring back a final order at the next meeting on the consent agenda”.*

Finding: The Board of Commissioners held a public workshop on the proposed CCZO amendments on June 8, 2022. Public notification was given for the workshop. No comments were received from the public during the workshop.

The public hearing for ZOA 2022.1 is scheduled before the Board of Commissioners on August 17, 2022 at 11:00 am. Notice of the hearing was published in three newspapers within Curry County – The Pilot (7/22/22), the Port Orford News (7/20/22), and the Curry Reporter (7/20/22). The purpose of the hearing is to consider the recommended approval of ZOA 2022.1 from the Curry County Planning Commission.

The BOC held a public hearing pursuant to the notice in the newspapers on August 17, 2022. Several people submitted comments into the record of hearing and testified in person at the public hearing. In brief, the public comments presented included the following themes:

- The adoption process should be slowed down to allow more time for public consideration of the amendments.
- Code changes in the R2 zone in the UGB of Port Orford are a concern regarding water use, fire suppression, housing densities and protection of the Port Orford water supply.
- STRs should not be allowed in ADUs.
- The amendments are difficult to understand.
- Vacationers have more dogs, use more water, cause more traffic, noise, lights, garbage and STR owners don't deal with the issues.
- STRs should not be allowed in the UGB.
- STR regulations need to be more restrictive.
- There should be a cap on the number of STRs allowed in the county.
- STRs should be regulated in the county.
- The BOC should not be allowed to pre-empt a planning process without a meaningful public process.
- City of Port Orford's watershed should be protected from allowing increased housing densities.
- STR permits should not be allowed to be transferable.
- Allowing increased housing density in the R2 zone can help with our housing crisis.
- Only full-time Curry County residents should be allowed to host STRs.
- Multiplex developments in the R2 zone should not be allowed to be used as STRs.
- Appreciate the Code changes to increase opportunities for more housing.
- The City of Port Orford acknowledges that the County's code changes are not subject to the City of Port Orford, Curry County Growth Area Management Plan.
- Appreciate the county's work to regulate STRs which are desperately needed to ensure the livability of our county and weed out the bad actors that exist.

Most of the public comments were focused in and around Port Orford. The BOC received only a few comments from other parts of the county. Many of the public comments were addressed by staff, the Planning Commission, and the BOC during the public hearings. Further, staff and the BOC members reached out to several members of the public during the process to address question and concerns. The BOC was sincerely focused on listening and openly admitted that they are concerned about whether the amendments will increase housing opportunities and resolve the many STR issues in the county. The BOC stated that they desire to continue the public dialogue on these issues. Further, the information prepared and distributed to the many entities involved with STRs included a statement that the BOC will consider putting a cap on the number of vacation rentals allowed in the near future.



**Notification of the BOC decision to adopt the Ordinance will be sent out to the many folks who submitted comments during the public process.**

Increasing Housing Opportunities in the R-2 Zoning District (Attachment G): The proposed CCZO amendments would increase the allowed housing units for properties zoned Residential-Two (R-2). The R-2 zone currently only allows single family dwellings. The proposed CCZO change allows density increases including duplexes, triplexes and fourplexes provided sewerage, water and transportation services can be provided to support the increases in housing density. The R-2 zone is exclusively applied to properties inside the Urban Growth Boundaries (UGB) of Brookings, Gold Beach and Port Orford. These are areas planned for future urban densities and represent one of the few opportunities for the County to be able to increase the potential to allow more housing.

Finding: The State of Oregon declared a Housing Emergency and the Legislature enacted HB 2001 in 2019 to both mandate in larger cities and encourage in small jurisdictions, increasing housing densities throughout the state. This effort, being led by the Department of Land Conservation and Development (DLCD), is focused on increasing the housing supply, affordability, density and housing options available.

In 2019, the Curry County Board of Commissioners declared a Housing Emergency for Curry County (Resolution 2019-40). Data presented by ECO Northwest indicates that the median home sale price in Curry County is \$557,000 (April, 2022). The median gross rent is \$1200. – 1600. Per month. A household would now need to earn over \$74,000 per year to afford housing in Curry County. This precludes affordable housing options for most people. The majority of housing purchases over the past two years have been from higher-end, out of county working professionals (internet linked companies) and retirees. The proposed CCZO amendments to the R-2 zone are expected to increase affordable housing options inside the UGB.

**The allowance of multi-family units in the R2 zone is not a zone change. What this does is add flexibility for building types within the R2 zone. The biggest impediment to housing in Curry County is the cost of construction. Multi-family units are simply more cost effective to build and provide contractors an “incentive” to build work force housing. Currently most contractors in the county focus on building single units, notably high-end single housing units. Most of these homes are being built for California transplants who can work remotely and retirees. The result is Curry County having one of the highest median house prices in the state and little to no work force housing being built.**

**One of the most important elements of the multi-family allowance in the R2 zone is that of housing density. While trying to create builder incentives for work force housing, the county does not want to increase the overall density of housing in the R2 zone which could impact livability in the communities with R2 zoning. The Curry County Zoning Ordinance requires an acre of land where municipal sewer and community water are not available for development. Where sewer and water are**

available, only 6,000 square feet of land is required for development. There are very few areas in the county (Harbor has a few) that have available land to develop that have access to both municipal sewer and community water services. At 6,000 square feet required per housing unit you can get seven (7) housing units in an acre of land with municipal sewer and community water connections, which is currently allowed in the R2 zone.

The allowance of multi-family units in the R2 zone where most of these lands do not connect to municipal sewer or community water only provides up to four (4) units of housing per acre. The ability of these R2 parcels to increase in density beyond four (4) units per acre will be decided by the cities as they are the determining factor for providing future municipal sewer and community water services. This approach and consideration is consistent with the long term planning for development within the UGB where a gradual increase in density is expected as the areas transition towards city annexation.

Another important factor that will limit having up to four (4) housing (4-plex) units per acre in the R2 zone is the feasibility of on-site septic and wells. The county has discussed the septic issue with the Department of Environmental Quality (DEQ) and the reality of constructing a 4-plex septic system may be out of reach for most developers/contractors. A 4-plex assumes twelve (12) bedrooms and a drain field plus a back up drain field that can accommodate up to 1200 gallons per day of sewage flow. This is not a practical or economical solution for septic waste and essentially precludes land are being available for a well or structure. What is likely to happen in the event a 4-plex is proposed is that the land area will need to be expanded beyond one (1) acre which means that the overall housing density decreases even more.

Regulation of Short-Term Rentals (STRs) using Clear and Objective Standards (Attachment N): Short-Term Rentals (STRs) are proposed to be regulated through an Administrative Conditional Use process. The process requires public notification in accordance with CCZO Section 2.070(2) Administrative Decisions. The standards for review/compliance are defined as Clear and Objective. Therefore, if an applicant meets the standards, the administrative application most likely will be approved by the Director. Appeal of an STR approval by the Planning Director will be to the Planning Commission in accordance with CCZO Section 2.170 Appeal of a Land Use Decision.

Finding: The County has held multiple public forums over the past year regarding the potential to regulate STRs in Curry County. These discussions resulted in the Planning Commission and the Board of Commissioners directing staff to develop regulations for STRs.

Short Term Rentals (STRs) or vacation rentals have become a significant factor in Curry County. They have eroded the availability of long-term rentals and likely have displaced some work force housing. However, they continue to be a positive influence in promoting tourism and bringing added dollars to both the individuals who own the

**vacation rentals and the businesses and employees that serve the vacationers. Curry County is not a “day-trip” destination. Having a wide variety of STR housing available is paramount to attracting tourists.**

**It is estimated that there are up to five hundred (500) STRs currently operating in the unincorporated areas of the county. The only regulatory requirement is that they have a county business license and pay the 7% Transient Lodging Tax (TLT). Approximately one hundred (100) STR owners have a county business license and during the summer months approximately three hundred (300) pay the county TLT tax.**

**The county continues to experience the affects of the increasing amount and influence of STRs. Daily, we address general questions, structural changes to homes, long-term rentals, Accessory Dwelling Units (ADUs) transitioning into STRs, violations, nuisances, building code violations, zoning violations and enforcement actions.**

**Allowing an Accessory Dwelling Unit (ADU) on Rural Residential Zoned Land (Attachment L):** Allowing ADUs on Rural Residential zoned properties is governed by the 2021 Oregon Legislature adopted SB391. The legislative allowance is required to be adopted into local land use codes and is restricted by provisions set forth from SB391 and now included as state law. The significant provisions include a requirement that the ADU be within a fire district, can be located no further than 100 feet from the existing single-family dwelling, is restricted to 900 square feet in size, the parcel must be at least 2-acres in size and the ADU cannot be used as a vacation rental.

**Finding:** Adoption of the ADU provisions per SB391 will allow Curry County to approve additional housing units outside the UGB on properties zoned for Rural Residential development. While the state allowance is restrictive, it may increase housing options and coupled with the implementation of SB762 (Fire Bill) has increased the interest by Fire Chiefs throughout the County to 1. Evaluate consolidation of fires districts, and 2. annex additional vulnerable county areas not currently served by a fire district into a district.

**Defining Requirements for Lot Line Adjustments (Attachment O):** The proposed Lot Line Adjustment amendments to the CCZO would codify the procedure and requirement for lot line adjustments. Requirements include survey and property descriptions to be completed by a licensed surveyor, determination of lot legality, and formatting documents consistent with those acceptable to be filed with the County Clerk.

**Finding:** Lot Line adjustments are legal actions for land transactions. Currently, Curry County refers to vague language set forth in state statute as guidance for lot line adjustments. Multiple issues concerning the legality and lack of land use review of these applications have raised concerns by the County Surveyor, Planning Department, the Assessor’s office, and the Title Companies. **Multiple surveys have been filed with the County Clerk’s office and the Surveyor’s office without land use review and**

**approval. This ongoing situation exacerbates the problem that Curry County has with the creation of illegal parcels. With the real estate market continuing to pressure land sales, properties transition from buyer to seller multiple times before a buyer decides to stay and build a house on a property. When that buyer comes in for a planning clearance and building permit and are denied due to the creation of an illegal lot, it is almost impossible to trace back the original property owner who commissioned the survey that created the illegal lot through a line adjustment. The proposed procedures would clearly define the review process, application requirements and filing format of these land use actions.**

**Staff Recommendation:** Staff recommends approval of the proposed CCZO amendments as set forth as ZOA 2022.1.

**Planning Commission Recommendation:** The Curry County Planning Commission recommends the Board of Commissioners adopt ZOA 2022.1, amendments to the Curry County Zoning Ordinance (CCZO).

**Attachments A-O; Excluding C**

**EXHIBIT 2**

# ATTACHMENT A

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

### Section 1.030. Definitions.

The following words and phrases, unless the context otherwise requires, shall mean:

time) from which the individual derives satisfaction.

119. Recreation, High Intensity. Recreation which uses or includes specially built facilities like activity center, lodge, club house or community gathering hall, or occurs in such density or form that it requires or results in a modification of the area or resource; i.e., campgrounds, golf course, and marinas.
120. Recreation, Low Intensity. Recreation which does not require developed facilities and which can be accommodated without change to the area of resource; e.g., boating, hunting, hiking, wildlife photography, and beach or shore activities.
121. Recreation Vehicle. See trailer.
122. Recreational Vehicle Park/Rural. A commercially developed area devoted to overnight temporary use for vacation or recreational purposes and located outside of an urban growth boundary but within an area for which a Goal 2 exception to Goals 3 and/or 4 has been approved. Sites within a recreation vehicle park/rural may be occupied by tents, travel trailers or recreational vehicles.
123. Recreational Vehicle Park/Urban. A commercially developed area devoted to overnight temporary use for vacation or recreational purposes and located within an urban growth boundary. Sites within a recreational vehicle park/urban may be occupied by tents, travel trailers, or recreational vehicles.
124. Restore. Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For purposes of Goal 16 estuarine restoration this term means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work begins.

125. Restoration, Active. Involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.
126. Restoration, Passive. Is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.
127. Right-of-Way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose related to a transportation improvement.

# ATTACHMENT B

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

### **Section 2.400. Board of Commissioners Review of Applications and Appeals.**

A decision of the Planning Director or Planning Commission may be called up by the Board of Commissioners at any time prior to the expiration of the appeal period. Hearing will be one of following:

1. **Full de novo hearing.** If there has been no hearing prior to the initial decision, a full de novo hearing is required for an appeal. New issues may be raised and new testimony, arguments, and evidence may be accepted and considered by the Board.
2. **Limited evidentiary hearing.** Evidence presented at the hearing shall be limited to only specific issues, criteria or conditions specifically identified by the Board.
3. **Review of record.** Only the evidence, data and written testimony submitted prior to the close of the record will be reviewed. No new evidence or testimony related to new evidence will be considered, and no public hearing will be held.
4. The Board of Commissioners reserves the right to pre-empt any permit review process or appeal process and hear any permit application or appeal directly.
5. The Board of Commissioners may elect to hire a hearings officer to conduct one or more hearings on any matter. The hearing will follow all notification requirements and timelines listed in this Section. After the hearings are complete and the record is closed:
  - a) The hearings officer shall supply a recommendation with findings for the Board of Commissioners.
  - b) The Board of Commissioners will review the recommendations in a public hearing but will not take further testimony unless the record is reopened in which a new public hearing will be scheduled.
  - c) Planning Staff will provide a report to the Board of Commissioners at which time Planning Staff may suggest modifications.
  - d) After reviewing the record, recommendations and staff's report the Board of Commissioner may:
    - (1) Accept the recommendation
    - (2) Accept the recommendation with modification.



- (3) **Reject the recommendation and send it back to the hearings officer for new findings.**
- (4) **Reject the recommendation and instruct County Counsel to consult with Planning Staff to make new findings.**

# ATTACHMENT D

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

### **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 3.083. 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 3.084. 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 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 3.085. Set-Backs.**

See Article IV.

**Section 3.086. Height of Buildings.**

See Article IV.

**Section 3.087. Off-Street Parking and Loading.**

See Article IV.

# ATTACHMENT E

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

**Section 3.090. Rural Community Residential (RCR).** *(Amended August 15, 2018, Ordinance No. 18-03)*

Purpose of Classification: The RCR zone is applied to residential uses located within the county's four rural communities of Agness, Langlois, Ophir and Nesika Beach. It authorizes higher residential densities than in the RR zone in those portions of the rural communities where the density of residential use is no longer clearly rural. This zone is not intended to be applied outside the boundaries of the four rural communities defined by the Comprehensive Plan, and rezoning of lands within a rural community to a minimum lot size smaller than five acres shall only be allowed upon approval of a Goal 2 exception to Goal 14.

Table 3.090 identifies land uses in the RCR zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

**TABLE 3.090 Use Table****For Rural Community Residential (RCR)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required      NA = Not applicable

	Requirements
<b>Residential Uses</b>	
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 those facilities.	PO
Accessory Dwelling units (ADU) as specified in Section 4.090.	PO
Home Occupation as specified in Section 7.040(7)	P
Cottage Industry as specified in Section 7.040(8)	C
One manufactured home or mobile 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 as specified in Section 7.040(18)	C
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.	C
Short-Term Rental as specified in Section 4.300.	P



**TABLE 3.090 Use Table**

For Rural Community Residential (RCR)

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required      NA = Not applicable

	Requirements
<b>Other uses</b>	
Farming or forestry use.	PO
Television, microwave, and radio communication facilities and transmission antenna towers.	C
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 as specified in Section 7.040(5)	C
Animal Hospital or kennel	C
Planned unit development restricted to the uses and dwelling densities allowed in this zone.	C
Church, school, or community building for public or non-profit organizational use as specified in Section 7.040(3 and 4)	C

**Section 3.091. Lot Size and Dwelling Density.**

The RCR zone has minimum lot sizes of 1.0, 2.5, 5.0 and 10.0 acres as specified by policies in Comprehensive Plan and shown on the zoning maps. Changes in minimum lot size designation within this zone to a smaller minimum lot size shall only be approved by the Commission 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.

**Section 3.092. Set-Backs.**

See Article IV.

**Section 3.093. Height of Buildings.**

See Article IV.

**Section 3.094. Off-Street Parking and Loading.**

See Article IV.

# ATTACHMENT F

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

**Section 3.100. Residential-One Zone (R-1). *(Amended August 15, 2018, Ordinance No. 18-03)***

Purpose of Classification. The R-1 zone is designated to be applied to residential areas where housing is typically single family dwellings and manufactured dwellings that are sited in a manner similar to conventional dwellings. This is intended to be applied only within urban growth boundaries defined by the Comprehensive Plan.

Table 3.100 identifies land uses in the R-1 zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

<b>TABLE 3.100 Use Table</b> <b>For Residential-One Zone (R-1)</b>	
PO = Permitted Outright with Planning Clearance X = Use Not Permitted P = Permitted subject to compliance with Zoning standards and Planning Clearance C = Conditional Use Permit required      NA = Not applicable	
	Requirements
<b>Residential Uses</b>	
Single family dwelling including a manufactured home in accordance with Section 4.070.	PO
Accessory Dwelling units (ADU) as specified in Section 4.090.	PO
Home Occupation as specified in Section 7.040(7).	P
Cottage Industry as specified in Section 7.040(8).	C
Planned Unit Development restricted to the uses and dwelling density allowed by the zone and limited to single family dwellings that are separate discrete structures.	C
One manufactured home or mobile 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 as specified in Section 7.040(18).	C
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.	C

<b>TABLE 3.100 Use Table</b> <b>For Residential-One Zone (R-1)</b>	
PO = Permitted Outright with Planning Clearance X = Use Not Permitted P = Permitted subject to compliance with Zoning standards and Planning Clearance C = Conditional Use Permit required      NA = Not applicable	
	<b>Requirements</b>
Short-Term rental as specified in Section 4.300.	P
<b>Other uses</b>	
Television, microwave, and radio communication facilities and transmission antenna towers.	C
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 as specified in Section 7.040(5).	C
Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.	C
Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.	C
Church, school, or community building for public or non-profit organizational use as specified in Section 7.040(3).	C

**Section 3.101. Lot Size and Dwelling Density.**

Except as provided in Sections 5.030 and 5.040 in an R-1 zone:

1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
3. In areas which are served by both community water supply system and community sewage system, the minimum lot area may be 6,000 square feet.
4. The minimum lot width shall be sixty (60) feet.

**Section 3.102. Set-Backs.**

See Article IV.

**Section 3.103. Height of Buildings.**

See Article IV.

**Section 3.104. Off-Street Parking and Loading.**

See Article IV.

# ATTACHMENT G

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

**Section 3.110. Residential-Two Zone (R-2).** *(Amended August 15, 2018, Ordinance No. 18-03)*

Purpose of Classification: The R-2 zone is designated to be applied to residential areas where a variety of types of dwellings are appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.

Table 3.110 identifies land uses in the R-2 zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

<b>TABLE 3.110 Use Table For Residential-Two Zone (R-2)</b>	
PO = Permitted Outright with Planning Clearance	
X = Use Not Permitted	
P = Permitted subject to compliance with Zoning standards and Planning Clearance	
C = Conditional Use Permit required      NA = Not applicable	
	<b>Requirements</b>
<b>Residential Uses</b>	
Single family dwelling	PO
Mobile Home or Manufactured Home	PO
Accessory Dwelling units (ADU) specified in Section 4.090.	PO
Home Occupation as specified in Section 7.040(7).	P
Cottage Industry as specified in Section 7.040(8).	P
Planned Unit Development restricted to the uses and dwelling density allowed by this zone.	P
Neighborhood Activity Center as Specified in Section 4.200.	P
Recreation, High Intensity as specified in Section 4.200.	P

**TABLE 3.110 Use Table For Residential-Two Zone (R-2)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required      NA = Not applicable

	Requirements
Short-Term Rental as specified in Section 4.300.	P
One manufactured home or mobile 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 as specified in Section 7.040(18).	C
Multiple Family Dwelling, limited to a duplex, triplex or fourplex.	PO
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.	C
<b>Other uses</b>	
Television, microwave, and radio communication facilities and transmission antenna towers.	C
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 as specified in Section 7.040(5).	C
Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.	C
Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.	C
Mobile Home / Manufactured Home park as specified in Section 7.040(6a).	C
Church, school, or community building for public or non-profit organizational uses as specified in Section 7.040(3 and 4).	C



**Section 3.111. Lot Size and Dwelling Density, for uses not subject to Section 4.200.**

Except as provided in Sections 5.030 and 5.040 in an R-2 zone:

1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
3. In areas which are served by both community water supply system and community sewage system, the minimum lot area may be 6,000 square feet.
4. For a mobile home park served by community water supply and community sewage systems the minimum shall be 6,000 square feet or 3,000 square feet per mobile home space, whichever is greater.
5. The minimum lot width shall be sixty (60) feet.

**Section 3.112. Set-Backs.**

See Article IV.

**Section 3.113. Height of Buildings.**

See Article IV.

**Section 3.114. Off-Street Parking and Loading.**

See Article IV.

# ATTACHMENT H

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

**Section 3.120. Residential-Three Zone (R-3).** *(Amended August 15, 2018, Ordinance No. 18-03)*

Purpose of Classification. The R-3 zone is designated to be applied to residential areas where housing of a higher density is appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.

Table 3.120 identifies land uses permitted in the R-3 zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

TABLE 3.120 Use Table For Residential-Three Zone (R-3)	
PO = Permitted Outright with Planning Clearance	
X = Use Not Permitted	
P = Permitted subject to compliance with Zoning standards and Planning Clearance	
C = Conditional Use Permit required      NA = Not applicable	
	Requirements
<b>Residential Uses</b>	
Single family dwelling	PO
Multiple Family Dwelling	PO
Mobile Home or Manufactured Home	PO
Accessory Dwelling units (ADU) as specified in Section 4.090.	P
Home Occupation as specified in Section 7.040(7).	P
Cottage Industry as specified in Section 7.040(8).	P
Planned Unit Development restricted to the uses and dwelling density allowed by the zone.	P
Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman	C

**TABLE 3.120 Use Table For Residential-Three Zone (R-3)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required      NA = Not applicable

	Requirements
security for material that cannot be reasonably stored in an established commercial storage facility.	
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. as specified in Section 7.040(18).	C
Short-Term Rental as specified in Section 4.300.	P
<b>Other uses</b>	
Television, microwave, and radio communication facilities and transmission antenna towers.	C
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 as specified in Section 7.040(5).	C
Mobile /Manufactured Home park as specified in Section 7.040(6a).	C
Church, school, or community building for public or non-profit organizational use as specified in Section 7.040(3 and 4).	C
Hospital, sanitarium, medical, or dental clinic. (3)	C

**Section 3.121. Lot Size and Dwelling Density.**

Except as provided in Sections 5.030 and 5.040, in an R-3 zone:

1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
3. In areas which are served by both community water supply system and community sewage system the minimum lot area may be 6,000 square feet.
4. For a mobile home park served by community water supply and community sewage system the minimum shall be six thousand square feet or three thousand square feet per mobile home space, whichever is greater.
5. For a multiple-family dwelling served by community water supply and community sewer system, the minimum shall be 6,000 square feet or 2,000 square feet per dwelling unit, whichever is greater.
6. The minimum lot width shall be sixty (60) feet.

**Section 3.122. Set-Backs.**

See Article IV.

**Section 3.123. Height of Buildings.**

See Article IV.

**Section 3.124. Off-Street Parking and Loading.**

See Article IV.

# ATTACHMENT I

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

### **Section 3.130. Rural Commercial Zone (RC).** *(Amended August 15, 2018, Ordinance No. 18-03)*

Purpose of Classification: The RC zoning classification is applied to all rural lands with existing commercial uses in built and committed exception 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; 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. *(Amended December 6, 2011, Ordinance 11-03)*

Table 3.130 identifies land uses permitted in the RC zone and the permitting requirement(s) for each use pursuant to Section 2.060 Planning Director authorization of the proposed uses based upon relevant review standards.

**TABLE 3.130 Use Table For Rural Commercial Zone (RC)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required      NA = Not applicable

	Requirements
<b>Residential Uses</b>	
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.	PO
Single family, multiple-family, residential care, or mixed (commercial and residential) use in existing non-residential structures/buildings constructed prior to February 13, 1989.	C
Accessory Dwelling units (ADU) as specified in Section 4.090.	PO
Home Occupation as specified in Section 7.040(7).	P
Cottage Industry as specified in Section 7.040(8).	P
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.	C
Recreational vehicle park/rural or campground as specified in Section 7.040(6).	C
One manufactured home or mobile 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 as specified in 7.040(18).	C
Short-Term rental as specified in Section 4.300.	P
<b>Commercial uses</b>	
Existing retail, professional or service establishments in non-residential structures may be continued and expanded including the expansion of existing structures to a total 2500 square feet.	PO
New retail, professional, or service establishments or expansion of an existing structure to greater than 2,500 square feet 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;	C

**TABLE 3.130 Use Table For Rural Commercial Zone (RC)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required      NA = Not applicable

	Requirements
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. as determined by the Planning Director, other uses of a similar type and scale to those listed in a-k above.	
Medical, dental or veterinary clinic in an existing non-residential structure.	PO
Residential care facility in an existing non-residential structure.	PO
New Residential care facility.	C
<b>Other</b>	
Churches in existing non-residential structures.	PO
Church, school or community building for public or non-profit organizational use.	C
Repair garage provided there is no outside storage of vehicles or of equipment being repaired.	C

**TABLE 3.130 Use Table For Rural Commercial Zone (RC)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required      NA = Not applicable

	Requirements
Automobile service stations.	C
Mini-storage facility.	C
<b>Utilities</b>	
Television, microwave, and radio communication facilities and transmission antenna towers.	C
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 as specified in Section 7.040(5).	C

**Section 3.131. 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 (*Amended December 6, 2011, Ordinance 11-03*)
3. shall meet any lot size requirements determined for proper installation and operation of water supply and sewage disposal systems. (*Amended December 6, 2011, Ordinance 11-03*)



**Section 3.132. Set-Backs.**

See Article IV.

**Section 3.133. Height of Buildings.**

See Article IV.

**Section 3.134. Off-Street Parking and Loading.**

See Article IV.

# ATTACHMENT J

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

### **Section 3.150. Light Commercial Zone (C-l).**

Purpose of Classification: The C-l zone is designated to be applied to areas such as community shopping centers and business districts which cater to the needs of nearby residential areas. This zone is intended to be applied, only within urban growth boundaries identified by the Comprehensive Plan.

### **Section 3.151. Uses Permitted Outright.**

The following uses and their accessory uses are permitted outright:

1. Multiple-family dwelling.
2. Hotel or motel.
3. Dinner-entertainment club, lounge or tavern.
4. Hospital, sanitarium, medical or dental clinic.
5. Retail or service establishment of a light commercial character and conducted within a building which will not be detrimental or obnoxious to the neighborhood in which it is to be located.
6. Recreational vehicle trailer park/rural or urban, or campground.
7. Church, school or community building for public or non-profit organizational use.

### **Section 3.152. Permitted uses subject to Zoning Standards and Planning Clearance.**

1. Short-Term rental as specified in Section 4.300.

### **Section 3.153. 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. Single family dwelling or manufactured home.

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. Planned Unit Development restricted to the uses and dwelling density allowed by the zone.
7. Automobile service station.
8. Repair garage provided there is no outside storage of vehicles or equipment being repaired.
9. Marine or automotive sales, service, or storage.

**Section 3.154. Lot Size and Dwelling Density.**

Except as provided in Sections 5.030 and 5.040, in a C-l zone:

1. The minimum lot size and dwelling density shall be as large as necessary for proper installation and operation of water supply and sewage disposal systems. If a community water supply and /or a community sewage disposal system are available, there shall be no minimum lot area, however, the maximum dwelling density shall be as follows:
  - a) In areas served by community water supply system or by community sewage system but not by both, the minimum lot area shall be 12,000 square feet and the maximum dwelling density of one dwelling per 12,000 square feet of lot area.
  - b) In areas which are served by both community water supply system and community sewer system the minimum lot area shall be 6,000 square feet  
  
and the maximum dwelling density of one dwelling per 6,000 square feet of lot area.

- c) For a mobile home park served by community water supply and community sewer system the minimum lot area shall be six thousand square feet or three thousand square feet per mobile home space, whichever is greater.
- d) For a multiple-family dwelling served by community water supply and community sewer system, the minimum lot area shall be 6,000 square feet or 1,000 square feet per dwelling unit, whichever is greater.

**Section 3.155. Set-Backs.**

See Article IV.

**Section 3.156. Height of Buildings.**

See Article IV.

**Section 3.157. Off-Street Parking and Loading.**

See Article IV.

# ATTACHMENT K

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

### **Section 4.090 Accessory dwelling unit standards, inside Urban Growth Boundaries (UBG).**

An accessory dwelling unit is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the RCR, R-1 and R-2, R-3 zoning districts. Accessory dwelling units may be permitted under limited circumstances in the RC zone. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:

1. A location either within, attached to, or detached from the primary detached single family dwelling unit. With a building permit, an accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.
2. An Accessory dwelling unit must have its own outside address identification, entrance, kitchen and bathroom and sleeping area completely independent of the primary dwelling. Addressing of Accessory dwelling units shall be coordinated with the responsible emergency response agency.
3. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet in floor area but shall be no smaller than two hundred forty (240) square feet.
4. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.
5. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.
6. A detached accessory dwelling unit shall be located a minimum of twenty (20) feet from the foundation of the primary dwelling.
7. The minimum front, rear and side yard setbacks for the Accessory dwelling shall be that of the underlying land use district.
8. One (1) off-street parking space shall be provided for the accessory dwelling unit;

9. Department of Environmental Quality authorization for septic services shall be provided prior to County authorization for an Accessory dwelling unit
10. Evidence of potable water availability shall be provided prior to County authorization of an Accessory dwelling unit.
11. The primary residence that meets the standards of 4.080(a-k) may be converted to an accessory dwelling upon completion of permitted, larger residence.
12. A home occupation may be conducted from either primary or accessory dwelling unit.
13. Either the primary or accessory dwelling unit shall be occupied by the property owner.

# **ATTACHMENT L**

## **TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE**

### **Section 4.100 Accessory Dwelling Unit Standards Outside Urban Growth Boundaries (UGB).**

**An accessory dwelling unit (ADU) is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the Rural Residential (RR2, 5, and 10) zoning districts. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:**

- 1. Must be in a location either within, attached to, or detached from the primary detached single family dwelling unit. With a planning clearance and a building permit, an accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.**
- 2. An accessory dwelling unit must have its own outside address identification, entrance, kitchen, bathroom and sleeping area completely independent of the primary dwelling. Addressing of the accessory dwelling unit shall be coordinated with the responsible emergency response agency.**
- 3. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.**
- 4. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.**
- 5. A detached accessory dwelling unit shall be located a minimum of twenty (20) feet from the foundation of the primary dwelling.**
- 6. The minimum front, rear and side yard setbacks for the accessory dwelling shall be that of the underlying land use district.**
- 7. One (1) off-street parking space shall be provided for the accessory dwelling unit.**
- 8. Authorization for septic services shall be provided prior to County authorization for**

**the accessory dwelling unit.**

- 9. Evidence of potable water availability shall be provided to the County for authorization of the accessory dwelling unit.**
- 10. The lot or parcel shall be at least two (2) acres in size.**
- 11. One single-family dwelling shall be legally sited on the lot or parcel.**
- 12. The existing single-family dwelling property on the lot or parcel is not subject to an order, citation or warning declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600; meaning the lot or parcel is a legal lot or parcel and the existing structures have applicable required permits.**
- 13. The accessory dwelling unit will not include more than 900 square feet of useable floor area.**
- 14. The accessory dwelling unit will be located no further then 100 feet from the existing single-family dwelling.**
- 15. The lot or parcel is within a rural fire protection district.**
- 16. Neither the existing single-family dwelling nor the accessory dwelling unit shall be used as a vacation rental.**
- 17. A subdivision, partition or other division of the lot or parcel shall not be allowed so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.**
- 18. No accessory dwelling unit shall be allowed on a rural residential zoned lot or parcel unless or until the lot or parcel is in compliance with the defensible space fire requirements as established pursuant to the statewide wildfire risk maps. Further, driveway access of at least sixteen (16) feet wide and twelve (12) feet high for fire vehicles shall be maintained in perpetuity. Failure to maintain required defensible space or access clearance will result in a County Enforcement Action.**



# **ATTACHMENT M**

## **TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE**

### **Section 4.200 Neighborhood Activity Center and High Intensity Recreation Urban Use Standards in the R-2 Zoning District.**

- 1. Activity center, or high intensity recreation use shall be within an adopted urban growth boundary (UGB).**
- 2. Not allowed east of Highway 101 unless specifically provided for within an adopted Master Plan.**
- 3. Minimum lot size shall be at least five (5) acres.**
- 4. Shall be served by both a community water supply system and community sewage system.**
- 5. Shall include an analysis of water availability to meet project demand, including the proposed water source, and evidence of water rights.**
- 6. Shall include a water conservation plan, including an analysis of available measures to reduce water consumption.**
- 7. Shall be in a county recognized Fire District and shall include fire prevention measures, fire equipment access routes, fire evacuation locations and routes, and on-site fire suppression water storage and equipment as specified by the local Fire District.**
- 8. Shall include a plan for preventing and control of the spread or introduction of invasive plants listed by the state and county.**
- 9. Shall include a plan and agreement with local law enforcement for maintaining site security 24-hours per day, seven days a week.**
- 10. On-site lighting shall only include fixtures that are specified to minimize impacts to the night sky.**

- 11. A minimum buffer area of 100 feet shall be established surrounding the use. The buffer shall include security fencing and vegetative landscaping.**
- 12. Signage shall be limited to the entrance of the use and shall exclude neon-features.**
- 13. Outdoor activity centers and high intensity outdoor recreation uses shall be restricted to day-light hours of operation.**
- 14. The use shall comply with the provisions of Article IV of the Curry County Zoning Ordinance.**
- 15. The use shall comply with all other provisions of the Curry County Zoning Ordinance as applicable.**

# ATTACHMENT N

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

### Section 4.300 Short-Term Rentals (STRs)

#### Section 4.310 Purpose

The purpose of this section is to regulate short term rentals to enhance public safety and livability within the unincorporated areas of Curry County. This section addresses public safety issues, compatibility with surrounding areas through compliance utilizing clear and objective standards and enforcement of violations of these standards.

#### Section 4.320 Definitions

1. Short term rental (STR) – a lawfully established dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for lodging or residential purposes, for a period of up to thirty (30) consecutive nights. It can include an accessory dwelling unit or a guest house or cottage. It does not include outbuildings: such as agricultural buildings, storage units, cargo containers, farm worker housing, or an accessory farm dwelling. Further, it does not include or allow a recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter to be used as a short-term rental or occupied in conjunction with a short-term rental.
2. Revocable permit – a permit that can be cancelled for failure to comply.
3. Contact person – the owner, or if designated on the application for a land use permit, the agent of the owner, authorized to act for the owner.

#### Section 4.330 Standards

All short-term rentals shall comply at all times with the following standards. Failure to comply with these standards may result in revocation of the land use authorization for a short-term rental.

1. Contact Person. The name and active phone number of the contact person responsible for the short-term rental shall be identified in the short-term rental application and permit. It shall be posted on site of the short-term rental so that it is visible from the outside front entrance of the short-term rental. The name and phone number of a property management business or other non-identifying person cannot be used in place of a contact person and that person's phone number.

2. **Dwelling Unit.** The short-term rental must be operated within a legally established, permanent dwelling unit. Each legal dwelling unit on a parcel that is rented separately at any time shall require a short-term rental land use permit.
3. **Appearance and Identification.** The exterior of the short-term rental building shall retain a residential appearance with house numbers maintained on the front of the building and clearly visible from the street or road.
4. **Occupancy Limits.** The maximum overnight occupancy for each short-term rental shall be calculated on the basis of two (2) persons per bedroom, plus two (2) additional overnight occupants. Temporary bed areas (rollouts, couches, etc.) shall not be considered “bedrooms” but could accommodate the two additional occupants. In no case shall occupancy exceed fifteen persons. Maximum overnight occupancy shall be posted in the short-term rental, any advertising, and within the rental agreement.
5. **Parking.** The short-term rental shall have one (1) onsite parking space per each bedroom unit and one (1) additional onsite parking space that meets the minimum parking space standards of a rectangle not less than 18 feet long and 9 feet wide. Street or driveway parking is prohibited. The driveway is the drive path used for ingress and egress. Garage (inside) parking cannot be included to meet the required parking standard. All required parking spaces shall be provided on the parcel where the short-term rental is operated. If the short-term rental cannot meet the parking requirement based on the number of bedrooms, a reduced overnight occupancy can be required. In no case shall the short-term rental owner/operator advertise for, or rent to, more persons than are authorized under the reduced overnight occupancy total. In no event shall vehicles block access for emergency vehicles to the short-term rental or to a neighbor’s property. Violation of this section of the ordinance subjects the offending vehicle(s) to immediate tow pursuant to ORS 98.853.
6. **Access.** Road access shall meet the minimum county road standards that were applicable when the STR structure was originally built. Roads and driveways shall have an unobstructed horizontal clearance of not less than sixteen (16) feet and an unobstructed vertical clearance of not less than twelve (12) feet to meet fire safety standards.
7. **Garbage.** All garbage and recyclables shall be legally removed at least once per week during any week, or portion thereof, in which the short-term rental is occupied. All outdoor receptacles shall be covered and secured from wind in a fly tight container. Containers shall not block access to the property or dwelling unit.

8. **Fire, Life and Safety Compliance.** The short-term rental shall comply at all times with State and local building codes for construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety. These shall include:
- a) At least one (1) functioning fire extinguisher shall be accessibly and conspicuously located within the dwelling unit.
  - b) All plug-ins and light switches shall have face plates.
  - c) The electrical panel shall have circuits labeled.
  - d) Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks and within six (6) feet of a water source.
  - e) Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
  - f) A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen (15) feet of each sleeping area.
  - g) All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
  - h) All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
  - i) All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
  - j) Emergency Escape and Rescue Openings:
    - (1) Every sleeping area shall have at least one (1) operable emergency escape and rescue opening. If no such emergency escape or rescue opening exists, then an alternative may be accepted by the Building Official pursuant to the currently adopted Oregon Residential Specialty Code. Every sleeping

area in a short-term rental that does not comply shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the noncompliant sleeping area may not be used for sleeping.

- (2) At any time after a land use permit has been granted for a short-term rental, the owner may bring a non-compliant sleeping area into compliance upon a re-inspection.
- k) Exterior hot tubs and pools shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub or pool is not available for permissive use.
- l) Primary occupant egress shall meet all applicable codes from parking facility to egress door.

Compliance with the Fire, Life and Safety standards shall require review and approval by the County Building Official or designee.

- 9. **Noise.** The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters and short-term rental owners who violate this standard may be issued a citation (violation) and subject to fines in accordance with Article 6 of the Curry County Code.
- 10. **Transient Lodging Tax (TLT) and County Business License.** Both the TLT and County Business License registrations shall be current, and all fees paid in full. Proof registration for TLT and a copy of the current paid Business License shall be submitted to the Planning Department within ninety (90) Days of the short-term rental land use permit being approved.
- 11. **Liability Insurance.** The short-term rental shall have liability insurance coverage commensurate with the provisions of the land use approvals.
- 12. **Sewage Management.** If the property is not connected to a public sewer the onsite wastewater treatment system must be able to handle the capacity of the number of bedrooms of the home and the total number of occupants. The owner must either provide an existing system evaluation report for the on-site wastewater systems completed by a DEQ qualified evaluator or provide current DEQ/Cunty records showing appropriate capacity. Cesspools are prohibited for use with short term rentals. A holding tank

may be used if the owner has a signed pumping contract with a DEQ licensed sewage disposal service, and an alarm system that meets DEQ requirements.

13. **Tsunami Zones.** All short-term rentals that are within a tsunami zone shall post the applicable evacuation routes inside and near the front entrance of the rental.
14. **Trespass.** A map of the short-term rental property boundaries shall be posted inside and near the front entrance. The map shall include NO TRESPASS noted for adjacent and near-by private properties.
15. **Pets.** Pets shall be secured at all times while on the property. This standard shall be stated in the short-term rental agreement. Nuisance barking by pets or the allowance or escape of pets to adjacent or near-by private properties is prohibited and will result in a citation (violation).

#### **Section 4.340 Short-Term Rental Permit Required**

A land use permit is required for the operation of a short-term rental. The use is permitted as identified in the zoning districts and can be approved by the Planning Director, with public notification, and provided the applicant complies with the standards set forth in each zoning district and the standards within Section 4.300 of this Zoning Ordinance.

1. **Existing Short-Term Rentals.** The owner of a dwelling unit that is used for a short-term rental shall obtain a land use permit. For short term rentals existing prior to the final adoption of the short-term rental provisions in the Curry County Zoning Ordinance (CCZO), a six (6) month grace period shall be allowed for application submittals prior to the existing short-term rental being subject to enforcement action.
2. **New Short-Term Rentals.** No short-term rental shall be allowed to begin advertising or operating prior to obtaining a short-term rental land use permit. Operating a short-term rental without an approved land use permit shall result in an Enforcement Action taken on the owner, the management company, operating agent or all entities involved. An Enforcement Action regarding unauthorized operation of a short-term rental may prohibit the dwelling from being used as a short-term rental for up to one year following the Enforcement Action.
3. **Fire, Life and Safety Inspection.** No short-term rental land use permit shall be approved unless and until the County Building Official or their designee conducts and approves an on-site inspection of the short-term rental for fire, life and safety compliance.

4. **Fire, Life and Safety Not Approved.** In any case where an inspection is not approved, the Building Official shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or agent must call for a re-inspection. If the repairs identified in the original inspection are not rectified at the time of re-inspection, the land use permit application shall be invalidated, and the contact person must reapply and pay the requisite land use application and inspection fees.
5. **Permit Renewals.** All short-term rental land use permit shall be reviewed for compliance every two years. A fire, life and safety inspection is required during a land use renewal if there has been significant changes to the structure such as fire, flood or a major modification. Failure to maintain and renew the short-term rental land use permit shall be considered abandonment of the use.
6. **Transferability.** The short-term rental land use permit is transferrable to a new owner. The new owner shall agree in writing to comply with the requirements set forth in the land use permit. Transferability is a minor modification to the short-term rental land use permit.
7. **Minor Modifications.** Minor modifications to short term rentals that have been approved through the land use process shall require a letter notification to the county for incorporation to the short-term rental file. Minor changes include increasing the structure footprint less than 10% in size; change in ownership; change in the contact person or phone numbers of the responsible party of the short-term rental.
8. **Major Modifications.** Major modifications to short term rentals that have been approved through the land use process shall require review, public notification, and approval consistent with the original land use approval for the short-term rental. Major changes include increasing the size of the structure footprint more than 10% in size or the addition of one or more bedrooms.
9. **Separate Applications.** A separate land use application must be submitted and approved for each short-term rental. Each dwelling unit on a parcel that is rented separately at any time shall require a short-term rental land use permit.

#### **Section 4.350 Complaints, Compliance and Permit Revocation**

**Short term rentals are subject to review, consideration of neighborhood impacts and complaint resolution. Failure to acknowledge and actively comply with the standards set**



forth in this ordinance could result in the following actions and ultimately revocation of a land use permit for a short-term vacation rental.

**1. Complaints.**

- a) The complaining party shall, unless the situation justifies an immediate call to law enforcement, first attempt to communicate with the contact person designated on the permit and visibly posted on the front entrance of the short-term rental.
- b) The contact person shall notify a renter by phone, text message, email or in person within one (1) hour of delivery of any complaint concerning the conduct of a renter and make reasonable efforts to remedy the situation. Record verification shall be maintained documenting the complaint, notification to the renter and resolution of the complaint.
- c) If the contact person fails to respond or take timely action to remedy the complaint, then the complaining party shall report such failure to County Code Enforcement for follow-up.
- d) The County Code Enforcement Officer shall determine if the unresolved complaint warrants further action including the issuance of a citation (violation).

**2. Compliance.**

- a) Owners of short-term rentals shall obey all applicable federal, state and county laws.
- b) Owners of short-term rentals shall comply with all applicable sections of this ordinance. Failure to comply may result in the issuance of a citation (violation) by the County Code Enforcement Officer.

**3. Revocation of Land Use Permit. The Planning Director may revoke the land use permit for a short-term rental if three or more separate citations (violations) are issued based on non-compliance of this ordinance to the same short-term rental within one (1) year. The Planning Director may also revoke the land use permit for the short-term rental immediately, in writing on the basis of incorrect or misleading information presented to the County. A new land use permit may be applied for after a period of one (1) year.**

**4. Emergency Revocation. When a Building Code or ordinance violation exists at a short-term rental that presents an immediate serious fire, life or safety risk, the County Building Official, Code Enforcement Officer or Planning**

**Director may immediately halt the use of the short-term rental.  
Reinstatement or use of the short-term rental may be reinstated upon a re-inspection and verification that the safety risk has been corrected.**

- 5. Additional Remedies. The provisions of this section are in addition to and not in lieu of any other enforcement and penalties contained in other county ordinance or federal or state law.**

# **ATTACHMENT O**

## **TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE**

### **SECTION 8.100 PROPERTY LINE ADJUSTMENTS:**

**As set forth in ORS 92.190(3), the common boundary line between lawfully created units of land may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a boundary line has been adjusted, the adjusted line shall be the boundary or property line, not the original line.**

### **SECTION 8.125 PROCEDURE:**

#### **1. General.**

- a. No person may relocate all or a portion of a property line without review and approval of a property line adjustment application.**
- b. Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the County Assessment for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.**
- c. A line adjustment is permitted only where an additional unit of land is not created; and**
- d. A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:**
  - i. Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or**
  - ii. Five acres if not on high value farm or forest land; unless**
  - iii. The property increasing in size is the remainder parcel and is already larger than the two or five acre maximum parcel size.**

#### **2. Submittal Requirements: An application for a line adjustment or elimination shall be filed by the owners of all units of land affected. The application shall be accompanied by an appropriate fee and contain the following information:**

- a. A property line adjustment must include a tentative map drawn on 8 ½" x 11" or 11" x 17" size paper. The map shall contain the following information:**
  - i. North arrow and Scale – The property boundaries and any other required detail shall be provided to scale.**
  - ii. Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be**

**shown on separate sheets of paper as before and after maps and shall contain acreage before and after adjustments.**

- iii. Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.**
- iv. Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.**
- v. Location of on-site wastewater treatment systems or name of sanitary sewer district. This includes drain field and repair areas. All on-site wastewater improvements are to remain on the same unit of land as the structure it is serving.**
- vi. Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit**
- vii. Existing structures and the distance from each structure to the existing and proposed property lines. Setbacks for all structures within 50 feet of the proposed property line must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating, or note as such on the map of survey.**
- viii. Signature block for the Planning Director and date line.**
- ix. Space for property line adjustment deed recording number.**
- b. A preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.**
- c. Evidence to show that the units of land are lawfully created. If the conformance of the unit of land is unknown, then a Discrete Parcel Determination application will be required either prior or in conjunction with a property line adjustment application.**
- d. Evidence to show that any and all existing development on the units of land subject to the property line adjustment are in conformance with all applicable federal, state and local regulatory permit requirements. Generally these include buildings, accessory structures, water sources, septic systems and municipal sewer, stormwater and water connections.**
- e. The units of land for the property line adjustment shall not be the subject of any pending nuisance or Code Enforcement action.**
- f. Upon completion of the Property Line Adjustment Review the mapping and filing requirements shall be followed.**
- 3. General Criteria - A Property Line Adjustment requires an application. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:**

- a. **The property line adjustment cannot:**
    - i. **Create an additional unit of land; or**
    - ii. **Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions. An example would be if parcels were required to meet a minimum acreage or have an accessory structure and adjustment would remove the primary use or structure.**
  - b. **All properties affected by the proposed adjustment are legal units of land unless this adjustment is to correct an improperly formed unit of land or to correct an encroachment issue.**
  - c. **A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:**
    - i. **One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or**
    - ii. **Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.**
  - d. **Split-zoned properties: The adjustment will not create a split-zoned unit of land that does not comply with the standards for creation of a parcel in each zone unless the property owner provides for the recording of a restrictive covenant in the deed records for the subject property that prohibit the property from being partitioned along the zoning boundary until such time as each parcel would comply with the minimum standards for the creation of a unit of land (meeting the criteria for land division) in each zone. If a split-zone unit of land is created, it shall not be used to justify a rezone in the future.**
  - e. **All required setbacks for the applicable zoning districts in proximity to the lot line adjustment have been mapped as required. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.**
4. **Resource Zoned Properties: In addition to the General Criteria in subsection 3 the following additional criteria is required to be addressed.**
- a. **A property line adjustment cannot be used to:**
    - i. **Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use.**
    - ii. **As prohibited by ORS 92.192(4)(a) through (c), in a manner that would:**
      - 1) **Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller**

than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

- 2) Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling.
- 3) Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard. Or
- 4) Allow for change in configuration to qualify for a Forest Template Dwelling. The adjustment may require a template test prior and after any adjustments made after January 1, 2019 at the time a Forest Template Dwelling Application is received.

#### **SECTION 8.150 EASEMENTS AND ACCESS:**

A line adjustment shall have no effect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected, then an easement may be created for access to comply with this criterion.

#### **SECTION 8.175 MAPPING AND FILING REQUIREMENTS:**

##### **1. Map and Monuments Required:**

- a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared.
- b. The survey map shall show all structures within ten (50) feet of the adjusted line.
- c. The survey shall establish monuments to mark the adjusted line.
- d. The County reserves the right to require monumentation and mapping on parcels greater than ten acres in size.

##### **2. Approval and Filing Requirements:**

- a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved (preliminary approval). The preliminary approval letter shall be copies to the County Assessor's office.

- b. Within one year from the date of preliminary approval, the applicant shall prepare and submit to the Director the final map of survey required. The Director shall approve the final with a signature on the final map of survey (mylar).**
- c. Once final approval is granted by the Director, the map shall then be submitted to the County Surveyor or his/her assistant.**
- d. A line adjustment shall be effective when the final map (mylar) is filed and an instrument (transfer deed) is recorded with the County Clerk.**
- e. The property line adjustment deed should be submitted in the general format found in Figure 1 below, and consistent with document submittals acceptable for filing with the County Clerk's office.**

**Figure 1 – PLA Deed**

**Send tax statements to:**

**After recording return to:**

**PROPERTY LINE ADJUSTMENT DEED**

\_\_\_\_\_**GRANTOR(s) conveys and warrants to**

\_\_\_\_\_**GRANTEE(s) the following described  
real property, situated in the County of Curry, State of Oregon:**

**SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "A"**

**Subject to and excepting:**

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Curry County real property Tax Account No. \_\_\_\_\_.

The consideration for this conveyance stated in terms of dollars is \_\_\_\_\_

**This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:**

1. The names of the parties to this deed are as set forth above.
2. The description of the adjusted line is as follows:

**SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "B"**

3. The deed whereby Grantor acquired title to the transferred property is recorded in the Deed of Records of Curry County, Oregon.
4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in the Deed Records of Curry County, Oregon.
5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by \_\_\_\_\_. His/Her survey is filed with the County Surveyor under Curry County Surveyor's Records, Map No. \_\_\_\_\_.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.**



DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

STATE OF OREGON )

)ss.

County of Curry )

This instrument was acknowledged before me on \_\_\_\_\_, 20 \_\_,

by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon

\_\_\_\_\_  
My Commission expires:

#### ACCEPTANCE

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 92.190(4).

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

STATE OF OREGON )

)ss.

County of Curry )

This instrument was acknowledged before me on \_\_\_\_\_, 20 \_\_,

by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon

\_\_\_\_\_  
My Commission expires: