



CURRY COUNTY COMMUNITY DEVELOPMENT

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File: P-2003

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FACTS AND FINDINGS FOR PRELIMINARY PLAT APPROVAL TO DIVIDE A 0.99 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 0.99 acre property into three (3) parcels. As proposed, Parcel 1 will be 0.21 acres, Parcel 2 will be 0.24 acres and Parcel 3 will consist of the remaining 0.54 acres.

GENERAL INFORMATION AND FACTS

Property Owner: CLTK Investments, LLC

Applicant: Chuck Hanson

Property Description: Assessor Map 4113-04CC; Tax Lot 2700

Addresses: 16175, 16184, 16186, 16188 and 16192 W. Hoffeldt Ln, Brookings, OR

Location: About 625 ft west of W. 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: Multi-family Residential

Existing Development: This current development of this property is non-conforming within the R-2 land use zone. It is developed with two site-built dwellings and four manufactured dwellings, plus various garages and carports.

Surrounding Land Use: Properties to the north, east and south of the subject have R-2 zoning, like the subject. Properties west of the subject have R-1 zoning.

**Previous Land Use
Actions:** None

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, ranging in size from 0.21 acres to 0.54 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, and*

Section 1.030 Definitions 78. Lot Area/Size. The lot size shall also be considered to be the density to which dwellings may be constructed on a single parcel of land.

FINDING: The subject property is within the Harbor Water and the Harbor Sanitary Districts. As proposed, Parcel 1 would be 9148 sf, Parcel 2 would be 10,454 sf, and Parcel 3 would be 23,522 sf. All three parcels would exceed the minimum lot size requirement. The creation of the new parcels moves the property toward better zoning conformance since two of the existing dwellings, placed on separate parcels, will comply with the R-2 land use zone. 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, Parcel 2 has a 38ft wide flag which opens up to a home site area of over 112ft in width, and Parcel 3 has a width of over 148ft (running east to west). All three parcels would meet or exceed the minimum lot width. 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 parcel to be divided is a corner lot on W. Hoffeldt Ln, with road frontage along the north and west property edges. W. Hoffeldt Ln is a paved public road maintained by the county. As proposed, Parcel 1 would have 60ft of road frontage, Parcel 2's flag access provides 38ft of road frontage, and parcel 3 would have over 322ft of road frontage. All three parcels would exceed the 25ft minimum frontage requirement. These parcels are within the Brookings Urban Growth Boundary, and they will also meet the city's 20ft frontage requirement. Therefore, this standard of the CCZO is met.

17. Flag lot standards.

- b) Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential road, or preserving natural or historic resources, under the following conditions:*
 - (1) Flag lot driveways shall be separated by at least twice the minimum frontage requirement of the zoning designation of the property;*
 - (2) The flag driveway shall be 20 feet in width;*
 - (3) In no instance shall flag lots constitute more than 10 percent of the total number of buildable lots in a recorded subdivision or buildable parcels in a partition plat, or three lots, whichever is greater. This does not apply when lots are served by a Local Road.*

FINDING: As proposed, only Parcel 3 will have a flag access. There will not be another flag access within 120 ft (twice the minimum frontage requirement). The flag access will be 38 ft in width. Per the Curry County Comprehensive Plan (Chapter 12.2.2 Appendix B), W. Hoffeldt Ln is a Local Road, so the density of flag lots in this partition does not apply. Therefore, this standard of the CCZO is 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. Neither Harbor Fire Protection District nor Coos Curry Electric Co-Op had requirements for the proposed partition. Harbor Water PUD will install a new meter and service lines once the Applicant removes the shared water service to the existing residence (16188 W. Hoffeldt) on Parcel 2. Harbor Sanitary District requires a new sewer lateral for Parcel 2 as well. Police protection is provided by the County Sheriff's Department. Therefore, 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:

Surrounding property owners were notified by mail on September 21, 2020 of the pending application and provided 20 business days to submit comments. ODOT responded that the partition would not significantly affect ODOT facilities. Neighbors Larry and Nancy Thomas responded that they supported the proposal. Neighbor Albert Brodock called in his concerns about this property's past and current tenancy, but had no comments regarding this land use proposal.

CONCLUSION:

The proposed partition (P-2004), with conditions of approval, will meet the standards under the Curry County Zoning and Land Division Ordinances. Furthermore, the partition will move the property toward better zoning conformance since two of the existing dwellings, placed on separate parcels, will comply with the R-2 land use zone.

DECISION AND CONDITION OF APPROVAL:

This preliminary partition request (P-2003) to divide a 0.99 acre parcel, identified on Curry County Assessor's Map 4113-04CC; Tax Lot 2700, into three (3) parcels is hereby **APPROVED**, subject to meeting the following conditions:

1. Prior to final plat approval, the applicant must provide verification that new water and sewer service has been installed for Parcel 2 (16188 W. Hoffeldt).
2. 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.
3. After review, the Disclosure Statement must be filed simultaneously with the final plat.
4. 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

Nov. 2, 2020
Date