STAFF REPORT

Date of Report: Thursday, April 02, 2015
Appeal Deadline Friday, April 17, 2015

Type of Application: ADMINISTRATIVE CONDITIONAL USE APPLICATION

Decision: APPROVED WITH CONDITIONS

File Number: ACU-14-14
Reviewed by: Amy Dibble, Planner I

II. Property Information

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Map Numbers</th>
<th>Property Owners</th>
<th>Situs Address</th>
<th>Acreage</th>
<th>Zoning</th>
<th>Development Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>72001</td>
<td>23S133600-01200</td>
<td>JOHNSON, CORENA</td>
<td>69887 ALPINE LP NORTH BEND, OR 97459</td>
<td>12.60 Acres</td>
<td>FOREST (F)</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>24S130100-00200</td>
<td>JOHNSON, CORENA</td>
<td>No situs address</td>
<td>6.51 Acres</td>
<td>RURAL RESIDENTIAL - 5 (RR-5)</td>
<td>None</td>
</tr>
</tbody>
</table>

Property Location: The property is accessed off of Alpine Loop via Shutters Landing Lane south of the city of Lakeside.

Proposal: The applicant is requesting a vested right for development that was in existence at the time the ordinance was adopted.

Lawfully Created Parcel/Lot: Both tax lots were created prior to 1986 pursuant to CCZLDO § 6.1.125(8) as recorded in book 257 page 711 for tax lot 1200 and book 261 page 641 for tax lot 200.

Prior Application Restrictions: There are no prior restrictions.
Special Districts/Agencies:

| Hauser RFPD | Coos Bay - North Bend Water Board | Southwestern Oregon Community College |

III. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (CCZLDO) and Coos County Comprehensive Plan (CCCP)

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ SECTION 1.1.975</th>
<th>Vested Rights</th>
</tr>
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</table>

Note: criteria are shown below with findings in **bold**.

**DEFINITION**

The purpose of the “RR-5” district is to provide for acreage homesites outside of Urban Growth Boundaries (UGB), where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available. The “RR-5” district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

The purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

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**SECTION 1.1.975. Vested Rights.** A parcel shall be considered vested for completion of the construction of a nonconforming use when an administrative conditional use is granted, based on findings establishing:

1. The good faith of the property owner in making expenditures to lawfully develop his property in a given manner;
2. The amount of reliance on any prior zoning classification in purchasing the property and making expenditures to develop the property;
3. The extent to which the expenditures relate principally to the use of an applicant claims is vested, rather than to ancillary improvements, such as but not limited to roads, driveways, which could support other uses allowed as of right.
4. The extent of the purported vested use as compared to the uses allowed in the subsequent zoning ordinances;
5. Whether the expenditures made prior to existing zoning regulations show that the property owner has gone beyond mere contemplated use and has committed the property to the purported vested use which would in fact have been made on the subject property but for the passage of the existing zoning regulation; and
6. The ratio of the prior expenditures to the total cost of the proposed use.

**FINDING:** In the late 1950's this property contained 27 houses and supporting infrastructure created by the US government to house officers for the nearby Shutter's Landing military installment located nearby. The base itself
was shut down and then acquired by the state and turned into a correctional facility and this property was auctioned off and purchased by private parties.

In 1990 Valley Housing Corporation submitted an application to rezone the property from Forest (F) to Rural Residential - 5 (RR-5). The premise of this rezone was to recognize and protect the integrity of the residential developed nature of this site. By changing the zone a Rural Residential designation the zone would then conform with the existing development. The Planning Department applied OAR 660-04-028 Exception Requirements for Land Irrevocably Committed to Other Uses to this amendment / rezone application. The Board of Commissioners found in favor of the amendment / rezone and it was adopted on May 30, 1990.

On January 11, 2007 the Planning Director approved a 27 lot land division, the property owner began improvements to the property including an emergency fire suppression system, water tanks, asphalt roadway with curbs and gutters. The dwelling units were still in existence at this time but were in the process of being removed. The property owner was unable to complete all the requirements of the subdivision due to financial hardship. The current owner had Marineau and Associates appraise the property, they stated that the "as is" vested interest of the improvements as of September 26, 2014 is $100,000. The existing improvements on the property appear to be consistent with the proposed plan for the approved land division.

This property has water and sewer available to the sites. Coos County Comprehensive Plan Volume, I Part 1, has acknowledged the development as an exception area to allow the extension of sewer form the City of Lakeside to this site. The sewer is available but upgrades will be required to come into compliance with the current regulations. The actual dwellings were removed but the lots have been created and the infrastructure still remains in place.

III. AGENCY COMMENTS

There have been no agency comments received as of the date of this report.

IV. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 750 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD, Applicant’s Surveyor and John Rowe, County Roadmaster, Mike Dado, County Surveyor. Notice of Decision was also provided to the following: Coos County Planning Commission, The Coos County Board of Commissioners, the special districts as noted above. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on April 2, 2015.

V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on Friday, April 17, 2015, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

VI. CONCLUSION AND CONDITIONS

The applicant has met the criteria for vested rights on the above mentioned property and may move forward with the platting portion of the project.
The applicant is requesting to replat the property and finalize the subdivision process. Staff does urge the applicant to increase the size of the lots to one acre to ensure that new development will be consistent with the development standards of CCZLDO § 4.2.300 or may be consider a clustered development. If the parcels were increased to one acre there would be approximately 15 to 16 parcels.

Pursuant to ORS 215.416(1), the fees charged by the Planning Department for permit applications represent the average cost of processing the application. If the actual cost of processing the application exceeds the average cost, then the applicant shall be responsible for paying the full amount.