



NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

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

Date of Notice: August 5, 2019
File No: ACU-19-011

RE: Request for a land use authorization to allow a farm help relative dwelling. This is a dwelling necessary to allow relatives of the farm operator to live on the farm to assist in the farm activities.

Applicant(s): Michael Lovas
86814 Sydnam Lane
Bandon, Oregon 97411

This decision notice serves as public notice to all participants, adjacent property owners, special districts, agency with interests, or person with interests. If you are an adjacent property owner, this notice is being mailed to you because the applicant has applied for a use or activity on their property that requires that you receive notice pursuant to ORS 197.763. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

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 a person named in the affidavit to receive the notice shall not invalidate an ordinance. 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.

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.”

The requested proposal has been Approved Denied subject to the findings to the criteria found in Exhibit A. Approval is based on findings and facts represented in the staff report.

Subject Property Information

Account Number: 1367200
Map Number: 30S 15W 14 500

Property Owner: Bandon Black Moon Farms, LLC
219 Brannan St. Unit 11D
San Francisco, CA 94107-4037

Situs Address: 86814 Sydnam Lane

Acreage: 67.63 acreage
Zoning: Exclusive Farm Use

Special Considerations: FLOODPLAIN (FP)
FOREST MIXED USE (MU)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - TSUNAMI (NHTHO)
WETLANDS (WET)

Notice shall be posted from August 5, 2019 until 5 PM August 20, 2019

Proposal/Criteria: The applicant proposes to add a new dwelling on to the farm for use by the parents of the farm operator Nicholas Kelly. The parents are Donna Lovas (mother) and Michael Lovas (Stepfather) and both are co-owners of the property. The proposed dwelling is requested pursuant to the Coos County Zoning and Land Use Ordinance Section 4.6.210.2.e.

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.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2018.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 Crystal Orr, Planning Specialist and the telephone number where more information can be obtained is (541) 396-7770.

This decision will become final at 5 P.M. on August 20, 2019 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

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.

Prepared by: Amy Dibble Date: August 5, 2019
Amy Dibble

Authorized by: Jill Rolfe Date: August 5, 2019
Jill Rolfe, Planning Director

EXHIBITS

Exhibit A: Conditions of Approval
Exhibit B: Vicinity Map

The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2019.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

Exhibit C: Staff Report
Exhibit D: Comments Received

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

The applicant has met the criteria to site a Single Family Dwelling, with the following conditions:

- a. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from Department of State Lands it is the responsibility of the property owner to comply.
- b. The applicant did not address the fact that a Land Use Authorization was given for a marijuana indoor production and dwellings cannot be sited in conjunction with marijuana production operations. Therefore, as a condition of approval the applicant has to request to withdraw the request to conduct a marijuana production prior and show proof that it the application has been withdrawn at the state level. This has to be completed prior to receiving a zoning compliance letter to site the dwelling.
- c. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization.
- d. The farm dwelling shall not be used as a rental. This dwelling authorization shall remain valid as long as a relative is residing in the secondary dwelling of the farm operator once all of the conditions of approval have been complied with and the timelines have not expired.
- e. A driveway, road, accesses, parking permit shall be completed.
- f. An address for the new dwelling is required.
- g. The County shall impose a condition on the subject lot or parcel prohibiting its division or partition upon establishment of the farm help relative's dwelling on the lot or parcel.
- h. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- i. Staff is unsure from site plan provided what the buildings consists of. The applicant shall supply a detailed map with each structure size and use to ensure compliance. This may require a site visit to confirm.
- j. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction.
- k. Work with Department of State Lands to ensure you are not impacting any wetlands.

EXHIBIT "B"
Vicinity Map



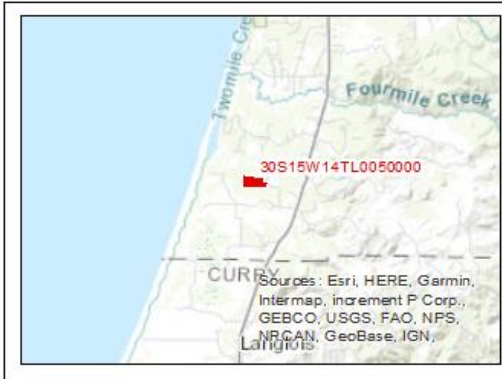
COOS COUNTY PLANNING DEPARTMENT

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-19-011

Applicant/ Owner: Michael Lovas/
Bandon Black Moon Farms, LLC

Date: July 31, 2019

Location: Township 30S Range 15W
Section 14 TL 500

Proposal: Administrative Conditional Use

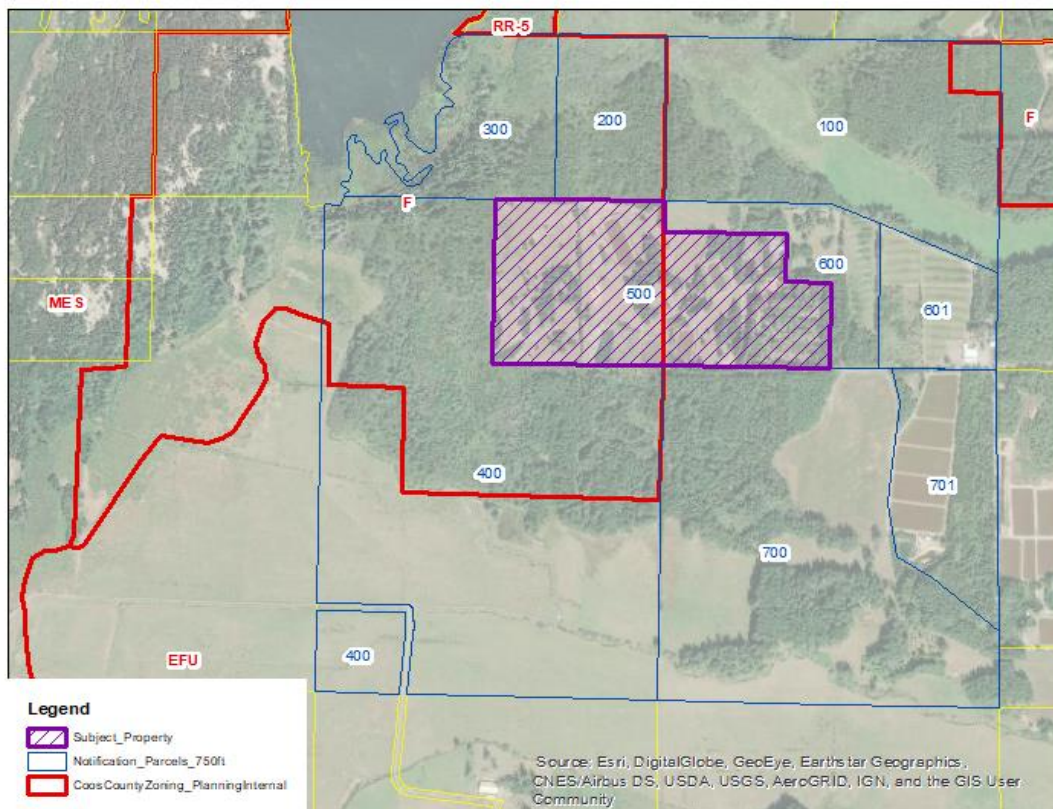


EXHIBIT "C"
Staff Report

File Number: ACU-19-011
Account Number: 1367200
Map Number: 30S 15W 14 500

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219 Brannan St. Unit 11D
San Francisco, CA 94107-4037

Situs Address: 86814 Sydnam Lane

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Special Considerations FLOODPLAIN (FP)
FOREST MIXED USE (MU)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - TSUNAMI (NHTHO)
WETLANDS (WET)

Reviewing Staff: Amy Dibble
Date of Report: August 5, 2019

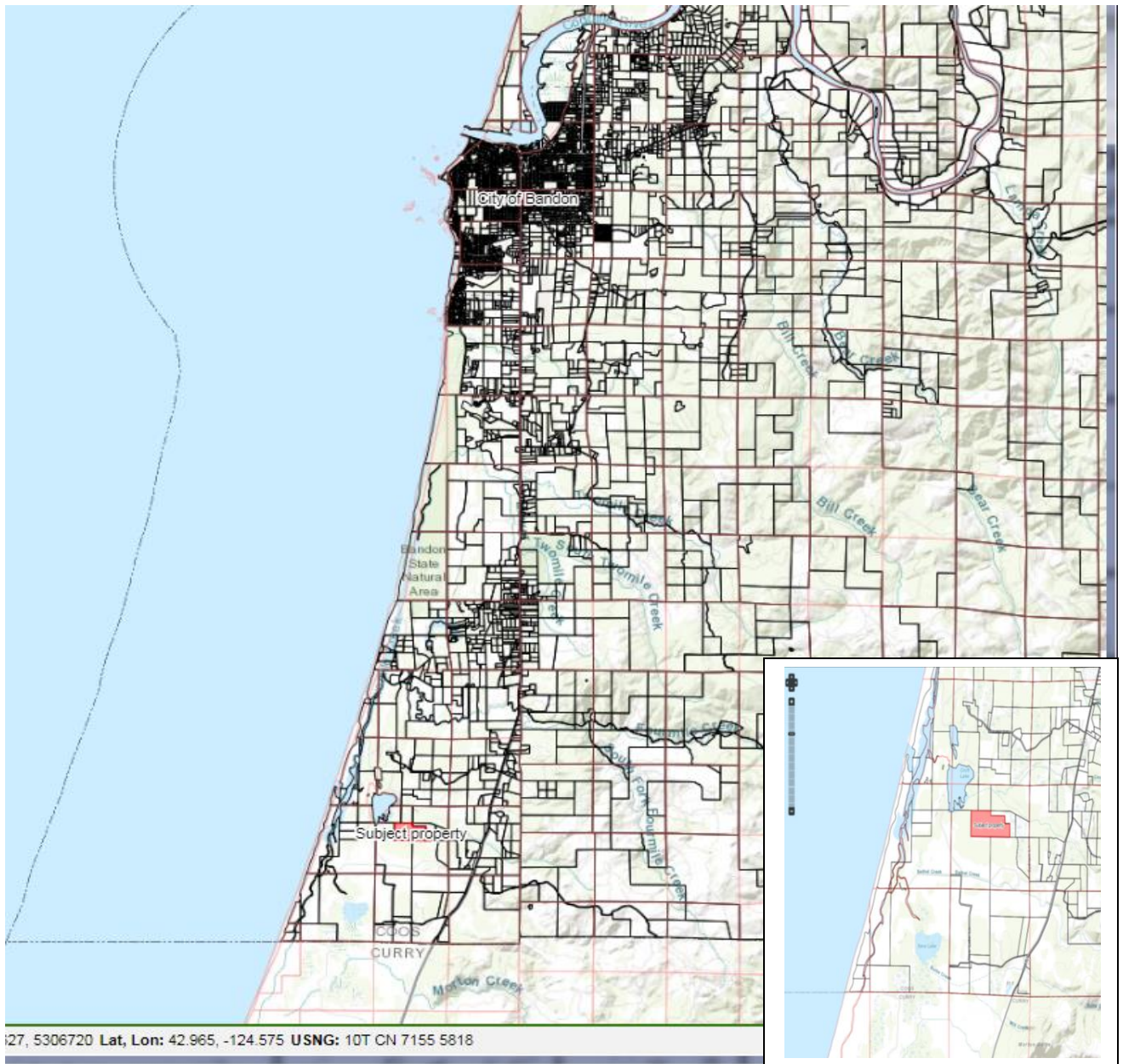
I. PROPOSAL

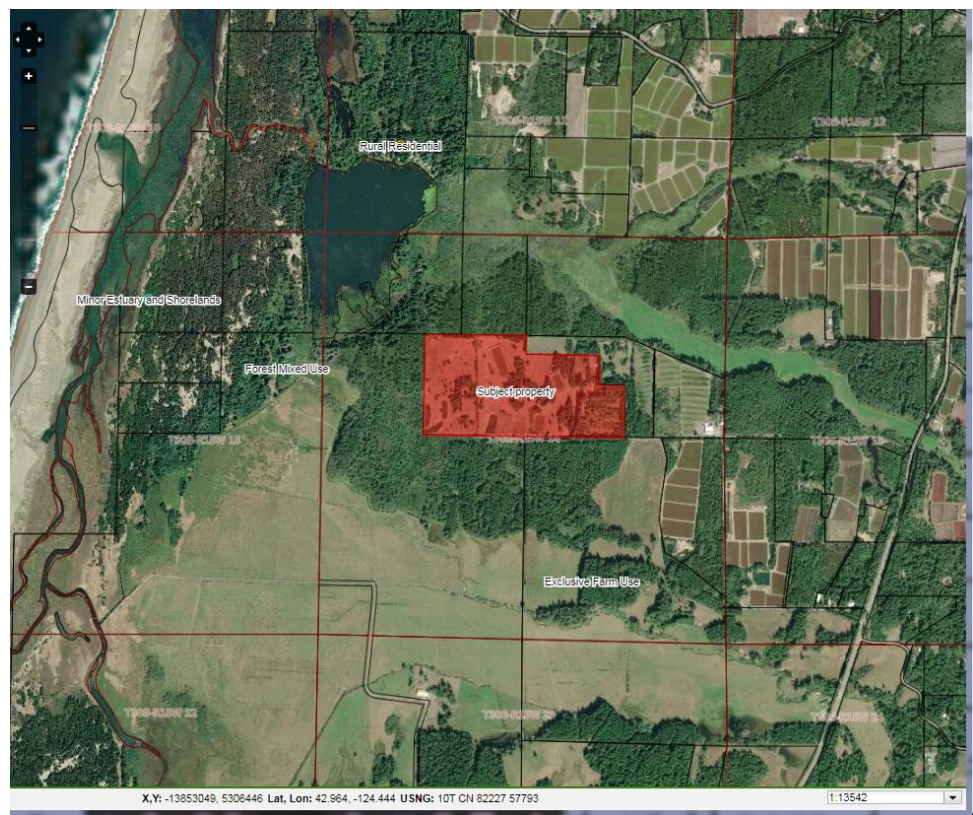
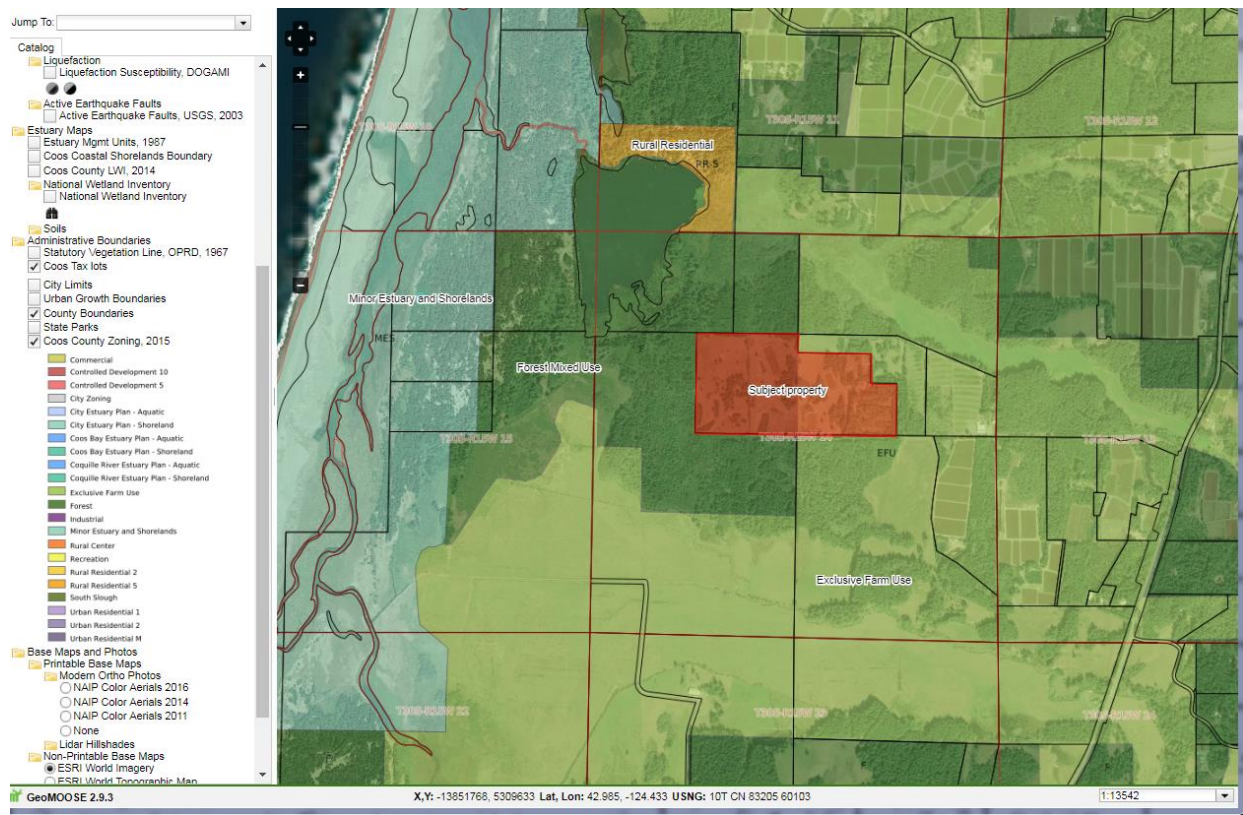
Request for Planning Director Approval to construct a new dwelling on to the farm for use by the parents of the farm operator Nicholas Kelly. The proposed dwelling is requested pursuant to Coos County Zoning and Land Use Ordinance Section 4.6.210.2.e.

II. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: This property is acknowledged as a lawfully created parcel (Deed Doc No. 77-12-21660) pursuant to CCZLDO § 6.1.125.8 as it was described by legal description conveying real property prior to 1986.

LOCATION: The subject parcel is located south of the city of Bandon near the Coos-Curry County Boundary.





ACU-19-011



SITE DESCRIPTION AND SURROUNDING USES:

a. SITE DESCRIPTION AND SURROUNDING USES: The property is zoned Exclusive Farm Use and Forest Mixed Use. The property development consists of a dwelling, accessory structures and farm structures. The property is surrounded by trees and with some farm land to the southeast. There appears to be several small outbuildings that are not listed on assessment and do not appear to have received clearance. They may be small enough they do not require land use approval. Staff is unsure from site plan provided what the buildings consists of. The applicant shall supply a detailed map with each structure size and use to ensure compliance.

b. BACKGROUND:

- 7/24/1981 Permit issued to repair existing septic system.
- 04/12/90 VL-90-185 Permit issued to construct a single family dwelling. The existing dwelling was to be removed or rendered uninhabitable prior to occupation of the new dwelling.
- 12/23/94 VL-94-699 Permit issued to construct a 20 x 50 farm building accessory to the farm use. Shed to be used for tools and storage for farm.
- 11/2/1995 Water Resource Sign off for water use creating a reservoir for farm use.
- 1/28/04 PE-04-01 denied Pre-eligibility for template dwelling.
- 6/15/19 Compliance Determination received for a replacement dwelling.
 - 6/15/15: request for comments sent to DSL and USACE
 - 6/18/15: driveway confirmation 15-049 sent to Roads
 - 10/6/15: driveway confirmation 15-049 received from Roads
- 10/14/15: ZCL-15-277 - Clearance to replace an existing dwelling pursuant to CCZLDO Section 4.6.200(2)(a), including completing a septic site evaluation and repairing or replacing the existing septic system, if necessary, and clearance to install a new

agriculture building, pursuant to CCZLDO Section 4.6.100(1)(g). Only one dwelling and one septic system are permitted on this property. The agriculture building is not permitted to be used for habitation, commercial, or industrial uses. The proposed development is located outside of the floodplain.

Notice of the proposal was sent to the OR Dept. of State Lands, who responded stating a state permit may be required, but the proposal did not appear to impact jurisdictional wetlands or waterways. Contact Christine Stevenson at DSL for more information.

Notice of the proposal was also sent to the US Army Corps of Engineers, who responded stating a Joint Permit Application may be required. Contact Anita Andazola at USACE for more information.

- 5/10/16 Land Use Compatibility Statement signed off for indoor production of marijuana
- 4/17/19 ZCL-19-128 was issued – Prior 2015 authorization was not implemented to replace the dwelling. This permit was issued as clearance to have a septic site evaluation only; this is for a potential second septic system. This does not authorize any type of development or installation of a septic system. This letter does not guarantee compliance with any land use standards but allows existing septic systems to be maintained in compliance with DEQ requirements.

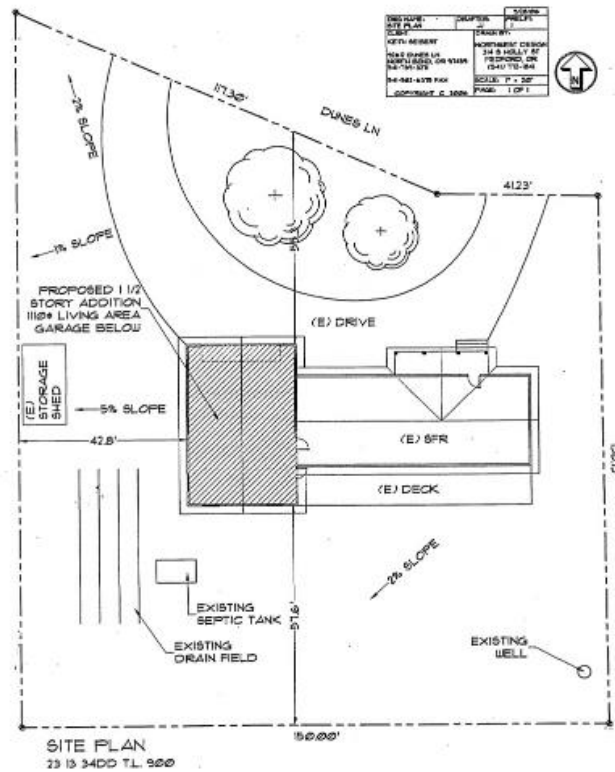
- c. **PROPOSAL:** The current application was applied for in April of 2019; however, the wrong application was received. The applicant was notified and the correct application was submitted on May 15, 2019. This application found to be complete for the purpose of review on June 14, 2019.

The current proposal is to add a new dwelling on the farm property to be used by the parents of the farm operator Nicholas Kelly. The parents are Donna Lovas (mother) and Michael Lovas (Stepfather) and both are co-owners of the property along with Nick. The farm owner is designated at Bandon Black Moon Farms LLC, a limited partnership with three members - Michael, Donna and Nick.

According to their business information¹ they are an organic farm growing mainly cranberries and blueberries. They grow other fruits and vegetable and have a variety of farm animals.

The applicant did not address the fact that a Land Use Authorization was approved for a marijuana indoor production and dwellings cannot be sited in conjunction with marijuana production operations. Therefore, as a condition of approval the applicant has to request to withdraw the request to conduct marijuana production and show proof that the application has been withdrawn at the state level. This has to be completed prior to receiving a zoning compliance letter to site the dwelling. The ordinance is very clear that a new dwelling shall not be in conjunction with a marijuana growth and production. This type of crop is segregated from other farm related dwellings.

¹ <http://www.bandonblackmoonfarms.com/about.html>



IV. APPROVAL CRITERIA & FINDINGS OF FACT

SECTION 4.2.500 RESOURCE ZONES FOREST (F)

The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (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.

EXCLUSIVE FARM USE (EFU)

These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.

The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the "Agricultural Lands Inventory" was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:

- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*
- 6. Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

The secondary criterion for establishing the "Agricultural Lands Inventory" was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.

Section 4.6.210 Administrative Conditional Development and Use:

The following uses and their accessory uses may be allowed as administrative conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in and applicable siting and development requirements. Additional conditional use review criteria can be found in § 4.6.230 and must be addressed unless otherwise specified by the ordinance.

2. RESIDENTIAL USES ON LANDS WITH EXISTING DWELLINGS.

- e. Farm Help Relative Dwelling on property used for farm use may be allowed when it is:*
 - i. Located on the same lot or parcel as the dwelling of the farm operator.*
 - ii. Occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse.*

- iii. *Whose assistance in the management of the farm is or will be required by the farm operator. The farm operator must so state this in and state in writing how the farm operator will continue to have the predominate role in the farm operations.*
- iv. *The County shall impose a condition on the subject lot or parcel prohibiting its division or partition upon establishment of the farm help relative's dwelling on the lot or parcel.*
- v. *The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

FINDING: According to the application the new dwelling will be located on the same parcel as the dwelling of the farm operator. The principal operator of the farm is Nicholas Kelly. The proposed new dwelling will be occupied by the parents of the operator, Michael and Donna Lovas. Mr. and Mrs. Lovas frequently visit the farm to assist in farm operations. Mr. Lovas performs accounting duties assists in harvesting, sorting and packaging cranberries and blueberries and in general maintenance. Mrs. Lovas assists in harvesting crops, marketing crops and in maintaining the property.

Mr. Kelly is the principal operator of the farm and resides fulltime on the farm in the current dwelling. He is responsible for maintaining the organic certification of the farm, the watering, weeding, maintenance, improvements, managing the herd of sheep and all other aspects of the day to day farm operations. He determines when crops are ready for harvest, maintains all farm equipment and is fully involved in all aspects of the farm operation.

The applicant has acknowledged and stated they are willing to comply with subsections iv and v. Therefore, with conditions of approval the applicant has address the criteria for this section.

- ***Section 4.6.230 Criteria AND REVIEW Standards for Conditional Use Permits (Both Administrative and Hearings Body):***

A use may be allowed provided the following requirements are met:

1. *Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.*
2. *Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use*

3. *Siting Standards for Dwellings and Structures in the EFU Zone.* The following siting criteria shall apply to all dwellings, including replacement dwellings and structures in the EFU zone. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on agricultural lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for agricultural uses, and shall be considered together with the requirements in § 4.6.240 to identify the building site. Dwellings and structures shall be sited on the parcel so that:
- They have the least impact on nearby or adjoining forest or agricultural lands.*
 - The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*
 - The amount of agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized. And*
 - The risks associated with wildfires are minimized.*

FINDING: Staff has reviewed the site information provided by the applicant. The plan to remove the small structure built by a previous owner and replace it with a pre-built modular home installed that is approximately 28'x 48' with new foundation. The site is within 185 feet of the current house and close to the barn and machine shop structure, keeping the buildings clustered in one area of the farm. The current driveway can be used for the new structure with only a 30 foot extension required to reach the new dwelling. No new access roads will be required. The applicant states that there is currently a small structure on the property; the location does not impact current forest or agriculture operations on the property. The dwelling will use noncombustible materials for the most part to reduce any fire risk. The area proposed for the new dwelling is clustered in the other development as shown on the site plan below. Therefore, the criteria has been addressed.



ACU-19-011

- **Section 4.6.240 Development and Use Standards**

Development Standards all dwellings and structures approved shall be sited in accordance with this section.

1. *Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see § 4.6.210(5)(a). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96]*

New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of § 4.6.210(3), § 4.6.210(4)(a or b) and § 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.

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.

1. *Setbacks*
 - a. *Road: All buildings or structures with the exception of fences shall be setback 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.*
 - b. *Firebreak: 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 in all directions. Vegetation within this 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.*
3. *Structure Height: Farm-related structures are exempt from height limits unless subject to Airport Overlay zone or Urban Growth Boundary requirements.*
4. *Lot Coverage: No requirements.*
5. *Fences, Hedges and Walls: No requirement except for vision clearance provisions of § 7.1.525 apply.*
6. *Off-street parking and Loading: See Chapter VII.*
7. *Minimum Road Frontage/Lot Width unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration:*
 - a. *Within UGB’s – 50 feet*
 - b. *Outside UGB’s – 20 feet*
8. *Access: Access to new dwellings shall meet road design standards in Chapter VII.*
9. *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. [OR96-06-007PL 9/4/96]*
10. *Riparian Vegetation Protection 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 applicants did not provide a plot plan drawn to scale but it does show approximate size and placement of the dwelling. As a condition of approval the applicants shall meet all the development setback requirements. There is no new parcel proposed so the minimum lot size is not applicable to this review. The applicant has provided a driveway confirmation application but it does not appear the final inspection and signoff have been completed. This will need to be done prior to obtaining a Zoning Compliance Letter to ensure compliance with the Chapter VII with regards to access, driveway and parking. All other siting and development criteria above have been address or are not relevant to this review.

Therefore, with the impositions of conditions the applicant meets the request to site a farm help relative dwelling.

This conditional use is for an Farm Help Dwelling within a Exclusive Farm Use Zone and is valid for four years from the date of final approval **(August 5, 2019)**

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special district or parties:

Hui Rodomsky, DLCD
Bandon Fire Department

Planning Commission
Board of Commissioner
Mary Jane Starks, Assessor's Office

EXHIBIT "D"
Comments Received


Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WNE#*
WNEU18-0265

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Serra Brown	County	Cook
Local case file #	County	
ACU-19-011	Cook	

Activity Location

Township	Range	Section	QQ section	Tax Lot(a)
30S	14W	14		500

Street Address
86814 Bydnam Ln
Address Line 2

City
Bandon

State / Province / Region
OR

Postal / Zip Code
97411

County
Cook

Latitude
42.977400

Longitude
-124.441238

Wetland/Waterway/Other Water Features

- There are/were wetlands, waterways or other water features on the property that are subject to the State Revised-Fill law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property.
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on the site plan provided, the proposed project to construct a farm help / relative dwelling appears to avoid impacts to jurisdictional wetlands and waters.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

6/11/2019

Response by:

Peter Ryan

Response Phone:

503-986-5232