



Chair John Brazil  
Vice Chair Bob Morrow  
Commissioner Karen Kennedy

Commissioner Kevin McHugh  
Commissioner Ted Freeman  
Commissioner Diana St. Marie  
Commissioner Shannon Pagano

**Planning Commission Meeting Agenda**  
**Thursday, March 15, 2018 at 5:30 PM**  
**County Annex, 94235 Moore Street/Blue Room, Gold Beach, Oregon**

- 1. Call to Order / Roll Call**
- 2. Pledge of Allegiance**
- 3. Election of officers for 2018 (pursuant to Zoning Ordinance section 1.080(1))**
- 3. Acceptance of the Agenda**
- 4. Public Comment for items not on the Agenda**
- 5. Agenda**
  - A. Application S-1701; Zandt Final Plat S-1701 filed by Walter & Slawomira Zandt: a request for **FINAL** plat acceptance for the Seascape Subdivision. The 5 lot subdivision was granted preliminary plat and plan approval by the Planning Commission at the September 5<sup>th</sup>, 2017 meeting. The subject parent parcel is identified assessor map 4113-04CD tax lots 5900 & 6500, located at the end of East Hoffeldt Lane within the Brookings UGB, Applicant: Walter & Slawomira Zandt.
  - B. Application ZOA-1801: Application ZOA-1801: Public hearing for the Planning Commission to consider an amendment to Zoning Ordinance section 1.070(1) and (7) to reduce the size of the Curry County Planning Commission from nine to either five or seven and to identify the appropriate geographic origination of Planning Commission membership. Applicant: Curry County
  - C. Application ZOA-1802: Public hearing for Planning Commission to consider potential changes to Zoning Ordinance Section 7.040(29) regarding Accessory Dwelling Units. Applicant: Curry County.
- 6. Commissioner Comments**
- 7. Director Comments**
- 8. Adjournment: no later than 8:30 PM**



## Planning Commission Staff Report

Prepared by Jodi Fritts, Contract Planner

**Planning Commission Hearing Date:** March 15, 2018

**Agenda Item A:** S-1701 filed by Walter & Slawomira Zandt: a request for **FINAL** plat acceptance for the Seascape Subdivision. The 5 lot subdivision was granted preliminary plat and plan approval by the Planning Commission at the September 5<sup>th</sup>, 2017 meeting. The subject parent parcel is identified assessor map 4113-04CD tax lots 5900 & 6500, located at the end of East Hoffeldt Lane within the Brookings UGB, Applicant: Walter & Slawomira Zandt.



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S-1701 a request for **FINAL** plat acceptance for the Seascape Subdivision. Assessor map 4113-04CD tax lots 5900 & 6500, located at the end of East Hoffeldt Lane within the Brookings UGB, Applicant: Walter & Slawomira Zandt.

**Staff Review:** The 5 lot subdivision was granted preliminary approval subject to compliance with five (5) conditions of approval. A copy of the Land Use Hearing Decision Notice is attached as Attachment 1 to this report.

Pursuant to the provisions of the Curry County Land Division Ordinance, planning staff has checked the final plat to ensure compliance with the approved conditions and recommends the Commission accept and approve the plat for the final recording process (*other County departments are required to approve the plat prior to the final recording with the County Clerk*). The CCLDO states the Commission shall either approve or disapprove the Final Plat as presented. Pursuant to ORS 92.040(1)<sup>1</sup> the Commission may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.

## **ATTACHMENTS & FIGURE MAPS:**

### **ATTACHMENT**

Attachment 1 – Notice of Land Use Hearing Decision S-1701; this includes a copy of the preliminary map.

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<sup>1</sup> **92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws.** (1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. *Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.*

**ATTACHMENT 1**

Notice of Land Use Hearing Decision S-1701;  
this includes a copy of the preliminary map

**CURRY COUNTY PLANNING COMMISSION  
NOTICE OF LAND USE HEARING DECISION  
(Pursuant to ORS 215.416 (11)(a)(C))**

Decision Notice Date: September 8, 2017  
Appeal Period Expiration: 5PM September 22, 2017

OWNER: Walter & Slawomira Zandt, Brookings, OR 97415

**NATURE OF PLANNING COMMISSION DECISION & CONDITIONS OF APPROVAL**  
**S-1701 Seascape Subdivision** **Map: 4113-04CD tax lots 5900 & 6500**

PRELIMINARY PLAT AND PLAN APPROVAL OF FIVE (5) LOT SUBDIVISION OF TWO TAX LOTS TOTALING APPROXIMATELY 1.20 ACRES ZONED RESIDENTIAL TWO (R-2) LOCATED WITHIN THE BROOKINGS URBAN GROWTH BOUNDARY. FILE #: S-1701, MAP/TL: 4113-04CD TAX LOTS 5900 & 6500

AUTHORIZATION: This Subdivision request S-1701 is hereby authorized subject to the conditions listed below. Approval is granted only for development of the parcel for residential lots as proposed in the approved preliminary plat and plan. Any proposed changes to this subdivision approval shall require further review by the Planning Commission. Pursuant to Article II of the CCZO, if the Planning Commission grants preliminary approval to the subdivision proposal, the Commission may impose conditions on the approval in order to protect the public from the potentially deleterious effects of the proposed development, maintain compatibility with surrounding land uses, protection of the function of existing and planned roadways, and/or other conditions necessary to carry out the comprehensive plan.

**S-1701 Conditions of Approval**

**PRIOR TO SCHEDULING FINAL PLAT HEARING**

1. Prior to scheduling final plat hearing, the applicants shall provide written statements from Harbor Water District, Harbor Sanitary District, and Coos-Curry Electric Cooperative that service lines have been extended to each lot, and that the applicants have meet all conditions of service of the respective districts.
2. Prior to scheduling of a final plat hearing, the applicants shall provide the written agreements, statements, and plans specified in CCZO Section 4.050(7) B, I, & J, as follows:
  - 7.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:
      - a) (2) MATERIALS;
      - b) (3) GENERAL;
    2. SECTION 3.01.050 CONSTRUCTION SPECIFICATIONS OF COUNTY ROADS
      - a) (2) GRADES
      - b) (3) ROAD STANDARDS CHART

- c) (4) DRIVEWAYS
- d) (5) HORIZONTAL CURVATURE
- e) (6) VERTICAL 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. SECTION 3.01.200 PRIVATE ROAD, DRIVEWAY AND BRIDGE STANDARDS
  - a) (3) GRADE
  - b) (4) PRIVATE BRIDGES
- 7. Exhibits A, B & C at the end of Article Three, Division One, of the Curry County Code.
  - 7.I. 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.
  - 7.J. 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.
- 3. The final plat shall comply with Curry County Surveyor requirements for final plats.
- 4. The final plat and plan shall meet all requirements of the Curry County Land Division Ordinance for submission of final plats (Article V & VI) prior to scheduling a hearing for final plat approval.
- 5. The fire truck "hammerhead" turnaround at the end of the extension of E Hoffeldt Lane shall be delineated on the plat and reserved for fire department public safety access.

**REQUIRED STATUTORY NOTICE**

Any person who is adversely affected or aggrieved by this decision, or who is entitled to written notice under ORS 215.416 (11)(a)(C), may appeal this decision to the Curry County Board of Commissioners. Such appeal must be initiated by filing a "Notice of Intent" to appeal the decision, along with the appropriate fee, prior to the appeal expiration date listed above. *Please note: appeals will not be accepted by fax or email.* If an appeal is not filed within the 15 day filing period, the decision is final. A person who is mailed written notice of this decision cannot appeal the decision directly to the Land Use Board of Appeals (LUBA) under ORS 197.830.

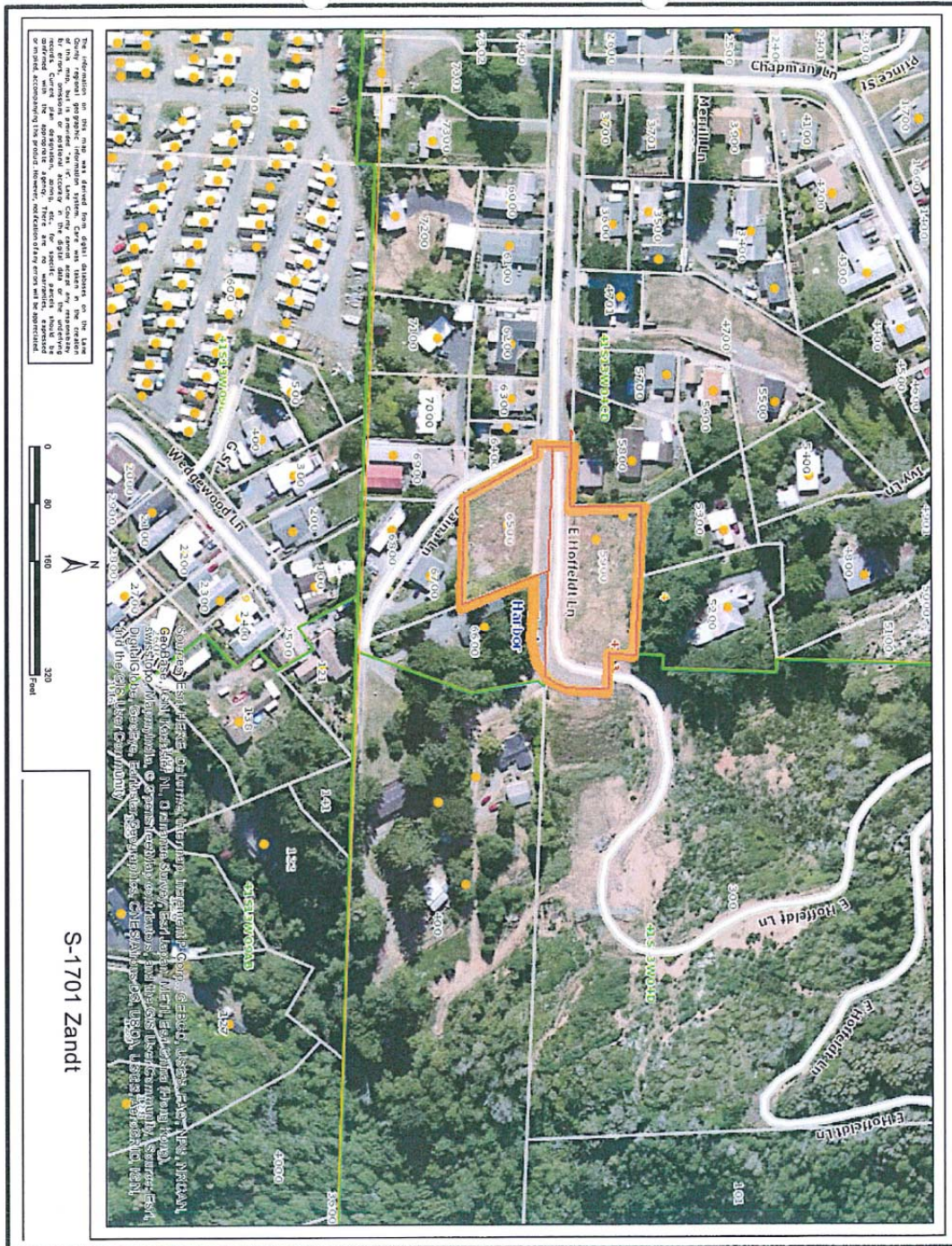
A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at the Curry County Community Development office in Gold Beach. Copies may be obtained at a cost of \$0.25 per page. Emailed copies are provided at no cost if a request is received in writing or via email.

If you have any questions about this notice, or would like a copy of the staff report and final order emailed to you please contact:

Nancy Chester  
[chestern@co.curry.or.us](mailto:chestern@co.curry.or.us)  
 541-247-3284

or

Jodi Fritts  
[jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)  
 541-247-7029



S-1701 a request for **FINAL** plat acceptance for the Seascape Subdivision. Assessor map 4113-04CD tax lots 5900 & 6500, located at the end of East Hoffeldt Lane within the Brookings UGB, Applicant: Walter & Slawomira Zandt.

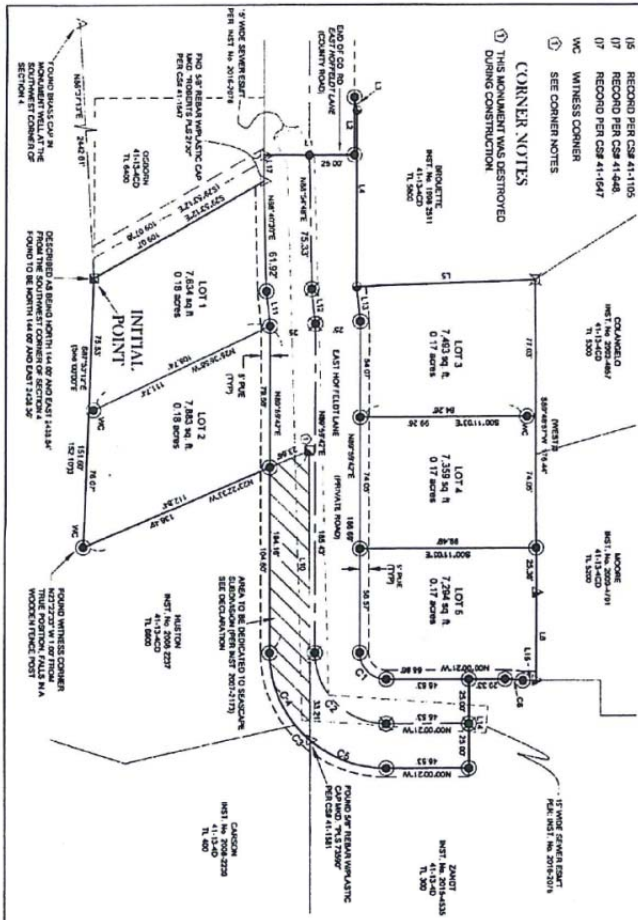
**PLAT NUMBER PRELIMINARY PLAT**  
**INSTRUMENT NO. \_\_\_\_\_**  
**SEASCAPE SUBDIVISION**

PREPARED FOR  
 WALTER E. AND SLAWOMIRA ZANDT  
 8181 E. HOFFELDT LANE  
 BROOKINGS, OR 97415  
 (858) 785-7382

**LEGEND**

- SET 3/4" X 6" WOOD SPIKE WITH 1 1/2" BRASS WASHER STAMPED ROBERTS PLUS 2707
- FOUND 3/4" REBAR WITH YELLOW PLASTIC CAP STAMPED ROBERTS PLUS 2707 PER CSA 41-1002
- FOUND 3/4" REBAR WITH 1 1/2" BRASS WASHER STAMPED ROBERTS PLUS 2707 PER CSA 41-1002
- FOUND 3/4" REBAR PER CSA 41-1002
- FOUND 1" IRON PIPE PER CSA 41-1725
- FOUND 3/8" REBAR WITH PLASTIC CAP AND "1.5 1806" PER CSA 41-1105
- FOUND AS NOTED
- RECORD PER CSA 41-1443
- RECORD PER INST 2005-0053, OFFICIAL RECORDS, CARRY COUNTY, OREGON
- RECORD PER CSA 41-1726
- RECORD PER CSA 41-1105
- RECORD PER CSA 41-1448
- RECORD PER CSA 41-1647
- WITNESS CORNER
- SEE CORNER NOTES
- THIS MONUMENT WAS DESTROYED DURING CONSTRUCTION

**CORNER NOTES**  
 ① THIS MONUMENT WAS DESTROYED DURING CONSTRUCTION



**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO RECONSTRUCT A PORTION OF THE PARCEL OF LAND OWNED BY WALTER E. AND SLAWOMIRA ZANDT AS DESCRIBED IN INSTRUMENT 2015-455, OFFICIAL RECORDS, CARRY COUNTY, OREGON. BEARINGS WERE BASED ON TWO FOUND CORNERS DESCRIBED IN INSTRUMENT 2015-455, OFFICIAL RECORDS, CARRY COUNTY, OREGON. THE SUBDIVISION WAS SURVEYED AND MONUMENTED IN SEPTEMBER 2008. THE SUBDIVISION WAS NOT FINALIZED DUE TO A FORECLOSED MAP OF SURVEY WAS RECORDED WITH THE CARRY COUNTY CLERK'S OFFICE ON 08/27/08. THESE MONUMENTS WERE RECOVERED AND HELD FOR THIS SUBDIVISION PLAT. THE TWO CORNER MONUMENTS AS SHOWN IN THE DETAIL ON SHEET 2 OF 2 RECORDED INSTRUMENT SHOW THE 41-1802. THESE MONUMENTS AND A PROPERTY LINE ADJUSTMENT WITH THE ADJOINING OWNERS KENNETH AND SANDRA OSBORNE, RECORDED IN COUNTY SURVEY NO. 41-1647.

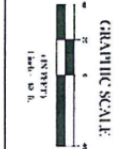
LOCATED IN A PORTION OF SECTION 4, T41S, R10W, W1/2E1/4 NE1/4, CARRY COUNTY, OREGON

**SURVEYOR'S CERTIFICATE**

I, RICHARD P. ROBERTS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON AND THAT I AM THE SURVEYOR OF THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:  
 A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 4, T41S, R10W, W1/2E1/4 NE1/4, CARRY COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT A 5/8" REBAR THAT IS NORTH 14.00 FEET AND EAST 74.82 38 FEET FROM THE SOUTHWEST CORNER OF SECTION 4, T41S, R10W, W1/2E1/4 NE1/4, CARRY COUNTY, OREGON, THENCE NORTH 87.5137° EAST 151.60 FEET, THENCE NORTH 23.2237° WEST 112.24 FEET, THENCE NORTH 69.9747° EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 66.50 FEET, FROM WHICH THE LONG CHORD BEINGS NORTH 07°00'11" WEST 115.50 FEET, THENCE NORTH 07°00'11" WEST 20.23 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 66.50 FEET, FROM WHICH THE LONG CHORD BEINGS NORTH 07°00'11" WEST 115.50 FEET, THENCE NORTH 07°00'11" WEST 20.23 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 10.13 FEET, THENCE NORTH 07°00'11" WEST 10.13 FEET, THENCE SOUTH 89°59'13" WEST 7.41 FEET, THENCE SOUTH 89°59'13" WEST 17.44 FEET, THENCE SOUTH 89°59'13" WEST 101.00 FEET, THENCE NORTH 89°59'13" WEST 91.23 FEET, THENCE SOUTH 89°59'13" WEST 132.51 FEET, THENCE SOUTH 89°59'13" WEST 52.51 FEET, THENCE SOUTH 89°59'13" EAST 14.67 FEET, THENCE SOUTH 89°59'13" EAST 190.07 FEET TO THE POINT OF BEGINNING.

| CURVE | DELTA     | RADIUS | TANGENT | CHORD  |
|-------|-----------|--------|---------|--------|
| C1    | 90°00'00" | 15.00' | 23.95'  | 15.00' |
| C2    | 90°00'00" | 40.00' | 62.83'  | 40.00' |
| C3    | 90°00'00" | 65.00' | 102.10' | 65.00' |
| C4    | 40°59'57" | 65.00' | 102.29' | 65.00' |
| C5    | 40°59'57" | 65.00' | 102.29' | 65.00' |
| C6    | 89°59'47" | 65.00' | 102.29' | 65.00' |

| LINE | BEARING      | LENGTH  |
|------|--------------|---------|
| L1A  | SOUTH        | 50.00'  |
| L1B  | SOUTH        | 32.51'  |
| L2   | S89°59'13" E | 48.92'  |
| L3   | S74°44'7" W  | 7.40'   |
| L4   | S78°30'0" W  | 69.32'  |
| L5   | N89°59'13" W | 99.42'  |
| L6   | S80°05'31" E | 101.02' |
| L7   | N87°48'15" W | 18.92'  |
| L8   | N87°48'15" W | 48.92'  |
| L9   | S00°05'31" E | 48.92'  |
| L10  | S89°59'13" W | 19.00'  |
| L11  | S89°59'13" W | 14.67'  |
| L12  | N87°13'00" E | 18.92'  |
| L13  | N87°13'00" E | 18.66'  |
| L14  | S89°59'13" W | 50.00'  |
| L15  | N00°05'31" W | 7.41'   |
| L16  | S89°59'13" E | 14.67'  |
| L17  | S89°59'13" E | 14.67'  |



**Roberts & Associates**  
 LAND SURVEYING, INC.  
 411 SPENCER STREET  
 P.O. BOX 1099  
 BROOKINGS, OR 97415  
 Ph: 541 469-3424  
 Fax: 541 469-3456

DESIGNED BY: RPR  
 DRAWN BY: RPR  
 CHECKED BY: RPR  
 DATE: 01/21/16  
 SHEET 5 OF 2

REGISTERED PROFESSIONAL LAND SURVEYOR  
 THIS CERTIFICATE IS A TRUE AND CORRECT COPY OF THE ORIGINAL.  
 RICHARD P. ROBERTS  
 12/21/16

Preliminary Plat & Plan



**ATTACHMENT 2  
PROPOSED FINAL MAP**

PLAT NUMBER \_\_\_\_\_

INSTRUMENT NO. \_\_\_\_\_

SEASCAPE SUBDIVISION

LOCATED IN A PORTION OF  
SE1/4 OF SW1/4, SECTION 4,  
AND  
SW1/4 OF SE1/4, SECTION 4,  
T4S, R10E, WILLAMETTE MERIDIAN,  
CURRY COUNTY, OREGON

PREPARED FOR  
WALTER E. and SLAWOMIRA A. ZANDT  
8810 E. HOFFELDT LANE  
BROOKINGS, OR 97415

**SURVEYORS CERTIFICATE**

I, RICHARD P. ROBERTS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH THE PROPER MONUMENTS THE LANDS REPRESENTED ON THE ATTACHED MAP, THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:  
A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN, CURRY COUNTY, OREGON (MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SIX' REBAR THAT IS NORTH 14.00 FEET AND EAST 208.34 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 4:  
THENCE SOUTH 87°31'21" EAST 104.60 FEET;  
THENCE NORTH 23°22'33" WEST 112.84 FEET;  
THENCE NORTH 89°59'12" EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 66.00 FEET, FROM WHICH THE LONG CHORD BEARS NORTH 44°59'49" EAST 81.92 FEET;  
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80°39'02" AN ARC DISTANCE OF 102.10 FEET;  
THENCE NORTH 09°59'21" WEST 48.33 FEET;  
THENCE SOUTH 89°39'29" WEST 50.00 FEET;  
THENCE NORTH 09°30'21" WEST 20.33 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, FROM WHICH THE LONG CHORD BEARS NORTH 64°27'34" EAST 10.12 FEET;  
THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 98°59'54" AN ARC DISTANCE OF 10.13 FEET;  
THENCE NORTH 09°59'21" WEST 7.11 FEET;  
THENCE NORTH 89°49'57" WEST 170.44 FEET;  
THENCE SOUTH 82°59'37" EAST 101.80 FEET;  
THENCE NORTH 89°59'13" WEST 99.33 FEET;  
THENCE SOUTH 79°44'47" WEST 7.40 FEET;  
THENCE SOUTH 89°39'13" EAST 32.81 FEET;  
THENCE SUE SOUTH 89.89 FEET;  
THENCE SOUTH 89°39'13" EAST 14.87 FEET;  
THENCE SOUTH 29°33'12" EAST 109.87 FEET TO THE POINT OF BEGINNING.

HARBOR AREA



**DECLARATION**

KNOW ALL MEN BY THESE PRESENTS THAT WALTER E. ZANDT and SLAWOMIRA A. ZANDT, HUSBAND AND WIFE, ARE THE OWNERS OF THE LANDS SUBJECT TO THE SUBDIVISION AND CONSENT TO THE PREPARATION OF THIS PLAT AND THE PROPERTY SUBDIVIDED PURSUANT TO O.R.S. CHAPTER 91.  
EAST HOFFELDT LANE IS HEREBY DEDICATED AS A PRIVATE ROAD WITH OWNERSHIP BEING SHARED EQUALLY BETWEEN LOTS 1 THRU 5. MAINTENANCE OF THE ROAD SHALL BE SHARED AS SPECIFIED IN THE SEASCAPE SUBDIVISION DECLARATION OF GOVERNANTS, CONDITIONS & RESTRICTIONS BEING RECORDED CONCURRENTLY WITH THIS PLAT.  
THE PUBLIC UTILITY EASEMENT (PUE) AS SHOWN ON SHEET 3 IS HEREBY DEDICATED FOR THE INSTALLATION & MAINTENANCE OF WATER, ELECTRIC, TV CABLE, TELEPHONE, AND OTHER SUCH FACILITIES.

WALTER A. ZANDT  
SLAWOMIRA A. ZANDT

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ S.S.

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED WALTER E. ZANDT, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL INDIVIDUAL NAMED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED SAME FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ S.S.

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED SLAWOMIRA A. ZANDT, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL INDIVIDUAL NAMED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED SAME FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVED FOR CURRY COUNTY, OREGON**

COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

COMMISSIONER \_\_\_\_\_ ASSESSOR \_\_\_\_\_

ROADMASTER \_\_\_\_\_

ALL TAXES, FEES ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY O.R.S. 91-512 HAVE

BEEN PAID AS OF \_\_\_\_\_, 201\_\_\_\_, BY \_\_\_\_\_ CURRY COUNTY TAX COLLECTOR

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, BY THE \_\_\_\_\_ CURRY COUNTY SURVEYOR

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, BY THE \_\_\_\_\_ CURRY COUNTY PLANNING COMMISSION

CHAIRMAN \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_ FILE NUMBER \_\_\_\_\_

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M.

CURRY COUNTY INSTRUMENT NO. \_\_\_\_\_ DRAWER NO. \_\_\_\_\_

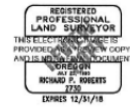
COUNTY CLERK \_\_\_\_\_ BY \_\_\_\_\_ DEPUTY

DISCLOSURE STATEMENT RECORDED IN: \_\_\_\_\_

DECLARATION OF ROAD AND STORM DRAINAGE UTILITY MAINTENANCE AGREEMENT, CONDITIONS, COVENANTS AND RESTRICTIONS OF SEASCAPE SUBDIVISION RECORDED IN: \_\_\_\_\_

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL.

RICHARD P. ROBERTS PLS 2733



**Roberts & Associates**  
LAND SURVEYING INC.

211 SPENCE STREET  
P.O. Box 1359  
Brookings, OR 97415  
Ph: 541-468-1400  
Fax: 541-468-3438

|                          |                  |
|--------------------------|------------------|
| Drawn By: CEP            | Date: 11/09/2017 |
| Checked By: BPR          | Job No: 15-110   |
| Drawing Name: Final PLAT | Sheet 1 of 3     |
| Project Folder: 15-110   |                  |

**PLANNING NOTES**

- 1) ASSESSORS MAP 4-13-040D, TAX LOTS 5800 & 6500.
- 2) ZONE: R2
- 3) DEED REFERENCE: INST. No. 2015-4036 (TL 5900) & INST. No. 2015-2848 (TL 6100), OFFICIAL RECORDS OF CURRY COUNTY, OREGON.

PLAT NUMBER \_\_\_\_\_  
 INSTRUMENT NO. \_\_\_\_\_  
 SEASCAPE SUBDIVISION

LOCATED IN A PORTION OF  
 SE1/4 OF SE1/4 SECTION 4,  
 AND  
 S1/4 OF SE1/4 SECTION 4,  
 T41S, R35W, WILLAMETTE MERIDIAN,  
 CURRY COUNTY, OREGON

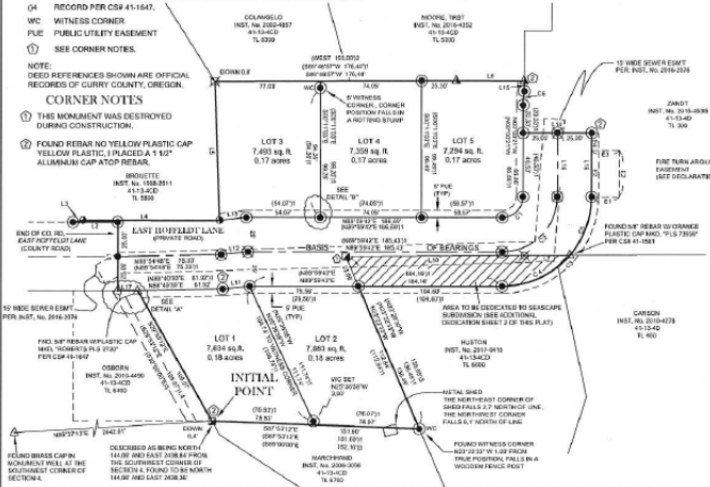
**NARRATIVE**

THE PURPOSE OF THIS SURVEY WAS TO SUBMIT THAT PROPERTY DESCRIBED IN PARAGRAPH "C" OF THAT CERTAIN PROPERTY LINE ADJUSTMENT DEED CONVEYED TO WALTER AND SLAWOMIRA ZANDT AS RECORDED BY INSTRUMENT 2015-433, OFFICIAL RECORDS, CURRY COUNTY, OREGON, AND AS DETECTED ON PROPERTY LINE ADJUSTMENT MAP OF SURVEY NO. 41-1725, A PORTION OF THE EAST HOFFELDT LANE PRIVATE ROAD EXTENSION AS SHOWN HEREON IS TO BE DEDICATED BY MICHAEL AND SUSIE HUSTON FOR A PORTION OF THEIR PROPERTY DESCRIBED IN INSTRUMENT 2017-0415, OFFICIAL RECORDS OF CURRY COUNTY, OREGON.

REMAINING WERE BASED ON TWO FOUND MONUMENTS ALONG THE CENTERLINE OF EAST HOFFELDT LANE, PER CSR 41-1802 HELD TO BE NIP/SIP/PE.

THE PROPOSED SUBDIVISION WAS SURVEYED AND MONUMENTED IN SEPTEMBER 2006. THE SUBDIVISION WAS NOT FINALIZED. A MAP OF SURVEY WAS RECORDED WITH THE CURRY COUNTY SURVEYOR TO SHOW THE SET MONUMENTS AND WAS RECORDED IN COUNTY SURVEY NO. 41-1802. THESE MONUMENTS WERE RECOVERED AND HELD FOR THIS SUBDIVISION PLAT. THE TWO "CONSPIRACY" MONUMENTS AS SHOWN IN THE DETAIL ON SHEET 2 OF 2 ON CSR 41-1802 WERE REMOVED DUE TO A REALIGNMENT OF THE CENTERLINE OF THE PROPOSED EAST HOFFELDT LANE EXTENSION AND A PROPERTY LINE ADJUSTMENT WITH THE ADJOINING OWNERS KENNETH AND SANDRA COSGRINE, RECORDED IN COUNTY SURVEY NO. 41-1667.

- LEGEND**
- 3/4" SBT 3/8" X 30" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROBERTS PLS 2730", OR AS NOTED.
  - FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROBERTS PLS 2730" PER CSR 41-1802.
  - ⊙ FOUND 1/2" BRASS WASHER STAMPED "ROBERTS PLS 2730" PER CSR 41-1802.
  - ⊙ FOUND 5/8" REBAR PER CSR 41-1843.
  - ⊙ FOUND 5/8" REBAR PER CSR 41-735.
  - ⊙ FOUND 1" IRON PIPE PER CSR 41-735.
  - ⊙ FOUND 5/8" REBAR WITH PLASTIC CAP AND "PLS 1888" PER CSR 41-1395.
  - ⊙ FOUND 5/8" REBAR WITH PLASTIC CAP AND "PLS 1888" PER CSR 41-848 & CSR 41-1466, DESTROYED DURING CONSTRUCTION.
  - △ FOUND AS NOTED.
  - ① RECORD PER CSR 41-1802.
  - ② RECORD PER INST. NO. 2015-433, OFFICIAL RECORDS, CURRY COUNTY, OREGON.
  - ③ RECORD PER INST. NO. 2015-2844, OFFICIAL RECORDS, CURRY COUNTY, OREGON.
  - ④ RECORD PER CSR 41-1847.
  - WC WITNESS CORNER
  - PU PUBLIC UTILITY EASEMENT
  - 1 SEE CORNER NOTES.
- NOTE:**  
 REDD REFERENCES SHOWN ARE OFFICIAL RECORDS OF CURRY COUNTY, OREGON.
- CORNER NOTES**
- ① THIS MONUMENT WAS DESTROYED DURING CONSTRUCTION.
  - ② FOUND REBAR ON YELLOW PLASTIC CAP YELLOW PLASTIC CAP STAMPED 1" X 1" ALUMINUM CAP AT TOP REBAR.

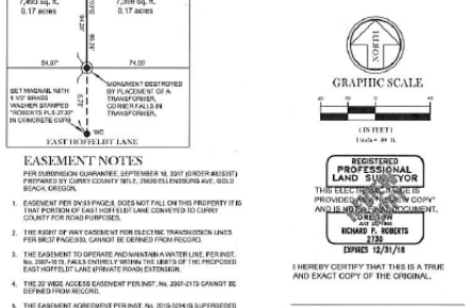


**CURVE TABLE**

| CURVE | BEARING   | CHORD | LENGTH | PERCENT | CHORD           |
|-------|-----------|-------|--------|---------|-----------------|
| C1    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C2    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C3    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C4    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C5    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C6    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C7    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C8    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C9    | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |
| C10   | N 89°55'P | 15.80 | 23.54  | 16.08   | N 89°55'P 21.21 |

**LINE TABLE**

| LINE | BEARING   | LENGTH |
|------|-----------|--------|
| L1   | S 89°55'W | 20.00  |
| L2   | S 89°55'W | 20.00  |
| L3   | S 89°55'W | 20.00  |
| L4   | S 89°55'W | 20.00  |
| L5   | S 89°55'W | 20.00  |
| L6   | S 89°55'W | 20.00  |
| L7   | S 89°55'W | 20.00  |
| L8   | S 89°55'W | 20.00  |
| L9   | S 89°55'W | 20.00  |
| L10  | S 89°55'W | 20.00  |
| L11  | S 89°55'W | 20.00  |
| L12  | S 89°55'W | 20.00  |
| L13  | S 89°55'W | 20.00  |
| L14  | S 89°55'W | 20.00  |
| L15  | S 89°55'W | 20.00  |
| L16  | S 89°55'W | 20.00  |
| L17  | S 89°55'W | 20.00  |
| L18  | S 89°55'W | 20.00  |
| L19  | S 89°55'W | 20.00  |
| L20  | S 89°55'W | 20.00  |



**Roberts & Associates**  
 LAND SURVEYING INC.

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 P.O. Box 109  
 Brookings, OR 97415

PH: 541-469-4140  
 Fax: 541-469-3456

Drawn By: CEP Date: 11/09/2017  
 Checked by: RPK Job No.: 15-110  
 Drawing Name: FINAL PLAT Sheet 3 of 3  
 Project Name: S1710

# Planning Commission Staff Report

Prepared by Carolyn Johnson, Community Development Director



**Date:** March 15, 2018

**Agenda Item B:** Application ZOA-1801: Public hearing for the Planning Commission to consider an amendment to Zoning Ordinance section 1.070(1) and (7) to reduce the size of the Curry County Planning Commission from nine to either five or seven and to identify the appropriate geographic origination of Planning Commission membership. Applicant: Curry County.

**Recommendation:** Adopt Resolution (attachment 1) identifying a recommendation to the Board of Commissioners.

**Background:** On January 31, 2018, the Board of Commissioners directed the Planning Commission to formulate a recommendation to 1) reduce the Commission size from nine members to five or seven members and 2) identify the geographic location makeup of the Commission. Attachment 1 is a draft resolution that can be completed following Commission deliberations with the Planning Commission's recommendation<sup>1</sup> and supporting facts.

**Summary:** Zoning Ordinance section 1.070(1) says membership of the Planning Commission shall consist of nine (9) members. A change to the size of the Planning Commission's must be accompanied by amending the Commission's geographic distribution as specified in Zoning ordinance section 1.070 (7) which says that "Membership of the Commission shall meet the following requirements:

c) The membership of the Commission shall be geographically distributed within the County as follows:

- (1) Three (3) members shall be appointed from the area extending from the Coos County line south to an east-west line at the mouth of Mussel Creek (Arizona Beach);
- (2) Three (3) members shall be appointed from the area extending from the east-west line at the mouth of Mussel Creek (Arizona Beach) south to an east-west line at Crook Point; and
- (3) Three (3) members shall be appointed from the area extending from the east-west line at Crook Point south to the California state line."

**Options:** Options could include, but not be limited to the following:

For a **seven (7)** member Commission geographic split:

- Two commissioners from each geographic area and one Commissioner "at large" from any area or
- Split based on population density with three commissioners from the south part of the county and two commissioners each from the central and north part of the county. Four commissioners would comprise a quorum.

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<sup>1</sup> Oregon Statute 215.030(1) specifies that "The county planning commission shall consist of five, seven or nine members appointed by the governing body..." As noted on Attachment 2, Zoning Ordinance sections 2.300 (1), (2), and (5) provide direction for the Planning Commission review and action on this matter.

For a **five (5)** member Commission geographic split:

-One commissioner from each geographic area and two Commissioners “at large” from any area or

-Split based on population density with three commissioners from the south part of the county and one commissioner each from the central and north parts of the county. Three commissioners would comprise a quorum.

**ATTACHMENT 1**  
**DRAFT**  
**CURRY COUNTY**  
**PLANNING COMMISSION RESOLUTION ZOA-1801**  
**Recommending Board of Commissioners amendment to**  
**Zoning Ordinance Section 1.070(1) & (7)**  
**Membership of the Planning Commission.**

**WHEREAS** the Curry County Board of Commissioners directed the Planning Commission to provide a recommendation to 1) reduce the Commission size from nine members to five or seven members and 2) identify the geographic location makeup of the Commission based on the recommended reduced size; and

**WHEREAS** Zoning Ordinance Section 1.070(1) & (7) and ORS 214.030 attached hereto are the respective relevant Curry County Zoning land use regulation and Oregon Statute related to the Planning Commission's recommendation on this matter.

**WHEREAS** the Planning Commission held a public hearing on the matter after it was duly set upon the agenda of its regular March 15, 2018 meeting following publication in County newspapers consistent with ORS 215.060; and

**WHEREAS** the Planning Commission, after receiving public testimony on March 15, 2018, closed the public hearing and deliberated on the matter. The following facts were established by the Planning Commission in their deliberations to establish a recommendation to the Board of Commissioners.

- 1.
- 2.
- 3.
- 4.

**NOW THEREFORE BE IT RESOLVED** after deliberation with consideration of written and oral testimony and based on the facts noted above, the Planning Commission recommends to the Board of Commissioners the following revisions to Zoning Ordinance Section 1.070(1) and 1.070(7c):

1. The Commission shall consist of \_\_\_\_\_ members.

7c. The membership of the Commission shall be geographically distributed within the County as follows:

(1) \_\_\_\_\_ (\_\_) members shall be appointed from the area extending from the Coos County line south to an east-west line at the mouth of Mussel Creek (Arizona Beach);

(2) \_\_\_\_\_ (\_\_) members shall be appointed from the area extending from the east-west line at the mouth of Mussel Creek (Arizona Beach) south to an east-west line at Crook Point; and

(3) \_\_\_\_\_( ) members shall be appointed from the area extending from the east-west line at Crook Point south to the California state line.

(4) \_\_\_\_\_ ( ) member(s) shall be selected on an "at-large" basis from any area of the County.

Dated this 15<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
++++  
Planning Commission Chair

Attest:

\_\_\_\_\_  
Carolyn Johnson  
Community Development Director

## ATTACHMENT 2

### **Section 2.300. Legislative Hearings**

#### 1) Applicability

The following types of applications require a legislative hearing:

- a) Major Comprehensive Plan map amendments;
- b) Amendments to the Comprehensive Plan text;
- c) Amendments to the Land Development Ordinance; and
- d) Any other application for legislative approval not described above.

#### 2) Description

a) The Planning Commission will conduct the first evidentiary hearing on the application pursuant to the relevant procedures set forth in Section 2.300 (5)

b) A legislative hearing will be conducted for all the types of amendment applications listed in Section 2.300 (1).

Notice of the hearing will be prepared in accordance with ORS 215.503, if applicable.

c) The Planning Commission will consider the application, the Director Staff report and recommendation, and the evidence presented at the public hearing, and then recommend the Board of Commissioners either approve, approve with conditions, or deny the application. The Planning Commission recommendation will include written findings of fact prepared by the Director explaining the justification for the recommendation, based on the facts set forth and relevant local and state laws.

#### 5) Order of Proceedings in Legislative Hearings

a) At the commencement of a hearing, the presiding officer will call upon a representative of the Director for a report on the land use matter under consideration and may permit members of the hearings body to inquire of the Director.

b) After hearing the report of the Director, the presiding officer will open the public hearing and ask first to hear from those who wish to testify in favor of the land use matter under consideration. When all in favor have testified, the presiding officer will ask for testimony from those opposed. The officer may also ask for testimony from those neutral to the application. Before testifying, all witnesses must first state their name and address for the record.

c) Participants in hearings must conduct themselves in an orderly and respectful manner at all times. The presiding officer may exclude persons disrupting the proceedings from the hearing room or may adjourn the hearing.

d) Upon completion of evidence and testimony, the presiding officer will, in the absence of any motions to continue the public hearing or leave the public record open, close both.

e) Once the hearing and public record are closed, the presiding officer will call for deliberation by the hearings body prior to making a decision or formulating its recommendation.



# Planning Commission Staff Report

Prepared by Carolyn Johnson, Community Development Director



**Date:** March 15, 2018

**Agenda Item C:** Application ZOA-1802: Public hearing for Planning Commission to consider potential changes to Zoning Ordinance Section 7.040(29) regarding Accessory Dwelling Units.

**Background:** On December 16, 2016, the Board of Commissioners adopted Ordinance 1608 amending Zoning Ordinance Article VII, Subsection 7.010(29). Conditional and Permitted Uses. This article identifies standards for a variety of land uses. One of these land uses is Accessory Dwelling units. Following the Board's adoption of Ordinance 1608, a number of questions and suggestions about Accessory dwelling units have arisen at the Planning division public counter and a number of realtors.

**Summary:** Scheduled for the summer of 2018, staff will be bringing to the Commission for review and recommendations to the Board to add Accessory dwelling units as an allowed use in residential zoning districts.

A number of questions and suggestions have been raised by the public at the planning counter about the language of Subsection 7.010(29). Additionally, three members of the local real estate community met with staff in January of 2018 and brought forth language change ideas for the recently adopted Accessory dwelling unit regulations reflective of what staff has been hearing at the planning counter.

To maximize efficiency for the Commission and Board of Commissioners future review, it's prudent to take the time to consider changes about the Accessory dwelling unit standards of Article VII Subsection 7.010(29). These suggested changes can be found noted below in **Options for modifications**. Following public testimony and deliberations, the Planning Commission should determine whether to provide recommendations to the Board for the Accessory dwelling unit standards.<sup>1</sup>

**Options for modifications:** On the following pages find the full text of Article VII Subsection 29 with potential modifications. (~~strike out~~ – delete; underline – additions) to the *current* Article VII Subsection 29 language. Staff comments are also provided. Other modifications may also come up for discussion.

---

<sup>1</sup> Article VII. Subsection 29 in its entirety can be found on attachment 2.

**29. Accessory dwelling.** *An accessory dwelling unit is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the RR, RCR, R-1 and R-2 zones. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:*

**Comment:** The State Legislature recently adopted House 4031 that amended ORS 197.312 (5)(a) (see **bold**) to read: “A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas **within the urban growth boundary** that are zoned for detached single-family dwellings the development of a least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design. “

The Rural Residential and Rural Community Residential zones of the County are not inside urban growth boundaries. The land areas within these zones can be found in the rural communities of Langlois, Agness, Nesika Beach, and the Harbor Bench area. These areas include residential dwellings and other land uses like post offices, schools, grange halls, small retail stores etc.... Recognizing the potential accessory housing opportunities for these areas, the Planning Commission recommended and the Board authorized their inclusion last year with the update of the County’s Zoning Ordinance Conditional Use section.

Amendments to add Accessory dwelling units in each of the Rural Residential and Rural Community Residential zones outside of urban growth boundaries are pending and were planned for Planning Commission and the Board in the coming months. However with the recent passage of HB 4031 and a signature of this bill pending by the Governor, these amendments, while designed to encourage more housing would be in violation of Oregon statute. For this reason, the RR and RCR zones noted above have been stricken.

The balance of the standards of Article VII Subsection 7.010(29) include:

*A. A location either within, attached to, or detached from the primary detached single family dwelling unit. The accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.*

*B. An Accessory dwelling unit must have its own outside entrance, kitchen and bathroom and sleeping area completely independent of the primary dwelling.*

*C. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet in floor area but shall be no smaller than two hundred forty (240) square feet.*

D. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.

E. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.

F. A detached accessory dwelling unit shall be located a minimum of twenty (20) from the foundation of the primary dwelling.

G. The minimum front, rear and side yard setbacks for the Accessory dwelling shall be that of the underlying land use district.

**Comment:** No changes for consideration are proposed to A-F.

~~H. The entrance to the any accessory dwelling unit shall not face the front property line.~~

~~I. The entrance to a detached accessory dwelling unit shall not face the front of the primary dwelling unit.~~

~~J. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);~~

**Comment:** Deletion of these three requirements have been suggested members of the real estate community.

~~H.K. One (1) off-street parking space shall be provided for the accessory dwelling unit;~~

**Comment:** No changes for consideration are proposed to H.

~~I. Department of Environmental Quality authorization for septic services shall be provided prior to County authorization for an Accessory dwelling unit.~~

~~J. Evidence of potable water availability shall be provided prior to County authorization of an Accessory dwelling unit.~~

**Comment:** The additions of "I" and "J" were generated by staff to provide conformance with water and septic standards. These changes are recommended.

~~K. L. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling; The primary residence that meets the standards of 7.040(29a-h) may be converted to an accessory dwelling upon completion of permitted, larger residence.~~

**Comment:** The revision to “K” has been suggested by members of the real estate community.

*L. M. A home occupation may be conducted from either primary or accessory dwelling unit.*

*M. N. Either the primary or accessory dwelling unit shall be occupied by the property owner.*

**Comment:** No changes for consideration are proposed to “L” and “M”.

*~~O. The primary dwelling shall be at least two stories when the accessory dwelling unit is to be provided over a garage.~~*

**Comment:** This deletion has been suggested by members of the real estate community.

After the public hearing and deliberation should the Commission be prepared to provide a recommendation to the Board of Commissioners, **Attachment 1** is a **draft** resolution for consideration. Planning Commission conclusions can be included in the resolution for action.

**ATTACHMENT 1**  
**DRAFT**  
**CURRY COUNTY**  
**PLANNING COMMISSION RESOLUTION ZOA- 1802**  
**Recommending Board of Commissioners amendment to**  
**Zoning Ordinance Section 7.040(29)**  
**Accessory Dwelling Units**

**WHEREAS** Zoning Ordinance Article VII, Subsection 7.040(29) Conditional and Permitted identifies development standards and criteria for Accessory Dwelling units; and

**WHEREAS** the Planning Commission held a duly noticed public hearing to consider amendments to Zoning Ordinance Article VII, Subsection 7.040(29) after it was duly set upon the agenda of the Planning Commission's regular March 15, 2018 meeting following publication in County newspapers consistent with ORS 215.060; and

**WHEREAS** the Planning Commission, after receiving public testimony on March 15, 2018, closed the public hearing and deliberated on the matter. The following facts were established by the Planning Commission in their deliberations to establish a recommendation to the Board of Commissioners:

1. Following the Board of Commissioner adoption of Ordinance 1608 which created standards for Accessory dwelling units (Article VII, Subsection 7.040(29)) questions and concerns arose from the community and a number of realtors regarding the current accessory dwelling standards.
2. Scheduled for the summer of 2018 is the Planning Commission's review and pending recommendation to the Board of Commissioner regarding the addition of Accessory dwelling units in residential zoning districts as an allowed land use.
3. It will provide the greatest efficiency for Planning Commission pending evaluation of Accessory dwelling units in residential zones to now address public comments regarding the Accessory dwelling unit standards of Article VII, Subsection 7.040(29).

**NOW THEREFORE BE IT RESOLVED** after deliberation with consideration of written and oral and written testimony and based on the facts noted above, the Planning Commission recommends to the Board of Commissioners the following revisions to Zoning Ordinance Article VII, Subsection 7.040(29) the following modifications:  
(~~strike out~~ – delete; underline – additions)

**29. Accessory dwelling.** *An accessory dwelling unit is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the ~~RR, RGR~~, R-1 and R-2 zones. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:*

A. A location either within, attached to, or detached from the primary detached single family dwelling unit. The accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.

B. An Accessory dwelling unit must have its own outside entrance, kitchen and bathroom and sleeping area completely independent of the primary dwelling.

C. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet in floor area but shall be no smaller than two hundred forty (240) square feet.

D. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.

E. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.

F. A detached accessory dwelling unit shall be located a minimum of twenty (20) feet from the foundation of the primary dwelling.

G. The minimum front, rear and side yard setbacks for the Accessory dwelling shall be that of the underlying land use district.

~~H. The entrance to the any accessory dwelling unit shall not face the front property line.~~

~~II. The entrance to a detached accessory dwelling unit shall not face the front of the primary dwelling unit.~~

~~J. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);~~

~~H.K. One (1) off-street parking space shall be provided for the accessory dwelling unit;~~

I. Department of Environmental Quality authorization for septic services shall be provided prior to County authorization for an Accessory dwelling unit.

J. Evidence of potable water availability shall be provided prior to County authorization of an Accessory dwelling unit.

~~K. L. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling; The primary residence that meets the standards of 7.040(29a-h) may be converted to an accessory dwelling upon completion of permitted, larger residence.~~

~~L. M. A home occupation may be conducted from either primary or accessory dwelling unit.~~

~~M. N. Either the primary or accessory dwelling unit shall be occupied by the property owner.~~

~~O. The primary dwelling shall be at least two stories when the accessory dwelling unit is to be provided over a garage.~~

Dated this 15<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
++++  
Planning Commission Chair

Attest:

\_\_\_\_\_  
Carolyn Johnson  
Community Development Director

## ATTACHMENT 2

### Zoning Ordinance Section 7.040(29)

**29. Accessory dwelling.** An accessory dwelling unit is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the RR, RCR, R-1 and R-2 zones. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:

- a. A location either within, attached to, or detached from the primary detached single family dwelling unit. The accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.
- b. An Accessory dwelling unit must have its own outside entrance, kitchen and bathroom and sleeping area completely independent of the primary dwelling.
- c. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet in floor area but shall be no smaller than two hundred forty (240) square feet.
- d. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.
- e. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.
- f. A detached accessory dwelling unit shall be located a minimum of twenty (20) feet from the foundation of the primary dwelling.
- g. The minimum front, rear and side yard setbacks for the Accessory dwelling shall be that of the underlying land use district.
- h. The entrance to the any accessory dwelling unit shall not face the front property line.
- i. The entrance to a detached accessory dwelling unit shall not face the front of the primary dwelling unit.
- j. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features).



**ATTACHMENT 3**  
**Zoning Ordinance Section 2.300**

**Section 2.300. Legislative Hearings**

1) Applicability

The following types of applications require a legislative hearing:

- a) Major Comprehensive Plan map amendments;
- b) Amendments to the Comprehensive Plan text;
- c) Amendments to the Land Development Ordinance; and
- d) Any other application for legislative approval not described above.

2) Description

a) The Planning Commission will conduct the first evidentiary hearing on the application pursuant to the relevant procedures set forth in Section 2.300 (5)

b) A legislative hearing will be conducted for all the types of amendment applications listed in Section 2.300 (1).

Notice of the hearing will be prepared in accordance with ORS 215.503, if applicable.

c) The Planning Commission will consider the application, the Director Staff report and recommendation, and the evidence presented at the public hearing, and then recommend the Board of Commissioners either approve, approve with conditions, or deny the application. The Planning Commission recommendation will include written findings of fact prepared by the Director explaining the justification for the recommendation, based on the facts set forth and relevant local and state laws.

5) Order of Proceedings in Legislative Hearings

a) At the commencement of a hearing, the presiding officer will call upon a representative of the Director for a report on the land use matter under consideration and may permit members of the hearings body to inquire of the Director.

b) After hearing the report of the Director, the presiding officer will open the public hearing and ask first to hear from those who wish to testify in favor of the land use matter under consideration. When all in favor have testified, the presiding officer will ask for testimony from those opposed. The officer may also ask for testimony from those neutral to the application. Before testifying, all witnesses must first state their name and address for the record.

c) Participants in hearings must conduct themselves in an orderly and respectful manner at all times. The presiding officer may exclude persons disrupting the proceedings from the hearing room or may adjourn the hearing.

d) Upon completion of evidence and testimony, the presiding officer will, in the absence of any motions to continue the public hearing or leave the public record open, close both.

e) Once the hearing and public record are closed, the presiding officer will call for deliberation by the hearings body prior to making a decision or formulating its recommendation.