



# 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: **Tuesday, March 03, 2020**

File No: FHD-19-004/CD-19-177

Proposal: The applicant has requested a land use authorization to replace the existing dwelling and then convert the existing manufactured dwelling to a temporary medical hardship dwelling

Applicant(s): Sheri McGrath  
PO Box 1548  
Bandon, OR 97411

Staff Planner: Crystal Orr, Planner I

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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 5 p.m. on **Wednesday, March 18, 2020**. Appeals are based on the applicable land use criteria. Appeals are based on the applicable land use criteria. The proposal is subject to the applicable criteria found in the Coos County Zoning and Land Development Ordinance (CCZLDO) as follows: *Replacement Dwelling in the Forest (F) Zone as provided by § 4.6.11.110 Use # 18 Alteration, restoration or replacement of a lawfully established dwelling subject to a Compliance Determination and review standards (3)(o), Medical Hardship Dwelling in the Forest (F) Zone as provided by § 4.6.11.110 Use #65 Medical Hardship Dwelling subject to a Conditional Use and review standards (9)(B)(IV), (9)(C).* All development is outside of the Floodplain.

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.

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## **Subject Property Information**

Account Number: 450603  
Map Number: 26S112100-00401  
Property Owner: MANSKE, SCOTT L.  
PO BOX 649  
LAKESIDE, OR 97449-0649  
Situs Address: 64282 FAIRVIEW RD COQUILLE, OR 97423  
Acreage: 13.76 Acres

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This notice shall be posted from March 3, 2020 to March 18, 2020

Zoning: FOREST (F)  
Special Considerations: FLOODPLAIN (FP)  
FOREST MIXED USE (MU)

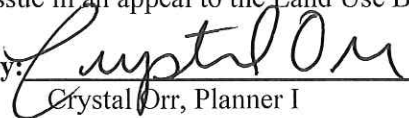
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The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely 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 Crystal Orr, Planner I 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:  Date: Tuesday, March 03, 2020  
Crystal Orr, Planner I

**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 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 D: FHD-19-004/CD-19-177 Staff Report - **Findings of Fact and Conclusions**

File Number: FHD-19-004/CD-19-177

## **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**

- I. 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.
- II. The hardship shall be renewed every two (2) years until the use is no longer valid. The Planning Department makes every effort to try to remind property owners/applicants that it is time for renewal but it is the responsibility of the applicant to maintain compliance with all conditions of approval. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings. This is the responsibility of the applicant. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished.
- III. As a condition of approval the medical hardship dwelling shall use the same subsurface sewage system as the primary single family dwelling.
- IV. All necessary federal, state, and local permits must be obtained prior to commencement of construction.
- V. Evidence shall be provided that they have asked to be included in the nearest fire district.
- VI. Shall comply with any requirements/comments from Mary Jane Starks regarding the required stocking survey.
- VII. An address application must be received for the proposed stick built dwelling prior to receiving a Zoning Clearance Letter for development.
- VIII. Proof of the date that the existing manufactured dwelling was sited (to verify that it was legally sited) shall be provided prior to issuance of a zoning clearance letter for any development.

**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



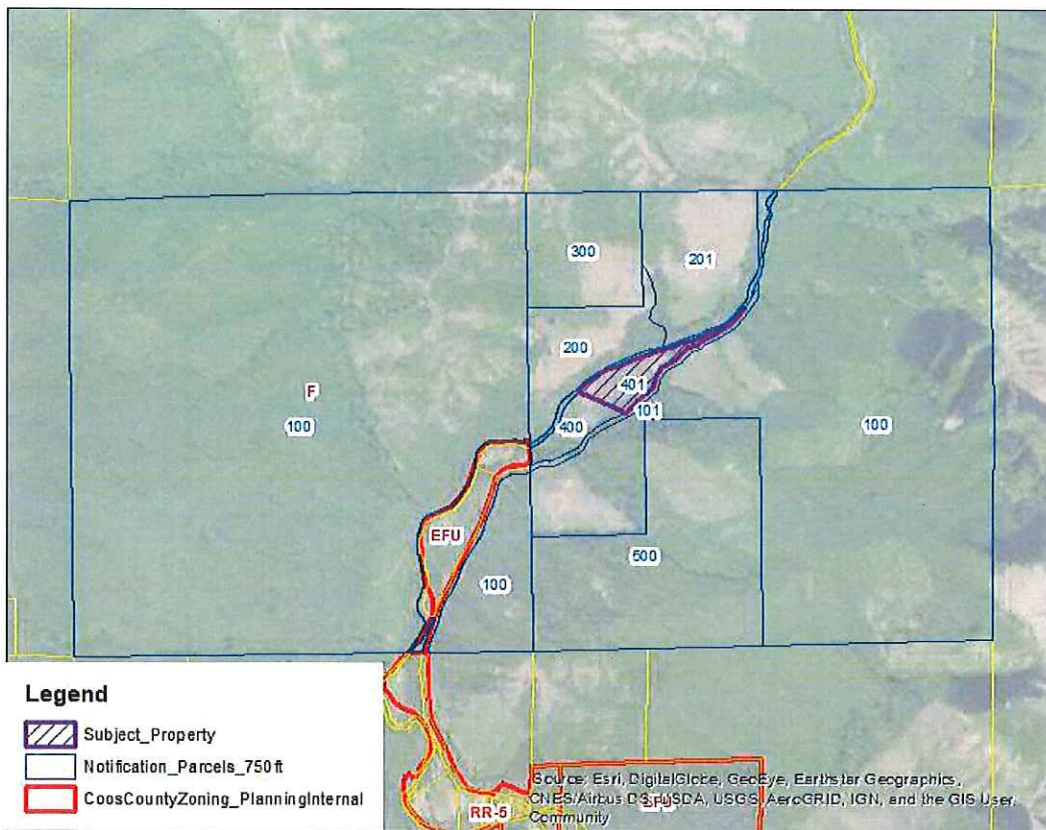
File: FHD-19-004

Applicant/  
Owner: Morrison-Gederos Construction/  
Scott Manske

Date: February 25, 2020

Location: Township 26S Range 11W  
Section 21 TL 401

Proposal: Medical Hardship Dwelling



**EXHIBIT "C"**  
**STAFF REPORT**  
**FINDINGS OF FACT AND CONCLUSIONS**

**I. PROPOSAL**

Request for Planning Director Approval for a Replacement Dwelling in the Forest (F) Zone as provided by § 4.6.11.110 Use # 18 Alteration, restoration or replacement of a lawfully established dwelling subject to a Compliance Determination and review standards (3) (o), Medical Hardship Dwelling in the Forest (F) Zone as provided by § 4.6.11.110 Use #65 Medical Hardship Dwelling subject to a Conditional Use and review standards (9) (B) (IV), (9) (C). All development is outside of the Floodplain.

**II. BACKGROUND INFORMATION**

Through discussions with the applicants consultant it was discovered that there were unpermitted structures sited on the property. Staff came to the conclusion that the 1990 and 2000 structures that are assessed as "general purpose buildings" did not receive permits. On November 12, 2019 Compliance Determination for the replacement and after the fact structures as well as a Conditional Use for the Medical Hardship Dwelling was submitted.

The applicant proposes to replace the current manufactured dwelling with a stick built dwelling. This can sound misleading because the current manufactured dwelling will remain and be used as the medical hardship. The medical hardship is a temporary dwelling and will be removed within three (3) months of the end of the need for the hardship. The replacement dwelling criteria will be reviewed first and a decision will be made regarding meeting the criteria, and then the medical hardship will be addressed based on criteria. The decisions will be subject to the conditions of approval.

**III. PROPERTY DESCRIPTION AND PROPOSAL**

**LAWFULLY CREATED:** This property is acknowledged as a lawfully created parcel pursuant to CCZLDO § 6.1.125.1.e as it was created by deed prior to any applicable planning, zoning or partition ordinance that prohibited the creation (document deed 79-13267).

**LOCATION:** The subject property is located northeast of the City of Coquille off of Fairview Road, which is a Coos County maintained public road.

**SITE DESCRIPTION AND SURROUNDING USES:**

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is along the North Fork Coquille River. The access road (Fairview Road) is located along the southeast boundary and the existing development is located along Fairview Road. There is little vegetation on the lot. There is residential development scattered along Fairview Road. The southern tax lot is owned by a timber company and appears to be in timber production. The proposed development is located outside of the regulated flood hazard area.
- b. **PROPOSAL:** The applicant has requested land use authorization to replace the existing dwelling with a new stick built singly family dwelling and convert the existing dwelling to a temporary hardship dwelling. The hardship will be removed within three (3) months of the end of the need for the hardship.

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

**• SECTION 4.6.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:**

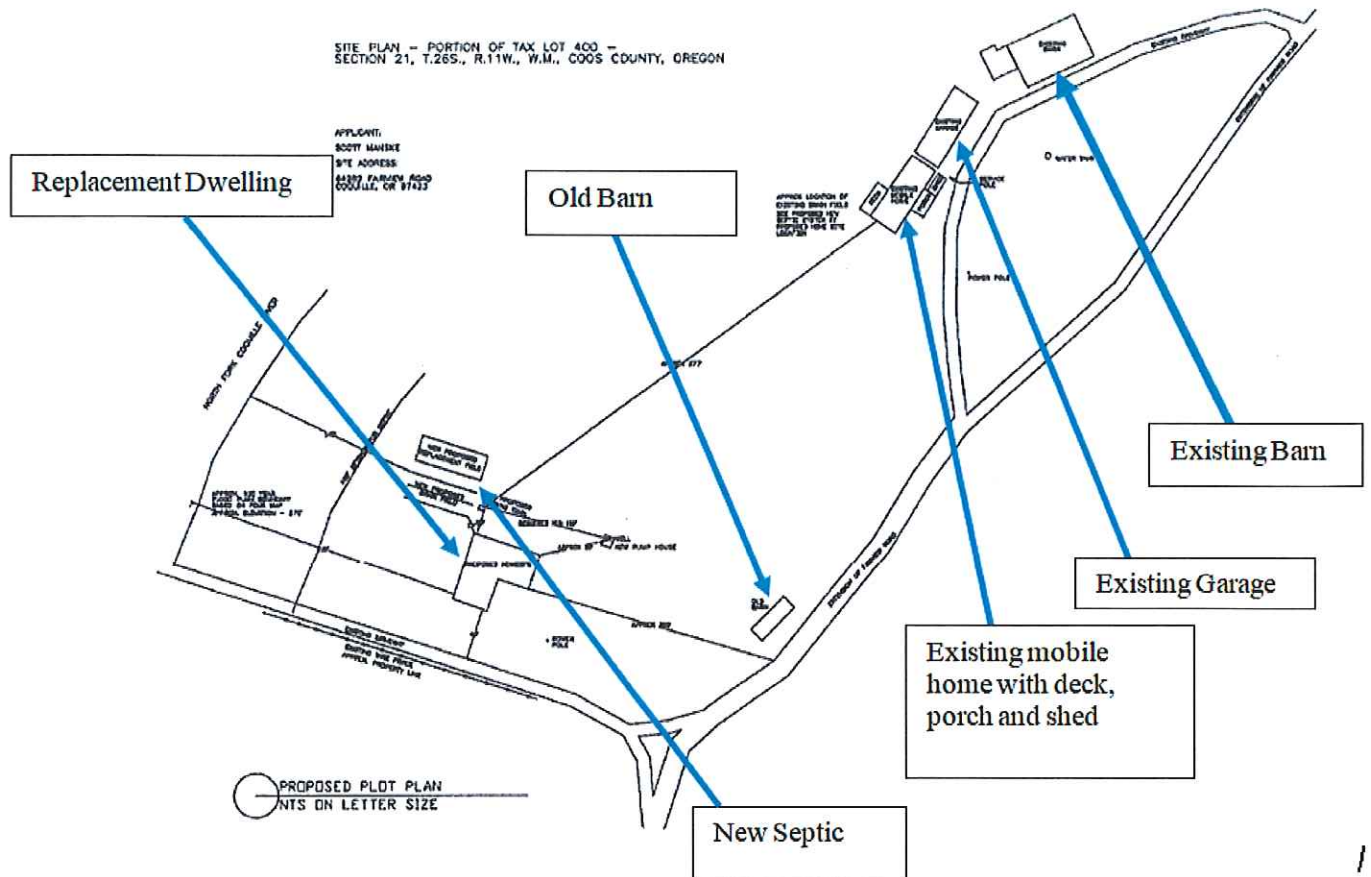
The uses and their accessory uses listed in this section may be permitted as an administrative conditional use subject to applicable development standards for Forest and Forest Mixed Use zone and the following criteria

18.	Alteration, restoration or replacement of a lawfully established dwelling;	CD	(3)(o)
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(o) REPLACEMENT DWELLINGS - Alteration, restoration or replacement of a lawfully (if discretion is used to determine lawfully established will be reviewed as nonconforming use) established dwelling that:

- (A) Has intact exterior walls and roof structures;
- (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (C) Has interior wiring for interior lights;
- (D) Has a heating system; and
- (E) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

**FINDING: The applicants provided a detailed plot plan of the existing and proposed development: (Due to size staff copied the information from the plot plan for clarity)**



The plot plan shows existing development as two (2) existing barns, one (1) garage, and one (1) mobile home with deck, porch and small shed. Coos County assessment information lists two (2) general purpose buildings with year built as 1990 and 2000, and one (1) manufactured dwelling with an assessed year built of 1970. Planning staff could not find approval for the structures that were built in 1990 and 2000 (according to assessment information).

Planning Staff received a Compliance Determination with a project description of replacing the manufactured dwelling with a stick built dwelling and after the fact clearance for pre-existing development that was sited without Coos County approval on November 12, 2019. Staff cannot prove when the 1970 manufactured dwelling was sited, and proof was not submitted with the application. Therefore, Staff is granting approval for any existing accessory/ farm structures but as a condition of approval proof of the year the manufactured dwelling was sited must be provided prior to a Zoning Clearance Letter for any development.

Replacement of a dwelling requires that the current dwelling meets the criteria listed above. The applicant provided pictures of the existing manufactured dwelling showing that the dwelling meets replacement criteria. The applicant is requesting to keep the current manufactured dwelling and use it as a medical hardship dwelling; a Conditional Use for a hardship was submitted. The applicants' criteria state that the applicant will notify the planning department when the hardship ends for either removal or non residential conversion approval.

Staff wants to point out that the hardship in this case cannot be converted to a non residential use as manufactured dwellings aren't allowed as a non residential use. So, the manufactured dwelling will need to be removed within three (3) months of the end of the hardship.

Hardship Dwelling (Other forestland dwellings 215.755)	ACU	(9)(B)(IV), (9)(C)
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(9) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -

*(IV) HARDSHIP DWELLING: A manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this section is not eligible for replacement under 215.283(1)(p). Department of Environmental Quality review and removal requirements also apply. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. If the manufactured home will use a public sanitary sewer system, such condition will not be required. Governing bodies shall review the permit authorizing such manufactured homes every two years. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.*

*(C) Additional Criteria for all dwellings allowed in the forest and Forest Mixed Use Zones.*

*(1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*

*(a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.*

*(b) The dwelling meets the following requirements:*

*(A) The dwelling has a fire retardant roof.*

*(B) The dwelling will not be sited on a slope of greater than 40 percent.*

*(C) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*

*(D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.*

*(E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.*

*(F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*

*(G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.*

*(2)(a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.*

*(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]*

**FINDING:** The proposal is to “replace” the existing mobile home with a stick built dwelling, and use the mobile home as a medical hardship dwelling. What this means is that they will not be removing the mobile home, but changing the use of the mobile home to a temporary use (medical hardship) until Opal Murphy no longer needs care, and then the mobile home will be removed. The stick built dwelling will remain. The applicant has submitted signed certification from a physician, Dallas Carter indicating the need for Opal L Murphy, the resident of the mobile home, to have a caregiver living close to her. The applicant will be made aware through conditions of approval that they will need to renew the medical hardship every two (2) years if the use is still valid, and that the temporary dwelling will need to be removed within three (3) months after the medical hardship is no longer needed.

**As a condition of approval the medical hardship dwelling must be removed within three (3) months after the medical hardship is no longer needed.**

**As a condition of approval the medical hardship dwelling must be renewed every two (2) years if the use is still valid.**

**As a condition of approval the medical hardship dwelling shall use the same subsurface sewage system as the primary single family dwelling.**

File Number: FHD-19-004/CD-19-177



**As a condition of approval a Forest Management covenant shall be filed prior to receiving a Zoning Clearance Letter for development.**

**Planning Staff will send a request for comments to Mary Jane Starks, Farm/Forest Appraiser with the Coos County Assessor's Office to verify whether the property will require a stocking survey pursuant to ORS 321.257. The applicant shall comply with the requirements.**

**As a condition of approval the roof shall be fire retardant. If a chimney is proposed a spark arrester must be installed.**

**As a condition of approval the new dwelling shall not be sited on a slope greater than 40 percent. Evidence was provided that the domestic water supply is from a well.**

**The property is within the Coos Forest Protective Association, which is not a fire district. As a condition of approval the applicant must provide evidence that they have asked to be included in the nearest fire district.**

**The applicant stated that a water tank with a supply of at least 500 gallons with an operating water pressure of 50PSI will be provided, along with a 3/4" garden hose to reach the perimeter of the primary setback. The applicant submitted a plot plan indicating that the development standards are currently and will continually be met and maintained.**

#### **VI. DECISION:**

There is evidence to support the request for a medical hardship dwelling. There are conditions that apply to this use that can be found at Exhibit "A".

#### **VII. EXPIRATION AND EXTENSION OF HARDSHIP DWELLINGS**

*Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. Governing bodies shall review the permit authorizing such manufactured homes every two years. Oregon Department of Environmental Quality review and removal requirements also applies to such temporary hardship dwellings.*

**This is a hardship dwelling and the applicant is responsible for providing updates to the Planning Department as to the status of the temporary dwelling every two years beginning March 18, 2022.**

**If the applicant fails to comply a new conditional use will be required to reauthorize the dwelling. Also, a DEQ inspection may be required.**

#### **IX. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:



# NOTICE OF LAND USE DECISION

Coos County Planning  
225 N. Adams St.  
Coquille, OR 97423  
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Applicant(s): Sheri McGrath  
PO Box 1548  
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Staff Planner: Crystal Orr, Planner I

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Zoning: FOREST (F)  
Special Considerations: FLOODPLAIN (FP)  
FOREST MIXED USE (MU)

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**Reviewed by:** \_\_\_\_\_ **Date:** Tuesday, March 03, 2020  
Crystal Orr, Planner I

**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.**

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Exhibit B: Vicinity Map

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VICINITY MAP**



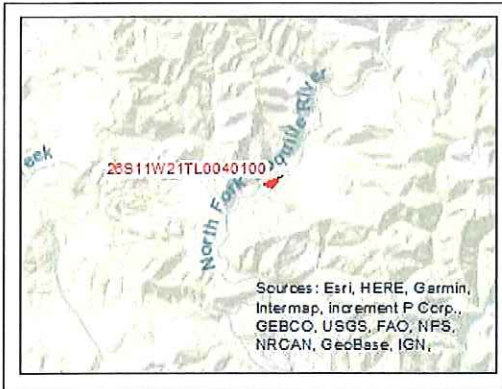
**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

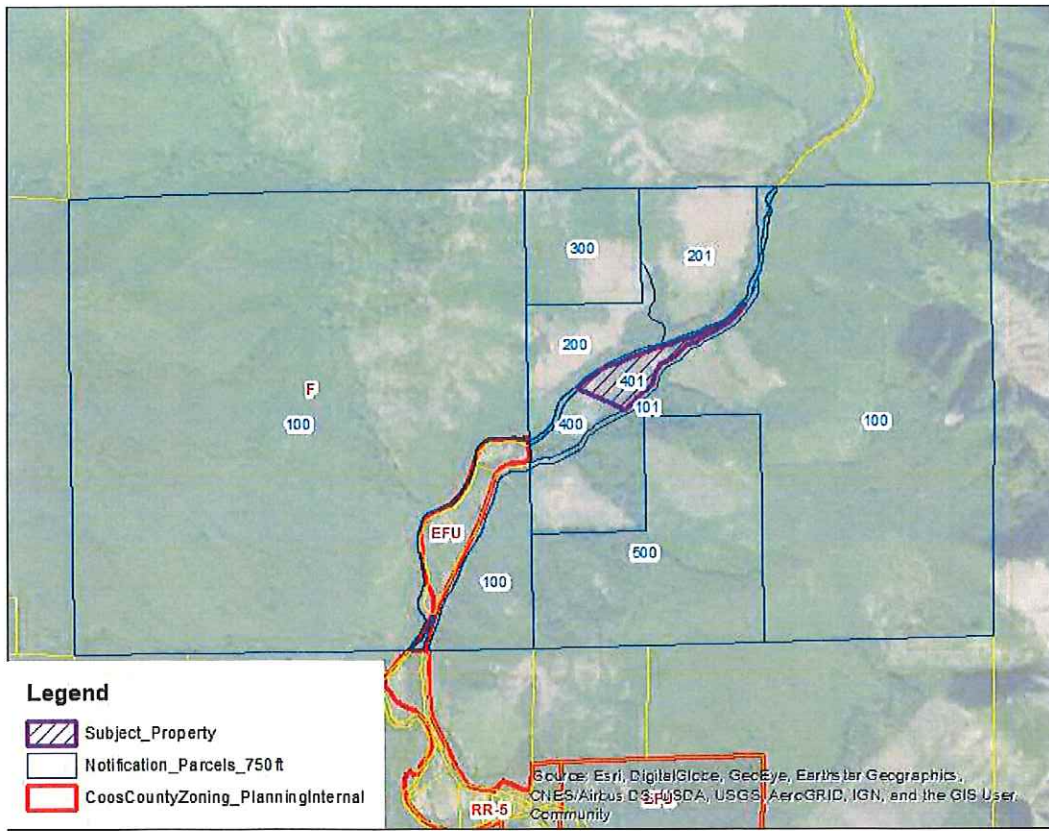
Physical Address: 225 N. Adams, Coquille Oregon

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File: FHD-19-004  
 Applicant/ Owner: Morrison-Gederos Construction/ Scott Manske  
 Date: February 25, 2020  
 Location: Township 26S Range 11W Section 21 TL 401  
 Proposal: Medical Hardship Dwelling



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

**I. PROPOSAL**

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The applicant proposes to replace the current manufactured dwelling with a stick built dwelling. This can sound misleading because the current manufactured dwelling will remain and be used as the medical hardship. The medical hardship is a temporary dwelling and will be removed within three (3) months of the end of the need for the hardship. The replacement dwelling criteria will be reviewed first and a decision will be made regarding meeting the criteria, and then the medical hardship will be addressed based on criteria. The decisions will be subject to the conditions of approval.

**III. PROPERTY DESCRIPTION AND PROPOSAL**

**LAWFULLY CREATED:** This property is acknowledged as a lawfully created parcel pursuant to CCZLDO § 6.1.125.1.eas it was created by deed prior to any applicable planning, zoning or partition ordinance that prohibited the creation (document deed 79-13267).

**LOCATION:** The subject property is located northeast of the City of Coquille off of Fairview Road, which is a Coos County maintained public road.

**SITE DESCRIPTION AND SURROUNDING USES:**

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is along the North Fork Coquille River. The access road (Fairview Road) is located along the southeast boundary and the existing development is located along Fairview Road. There is little vegetation on the lot. There is residential development scattered along Fairview Road. The southern tax lot is owned by a timber company and appears to be in timber production. The proposed development is located outside of the regulated flood hazard area.
- b. **PROPOSAL:** The applicant has requested land use authorization to replace the existing dwelling with a new stick built singly family dwelling and convert the existing dwelling to a temporary hardship dwelling. The hardship will be removed within three (3) months of the end of the need for the hardship.

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

• **SECTION 4.6.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:**

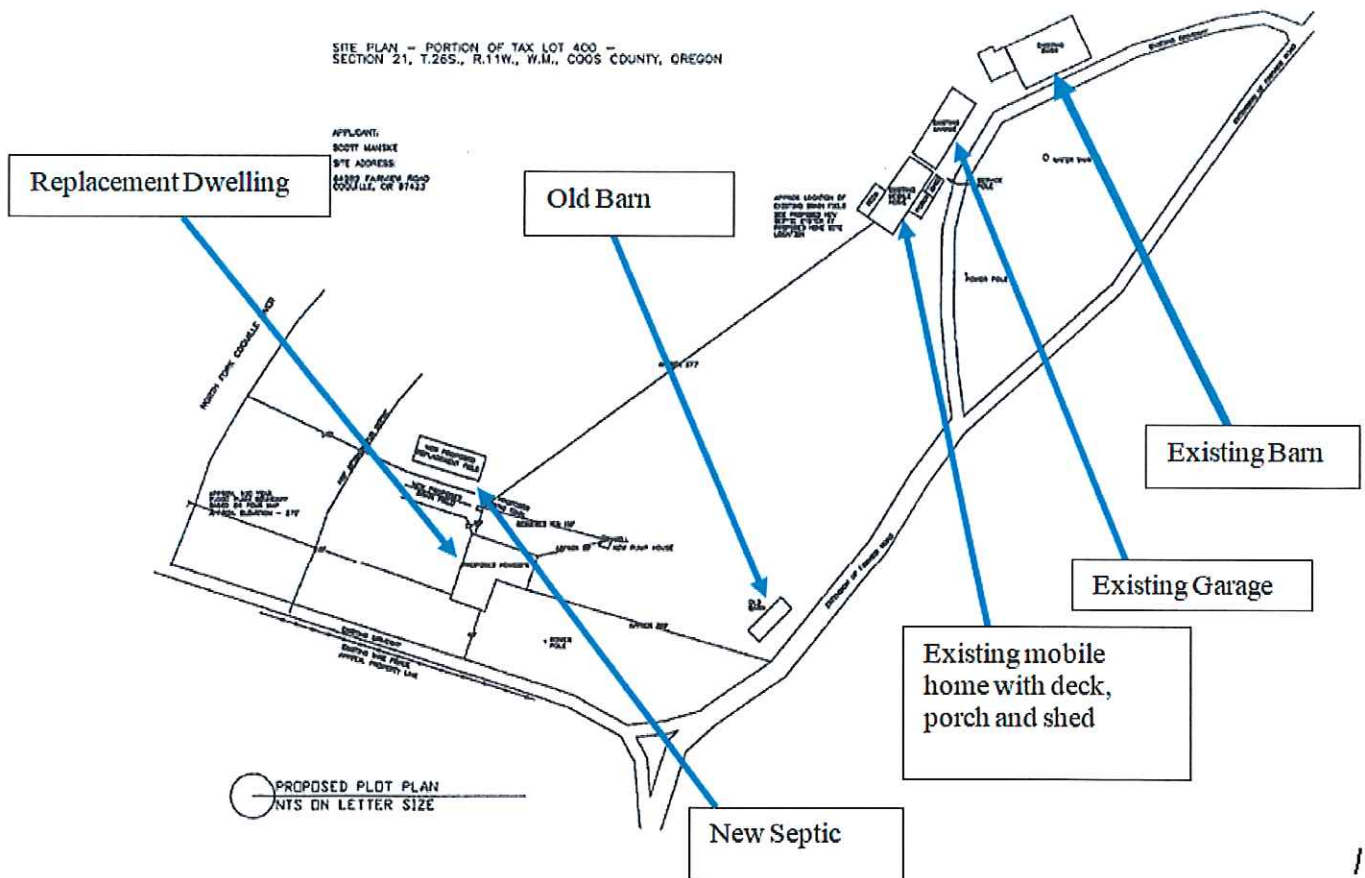
The uses and their accessory uses listed in this section may be permitted as an administrative conditional use subject to applicable development standards for Forest and Forest Mixed Use zone and the following criteria

18.	Alteration, restoration or replacement of a lawfully established dwelling;	CD	(3)(o)
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(o) *REPLACEMENT DWELLINGS - Alteration, restoration or replacement of a lawfully (if discretion is used to determine lawfully established will be reviewed as nonconforming use) established dwelling that:*

- (A) *Has intact exterior walls and roof structures;*
- (B) *Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;*
- (C) *Has interior wiring for interior lights;*
- (D) *Has a heating system; and*
- (E) *In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;*

**FINDING: The applicants provided a detailed plot plan of the existing and proposed development: (Due to size staff copied the information from the plot plan for clarity)**



The plot plan shows existing development as two (2) existing barns, one (1) garage, and one (1) mobile home with deck, porch and small shed. Coos County assessment information lists two (2) general purpose buildings with year built as 1990 and 2000, and one (1) manufactured dwelling with an assessed year built of 1970. Planning staff could not find approval for the structures that were built in 1990 and 2000 (according to assessment information).

Planning Staff received a Compliance Determination with a project description of replacing the manufactured dwelling with a stick built dwelling and after the fact clearance for pre-existing development that was sited without Coos County approval on November 12, 2019. Staff cannot prove when the 1970 manufactured dwelling was sited, and proof was not submitted with the application. Therefore, Staff is granting approval for any existing accessory/ farm structures but as a condition of approval proof of the year the manufactured dwelling was sited must be provided prior to a Zoning Clearance Letter for any development.

Replacement of a dwelling requires that the current dwelling meets the criteria listed above. The applicant provided pictures of the existing manufactured dwelling showing that the dwelling meets replacement criteria. The applicant is requesting to keep the current manufactured dwelling and use it as a medical hardship dwelling; a Conditional Use for a hardship was submitted. The applicants' criteria state that the applicant will notify the planning department when the hardship ends for either removal or non residential conversion approval.

Staff wants to point out that the hardship in this case cannot be converted to a non residential use as manufactured dwellings aren't allowed as a non residential use. So, the manufactured dwelling will need to be removed within three (3) months of the end of the hardship.

Hardship Dwelling (Other forestland dwellings 215.755)	ACU	(9)(B)(IV), (9)(C)
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(9) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -

*(IV) HARDSHIP DWELLING: A manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this section is not eligible for replacement under 215.283(1)(p). Department of Environmental Quality review and removal requirements also apply. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. If the manufactured home will use a public sanitary sewer system, such condition will not be required. Governing bodies shall review the permit authorizing such manufactured homes every two years. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.*



*(C) Additional Criteria for all dwellings allowed in the forest and Forest Mixed Use Zones.*

*(1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*

*(a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.*

*(b) The dwelling meets the following requirements:*

*(A) The dwelling has a fire retardant roof.*

*(B) The dwelling will not be sited on a slope of greater than 40 percent.*

*(C) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*

*(D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.*

*(E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.*

*(F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*

*(G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.*

*(2)(a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.*

*(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]*

**FINDING:** The proposal is to “replace” the existing mobile home with a stick built dwelling, and use the mobile home as a medical hardship dwelling. What this means is that they will not be removing the mobile home, but changing the use of the mobile home to a temporary use (medical hardship) until Opal Murphy no longer needs care, and then the mobile home will be removed. The stick built dwelling will remain. The applicant has submitted signed certification from a physician, Dallas Carter indicating the need for Opal L Murphy, the resident of the mobile home, to have a caregiver living close to her. The applicant will be made aware through conditions of approval that they will need to renew the medical hardship every two (2) years if the use is still valid, and that the temporary dwelling will need to be removed within three (3) months after the medical hardship is no longer needed.

**As a condition of approval the medical hardship dwelling must be removed within three (3) months after the medical hardship is no longer needed.**

**As a condition of approval the medical hardship dwelling must be renewed every two (2) years if the use is still valid.**

**As a condition of approval the medical hardship dwelling shall use the same subsurface sewage system as the primary single family dwelling.**

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**As a condition of approval a Forest Management covenant shall be filed prior to receiving a Zoning Clearance Letter for development.**

**Planning Staff will send a request for comments to Mary Jane Starks, Farm/Forest Appraiser with the Coos County Assessor's Office to verify whether the property will require a stocking survey pursuant to ORS 321.257. The applicant shall comply with the requirements.**

**As a condition of approval the roof shall be fire retardant. If a chimney is proposed a spark arrester must be installed.**

**As a condition of approval the new dwelling shall not be sited on a slope greater than 40 percent. Evidence was provided that the domestic water supply is from a well.**

**The property is within the Coos Forest Protective Association, which is not a fire district. As a condition of approval the applicant must provide evidence that they have asked to be included in the nearest fire district.**

**The applicant stated that a water tank with a supply of at least 500 gallons with an operating water pressure of 50PSI will be provided, along with a 3/4" garden hose to reach the perimeter of the primary setback. The applicant submitted a plot plan indicating that the development standards are currently and will continually be met and maintained.**

#### **VI. DECISION:**

There is evidence to support the request for a medical hardship dwelling. There are conditions that apply to this use that can be found at Exhibit "A".

#### **VII. EXPIRATION AND EXTENSION OF HARDSHIP DWELLINGS**

*Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. Governing bodies shall review the permit authorizing such manufactured homes every two years. Oregon Department of Environmental Quality review and removal requirements also applies to such temporary hardship dwellings.*

**This is a hardship dwelling and the applicant is responsible for providing updates to the Planning Department as to the status of the temporary dwelling every two years beginning March 18, 2022.**

**If the applicant fails to comply a new conditional use will be required to reauthorize the dwelling. Also, a DEQ inspection may be required.**

#### **IX. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties: