



NOTICE OF LAND USE DECISION

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

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

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: **Thursday, July 08, 2021**

File No(s): ACU-21-019

Proposal: Request for approval of a 30 site RV Park and Single Family Dwelling in the Qualified Recreational Zone.

Applicant(s): Ken Yuen
2100 W11th St
Eugene, OR 97401

Staff Planner: Crystal Orr, Planner I

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, July 23, 2021**. Appeals are based on the applicable land use criteria Vacation Rental reviews are subject to Coos County Zoning and Land Development Ordinance (CCZLDO) Sections 4.3.210.121 *Categories and Review Standards – Recreational Vehicle Park & 4.11.132.f Natural Hazards Wildfire* **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.**

Property Information

Account Numbers 955501, 955503, 955504
Map Numbers 28S1417C0-01000/1001/ 1002

Property Owners JGE PROPERTY LLC
PUN, SHUN CHUNG ET AL
2100 W 11TH ST
EUGENE, OR 97402-3503

Situs Addresses

Acreages 4.42 Acres/16.63 Acres/4.55 Acres

Zoning(s) COQUILLE RIVER ESTUARY MGT PLN (CREMP)
CREMP AQUATIC D08 CONSERVATION (CRA08C)
CREMP AQUATIC D17 CONSERVATION (CRA17C)
CREMP INDUSTRIAL (CR-IND)

This notice shall be posted from July 8, 2021 to July 23, 2021

CREMP SHORELAND SEGMENT 16 (CRS16)
RECREATION WITH QUALIFICATIONS (Q-REC)

Special Development
Considerations and Overlays

ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
BANDON AREA OF MUTUAL INTEREST (BMI)
BIRD SITE MEETS GOAL 5C REQMT (B5C)
FLOODPLAIN (FP)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - TSUNAMI (NHTHO)
NATURAL HAZARD - WILDFIRE (NHWF)

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.

Staff tries to post all applications on the website at the following link:
<https://www.co.coos.or.us/planning/page/applications-2021>

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. If you would like to view the record in this matter, please make an appointment. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: _____ **Date:** Thursday, July 08, 2021 .
Crystal Orr, Planner I

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, Application and all evidence 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 "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

The applicant has met the criteria for an RV Park, with the following conditions:

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the RV Park. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization.
 - a. Pursuant to CCZLDO § 4.11.132.f the following conditions will need to be complied with:
 - i. All Firebreak criteria found in § 4.11.132.f shall be complied with.
 - ii. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.
 - iii. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
 - iv. Shall use non-combustible or fire-resistant roofing materials, as may be approved by the certified official responsible for the building permit.
 - v. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
 - vi. All proposed structures shall not be sited on a slope of greater than 40 percent.
 - vii. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.
 - viii. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.
3. The RV park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open

areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings

4. The applicant must submit some type of proof from a qualified professional of the slopes within the proposed development area prior to receiving a Zoning Clearance Letter so that we can verify the required firebreak setbacks pursuant to 4.11.132.j.4.
5. The Driveway/ Access Parking/Access permit application shall be signed off as meeting standards by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
6. An Address Application along with the appropriate fee must be received.
7. Any land divisions to separate the dwelling must create a 5 acre parcel containing the dwelling. No other dwellings may be established on the remaining parcel. A land division shall comply with Article 6.5 of the Ordinance [OR 92-11-018PL]
8. Due to the lack of detail provided regarding the slope and the proposed changes to the grade a map shall be submitted to show the cuts and fill are consistent with the slope requirement.
9. The Coquille Tribe shall be contacted 72 hours prior to any ground disturbing activity. See comments in Exhibit D for contact information.
10. The Oregon Department of State Lands responded that based on the site plan the project avoids impacts to wetlands.
11. Staff sent a request for comments to Coos County Public Health. At this time staff has not received a response, any comments received must be adhered to.

**EXHIBIT “B”
VICINITY MAP**

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

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: The applicant has requested to site a 30-unit Recreational Vehicle (RV) Park.

B. BACKGROUND/PROPERTY HISTORY:

Prior to the submittal of this application there were no prior activity on this property. The application was submitted on March 1, 2021 and 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. Currently, staff is about two (2) weeks behind on application review time but normally tries to render a decision within six to eight weeks after the application has been deemed complete.

C. 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.

Staff has reviewed the property history and county files to determine that at this time the property is complying; however, there was some information received that property owners have already started clearing the land and making physical changes without proper permits.

II. BASIC FINDINGS:

A. LOCATION: The subject property is located southwest of the City of Coos Bay off a Public Coos County Maintained Road, Bastendorf Beach Road. Bastendorf Beach road is accessed via Cape Arago Highway.

B. ZONING: The subject property is zoned Recreation (REC).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.400 Recreation (REC)

The intent of the Recreation District is to designate recreation areas. The purpose of the "REC" district is to accommodate recreational uses of areas with high recreational or open space value. The district applies solely to areas designated as "Recreation" in the Comprehensive Plan, which include state, county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental considerations set forth in the County's Coastal Shoreland/Dune Lands Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

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.

This property within an area of Archaeological Concern or Interest. These areas shall manage development in these areas to preserve their value as archaeological resources. This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).

This application was forwarded to the tribes for comments on March 2, 2021 and comments from the Coquille Tribe were received. The comments state that this site is near a protected area and prior to any ground disturbance the Tribes shall be given 72 hours notice.

This property is also located within area that requires notice to Oregon Department of State Lands pursuant to ORS 215-418. Request for comments were sent on March 2, 2021. The comments received from them state that the proposal should not impact jurisdictional wetlands or waters based on the submitted site plan.

The last Special Development Consideration is Wildfires. Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as "High" or "Moderate" risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map. This has been addressed under the development standards.

D. SITE DESCRIPTION AND SURROUNDING USES SITE DESCRIPTION AND SURROUNDING USES:

The property is zoned Recreation (REC) and is surrounded by Recreation (REC), Rural Residential-2 (RR-2), and Forest (F). The parcel contains 14.60 acres and has no development. The property to the north is Bastendorf County Park which is an approved RV Park, to the east is a residentially developed parcel, to the south is Cape Arago Highway, to the west is a parcel that was recently approved for a Forest Template Dwelling.



E. COMMENTS:

- a. **PUBLIC AGENCY:** Department of State Lands comments can be found in Exhibit D.
- b. **PUBLIC COMMENTS:** This application request did not require any request for public comments prior to the release of the decision.
- c. **LOCAL TRIBE COMMENTS:** The Coquille Indian Tribe comments can be found in Exhibit D.

F. LAWFULLY CREATED UNIT OF LAND: This tax lot was lawfully created pursuant to 6.1.125.1.e by deed prior to applicable planning, zoning, subdivision or partition ordinances that would prohibit the creation (deed document number 69-36911).

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval to site a 50 space RV park and to site a single-family dwelling.

The applicant proposes the development of an RV Park and a single-family residential building on the parcel as indicated which currently exists as a 14.6-acre forested vacant lot with approximately an acre of wetlands as identified by the National Wetlands Inventory. The development will also include public restrooms/showers and water and power extensions to all 50 RV spaces and the residential building. The proposed development falls under the sanitary jurisdiction of the Oregon Department of Environmental Quality (DEQ). DEQ holds no historical record of any previous sanitation development. The proposed septic system will hold flows from the public restrooms and be pumped periodically. A site

evaluation by DEQ will be required which would ultimately provide an accurate assessment of the existing site and thus, determine the exact septic design requirements.

Currently, there exists a 4" AC waterline which runs along the centerline of Bastendorf Beach Road, owned by the Coos Bay North Bend Waterboard, and feeds from the 1 MG Charleston Reservoir with a minimum average elevation at peak demand of 114 feet. To connect to the existing water system and provide service to the RV Park and the residential building, a 2" commercial meter would need to be installed.

Pacific Power currently provides power to the Bastendorf Beach area and would therefore provide power to the proposed RV Park.

Access to the site is from the north-western corner which slopes up an average of 10% from Bastendorf Beach Road until about the middle of the property after which the existing terrain slopes down to the southern border adjacent with Cape Arago Highway at an average slope of 25%. Approximately 7.4 acres have slopes within the range of 0-10% and 7.2 acres with slopes within the range of 10-30%. There are no existing buildings onsite. As part of the development project, an all-weather surface will be installed for the proposed 50 RV spaces and 75 parking spaces, also including the proposed access pathway and driveway to the residential building

B. Key definitions:

Compatibility: Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses, and not potential or future uses in the surround area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.

C. Criteria and standards for Vacation Rentals

I. Vacation Rentals

- **Section 4.3.200 Zoning Tables for Urban and Rural Residential, mixed Commercial-Residential, Commercial, Industrial, Minor Estuary and South Slough**

The table indicates the type of review process that is required. Remember that CU is an conditional use review and the letter prior explain what level of conditional use is required (A = administrative and H=Hearing)

As used in the zoning tables the following abbreviations are defined as:

- *“P” Permitted and requires no review from the Planning Department. No review is required but other agencies may have requirements.*
- *“CD” Compliance Determination review (permitted with standards) with clear and objective standards (Staff review usually referred to as Type I process or ministerial action). These uses are subject to development standards in sections 4.3.22, 4.3.230 and notices requesting comments may be provided to other agencies as result. The process takes a minimum of 30 days to complete. Industrial zones may require additional review. All structures and uses shall meet the applicable Development and Siting Criteria or Special Development Considerations and Overlays for the zoning district in which the structure will be sited.*
- *“ACU” Administrative Conditional Use (Planning Director’s Decision usually referred to as a Type II Process)*
- *“HBCU” Hearing Body Conditional Use (Planning Commission, Board of Commissioner or Hearings Officer Decision usually referred to as a Type III Process)*
- *“PLA” Property Line Adjustments subject to standards found in Chapter 6.*
- *“P”, “SUB”, “PUD” = Partition, Subdivision, Planned Unit Development that require Land Division Applications subject to standards found in Chapter 6.*

- The “Subject To” column identifies any specific provisions of Section 4.3.210 to which the use is subject.
- “N” means the use is not allowed.

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 4.3.210 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Section 4.3.225 General Siting Standards apply to all regulated Uses, Developments, or Activities, but these are clear and objective standards that do not, in themselves, require a land use notice. Section 4.3.230 Specific Standards list specific siting standards by zones and 4.2.220 Additional Conditional Use Review and Standards for table 4.3.200 contains any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as requiring.

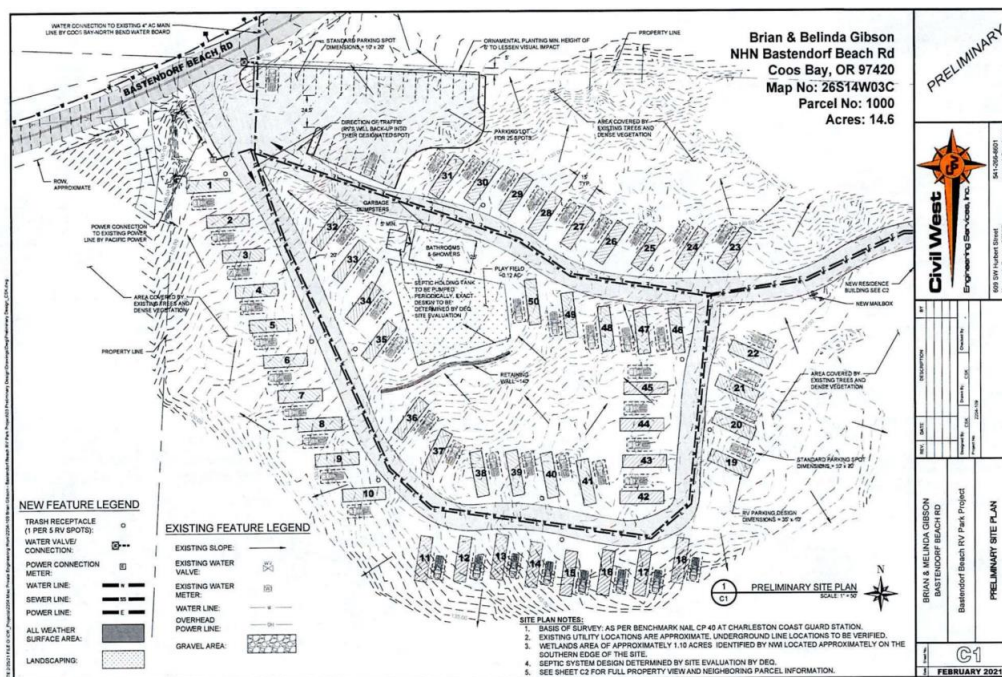
| # | Use | Zones | | | | | | | | | | | | | Subject To |
|------|---------------------------|-------|------|------|------|------|------|------|------|-----|----|-----|----|-----|------------|
| | | UR-1 | UR-2 | UR-M | RR-2 | RR-5 | CD | RC | C-1 | IND | AO | REC | SS | MES | |
| 121. | Recreational Vehicle Park | N | N | N | N | N | HBCU | HBCU | HBCU | N | N | ACU | N | N | (70) |

• **Section 4.3.210 – CATEGORIES and review standards**

(70.) Recreational Vehicle Park-Subject to the following criteria:

- (a) Must be a lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.
- (b) The park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.
- (c) Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.

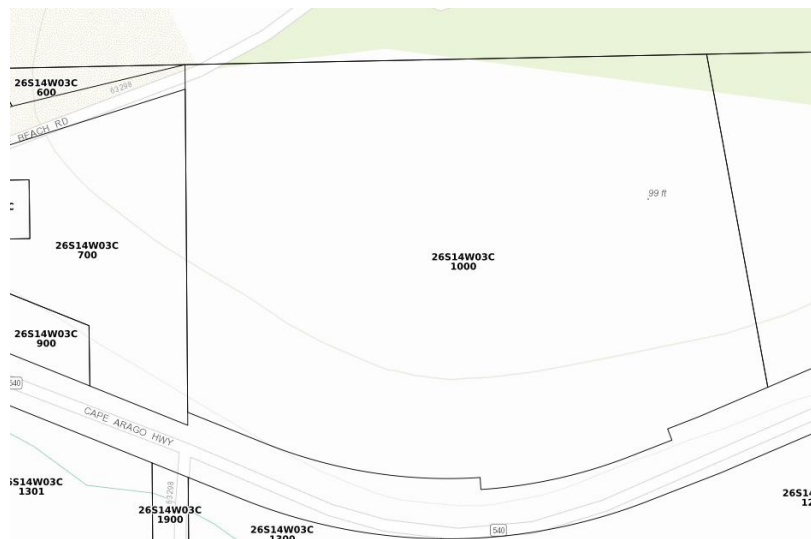
FINDING: The applicant states that there will be 50 RV sites which means this would qualify as an RV Park. Below is the site plan to show that the sites have been platted to comply with the required preliminary plan as specified by OAR Division 650. Therefore, staff finds that the applicant has complied with this criterion.



(d) *Landscaping and Design:*

- (i) *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*
- (ii) *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
- (iii) *The site shall be sloped to allow for proper surface drainage; however, surface waters shall not drain in a manner that would adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*
- (iv) *Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.*

FINDING: The applicant agrees with most of the statements but fails to explain in detail how the proposal will comply.



The slope of the current property seems to slope toward the Bastendorf Beach Road and is about 10%. However, the applicant did explain in the narrative more detail on the site, but it does not seem to cover all the details. The access to the site is from the north-western corner which slopes up an average of 10% from Bastendorf Beach Road until about the middle of the property after which the existing terrain slopes down to the southern border adjacent with Cape Arago Highway at an average slope of 25%. Approximately 7.4 acres have slopes within the range of 0-10% and 7.2 acres with slopes within the range of 10-30%. Staff is unsure the detail on the grade changes, maps shall be submitted to show the cuts and fill or any grade change will be consistent with the slope; therefore, as a condition of approval a map confirming where any of the changes will be to grades must be submitted prior to any issuance of a Zoning Clearance Letter for development.

The landscaping shall be such to minimize soil erosion and lessen the visual impact. The applicant states that the landscaping has been included around the proposed parking lot next to the boundary line. All other visual impact is covered by the existing forest cover. The issue that was not

addressed was the soil erosion. This leads back to the map that is required to show cuts, fills and any land clearing. Any areas that are not covered by gravel shall be covered with native grasses to reduce any erosion potential. Once this has been completed the applicant will have addressed the criterion.

- (e) *Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.*

FINDING: The applicant agrees to make sure this will be complied with. Therefore, as a condition of approval this shall be completed with.

- (f) *A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.*

FINDING: The applicant shall comply with the parking and traffic standards found in Chapter VII.

- (g) *The plot plan for the RV Park shall provide for safe and sanitary accumulation, collection, transportation, storage and disposal, including resource recovery of wastes and solid wastes. Trash receptacles shall be provided at the minimum of one for every five spaces. The trash may be stored in an enclosed area until disposed of through a solid waste company or a hauled to a lawful transfer/landfill disposal site. Waste shall be removed from the site at least every 30 days. If the property owner chooses to haul the solid waste to a disposal facility receipts may be required to prove continued compliance with this subsection. Solid waste management shall not conflict with the requirements of Coos County Code Article Seven.*

FINDING: The applicant has included in the plan for areas to include trash collections and storage of solid waste. Trash receptacles shall be provided at the minimum of one for every five spaces. The trash may be stored in an enclosed area until disposed of through a solid waste company or hauled to a lawful transfer/landfill disposal site. Waste shall be removed from the site at least every 30 days. If the property owner chooses to haul the solid waste to a disposal facility receipts may be required to prove continued compliance with this subsection. Solid waste management shall not conflict with the requirements of Coos County Code Article Seven. As a condition of approval, the contract with the trash collector shall be provided.

- (h) *RV Parks require a minimum of five acres and shall not exceed 15 campsites per acre. The density of the zoning district is replaced with the density requirement of this subsection.*

FINDING: The property is 14.6 acres and the proposed density will be met.

- (i) *RV Parks must reserve at least 30% of the total acreage for open space and common areas. Common areas may have sanitary facilities, open space, parking, roads, pathways, and recreational structures and facilities that serve the entire park.*

FINDING: The property shall reserve 4.38 total acres as open space. Common areas such as parking, roads, pathways and recreational structures the serve the entire park may be sited within the 4.38 acres. The site plan shows this will be met and the findings stated there will be 7.4 acres of open space.

(j) *RV Park pads shall not be closer than 15 feet to another vehicle or structures.*

FINDING: The plot plan provided shows this will be complied with.

(k) *Sanitation facilities including toilet, lavatory, and bathing facilities shall be required. The sanitary system shall comply with Oregon State Building Codes, Oregon Health Authority or any other health and safety regulatory agency. A water supply shall be provided to the sanitation facility and may be provided to each RV site but sewer shall not be provided to individual RV sites unless an exception is taken to Statewide Planning Goal 11 or the property is located within the Urban Growth Boundary. The camp host or caretaker may be hook to the sanitation system.*

FINDING: The application indicates there will be showers and bathroom facility along with an onsite septic system. As a condition of approval, the onsite septic system will only provide facilities for the structure (the shower and bathing facility) and Single Family Dwelling and not to individual RV sites.

(l) *RV Parks approved after January 1, 2019 shall not allow tenants to stay within the park more than 30 consecutive days within a six month period. Registration shall be maintained to prove compliance with this requirement. No person shall receive mail at the site with the exception of the camp host, property owner or watchman. The park may only have one camp host or care taker per 30 spaces. If an exception to Goal 11 to extend public services to the property or the property is served by public services (water and sewer) then ORS 197.493 prohibits placement or occupancy restriction including any time limitation. Outside of an Urban Growth Boundary time limits may be applied.*

FINDING: The property owners or camp host shall maintain a log of guest and provide copies to the county once a year to ensure that tenants are not staying more than 30 consecutive days within a six-month period.

(m) *A dwelling may be constructed for the property owner, camp host or caretaker to reside. This shall not be a rental unit and shall not count as part of the 30% of open space required in subsection (h) above.*

FINDING: As part of the plan a dwelling will be constructed for the property owner. This dwelling is part of the park and cannot be divided off unless it is requalified as a Single Family Dwelling in Recreational Zone and meets the five acre density requirement. The residence is prohibited from becoming a rental unit and shall be used for the property owners, camp host or caretaker to reside.

- (n) *Fires will be permitted only in facilities which have been provided for such purposes or where open fires are allowed.*
- (i) *Fireplaces, fire pits, charcoal braziers, wood burning stoves or other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.*
 - (ii) *Trees and other vegetation should be removed around area designated for fires or outdoor cooking to minimize fire hazards.*
 - (iii) *Fire extinguishers shall be proved at the camp in areas that allow for ease access.*
 - (iv) *Request for comments will be sent to the fire district in which the property is located within to allow for comments to ensure that fire danger is minimized.*
 - (v) *Individual fires pits located at the RV site areas prohibited in areas subject inventoried wildfire hazard.*

FINDING: The applicant has acknowledged and will comply with the criteria for campfires.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

- a. Wildfires: Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as “High” or “Moderate” risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:
 1. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.
 2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions, as established by credible documentation approved in writing by the Director;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water’s edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 3. Fire Siting Standards for New Dwellings:
 - a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 4. Firebreak:
 - a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.
 - b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone 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.
 - c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
 - d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the

provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

| Slope | Feet of Primary Safety Zone | Feet of Additional Primary Safety Zone Down Slope |
|-------|-----------------------------|---|
| 0% | 30 | 0 |
| 10% | 30 | 50 |
| 20% | 30 | 75 |
| 25% | 30 | 100 |
| 40% | 30 | 150 |

- e. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- f. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- g. The structure shall not be sited on a slope of greater than 40 percent.
- h. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.
- i. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.

FINDING: The site is located within the Charleston Rural Fire Department. The applicant has agreed to all fire siting standards. It does not appear that the slopes for the development area are identified on the plot plan but are explained in the narrative. Any structure shall be sited in compliance with the slope and plot plan specifically address the fire hazard setback shall be provided as proof that all slopes within the proposed development area so that we can verify the required firebreak setbacks pursuant to 4.11.132. j.4.

IV. DECISION:

Therefore, with the completion of the conditions of approval found in Exhibit “A” the proposed 50 space RV Park and Single-Family Dwelling within the Recreational Zoning District meets the requirements of the Coos County Zoning and Land Development Ordinance.

If the applicant fails to meet the conditions of approval even after a zoning compliance has been issued the permit may be revoked for non-compliance.

V. EXPIRATION:

The conditional use will not expire.

VI. 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

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.

Special districts to receive notice: Charleston Rural Fire Protection District, Coos Bay School District, Coos Bay North Bend Water Board and Oregon International Port of Coos Bay.

EXHIBIT "D"
Comments Received



COQUILLE INDIAN TRIBE

3050 Tremont Ave. North Bend, OR 97459
Telephone: (541) 756-0904 ~ Fax: (541) 756-0847
www.coquilletribe.org

March 4, 2021

Coos County Planning Department
250 N Baxter
Coquille, Oregon 97429

Re: ACU-21-014

Project location: Basendorf Beach Rd, Coos Bay, OR 97420; T26S, R14W, Section 3C, TL1000

Thank you for the opportunity to comment on the proposal to put a recreational vehicle park with 50+ sites on property zoned recreational at the above referenced location. Our records show known cultural resources within extremely close proximity to the project area.

Due to the close proximity to known cultural resources, we request that the landowner and/or contractor contact our office at (541) 808-5554 (Kassandra Rippee, Archaeologist/THPO) to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a **minimum of 72 hours** in advance of anticipated project start time.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or *private lands*. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me if you have any questions.

Masi (thank you),

Todd Martin
Tribal Historic Preservation Specialist

CRT21094



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2021-0230

Responsible Jurisdiction

| | | |
|---|------------------------------------|-----------------------------|
| Staff Contact Michelle Berglund | Jurisdiction Type County | Municipality Coos |
| Local case file # ACU-21-014 | County Coos | |

Activity Location

| | | | | |
|------------------------------|----------------------------------|---------------------------------|------------------------|---------------------------|
| Township 26S | Range 14W | Section 03 | QQ section C | Tax Lot(s) 1000 |
| Street Address | | | | |
| Address Line 2 | | | | |
| City | State / Province / Region | | | |
| Postal / Zip Code | Country | | | |
| | Coos | | | |
| Latitude 42.339535 | | Longitude -124.350876 | | |

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

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

Based on the submitted site plan, development of the northwest portion of the property should not impact jurisdictional wetlands or other waters.

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

3/31/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300

Exhibit E Application Submitted



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: AW-21-014

Date Received: 3/1/21 Receipt #: 224254 Received by: A. Dibble

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) Brian & Belinda Gibson

Mailing address: 610 Old Vine Court, Pleasant Hill, CA 94523

Phone: 206-455-5210 Email: zachy1116@icloud.com

| | | | | | |
|-----------|--------|----------|------------|---------------|-----------|
| Township: | Range: | Section: | ¼ Section: | 1/16 Section: | Tax lots: |
| 26S | 14W | 3 | C | 0 | 1000 |
| Select | Select | Select | Select | Select | |

Tax Account Number(s): 567801 Zone: Select Zone Industrial Recreation
 Tax Account Number(s) _____ Please Select _____

B. Applicant(s) Brian & Belinda Gibson

Mailing address: 610 Vine Court

Phone: _____

C. Consultant or Agent: Civil West Engineering Services

Mailing Address 486 E Street Coos Bay, OR 97420

Phone #: 541-982-2780 Email: ckinney@civilwest.net

Type of Application Requested

| | | |
|--|--|--|
| <input type="checkbox"/> Comp Plan Amendment <input type="checkbox"/> Text Amendment <input type="checkbox"/> Map - Rezone | <input checked="" type="checkbox"/> Administrative Conditional Use Review - ACU <input type="checkbox"/> Hearings Body Conditional Use Review - HBCU <input type="checkbox"/> Variance - V | <input type="checkbox"/> Land Division - P, SUB or PUD <input type="checkbox"/> Family/Medical Hardship Dwelling <input type="checkbox"/> Home Occupation/Cottage Industry |
|--|--|--|

Special Districts and Services

Water Service Type: Coos Bay - North Bend Water Board Sewage Disposal Type: On-Site Septic
 School District: Coos Bay Fire District: Charleston 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:
1. 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.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. 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.

Christopher Kinney

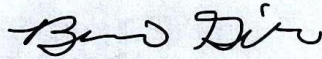
Digitally signed by Christopher Kinney
Date: 2021.03.01 16:05:34 -08'00'

Dear Coos County Planning,

I, Brian Gibson, hereby give Civil West Engineering Services, Inc. the authorization to process all documents in my name and sign on my behalf. Please call me at this number 206-455-5210 if you have any questions.

Sincerely,

Brian Gibson

A handwritten signature in black ink, appearing to read "Brian Gibson", written in a cursive style.

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: NHN Bastendorf Beach Road

Type of Access: Public Road

Name of Access: Bastendorf Beach Road

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-

Statement of Intent

This application proposes the development of an RV Park and a single-family residential building on the parcel as indicated which currently exists as a 14.6-acre forested vacant lot with approximately an acre of wetlands as identified by the National Wetlands Inventory. The development will also include public restrooms/showers and water and power extensions to all 50 RV spaces and the residential building.

The proposed development falls under the sanitary jurisdiction of the Oregon Department of Environmental Quality (DEQ). DEQ holds no historical record of any previous sanitation development. The proposed septic system will hold flows from the public restrooms and be pumped periodically. A site evaluation by DEQ will be required which would ultimately provide an accurate assessment of the existing site and thus, determine the exact septic design requirements.

Currently, there exists a 4" AC waterline which runs along the centerline of Bastendorf Beach Road, owned by the Coos Bay North Bend Waterboard, and feeds from the 1 MG Charleston Reservoir with a minimum average elevation at peak demand of 114 feet. To connect to the existing water system and provide service to the RV Park and the residential building, a 2" commercial meter would need to be installed.

Pacific Power currently provides power to the Bastendorf Beach area and would therefore provide power to the proposed RV Park.

Access to the site is from the north-western corner which slopes up an average of 10% from Bastendorf Beach Road until about the middle of the property after which the existing terrain slopes down to the southern border adjacent with Cape Arago Highway at an average slope of 25%. Approximately 7.4 acres have slopes within the range of 0-10% and 7.2 acres with slopes within the range of 10-30%. There are no existing buildings on site. As part of the development project, an all-weather surface will be installed for the proposed 50 RV spaces and 75 parking spaces, also including the proposed access pathway and driveway to the residential building.

The proposed development complies with the following applicable criteria of the Zoning Ordinance Code:

Recreational Vehicle Park -

- (a) Must be a lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

Response: There will be 50.

- (b) The park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.

Response: There will be 50.

- (c) Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.

Response: See plan attached.

(d) Landscaping and Design:

- (i) The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings.

Response: Landscaping has been included around the proposed parking lot next to the boundary line. All other visual impact is covered by the existing forest cover.

- (ii) Any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Response: Agreed.

- (iii) The site shall be sloped to allow for proper surface drainage; however, surface waters shall not drain in a manner that would adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

Response: There are no existing surface waters on site. Existing and future site drainage of the design area is shown in the plan attached.

- (iv) Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

Response: Agreed. See plan attached.

- (e) Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.

Response: Agreed. See plan attached.

- (f) A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII. At a parking dimension of 20' x 10', the total parking area is 0.34 acres.

Response: Parking was designed per Chapter VII. 75 total parking spots are included for the 50 proposed RV spots.

- (g) The plot plan for the RV Park shall provide for safe and sanitary accumulation, collection, transportation, storage and disposal, including resource recovery of wastes and solid wastes. Trash receptacles shall be provided at the minimum of one for every five spaces. The trash may be stored in an enclosed area until disposed of through a solid waste company or a hauled to a lawful transfer/landfill disposal site. Waste shall be removed from the site at least every 30 days. If the property owner chooses to haul the solid waste to a disposal facility receipts may be required to prove continued compliance with this subsection. Solid waste management shall not conflict with the requirements of Coos County Code Article Seven.

Response: Agreed. See plan attached.

- (h) RV Parks require a minimum of five acres and shall not exceed 15 campsites per acre. The density of the zoning district is replaced with the density requirement of this subsection.

Response: The site is 14.6 acres. There is enough space for the proposed RV spaces.

- (i) RV Parks must reserve at least 30% of the total acreage for open space and common areas. Common areas may have sanitary facilities, open space, parking, roads, pathways, and recreational structures and facilities that serve the entire park.

Response: Minimum open space will 7.4 acres (50.7% of total acreage)

- (j) RV Park pads shall not be closer than 15 feet to another vehicle or structures.

Response: The proposed plan is spaced accordingly. See plan attached.

- (k) Sanitation facilities including toilet, lavatory, and bathing facilities shall be required. The sanitary system shall comply with Oregon State Building Codes, Oregon Health Authority or any other health and safety regulatory agency. A water supply shall be provided to the sanitation facility and may be provided to each RV site but sewer shall not be provided to individual RV sites unless an exception is taken to Statewide Planning Goal 11 or the property is located within the Urban Growth Boundary. The camp host or caretaker may be hook to the sanitation system.

Response: An accessory bathroom with a septic system is proposed. See plan attached.

- (l) RV Parks approved after January 1, 2019 shall not allow tenants to stay within the park more than 30 consecutive days within a six-month period. Registration shall be maintained to prove compliance with this requirement. No person shall receive mail at the site with the exception of the camp host, property owner or watchman. The park may only have one camp host or care taker per 30 spaces. If an exception to Goal 11 to extend public services to the property or the property is served by public services (water and sewer) then ORS 197.493 prohibits placement or occupancy restriction including any time limitation. Outside of an Urban Growth Boundary time limits may be applied.

Response: Agreed.

- (m) A dwelling may be constructed for the property owner, camp host or caretaker to reside. This shall not be a rental unit and shall not count as part of the 30% of open space required in subsection (h) above.

Response: Proposed residential building is for the property owners.

- (n) Fires will be permitted only in facilities which have been provided for such purposes or where open fires are allowed.
 - (i) Fireplaces, fire pits, charcoal braziers, wood burning stoves or other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.

Response: Agreed.

- (ii) Trees and other vegetation should be removed around area designated for fires or outdoor cooking to minimize fire hazards.

Response: Agreed.

- (iii) Fire extinguishers shall be provided at the camp in areas that allow for ease access.

Response: Agreed.

- (iv) Request for comments will be sent to the fire district in which the property is located within to allow for comments to ensure that fire danger is minimized.

Response: Agreed

Wildfires: Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as "High" or "Moderate" risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:

1. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.

Response: The site is located within Charleston Fire District

2. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.

Response: Agreed.

- b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone 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.

Response: Agreed.

- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

Response: Agreed.

- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 2 – Minimum Primary Safety Zone

| Slope | Feet of Primary Safety Zone | Feet of Additional Primary Safety Zone Down Slope |
|-------|-----------------------------|---|
| 0% | 30 | 0 |
| 10% | 30 | 50 |
| 20% | 30 | 75 |
| 25% | 30 | 100 |
| 40% | 30 | 150 |

Response: Agreed.

- e. All new and replacement structures shall use non-combustible or fire-resistant roofing materials, as may be approved by the certified official responsible for the building permit.

Response: Agreed.

- f. The structure shall not be sited on a slope of greater than 40 percent.

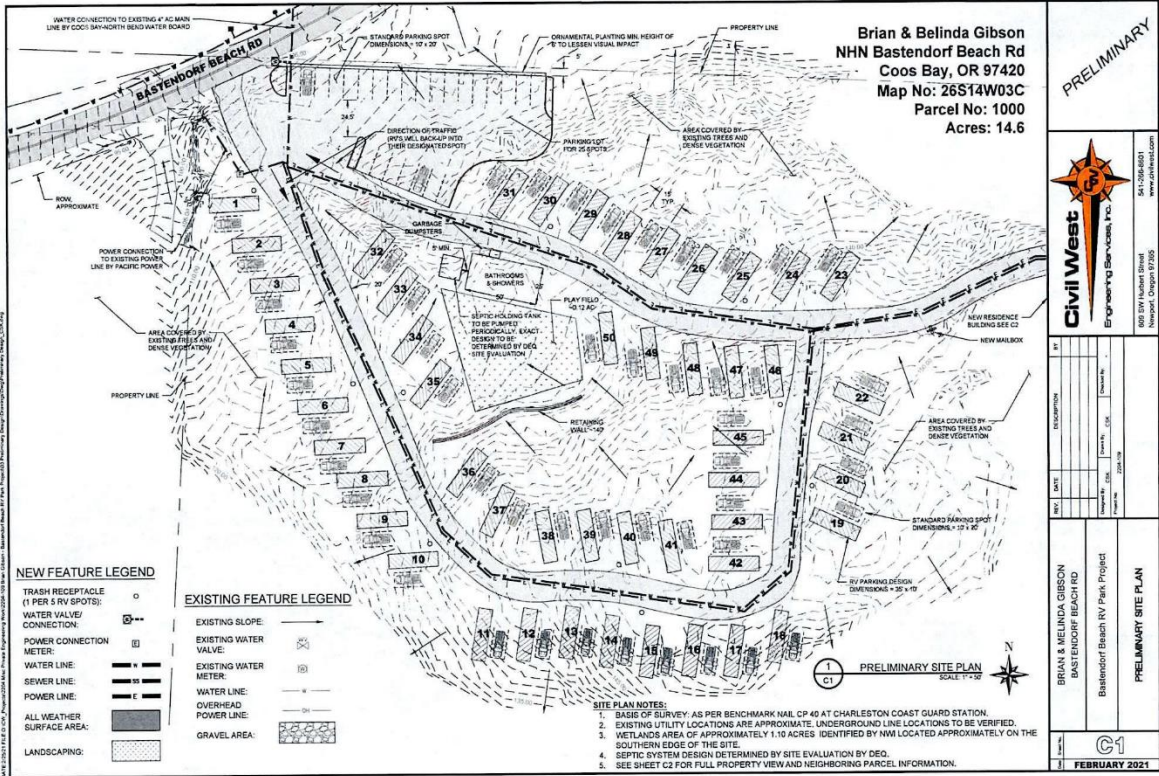
Response: Agreed.

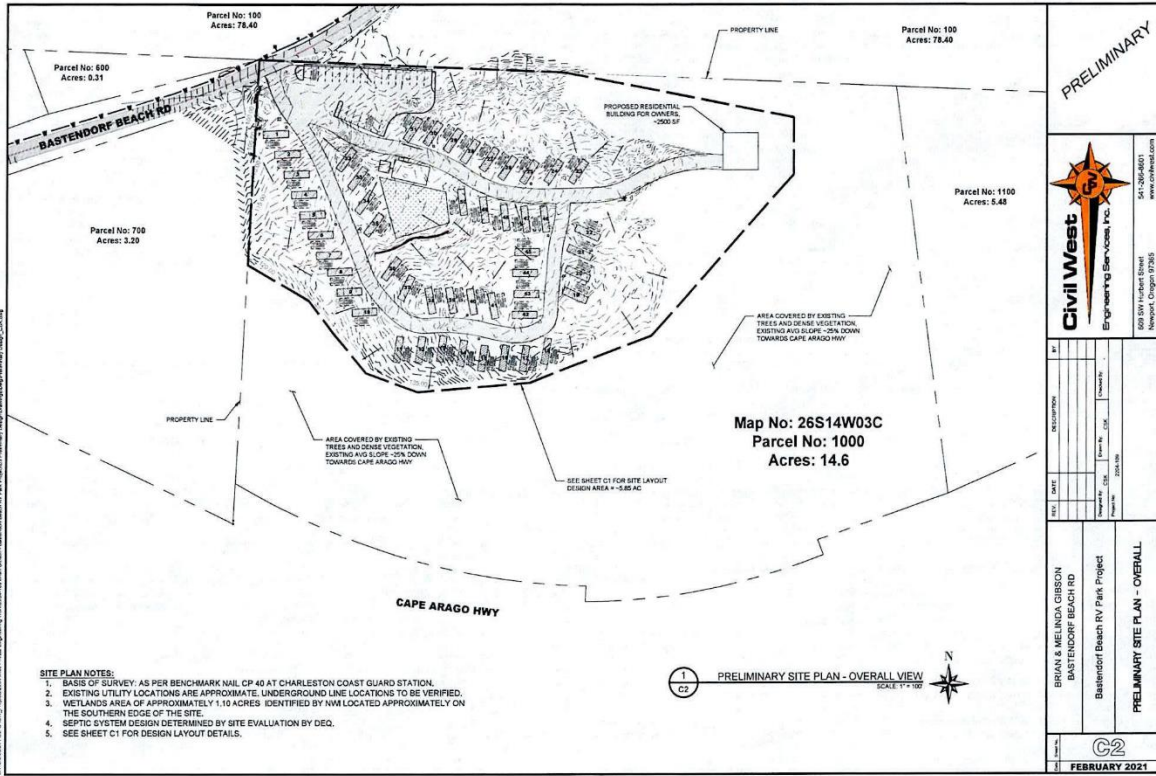
- g. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.

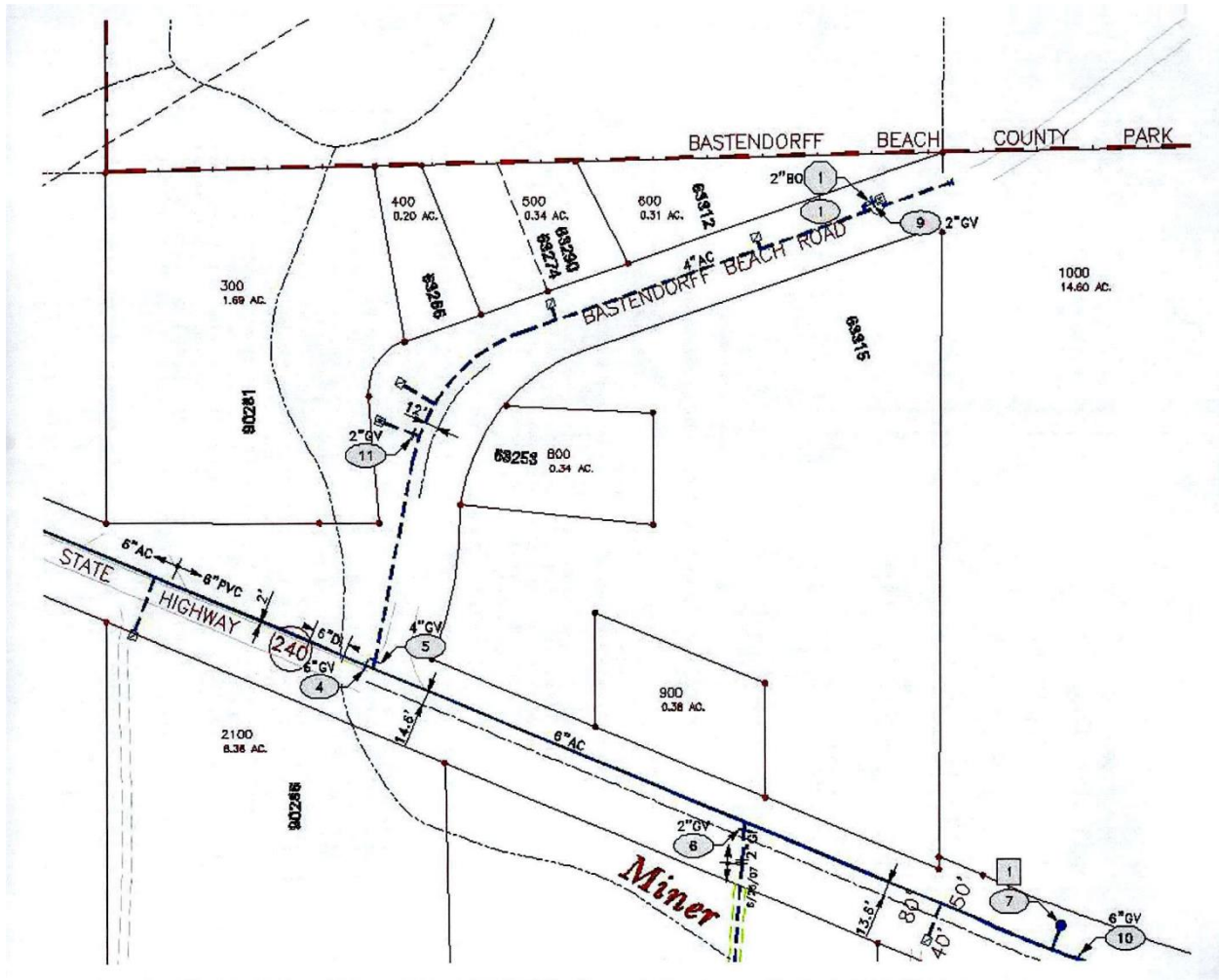
Response: Agreed.

- h. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.

Response: Agreed.







RECORDING REQUESTED BY:



300 W Anderson Avenue, PO Box 1075
Coos Bay, OR 97420

GRANTOR'S NAME:

Estate of William Herbert Moore

GRANTEE'S NAME:

Brian Gibson and Belinda Gibson

AFTER RECORDING RETURN TO:

Brian Gibson and Belinda Gibson, as tenants by the entirety
610 Old Vine Court
Pleasant Hill, CA 94523

SEND TAX STATEMENTS TO:

Brian Gibson and Belinda Gibson
610 Old Vine Court
Pleasant Hill, CA 94523

567801 and 26S1403C001000
0 Cape Arago Highway, Coos Bay, OR 97420

| | |
|---------------------------------------|---------------------|
| Coos County, Oregon | 2020-12043 |
| \$106.00 Pgs=5 | 11/30/2020 04:48 PM |
| eRecorded by: TICOR TITLE COOS BAY | |
| Debbie Heller, CCC, Coos County Clerk | |

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED

James R. Moore, the affiant in the duly filed affidavit concerning the small estate of **William Herbert Moore**, deceased, filed in Circuit Court for Coos County, Oregon, Case No. 19PB07785, and **James R. Moore, Helen E. Cruckshank, Anthony W. Moore, Ervin Brown, Shannon Moffat and Colleen Koval**, being the only successors in interest to said decedent or all of the successors in interest to said decedent, as to an undivided one-fourth interest, Grantor, conveys to **Brian Gibson and Belinda Gibson, as tenants by the entirety**, Grantee, all the estate, right and interest of the above named Grantor and of the above named decedent at the time of the decedent's death, and all the right, title and interest that the above named estate of the decedent by operation of law or otherwise may have acquired afterwards, and all the right, title and interest that the above named successor or successors acquired through the above named decedent, in and to the following described real property in the County of Coos, State of Oregon:

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

The true consideration for this conveyance is Two Hundred Fifty Thousand And No/100 Dollars (**\$250,000.00**).

Tax Account No.(s): 567801

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 215.010, 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.

SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED
(continued)

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

Dated: _____

Estate of William Herbert Moore

BY: _____
James R. Moore
Affiant and Heir

BY: Helen E. Cruickshank, By Linda Griffith, POA
Helen E. Cruickshank, By Linda Griffith, POA
Heir

BY: _____
Anthony W. Moore, By James R. Moore, POA
Heir

BY: _____
Ervin Brown, By James R. Moore, POA
Heir

BY: _____
Shannon Moffat, By James R. Moore, POA
Heir

BY: _____
Colleen Koval, By James R. Moore, POA
Heir

State of _____
County of _____

This instrument was acknowledged before me on _____ by James R. Moore, as Affiant and Heir for Estate of William Herbert Moore.

Notary Public - State of Oregon

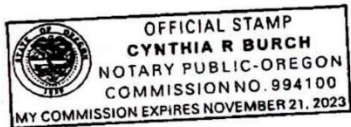
My Commission Expires: _____

State of OREGON
County of Polk

This instrument was acknowledged before me on 11-24-23 by Linda Griffith as Attorney in fact for Helen Elizabeth Cruickshank, as Heir for the Estate of William Herbert Morre.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 11-21-23



State of _____
County of _____

This instrument was acknowledged before me on _____ by _____

SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED
(continued)

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

Dated: 25-Nov-2020

Estate of William Herbert Moore

BY: James Moore
James R. Moore
Affiant and Heir

BY: _____
Helen E. Cruckshank, By Linda Griffith, POA
Heir

BY: James Moore as POA for Anthony W. Moore
Anthony W. Moore, By James R. Moore, POA
Heir

BY: James Moore as POA for Ervin Brown
Ervin Brown, By James R. Moore, POA
Heir

BY: James Moore as POA for Shannon Moffat
Shannon Moffat, By James R. Moore, POA
Heir

BY: James Moore as POA for Colleen Koval
Colleen Koval, By James R. Moore, POA
Heir

State of OREGON
County of COOS

This instrument was acknowledged before me on 25 Nov 2020 by James R. Moore, as Affiant and Heir for Estate of William Herbert Moore.

Rachel Rose Richardson
Notary Public - State of Oregon

My Commission Expires: 03-28-2023



State of _____
County of _____

This instrument was acknowledged before me on _____ by Linda Griffith as Attorney in fact for Helen Elizabeth Cruckshank, as Heir for the Estate of William Herbert Morre.

Notary Public - State of _____

My Commission Expires: _____

State of OREGON
County of COOS



SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED
(continued)

State of OREGON
County of COOS

This instrument was acknowledged before me on 25th Nov 2020 by James R. Moore as Attorney in fact for Ervin Brown, as Heir for Estate of William Herbert Moore.

Rachel Rose Richardson
Notary Public - State of Oregon

My Commission Expires: 03.28.2023



State of OREGON
County of COOS

This instrument was acknowledged before me on 25th Nov 2020 by James R. Moore as Attorney in fact for Shannon Moffat, as Heir for Estate of William Herbert Moore.

Rachel Rose Richardson
Notary Public - State of Oregon

My Commission Expires: 03.28.2023



State of OREGON
County of COOS

This instrument was acknowledged before me on 25th Nov 2020 by James R. Moore as Attorney in fact for Colleen Koval, as Heir for Estate of William Herbert Moore.

Rachel Rose Richardson
Notary Public - State of Oregon

My Commission Expires: 03.28.2023



Unofficial Copy

EXHIBIT "A"
Legal Description

Beginning at the iron bolt at the Northeast corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South $0^{\circ} 31'$ West along the East line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3 for a distance of 430.90 feet to a point on the Northerly boundary of the right of way of the Cape Arago Section of the Oregon State Highway, as relocated and reconstructed in 1937; thence following along the said right of way boundary of the relocated State Highway as follows: South $72^{\circ} 14'$ West 19.30 feet along a spiral curve to the point of beginning of a curve to the left of 2904.79 foot radius; thence along said curve through a central angle of $2^{\circ} 26'$ for a distance of 123.38 feet to the point of beginning of a spiral curve to the left (the long chord of which bears South $68^{\circ} 47'$ West 63.97 feet) for a distance of 63.97 feet; thence North $21^{\circ} 36'$ West 20.0 feet; thence along a spiral curve to the left (the long chord of which bears South $66^{\circ} 31' \frac{1}{2}''$ West 302.95 feet) for a distance of 302.97 feet; thence South $24^{\circ} 25' \frac{1}{2}''$ East 20.0 feet; thence along a spiral curve to the left (the long chord of which bears South $65^{\circ} 34' \frac{1}{2}''$ West 36.92 feet) for a distance of 36.92 feet; thence South $65^{\circ} 32' \frac{1}{2}''$ West 2.41 feet to the point of beginning of a spiral curve to the right (the long chord of which bears South $70^{\circ} 57'$ West 351.41 feet) for a distance of 352.52 feet; thence North $7^{\circ} 58' \frac{1}{2}''$ West 10.0 feet; thence along a spiral curve to the right (the long chord of which bears South $83^{\circ} 09' \frac{1}{2}''$ West 33.83 feet) for a distance of 33.84 feet to the point of beginning of a curve to the right of 522.96 foot radius; thence along said curve through a central angle of $6^{\circ} 26'$ for a distance of 58.70 feet to the point of beginning of a spiral curve to the right; thence along the said spiral curve (the long chord of which bears North $74^{\circ} 32' \frac{1}{2}''$ West 382.90 feet) for a distance of 385.08 feet; thence North $68^{\circ} 01' \frac{1}{2}''$ West 43.85 feet; thence leaving the right of way boundary North $0^{\circ} 31'$ East 4.63 feet to an iron bolt; thence continuing North $0^{\circ} 31'$ East 620.0 feet to an iron bolt on the North boundary of the S $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3; thence North $89^{\circ} 46'$ East 1340.25 feet to the point of beginning, being a portion of the S $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, together with any portion of the vacated Bastendorf County Road Case No. 535 which was vacated by Final Order, recorded April 22, 1969, bearing Microfilm Reel No. 69-04-37974, Records of Coos County, Oregon which would inure thereto by reason of the vacation thereof.

SAVING AND EXCEPTING THEREFROM: Beginning at the iron bolt at the Northeast corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South $89^{\circ} 46'$ West along the North line of the said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ 450.00 feet to a wood post; thence South $10^{\circ} 15'$ East 551.79 feet to the North line of the right of way of the Cape Arago State Highway; thence along said right of way North $66^{\circ} 31'$ East 159.00 feet to an iron pipe; thence South $21^{\circ} 36'$ East 20.00 feet; thence North $68^{\circ} 47'$ East 63.97 feet; thence North $71^{\circ} 01'$ East 123.38 feet; thence North $72^{\circ} 14'$ East 19.30 feet to an iron pipe set on the East line of the said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence along said East line North $0^{\circ} 31'$ East 430.90 feet to the point of beginning.