

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

COMPLETED BY STAFF	
Received By: <u>A. Dibble</u>	<input type="checkbox"/> COMP PLAN AMENDMENT
Date Submitted: <u>4/27/20</u>	<input type="checkbox"/> ZONE CHANGE
Application No.: <u>ACU-20-012</u>	<input type="checkbox"/> TEXT AMENEDMENT
Fee: <u>41480.00</u>	CONDITIONAL USE REVIEW
Fee Paid: <u>41480.00</u>	<input type="checkbox"/> HEARINGS BODY
Receipt No.: <u>219220</u>	<input type="checkbox"/> ADMINISTRATIVE
	<input type="checkbox"/> VARIANCE
	<input type="checkbox"/> LAND DIVISION *
	<input type="checkbox"/> HAZARD REVIEW *
	<input type="checkbox"/> FARM OR FOREST REVIEW *
	<input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*
	<input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY
	*Supplemental Application required
	STAFF NOTES: <u>Deferred Replacement</u>



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

I. APPLICANT Owners

Name:

Mailing Address:

City State Zip

Daytime Phone

Email:

II. OWNER(S)

Name: Komax LLC Grant + Debra Cory

Mailing Address:

5913 Foley Lane
City State Zip

Central Point OR 97501

Daytime Phone

(541) 941-1533

Email:

tricory@gmail.com

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

Location or Address: 55957 Spring Creek Road
Bandon, OR 97411

No. Acreage

3.64

Tax Acct.

964800

Township: Range: Section: ¼ Section: 1/16 Section: Tax lot:

28S1420B0-00700

Zone:

EFU

Sewage Disposal Type:

Septic

School District:

Water Service Type:

Well

Fire District:

IV. REQUEST SUMMARY (Example: "To establish a template dwelling in the Forest Zoning District.")

Deferred replacement

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 refereed 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.


Applicant/Owner Signature


Applicant/Owner Signature

Written Statement regarding deferred replacement of dwelling on 55957 Spring Creek-

#8 Replacement Dwelling

A. For replacement of a lawfully established dwelling (approved in October 2019):

- The previous dwelling was destroyed in a fire.
- The remains of the previous dwelling were removed in 2019.
- The destroyed dwelling had intact exterior walls, roof structure, indoor plumbing, interior electrical system, heat system, and was connected to a functioning septic tank system.
- There are no liens against the property.

B. **For deferred replacement of a lawfully established dwelling.**

- i The replacement dwelling will be sited on the parcel and will comply with applicable siting standards.

The previous dwelling was destroyed in a fire in 2019.

The remains of the previous dwelling were removed in 2019.

- ii. The replacement dwelling will be sited on the same parcel and will comply with applicable siting standards.
- iii. The parcel is zoned EFU.
- iv. The replacement dwelling will be sited near septic, well, and driveway (see attachment #1).
- v. Parcel received approval for replacement dwelling on 10/08/19 (see attachment #2).
- vi. Applicants understand that a deferred replacement permit requires removal of dwelling to be replaced (completed in 2019) and the permit may not be transferred, except to the spouse or child of applicant.

The replacement dwelling will comply with applicable building, plumbing, and sanitation codes.

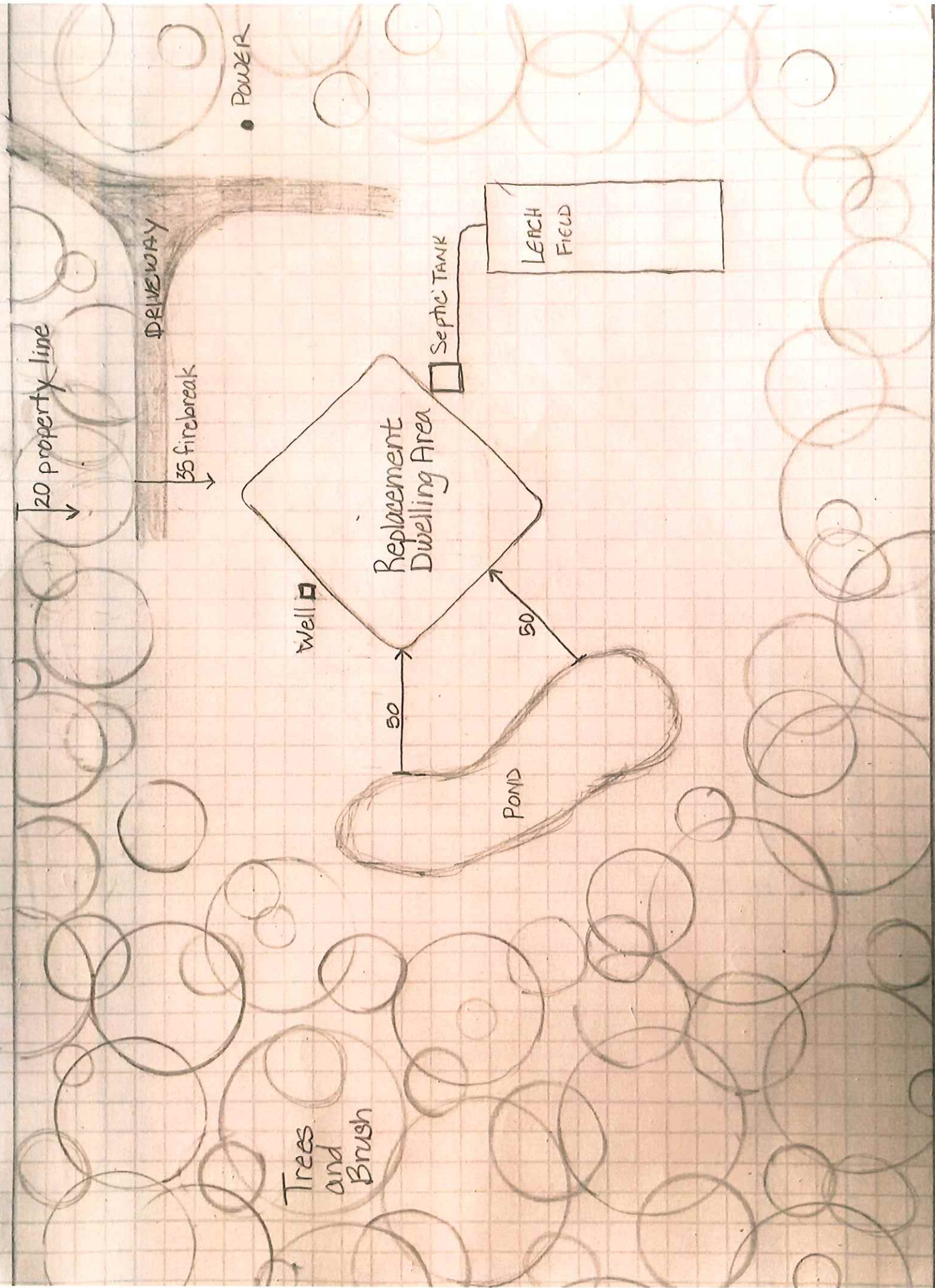
#30 Landowner will not pursue a claim of relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under 30.936 or 30.937.

#Section 4.6.210 Development and Use Standards for EFU Zone

1. Minimum lot size: Dwelling to replace destroyed dwelling that existed prior to 1995.
2. Setbacks: Road (35) and firebreak (30) setbacks for replacement dwelling are demonstrated on attachment #1.

3. Farm related structures are exempt from height limits.
4. No lot coverage requirements.
5. No requirements for fences, hedges, or walls.
6. Off street parking is available on parcel.
7. Replacement dwelling is sited in excess of 20 feet from property lines.
8. Access to replacement dwelling is from existing Spring Creek road.
9. Replacement of previous dwelling on EFU parcel.
10. Replacement dwelling is sited over 50 feet from pond, as shown on attachment #1.
The parcel does not border a river or stream.

Attachment #1





COOS COUNTY PLANNING DEPARTMENT
 225 N. Adams, Coquille, Oregon 97423
 Mailing Address: 250 N. Baxter, Coquille, Oregon 97423
 (541) 396-7770/ TDD (800) 735-2900
 FAX: (541) 396-1022

ZCL-19-329
Approval Date: 10/8/19
Expiration Date: 5/5/20

**COOS COUNTY ZONING COMPLIANCE LETTER
 FOR DEVELOPMENT IN THE EXCLUSIVE FARM USE ZONE**

APPLICANT : Dutch & Marjory Hausler
APPLICANT ADDRESS: 55957 Spring Creek Road
CITY/STATE/ZIP: Bandon, OR 97411
PHONE NUMBER OF APPLICANT: 310-291-2437
EMAIL: Marjory_hausler@yahoo.com
REQUESTED DEVELOPMENT APPROVED: Clearance to replace the dwelling that was destroyed by fire on May 5, 2019. Clearance to connect the dwelling to the existing septic and replace repair septic if needed. Only one dwelling and septic is permitted through this zoning compliance letter. This zoning compliance letter is only valid until May 5, 2020.

ACCOUNT #'S	964800
MAP DESCRIPTION:	
TOWNSHIP RANGE SECTION TAX LOT	28S1420B0-00700
PROPERTY OWNER(S)	HAUSLER, DUTCH R. & MARJORY R. 55957 SPRING CRK RD BANDON, OR 97411-8330
SITUS ADDRESS	55957 SPRING CRK RD BANDON, OR 97411
ACREAGE	3.64 Acres
PROPERTY ZONING	EXCLUSIVE FARM USE (EFU)
SPECIAL CONSIDERATIONS	BANDON AREA OF MUTUAL INTEREST (BMI) NATURAL HAZARD - TSUNAMI (NHTHO) WETLAND IN CRANBERRY BOGS (WC)

SET BACK AND SPECIAL SITING REQUIREMENTS

MANDATORY SETBACK REQUIREMENTS

50 FT RIPARIAN VEGETATION – All structures and development shall maintain a 50 FT. Minimum setback from all estuarine wetlands, streams, lakes or rivers.

35 FT Road Setback – All structures shall be set back a minimum of 35 ft. from any road right-of-way centerline or a minimum of 5 FT from any road-right-of-way line whichever is the greater distance.

Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling.

SPECIAL SITING REQUIREMENTS THAT APPLY TO YOUR PROPERTY

RESIDENTIAL NEW OR REPLACEMENT DWELLINGS ON LOTS, PARCELS OR TRACTS ABUTTING THE "FOREST" ZONE Shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within the firebreak 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.

35 FT Height Restrictions **SLOPE** (shall not exceed 40%)

WILD FIRE REGULATIONS - Fire Siting Standards for New Dwellings: 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. 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.

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

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. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. The dwelling shall not be sited on a slope of greater than 40 percent.

- Natural Hazards – See Attached Conditions**
 Landslide Liquefaction/Earthquake Beaches and Dunes Flood Hazard
 Other:

COOS COUNTY HAS REVIEWED THE REQUESTED USE AND DETERMINED THAT ALL APPLICATIONS AND/OR REQUIREMENTS HAVE BEEN COMPLETED FOR THE SPECIFIC REQUESTED USE. THEREFORE, THE USE IS CONSISTENT WITH THE COOS COUNTY COMPREHENSIVE PLAN AND IMPLEMENTING ORDINANCE. THIS COMPLIANCE LETTER AUTHORIZES CLEARANCE FOR THE USE AND ALLOWS THE PROPERTY OWNER/APPLICANT TO OBTAIN THE FOLLOWING AGENCY PERMITS. THIS LETTER MUST BE PRESENTED TO STATE AGENCIES AT THE TIME YOU ARE REQUESTING AN AUTHORIZATION OR PERMITS FOR DEVELOPMENT. THERE MAY BE ADDITIONAL CONDITIONS THAT THE APPLICANT IS REQUIRED TO COMPLETE. IF THE APPLICANT FAILS TO COMPLY ENFORCEMENT ACTION MAY BE TAKEN. COOS COUNTY MAY PROVIDE CLEARANCE TO OBTAIN PERMITS FROM OTHER AGENCIES BUT THAT DOES NOT GUARANTEE THAT AGENCY WILL APPROVE YOUR PERMIT.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) OR SANITATION DISTRICTS

- SITE EVALUATION ONLY INSTALL NEW /REPLACE /REPAIR SEPTIC
 CONNECT TO CHARLESTON SANITATION CONNECT TO BUNKER HILL SANITATION
 AS NEEDED FOR MEDICAL HARDSHIP * OTHER:

STATE BUILDING CODES AGENCY PERMITS TO ALLOW

- SINGLE FAMILY DWELLING or MULTI FAMILY DWELLING New Repair Alter
 MANUFACTURE DWELLING/ MOBILE (NOT MANUFACTURE STRUCTURE)
 HARDSHIP – TEMPORARY – RV, MOBILE, MANUFACTURE, PARK MODEL *
 FARM/AG BUILDING ACCESSORY STRUCTURE OTHER AS DEFINED IN NOTES

OTHER AGENCY REQUIREMENTS:

All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If comments were provided they are attached. There may be additional permits required this section only provides guidance to applicants.

- Wetland delineation or additional requirements - Department of State Lands
 Coos County Environmental Health Permit
 Oregon Department of Aviation (FAA Form 7460-1)
 DEQ Permits for Stormwater discharge or 1200-C applications for projects that disturb 5 acres or more of land
 State of Oregon Historical Preservation Office
 Local Indian Tribes
 Oregon Department of Transportation Permits is required for access off of a state highway.

ACKNOWLEDGEMENT STATEMENT: THE APPLICANT ALREADY AGREED TO THE CONDITIONS IN WHICH THIS COMPLIANCE LETTER AUTHORIZES BY SIGNING THE APPLICATION THAT REQUESTED THE DEVELOPMENT. THE AUTHORIZATION WAS BASED ON THE INFORMATION ON FILE AT THE TIME OF APPLICATION AND THE INFORMATION PROVIDED BY THE APPLICANT. IF CONDITIONS ARE NOT FOLLOWED THEN THIS ZONING COMPLIANCE LETTER CAN BE REVOKED. IF YOU HAVE QUESTIONS ABOUT ANY OF THE REGULATIONS PLEASE CONTACT STAFF.

COOS COUNTY COMPLIANCE

The Coos County Planning Department finds that the proposed uses comply with applicable provisions of the Coos County Zoning and Land Development Ordinance. The information contained on this form reflects the status of the subject property and land use regulations that exist at the time of issue based on the information available.

AUTHORIZED SIGNATURE: *Amy Deane*
Title: Planner II Date: 10/8/19

<input type="checkbox"/> Scan	<input type="checkbox"/> Assessor's office	<input type="checkbox"/> logged on Helion	<input type="checkbox"/> DEQ	<input type="checkbox"/> Building Codes
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RECORDING REQUESTED BY:



1200 1st Street, Ste 213
Bandon, OR 97411

Coos County, Oregon **2019-10233**
\$96.00 Pgs=3 11/08/2019 01:23 PM
eRecorded by: TICOR TITLE BANDON
Debbie Heller, CCC, Coos County Clerk

GRANTOR'S NAME:
Dutch Ray Hausler and Marjory Hausler

GRANTEE'S NAME:
Komax LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:
Order No.: 360619028644-JF
Grant Cory
Komax LLC, an Oregon limited liability company
5913 Foley Lane
Central Point, OR 97502

SEND TAX STATEMENTS TO:
Komax LLC, an Oregon limited liability company
5913 Foley Lane
Central Point, OR 97502

APN: 964800
Map: 28S-14-20B TL 700
55957 Spring Creek Road, Bandon, OR 97411

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Dutch Ray Hausler and Marjory Hausler, Grantor, conveys and warrants to Komax LLC, an Oregon limited liability company, 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:

Beginning at the Southwest corner of the Northeast quarter of the Northwest quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence North 320 feet; thence East 30 rods; thence South 320 feet; thence West 30 rods to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$160,000.00). (See ORS 93.030).

Subject to:

- 1. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Deed

Recording Date: December 14, 1959
Recording No.: Book 275 Page 257 Deed Records

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

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Date: November 7, 2019

Dutch Ray Hausler

Marjory Hausler
Marjory Hausler

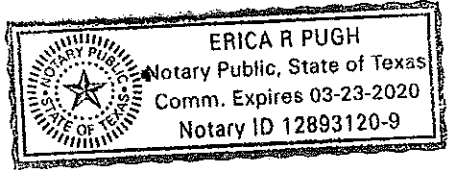
State of Texas ^{ERP}

County of Huffman, Navarro

This instrument was acknowledged before me on Nov. 7, 2019
by Dutch Ray Hausler and Marjory Hausler.

Erica R Pugh
Notary Public - State of Texas

My Commission Expires: 3/23/2020



STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 11-6-19

Dutch Ray Hausler
Dutch Ray Hausler

Marjory Hausler

State of California
County of Los Angeles

This instrument was acknowledged before me on November 6, 2019
by Dutch Ray Hausler and ~~Marjory Hausler~~
MMS

Melanie M. Sears Notary Public
Notary Public - State of California

My Commission Expires: July 30, 2021

