



CURRY COUNTY COMMUNITY DEVELOPMENT

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GOLD BEACH, OREGON 97444

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ADMINISTRATIVE STAFF REPORT AND DECISION

File: P-2006

November 24, 2020

Application P-2003 is a request for preliminary plat approval to divide a 10.53 acre property into three parcels. As proposed, the lot sizes will be 0.42 acres (Parcel 1), 0.39 acres (Parcel 2) and 9.71 acres (Parcel 3). The subject property is zoned Residential-Two (R-2) and it is within the Gold Beach Urban Growth Boundary.

I. BACKGROUND INFORMATION:

Applicant:	Deborah A. Lander
Property Owner:	Deborah A. Lander
Land Use Review:	Preliminary Approval of a Minor Partition
Property Description:	Township 36 South, Range 14 West W.M., Section 21, Tax Lot 2101
Location:	Approximately 1400 ft east of Saunders Creek Rd's intersection with Jerrys Flat Rd
Land Use Zone:	This property has Residential Two (R-2) zoning and is within the Gold Beach Urban Growth Boundary (UGB).
Current Land Use:	Vacant land
Property Size:	10.53 acres
Surrounding Land Use:	This property is at the edge of the UGB. Properties south and west of the subject have R-2 zoning, like the subject. Properties to the north and east have Forestry-Grazing (FG) zoning.
Previous Land Use Actions:	P-1703 (Minor Partition, approved and completed)

II. NATURE OF REQUEST:

The applicant seeks approval of a preliminary minor partition dividing their vacant 10+ acre property into three parcels. With the proposed partition, the resulting parcel sizes will be 0.42 acres (Parcel 1), 0.39

acres (Parcel 2) and 9.71 acres (Parcel 3). The property is an area of residential use and the applicant intends to sell the two smaller parcels for residential development.

Curry County's GIS mapping system includes the National Wetlands Inventory (NWI) overlay and this overlay shows that most of the subject property is wetlands. However, the applicant explained that a wetland study was done in order to obtain approval for a community septic system proposed prior to the 2017 minor partition. The community septic system was replaced with septic evaluations for the individual lots. For verification, the Planning Director made an on-site inspection of this property, and based on an evaluation of the soils, hydrology and wetland indicator plant species concurred that the subject property is actually very dry with predominantly upland vegetation. Therefore, a wetlands consultation was not required for this application.

A prior application for a minor partition (P-1703) for this property was approved in 2018, with conditions. The property at that time (11.40 acres) was divided into three parcels of 0.42 acres (Parcel 1) 0.42 acres (Parcel 2) and 10.55 acres (Parcel 3). The final plat for that partition was approved in December of 2018.

The Planning Division of the Community Development Department has duly accepted the application filed in accordance with the Curry County Land Division Ordinance and has given notice of this matter to affected property owners as set forth in CCZO Section 2.070 (2).

III. APPLICABLE REVIEW CRITERIA

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
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Curry County Land Division Ordinance

Article II Minor Partitions

Section 2.0210	Standards and Procedures
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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

IV. FINDINGS

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 0.39 to 9.71 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.

2. *In areas which are served by community water supply system or community sewage system, but not by both, lots may have a minimum area of 12,000 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 Gold Beach Water District. Public sewer service is not available to this area. As proposed, Parcel 1 would be 18,300 sf, Parcel 2 would be 17,000 sf, and Parcel 3 would be 9.71 acres. All three parcels would exceed the minimum lot size requirement (12000sf) for this land use zone. Therefore, this standard of the CCZO is met.

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

FINDING: As proposed, Parcels 1 and 2 would be 90ft wide, whereas Parcel 3 would be over 660ft wide. All three parcels would 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 property to be divided has frontage along Saunders Creek Road, a 40ft wide easement road. The actual roadway crosses along the southern portion of the subject property, via a 20ft easement. The roadway is partly paved, but becomes gravel before reaching the subject property. Saunders Creek Rd is not publicly maintained, but Oregon law [ORS 105.175] provides for shared costs between road users in the absence of a formal road maintenance agreement. As proposed, Parcels 1 and 2 would have 60ft of road frontage, whereas Parcel 3 would have nearly 175ft of road frontage. All three parcels would exceed the 25ft minimum frontage requirement. Therefore, this standard of the CCZO is met.

18. ***Lot/parcel width-to-depth ratios.** To provide for property site design and to prevent the creation of*

irregularly shaped parcels, the depth of any lot or parcel shall not exceed four (4) times its width unless there is a topographical or environmental constraint or an existing man-made feature.

FINDING: As proposed, the width-to-depth ratios for the three parcels will be 2.11 (Parcel 1), 2.28 (Parcel 2) and 1.19 (Parcel 3). The width-to-depth ratios do not exceed the maximum ratio of 4. 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 Douglas McMahan of Stuntzner Engineering & Forestry LLC. 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: Police protection is provided by the County Sheriff's Department. The subject property is within the Gold Beach Fire Protection District and the Gold Beach Water District, and electrical service is provided by Coos Curry Electric Co-Op. The Applicant has provided the necessary statements from these service providers. None of these three service providers had requirements for the proposed partition. Therefore, this standard of the CCLDO is met.

The applicant provided site evaluations for the proposed parcels done in 2008 (originally proposed as Lots #4 and #5). The evaluations were denied pending well abandonment since the proposed drain field areas were both within 100ft of a well. The applicant has since abandoned the well, providing verification from the OR Water Resources Dept well log (CURR_52978). New site evaluations have not yet been provided by the applicant.

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 also be

filed simultaneously with the final plat. Therefore, with these conditions, this standard of the CCLDO will be met.

V. COMMENTS RECEIVED

Surrounding property owners were notified by mail on October 22, 2020 of the pending application and provided 20 business days to submit comments. ODOT responded that the partition would not significantly affect ODOT facilities. No other comments were received regarding this land use proposal.

VI. CONCLUSION

The proposed partition (P-2006), with conditions of approval, will meet the standards under the Curry County Zoning and Land Division Ordinances.

VII. DECISION AND CONDITION OF APPROVAL:

This preliminary partition request (P-2006) to divide a 10.53 acre parcel, identified on Curry County Assessor's Map 3614-21 as Tax Lot 2101, into three (3) parcels is hereby **APPROVED**, subject to meeting the following conditions:

1. Prior to final plat approval, approved site evaluations for Parcel 1 and Parcel 2 must be provided.
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. 24, 2020
Date