



NOTICE OF LAND USE DECISION

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

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

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.

Date of Notice: Monday, February 24, 2020

File No: ACU-19-035

Proposal: Request for a Cottage Industry (home business) in the Forest Zone.

Applicant(s): Jesse Knudsen
PO Box 36
Broadbent, OT 97414

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 12 p.m. on **Tuesday, March 10, 2020**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Cottage Industry within the Forest Zone as provided by Coos County Zoning and Land Development Ordinance (CCZLDO) § 4.6.110(1)(g) Cottage Industry/Home Occupation and § 4.6.130 Additional Criteria for all Administrative and Hearing Body Application Review. This proposal is not subject to review under Floodplain or Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

SUBJECT PROPERTY INFORMATION

Account Number: 1339300
Map Number: 30S132400-00500

Property Owner: KNUDSEN, MAUREEN L. ET AL
PO BOX 36
BROADBENT, OR 97414-0036

Situs Address: 48075 DEMENT CREEK RD MYRTLE POINT, OR 97458

Acreage: 15.82 Acres

Zoning: FOREST (F)

Special Considerations: NATURAL HAZARD - LANDSLIDE (NHLND)

Notice shall be posted from February 24, 2020 to March 10, 2020

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.

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 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.

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 is Amy Dibble, Planner II and the telephone number where more information can be obtained is (541) 396-7770.

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.

Reviewed by: *Amy Dibble* Date: Monday, February 24, 2020
Amy Dibble, Planner II

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The Exhibits below are mailed to the Applicant and Planning Commission only. Copies are available upon request or may be found 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 - **Findings of Fact and Conclusions**

Exhibit D: Comments Received

Exhibit E: Submitted Application

File Number: ACU-19-035

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

1. 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.
2. 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.
3. The applicant shall submit a Parking Verification Permit with a detailed parking plan and obtain the Road Departments approval prior to issuance of a Zoning Compliance Letter.
4. The applicant shall record with the Coos County Clerk's office a "Forest Management Covenant" prior to the issuance of a Zoning Compliance Letter.
5. Pursuant to CCZLDO § 4.6.110(1)(g) the following conditions will need to be complied with prior to issuance of a Zoning Compliance Letter.
 - The applicants shall request a review of the Cottage Industry every 12 months prior to the expiration date of the zoning compliance letter to ensure compliance is maintained;
 - The applicant shall not employ more than five (5) employees;
 - There shall be no direct retail sale of a product on the premises; and
 - An on-premise sign for purpose of advertising the cottage industry shall not exceed six (6) square feet of copy area.

EXHIBIT "B"
Vicinity Map



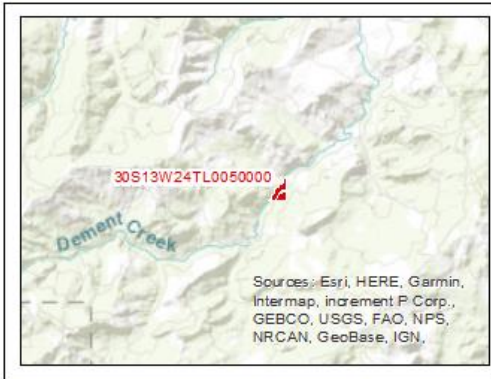
COOS COUNTY PLANNING DEPARTMENT

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-19-035

Applicant/ Owner: Jesse Knudsen/
Maureen Kundsén, Jessie Knudsen, &
Anna Knudsen

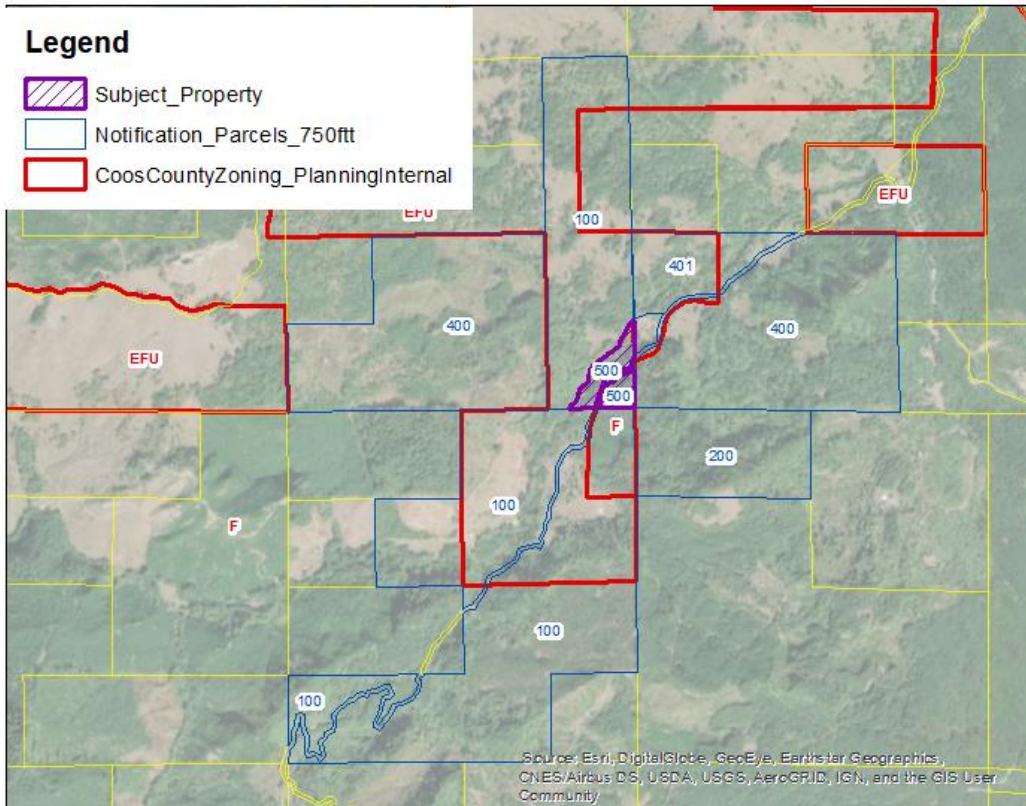
Date: February 11, 2020

Location: Township 30S Range 13W
Section 24 TL 500

Proposal: Administrative Conditional Use

Legend

-  Subject_Property
-  Notification_Parcels_750ft
-  CoosCountyZoning_PlanningInternal



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL

Request for Planning Director Approval for a Cottage Industry within the Forest Zone as provided by Coos County Zoning and Land Development Ordinance (CCZLDO) § 4.6.110(1)(g) Cottage Industry/Home Occupation and § 4.6.130 Additional Criteria for all Administrative and Hearing Body Application Review.

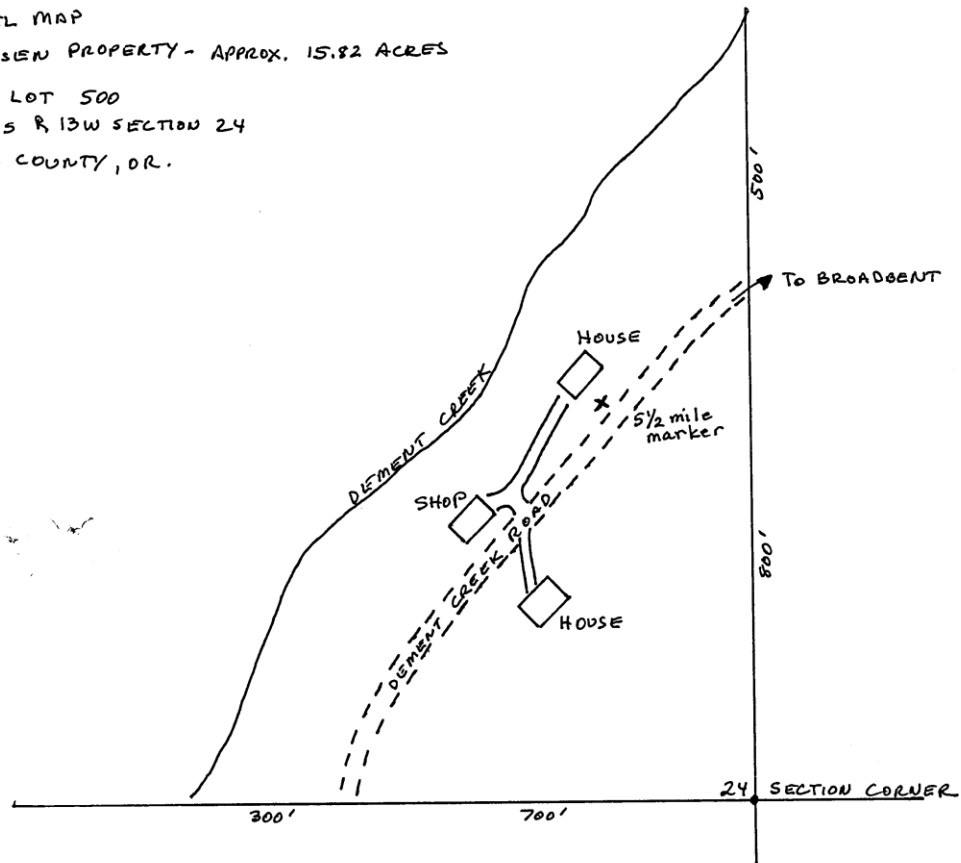
II. PROPERTY DESCRIPTION AND PROPOSAL

- a. **LAWFULLY CREATED:** This property is acknowledged as a lawfully created parcel (Deed Doc # 76-07-10189) pursuant to CCZLDO § 6.1.125(8) as it was described by legal description conveying real property prior to 1986.
- b. **LOCATION:** The subject property is located northwest of the City of Powers at 48075 Dement Creek Rd.
- c. **SITE DESCRIPTION AND SURROUNDING USES:** This property is zoned Forest (F) and is surrounded by properties zoned Forest (F) and Exclusive Farm Use (EFU). The subject property is 15.82 acres, contains two dwellings, two accessory structures, and is bisected by Dement Creek Road. The property to the north is zoned EFU and F is undeveloped with the majority being treed with clearings. The property to the east is zoned F and EFU and contains residential development and agricultural structures; this property is mainly treed with clearings. The property to the north is split zoned EFU and F contains residential development and several out buildings which include agricultural structures, the majority of the property is treed with clearings and appears to have been logged at different time periods.
- d. **PROPOSAL:** The applicant requests Planning Director review and approval of a conditional use application for a Cottage Industry in the Forest zoning district.

The applicant states the proposal is to use part of the existing shop building on the property as a work area to provide gunsmith services (i.e. gun repair, cleaning, scope mounting, etc.) as well as on site firearm storage in a secure vault for members of the public. All activities relating to the above activities will take place inside the shop building and will have no impact on the surrounding area. The applicant will be providing services only; there will be no retail selling from the shop. There will be one small sign with the business name measuring no more than 2' x 3' on the building to designate the business location. The shop building has direct access to Dement Creek Road with pre-existing off road areas available for parking. Customer parking will not interfere with traffic on the road.

The applicants plot plan is shown below:

PARCEL MAP
KNUDSEN PROPERTY - APPROX. 15.82 ACRES
TAX LOT 500
T305 R13W SECTION 24
COOS COUNTY, OR.



- e. **BACKGROUND:** The following development and permits are lawfully sited:
- i. 1960 pre-existing dwelling that did not require a permit.
 - ii. 1970 pre-existing general purpose building.
 - iii. 1979 dwelling that was approved through a conditional use in 1976.

- iv. 1984 a conditional use was approved for cottage industry for arts and crafts. This was removed by 1988.
- v. 1990 general purpose building (authorized by VL-88-03)
- vi. October 9, 2019 the current application was found to be complete and placed in the queue for review.

III. APPROVAL CRITERIA & FINDINGS OF FACT:

- **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.

- **COTTAGE INDUSTRIES:** *Cottage industries are home occupations that are operated by a resident of the subject property, occupying a detached accessory building. Cottage industries should not employ more than five (5) full or part-time persons. Cottage industries must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Cottage industries shall not involve the retail sale of a product on the premises. On premise sign advertising cottage industries shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]*

- **Section 4.6.110 Administrative Conditional Development and Use:**

The uses and their accessory uses listed in this section may be permitted as an administrative conditional use subject to applicable development standards for Forest and Forest Mixed Use zone and the following criteria

I. Non Residential Uses

- (g) *Cottage industry. The County shall review a permit allowing a cottage industry every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.*

Finding: The proposal is to use part of an existing 1970 General Purpose Building (shop) located on the property as a work area to provide gunsmith services as well as on site firearm storage in a secure vault for members of the public. These gunsmithing services include gun repair, gun cleaning, scope mounting, etc. The applicant states that all activities in relation to the proposed gunsmithing operation will take place inside the building and will have no impact to the surrounding area. There will be no other employees and no retail selling from the property. The only signage proposed will be in the way of one small sign with the business name measuring no more than two (2) feet by three (3) on the building indicating the business location. The building being utilized for the gunsmithing business has direct access to Dement Creek Road with pre-existing off road areas available for parking, thus providing customer parking that will not interfere with traffic on Dement Creek Road. In order to insure less of an impact to the surrounding properties the applicant will be offering a pick up and delivery service to his costumers.

As a condition of approval, the applicant shall comply with the following:

- **The applicants shall request a review of the Cottage Industry every 12 months prior to the expiration date of the zoning compliance letter to ensure compliance is maintained;**
- **The applicant shall not employ more than five (5) employees;**
- **There shall be no direct retail sale of a product on the premises; and**
- **An on-premise sign for purpose of advertising the cottage industry shall not exceed six (6) square feet of copy area.**

• **Section 4.6.130 Addition Criteria for all Administrative and Hearings Body Application Review:** *All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:*

1. *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*
2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*
3. *All uses must comply with applicable development standards and fires siting and safety standards.*

Finding: The proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices as the proposal does not include retail sales occurring on the premises and the applicant is offering a pick up/delivery service to reduce traffic to the property. The structure has direct access off of Dement Creek Road and has available off road parking that can aid in direct access for fire suppression equipment. The applicant will need to maintain the fire safety setback around the structure.

4. *A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.*

Finding: The applicant shall record with the Coos County Clerk’s office a “Forest Management Covenant” prior to the issuance of a Zoning Compliance Letter.

Therefore, this criterion will be satisfied.

5. *The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. 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 forest 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 growing trees.*
 - a. *Dwellings and structures shall be sited on the parcel so that:*
 - i. *They have the least impact on nearby or adjoining forest or agricultural lands.*
 - ii. *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*

- iii. *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And*
 - iv. *The risks associated with wildfires are minimized.*
 - b. *The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposes of this Section, evidence of a domestic water supply means:*
 - i. *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water.*
 - ii. *A water use permit issued by the Water Resources Department for the use described in the application. Or*
 - iii. *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.*
- 6. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
- 7. *Approval of a dwelling shall be subject to the following additional requirements:*
 - a. *Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.*
 - b. *The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.*
 - c. *If the lot or parcel is more than 10 acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.*
 - d. *Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.*
 - e. *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling 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: This proposal does not include a single family dwelling; therefore, these criteria do not apply.

VI. DECISION:

There is evidence to adequately address the criteria for a Cottage Industry in the Forest (F) zone. There are conditions that apply to this use that can be found at Exhibit “A”.