



# 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 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: **Tuesday, January 11, 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 5 p.m. on **Wednesday, January 26, 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  
Map Number: 28S1536DA-00400

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

Situs Address: 50732 HIGHWAY 101 BANDON, OR 97411

Acreage: 0.51 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)

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

This notice shall be posted from January 11, 2022 to January 26, 2022

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: Monday, January 10, 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:**

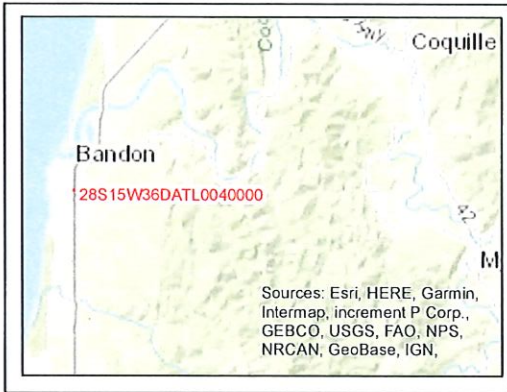
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a 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. Consolidate tax lot 400 and tax lot 402 into one tax lot thru the Coos County Assessor's office prior to requesting a Zoning Compliance Letter.
  - d. 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.
  - e. 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



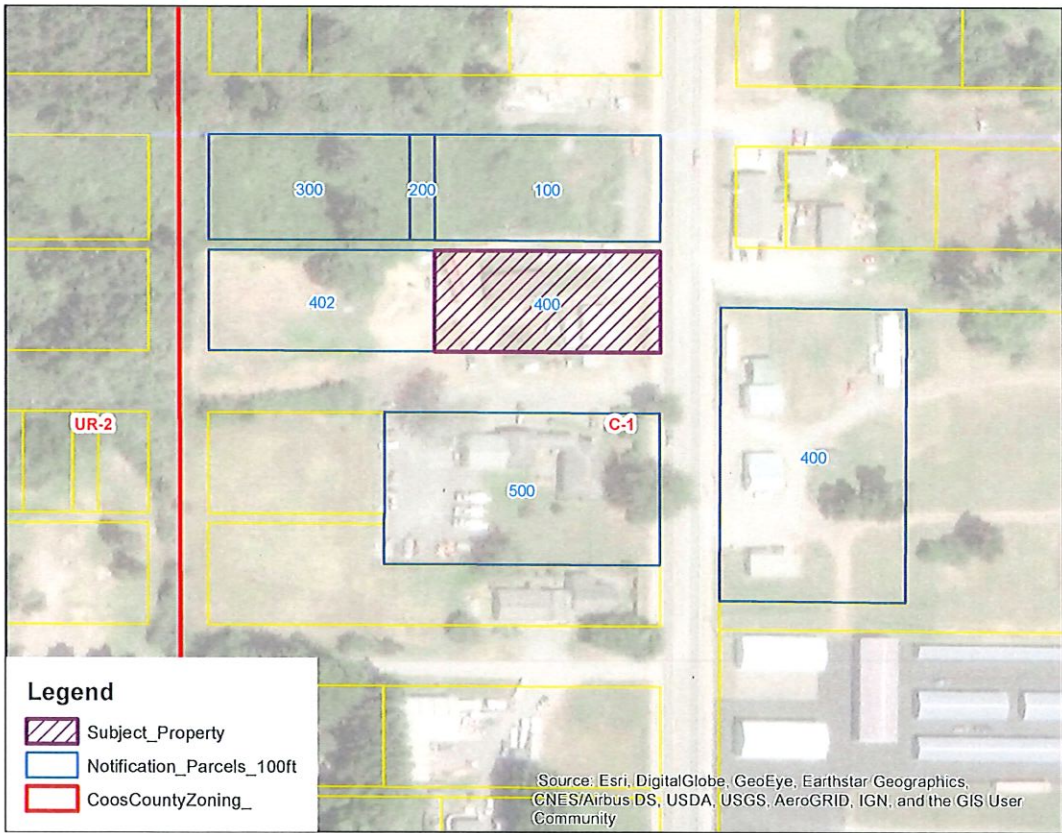
File: ACU-21-035

Applicants/ Owner: Coos Curry Consulting Group  
Jonathen Himmelrick

Date: December 10, 2021

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

Proposal: Administrative Conditional Use



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

**I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:**

**A. PROPOSAL:** The applicant is submitting the conditional use application on behalf of the landowners. According to the application, the landowners wish to replace the existing manufactured dwelling with a new stick built single family dwelling. The proposal also appears to request authorization to reconnect to the existing septic system on adjacent tax lot 402 and change the access point.

**B. BACKGROUND/PROPERTY HISTORY:** According the application the existing development includes a septic system (located on TL 402), a well, a retail store and a manufactured home. An existing shed is proposed to be removed. The lot is primarily cleared and does not contain trees or native plants. The property is not used for farming or forest practices. All development was sited prior to 1986 and is considered lawfully site, yet non-conforming in regard to the current zoning ordinance for allowed uses.

The assessment and planning records confirm a 1977 Manufactured Dwelling and a miscellaneous structure that is 640 square feet in size. The small structure does not have a construction date or type of commercial use. The structure does appear to be located on the property prior to 1985 (aerial images) and a retail store would have been allowed. The 1976 land use permit states that there were two manufactured dwellings and an office building. The DEQ permit describes the building as cabin type structure.

In 2008 a Zoning Compliance Letter (ZCL-08-11) was issued to repair or replace the exiting septic system. The plot plan shows the manufactured dwelling and a shop but did not identify the type of commercial. The Zoning Compliance noted it was a commercial structure.

In 2012 the property was listed for sale and email correspondences states the small structure was an office. The email correspondence was inquired if the office space could be converted to residential at that time a dwelling could be sited only after a commercial use was established. There was no commercial use on the property at that time and the existing residential use was not clarified.

In 2013 a permit was signed off to allow for a DMV dealership. This was a state sign off and no additional details were made available to show the status of the dwelling. Staff's understanding is this was a auto dealership with an office.

In 2016 an alleged violation was open for operation an unpermitted business. The alleged violation consists of the establishment of a commercial use without the proper permits and conversion of a manufactured structure to a commercial use without the proper review. This was a food business. This was closed once the property sold and the business was no longer in operation. The information from the file indicates that no business was operating at the close of this violation in October 2019. No permits have been issued for any type of retail business at this time.

The current application was received to replace the manufactured dwelling with a conventional built dwelling. This type of *single family dwelling* is no longer a permitted use within this zone but was allowed at the time the dwelling was sited. Therefore, this application to *change or alter a non-conforming* use was necessary.

- C. **LOCATION:** The subject property is located south of the City of Bandon within the Bandon Urban Growth Boundary (UGB) directly off Highway 101. The property has a situs address of 50732 Highway 101, Bandon, OR 97411 for the existing commercial business. The dwelling does not appear to have a separate situs address.
- D. **ZONING:** - This property is zoned Commercial (C-1).

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

***Section 4.2.300 Commercial and Industrial - Commercial (C-1)***

*The intent of the Commercial designation is primarily for urban growth areas, but it is also appropriate for application in rural areas where commercial uses are already established (i.e., "committed" to commercial development). Limited infilling is allowed.*

*The purpose of the "C-1" district is:*

*To provide for needed commercial retail and service opportunities within urban growth Boundaries.*

*To recognize existing commercial uses outside Urban Growth Boundaries.*

*For the purpose of this ordinance small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4, 000 square feet of floor space.*

*Only the following new Commercial Uses in unincorporated communities:*

- (a) Uses authorized under Oregon Statewide Planning Goals 3 and 4;*
- (b) Small-scale, low impact uses; and*
- (c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.*

*OAR-660-022-0030(4)*

**E. SPEICAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:**

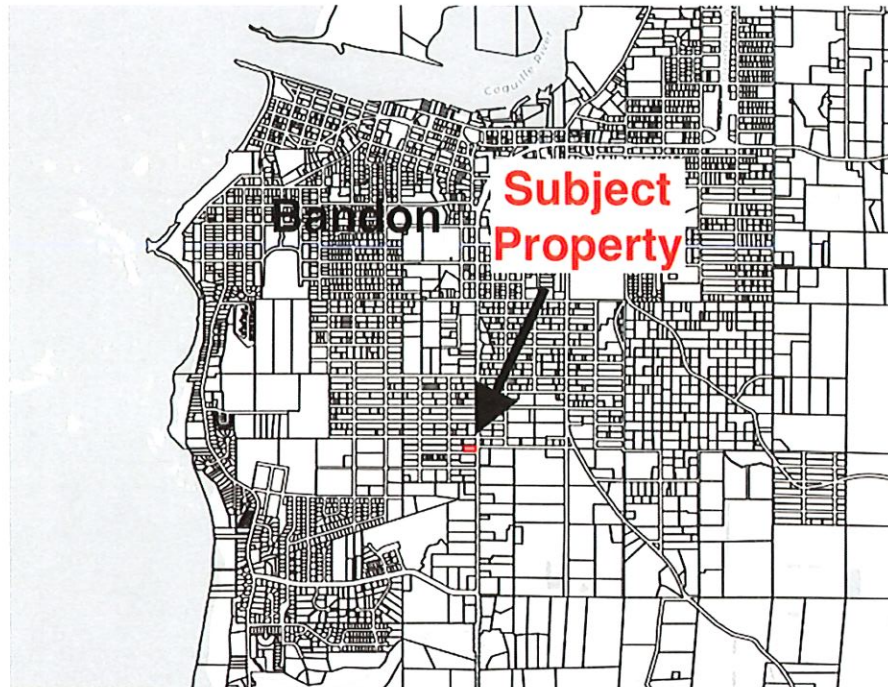
*SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should 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 subject to additional overlays that requires review. The subject property has National Wetlands Inventory (NWI) which required comments to be requested from Oregon Department of State Lands (DSL), and Bandon Airport Conical Zone (ABC) which required comments to be requested from Oregon Department of

Aviation (ODA). Staff requested comments from both Oregon DSL and ODA. Their comments may be found in Exhibit D. ODA responded that they have no comments on the proposal. DSL responded that their *“response is for tax lot 400 (not 402). It does not appear that the replacement home impacts wetlands or waters of the state.”*

- F. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is zoned Commercial (C-1) and is approximately 0.51 acres. This property is located along Highway 101 within the Bandon Urban Growth Boundary (UGB). The city limits are located both to the south and to the north of the subject property. The subject property is currently developed with a small building, an existing manufactured home that is proposed to be replaced, and a small shed that is planned on being removed. The building on the subject property is being served by an onsite well and a septic system located on tax lot 402. The property is directly located on Highway 101. There is Commercial zoned properties located one block on either side of Highway 101. There is Industrial zoned properties toward the northeast of the subject property. There is Rural Residential-2 properties located one block east of the subject property. There is Urban Residential-2 zoned lands one block west of the subject property. The City of Bandon is located approximately three blocks south and four blocks north of the subject property.



- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M



**G. COMMENTS:** No public comments pre-decision were required for this review. Comments from Department of State Lands and Bandon State Airport are attached.

## 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 information available. At this time the only issue would be status of the commercial retail business described in the application. However, the permit history shows this was an office and has never been permitted as a commercial retail space. If the property owner would like to convert the office space to a commercial retail of some type then a Compliance Determination along with a parking plan is required. The Single Family Manufactured Dwelling has been in place on or about 1977.

### 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.a, through an approved or pre-ordinance plat. The subject property is identified as Lots Twenty-eight (28) to Thirty-six (36), Block Thirteen (13), Smith's First Addition to Bandon, Coos County, Oregon.**

**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 replacement of the 1977 manufactured home 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**

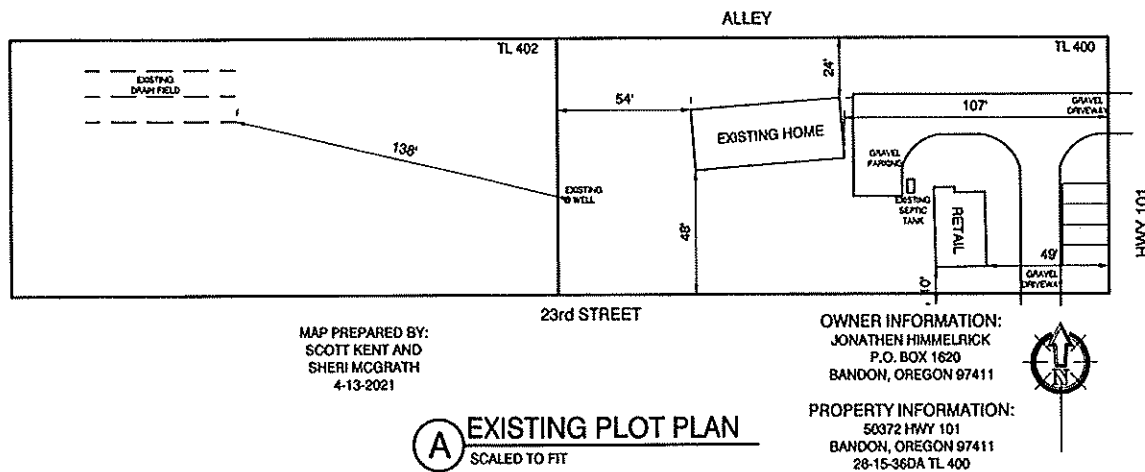
**• SECTION 5.6.100 NONCONFORMING USES:**

*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.*

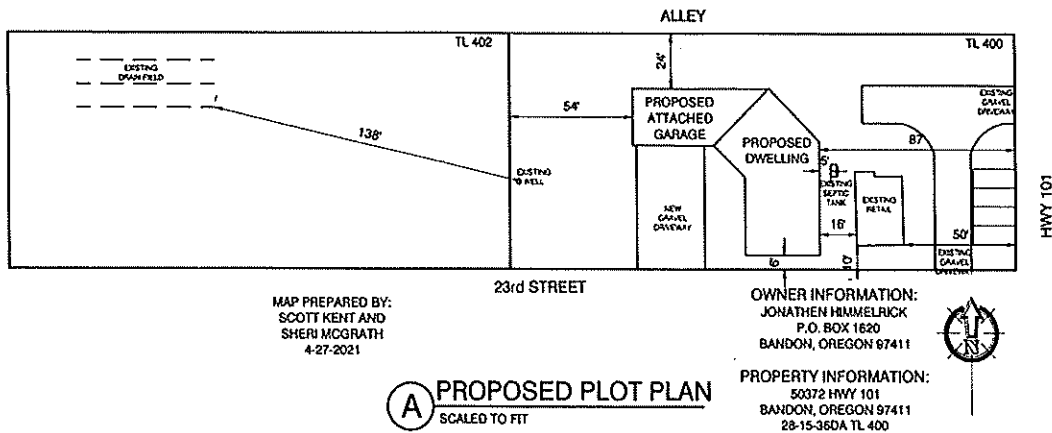
*As used in this Section, alteration of a nonconforming use includes:*

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:** While the residential use remains, the application is for a change in the structures by replacing of the existing *1977 Manufactured Dwelling* with a new *Conventional Single Family Dwelling*. Based on the proposed plot plan, the applicant is proposing to increase the amount of area being used as a non-conforming use on the subject property. The applicant's justification for the increase in non-conforming use of the subject property was that it would increase the property value but does not indicate any adverse impacts the increased size may have. The applicant stated that the "outcome will be a more compatible use for the neighborhood" in the original application and "the existing property is considered lawfully created and non-conforming in regard to the current uses in the C-1 zoning district. Non-conforming uses are permitted to continue subject to Section 5.6. Existing development includes a small retail store and a single family dwelling manufactured home" in the revised application. The purpose of the C-1 zone is to provide for needed commercial opportunities within the UGB. While the proposal increases the amount of area used for a non-conforming use in the commercial neighborhood. Staff finds, that changing the access point to 23<sup>rd</sup> Street behind the existing commercial building will allow the subject property to better conform to the neighborhood by providing strictly frontage access and opportunities to Highway 101 for commercial uses.



**PROJECT DESCRIPTION:** THE OWNER IS SEEKING CLEARANCE TO REPLACE AN EXISTING MANUFACTURED HOME WITH A STICK FRAMED SINGLE FAMILY DWELLING. CLEARANCE TO LIVE ON SITE IN AN RV DURING CONSTRUCTION IS REQUESTED AS PART OF THIS CLEARANCE PROCESS. THERE ARE NO PROPOSED CHANGES TO THE EXISTING RETAIL BUILDING OR USE. ACCESS IS FROM HWY 101 AND ALSO 23RD STREET. A NEW DRIVEWAY IS BEING PROPOSED OFF OF 23RD STREET.



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

- **SECTION 5.6.105 EXCEPTIONS TO RESTORATION OR REPLACEMENT OF NONCONFORMING USES:**

*Restoration or replacement of any use described in Section 5.6.100 may be permitted outright when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this Section, restoration or replacement shall be done in compliance with any Special Development Considerations of Article 4.11 that apply to the property.*

**FINDING:** Staff is unaware of any fire, other casualty, or natural disaster on the subject property. Therefore, this criterion is not applicable.

- **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 both residential and commercial in nature. The replacement of the 1977 manufactured home with a new stick-built structure is what is being proposed through this application and not the use. The applicant has stated that structure and use “have been continual without a gap of one year or more”. The commercial portion is not considered in this finding as the non-conforming use is the residential 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 1977 *Manufactured Dwelling* with a *Conventional Single Family Dwelling*. The applicant is required to prove that there is greater adverse impact to the neighborhood from the land use proposal. The applicant stated that *“the existing and proposed use is a single family dwelling and no greater adverse impact is anticipated”*. While the applicant did not identify any adverse impacts the only issue staff can find is a reduction of available land for commercial uses. However, this applicant is proposing to reserve the Hwy 101 street frontage for commercial use and site the dwelling behind that area. this will create a unique income property and will hopefully attract a commercial use to use the front building. The prior use of that structure has been a commercial office space. There is other area available for commercial uses within the neighborhood. At one point this property contained two manufactured dwellings and the office space. This replacement will be comparable to prior development. 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 as a condition of approval. The applicant has also requested to reside in an RV for up to a year while constructing the dwelling. This is allowed. However, it will require an annual update until the dwelling is completed or the RV is no longer needed.

The change from one residential structure to another residential structure, by itself, will not cause any greater adverse effects in the neighborhood. The applicant stated that *“the replacement dwelling will increase the property value and improve the neighborhood by placing a stick framed home vs a mobile home”*. The intent of the commercial zoning district is to provide for needed

commercial opportunities within the UGB. Staff finds that conventional stick-built single family dwelling will better visually conform with small-scale commercial buildings in the neighborhood as opposed to a replacement manufactured dwelling.

Based on reviewing the submitted proposed plot plan; Staff finds that the proposal meets property development standards of the C-1 zone.

The applicant stated that "the existing dwelling was constructed and sited in 1977". However, the applicant did not submit any evidence verifying the placement of the manufactured dwelling. Staff was able to verify thru Coos County Assessor records the date the 1977 manufactured home was placed on the County tax rolls. Staff finds the manufactured home has been on the subject property since at least 1979 and based on the Planning and DEQ records it appears it was placed on the property in 1977.

Ass'tmt. Year		APPRaisal DATA					M A	TOTAL ACRES	APPRaised VALUES				Apprais Initial c J. V. I
		CLASS	YEAR BUILT	YEAR APP.	LAND	IMP.		LAND	TIMBER	IMPROVEMENTS	TOTAL		
		PROP.	STAT.										
77				77									
78		RP	Heil, Elmer C. & D.B.				54.03	28358.00	22,300	-0-	22,300	✓	
79	X-144222							25,000	OTHER MOBL			TOTAL VALU 25,00	
	54.03								OTHER MISC			TOTAL VALU 25,00	
30	X-144222							25,000	OOPR MISC			TOTAL VALU 25,00	
	54.03								OTHER MOBL				
									OOPR	28,800	-0-	28,800 ✓	

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: \*\*\*

(5) Commercial (C-1) - The following siting standards apply to all USES, ACTIVITIES and DEVELOPMENT C-1 zoning district.

- (a) Minimum lot/parcel size – None but general dimension requirements apply.
- (b) Setback - Front, side and rear setbacks are 5 feet from abutting properties that are zoned Controlled Development or residential zoning districts.
- (c) Building Height - sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet ( i.e. if the setback is 10 feet, the maximum building height would be 40 feet). However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is thereby added. Such over height object shall not be used for advertising of any kind.

*(d) Density or Size limits - Commercial structures shall be small-scale, low impact commercial use and be subject to the following building size limits:*

*(1) No size limits inside urban growth boundary;*

*(2) For building or buildings located within an Unincorporated Community Boundary as adopted by the Coos County Comprehensive Plan Volume 1 Part 2 § 5.5 the following square foot requirements apply:*

*1. Urban Unincorporated Community shall not exceed 8,000 square feet of floor space; or*

*2. Rural Unincorporated Community shall not exceed 4,000 square feet of floor space.*

*(e) Design Standards:*

*(1) The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;*

*(2) Lighting: Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.*

*(3) Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;*

*(4) Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and*

*(5) Hours of operation may be required in areas predominantly surrounded by residential zones.*

**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.

## **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, Assessor's Office, 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

 **Wetland Land Use Notice Response**

Response Page

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Department of State Lands (DSL) WN#\*  
WN2021-0524

**Responsible Jurisdiction**

<b>Staff Contact</b> Michelle Berglund	<b>Jurisdiction Type</b> County	<b>Municipality</b> Coos
<b>Local case file #</b> ACU-21-035	<b>County</b> Coos	

**Activity Location**

<b>Township</b> 28S	<b>Range</b> 15W	<b>Section</b> 36	<b>QQ section</b> DA	<b>Tax Lot(s)</b> 400
------------------------	---------------------	----------------------	-------------------------	--------------------------

**Street Address**  
50372 Hwy 101

**Address Line 2**

<b>City</b>	<b>State / Province / Region</b>
<b>Postal / Zip Code</b>	<b>Country</b>
	Coos

**Latitude**  
43.10441

**Longitude**  
-124.415685

**Wetland/Waterway/Other Water Features** ^

It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetland maps, the county soil survey and other available information.

**Your Activity** ^

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

**Applicable Oregon Removal-Fill Permit Requirement(s)** ^

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.



## Closing Information



### Additional Comments

This response is for only tax lot 400 (not 402). It does not appear that the replacement home impacts wetlands or waters of the state.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

6/4/2021

### Response by:

Lynne McAllister

### Response Phone:

503-986-5300

**Michelle Berglund**

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**From:** THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>  
**Sent:** Monday, May 17, 2021 9:45 AM  
**To:** Michelle Berglund  
**Cc:** Planning Department  
**Subject:** RE: ACU-21-035 McGrath for Himmelrick

This Message originated outside your organization.

---

Good morning Michelle,

The Oregon Department of Aviation (ODA) has no comment on File Number ACU-21-035.

Thank you for allowing the ODA to comment on this proposal.

Please let me know if you have any questions.

Best regards,

**Seth Thompson**  
OREGON DEPARTMENT OF AVIATION  
AVIATION PLANNER



OFFICE 503-378-2529 CELL 503-507-6965  
EMAIL [seth.thompson@aviation.state.or.us](mailto:seth.thompson@aviation.state.or.us)  
3040 25<sup>TH</sup> STREET SE, SALEM, OR 97302  
[WWW.OREGON.GOV/AVIATION](http://WWW.OREGON.GOV/AVIATION)

---

**From:** Michelle Berglund <mberglund@co.coos.or.us>  
**Sent:** Wednesday, May 5, 2021 10:27 AM  
**To:** THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>; PECK Heather <heather.peck@aviation.state.or.us>  
**Cc:** Planning Department <planning@co.coos.or.us>  
**Subject:** ACU-21-035 McGrath for Himmelrick

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning;

Attached please find application ACU-21-035 from Sheri McGrath for Jon Himmelrick. Mr. Himmelrick owns commercial property outside of Bandon, at 50372 Hwy 101. He is applying to replace the manufactured dwelling currently on the property and replace it with a stick built home.

Please let us know any questions, concerns, or comments that you might have.

Thankyou so much. Hope you have a great rest of your day!

Michelle, Planning aide  
Coos County Planning Dept  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

EXHIBIT "E"  
APPLICATION



Coos County Land Use Permit Application  
SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND 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-21-035

Date Received: 5/4/21 Receipt #: 224369 Received by: MB  
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) Jonathen Himmelrick  
Mailing address: P.O. Box 1620, Bandon, OR 97411  
Phone: 541-366-0009 Email: \_\_\_\_\_  
Township: 28S Range: 15W Section: 36 1/4 Section: D 1/16 Section: A Tax lots: 400  
Select Select Select Select Select  
Tax Account Number(s): 2835800 Zone: Select Zone Commercial-1 (C-1)  
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](#)

EXHIBIT "E"  
APPLICATION

**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: 50372 Hwy 101, Bandon, OR 97411

Type of Access: Public Road Name of Access: 23rd Street and also Hwy 101

Is this property in the Urban Growth Boundary? Yes  
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 designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

**Coos County Road Department Use Only**

Roadmaster or designee: \_\_\_\_\_

Driveway     Parking     Access     Bonded    Date:    Receipt # \_\_\_\_\_

File Number: DR-21-

EXHIBIT "E"  
APPLICATION

**SANITATION INFORMATION**

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

Please check  if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check  if the request is for a land division.

**Coos County Environmental Health Use Only:**

Staff Reviewing Application: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Health Division to make an appointment.

Additional Comments:

EXHIBIT "E"  
APPLICATION

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

2.1.200

Manufactured home is defined as, "Structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, this is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction." *The existing dwelling was constructed and sited in 1977.*

Residential Conventional Single Family Dwelling is defined as "A single household unit including on-site construction or modular units (but not including a mobile home). Said dwelling unit shall not share a common wall, floor or ceiling with another single household unit." *The existing and proposed use is for a Single Family household.*

Conditional Use is defined as "applied to a use which may be permitted by the issuance of a conditional use permit." *An Administrative Conditional Use Permit has been submitted along with these findings and the appropriate fee.*

Wetlands are defined as, "Areas that are inundated or saturated by surface ground water at a frequency and duration sufficient to support, and that under normal do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs and similar areas." *The subject property has a National Wetland Inventory designation that has not been verified. The proposed dwelling is outside of the wetland area. There are no wetland plants or animal communities living on the soil surface in the identified areas. The surrounding area does have wetland features, but these are not evidenced on Tax Lot 400.*

Urban Growth Area is defined as, "Lands lying outside an incorporated city, but within an adopted Urban Growth Boundary." *The subject property is located within the UGA of the City of Bandon.*

Zoning District is defined as, "a zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed." *The subject property is located within the C-1 Zoning District.*

4.2.300

The intent of the C-1 zoning district is primarily for urban growth areas, but also applies to areas that are committed to commercial development. The purpose is to provide for needed commercial opportunities within the UGB. *There is an existing small retail space on the property as well as an existing residence.*

EXHIBIT "E"  
APPLICATION

- 7.1.200(33) Public Road is defined as "A road under the jurisdiction of a public body that provides the principal means of access to an abutting property." *23rd Street is open and improved for the length of the property.*
- 7.1.425 The road access points, driveway and turn around are permitted and inspected by the Coos County Road Department. *A driveway application and bond will be submitted during the permit process. The installer will call for inspection once work is completed.*
- 7.5.175 Required parking spaces are listed for Single Family Dwelling and Retail Use. *The existing retail use has provided the correct number of parking spaces as 1:200sf and 1 per employee. The single family dwelling will exceed the minimum parking spaces of 2 spaces per unit.*

**ADDITIONAL SUPPORTING DOCUMENTS**

Land Use Application and Fee  
Coos County Tax Assessor's Map 28-15-36DA  
Coos County Tax Assessor's Summary Report  
Consent Form  
Existing Plot Plan  
Proposed Plot plan  
Wetland Overlay Maps  
DEQ Plot Plan  
Warranty Deed

EXHIBIT "E"  
APPLICATION

COOS COUNTY, OREGON **2017-12037**  
\$71.00 12/15/2017 03:26:00 PM  
DEBBIE HELLER, CEA, COOS COUNTY CLERK Pgs=6

AFTER RECORDING  
RETURN TO  
Ticor Title Company  
300 West Anderson Ave. - Box 1076  
Coos Bay, OR 97420-0233

AFTER RECORDING RETURN TO:  
Edwin C. Norton and Virginia A. Norton  
88327 Rosewood Lane  
Bandon, OR 97411

ALL TAX STATEMENTS SHALL BE SENT TO:  
Johnathen A. Himmelrick  
PO Box 1620  
Bandon, OR 97411

**RE-RECORD COVER SHEET - Please print or type information**  
Any errors in this cover sheet DO NOT affect the transactions(s) contained in the instrument itself.

(Required if document does not meet first page recording requirements under ORS 205.234 or does not provide adequate space on the first page for the recording certificate)

RE-RECORDED AT THE REQUEST OF Ticor Title Company  
TO CORRECT by adding the missing tax statement address  
PREVIOUSLY RECORDED AS MICROFILM #2017-11789

**DOCUMENT TITLE(S)**

(If two or more transactions, document(s) must be clearly labeled to record transaction in appropriate records)

Memorandum of Assignment of Vendee's Interest  
In Contract of Sale

**NAME(S) of DIRECT party(s):**

(i.e. DEEDS: Seller/Grantor - MORTGAGES: Borrower/Mortgagor - LIENS: Creditor/Plaintiff)

Edwin C. Norton and Virginia A. Norton, as tenants by the entirety  
Frederick H. Klein, III, Sandra Klein, Michael B. Jones and Sandra L. Jones

**NAME(S) AND ADDRESS(ES) of INDIRECT party(s):**

(i.e. DEEDS: Buyer/Grantee - MORTGAGES: Lender/Mortgagee - LIENS: Debtor/Defendant)

Jonathen Alen Himmelrick, doing business as Himmelrick Enterprises  
And also doing business as South Coast Septic

LIEN DOCUMENTS: Amount of lien \$0

If conveying or contracting to convey fee title to real property:

True and Actual Consideration Paid \$N/A







EXHIBIT "E"  
APPLICATION

**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**

FOR ASSESSMENT YEAR 2021  
NOT OFFICIAL VALUE

March 12, 2021 11:14:11 am

Account #	2835800	Tax Status	ASSESSABLE
Map #	28S1536DA00400	Acct Status	ACTIVE
Code - Tax #	5403-2835800	Subtype	NORMAL
Legal Descr	See Record		
Mailing Name	HIMMELRICK, JONATHEN ALEN	Dead Reference #	2017-12037
Agent		Sales Date/Price	12-08-2017 / \$0.00
In Care Of		Appraiser	ROY N. METZGER
Mailing Address	PO BOX 1620 BANDON, OR 97411-1620		
Prop Class	209	MA	SA
RMV Class	201	06	27
		NH	RRL
		Unit	27990-1

Situs Address(s)		Situs City
ID#	50372 HIGHWAY 101	BANDON

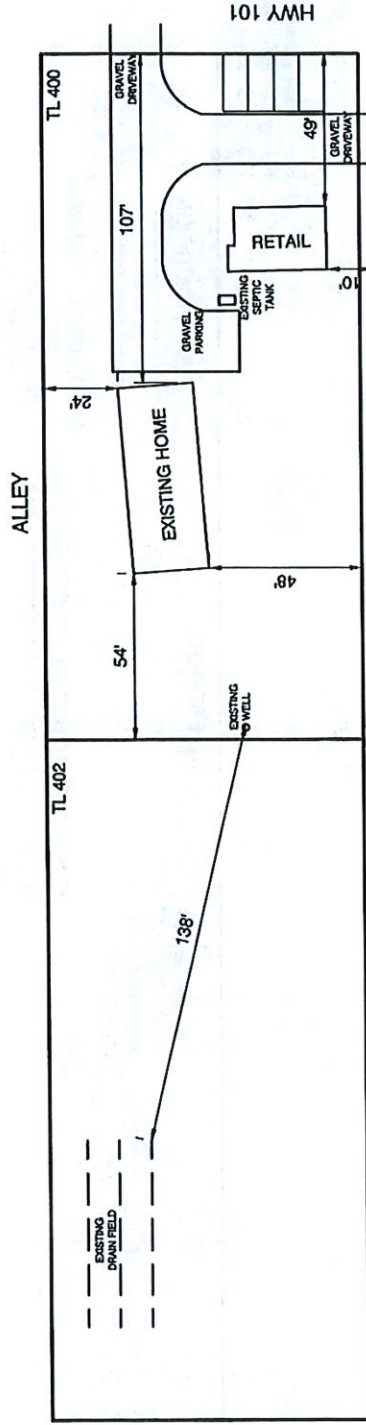
Code Area	RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception	CPR %
5403	Land	213,790				Land	0
	Impr.	12,300				Impr.	0
<b>Code Area Total</b>	<b>226,090</b>	<b>57,840</b>	<b>57,840</b>	<b>0</b>	<b>0</b>		<b>0</b>
<b>Grand Total</b>	<b>226,090</b>	<b>57,840</b>	<b>57,840</b>	<b>0</b>	<b>0</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS	Size	Land Class	LUC	Trended RMV
5403	10	<input checked="" type="checkbox"/>		C-1	Market	100 A	0.51	MHS	008	213,790
<b>Grand Total</b>							<b>0.51</b>			<b>213,790</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
5403	1	0	599	Miscellaneous	100	10		12,300
5403	2	1977	452	MH REAL DOUBLE CLASS 5	100	1,440	R - 144222	10,930
<b>Grand Total</b>						<b>1,450</b>		<b>23,230</b>

MS Account(s): 5403-R-144222  
\*\*\* The Real MS value is not included in the total of the real account

EXHIBIT "E"  
APPLICATION



MAP PREPARED BY:  
SCOTT KENT AND  
SHERI MCGRATH  
4-13-2021

23rd STREET

OWNER INFORMATION:  
JONATHAN HIMMELRICK  
P.O. BOX 1620  
BANDON, OREGON 97411

PROPERTY INFORMATION:  
50372 HWY 101  
BANDON, OREGON 97411  
28-15-36DA TL-400

**A** EXISTING PLOT PLAN  
SCALED TO FIT

EXHIBIT "E"  
APPLICATION



PROPOSED HOUSE AND DRIVEWAY WITH APPROXIMATE WETLAND OVERLAY

EXHIBIT "E"  
APPLICATION

April 27, 2021  
REVISED June 15, 2021  
APPLICATION FOR A REPLACEMENT DWELLING IN THE C1 ZONE  
50372 HWY 101  
Bandon, OR 97411  
28-15-36DA TL 400  
Tax Account #2835800

PROPERTY OWNER

Jonathen Himmelrick  
P.O. Box 1620  
Bandon, OR 97411

APPLICANT

Coos Curry Consulting Group  
P.O. Box 1548  
Bandon, OR 97411

Office Contact:

Sheri McGrath  
[cooscurry@gmail.com](mailto:cooscurry@gmail.com)  
541-982-9531

EXISTING PROPERTY CONDITIONS

The Himmelrick property is located in Bandon, found in Coos County, Oregon. The property is known as Tax Lot 400 on the Coos County Tax Assessor's Map 28-15-36DA. The property is located in the C1 zoning district and is .51 acres in size. The situs address is 50372 Hwy 101, Bandon, Oregon 97411.

Existing development includes a septic system (located on TL 402), a well, a retail store and a manufactured home. An existing shed is proposed to be removed. The lot is primarily cleared and does not contain trees or native plants. The property is not used for farming or forest practices. All development was sited prior to 1986 and is considered lawfully site, yet non-conforming in regard to the current zoning ordinance for allowed uses.

The small retail structure has been in continual use, yet the type of commercial use has changed from time to time. In the last 15 years, the applicant has personally experienced three types of businesses at the location.

The existing manufactured home is in good working order, and is habited full time by the property owner and their family. Given the age of the home, it is best to replace it before more aging occurs.

EXHIBIT "E"  
APPLICATION

Urban Growth Area is defined as, "Lands lying outside an incorporated city, but within an adopted Urban Growth Boundary." *The subject property is located within the UGA of the City of Bandon.*

Zoning District is defined as, "a zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed." *The subject property is located within the C-1 Zoning District.*

4.2.300 The intent of the C-1 zoning district is primarily for urban growth areas, but also applies to areas that are committed to commercial development. The purpose is to provide for needed commercial opportunities within the UGB. *There is an existing small retail space on the property as well as an existing residence.*

4.3.210 The zoning table shows that a replacement dwelling in the C-1 zone is permitted as an Administrative Conditional Use and subject to the review criteria 27,i.

4.3.210(27,i) A replacement dwelling may be replaced when the following are true:

- (i) The dwelling has intact exterior walls and a roof structure;
- (ii) The dwelling has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (iii) The dwelling has interior wiring for interior lights;
- (iv) The dwelling has a heating system
- (v) The replacement dwelling will be demolished within three months of the completion of the new dwelling

*The existing residence is in working order and exceeds the minimum requirements for a replacement dwelling. The owner currently resides in the home with his family. The dwelling will be demolished prior to construction of the new home.*

4.3.220(5) The proposed development is required to demonstrate compatibility with the surrounding properties. Compatibility means that the proposed use is capable of existing with the surrounding uses without discord. *The proposed use is a stick framed single family dwelling that will replace a 1977 Manufactured Home. The outcome will be a more compatible use for the neighborhood. A stick framed single family dwelling is located directly south on TL 500. In general, the neighborhood has been established as a mixed commercial and residential use for over 30 years.*

4.3.225(5) All required parking is subject to Chapter VII. *The applicant has provided adequate parking for the residential and commercial uses.*

EXHIBIT "E"  
APPLICATION

*property value and improve the neighborhood by placing a stick framed home vs a mobile home.*

*(3. Other provisions of this ordinance, such as development standards, are met. The replacement dwelling meets the development standards in regard to height, lot coverage, property line and wetland setbacks and driveway access.*

- 6.1.125 The parcel is considered lawfully created. *The parcel was lawfully created under the zoning ordinance in place prior to 1986.*
- 6.2.550 Improvements will comply with the county and state laws as required for water, sewer, drainage, storm drainage and erosion control. *Erosion control methods will include straw and grass seed in disturbed areas. Water, sewer and drainage will be permitted and inspected by the Department of Environmental Quality and the State Building Codes Division.*
- 7.1.200(3) Access is defined as "A way or means of approach to provide pedestrian, bicycle or motor vehicular entrance to the property." *The property has existing access from Hwy 101 and 23rd Street.*
- 7.1.200(33) Public Road is defined as "A road under the jurisdiction of a public body that provides the principal means of access to an abutting property." *23rd Street is open and improved for the length of the property.*
- 7.1.425 The road access points, driveway and turn around are permitted and inspected by the Coos County Road Department. *A driveway application and bond will be submitted during the permit process. The installer will call for inspection once work is completed.*
- 7.5.175 Required parking spaces are listed for Single Family Dwelling and Retail Use. *The existing retail use has provided the correct number of parking spaces as 1:200sf and 1 per employee. The single family dwelling will exceed the minimum parking spaces of 2 spaces per unit.*

ADDITIONAL SUPPORTING DOCUMENTS

Land Use Application and Fee  
Coos County Tax Assessor's Map 28-15-36DA  
Coos County Tax Assessor's Summary Report  
Consent Form  
Existing Plot Plan  
Proposed Plot plan  
Wetland Overlay Maps  
DEQ Plot Plan  
Warranty Deed



EXHIBIT "E"  
APPLICATION

