

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

In the Matter of Text Amendments)
to the Curry County Comprehensive)
Plan to Regulate the Development of)
Destination Resorts) **ORDINANCE NO. 10-03**

The Curry County Board of Commissioners ordains as follows:

Section I: Findings

1. The Board of Curry Commissioners concurs with the findings of the Oregon Legislative Assembly as found in ORS 197.440. Specifically, the Board finds that: 1) It is the policy of this state to promote Oregon as a vacation destination and to encourage tourism as a valuable segment of our state's economy; 2) There is a growing need to provide year-round destination resort accommodations to attract visitors and encourage them to stay longer. The establishment of destination resorts will provide jobs for Oregonians and contribute to the state's economic development; 3) It is a difficult and costly process to site and establish destination resorts in rural areas of this state; and 4) The siting of destination resort facilities is an issue of statewide concern.

2. In October of 2009, 1000 Friends of Oregon and Oregon Shores Conservation Coalition sponsored local workshops for the general public on destination resorts in Curry County.

3. The Curry County Planning Commission held public hearings on December 3, 2009, and January 7, 2010, to consider proposed amendments to the Curry County Comprehensive Plan, a draft map of lands eligible for the siting of destination resorts (and a proposed change to the zoning ordinance) that would potentially allow destination resorts in Curry County.
4. On January 28, 2010, the Curry County Planning Commission, by a vote of 5-0, recommended that the Board of Curry County Commissioners adopt the following documents found in the staff report of the record in this proceeding: 1) the proposed amendments to the Curry County Comprehensive Plan dated January 29, 2010; 2) the Draft Map of Eligible Land for Destination Resorts dated December 4, 2009; and 3) the draft proposed zoning ordinance for destination resorts dated January 29, 2010.
5. The Board of Curry County Commissioners held hearings on the above-referenced proposed ordinances on March 3, 2010, and April 29, 2010. In addition, it left the record open until May 7, 2010, for submission of new material, and until May 14, 2010, for submittal of rebuttal comments. It considered the recommendations of the Curry County Planning Commission as well as the testimony and evidence submitted at the hearings in this cause.
6. The map of destination resort sites that is adopted as part of this ordinance includes only those sites for which the Board determined the findings adequately addressed Goals 5 and 12 as well as the statutory siting criteria. As a result, the final map has fewer listed sites than the originally proposed map.
7. The destination resorts that are recommended for siting on the Curry County Draft Map of Eligible Lands for Destination Resorts will reasonably likely affect the existing transportation facilities.
8. The record reflects that the eight sites on the Map of Eligible Lands for Destination Resorts are not statutorily prohibited by ORS 197.455.

Section II: Amendments

The Curry County Comprehensive Plan (Ordinance No. 83-7, and its subsequent amendments) is amended by adding: the attached Sections 8.7 (Destination Resorts) and 8.8 (Plan Policies Regarding Recreation) as Attachment "A", the attached map of "Eligible Land for Destination Resorts" as Attachment "B", Assessor Map and Tax Lot numbers for each

of the sites as Attachment "C" and the findings supporting the sites on the map as Attachment "D". All of the attachments are herein incorporated by reference.

Section III: Severance Clause

If any section, subsection, sentence, clauses or phrases of this ordinance 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.

Section IV: Conditions of Approval

1. A Traffic Impact Study (TIS), or Analysis (TIA), shall be completed or an existing TIS or TIA shall be modified pursuant to OAR 660-012-0060 to identify and mitigate any adverse impact on the existing transportation prior to submitting an application for development of a destination resort on the subject property.
2. A Traffic Impact Study (TIS), or Analysis (TIA) for the entire North Bank Rogue River/Cedar Valley Road corridor taking into account proposed development on tracts D-3, D-8, D-9; and D-10 pursuant to OAR 660-012-0060, shall be submitted to and approved by the County before submitting an application for development of a destination resort within this corridor.

Section V: Effective Date

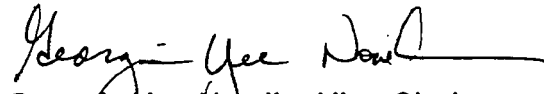
Consistent with ORS Chapters 197 and 215, this ordinance shall take effect upon its passage.

Dated this 2nd day of June, 2010.

BOARD OF CURRY COUNTY COMMISSIONERS

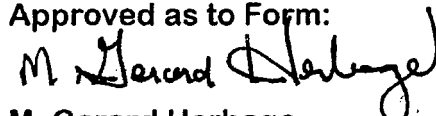
Bill Waddle

Bill Waddle, Chair


Georgia Yee Nowlin, Vice Chair


George Rhodes, Commissioner

Recording Secretary: Nancy Chester

Approved as to Form:

M. Gerard Herbage
Curry County Legal Counsel

First Reading: March 3, 2010
Second Reading: April 29, 2010
Effective Date: June 2, 2010

(Adoption is pursuant to ORS Chapters 197 and 215).

CURRY COUNTY COMPREHENSIVE PLAN

**AMENDMENTS TO THE
CURRY COUNTY COMPREHENSIVE PLAN**

(June 2, 2010)

8.7 DESTINATION RESORTS

The State of Oregon has recognized the importance of destination resorts in encouraging tourism and contributing to the state's economic development. Provisions have been enacted to allow resorts while protecting high-value farmland and the most productive forest land. In order to tap this economic potential and provide additional recreational opportunities to visitors, the County has determined that destination resorts should be allowed in the county when consistent with Statewide Planning Goals and Administrative Rules.

Under ORS 197.465, a Comprehensive Plan that allows for siting of a destination resort must include implementing measures which map areas where a resort may be permitted; limit uses and activities to those defined by ORS 197.435 and allowed by ORS 197.445; and assure that developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations are physically provided.

Under ORS 197.455(2), the county is required to adopt a map consisting of lands that are eligible for siting a destination resort, based on reasonably available information. The adopted map is the sole basis for determining whether tracts of land are eligible for destination resort siting. However, just because a property is mapped as being eligible does not mean that a destination resort is permitted outright in that location. In order to be approved, a proposal for a destination resort must comply with standards and criteria contained in the *Curry County Zoning Ordinance (CCZO)* and ORS 197.435 through 197.467.

The siting of destination resorts shall be prohibited pursuant to ORS 197.455 in any of the following locations:

1. On a site with 50 or more contiguous acres of unique or prime farmland identified and mapped by the United States Natural Resources Conservation Service (NRCS) or its predecessor agency;
2. On a site within three miles of a high value crop area unless the resort complies with the requirements of ORS 197.445 (6) in which case the resort may not be closer to a high value crop area than one-half mile for each 25 units of overnight lodging or fraction thereof;
3. On predominantly Cubic Foot Site Class 1 or 2 forestlands as determined by the State Forestry Department, unless a goal exception has been approved;
4. In an especially sensitive big game habitat area:

- a. As determined by the State Department of Fish and Wildlife in July 1984, and in additional especially sensitive big game habitat areas designated by a county in an acknowledged comprehensive plan; or
 - b. If the State Fish and Wildlife Commission amends the 1984 determination with respect to an entire county and the county amends its comprehensive plan to reflect the commission's subsequent determination, as designated in the acknowledged comprehensive plan.
5. On a site in which the lands are predominantly classified as being in Fire Regime Condition Class 3, unless the county approves a wildfire protection plan that demonstrates the site can be developed without being at a high overall risk of fire.

In addition to the siting criteria listed above, it must be demonstrated that a destination resort:

6. Will not be a conflicting use with a particular significant Goal 5 resource site on the acknowledged Curry County resource lists [OAR 660-023-0250(3)(b)]; or complete an Economic, Social, Environmental, and Energy (ESEE) analysis; and
7. Will not significantly affect the existing or planned transportation facilities [OAR 660-012-0060(1)]; or complete a transportation impact analysis.

The *Curry County Map of Eligible Lands for Destination Resorts* may be revised in the future through a Comprehensive Plan amendment to add additional eligible land(s), but in accordance with ORS 197.455(2), it will not be amended more frequently than once every 30 months. Applications to amend the Destination Resort Map will be collected and will be processed concurrently no sooner than 30 months from the date the map was previously adopted or amended.

8.8 PLAN POLICIES REGARDING RECREATION

Curry County recognizes the importance of meeting the recreational needs of its residents and visitors and adopts the following policies with regard to recreation:

1. Curry County seeks to provide recreational opportunities for the resident and tourist populations and for future increases in these populations by identifying areas suitable for such use in the plan.
2. Curry County supports the protection and improvement of existing transportation facilities to allow increased recreational use and encourage development of increased access to existing facilities and attractions.
(Amended by Ordinance 05-07, adopted May 18, 2005)
3. Curry County encourages the private development of recreational facilities within the county.

4. Curry County encourages cluster development to maximize open space within residential developments.
5. Curry County desires to enhance recreational opportunities on public waters, recognized scenic areas, and Oregon Recreational Trails including provision of adequate support services.
6. Curry County will review the status of the Coast Range Hiking Trail at each scheduled plan update and determine whether there is sufficient information regarding the proposed trail in the comprehensive plan at that time.
7. Curry County will coordinate with the Oregon Department of Transportation in completing economic, social, environmental, and energy consequence analysis as required by OAR 660-016-0000 if and when a specific route is proposed for the incomplete trails.
8. Curry County encourages the protection and enhancement of fish and wildlife on public land to enhance the recreational appeal of the county.
9. Curry County will coordinate with the appropriate State and Federal agencies to identify and establish adequate recreational boating including boat ramps and access.
10. The County adopts the Curry County State Parks Master Plan to serve as a guide to the future use and development of the state park properties located within the county pursuant to OAR 660 Division 34. Curry County State Parks Master Plan provides for the protection and public enjoyment of the state park resources and provides for the most appropriate recreation related uses for the parks based on resources opportunities and constraints, development opportunities and constraints, public recreational needs and Oregon Department of Parks and Recreation's role as a public recreation provider.

Through this process, the development proposals outlined in the Curry County State Parks Master Plan shall be allowed as an outright use subject to the development review procedures specified in the adopted master plan and applicable county ordinances.

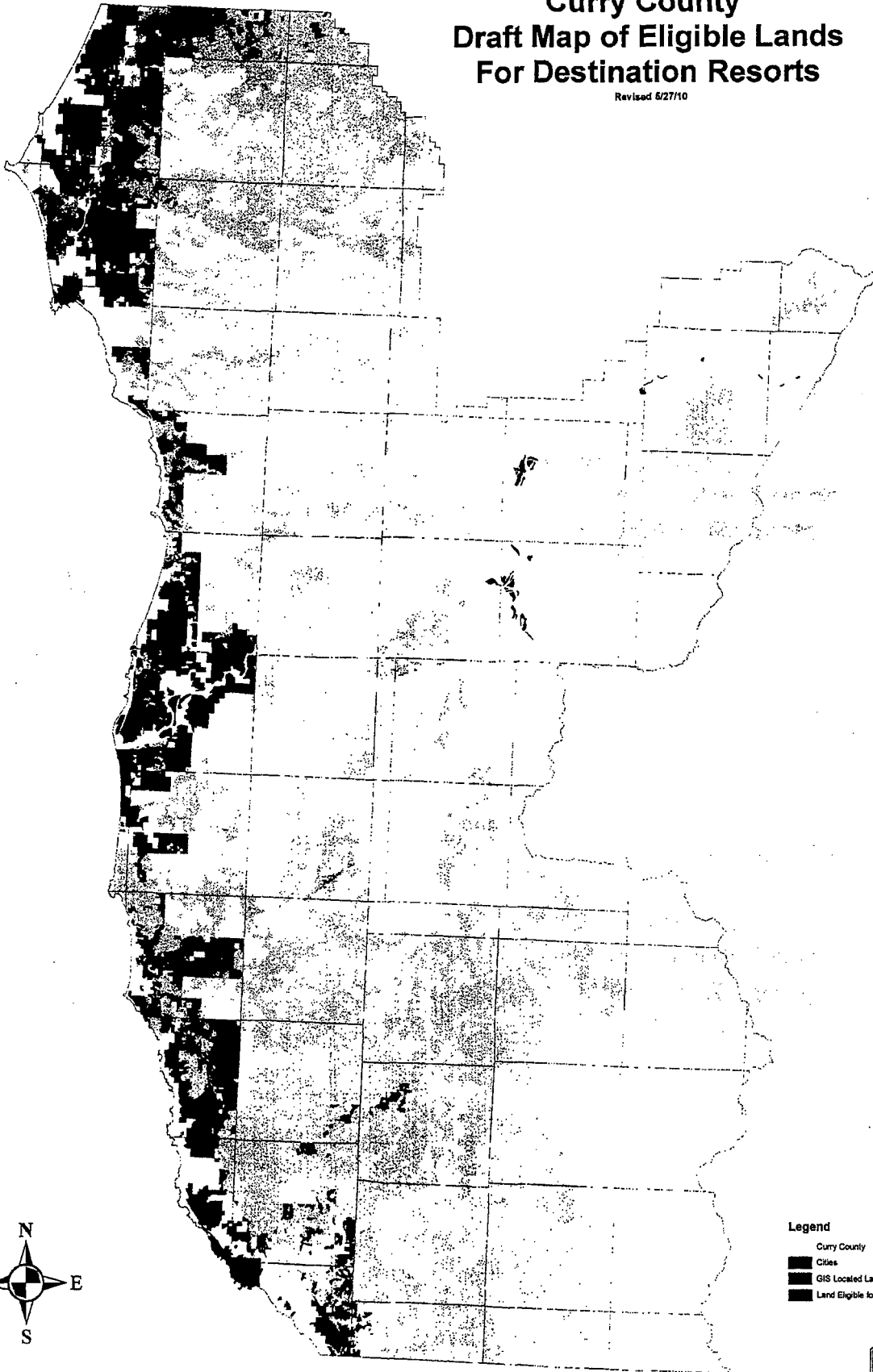
11. Curry County recognizes those recreation trails or segments of trails identified 1C resources in the plan inventory as significant resources and will coordinate with ODOT for their future use and protection.
12. Curry County recognizes the need to provide sites for the recreational use of registered, street legal, off-road motorized vehicles and has identified various beach segments which are appropriate and should remain open for vehicles use in order to accommodate this need. See Figure 8.6.A.
(amended July 15, 1985 by Ordinance 85-31)
13. Property owners who use registered, street-legal, motorized vehicles for purposes of ranching, forestry, retrieval of fishing equipment, search and rescue and other emergency needs, handicap users, and beach wood-cutting can seek permits for motorized vehicles from the State of Oregon Department of Transportation, Division of Parks and Recreation

in all Curry County coastal zone areas where recreational use of vehicles is prohibited.
(Amended July 15, 1985 by Ordinance 85-31)

14. Curry County shall consider the potential to establish or maintain accessways, paths, or trails prior to the vacation of any public easement or right-of-way, and shall retain public access to or along coastal waters.
(Amended by Ordinance 05-07, adopted May 18, 2005)
15. Curry County recognizes the need to provide opportunities for destination resorts that will include developed recreational facilities and overnight lodging for tourists.
16. Destination resorts shall only be allowed within areas shown on the *Curry County Map of Eligible Lands for Destination Resorts* when in compliance with requirements of Goal 8, ORS 197.435 to 197.467, and the CCZO. Applications to amend the map will be collected and will be processed concurrently no sooner than 30 months from the date the map was previously adopted or amended.
17. Destination resorts must be compatible with the site and adjacent land uses.
18. Destination resort shall provide for adequate public or private utility services.

Curry County Draft Map of Eligible Lands For Destination Resorts

Revised 6/27/10



0 2 4 8 12 16 Miles

Legend

- Curry County
- Cities
- GIS Located Large Destination Resort
- Land Eligible for Destination Resorts



TOTAL ACREAGE FOR FINAL MAP:

FINAL SITES FOR MAP

MAP TAXLOTS ACREAGE (approx)

D-2 Crook	
3814-31	00100 80
3814-00	07800 68.3
3814-00	08100 1
3814-00	08200 185.29
3914-00	01600 44.33
TOTAL 378.92	

D-5 Honeybear	
3514-19A	00301 2
3514-19A	00302 0.96
3514-00	02703 77.29
3514-00	02702 4.07
3514-00	02804 25
TOTAL 109.32	

D-3 Buchanan	
3614-00	00800 318.06
3514-00	06202 80
3514-00	06201 81.69
3514-00	06200 40
3514-33	01200 40
TOTAL 559.75	

D-7 Kammer	
3614-30	01000 19.15
3614-00	03310 80
3614-00	03315 80
3614-00	03313 80
3614-00	03316 80
3614-00	03312 80
TOTAL 419.15	

D-4 Golden Gate	
Mill Tract	
3614-15	00100 550.98
3614-16	00300 147.74
3614-10	00600 1.69
3614-16	00313 5.97
3614-11	00100 175.26
3614-00	02140 120
3614-00	02220 355
TOTAL 1356.64	

D-8 Paasch	
3614-00	02194 195.99
D-9 Spicer	
3514-36	00700 32.2

D-10 Wintersprings Ranch	
3514-00	4100 394.33
3514-36	400 1.09
3514-36	500 14.58
3514-36	200 30
TOTAL 440	

Sites not on final map

D-1 Adams	
3814-06	1600 100.98

D-5 Hayes	
3614-00	00318 40

Attachment D:

Destination Resorts – Summary of Mapping Requirements Analysis (Tuesday, June 02, 2010)

Tract No.	Property Owner	No. of Acres	Road	Road Classification (Jurisdiction)	Submission of a TIA, TIS, or Memo from County Roadmaster	Meet State Siting Criteria (ORS 197.455(1)(a) through (f))	Within Rural Fire Protection District	Conflicting Goal 5 – Significant Resource	Place on Destination Resort Map
D-1	Ron Adams	100.98	Myers Creek Road	Local (State)	No	Yes	Yes – Pistol River	No	No
D-2	Crook Family LLC	378.92	Hwy 101	Primary Arterial (State)	Yes	Yes	Yes – Pistol River	No	Yes
D-3	Fishbow LLC/Harbor Construction	559.75	Cedar Valley Road	Collector (County)	Yes	Yes	Yes – North Bank/Cedar Valley	No	Yes
D-4	Golden Gate Properties LLC	1,356.64	Jerry's Flat Road	Minor Arterial (County)	Yes	Yes	No Submitted a draft Wildfire Protection Plan	No	Yes
D-5	Don Hayes	40.00	North Bank Rogue River Road	Major Collector (County)	No	Yes	Yes – North Bank/Cedar Valley	No	No

	Property Owner	No. of Acres	Road	Road Classification	Submission of a TIA, TIS, or Memo from County Roadmaster	Meet State Siting Criteria (ORS 197.455(1)(a) through (f))	Within Rural Fire Protection District	Conflicting Goal 5 – Significant Resource	Place on Resort Map
D-6	Honeybear/Saks	109.32	Ophir Road	Minor Collector (County)	Yes	Yes	Yes – Ophir	No	Yes
D-7	Kammer/Pacific Rogue Ranch	419.15	Jerry's Flat Road	Minor Arterial (County)	Yes	Yes	No	No	Yes
D-8	Paasch	195.99	North Bank Rogue River Road	Major Collector (County)	Yes	Yes	Yes – Gold Beach-Wedderburn	No	Yes
D-9	Spicer	32.2	North Bank Rogue River Road	Major Collector (County)	Yes	Yes	Yes - North Bank/Cedar Valley	No	Yes
D-10	Winter Springs Ranch/Donnelly	440.00	North Bank Rogue River Road	Major Collector (County)	Yes	Yes	Yes - North Bank/Cedar Valley	No	Yes
	Total Acres	3,632.95							