



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Coos County Planning
60 E. Second St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
planning@co.coos.or.us

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. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Thursday, September 02, 2021**

File No: ACU-21-016

Proposal: Request for confirmation of a non-conforming use

Applicant(s): Coos Curry Consulting Group
PO Box 1548
Bandon OR 97411

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 5 p.m. on **Friday, September 17, 2021**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Coos County Zoning and Land Development Ordinance (CCZLDO) *General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions. The Nonconforming use is subject CCZLDO Article 5.6 Verification an Alteration of a Nonconforming use.* This proposal is not subject to review under 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: 971300

Map Number: 28S1421CD-01800

Property Owner: JCB HOLDINGS LLC

Situs Address: 88967 HWY 42 S BANDON, OR 97411

Acreage: 0.86 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Development

Considerations and overlays: **BANDON AREA OF MUTUAL INTEREST (BMI)**

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.

This notice shall be posted from September 2, 2021 to September 17, 2021

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. 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 application, staff report and any conditions may be found at the following link:

<https://www.co.coos.or.us/planning/page/land-use-applications-submitted> 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 60 E. Second St., Coquille, Oregon; however, an appointment is required to be setup for viewing purposes. 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: Thursday, September 02, 2021 .
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& Template Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -**Findings of Fact and Conclusions**

Exhibit D: Comments Received (No Comments Received)

Exhibit E: Submitted Application

EXHIBIT "A"
CONDITIONS OF APPROVAL

The applicant (applicant includes property owner and any successor) 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:

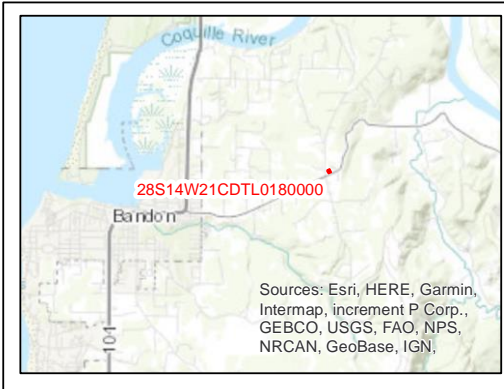
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. *The subject property is less than one acres in size and not served by a public sewer. Therefore, the 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.*
3. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the replacement dwelling. This will be issued after all the following conditions have been satisfied.
 - a. Pursuant to Article 5.2 a document shall be recorded in the chain of title of the property, indicating that future purchasers will be 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. In this case it is just an acknowledgment that this property is Nonconforming and any alterations will require an Administrative Conditional Use unless otherwise exempt in Article 5.6.
 - b. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
 - c. Request to obtain an address for the second Dwelling prior to issuance of a Zoning Compliance Letter.

EXHIBIT "B"
Vicinity Map



COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



File: ACU-21-016

Applicants/
Owner: Coos Curry Consulting Group
JCB Holdings, LLC

Date: August 13, 2021

Location: Township 28S Range 14W
Section 21CD TL 1800

Proposal: Administrative Conditional Use

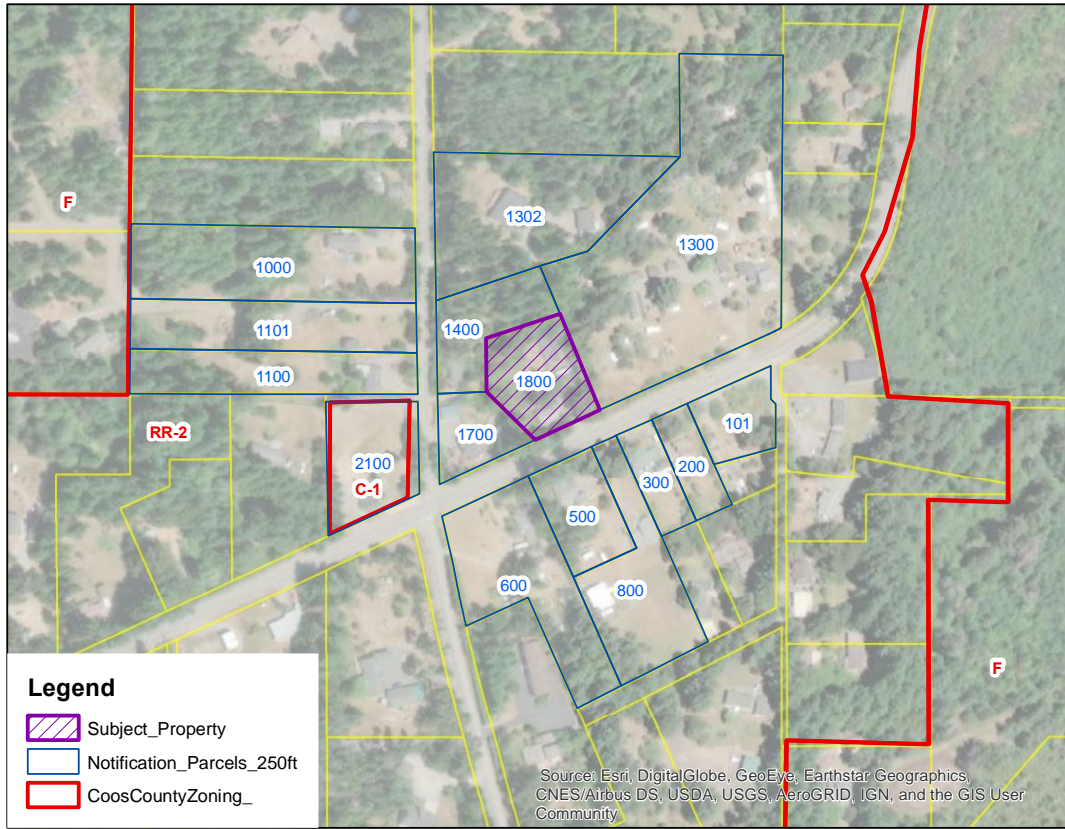


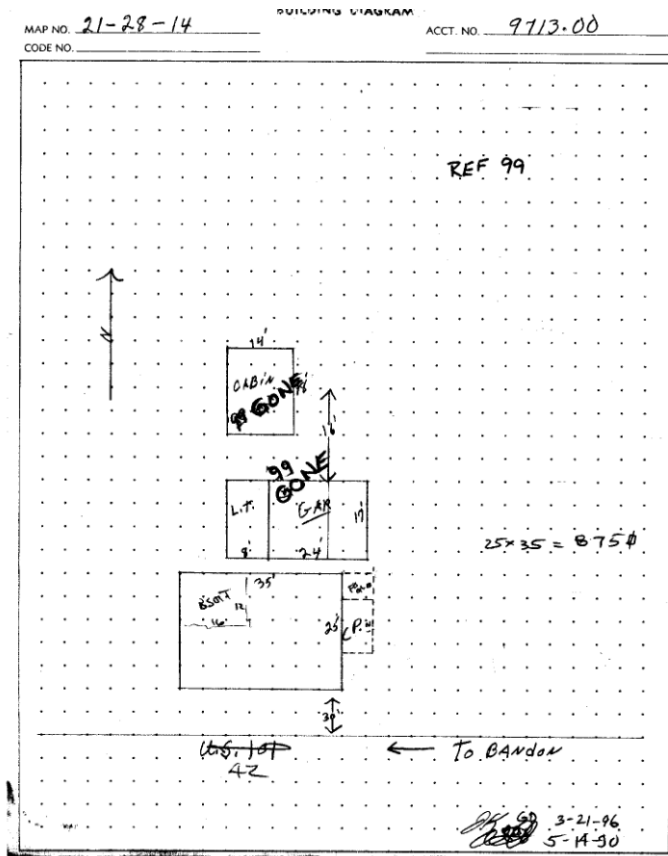
EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: The proposal is to replace the existing manufactured structure with a stick framed structure (*Single Family Dwelling*). The 1937 cabin is proposed to be remodeled, and an attached garage is proposed at this time.

B. BACKGROUND/PROPERTY HISTORY:

According to the assessment records for 1990 There was a 1937 cabin, Garage, and another cabin (14' x 18') but the date is not able to be read. The diagram was verified in 1996. The next appraisal notes are from 1999 and the undated cabin and garage had been removed.

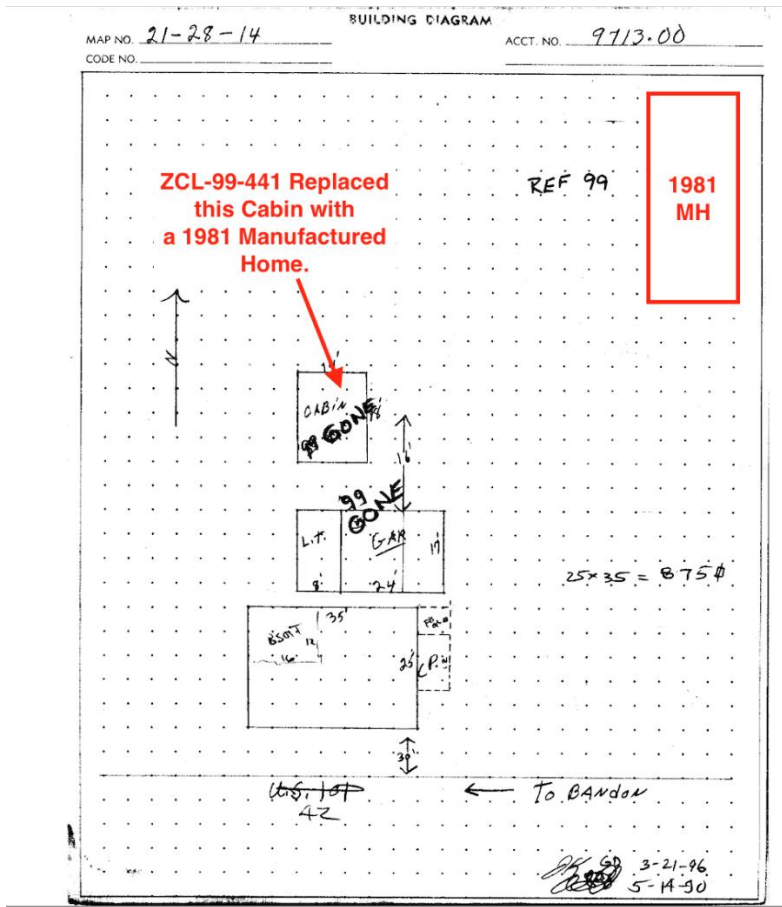


The dwelling shown in the diagram as the 35' x 25' (875 square foot dwelling on the southern portion of the property.

The 1994 image on Goggle does confirm the structures that were drawn in the assessment diagram. The next available image is from 2000 and the structures labeled garage and small cabin were removed and the Manufactured Dwelling was added. Note the assessment records still show the 1937 on the tax rolls shown as an 875 square foot Dwelling (25' x 35'). Unfortunately, the drawing that was available to staff has the wording "99 Gone" over the year on the smaller 14' x 18' cabin. The history did not provide any details either.

On June 3, 1998, a land use application was approved through file number ZCL-98-224 (Zoning Compliance Letter) for repair/replacement of an existing septic field. In the ZCL, Staff noted that there was no documentation of the cabin's date, so grandfathering (nonconforming status) could not be established at that time. The property owners did apply and receive approval from Department of Environmental Quality at that time.

In 1999, a land use authorization in the form of a Zoning Compliance Letter (ZCL-99-441) was issued to replace the other recognized *Nonconforming* (grandfathered) *Dwelling* with a new *Dwelling*. A 1981 *Manufactured Dwelling* was installed on the subject property. In addition, the authorization noted there were two (2 grandfathered) *Dwellings* on the subject property. Staff could not find any formal applications establishing the smaller cabin. However, in 1999 a formal application was not required the standards that applied allowed a dwelling to be replaced within two years of removal. The fact is that staff made the determination in 1999 that the smaller cabin was a Nonconforming Use/Structure based on assessment information and utility information which means staff determined at that time there was enough evidence at the time to allow the replacement. The small cabin was replaced with the 1981 *Manufactured Dwelling*. Below shows what was replaced.



1981 Manufactured Dwelling to be replaced.

Therefore, it not necessary to reestablish the Nonconforming use. The reason this is considered Nonconforming is because CCZLDO Section 4.3.230(2) *Additional Siting Standards* explain that the minimum lot/parcel size is (2) two acre and “[d]welling density shall be no more than one dwelling per lawfully created parcel unless otherwise

provided for by this ordinance”. This unit of land is less than an acre and contains two (2) Dwellings.

On February 23, 2021 the applicant submitted a Compliance Determination Application to replace the Dwellings; however, because this is a Nonconforming Use, replacement or any type of alteration requires an Administrative Conditional Use pursuant to CCZLDO Article 5.6.

On March 8, 2021, the current Applications were received. The application was deemed complete within the 30-day time frame explained in the Coos County Zoning and Land Development Ordinance Section 5.0.200 (ORS 215.427) and 5.0.250. The deemed complete process is a review that all the materials have been submitted as explained in the applications. This is not full review of the criteria as the burden of proof rest with the applicant and the details of the application are reviewed during the review period.

- C. LOCATION:** The subject property is located east of the City of Bandon off Highway 42S. The property has a situs address of 88967 Hwy 42S, Bandon, OR 97411.
- D. ZONING:** - This property is zoned Rural Residential-2 (RR-2).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.100 RESIDENTIAL ZONES - Rural Residential (RR)

The purpose of the “RR-2” and “RR-5” districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

- E. SPEICAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:**

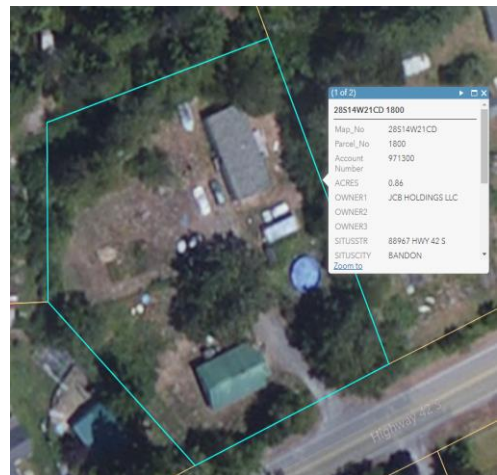
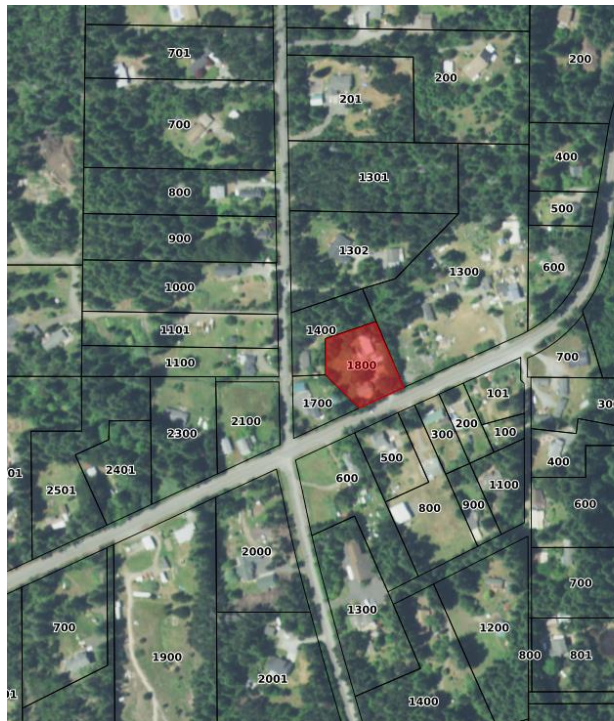
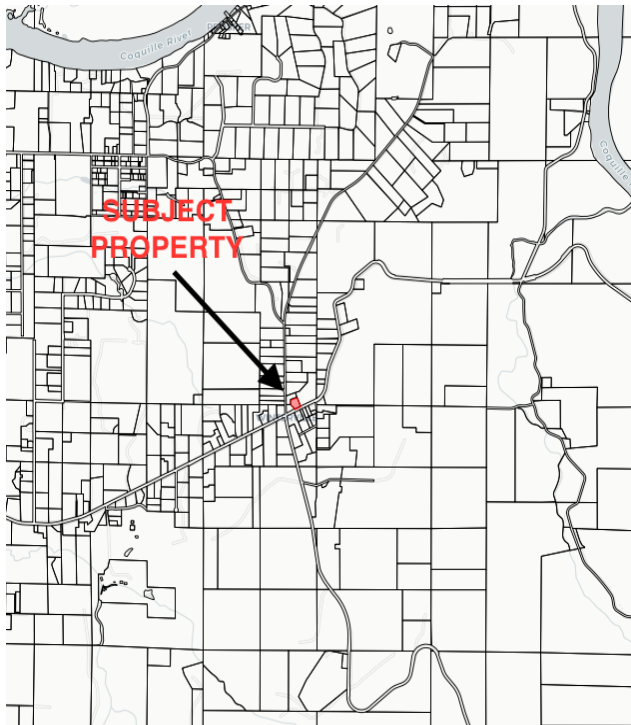
SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

The subject property is not subject to any additional overlays that require review.

- F. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is zoned Rural Residential-2 (RR2) and is approximately 0.86 acres. This property is located along Highway 42S in the rural area known as Winterville. Winterville is located at the crossroads of Proposer Junction Road, Morrison Road, and Highway 42S. The subject

property has a few scattered trees. There are a lot of rural residential dwellings in this area. Commercial cranberry farms are located half a mile northwest and southeast of the subject property. The proposal will not affect these farms. Multiple residences are also located to the east of the subject property.



G. COMMENTS: No comments pre-decision were required for this review.

II. PROPERTY COMPLIANCE

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the

district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

FINDING: Staff has reviewed the property history and the county files to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partition ordinances or regulations that prohibited the creation. Prior to 1986 properties were allowed to be created by deed or sale agreement and this property was created prior to 1986, see Deed Document Book 258, Page 6.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Nonconforming use and replacement dwelling criteria in the Rural Residential Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.3.200 (28) Dwelling – Replacement and Article 5.6 Nonconforming. The nonconforming use is required to be established prior to remodeling of the 1937 cabin on the subject property.

B. KEY DEFINITIONS:

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

ZONING DISTRICT: 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.

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.

C. CRITERIA AND STANDARDS FOR NONCONFORMING USES

I. ARTICLE 5.6 NONCONFORMING

- **SECTION 5.6.100 NONCONFORMING USES:**

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

- 1. A change in the use of no greater adverse impact to the neighborhood; and*
- 2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.*

FINDING: This application is for a change in the structures by replacement of the existing 1981 *Manufactured Dwelling* with a *Conventional Single Family Dwelling*. The 1937 *Dwelling* (cabin) is proposed to be remodeled, and an attached garage addition at this time. The structures were determined to be nonconforming in 1999 under application approval ZCL-99-441. The structures are still in place. Therefore, the applicable criterion is Section 5.6.100(2). This property has been developed with two *Dwellings* prior to the enactment of the first Ordinances that governed rural development in Coos County (July 1, 1975).

There is no change in the use proposed. The changes to the structures will need to comply with Section 5.6.125(2) and (3).

- **SECTION 5.6.110 INTERRUPTION OR ABANDONMENT OF NONCONFORMING USES:**

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year, unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

FINDING: The use of the property is residential and has remained residential. The alteration of the structures is what is proposed through this application and not the use. Therefore, this criterion has been addressed.

- **SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:**

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)- (8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

FINDING: This Section explains that the relevant criteria for alterations or repair is found in Section 5.6.125 which is consistent with the intent of ORS 215.130(5) through (8). There are no alterations requested to comply with health or safety requirements or to maintain in good repair the existing structures with the associated use (two Dwellings on less than an acre). Therefore, this criterion has been addressed.

- **SECTION 5.6.125 CRITERIA FOR DECISION:**

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. *The change in the use will be of no greater adverse impact to the neighborhood;*
2. *The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and*
3. *Other provisions of this ordinance, such as property development standards, are met.*

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

FINDING: This application is for a change in the structures by replacement of the existing 1981 *Manufactured Dwelling* with a *Conventional Single Family Dwelling*. The 1937 *Dwelling* (cabin) is proposed to be remodeled, and an attached garage addition at this time. The plot plan and septic records show that the septic system was constructed to standards as of 2000. The replacement dwelling and remodel will require obtaining septic site approval. The applicant is proposing to replace the *Manufactured Dwelling* in same located to ensure there will be no adverse impacts. The Development Standards are found in CCZLDO Sections 4.3.225 and 4.3.230(2) and reviewed below. Staff finds that the replacement of the *Manufactured Dwelling*, remodel of the *Dwelling* or an addition of an *Accessory Structure* (garage) will not adversely impact the neighborhood, which was the area determined by the notification area (250 feet from the exterior boundary). The area is residential and the subject property has served two (2) *Dwellings* in the past. Therefore, with the conditions of approval listed in the report staff finds the application meets the criteria for alteration, modification and addition of the structures.

- *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 ****
- (7) *Setbacks:*
- (a) *All Development 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.*
- (8) *OUTDOOR STORAGE IN RESIDENTIAL ZONES (a) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use; (b) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings; (c) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed.*

- **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: ****

ii. 2 acres in the RR-2 district

*iii. Exception to minimum lot sizes in Rural Residential: ****

3. Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre 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.

(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 Plot Plan provided with the application shows that all Development Standards will be met. The applicant did not address the if Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources were consulted prior to requesting land use authorization. The concern is based on the size of the property and the intensity of the development. The Driveway and Parking Standards will be addressed through the Driveway Confirmation permit that was submitted on February 23, 2021.

VI. DECISION:

There is evidence to adequately address the criteria for the alteration of the Nonconforming Structures and expansion of the Use, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit “A”.

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special districts, or parties: Bandon Rural Fire Protection District and City of Bandon.

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners, Department of Land Conservation and Development, Coos Health and Wellness, Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

EXHIBIT “D”
Comments

No Comments were required or received

EXHIBIT "E"
Application



Coos County Land Use Permit Application
 SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL TO:
 COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
 PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER: ACU-21-016

Date Received: 3/8/2021 Receipt #: 274268 Received by: A. Dittke

This application shall be filled out electronically. If you need assistance please contact staff.
 If the fee is not included the application will not be processed.
 (If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) JCB Holdings, LLC
 Mailing address: P.O. Box 1941, Bandon, OR 97411
 Phone: _____ Email: _____

Township: 28S Range: 14W Section: 21 ¼ Section: C 1/16 Section: D Tax lots: 1800
 Select Select Select Select Select

Tax Account Number(s): 971300 Zone: Select Zone Rural Residential-2 (RR-2)
 Tax Account Number(s): _____ Please Select

B. Applicant(s) Coos Curry Consulting Group
 Mailing address: P.O. Box 1548, Bandon, OR 97411
 Phone: 541-982-9531 cooscurry@gmail.com

C. Consultant or Agent: Sheri McGrath
 Mailing Address: _____
 Phone #: _____ Email: _____

Type of Application Requested

Comp Plan Amendment Administrative Conditional Use Review - ACU Land Division - P, SUB or PUD
 Text Amendment Hearings Body Conditional Use Review - HBCU Family/Medical Hardship Dwelling
 Map - Rezone Variance - V Home Occupation/Cottage Industry

Special Districts and Services

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
 School District: Bandon Fire District: Bandon RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)


- D. **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.

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
- 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.
 - A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 - A complete description of the request, including any new structures proposed.
 - If applicable, documentation from sewer and water district showing availability for connection. *N/A*
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
- Location of all existing and proposed buildings and structures
 - Existing County Road, public right-of-way or other means of legal access
 - Location of any existing septic systems and designated repair areas
 - Limits of 100-year floodplain elevation (if applicable) *N/A*
 - Vegetation on the property
 - Location of any outstanding physical features
 - Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. 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.

 _____ *Sheri Melbath on Behalf of JCB Holdings*

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 88967 Hwy 42S, Bandon, OR 97411

Type of Access: State Hwy - Provide Access Permit Name of Access: Hwy 42S

Is this property in the Urban Growth Boundary? No

Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

By signing the application I am authorizing Coos County Roadmaster or his designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. I understand that I shall contact the Road Department to let them know when the improvements are ready to be inspected or Bonded. Contact by phone at 541-396-7600

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: _____ Receipt # _____

File Number: DR-20-

March 5, 2021
NON-CONFORMING USE APPLICATION
88967 Hwy 42S
Bandon, Oregon 97411
28-14-21CD TL 1800
Tax Account 971300

PROPERTY OWNER

JCB Holdings, LLC
P.O. Box 1941
Bandon, Oregon 97411

APPLICANT

Coos Curry Consulting Group
P.O. Box 1548
Bandon, OR 97411
cooscurry@gmail.com

EXISTING PROPERTY CONDITIONS

The subject property is located outside of the city limits of Bandon, found in Coos County, Oregon. The property is known as Tax Lot 1800 on the Coos County Tax Assessor's Map 28-14-21CD. The property is located in the Rural Residential 2 zoning district. The property is .86 acres in size, and the situs address is 88967 Hwy 42S, Bandon, Oregon 97411.

Existing development includes two septic systems, a domestic well, a manufactured home, and a stick framed home. 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 and is primarily cleared. The driveway is installed, and is kept in good working order.

The stick framed home pre-dates the tax assessor and planning records; however, an application in 1999 acknowledged the existence of two homes on the property. Zoning compliance was issued for the replacement of one of the grandfathered dwellings, and that manufactured home was sited in 1999. On June 3, 1998 a Zoning Compliance Letter was issued for a septic repair. The letter states the date of the existing grandfathered dwelling was sited in 1937. The now replaced grandfathered dwelling pre-dated any county records. Both grandfathered dwellings preexisted the Coos County Zoning and Land Development Ordinance and Coos County Tax Assessor's records. A letter from Pacific Power is attached, and shows that an electric meter was set at this location on January 1, 1979. A second letter is attached that shows the continuance of services for the last 10 year period, specifically since 1999 when the manufactured home was sited and given its own meter.

The structures are in compliance with the required setbacks and height restrictions. There are adequate and permitted septic systems for both homes.

PROPOSED PROPERTY CONDITIONS

The property owner would like to bring the current property conditions into compliance with the Coos County Zoning and Land Development Ordinance. Clearance for the continuance of the existing structures and septic systems is being requested. The existing manufactured structure is proposed to be replaced with a stick framed structure. The 1937 cabin is proposed to be remodeled, and an attached garage addition is proposed at this time. There was at one point a detached garage on this site that was removed and not replaced.

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."

Conditional Use is "applied to a use which may be permitted by the issuance of a conditional use permit."

Evidence is defined as, "Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

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."

1.1.300 All development must comply with the Comprehensive Plan and Zoning Ordinance. *The existing original development pre-exists the CCZLDO, yet both grandfathered homes were acknowledged in 1999 on ZCL-99-441. The structures are permitted under the current zoning ordinance as a non-conforming use acknowledged through the conditional use process.*

4.2.100 The Rural Residential district provides for the continual existence of rural family life outside of the Urban Growth Boundary. *The subject property is in a residential location which was a thriving rural community several years ago. Several properties have had or still have multiple single family dwellings on non conforming lot sizes. This area once had a hotel, service station and grocery.*

4.3.220 The conditional use review criteria for the RR-2 district requires compatibility with the surrounding properties. *The surrounding area is residential, and the proposed replacement dwelling will enhance the neighborhood by replacing a deteriorating structure with a new stick built home.*

5.6.100 Non-conforming uses may continue and be altered. Alterations to the use or physical use of the property is allowed if there is no greater impact on the neighborhood. *The existing development does not adversely impact the neighborhood. The replacement dwelling will be located in the same location as the current dwelling.*

5.6.105 Restoration or replacement due to a natural disaster is permitted outright. *This does not apply to the current application.*

- 5.6.110 Replacement of non-conforming uses is permitted as long as there has not been abandonment for more than one year. *The existing dwellings have been in continual use.*
- 5.6.120 Alterations, repairs or verification of a non-conforming use requires a conditional use permit. The application shall comply with Section 5.6.125 and be consistent in intent to ORS 215.130 (5-8). *The applicant is applying for the required permit with conditions listed below.*
- 5.6.125 When evaluating the conditional use, the following criteria are to be met:
1. The change of use will have no greater adverse impact on the neighborhood. *The applicant is not requesting a change of use.*
 2. The change in structure or physical use of the property will not have a greater adverse impact on the neighborhood. *The neighborhood has residential development and there will be no greater adverse impact.*
 3. Other provisions of this ordinance, such as development standards are met. *The applicant meets or exceeds the development standards of this ordinance. All property line setbacks are exceeded. All structure heights are lower than permitted. All driveways and septic systems are maintained and in good working order.*
- 5.6.125 The applicant shall provide evidence that the non-conforming use was in use for a ten year period preceeding the date of application. *The applicant has provided a letter Pacific Power regarding the service start date for utilities on January 1, 1979. Two Zoning Compliance Letters show the existence of the structures. There has been continual service and taxation on the property which exceeds the ten year period.*
- The applicant shall provide evidence that the non-conforming use was lawful at the time the zoning ordinance or regulation went into effect. *Single Family Dwellings are allowed outright in the RR-2 zone. When the manufactured dwelling was sited in 1999, replacement dwellings and grandfathered uses were allowed to continue without a conditional use permit.*

OREGON REVISED STATUTES FINDINGS OF FACT

- 215.130 (5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance may be continued. *Residential use has been the primary and outright permitted use of the Rural Residential 2 zoning district for as long as this county has permitted residential development and prior to that by several years.*
- 215.130 (6) Restoration or replacement of any use described in subsection (5) may be permitted to be restored in the instance of a natural disaster. *This is not applicable to this application.*
- 215.130 (7) The use may not be continued after a period of abandonment. *The use has been continual since at least 1937.*
- 215.130 (8) Any proposal for the verification or alteration of the non-conforming use shall be through a permit outlined by the zoning jurisdiction. *The applicant has applied for an Administrative Conditional Use Permit for the alteration and continual use of two grandfathered dwellings.*

Coos Curry Consulting Group
P.O. Box 1548 * Bandon, Oregon 97411
cooscurry@gmail.com
541-982-9531

CONSENT FOR REPRESENTATION

I, Chris Butler of JCB Holdings, LLC of P.O. Box 1941, Bandon, OR 97411 give permission to Coos Curry Consulting Group to represent me on all design, permit and consulting matters concerning the property located on the Coos County Tax Assessor's Map 28-14-21 CD Tax Lot 1800. The tax account for this property is 971300.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above properties.

Contact information for Sheri McGrath is:

Cell: 541-982-9531
E-mail: cooscurry@gmail.com
Mailing address: P.O. Box 1548, Bandon, OR 97411


This consent automatically expires 12 months from the date below, without requirement of notice.

DATED: 2-9, 2021

COOS CURRY CONSULTING GROUP


By: Sheri McGrath

CLIENT


By: Chris Butler

RECORDING REQUESTED BY:



1010 1st Street, Ste 215
Bandon, OR 97411

GRANTOR'S NAME:
Federal Home Loan Mortgage Corporation

GRANTEE'S NAME:
Christopher Earl Butler

AFTER RECORDING RETURN TO:
Christopher Earl Butler
PO Box 1941
Bandon, OR 97411

SEND TAX STATEMENTS TO:
Christopher Earl Butler
PO Box 1941
Bandon, OR 97411

9713.00 and T28-14-21CD TL# 01800
Route 2 Box 531, Bandon, OR 97411

Coos County, Oregon **2020-03232**
\$101.00 Pgs=4 03/30/2020 04:23 PM
eRecorded by: TICOR TITLE COOS BAY
Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Federal Home Loan Mortgage Corporation, Grantor, conveys and specially warrants to Christopher Earl Butler, Grantee, the following described real property free and clear of encumbrances created or suffered by the grantor except as specifically set forth below:

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

The true consideration for this conveyance is Sixty-Four Thousand And No/100 Dollars (\$64,000.00).

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 216.010, 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.

SPECIAL WARRANTY DEED - STATUTORY FORM
(continued)

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

Dated: 3-27-20

Federal Home Loan Mortgage Corporation, Servicelink, a division of Chicago Title Insurance Company, as its attorney in fact

BY: [Signature] 3-27-20
Jason DaSilva
ITS: **Assistant Vice President**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of _____

County of _____

On _____ before me, _____ Notary Public.

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)
Signature

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On 3/27/2020 before me, Heather L Valenzuela, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Jason Dasilva

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer Title: _____
 Partner Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer is Representing: _____

Signer's Name: _____
 Corporate Officer Title: _____
 Partner Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer is Representing: _____

EXHIBIT "A"
Legal Description

Beginning at a point 691.5 feet West from the Northeast corner of the NE 1/4 of the NW 1/4 of Section 28, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 2° 0' East 174 feet to the Oregon Coast Highway; thence North 65° 30' East in a Northeasterly direction along the Oregon Coast Highway 363 feet; thence North 21° West 196 feet; thence South 73° 30' West 273 feet; thence South 2° 0' East 83 feet to the place of beginning.

SAVE AND EXCEPT those portions conveyed by deeds recorded May 17, 1937 in Book 128, Page 605, recorded August 2, 1938 in Book 132, Page 81 and recorded May 2, 1949 in Book 190, Page 148, Deed Records of Coos County, Oregon.

Unofficial
Copy

COOS COUNTY ZONING COMPLIANCE LETTER

(Valid For One Year From Date Of Issue)
 COOS COUNTY PLANNING DEPARTMENT COURTHOUSE ANNEX COQUILLE, OR. 97423
 PHONE (541) 396-3121 FAX (541) 396-2800

DATE 6-3-98 ZCL NO. 98-224
 APPLICANT Francis Brown, Contractor PHONE 347-2798
 OWNER Frank R. Henry Trustee/Juan and Susan Ariztia PHONE _____
 ADDRESS 432 Cedar St/Rt , Box 531
 CITY Myrtle Point/Bandon STATE: OR ZIP 97458/97411

LEGAL DESCRIPTION :

TWNSHP	RANGE	SECTION	TAX LOT	ACCOUNT#	SIZE	ZONING
28	14	21CD	1800	9713.00	.86	RR-2
COMMENTS _____						

EXISTING STRUCTURES / IMPROVEMENTS

DWELLING * FARM WELL XX PUBLIC WATER _____
 MOBILE HOME _____ OTHER _____ SPRING _____ PUBLIC SEWER _____
 COMMERCIAL _____ NONE _____ LAKE _____ SEPTIC 2
 INDUSTRIAL _____

COMMENTS 1- house sited in 1937, no documentation on the date the cabin was sited. Therefore, grandfathering for the cabin has not been established, garage

ZONING DISTRICT REQUIREMENTS

SETBACKS FRONT: -0- SIDE /CORNER -0- REAR: -0-
 ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35ft. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5ft. FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.
 STRUCTURE HEIGHT: -- AIRPORT OVERLAY ZONE : -- UGB: --

RIPARIAN VEGETATION :

ALL BUILDINGS SHALL MAINTAIN A 50ft. MINIMUM SETBACK FROM ALL STREAMS, LAKES, WETLANDS AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

FIREBREAK :

CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30 ft. RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).
 A SECONDARY FIREBREAK OF AT LEAST 100ft. AROUND THE PRIMARY FIREBREAK.

DRIVEWAYS :

DRIVEWAY CONFIRMATION FORM SIGNED-OFF BY ROAD DEPARTMENT, ATTACHED.

RURAL RESIDENTIAL COMPATIBILITY WITH FARM / FOREST MANAGEMENT PRACTICES

I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

APPLICANTS SIGNATURE _____

COOS COUNTY ZONING COMPLIANCE LETTER

(Valid For One Year From Date Of Issue)
 COOS COUNTY PLANNING DEPARTMENT COURTHOUSE ANNEX COQUILLE, OR. 97423
 PHONE (541) 398-3121 FAX (541) 398-2880

DATE 9-17-99 ZCL NO. 99-441
 APPLICANT Juan Ariztia PHONE _____
 OWNER Juan & Susan Ariztia PHONE _____
 ADDRESS RT 4 Box 360
 CITY Bandon STATE: OR ZIP 97411

LEGAL DESCRIPTION :

TWNSHP	RANGE	SECTION	TAX LOT	ACCOUNT#	SIZE	ZONING
<u>28</u>	<u>14</u>	<u>21CD</u>	<u>1800</u>	<u>9713.00</u>	<u>860</u>	<u>RR-2</u>

COMMENTS _____

EXISTING STRUCTURES / IMPROVEMENTS

DWELLING p FARM _____ WELL XX PUBLIC WATER _____
 MOBILE HOME _____ OTHER _____ SPRING _____ PUBLIC SEWER _____
 COMMERCIAL _____ NONE _____ LAKE _____ SEPTIC XX
 INDUSTRIAL _____

COMMENTS Current Dwelling was sited in 1937.

ZONING DISTRICT REQUIREMENTS

SETBACKS FRONT: _____ SIDE /CORNER _____ REAR: _____
 XX ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35ft. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5ft. FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.
 STRUCTURE HEIGHT: _____ AIRPORT OVERLAY ZONE : _____ UGB : _____

RIPARIAN VEGETATION :

ALL BUILDINGS SHALL MAINTAIN A 50ft. MINIMUM SETBACK FROM ALL STREAMS, LAKES, WETLANDS AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

FIREBREAK :

CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30 ft. RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).

A SECONDARY FIREBREAK OF AT LEAST 100ft. AROUND THE PRIMARY FIREBREAK.

DRIVEWAYS :

n/a DRIVEWAY CONFIRMATION FORM SIGNED-OFF BY ROAD DEPARTMENT, ATTACHED.

RURAL RESIDENTIAL COMPATIBILITY WITH FARM / FOREST MANAGEMENT PRACTICES

I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

APPLICANTS SIGNATURE _____

SPECIAL CONSIDERATIONS

FLOOD HAZARD AREA _____
COASTAL SHORELANDS _____
BEACHES AND DUNES _____
NATURAL HAZARDS _____
WATERSHED _____
OTHER _____

FIRM FLOOD MAP NUMBER : _____

MINERAL RESOURCES _____
WETLANDS _____
ARCHAEOLOGICAL _____
AIRPORT _____

BOTANICAL _____
HISTORICAL _____
GEOLOGICAL _____

ATTENTION OWNER / CHARLESTON SANITARY DISTRICT

_____ ADDITIONAL CLEARANCE BY THE CHARLESTON SANITARY DISTRICT IS REQUIRED FOR ALL ON-SITE SEPTIC DISPOSAL SYSTEM REPAIR OR INSTALLATION, OR CONNECTION TO THE DISTRICT'S SANITARY SYSTEM.

COOS COUNTY AUTHORIZES CLEARANCE FOR THE FOLLOWING STATE PERMITS

DEPARTMENT OF ENVIRONMENTAL QUALITY

SITE EVALUATION _____ RECONNECT EXISTING SYSTEM _____
INSTALL NEW SEPTIC SYSTEM _____ REPAIR / REPLACE EXISTING SYSTEM XX
OTHER _____

BUILDING CODES AGENCY

CONSTRUCT SINGLE FAMILY DWELLING _____ CONSTRUCT ACCESSORY STRUCTURE _____
REPAIR OR ALTER EXISTING DWELLING _____ CONSTRUCT FARM BUILDING _____
SITE MANUFACTURED DWELLING XX OTHER _____

EXPLANATORY NOTES AND / OR CONDITIONS :

Clearance to replace a grandfathered dwelling which was removed in 1999. There are 2 grandfathered dwellings on the property. The dwelling being replaced must be replaced within 2 years (note this clearance letter is valid one year). Only 2 dwellings allowed.

APPLICANT'S STATEMENT

PERTAINING TO THE SUBJECT PROPERTY DESCRIBED ABOVE, I HEREBY DECLARE THAT I AM THE LEGAL OWNER OF RECORD OR AN AGENT HAVING CONSENT OF THE LEGAL OWNER OF RECORD AND I AM AUTHORIZED TO OBTAIN THIS ZONING COMPLIANCE LETTER SO AS TO OBTAIN NECESSARY PERMITS FOR DEVELOPMENT FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND / OR THE BUILDING CODES AGENCY. THE STATEMENTS WITHIN THIS FORM ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I VERIFY THAT THIS IS A LEGALLY CREATED TRACT, PARCEL OR LOT. I UNDERSTAND THAT ANY PERMITS AND / OR AUTHORIZATION FOR DEVELOPMENT ISSUED BY THE PLANNING DEPARTMENT MAY BE REVOKED IF IT IS DETERMINED THAT IT WAS ISSUED BASED ON FALSE STATEMENTS, MISREPRESENTATIONS OR IN ERROR. AS A CONDITION FOR ISSUING THIS ZONING COMPLIANCE LETTER THE UNDERSIGNED HEREBY AGREES TO HOLD COOS COUNTY HARMLESS FROM AND INDEMNIFY THE COUNTY FOR ANY LIABILITY FOR DAMAGE WHICH MAY OCCUR AS A RESULT OF THE FAILURE TO BUILD, IMPROVE OR MAINTAIN ROADS WHICH SERVE AS ACCESS TO THE SUBJECT PROPERTY. (Zoning Compliance Letter Valid For One Year From Date Of Issue).

APPLICANT'S SIGNATURE [Signature]

COOS COUNTY COMPLIANCE

THE COOS COUNTY PLANNING DEPARTMENT FINDS THAT THE PROPOSED USES COMPLY WITH APPLICABLE PROVISIONS OF THE COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE. THE INFORMATION CONTAINED ON THIS FORM REFLECTS THE STATUS OF THE SUBJECT PROPERTY AND LAND USE REGULATIONS THAT EXIST AT THE TIME OF ISSUANCE.

AUTHORIZED SIGNATURE: [Signature]
TITLE: Planner DATE: 9-27-99

FOR OFFICE USE ONLY

FEE RECEIVED: 5.00 RECEIPT #: 13474 CHECK # 1601
NO CHARGE, BASED ON APPLICATION #: _____ STAFF [Signature]
OTHER: _____

P.O. Box 400
Portland, OR 97207-0400
A PacifiCorp Company

 **PACIFIC POWER**

September 21, 1998

Susan Ariztia
Route 4, Box 360A
Bandon, OR 97411

RE: RR 2, Box 531 Back, Bandon, OR

Dear Susan:

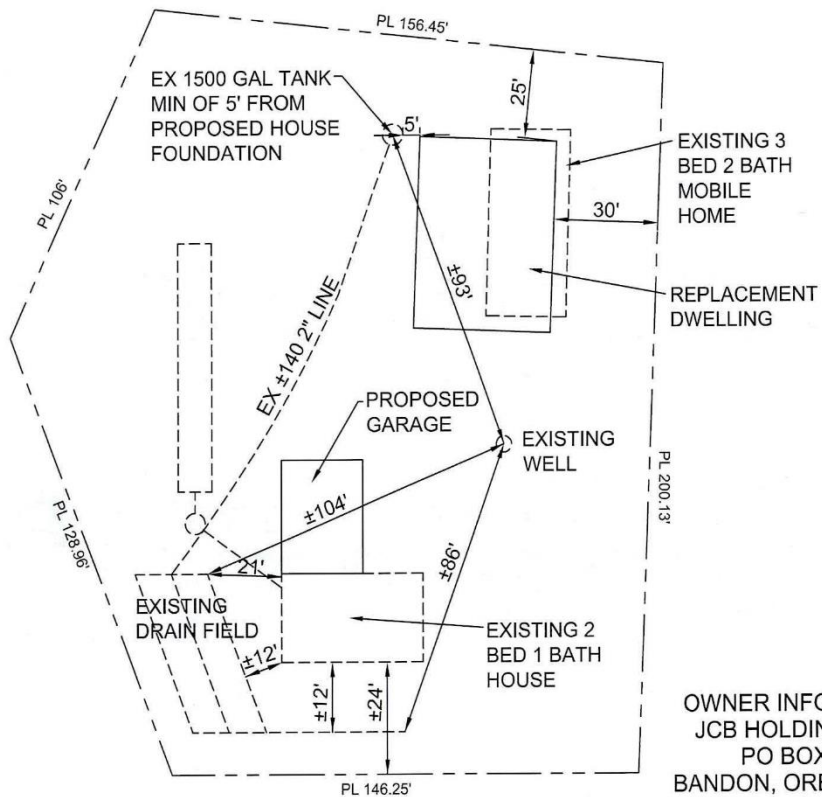
Thank you for contacting us regarding service at the back residence at RR 2, Box 531, in Bandon.

Our records show a meter was set at this site on 1-1-79. We have metered usage records in our current computer system dating back to March 1994. Enclosed is a copy of the record of our most recent customers, together with a copy of the load history.

On behalf of Pacific Power, we want to say how much we value and appreciate you as a customer. If you have any questions or concerns, please call us toll-free at 1-888-221-7070, 24 hours a day, 7 days a week.

Sincerely,

Pacific Power Customer Service



MAP PREPARED BY"
 DAVID BERRY
 AND
 SHERI MCGRATH

HIGHWAY 42 S

PLOT PLAN
 SCALE: 1/32"=1'



OWNER INFORMATION:
 JCB HOLDINGS L.L.C.
 PO BOX 1941
 BANDON, OREGON 97411
 SITE:
 88967 HWY 42 S
 BANDON, OREGON 97411
 28-14-21CD TL 1800
 TAX ACCT #971300