



21-000294

Becky Crockett
Planning Director

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

File # AD-2128 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: _____ 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 Nathan Feasel

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 # 41-13-02 Tax Lot (s) 501



Zoning: Forest G. ng Total Acreage 13.54

6. PROPERTY LOCATION

Address (if property has a situs address) 16355 Campbell Rd. Take North Bank Chetco River Rd. to Harbor Hills Heights Rd. then take Harbor Hills Hts. Rd. to Campbell Rd. Then up Campbell Rd. for approximately 235 feet to the driveway in to the property at the north east corner of the property. T

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

☒ Vacant ☒ Developed; Describe existing development

Property currently has one single family house on it.

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

Some scattered houses,

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 Brookings

School District Brookings, Harbor School District.

10. ROAD INFORMATION

Nearest Public Road Campbell Rd.

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)

11. PHYSICAL DESCRIPTION OF THE SUBJECT PROPERTY

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

Property is "V" shaped with steep hillsides

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) _ Nathan Feasel and Ligia Armijo

_____ ;

_____ ;

_____ ;

_____ ; 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. SB- 4113-02-501

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 Nathan D. Feasel Print
Name NATHAN D. FEASEL
- (2) Signature Ligia C. Armijo Feasel Print
Name LIGIA C. ARMILLO-FEASEL

REQUEST

The applicant is requesting a variance from the requirement to clear up to 130 feet from a shed that he desires to place on the property. The subject property is a 13.5 acre parcel identified as Assessor's Map 41-13-02, Tax Lot 501, or more specifically as 16355 Campbell Rd. in the Brookings area. Campbell Road is located off of Harbor Hills Hts. Rd., just west of the Salmon Run golf course in the Forest Grazing zone. The reason for the variance is because the only place on the lot besides where the residence is located is flat enough to place the shed is only about 35 feet from the northerly property line and thus would require that he clear on the property that does not belong to him.

The topography of the property is "V" shaped and the only place to place the shed is the only flat area of the lot besides where the house is. The area where the shed will be placed is where a mobile was placed while the house was being constructed by a previous owner.

Owner/Applicant

Nathan Feasel and Ligia Armijo

Property Description

On the GIS map the property looks flat but if you stand on the area where the shed is to be placed you can see that the property is "V" shaped, and the only flat areas are where the house is and where the shed is desired. Campbell Rd. just touches the northeasterly corner of the lot and the shed is to be placed in a cleared area just off of the driveway near the northerly boundary of the property. A previous owner had placed a mobile home at this location while the house was being built. The mobile home has been removed from the lot. The shed will be about 35 feet from the northerly property line and since this is the only flat area, other than that of the house, the area to the north cannot be cleared without going onto the neighbor's property.

FINDINGS AND CONCLUSIONS OF A VARIANCE

There are four standards that must be met to grant a variance. In this case the applicant has met all of these standards as shown and discussed below.

Section 8.030. Standards for Granting a Variance reads as follows: *A variance may be granted only in the event that the applicant can show that all 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.*
- 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.*

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

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.*

Discussion

The applicant has purchased the lot to move to the area and has no control over the topography of the lot. The house was constructed prior to the applicants purchase and the desired location of the shed is the only other flat area of the lot. It is directly off of the driveway and thus has easy access.

Findings

1. Pursuant to the GIS System the house was built in 2003
2. The applicant bought the lot in 2021
3. The lot drops into a canyon from the northerly boundary.
4. The only flat area on the lot is where the existing house is and where the applicant wants to place the shed.

Conclusion

The applicant purchased the subject property with the intent of living there. The topography of the property allows the desired shed to be placed on the only flat area that does not have the house on it and is beyond the applicant's control. The previous owner had placed a mobile home on the area where the shed will be placed. Granting the variance will not impact the County Zoning Ordinance or the Comprehensive Plan. And the only other place the would be impacted is under the same conditions as in this case.

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.*

Discussion

Is indicated above, the only flat area that is large enough to accommodate a 24 X50 foot shed is the area that is just below the northerly property line. The applicant is asking a variance from the requirement to clear for 130 feet because it would require him to clear on the neighbor's property. The shed will be about 40 feet from the northerly boundary and thus he is asking for a variance of 90 feet. He is willing and has already cleared the area between where the shed will be placed and the property line.

Findings

1. To clear the 130 feet as required, would mean clearing the neighboring parcel, which is in a different ownership.
2. The applicant is willing to clear, and has already cleared from where the shed would be placed to the northerly property line, which is about 40 feet.
3. The applicant is asking for a variance of approximately 90 feet.

Conclusion

Granting the variance would allow the applicant the ability to place a shed on his property, and thus preserve his right to use the property in the manner in which he desires. This would preserve the owners property right.

4. *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.*

Findings

1. The topography of the existing parcel makes it not possible to place the shed in a different location.
2. The requested variance is necessary to allow the shed to be placed on the only flat area on the parcel that is not occupied by the existing residence.
3. The requested variance would not apply to any other lot unless the same conditions existed.

Conclusion

Because of the peculiar circumstances on the subject parcel, The requested variance will not have a detrimental effect on the County Zoning or Comprehensive Plan Ordinances.

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

Finding

1. The applicant is asking for a variance of 90 feet from the required 130 feet of cleared area to keep from having to clear on property he does not own.
2. The applicant is willing to clear the 40 feet from the shed to his northerly property line.

Conclusion

The requested variance is the minimum that will allow the applicant to build a shed on the property that he owns.

Overall Conclusion

The requested variance meets all the required Standards of the County Zoning Ordinance.

41	13	2		501		17-3	OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY COUNTY ASSESSOR'S OFFICE Curry FORMERLY PART OF 41 13 2 - 500			
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In	CODE AREA NUMBER		
MAP NUMBER				TAX LOT NUMBER		REAL PROP.				
Indent each new course to this point		DESCRIPTION AND RECORD OF CHANGE					Date of entry on this card	Deed Record Vol.	PG.	Acres Remaining
T41S R13W WM										
Sec 2:										
E $\frac{1}{2}$ of S 891.0' of the NW $\frac{1}{4}$ SW $\frac{1}{4}$										
JVO 85-5792 MAY 16 1984		13.54 Ac Minor Part.					3-26-84	P-8373		13.54
JVO 86-7289 Warranty Deed							5-23-85	BR112-25		13.54
Ref Only Easement							11-1-93	Ins98-5692		13.54
Ref. Only Right of Way Easement							9-5-02	Ins02-4835		13.54



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Nathan D. Feasel and Ligia Armijo-Feasel

Until a change is requested all tax statements shall be sent to the following address:

Nathan D. Feasel and Ligia Armijo-Feasel

File No. 438954AM

CURRY COUNTY, OREGON 2021-00980

LAND

02/26/2021 10:20:00 AM

Cnt=1 Pgs=2

\$101.00

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

Renee' Kolen - Curry County Clerk



STATUTORY WARRANTY DEED

**Charles Leslie and Pamela Leslie, Trustee or Successor Trustees of
The Leslie Family Trust, dated the 12th of November, 2012,**

Grantor(s), hereby convey and warrant to

Nathan D. Feasel and Ligia Armijo-Feasel, as Tenants by the Entirety,

Grantee(s), the following described real property in the County of Curry and State of Oregon free of encumbrances except as specifically set forth herein:

**THE EAST 1/2 OF THE SOUTH 891.00 FEET OF THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 41 SOUTH, RANGE 13 WEST OF THE
WILLAMETTE MERIDIAN, CURRY COUNTY, OREGON.**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

4113-02-00501 R14277

The true and actual consideration for this conveyance is \$696,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 24th day of February, 2021

the Leslie Family Trust dated the 12th day of November, 2012

By: [Signature]
Charles Leslie, Trustee

By: [Signature]
Pamela Leslie, Trustee

State of OR} ss.
County of Curry}

On this 24th day of February, 2021, before me, Gail Joan Foley a Notary Public in and for said state, personally appeared Charles Leslie and Pamela Leslie known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Leslie Family Trust, dated the 12th of November, 2012, and acknowledged to me that he/she/they executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written

[Signature]
Notary Public for the State of ~~Washington~~ Oregon
Residing at: Brookings
Commission Expires:

9-17-2022



24464

Control No.

\$ 165.00

Fee

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMIT NO. 08-100-90N



New Construction



Repair



Other

Permit Issued To

Fredric Arnold

41

13

2

501

Curry

(Property Owner's Name)

(Township)

(Range)

(Section)

(Tax Lot / Acct. No.)

(County)

Campbell Rd
(Road Location)Bend
(City)Garry Curman
(Issued by - Signature)7-19-90
(Date Issued)

ON-SITE SEWAGE DISPOSAL SYSTEM

PERMITS ARE NOT TRANSFERABLE

ALL WORK TO CONFORM TO OREGON ADMINISTRATIVE RULES, CHAPTER 340. WORK SHALL BE DONE BY PROPERTY OWNER OR BY LICENSED SEWAGE DISPOSAL SERVICE. (MAKE NO CHANGES IN LOCATION OR SPECIFICATIONS WITHOUT WRITTEN APPROVAL)

SPECIFICATIONS

EXPIRATION DATE 7-19-91

TYPE OF SYSTEM Steep slope

Design of Sewage Flow 450 Gallons/Day

Tank Volume 1000 Gallons Disposal Trenches ☒ Seepage Bed(s) ☐ 450 Square Feet

Maximum Depth 36 inches. Minimum Depth 30 inches. 225 Linear Feet

Equal ☐ Loop ☐ Serial ☒ Pressurized ☐ Minimum Distance Between Trenches 10' on centerTotal Rock Depth 18 inches. Below Pipe 12 inches. Above Pipe 2 inches. ☐ Rake Sidewall

Special Conditions (Follow Attached Plot Plan) Maintain 50 feet from intermittent streams and 25 feet from roadcut. Maintain 100' from any well.

PRE-COVER INSPECTION REQUIRED — CONTACT Dept of Public Services: 247-7011

CERTIFICATE OF SATISFACTORY COMPLETION

As-Built Drawing
with Reference Locations

Installer Stevens Bros.

Final Insp. Date 7-16-91

☒ Inspected By ga☐ Issued by Operation of Law☐ Pre-cover inspection waived
pursuant to OAR 340,
Division 71

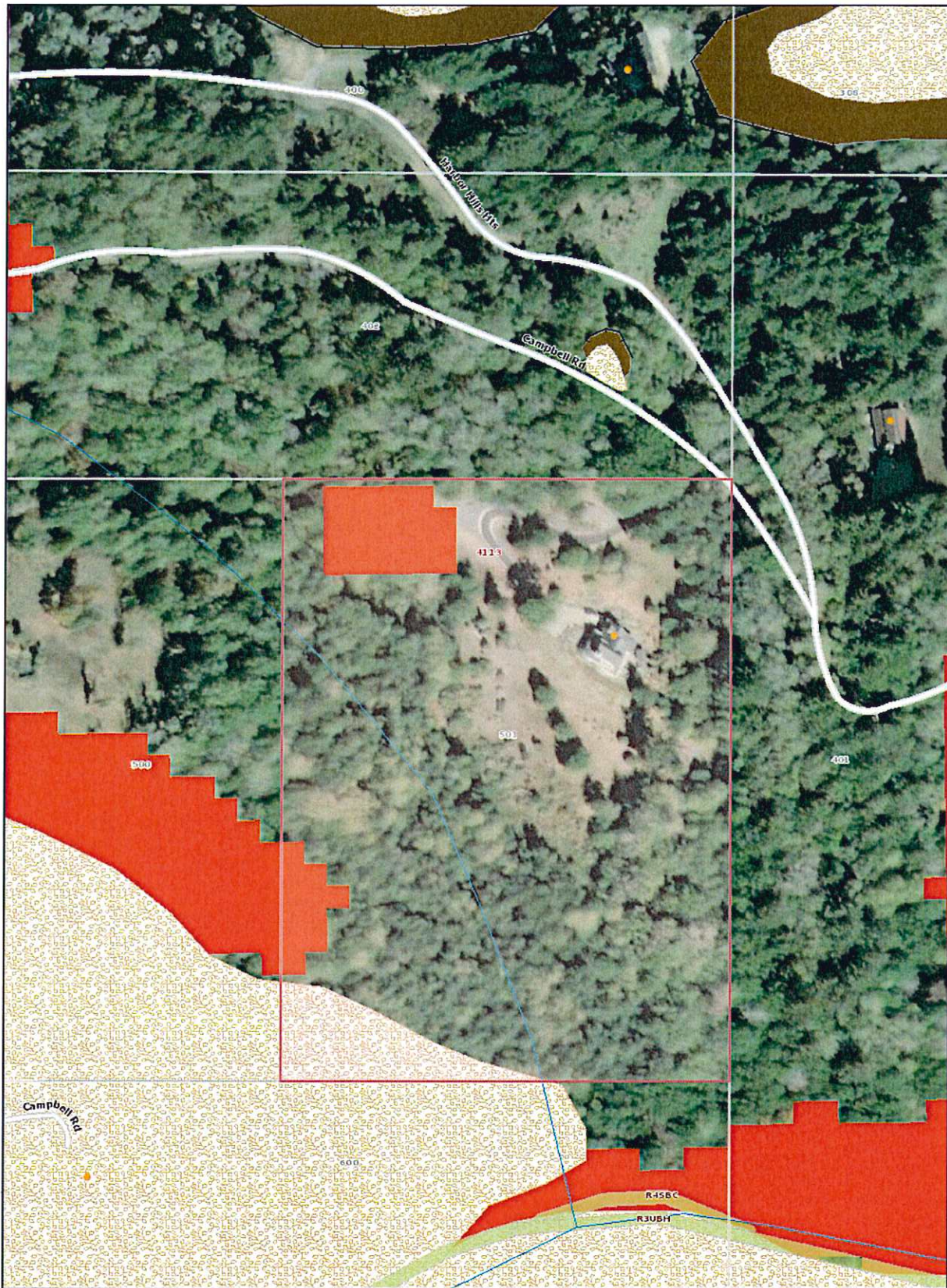
See "as built" plot plan

In accordance with Oregon Revised Statute 454.665, this Certificate is issued as evidence of satisfactory completion of an on-site sewage disposal system at the location identified above.

Issuance of this Certificate does not constitute a warranty or guarantee that this on-site disposal system will function indefinitely without failure.

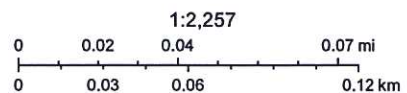
Garry Curman
(Authorized Signature)Environmental Specialist
(Title)7-16-91
(Date)Curry
(Office)

Curry County Web Map



11/29/2021, 1:30:51 PM

World Imagery	Highways (1)	Urban Growth Boundary	Head Scarp
Low Resolution 15m Imagery	All Roads	Counties	Scarp
High Resolution 60cm Imagery	Parcels	Streams	
High Resolution 30cm Imagery	Parcel Labels	Wetlands (NWM)	
Citations	Situs Address (Current)	Deposits	
60cm Resolution Metadata	Townships	Talus-Colluvium	
Override 1	City Limits	Fan	
		Landslide	



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

8. PLOT PLAN:

Please draw a plot plan to a suitable scale in the space provided below. Include items listed below, and any other relevant property information.

- | | |
|---|---|
| <input type="checkbox"/> Property lines | <input type="checkbox"/> Existing and proposed wells, springs, streams, and rivers |
| <input type="checkbox"/> Existing and proposed structures | <input type="checkbox"/> Existing and proposed septic systems—include tank and drainfield |
| <input type="checkbox"/> Existing and proposed driveways | <input type="checkbox"/> Any distinctive topographic features including existing or proposed cut & fill |
| <input type="checkbox"/> All easements | <input type="checkbox"/> Existing and proposed parking and/or parking lot plan |
| <input type="checkbox"/> Assessor map and tax lot numbers | <input type="checkbox"/> Existing and proposed adjacent roads and highways |
| <input type="checkbox"/> Acreage | <input type="checkbox"/> Existing and proposed water and sewer lines and their distance between all items on the plan |

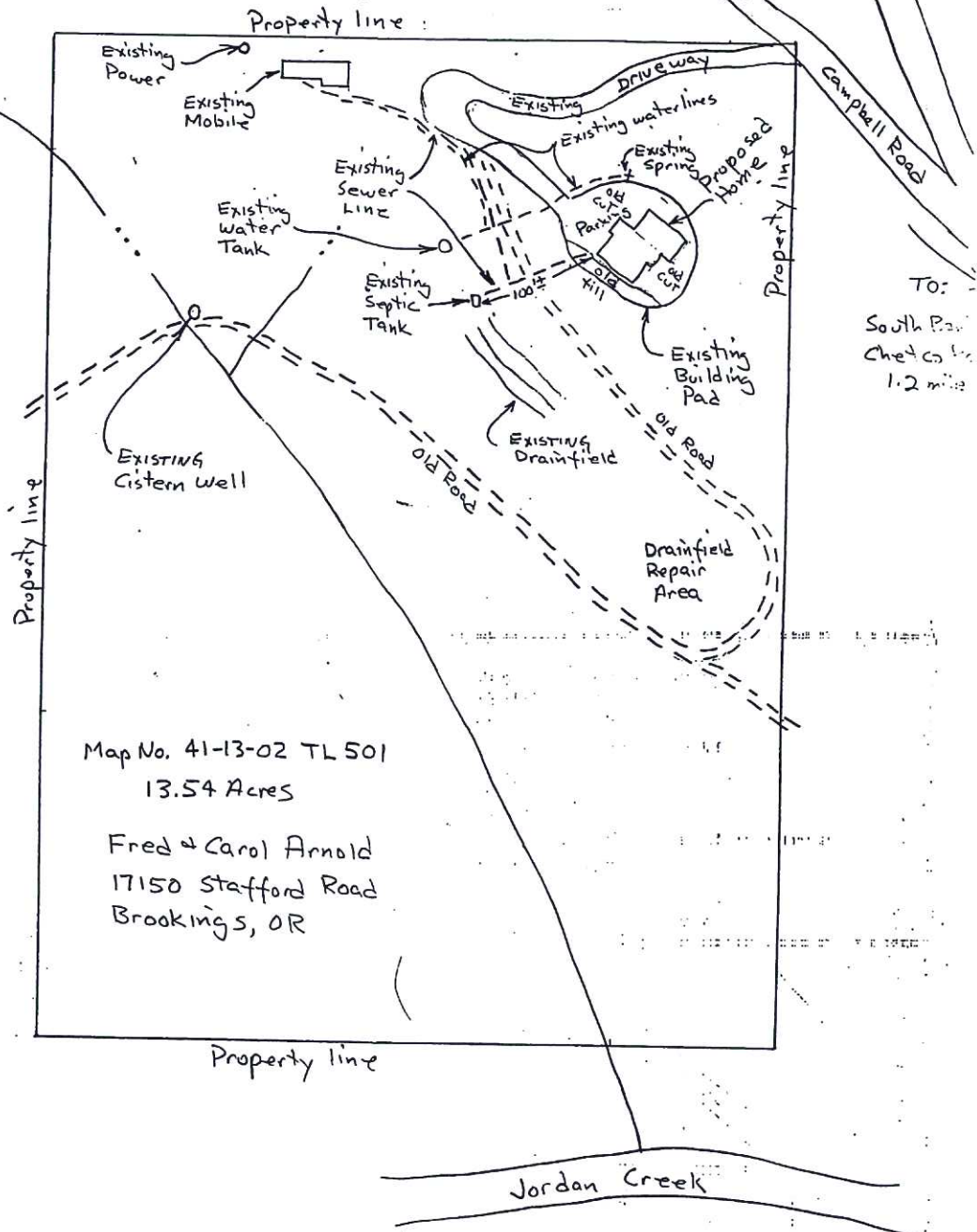
CLEARLY LABEL AND SHOW DISTANCES BETWEEN ALL ITEMS ON THE PLOT PLAN

NOTE: Failure to draw an accurate plot plan of the proposed development will result in the delay of the review of your requested permit.

If site is not on a main thoroughfare give written or graphic directions and distance from main thoroughfare.

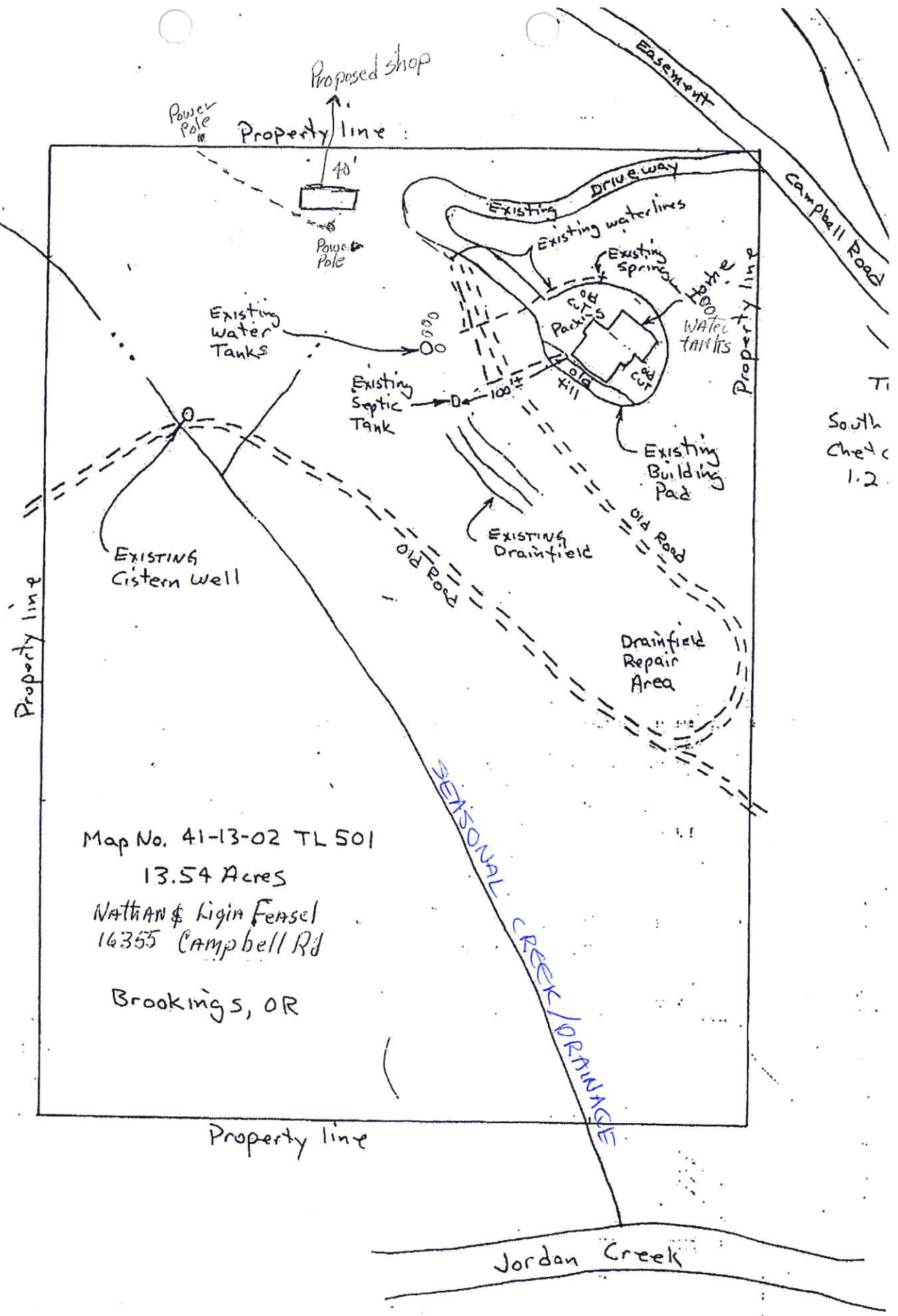
DRAW PLOT PLAN IN THE AREA BELOW

N ↑
Scale
1" = 100'



DRAW PLOT PLAN IN AREA ABOVE

N ↑
Scale
1" = 100'



Map No. 41-13-02 TL 501
13.54 Acres
Nathan & Ligin Fessel
16355 Campbell Rd
Brookings, OR

DRAW PLOT PLAN IN AREA ABOVE