



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Tuesday, July 07, 2020
File No: ACU-20-009
Proposal: Request for confirmation of a non-conforming use
Applicant(s): Morrison-Gederos Construction c/o Sheri McGrath
PO Box 1548
Bandon OR 97411
Staff Planner: Crystal Orr, Planner I

Decision: Approved with Conditions. All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 12 p.m. on **Wednesday, July 22, 2020**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Nonconforming use and replacement dwelling criteria in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.18 Alteration, restoration or replacement of a lawfully established dwelling subject to: § 4.6.120(3)(o) Replacement Dwellings; §4.6.140 Development and Siting Criteria; and Article 5.6 Nonconforming. This proposal is not subject to review under Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 450603
Map Number: 26S112100-00401
Property Owner: MANSKE, SCOTT L.
PO BOX 649
LAKESIDE, OR 97449-0649
Situs Address: 64282 FAIRVIEW RD COQUILLE, OR 97423
Acreage: 13.76 Acres
Zoning: FOREST (F)
Special Development Considerations and overlays: FLL0DPLAIN (FP)

This notice shall be posted from July 7, 2020 to July 22, 2020

FOREST MIXED USE (MU)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2020.aspx> . The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: *Crystal Orr* Date: Tuesday, July 07, 2020 .
Crystal Orr, Planner I

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map& Template Map

The Exhibits below are mailed/emailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following website:<http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2020.aspx> .
or by contacting the Planning Department at (541) 396-7770.

Exhibit C: Staff Report -**Findings of Fact and Conclusions**

Exhibit D: Comments Received (No Comments Received)

Exhibit E: Submitted Application

EXHIBIT "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This will be issued after all the following conditions have been satisfied.
 - a. Shall comply with all conditions of approval from FHD-19-004.
 - b. Clarification of the family member to Ms. Opal Murphy, that will be residing in the primary dwelling as defined in ORS 215.283. Relative refers to child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the property owner spouse.
 - c. Family Hardship Dwelling shall not be used as rental. The purpose of keeping the dwelling is for a medical need. Once the hardship dwelling is no longer needed by Ms. Murphy it shall be removed from the property. The deed convent recorded on this property shall include the terms of the FHD-19-004 to ensure the property remains in compliance.

EXHIBIT "B"
Vicinity Map



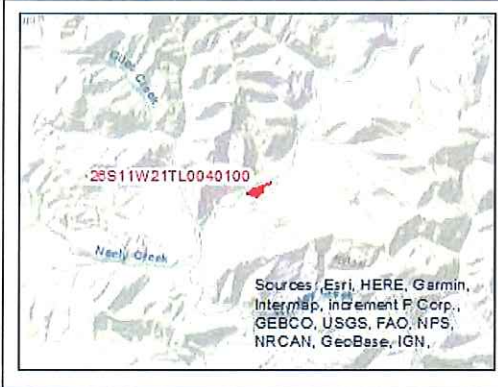
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



File: ACU-20-009

Applicant/ Morrison-Gederos Construction

c/o Sheri McGrath/

Owner: Scott Manske

Date: June 15, 2020

Location: Township 26S Range 11W
 Section 21 TL 401

Proposal: Administrative Conditional Use

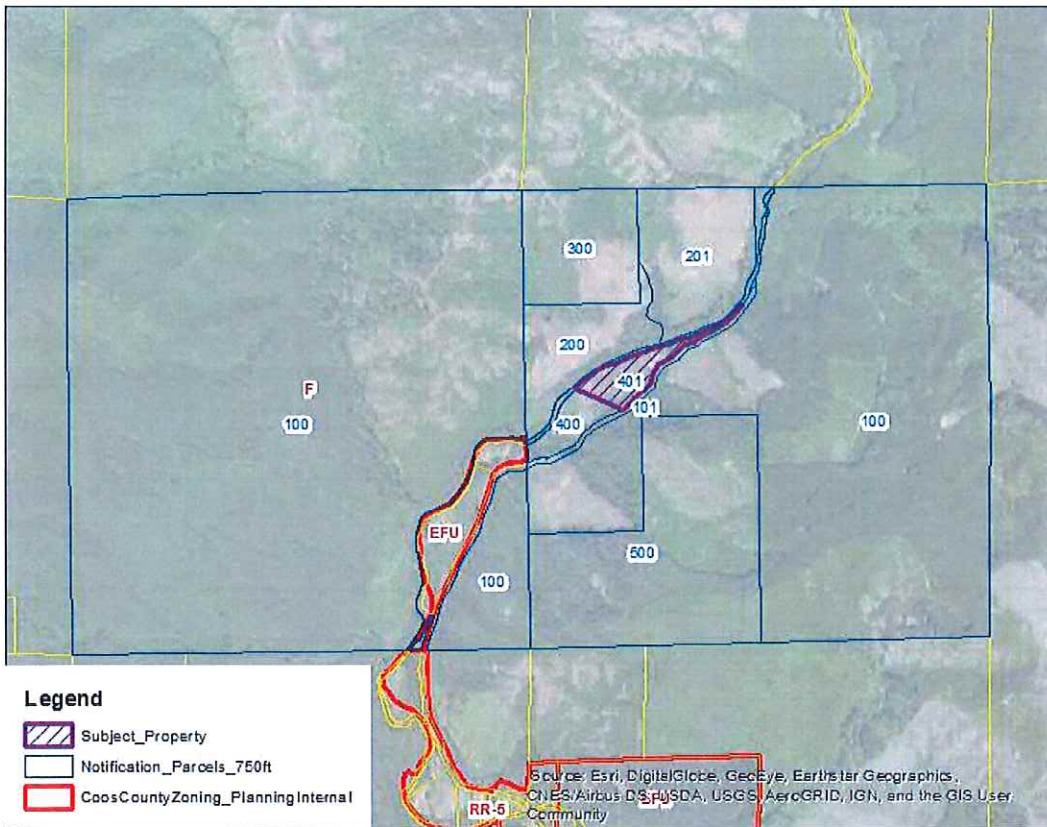


EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** To establish that the dwelling was lawfully sited so that it can be lawfully replaced and the current dwelling will be utilized for a medical hardship dwelling. There are records to establish the mobile home was in existence since March 13, 1979 but the first ordinance that regulated this type of development is from July 1, 1975 and the applicant needs to establish the 1970 mobile home was in existence prior to that date.
- B. BACKGROUND/PROEPRTY HISTORY:** The property was once part of tax lot 400 and owned by Arthur and C.V. Oen, Glenn Perry (Agent) in 1978 (deed document # 78-4-6370). At that time there was a mobile home and barn. On March 13, 1979 Maxine Perry applied for a permit for a Single Family Dwelling and it was noted that the mobile home and barn were still in existence. Later in 1979 Parcel 401 was sold to Perry's as 13.76 acres. The mobile home (X195497) ownership was transferred with the property. The mobile home was in Joe Perry's name until it transferred ownership to James Judd and K'Lynn Landmark in 2012. The ownership transferred from Judd and Landmark to Scott Manske in 2014. The transfer of the mobile home tracts the change in property ownership for tax lot 401.

The applicant submitted a request for Compliance Determination and Hardship Dwelling on November 12, 2019 but as a condition of approval that lawfully establishment of the existing Mobile Home had to be reviewed. Therefore, this application was submitted.

II. BASIC FINDINGS:

- A. LOCATION:** The subject property is located northeast of the City of Coquille off of Fairview Road, which is a Coos County maintained public road. The property has a situs address of 64282 Fairview Road.
- B. ZONING:** - This property is zoned Forest with a Mixed Use Overlay.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to beneeded (excepted) for other uses.

The purpose of the Forest zone is to conserve and protect forest land for forest uses. 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.

Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

If a use is only allowed in the mixed-use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property does contain Floodplain but none of the development will be located in a Special Development Consideration or Overlay. Therefore, additional review was not required.

D. SITE DESCRIPTION AND SURROUNDING USES: The subject property is zoned Forest Mixed Use (FMU) contains approximately 13.76 acres. This property is located along the North Fork of the Coquille River with access off Fairview Road. Fairview Road is located on the southern boundary of the property. There is little vegetation on the subject property. There is some residential development scattered along Fairview Road near the subject property. There appears to be farming and timber operations surrounding the property. The properties within the 750-foot notification range in size of 3.40 acres to 618.85 acres. The smaller parcels between the river seem to be cleared and used for pasture and residential purposes. The larger tax lots are in forest productions.

E. COMMENTS:

- a. **PUBLIC AGENCY :** This property did not require any request for comments prior to the release of the decision.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision.

E. LAWFULLY CREATED UNIT OF LAND: The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partition ordinances or regulations that prohibited the creation. Prior to 1986 properties were allowed to be created by deed or sale agreement and this property was created prior to 1986, see Deed Document 79-01-3267.

III. STAFF FINDINGS AND CONCLUSIONS:

a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Nonconforming use and replacement dwelling criteria in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.18 Alteration, restoration or replacement of a lawfully established dwelling subject to: § 4.6.120(3)(o) Replacement Dwellings; §4.6.140 Development and Siting Criteria; and Article 5.6 Nonconforming.

The nonconforming use is required to be established prior to replacement. Replacement was actually reviewed through the prior Hardship application (FHD-19-004).

b. KEY DEFINITIONS:

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.

DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

c. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

• **ARTICLE 5.6 NONCONFORMING**

○ **SECTION 5.6.100 NONCONFORMING USES:**

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

1. *A change in the use of no greater adverse impact to the neighborhood; and*

2. *A change in the structure or physical improvements of no greater adverse impact to the neighborhood.*

○ **SECTION 5.6.110 INTERRUPTION OR ABANDONMENT OF NONCONFORMING USES:**

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year, unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

○ **SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:**

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)- (8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

○ **SECTION 5.6.125 CRITERIA FOR DECISION:**

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. *The change in the use will be of no greater adverse impact to the neighborhood;*
2. *The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and*
3. *Other provisions of this ordinance, such as property development standards, are met.*

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

FINDING: The request is to show the 1970 manufactured dwelling was sited lawfully, in order to qualify for a replacement dwelling. The dwelling can be traced in the planning records back to 1979 which is confirmed by the online DEQ permits. The applicant offers a letter from Coos-Curry Electric Cooperative, Inc. that states electrically services was installed in August of 1978.

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application

At the time the electrically services was install the property was zoned Interim Forest and Grazing-10 (IFG). Under the ordinance in place, Section 3.210 Permitted Uses subsection

(4) Single Family Dwelling is permitted outright. Although the applicant does not explain why a verification letter was not obtained by the Coos County Planning Department it was acknowledged by the county that the dwelling was in existed as of March 13, 1979, see verification letter below. This was issued prior to the creation of tax lot 401 based on the deed recorded in January of 1979 deed. The assessment records indicate the new account and mapping was not complete until October of 1979.

T26-11-21 TLF#400

COOS COUNTY PLANNING DEPARTMENT VERIFICATION LETTER

NAME Maxine Perry DATE 3-13-79
 (owner)
 ADDRESS Fairview Route, Box 4184-A, Coquille PHONE 396-4935

PROPERTY IDENTIFICATION:

SEC. 21 TWP. 26 RANGE 11 TAX LOT # 4506.02
 APPROVED SUBDIVISION NAME N/A
 DATE APPROVED N/A LOT N/A BLOCK N/A
 EXISTING STRUCTURES OR OTHER IMPROVEMENTS: Mobile home, barn

PUBLIC WATER No PUBLIC SEWER No
 ZONING IRF-10 ACREAGE 12 PARCEL PREEXISTS ORDINANCE No
 SUFFICIENT ACREAGE Yes FIRE ZONE -----

APPLICANT HAS RECEIVED COUNTY CLEARANCE FOR THE FOLLOWING:

1. DEQ SITE EVALUATION ONLY N/A
2. DEQ SITE EVALUATION & PERMIT Evaluation and permit for one SFD
3. BUILDING PERMIT PURPOSES:
 - a. Residential Structure N/A
 - b. Accessory Bldgs/Res. Structure N/A
 - c. Mobile Home Siting N/A
 - d. Other (explain) N/A

***EXPLANATORY NOTES:**


ZONING REQUIREMENTS: Min lot size 10 ac. no bldg. or structure shall exceed 35' in height. Min lot width -----.

SETBACK REQUIREMENTS:

- a. Yes Any building or structure shall be located a minimum of 80 ft from the centerline or 20 ft from the boundary of an existing or proposed public road r/w, whichever is greater.
- b. N/A Front yard shall be a minimum of -----. Rear yard shall be a minimum of -----. Side yards shall be a total of at least -----, neither of which is less than -----.
- c. N/A Site plan review is required.

FLOOD PLAIN OR GEOLOGIC HAZARD COMMENT:
 Vicinity of North Fork Coquille River

THE EVALUATION OF THE LAND PARCELS OUTLINED ABOVE IS BASED ON THE INFORMATION PRESENTED AT THIS TIME AND AS SHOWN ON THE INTERIM ZONING MAPS. THE USE AND BUILDING PROPOSED AND LAND DIVISION, IF ANY, ARE NOT NOW IN VIOLATION OF ANY APPLICABLE COUNTY ORDINANCE.



COOS COUNTY PLANNING DEPT. COOS COUNTY COURTHOUSE, COQUILLE, OR
 TELEPHONE: 396-3121 Ext. 252 or 267-7009, Ext. 252

Therefore, it is reasonable to conclude the Dwelling was lawfully established. There is no indication that the use was ever abandoned and the information provided in the prior application shows it still meets replacement criteria.

- SECTION 4.6.120(3) PERMITTED OR USES SUBJECT TO COMPLIANCE DETERMINATIONS: THE FOLLOWING USES MAY BE ALLOWED OUTRIGHT ON FOREST

LANDS SUBJECT TO THE REVIEW IDENTIFIED IN THE USE TABLE FOR FOREST ARE LISTED AS PART OF THE USE:

- (o) *REPLACEMENT DWELLINGS - Alteration, restoration or replacement of a lawfully (if discretion is used to determine lawfully established will be reviewed as nonconforming use) established dwelling that:*
- (A) *Has intact exterior walls and roof structures;*
 - (B) *Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;*
 - (C) *Has interior wiring for interior lights;*
 - (D) *Has a heating system; and*
 - (E) *In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;*

FINDING: The applicant supplied evidenced that show the current dwelling meets replacement criteria.

• **SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:**

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

FINDING: There is no new parcels created through this request; therefore, this criterion is not applicable.

2. *Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*

FINDING: The submitted plot plan is very detailed and shows all setbacks will be met.

Therefore, this criterion has been addressed.

3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*

FINDING: There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.

Therefore, this criterion has been addressed.

4. *Off-Street Parking and Loading: See Chapter VII.*

FINDING: A Road/ Driveway Access will need to be submitted and will need to be signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter.

Therefore, this criterion has been addressed.

5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*

FINDING: This requirement has been addressed.

6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

FINDING: The dwelling will be located at least 50 feet from any identified wetland, stream, lake or river.

Therefore, this criterion has been met.

7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be*

included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.

FINDING: The property owner has requested to be included in the Fairview RFPD.

Therefore, this criterion has been addressed.

8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
 - a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

FINDING: The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicant shall comply with alternative forms of fire protection.

Therefore, this criterion has been addressed.

9. *Fire Siting Standards for New Dwellings:*
 - a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

FINDING: The property owner shall provide proof that a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter prior to the issuance of a zoning clearance letter.

Therefore, this requirement has been addressed.

10. *Firebreak:*

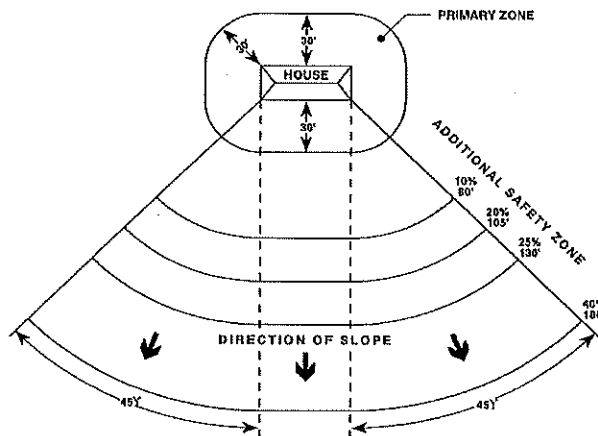
- a. *A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.*

- b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

EXAMPLE OF SAFETY ZONE SHAPE



FINDING: According to the soils on this property the proposed location of the dwelling will be located within an area identified as having soils that are comprised of Eilertsen Silt Loam that typically have 0 to 7 percent slopes; therefore, the fire break set back is 30 feet and according to the plot plan this setback will be satisfied.

Therefore, this criterion has been addressed.

11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.

FINDING: As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement.

Therefore, this criterion has been addressed.

12. *If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond.)*

FINDING: The property has no water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression.

Therefore, this criterion is not applicable.

13. *The dwelling shall not be sited on a slope of greater than 40 percent.*

FINDING: The dwelling shall not be sited on a slope of greater than 40%.

Therefore, this criterion has been addressed.

14. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

FINDING: As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester.

Therefore, this criterion has been addressed.

15. *The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.*

FINDING: The subject property is located within the boundaries of the Coos Forest Protective Association, which is not a fire district. The applicant has provided proof that they have asked to be included within the nearest fire district

Therefore, this criterion has been met.

16. *Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.*

FINDING: The road/driveway was signed off as meeting standards on December 3, 2019.

Therefore, staff finds that the road and driveway will provide adequate access for firefighting equipment.

17. *Access to new dwellings shall meet road and driveway standards in Chapter VII.*

FINDING: The road/driveway was signed off as meeting standards on December 3, 2019.

Therefore, this criterion has been met.

VI. DECISION:

There is evidence to adequately address the criteria for a Forest Template Dwelling, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:

(1) Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.

a. Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:

i. First Extension - An extension of a permit for "residential development" as described in Subsection (1) above is valid for two (2) years.

1. The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.

2. Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.

3. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.

ii. Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:

1. The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;

2. The applicable residential development statute has not been amended following the approval of the permit; and

3. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.

4. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Monday, July 22, 2024

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD
Fairview Rural Fire Protection District
Coos Forest Protective Agency

Planning Commission
Board of Commissioner

**LAND USE PERMIT APPLICATION – BALANCE OF COUNTY
COOS COUNTY PLANNING DEPARTMENT**

COMPLETED BY STAFF	
<p>Received By: <u>UMB</u></p> <p>Date Submitted: <u>3/30/20</u></p> <p>Application No.: <u>ACU-20-009</u></p> <p>Fee: <u>1480⁰⁰</u></p> <p>Fee Paid: <u>1480⁰⁰</u> <u>ck 1157</u></p> <p>Receipt No.: <u>214589</u></p>	<p><input type="checkbox"/> COMP PLAN AMENDMENT</p> <p><input type="checkbox"/> ZONE CHANGE</p> <p><input type="checkbox"/> TEXT AMENDMENT</p> <p>CONDITIONAL USE REVIEW</p> <p><input type="checkbox"/> HEARINGS BODY</p> <p><input type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> VARIANCE</p> <p><input type="checkbox"/> LAND DIVISION *</p> <p><input type="checkbox"/> HAZARD REVIEW *</p> <p><input type="checkbox"/> FARM OR FOREST REVIEW *</p> <p><input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*</p> <p><input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY</p> <p>*Supplemental Application required</p> <p>STAFF NOTES:</p>

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: Morrison-Gederos Construction c/o Sheri McGrath

Mailing Address: P.O. Box 1548

City Bandon State OR Zip 97411

Daytime Phone 541-982-9531

Email: cooscurry@gmail.com

II. OWNER(S)

Name: Scott Manske

Mailing Address: P.O. Box 649

City Lakeside State OR Zip 97449

Daytime Phone

Email:

III. PROPERTY - If multiple properties are part of this review please check here and attached a separate sheet with property information.

Location or Address: 64282 Fairview Road, Coquille, OR 97423

No. Acreage 13.76 acres

Tax Acct. 450603

Township: 26 Range: 11 Section: 21 1/4 Section: 1/16 Section: Tax lot: 401

Zone: F

Water Service Type: Well Log COOS 57502

Sewage Disposal Type: On site septic system

School District: Coquille

Fire District: Coos Forest Protective Association

IV. REQUEST SUMMARY (Example: "To establish a template dwelling in the Forest Zoning District.") Application for a non-compling use including a single family dwelling and accessory structures, a driveway and on site septic system.

V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed
 4. If applicable, documentation from sewer and water district showing availability for connection.
- B. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is referred directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit.

Sheri McGrath on behalf of Morrison-Gederos Construction

Applicant/Owner Signature



Applicant/Owner Signature

Morrison-Gederos Construction, LLC

CCB #178168

P.O. Box 1225 * Coos Bay, Oregon 97420

Keith Morrison 541-260-6740

CONSENT FOR REPRESENTATION

I, Scott Manske of P.O. Box 649 in Lakeside, Oregon give permission to Morrison-Gederos Construction to represent me on all design, permit and consulting matters concerning the property located at 26-11-21 TL 401 in Coos County, Oregon. The site address for this property is 10 64282 Fairview Road in Coquille, Oregon. The tax account for this property is 450603.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

Contact information for Sheri McGrath is:

Cell: 541-982-9531
E-mail: cooscurrey@gmail.com
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires twelve months from the date below, without requirement of notice.

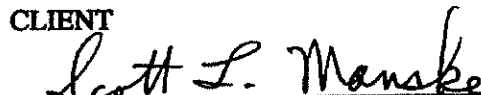
DATED: July 25, 2019

MORRISON-GEDEROS CONSTRUCTION, LLC



By: KEITH MORRISON

CLIENT



By: Property Owner

March 26, 2020

NON-CONFORMING USE APPLICATION

64282 Fairview Road

Coquille, OR 97423

26-11-21 TL 401

Tax Account 450603

PROPERTY OWNER

Scott Manske

P.O. Box 649

Lakeside, OR 97449

APPLICANT

Morrison-Gederos Construction, LLC

% Sheri McGrath

P.O. Box 1548

Bandon, OR 97411

cooscurry@gmail.com

CCB #178168

EXISTING PROPERTY CONDITIONS

The Manske property is located outside of the city limits of Coquille, found in Coos County, Oregon. The property is known as Tax Lot 401 on the Coos County Tax Assessor's Map 26-11-21. The property is located in the forest zoning district. The property is 13.76 acres in size. The situs address is 64282 Fairview Road, Coquille, OR 97423.

Existing development includes a septic system, a domestic well, a 1970 manufactured home with porch and deck, a small wood shed, a 24'x40' shop, a 22'-6" x 59' garage, and a 10'-6" x 36'-6" barn. With exception to the well, these improvements existed when Mr. Manske purchased the property. A mix of vegetation exists including bushes and scrubs, a variety of trees and grasses. The property is not used for farming or forest practices and is primarily cleared. All driveways are installed, and kept in good working order.

The North Fork of the Coquille River abuts the property, and a portion of the property is located within the 100 year floodplain. A site survey by Troy Rambo of Mulkins and Rambo, LLC shows the location of the floodplain, and all existing development is outside of that area. A floodplain application is not required for the existing or proposed development.

All development pre-exists the records of the Coos County Tax Assessor's office. Enclosed is the oldest assessment record available, and shows that all development was placed prior to 1990. A letter from Coos Curry Electric Cooperative is attached, and shows that service was started in August 1978.

At the time of placement, a single family dwelling with accessory structures was permitted outright in the IFG-10 zoning district where the property is located. The structures are in compliance to the required setbacks and are located outside of the 100 year floodplain. Section 3.200 of the 1975 Coos County Zoning Ordinance is included with this permit application and request for compliance.

PROPOSED PROPERTY CONDITIONS

The Manske family would like to bring the current property conditions into compliance with the Coos County Zoning and Land Development Ordinance. Clearance for the existing structures and septic system is being requested, so that a new single family dwelling, ie: replacement dwelling, can be constructed. An application for a hardship dwelling has been applied for and approved with conditions. One condition is to bring the property into compliance. That permit can be referenced as FHD-19-004.

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO) FINDINGS OF FACT

2.1.200 Single Family Dwelling is defined as, "a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited." *The existing dwelling meets this definition.*

Accessory Use is defined as, "a use, building or structure that is (1) customarily incidental and subordinate to the principal use, main building or structure, and (2) subordinate in extent, area, and purpose to the principal use. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use." *There are no proposed changes to the existing accessory structures.*

Agricultural Building is defined as, "a structure customarily provided in conjunction with farm or forest use for..." In the instance of this specific property, the barn is used for, "Storage, maintenance or repair of farm or forestry machinery and equipment."

Conditional Use is "applied to a use which may be permitted by the issuance of a conditional use permit." *The hardship dwelling may be permitted as an Administrative Conditional Use.*

Evidence is defined as, "Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Zoning District is defined as, "a zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed." *The proposed hardship dwelling is located in the Forest zoning district.*

1.1.300 All development must comply with the Comprehensive Plan and Zoning Ordinance. *The existing development was sited without compliance and the approval of the Coos County Planning Department in 1978. The single family dwelling and accessory structures were permitted outright in the IFG-10 district in 1975. The structures are permitted under the current zoning ordinance as a conditional use.*

5.6.100 Non-conforming uses may continue and be altered. Alterations to the use or physical use of the property is allowed if there is no greater impact on the neighborhood. *The existing development does not adversely impact the neighborhood.*

5.6.105 Restoration or replacement due to a natural disaster is permitted outright. *This does not apply to the current application.*

5.6.110 Replacement of non-conforming uses is permitted as long as there has not been abandonment for more than one year. *The existing dwelling has been in continual use.*

5.6.120 Alterations, repairs or verification of a non-conforming use requires a conditional use permit. The application shall comply with Section 5.6.125 and be consistent in intent to ORS 215.130 (5-8). *The applicant is applying for the required permit with conditions listed below.*

5.6.125 When evaluating the conditional use, the following criteria are to be met:

1. The change of use will have no greater adverse impact on the neighborhood. *The applicant is not requesting a change of use.*
2. The change in structure or physical use of the property will not have a greater adverse impact on the neighborhood. *The neighborhood has residential development and there will be no greater adverse impact.*
3. Other provisions of this ordinance, such as development standards are met. *The applicant meets or exceeds the development standards of this ordinance. All property line setbacks are exceeded. All structure heights are lower than permitted. All driveways and fire protection setbacks are maintained.*

The applicant shall provide evidence that the non-conforming use was in use for a ten year period preceeding the date of application. *The applicant has provided a letter from Coos-Curry Electric Cooperative regarding the service start date for utilities. A Coos County Tax Assessment from 1990 also shows the existence of the structures. There has been continual service and taxation on the property which exceeds the ten year period.*

The applicant shall provide evidence that the non-conforming use was lawful at the time the zoning ordinance or regulation went into effect. *The applicant has provided the 1975 Zoning Ordinance showing that a single family dwelling with accessory structures were permitted outright in the IFG-10 zone.*

4.6.130 All conditional uses are subject to requirements that make the use compatible with forest and agricultural operations. *The applicant understands the criteria.*

4.6.130(1) The proposed use will not result in a significant change or increase the cost of accepted farming and forest practices. *Though the property is zoned Forest, the use is Residential in nature. There are no known farm or forest practices in the vicinity that have been affected by the use.*

4.6.130(2) The proposed use will not significantly increase fire suppression costs or increase risk. *The property is protected by the Coos Forest Protective Association. A letter has been sent to the Fairview Rural Fire Protection District requesting to be included in their fire protection district.*

4.6.130(3) All uses must comply with applicable development standards and fire siting and safety standards. *There is a primary and secondary firebreak around the structures.*

4.6.130(4) A "Forest Management Covenant" must be signed by the owner and recorded in the deed records of Coos County. *The applicant will sign the covenant and have it recorded. A recorded copy will be given to the planning department.*

4.6.130(5,a) The dwelling will be sited so that it has the least impact on nearby forest or agricultural lands. There will be no adverse impacts on existing operations. The amount of forest lands used to site roads and structures will be minimized. The risks associated with wildfires will be minimized. *There have been no*

impacts on existing operations, and no impacts are anticipated. The new homesite is located near other existing development including the neighboring development and an installed driveway.

- 4.6.130(5,b) Verification of on site water availability is required. *Proof of water has been provided.*
- 4.6.140(1) The minimum lot size for the Forest Zone is 80 acres. *The subject property is 13.76 acres and was lawfully created. Development occurred prior to 1990.*
- 4.6.140(2) All structures will have a 35' setback from the center of a right of way line, or 5' from the edge of the right of way, whichever is greater. *All structures exceed the criteria.*
- 4.6.140(3) No fences are proposed at this time.
- 4.6.140(4) Off street parking will be provided per Chapter 7. *Existing parking is provided and meets this criteria.*
- 4.6.140(5) A Forest Management Covenant shall be filed prior to final approval of the dwelling. *The applicant understands the criteria, and will provide evidence of the recording to the planning department.*
- 4.6.140(6) Riparian vegetation will be protected within 50' of a wetland, stream or lake *The applicant understands the criteria.*
- 4.6.140(7) The property is required to be fire protected. *The dwelling is fire protected by the Coos Forest Protective Association. A written request has been mailed to the Fairview Rural Fire Protection District.*
- 4.6.140(8) Alternative methods for water supply are not proposed.
- 4.6.140(9) The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of 50PSI. A $\frac{3}{4}$ " garden hose will be provided to reach the perimeter of the primary setback. *The applicant understands the criteria.*
- 4.6.140(10) A 30' primary safety zone will be provided around the structure. Vegetation will be limited to mowed grasses, low scrubs and trees spaced more than 15' apart. A secondary safety zone will be provided for sloped areas. *Owner will follow Table 1 when determining the required feet for the secondary zone based on slope percentage.*
- 4.6.140(16) All roads will be constructed for fire fighting equipment requirements. *The existing driveways meet this criteria.*
- 4.6.140(17) All roads will meet the standards outlined in Chapter 7. *The existing driveways meet this criteria.*
- 4.11.200 Overlay zones add further requirements to the development process.
- 4.11.211 A portion of the property is located in the Floodplain overlay.
- 4.11.235 A Floodplain application is required for all development within the overlay. *The existing structures are located outside of the floodplain overlay.*

1975 COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO) FINDINGS OF FACT

- 3.200 The purpose of the Interim Forest and Grazing Zone 10 is to designate areas where timber and grazing are predominant but where controlled placement of compatible community uses is also desirable.
- 3.210 Single family dwelling and their accessory structures are permitted outright. *The siting of the dwelling and accessory structures would have been permitted outright at the time of placement. They are non-conforming only due to the lack of a zoning application.*
- 3.230 The minimum lot size is 10 acres. *The subject property is 13.76 acres.*
- 3.240 The maximum height for all structures is 35'. *The structures are all under 35' in height.*
- 3.250 All structures will be set back a minimum of 80' from the centerline of a right of way. *The closest structure is 120' from the centerline.*

OREGON REVISED STATUTES FINDINGS OF FACT

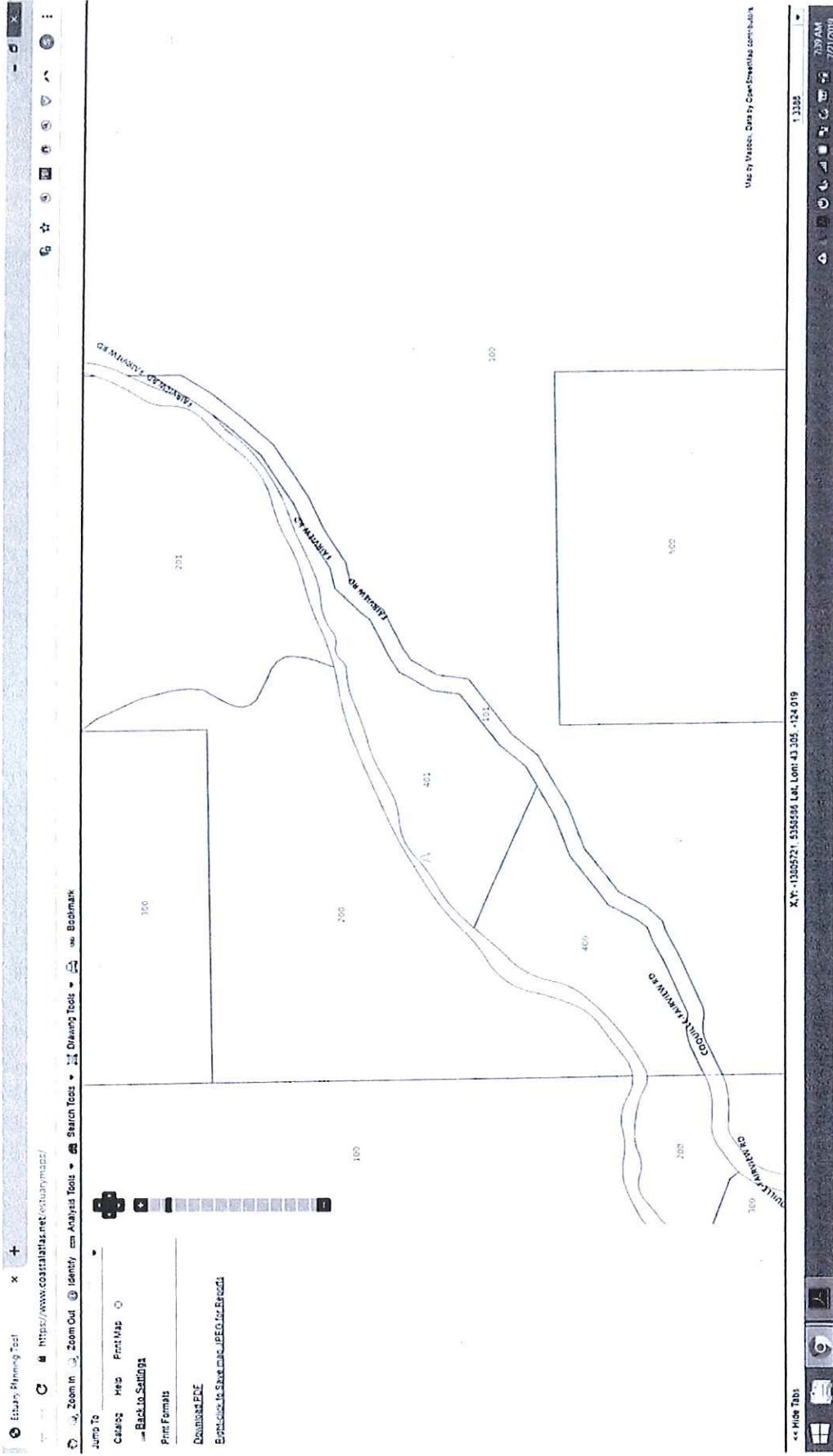
- 215.130 (5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance may be continued. *The applicant has provided the 1975 Zoning Ordinance showing that a single family dwelling with accessory structures were permitted outright in the IFG-10 zone.*
- 215.130 (6) Restoration or replacement of any use described in subsection (5) may be permitted to be restored in the instance of a natural disaster. *This is not applicable to this application.*
- 215.130 (7) The use may not be continued after a period of abandonment. *The use has been continual since the placement in 1978.*
- 215.130 (8) Any proposal for the verification or alteration of the non-conforming use shall be through a permit outlined by the zoning jurisdiction.

ADDITIONAL SUPPORTING DOCUMENTS

Consent Form
Coos County Tax Assessor's Map 26-11-21 TL 401
Coos County Tax Assessor's Summary Report, current
Coos County Tax Assessor's Summary Report, year 1990
As Built Survey with Floodplain Location by Mulkins and Rambo, LLC
Aerial showing existing development
Floodplain Overlay
Warranty Deed
Coos Curry Electric Cooperative Letter
1975 Zoning Ordinance 3.200
Current Zoning Ordinance Article 5.6

Manske Property
10 64282 Fairview Rd
Coquille, OR 97423
26-11-21 TI 401

Floodplain Overlay



Aerial with Floodplain Overlay

<https://www.coastaldata.net/rest/arcmap/>

Jump To:

Cesium Help Print Map

Administrative Boundaries

Coast Tbl: 021: 2019

City Limits

Urban Growth Boundaries

County Boundaries

Coastal Zone Boundary

Regulatory Layers

Flood Maps

FEMA DFIR/01

Base Flood Elevation

Floodway

100-year Floodplain

500-year Floodplain

Wetland Maps

Wetland Inventories

AICN Cape LWI: 2011

Barren LWI: 2005

Bay City LWI: 1997

Cannon Beach LWI: 1993

Coast County LWI: 2014

Deep Bay LWI: 2009

Florence LWI: 1996

Geartown LWI: 2013

Osea Beach LWI: 2002

Lincoln City LWI: 1998

Reedfoot LWI: 1999

Rockaway Beach LWI: 1993

Seaside LWI: 2000

Tulelake LWI: 1997

Westport LWI: 1999

Westport LWI: 1998

National Wetland Inventory

National Fish Maps

Ethnology Maps

City Zoning Maps

Clatsop County Zoning 2010

Clatsop County Zoning 2004

Clatsop County Zoning 2004

Lincoln County Zoning 2012

Lane County Zoning 2012

Lane County Zoning 2015

Curry County Zoning 2012

Curry County Zoning 2012

Statewide Zoning Maps

Planning Inventories

Estuarine Resources - Goal 15

Forest

Benthic

Ethnology Habitat Maps

CNECS Ethnology Classification

Social and Economic

Coastal Shoreland - Goal 17

Existing Land Use

X.Y. -13205444: 5358295 Lat: Lon: 43.304, -124.016

7:42 AM 7/9/2019

March 9, 2020



Dear Sheri McGrath,

The service at 64282 Fairview Rd in Coquille OR was installed August of 1978.

Thanks,

Coos-Curry Electric Cooperative

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.coec.coop

After Hours Outage Number 866-352-9044

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 1990

October 15, 2019 9:58:19 am

Account # 450603 Tax Status ASSESSABLE
 Map # 26S11210000401 Acct Status ACTIVE
 Code - Tax # 0804-450603 Subtype NORMAL

Legal Descr See Record

Mailing Name PERRY, GLENN L. & MAXINE M.

Deed Reference # 2014-05530

Agent

Sales Date/Price 07-15-2014 / \$175,000.00

In Care Of

Appraiser

Mailing Address HC 83 BOX 4360
 COQUILLE, OR 97423

Prop Class 543 MA SA NH Unit
 RMV Class 500 04 00 004 7456-1

Situs Address(s) Situs City

Code Area		RMV	MAV	Value Summary			RMV Exception	CPR %
				AV	SAV	MSAV		
0804	Land	18,333	0	0	18,333	0	Land	0
	Impr.	19,637	0	0	0	0	Impr.	0
Code Area Total		37,970	0	0	18,333	0		0
Grand Total		37,970	0	0	18,333	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	LUC	Trended RMV
						TD%	LS				
0804	20	<input checked="" type="checkbox"/>		F	Designated Forest Land	100	A	8.26	AA	006*	1,487
0804	30	<input checked="" type="checkbox"/>		F	Farm Use Unzoned	100	A	2.50	B4	006*	408
0804	40	<input checked="" type="checkbox"/>		F	Farm Use Unzoned	100	A	2.00	H5	006*	158
0804	10	<input checked="" type="checkbox"/>		F	Farm Use Zoned	100	A	1.00	MHS	006*	16,280
Grand Total								13.76			18,333

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown		Total Sq. Ft.	Ex% MS Acct #	Trended RMV	
					TD%					
0804	1	1970	462	MH REAL DOUBLE CLASS 6	100		1,392	R - 195497	0	
0804	1	0	309	MISC FARM BUILDING	100		0		19,637	
Grand Total								1,392		19,637

Code Area	Type	Exemptions/Special Assessments/Potential Liability					
NOTATION(S):							
■ OTHER POT'L ADD'L TAX LIABILITY							
0804	FIRE PATROL:						
	■ FIRE PATROL TIMBER	Amount	35.00	Acres	0	Year	1990

*** The Real MS value is not included in the total of the real account

COOS County Assessor's Summary Report
Real Property Assessment Report
FOR ASSESSMENT YEAR 2020
NOT OFFICIAL VALUE

March 26, 2020 12:52:56 pm

Account #	450803	Tax Status	ASSESSABLE		
Map #	26S11210000401	Acct Status	ACTIVE		
Code - Tax #	0804-450803	Subtype	NORMAL		
Legal Desor	See Record				
Mailing Name	MANSKE, SCOTT L.	Deed Reference #	2014-05530		
Agent		Sales Date/Price	07-15-2014 / \$175,000.00		
In Care Of		Appraiser	GORDON WEST		
Mailing Address	PO BOX 649 LAKESIDE, OR 97449-0649				
Prop Class	841	MA	SA	NH	Unit
RMV Class	801	04	18	RRF	7456-1

Situs Address(es)	Situs City
ID# 10 64282 FAIRVIEW RD	COQUILLE

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
0804 Land	129,044					0	
impr.	60,470					0	
Code Area Total	189,514	161,350	167,492	9,104	6,142	0	
Grand Total	189,514	161,350	167,492	9,104	6,142	0	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			LUC	Trended RMV	
						TD%	LS	Size			
0804	50	<input type="checkbox"/>		F	Designated Forest Land	100	A	8.28	A	006*	9,104
0804	10	<input type="checkbox"/>		F	Market	100	A	1.00	HS	003	71,800
0804	40	<input type="checkbox"/>		F	Market	100	A	4.50	MV	003	48,340
Grand Total								13.78			129,044

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
0804	1	0	303	General Purpose Building	100		864		5,940	
0804	2		303	General Purpose Building	100		960		12,430	
0804	1	1970	462	MH REAL DOUBLE CLASS 6	100		1,392	E - 195497	42,100	
Grand Total								3,216		60,470

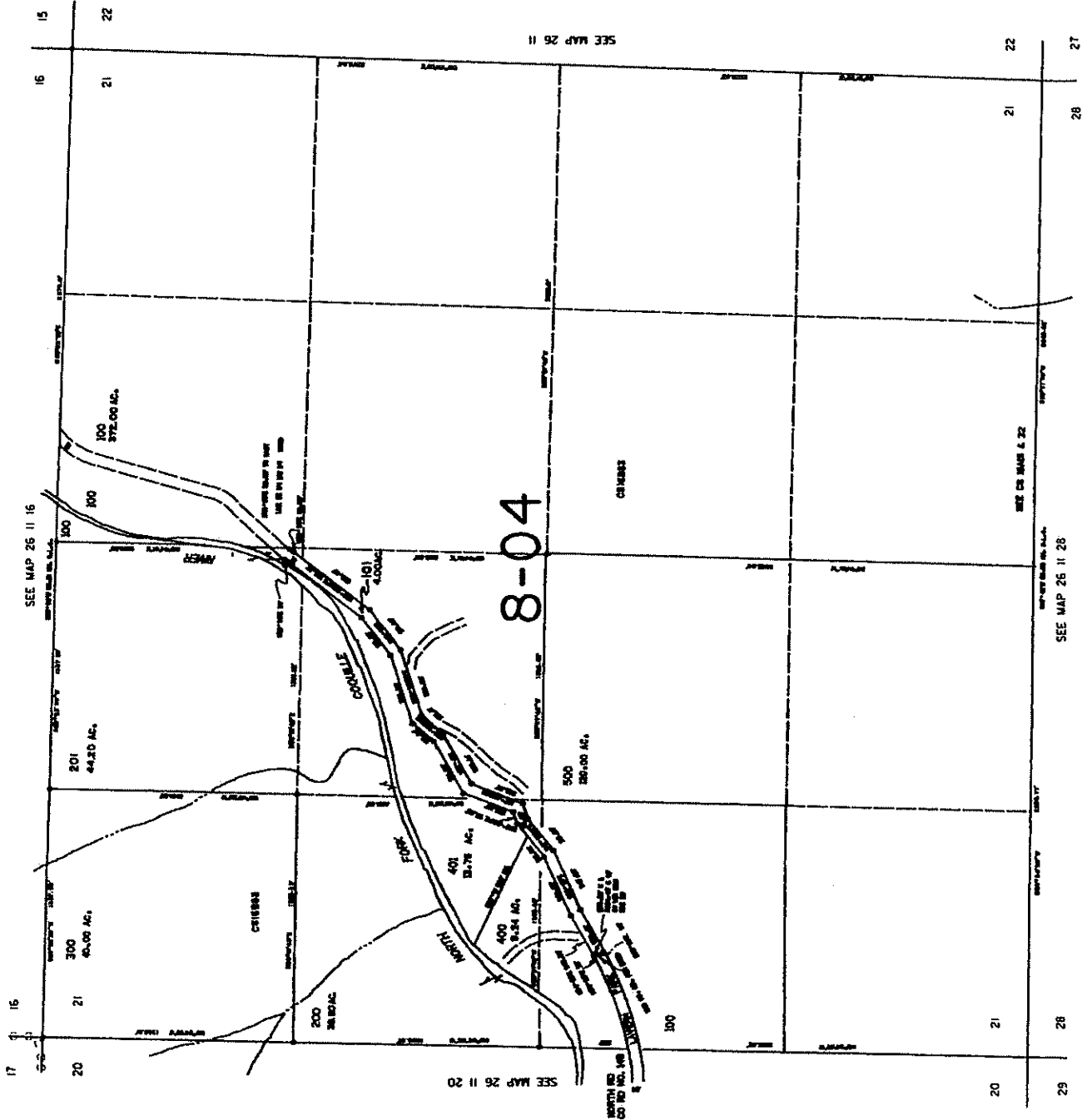
Code Area	Type	Exemptions/Special Assessments/Potential Liability					
NOTATION(S):							
■ FARM/FOREST POT'L ADD'L TAX LIABILITY FOREST							
0804							
FIRE PATROL:							
■ FIRE PATROL SURCHARGE		Amount	47.50		Year	2020	
■ FIRE PATROL TIMBER		Amount	22.15	Acres	13.76	Year	2020

SECTION 21 T.26S. R.11W. W.M.
COOS COUNTY

1" = 400'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

26 11 21
CANCELLED



26 11 21
DATE

ARTICLE 5.6 NONCONFORMING

SECTION 5.6.100 NONCONFORMING USES:

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

1. A change in the use of no greater adverse impact to the neighborhood; and
2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

SECTION 5.6.105 EXCEPTIONS TO RESTORATION OR REPLACEMENT OF NONCONFORMING USES:

Restoration or replacement of any use described in Section 5.6.100 may be permitted outright when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this Section, restoration or replacement shall be done in compliance with any Special Development Considerations of Article 4.11 that apply to the property.

SECTION 5.6.110 INTERRUPTION OR ABANDONMENT OF NONCONFORMING USES:

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year, unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

SECTION 5.6.115 SURFACE MINING:

Surface mining use continued under Section 5.6.100 shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

1. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulation; and
2. The surface mining use was not inactive for a period of 12 consecutive years or more.

3. For purposes of this subsection, inactive means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)-(8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

SECTION 5.6.125 CRITERIA FOR DECISION:

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. The change in the use will be of no greater adverse impact to the neighborhood;
2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and
3. Other provisions of this ordinance, such as property development standards, are met.

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

INTERIM FOREST AND GRAZING ZONE (IFG-10)

Section 3.200 Purpose. The purpose of the Interim Forest and Grazing (IFG-10) Zone is to designate areas of the county where timber production and grazing are the predominant uses but where controlled placement of compatible community uses is also desirable.

Section 3.210 Permitted Uses. In a IFG-10 Zone the following uses and their accessory buildings and uses are permitted outright.

- (1) Management, production, harvesting or primary processing of forest products
- (2) Farming, excluding hog farm or livestock feedlot
- (3) Grazing
- (4) Single family dwelling
- (5) Home occupation or business within a single family dwelling

Section 3.220 Conditional Uses. In a IFG-10 Zone the following uses and their accessory uses may be permitted subject to the provisions of Article 8.

- (1) Solid waste disposal facility
- (2) Sanitary land fill
- (3) Sewage treatment plant
- (4) Community building, grange or lodge hall
- (5) Church
- (6) School
- (7) Fire station
- (8) Library
- (9) Museum
- (10) Park or recreation area

- (11) Public utility facility
- (12) Communication facility
- (13) Dams, power plants and accessory buildings
- (14) Operations conducted for the exploration, mining and processing of geothermal resources as defined in Subsection (4) or ORS 522.019, aggregate and other mineral resources or other subsurface resources.
- (15) Commercial stable
- (16) Cemeteries
- (17) Roadside stand
- (18) Private hunting or fishing preserve
- (19) Motel or hotel
- (20) Veterinary clinic or kennel
- (21) Family Hardship dwelling
- (22) Neighborhood store

Section 3.230 Lot Requirements. In a IFG-10 Zone the minimum lot size shall be ten (10) acres for the permitted and conditional uses listed in the following Subsections: 3.210 (1), (2), (3) and (4); 3.220 (10). There shall be no minimum lot size for other permitted or conditional uses except as required by State and local sanitation regulations.

Section 3.240 Height Requirements. In a IFG-10 Zone no building or structure shall exceed 35 feet in height.

Section 3.250 Setback Requirements. In a IFG-10 Zone any building or structure shall be located a minimum of 80 feet from the centerline or 20 feet from the boundary of an existing or proposed public road right-of-way, whichever is greater.

RECORDING REQUESTED BY:
GRANTOR:
James D. Judd and K'Lynn Landmark
60110 Lee Valley Rd.
Coquille, OR 97423

COOS COUNTY, OREGON **2014-05530**
\$58.00 07/17/2014 01:29:57 PM
Page 3



Terril L. Turf, Coos County Clerk

GRANTEE:
Scott L. Manske
PO Box 649
Lakeside, OR 97449

SEND TAX STATEMENTS TO:
Scott L. Manske
P.O. Box 649
Lakeside, OR 97449

AFTER RECORDING RETURN TO:
Scott L. Manske
P.O. Box 649
Lakeside, OR 97449

AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233

Escrow No: 360814011068-TTCOO42
26-11-21 401 A450803
M195497
64282 Fairview Rd
Coquille, OR 97423

STATUTORY WARRANTY DEED

James D. Judd and K'Lynn Landmark, not as tenants in common, but with the right of survivorship, that is the fee shall vest in the survivor of the grantees, Grantor, conveys and warrants to

Scott L. Manske, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

See Attached Exhibit "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$175,000.00. (See ORS 93.030)

Subject to and excepting:

2014/15 taxes, covenants, conditions, restrictions, easements, rights of way, homeowners association assessments, if any, and matters now of record.

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 195.338 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 216.010, 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 195.338 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: 7-15-14

James D. Judd

K'Lynn Landmark

360814011068-TTCOO42
Deed (Warranty-Statutory)

State of OREGON

COUNTY of COS

This instrument was acknowledged before me on 7-15, 2014

by: James D. Judd and K'Lynn Landmark

Tonya Leanne Tucker, Notary Public - State of Oregon
My commission expires: 5-26-18



EXHIBIT "A"

That portion of land located in the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 21, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, being more particularly described as follows: Beginning at a point 1125.28 feet North and 3284.49 feet East of the Center-South 1/16th corner, Section 20, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, said point being the end of the LaVerne Park North County Road; thence North 35° 02' West a distance of 30.00 feet to the Northerly boundary of a 60 foot right-of-way; thence continuing along said right-of-way boundary North 54° 58' East a distance of 242.33 feet; thence North 60° 27' East a distance of 344.22 feet; thence North 47° 51' 30" East a distance of 221.92 feet; thence North 69° 41' 30" East a distance of 77.92 feet; thence North 17° 40' 30" East a distance of 295.53 feet; thence North 57° 41' East a distance of 314.20 feet; thence North 33° 38' 30" East a distance of 163.04 feet; thence North 69° 20' 30" East a distance of 378.28 feet; thence North 49° 50' East a distance of 251.55 feet; thence North 32° 22' 30" East a distance of 521.42 feet; thence North 36° 39' East a distance of 20 feet, more or less, to a point 60.00 feet West of the East line of the NW 1/4; thence Northerly and parallel with the East line of the NW 1/4 to the Southeasterly edge of the North Fork of the Coquille River; thence Southwesterly along the Southerly edge of the North Fork of the Coquille River to the West line of Section 21, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon; thence Southerly along said West line of Section 21 a distance of 250 feet, more or less, to the Northerly boundary of the LaVerne Park North County Road; thence Northeasterly along the Northerly boundary of said County Road to the point of beginning.

TOGETHER WITH a perpetual right for ingress and egress as disclosed in instrument recorded June 3, 1978, as Microfilm No. 78-4-6370, Records of Coos County, Oregon.

ALSO TOGETHER WITH a perpetual right for ingress and egress as set forth in instrument recorded August 10, 2001, as Microfilm No. 2001-9243, Records of Coos County, Oregon.

EXCEPT:

Beginning at a point 1125.28 feet North and 3284.49 feet East of the center South 1/16 corner of Section 20, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, said point being the end of the LaVerne Park North County Road; thence North 35° 02' West 30.00 feet to the Northwesterly boundary of a 60 foot right of way and the true point of beginning; thence continuing along the right of way boundary, North 54° 58' East 242.33 feet; thence North 60° 27' East 344.22 feet; thence North 47° 51' 30" East 142.43 feet; thence leaving the right of way boundary, North 67° West 600 feet, more or less, to the Southerly edge of the North Fork of the Coquille River; thence Southwesterly along the Southerly edge of the North Fork of the Coquille River to the West Section line of Section 21; thence Southerly along said Section line 250 feet, more or less, to the Northerly boundary of the LaVerne Park North County Road; thence Northeasterly along the Northerly boundary of said County Road to the point of beginning. Being a portion of the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 21, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon.