



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

Carolyn Johnson  
Planning Director

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File # P-2002 Fee \$ 4000 Receipt # 757954 Accepted by NCO

### LAND USE DECISION APPLICATION FORM

Application Type (Check One)

☐ Comp Plan/Zone Change ☐ Conditional Use ☐ Variance ☒ Partition ☐ Subdivision

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 Ralph & Ruth Chapman, Co-Trustees  
Mailing Address: \_\_\_\_\_  
City, State, ZIP: Brookings, OR 97415  
Telephone #: \_\_\_\_\_ E-Mail \_\_\_\_\_

**2. AGENT (If Any)**

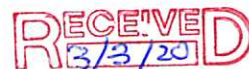
Name: same  
Mailing Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Telephone # \_\_\_\_\_ E-Mail \_\_\_\_\_

**3. BASIC PROPOSAL (Briefly describe your proposed land use)**

The property is bisected by Duley Creek County Road. The property has two existing dwellings, one on each side of the road. The proposal is to create two parcels, one on each side of the road. The proposal also includes adjusting the property line along the County Road to correspond with the existing painted centerline.

**4. PROPERTY INFORMATION**

Assessor Map # 40-14-13 Tax Lot (s) 700  
Zoning: RR-5 Total Acreage 2.14



5. **PROPERTY LOCATION**

Address (if property has a situs address) 18444 Carpenterville Road

Description of how to locate the property The property is located at the intersection of Duley Creek County Road and Carpenterville Road.

6. **EXISTING LAND USE** (briefly describe the present land use of the property)

☐ Vacant ☒ Developed; Describe existing development Two dwellings and two on-site sanitary sewer systems are located, one on each side of Duley Creek Rd.

7. **SURROUNDING LAND USES** (Briefly describe the land uses on adjacent property)

Residential

8. **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 private well

Sewage Disposal onsite sanitary sewer system

Electrical Power CCEC

Telephone Service Verizon

Fire Department/District Cape Ferrelo

School District 17-C

9. **ROAD INFORMATION**

Nearest Public Road Duley Creek Road

Private Roads Serving the Property None

Road Condition paved

Legal Status County Owned

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)  
None

**10. PHYSICAL DESCRIPTION OF THE SUBJECT PROPERTY**

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

gentle slope at the home sites

Vegetation (Briefly describe the vegetation on the property)

Landscaped around the dwelling on the North side of Duley Creek Rd, and native grass and trees around the dwelling on the South Side of Duley Creek Rd.

**11. 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.**

**12. APPLICANT'S SIGNATURE AND STATEMENT OF UNDERSTANDING**

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

I (We) ;

;

\_\_\_\_\_;

\_\_\_\_\_ ; have filed this application for

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) 40-14-13  
and Tax Lot(s) 700  
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   
Print Name RALPH D. CHAPMAN
- (2) Signature   
Print Name RUTH A. CHAPMAN
- (3) Signature \_\_\_\_\_  
Print Name \_\_\_\_\_
- (4) Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

**ADDITIONAL NOTES:**

All fees must be paid at the time your application is filed. Staff will examine the application when filed to check for completeness and will not accept it if required items are missing. A final completeness check will be made prior to doing public notice regarding the pending decision. If it is determined to be incomplete or the findings are insufficient you will be notified and you must provide the required information in a timely manner to avoid denial of the request.

ORS 215.427 required the county to take final action on a land use application (except for plan/zone changes) including all local appeals within 120 days if inside an Urban Growth Boundary (UGB) or 150 days if outside a UGB once the application is deemed complete.

**PLOT PLANS:**

All applications require that a plot plan of the subject property be included with the application form. The plot plan is an understandable map of your property and its relationship to adjacent properties. The plot plan must show certain essential information that is needed for the staff and the decision makers in the evaluation of your request. The plot plan is also incorporated into the public notice sent to adjacent property owners and affected agencies. The plot plan should be prepared on a single sheet of paper (preferable 8 ½ x 11") so copies can easily be reproduced for review.

An example plot plan is attached to this form to give you an idea of what information should be included on your plan and how it should be drawn. The plot plan **does not** have to be prepared by a surveyor or engineer, and can generally be prepared by the applicant from the Assessor map of the property. The dimensional information included on the plot plan must be accurate and drawn to scale so that the plot plan reasonably represents the subject property and any development therein. If your application is for a land partition or subdivision Oregon Statute required that plat maps must be prepared by a surveyor licensed by the state.

PLAT NUMBER **PRELIMINARY PLAT**

INSTRUMENT NO. \_\_\_\_\_  
CHAPMAN PARTITION

PREPARED FOR:  
RALPH CHAPMAN & RUTH CHAPMAN  
18444 CARPENTERVILLE Rd.  
BROOKINGS, OREGON 97415  
541-813-2658

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO PREPARE A PARTITION PLAT FOR THE CHAPMAN PROPERTY AS DESCRIBED IN NSTRUMENT No. 2019-2894, OFFICIAL RECORDS OF CURRY COUNTY, OREGON. THE PROPERTY IS BISECTED BY DULEY CREEK ROAD AND HAD BEEN DEVELOPED WITH A RESIDENCE ON EACH SIDE OF THE COUNTY ROAD. THE COUNTY ROAD WAS CONVEYED BY QUITCLAIM DEED FROM KARL OSTENBERG TO CURRY COUNTY AS RECORDED IN DEED VOLUME 36 PAGE 413-414. THIS PLAT DEPICTS A PROPOSED PROPERTY LINE ADJUSTMENT BETWEEN CURRY COUNTY AND THE CHAPMANS FOR THE PORTION OF THE COUNTY ROAD THAT TRAVERSES THROUGH THE CHAPMAN PARCEL. THE PROPOSED NEW PROPERTY LINES ALONG DULEY CREEK ROAD ARE ALONG A 50 FOOT WIDE STRIP CENTERED ON THE PAINTED ROAD CEDNTERLINE.

BEARINGS FOR THIS SURVEY WERE BASED ON THE EAST LINE OF SECTION 13 AS REPORTED ON CURRY COUNTY SURVEY FILE No. 40-776 AND INSTRUMENT No. 2019-2894, TO BEAR NORTH 00°14'00" WEST.

THE BOUNDARIES WERE RESOLVED AS FOLLOWS:

- 1) THE EAST BOUNDARY WAS HELD TO BE THE SECTION LINE AS DEFINED BETWEEN THE MONUMENT AT THE SECTION CORNER AND THE 1/2" IRON PIPE AT THE S1/16 CORNER.
- 2) THE CARPENTERVILLE ROAD RIGHT OF WAY WAS CALCULATED FROM RECORD GEOMETRY SHOWN ON CS# 40-949 PLACED ON MONUMENT "A" ROTATED TO MONUMENMT "B".
- 3) THE PROPOSED NEW COUNTY ROAD PROPERTY LINE FOR DULEY CREEK ROAD WAS SURVEYED TO BE 25 FEET ON EACH SIDE OF THE EXISTING PAINTED CENTERLINE.
- 3) THE SOUTH LINE OF OF THE CHAPMAN PARCEL WAS SET BY HOLDING THE RECORD BEARING (INST. No. 2019-2894 & CS#40-776) FROM THE MONUMENT RECOVERED AT THEIR SOUTHEAST CORNER (THE INITIAL POINT OF THIS PLAT)
- 4) THE WEST LINE OF CHAPMAN WAS HELD TO BE BETWEEN THE MONUMENTS RECOVERED AND SHOWN ON SURVEY # 40-949.

THE FIELD SURVEY WAS COMMENCED ON NOVEMBER 21, 2019 AND COMPLETED ON XXXX XX, 2020

