

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

COMPLETED BY STAFF	
Received By: <u>BB</u> Date Submitted: <u>5-24-19</u> Application No.: <u>ACU-19-021</u> Fee: <u>\$ 1,479</u> Fee Paid: <u>1,479</u> Receipt No.: <u>999</u>	<input type="checkbox"/> COMP PLAN AMENDMENT <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> TEXT AMENEDMENT  CONDITIONAL USE REVIEW <input type="checkbox"/> HEARINGS BODY <input checked="" 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 <span style="background-color: yellow;">*Supplemental Application required</span>
STAFF NOTES:	

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: Kim Kirksey

Mailing Address:  
PO Box 2622  
Claremore, OK 74018

Daytime Phone : 405-612-0083

Email: [kim.kirksey@hotmail.com](mailto:kim.kirksey@hotmail.com)

**II. OWNER(S)**

Name: James Ernest Klassen Trust  
Kirksey, Kimberly Kathryn TTEE

Mailing Address:  
PO Box 2622  
Claremore, OK 74018

Daytime Phone: 405-612-0083

Email: kim.kirksey@hotmail.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: No Situs Address

No. Acreage: ~2.70 acres

Tax Acct.

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

28S                  14W                  17                  D                  C                  200

Zone: Rural Residential-2    Water Service Type: On site

Sewage Disposal Type: On-site

School District: Bandon

Fire District: Bandon

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

**Request a building permit for a guest house.**



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. **See page below**

Application Check List: Please mark 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:  
**A plot map has already been submitted: File #CD-19-085**
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 any violation of such conditions may result in a revocation of this permit.

Kimberly Kathryn Kirksey, TTEE

Dated: May 23, 2019



## WRITTEN STATEMENT

A description of the property in question, including, but not limited to the following:

Legal Description: **Commencing at a point 725.8 feet North of the Southeast corner of the SW – ¼ of the SE – ¼ of Section 17DC, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence North 435.4 feet; thence West 300 feet; thence South 435.4 feet; thence East 300 feet to the place of beginning.**

Size: **approximately 2.70 acres**

Crops grown: **None**

Access: **Driveway installed**

Existing buildings: **None**

Description of the request:

**Requesting a permit to build a guest house on the property.**

- (a) Guest House - An auxiliary residence shall be constructed on property when the following conditions are met:
- (i) The parcel on which the guest house is placed contains two (2) acres; **property is approximately 2.70 acres**
  - (ii) Only one guest house per lawfully created unit of land; **one (1) guest house will be built**
  - (iii) The guest house shall not exceed either 500 square feet in size or 75% of the total square footage of the primary dwelling, whichever is less, on properties that contains at least two (2) acres in size; **guest house will be less than 500 sq. ft.**
  - (iv) The guest house shall not exceed either 800 square feet in size or 75% of the total square footage of the primary dwelling, whichever is less, on properties that are served by water and sewer or contains a minimum of (5) acres; **N/A**
  - (v) The guest house can be a manufactured structure (park model) or conventional built. Manufactured structures are prohibited in an Urban Residential-1 (UR-1) zone; **N/A**
  - (vi) Cannot be used as a rental unit; **guest house will not be used as a rental unit**
  - (vii) Is attached to or within 100 feet of the main residence but no closer than seven (7) feet; **guest house will be attached to or within 100 feet of the main residence but no closer than seven (7) feet**
  - (viii) Is served by the same domestic water system, sewage system and utility meters as the main residence, unless it is located in an area served by a public sewer system; **guest house will be served by the same domestic water system, sewage system and utility meters as the main residence**
  - (ix) Guest houses that existed prior to July 1, 2018 may be converted to an accessory dwelling unit if they comply with the standards. This will require a Compliance Determination review. **N/A**
  - (x) A deed covenant recorded with the county stating that this is a guest house that is not to be rented. If converted to another use the covenant will be removed. **For the guest house, a deed covenant recorded with the county stating that this is a guest house that is not to be rented.**



(2) **Rural Residential (RR)** – The following siting standards apply to all USES, activities and development in the RR zoning districts:

(a) Minimum Lot/Parcel Size:

- (i) 5 acres in the RR-5 district: **N/A**
- (ii) 2 acres in the RR-2 district: **approximately 2.70 acres**
- (iii) Exception to minimum lot sizes in Rural Residential: **N/A**
  - 1. Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded.
  - 2. Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre. Multiple parcels or lots may be combined to equal one acre but then a restriction shall be placed on the deed and parcels and/or lots shall be combined into one tax lot.
  - 3. Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre including the combination of parcels or lots shall be subject to a conditional use to address compatibility with the adjacent properties and must show how the property can support all elements of the proposed development including sanitation and water.
  - 4. Creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:
    - a. The subject property is not zoned for resource use;
    - b. An existing dwelling (lawfully established, but not for temporary purposes) was sited prior to January 1, 1986, and will remain sited on each proposed parcel; and
    - c. A land division is submitted and approved by Coos County pursuant to the current standards with the exception on the minimum parcels size.

(b) Setbacks – No additional setback requirements: **N/A**

(c) Building Height – No additional Requirements: **N/A**

(d) Density or Size limits -

- (i) Dwelling density shall be no more than one dwelling per lawfully created parcel unless otherwise provided for by this ordinance. *(note: duplex may be allowed but shall not exceed the density requirement):*  
**guest house will be less than 500 sq. ft.**
- (ii) If lawfully created parcels are less than one acre in size and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations. **N/A**



### Section 4.3.225 General Siting Standards

All new USES, ACTIVITIES and DEVELOPMENT are subject to the following siting standards:

- (1) Agricultural and Forest Covenant - Any applicant for a dwelling permit adjacent to a Forest or Exclusive Farm Zone shall sign a statement on the Compliance Determination or Zoning Clearance Letter acknowledging that: "the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner's enjoyment of his or her property. **N/A**
- (2) Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply. **Vision clearance provisions will be followed.**
- (3) Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except: **No manufactured dwellings will be used for commercial purposes.**
  - (a) Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency.
  - (b) Where used as a temporary sales office for manufactured structures; or
  - (c) As part of an approved home occupation. [OR-92-07-012PL]
- (4) New lots or parcels - Creation of lots or parcels, unless it meets the circumstances of § 5.6.130, shall meet the street frontage, lot width, lot depth and lot size. Minimum road frontage/lot width shall be met unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration: **Agreed**
  - (a) Minimum Street frontage should be at least 30 feet; and
  - (b) Minimum lot width and Minimum lot depth is 50 feet.Minimum parcel/lot size cannot be waived or varied unless otherwise provided by a specific zoning regulation. Tax lot creation and consolidations do not change the legally created status of a lot or parcel.
- (5) Parking - Off-street access, parking and loading requirements per Chapter VII apply. **The newly installed driveway allows for a parking area.**
- (6) Riparian -
  - (a) Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except: **Agreed**
    - i. 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.
    - ii. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
    - iii. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
    - iv. 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;
    - v. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;



- vi. 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
- vii. 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 is not more than 100% of the size of the existing structure's "footprint".

(b) Riparian removal within the Coastal Shoreland Boundary requires an Administrative Conditional Use application and review. See Special Development Considerations Coastal Shoreland Boundary. **Agreed**

(c) 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. **Agreed**

(7) Setbacks:

(a) 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 the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements. **Agreed**

(b) Firebreak Setback - 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 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. **Agreed**

(1) **Rural Residential (RR)** – The following conditional use review standards apply to all USES, ACTIVITIES and DEVELOPMENT in the RR zoning districts:

(a) **Conditional Use Review Criteria** - The following criteria only apply to conditional uses in the RR zoning districts:

i. **COMPATIBILITY:** The proposed USE, ACTIVITY OR DEVELOPMENT is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses and not potential or future uses in the surround area. **The use of the guest house will be for wounded warriors to come enjoy quiet, peaceful and serene time with their family. They will partake in local activities such as fishing, nature walks, hiking and time at the ocean.**

ii. All parks (Recreational or Residential) shall comply with the following design criteria: **N/A**

a. The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the site abutting public roads or property lines that



are common to other owners of property that are zoned for residential, except for points of ingress and egress;

- b. **Lighting:** Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.
- c. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;
- d. Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and
- e. Hours of operation may be required in areas predominantly surrounded by residential zones.

# COOS County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2019

**NOT OFFICIAL VALUE**

May 24, 2019 9:25:28 am

Account # 959400  
 Map # 28S1417DC00200  
 Code - Tax # 5401-959400

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr See Record

Mailing Name JAMES ERNEST KLASSEN TRUST

Deed Reference # 2018-9120

Agent KIRKSEY, KIMBERLY KATHRYN TTEE

Sales Date/Price 09-21-2018 / \$65,000.00

In Care Of  
 Mailing Address PO BOX 2622  
 CLAREMORE, OK 74018-2622

Appraiser

Prop Class 100 MA SA NH Unit  
 RMV Class 100 06 27 RRL 17293-1

Situs Address(s)	Situs City
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Code Area		RMV	MAV	Value Summary		RMV Exception	CPR %
				AV			
5401	Land	173,250	81,230	81,230		Land	0
	Impr.	0	0	0		Impr.	0
<b>Code Area Total</b>		<b>173,250</b>	<b>81,230</b>	<b>81,230</b>			<b>0</b>
<b>Grand Total</b>		<b>173,250</b>	<b>81,230</b>	<b>81,230</b>			<b>0</b>

Land Breakdown											
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5401	10	<input checked="" type="checkbox"/>		RR-2	Market	100	A	2.70	MV	002	
<b>Grand Total</b>								<b>2.70</b>			

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
<b>Grand Total</b>										<b>0</b>

Exemptions/Special Assessments/Potential Liability										
Code Area	Type									
5401	FIRE PATROL:									
	■ FIRE PATROL TIMBER	Amount	18.75	Acres	2.7	Year	2019			



COOS COUNTY, OREGON 2018-09120  
\$91.00 09/24/2018 11:47:00 AM  
DEBBIE HELLER, CCC, COOS COUNTY CLERK Pgs=2

RECORDING REQUESTED BY:  
**TICOR TITLE**  
Division of Oregon

300 W Anderson Avenue, PO Box 1075  
Coos Bay, OR 97420

**GRANTOR'S NAME:**  
Londe Apolphe Richardson and Jamie Irene Richardson

**GRANTEE'S NAME:**  
James Ernest Klassen Trust

**AFTER RECORDING RETURN TO:**  
Order No.: 360618024691-JF  
James Ernest Klassen Trust  
P.O. Box 2622  
Clatsop, OR 97141

**SEND TAX STATEMENTS TO:**  
James Ernest Klassen Trust  
P.O. Box 2622  
Clatsop, OR 97141

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

APN: 959400  
Map: TRS 28S-14-17DC TL 200  
Vacant Land, Parkersburg Road, TRS 28S-14-17DC TL 200,  
Bandon, OR 97411

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Londe Apolphe Richardson and Jamie Irene Richardson, Grantor, conveys and warrants to Kimberly Kathryn Kirksey, Trustee of the James Ernest Klassen Trust, 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:

Commencing at a point 725.8 feet North of the Southeast corner of the SW-1/4 of the SE-1/4 of Section 17, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence North 435.4 feet; thence West 300 feet; thence South 435.4 feet; thence East 300 feet to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$65,000.00). (See ORS 93.030).

**Subject to:**

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019.
2. Rights of the public to any portion of the Land lying within the area commonly known as public roads, streets and highways.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Recording Date: July 8, 1936  
Recording No: Book: 126, Page 181  
Purpose: Right of way
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Recording Date: August 31, 1938  
Recording No: Book: 132, Page 221  
Purpose: Utilities

*Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other matters which a correct survey would disclose and which are not shown by the public records.*

**NOTE:** There appears to be an Overlap on the North boundary. A survey by a licensed Oregon surveyor will be required to determine if an overlap exists.

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



**STATUTORY WARRANTY DEED**  
(continued)

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.

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

→ Dated: Sept 21 2019

→ Londe Apolphe Richardson  
Londe Apolphe Richardson

→ Jamie Irene Richardson  
Jamie Irene Richardson

State of Washington  
County of King

This instrument was acknowledged before me on September 21<sup>st</sup>, 2018 by Londe Apolphe Richardson and Jamie Irene Richardson.

Elinore A Mc Kay  
Notary Public - State of Washington  
My Commission Expires: 8/29/2021

