



NOTICE OF COMPLETENESS

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

Thursday, September 20, 2018

Zyta Construction
c/o Sheri McGrath
93921 Earl Lane
Coos Bay, OR 97420

RE: Completeness Review for ACU-19-033

Dear Applicant(s):

Thank you for submitting your Administrative Conditional Use. The first step in the application process is a completeness review. The following items were required to be included in your application or determined prior to the acceptance of the application:

1. The correct and completed application form was filed. If the proposed use/activity will occur in an identified hazard area the correct reports or certifications have been included.
2. Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign; a consent form may be accepted
3. One original and one exact unbound copy of the application or an electronic copy shall be provided at the time of submittal for all applications;
4. A detailed Project Proposal was provided;
5. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½" x 11" paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map);
6. Covenants or deed restrictions on the property were provided or were found not to exist.
7. All of the lots or parcels that are currently within the applicant's ownership, co-ownership or is purchasing which have a common boundary with the subject property on an assessment map were listed on the application;
8. A copy of the current deed of record has been provided;
9. All the applicable criteria have been addressed;
10. The property was created legally;
11. All development was cited in compliance with the Coos County Zoning and Land Development Ordinance or this application will bring a use or activity into compliance; and

- 12. All road, driveway, access, parking plan or traffic impact analysis has been submitted as required by the Coos County Zoning and Land Development Ordinance.

This application has been:

- Deemed complete as of the date this letter was sent and the application has been forwarded to all applicable agencies or departments for comment; or
- Deemed incomplete due to missing information as shown by the unchecked boxes above. As the applicant for a permit or limited land use it is your responsibility to submit one of the following within 180 days to the Planning Department:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.

If the application is found to be incomplete and steps a, b or c are not completed within the required timeframe (180 days), then on the 181st day the application will be deemed void. If you submit material by email you are responsible to follow up with staff to ensure that information was received. On the day the department receives one of the options (a. through c.) above is the date your application will be considered complete.

Once your application has been deemed complete staff will continue with the review process. Your application will go through the following steps (checked steps apply to your application):

<input checked="" type="checkbox"/>	1.	The first step is requesting comments from any applicable agency or department. Most agencies have 30 days to respond to comments.
<input type="checkbox"/>	2.	If this is a land division Technical Review Committee (TRC) will be scheduled once all comments have been received. Once the TRC has been completed a tentative decision is mailed out approximately six (6) weeks after. The notice of tentative decision will provide for a fifteen (15) day opportunity to appeal. If appealed it will be scheduled for hearing. The decision only becomes final after the final partition plat has been filed.
<input type="checkbox"/>	3.	If this is application requires a hearing, a notice of hearing will be provided 20 days prior to the hearing. Once the hearing is concluded a notice of decision will be mailed out within five to seven days. If this is a Planning Commission decision the notice will provide for an opportunity to appeal (15) fifteen days to the Board of Commissioners. If this is a Board of Commissioners decision there is a twenty-one (21) day appeal period to the Land Use Board of Appeals.
<input checked="" type="checkbox"/>	4.	If this is an administrative review (Administrative Conditional Use, Extension, or Variance) a notice of decision with an opportunity to appeal will be mailed out once the review has been completed. Approximately, six weeks after the application has been deemed complete. The notice of decision will provide for a fifteen (15) day opportunity to appeal. If not appealed the decision becomes final. Property line adjustment discrete parcel 12 day opportunity to appeal.
<input type="checkbox"/>	5.	If this is a limited land use notice then a notice requesting comments will be mailed as soon as the application has been deemed complete and then a review and decision will be issued. Approximately, four weeks after the comments time has expired. The notice of decision will provide for a fifteen (15) day opportunity to appeal. If not appealed the decision becomes final.

Except when an applicant requests an extension of the timelines, the governing body of the county or its designee shall take final action on an application for a permit or limited land use decision within 120 (urban zone) days or 150 (rural) days as applicable.

If you have questions about the land use process please contact planning staff for assistance.

Thank you,

Amy Dibble

Amy Dibble, Planner II

C: File
Sheri McGrath
Ewing Family Trust

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

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

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: **Zyta Construction**
C/O Sheri McGrath
 Mailing Address: **93921 Earl Lane**

City **Coos Bay** State **OR** Zip **97420**

Daytime Phone **541-982-9531**

Email: **cooscurry@gmail.com**

II. OWNER(S)

Name: **Ewing Family Trust**
C/O Elizabeth and Gerald Ewing
 Mailing Address: **17720 Pona Derosa Ln.**

City **Prundale** State **CA** Zip **93907**

Daytime Phone

Email:

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

Location or Address: **72312 Potlatch Rd. and 135 N. Tenmile Lake, Lakeside, OR 97449**

No. Acreage **5.44**

Tax Acct. **7593900**

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

23S 12W 8 0 0 800

Zone: **Forest Mixed Use** Water Service Type: **On site**

Sewage Disposal Type: **On-site**

School District: **Choose an item.**

Fire District: **Lakeside**

IV. REQUEST SUMMARY (Example: "To establish a template dwelling in the Forest Zoning District.") **To establish a template dwelling in the Forest Zoning District. This property had prior approval (ACU-01-33) for a template dwelling that has expired.**

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

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

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

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

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


Applicant/Property Owner Signature

Applicant/Property Owner Signature

RECORDING REQUESTED BY:



6000 Meadows Rd, Ste 100
Lake Oswego, OR 97035

AFTER RECORDING RETURN TO:

Order No.: 871700427-BO
Gerald L. Ewing and Elizabeth B. Ewing
17720 Pona Derosa Ln
Prundale, CA 93907

SEND TAX STATEMENTS TO:

Gerald L. Ewing and Elizabeth B. Ewing
17720 Pona Derosa Ln
Prundale, CA 93907

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Dolores Taggart and James Lake, who acquired title as James Micinski, not as tenants in common, but with the right of survivorship, Grantor, conveys and warrants to Gerald L. Ewing and Elizabeth B. Ewing, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

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

Ticor: 3600617018893

STATUTORY WARRANTY DEED

(continued)

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

Dated: 3/11/2017

James Lake
James Lake

Dolores Taggart
Dolores Taggart

State of WA
County of KITSAP

This Instrument was acknowledged before me on 3-11-17 by Dolores Taggart and James Lake

Janie M. Turner
Notary Public - State of ~~Oregon~~ WA

My Commission Expires: 6-9-2020

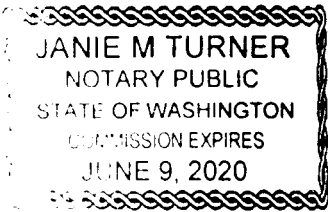


EXHIBIT "A"
Legal Description

Lot 14, ROADS END FIRST ADDITION, Coos County, Oregon.

EXCEPTING THEREFROM: Beginning at the Northeastern corner of Lot 13, Roads End Subdivision, thence North a distance of 50.00 feet, thence West to the normal high water line of North Tenmile Lake; thence along said high water line to the Northwestern corner of said Lot 13, thence South 88° 7' West a distance of 268.82 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Beginning at the Northeast corner of Lot 13, Roads End Subdivision, thence North 50.00 feet; thence West 60.00 feet to the true point of beginning; thence North 15 feet; thence West 50.00 feet; thence South 15.00 feet; thence East 50.00 feet, to the true point of beginning.

EXHIBIT "B"
Exceptions

Subject to:

- Rights of the public to any portion of the Land lying within the area commonly known as public roads, streets and highways.
- Any adverse claim based upon the assertion that:
 - a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Ten Mile Lake, in the event the boundary of said Ten Mile Lake has been artificially raised or is now or at any time has been below the high watermark, if said Ten Mile Lake is in its natural state.
 - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
 - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Ten Mile Lake, or has been formed by accretion to any such portion.
- The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Ten Mile Lake.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Ten Mile Lake.

- Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Ten Mile Lake.
- Easements, Covenants, Conditions and Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Roads End First Addition

- Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Milton Schmidt, et ux
Recording Date: March 12, 1963
Recording No: Book: 299 Page: 603

- Agreement Easement

Executed by: William A. Wolf and Cecil A. Wolfe, husband and wife and Lester L. McMilland and Stella J. McMillan, husband and wife
Purpose Gateway Road
Recording No.: Book: 299 Page: 607

- Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Robert L. Russell, et ux
Recording Date: June 12, 1963
Recording No: Book: 301 Page: 503

- Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Central Lincoln Peoples Utility District
Recording Date: October 20, 1966
Recording No: 66-10-13095

- Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: General Telephone Company of the Northwest
Recording Date: August 12, 1971
Recording No: 71-8-62098

- Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the Public Records.

The Company will require, for review, a full and complete copy of any unrecorded agreement, contract, license and/or lease, together with all supplements, assignments and amendments thereto, before issuing any policy of title insurance without excepting this item from coverage.

The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

REVISED September 26, 2019

August 13, 2019

APPLICATION FOR TEMPLATE DWELLING AT

72312 Potlatch Road

135 N Tenmile Lake

Lakeside, Oregon 97449

23-12-08 TL 800

Tax Account 7593900

PROPERTY OWNER

Ewing Family Trust

Elizabeth and Gerald Ewing

17720 Pona Derosa Lane

Prundale, CA 93907

APPLICANT

Zyta Construction Company

93921 Earl Lane

Coos Bay, OR 97420

541-267-6084

CCB #79991

Office Contact:

Sheri McGrath

P.O. Box 1548

Bandon, OR 97411

cooscurry@gmail.com

541-982-9531

EXISTING PROPERTY CONDITIONS

The Ewing property is located in Lakeside, found in Coos County, Oregon. The property is known as Tax Lot 800 on the Coos County Tax Assessor's Map 23-12-08. The property is located in a mixed zoning district with a portion being in the RR-2 district and the majority in the Forest/Mixed Use district. The property is 5.44 acres in size. There are two situs addresses for the property which are 135 N Tenmile Lake and 72312 Potlatch Road in Lakeside, Oregon 97449.

Existing development includes a septic system, a 35'x45' shop, a small storage structure and a dock. These improvements existed when the Ewing's purchased the property. A mix of vegetation exists including bushes and scrubs, a variety of trees and grasses. The property is not used for farming or forest practices.

PROPOSED PROPERTY CONDITIONS

The Ewing family would like to construct a single family dwelling on the subject property with the intent to reside on site. The dwelling will be located in the Forest zoned portion, therefore an administrative conditional use permit is required for the approval and siting of a Template Dwelling. Previous approval was granted, though currently expired. The proposed dwelling will be sited as shown on the plot plan.

The applicant is requesting clearance for the template dwelling, driveway and new utilities including a septic system. If applicable, the applicant is also requesting after the fact clearance for existing improvements shown on the plot plan.

Enclosed is a Conditional Use Permit Application and associated fee of \$561.00. Below are findings to support the request.

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

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

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

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

Zoning District is defined as, "a zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed." *The property has a split zoning designation as RR-2 and Forest. The proposed dwelling will be located in the Forest zoning district.*

4.6.110(3,b) A single family dwelling may be allowed as a conditional use if certain criteria are met. *The proposed dwelling meets the siting criteria listed, and an Administrative Conditional Use Permit application has been submitted.*

4.6.130 All conditional uses are subject to requirements that make the use compatible with forest and agricultural operations.

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

4.6.130(2) The proposed use will not significantly increase fire suppression costs or increase risk. *The property is protected by the Lakeside Rural Fire Protection District. The proposed structure will have a fire retardant roof and spark arrestor on any chimneys.*

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

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

- 4.6.130(5,a) The dwelling will be sited so that it has the least impact on nearby forest or agricultural lands. There will be no adverse impacts on existing operations. The amount of forest lands used to site roads and structures will be minimized. The risks associated with wildfires will be minimized. *The proposed dwelling location does not affect neighboring properties.*
- 4.6.130(5,b) Verification of on site water availability has been provided.
- 4.6.130(7,a) The owner will be required to plant a sufficient number of trees to demonstrate the tract is meeting the stocking requirements specified in Department of Forestry Administrative rules.
- 4.6.130(7,c) The owner will sign and record in the deed records of Coos County a document binding the landowner and successors, prohibiting them from pursuing a claim for relief or cause of action alleging from farming or forest practices. ORS 30.936 or 30.937.
- 4.6.140(1) The minimum lot size for the Forest Zone is 80 acres. The subject property is 5.44 acres and was lawfully created and can be developed.
- 4.6.140(2) All structures will have a 35' setback from the center of a right of way line, or 5' from the edge of the right of way, whichever is greater.
- 4.6.140(3) No fences are proposed at this time.
- 4.6.140(4) Off street parking will be provided per Chapter 7.
- 4.6.140(5) A Forest Management Covenant shall be filed prior to final approval of the dwelling.
- 4.6.140(6) Riparian vegetation will be protected within 50' of a wetland, stream or lake.
- 4.6.140(7) The dwelling will be fire protected by the Lakeside Rural Fire Protection District.
- 4.6.140(8) Alternative methods for water supply are not proposed.
- 4.6.140(9) The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of 50PSI. A ¾" garden hose will be provided to reach the perimeter of the primary setback.
- 4.6.140(10) A 30' primary safety zone will be provided around the structure. Vegetation will be limited to mowed grasses, low scrubs and trees spaced more than 15' apart. A secondary safety zone will be provided for sloped areas. Owner will follow Table 1 when determining the required feet for the secondary zone based on slope percentage.
- 4.6.140(11) All roofing materials will be non-combustible or fire resistant.
- 4.6.140(12) Additional water storage may be required. The amount is determined by the Fire Code Appendix B.
- 4.6.140(13) The proposed dwelling will not be located on a slope.
- 4.6.140(14) Chimneys will have spark arrestors.

- 4.6.140(15) The property is in the Lakeside Rural Fire Protection District.
- 4.6.140(16) All roads will be constructed for fire fighting equipment requirements.
- 4.6.140(17) All roads will meet the standards outlined in Chapter 7.
- 4.11.125(5) A portion of the property is located in the Coastal Shoreland Boundary. *The proposed development will not be located in this overlay.*
- 4.11.125(6,a) The property is located in an area known as 5C Bird Sites. The Oregon Department of Fish and Wildlife is required to provide comments on the proposed development.
- 4.11.200 Overlay zones add further requirements to the development process.
- 4.11.211 A portion of the property is located in the Floodplain overlay.
- 4.11.235 A Floodplain application is required for all development within the overlay. *The proposed development will not be located in the floodplain overlay.*
- 4.11.260 A portion of the subject property is located in the Tsunami Hazard Overlay. *The proposed development will not be located in the Tsunami Overlay.*
- 4.11.300 The property is overlaid with the Floating Zone: Airport Surfaces.
- 4.11.315 There is a 35' height restriction for the airport overlay zone. *The proposed dwelling meets this criteria.*
- 6.1.125 The parcel is considered lawfully created.
- 6.2.550 Improvements will comply with the county and state laws as required for water, sewer, drainage, storm drainage and erosion control.
- 7.1.425 The road access points and driveway are required to be inspected and permitting by the Coos County Road Department.

ADDITIONAL SUPPORTING DOCUMENTS

- Coos County Tax Assessor's Map 23-12-08 TL 800
Coos County Tax Assessor's Summary Report
Plot plan
Consent Form
Email from Planning Department
Warranty Deed