



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

22-000008

Becky Crockett
Planning Director

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

File # P-2201 Fee \$ 4500 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: _____ 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 DOLORES MAYEA, LIVING TRUST

Mailing Address: _____

City, State, ZIP: _____

Telephone #: _____ E-Mail _____

2. **APPLICANT**

Name JULIE L. KELLEHER & GEORGIA MAYEA

Mailing Address: _____

City, State, ZIP: _____

Telephone #: _____ E-Mail _____

3. **AGENT (If Any)**

Name: Dodge Surveying & Planning - Russ Dodge

Mailing Address: 656 S. 12th Ct.

City, State, ZIP: Coos Bay, OR 97420

Telephone # (541) 404-3799 E-Mail rdodgesurvey@gmail.com

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

The owners are applying for a Land Partition of the Parcel described below.

SEE ATTACHED Project Description

5. **PROPERTY INFORMATION**

Assessor Map # 3215-27 Tax Lot (s) 100

Zoning: [FG] Forestry Grazing Total Acreage 285 Acres

RECEIVED
12/6/21

6. **PROPERTY LOCATION**

Address (if property has a situs address) 93773 Elk River Road

Description of how to locate the property The Property is located on Elk River Road.

The Intersection of U.S. Highway 101 & Elk River Road is located 3 miles North of Port Orford. The Property is 3 Miles East of Hwy 101 and lies on the North side of Elk River Road.

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

☒ Vacant ☐ Developed; Describe existing development

The Portion of the Property North of Elk River serves as an Irrigated Grass Field and Timber Lands.

The Portion that lies South of Elk River is an Open Field, no current use other than serving as grazing lands for a few cattle belonging to a neighbor.

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

The Property to the West, South and East consist of a number of residential homesites, ranging in size from 0.39 Acres to 5.5 Acres. Areas to the North are mainly larger parcel timber and crop lands.

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 Proposed On-Site

Sewage Disposal Proposed On-Site

Electrical Power Connection on Elk River Road

Telephone Service Connection on Elk River Road

Fire Department/District Port Orford Volunteer Fire Department

School District Port Orford School District

10. **ROAD INFORMATION**

Nearest Public Road Elk River Road

Private Roads Serving the Property An Access & Utility Easement - See Attached ECM

Road Condition Very Good - Paved County Road

Legal Status Public Dedicated Road

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 new roads will be necessary.

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

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

The Portion of the Property South of Elk River slopes slightly from Elk River Road to the River.

The Portion of the Property to the North would be characterized as slight to steeper ground.

Vegetation (Briefly describe the vegetation on the property)

The Portion of the Property to the South of the River is covered with native grasses and a Few Trees that

border the River, The Property to the North consists of Timber Lands and Grass Fields.

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) _____ ;

Georgia Mayea

Julie Kelleher

_____ ; have filed this application for

The Proposed Land Partition

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

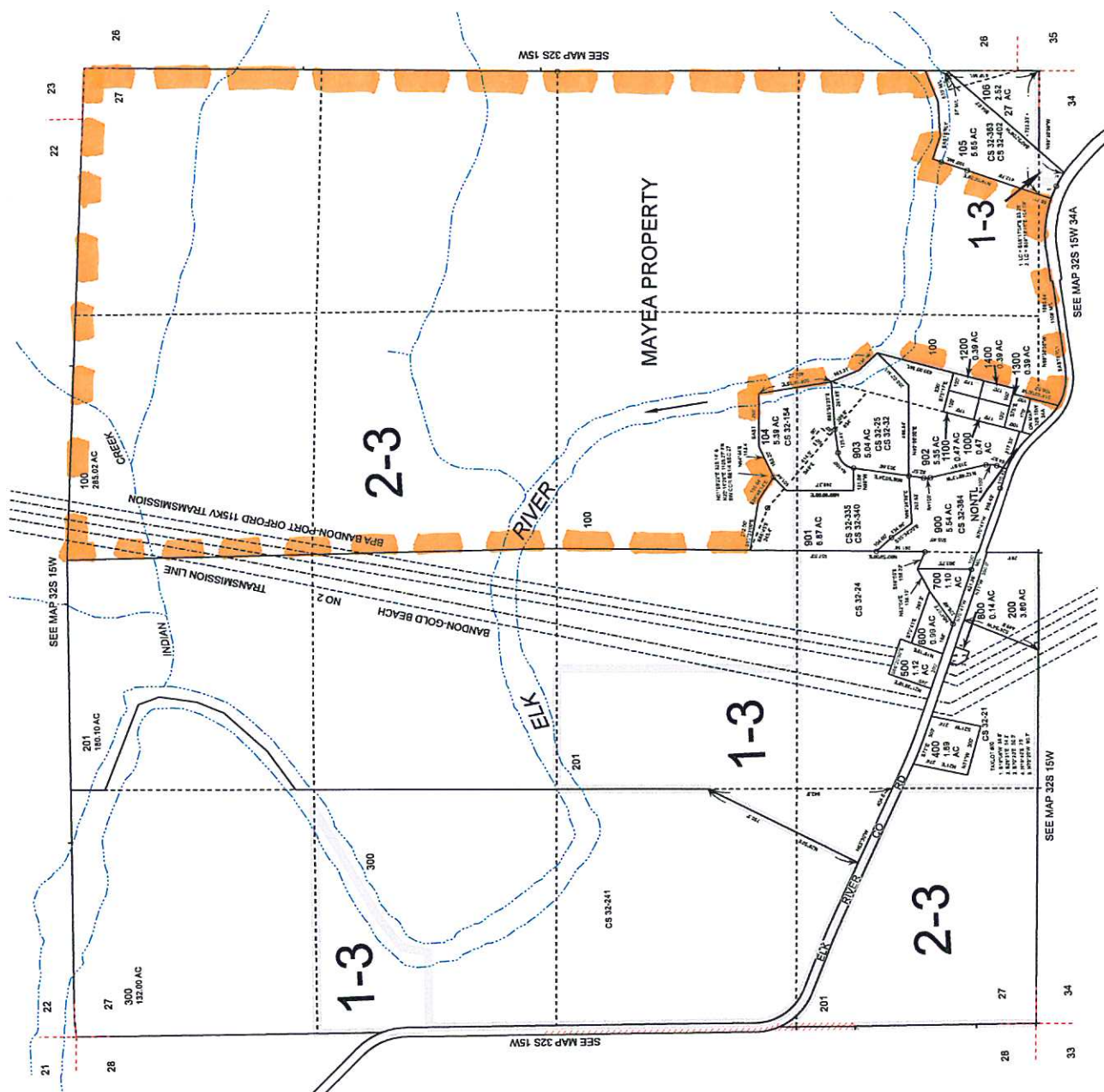
this application. I (We) further understand staff cannot legally bind the county to any fact or circumstance which conflicts with State of Oregon or local ordinance, and in event a conflict occurs, the statement or agreement is null and void.

- (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) 32 15 27
and Tax Lot(s) 100
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 Russ Dodge
Print Name Georgia Mayea
- (2) Signature Russ Dodge
Print Name Julie Kelleher
- (3) Signature _____
Print Name _____
- (4) Signature _____
Print Name _____



**Submitted TO:
Curry County Planning Department
Land Partition**

SUBJECT PROPERTY:
TAX MAP 32 15 27 - TAX LOT 100
Dolores Mayea Living Trust

**OWNER: GEORGIA L. MAYEA & JULIE L KELLEHER – CO TRUSTEES OF THE DOLORES
MAYEA LIVING TRUST**

ZONING: [FG] FOREST GRAZING (Curry County)
Parcel Size: 285 ACRES

SUBMITTALS:

LAND USE APPLICATION

Assessor Map (Reduced Copy)

Title Report

Copy of Vesting Documents & Easements

Existing Conditions Map & Tentative PLAN

18" X 24" 8 Copies

11" X 17" Reduced Copies (4)

Driveway Permits (2)

Water Right Certificate Permit 21647

Letter of Authorization

RECEIVED
12/6/25

Background Information

The Applicant/Owner by this submittal wishes to apply for a Land Partition. Georgia and Julie are proposing to separate the Timber Lands lying to the North of Elk River from that portion of Tax Lot 100 that lies South of the River. There are no buildings on the Parcel with the exception of a (Now Vacant) Mobile Home. Its location has been shown on the attached Existing Conditions Map.

At this time there will be no changes to the Character of Use of the Parcel. The Applicants Main Goal at this time is to secure a Separate Parcel in order to replace the Existing Dwelling, shifting the Building Site to the East Side of the Parent Parcel.

Our first step was to determine the amount of lands lying South of the River. The Parcel is a beautiful piece of property that gently rolls to the River, (below). It is a fairly "Open" tract of land with a few Large Oak and Willow Trees that line the River. The Parcel is covered with native grasses, and a couple of Apple Trees on the westerly side. We surveyed the Parcel and determined that we had almost 19 Acres, (South of the River). This led to the plan to create two parcels. Parcel 1, consisting of the Main Parcel which would include all of the Existing Timber and Crop Lands lying North of Elk River. And, Parcel 2 which would be a Tract of Land better suited for a possible Building Site and serve as the Replacement Dwelling for the abandoned Mobile Home.

Parcel 1, would also include a portion of the lands lying south of Elk River, this sub parcel within the larger tract would be about a 9.4 acre area leaving the timber lands to the north being 266 acres, more or less. The sub parcel to the south of Elk River was linked to the Timber Lands to the North for a couple of reasons. One, to give or provide the Parcel direct access to Elk River Road. Not knowing what the future will be an alternate access or an access separate to the Access and Utility Easement per Instrument # 2006-655. Secondly, having a possible low water crossing of the River might be beneficial.

There is an abundance of grazing lands in the immediate area and we feel the loss of this small amount of pasture land would be incidental. The Irrigated Grass Lands and Timber Lands to the North would remain as is, unchanged from their current Use. That portion of Parcel 1 lying South of Elk River would remain as is and continue to serve as possible grazing lands.

Access to the Parcels will be provided by Elk River Road. There are two existing Drive Way Access points that are currently gated. Access to the Northerly Sub-Parcel is through an existing Easement Area, that location is shown on the ECM along with its deed reference. (Copy Attached). We have secured Driveway Permits for each of the Existing Gated Locations, copies are attached.

This Land Partition Application includes justifications addressing judgment criteria necessary to configure Parcel 2 having an area greater than 5 Acres, Per Section 3.054, 2.d) (1). The Applicant would be applying for approval to shift the "Replacement Dwelling" parcel to the East. We feel this is a better location for the dwelling, providing less impact to the Open Field. The West Boundary line lies directly adjacent to a number of smaller tracts; this will provide a greater distance from the smaller tracts and provide a visual separation.

* We are applying for a waiver of the Maximum 5 Acre Area and desire to make Parcel 2 a 9.6 Acre Parcel. The main reason is that our Access is at the Existing Gate Location, this location is located on Elk River Road in the approximate center of the "Open Field". We have an existing driveway permit at this location. Additionally, constructing the access drive at this location will have the least impact on the lands. Its topography is flatter as you go north from Elk River Road requiring minimal fill and or excavation as compared to a New Driveway located to the East. This Gate Location – Permit #3248 provides excellent sight distances in both directions. An Easterly drive location would require significant grading. We have applied for a New Drive Way Application at the East end of the Property. We do not anticipate receiving a Permit for this location. It is in close proximity to another driveway that serves the Property to the East and we feel that for safety reasons it is best to have a significant distance of separation from the existing drive location serving TL 105.

The Dividing Line between the two parcels, (In the Open Field) has been established by utilizing the Gate Location and protecting a narrow wetland area as shown on the ECM. It will be protected and remain as is. There is a 12" HDPE Culvert which redirects surface water from a small drainage area on the south side of Elk River Road and flows northerly to the wetland area. There is no observable channel, just a narrow swath that appears to consist of wetland type vegetation. In addition I felt a dividing line that somewhat ran north would be a more orderly segregation with minimal jogs etc.

Parcel 2, would be considered to be a replacement parcel for the pre-existing mobile home. There are a number of County Standards that we will address in relation to Section 3.054. [Lot Size].

1. The minimum lot size in the FG Zone is 80 Acres.
2. a) , b) Uses are approved in terms of being a replacement dwelling parcel

c) The new Parcel is the minimum size considering the physical features and providing an orderly division.

- d)
- (1) The New Parcel will be greater than 5 Acres but less than the cited 10 Acre Maximum.
 - (2) The dwelling existed prior to June 1, 1995
 - (3) The Remaining Parcel (1) meets the minimum lot size for the FG Zone.
 - (4) Not Applicable
 - (5) Parcel (1) is not entitled to a Dwelling.
 - (6) Parcel (1) is greater than 40 Acres.
 - (7) Parcel (1) is in Forest Use and eligible for special assessment under ORS 321.
 - (8) Acknowledgement of this non qualification.
 - (9) The Owners will provide a statement relating to proposed dwellings on the F Zone portion.
 - (10) Acknowledgement of the restriction being irrevocable.
 - (11) Acknowledgement to not complain of existing farm forest operations in the area.

e) Parcel 1 will meet the Minimum Lot Size.

EASEMENTS:

There are a number of Easements, impacting the Property. We have shown the BPA Power Line Location along with an Easement that terminates at the Properties West Boundary. Inst# 2006-655 along with Inst# 2006-5374 describes many areas that are covered by the terms of the easement however all of these impact or pertain to parcels west of our property. Inst# BR 75, Page 436 is a blanket power easement that would cover all facilities on the property, wherever they exist.

The owners have looked at options in terms of size, line configurations, access issues, and utility connections. We are able to propose a different Parcel Layout. However in this case I believe it is better to have a larger tract to show a lower density in relation to the overall zoning configurations in the area. Most of the properties in the area are larger tracts being Farm and Forest Parcels. Once improvements are constructed and fence lines installed a smaller tract would give the impression of a higher density residential area. And, we think this can be avoided very easily.

In Summary, Our Partition is to propose Parcel 1 to be all of the lands north of Elk River and the 9.4 Acre Sub-Parcel lying south of Elk River. Parcel 1 will remain as is with no change in the character of use at this time. Parcel 2 would consist of a 9.6 Acre Tract to be considered as the "Replacement" Parcel for the Existing Mobile Home. All Standards for a Proposed Dwelling on Parcel 2 will be met and submitted proof and information relating to Utility Connections, Water & Sewer Installations, and Fire Safety Standards. At this time the Owner/Applicants have no plans for Parcel 2 other than creating the Legal Lot and determining the final configuration. Once we have an approved Tentative Plan they will be able to evaluate the Parcel from a development standpoint or position.

dodge surveying & planning
SIX FIVE SIX S. 12th CT – STE 1
Coos Bay, Oregon 97420
(541) 404-3799
November 30, 2021

STATE OF OREGON
COUNTY OF CURRY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That N. B. MARSH

of Port Orford, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Elk River, a tributary of Pacific Ocean, for the purpose of irrigation of 100.7 acres,

under Permit No. 21647 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 31, 1952,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.26 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 26; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27; Township 32 South, Range 15 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

3.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.0 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
16.8 acres Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
17.6 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26
13.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
22.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
1.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
12.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27
10.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
2.3 acres Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 35
Township 32 South, Range 15 West, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

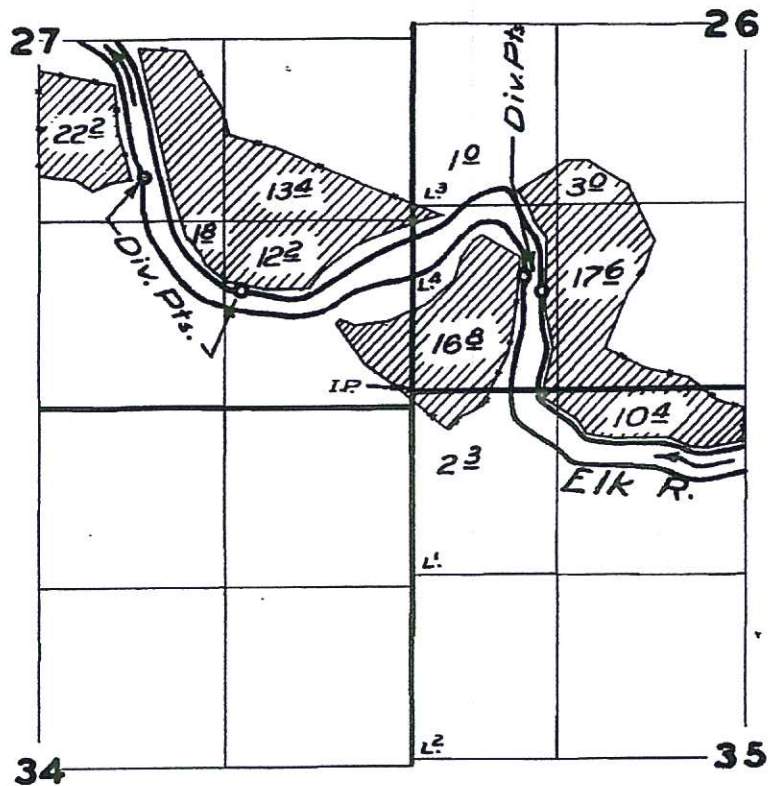
WITNESS the signature of the State Engineer, affixed

this date, NOVEMBER 19 1959

LEWIS A. STANLEY

State Engineer

T.32S.R.15W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 27510 Permit No. 21647
IN NAME OF

N. B. Marsh

Surveyed 18 April 1958, by Tm. B. Bish

Georgia Mayea & Julie Kelleher

November 5, 2021

Curry County Planning
Curry County Road Department
Curry County – (Oregon)


I, (We) request that this Letter serve as an authorization for Russ S. Dodge to communicate with Curry County in regards to a Proposed Land Partition, Conditional Use Application, and or Facility Permit Applications associated with our property in Curry County located at 93773 Elk River Road.

The Property is referenced as Tax Lot 100, Per Tax Map 32 15 27. He has been contracted to prepare A Tentative Plan for the Land Partition and will continue to work on this project as it progresses into other phases. He will be submitting various planning and improvement documents for your review and processing.

If you have any questions, please do not hesitate to call Georgia at (720) 989-7082 or Julie at (541) 977-2949.

Sincerely yours,

DocuSigned by:

 11/5/2021 | 5:32 PM PDT
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Georgia Mayea

DocuSigned by:

 11/5/2021 | 7:20 PM CDT

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Julie Kelleher