



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

21-000255

Becky Crockett
Planning Director

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

File # AD-2121 Fee \$ 1450 Receipt # _____ Accepted by NCO

LAND USE DECISION APPLICATION FORM

Application Type (Check One)

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

Application Date: 10/4/2021 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 Francisco Luna

Mailing Address: _____

City, State, ZIP: _____

Telephone #: Contact Agent E-Mail Contact Agent

2. APPLICANT

Name _____

Mailing Address: _____

City, State, ZIP: _____

Telephone #: _____ E-Mail _____

3. AGENT (If Any)

Name: Pacific Geographic Consultants, LLC.

Mailing Address: 4620 Fern Valley Road

City, State, ZIP: Medford, OR 97504

Telephone # 541-225-8686 E-Mail pacificgeographic@gmail.com

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

Setback Variance (See Attached Findings)

5. PROPERTY INFORMATION

Assessor Map # 41S, 13W, Section 16BA Tax Lot (s) 3100

Zoning: Rural Residential 10 Total Acreage 0.26



6. **PROPERTY LOCATION**

Address (if property has a situs address) 98130 Harbor Point Drive, Brookings, OR 97415 ✓

Description of how to locate the property See Attached Findings

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

☒ Vacant ☐ Developed; Describe existing development

See Attached Findings

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

See Attached Findings

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 See Attached Findings

Sewage Disposal See Attached Findings

Electrical Power See Attached Findings

Telephone Service See Attached Findings

Fire Department/District See Attached Findings

School District See Attached Findings

10. **ROAD INFORMATION**

Nearest Public Road Pedrioli Drive

Private Roads Serving the Property Harbor Point Drive

Road Condition Unimproved

Legal Status Private (via easement)

Ownership: I own the road ☐ Easement on others property ☒ Joint Owner ☐

Please submit record of ownership (i.e. deeds, easement, plat dedication, etc) See Attached Exhibits

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)

See Attached Findings

Vegetation (Briefly describe the vegetation on the property)

See Attached Findings

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.

13. APPLICANT'S SIGNATURE AND STATEMENT OF UNDERSTANDING

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

I (We) Zac Moody - Pacific Geographic Consultants, LLC. ;

;

;

; have filed this application for

a variance

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) 41S, 13W, SEC 16BA
and Tax Lot(s) 3100
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 See Letter of Authorization
Print Name Francisco Luna
- (2) Signature 
Print Name Zac Moody - Pacific Geographic Consultants, LLC.
- (3) Signature _____
Print Name _____
- (4) Signature _____
Print Name _____

LETTER OF AUTHORIZATION

PACIFIC GEOGRAPHIC CONSULTANTS, LLC.

4620 Fern Valley Road
Medford, Oregon 97504
Phone: 541-225-8686
Email: pacificgeographic@gmail.com

LET IT BE KNOWN THAT Pacific Geographic Consultants, LLC.

has been retained to act as Agent to perform all acts for development on my property identified below. These acts include: Pre-application Conference, Filing applications and/or other required documents relative to all Zoning Applications, Sewage Disposal Permits and Inspections, Assigning an Address, Road Approach Permits, Manufactured Dwelling Permits, Building Permits, and Mechanical Permits (authorization not useable for Plumbing or Electrical Permits per State regulations).

98130 Harbor Point Drive, Harbor, OR

(Address or Road)

AND DESCRIBED IN THE RECORDS OF CURRY COUNTY AS:

TOWNSHIP 41S, RANGE 13W, SECTION 16B, TAX LOT(S) 3100

TOWNSHIP _____, RANGE _____, SECTION _____, TAX LOT(S) _____

THE COSTS OF THE ABOVE ACTIONS, WHICH ARE NOT SATISFIED BY THE AGENT, ARE THE RESPONSIBILITY OF THE UNDERSIGNED PROPERTY OWNER.

PROPERTY OWNER:

This authorization is valid for ☒ 1 year; ☐ 2 years; ☐ Other _____ (Must select one)

SIGNATURE: [Signature]

DATE: 9/29/21

PRINTED NAME: Francisco Luna

ADDRESS: 2428 Shannon Lane

PHONE: Contact Agent

CITY/STATE/ZIP: Walnut Creek, CA 94598

FAX: _____

CHECK ONE: ☐ APPLICANT ☒ AGENT

SIGNATURE: [Signature]

DATE: 9/29/21

PRINTED NAME: Zac Moody - Pacific Geographic Consultants, LLC.

ADDRESS: 4620 Fern Valley Road

PHONE: 541-225-8686

CITY/STATE/ZIP: Medford, OR 97504

FAX: _____

Additional, if necessary – CHECK ONE: ☐ APPLICANT ☐ AGENT

SIGNATURE: _____

DATE: _____

PRINTED NAME: _____

ADDRESS: _____

PHONE: _____

CITY/STATE/ZIP: _____

FAX: _____

BEFORE THE COMMUNITY DEVELOPMENT DEPARTMENT
OF CURRY COUNTY, OREGON:

IN THE MATTER OF A DIRECTOR'S REVIEW) FOR A SETBACK VARIANCE ON LAND ZONED) RURAL RESIDENTIAL 10 (RR-10); T.41S, R.13W,) SEC.16BA, TAX LOT 3100, FRANK AND LARA) LUNA, OWNERS; PACIFIC GEOGRAPHIC) CONSULTANTS, LLC., AGENT)	FINDINGS OF FACT
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A. Applicant Information

Owners/Applicants

Francisco Luna
2428 Shannon Lane
Walnut Creek, CA 94598

Agent

Pacific Geographic Consultants, LLC
4620 Fern Valley Rd.
Medford, OR 97504

B. Property Description

As shown on the Zoning Map (**EXHIBIT "B"**), the subject lot totals approximately 0.26 acres and is zoned Rural Residential 10 (RR-10). The subject parcel is located at 98130 Harbor Point Drive, a privately maintained road. The subject parcels are located within Harbor Fire District and Coos Curry Electric boundary (**EXHIBIT "E"**).

The subject lot is vacant but has an established septic system and has access to the public water system and other utilities. The subject lot is served by private access drive from Pedrioli Drive, a County maintained public road.

C. Proposal

The property in question is a small rural residentially zoned piece of land located at the end of a short private access drive. All properties immediately adjacent and surrounding the subject property are zoned Rural Residential and are all developed with single-family dwellings with exception of the parcel directly to the southeast. Due to the rural nature of the area, many, if not all of the dwellings are served by onsite septic systems built and approved in the mid 80's. Subsequent to their development, regulations for onsite septic systems changed and the area needed to accommodate these systems increased, reducing the buildable area of the remaining vacant lots. Specifically, the required septic system on this property consumes nearly 4,500 square feet of the buildable area or 40 percent of the property's square footage. A required 35-foot setback from the centerline of the easement would reduce the potential building footprint to depth of less than 30 feet while maintaining proper distance from the septic system.

The request is for a variance to the 35-foot easement setback to allow the construction of a single-family dwelling like that of the other dwellings in the subdivision built in the 1980's. The variance is necessary to preserve the development rights intended by the original subdivision plat and to allow for the required living space and off-street garage parking required by the subdivision conditions of approval. The requested 10-foot variance is the minimum variance which would alleviate the hardship. As proposed, the 10-foot variance, if approved would allow the dwelling to be setback 12.5 feet from the property line and 25 feet from the center of the easement. The findings herein demonstrate compliance with the variance criteria and provide the justification necessary for approval of the request.

D. Lot Legality

The subject lot was created in 1953 as part of the Pacific Crest Subdivision and replatted in 1983 though File S8301 (**EXHIBIT "A"**).

E. Applicable Criteria

The purpose of this application is to clearly demonstrate that the subject parcel is in compliance with the Curry County Zoning Ordinance (CCZO). The applicant is proposing a variance to the required setbacks from a private access easement.

Pursuant to the CCZO, the following criteria are applicable to this application:

Section 3.080 – Rural Residential Zone (RR)

Section 3.084 - Setbacks

Section 4.010 – Setback Requirements

Section 4.020 – Off-Street Parking

Section 8.020 – Application for a Variance

Section 8.030 – Standards for Granting a Variance

Please refer to maps and documents in the attached exhibits for demonstration of compliance with these standards. With this review, Curry County can find that this application is consistent with applicable requirements established by CCZO.

Exhibit List

Exhibit A –Deeds, Assessor’s Map, Subdivision Plat

Exhibit B – Zoning Map

Exhibit C – Proposed Plot Plan

Exhibit D – Declaration of Covenants and Restrictions (CCRs)

Exhibit E – Service Provider Forms (Harbor Fire District/Coos Curry Electric Coop)

ARTICLE III: RURAL RESIDENTIAL (RR) ZONE

Section 3.080. Rural Residential Zone (RR).

Purpose of Classification. The Rural Residential Zone is designed to allow for low density residential development outside urban growth boundaries and rural communities defined by the Comprehensive Plan.

FINDING: As demonstrated in the Zoning Map (**EXHIBIT “B”**), the subject lot is zoned Rural Residential 10 (RR10). The proposed use is a single-family dwelling and is allowed in the zone pursuant to the provisions of the Article IV and Article VIII addressed below. **The standard is met.**

Section 3.084. Set-Backs.

See Article IV.

FINDING: Setbacks pursuant to this section are addressed in the findings for Article IV below. **The standard is met.**

ARTICLE IV: SUPPLEMENTARY PROVISIONS

4.010 Set-Back Requirements.

The following set-back requirements are established for T, FG, EFU, AFD, R-1, R-2, R-3, RR, RCR, RC and PF zones for development uses; except as provided in sections 5.030 and 5.040.

1. *Required setback shall be minimum of ten (10) feet from lot lines bordering existing roads other than an alley, provided that at least a thirty-five (35) foot set-back from the center of existing road right-of-ways or easements is maintained.*

FINDING: The subject lot is zoned Rural Residential meets the standard setbacks. A variance to the 35-foot setback from an existing road right-of-way or easement is addressed in Article VIII below. **The standard is met subject to approval of the requested variance.**

2. *Required setbacks shall be a minimum of five (5) feet from all other lot lines for a structure not to exceed 15 feet in height. The setback shall increase 1/2 foot for every foot the structure exceeds 15 feet in height.*

FINDING: As shown on the Proposed Plot Plan (**EXHIBIT "C"**) all side and rear yards will meet or exceed the required setbacks. The proposed building height is approximately 21' 6" and requires a side yard setback of approximately 7.5 feet. **The standard is met.**

3. *Vision clearance shall be maintained on all corner lots or parcels.*

FINDING: The subject parcel is not a corner lot. **The standard is not applicable.**

4. *Required dwelling setback for those parcels located within an Urban Growth Boundary (UGB) and which have a common boundary with land zoned for agricultural purposes (EFU or AFD) shall be thirty (30) feet from the boundary with the agricultural land. In addition the boundary common with the agricultural land shall be fenced with a solid fence at least six (6) feet high or a fence that is not solid but is screened with a hedge of sufficient density to provide reasonable buffering for sound and dust.*

FINDING: The subject parcel does not share a common boundary with land zoned for agricultural purposes (EFU or AFD). No additional agricultural setbacks are necessary as part of this request. **The standard is not applicable.**

5. *These are the minimum set-back requirements and greater set-backs may be needed to meet other requirements of this ordinance such as the fire break requirements of forestry zones and mandated set backs for safety in areas subject to natural hazards.*

FINDING: The subject parcels are surrounded by other rural residentially zoned parcels. There are no forestry or agricultural zoned parcels near or adjacent to the subject parcel. Based on the location of the subject parcels, no additional setbacks are necessary to meet fire break or forestry requirements. **The standard is not applicable.**

4.020 Off-street Parking

At the time of construction of a new structure or at the time of enlargement or change in use of an existing structure which would require additional parking spaces, off-street parking spaces shall be provided in accordance with this section. If a parking space(s) has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section.

Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off- street parking, loading or storage, provided storage is not a primary use of the structure. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season including proprietors.

	USE	PARKING REQUIREMENT
1.	Residential	
	a) Dwelling	One space per dwelling unit
	b) Residential hotel rooming or boarding house	Four spaces per five guest accommodations
2.	Commercial Residential	
	a) Motel	One space per guest room or suite, plus one additional space for the owner or
	b) Club, lodge	One space for each six seats, or one space for each 50 sq. ft. of floor area used for

FINDING: The single-family dwelling as proposed includes an oversized 900 square foot garage to provide adequate off-street parking for vehicles and recreational equipment and to meet Condition D of the approved subdivision (**EXHIBIT "D"**). Additionally, one off-street parking space is provided between the garage and the easement drive. **The standard is met.**

ARTICLE VIII: VARIANCES

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: The subject lot was originally platted in 1953 and was subsequently replatted and reviewed by the Curry County Planning Commission in 1983. The request in May 1983 was for preliminary approval of the application to replat Pacific Crest Subdivision, a six (6) lot subdivision in a R-1 zone. The approved replat reduced the number of lots from six to five and increased the average lot size from 10,620 square feet to 13,143 square feet. The subject parcel is now 11,326 square feet, approximately 2,000 square feet smaller than the largest lot in the approved subdivision. However, in 1983 the regulations for onsite septic systems were much different, and in some case occupied a much smaller area.

At the time the final orders were approved by the Planning Commission, no consideration was given for the location of the necessary future septic system, nor was the need for reserve or repair space considered for the septic system. Ordinance 82-2, which was in effect at the time of the subdivision approval did not require an additional 35-foot setback for properties adjacent easement driveways. Had that been a requirement and if the septic system size and location was considered, it is likely the subject lot and others would have not been buildable lots. This alone further demonstrates that the 35-foot setback was not considered and should not apply to lots within this subdivision.

The DEQ approved location for the septic system consumes approximately 40 percent of the parcel and reduces the buildable area of the parcel to a point that makes it impracticable to meet the current front yard setback requirements for easements as well as the conditions for living space and storage of vehicles required as part of the subdivision approval.

The Declaration of Covenants and Restrictions required by the approved subdivision require that a dwelling have at least 1,200 square feet of living space (not including the garage) and have a space large enough to store all automobiles and recreational vehicles in an enclosed area. As proposed, the variance provides the necessary lot depth to provide the required living space of 1,200 square feet and includes a garage approximately 900 square feet in size to meet the vehicle storage condition of the subdivision. Without the variance, the additional 12.5 feet of required setback would likely require a building footprint with much less depth yielding less living space applying an exceptional or extraordinary circumstance that would significantly limit the size of the home in conflict with the approved subdivision and CCRs. **The standard is met.**

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: All of the adjacent properties within the approved subdivision are zoned RR-10 and if vacant, would be subject to the standard setbacks for the zone including the 35 feet setback. However, three of the five lots within the subdivision were built after the subdivision received final plat approval in the late 80's and do not conform to the 35-foot setback requirement, nor were they required to meet the standard. The subject parcel is one of two dwellings that use the private driveway and the other dwelling that uses the private driveway for access does not meet the additional setback requirement.

Additionally, other dwellings in the area and within the subdivision were built at a time when DEQ regulations were substantially different and not as restrictive. The septic system required (and constructed as approved) consumes a much larger area than septic system on other parcels built in the 80's. The small footprints of those septic systems allow for a greater use of property developed more than four decades ago.

Lastly, neither of the two dwellings that front on Sterling Hts. meet the additional setback requirement and for good reason. Both of the private driveways (Sterling Hts. and Charity Lane) serve less than three parcels and neither of the private driveways utilize the entire 25-foot easement area for driving surface. In fact, Harbor Point Dr. is only required to have a 16-foot paved surface, leaving an additional 4.5 feet on both sides of the easement.

Although it is clear why additional setbacks are required for public rights-of-way that serve a larger traffic volume, it is not clear why easement drives that are historically larger than necessary and have minimal paving require additional structural separation. The request for a variance in this circumstance is not unreasonable and will not have an adverse impact on the one other dwelling that uses the access or the vacant developable parcel to the southeast. **The standard is met.**

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: A variance would not be materially detrimental to the purpose of this chapter or otherwise conflict with the objectives and policies of the County. No variance from the standard side or back yard setbacks are being requested, so there are no negative impacts along those property lines. In fact, the setbacks, side, rear and front of the property exceed the minimum setbacks when the additional setback is not required. As proposed, the front yard setback is 2.5 feet greater than the standard setback. An approved variance

of ten (10) feet adjacent to the private access would have less impact on the adjacent property owners than requiring the dwelling to be built closer to the side yard setback lines where an encroachment would negatively affect livability. **The standard is met.**

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

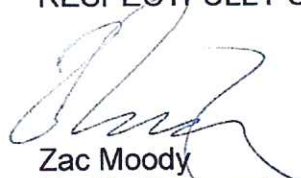
FINDING: The requested variance is the minimum variance from the provisions and standards of this chapter and will alleviate the hardship. As proposed, the requested variance of ten (10) feet is the minimum necessary to continue to meet the side yard setbacks, to avoid any building related issues as they pertain to the onsite septic system and to meet the conditions of the 1983 subdivision approval that require a minimum living space and provisions for indoor storage or automobiles and recreational vehicles. If approved, the variance would still require 25 feet of separation between the dwelling and the private access centerline. This separation is sufficient should the private access need to be widened in the future or to account for additional utilities or utility work if necessary. **The standard is met.**

G. Summary

Based upon the information submitted within this application, Curry County finds that the applicant has provided information demonstrating that the proposed application for a variance to street setbacks meets or can meet with conditions the provisions of the Curry County Zoning Code.

Based on this information and exhibits attached, the applicant respectfully requests approval of this application.

RESPECTFULLY SUBMITTED,



Zac Moody
Pacific Geographic Consulting, LLC

EXHIBIT "A"



Digital Research Room

Document Details

Document Number**2020-003238****RecordingDate**

08/20/2020 11:34:31 AM

Document Type

WARRANTY DEED

Return To

CURRY COUNTY TITLE
TITLE COMPANY DRAWER
PO BOX 672
GOLD BEACH, OR 97444

Consideration

\$125,000.00

Parties**DIRECT**

KURPAKUS, MICHAEL LEONARD

INDIRECT

LUNA, FRANCISCO E

Legal Descriptions**Subdivision****Lot**

PACIFIC CREST SUBDIVISION S16 T41 R13 4

This document does not reference any other document

No References to display

There are no documents that make reference to this document

No References to display

WARRANTY DEED - STATUTORY FORM

Michael Leonard Kurpakus, as an estate in fee simple, Grantor, convey(s) and warrants to Francisco E. Luna, as an estate in fee simple, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in CURRY County, Oregon, to wit:

Lot Four (4), of the Replat of a portion of PACIFIC CREST SUBDIVISION, as platted in Volume Two (2), Pages 241-2, of the Official records of Curry County, State of Oregon.

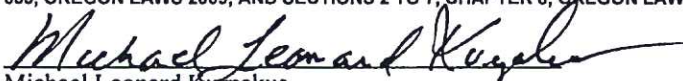
TOGETHER WITH an easement as disclosed by BR: 147 Page: 553 recorded August 22, 1988

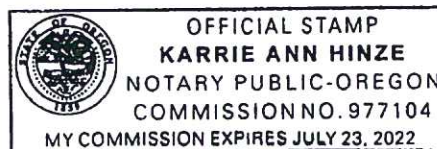
The said property is free from encumbrances except: covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey

The true consideration for this conveyance is \$125,000.00. (Here comply with the requirements of ORS 93.030)

Dated this 18 day of August, 2020.


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, AND 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 AND 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.


Michael Leonard Kurpakus



STATE OF OREGON)
County of Curry) ss.

This instrument was acknowledged before me on this 18th day of August, 2020, by Michael Leonard Kurpakus.


Notary Public for Oregon
My commission expires: 7-23-22

WARRANTY DEED

Michael Leonard Kurpakus
TO

Francisco E. Luna

After Recording Return to:
Curry County Title, Inc.
PO Box 1363/937 Chetco Ave., Bldg C
Brookings, OR 97415

Send Tax Statements To:
Francisco E. Luna
2428 Shannon Lane
Walnut Creek, CA 94598

THIS SPACE RESERVED FOR RECORDER

CURRY COUNTY, OREGON **2020-03238**
LAND **08/20/2020 11:34 AM**
Cnt=1 Pgs=1 RECC **\$96.00**



00085001202000032380010019

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

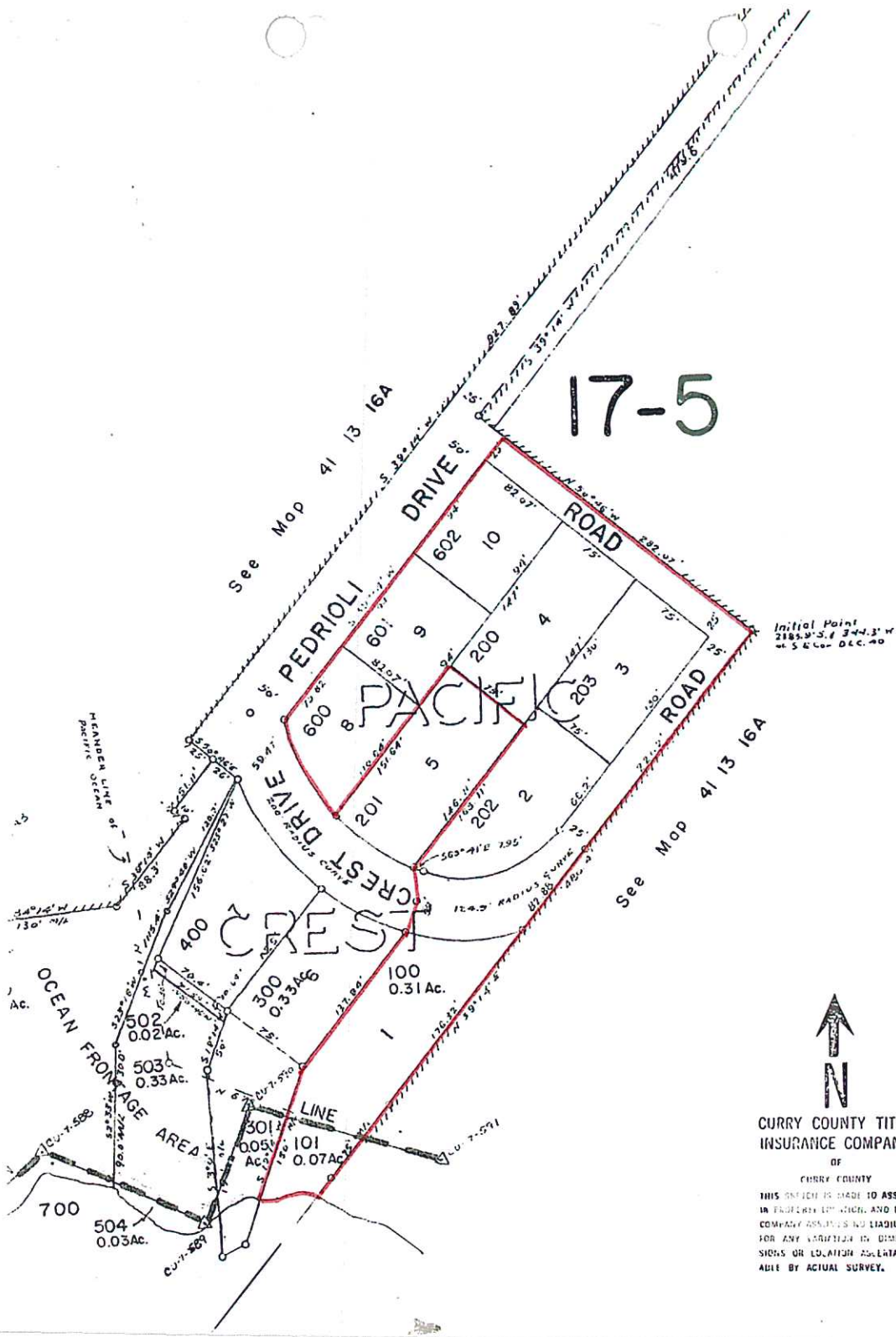
Renee' Kolen - Curry County Clerk



87066B
RETURN TO: CURRY CO. TITLE
P.O. BOX 672
GOLD BEACH, OR 97444

DRIVE

17-5



CURRY COUNTY TITLE
INSURANCE COMPANY,
OF
CURRY COUNTY
THIS ENTRY IS MADE TO ASSIST
IN THE LOCATION AND THE
COMPANY ASSUMES NO LIABILITY
FOR ANY ERRORS IN DIMEN-
SIONS OR LOCATION ASERTAIN-
ABLE BY ACTUAL SURVEY.

CURRY COUNTY PLANNING COMMISSION

S 8301

STAFF REPORT

4/21/83

Application S 8301 filed by Frank and Dorothy Akin is for preliminary approval of a re-plat of Pacific Crest Subdivision on property identified as tax lots 100, 200, and 600; map 41-13-16AC zoned R-1 and located on Pedrioli Drive approximately 480 feet west of its intersection with Oceanview Drive.

Staff Planner: Ruth Wahl.

Basic Proposal:

The applicant wishes to replat the Pacific Crest Subdivision which was originally platted in 1953. The proposed replat would vacate a portion of Crest Drive, a public road; create Charity Lane, a private road, and eliminate one lot.

Location and Land Use of Property:

Subject property is located on Pedrioli Drive approximately 480 feet from its intersection with Oceanview Drive. This property is currently vacant, however, it has historically been used for the cultivation of lily bulbs.

Surrounding Land Use and Zoning:

Surrounding properties are zoned R-1 and are in a combination of residential and agricultural use. To the northeast, tax lot 2900 has also been in lily production.

Topography and Natural Features:

This property is flat with no distinguishing features.

History of Action:

The original Pacific Crest Subdivision was platted in 1953 by Joseph and Lilla Zumpfe.

Staff Findings:

Preliminary findings regarding this application have been prepared by the staff as the attached findings document. Any of these findings may be adopted, rejected, or modified by the Planning Commission based upon testimony or evidence presented during the course of the hearing.

FINDINGS DOCUMENT

Applicant: Frank and Dorothy Akin Application No. S 8301

Property Description: Tax lots 100, 200, and 600; map 41-13-16AC

Date of Planning Commission Hearing: April 21, 1983

Action *Adoption of staff decision and recommended tentative approval of preliminary plat subject to District Board of Road access (2) acceptable drainage plan that will not adversely impact the existing drainage system.*

Public Notification: Posted agenda, applicant and agent.

Planning Commission Decision:

	Aye	Nay		Aye	Nay
Wahl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Newhouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goergen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sharp	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cassin	<i>absent</i>	<input type="checkbox"/>	Hiatt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Genre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Coleman 2nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDINGS FOR DECISION

- I. Consistency with the Comprehensive Plan.
 - A. Plan Designation
 1. The Subject property has been designated for residential use due to the parcelization and general use of properties in the area.
 2. The above plan designation is implemented with the R-1 zoning classification.
 - B. Committed Lands
 1. This area is located within the Mid Oceanview Committed Area which has an average parcel size of 1 acre and a gross density of 0.9 ac./DU.
 2. The City of Brookings Urban Growth Boundary is located approximately half a mile to the north.
 - C. Plan Policies
 1. Goal 6, Resource Quality

Curry County recognizes all applicable federal and state regulations concerning air, land and water quality and seeks their implementation to protect these resource qualities.

2. Goal 10: Housing

Curry County recognizes the need for all forms of housing and has designated lands for residential use with conventional homes, multi-family dwellings, and mobile home parks and has designated lands for each housing type in its comprehensive plan.

3. Goal 14: Urbanization

Curry County recognized the rural communities of the county as an additional element of urbanization and has determined boundaries for these communities based on the organized public facility districts and the existing land use in the community.

4. The following chapters of the Comprehensive Plan have been found to comply with the Statewide Planning Goals and/or do not pertain to this application:

3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, and 18.

II. Consistency with the Statewide Planning Goals

A. Goal 17: Coastal Shorelands

1. Goal 17 states:

(2) Shorelands in urban and urbanizable areas especially suited for water dependent uses shall be protected for water-dependent recreational, commercial and industrial uses. Some factors which contribute to this special suitability are:

- a) deep water close to shore with supporting land transport facilities suitable for ship and barge facilities;
- b) potential for aquaculture;
- c) protected areas subject to scour which would require little dredging for use as marinas; and
- d) potential for recreational utilization of coastal water or riparian resources.

2. This property would not qualify for any of the above suitability requirements because:

- a) This property is not near a deep water area close to shore, nor does it have supporting land transport facilities.
 - b) does not have the potential for aquaculture.
 - c) the area along the beach would not be a suitable place for a marina.
-

- d) This property does not border the beach nor does it have beach access. There are a number of public beach accesses in the area including McVay Rock State Park located approximately 2 miles to the south on Ocean-view Drive.

III. Consistency with County Ordinances and Coordination Requirements

A. Zoning and Other Ordinances

1. Subdivision Ordinance

- a) The proposed subdivision plat and plan was submitted under provisions of the Curry County Subdivision Ordinance which has specific standards for final subdivision plats and plans.
- b) The proposed replat was reviewed under these standards and is found to be incomplete. Missing are:
a formal drainage plan, a letter from the Harbor Water District stating their willingness and ability to serve this subdivision with water, and a draft of covenants and restrictions, if any.

2. Road Matters

- a) Access to the subdivision is via Pedrioli Drive, a paved two lane county road, and Crest Drive, a paved two lane public road. This plat vacates the remainder of Crest Drive and creates Charity Lane, a private road. A road report is attached to this report.

3. Public Facilities and Services

- a) On site sewage disposal is via individual sewage disposal for which all lots have obtained feasibilities.
 - b) Water is provided by the Harbor Water District. There is no letter on file as to their ability or willingness to serve these lots.
 - c) Structural fire protection is provided by the Harbor Volunteer Fire Department.
 - d) Police protection is via the County Sheriff's office.
 - e) This area is within the Brookings Harbor School Dist. which is under capacity.
4. This application is being heard in accordance with the zoning and subdivision ordinance with the required notification.

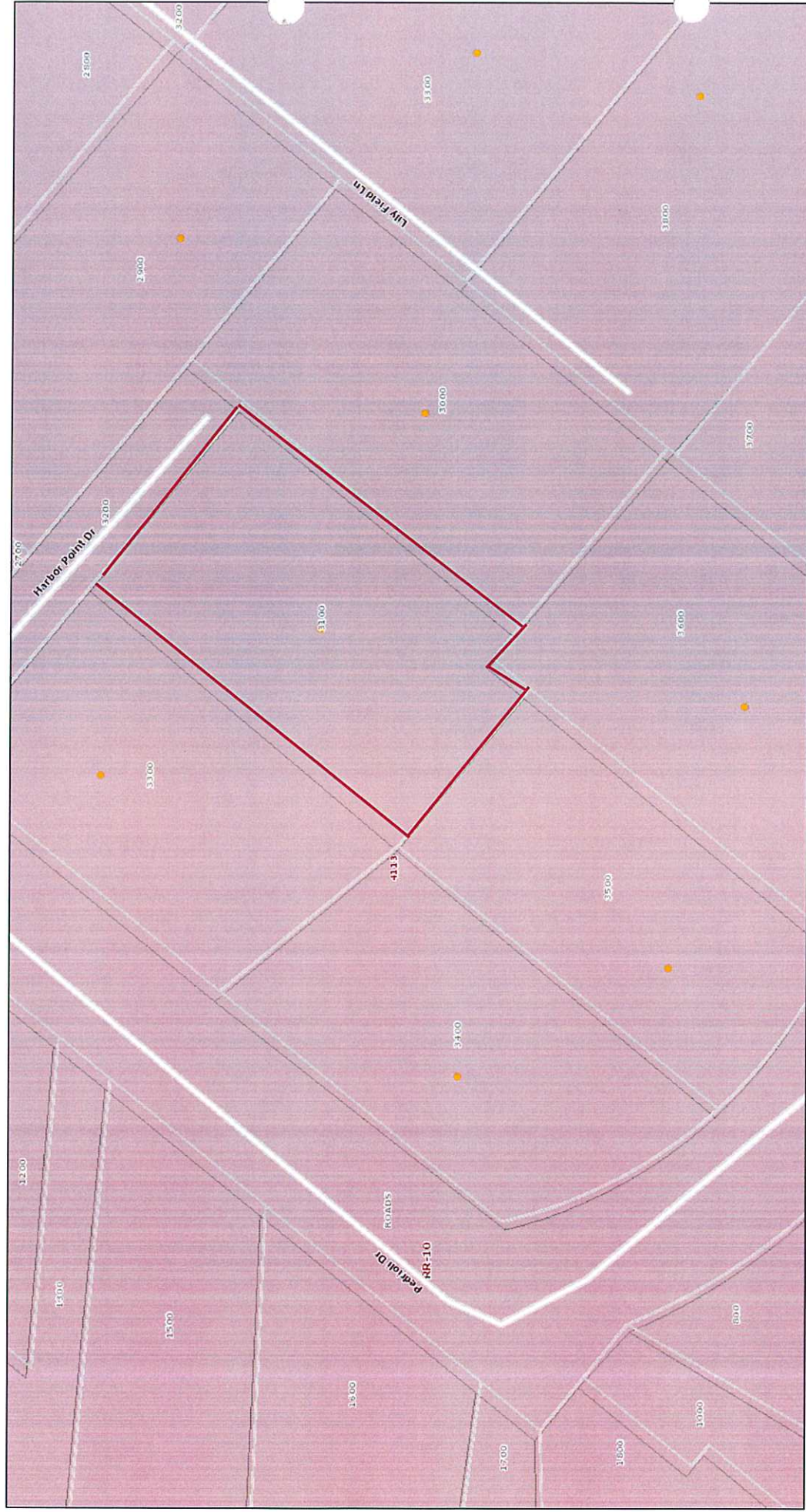
IV. Certification:

Findings listed in this document are the factual basis for the above referenced decision of the Curry County Planning Commission.

Chairman

EXHIBIT “B”

Zoning Map



10/4/2021, 12:25:21 PM

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 15cm Resolution Metadata
- Parcels
- Parcel Labels
- All Roads
- Highways (1)
- Site Address (Current)
- Townships
- City Limits
- Urban Growth Boundary
- Counties
- County Zoning
- AFD
- C-1
- C-2
- CON
- EFU
- FG
- I
- MA
- MPA/FG
- PF
- R-1
- R-2
- R-3
- RC
- RC-10
- RCR-1
- RCR-10
- RCR-2.5
- RCR-5
- RI
- RR-10
- RR-5
- RRC
- SW
- T
- NOT ZONED

1:564

0 0.01 0.01 0.01 0.02 mi
0 0.01 0.01 0.01 0.03 km

Maxar, Microsoft, Bureau of Land Management, State of Oregon,
State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri,
HERE, Garmin, USGS, EPA, USDA

The information on this map was derived from digital databases from the Curry County regional geographic information system by LCOG. Care was taken in the creation of this map, but is provided "as-is." Curry County and LCOG cannot accept any responsibility for errors, omissions or positional accuracy in the

Created by LCOG for Curry County

Curry County Web Map



9/30/2021, 12:29:00 PM

- | | | | |
|------------------------------|--------------------------|-------------------------|-----------------------|
| World Imagery | Citations | Parcel Labels | Townships |
| Low Resolution 15m Imagery | 60cm Resolution Metadata | All Roads | City Limits |
| High Resolution 60cm Imagery | Override 1 | Highways (1) | Urban Growth Boundary |
| High Resolution 30cm Imagery | Parcels | Situs Address (Current) | Counties |

Maxar, Microsoft, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, USGS, EPA, USDA

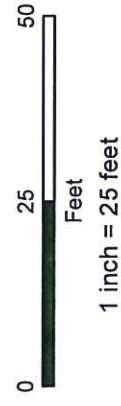
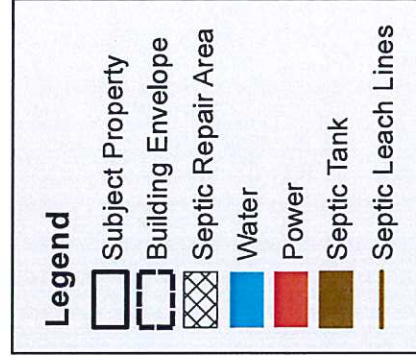
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Created by LCOG for Curry County

EXHIBIT "C"

Proposed Plot Plan

41S-13W-16BA TL 3100



This map is based on a digital database compiled by Jackson County GIS from a variety of sources, and may include field data collected using GPS. We cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied. www.pgcllc.com

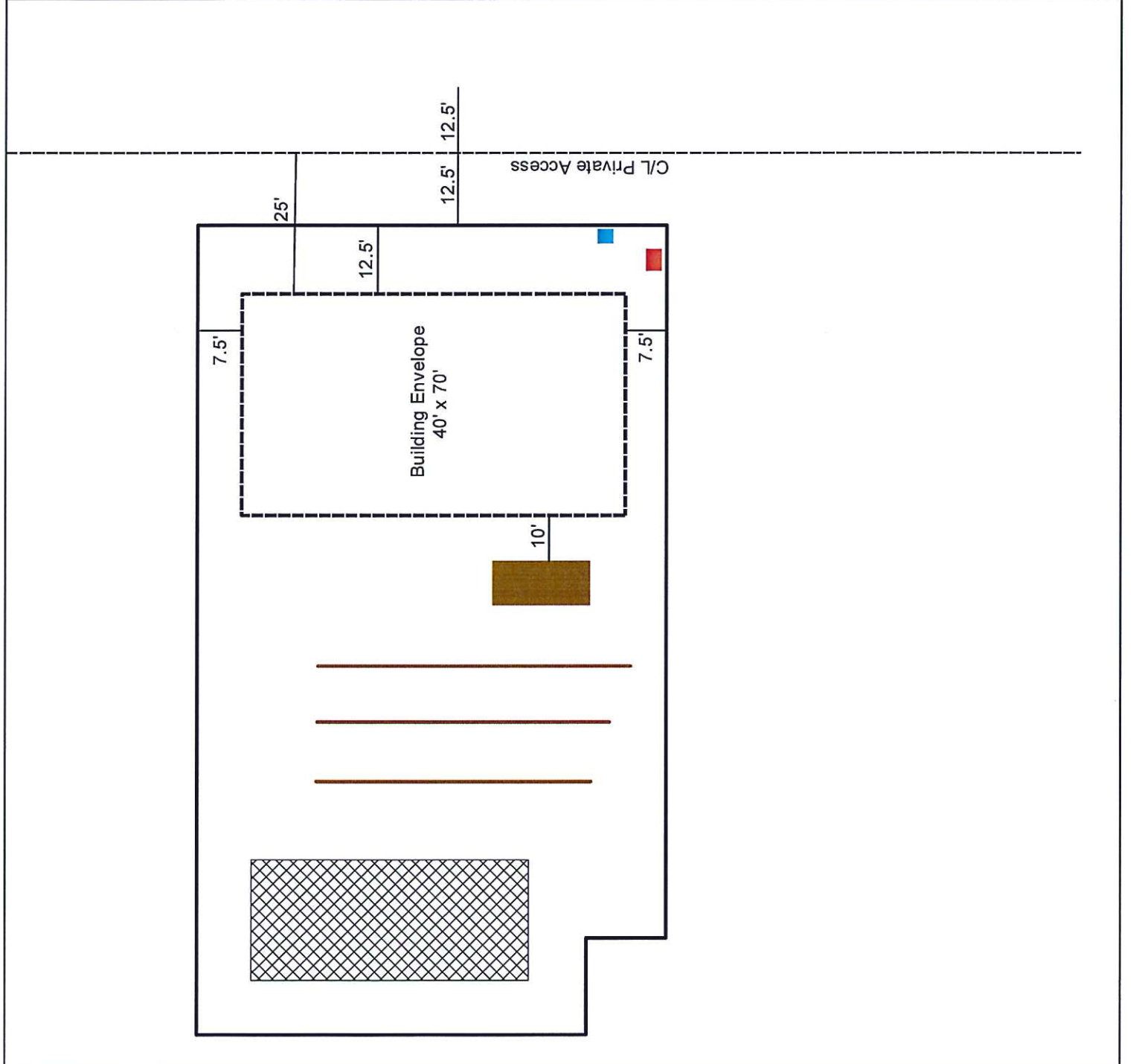


EXHIBIT “D”

DECLARATION OF COVENANTS AND RESTRICTIONS
of
REPLAT OF A PORTION OF
PACIFIC CREST SUBDIVISION

THE UNDERSIGNED, BEING THE RECORDED OWNERS AND PARTIES IN INTEREST,
DO HEREBY MAKE THE FOLLOWING DECLARATION OF COVENANTS AND RESTRICTIONS COVERING
CERTAIN REAL PROPERTY IN CURRY COUNTY, MORE PARTICULARLY DESCRIBED AS "REPLAT OF
A PORTION OF PACIFIC CREST SUBDIVISION" AS RECORDED IN PLAT BOOK _____, PAGE _____,
OFFICIAL RECORDS OF CURRY COUNTY, WHICH SHALL CONSTITUTE COVENANTS TO RUN WITH ALL
THE LAND AND SHALL BE BINDING UPON ALL PERSONS CLAIMING UNDER THEM AND SHALL INURE
TO THE BENEFIT OF AND BE LIMITATIONS UPON ALL FUTURE OWNERS OF SAID PROPERTY, OR
ANY INTEREST THEREIN:

- A. Each dwelling shall have a minimum of 1200 square feet of living space,
not including decks or garage.
- B. No fence or hedge shall be over 5 feet high.
- C. All driveways shall be either asphalt paved or cement.
- D. All cars, pickups, campers, boats, trailers and motor homes shall be
kept garaged.
- E. Trash, garbage or other waste shall not be burned in outside incinerators.
- F. All downspouts from gutters shall run into drywells of adequate size to
reduce the surface runoff from subdivision.
- G. Lot 8 restricted to structures not to exceed one story.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals
this _____ day of _____, 1983.

Frank S. Akin
Frank S. Akin

Dorothy H. Akin
Dorothy H. Akin

STATE OF OREGON)
) ss.
County of Curry)

BE IT REMEMBERED THAT ON THIS 21st day of May, 1983, before
me, the undersigned, a notary public in and for said County and State, personally
appeared the within named FRANK S. AKIN and DOROTHY H. AKIN, known to me to be
the identical individuals described in and who executed the within instrument and
acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal
the day and year last above written.

Jay V. Fleming
Notary Public for Oregon

My Commission expires: 8/25/86

PC meeting

EXHIBIT "E"

AVAILABILITY OF POWER - ELECTRIC COORDINATION



1. THE SUBJECT PROPERTY IS WITHIN THE SERVICE TERRITORY OF COOS CURRY ELECTRIC AND CAN BE PROVIDED ELECTRIC POWER ONCE THE ROUTE HAS BEEN DETERMINED, EASEMENTS AND/OR PERMITS OBTAINED, AND ALL FEES PAID.
2. UTILITY NOTIFICATION CENTER SHOULD BE CALLED BEFORE ANY TRENCHING OR EXCAVATION.
3. STRUCTURES ARE NOT ALLOWED UNDERNEATH OR ON TOP OF ANY COOS CURRY FACILITIES. CONTACT COOS CURRY FOR CLEARANCE REQUIREMENTS AND SETBACKS. *STAY 10' AWAY.*
4. NATIONAL ELECTRIC SAFETY CODE CLEARANCE REQUIREMENTS SHALL BE FOLLOWED.

Situs address — 98130 Harbor Point Drive, Brookings, OR 97415

Construction of a single-family dwelling within a 60' x 40' building envelop (see plot plan).

Township - 41S

Range - 13W

Section - 16BA

Taxlot (s) - 3100

CCEC Representative Walt Jynsler Date 9/30/2021

Owner/ Representative See Attached Letter of Authorization Date 10/1/2021

Mailing Address for all Coos-Curry Electric Co-op offices: P.O. Box 1268, Port Orford OR 97465-1268

Port Orford Office: 43050 Hwy 101 Port Orford OR 97465 · Phone: 541-332-3931 Fax: 541-332-3501

Brookings Office: 815 Railroad St Brookings OR 97415 · Phone: 541-469-2103 Fax: 541-469-3193

Gold Beach Office: 29439 Ellensburg Gold Beach OR 97444 · Phone: 541-247-6638 Fax: 541-247-6630

Coquille Office: 220 S Mill Ave Coquille OR 97423 · Phone: 541-396-3118 Fax: 541-396-3119

www.ccec.coop

After Hours Outage Number 866-352-9044