



CURRY COUNTY COMMUNITY DEVELOPMENT

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GOLD BEACH, OREGON 97444

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File: P-2001

April 30, 2020

FACTS AND FINDINGS

FOR PRELIMINARY PLAT APPROVAL TO DIVIDE A 14.14 ACRE PARCEL
WITH RESIDENTIAL TWO (R-2) ZONING INTO THREE PARCELS

LAND USE ACTION

Land Use Review: Division of Land (Minor Partition) into three parcels.

Proposed Development: To divide a 14.14 acre property into three (3) parcels. As proposed, Parcel 1 will be 0.16 ac, Parcel 2 will be 0.18 acres and Parcel 3 will consist of the remaining 13.80 acres.

GENERAL INFORMATION AND FACTS

**Applicants/
Property Owners:** Walter E. and Slawomira A. Zandt

Property Description: Assessor Map 4113-04D; Tax Lot 300

Location: About 1500 ft east of E Hoffeldt Ln's intersection with US Hwy 101

Zoning: This property has Residential Two (R-2) zoning and is located within the Brookings Urban Growth Boundary (UGB).

Current Land Use: Single-family Residential

Existing Development: Parcel 3 is improved with a single-family dwelling, attached garage and a shed. Neither Parcel 1 nor Parcel 2 are improved.

Surrounding Land Use: Properties west and south of the subject have R-2 zoning, like the subject. Properties north and east of the subject are identified as being in the Harbor Hills Master Plan Area, with the underlying use zone being Forestry Grazing (FG).

**Previous Land Use
Actions:** A Lot Line Adjustment (LL-1521) application was approved 11/5/2015. The Seascape Subdivision was approved in Plat 2018-01 and contains applicable platted easements for the division of land for P-2001.

File P-2001
Zandt Partition

DECISION CRITERIA AND STANDARDS

Curry County Zoning Ordinance

Article III Use Zones
Section 3.110 Residential Three (R-2)
Section 3.111 Lot Size and Dwelling Density

Article IV Supplementary Provisions
Section 4.050 Access Management

Curry County Land Division Ordinance

Article II - Minor Partitions
Section 2.0210 Standards and Procedures

Article VI - Requirement for All Divisions of Land
Section 6.0110 Availability of Public Services
Section 6.0210 Street and Road Specifications
Section 6.0310 Natural Hazards Areas
Section 6.0410 Disclosure Statement

FINDINGS OF CONFORMANCE

Curry County Zoning Ordinance (CCZO) – Article III

CCZO Section 3.110 – Residential-Two (R-2). *The Residential Two Zone is designated to be applied to residential areas where a variety of types of single family dwellings are appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.*

FINDING: The proposed land division would create three parcels with R-2 zoning and ranging in size from 0.16 to 13.80 acres. The partition meets the intent of the R-2 zone to provide housing where a variety of single family dwellings are appropriate. Therefore, this standard of the CCZO is met.

CCZO Section 3.111 -- Lot Size and Dwelling Density.

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.*

FINDING: The subject property is within the Harbor Water and the Harbor Sanitary Districts. As proposed, Parcel 1 would be 7068 sf, Parcel 2 would be 7734 sf, and Parcel 3 would be 13.80 acres. All three parcels would exceed the minimum lot size requirement. Therefore, this standard of the CCZO is met.

4. *The minimum lot width shall be sixth (60) feet.*

FINDING: As proposed, Parcel 1 would have a minimum lot width of 60ft and Parcel 3, with its significantly larger lot size (13.80 acres), would exceed the 60 minimum lot size. Parcel 2's smallest dimension is along the west end of the parcel which edges E. Hoffeldt Ln (about 49.34ft) and then follows

the curve of the drive to Parcel 3's existing home site, so that within 5 ft of the lot front the width expands to 60 ft. Therefore, this standard of the CCZO is met.

CCZO Section 4.050. – Access Management.

1. ***Purpose.** The purpose of this section of the ordinance is to manage access to land development in order to preserve the county transportation in terms of safety, capacity, and function. The provisions of this section shall apply to all property in Curry County. This section of the ordinance is intended to implement the access management policies set forth in the Curry County Transportation System Plan (TSP), and sets standards for the review of land division proposals (Amended June 21, 2017, Ordinance 17-03).*
4. ***Frontage requirements.** All lots in the RR, R-1, R-2, R-3, RCR, RRC, RC, C-1, C-2, RI, MA, and PF zones shall abut a county, public or private road as defined by the Curry County Code Article 3 – Roads for a distance of at least twenty-five (25) feet to provide adequate access for a private driveway, except flag lots which shall have a 20 foot minimum access. (Revised June 21, 2017, Ordinance 17-03)*

FINDING: The proposed parcels front a privately owned and privately maintained portion of E. Hoffeldt Ln. As proposed, Parcel 1 would have over 62 ft of street frontage, Parcel 2 would have over 29 ft of street frontage, and parcel 3 would have 50 ft of street frontage. All three parcels would exceed the 25ft minimum frontage requirement. These parcels are within the Brookings Urban Growth Boundary, so they will also meet the city's 20 ft frontage requirement. Therefore, this standard of the CCZO is met.

10. Additional criteria and standards – Land Divisions.

- c.) *In any area outside of an Urban Growth Boundary, turnarounds shall be provided for emergency vehicle maneuvering at the end of any road over 150 feet in length as identified in definition 2d, including Exhibit A. (Revised June 21, 2017, Ordinance 17-03)*

FINDING: E. Hoffeldt Ln exceeds 150 feet in length and must be terminated by a turn-around. A prior subdivision (Plat 2018-01, creating 5 residential parcels) by the applicant on two adjacent parcels dedicated an easement for a 34'x20' section spanning proposed Parcels 1 and 2 as a turn-around area for emergency vehicles. Therefore, this standard of the CCZO is met.

- d) *A written statement is required to be submitted with the Land Division application from the Chief of the Rural Fire Protection District of the area in which the road (s) is/are located verifying that the District's large fire-fighting equipment can safely negotiate the road and serve all new parcels or lots. The statement shall also include an assessment of whether or not the access route proposed to each boundary of the subject property. (Revised June 21, 2017, Ordinance 17-03)*

FINDING: The partition application did not include this statement, so provision of this statement is a condition of approval. Therefore, with this condition, this standard of the CCZO will be met.

- f) *All roads utilized for access to new parcels or lots, whether existing or proposed, shall be platted roads within the boundaries of the property being divided; easements may not be used for access within the boundaries of the property being divided.*

FINDING: E. Hoffeldt Ln, an existing platted private road, will be used for access to all three parcels. The proposed partition includes a reciprocal easement (Easement A, 15'x31.59') for side-by-side shared drive access for Parcels 1 and 2. Per the surveyor, this easement provides access rights to the other parcel

for full use of the emergency vehicle turn-around area, dedicated in the applicant's prior subdivision (Plat 2018-01) creating five other residential lots. This easement is not for access to the parcels, since the parcels both front E. Hoffeldt Ln, but rather it establishes that Parcels 1 and 2, as well as the five lots previously established, have full use of the emergency vehicle turn-around. Therefore, this standard of the CCZO is met.

- g) Areas utilized for roads and easements shall be allowed to be included as part of the total lot area; however, within the Brookings Urban Growth Area, the area of any lot or parcel outside road right-of-ways and access easements shall not be reduced below 6000 square feet in size.*

FINDING: Parcels 1 and 2 are 7068 sf and 7734 sf, respectively. The reciprocal drive easement for each lot is 15'x31.59', or 474 sf. After excluding the easement area from the lot size, parcels 1 and 2 still exceed the 6000 sf size requirement for parcels within the Brookings Urban Growth Area. Therefore this standard of the CCZO is met.

- a) The disclosure statement for the land division must include a statement that the County is not responsible for the construction or maintenance of any roads not accepted into the County Road system.*

FINDING: Access to the three proposed parcels is via a platted private section of E. Hoffeldt Ln, which has not been accepted into the county road system. A Disclosure Statement has not yet been provided for this land division. Provision of the Disclosure Statement with the statement noted above is a condition of approval. Therefore, with this condition, this standard of the CCZO will be met.

- b) A road maintenance agreement must be approved by the decision maker and recorded in conjunction with the final plat for any roads not accepted into the County Road system.*

FINDING: The platted private section of E. Hoffeldt Ln has not been accepted into the county road system. Reportedly, the applicant is amending the road maintenance agreement for the adjacent Seascape Subdivision's (Plat 2018-01) Covenants, Conditions and Restrictions (Inst #2018-1021) to include the three proposed parcels. Provision of a road maintenance agreement is a condition of approval. Therefore, with this condition, this standard of the CCZO will be met.

Curry County Land Division Ordinance Article II – Minor Partitions

CCLDO Section 2.0210. Standard and Procedures for Submission of Plans and Maps

- 1) The map shall be of a size and scale prescribed by the Planning Director and shall contain the following:*
 - a) North point, scale and date of application,*
 - b) Names and addresses of the partitioner and of the engineer or surveyor employed, if any, to make the survey and map.*
 - c) Written legal description of the entire property and of the proposed partitions.*
 - d) Description and location of all permanent and reference monuments found or set within the area.*
 - e) Names and location of existing streets.*

- f) *Location and outline of existing buildings on the lots being partitioned and within 100 feet thereof.*
- g) *Approximate acreage of the lots and any property retained by the partitioner.*
- h) *Location of all existing and proposed utilities, easements, sewer and water lines, septic test holes, drainfield areas, location of water source, and power poles.*
- i) *Zoning districts and restrictions in that area.*
- j) *A vicinity map showing the general area, if required.*
- k) *A statement indicating number of lots sold from the same tract by the same owner since January, 1974.*

FINDING: All of the required information has been included on the preliminary plat submitted by Roberts & Associates Land Surveying Inc. Therefore, this standard of the CCLDO has been met.

Curry County Land Division Ordinance Article VI – Requirements for All Divisions of Land

CCLDO Section 6.0110. Availability of Public Services

A statement shall accompany all initial applications describing the availability of public services, such as police and fire protection, schools, and school buses and electric, telephone or other utilities. The statement shall indicate the proximity of such services in addition to giving an estimate of the capacity of the service to effectively absorb the increased demand reasonably anticipated to be placed on the services as a result of the land development.

FINDING: The subject property is within the Harbor Fire Protection District, as well as the Harbor Water PUD and the Harbor Sanitary District. The Applicant has provided the necessary service provider statements from the Harbor Water PUD, Harbor Sanitary District, Harbor Fire Protection District and Coos-Curry Electric Cooperative Inc. Police protection is provided by the County Sheriff's Department. Therefore, this standard of the CCLDO is met.

CCLDO Section 6.0210. Street & Road Specifications

1) Street Design and Connectivity

- a) *The road system of a proposed partition, subdivision or planned unit development shall be designed to connect with existing, proposed and planned roads outside of the development.*

FINDING: The proposed parcels will be served by E Hoffeldt Ln, which becomes a platted private road about 300-400 ft west of the subject. Easements for access and utilities were declared in the applicant's adjacent prior subdivision (Plat 2018-01), under Seascape Subdivision Covenants, Conditions and Restrictions (Inst #2018-1021) in favor of the master parcel (assessor's map 4113-04D; tax lot 300). These easements for access and utilities are then subsequently in effect for the three proposed parcels in this application. Therefore, with this condition, this standard of the CCLDO will be met.

CCLDO Section 6.0310. Natural Hazard Areas

All divisions of land within natural hazard areas identified in the County Comprehensive Plan shall meet the standards as established in the Zoning Ordinance Article II, Natural Hazards Provisions.

FINDING: None of the three parcels are identified on the FEMA flood hazard maps or the National Wetlands Inventory Maps. Parcels 1 and 2 are not identified as geological hazard areas on the Provisional Maps of Rapidly Moving Landslides. Except for the existing home site, most of Parcel 3 is identified as geological hazard area on the Provisional Maps of Rapidly Moving Landslides. Any further development on Parcel 3 will require satisfactory geological reports. Therefore, at this time, this standard of the CCLDO is met.

CCLDO Section 6.0410. Disclosure Statement

Upon the offering for sale of any Subdivision, Planned Unit Development, Major Partition, or Minor Partition, a copy of a disclosure statement shall be given by the owner or his agent or salesmen to every prospective purchaser.

The original of the disclosure statement shall be approved by the Planning Director and become a part of the permanent record of the application.

The disclosure statement shall include the following:

- 1) Name and address of the developer*
- 2) A statement of the uses for which the property is prepared and offered by the developer.*
- 3) A statement of the zoning of the property and the uses permitted in that zone.*
- 4) A statement describing access to the property, ownership of the access, and the party responsible for maintaining the access.*
- 5) A statement describing common areas and facilities, if any, and any restrictions on their use.*
- 6) A statement describing existing water and sewer facilities.*
- 7) A statement describing any restrictions established by the county.*
- 8) A statement describing any known or potential hazards on the property such as geologic hazards, erosion and flooding, etc.*
- 9) A statement indicating any ownership rights retained by previous owners such as mineral rights, unsurveyed easements, airspace reservations, etc.*

FINDING: A disclosure statement has not been provided with this partition application. As a condition of approval and prior to final plat approval, a disclosure statement, as required under CCLDO Section 6.0410, must be submitted to the Planning Department for review. The disclosure statement must be filed simultaneously with the final plat. Therefore, with this condition, this standard of the CCLDO will be met.

COMMENTS RECEIVED: No comments were received on proposed P-2001. Surrounding property owners were notified by mail on March 12, 2020 of the pending application and provided 20 days to submit comments.

CONCLUSION:

The proposed partition (P-2001), with conditions of approval, will meet the standards under the Curry County Zoning and Land Division Ordinances.

DECISION AND CONDITION OF APPROVAL:

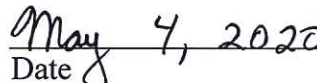
The preliminary partition request (P-2001) to divide a 14.14 acre parcel, identified on Curry County Assessor's Map 4113-04D; Tax Lot 300, into three (3) parcels is hereby **APPROVED** subject to meeting the following conditions:

1. Prior to final plat approval, a Disclosure Statement, as required under Curry County Land Division Ordinance Section 6.0410, must be submitted to the Planning Director for review and then filed simultaneously with the plat.
2. The Disclosure Statement for this land division must also include a statement that the County is not responsible for the construction or maintenance of any roads not accepted into the County Road system.
3. Prior to final plat approval, the applicant must submit a written statement from the Chief of the Rural Fire Protection District of the area verifying that the district's large fire-fighting equipment can safely negotiate the privately owned and maintained section of E. Hoffeldt Ln and serve all new parcels or lots.
4. Applicant must provide a road maintenance agreement to be recorded in conjunction with the final plat for the privately owned and maintained section of E. Hoffeldt Ln.

The final plat must be filed within twelve (12) months of the date of this approval. Approval shall become null and void unless the final plat is recorded or written request for an extension of time is received by the Planning Department.

This decision is limited to the Planning Director's review of applicable zoning rules and land use law, as outlined in the Curry County Zoning Ordinance (CCZO) and the Curry County Land Division Ordinance (CCLDO). Other county, state and federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating the development.


Becky Crockett
Planning Director


Date