



## Reconsideration of **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](mailto:planning@co.coos.or.us)

### **This is a notice of reconsideration.**

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: **Friday, February 25, 2022**  
File No: ACU-21-035

Proposal: Request alteration of a non-conforming use. Single Family Dwelling in the Commercial (C-1) zone.

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 12 p.m. on **Monday, March 14, 2022**. 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: 2835800 & 2835801

Map Number: 28S1536DA-00400 & 00402

Property Owner: HIMMELRICK, JONATHEN ALEN  
PO BOX 1620  
BANDON, OR 97411-1620

Situs Address: 50732 HIGHWAY 101 BANDON, OR 97411

Acreage: 1.03 Acres

Zoning: COMMERCIAL (C-1)

Special Development Considerations and overlays: BANDON AIRPORT CONICAL ZONE (ABC)  
BANDON AREA OF MUTUAL INTEREST (BMI)  
NATIONAL WETLAND INVENTORY SITE (NWI)

---

This notice shall be posted from February 25, 2022 to March 14, 2022

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. 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: Friday, February 25, 2022 .  
Amy Dibble, Planner II

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

#### EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The 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

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. 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. The access point will change the address location for the dwelling. For emergency purposes and to keep the residential and commercial areas separate an address shall be obtained.
  - d. If the existing building is proposed for a commercial use besides a commercial office a separate application for a Compliance Determination.

**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



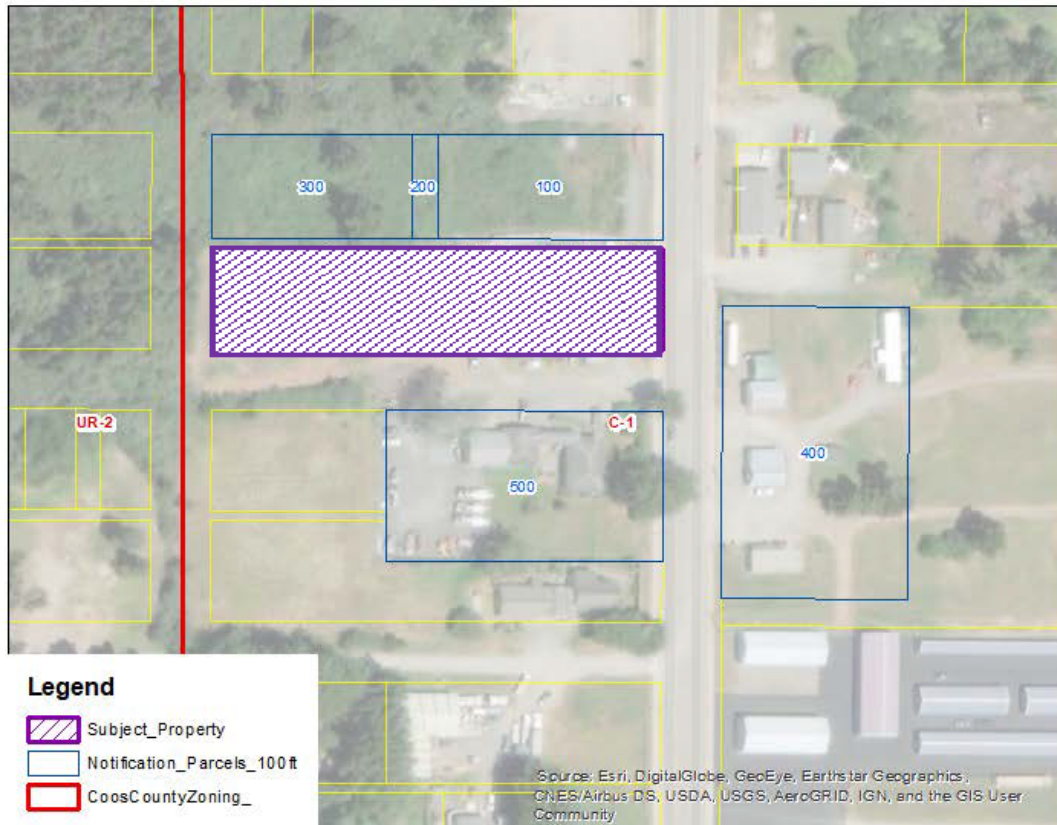
File: ACU-21-035

Applicants/  
Owner: Coos Curry Consulting Group  
Jonathen Himmelrick

Date: December 10, 2021

Location: Township 28S Range 15W  
Section 36DA TL 400 & 402

Proposal: Administrative Conditional Use



**Legend**

- Subject\_Property
- Notification\_Parcels\_100ft
- CoosCountyZoning\_

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community