

ARTICLE IX. AMENDMENTS TO THE ZONING ORDINANCE

Section 9.010. Authorization to Initiate Amendments.

An amendment to this ordinance in the text or the map may be initiated by the Board of County Commissioners, the Planning Commission, Director or by application of a property owner or his authorized agent.

Section 9.020. Application for a Zoning Change.

An application for an amendment by a property owner or his authorized agent shall be filed with the Commission or Board in accordance with Article II of this ordinance.

Section 9.021. Standards for a Zone Change.

The Commission or Board shall determine that zone change requests meet the following standards:

1. Rezoning of the subject property will conform with the intent of all relevant policies of the Comprehensive Plan;
2. Rezoning of the subject property will conform with the intent of the zoning designation to which the subject property is proposed to be changed as defined in the purpose statement of the proposed zone;
3. Rezoning of the subject property will not seriously interfere with the permitted uses on other nearby parcels;
4. Rezoning of the subject property will not adversely impact the orderly provision of public services (water, sewer, police, fire, schools, etc.) in the area in which the property is located; and
5. Amendments to the comprehensive plan and zoning designations of the subject property which significantly affect a transportation facility (see # 6, below) shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility as identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - a) Limiting allowed land uses to be consistent with the planned function of the transportation facility;
 - b) Amending the Transportation System Plan to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
 - c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

6. A comprehensive plan or zoning designation amendment significantly affects a transportation facility if it:
 - a) Changes the functional classification of an existing or planned transportation facility;
 - b) Changes standards implementing a functional classification system;
 - c) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 - d) Would reduce the vehicle/capacity ratio and level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

Section 9.030. Application for a Comprehensive Plan Amendment.

An application for a zone change which requires an amendment to the comprehensive plan designations shall be filed in accordance with Article II of this ordinance. Certain comprehensive plan amendments will involve exceptions to the Statewide Planning Goals which shall be processed in accordance with Statewide Planning Goal 2 and related Oregon Administrative Rules (OAR's). The applicant will be required to submit any additional findings, or information related to the Goal 2 exception with the application for a zone change. Comprehensive plan amendments to prove that land is not resource land as defined by the Statewide Planning Goals shall meet the standards in Section 9.031. The Board will consider the comprehensive plan amendment simultaneously with the zone change as a single application.

Section 9.031. Standards for Comprehensive Plan Amendment for Nonresource Land.

The Board shall determine that requests for comprehensive plan amendments prove that land planned and zoned for resource use is not resource land and meets the following standards:

1. The subject property does not meet the definition of Agricultural Land under Statewide Planning Goal 3 and/or Forest Land under Statewide Planning Goal 4;

NOTE: If the subject property is predominantly Class I-IV soils or if it predominantly consists of soils capable of producing 50 cubic feet of wood fiber per acre per year it is not considered to be nonresource land.
2. The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Curry County Comprehensive Plan;
3. The subject property has been proven to be generally unsuitable for the production of farm crops and livestock or merchantable tree species, considering terrain, adverse soil conditions, drainage and flooding, vegetation, location and size of the tract. The subject property shall not be considered nonresource land solely because of its size or location if it can be reasonably be put to farm or forest use in conjunction with other land.

4. The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forest land it is not considered to be nonresource land.
5. The subject property is not considered to be nonresource land if it has been given a special tax assessment for zoned farm use, unzoned "greenbelt" farm use or as designated forest land at any time in the past five years.
6. If the subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern of the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.
7. The subject property shall be at least 20 acres in area unless it is contiguous to an area that is zoned for nonresource use.
8. Rezoning of land that is found to be nonresource land shall be to a "rural" zone that is appropriate for the type of land and its intended use (i.e. dune land that is found to be nonfarm/nonforest land should be zoned for Conservation use).