

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

**In the Matter of an Ordinance Allowing
and Adopting a Statewide Planning Goal
Exception, a Comprehensive Plan
Amendment, and a Zoning Code
Amendment
(ODOT CP/GE-2301)**

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ORDINANCE NO.

23-04

WHEREAS, this matter came before the Curry County Citizens Committee for Involvement and the Curry County Planning Commission on June 15, 2023. The application (CP/GE-2301) sought public input and Planning Commission approval to authorize the Oregon Department of Transportation (ODOT) to place stone embankment on the beach below US Highway 101 MP 304.05 to secure a highway failure on property identified on Curry County Assessor's Map No. 33-15-15, Public Right of Way (ROW). The property is designated as a State Highway and is a critical public infrastructure as the only north/south highway route through Curry County; and

WHEREAS, an evidentiary public hearing in accordance with the Curry County Zoning Ordinance (CCZO) Section 2.300 was held before the Planning Commission as a matter duly set upon the agenda of a regular meeting on June 15, 2023, after giving public notice to affected property owners, publication in the local newspapers as set forth in Section 2.070 of the CCZO and notification on the Department of Land Conservation and Development Post Acknowledgement Plan Amendment web site on June 12, 2023 with a Declaration of Emergency; and

WHEREAS, at the conclusion of review and consideration of the evidence in the record and upon a motion duly made and seconded, the Planning Commission voted to **Recommend Approval of CP/GE-2301 to the Board of Commissioners (BOC)** based on findings of fact and conclusions of law; and

WHEREAS, the Curry County Board of Commissioners held a second evidentiary public hearing in accordance with the CCZO Section 2.300 on August 2, 2023 for the Application (CP/GE-2301) after giving public notice to affected property owners and publication in the local newspapers as set forth in Section 2.070 of the CCZO.

052023-003

Curry County Clerk, Shelley Denney

Filed Date 8 | 03 | 23

Time 8:44AM - 3 pages

Deputy [Signature]

S. Lindsey Harris

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION 1 TITLE

This Ordinance shall be known as ODOT CP/GE-2301.

SECTION 2 AUTHORITY

This Ordinance is being adopted under the authority of ORS Chapters 197 and 215, OAR 660-004, the Statewide Planning Goals, Curry County Zoning Ordinance Article IX Amendments to the Comprehensive Plan and 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 the hearings of record before the Citizen Committee for Involvement, the Planning Commission, and the Board of Commissioners.

SECTION 3 PURPOSE and ADOPTION

The purpose and adoption of this Ordinance is to approve application CP/GE-2301 submitted by the Oregon Department of Transportation (ODOT) to place stone embankment on the beach below US Highway 101 at MP 304.05. This approval includes:

- A Statewide Planning Goal Exception to Goal 18, Beaches and Dunes.
- A Comprehensive Plan Amendment to Plan Policy 15.10 (12), Coastal Shorelands and Beaches and Dunes.
- A zoning Code Amendment to Section 7.040 (14b), Standards for Conditional Uses – Beaches and Dunes.

This Ordinance hereby carries out these land use changes by reference and not by specific language changes to the above documents for Application CP/GE-2301.

SECTION 4 FINDINGS of FACT

After its own careful consideration of all facts and evidence in the record and based on its own review of the applicable law, the Board adopts as findings of fact, reasons and conclusions of law, the Planning Commission's findings, conclusions and recommendation set forth from their June 15, 2023 public hearing and attached as Exhibit 1.

SECTION 5 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.

SECTION 6**EFFECTIVE DATE**

This Ordinance is being adopted pursuant to ORS Chapter 197 and ORS Chapter 215, and the Curry County Zoning Ordinance Section 2.300 (4) and is therefore effective immediately on adoption.

SECTION 7**EMERGENCY CLAUSE**

The Curry County Board of Commissioners deems the adoption of this Ordinance to be necessary for the immediate preservation and protection of public health, safety, and general welfare; and in order to conduct County business in a timely manner. Therefore, it is declared that an emergency exists, and this Ordinance shall be in full force and effect upon its adoption.

DATED this 16th day of August, 2023.

BOARD OF CURRY COUNTY COMMISSIONERS



John Herzog, Chair

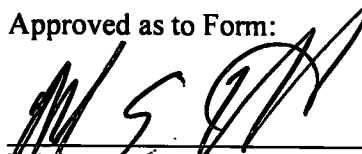


Brad Alcorn, Vice Chair



Jay Trost, Commissioner

Approved as to Form:



Michael E. Fitzgerald, OSB #950738
Curry County Legal Counsel

First Reading: August 16, 2023

Effective Date: August 16, 2023