CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES

94235 MOORE STREET PO BOX 746

GOLD BEACH, OREGON 97444 21-000171

David J. Pratt, AICP Director				Phone (541) 247-3304 FAX (541) 247-4579				
File	#AD-2113	Fee \$2000 R	Receipt #	Accepted By				
	LAND USE DECISION APPLICATION FORM							
App	Application Type (Check One)							
App	Comp Plan/Zone Change XX Conditional Use							
by s prep note	taff to reflect the info pared checklist, the o	ormation and supporting i completed application for	items required for th m and required fee a	plication checklist will be marked is request. Please return this t the time of submission. Please he requested items have been				
1.	PROPERTY OWN							
	Name: Ronal	d and Susan Stone						
	Mailing Address:	_						
	Phone:							
2.	Name: John Mailing Address:							
3.	3. BASIC PROPOSAL (Briefly describe your proposed land use) A conditional use approval of a house in the Forest Grazing Zone							
4.	PROPERTY DESC Assessor Map # _40-13		Tax Lot(s)	700				
	ZoningForest Grazin		Total Acres	17.54				

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DECEIVE D

. PROPERTY LOCATION Address (If the property has a situs address) On Henderson Rd/ approximately 4,290 feet from Carpenterville Rd. Description of how to locate the property				
6. EXISTING LAND USE (Briefly Describe the present land use of the property) X Vacant □ Developed; describe existing development:				
7. SURROUNDING LAND USE (Briefly describe the land use of adjacent lands) Henderson Rural Exception area zoned RR-5 on three sides. Several houses on Apple Blosson CT and Brown Deer Ln.				
8. SERVICE AND FACILITIES AVAILABLE 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: On Site well				
Sewage Disposal: On site septic system. (has been approved)				
Electrical Power: Coos/Curry Electric Telephone Service: AT&T or Verizon				
Fire District/Department: Pursuant to GIS System—Brookings FD. Pursuant to Cape Ferrello Fire Chief—Caper Ferrello				
School District: Brookings Harbor				
School District. Blookings Harvor				
9. ROAD INFORMATION				
Nearest Public Road Henderson Rd/				
Private Roads Serving the Property — Yes				
Road Condition Gravel				
Legal Status				
Ownership: I Own the road Easement on others property Joint Owner				
Please submit record ownership (i.e. deeds, easements, plat dedication, etc)				
Proposed New Roads/Driveways (Briefly describe any-new road construction related to this application.				

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10.	PHYSICAL DESCRIPTION OF PROPERTY Topography (Briefly describe the slope and terrain of the property) Very strange shaped lot with flatter areas and rises.
Tim'	Vegetation (Briefly describe the vegetation on the property) ber, brush
1 1111	
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 applicant provide the County with findings that support the request in this application. The standards and criteria that are relevant to this application are provided by the staff and are considered to be a part of the 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. Plaease attach your written findings and supporting evidence to this application.
	FAILURE TO PROVIDE FINDINGS THAT ADDRESS THE STANDARDS AND CRITERIA RELEVANT TO THIS APPLICATION WILL PREVENT IT FROM BEING PROCESSED.
12.	APPLICANT(S) SIGNATURE AND STATEMENT OF UNDERSTANDING I (we), Rorald & Stone; Have file this application for
	A conditional use approval of a house in the Forest Grazing Zone
	With the Curry County Department of Public Services-Planning Division to be reviewed and processed according to State of Oregon and county ordinance requirements. My (our) signatures(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 that 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 that the decision may be nullified and the county may seek all legal means to have the decision reversed.
- (c) I (we) understand that any representations, conclusions or opinions expressed by the planning staff in the pre-application review of this request do not constitute final authority or approval, and that 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 planning staff, but acknowledge that I (we) further understand that planning staff cannot legally bind the county to any fact or circumstance which conflicts with state or local laws, and in the 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 ordinance requirements, and that I (we) must address all of the criteria that apply to the decision being made. The criteria for approving or denying this request have been provided to me (us) as part of this application.
- (f) I (we) understand that the planning staff is entitled to request additional information or documentation Any time after the submission of this application if it is determined that such information is needed for review and approval.
- (g) I (we) understand that this application will be reviewed by the Oregon Department of Land Conservation and Development and possibly other state agencies as part of the statewide land use coordination process. I (we) also understand that state agencies that participate in the review process have the legal right to appeal the approval of the application.
- (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 that 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 a 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 the preparation of this application.

(j)	The undersigned are the owner(s) of record for property described as: Assessor's Map(s) 40-13-30A		
	and Tax Lot(s) 700 in the records of Curry County.		
	in the records of Curry County.		

owner has authorized this application.					
(1)	Signature: Manald Corone Print Name: Ronald E Stone				
(2)	Signature: Lusau D. Stone Print Name: Susan D. Stone				
(3)	Signature: Print Name:				
(4)	Signature: Print Name:				

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, stating

ADDITIONAL NOTES:

the

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 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 requires the county to take final action on an application (except for plan/zone changes) including all 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 a plot plan of the subject property by filed with the application form. The plot plan is an understandable map of your property and its relationship to adjacent properties. The plot plan shows 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 (preferably 81/2" X 11") so copies can be easily 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 <u>does not</u> 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 requires that plat maps must be prepared by a surveyor licensed by the state.

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APPLICANT Ron and Susan Stone

REQUEST

An application to place a house on a parcel of land zoned Forest Grazing using the 160 acre grid test.

LOCATION

The Subject Property is located on Henderson Rd. approximately 0.7 miles from the intersection with Carpenterville Rd. and identified as Assessor's Map 40-13-30A, Tax Lot 700.

Exhibit 1 Subject Property

Exhibit 2 Zoning

Exhibit 3 160 acre Grid

Exhibit 4 Building Area

Exhibit 5 Stuntzner 2020 Survey

Exhibit 6 Rapid Moving Landslides (GIS)

Exhibit 7 Septic System with home site, well.

Prepared by
John Bischoff
Wildwood Planning Consultants
June 10, 2021

REPORT

REQUEST

The applicant is requesting a conditional use permit to establish a residence on a 17.54 acre parcel of land located on Henderson Rd. approximately 0.7 miles from the intersection with Carpenterville Rd. and identified as Assessor's Map 40-13-30A, Tax Lot 700 The property is located in the Forest Grazing (FG) Zone and the applicant is using the 160 acre grid test in this application. See Exhibit 1

Owner/ Applicant
Ron and Susan Stone
Stepping Stones Brookings LLC

PROPERTY DESCRIPTION

The subject property has the most bazar boundary for a 17,54 acre lot. Starting in the northwest corner the boundary runs for 1183.44 feet, then turns south for 205.19 feet, then turns west for 212.90 feet the south again for 208,76 feet, then west again for 97.79 feet, then south again for 219.11 feet, then the boundary turns west again for 234 feet, and turns south again for 201.69 feet. At this point the boundary goes around Tax Lot 1100, for a total of 466.59 feet. Tax Lot 1100 is in contention between the subject parcel and Tax Lot 1000 adjoining to the east. Picking up where the southerly boundary of T/L 1100 intersects the boundary of the subject lot, the boundary continues south for another 234 feet, then turns west for 649 .26 feet. The boundary then turns north for 205.17 feet, then turns east for 136.17 feet then north again for 212.16 feet and intersects Henderson Rd., From this point if follows the curve of and then the road northward for approximately 277 feet then turns slightly north west for 69.64feet, then turns west for 139.14 feet, then north for 16.52 feet then turns northeasterly for 152.32 feet, then more northeasterly for 20.30 feet. The boundary then turns sharply to the southeast for 392.02 feet, then northeasterly again for 415.29 feet, then north for 263.41 feet, then turns west for 480.82 feet, takes a short jog to the northwest of 27.29feet then westerly for 183.04 feet and then turns north for 241.68 feet to the point of beginning. (All distances taken from the GIS system) The applicant has had the property surveyed and all of the boundary distances are different. See Exhibit 5

Topography the property is varied and because of the bazar shape of the subject property, it would be very difficult to try to describe it in a meaningful way.

The subject property is zoned Forest Grazing (FG.) as is the area to the south The adjoining area on the west, north and east are zoned Rural Residential -5 acre minimum (RR-5), and are part of the Henderson Rural Exception Area. The area to the south is zoned FG as are Tax Lots 701, 702

and 800, which are surrounded be the subject property. This rases the question as to why the subject parcel and the other three were not included in the exception area. See Exhibit 2

160 acre GRID

A square grid of 160 acres centered on this bazar shaped parcel would hardly extend outside of the parcel itself. For this reason, a grid based on the road that extends through the parcel in two places is used. Since the building site is in the southerly most portion of the parcel and to the east of Henderson Rd. the grid is centered on this portion of the parcel and based on the portion of the road that goes thru this portion of the parcel.

The following is a list of the properties located within or partially within the grid described above. There are 28 lots within the grid not counting the subject parcel. See Exhibit 3

Parcel	Development	Year Built	
Assessor's Map 40-13-30			
Tax Lot 100	Vacant ¹		
Situs: Not assigned			
Tax Lot 200	Vacant		
Situs: Not assigned			
Tax Lot 300	Vacant		
Situs: Not Assigned			
Assessor's Map 40-13-30A			
Tax Lot 101	Vacant		
Situs: Not Assigned			
Tax Lot 200	Vacant ²		
Situs: 97186 Henderson Rd.			
Tax Lot 300	Vacant		
Situs: Not Assigned\			
Tax Lot 400	Vacant		
Situs: Not Assigned			
Tax Lot 500	Vacant		
Situs Not Assigned			
Tax Lot 600	Single family house	1992	
Situs: 97287 Henderson Rd.			
Tax Lot 701	Single family house	₹ ? \	
Situs: 97170 Henderson Rd.	8	/	
Tax Lot 702	Single family house ²	?	
Situs: Not listed			
Tax Lot 800	Vacant		
Situs: Not Assigned			
Tax Lot 900	Vacant		

Situs: Not Assigned

Assessor's Map 41-13-30a cont.

Tax Lot 1000 Single family house 2010

Situs: 97292 Henderson Rd.

Tax Lot 1100 Vacant³

Assessor's Map 41-13-30BD

Tax Lot 200 Vacant

Situs: Not Assigned

Tax Lot 212 Single family house 1992

Situs:17171 Henderson Rd.

Tax Lot 248 Vacant

Situs: Not Assigned

Tax Lot 400 Vacant

Situs: Not Assigned

Tax Lor 402 Single family houses 1962

Situs: 17615 Brown Deer Ln.

Tax Lot 503 Vacant

Situs: Not Assigned

Tax Lot 504 Single family houses 2017

Situs: Not Assigned

Tax Lot 506 Single family house⁴ 1985

Situs: 17623 Brown Deer Ln.

Tax Lot 800 ??

Situs: 17629 Brown Deer Ln.5

Tax Lot 900

Situs: Not Assigned⁴

Assessor's Map 41-13-00

Tax lot 5900 Vacant

Situs: Not Assigned

Tax Lor 5901 Vacant

Situs: Not Assigned

NOTES:

- 1- There are 2 parcels with the tax lot number 100 in Map 41-13-30 and they are separated by Tax lot 200.
- 2.- Per the GIS arial view Tax Lot 200 has buildings on it with a Situs address but no year built.
- 3- Tax Lot 1100 is shown on the GIS as belonging to the applicant, but he tells me that this parcel is in contention with Tax Lot 1000.
- 4- The GIS arial view shows Tax Lot 506 as vacant, built in 1985 as having a Situs address, but it shows Tax Lot 900 which adjoins 506 on the west, as having a house and several outbuildings, but no Situs address or year built. I think there has been a mistake in the GIS system.
- 5- Tax lot 800 is in the same owner ship as Tax Lot 700 which adjoins 800 on the west but not in the grid. Tax lot 800 has a building on it and a Situs address and is in the grid.

FINDINGS AND CONCLUSIONS FOR THE CONDITIONAL USE PERMIT

There are several ways in which a residential structure can be placed within the Forest Grazing (FG) Zone, all of which require the approval of a Conditional Use Permit. In this case the findings and conclusions will be based on and pursuant to the provisions of Section 3.050 Forest Grazing Zone, Section 3.052 Conditional Uses, and Section 3.053 Standards for the Approval of Dwellings, of the County Zoning Ordinance. Section 3.052, Subsection 16, allows dwellings subject to the provisions of Section 3.053 and Section 7.040.1 and 16.

Section 3.052, Conditional Uses subject to Administrative Approval by the Director, subsection 16 reads: 16. Dwelling subject to Section 3.053. (1,16). (Numbers in parentheses refer to subsections of 7.040).

Section 3.053.3 reads: A single family dwelling may be sited on forest land if the lot or parcel is predominantly composed of soils that are:

- a) capable of producing 0 to 49 cubic feet per acre per year of wood fiber...
- b) capable of producing 50 to 85 cubic feet per acre per year of wood fiber...
- c) capable of producing more than 85 cubic feet per acre per year of wood fiber...

and establishes provisions to approve a dwelling for each standard. Since the County GIS System indicates the soils on the property to be the Loeb-Macklyn Complex, and the U. S. Soils Conservation Service web site does not provide fiber production information for this soil type, standard c) being the most restrictive, will be used to evaluate this application.

Section 7.040, Standards Governing Conditional Uses. Subsection 1 reads: Conditional and permitted Uses Generally.

Discussion

All of the lots within 41-13-30BC and six of the lots withing 30A are in the Henderson Rural Exception Area and zoned RR-5, pursuant to the GIS system. This exception area was established in the 1980s

Because the amount of wood fiber that the soils on the subject property can produce is unknown Section 3.053.3 c) will be used for this request.

Section 3.053.3 c) Reads: (1) all or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and (2) at least three dwellings existed on January 1, 1993 on other lots or parcels.

Finding

- 1. Referring to the list above there are 27 lots withing or partially within the 160 acer grid.
- 2. There are at least four houses on those lots that were constructed prior to January 1, 1993.

Conclusion

The requested conditional use permit meet and exceeds the standard set by Section 3.053.3 a).

Section 3.053 4 reads: The approval of a dwelling under subsections 1, 2, or 3 above shall be subject to the following additional requirements.

- a) Dwellings and structures shall be sited on the parcel so that:
 - (1) they have the least impact on nearby or adjoining forest or agricultural lands;
 - (2) the siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.
 - (3) the amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (4) the risks associated with wildfire are minimized.

Discussion

The subject parcel is surrounded on three sides by the Henderson Rural Exception Area. The property due south of the subject property, 40-13-30, Tax Lot 300 is a 151.82 acre parcel belonging to South Coast Lumber Co. and the parcel adjacent to the northwest most corner of the property is listed as 40-13-30, TL 200 and as 107. 8 acres (Which, if any equally sized lots in the area are any source cannot be more that 10 ace) in the GIS system as belonging to Chetco Resources, LLC, C/O South Coast Lumber Co. There for it is assumed that at some point in time there will be a logging operation on one or the other of those two parcels. None of the roads accessing these two lots enter or travel thru the subject parcel. There are no commercial farming practices on the adjoining lots. The location of the house on the subject property will not interferer with or disrupt forest practices of any of the roads used in this practice.

Findings

- 1. The subject property is surrounded on three sides by the Henderson Rural Exception area and zoned RR-5
- 2. The parcel directly south of the subject parcel is 151.82 acres, zoned FG and owned by South Coast Lumber Co.
- 3. The parcel adjacent to the northwest corner of the Subject parcel is owned by Chetco Resources LLC,
- 4. There are no commercial agricultural practices adjacent to or near the subject parcel.
- 5. There are no roads accessing the two adjoining lots that travel thru any part of the subject parcel.
- The applicant is aware that the County may apply conditions to the approval of the application.

Conclusion

The requested house on the subject property is not located near the two resource parcels owned or controlled by South Coast Lumber, and thus will not impede or hinder any forest practice on those two parcels. The applicant will comply with the requirement to clear 130 feet around the house. The request meets the standard for Section 3.053.4 a).

Under Section 7.040, Conditional Uses Generally, the first three provisions of Subsection 1.a), b), and c), state that the county may apply conditions of approval that are more restrictive than otherwise allow by zoning and building code ordinances depending on the specific circumstances.

Section 7.040.1.d) applies to properties that are within a utility service district or districts. The remaining provisions under Subsection 1 (e thru g) apply to properties within or creating a community water district.

Discussion

The applicant accepts that the county may apply conditions of approval that make the requested residence acceptable under the conditions that exist on and around the subject parcel. The subject property is not located within domestic water district or within a domestic sewer service district. Water will be provided by a spring or well on the property and a septic approval has been obtained. Since the property is not located within a community water system Subsection1 (e thru g) do not apply.

Findings

- 1. The subject property is not within a water service district.
- 2. The subject property is not within a sewer service district.
- 3. Electricity will be provided by Coos/Curry Electric Co/op.
- 4. The Subject property is located within the Brookings Fire Protection District.

Conclusion

- 1. Septic requirements will be provided on the property.
- 2. Water will be provided by a well on the property.
- 3. A Service Provider Confirmation form from the Brookings Fire District will be submitted.
- 4. A Service Provider Confirmation from Coos/Curry Electric will be submitted.

Section 7.040.16, Uses on Resource Land, provide the following requirements:

a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest land.

Findings

1. The subject parcel is not located on a road that accesses and area that will be logged for commercial use in the future.

Conclusion\

Since the two lots that are owned or controlled by South Coast Lumber, are either accessed by a different road or well before the road enters the property there will be not significant change to Forest Practices.

.b) The proposed use will not significantly increase fire suppression costs or

significantly increase the risks to fire suppression personnel.

Finding

- 1. The applicant is requesting the ability to place a single-family dwelling on the property.
- 2. The subject property is located within the Brookings Fire Protection District (Pursuant to the GIS System).

Conclusion

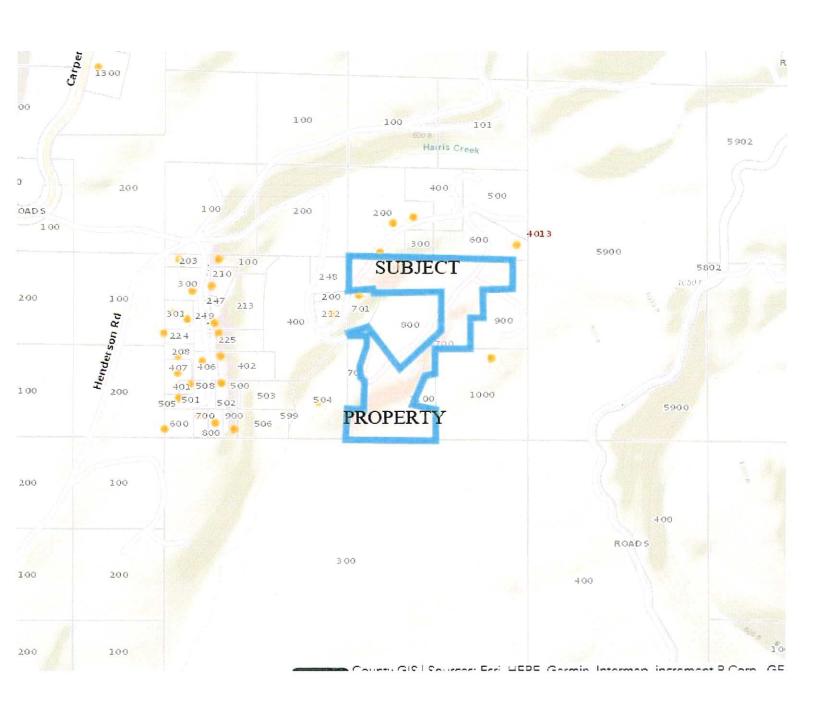
Although placing a dwelling on a wooded parcel that is currently undeveloped may present an incrementally greater cost to fire suppression, this cost is not significant and certainly will not significantly increase the risk to fire suppression personnel.

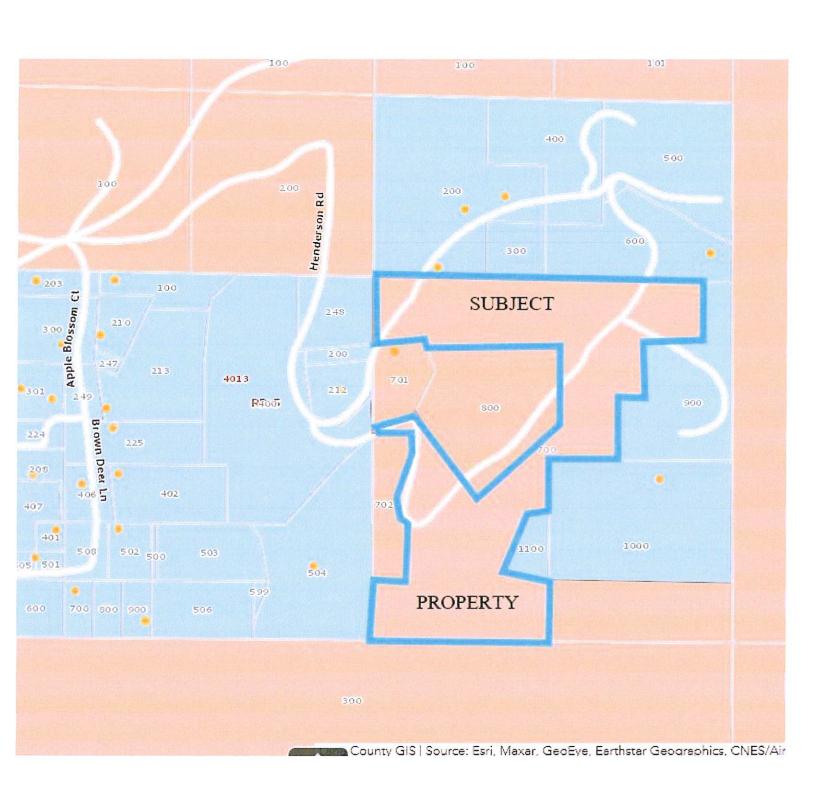
c) A written statement be recorded with the deed or written contract with the county or its equivalent shall be obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules for uses authorized ...

This provision can be satisfied by a condition of approval applied to the approval of a dwelling on the subject property.

Overall Conclusion

The subject property meets all of the applicable requirements of Section 3.053 and of Section 7.040 of the County Zoning Ordinance.





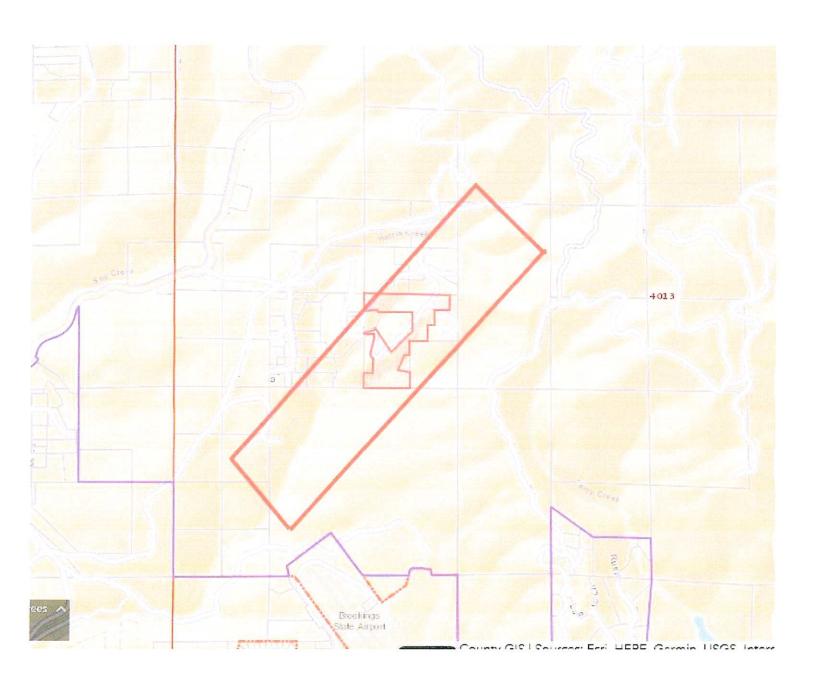


EXHIBIT 4

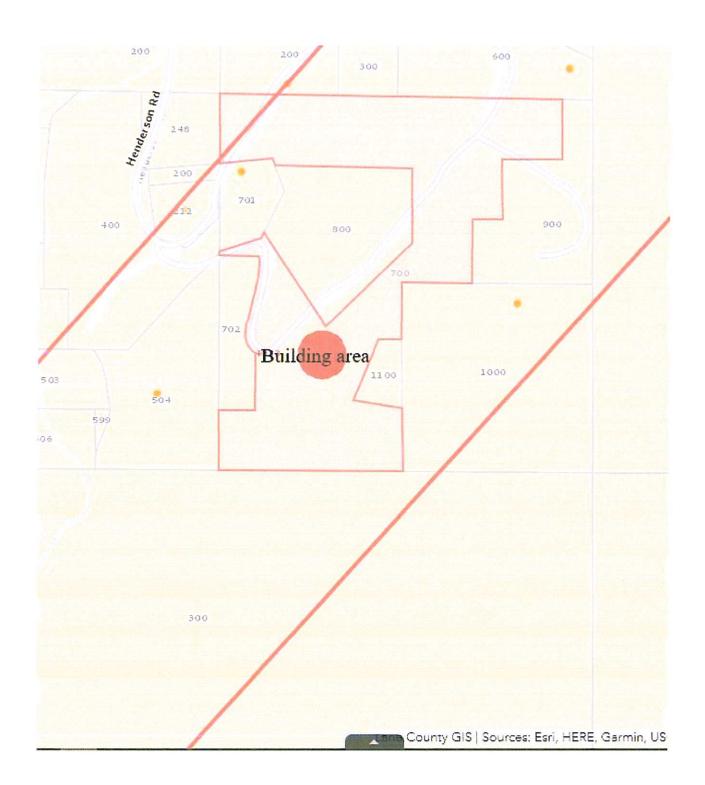
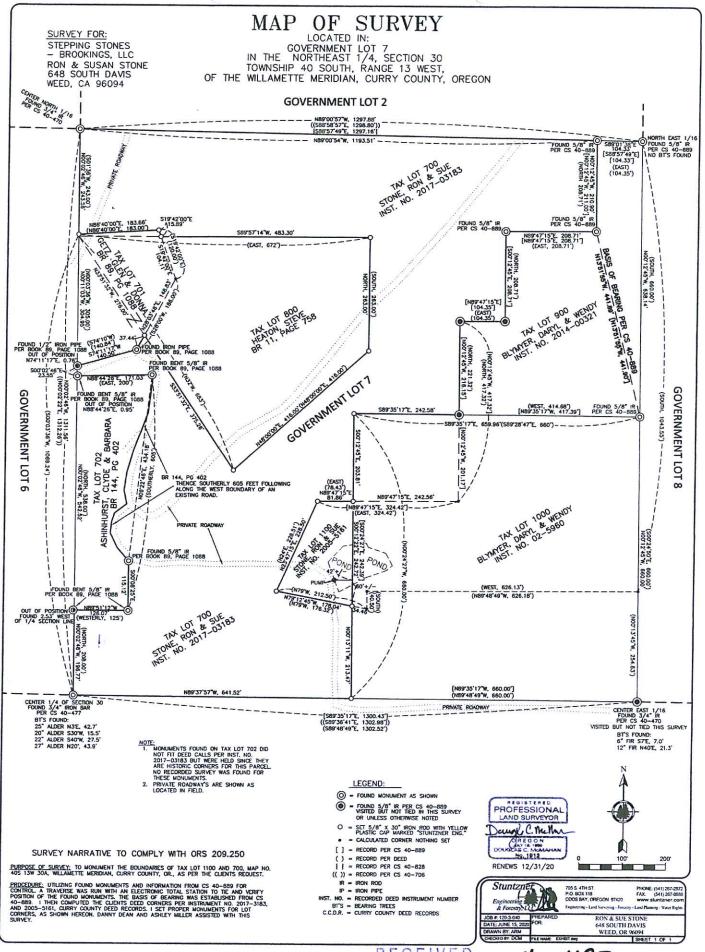


EXHIBIT 5



RECEIVED
June 30, 2020
CURRY COUNTY SURVEYOR

40-1195

