

**Routine Program Change**  
**Seeking to Incorporate the Curry County Comprehensive Plan and Zoning Ordinance**  
**Into the Oregon Coastal Management Program**

**June 6, 2012**

**I. Introduction**

The Oregon Department of Land Conservation and Development (DLCD) seeks to incorporate the **2009 Curry County Comprehensive Plan and the Curry County Zoning Ordinance of 1994, as amended in 2009 (collectively, Curry County Plan and Ordinance)** into the Oregon Coastal Management Program (OCMP). DLCD requests the National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management's (OCRM) concurrence that the incorporation is a Routine Program Change to the OCMP.

The Curry County Board of Commissioners enacted the Curry County Plan and Ordinance in 1984, and OCRM approved their incorporation into the OCMP in 1985. Since that time the Curry County Board of Commissioners has periodically approved updates to the plan and ordinance. DLCD is now submitting the current version of the plan and ordinance, which include all of these updates, for OCRM's approval. These current versions will replace the 1984 versions that OCRM previously approved.<sup>1</sup>

Recognizing the interconnected relationship between local comprehensive plans and Oregon's statewide planning goals, which are part of Oregon's federally approved coastal management program,<sup>2</sup> this analysis links the comprehensive plan and zoning ordinance provisions with the applicable planning goal that the provision implements. Section II.A discusses Oregon's land use planning system and explains the relationship between statewide planning goals and local comprehensive plans. Section II.B discusses the plan and ordinance provisions that DLCD seeks to incorporate as enforceable policies, and describes how the provisions are based on and implement the applicable statewide planning goal. Section II.C analyzes the five CZMA program approvability areas potentially impacted, and determines that this request qualifies as a routine program change. Section II.D discusses the Curry County Estuary Management Plan, which is an integral part of the county's land use planning authority, and analyzes three changes that DLCD seeks to incorporate. Finally, Section III contains a table that provides a list of all Curry County provisions Oregon is seeking to incorporate into the OCMP as enforceable policies (details of the provisions are discussed in section II.B).

**II. Analysis of Incorporation**

**II.A. Discussion of Oregon's land use planning system**

ORS Chapter 197, Comprehensive Land Use Planning Coordination, governs Oregon's land use planning system and sets the stage for state and local governments to share the job of land use

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<sup>1</sup> Because the county has made only a few minor updates to the Curry County Estuary Management Plan (chapter 16 of the Comprehensive Plan) since OCRM approved its incorporation in 1984, DLCD does not seek to replace the previously-approved version on file with OCRM. The Estuary Plan is discussed in detail in Section II.D, below.

<sup>2</sup> ORS Chapter 197, which OCRM has approved as part of the Oregon Coastal Management Program, provides the framework for Oregon's land use planning system; see discussion of statewide planning goals on page 4.

planning in Oregon. ORS 197 directs the state, through the Land Conservation and Development Commission (LCDC) to adopt statewide planning goals and set overall rules for planning decisions. Local governments, such as Curry County, are to adopt plans that meet the statewide requirements and make the day-to-day land use decisions in conformance with the state-approved and goal-based plans. This partnership creates a close linkage between local comprehensive plans and zoning ordinances, and the statewide planning goals.

The nineteen statewide planning goals establish Oregon's standards for comprehensive planning. The goals express the state's policies on land use and set requirements on how land use decisions are to be made. The goals also set standards for how certain types of land are planned and zoned, for example Goal 18's standards for development on various types of dunes. Oregon has adopted the statewide planning goals as administrative rules (Oregon Administrative Rules Chapter 660, Division 015). The full text of the nineteen statewide planning goals is available online at: <http://www.oregon.gov/LCD/goals.shtml>, and a summary follows:

**Goal 1. CITIZEN INVOLVEMENT** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program and requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Goal 2. LAND USE PLANNING** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that local jurisdictions must adopt suitable "implementation ordinances" to put the plan's policies into effect.

**Goal 3. AGRICULTURAL LANDS** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" agricultural lands through farm zoning.

**Goal 4. FOREST LANDS** Goal 4 defines forest lands and requires counties to inventory those lands and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Goal 5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

**Goal 6. AIR, WATER AND LAND RESOURCES QUALITY** Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Goal 7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It

requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development in those areas.

**Goal 8. RECREATION NEEDS** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for recreation.

**Goal 9. ECONOMY OF THE STATE** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Goal 10. HOUSING** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

**Goal 11. PUBLIC FACILITIES AND SERVICES** Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

**Goal 12. TRANSPORTATION** This goal aims to provide "a safe, convenient and economic transportation system."

**Goal 13. ENERGY** Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Goal 14. URBANIZATION** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

**Goal 15. WILLAMETTE GREENWAY** Goal 15 is not applicable to the coastal zone.

**Goal 16. ESTUARINE RESOURCES** Goal 16 requires local governments to classify Oregon's 22 major estuaries into four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those areas.

**Goal 17. COASTAL SHORELANDS** Goal 17 defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources in that area are to be managed. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

**Goal 18. BEACHES AND DUNES** Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Goal 19. OCEAN RESOURCES** Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

The statewide planning goals, along with networked statutory authorities, form the basis of Oregon’s Coastal Management Program. The 1977 document approving the OCMP recognizes that “the central authority by which Oregon will implement the program is SB 100<sup>3</sup>” (Part IV of which directed the preparation and adoption of statewide planning goals to guide cities and counties in preparing, adopting and implementing comprehensive plans). DLCD has submitted these statewide planning goals and any subsequent revisions to OCRM throughout the years as program changes, and they have been incorporated as part of Oregon’s federally approved coastal management program.

The statewide planning goals are implemented through local comprehensive planning. Each city and county in Oregon must adopt a comprehensive plan and the zoning and land-use regulations necessary to put the plan into effect. Plans must address all applicable topics laid out in the planning goals, and as such must include elements for coastal resources such as estuaries, shorelands, and beaches and dunes. Plans generally contain three main components: inventories, policies, and implementing measures. Inventories contain facts about land use, resources, and development trends within the planning area, and provide the basis for plan policies. Policies are the overarching statements that direct subsequent land use decisions in that jurisdiction. Implementing measures are the ordinances and regulations used to carry out the plan policies, and provide the specific criteria for local land use authorizations. Implementing measures include zoning ordinances, land division ordinances, and other regulations that directly regulate land use activities.

Once a jurisdiction has woven together these inventories, policies, and implementing measures to draft a local comprehensive plan, the jurisdiction submits the plan to LCDC. LCDC reviews the plan to ensure that it is consistent with the Statewide Planning Goals. When LCDC officially approves a local plan, the plan is said to be *acknowledged*, and becomes the controlling land use document for that jurisdiction.

LCDC acknowledged the CCCP in 1985, signifying that the plan is consistent with and implements required policies (and some suggested guidelines) of the statewide planning goals. Recognizing that the CCCP implements statewide planning goals that OCRM has approved as part of the OCMP, DLCD seeks to incorporate specific provisions of the CCCP as enforceable policies. The analysis below discusses the provisions that DLCD seeks to incorporate as enforceable policies, and identifies how the provisions implement the applicable planning goals.

## **II.B. CCCP Sections Incorporated as Enforceable Policies**

While DLCD seeks to incorporate the entire Curry County Plan and Zoning Ordinance into the OCMP, DLCD has identified specific sections of each to be used as “enforceable policies” for

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<sup>3</sup> Codified at Oregon Revised Statutes Chapter 197

federal consistency purposes. As required by 16 USC 1453(6a) and OCRM guidance, the enforceable policies are legally binding and contain standards of sufficient specificity to guide private and public uses. These policies, contained in discrete sections of the plan and ordinance, are outlined in the attached table (Section III) and discussed in further detail below.

### **1. Comprehensive Plan**

The Curry County Comprehensive Plan (CCCP) outlines how Curry County coordinates planning activities between the county, cities, special districts, and all affected agencies. Although the Curry County Zoning Ordinance contains the majority of the County's enforceable policies, certain comprehensive plan provisions may come into play in consistency decisions and are not captured elsewhere.

The DLCD seeks to include the following Comprehensive Plan sections as enforceable policies:

8.7 (1-7) Destination Resorts: Specifies siting criteria for where destination resorts may or may not be located, as well as specifying that destination resorts may not conflict with any Goal 5 resources or affect transportation facilities.

8.8 (16-18) Plan Policies Regarding Recreation: Outlines areas where destination resorts may be sited, and requires that destination resorts must be compatible with the site and adjacent land uses, and provide for adequate utility services.

15.10 (10-13) Plan Policies Relating to Coastal Shorelands – Beaches and Dunes: Specifies prohibitions against and special requirements for development on beaches and certain foredune and interdune areas, specifies in which cases the county will permit beachfront protective structures, and discusses when the county will permit foredune breaching.

### **2. Zoning Ordinance: Introductory Provisions**

The county zoning ordinance implements the comprehensive plan by specifying the requirements that govern specific land uses.

Article I of the Curry County Zoning Ordinance (CCZO) lays out introductory provisions, such as definitions and the purpose and powers of the planning commission. While a portion of the Article is primarily administrative, the DLCD seeks to include the following section as an enforceable policy:

CCZO 1.030(1-156) Definitions: Defines the terms used in the zoning code. The definitions clarify and provide context for many of the sections containing enforceable policies.

While this section does not implement any particular planning goal or goals, it is necessary to interpret and apply the following sections.

### **3. Zoning Ordinance: Use Zones**

Article III of the CCZO forms the basis for how Curry County implements the statewide planning goals. Sections 3.010 through 3.450 classify county land into various use zones, and outline the standards for allowable uses within specific zones. Many sections reference Article IV's supplementary provisions regarding requirements such as set-backs and building heights. While Article IV articulates the enforceable policies, the specific subsections here in Article III

apply those policies to the each applicable zone. The zoning provisions are rooted in the overall planning framework envisioned by Goal 2, and implement multiple goals.

The DLCDD seeks to include the following sections of the zoning ordinance as enforceable policies:<sup>4</sup>

CCZO 3.010 Classification of Zones: Specifies the types and abbreviations for the different zones.

CCZO 3.020-3.030 Location of Zones and Zoning map: References the Curry County Zoning Atlas, which includes maps identifying the boundaries of the zones listed above. The Zoning Atlas can be found online at: <http://gis.co.curry.or.us/gis/reports/index.html#28>

CCZO 3.040-3.049 Timber Zone (T): Establishes development guidelines for lands whose primary use is commercial forestry. Implements forest land policies of the CCCP. Contains regulations specifying Uses Permitted Outright, Conditional Uses Subject to Administrative Approval by the Planning Director, Standards for Approval of Dwellings, Lot Size, Fire Fighting Standards for Dwellings and Structures, Fire Safety Standards for Roads, Set-Backs, Height of Building, and Off-Street Parking and Loading. The uses permitted outright are just that—uses that the county permits outright, subject to applicable provisions of the CCZO and CCCP. Conditional uses are those uses that the county may permit in that zone, subject to further review and applicable provisions of the CCZO and CCCP. After each listed conditional use, the ordinance indicates the specific conditional use standards that apply to the listed use. The ordinance describes the standards in Section 7.040, which DLCDD is incorporating as an enforceable policy. The section for Standards for Approval of Dwellings sets forth requirements for approval of single-family dwellings. The Lot Size section outlines the minimum size and any restrictions for building on the lot. The Fire Fighting and Safety Standards outline the access requirements and the fire safety area around a site, as well as a structure's fire safety building components. Set-backs, Height of Building, and Off-Street Parking and Loading sections reference Article IV, Supplementary provisions, and are discussed below in Section 4 of the analysis.

Implements Goal 4, Forest Land

CCZO 3.050-3.059 Forestry Grazing Zone (FG): Establishes development guidelines for lands whose primary use is commercial forestry with some intermixed agricultural and livestock uses. Implements forest land policies of the CCCP. Contains regulations specifying Uses Permitted Outright, Conditional Uses Subject to Administrative Approval by the Planning Director, Standards for Approval of Dwellings, Lot Size, Fire Fighting Standards for Dwellings and Structures, Fire Safety Standards for Roads, Set-Backs, Height of Building, and Off-Street Parking and Loading.

Implements Goal 3, Agricultural Land

Implements Goal 4, Forest Land

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<sup>4</sup> Per OCRM's recommendation, DLCDD is identifying entire sections of the zoning ordinance as enforceable policies, and highlighting the accompanying copy of the ordinance accordingly, rather than parsing out the small number of individual sentences or subsections that may not meet the strict definition of an enforceable policy.

CCZO 3.061-3.068 Agricultural Zone (AFD): Establishes development guidelines for agricultural lands. Contains regulations specifying Uses Permitted Outright, Conditional Uses Subject to Administrative Approval by the Planning Director, Standards for Approval of Dwellings, Lot Size, Set-Backs, Height of Building, and Off-Street Parking and Loading. Also includes restrictions for use and siting of dwellings on High Value Farm Land, defined on the basis of soil classification, irrigability and existing farm use.

Implements Goal 3, Agricultural Land

CCZO 3.071-3.078 Exclusive Farm Use Zone (EFU): Establishes development guidelines to encourage the preservation of farm use lands. Contains regulations specifying Uses Permitted Outright, Conditional Uses Subject to Administrative Approval by the Planning Director, Standards for Approval of Dwellings, Lot Size, Set-Backs, Height of Building, and Off-Street Parking and Loading. Also includes restrictions for use and siting of dwellings on High Value Farm Land, defined on the basis of soil classification, irrigability and existing farm use.

Implements Goal 3, Agricultural Land

CCZO 3.081-3.086 Rural Residential Zone (RR)

CCZO 3.091-3.096 Rural Community Residential Zone (RCR)

CCZO 3.101-3.106 Residential-One Zone (R-1)

CCZO 3.111-3.116 Residential-Two Zone (R-2)

CCZO 3.121-3.126 Residential-Three Zone (R-3)

CCZO 3.130-3.136 Rural Commercial Zone (RC)

CCZO 3.141-3.146 Rural Resort Commercial Zone (RRC)

CCZO 3.151-3.156 Light Commercial Zone (C-1)

CCZO 3.161-3.166 Heavy Commercial Zone (C-2)

CCZO 3.171-3.176 Rural Industrial Zone (RI)

CCZO 3.181-3.186 Industrial Zone (I):

CCZO 3.191-3.196 Marine Activity Zone (MA)

CCZO 3.201-3.207 Public Facilities Zone (PF)

CCZO 3.080 through 3.207 set forth the zoning regulations that apply to residential, rural residential, rural commercial, rural resort commercial, light commercial, heavy commercial, rural industrial, industrial, marine activity, and public facilities zones. Except where noted, all of the sections contain regulations specifying Uses Permitted Outright, Conditional Uses Subject to Administrative Approval by the Planning Director, Lot Size and Dwelling Density (except in Rural Industrial, RI, Zone), Set-Backs, Height of Building, and Off-Street Parking. The Public Facilities Zone, PF, contains the additional section Reversion of Zoning Upon Private Ownership, which specifies that land zoned PF is intended for public agencies to use for public facilities and not for privately owned lands.

Implement multiple goals

CCZO 3.211-3.216 Beaches and Dunes Conservation Zone (CON): Establishes guidelines governing beach and coastal dune areas, and considers potential natural hazards associated with wave erosion and wind-blown sand. Contains regulations specifying Uses Permitted Outright (such as wildlife and aquatic sanctuaries, fishing, and aids to navigation), Conditional Uses Subject to Administrative Approval by the Planning Director (such as housing, aquaculture, campgrounds and beach front protective structures), Breaching of Foredunes, Beach and Foredune Development, Lot Size and Dwelling Density, Set-Backs, Height of Building, and Off-Street Parking and Loading.

Implements Goal 18, Beaches and Dunes

CCZO 3.220-3.225 Estuary Resource Zone (ER) [Excepting 3.224]: Contains regulations specifying Uses Permitted Outright (such as navigation aids, protection of habitat, public boat ramps, and marinas), Conditional Uses Subject to Administrative Approval by the Planning Director General Development Standards (such as pipelines and bridges) and Dredged Material Disposal. Implements the Curry County Estuary Plan, discussed in further detail in section II.D of this analysis. All uses permitted outright or conditionally are tied directly to particular management unit designations.

Implements Goal 16, Estuarine Resources

CCZO 3.230-3.231 Scenic Waterway Areas Zone (SW): Establishes guidelines to recognize and protect the unique environmental and social values of the designated scenic waterways in the county. Contains regulations specifying Uses Subject to Administrative Approval by the Director (such as single-family residential density).

Implements Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources

CCZO 3.241-3.245 Shoreland Overlay Zone (SO) [Excepting 3.243 and 2.244]: Establishes guidelines to protect coastal access and shoreland resources as identified in the CCCP, and considers erosion and flooding problems. Contains regulations specifying Uses Permitted Outright (such as aquaculture and water-dependent recreation developments), Conditional Uses Subject to Administrative Approval by the Planning Director (such as water-dependent commercial and industrial uses), Additional Coastal Resources, and Coastal Access and Solutions to Erosion and Flooding Problems.

Implements Goal 17, Coastal Shorelands

CCZO 3.250-3.253 Natural Hazard Overlay Zone (NH): Establishes guidelines to protect people, lands and development areas identified in the CCCP Chapter 7 as natural hazard areas, especially those in jeopardy of rapidly moving landslides. Contains regulations specifying guidelines for Flood Plains, Development in Areas of Geologic Hazards, and Development in Stabilized Dune Areas.

Implements Goal 7, Areas Subject to Natural Disasters and Hazards

Implements Goal 18, Beaches and Dunes

CCZO 3.261-3.262 Archeological and Historical Sites Zone (AH): Establishes guidelines for permits for alteration, moving, renovation, demolition or change of use of any historical or archaeological site. Contains regulations specifying Archeological Provisions and Historical Site Provision.

Implements Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources

CCZO 3.270-3.277 Airport Related Areas Overlay Zone (AR) [Excepting 3.271]: This overlay zone is intended to prevent the establishment of airspace obstructions in airport approaches and surrounding areas through height restrictions and other land use controls. Section 3.272 contains special definitions that interpret and apply to sections 3.271-3.277. While these definitions do not implement any particular planning goal or goals, they are necessary to interpret and apply the remaining sections. Remaining sections include Uses Permitted within



the Runway Protection Zone (RPZ), Uses Permitted within the Airport Approach Safety Zone, Conditional Uses Subject to Administrative Approval by the Director within the Airport Approach Safety Zone, as well as Definitions, Permit Procedures and Limitations.

Implements Goal 12, Transportation

CCZO 3.281-3.284 Riparian Corridor Buffer Overlay Zone (RB): Establishes guidelines to protect riparian corridors as habitat, control erosion and sedimentation, and to reduce the effects of flooding. Includes hardship variances and restoration provisions. Contains regulations for Riparian Corridors, Uses Permitted in Riparian Corridors, Uses Prohibited or Limited within the Riparian Corridor, and Hardship Variances and Restoration Provisions.

Implements multiple goals

CCZO 3.291-3.292 Harbor Bench Farm District Overlay Zone (HBFO): Establishes guidelines to reduce impact to the commercial agricultural uses within the Harbor Bench Farm District from nonfarm uses located within the farm district. Contains regulations specifying Uses Permitted Outright and Conditional Uses Subject to Administrative Approval by the Planning Director.

Implements Goal 3, Agricultural Land

CCZO 3.301-3.324 [excepting 3.310 and 3.320] Erosion Prevention and Sediment Control: Establishes guidelines to prevent erosion, control sediment, and properly manage runoff from sites with disturbed soils and on structures and improvements that are associated with development activities. Contains regulations specifying Areas of Applicability, Erosion Prevention and Sediment Control, Development Affected, Erosion Prevention and Sediment Control Plan, Review and Approval of an Erosion Prevention and Sediment Control Plan, and Installation and Certification of Erosion Prevention and Sediment Control Measures.

Implements Goal 6, Air Water and Land Resources Quality

CCZO 3.401-3.443 Storm and Surface Water Management Standards: Establishes guidelines and standards for conveyance of surface water to streams, creeks, and channels. This section also addresses pollution reduction and flow control for storm water generated from new development and redevelopment. The ordinance provides standards for addressing infiltration, treatment, and detention of storm water separately as well as an option for a combined approach to mitigating the water quality impacts of developments that fall below a certain size threshold. Contains regulations specifying Applicability, Storm Water Management Plan Submittal, General Requirements, Surface Water Conveyance Standards, Pollution Reduction and Flow Control Standards, Infiltration, and Treatment and Detention. Although at first glance it may be unclear, the general applicability statement at 3.401 applies to Sections 3.430 and 3.443. As subsets of the Storm and Surface Water Management Standards, the county applies the standards in these two sections to developments that require culverts or other stormwater conveyance (3.430) or infiltration, treatment, and detention (3.443).

Implements Goal 6, Air Water and Land Resources Quality

#### **4. Zoning Ordinance: Supplementary Provisions**

Article IV, Sections 4.010-4.070 of the CCZO contains supplemental provisions that are referenced within, or are required in addition to, the ordinances in the previous sections.

The DLCD seeks to include the following sections of the zoning ordinance as enforceable policies:

CCZO 4.010 and 4.011 Set-Back Requirements and Riparian Vegetation Set-Back: these provisions establish set-back requirements for zones T, FG, EFU, AFD, R-1, R-2, R-3, RR, RCR, RC and PF, except as provided in sections 5.030 (General Exception to Lot Size Requirements) and 5.040 (Waiver of Minimum Lot Size). Includes requirements for setbacks from water bodies.

CCZO 4.020-4.022 Off-street Parking and Loading: Establishes guidelines for minimum off-street parking and loading requirements. Sets requirements according to use type, including residential, commercial residential, institutional, place of public assembly, commercial amusement, commercial, and industrial uses.

CCZO 4.030 Maintenance of Minimum Ordinance Requirements: Prohibits lot area, yard or other open space, or required off-street parking or loading area existing on or after the effective date of the zoning ordinance from being reduced in area, dimension or size below the minimum requirements. Prohibits these types of areas from being used for any other future use.

CCZO 4.050 Access Management: Manages road access in order to maintain the safety, capacity, and function of county transportation. Includes guidelines for frontage requirements, right-of-way standards and intersection spacing. Applies to all areas of the county, including the cities of Brookings, Gold Beach, and Port Orford, as well as rural standards for the remainder of the county.

CCZO 4.060 Height of Buildings: Establishes height limits for buildings in the various zones.

CCZO 4.070 Requirements for Manufactured Homes on Individual Lots or Parcels in the Residential One (R-1) Zone: Establishes requirements for manufactured homes.

## **5. Zoning Ordinance: Exceptions**

Article V contains exceptions to various sections of the zoning ordinance.

The DLCD seeks to include the following sections of the zoning ordinance as enforceable policies:

CCZO 5.010-5.080, excepting 5.070: Various Exceptions: Governs exceptions to the zoning code for Projections from Buildings, General Exception to Yard Requirements, General Exception to Lot Size Requirements, Waiver of Minimum Lot Size, General Exception to Building Height Limitations, Continuation and Alteration of Nonconforming Use or Structure, Nonconforming Structure, Standards for the Alteration of a Nonconforming Use or Structure, Discontinuance of a Nonconforming Use, Provisions Governing Reinstatement of a Discontinued Nonconforming Use, and Unoccupied Buildings.

## **6. Zoning Ordinance: Conditional Uses**

Article VII of the zoning ordinance outlines conditional uses, or those uses that require special consideration prior to their being permitted in a particular zone. Sections 7.010 (Authorization to Grant or Deny Conditional Uses), 7.020 (Application for Conditional Use), 7.030 (Notification of Public Agencies), and 7.050 (Time Limit on Permit for Conditional Uses), are administrative

in nature and addressed in section II.B.8 of this analysis. Section 7.040 contains standards governing conditional uses, which DLCD seeks to include as enforceable policies:

CCZO 7.040 Standards Governing Conditional Uses: Establishes additional requirements for conditional uses in the various zones. Subsections include: (1) Conditional Uses Generally; (2) Dwellings not served by community water or sewer service; (3) Church, hospital, nursing home, convalescent home, retirement home, community building; (4) schools; (5) Utility facilities necessary for public service; (6) Mobile/Manufactured home parks, or recreational vehicle park or campground; (7) Home Occupation; (8) Commercial amusement establishment; (9) Mining, quarrying, or other extractive activity; (10) Asphalt and cement plants; (11) Animal feed lot, or other intensive animal farm or processing facility; (12) Marine Activity; (13) Beaches and Dunes; (14) Estuarine Resources; (15) Shoreland Overlay; (16) Uses on resource land; (17) Hardship Dwellings; (18) Accessory Farm Dwelling; and (19) Harbor Bench Farm District.

### **7. Variances**

Article VIII of the zoning ordinance sets specific requirements for granting variances. DLCD seeks to include the following sections as enforceable policies:

CCZO 8.010 Authorization to Grant or Deny a Variance, and CCZO 8.030 Standards for Granting a Variance: Allows for departures from the zoning ordinance in certain circumstances; sets out the standards that a use must meet in order to receive a variance.

### **8. Zoning Ordinance: Supporting Administrative Policies**

Articles IA (Planning Commission), II (Procedures for Making Land Use Decisions), VI (Planned Unit Development), portions of VII (Conditional Uses), IX (Amendments to the Zoning Ordinance), and X (General Provisions) are all administrative in nature and govern the process by which Curry County applies the enforceable policies identified in this document. While not enforceable policies per se, these requirements and procedures form the enforceable mechanisms that guide Curry County's land use review and permitting processes, and thus provide the context for how the County applies the enforceable policies outlined above.

### **9. Flood Damage Prevention Ordinance**

The county flood ordinance regulates building and land use within the county in order to minimize losses due to flooding. The ordinance supplements the county's comprehensive plan and zoning ordinance.

DLCD seeks to include the following sections of the Flood Damage Prevention Ordinance as enforceable policies:

Section 2 Definitions: Defines the terms used in the flood ordinance. The definitions clarify and provide context for many of the sections containing enforceable policies.

Section 3 (3.1, 3.2) General Provisions: Specifies which lands the flood ordinance applies to, and the basis for establishing areas of special flood hazard.

Section 5 (5.1, 5.1.1) Shallow Flooding Areas: Discusses the designation of "shallow flooding areas," and identifies where those areas occur.

Section 6 (6.1, 6.1-1, 6.1-2) Floodplain Provisions: Discusses the designation of floodplains and flood insurance zones.

Section 7 (7.1, 7.1-1, 7.1-2, 7.1-3, 7.1-4) Floodway Provisions: Identifies floodways, sets regulations governing floodway provisions and modifications, and specifies which uses are allowed and prohibited in floodways.

Section 8 (8.1, 8.1-2) Coastal High Hazard Areas: Identifies coastal high hazard areas, and specifies that foredune grading or sand removal from foredunes is not permitted.

Section 9 (9.1-2, 9.1-3, 9.1-4, 9.1-5, 9.1-6, 9.1-7, 9.2-1, 9.2-2, 9.2-3, 9.2-4, 9.2-5) Provisions for Flood Hazard Reduction: Section 9.1 sets general standards for flood hazard reduction, including specifications for development standards, anchoring, construction materials and methods, utilities, subdivisions and partitions, and accessory structures. Section 9.2 sets specific standards, including standards for residential construction, nonresidential construction, manufactured homes, recreational vehicles, and development in coastal high hazard areas.

### **II.C. This Action is a Routine Program Change**

The incorporation of the Curry County Comprehensive Plan and Zoning Ordinance into the OCMP does not substantially alter any of the five program areas detailed in 15 CFR 923:

#### **1. Uses subject to management (Subpart B)**

This action does not substantially change the uses subject to management that are set forth in the OCMP (navigation and transportation; residential/urban/industrial, including energy production; agriculture and forestry; recreation; fish and wildlife production and utilization; public facilities; mining and minerals; and restoration) or those that were originally included in the Curry County Comprehensive Plan and zoning ordinance when OCRM first approved them. The State of Oregon requires the plan and ordinance to implement Oregon’s statewide planning goals, which require local jurisdictions to set standards for various uses, including those set forth in the OCMP. Because the uses permitted by the plan and ordinance must be consistent with the statewide planning goals and because Curry County has not added any new uses, incorporation of the updated plan and ordinance into the OCMP merely refines and does not substantially change the uses subject to management.

#### **2. Special management areas (Subpart C)**

This action does not change the criteria for designating areas of particular concern, or areas for preservation or restoration. Statewide planning goals 16 through 18 set the criteria and procedures for establishing and managing estuarine areas (Goal 16), coastal shorelands (Goal 17), and beaches and dunes (Goal 18). The Curry County Plan and Ordinance merely set policies and standards for designating and managing these areas within Curry County.

#### **3. Boundaries (Subpart D)**

This action applies only to lands under the jurisdiction of Curry County. It does not affect Oregon’s inland or seaward coastal zone boundary, nor does it change the status of excluded lands.

#### **4. Authorities and organization (Subpart E)**

This action does not change Oregon’s authority or organization, nor does it alter Oregon’s administration of the OCMP. Oregon’s land use system and statewide planning goals establish criteria and standards for local planning, and the Curry County Plan and Ordinance implement those standards in Curry County.

#### **5. Coordination, public involvement and national interest (Subpart F)**

This action does not change any coordination, public involvement, or national interest provisions of the OCMP.

#### **II.D. Curry County Estuary Management Plan**

OCRM approved the Curry County Estuary Management Plan (hereinafter estuary plan or plan) as part of the original Curry County submission in 1984. The estuary plan, codified in Chapter 16 of the county’s comprehensive plan, represents the overall management scheme for the estuaries under Curry County’s jurisdiction.

In contrast with the rest of the comprehensive plan and zoning regulations, the estuary plan has received only three updates applicable to future federal consistency reviews since OCRM approval. Because the updates are easy to identify, as opposed to the myriad of updates to the comprehensive plan and zoning regulations, DLCD seeks to simply maintain the previously approved estuary plan and incorporate the changes indicated below as routine program changes (a document showing the text of these changes is attached):

16.2 Estuarine Resources Goal Requirements: A 1998 county ordinance updated the plan’s introductory language, and adopted new language regarding the designation of natural, conservation, and development estuaries. Summarizes the activities and uses allowed within each estuary unit type.

16.3.2 Rogue Estuary Inventory: A 2004 county ordinance updated language related to shorelands especially suited for water dependent uses (ESWD), in order to reflect the fact that Curry County has lost many of its timber and fishing industries (previously the dominant water dependent estuarine uses). The updated language notes that current estuary uses are still water dependent, only the type of user has changed.

16.8 County-Wide Estuarine Resource Goals and Policies: A 1998 county ordinance updated the policies applicable to estuarine areas. Most of the changes refine previously adopted policies, with the addition of one new policy requiring mitigation site monitoring.

These updates constitute a routine program change because the updates merely refine the county’s previously established plan for managing estuaries, and do not substantially alter any of the five program areas. They do not substantially change the uses subject to management, they do not change special management areas, they do not change Oregon’s coastal zone boundaries, they do not alter Oregon’s authorities or organization, and they do not change any coordination, public involvement, or national interest provisions.

### III. Enforceable Policies Table

Changes to the OREGON COASTAL MANAGEMENT PROGRAM				
The OREGON COASTAL MANAGEMENT PROGRAM (OCMP) seeks to incorporate the entire <b>Curry County Comprehensive Plan and Zoning Ordinances</b> into its coastal management program. The following table identifies specific provisions that DLCD seeks to incorporate as enforceable policies, which DLCD will use for Federal Consistency purposes.				
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/ Program Authority or Change	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
<b>ADDED:</b>			mm/dd/yyyy	mm/dd/yyyy
Curry County Comprehensive Plan and Zoning Ordinance*	* DLCD seeks to incorporate the Curry County Comprehensive Plan (CCCP), Curry County Zoning Ordinance (CCZO), and Curry County Flood Damage Prevention Ordinance into the OCMP. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.		1984-2010	2009 (Effective date for majority of plan and code is 2009; CCCP 8.7. and 8.8 effective 2010)
<b>CURRY COUNTY COMPREHENSIVE PLAN (CCCP)</b>				
CCCP 8.7 (1-7)	Destination Resorts	ORS Chapter 197; County Planning/permit process	1984-2010	6/2/2010
CCCP 8.8 (16-18)	Plan Policies Regarding Recreation	ORS Chapter 197; County Planning/permit process	1984-2010	6/2/2010
CCCP 15.10 (10-13)	Plan Policies Relating to Coastal Shorelands – Beaches and Dunes	ORS Chapter 197; County Planning/permit process	1984-2010	1/30/2009
<b>CURRY COUNTY ZONING ORDINANCE (CCZO)</b>				
(ARTICLE I. INTRODUCTORY PROVISIONS)				

CCZO 1.030	Definitions	Planning/permit process <sup>5</sup>	1984-2009	1/30/2009
(ARTICLE III. USE ZONES)				
CCZO 3.010	Classification of Zones	Planning/permit process	1984-2009	1/30/2009
CCZO 3.020-3.030	Location of Zones electronic maps available on the county website at: <a href="http://gis.co.curry.or.us/gis/reports/index.html#28">http://gis.co.curry.or.us/gis/reports/index.html#28</a>	Planning/permit process	1984-2009	1/30/2009
CCZO 3.040-3.049	Timber Zone T	Planning/permit process	1984-2009	1/30/2009
CCZO 3.050-3.059	Forestry Grazing Zone FG	Planning/permit process	1984-2009	1/30/2009
CCZO 3.061-3.068	Agricultural Zone AFD	Planning/permit process	1984-2009	1/30/2009
CCZO 3.071-3.078	Exclusive Farm Zone EFU	Planning/permit process	1984-2009	1/30/2009
CCZO 3.081-3.086	Rural Residential Zone RR	Planning/permit process	1984-2009	1/30/2009
CCZO 3.091-3.096	Rural Community Residential Zone RCR	Planning/permit process	1984-2009	1/30/2009
CCZO 3.101-3.106	Residential-One Zone R-1	Planning/permit process	1984-2009	1/30/2009
CCZO 3.111-3.116	Residential-Two Zone R-2	Planning/permit process	1984-2009	1/30/2009
CCZO 3.121-3.126	Residential-Three Zone R-3	Planning/permit process	1984-2009	1/30/2009
CCZO 3.130-3.136	Rural Commercial Zone RC	Planning/permit process	1984-2009	1/30/2009
CCZO 3.141-3.146	Rural Resort Commercial Zone RRC	Planning/permit process	1984-2009	1/30/2009
CCZO 3.151-3.156	Light Commercial Zone C-1	Planning/permit process	1984-2009	1/30/2009
CCZO 3.161-3.166	Heavy Commercial Zone C-2	Planning/permit process	1984-2009	1/30/2009
CCZO 3.171-3.176	Rural Industrial Zone RI	Planning/permit process	1984-2009	1/30/2009
CCZO 3.181-3.186	Industrial Zone I	Planning/permit process	1984-2009	1/30/2009
CCZO 3.191-3.196	Marine Activity Zone MA	Planning/permit process	1984-2009	1/30/2009
CCZO 3.201-3.207	Public Facilities Zone PF	Planning/permit process	1984-2009	1/30/2009
CCZO 3.211-3.216	Beaches and Dunes Conservation Zone CON	Planning/permit process	1984-2009	1/30/2009

<sup>5</sup> **CCZO 1.040 Compliance with Ordinance Provisions:** “No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.”

CCZO 3.220-3.225 [Excepting 3.224]	Estuary Resource Zone ER	Planning/permit process	1984-2009	1/30/2009
CCZO 3.230-3.231	Scenic Waterway Areas Zone SW	Planning/permit process	1984-2009	1/30/2009
CCZO 3.241-3.245 [Excepting 3.243 and 2.244]	Shoreland Overlay Zone	Planning/permit process	1984-2009	1/30/2009
CCZO 3.250-3.253	Natural Hazard Overlay Zone NH	Planning/permit process	1984-2009	1/30/2009
CCZO 3.261-3.262	Archeological and Historical Sites Zone AH	Planning/permit process	1984-2009	1/30/2009
CCZO 3.270-3.278 [Excepting 3.271]	Airport Related Areas Overlay Zone AR	Planning/permit process	1984-2009	1/30/2009
CCZO 3.281-3.284	Riparian Corridor Buffer Overlay Zone RB	Planning/permit process	1984-2009	1/30/2009
CCZO 3.291-3.292	Harbor Bench Farm District Overlay Zone HBFO	Planning/permit process	1984-2009	1/30/2009
CCZO 3.301-3.324 [Excepting 3.310 and 3.320]	Erosion Prevention and Sediment Control	Planning/permit process	1984-2009	1/30/2009
CCZO 3.401-3.443	Storm and Surface Water Management Standards	Planning/permit process	1984-2009	1/30/2009
(ARTICLE IV. SUPPLEMENTARY PROVISIONS)				
CCZO 4.010	Set-Back Requirements	Planning/permit process	1984-2009	1/30/2009
CCZO 4.011	Riparian Vegetation Setback	Planning/permit process	1984-2009	1/30/2009
CCZO 4.020	Off-Street Parking	Planning/permit process	1984-2009	1/30/2009
CCZO 4.021	Off-Street Loading	Planning/permit process	1984-2009	1/30/2009
CCZO 4.022	General provisions – Off-Street Parking and Loading	Planning/permit process	1984-2009	1/30/2009
CCZO 4.030	Maintenance of Minimum Ordinance Requirements	Planning/permit process	1984-2009	1/30/2009
CCZO 4.040	Zone Boundaries	Planning/permit process	1984-2009	1/30/2009
CCZO 4.050	Access Management	Planning/permit process	1984-2009	1/30/2009
CCZO 4.060	Height of Buildings	Planning/permit process	1984-2009	1/30/2009
CCZO 4.070	Requirements for manufactured Homes on Individual Lots	Planning/permit process	1984-2009	1/30/2009



	or Parcels in the Residential One (R-1) Zone			
(ARTICLE V. EXCEPTIONS)				
CCZO 5.010	Projections from Buildings	Planning/permit process	1984-2009	1/30/2009
CCZO 5.020	General Exception to Yard Requirements	Planning/permit process	1984-2009	1/30/2009
CCZO 5.030	General Exception to Lot Size Requirements	Planning/permit process	1984-2009	1/30/2009
CCZO 5.040	Waiver of Minimum Lot Size	Planning/permit process	1984-2009	1/30/2009
CCZO 5.050	General Exception to Building Height Limitations	Planning/permit process	1984-2009	1/30/2009
CCZO 5.060	Continuation and Alteration of Nonconforming Use or Structure	Planning/permit process	1984-2009	1/30/2009
CCZO 5.061	Nonconforming Structure	Planning/permit process	1984-2009	1/30/2009
CCZO 5.0162	Standards for the Alteration of a Nonconforming Use or Structure	Planning/permit process	1984-2009	1/30/2009
CCZO 5.063	Discontinuance of a Nonconforming Use	Planning/permit process	1984-2009	1/30/2009
CCZO 5.064	Authorization to Grant or Deny Reinstatement of a Discontinued Nonconforming Use	Planning/permit process	1984-2009	1/30/2009
CCZO 5.080	Unoccupied Buildings	Planning/permit process	1984-2009	1/30/2009
(ARTICLE VII. CONDITIONAL USES)				
CCZO 7.040 (1)-(19)	Standards and Procedures Governing Conditional Uses	Planning/permit process	1984-2009	1/30/2009
(ARTICLE VIII. VARIANCES)				
CCZO 8.010	Authorization to Grant or Deny a Variance	Planning/permit process	1984-2009	1/30/2009
CCZO 8.030	Standards for Granting a Variance	Planning/permit process	1984-2009	1/30/2009

<b>CURRY COUNTY FLOOD DAMAGE PREVENTION ORDINANCE</b>				
Section 2	Definitions	Planning/permit process <sup>6</sup>	1984-2009	1/30/2009
Section 3 (3.1-3.2)	General Provisions	Planning/permit process	1984-2009	1/30/2009
Section 5 (5.1, 5.1.1)	Shallow Flooding Areas	Planning/permit process	1984-2009	1/30/2009
Section 6 (6.1, 6.1-1, 6.1-2)	Floodplain Provisions	Planning/permit process	1984-2009	1/30/2009
Section 7 (7.1-7.1-4)	Floodway Provisions	Planning/permit process	1984-2009	1/30/2009
Section 8 (8.1-8.1-2)	Coastal High Hazard Areas	Planning/permit process	1984-2009	1/30/2009
Section 9 (9.1-9.2-5)	Provisions for Flood Hazard Reduction	Planning/permit process	1984-2009	1/30/2009
<b>MODIFIED:</b>				
Section 16.2 (Estuarine Resources Goal Requirements)	Curry County Estuary Plan (Chapter 16 of Curry County Comprehensive Plan)	ORS Chapter 197; County Planning/permit process	10/19/1998	10/19/1998
Section 16.3.2 (Rogue Estuary Inventory)	Curry County Estuary Plan	ORS Chapter 197; County Planning/permit process	2/27/2004	2/27/2004
Section 16.8 (County-wide estuarine Resources Goals and Policies)	Curry County Estuary Plan	ORS Chapter 197; County Planning/permit process	10/19/1998	10/19/1998
<b>DELETED:</b>				
Curry County Comprehensive Plan and Zoning Ordinance (1984)			1984	1984

<sup>6</sup> **Flood Ordinance Section 3.3, Penalties for Noncompliance:** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.