



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

21-000311

Becky Crockett
Planning Director

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

File # P-2104 Fee \$ 4000 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: 12-4-21 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 Brian Harkey
Mailing Address: _____
City, State, ZIP: _____
Telephone #: _____ E-Mail _____

2. APPLICANT

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

3. AGENT (If Any)

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

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

Partition Parcel II of Instrument #2018-3554 into 3 Parcels

(CURRY CO: PARCELS I, II, III OF INST #2018-3554 ARE
PART OF A TOTAL AND ARE NOT DISCRETE PARCELS)

5. PROPERTY INFORMATION

Assessor Map # 36-14-16 Tax Lot (s) 305
Zoning: R-2 Total Acreage 2.95



6. **PROPERTY LOCATION**

Address (if property has a situs address) 95750 JERRYS FLAT RD

Description of how to locate the property from the intersection of US HWY 101 and Jerry's Flat Road,
travel 3.8 miles to Riverview Mobile Home Park on the right side of the road.

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

☒ Vacant ☒ Developed; Describe existing development

the property is undeveloped except for a mobile home in the southwest corner of the property along
Jerry's Flat Road. Partition will separate the existing mobile home from the rest of the Parcels.
All propose parcels will have access off existing roadways.

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

Surrounding property is residential including the existing mobile home park to the south.

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 City of Gold Beach

Sewage Disposal City of Gold Beach

Electrical Power Coos-Curry Electric

Telephone Service _____

Fire Department/District Coos Forest Protection Association

School District Gold Beach

10. **ROAD INFORMATION**

Nearest Public Road Jerry's Flat Road(paved)

Private Roads Serving the Property Gravel road along the northerly and easterly boundary.

Road Condition good

Legal Status Jerry's Flat is a County Road/ Gravel road is easement across others property.

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
no proposed new roads

11. PHYSICAL DESCRIPTION OF THE SUBJECT PROPERTY

Topography (Briefly describe the general slope and terrain of the property)
topography is gently sloping to the southwest

Vegetation (Briefly describe the vegetation on the property)
property is grass except for some scattered trees and Blackberrys

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) _____ ;

_____ ; have filed this application for

With the Curry County Department of Community Development-Planning Division to be reviewed and processed according to State of Oregon and county ordinance requirements. My (our) signature (s) below affirms that I (we) have discussed the application with the staff, and that I (we) acknowledge the following disclosures:

- (a) I (we are stating all information and documentation submitted with this application is true and correct to the best of my (our) knowledge.
- (b) I (we) understand that if false information and documentation has been submitted and the decision is based on that evidence, the decision may be nullified and the county may seek all legal means to have the action reversed.
- (c) I (We) understand any representations, conclusions or opinions expressed by the staff in pre-application review of this request do not constitute final authority or approval, and I (we) am (are) not entitled to rely on such expressions in lieu of formal approval of my (our) request.
- (d) I (We) understand that I (we) may ask questions and receive input from staff, but acknowledge that I (we) am (are) ultimately responsible for all information or documentation submitted with

this application. 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.

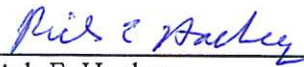
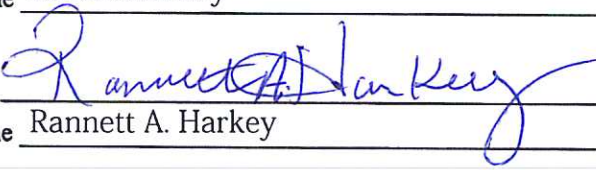

- (e) I (We) understand that I (we) have the burden of proving that this request meets statutory and Ordinance requirements, and I (we) must address all of the criteria that may apply to the decision being made. The criteria for approving or denying this request have been provided to me (us) as a part 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) 36-14-16

and Tax Lot(s) 305

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 Rick E. Harkey
- (2) Signature 
Print Name Rannett A. Harkey
- (3) Signature 
Print Name Brian Harkey
- (4) Signature _____
Print Name _____



PARCEL 2 AFTER LOT LINE ADJUSTMENT

A PARCEL LOCATED IN SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, T.36S., R.14W., W.M., CURRY COUNTY, OREGON.

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY BOUNDARY OF JERRYS FLAT COUNTY ROAD #595, SAID POINT BEARS NORTH 45°50'19" WEST A DISTANCE OF 934.34 FEET FROM THE 2 1/2" BRASS CAP LOCATED AT THE WITNESS CORNER TO THE SOUTH 1/4 CORNER OF SAID SECTION 16;
THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY ON A 985.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 3°03'34" FOR A DISTANCE OF 52.60 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 12°40'56" WEST AND A CHORD DISTANCE 52.59 FEET;
THENCE NORTH 14°12'42" WEST FOR A DISTANCE OF 85.94 FEET;
THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 89°00'07" EAST FOR A DISTANCE OF 182.71 FEET TO A 1/2" IRON PIPE;
THENCE NORTH 0°58'37" EAST FOR A DISTANCE OF 148.35 FEET TO A 1/2" IRON PIPE;
THENCE NORTH 0°58'37" EAST FOR A DISTANCE OF 60.02 FEET TO THE SOUTHERLY BOUNDARY OF THAT PROPERTY AS DESCRIBED IN CURRY COUNTY INSTRUMENT 2014-4074, SAID BOUNDARY ALSO BEING THE SOUTHERLY BOUNDARY OF A 60.00 FOOT ACCESS EASEMENT;
THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 75°14'34" EAST FOR A DISTANCE OF 363.06 FEET;
THENCE SOUTH 60°15'33" EAST FOR A DISTANCE OF 82.90 FEET;
THENCE LEAVING SAID SOUTHERLY BOUNDARY, SOUTH 0°23'56" WEST FOR A DISTANCE OF 206.99 FEET;
THENCE NORTH 89°55'08" WEST FOR A DISTANCE OF 237.54 FEET;
THENCE NORTH 0°52'36" EAST FOR A DISTANCE OF 31.46 FEET;
THENCE NORTH 89°51'21" WEST FOR A DISTANCE OF 121.71 FEET;
THENCE NORTH 0°08'39" EAST FOR A DISTANCE OF 33.63 FEET;
THENCE NORTH 89°51'21" WEST FOR A DISTANCE OF 105.53 FEET;
THENCE SOUTH 84°25'18" WEST FOR A DISTANCE OF 21.30 FEET;
THENCE SOUTH 52°34'03" WEST FOR A DISTANCE OF 32.47 FEET;
THENCE SOUTH 20°25'43" WEST FOR A DISTANCE OF 46.36 FEET;
THENCE NORTH 89°55'08" WEST FOR A DISTANCE OF 147.63 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2.94 ACRES, MORE OR LESS.





PARCEL 1 AFTER LOT LINE ADJUSTMENT

A PARCEL LOCATED IN SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, T.36S., R.14W., W.M., CURRY COUNTY, OREGON.

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY BOUNDARY OF JERRYS FLAT COUNTY ROAD #595, SAID POINT BEARS NORTH 45°50'19" WEST A DISTANCE OF 934.34 FEET FROM THE 2 1/2" BRASS CAP LOCATED AT THE WITNESS CORNER TO THE SOUTH 1/4 CORNER OF SAID SECTION 16; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY ON A 985.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12°12'38" FOR A DISTANCE OF 209.92 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 5°02'48" EAST AND A CHORD DISTANCE 209.52 FEET; THENCE SOUTH 89°55'08" EAST FOR A DISTANCE OF 417.51 FEET; THENCE NORTH 0°24'52" EAST FOR A DISTANCE OF 208.69 FEET; THENCE NORTH 0°52'36" EAST FOR A DISTANCE OF 31.46 FEET; THENCE NORTH 89°51'21" WEST FOR A DISTANCE OF 121.71 FEET; THENCE NORTH 0°08'39" EAST FOR A DISTANCE OF 33.63 FEET; THENCE NORTH 89°51'21" WEST FOR A DISTANCE OF 105.53 FEET; THENCE SOUTH 84°25'18" WEST FOR A DISTANCE OF 21.30 FEET; THENCE SOUTH 52°34'03" WEST FOR A DISTANCE OF 32.47 FEET; THENCE SOUTH 20°25'43" WEST FOR A DISTANCE OF 46.36 FEET; THENCE NORTH 89°55'08" WEST FOR A DISTANCE OF 147.63 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2.32 ACRES, MORE OR LESS.





AREA TO BE CONVEYED TO PARCEL 1 OF DEED INSTRUMENT 2018-3554.

A PARCEL LOCATED IN SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, T.36S., R.14W., W.M., CURRY COUNTY, OREGON.


BEGINNING AT A POINT WHICH BEARS NORTH 19°41'56" WEST A DISTANCE OF 690.74 FEET FROM THE 2 1/2" BRASS CAP LOCATED AT THE WITNESS CORNER TO THE SOUTH 1/4 CORNER OF SAID SECTION 16;
THENCE NORTH 0°52'36" EAST FOR A DISTANCE OF 31.46 FEET;
THENCE NORTH 89°51'21" WEST FOR A DISTANCE OF 121.71 FEET;
THENCE NORTH 0°08'39" EAST FOR A DISTANCE OF 33.63 FEET;
THENCE NORTH 89°51'21" WEST FOR A DISTANCE OF 105.53 FEET;
THENCE SOUTH 84°25'18" WEST FOR A DISTANCE OF 21.30 FEET;
THENCE SOUTH 52°34'03" WEST FOR A DISTANCE OF 32.47 FEET;
THENCE SOUTH 20°25'43" WEST FOR A DISTANCE OF 46.36 FEET;
THENCE SOUTH 89°55'08" EAST FOR A DISTANCE OF 289.82 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.32 ACRES, MORE OR LESS.



FIRE DISTRICT SIGN-OFF FORM

This form must be taken to the local Fire Department with the Plot Plan that must be turned in when applying for a building permit. Please discuss your proposed development with the Fire Department to ensure fire safety and get the signature of the Fire Department. Return the Permit Clearance and this form with your plans to Curry County Department of Community Development.



Signature of Fire Department Representative



Signature of Permit Applicant

Fire/District Department	Contact	Phone Number
Agness Fire	Bill Scherbarth	541 247-7987
Brookings Fire	Jim Watson	541 469-1142
Cape Ferrello Fire	Bill Van Vlet	541 661-6459
Cedar Valley Fire	Wade Hooey	541 425-5185
* Gold Beach Fire	Tyson Krieger	541 247-6204
Harbor Fire	Steve McClintock	702 580-1353
Langlois Fire	Bill McDonald	541-665-0513
Ophir Fire	Adam Brotton	541 698-6110
Pistol River Fire	Richard Little	541 373-0844
Port Orford Fire	David Duncan	541 332-3681
Sixes Fire	Wayne Moore	541 348-9927 541 253-6028
Upper Chetco Fire	Jim Watson	541 469-1142
Wedderburn Rural	Tyson Krieger	541 247-6204
Winchuck Fire	Brad Stepanek	541 602-4545

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.
4. NATIONAL ELECTRIC SAFETY CODE CLEARANCE REQUIREMENTS SHALL BE FOLLOWED.

Situs address –

Township - 36 S

Range - 14 W

Section - 16

Taxlot (s) - 305

CCEC Representative [Signature] Date 6/17/21

Owner/ Representative Peter Hawley Date 12/15/21

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

AVAILABILITY OF Fire Protection via Cons Forest Protective

This letter serves as an inquiry of service to the following address see below in Curry County, OR. By signing and dating, said representative is confirming service is available to the address as described below.

Situs address - Jerry's Flat Rd.

Township: 36S

Range: 14W

Section: 16

Taxlot(s): 305

Representative



Date

06-17-21

Kevin Boyers

Unit Forester

AVAILABILITY OF Fire, Water, Sewer via City of Gold Beach

This letter serves as an inquiry of service to the following address sec below in Curry County, OR. By signing and dating, said representative is confirming service is available to the address as described below.

Situs address - Jerry's Flat Rd.

Township: 36 S

Range: 14 W

Section: 16

Taxlot(s): 305

Water service is available, not sewer.

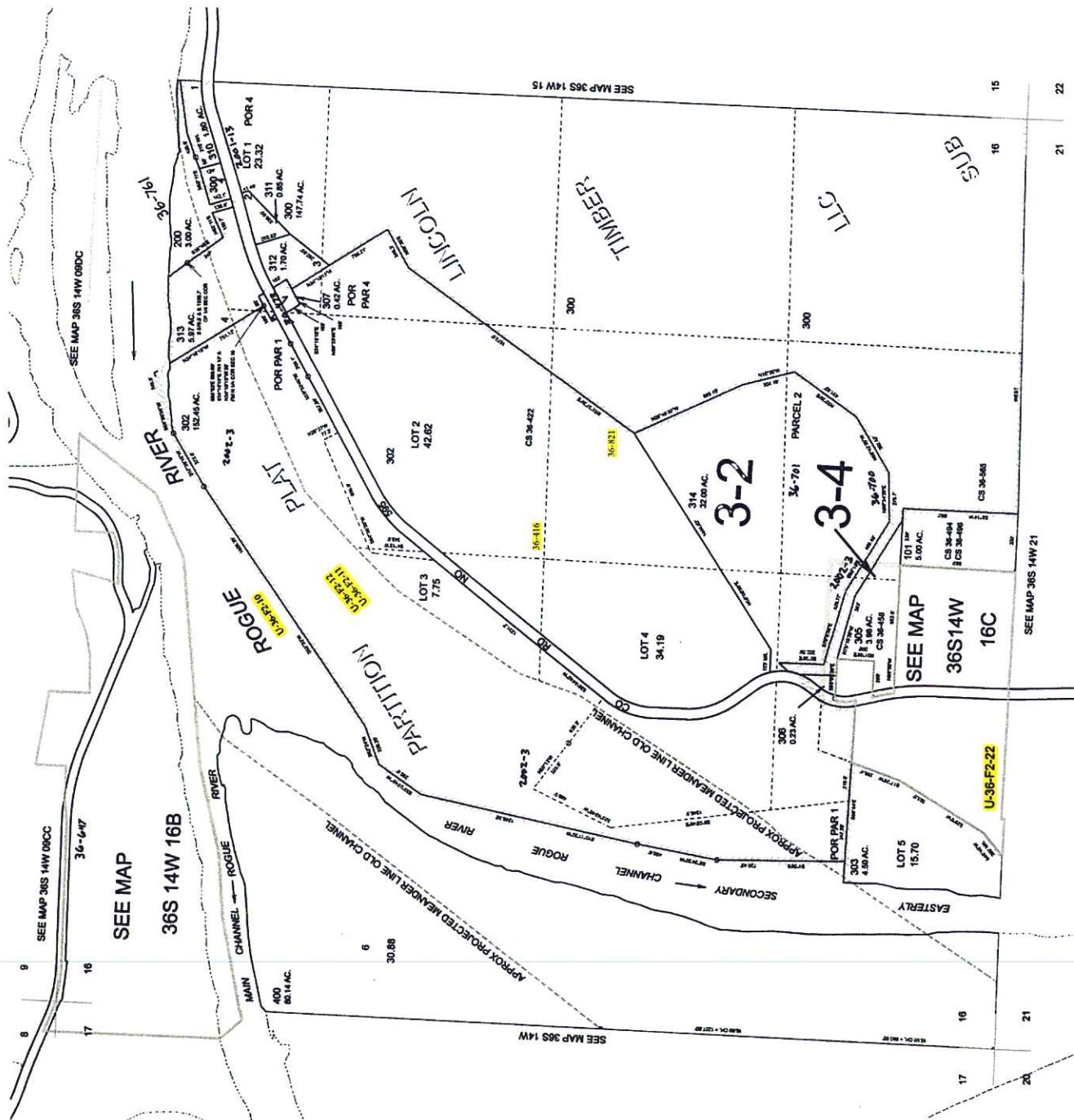
Representative Will Hendall Date 6-7-21

SECTION 16 T.36S. R.14W. W.M.
CURRY COUNTY

1" = 400'

0 200 400 600 Feet

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



WARRANTY DEED - STATUTORY FORM

CATHLEEN B. HERBAGE, Trustee of the ARTHUR EUGENE HARKEY AND MARY ELIZA HARKEY REVOCABLE LIVING TRUST, dated January 20, 2009, Grantor, convey(s) and warrants to RICK E. HARKEY and RANNETT A. HARKEY, Trustees of the RICK E. HARKEY AND RANNETT A. HARKEY REVOCABLE LIVING TRUST, dated 11-25-13, as to an undivided one half (1/2) interest, and BRIAN HARKEY, as an estate in fee simple, as to an undivided one half (1/2) interest, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in CURRY County, Oregon, to wit:

REAL PROPERTY AS DESCRIBED IN EXHIBIT "A" ATTACHED.

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 **\$475,000.00**. (Here comply with the requirements of ORS 93.030)

Dated this 20th day of **September, 2018**.

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.

CATHLEEN B. HERBAGE, Trustee of the
ARTHUR EUGENE HARKEY AND MARY ELIZA
HARKEY REVOCABLE LIVING TRUST, dated
January 20, 2009

C.B. Herbage
By: CATHLEEN B. HERBAGE, Trustee

SEE ATTACHED NOTARY ACKNOWLEDGEMENT

WARRANTY DEED

CATHLEEN B. HERBAGE, Trustee of the
ARTHUR EUGENE HARKEY AND MARY
ELIZA HARKEY REV LIVING TRUST
PO Box 691
Gold Beach, OR 97444
TO
RICK E. HARKEY and RANNETT A.
HARKEY, Trustees and BRIAN HARKEY

After Recording Return to:
Curry County Title, Inc.
29820 Ellensburg Ave., PO Box 672
Gold Beach, OR 97444

Send Tax Statements To:
RICK E. HARKEY and RANNETT A.
HARKEY, Trustees and BRIAN HARKEY

CURRY COUNTY, OREGON **2018-03554**
LAND
Cnt=1 Pgs=3 RECC **09/21/2018 02:40 PM**
\$106.00



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



RETURN TO: CURRY CO. TITLE
P.O. BOX 672
GOLD BEACH, OR 97444
86262-6

thence along the North line of the Bothwell tract North 89° 58' West, 653.6 feet, more or less, to the Easterly right-of-way of Jerry's Flat County Road No. 595;

thence Northerly along said right-of-way to the South boundary of the Jerry's Flat School District No. 21 tract described in Volume 16, Page 360, Curry County Deed Records;

thence along said South boundary South 89° 02' East, 200.0 feet, more or less to the Southeast corner thereof;

thence North 01° 08' East 209.0 feet to a 1 ¼ inch iron pipe found at the Northeast corner thereof;

thence South 75° 16' 30" East, 363.0 feet to an angle point in the Southerly boundary of a 60.0 foot road right-of-way;

thence along said right-of-way South 60° 18' East 201.2 feet to a 5/8 inch iron rod set;

thence South 00°22' West 148.4 feet to the True Point of Beginning.

Parcel III

A parcel of land located in the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section Sixteen (16), Township Thirty-six (36) South, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon, as shown on a map of survey for Champion International Corporation by H.J. Newhouse Land Surveying in April 1987 and described as follows:

Beginning at the Northwest corner of that parcel described in Volume 101, Page 914, Curry County Book of Records;

thence North 00° 22' East 138.40 feet to a 5/8 inch iron rod set on the Southerly boundary of a 60.0 foot wide road right-of-way;

thence along the said right-of-way South 60° 18' East 282.5 feet to the North boundary of Volume 101, Page 914, Curry County Book of Records;

thence along said boundary North 89° 38' West, 246.3 feet to the Point of Beginning.