



Curry County Community Development – Planning Department

FACTS AND FINDINGS FOR PRELIMINARY PLAT APPROVAL TO DIVIDE A 3.76 ACRE PARCEL WITH RESIDENTIAL TWO (R-2) ZONING INTO THREE PARCELS

File: P-2104

March 9, 2022

LAND USE ACTION

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

Proposed Development: Division of a 3.76-acre property into three (3) parcels. As proposed, Parcel 1 will be 1.22 acres, Parcel 2 will be 2.01 acres, and Parcel 3 will be 0.53 acres.

GENERAL INFORMATION AND FACTS

Applicant: Brian Harkey

Property Owners: Brian Harkey, Rick E. Harkey and Rannett A. Harkey

Property Description: Township 36 South, Range 14 West W.M., Section 16; Tax Lot 305

Addresses: 95750 Jerry's Flat Road, Gold Beach, OR

Location: About 1/10 of a mile north of the intersection of Jerry's Flat Road and Crabapple Way

Zoning: This property has Residential Two (R-2) zoning and is located within the Gold Beach 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 manufactured home (MH). The MH has historically been a part of the adjacent MH park. The MH home was verified to have individual service from Coos Curry Electric Coop, but the water service is shared with the MH park. The method of sewage disposal is a shared on-site septic system owned by the MH park.

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

Previous Land Use Actions: LL-8820 was approved in 1988 to merge a portion of Map and Tax Lot 3614-16-300 with Map and Tax Lot 3614-16C-600, creating TL 305. LL-2115 was approved in 2021 to adjust a 0.32-acre portion from Tax Lot 305 on Assessor's Map 3614-16 to Tax Lot 600 to correct encroachments from the Manufactured Home park.

DECISION CRITERIA AND STANDARDS

Curry County Zoning Ordinance

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| 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> |

Curry County Land Division Ordinance

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| 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 6.0410 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 Gold Beach Urban Growth Boundary. The proposed land division would create three 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 served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet*

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 Gold Beach Water District but sewer service does not extend to this area. As proposed, Parcel 1 would be 53,143 sf, Parcel 2 would be 87,555 sf, and Parcel 3 would be 23,086 sf. All three parcels would exceed the 12,000 sf 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 would have a width of 295 ft, Parcel 2 would have a width of 399 ft, and Parcel 3 would have a width of 85 feet. All 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: Jerry's Flat Road is a paved public road maintained by the county and provides access for Parcel 3 with 85 feet of frontage. As proposed, Parcels 1 and 2 are accessed by an easement across TL 300. As a condition of approval, the applicant will be required to apply to name the easement as a private road, so that an address may be established. Parcel 1 has 295' of frontage, and Parcel 2 has 399' of frontage. As conditioned, this requirement of the CCZO 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: Walter E. White of SHN Civil Engineering provided the Preliminary Plan of Minor Partition Plat (submitted with the application on 12/15/2021). Except for CCLDO Section 2.0210 items f, h, and i, most of the required information for Section 2.0210 is included. The Applicant is responsible for confirming that all the requirements of CCLDO Section 2.0210 are met with for the final partition plat including CCLDO Section 2.0210 items f, h, and i. 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 Gold Beach Fire Protection District, and water service is provided by the City of Gold Beach. Electrical service is provided by Coos Curry Electric Co-Op. Police protection is provided by the County's Sheriff's Department. The Applicant has provided the necessary service provider statements. Water service is available to the proposed parcels, but the statements did not indicate the proximity nor capacity of these services. Neither Gold Beach Water District, Gold Beach Fire Protection District, nor Coos Curry Electric Co-Op had requirements for the proposed partition.

Josephine County On-Site Septic requests that each proposed parcel has a Site Evaluation performed before the Final Partition is approved. Approval is conditioned on compliance with Josephine County On-Site Septic 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 January 4, 2022, of the pending application and provided 20 business days to submit comments. ODOT responded that the proposal should not significantly affect ODOT facilities. No other comments were received regarding this proposal.

CONCLUSION:

The proposed partition (P-2104) with conditions will meet the standards under the Curry County Zoning and Land Division Ordinances. The property currently has one manufactured home in the southwest portion, adjacent to Jerry's Flat Road. The partition would separate the MH in preparation for sale and would establish two additional parcels. This partition would conform with the R-2 land use zone.

DECISION AND CONDITION OF APPROVAL:

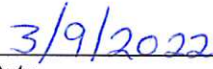
This preliminary partition request (P-2104) to divide a 3.76-acre Residential-Two (R-2) zoned parcel, identified on Curry County Assessor's Map 3614-16 as Tax Lot 305, into three (3) parcels is hereby **APPROVED**, subject to meeting the following conditions:

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 that Josephine County On-Site Septic requirements are met, whereby each proposed parcel has an approved Site Evaluation.
3. Prior to final plat approval, the Applicant must record a septic easement between the MH home on TL 305 and the MH park on TL 600.

4. Prior to final plat approval, the applicant must confirm separate service from Gold Beach Water District is available to the MH on TL 305.
5. Prior to final plat approval, the easement road must be formally named through application to the County.
6. 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.
7. After review, the Disclosure Statement must be filed simultaneously with the final plat.
8. 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

Cc: File, Applicant, Surveyor