



Curry County Community Development – Planning Department

FACTS AND FINDINGS

FOR PRELIMINARY PLAT APPROVAL TO DIVIDE A 0.64 ACRE PARCEL WITH RESIDENTIAL TWO (R-2) ZONING INTO TWO PARCELS

File: P-2103

August 25, 2021

LAND USE ACTION

Land Use Review: Division of Land (minor partition) into two parcels.

Proposed Development: Division of a 0.64 acre property into two (2) parcels. As proposed, Parcel 1 will be 0.39 acres and Parcel 2 will be 0.25 acres.

GENERAL INFORMATION AND FACTS

**Property Owner
And Applicant:** Susan Keenan

Property Description: Township 41 South, Range 13 West W.M., Section 09BD; Tax Lot 1700

Addresses: 98142 Olsen Ln, Brookings, OR

Location: About 300ft south of Olsen Ln's intersection with W Benham Ln

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

Background: Single-family Residential use conforms with the R-2 land use zone. The property is developed with a 1990 single-wide manufactured home (MH) (924sf) and a 1320 sf detached garage. The property was previously improved with two MHs, but one unit burned down about 1999, leaving a concrete slab foundation.

Surrounding Land Use: The subject is within a R-2 zoning district.

Previous Land Use Actions: None

DECISION CRITERIA AND STANDARDS

Curry County Zoning Ordinance

Article III	Land Use Zones
Section 3.110	<u>Residential-Two Zone (R-2)</u>
Section 3.111	<u>Lot Size and Dwelling Density</u>
Article IV	Supplementary Provisions
Section 4.050	<u>Access Management</u>
Article V	Exceptions
Section 5.020	<u>General Exceptions to Yard Requirements</u>

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

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: This property is within the Brookings Urban Growth Boundary. The proposed land division would create two parcels with R-2 zoning. The partition meets the intent of the R-2 zone to provide housing where a variety of single-family dwellings are appropriate. This criterion 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*

CCZO 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 16988 sf and Parcel 2 would be 10890 sf. Both parcels would exceed the 6000sf minimum lot size requirement. This criterion of the CCZO is met.

CCZO Section 3.111. Lot Size and Dwelling Density.

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

FINDING: As proposed, Parcel 1 (rear lot with flag access) would have a 20 ft wide flag access opening to a width 106.48 ft and Parcel 2 (front lot) would have a lot width of 86.48 ft. Both proposed parcels would exceed the minimum lot width. This criterion 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: Olsen Ln is a paved public road maintained by the county. As proposed, Parcel 1's flag will have 20 ft of road frontage and Parcel 2 will have over 86 ft of road frontage. Both parcels would meet or exceed the minimum frontage requirement. These parcels are within the Brookings Urban Growth Boundary, and they will also meet the city's 20 ft frontage requirement. This criterion 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 1 will have a flag access. Parcel 1's flag access must be along the south edge of the property since placement of the existing garage precludes a 20 ft flag along the north lot line. Access to Tax Lot 1500 is via a drive easement along the south edge of Tax Lot 1600 (adjacent to the south), but this drive is more than 50 ft from the subject's lot line. No other flag access exists within 50 ft (twice the minimum frontage requirement) of Parcel 1's flag. Parcel 1's proposed flag access will be 20 ft in width. Per the Curry County Comprehensive Plan (Chapter 12.2.2 Appendix B), Olsen Ln is a Local Road, and the partition creates only two lots, so the density of flag lots in this partition does not apply. This criterion of the CCZO is met.

The concrete slab on Parcel 2 (remaining after MH burned down) encroaches on Parcel 1's flag. As a condition of approval, this slab encroaching on the 20ft wide flag will have to be removed.

CCZO Section 5.020. General Exceptions to Lot Size Requirements.

Roadside stands, fences, hedges, and signs may be located within a required setback area; but shall not obstruct vision clearance on a corner lot or parcel.

FINDING: A board fence fronts the property along Olsen Ln. For development on Parcel 2, the Applicant must obtain an Access Permit from the County Road Department. As part of this permitting process, the Road Department will consider the drainage ditch and visibility along Olsen Ln. The board fence along the front of Parcel 2 may impair vision clearance for the Parcel 1's access drive. As a condition of approval, the Applicant must provide verification from the County Road Department that the board fence does not obstruct vision clearance for the proposed flag access. As conditioned, this criterion will be met.

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, drain field 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: Douglas McMahan of Stuntzner Engineering & Forestry, LLC provided the Preliminary Plan of Minor Partition Plat (submitted with the application on 6/1/2021). Most of the required information for Section 2.0210 is included. The Applicant is responsible for confirming that all of the requirements of CCLDO Section 2.0210 are met with for the final partition plat. As conditioned, this criterion of the CCLDO will be met.

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, the Harbor Water PUD, the Harbor Sanitary District. Electrical service is provided by Coos Curry Electric Co-Op. Police protection is provided by the County's Sherriff's Department. The Applicant has provided the necessary service provider statements. Water and sewer hookups are already developed on the proposed lots, so the statements did not indicate the proximity nor capacity of these services. Neither Harbor Water PUD, Harbor Fire Protection District, nor Coos Curry Electric Co-Op had requirements for the proposed partition.

Harbor Sanitary District requests that sewer laterals be located on each parcel or access easements for repair granted if the new lot lines cross the existing laterals. Approval is conditioned on compliance with Harbor Sanitary District requirements. As conditioned, this requirement of the CCLDO will be 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 was not provided with this partition application. As a condition of approval, a Disclosure Statement, as required under CCLDO Section 6.0410, must be submitted to the Planning Department for review prior to final plat approval. Upon approval, the Disclosure Statement must be filed simultaneously with the final plat. As conditioned, this criterion of the CCLDO will be met.

COMMENTS RECEIVED:

Surrounding property owners were notified by mail on July 15, 2021 of the pending application and provided 20 business days to submit comments.

- ODOT responded that they had no comments on the proposed partition.
- Neighbors Daryl and JoAnn Yarak (98132 Olsen Ln, adjacent to south) commented on concerns about the fording the drainage ditch along W. Benham Ln, the board fence around the property, and location of drives along both sides of their dwelling.
- Neighbor Bill Names (98120 Olsen Ln) expressed interest in purpose of land division.
- Neighbor Jeffrey Fogg (98090 W. Benham Ln) commented on concerns about animal noise and possible use of the property as a dog kennel.
- Neighbors Terry and Jeanette Rowland commented on concerns about negative impacts to property values, quality of living and traffic on Olsen Ln.

CONCLUSION:

The proposed partition (P-2103) with conditions will meet the standards under the Curry County Zoning and Land Division Ordinances. The property has historically had two dwellings, and the proposed partition will separate the two historic home sites and conform with the R-2 land use zone.

DECISION AND CONDITION OF APPROVAL:

This preliminary partition request (P-2103) to divide a 0.64-acre Residential-Two (R-2) zoned parcel, identified on Curry County Assessor's Map 4113-09BD as Tax Lot 1700, into two (2) parcels is hereby **APPROVED**, subject to meeting the following conditions:

1. The final partition plat must meet all the requirements of CCLDO Section 2.0210.
2. Prior to final plat approval, the Applicant must provide verification of access permit from the County Road Department and verification that the fence along Olsen Ln does not obstruct vision clearance for the flag access.
3. Prior to final plat approval, the Applicant must provide verification that the section of concrete slab from Parcel 2 has been removed from Parcel 1's 20 ft wide flag.
4. Prior to final plat approval, the Applicant must provide verification that Harbor Sanitary District's requirements are met, whereby sewer laterals are located on each parcel or access easements for repair are recorded if the new lot lines cross the existing laterals.
5. Prior to final plat approval, the Applicant must submit a Disclosure Statement, as required under Curry County Land Division Ordinance Section 6.0410, for review by the Planning Director.

6. After review, the Disclosure Statement must be filed simultaneously with the final plat.
7. 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

Aug. 25, 2021
Date

Cc: File, Applicant, Surveyor