



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

Becky Crockett  
Planning Director

21-000269  
Phone (541) 247-3228  
FAX (541) 247-4579

File # AD-2125 Fee \$ \_\_\_\_\_ 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: Sept. \_\_\_\_\_ 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 Briand and Diane Andersen

Mailing Address: 901 Leveland Lane, Modesto, CA 95350

City, State, ZIP: \_\_\_\_\_

Telephone #: \_\_\_\_\_ E-Mail \_\_\_\_\_

**2. APPLICANT**

Name Same

Mailing Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Telephone #: \_\_\_\_\_ E-Mail \_\_\_\_\_

**3. AGENT (If Any)**

Name: John Bischoff

Mailing Address: 96333 Wildwood Rd.

City, State, ZIP: Brookings Or 97415

Telephone # 541 412 0351 E-Mail Wildwood1@charter.net

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

Establish a residence on a parcel of land zoned Forest Grazing

**5. PROPERTY INFORMATION**

Assessor Map # 40-13-18 Tax Lot (s) 1100 & 1101 (now combined)

Zoning: Forest Grazing Total Acreage 16.33

6. **PROPERTY LOCATION**

Address (if property has a situs address) \_\_\_\_\_

Description of how to locate the property \_On Timeous Ranch Rd. The road splits and turns back to the south in the middle of what was T/L 1200 and then proceeds for approximately 150 feet into parcel 1100. \_

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

xx ☒ Vacant ☐ Developed; Describe existing development

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_Houses on T/L 400, 500, 800,1000, 1301

\_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_ Cistern Well \_\_\_\_\_

Sewage Disposal \_\_\_ Septic system \_\_\_\_\_

Electrical Power \_\_\_\_\_ Coos Curry Electric

Telephone Service Version \_\_\_\_\_

Fire Department/District Must contract with Cape Ferrello Rural Fire Protection Dist. \_\_\_\_\_

School District \_Brookings, Harbor School District. \_\_\_\_\_

10. **ROAD INFORMATION**

Nearest Public Road \_Timeous Ranch Road goes through the subject property

Private Roads Serving the Property \_Driveway only \_\_\_\_\_

Road Condition \_\_\_\_\_

Legal Status \_\_\_\_\_

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

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

Proposed New Roads/Driveways (Briefly describe any new road construction related to this application)

\_\_\_\_\_  
\_\_\_\_\_

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

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

T/L 1100 6.21 ac. T/L 1200 10.12

Vegetation (Briefly describe the vegetation on the property)

Fir trees and brush

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) BRIAN T. DIAZ ANDERSEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : 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 preapplication 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) \_\_49-13-18 and Tax Lot(s) 1100 and 1200 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 BRIAN ANDERSEN
- (2) Signature  Print  
Name DIANE ANDERSEN
- (3) Signature \_\_\_\_\_ Print  
Name \_\_\_\_\_
- (4) Signature \_\_\_\_\_ Print  
Name \_\_\_\_\_





# CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES

94235 MOORE STREET  
PO BOX 746  
GOLD BEACH, OREGON 97444

David J. Pratt, AICP  
Director

Phone (541) 247-3304  
FAX (541) 247-4579

## SERVICE PROVIDER CONFIRMATION FORM

TO:

Name of Service Provider: Cape Ferrelo Rural Fire Protection District  
(Water, Sewer, Fire, Electric, etc)

The person(s) listed below are applying for the following type of land use approval from the Planning Division: Conditional Use Permit to place a home on a parcel of land on Temeous Ranch Rd. in the Forest Grazing zone.

In order to process the application, we need information from you on whether their proposal meets the requirements of your agency / department. If there are any conditions or restrictions that will be placed on your approval, 40-13-18 we need to be aware of those so that we may include them in our final decision. Please provide the Planning Division any information you feel is relevant to this proposal in the space provided below:

CAPE FERRELO REQUIRES 2500 GAL OR LARGER  
WATER STORAGE TANK FOR FIRE FIGHTING PURPOSES.  
ROADWAY SHOULD BE WIDE ENOUGH TO ALLOW FIRE  
TRUCKS TO ENTER/EXIT PROPERTY NEAR HOME

LELLIS CAPT.  
Name / Title

09-14-21  
Date

Acting on behalf of the above referenced service provider

the service provider listed above can make a determination regarding the project – if you need more room attach additional sheets:

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Applicant / Owner Name and Address Brian and Diane Andersen

Assessor Map and Tax lot # 41-13-18, Tax Lot 1100 & 1200



# CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES

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PO BOX 746  
GOLD BEACH, OREGON 97444

David J. Pratt, AICP  
Director

Phone (541) 247-3304  
FAX (541) 247-4579

## SERVICE PROVIDER CONFIRMATION FORM

TO:

Name of Service Provider: Coos/Curry Electric Coop  
(Water, Sewer, Fire, Electric, etc)

The person(s) listed below are applying for the following type of land use approval from the Planning Division: Conditional Use Permit to place a home on a parcel of land on Timeus Ranch Rd. in the Forest Grazing zone.

In order to process the application, we need information from you on whether their proposal meets the requirements of your agency / department. If there are any conditions or restrictions that will be placed on your approval, 40-13-18 we need to be aware of those so that we may include them in our final decision. Please provide the Planning Division any information you feel is relevant to this proposal in the space provided below:

Electric power is available on the below properties.  
A cost estimate for electric service to a  
structure or structures is not available  
at this time.

Walt Jurzenko

Walt Jurzenko / Staking Engineer

Name / Title

September 14, 2021

Date

Acting on behalf of the above referenced service provider

the service provider listed above can make a determination regarding the project – if you need more room attach additional sheets:

Applicant / Owner Name and Address Brian and Diane Anderson 901 Levelland Ln., Modesto, CA, 95350

Assessor Map and Tax lot # 40-13-18, Tax Lot 1100 & 1200



APPLICANT  
Brian and Dianne Andersen

REQUEST

A Conditional Use Permit to establish a house on a 16.33 acer parcel identified as Assessor's Map 40-13-18, Tax lots 1100 and 1200 (the application started out as only Tax Lot 1100 but a boundary vacation was completed to combine the lots.

LOCATION

The Subject property is located outside of the Brookings Urban Growth boundary on a parcel zoned Forest Grazing and Timeous Ranch Road goes thru the center of the combined parcels.

Included  
Application  
Report

Exhibit 1 Subject property  
Exhibit 2 Contours across the property  
Exhibit 3 Elevation at property corners  
Exhibit 4 160 acre Grid and Zoning  
Exhibit 5 Rapid Moving Land Slides  
Exhibit 6 House and Septic System Plot.  
Exhibit 7 Cape Ferrello Fire District.

Prepared by  
John Bischoff  
Wildwood Planning Consultants  
Sept. 2021



## REQUEST

The applicant is requesting to place a single-family dwelling on a 6.21 acre parcel of land zoned Forest Grazing, identified as Assessor's Map 40-13-18, Tax Lot 1100, and located on Timeus Ranch Rd. and located approximately 150 feet north from where Timeus Ranch Rd. splits and one half turns back to the south and one branch continues north into the subject property. Timeus Range Rd. enters the property approximately 307.31 feet from the southwesterly corner and exits the property approximately 391.15 feet from the northwesterly corner. Coos Curry Electric has an easement that runs southeasterly from where the road exits the property to a point approximately 346.56 feet from the southeasterly corner. The applicant also owns Tax Lot 1200, to the south and has completed a Lot Line Vacation between 1100 and 1200, which was necessary because the septic system will be on T/L 1200. The 160 acre grid test will be used to evaluate this request. See Exhibit 1 Subject Property

## OWNER/APPLICANT

Brian and Diane Andersen  
901 Leveland Lane  
Modesto, CA 95350

### Property Description

The subject property is a 6.21-acre parcel of land which is split almost in two by Timeus Ranch R. The property has a west boundary of 327 feet, a southerly boundary of 809 feet and a east boundary of 328 feet. The northerly boundary is 812 feet. The property is vacant.

Pursuant to the County GIS system soils on the subject property are Skookum House -Haze, Averlande complex and since there is no indication of the ability to grow forest timber trees the grid test used will be for the most favorable for timber growth. The County GIS system does not indicate a flooding hazard on the property but does show that a large portion of the subject property to be subject to Rapid Moving Land Slides (RMLS). This hazard will be discussed below. See Exhibit 2 RMLS. The same GIS system, however, shows 10 ft. contours across the subject property to be almost even with the contours west of the Coos/Curry easement slightly wider than those east of the easement. The contours indicate a slope from the southwesterly corner to the northeasterly corner of 24.8% and on the west side of the easement as 20.5% and east of the easement as 28%. Since the contours are even and the slope across the property is, pursuant to the contours, only about 25%. This does not indicate an area of rapid moving landslides. The DOGAMI Landslide maps do not give any indication on the subject property or general vicinity. The GIS Hillshade feature indicates a Low value for most of the property except for the northwest corner and the southeast corner which are shown to have a Medium value. There does not appear to be any steep slopes on the property pursuant to the contours indicated by the GIS system and thus the GIS indication of a RMLS across the subject property does not appear to be valid. A letter, provided by Busch Geotechnical, discussing the RMLS

possibility of the site indicates that any slides that occurred on or near the property are ancient in nature and there is no indication that a slide will occur again.

#### 160-acre GRID

A grid, in the form of a square, centered on the subject property has all or part of 19 lots located within it and on those lots are 9 houses. Below is a listing of each lot, if it has a house on it and the year the house was built. All this information is pursuant to the GIS system.

Assessor's Map	Development	Year Built
40-13-00		
Tax Lot: 1513		
Situs: 18965 Timeus Ranch Rd.	Single Family home	1996
Assessor's Map		
40-13-18		
Tax Lot 100		
Situs: 18828 Timeus Ranch Rd.	Single Family home ?	?
Tax Lot: 600		
Situs: 18803 Timeus Ranch Rd.	Single Family house?	?
Tax Lot: 700		
Situs: 18803 Timeus Ranch Rd.	Single Family house	1990
Tax Lot: 701		
Situs: None listed	Vacant	
Tax Lot: 800		
Situs: 97195 Stagecoach Rd.	Single Family house	1999
Tax Lot: 900		
Situs: None listed	Vacant	
Tax Lot 1000		
Situs: 18720 Timeus Ranch Rd.	Single family house?	?
Tax Lot 1101		
Situs: 18671 Ranch Rd.	Vacant	
Tax Lot: 1200		
Situs: None listed	Vacant	

Tax Lot: 1301		
Situs: 18550 Ranch Rd.	Single family house	1989
Tax Lot: 1302		
Situs: 18515 Ranch Rd.	Single family house	1989
Assessor's Map		
40-13-18 Cont.	Development	Year Built
Tax Lot: 1400		
Situs: None listed	Vacant	
Tax Lot: 1500		
Situs: None listed	Vacant	
Tax Lot 1600		
Situs: None listed	Vacant	
Assessor's Map		
40-13-18BC		
Tax Lot: 100		
Situs: 18731 Ranch Rd.	Single family house?	?
Tax Lot: 300		
Situs: None listed	Vacant	
Tax Lot: 400		
Situs: 18671 Ranch Rd.	Single family house	1979
Tax Lot: 500		
Situs 18639 Ranch Rd.	Single Family House	?

Note: If on the GIS map the lot had a Situs but did not indicate a house there is a question mark after Single family house.

If the lot had a house indicated but no year built indicated there is a ? under Year Built.

#### 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, 3, c) and Section 7.040.1 and 16.

Section 3052 Conditional Uses\ Subsection 16 Reads: "Dwellings subject to Section 3.053. (1, 16) Note the numbers in parentheses refer to subsections of Section 7,040."

Subsection e of Section 3.053, reads: *3. 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 if:*

*(1) all or part of at least three 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 the other lots or parcels;*

*(2) at least three dwellings existed on January 1, 1993 on other lots or parcels; or*

*b) capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:*

*(1) all or part of at least seven other lots or parcels that existed in 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; or*

*c) capable of producing more than 85 cubic feet per acre per year of wood fiber if:*

*(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;*

*(2) at least three dwellings existed on January 1, 1993 on other lots or parcels.*

Since the County public GIS system is down and thus we cannot determine the type of soils on the subject property Subsection c) will be used since it is the most stringent.

Since the Oregon State planning laws were not enacted until 1975, and created an 80 acre minimum for the Forest Grazing zone and most of the lots within the 160 acre grid, they must have been created prior to January 1, 1993.

#### Findings

1. There are at least 11 lots that were created prior to 1993.
2. Pursuant to the list above there are at least 4 houses that were built prior to January 1, 1993.

#### Conclusion

The application meets the requirement of Section 3.053 c).

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.

### 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. Section 7.040.1.d) applies to properties that are within a utility service district or districts. The remaining provisions under Subsection 1 (d thru g) apply to properties within or creating a community water district. Since the property is not located within a community water system Subsection 1 (d thru g) do not apply. Water will be provided by a cistern well fed by the stream on the property.

### Findings

1. Water will be provided from the steam on the property and cistern well.
2. The subject property is not within a water service district.
3. Electric power will be supplied by Coos/Curry Electric Co-o
4. The subject property is not within a sewer service district.
5. The subject property will contract with the Cape Ferrelo Rural Fire Protection District.

### Conclusions

1. Water will be provided by an on-site cistron well.
2. A septic system has been applied for and the location approve and will be installed on the subject property.
3. A Service Provider confirmation form from Coos/Curry Electric Co-op will be submitted with this application.
4. The applicant will contract with the Cape Ferrelo Rural Fire Protection District for fire protection.

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.*

### Discussion

Of the lots adjoining the subject parcel there is on lot to the east that is 80 acres in size to the east and has a house on it that was built in 1999. This is the only adjoining lot that is large enough to sustain a logging practice. There is no farming in the area around the subject property. .

### Findings

1. The only lot greater than 10.11 acres in size is an 80 acre lot that joins the subject property on the east
2. All other adjoining lots are 10.14 acres or smaller.



### Conclusion

Placing a dwelling on the subject property will have no particular impact on the cost of accepted farming or forest practices on adjoining land.

*b) The proposed use will not significantly increase fire suppression costs or significantly increase the risks to fire suppression personnel.*

### Findings

1. The applicant wishes to place a single family dwelling on the subject property.
2. There are 6 houses within the 160 acre square centered on the subject lot.
3. Five of the 5 houses are on lots smaller than the subject parcel.
4. Of the 19 parcels within the grid only 1 is larger than the subject parcel.

### 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.

The house will be built on the flat area almost directly between Tax Lots 1100 and 1200 and the septic system will be on T/L 1200, thus the need to combine the lots. The applicant has submitted a letter from Busch Geotechnical and a plot plan showing where the house and septic system will be located and the distances from the stream, ect.

### 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 1





EXHIBIT 2





EXHIBIT 3





EXHIBIT 4 160 AC GRID & ZONING

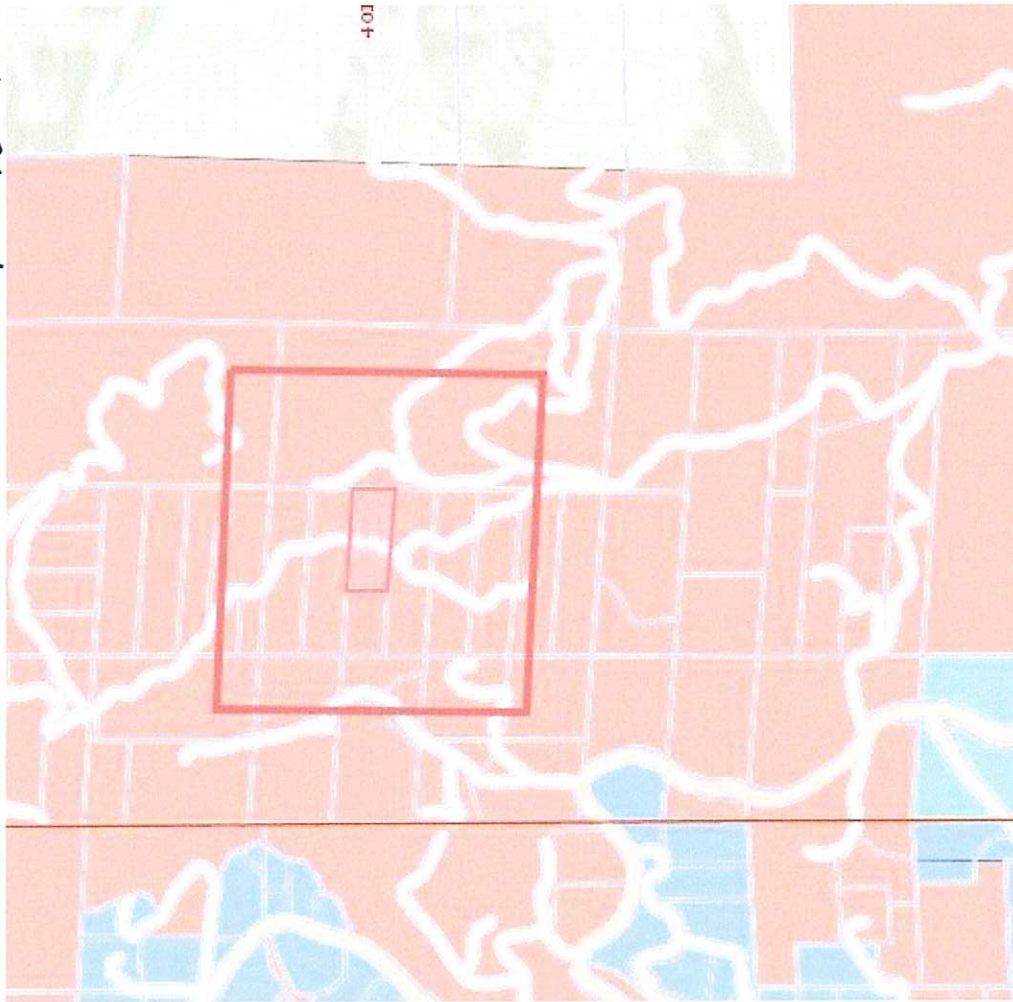
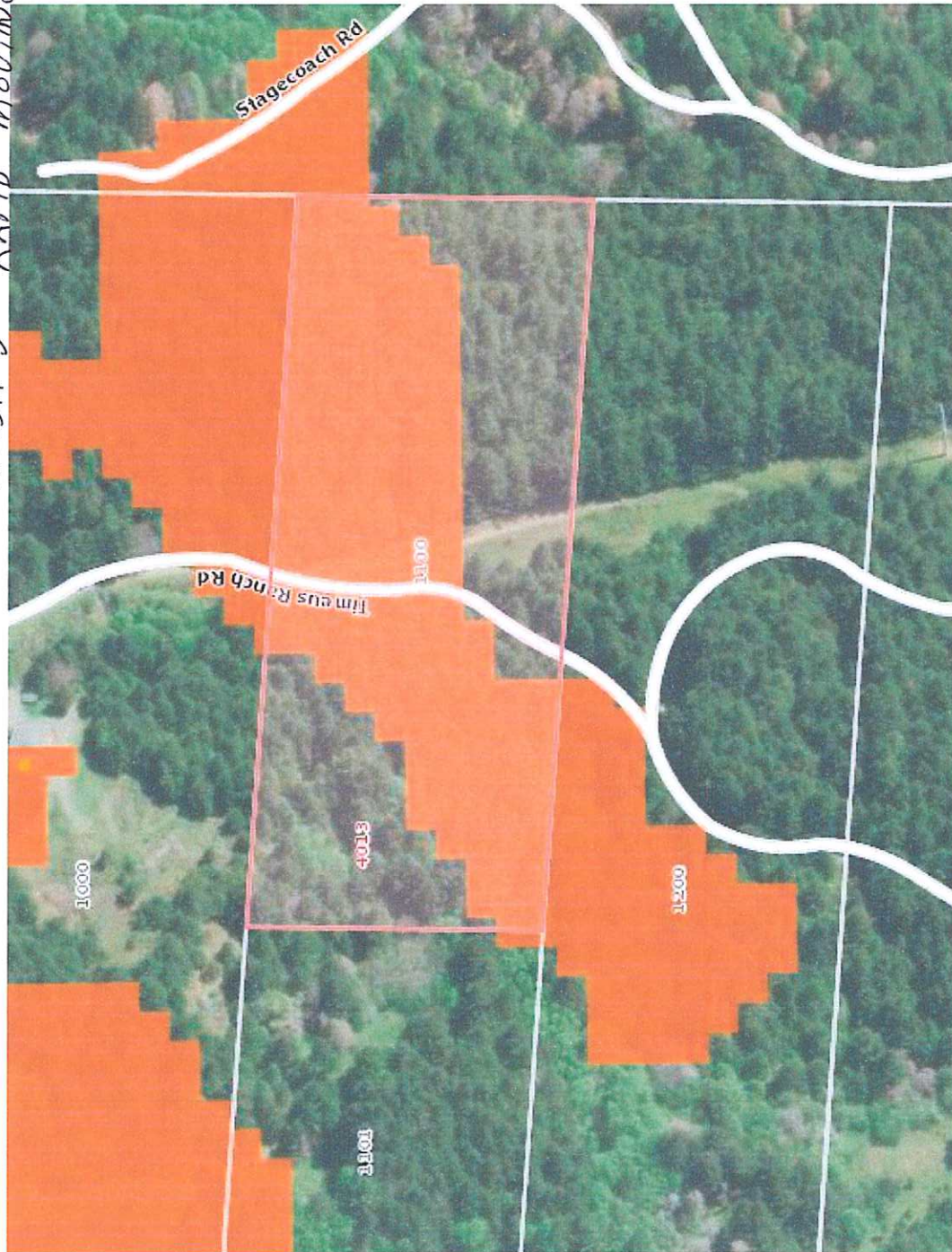


EXHIBIT 5 RAPID MOVING LANDSLIDES



# EXHIBIT 4 HOUSE & SEPTIC PLOT

## Plot Plan Andersen - Timeus Ranch Road 8/22/2021

### LEGEND

- Creek
- Water Line
- Waste Line (Septic)
- Driveway
- Easement - Coos-Curry Electric
- Timeus Ranch Road
- Recently vacated lot line

SCALE 1"=100'

### NOTES

The property is located on Timeus Ranch Road at approximately .75 miles off of Carpinterville Road where Stagecoach Rd meets Timeus Ranch Road

The house and carport are situated on flat land (no fill).

The hill between the Coos-Curry Electric easement and the driveway next to the house has a slope of approximately 35%.

The hill in front of the house, ending at the shop driveway, has a slope of approximately 10% and is protected by a silt fence.

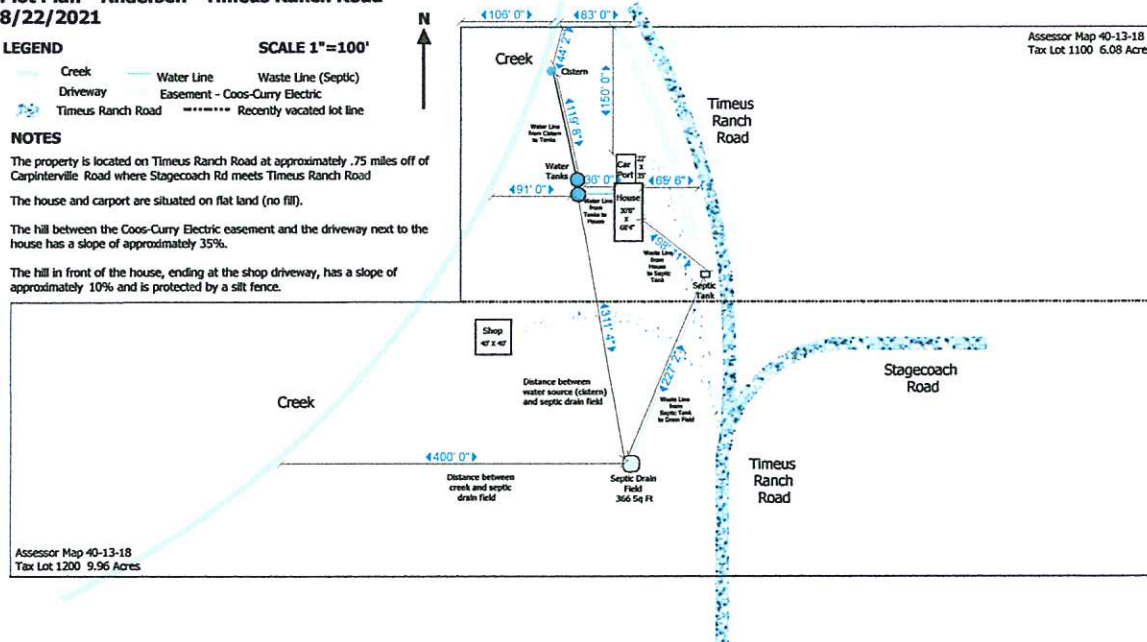
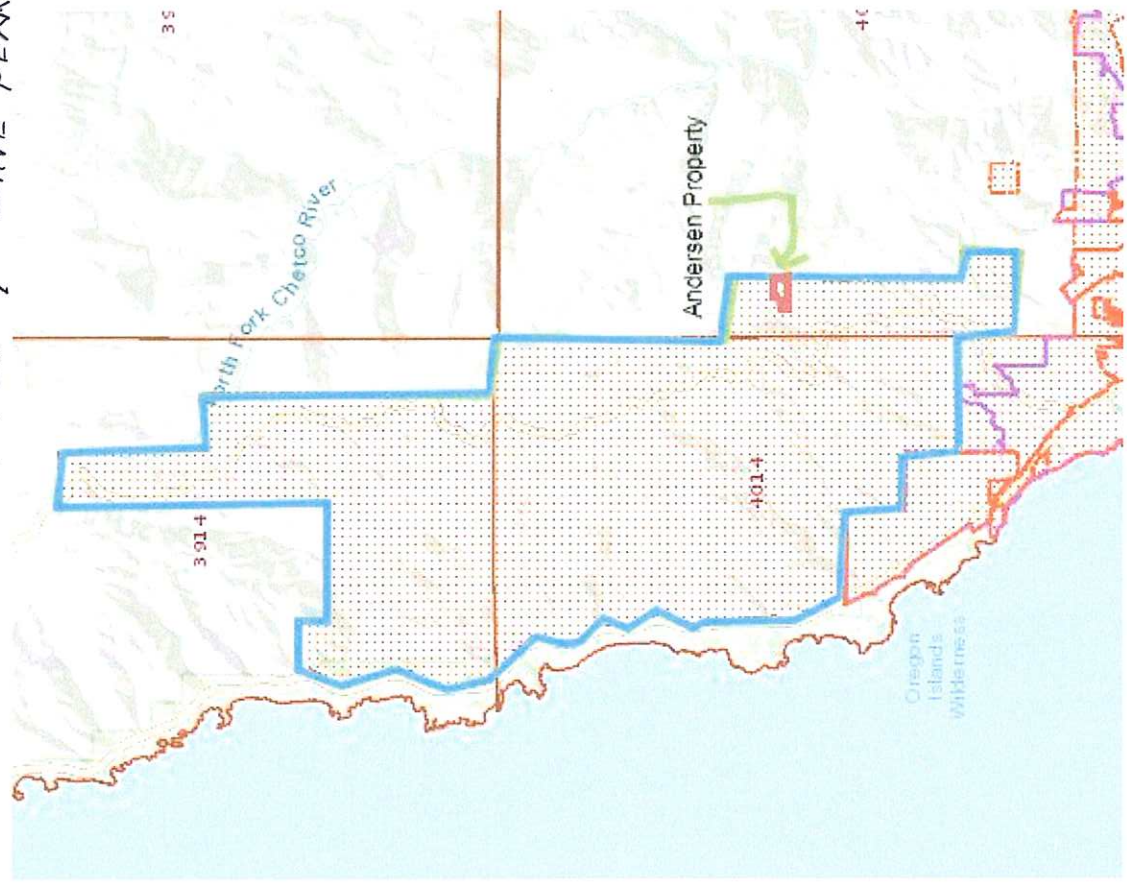




EXHIBIT 7 CAPE FEARRELO FIAE DIST





## CURRY COUNTY COMMUNITY DEVELOPMENT

94235 MOORE STREET, SUITE 113

GOLD BEACH, OREGON 97444

Becky Crockett  
Planning Director

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

File #LLV-2109

June 17, 2021

Applicant: Brian Andersen & Diane McBrayer

Property Owner: Brian Andersen & Diane McBrayer

Assessor's Map: Township 40 South, Range 13 West W.M., Section 18  
Tax Lots: 1100 (6.08 acres) and 1200 (9.96 acres)  
Combined Lot Size: 16.04 acres

The Curry County Planning Department has granted preliminary approval of your request for a property line vacation between the tax lots referenced above. To proceed with the lot line adjustment process and receive final approval you must complete the following:

- Contact the following departments about any requirements they may have regarding this lot line vacation: Tax Assessor and Tax Collector. Failure to comply with their requirements could void any approval by the Planning Department.
- Record a Property Line Vacation Deed with the County Clerk's office. **The actual property line is not officially removed until a deed with a legal description recognizing the property line vacation is recorded.**

If you have any questions regarding land use and zoning issues, please contact our office. Otherwise, please direct any other inquiries such as payment of taxes, tax assessments, survey requirements or recording requirements to the appropriate county department.

Sincerely,

Becky Crockett, Planning Director  
Community Development – Planning Division  
[crockettB@co.curry.or.us](mailto:crockettB@co.curry.or.us)

Cc: File, Applicant, Surveyor

LLV-2109  
Property Line Vacation

**RECORDING COVER SHEET** (Please print or type)  
THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING  
THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS  
COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE  
INSTRUMENT ITSELF. ORS 205.234

CURRY COUNTY, OREGON **2021-03961**  
LAND  
Cnt=1 Pgs=7 RECC **08/17/2021 09:41 AM**  
**\$126.00**



00093538202100039610070072

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

**AFTER RECORDING RETURN TO:** ORS 205.234(1)(c)

Brian and Diane Andersen

**1. TITLES(S) OF THE TRANSACTION(S)**

ORS 205.234(1)(a)

Bargain and Sale Deed (Lot Line Vacation)

**2. FIRST PARTY**

NAME(S)

ORS 205.234(1)(b)

Brian Nels Andersen and Diane Andersen, not as tenants in common, but with rights of survivorship

**3. SECOND PARTY**

NAME(S)

ORS 205.234(1)(b)

Brian Nels Andersen and Diane Andersen, not as tenants in common, but with rights of survivorship

**4. TRUE and ACTUAL CONSIDERATION**

Amount in dollars or other value/property ORS 205.234(1)(d)

\$ .00 ☒ Other Value ☐ Other Property  
Other value/property is **Whole** ☒ or **Part** ☐ of the consideration

**5. SEND TAX STATEMENTS TO:** ORS 205.234(1)(e)

NO CHANGE

**6. SATISFACTION of ORDER or WARRANT**

Check one if applicable: ORS 205.234(1)(f)

☐ FULL ☐ PARTIAL

**7. The amount of the monetary obligation  
imposed by the order or warrant:** ORS 205.234(1)(f)

\$

**8. If this instrument is being Re-Recorded, complete the following statement:**

ORS 205.244(2)

Re-recorded at the request of

to correct

previously recorded in

Book/Volume and Page , or as Fee Number



**BARGAIN AND SALE DEED  
(LOT LINE VACATION)**

**PARTY OF THE FIRST PART: BRIAN NELS ANDERSEN and DIANE ANDERSEN** (the latter having taken title as "Diane McBrayer Delahunty"), not as tenants in common, but with rights of survivorship, who are vested in title to the real property described in that **Statutory Warranty Deed, Curry County Instrument No. 2004-7401, at Exhibit "A", Parcel 1 thereof, Official Records of Curry County.**

For information purposes:   Map No. 4013-18-01100-00  
  Tax Account No. R14835

and

**PARTY OF THE SECOND PART: BRIAN NELS ANDERSEN and DIANE ANDERSEN** (the latter having taken title as "Diane McBrayer Delahunty"), not as tenants in common, but with rights of survivorship, who are vested in title to the real property described in that **Statutory Warranty Deed, Curry County Instrument No. 2004-7401, at Exhibit "A", Parcel 2 thereof, Official Records of Curry County.**

For information purposes:   Map No. 4013-18-01200-00  
  Tax Account No. R14893

hereby agree to take the following actions in order to complete the vacation of the lot line between the real properties described above and consolidate them into one legal parcel, as authorized by the Curry County Community Development Department in that Letter of Approval, File No. LLV-2109, dated 6-17-2021.

Party of the First Part conveys to Party of the Second Part, all of their right, title and interest in the following described real property in Curry County, Oregon:

See attached Exhibit "A" for legal description of the outside boundary of the entire reconfigured parcel as approved by the Curry County Community Development Department.

A map depicting the parcels and the lot line being vacated is attached as Exhibit "B". In the event of a conflict between the map and the metes and bounds description on Exhibit "A", the metes and bounds description shall control.

**CONSIDERATION:** The true consideration for this conveyance, stated in terms of dollars, is zero (\$-0-). However, the actual consideration consists of other value given or promised.

///

///

**TAX STATEMENTS:** Until further notice, send tax statements for the reconfigured parcel (Exhibit "A") to:

Brian and Diane Andersen

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.

IN WITNESS WHEREOF, Party of the First Part and Party of the Second Part have subscribed this instrument on the day below written.

By: Brian Andersen  
Brian Nels Andersen

DATED: 8/6/21 BA  
8/15/21

By: Diane Andersen  
Diane Andersen

DATED: 8/6/21 BA  
8/15/21



# EXHIBIT MAP

PROPERTY LINE VACATION

GOV LOT 6, SECTION 18,  
T40S, R13W, W.M.  
CURRY COUNTY, OR

EXHIBIT "B"

P.O.B FRM C1/4:  
N. 744.16'  
W. 1323.08'

EXCEPTION AREA

40-13-18BC  
400

40-13-18  
1101

40-13-18  
1100  
(6.08 AC)

40-13-18  
1200  
(9.96 AC)

LINE TO BE VACATED

(LOT 6)

(LOT 7)

(LOT 11)

(LOT 10)

C1/4

## LINE TABLE FOR EXCEPTION AREA

L1 S 86°09'42"E 522.99  
L2 S 00°16'17"W 327.08'  
L3 N86°04'35"W 523.04'  
L4 N 00°16'17"E 326.30'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 25, 1995  
RICHARD P. ROBERTS  
2730

EXPIRES 12/31/22

**Roberts & Associates**

LAND SURVEYING INC.

611 SPRUCE STREET  
P.O. Box 1599  
Brookings, OR 97415

Ph: 541-469-0162



**EXHIBIT "A"**

The South Half of the SE1/4 of NW1/4 of Section 18, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon.

EXCEPTING THEREFROM a parcel of land lying within the South Half of the NW1/4 of Section 18, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod being North 744.16 feet and West 1323.08 feet from a B.C.I.P. marking the Center Quarter of Section 18;

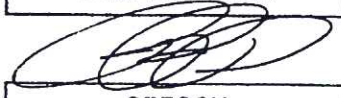
thence South 86°09'42" East, 522.99 feet;

thence South 00°16'17" West 327.08 feet;

thence North 86°04'35" West 523.04 feet;

thence North 00°16'17" East, 326.30 feet to the POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 25, 1995  
RICHARD P. ROBERTS  
2730

EXPIRATION DATE: 12/31/22

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California

County of Stanislaus

On 08/06/2021 before me, Karina Hernandez Alcocer, Notary Public  
(insert name and title of the officer)

personally appeared **BRIAN NELS ANDERSEN**  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature] (Seal)





A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California

County of Stanislaus

On 08/06/2021 before me, Karina Hernandez Alcocer Notary  
(insert name and title of the officer) Public

personally appeared **DIANE ANDERSEN**

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature] (Seal)





## BUSCH GEOTECHNICAL CONSULTANTS

May 3, 2021

Brian and Diane Andersen

**Risk of Landsliding at Proposed Andersen Homesite,  
Timeus Ranch Road, Curry Co., Oregon  
[APM 40-13-18, TL 1100]**

### Introduction

I am delivering this letter under the terms of Busch Geotechnical Consultants (BGC) Work Agreement #21-004. My scope-of-work included: (1) discussing the project with owner Brian Andersen and his agent, John Bischoff; (2) reviewing documents that he provided to me; (3) reviewing the geologic map of the area and the state's landslide database (SLIDO); (4) visiting the site to inspect the proposed construction area and surrounding slopes; and (5) providing this letter. I also reviewed Google earth photographs of the site vicinity.

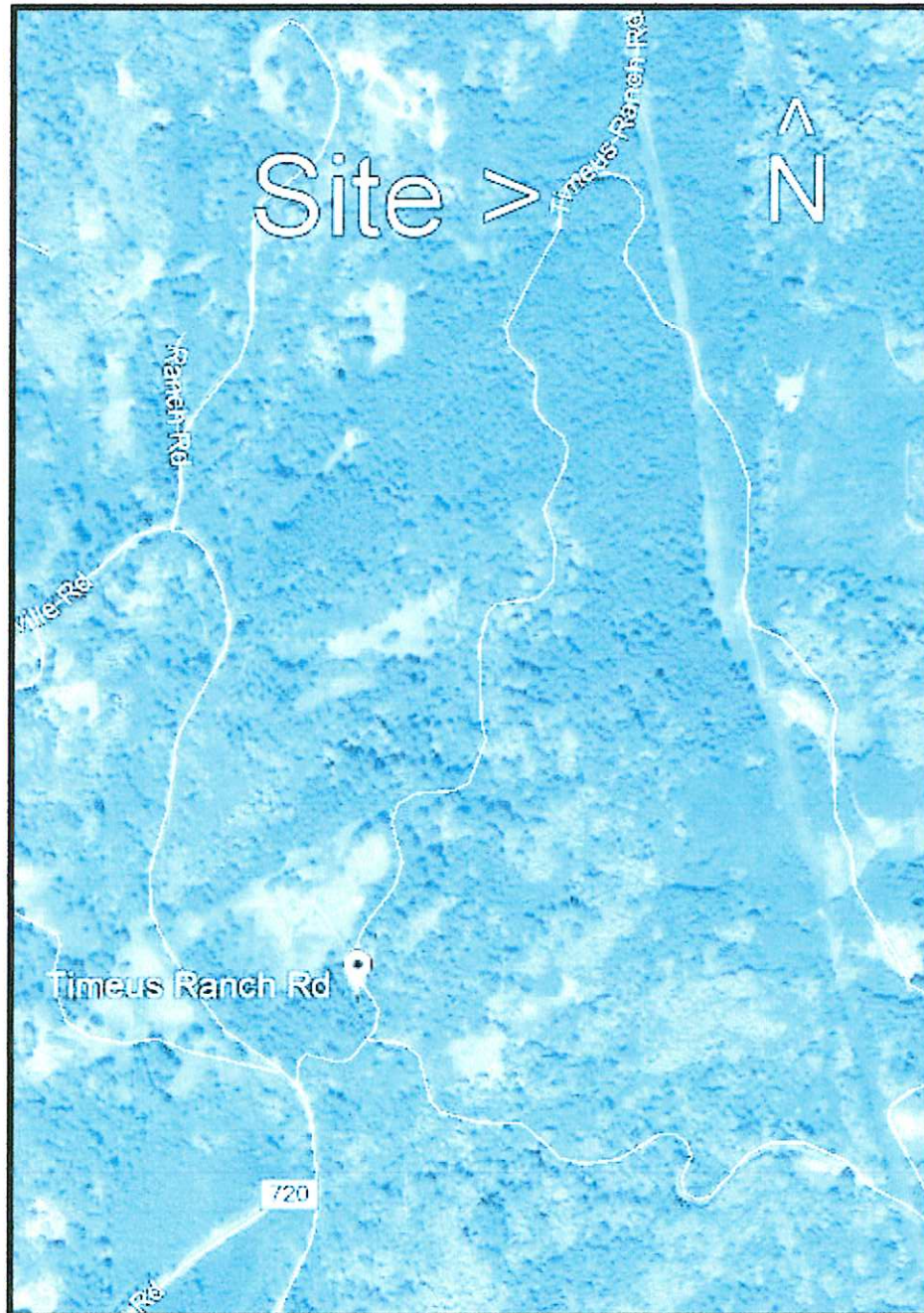
My scope of work was phased and conditional. That is, if the site only needed an assessment of the risk of landsliding, I was not to write a full foundation-soils report. However, if the project required a full report, I was to do the necessary tasks (such as a subsurface investigation). Because I suspect that the County will not require a report, I limited my scope-of-work by omitting a subsurface investigation, lab testing, profiling the building area, doing a factor-of-safety stability analysis, and similar. In my opinion, these tasks are unnecessary, particularly the FOS analysis. In conclusion, I limited my scope to completing the tasks listed in paragraph one. If the county requires a full report, or the owners decide they would like me to provide them with additional information, I will return to the site and write a second report.

97832 S. Bank Chetco River Road, Brookings, OR 97415 • 541-469-7300 • 541-469-2903 FAX  
Geotechnical and Geologic Studies for Land Development, Resource Management, and Decision-Making  
Please see our website: [www.buschgeotech.com](http://www.buschgeotech.com)



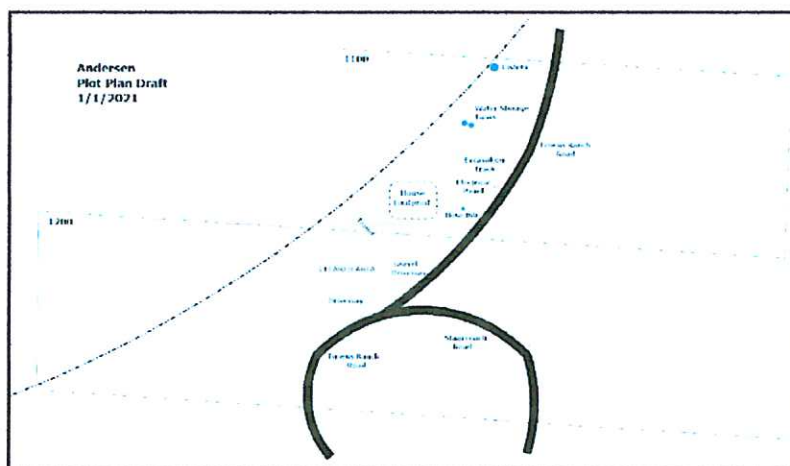
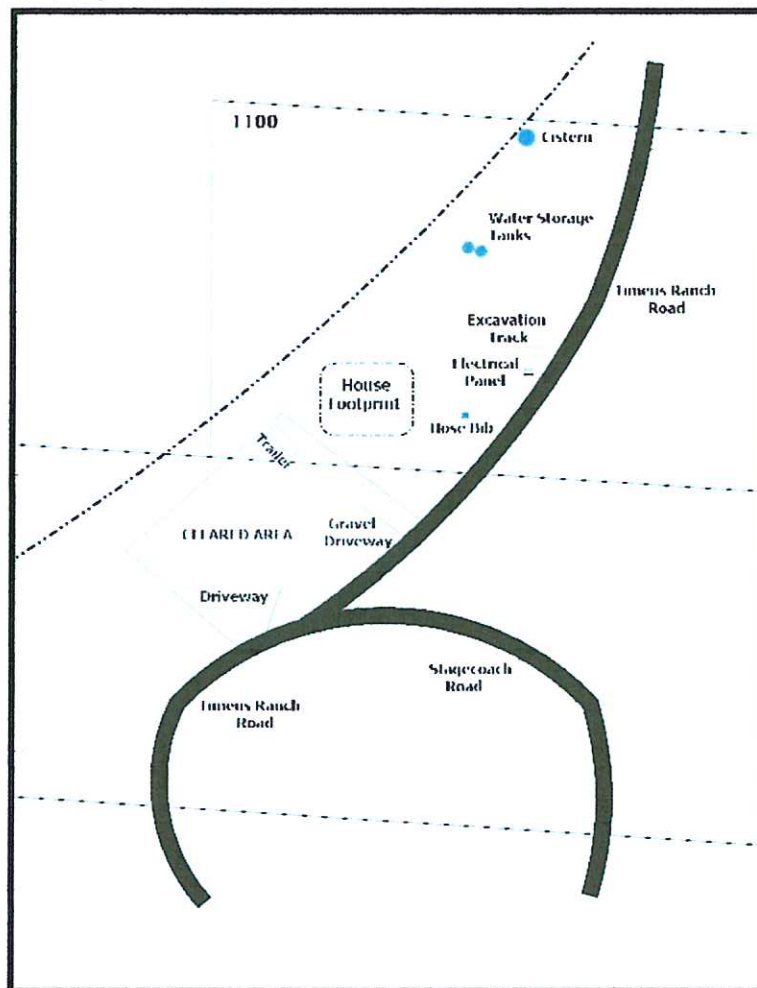


**Figure 1.** Approximate location of the Andersen project, Timeus Ranch Road. See Figure 2 for a preliminary development plan. Google earth photograph dated 7/2/2016. North is up. No scale.





**Figure 2.** Draft plot plan, 1/1/2021, provided by land owner. North is up. No scale.







### Engineering Geology of the Site

The Anderson property is located on a transportational midslope on a moderate-to-gentle southwest-to-south-southwest-aspect slope at about 1330 ft MSL (feet above mean sea level) (see Appendix II). There is an incised intermittent creek about 50 ft northwest of the proposed building area. The building area was not cleared or staked when I saw the site (on 4/6/2021), but the part of the lot below the proposed homesite had been cleared and other improvements were in place (e.g., water tanks, utilities, a gravel driveway). A windrow of slash bordered the southwest side of the cleared area.

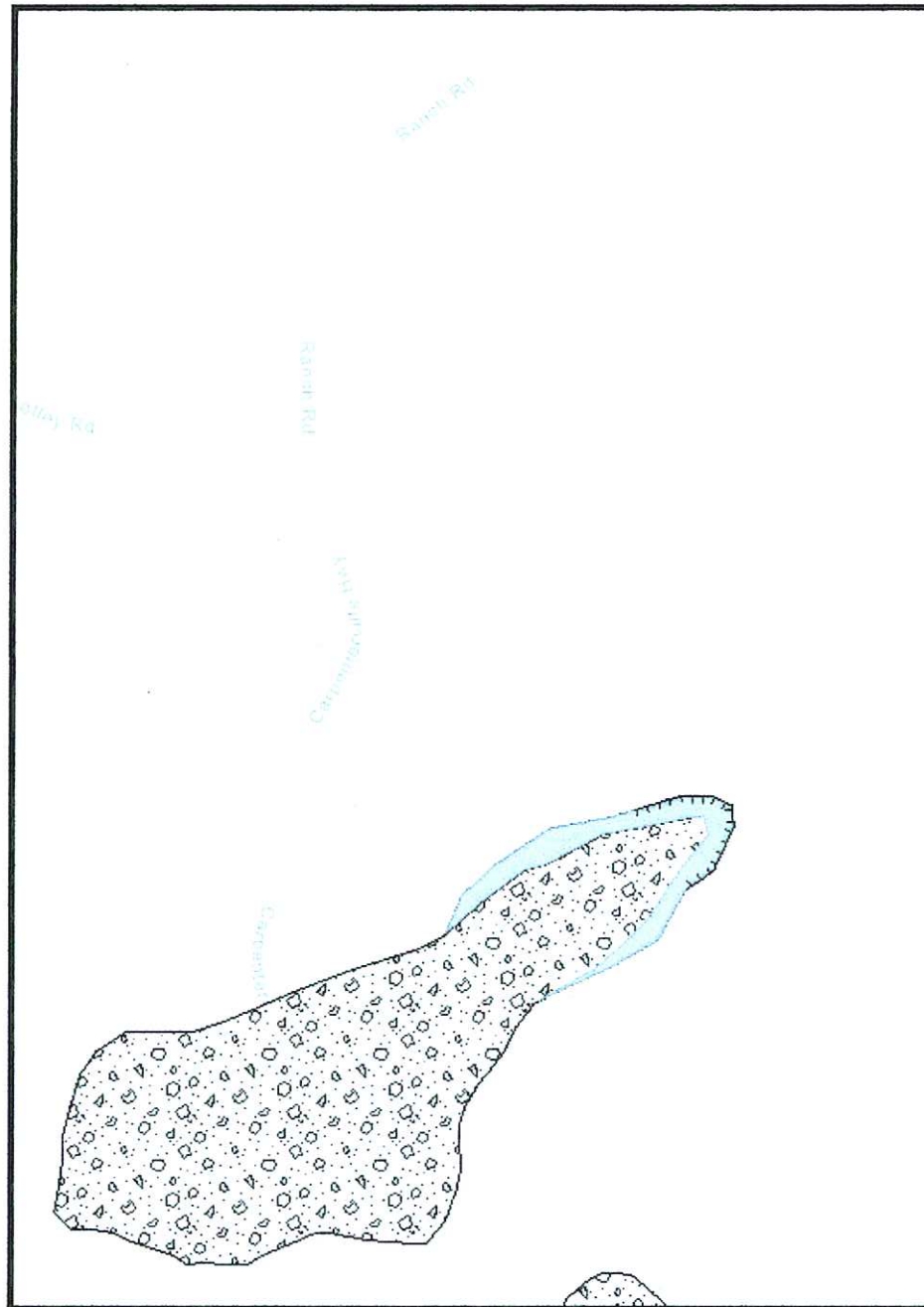
In general, the ground is subtly hummocky in the part of the property that I evaluated. Although this could mean that the hillslope is an active earthflow, the young conifers (est., 20-30 years old) in the area are plumb (except for some on the creek bank), which indicates that the slopes are not moving en masse (see Photos 1 and 2). Instead, the hummocky topography suggests that the site is located within a prehistoric (>150-yr-old) inactive or dormant landslide. The state's database (SLIDO), v. 4.2, DOGAMI, 2020) does not map a landslide in the area, although it does map one nearby (see [Figure 3](#)). Other unmapped lower-elevation slopes that are cut by the road are moving: in several locations mature firs are leaning and swept. Although the Andersen hillslopes are not flowing or sliding in the proposed building area, hillslopes of ~15% and over are subject to soil creep that is capable of damaging a shallowly embedded foundation. Because the owner plans to excavate a cut-fill pad into the slope (details unknown), the excavation will remove nearly all of the creeping soils. If the owner were to switch to a stepped perimeter foundation, the foundation should be embedded deeper than code. For example, the footing should be ~2.5 to 3.0 ft below the existing ground surface.

In addition to the hummocky terrain, skid trails cut through the property in or near the building area (see Photo 3). Where a trail crosses a hillslope the downslope edge of the trail is uncompacted fill at risk of settling if loaded.

The bedrock in the area is the late Jurassic-early Cretaceous Dothan Formation (Beaulieu, 1976). The Dothan is a *mélange*. *Mélange* is a mixture of rock types somewhat analogous to "raisin pudding" or "fruit pudding" where the argillite (rock that once was mud) is the matrix and more competent, erosion-resistant lithologies such as basalt, sandstone, greenstone, chert, and others are the "fruit" that is "floating" in the "pudding." Through time, weathering proceeds, largely from the ground surface downward, though not always, and the argillite decomposes,



**Figure 3.** Landslide landform map of the area (DOGAMI, 2020). The dark brown areas are head scarp and the lighter brown areas with "inclusions" are landslide bodies. There is no DOGAMI mapped slide that includes the site possibly because the organization has not studied the area. If there were a slide mapped, the headscarp would be upslope of the property and the Andersen homesite would lie within the body. See Figure 1 for the project location (compare the roads). The road on the right side of the figure is Timeus Ranch Road.







eventually becoming sandy and/or gravelly clay, usually with cobbles and boulders. There are no exposures of bedrock on the site (there might be elsewhere on the property), but there are exposures in cutbanks of Timeus Ranch Road and there are exposures of soil in bare areas of the creek bank. Given the earthflow terrain, it is most likely that the bedrock in and upslope of the site is primarily decomposed argillite. Slopes on decomposed are failure prone.

The creek is incised and the creekbank varies from Moderately Stable (subject to soil creep) through Provisionally Stable (can be triggered into failure) to Unstable (has just failed or is failing now and is likely to continue) (see Appendix III, attached). This might simply indicate that the previous logging episode(s) captured and channelized water to the creek, which increased its discharge causing it to down-cut rapidly, or the incision could have been caused by earthflow processes that disrupt drainage patterns, or both. Regardless of the cause of the incision, the home and its ancillary improvements should be set back from the steep to precipitous creek slopes (see [Closure](#)). These slopes vary from a LOW risk of failing where moderate to a VERY HIGH risk where precipitous or less steep but undercut.

### Conclusions

- 1) I do not know details about the proposed grading and building plans. If the construction of the proposed cut-fill pad is done properly (i.e., not using "old school" methods), a foundation-soil report is unlikely to be necessary. However, that is a county decision sometimes triggered by the slope percentage in the building area.
- 2) The proposed building area is located on moderate creep slopes in dormant to inactive earthflow terrain that is unlikely to reactive under the foreseeable static ("everyday") conditions. A strong earthquake potentially could trigger damaging ground movements.
- 3) The moderate site slopes are most likely to be gravelly clays subject to soil creep. All improvements should be designed with this in mind.
- 4) The steep to precipitous banks of the creek near the building area are failing or are at risk of failing. The home should be set back from the top of the creek bank (distance unspecified at present).
- 5) The skid trails that cross the site could pose a settlement hazard depending upon the location and type of improvements.



### Closure and Authentication

I am available to meet you onsite to review your proposed construction plan and home location. I can determine if a creek bank set back is necessary then and also address any concerns you might have. If the county does require a more fleshed out report I can provide an addendum to this one after we meet onsite and you have finalized your development plan and house plans. That report would contain geotechnical recommendations to support the building permit application and the engineering design of the home.

Thank you again for hiring me. Please call if you have any questions.

### Busch Geotechnical Consultants



R. E. Busch, Jr., Ph.D.  
C.E.G. #989

WIP/2021 Geotech/Andersen/Andersen.LS risk.ltr.doc

Attached: **Photos 1-4** (pp. 8, 9)  
**Appendices II, III, and IV** (pp. 10-12)

### References Cited

- Beaulieu, J. D. 1976. Geologic map of the Mt. Emily quadrangle, Oregon. Scale, 1:62,500. IN, Beaulieu, J. D., and Hughes, P. W. 1976b.
- DOGAMI [Oregon Department of Geology and Mineral Industries]. 2020. Statewide landslide information database for Oregon (SLIDO). Version 4.1. [www.oregongeology.org/sub/slido/index.htm](http://www.oregongeology.org/sub/slido/index.htm).





**Photo 1.** Looking northly across the west side of the cleared area (per Figure 2) at the travel trailer stored onsite. Note the plumbness of the trunks of nearly all of the trees.



**Photo 2.** Looking down into the incised creek from the water tanks. The >s point to some of the leaning or otherwise deformed trees near the creek. Others exist. The trees near the photographer on the right are plumb. The "lean" is an artifact of the camera lense.







**Photo 3.** The photographer is standing on a skid trail. The cutbank is on the left (below the cut off trunks). The skid trail (flat surface in midground) continues to the south. The uncleared building area is directly downslope of the cluster of threes in the midground, behind the tanks.



**Photo 4.** Another view of a skid trail. The size of the trees on the trail is similar to the site of other trees on the property. The slightly swept trunks were deformed by creep when the tree was young.







## APPENDIX II

### SLOPE-STEEPNESS CATEGORIES

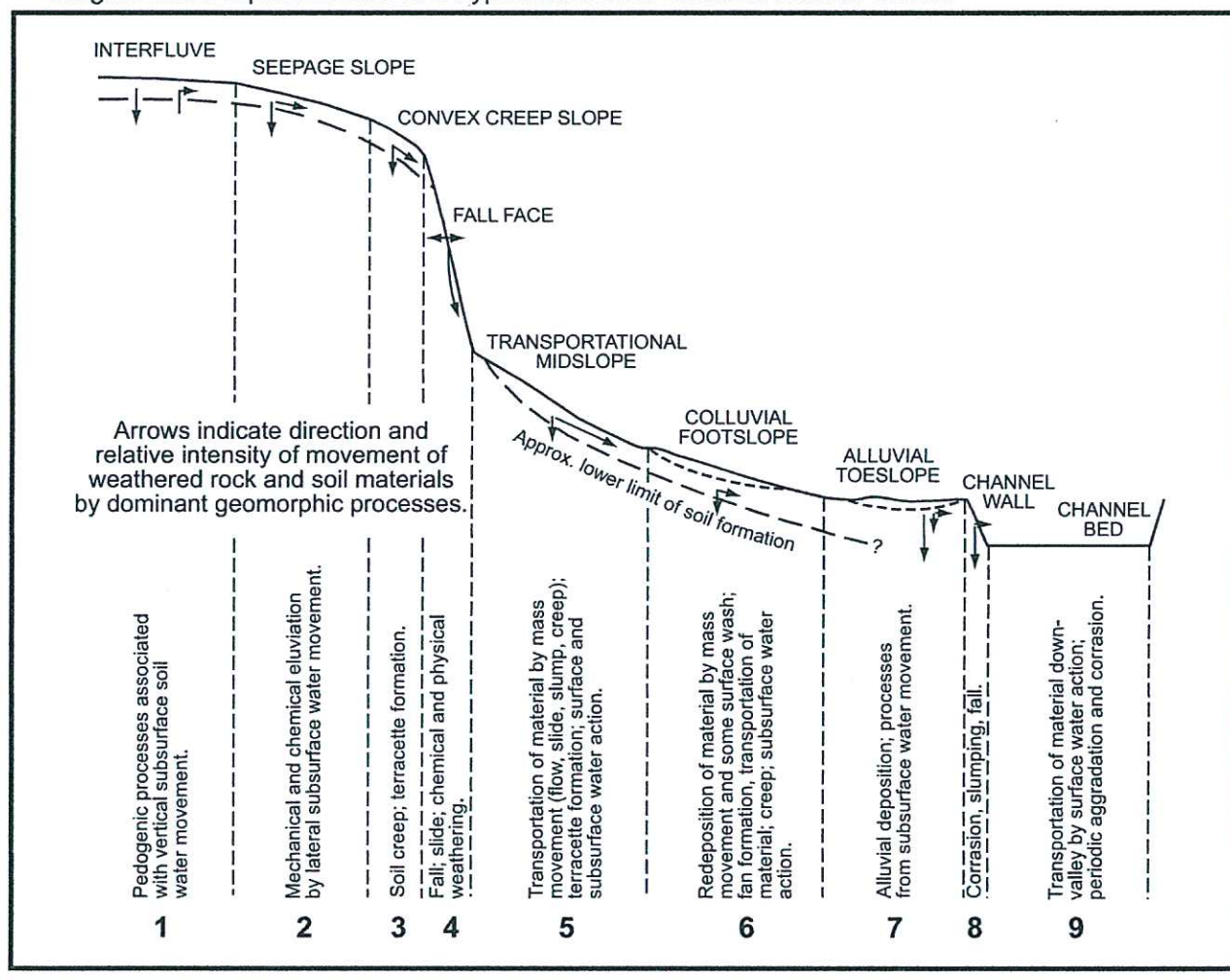
(Kelsey, 1978, as modified by Busch, 1981, 1983, 1986)

Negligible	= 0 - 2.9° (0 - 5.0%)
Gentle	= 3 - 4.9° (5.1 - 8.5%)
Low-Moderate	= 5 - 9.9° (8.6 - 17.5%)
Moderate	= 10 - 19.9° (17.6 - 36%)
High-Moderate	= 20 - 30.9° (36.1 - 60%)
Steep	= 31 - 44.9° (60.1 - 99%)
Precipitous	= ≥45° (>100%)

### LANDFORM CLASSIFICATION

(from Dalrymple et al., 1968)

Diagrammatic representation of a hypothetical nine-unit land surface model.



### APPENDIX III

#### BGC's QUALITATIVE SLOPE-STABILITY CLASSIFICATION (Young, 1978, modified by BGC, 1980b)

- VS - VERY STABLE (NEGLIGIBLE RISK):  
negligible and gently sloping interfluvies, seepage slopes, and some convex creep slopes (e.g., ridge crests and knolls) underlain by intrinsically strong rocks; flat and gently rolling terraces away from the edges.
- S - STABLE (NEGLIGIBLE TO VERY LOW RISK):  
slightly less stable areas of the same land-forms as in VS; gentle to low-moderate slopes of strong rocks.
- MS - MODERATELY STABLE (LOW TO MODERATE RISK):  
gentle to low-moderate slopes of soft topographies (e.g., ridge edges, noses, and upper flanks); high-moderate slopes on most intermediate and hard topographies (e.g., some convex creep slopes and transportational midslopes).
- PS - PROVISIONALLY STABLE (MODERATE TO HIGH RISK):  
moderate and high-moderate slopes in soft topographies (e.g., transportational midslopes, usually with relic mass-movement landforms) and steep slopes on hard topographies.
- U - UNSTABLE (HIGH RISK):  
temporarily inactive or slightly active sites of chronic mass wasting, e.g., earthflows, complex slump-earthflows, slumps, slopes with many soil slip scars, failing terrace edges.
- VU - VERY UNSTABLE (HIGH TO VERY HIGH RISK):  
extremely steep areas of soft topography and actively failing mass-wasting sites.

These categories qualitatively evaluate the intrinsic slope stability of a landscape. They take into account various structural, topographic, stratigraphic, geologic, hydrologic, and vegetative influences on stability. The categories necessarily are subjective, and naturally are gradational. Developmental activities subsequent to classification can detrimentally affect stability and can correspondingly increase levels of risk.



## **APPENDIX IV**

### **EXPLANATION OF RISK ZONES**

(Paraphrased from Moore & Taber, 1978; standardized with BGC's slope-stability classification)

The level of risk associated with a geologic hazard that potentially could cause a loss is described in terms of risk classes ranked in the following ascending scale:

NONE, NEGLIGIBLE, LOW, MODERATE, HIGH, VERY HIGH

The risk or probability of loss due to an action of a recognized geologic hazard is directly related to the level of risk associated with the hazard and to the nature of the potentially affected facility. A "reasonable risk" is defined as a probability of significant loss that is low enough to be acceptable to a prudent person (owner) of average economic means.

The nature, cost, and projected economic lifespan of an improvement, the economic means of the owner, the type and level of site maintenance, the feasibility of making potentially necessary repairs, public policy, etc., are factors that collectively established an acceptable (a "reasonable") level of risk. The definition of "reasonable risk" for a present owner/user must be compatible with "reasonable risk" for projectable successor owners and/or users.

For fixed improvements susceptible to permanent damaging effects of ground movement—such as a typical single family residence, a "reasonable level of risk" for a prudent person of average economic means generally is considered to be NEGLIGIBLE or LOW. For similar improvements, a MODERATE risk level generally is a level of risk that exceeds "a reasonable level of risk" with respect to loss of property, not of life. However, this level of risk sometimes may be acceptable to a prudent person of above-average economic means. HIGH and VERY HIGH levels of risk almost always pose a level of risk that exceeds a "reasonable risk" and would be unacceptable to any prudent person for such improvements.

For improvements of low cost that are readily amenable to repair or are not susceptible to the damaging affects of ground movement, or for land uses that might not be affected seriously by ground movement (i.e., some roads, picnic areas, or campgrounds, etc.), a MODERATE or HIGH level of risk may be considered to be a "reasonable risk."