



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

21-000039

Becky Crockett
Planning Director

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

File # AD-2103 Fee \$ 4,000 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 Richard Littlestone, Toni Uchima (ref: attached Addendum 1: Deed)
Mailing Address: _____
City, State, ZIP: _____
Telephone #: _____ E-Mail _____

2. APPLICANT

Name Richard Littlestone, Toni Uchima
Mailing Address: _____
City, State, ZIP: _____
Telephone #: _____ E-Mail _____

3. AGENT (If Any)

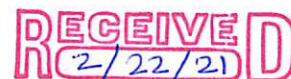
Name: _____
Mailing Address: _____
City, State, ZIP: _____
Telephone # _____ E-Mail _____

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

Per attached Riparian Mitigation Plan (Addendum 2), effect Johnson Creek western
extent cleanup, riparian restoration, and SE hillside reinforcement uphill of top of creek
bank to prevent hazardous sloughing. Restoration per ODFW and State Lands
requirements and guidance.

5. PROPERTY INFORMATION

Assessor Map # 41S13W15CB Tax Lot (s) 2900
Zoning: RR Total Acreage .86



6. PROPERTY LOCATION

Address (if property has a situs address) 15292 Oceanview Dr, Brookings, OR 97415

Description of how to locate the property _____

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

☐ Vacant ☒ Developed; Describe existing development

Single family residence

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

Single family residences

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 Harbor Water

Sewage Disposal Septic tank

Electrical Power Coos Curry Coop

Telephone Service Spectrum

Fire Department/District Harbor Rural Fire Protection

School District Brookings-Harbor School District

10. ROAD INFORMATION

Nearest Public Road Oceanview Dr

Private Roads Serving the Property Driveway off Oceanview Dr

Road Condition Asphalt and concrete - good 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)

None

11. PHYSICAL DESCRIPTION OF THE SUBJECT PROPERTY

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

Generally flat (~60 ft above MSL) with steep slope near southeastern boundary toward Johnson Creek

Vegetation (Briefly describe the vegetation on the property)

Household garden vegetation on level areas (fruit trees and shrubs with crawling ground cover); Alders and blackberry bounding southern extent of property

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.

Ref: attached Findings of Fact (Addendum 3)

13. APPLICANT'S SIGNATURE AND STATEMENT OF UNDERSTANDING

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

I (We) Richard Littlestone ;
Toni Uchima ;

_____ ; 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:

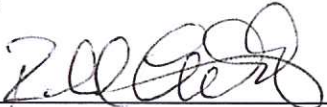

- (a) I (we are stating all information and documentation submitted with this application is true and correct to the best of my (our) knowledge.
- (b) I (we) understand that if false information and documentation has been submitted and the decision is based on that evidence, the decision may be nullified 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 (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) 41S13W15CB
and Tax Lot(s) 2900
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 Richard Littlestone
- (2) Signature 
Print Name Toni Uchima
- (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.

Addendum 1 — Deed

After recording return to:
Richard Alan Littlestone Jr., Grantee
Toni S. Uchima, Grantee
15292 Oceanview Drive
Brookings, OR 97415
Until a change is requested all tax statement
shall be sent to the following address:
Richard Alan Littlestone Jr., Grantee
Toni S. Uchima, Grantee
15292 Oceanview Drive
Brookings, OR 97415

CURRY COUNTY, OREGON **2020-02284**

LAND

Cnt=1 Pgs=2 RECC

06/22/2020 03:29 PM

\$101.00



00083698202000022840020024

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



STATUTORY BARGAIN AND SALE DEED

Richard Alan Littlestone Jr., Grantor, conveys to, Richard Alan Littlestone Jr. And Toni S. Uchima, not as tenants in common but with rights of survivorship, Grantees, the following described real property:

See Exhibit "A" attached hereto and by this reference made a part hereof.

The true consideration for this conveyance is \$0.00. (Here comply with requirements of ORS 93.030)

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 THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, 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.

Dated this 18 day of June, 2020.

Richard Alan Littlestone Jr., Grantor

STATE OF OREGON)
) ss.
County of Curry)

This instrument was acknowledged before me on this 18th day of June, 2020 by Grantor
Richard Alan Littlestone Jr.


Notary Public for the State of Oregon

Addendum 2 -- Riparian Mitigation Plan

Riparian Mitigation Plan for Conditional Land Use Application (15292 Oceanview Dr, Brookings, OR 97415)

Abstract

Project construction to build a hillside retaining structure along the north bank and upper hillside of Johnson Creek caused disturbance of the riparian environment surrounding the creek from ~100 feet east of the Statutory Vegetation Line to ~ 100 ft further upstream. This Mitigation Plan corrects and restores the riparian environment of the westernmost extent of Johnson Creek. The plan includes planting native riparian vegetation matching existing grasses, trees, and shrubbery and a multi-year monitoring and maintenance effort to insure survivability of reparative efforts.

Mitigation Plan

The Riparian Mitigation Plan intent is to restore and improve the riparian function of the affected areas of Johnson Creek that suffered from the construction project. The function herein means planting riparian vegetation and cleaning up foreign debris to allow the creek environment to enjoy its previous condition - increasing shade, reducing stream temperatures, increasing drop leaves and insects. Attention is also given to weed control, removal of invasive species, managing the transition to buffer areas, promote natural regeneration, and to restore wildlife habitat. The improvement has already included the removal of tons of debris, trash, and garbage that had accumulated in the creek over many years prior to the construction project.

Approach

The approach to this Plan is in coordination with the Oregon Department of Fish and Wildlife (ODFW) helping to identify vegetation suitable for planting in the disturbed areas of Johnson Creek. Communication and coordination have already occurred prior to the writing of this Plan and an ODFW representative has been identified for further coordination, communication, and approvals. In addition, a representative from the Curry Watersheds Partnership (CWP) out of Gold Beach is involved to assist in selection and sourcing suitable plants for inclusion in the Plan.

The key points and sequence of efforts in this Plan are taken from various resources and include the following:

OSU Riparian Planting (EM 8893-E - September 2007)

OSU Riparian Tree and Shrub planting (EM 9040 - October 2011)

Project Design

The approach of this Plan includes identifying and mapping the areas to be planted and improved. Attention will be focused on the creek bank zones and overbank zones where they exist. These zones are referred to as Zone 1 (channels and banks) and Zone 2 (upper banks and floodplain) defined in the OSU Riparian Planting Guide (EM 8893-E-September 2007)

Plant Selection

A list of sources for vegetation and species available has been made and a prospective schedule for acquisition and planting has been compiled. This candidate list of vegetation to be planted has been reviewed by ODFW and the Watershed Council representative. The list of vegetation is the following:

Pacific Ninebark (*Physocarpus capitatus*)
Red-flowering current (*Ribes sanguineum*)
Douglas Spiraea (*Spiraea douglasii*)
Creambush Oceanspray (*Holodiscus discolor*)
Salal (*Gaultheria Shallon*)
Salmonberry (*Rubus spectabilis*)
Shore Pine (*Pinus contorta*)
Willow (*salix* (various))
Black Twinberry (*Lonicera involucrata*)
Sword Fern (*Polystichum munitum*)
Existing alder that was damaged or cut has already started to rejuvenate and this is expected to continue.

Nominal sources for all of the above species are:

Sevenoaks Native Nursery, Albany, OR 97321, (541) 757 6520

Brooks Tree Farm, Brooks, OR 97305, (503) 393 6300

Acquisition of the above species will commence immediately upon approval of the Plan. The schedule of acquisition will last from the date of approval into early summer of 2021 as seeds, seedlings, plugs, containers, etc., become available from the sources.

Site Preparation

The size of the restoration site is approximately 2000 square feet maximum and preparation of the creekside and bank areas will include removal of rock spillage as practical originating from the hillside stabilization project. This will allow access to the original ground for planting the restoration vegetative species, however, any aggressive ground preparation that might increase the risk of erosion will not be done. Rock that cannot be removed immediately because of erosion concerns can be removed at a later time as vegetation density increases and improves.

Weeds and other invasive species, as found, will be removed. Site preparation will commence immediately upon Plan approval. A map of the restoration area is shown in Figure 1. Restoration Detail Map.

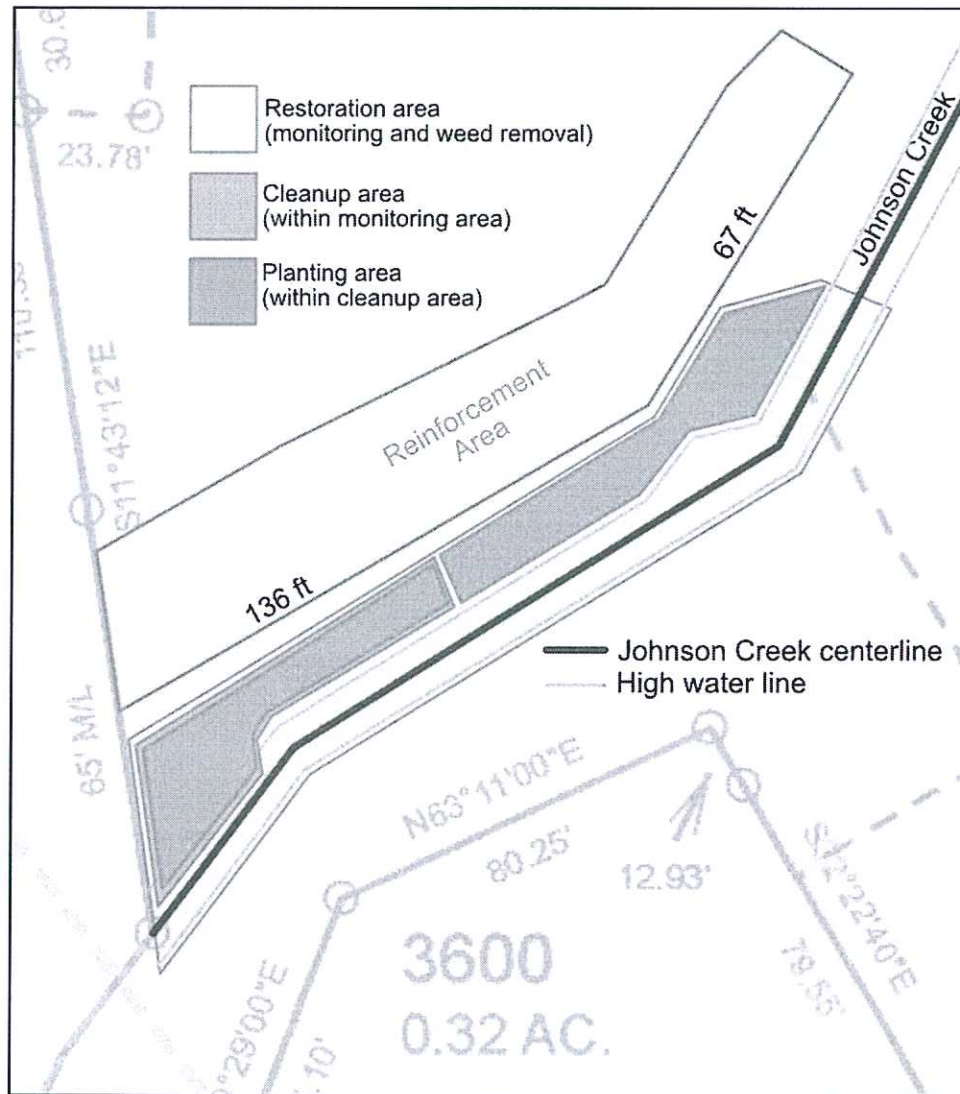


Figure 1. Restoration Detail Map

Planting

Planting will occur after site preparation and as species become available from sources. Specific guidelines for planting success will come from nursery instructions, riparian vegetation experts, and from public domain resources such as the OSU Riparian Planting guide.

Maintenance and Monitoring

Long-term multi-year maintenance is expected to insure viability of planted species. Two to three years of monitoring and attention to weed and invasive species abatement is anticipated but may be longer as conditions dictate. Replanting of unsuccessful efforts will occur as necessary

and as replacement species are available from sources. No herbicides or pesticides are anticipated throughout execution of this Plan. As unwanted vegetation is discovered, it will be removed manually.

A photo history of the restoration area will be assembled and available for review throughout the execution of the Plan for not less than 2 years.

Additional Efforts

Per the suggestion of ODFW and to continue to support the indigenous aerial wildlife of Johnson Creek, four bird boxes and 4 bat boxes will be installed on the nearby retaining wall.

ODFW also recommended that volunteer work be provided to the local Watershed Council and through coordination with CWP, a minimum of a day's effort will be accomplished with them. It is anticipated that not only information about the needs and goals of the Watershed Council will be obtained but valuable in-person experience will be gained to benefit the execution of this Plan. More than one day's worth of volunteer work is also anticipated.

Summary

In summary, this Plan is to restore the riparian environment of the westernmost segment of Johnson Creek by:

- 1) Coordinating with the Government and private organizations that hold authority and interest
- 2) Assembling information and designating resources for restorative vegetation and materials
- 3) Compiling a list of species to be acquired and installed and the schedule for planting
- 4) Mapping out the restoration plan (identifying areas to be planted)
- 5) Gaining approval of the list of species and the map
- 6) Acquisition of vegetation (over time as seeds, seedlings, and more mature plants are available)
- 7) Site preparation
- 8) Plant vegetation per the approved map
- 9) Multi-year attention and maintenance until the creek environment is sustainable.

This Mitigation Plan will be executed immediately upon approval of the Land Use Application of which this Plan is a part.

Addendum3 -- Findings of Fact

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.*

Standards and criteria provided by Curry County Planning Staff are included in the following:

Curry County Zoning Ordinance (Amended August 2018)

Section 3.284 Hardship Variances and Restoration Provisions

¶2. Mitigation Requirements

Proposals for development activities within the riparian area allowed under subsection 1 above, shall be reviewed by the Oregon Department of Fish & Wildlife (ODFW), as per OAR 635-415 Fish and Wildlife Habitat Mitigation Policy. A mitigation recommendation shall be obtained from ODFW. For purposes of designing appropriate mitigation, sites should be considered at least in "Habitat Category 2" (OAR 635-415-0030), which strives for no net loss of habitat values. Approval of the development proposal shall be as an administrative conditional use permit requiring compliance with the mitigation recommendations of ODFW.

History. The riparian area along the western extent of Johnson Creek was crossed from the southern bank area to allow access for equipment to build the reinforcement assembly into the southern eroded hillside of the subject property. The existing decaying and falling bridge was torn out and a more substantial one was put in. Prior to and during the assembly of the reinforcement several tons of trash and garbage (plastic bags, sandbags, wheels, tires) were removed from the creek. Also, during construction, several alders were cut in the riparian area to allow equipment to operate. During rock fill of the reinforcement area, rock spillage of 4-6 inch rock occurred and covered some sections of the creek bank. The riparian vegetation that was affected includes the alders that were cut (three), and willows and grasses that were covered by the rock spillage. Uphill of the creek bank many minor alders and blackberries were removed.

Intent. It is the intent of this Application to propose this Mitigation Plan (Plan) to perform restoration of the damaged riparian area of Johnson Creek and to perform additional mitigation efforts to account for the uphill removal of alders and other native vegetation. The additional

mitigation effort is outlined in the Mitigation Plan submitted as part of this Land Use Decision Application.

It is the intent of this Plan to *meet or exceed* the requirements of “no net loss of habitat values” through mitigation and improvement of the pertinent Johnson Creek area and additional areas as specified by ODFW.

Mitigation plan.

Ref: OAR 635-415-0025 (2)(b)(B) Mitigation of impacts, if unavoidable, through reliable in-kind, in-proximity habitat mitigation to achieve no net loss of either pre-development habitat quantity or quality. In addition, a net benefit of habitat quantity or quality must be provided. Progress towards achieving the mitigation goals and standards shall be reported on a schedule agreed to in the mitigation plan performance measures. The fish and wildlife mitigation measures shall be implemented and completed either prior to or concurrent with the development action.

In coordination with Oregon Department of Fish and Wildlife (ODFW), Oregon State Parks, Department of State Lands (DSL), and US Army Corps of Engineers (USACE), the Mitigation Plan for this Land Use Application has been compiled. Also, in support of this Plan is the South Coast Watershed Council (SCWC). Extensive replanting and improvement of the riparian environment along the affected western extent of Johnson Creek is outlined and detail of the approach, execution, and monitoring of the Plan is given in the attached document “Mitigation Plan.”



BOOKING NUMBER
REV

2605

**RICH LITTLESTONE
BLUFF CONTAINMENT SYSTEM
15292 OCEAN VIEW DRIVE, BROOKINGS, OREGON
GENERAL ARRANGEMENT & SECTION**

DATE OCTOBER 20, 2019

DRAWN DJG

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DAVE GOWERS ENGINEERING, LLC.
PO BOX 520
SELMA, OR 97538
Tel: (541)597-4909 Fax: (856)219-9187
E-mail: dave@dgengineering.com

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