

CURRY COUNTY PLANNING COMMISSION

STAFF REPORT

MEETING DATE: MAY 19, 2022

I. SUMMARY OF REQUEST

The applicant proposes a Major Partition to create three parcels with a new private access road, Saunders Creek Crossing, in the R-2 zone. The subject property is inside the Urban Growth Boundary (UGB) of Gold Beach.

II. PROPERTY INFORMATION

Property Owner: Deborah A. Lander
P.O. Box 665
Gold Beach, OR 97444

Applicant: John Lander
P.O. Box 665
Gold Beach, OR 97444

Land Use Request: Request for approval of a Major Partition to create three parcels with private access road.

Property Description: Township 36, Range 14 West
W.M., Section 21: Tax Lot 2101

Situs Address: 95789 Saunders Creek Road, Gold Beach, OR 97444

Location: Approximately 1400 feet east of the intersection of Saunders Creek Road and Jerrys Flat Road.

Existing Development: The subject property is currently undeveloped.

Zone: Residential-Two (R-2), inside the Gold Beach UGB

Parcel Size: Subject parcel is 9.70 acres per Stuntzner Engineering & Forestry, LLC.

Fire Protection: The subject property is within the Gold Beach Rural Fire Protection District.

III. APPLICABLE CRITERIA

To approve this application, the Planning Commission must determine that it is in conformance with the following sections of the Curry County Zoning Ordinance (CCZO) and the Curry County Land Division Ordinance (CCLDO):

Curry County Zoning Ordinance

Section 3.110	<u>Residential-Two Zone (R-2)</u>
Section 3.111	<u>Lot Size and Dwelling Density</u>
Section 3.252	<u>Development in Areas of Geologic Hazards</u>
Section 4.050	<u>Access Management</u>

Curry County Land Division Ordinance

Article III	Subdivisions and Major Partitions
Article VI	Requirements for All Divisions of Land

IV. NATURE OF THE REQUEST

The subject property consists of approximately 9.70 acres and is located on the north side of Saunders Creek Road. The applicant requests approval for a major partition with new private access road. The partition would create three discrete parcels. As proposed, Parcel 1 is 39,569 square feet, Parcel 2 is 16,650 square feet and Parcel 3 is 8.41 acres.

TL 2101 was originally a part of TL 2100 and was lawfully created by an approved partition (P-0506) in 2005 with a total acreage of 11.39 acres. There was an approved partition in 2017 (P-1703) creating two new parcels, TL 2102 and 2103, decreasing the acreage of TL 2101 to 10.55 acres. Additionally, a partition (P-2006) was approved in 2021, creating an additional two parcels, TL 2104 and TL 2105 further decreasing the acreage of TL 2101 to 9.70 acres.

V. FINDINGS OF CONFORMANCE WITH THE CCZO

1. Section 3.110 – Residential-Two Zone (R-2)

Section 3.110 of the R-2 zone includes the following purpose and standards for the zoning of residential land included within the zoning designation:

Purpose of Classification: The R-2 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.

FINDINGS: The subject property is zoned R-2 and is within the Urban Growth Boundary of Gold Beach. The adjacent parcels are primarily developed with residential uses, with some larger parcels to the east zoned Forestry Grazing.

CONCLUSION: This criterion is met.

2. Section 3.111 – Lot Size and Dwelling Density

Section 3.111 of the R-2 zone includes the following standards for residential land regarding lot size within the zoning designation:

Except as provided in Sections 5.030 and 5.040 in an R-2 zone:

- 1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.*
- 2. 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.*
- 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.*
- 4. For a mobile home park served by community water supply and community sewage systems the minimum shall be 6,000 square feet or 3,000 square feet per mobile home space, whichever is greater.*
- 5. The minimum lot width shall be sixty (60) feet*

FINDINGS: The proposed parcels are serviced by the City of Gold Beach Public Works for water supply. A service provider confirmation was provided with the application confirming availability of connection to the city water system. They are not serviced by a community sewage system and will require on-site septic systems. Site evaluations were included with the application for the proposed lots. As proposed, Parcel 1 is 39,569 square feet, Parcel 2 is 16,650 square feet and Parcel 3 is 366,339 square feet. All proposed lots meet the minimum size and width requirements.

CONCLUSION: This criterion is met.

3. Section 3.250. – Natural Hazard Overlay Zone (NH)

Purpose of Classification. The purpose of the NH zone is to provide for appropriate uses and protect people, lands and development in areas that have been identified in the Comprehensive Plan as being subject to various natural hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards. For the purposes of these provisions, areas subject to geologic hazards are known as “geologic hazard areas”. Geologic hazard areas are shown on the Natural Hazard Inventory maps adopted into the Goal 7 Element of the Curry County Comprehensive Plan. The maps include the Oregon Department of Geology and Mining Industries Bulletin 90 Land Use Geology of Western Curry County, Oregon the DOGAMI maps known variously as the “Provisional Maps of Rapidly Moving Landslides” and the “Further Review Areas” maps. Geologic hazard areas may also be identified by site specific characteristics such as, but not limited to, earthflow and slump topography with moderately sloping terrain and irregularities of slope, drainage or soil distribution; steep slope mass movement areas subject to localized debris slides, debris flows, rock falls or rock slides, and other areas that may be identified by an engineer or geologist conducting the technical assessments required by the Curry County Zoning Ordinance.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides.

FINDINGS: The proposed road (southeast corner of the parcel) is within the Rapidly Moving Slide natural hazard zone as identified in the adopted Curry County Comprehensive Plan. However, updated DOGAMI Landslide maps do not indicate there is a slide in this area. Therefore, the applicant was not required to submit a geologic hazards assessment.

CONCLUSION: This criterion is met.

4. Section 4.050 – Access Management

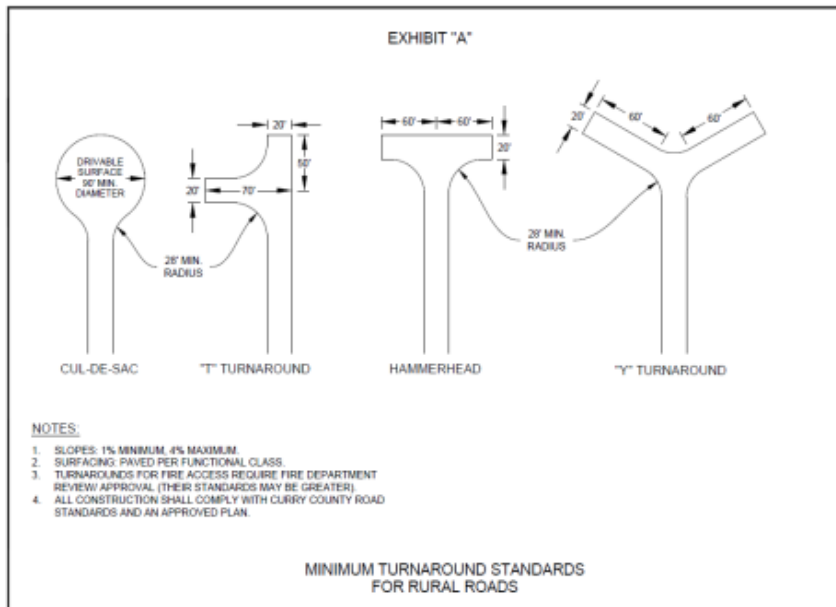
Section 4.050 of the CCZO includes the following purpose and standards for the access management of lands within Curry County:

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 within 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)*
2. **Definitions.** *(Added June 21, 2017, Ordinance 17-03)*
 - a) **Private Road.** *A private road is owned, controlled and maintained by the persons it serves, provides the principal means of access to abutting private properties and is not intended for use by the general public.*

FINDINGS: The proposed road, Saunders Creek Crossing, meets the definition of a private road and as a condition of final approval, the applicant will provide a road maintenance agreement.

CONCLUSION: This criterion is met.

- d) **Private Cul-de-sac or T-shaped Hammerhead or Loop.** *A private road terminated by a vehicle turnaround. A road over 150' in length must be terminated by a turnaround; turnaround alternatives are identified below in Exhibit A:*



FINDINGS: The proposed road will have a “T” turnaroud as shown on the preliminary plat.

CONCLUSION: This criterion is met.

4. Frontage requirements. All lots in the RR, R-1, R-2, R-3, RCR, RRC, RC, C-1, C-2, I, 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)

FINDINGS: The three proposed parcels are zoned R-2 and meet the 25-foot frontage requirement.

CONCLUSION: This criterion is met.

5. Functional classification of roads and road standards. Roadways within Curry County have been classified according to their function in moving vehicles and providing access to property. The functional class of all major public roads within the county is indicated in Table 12.2A of the Curry County Comprehensive Plan and in Appendix B of the Curry County Transportation System Plan.

6. Minimum right-of way and roadway widths within urban growth boundaries. The minimum right-of-way and roadway widths for roads of various functional classes that are located within Curry County within the urban growth boundaries of the three incorporated cities, shall be as shown in Tables 6A – 6C. (Revised June 21, 2017, Ordinance 17-03)

**Table 6B. URBAN STANDARDS
FOR THE CITY OF GOLD BEACH URBAN GROWTH AREA
(Revised June 21, 2017, Ordinance 17-03)**

Functional Class	Minimum ROW	Minimum Roadway Paved Surface Width (feet)	Sidewalk Improvements *
HWY 101**			
Section 1	80	70	5 foot/both sides
Section 2	80	56	6 foot/both sides
Section 3	80	64	6 foot/both sides
Section 4	80	48	6 foot/both sides
Section 5	80	34	6 foot/both sides
Major Collector	50	36	5 foot/both sides
Minor Collector	50	24	5 foot/ one side
Hillside Streets	50	24	2 foot gravel shoulders
Local Road/Street water and sewer available	50	30	4 foot/both sides or 6 foot/one side
Local Road/Street water and/or sewer not available	50	24	6 foot striped ped/bike path on one side
Commercial Industrial Road	60	40	5 foot/both sides
Alley	20	20	None
Cul-de-sac	60R	45R	5 foot
** Segments of US 101 are defined in the City of Gold Beach Transportation System Plan; ODOT is the authority for these areas.			

FINDINGS: The proposed private road meets the 50' ROW requirement but the applicant did not include any information regarding plans to pave the surface or create sidewalks. Saunders Creek Road is not a paved road and the County and the City of Gold Beach may be willing to waive these requirements.

CONCLUSION: Approval will be conditioned based on the County and City's determination regarding paving and sidewalk standards. This criterion can be met.

9. Minimum intersection spacing for roads of various functional classes shall be as noted in Table 9A:

Table 9A
(revised June 21, 2017, Ordinance 17-03)

Functional Class Intersection Type	Public Road Type	Spacing*	Private Driveway Type	Spacing**
Arterial Road/Hwy	At-grade	1/4 mile	L/R turns	500 ft.
Collector Road	At-grade	250 ft.	L/R turns	100 ft.
Local Road	At-grade	250 ft.	L/R turns	each lot
Alley	At-grade	250 ft.	L/R turns	each lot
* Between roads				
**Between driveways & intersections (measured from center to center)				

FINDING: The local road spacing requirement is 250 feet. As proposed, Saunders Creek Crossing is more than 250 feet from Saunders Creek Road.

CONCLUSION: This criterion is met.

10. Additional criteria and standards – Land Divisions.

b) A statement in writing must be obtained from the County Roadmaster, and submitted with the application, that the new road(s) as designed is consistent with the requirements for road construction as found in Article III of the Curry County Code, specifically the following sections of the Code:

(1) SECTION 3.01.030: (Revised June 21, 2017, Ordinance 17-03)

(2) SECTION 3.01.050 CONSTRUCTION SPECIFICATIONS OF COUNTY ROADS

(i) GRADES

(ii) ROAD STANDARDS CHART

(iii) DRIVEWAYS

(iv) HORIZONTAL CURVATURE

(v) VERTICL CURVATURE

(3) SECTION 3.01.090 ROADWAY MATERIAL STANDARD SPECIFICATIONS

(4) SECTION 3.01.100 GRADUATION CHARTS

(5) SECTION 3.01.140 PUBLIC ROAD STANDARDS

(6) Exhibits A, B & C at the end of Curry County Road Standards. (Revised June 21, 2017, Ordinance 17-03)

The statement shall also include an assessment of whether or not the access route proposed to the boundary of the subject property meets these requirements.

FINDINGS: The County will require an engineered drawing for the road that shall be approved by the County Road Master.

CONCLUSION: As conditioned, this criterion will be 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 firefighting 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)

FINDINGS: The applicant will be required to have the engineered road design to be verified by the Gold Beach Rural Fire Protection District Chief to ensure proper access and turn-around for fire fighting equipment. Approval will be conditioned upon written statement from the Chief.

CONCLUSION: As conditioned, this criterion is met.

e) Access to a property being divided must be deemed adequate, according to the standards set forth below, by the decision maker. The access route is the proposed route from an intersection with a County Road, or, State or Federal Highway, to the boundary of the property proposed for division. Findings addressing the adequacy of the access must take into account the total traffic load on the access route, including that added from full build-out of the subject property, and must address the entire access route. A determination of “adequate” shall be made based on the following factors:

(1) If a Traffic Impact Study (TIS) is required for the proposed development, and reveals that mitigation measures are necessary, the mitigation measures proposed must be approved by the county and constructed by the applicant prior to final plat or plan approval.

(2) The written statements from the Road Department and the appropriate Rural Fire Protection District must indicate that the access route is “adequate” according to the standards for those entities as set forth in A through C above.

(3) If the land division is proposed within an Urban Growth Area, the City must agree that the access route is “adequate” according to A through C above. If A through C are deemed not met by the City, but are deemed met by the decision maker, Roadmaster and Fire Protection Authority, the City may present other findings; however, those findings must be overwhelming and compelling in order to negate the determination of adequacy of the other authorities as set forth in this section.

FINDINGS: Approval of the partition will be conditioned upon receipt of an engineered road design to be verified by the City of Gold Beach, the Gold Beach Rural Fire Protection District Chief, and the Curry County Planning Director.

CONCLUSION: As conditioned, this criterion is 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.

FINDINGS: The proposed road is located within the existing parcel’s boundaries and will not require any easements.

CONCLUSION: This criterion 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.

FINDINGS: The proposed road is not included in parcel size and is not within the Brookings UGB.

CONCLUSION: This criterion is met.

h) Zoning Ordinance Article 4 Supplementary Provisions and Article 3 Use Zones include required setbacks from property lines, easements, roads and streets, etc., and limitations on buildable area due to natural hazards, and are applicable. (Revised June 21, 2017, Ordinance 17-03)

FINDINGS: All required setbacks from property lines, easements, roads, streets, etc. will apply to any future development of the proposed parcels.

CONCLUSION: This criterion is met.

j) 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.

FINDINGS: Final approval will be conditioned upon the disclosure statement including a statement that the County is not responsible for the maintenance or construction of the proposed road.

CONCLUSION: As conditioned, this criterion is met.

k) 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.

FINDINGS: Approval of the partition will be conditioned on a road maintenance agreement approved by the Planning Director and recorded in conjunction with the final plat for the proposed road.

CONCLUSION: As conditioned, this criterion is met.

l) Prior to Final Plat approval, the applicant shall provide the County Community Development Department/Planning Division, in a format specified by the County, "as-built" engineering/construction grade documents for all road, driveway and bridge development, including but not limited to, grading, transportation facilities and utilities. (Revised June 21, 2017, Ordinance 17-03)

FINDINGS: Approval of the partition will be conditioned on an "as-built" provided to and reviewed by the Planning Director.

CONCLUSION: As conditioned, this criterion is met.

m) Prior to Final Plat approval, the applicant shall obtain a statement from a Registered Professional Engineer that the roads have been constructed as preliminarily approved by the County. (Added June 21, 2017, Ordinance

17-03)

FINDINGS: As a condition of final approval, the applicant shall submit a statement from a Registered Professional Engineer that the proposed road has been constructed as preliminarily approved by the County.

CONCLUSION: As conditioned, this criterion is met.

n) Signage. Upon completion of construction of a private roads in a subdivision, the applicant shall provide and install standard road name signs for each road, said signs having a retro-reflectorized green background with retro-reflectorized white letters as specified in the Manual on Uniform Traffic Control Devices. The Building Division shall not issue a certificate of occupancy for any new dwelling along private roads of the subdivision until standard road signs as specified in this section are installed. (Added June 21, 2017, Ordinance 17-03)

FINDINGS: Upon completion of the proposed road, the applicant shall install road name signs which meet the above criteria.

CONCLUSION: The Building Division will not issue any certificate of occupancy for any new dwelling on the proposed road until standard road signs are installed. This criterion is met.

IV. FINDINGS OF CONFORMANCE WITH THE CCLDO

Article III. Subdivisions & Major Partitions

1. Section 3.0110. General Requirements.

1) Before a plat of any subdivision or the map of any major partition may be made and recorded, the person proposing the subdivision or the major partition or his authorized agent or representative shall make an application in writing to the Planning Commission for approval of such proposed subdivision or major partition. Each application shall be accompanied by eight (8) copies of the preliminary plan including plats and maps showing the general design. The filing fee shall be paid at this time. No plat or map will be considered for final approval until the preliminary plan has been approved.

2) The application shall be filed with the County Planning Director.

3) Approval of the preliminary plan shall not constitute final acceptance of the plat of the proposed subdivision or the map of the proposed major partition for recording; however, approval of such preliminary plan shall be binding for the purposes of the preparation of the plat or map and only such changes in the plat or map may be required as are necessary for compliance with the terms of its approval of the preliminary plan for the proposed major partition or the proposed subdivision..

FINDINGS: The completed application along with the filing fee was submitted to the Curry County Planning Department on March 16, 2022.

CONCLUSION: This criterion is met.

2. Section 3.0210. Standards and Procedures for Submission of Preliminary Plats and Plans

1) The preliminary plat shall be of a scale of one inch to twenty, fifty or one hundred feet and shall contain the following:

- a) The proposed name of the subdivision.*
- b) North point, scale and date of application.*
- c) Names and addresses of the subdivider and of the engineer or surveyor and the land planner or landscape architect if one has been employed.*
- d) The tract designation and legal description and existing tax lot and map numbers.*
- e) The boundary line of the entire tract and the portion to be subdivided.*
- f) Contours, with intervals of five (5) feet or less, may be required. (All elevations shall be based upon mean sea level datum if possible),*
- g) The names of adjacent subdivisions or partitions or the names of recorded owners and deed reference of adjoining parcels of unsubdivided land.*
- h) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings and other important features such as section lines, political subdivisions or incorporation lines and school district boundaries.*
- i) Existing and proposed sewers, water mains, culverts and other underground structures and utilities within the tract or immediately adjacent thereto together with pipe sizes, grades and locations.*
- j) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision together with the purpose of conditions or limitations of such reservations, if any.*
- k) The proposed street pattern or layout showing the names, and width and grades. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradients.*
- l) Easements together with their dimensions and purpose.*
- m) Proposed lots, lot sizes, approximate lot dimensions and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated on such lots.*
- n) Parks, playgrounds, recreational areas, parkway and open space for public use.*
- o) Zoning, as set forth in the zoning ordinance of that area.*

p) Drafts of proposed restrictions and covenants affecting the plat.

q) Location of all monuments found or set in the area.

r) Location of all septic test holes and drainfield areas on all lots.

s) Location of the water source and necessary easements to provide water for each lot.

2) The preliminary plan shall include the following information:

a) Drainage plan.

b) Any unusual topographic or geologic feature.

c) A vicinity map showing the general area.

d) A description of the proposed method of supplying domestic water to the proposed lots. If the proposed method involves the creation of a community water supply system, the plans, approved by a licensed engineer, and other related documentation including water rights, water quality tests, water quantity tests and letters of approval from the appropriate agency shall be provided. If the proposed method involves the extension of an existing supply system, a statement from the agency that controls the system that they can and will supply water to the proposed subdivision if all requirements are met. If individual water sources are to be provided to each lot, an assessment of the water quantity and quality shall be provided.

e) A description of the proposed method of sewer service to the proposed use. If the proposed method involves the creation of or extension to a community sewer treatment system, a statement from system that they can and will supply service to the proposed subdivision if all requirements are met.

3) The Planning Director or the Planning Commission may require supplemental information including a profile of all roads and streets on and adjacent to the proposed subdivision.

FINDINGS: All applicable requirements of the preliminary plat and plans are included.

CONCLUSION: This criterion is met.

3. Section 3.0310. Action by the Planning Director and Planning Commission

FINDINGS: The Planning Commission hearing is scheduled for May 19, 2022 at 5:30 P.M. to review the proposed major partition.

CONCLUSION: This criterion is met.

Article VI. Requirements for All Divisions of Land

4. 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.

FINDINGS: The applicant included Service Provider Confirmations from the City of Gold Beach Public Works Department and Coos-Curry Electric Cooperative verifying the availability of water and electricity to the proposed parcels. Site evaluations performed in 2007 by the Curry County Sanitarian, Sara Hunter, for the proposed parcels were included with the application.

CONCLUSION: This criterion is met.

5. Section 6.0210. Street and 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.

b) Wherever a proposed partition, subdivision or planned unit development abuts unplatted land or a future development phase of the proposed development, road stubs shall be provided for access to abutting properties in order to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn around unless specifically exempted by the Planning Director or Planning Commission after consultation with the Roadmaster. The extension of the road shall be the responsibility of any future developer of the abutting land.

c) Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.

e) Cul-de-sacs or permanent dead-end roads may be used in planning partition, subdivision or planned unit developments, however, through roads are encouraged except where topographical, environmental or existing adjacent land use constraints make connection roads infeasible. Cul-de-sac roads in excess of 300 feet in length are discouraged. A cul-de-sac greater than 300 feet in length will be allowed only where it can be shown that the terrain or other limitations prohibit connecting this road with other roads in the area. Where cul-de-sacs are

planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other roads, or to neighborhood activity centers, unless physical features make such accessway unfeasible.

2) Road Construction Standards

a) All streets within partitions, subdivisions and planned unit developments, shall meet local standards for road construction as established in the road standards adopted by Curry County, and in Section 4.050 of the CCZO.

3) Accessways

a) Accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 20-foot wide right-of-way or easement. If the roads within a subdivision are lighted, the accessways shall also be lighted. Stairs or switchback paths may be used where grades are steep.

b) Accessways for pedestrians and bicyclists shall be provided at mid-blocks where the area is developed with block pattern street grid and the block is longer than 600 feet.

c) The Planning Commission or Planning Director as the decision maker may determine, based on evidence in the record, that accessways are impracticable. Such evidence may include but is not limited to:

i) Physical or topographic conditions make an accessory connection impractical. Such conditions include but are not limited to extremely steep slopes, wetlands or other bodies of water where a connection cannot reasonably be provided.

ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.

iii) Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995 that precludes a required accessway connection.

iv) Where there is no existing or planned public or private road, street, bike path or accessway to connect the required accessway to for pedestrian or bicycle transportation.

4) Bicycle and Pedestrian Access Standards

a) All subdivision and planned unit development tentative plats include the location and design of all proposed pedestrian and bicycle facilities, including accessways. All final subdivision and planned unit developments shall include the location and legal description of any proposed, dedicated pedestrian and bicycle right-of-ways.

b) Bicycle parking. A subdivision or planned unit development located in an area where there is provision for bicycle access on the public road system shall include provisions for bicycle parking facilities. The location and design of bicycle

parking facilities shall be indicated on the tentative plat or plan.

c) Internal pedestrian circulation shall be provided in new commercial and multifamily residential planned unit developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways or similar techniques.

d) New planned unit commercial developments shall have the building(s), particularly retail stores and offices, oriented toward the road near or at any property setback line. A main entrance shall face toward the road. On parcels that are corner properties or border more than one street, the building(s) shall be oriented to face the street that carries the greatest volume of traffic.

e) Off-street parking for new planned unit commercial developments shall be located at the side or behind the proposed building(s).

f) All plans for planned unit commercial and multi-family residential developments shall clearly show how the site's internal pedestrian and bicycle facilities connect with external or planned facilities or systems.

FINDINGS: An engineered road design drawing will be provided by the applicant for review by the Planning Director, County Road Master, and the City of Gold Beach. Road surface and sidewalk requirements will be negotiated by the City and County.

CONCLUSION: Approval will be conditioned on any requirements set forth by the County. As conditioned, this criterion will be met.

6. 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.

FINDINGS: The subject property is not identified on the DOGAMI Landslide maps. A geologic hazard assessment will not be required.

CONCLUSION: This criterion is met.

7. 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 Commission 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 renovations, etc.*

FINDINGS: A disclosure statement was not provided with the application. As a condition of approval and prior to final plat approval, a disclosure statement, as required under the 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.

CONCLUSION: As conditioned, this criterion is met.

VI. COMMENTS RECEIVED

As of the publication date of this staff report, the County has received comments from one agency. They are as follows:

1. *Letter from Mr. Micah Horowitz, Senior Transportation Planner, Oregon Department of Transportation Region 3*

Mr. Horowitz states that the Oregon Department of Transportation (ODOT) has reviewed the proposed project and determined that it will not significantly affect ODOT facilities.

RESPONSE: No response necessary.

VII. RECOMMENDED RESPONSE TO REQUEST

Adopt a motion to:

1. **APPROVE** the request filed by John Lander for a Major Partition to create three new parcels with a private access road to property with the zoning designation R-2 described as Curry County Tax Assessor's Map No. 3614-21 Tax Lot 2101; or
2. **DENY** the request filed by John Lander for a Major Partition to create three new parcels with a private access road to property with the zoning designation R-2 described as Curry County Tax Assessor's Map No. 3614-21 Tax Lot 2101.

VIII. RECOMMENDED CONDITIONS OF APPROVAL

If the Planning Commission approves the major partition with new private access road described as Curry County Assessor's Map No. 36-14-21; Tax Lot 2101, staff suggests that the following conditions of approval:

1. A final plat shall be submitted for approval including the name of the proposed road.
2. A disclosure statement is reviewed and filed prior to final approval.
3. An application to name the proposed road shall be submitted.
4. A written statement from Gold Beach Rural Fire Protection District stating the availability of services and adequacy of the road will be submitted to the Planning Director.
5. A disclosure statement will be issued by the applicant stating that Curry County is not is not responsible for the maintenance or construction of the proposed road.
6. A road maintenance agreement will be provided to the Planning Director prior to final plat approval.
7. Detailed engineering plans including emergency vehicle turn-around from a Registered Professional Engineer will be provided to the Planning Director, Road Master, and the City of Gold Beach.
8. The applicant will be required to meet any standards negotiated by the City and County regarding standards for road surface and sidewalks.

Exhibits: 1. *Application and Supplemental Information*, John Lander, Applicant, dated March 16, 2022