

S15W34
S15W34



CURRY COUNTY COMMUNITY DEVELOPMENT
94235 MOORE STREET, SUITE 113
GOLD BEACH, OREGON 97444

22-000049

Becky Crockett
Planning Director

Phone (541) 247-3228
FAX (541) 247-4579

File # AD-2204 Fee \$ 1450 Receipt # _____ Accepted by _____

LAND USE DECISION APPLICATION FORM

Application Type (Check One)

Comp Plan/Zone Change Conditional Use Variance Partition Subdivision Development Permit

Application Date: _____ Hearing / Decision Date: _____

APPLICANT: Please complete all parts of this form. The attached application checklist will be marked by staff to reflect the information and supporting items required for this request. Please return this prepared checklist, the completed application form and required fee at the time of submission. Please note that your application cannot be reviewed or processed until all the required items have been provided.

1. PROPERTY OWNER OF RECORD

Name Amanda Jones and Brian Jay (BJ) Lazarus

Mailing Address: _____

City, State, ZIP: _____

Telephone #: _____ E-Mail _____

2. APPLICANT

Name Amanda Jones and Brian Jay (BJ) Lazarus

Mailing Address: see above

City, State, ZIP: _____

Telephone #: _____ E-Mail _____

3. AGENT (If Any)

Name: NA

Mailing Address: _____

City, State, ZIP: _____

Telephone # _____ E-Mail _____

4. BASIC PROPOSAL (Briefly describe your proposed land use)

Requesting variance of the secondary fire safety setback to allow for the replacement of a single family dwelling and shed on FG zoned lot #701. The proposed dwelling requiring the secondary fire setback variance, will be placed on the same footprint, using the existing septic, electric meter, and water.

5. PROPERTY INFORMATION

Assessor Map # 31S15W34 Tax Lot (s) 701

Zoning: Forestry and Grazing Total Acreage 2.54ac

RECEIVED
7/22/22

6. **PROPERTY LOCATION**
Address (if property has a situs address) 45721 Highway 101, Langlois, OR 97450
Description of how to locate the property _____
0.5 miles north of Pacific Coast Highschool on the eastern side of Highway 101.
Next driveway north from A&T Myrtlewood Gift shop.

7. **EXISTING LAND USE** (briefly describe the present land use of the property)
 Vacant Developed; Describe existing development
Tax records show a single family dwelling of 1,680sq ft dating back to 1978. A
manufactured home was removed from the site in fall of 2021. Currently, an
empty building pad exists with an active electric meter from Coos Curry
Electric coop, and an existing 1500 gallon septic system inspected 11/2021
and in excellent working order.

8. **SURROUNDING LAND USES** (Briefly describe the land uses on adjacent property)
To south and west - Rural commercial/FG with residential dwellings. To the
north - FG with conditional use residential dwellings. Agricultural and
residential to the west.

9. **SERVICE AND FACILITIES AVAILABLE TO THE PROPERTY**
Please indicate what services and facilities are available to the property. If on-site sewage disposal and/or water source is proposed, a copy of the approved site evaluation or septic system permit and a copy of any water rights or well construction permit must be submitted with this application.
Water Source Certificate of domestic-use water right included in findings
Sewage Disposal Sand filtered septic system existing on-site
Electrical Power Active meter with service from Coos Curry existing on site
Telephone Service NA
Fire Department/District Sixes
School District 2CJ - North Curry - Port Orford Langlois

10. **ROAD INFORMATION**
Nearest Public Road Highway 101
Private Roads Serving the Property NA
Road Condition _____
Legal Status _____
Ownership: I own the road Easement on others property Joint Owner
Please submit record of ownership (i.e. deeds, easement, plat dedication, etc)
Proposed New Roads/Driveways (Briefly describe any new road construction related to this application)

11. PHYSICAL DESCRIPTION OF THE SUBJECT PROPERTY

Topography (Briefly describe the general slope and terrain of the property)

Negligible elevation change at building site corners. Less than 5% slope at overall lot. Downward slope on northern boundary toward Carlson Creek at approx ~ 20-30 degrees for approximately 10'

Vegetation (Briefly describe the vegetation on the property)

The vegetation is a mix of fir, spruce, cedar, and sequoia, with smaller underbrush including alder and deciduous shrubs

12. FINDINGS OF FACT

Oregon Statute and the zoning ordinance requires that land use decisions be supported by factual findings. The burden of proof is on the proponent therefore it is required that the application provide findings to support the request in this application. The standards and criteria that are relevant to this application will be provided by the staff and are considered to be a part of this application form. Please read the standards and criteria carefully and provide factual responses and evidence to address each standard. These findings must be sufficiently specific to allow the decision maker to determine whether your request meets the relevant standard. Please attach your written findings and supporting evidence to this application.

FAILURE TO PROVIDE THE REQUIRED FINDINGS WILL PREVENT THE APPLICATION FROM BEING PROCESSED AND IT WILL BE RETURNED AS BEING INCOMPLETE.

Please see findings from Section 3.050 Forestry Grazing Zone (FG), Section 3.055 Fire Safety Areas, and Section 8.010 – 8.030 Variances attached

13. APPLICANT'S SIGNATURE AND STATEMENT OF UNDERSTANDING

(Please read the statement below *before* signing the signature blank)

I (We) Aranda Jones _____ ;
_____ ;
_____ ;
_____ ; have filed this application for
above, owner/applicants

With the Curry County Department of Community Development-Planning Division to be reviewed and processed according to State of Oregon and county ordinance requirements. My (our) signature (s) below affirms that I (we) have discussed the application with the staff, and that I (we) acknowledge the following disclosures:

- (a) I (we are stating all information and documentation submitted with this application is true and correct to the best of my (our) knowledge.
- (b) I (we) understand that if false information and documentation has been submitted and the decision is based on that evidence, the decision may be nullified and the county may seek all legal means to have the action reversed.
- (c) I (We) understand any representations, conclusions or opinions expressed by the staff in pre-application review of this request do not constitute final authority or approval, and I (we) am (are) not entitled to rely on such expressions in lieu of formal approval of my (our) request.
- (d) I (We) understand that I (we) may ask questions and receive input from staff, but acknowledge that I (we) am (are) ultimately responsible for all information or documentation submitted with

this application. I (We) further understand staff cannot legally bind the county to any fact or circumstance which conflicts with State of Oregon or local ordinance, and in event a conflict occurs, the statement or agreement is null and void.

- (e) I (We) understand that I (we) have the burden of proving that this request meets statutory and Ordinance requirements, and I (we) must address all of the criteria that may apply to the decision being made. The criteria for approving or denying this request have been provided to me (us) as a part of the application form.
- (f) I (We) understand the staff is entitled to request additional information or documentation any time after the submission of this application if it is determined as such information is needed for review and approval.
- (g) I (We) understand this application will be reviewed by the Oregon Department of Land Conservation & Development (DLCD) and possibly other state agencies as part of the statewide land use coordination process. I (We) understand that agencies that participate in the review process have the legal right to appeal the approval of the request.
- (h) I (We) understand that it is my (our) responsibility, and not the county's, to respond to any appeal and to prepare the legal defense of the county's approval of my (our) request. I (We) further realize it is not the county's function to argue the case at any appeal hearing.
- (i) I (We) understand that I (we) am (are) entitled to have a lawyer or land use consultant represent me (us) regarding my application and to appear with me (or for me) at any appointment, conference or hearing relating to it. In light of the complexity and technical nature of most land use decisions, I (we) understand that it may be in my best interests to seek professional assistance in preparation of this application.

(j) The undersigned are the owner (s) of record for the property described as:
Assessor Map(s) 31S 15W 34 (3115-34 -00701-00)
and Tax Lot(s) 701
in the records of Curry County.

This application MUST BE SIGNED BY ALL PROPERTY OWNERS OF RECORD, or you must submit a notarized document signed by each owner of record who has not signed the application form, stating that the owner has authorized this application.

- (1) Signature Amanda Jones
Print Name Amanda Jones
- (2) Signature [Signature]
Print Name Brian Lazarus
- (3) Signature _____
Print Name _____
- (4) Signature _____
Print Name _____

Section 3.050 Forestry Grazing Zone (FG)

BACKGROUND AND FINDING:

Curry County taxlot records (Exhibit A) show a single family dwelling of 1,680 sq ft dating back to 1978 existing on lot #701. The current proposed use is a replacement of the previous manufactured home with a 1664 sqft stick built home and a non-habitable shed.

The proposed dwelling would use the previous footprint. The homesite currently has an electric meter with active service from Coos Curry Electric, spring water with state recorded right for domestic use, and the septic which was built in 2008 and inspected (found to be in excellent working condition) and pumped Nov, 2021.

The structures were removed from the property in the fall of 2021, just before transfer of ownership to current owners/applicants in November, 2021. Line #7 of Section 3.055 states that a replacement dwelling will be subject to primary and secondary fire setbacks put forth in #2 of the section.

As demonstrated below, there are constraints on the property due to lot size and shape. In order to maintain necessary distance from property lines, septic, access roads to the adjoining lot (#202), and riparian zones, the proposed replacement structures must be placed on the same footprint of the previous structures, which are able to meet the 30' primary fire setback, but unable to meet the 100' secondary fire safety setback (most notably, on the southern property line). A variance of the secondary fire setback from 100' to 0' will be required in order to replace the structures.

Of interest, the previous planning clearance forms for this home (EXHIBIT B) includes an annotation on the official form that the fire setbacks on the southern perimeter of the lot are "okay."

To support our findings, we are including:

- EXHIBIT A - Taxlot Records for #701
- EXHIBIT B - Previous Planning Clearance dated 2008
- EXHIBIT C - Fire District Service and Requirements
- EXHIBIT D - Plot Map
- EXHIBIT E - Statutory Warranty Deed
- EXHIBIT F - Certificate of State Water Rights

Section 3.055 Fire Safety Areas

The following fire siting standards shall apply to all new dwellings or permanent structures constructed or placed on lands within the Forestry Grazing (FG) zoning designation.

1. *The dwelling shall be located on a parcel that is located within a structural fire protection district or the owner has contracted with a structural fire protection district for residential fire protection. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the Director may provide an alternative means for protecting the dwelling from fire hazards. The alternative means for providing fire protection may include a fire sprinkling system, onsite fire suppression equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

FINDING:

The subject homesite is located within the Sixes Rural Fire District - less than 2 miles (~1.5) from the fire hall on Highway 101, and ~140' setback from the highway. The fire district chief has viewed the property and signed a letter of service (submitted with clearance planning package via postal mail). A 3000 gallon static poly tank will be installed per the Sixes Rural Fire District recommendations. This recommendation is 1,000 gallons less than the 4,000 gallon supply mentioned in the CCZO. There are at least three reasons for this slight reduction in size; there are additional water sources in close proximity, it allows for the installation of one tank rather than two (a significant reduction in footprint given the confines of the site) and the location allows for rapid and direct response in the event of a fire due to proximity of both Highway 101 and the fire hall itself.

2. *Fire Safety Area.*
Owners of new dwellings and structures shall comply with the following requirements.
 - a) *A primary fire safety area of at least thirty (30) feet width shall be maintained around all structures;*
NOTE: For purposes of this ordinance a primary fire safety area shall be defined as follows:
An area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15)

feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath the trees.

b) A secondary fire safety area of at least one hundred (100) feet width shall be cleared and maintained around the primary fire safety area.

NOTE: For purposes of this ordinance a secondary fire safety area shall be defined as follows:

An area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches.

FINDING:

On the southern side of the proposed build site is a gravel area 30' wide (driveway and shoulders), followed by ~ 70' swath of vegetation that has greater density than set forth by the ordinance. This vegetation runs along the property line separating tax lots #701 and #702, and a significant portion of this vegetation is on the neighboring property that serves as both a private residence and commercial enterprise (rural commercial, AT Myrtlewood). This line of vegetation serves as a defacto fence, delineating the property line, as well as a privacy buffer between the homesite and commercial enterprise. Aside from this line of vegetation, the adjoining lot #702 maintains a large area that is cleared from vegetation which may aid in fire defense.

The property fronts Highway 101 at a section with expansive cranberry bogs to the west of the highway, adding an additional fire brake to the entire area. Neighboring residences to the west and north have taken measures to mitigate fire risks and clear around structures.

The vegetation is a mix of fir, spruce, cedar, alder, and sequoia, with smaller deciduous shrubs in the lower canopy. As the new property owners, we plan to selectively remove and/or limb fir trees and brush within our property lines to comply with the goals of the fire safety setbacks:

- The dwelling and shed structures will be able to meet the primary 30' setback, and with planned clearing, will have lower density vegetation than required by the CCZO.
- The northern, eastern, and western radius surrounding the dwelling will be able to attain 50'-100' secondary setbacks, including portions that are on neighboring lots but already thinned.
- On the southern property line, we will be able to maintain ~30-40' of the 100' secondary setback from the dwelling within our property bounds.
- We will only be able to maintain a 30' primary setback on the southern side of the storage shed without removing trees from the neighboring property. This shed will house equipment and tools that are essential to maintaining both the dwelling and the FG land. Placement of this shed to the west of the dwelling is not feasible due to the septic system, and moving north over the access road would cause encroachment into the riparian zone.

- In total, the placement of the dwelling and shed will require a variance of the secondary setback from 100' to 0' largely due to the southern boundary. However, we will exceed this 0' secondary setback in a majority of areas.

FORESTRY GRAZING (FG) ZONE

Curry County Zoning Ordinance (Amended August 2018)

c) Areas subject to the Scenic Waterway Area Overlay Zone may have compliance with the primary and secondary fire safety area requirements of this section modified to comply with specific siting standards contained in any state or federal approved Scenic Waterway Management Program when such regulations conflict.

- 3. The dwelling shall have a fire retardant roof.*
- 4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*
- 5. The dwelling shall not be sited on a slope greater than 40 percent.*
- 6. The County may impose standards and conditions in addition to those specified above, when it deems it necessary to protect the public health, safety and welfare.*
- 7. Replacement or substantial improvement of legally sited existing dwellings requires compliance with the Fire Safety Area requirements of subsection 2. above. Substantial improvement constitutes an improvement which is in excess of 50% of the assessed value of the existing dwelling.*
- 8. Road Access to Dwellings
Road access to the dwelling shall meet the requirements set forth in Section 3.056.*

FINDING:

The build design for the replacement structures have been drafted to include all electric appliances, no fireplace or chimney, standing seam metal roof, and cement board siding. The slope at the homesite is -5%. The dwelling site is approximately 140' from highway 101 with a graveled driveway and turn-around meeting the access requirements.

Section 8.010 – 8.030 Variations

Section 8.010. Authorization to Grant or Deny a Variance.

The Director may grant variances from the provisions of this ordinance where it has been shown that owing to unusual topographic conditions, unusual conditions such as the shape of property or the location of a building on the property, or other conditions over which the applicant has had no control, the literal interpretation of this ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Director may attach conditions which he/she finds necessary to protect the best interests of the

surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance or the comprehensive plan.

Section 8.020. Application for a Variance.

A request for a variance may be initiated by filing an application in accordance with Article II of this Ordinance.

Section 8.030. Standards for Granting a Variance.

A variance may be granted only in the event that the applicant can show that all of the following standards have been met:

- 1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the owner of the property has no control.*

FINDING:

Please see EXHIBIT D for a plot map and survey.

This property, 45721 Highway 101, Langlois OR, 97450, has two legally established lots - #701 and #202. Lot #701 serves as the sole entrance to the property - and a minimum 16ft easement will be required for access to lot #202. Lot #701 has a width of 200' of frontage at its widest point at Highway 101, and narrows to only 41.78' at the back of the lot (property line adjoining to lot #202). The presence of Carlson Creek on the northern boundary, the need for access to the adjoining lot #202, as well as a large sand filter septic system covering the eastern portion make the replacement of the dwelling impossible at any other site on the property. These confines are natural or were imposed by the lot line adjustments and property developments made by prior owners.

- 2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.*

FINDING:

This dwelling site has a state certified water right as a domestic point of use dating to 1972 - (domestic point of use of .0005 c.o.s, Certificate 42483. Please see EXHIBIT F). In order to maintain the spring, which is the source and recorded point of diversion associated with this property right, the property owners must have access to lot #202. Due to distance and topography, limiting this access to footpaths only would represent a significant hardship, in the case that the cistern or other water equipment require maintenance or replacement. The placement of this dwelling, as proposed, allows for a minimum 16ft access route that will be critical for enjoying the full property rights - both of water rights on lot #701, and vehicular land access to lot #202.

3. *The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of the comprehensive plan or other county regulation.*

FINDING:

The proposed home does not increase the fire hazards to the area in any meaningful way beyond what has existed in this location for many decades. Rather than representing a detriment to the CCZO, it is our hope that replacing this house (and approving this variance) represents a furthering of the safety aims by way of increased precautions such as adding a static water supply, improved clearing of vegetation surrounding the structures, improving fire engine access to both lots 701 and 202, and updated housing standards.

4. *The variance requested is the minimum variance which would alleviate the hardship.*

FINDING:

We, the applicants, agree to clear vegetation within the portions of the fire safety setbacks that fall within our property, with safety of the community as a first priority and under the guidance of the local fire district, recognizing that it is also in our own best interest. In addition to the non-feasibility of all other sites, the proposed site prevents further encroachment into F&G lands, is close to the public access point, and makes best use of all existing utilities. The requested variance is the minimum required to alleviate the hardship - ensuring we maintain maximum fire hazard setbacks within our own property, but do not trespass on neighboring properties.

EXHIBIT A

Taxlot Record

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, CURRY COUNTY, OREGON

31	15	34			701	22-5	34	31	15
TWP. S.	RG. W.	SEC.	1/4	1/16	TAX LOT NO.	CODE NO.	SECTION OR LOT	TOWNSHIP S. OR BLOCK	RANGE W. WM
MAP NUMBER					TAX LOT NO.	CODE NO.	ADDITION	CITY	
ACCOUNT NUMBER					TAX LOT NO.	CODE NO.	ADDITION	CITY	

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
	<p>A parcel of land in the NW$\frac{1}{4}$ of the NW$\frac{1}{4}$ in Sec. 34,</p> <p>Beg. at the Sec. cor. common to Secs. 27, 28, 33 and 34 Twp. 31S. R. 15W. W.M.;</p> <p>th. E. 203.0 ft. to the Wly edge of U. S. Hwy. 101;</p> <p>th. continue E. across said hwy. to a pt. on the Ely bdry. thereof;</p> <p>th. SWly along said Ely bdry. 480 ft. to a pt. the true pt. of beg. of the tract herein conveyed;</p> <p>th. S. 81 deg. 16 min. E. 1078 ft, m/1, to the E. line of that land deeded to Beatrice Freel;</p> <p>th. S. 200 ft. along said line;</p> <p>th. N. 81 deg. 16 min. W. 1198 ft, m/1, to the E. line of said U.S.Hwy.101;</p> <p>th. N. 10 deg. 44 min. E. along said Hwy, 200 ft. to the P.O.B.</p>	7/5/60	59	121	5.2m/1
	<p>CCC 5178 B & S Deed</p>	4/30/65	P	494	
JVO 73-723		5-22-72	BR23	912	5.2 m/1
JVO 80-7716&7719	Code Change 2-2 to 2-4	12/5/78			5.2 m/1
JVO89-1663	Split Code - Sixes River RFPD	4-22-88			5.2 m/1

EXHIBIT B

Previous planning clearance form - 2008
Note administrative "okay" on fire setbacks on southern
boundary.

PLANS: ATTACHED IN DRAWER FORTHCOMING ZONING: FB PC#: 08 006

PC FEE: County/Gold Beach: \$11



PLANNING CLEARANCE FORM
Planning/Sanitation/Building
Curry County Dept of Public Services
POBox 746 94235 Moore St.
Gold Beach, OR 97444
Phone 541-247-3304 Fax 541-247-4579

COUNTY GOLD BEACH PORT ORFORD

Applicant: read and complete items 1-8.

1. PLANNING CLEARANCE FOR: (check applicable items)

Sewage Disposal Permit/Authorization Notice

Manufactured Home Permit Year 1978 Bedrooms 3
Width of Manf. Home at base 24 feet

Pre-Fab New Replacing stick existing built SFD

Building Permit COMM SFD #Bedrooms _____
Type and Size: _____

Letter of approval signed by Deputy State Fire Marshal
(Required for Commercial) DEMO PERMIT

CONTRACTOR INFORMATION

Owner Built unknown

Contractor Name: _____ Reg. #: _____

Manf. Home Installer: _____ Reg# _____

\$175 ADDITIONAL FEE FOR NEW RURAL ADDRESS

This section is only applicable if applying for a permit to site a new dwelling or commercial/industrial structure, or a replacement address plate. Curry County ordinance #80-3 restricts the issuing of rural addresses to improved parcels only. Parcels which have mobile home or building permits in progress have been determined by the Dept of Public Services to meet this improved status.

Replacement plate (\$28.00) address # _____

New Address _____

2. EXISTING DEVELOPMENT:

Dwellings (stick built) how many? 1 to be demold

Mobile Homes how many? _____

Other Buildings how many? 2 - garage & barn

Comments: _____

3. WATER SOURCE:

Well Spring Other: EXISTING

If on Well / Spring:

- Attach Well Log or Water Right documentation.

If in a Water District:

- Verification (from an authorized district representative) is required prior to submission of this clearance form.

SIGNATURE OF WATER DISTRICT REPRESENTATIVE _____

3A. ON-SITE SEPTIC SYSTEM

Permit # _____ Date _____

3B. SANITARY DISTRICTS:

SIGNATURE OF WEDDERBURN HARBOR, PORT ORFORD or GOLD BEACH SANITARY REPRESENTATIVE. [Signature]

SIGNATURE OF CITY OF BROOKINGS _____

3C. COOS-CURRY / BANDON ELECTRIC COORDINATION

Please discuss your proposed development with the utility company to ensure electrical safety.

[Signature]
SIGNATURE OF ELECTRIC REPRESENTATIVE

3D. FIRE DISTRICT: Sixes River Fire

[Signature]
SIGNATURE OF RFD REPRESENTATIVE

4. PROPERTY DESCRIPTION:

Assessor Map # 3115-34 Tax Lot# 701

Acreage _____ Street address or location: _____

45721 Hwy 101

5. PROPERTY OWNER INFORMATION:

Property Owner: Andrew Alice Carlson

Mailing Address: _____

City Langlois St. Ore Zip 97458 Phone# _____

6. ACCESS:

Does property access a county or state road? Yes No

If YES, do you have an access permit? Yes No

State or County permit # _____

More County Rd. Dep. Access Permit not needed
If NO, an access permit from the county or state (contact appropriate agency depending on whether it is a state or county road) will be required before this form can be processed. County Rd. Dept. 541-247-7097

7. PLOT PLAN/EROSION CONTROL PLAN

An accurate plot plan and Erosion control plan is required for processing of this permit clearance. Please draw an accurate plot plan on the reverse side, and fill out and sign the enclosed erosion control plan.

8. APPLICANT SIGNATURE:

By my signature, I certify that I am the owner, or have the owner's consent to apply for a permit on the above referenced property and by my signature I also certify that the information provided by me is correct and hereby grant the staff of the Curry County Dept of Public Services permission to enter this property for purposes of this application.

Name Andrew Carlson

Signature [Signature]

Mailing address _____

City Langlois ST Ore ZIP 97458

Date: 1/20/08

Note: This form is intended for county staff use in processing development permits and does NOT constitute a permit. Approval of this form authorizes only WHAT is applied for under NO. 1 at the time it is filed. Building plans MUST be turned in within one year of the Planning Department's approval, or Planning Clearance and fees will need to be re-submitted.

RECEIVED

PLANNING STANDARDS AND REQUIREMENTS

Land Use Zone: 2002

Property Line Setbacks:

- Harbor Bench Farm District Setback
 - FRONT:**
 - 35 feet from the center of all roads OR 10 feet from any property line adjacent to a road--which ever is greater
 - Vision clearance
 - No requirement
 - SIDE:**
 - 5 feet from property line for structures 15' and under For structures exceeding 15'--add 6 inches (1/2 foot) for every foot over 15' height TOTAL SETBACK _____
 - No requirement
 - BACK:**
 - 5 feet from property line for structures 15' and under For structures exceeding 15'--add 6 inches (1/2 foot) for every foot over 15' height TOTAL SETBACK _____
 - No requirement
- NOTE: Eaves, gutters, sunshades, and other similar architectural features may not project into required setbacks more than two (2) feet

Off Street Parking:

- # of 9' x 18' parking spaces required _____
- parking lot plan required No requirement

Structure Height:

- 35' maximum 45' maximum
- Airport Overlay Zone requires _____ feet
- No requirement

Lot Origin and Previous Land Use Action:

- Pre-existing Land use approved
- Previous Land Use Actions: _____

** No REMOVAL OR DISTURBANCE of Riparian Vegetation within:

- 50 feet OR 75 feet
- of any streams, rivers, or lakes per county Riparian Buffer Overlay Zone requirements

Fire Break:

Setback on south side of property okay.

- A firebreak of 130' feet must be maintained around all proposed structures
- No requirement

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Special Requirements or Considerations:

- 100 year flood plain
- FIRM or Floodway Panel# _____
- Geologic Hazard as identified on DOGAMI maps
- Wetland or potential wetland as identified by Wetland Inventory Maps: Map# _____
- Scenic Waterway
- USFS approval _____ ODPD approval _____
- Historic structure/cultural site/historic-archeological overlay

CONDITIONS OF APPROVAL:

Planning approval is for the replacement of a single family dwelling only. Applicant must place driveway exactly as shown on plat map.

The above proposal has been reviewed and found compatible with the applicable LCDDC Acknowledged Plan; provided the above referenced standards are maintained at the time of construction

County Planning Staff Reviewer:

Carole E. Walt
Signature
Planner
Date 02-12-09

City Planning Staff Reviewer (if required):

- Outside Urban Growth Boundary
- Inside Urban Growth Boundary, outside city limits
- Inside city limits

Signature

Title Date

Sanitarian Reviewer:

Permit# 08-04508 Authorization Notice# 08-026-08

- System approved System denied

Comments: SYSTEM APPROVED FOR A 4-BID SFD AND 450 GPD PEAK SEWER FLOW IS REQUIRED INSTALLATION ON NEW SYSTEM. ABRIDGEMENT OF OLD SYSTEM, MINOR SETBACKS.

Signature
Date 3/24/08

* administrative note of interest

EXHIBIT C

Signed letter of service from
Sixes Rural Fire District

FIRE DISTRICT SIGN-OFF FORM

This form must be taken to the local Fire Department with the Plot Plan that must be turned in when applying for a building permit. Please discuss your proposed development with the Fire Department to ensure fire safety and get the signature of the Fire Department. Return the Permit Clearance and this form with your plans to Curry County Department of Community Development.

S. Wayne Moore
Fire Chief Sixes RFPD

Signature of Fire Department Representative

over
→

Amanda Jones *[Signature]*

Signature of Permit Applicant

Fire/District Department	Contact	Phone Number
Agness Fire	Bill Scherbarth	541 247-7987
Brookings Fire	Jim Watson	541 469-1142
Cape Ferrelo Fire	Bill Van Vlet	541 661-6459
Cedar Valley Fire	Wade Hooey	541 425-5185
Gold Beach Fire	Tyson Krieger	541 247-6204
Harbor Fire	Steve McClintock	702 580-1353
Langlois Fire	Bill McDonald	541-655-0513
Ophir Fire	Adam Brotton	541 698-6110
Pistol River Fire	Richard Little	541 373-0844
Port Orford Fire	David Duncan	541 332-3681
Sixes Fire	Wayne Moore	541 348-9927 541 253-6028
Upper Chetco Fire	Jim Watson	541 469-1142
Wedderburn Rural	Tyson Krieger	541 247-6204
Winchuck Fire	Brad Stepanek	541 602-4545

Driveway is sufficient for new home next to
Hwy 101 E 45721

A 3000 gal static water supply will have to
be installed at an accessible location with setback
from new structure with Fire Dept 2½" NH
connector before wood framing commences.

L. Wayne Moore
Fire Chief Sixes RFPD

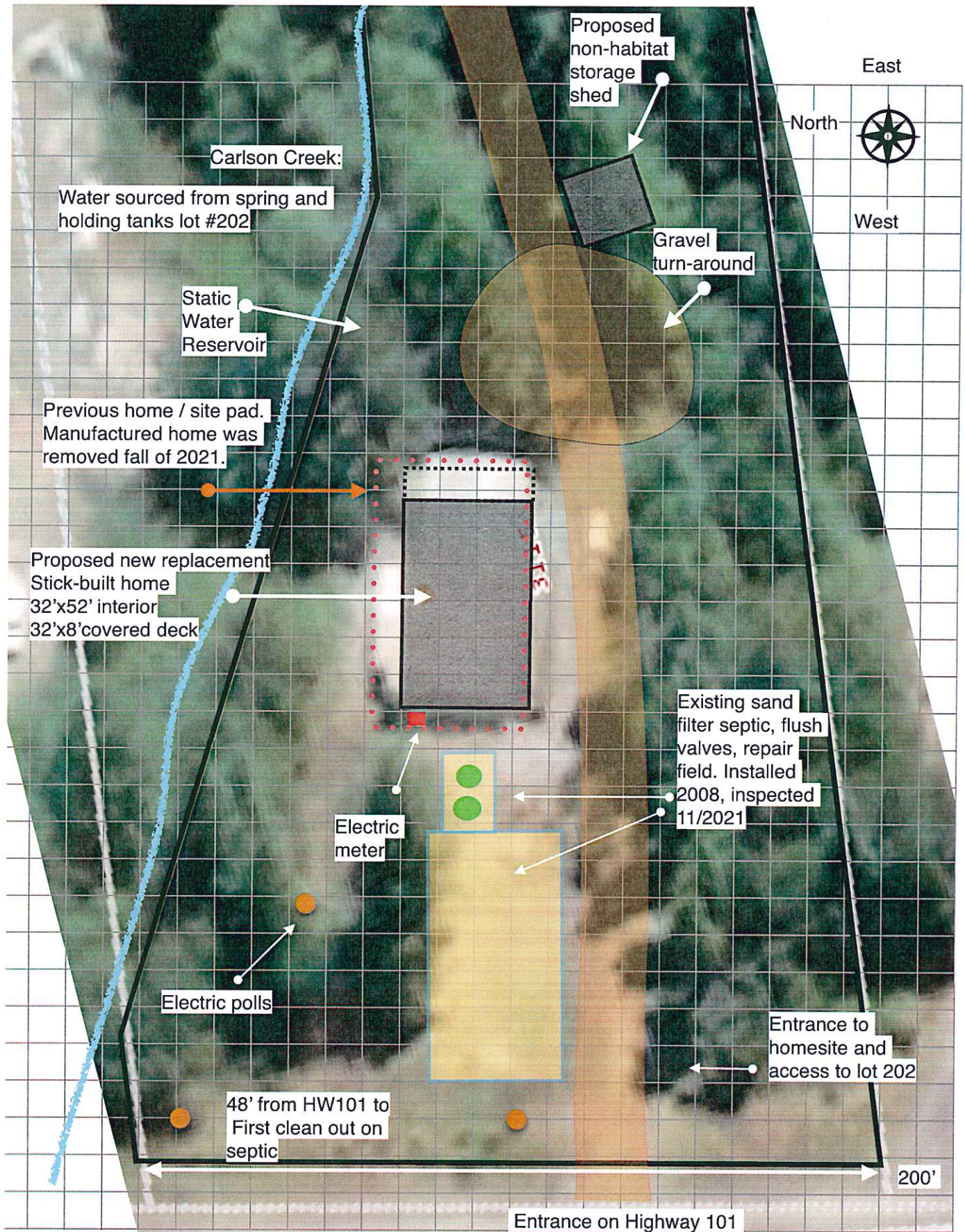
2-16-22

EXHIBIT D

Site Plot Map & Survey

45721 Highway 101 PLOT MAP

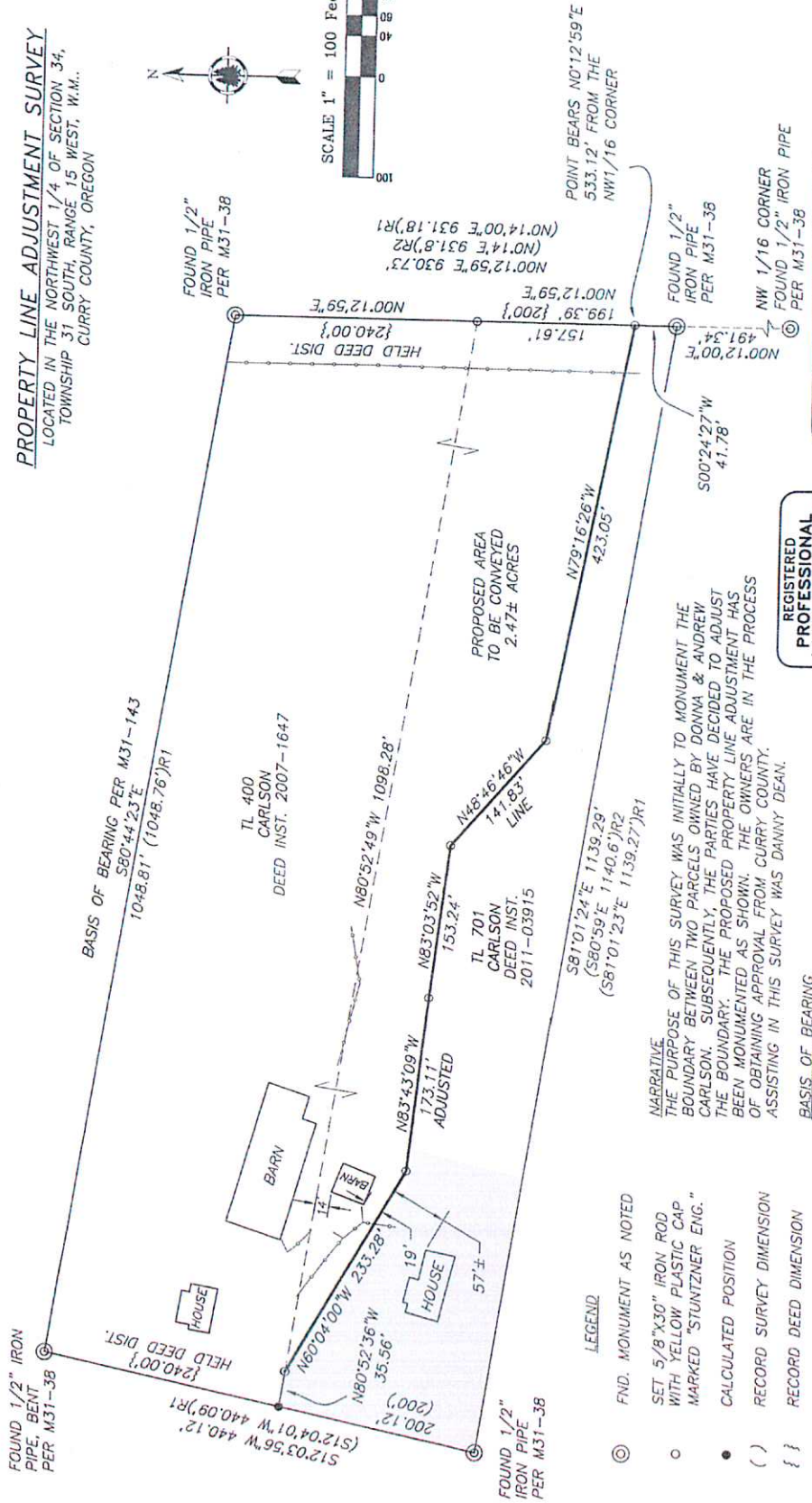
• 1 square = ~10 sq ft



PROPERTY LINE ADJUSTMENT SURVEY
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 34,
 TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.,
 CURRY COUNTY, OREGON



SCALE 1" = 100 Feet



Stuntzner
 Engineering
 & Forestry, LLC
 705 S. 4TH ST.
 P.O. BOX 1181
 COOS BAY, OREGON 97420
 PHONE: (541) 267-2872
 FAX: (541) 267-0585
 www.stuntzner.com
 Engineering - Land Surveying - Easement - Land Planning - Water Rights

PREPARED FOR:
 Donna Carlson
 Langlois, OR

JOB #: 119-049
 DATE: June 2013
 DRAWN BY: CMW
 CHECKED BY: CDH

FILE NAME: Carlson record of survey.dwg
 SHEET 1 OF 1

REGISTERED PROFESSIONAL LAND SURVEYOR

Corey M. Woodruff

OREGON
 July 12, 2008
 Corey M. Woodruff
 62978
 EXPIRES 6/30/14

NARRATIVE
 THE PURPOSE OF THIS SURVEY WAS INITIALLY TO MONUMENT THE BOUNDARY BETWEEN TWO PARCELS OWNED BY DONNA & ANDREW CARLSON. SUBSEQUENTLY, THE PARTIES HAVE DECIDED TO ADJUST THE BOUNDARY. THE PROPOSED PROPERTY LINE ADJUSTMENT HAS BEEN MONUMENTED AS SHOWN. THE OWNERS ARE IN THE PROCESS OF OBTAINING APPROVAL FROM CURRY COUNTY. ASSISTING IN THIS SURVEY WAS DANNY DEAN.

BASIS OF BEARING
 ASSUMED PER M31-143

REFERENCE SURVEYS
 R1) M31-143 BY R.E. STUNTZNER, APRIL 1993
 R2) M31-38 BY H.J. NEWHOUSE, SEPTEMBER 1960

- LEGEND**
- FND. MONUMENT AS NOTED
 - SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "STUNTZNER ENG."
 - CALCULATED POSITION
 - () RECORD SURVEY DIMENSION
 - { } RECORD DEED DIMENSION
 - PROPOSED ADJUSTED LINE
 - FENCE

RECEIVED
08/08/13
 CURRY COUNTY SURVEYOR

31-270

- Blue shading indicates portion shown in satellite image/site map.
- As of 2/2/22, GIS maps do not reflect the most current plot lines after the 2013 adjustment of property lines on lot 701. However, the assessor maps do reflect the changes, which are also detailed in the following survey.

EXHIBIT E

STATUTORY WARRANTY DEED

RECORDING REQUESTED BY:



15 Oregon Avenue
Bend, OR 97703

AFTER RECORDING RETURN TO:

Order No.: 360621037832-VR
Amanda M. Jones and Brian J. Lazarus

SEND TAX STATEMENTS TO:

Amanda M. Jones and Brian J. Lazarus

APN: R22663
R17933
M36865
Map: 3115-34-00701-00
3115-34-00202-00
45721 Highway 101, Langlois, OR 97450

CURRY COUNTY, OREGON 2021-05502
LAND 11/22/2021 10:55:00 AM
Cnt=1 Pgs=3 \$106.00

I Renee' Kolen, County Clerk, certify that the
within document was received and duly
recorded in the official records of Curry County.

Renee' Kolen - Curry County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Andrew A. Carlson, Grantor, conveys and warrants to **Amanda M. Jones and Brian J. Lazarus**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Curry, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$380,000.00). (See ORS 93.030).

Subject to:

1. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
2. The Land, as defined in the policy to be issued, does not include any improvement(s) located on the Land which is described or defined as a mobile home (manufactured housing unit) under the provisions of State Law and is subject to registration. ID Number 155344.
3. Reservation of Oil, gas, minerals, or other, including the terms and provisions contained therein, in deed from State of Oregon.
Recorded: October 28, 1943
Instrument No.: 28-37
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as reserved in instrument:
Recorded: March 26, 2013
Instrument No.: 2013-01188

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 11/19/21

Andrew A. Carlson
Andrew A. Carlson

State of Oregon
County of Clatsop

This instrument was acknowledged before me on NOV. 19, 2021 by Andrew A. Carlson.

B. Kraft
Notary Public - State of Oregon

My Commission Expires: 3/18/24



EXHIBIT "A"
Legal Description

PARCEL 1;

Township 31 South, Range 15 West of the Willamette Meridian in Curry County, Oregon, described as follows:
Beginning at the Section corner common to Sections 27, 28, 33 and 34, Township and Range aforesaid; Thence East 203.0 feet to the westerly edge of U.S. Highway 101;

Thence continue East across said Highway to a point on the Easterly boundary thereof;

Thence Southwesterly along said Easterly boundary 480 feet to a point, the true point of beginning of the tract herein conveyed;

Thence South $81^{\circ} 16'$ East 1078 feet, more or less, to the East line of that land deeded to Beatrice Prael;

Thence South 200 feet along said line; Then North $81^{\circ} 16'$ West 1198 feet, more or less, to the East line of said U.S. Highway 101;

thence North $10^{\circ} 44'$ East along said Highway, 200 feet to the place of beginning.

EXCEPTING the following described property:

Beginning at a 5/8" iron rod that bears North $00^{\circ} 12' 59''$ East 533.12 feet from the Northwest 1/16 corner of Section 34, Township 31 South, Range 15 West of the Willamette Meridian, Curry County, Oregon,

thence North $79^{\circ} 16' 26''$ West 423.05 feet to a 5/8" iron rod; thence North $48^{\circ} 46' 46''$ West 141.33 feet to a 5/8" iron rod;

thence North $83^{\circ} 03' 52''$ West 153.24 feet to a 5/8" iron rod;

thence North $83^{\circ} 43' 09''$ West 173.11 feet to a 5/8" iron rod; thence North $60^{\circ} 04' 00''$ West 233.28 feet to a 5/8" iron rod;

thence South $80^{\circ} 52' 49''$ East 1098.28 feet to a 5/8" iron rod on the east boundary of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 34;

thence along said east boundary South $00^{\circ} 12' 59''$ West 157.61 feet to the point of beginning.

PARCEL 2:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 34, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon

EXHIBIT F

STATE WATER RIGHT

Permit A--AM--7-79

SP4561-119

STATE OF OREGON
COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ANDREW S. & ALICE FAY CARLSON

of Star Route, Box 305, Langlois, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Carlson Creek

a tributary of Pacific Ocean for the purpose of domestic use for two families and stockwater

under Permit No. 37180 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of this right hereby confirmed dates from August 29, 1972

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.015 cubic foot per second, being 0.01 c.f.s. for domestic and 0.005 c.f.s. for stock

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T. 31 S., R. 15 W., W. M., 1080 feet South and 2160 feet East from NW Corner, Section 34.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to _____ of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

stock NE $\frac{1}{4}$ NW $\frac{1}{4}$
domestic NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 34
T. 31 S., R. 15 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

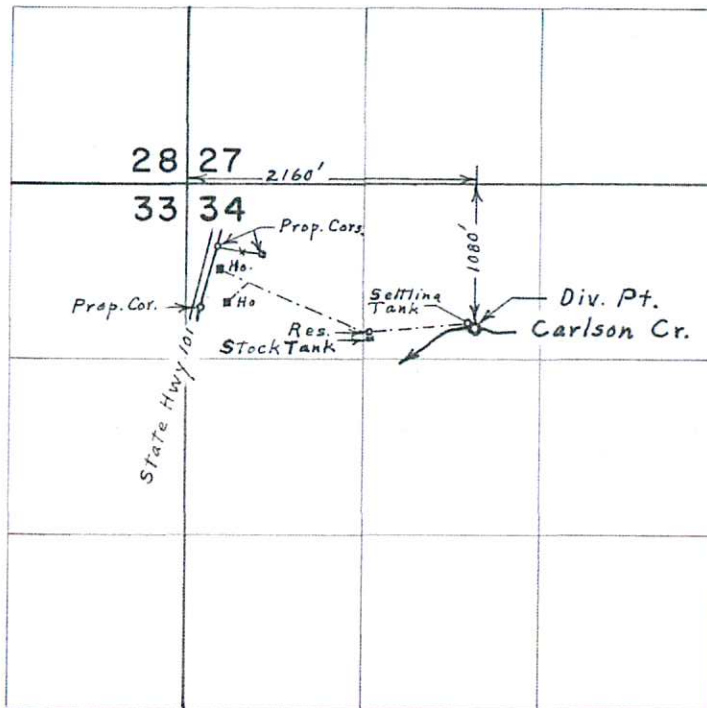
this date. September 15, 1975

James E. Sexson

Water Resources Director State Engineer

Recorded in State Record of Water Right Certificates, Volume 34, page 42483

T.31S. R.15W. W.M.



FINAL PROOF SURVEY
UNDER

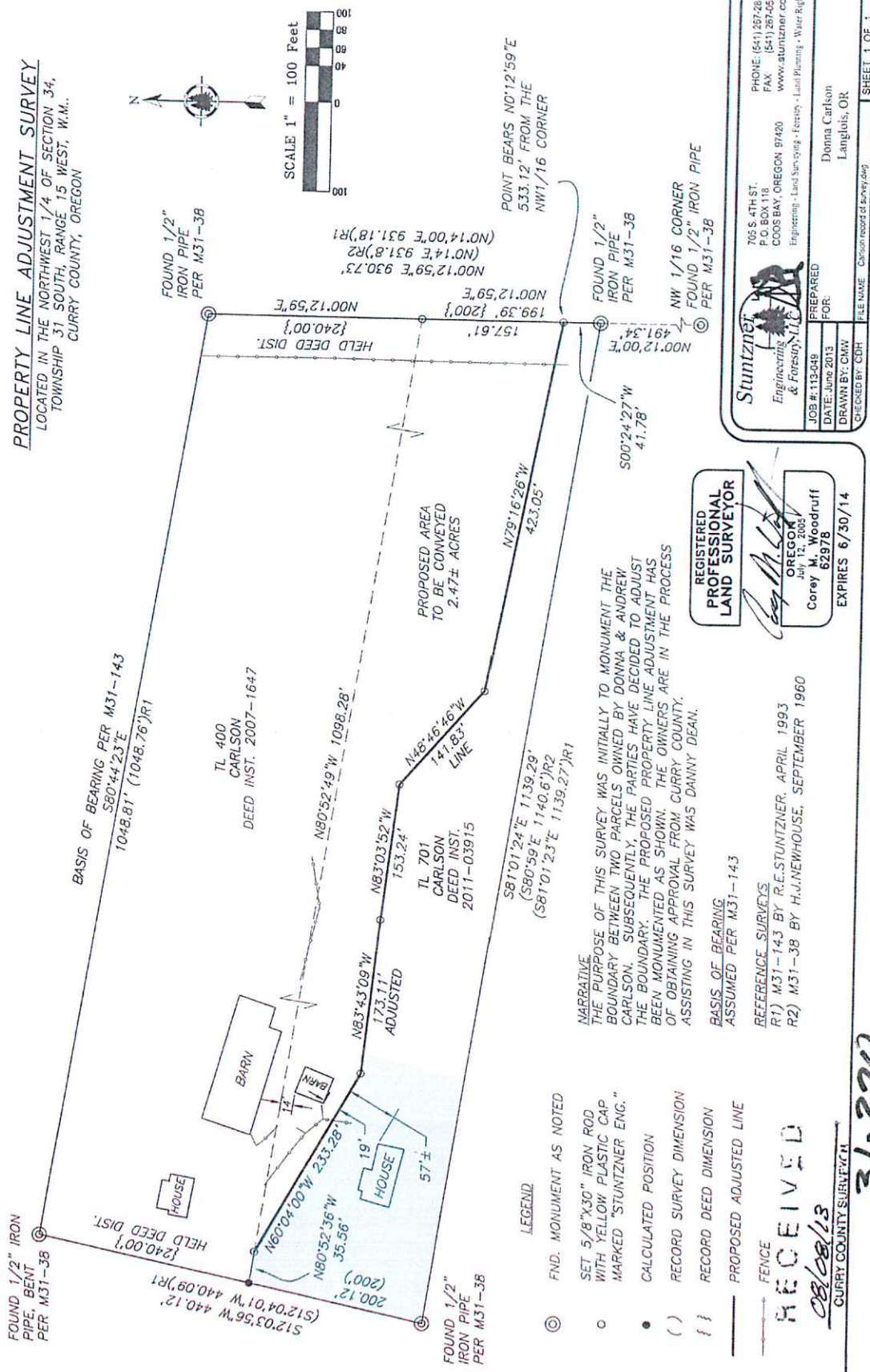
Application No. 49652 Permit No. 37180....
IN NAME OF

ANDREW S. & ALICE FAY CARLSON

Surveyed Aug. 17, 1974., by L. E. Gould..

PROPERTY LINE ADJUSTMENT SURVEY

LOCATED IN THE NORTHWEST 1/4 OF SECTION 34,
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.M.,
CURRY COUNTY, OREGON



Stuntzner
Engineering & Forestry, LLC
705 S. 4TH ST.
P.O. BOX 118
COOS BAY, OREGON 97420
www.stuntzner.com
PHONE: (541) 267-2872
FAX: (541) 267-0588
Engineering - Land Surveying - Easements - Land Planning - Water Rights

PREPARED FOR:
Donna Carlson
Langlois, OR

JOB #: 113-049
DATE: June 2013
DRAWN BY: CMW
CHECKED BY: GDH

FILE NAME: Carlson records of survey.dwg
SHEET 1 OF 1

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
July 12, 2005
Corey M. Woodruff
62978
EXPIRES 6/30/14

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FIRE DISTRICT SIGN-OFF FORM

This form must be taken to the local Fire Department with the Plot Plan that must be turned in when applying for a building permit. Please discuss your proposed development with the Fire Department to ensure fire safety and get the signature of the Fire Department. Return the Permit Clearance and this form with your plans to Curry County Department of Community Development.

Wayne Moore
Fire Chief Sixes RFPD

Signature of Fire Department Representative

over →

Amanda Jones

Signature of Permit Applicant

Fire/District Department	Contact	Phone Number
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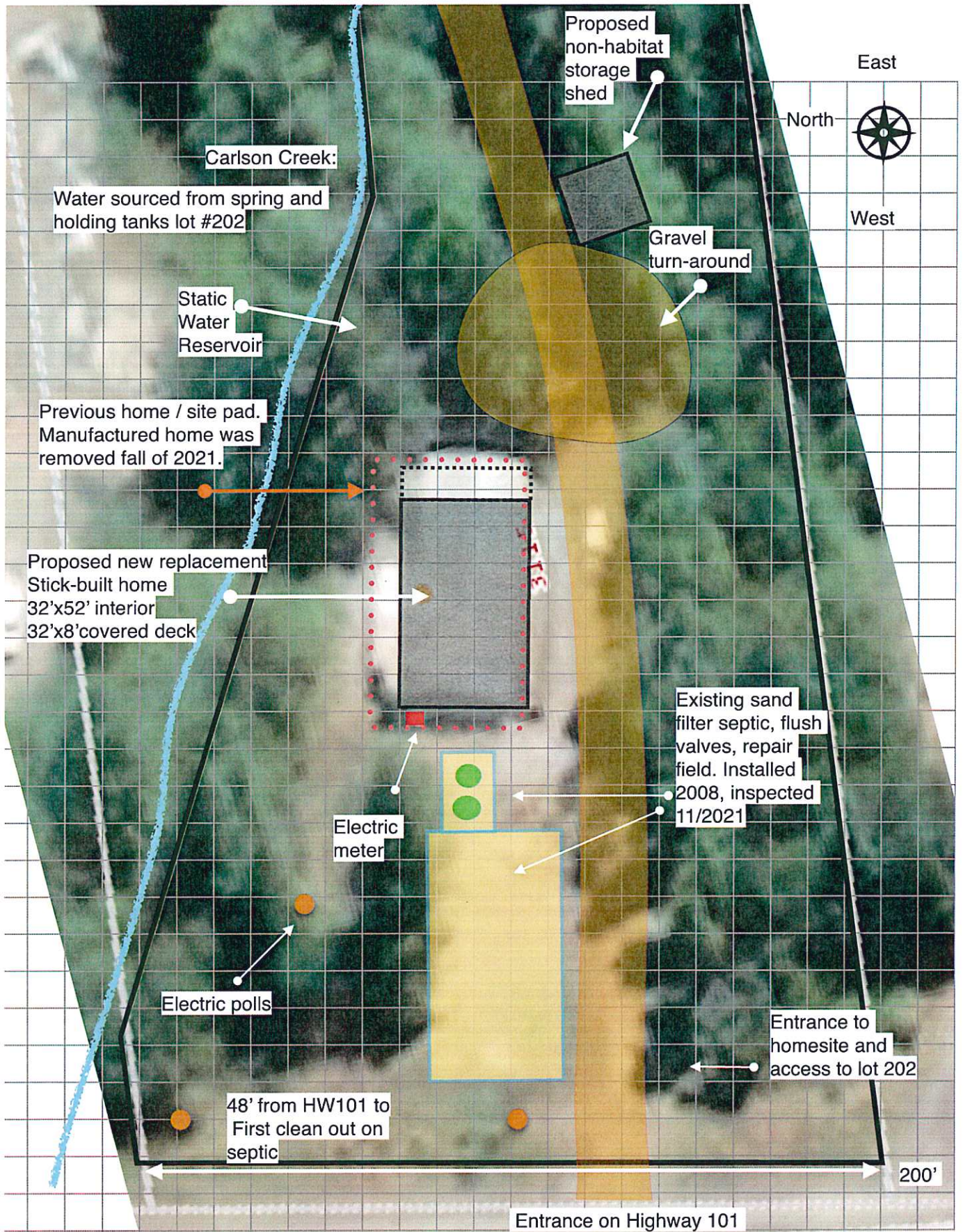
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S. Wayne Moore
Fire Chief Sixes RFPD

2-16-22

45721 Highway 101 PLOT MAP

• 1 square = ~10 sq ft



REVISED 2/22/22