



## 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 23, 2019

File No: ACU-19-021

RE: Request for a approval to site a Guest House.

Applicant(s): Kim Kirksey James Ernest Klassen Trust  
PO Box 2622 PO Box 2622  
Claremore, OK 74018 Claremore, OK 74018

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. The decision is based on findings and facts represented in the staff report.

### SUBJECT PROPERTY INFORMATION

Account Number: 959400  
Map Number: 28S1417DC-00200

Property Owner: JAMES ERNEST KLASSEN TRUST  
KIRKSEY, KIMBERLY KATHRYN TTEE  
PO BOX 2622  
CLAREMORE, OK 74018-2622

Situs Address: 57903 PARKERSBURG RD BANDON, OR 97411

Acreage: 2.70 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Considerations: ARCHAEOLOGICAL SITES (ARC)  
BANDON AREA OF MUTUAL INTEREST (BMI)  
BIRD SITE MEETS GOAL 5C REQRMT (B5C)

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Notice Shall be posted August 23, 2019 through 12PM September 9, 2019

Proposal: Request for Planning Director Approval for a Guest House in the Rural Residential-2 Zone pursuant to Coos County Zoning and Land Development (CCZLDO) Article 4.3200 # 22 Subject to Section 4.3.210 Categories & Review Standards 27(d)

Decision: This request meets the criteria subject to conditions of approval found at Exhibit A. Approval is based on findings and facts represented in the staff report.

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This notice is to serve as public notice and decision notice and if you have received this notice by mail it is because you are a participant, adjacent property owner, special district, agency with interest, or person with interest in regard to the following land use application. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

**Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.**

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/PlanningDepartment--Applications2019.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 September 9, 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: Crystal Orr Date: August 23, 2019  
Crystal Orr, Planning Specialist

Authorized by: Jill Rolfe Date: August 23, 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/PlanningDepartment--Applications2019.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 for a vacation rental, with the following conditions:

1. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to any development.
2. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
3. The guest house shall:
  - a. Be the only guest house located on this parcel.
  - b. Be no more than 500 square feet in size or 30% of the square footage of the primary dwelling.
  - c. Not be used as a rental unit.
  - d. Be attached to or within 100 feet of the main residence. and
  - e. Be served by the same domestic water system, sewage system and utility meters as the main residence.
3. 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.

**EXHIBIT "B"**  
**Vicinity Map**



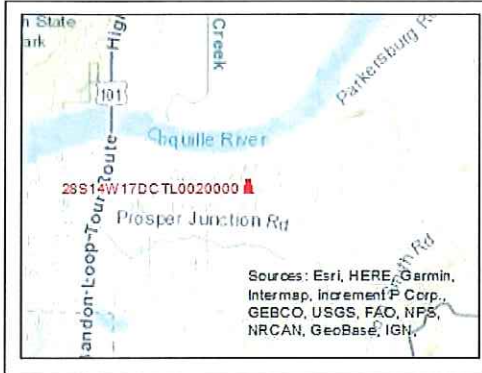
**COOS COUNTY PLANNING DEPARTMENT**

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



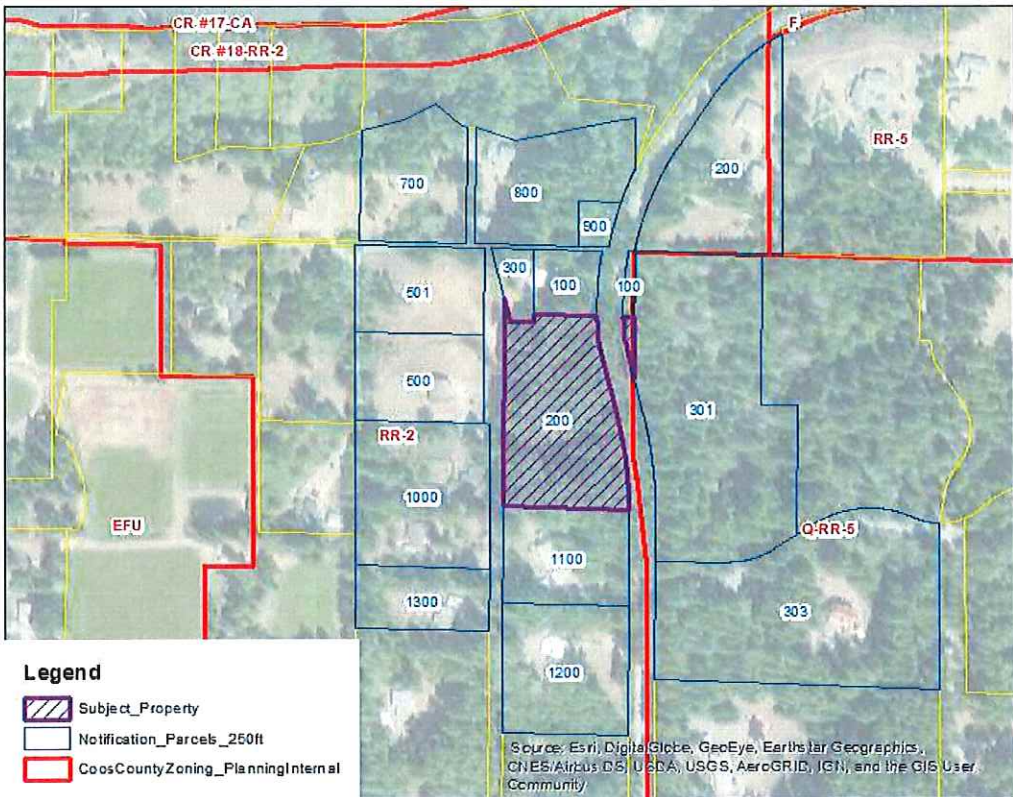
File: ACU-19-021

Applicant/ Owner: Kim Kirksey/  
James Ernest Klassen Trust

Date: August 7, 2019

Location: Township 28S Range 14W  
Section 17DC TL 200

Proposal: Administrative Conditional Use



ACU-19-021

**EXHIBIT "C"**  
**Staff Report**

File Number: ACU-19-021

Applicant: Kim Kirksey

Account Number: 959400  
Map Number: 28S1417DC-00200

Property Owner: JAMES ERNEST KLASSEN TRUST  
KIRKSEY, KIMBERLY KATHRYN TTEE  
PO BOX 2622  
CLAREMORE, OK 74018-2622

Situs Address: 57903 PARKERSBURG RD BANDON, OR 97411

Acreage: 2.70 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Considerations: ARCHAEOLOGICAL SITES (ARC)  
BANDON AREA OF MUTUAL INTEREST (BMI)  
BIRD SITE MEETS GOAL 5C REQRMT (B5C)

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**Reviewing Staff:** Crystal Orr, Planning Specialist

**Date of Report:** August 23, 2019

**I. PROPOSAL**

Request for Planning Director Approval for a Guest House in the Rural Residential-2 Zone pursuant to Coos County Zoning and Land Development (CCZLDO) Article 4.3200 # 22 Subject to Section 4.3.210 Categories & Review Standards 27(d).

**II. PROPERTY DESCRIPTION AND PROPOSAL**

**LAWFULLY CREATED:** This property was acknowledged as a lawfully created parcel pursuant to CCZLDO § 6.1.125.1.e as it was created prior to any applicable planning, zoning or subdivision or partition ordinances (deed document book 189 page 472.)

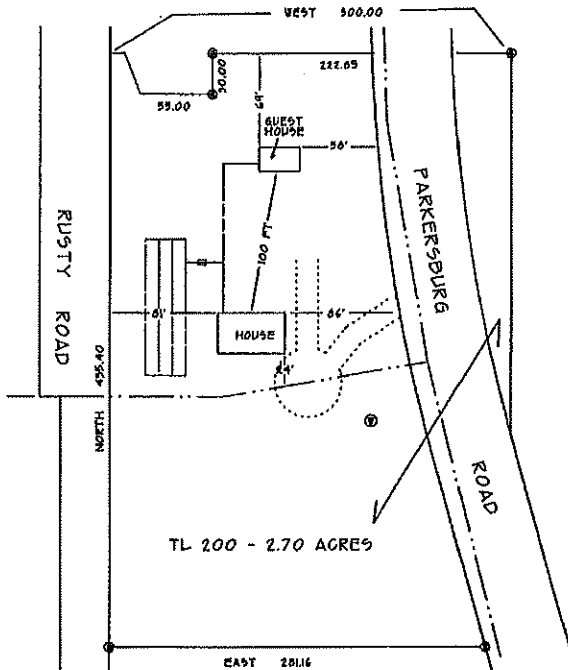
**LOCATION:** The subject property is located northeast of the City of Bandon. The situs address is 57903 Parkersburg Road.

**SITE DESCRIPTION AND SURROUNDING USES:**

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The property is zoned Rural Residential – 2 (RR-2). This property is 2.70 acres and is surrounded by Rural Residential zoning. The lot size in the area is similar to the applying parcel and all except the east parcels are residentially developed. The parcel has direct access to Parkersburg Road. .

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- b. **PROPOSAL:** The applicant is requesting to build a Guest House in the Rural Residential – 2 Zone.



PREPARED FOR:  
JIM KLADSEN  
P.O. BOX 2422  
CLAREMORE, OK 74018-2422

PREPARED BY:  
MULKINS & RAMBO, LLC  
P.O. BOX 804  
NORTH BEND, OK 47454



- c. **ZONING PURPOSE:** The “RR-2” district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.
- d. **SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:** The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Plan Maps for Volume I (Balance of County<sup>1</sup>).

#### IV. APPROVAL CRITERIA & FINDINGS OF FACT

- **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.*
- **Section 4.3.210 – CATEGORIES and review standards**  
*The following categories provide a definition and specific standards that will regulate the Development, Use or Activity identified in the table above.*

(27) 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. A dwelling shall consist of a kitchen, bathroom(s) and living space. Dwellings do not

<sup>1</sup> Zoning is broke up by three comprehensive plan references which included 2 estuary plans (Coos Bay and Coquille) and then the rest of the zoning referred to as the Balance of County Zoning.

including a RV, tent, teepee, yurt, hotels, motels, vacation rentals or boarding houses. Types of Dwellings are listed below. Long term rentals are not regulated by this ordinance.

(d) 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;
- (ii) Only one guest house per lawfully created unit of land;
- (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;
- (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;
- (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;
- (vi) Cannot 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;
- (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;
- (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.
- (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.

**FINDING: This property has 2.7 acres. This exceeds the minimum lot size of two (2) acres for the Rural Residential – 2 (RR-2) zone. The applicant applied and received approval to site a single family dwelling on June 19, 2019.**

**The applicant has stated that the guest house will be within 100 feet of the main residence while being served by the same utilities, domestic water system and septic system. The applicant has also stated that the guest house will not be used as a rental unit and that there will only be one guest house on this parcel. The applicant has stated and provided a plot plan to show that the Guest House will not be more than 500 square feet of the primary dwelling.**

**Therefore, this criteria has been met.**

- **Section 4.3.220 Additional Conditional Use Review Standards** for uses, development and activities listed in table 4.3.200  
**(2)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:

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- 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.

- **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.
- (2) Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.
- (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:
  - (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:
  - (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.
- (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:
    - 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.
  - (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.
- (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.
  - (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.

- **Section 4.3.230 ADDITIONAL SITING STANDARDS**

This section has specific siting standards and criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT:

- (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
    - (ii) 2 acres in the RR-2 district
    - (iii) Exception to minimum lot sizes in Rural Residential:
      - 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.

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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.

(c) Building Height – No additional Requirements.

(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.
- (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.

**FINDING:** The applicant stated that the Guest House will be used for wounded warriors (veterans) to visit the area. A driveway access confirmation application was submitted; the driveway has been signed by the Coos County Road Department stating that it meets the specifications listed in CCZLDO Chapter 7. There isn't an estuarine wetland, stream, lake or river within 50 feet of the subject parcel. Based on the submitted plot plan it appears that the structures will meet all required setbacks. All other siting standards do not apply to the subject parcel.

Request for comments were submitted to the Coquille Indian Tribe and Oregon Department of Fish & Wildlife for Bird Site. The Coquille Indian Tribe responded that due to close proximity to known cultural resources they request that the landowner and or contractor contact their office to schedule a Cultural Resource Monitor to be on site during all ground disturbing activities. They further requested that they contact them to schedule a monitor a minimum of 72 hours in advance of anticipated project start time. The Oregon Department of Fish & Wildlife responded that the location historically was late seral forest that would have been high functioning Habitat Category 1 or 2 as classified under the Oregon Dept. of Fish and Wildlife (Department) Habitat Mitigation Policy; OAR 635-415. Since Euro-human development the habitats have been altered and currently would be considered Category 3 or 4, however, retaining function for production of fish and wildlife. Minimization of impacts due to disturbance during construction actions remains a high priority in order to prevent further reduction of habitat function and or offset impacts due to effects such as movement of sediment laden water from the site.

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The Department recommends that standard Best Management Practices (BMP) including use of silt fence, minimizing disturbance of soils to the degree reasonable, and directing stormflow water from the site into vegetated areas where it will filter be incorporated to reduce the potential that sediment laden water moves into nearby streams or watercourses. Additionally it is recommended that standard precautions be incorporated to prevent leakage/spilling of fuels during operation of equipment. The Department recommends that the project receive all DEQ septic permits and install the septic following the guidelines established by DEQ. There are several historic raptor nesting sites within one mile of the proposed construction site along Highway 101 and likely others that we do not know about. In order to ensure protection of any nest sites, and in line with the Forest Practices Act (629-665-0020), “When (or if) a resource site (nest) is discovered by the operator, timber owner or landowner during a forest operation (construction activity), the party making the discovery shall: ... (b) Immediately notify ODFW. This notification should apply to any nesting sites within one-half mile of the property. At this time a site inspection will be completed by our agency to determine to risk associated with construction activities.

Therefore this criteria has been addressed.

#### **Article 4.3 Areas of Mutual Interest**

Areas of mutual interest are located outside of city’s urban growth boundary but may have impacts on future planning. Notices of decisions are provided to areas of mutual interest and copies of zoning compliance letters. If there is a public hearing on the matter the city will receive notice but no notice is required prior to a compliance determination.

**FINDING: Staff sent a request for comments to the City of Bandon. Staff did not receive a response within the comment period given.**

#### **Article 4.3 Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness**

Archaeological – Require a notice to the local tribes. They have 30 days to respond to the request. The owner/agent is responsible for the protection of the archaeological sites.

**FINDING: Staff sent a request for comments to the Coquille Indian Tribe. The Coquille Indian Tribe responded that due to close proximity to known cultural resources they request that the landowner and or contractor contact their office to schedule a Cultural Resource Monitor to be on site during all ground disturbing activities. They further requested that they contact them to schedule a monitor a minimum of 72 hours in advance of anticipated project start time. This will be a condition of approval.**

#### **Article 4.3 Significant Wildlife Habitat**

Notice will be provided to Oregon Department of Fish and Wildlife requesting an opinion within 10 days as to whether the development is likely to produce significant and unacceptable impacts upon the resource, and what safeguards it would recommend to protect the resource. If ODFW's determines the development will impact the bird habitat a conditional use will be required by the applicant. If staff has the location of the specific wildlife habitat then the developer will be required to stay out of the mapped area. – 10 day notice requirement.

**FINDING: Staff sent a request for comments to the Oregon Department of Fish & Wildlife responded that the location historically was late seral forest that would have been high functioning Habitat Category 1 or 2 as classified under the Oregon Dept. of Fish and Wildlife (Department) Habitat Mitigation Policy; OAR 635-415. Since Euro-human development the habitats have been**

altered and currently would be considered Category 3 or 4, however, retaining function for production of fish and wildlife. Minimization of impacts due to disturbance during construction actions remains a high priority in order to prevent further reduction of habitat function and or offset impacts due to effects such as movement of sediment laden water from the site.

The Department recommends that standard BMP including use of silt fence, minimizing disturbance of soils to the degree reasonable, and directing stormflow water from the site into vegetated areas where it will filter be incorporated to reduce the potential that sediment laden water moves into nearby streams or watercourses. Additionally it is recommended that standard precautions be incorporated to prevent leakage/spilling of fuels during operation of equipment. The Department recommends that the project receive all DEQ septic permits and install the septic following the guidelines established by DEQ. There are several historic raptor nesting sites within one mile of the proposed construction site along Highway 101 and likely others that we do not know about. In order to ensure protection of any nest sites, and in line with the Forest Practices Act (629-665-0020), "When (or if) a resource site (nest) is discovered by the operator, timber owner or landowner during a forest operation (construction activity), the party making the discovery shall: ... (b) Immediately notify ODFW. This notification should apply to any nesting sites within one-half mile of the property. At this time a site inspection will be completed by our agency to determine to risk associated with construction activities.

• **SECTION 5.2.700 DEVELOPMENT TRANSFERABILITY**

*Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee 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 shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.*

**FINDING:** This is a conditional use that will transfer with the sale of the property. Language will need to be recorded that this property has a conditional use for the Guest House and that it is not able to be used as a rental unit.

**VI. DECISION:**

There is evidence to adequately address the criteria for a Guest House in the Rural Residential – 2 zone; 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. *Time frames for conditional uses and extensions are as follows:*
  - a. *All conditional uses within non-resource zones are valid four (4) years from the date of approval; and*

- b. *All conditional uses for dwellings within resource zones outside of the urban growth boundary or urban unincorporated community are valid four (4) years from the date of approval.*
  - c. *All non-residential conditional uses within resource zones are valid (2) years from the date of approval.*
  - d. *For purposes of this section, the date of approval is the date the appeal period has expired and no appeals have been filed, or all appeals have been exhausted and final judgments are effective.*
  - e. *Additional extensions may be applied.*
2. *Extensions are subject to notice as described in § 5.0.900(2) and appeal requirements of 5.8 for a Planning Director's decision.*

This conditional use request is within a non-resource zone and is valid for four years for the date of final approval **(September 9, 2023)**.

**EXHIBIT E**  
**Comments Received**



**COQUILLE INDIAN TRIBE**

3050 Tremont Ave. North Bend, OR 97459  
Telephone: (541) 756-0904 ~ Fax: (541) 756-0847  
[www.coquilletribe.org](http://www.coquilletribe.org)

June 17, 2019

Coos County Planning Department  
250 N Baxter  
Coquille, OR 97429

Re: SR-19-002

Project location: Township 28S, Range 14W, Section 17DC, Tax lot 200

Thank you for the opportunity to comment on the proposal for a single-family dwelling and septic at the above referenced property. Our records show known cultural resources within extremely close proximity to the project area.

Due to the close proximity to known cultural resources, we request that the landowner and/or contractor contact our office at (541) 217-5721 to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a minimum of 72 hours in advance of anticipated project start time.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or *private lands*. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me if you have any questions.

Best,

A handwritten signature in black ink, appearing to read "Todd Martin".

Todd Martin  
Tribal Historic Preservation Specialist

CRT19125

ACU-19-021

Crystal,

The Oregon Department of Fish and Wildlife (Department) has considered the proposed project on lands owned by James Klassen and potential impacts to Fish and Wildlife resources and provides the following comments.

1). Comments/Recommendations

*Thanks for the opportunity to comment on this proposed project. The location historically was late seral forest that would have been high functioning Habitat Category 1 or 2 as classified under the Oregon Dept. of Fish and Wildlife (Department) Habitat Mitigation Policy; OAR 635-415. Since Euro-human development the habitats have been altered and currently would be considered Category 3 or 4, however, retaining function for production of fish and wildlife. Minimization of impacts due to disturbance during construction actions remains a high priority in order to prevent further reduction of habitat function and or offset impacts due to effects such as movement of sediment laden water from the site.*

- The Department recommends that standard Best Management practices including use of silt fence, minimizing disturbance of soils to the degree reasonable, and directing stormflow water from the site into vegetated areas where it will filter be incorporated to reduce the potential that sediment laden water moves into nearby streams or watercourses. Additionally it is recommended that standard precautions be incorporated to prevent leakage/spilling of fuels during operation of equipment.*
- The Department recommends that the project receive all DEQ septic permits and install the septic following the guidelines established by DEQ.*
- There are several historic raptor nesting sites within one mile of the proposed construction site along Highway 101 and likely others that we do not know about. In order to ensure protection of any nest sites, and in line with the Forest Practices Act (629-665-0020), "When (or if) a resource site (nest) is discovered by the operator, timber owner or landowner during a forest operation (construction activity), the party making the discovery shall: ... (b) Immediately notify ODFW. This notification should apply to any nesting sites within one-half mile of the property. At this time a site inspection will be completed by our agency to determine to risk associated with construction activities.*

*Thanks for your concern with conservation of Oregon's Fish and Wildlife resources,*

Christopher Claire

Christopher W. Claire  
Habitat Protection Biologist  
Oregon Dept. of Fish and Wildlife  
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