



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
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770

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

Date of Notice: Friday, June 21, 2024

File No: ACU-24-001

Proposal: Request for Alteration of a Non-Conforming Use by expanding the number of RV spaces within the existing Ocean Pines RV Park from 52 spaces to 120 spaces, as well as siting a 27 space RV/Boat Storage Facility.

Applicant(s): Ocean Pines Communities

Staff Planner: Crystal Orr, Associate Planner

Decision: Approved with Conditions. All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 12 p.m. on **Monday, July 08, 2024**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Alteration of a Non-Conforming use in the Industrial (IND) and Rural Center (RC) Zone pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.6 Nonconforming and Section 4.11 Special Development Considerations and Overlays. **Civil matters including property or road disputes are 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: 159504, 164800, 164700
Map Number: 24S1302CD-01400, 24S131100-00300, 24S1311BA-01000,

Property Owner: OCEAN PINES COMMUNITIES LLC
PO BOX 44716
BOISE, ID 83711-0716

Situs Address: 69262 WILDWOOD RD NORTH BEND, OR 97459

Acreage: 29.90 Acres

Zoning: INDUSTRIAL (IND) RURAL CENTER (RC)

Special Development Considerations and overlays: NATIONAL WETLAND INVENTORY (NWI)
RURAL UNINCORPORATED COMMUNITY (RUC)

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 June 21, 2024 to July 8, 2024

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.

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

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, Associate Planner, 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: Friday, June 21, 2024**
Crystal Orr, Associate Planner

This decision is authorized by the Coos County Planning Director, Jill Rolfe, based on 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 & Plot Plan

The Exhibits below are mailed/emailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following website:
<https://www.co.coos.or.us/community-dev/page/planning-department> or by contacting the Planning Department at (541) 396-7770.

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

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

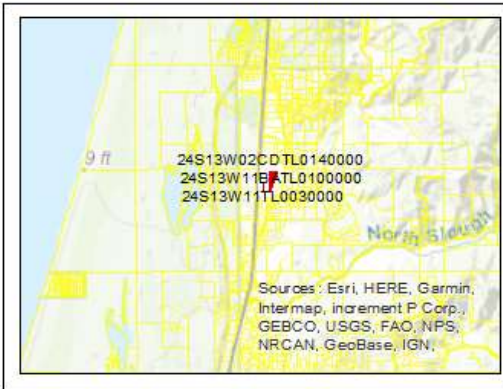
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of the expansion of the RV Park, as well as the RV and Boat Storage Facility. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. 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. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee 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 shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
 - c. Must submit a Driveway/Access Application and receive a sign off from the Coos County Road Department.
 - d. Applicant shall comply with the recommendations from the Oregon Department of State Lands.

EXHIBIT "B"
Vicinity Map & Plot Plan

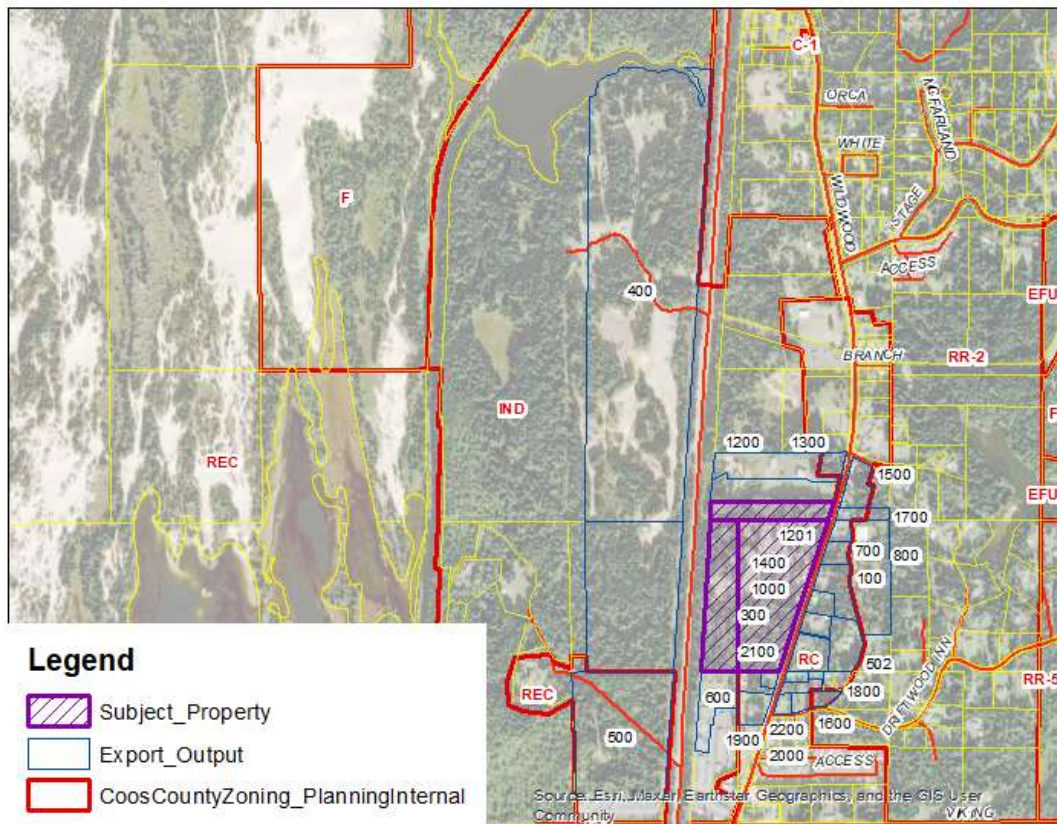


COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423
 Physical Address: 60 E. Second, Coquille Oregon
 Phone: (541) 396-7770
 TDD (800) 735-2900



File:	ACU-24-001
Applicant/ Owner:	OCEAN PINES COMMUNITIES LLC
Date:	6/17/2024
Location:	Township 24S Range 13W Section 02CD TL 1400
Proposal:	Alteration of a Non-Conforming Use



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

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** The applicant’s request is for an alteration of a Nonconforming Use by expanding the number of RV spaces within the existing Ocean Pines RV Park from 52 spaces to 120 spaces, as well as siting a 27 space RV/Boat Storage Facility.

- B. 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 the County files to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint

II. BASIC FINDINGS:

- A. LOCATION:** The subject property is located north of the City of North Bend within the Rural Unincorporated Community of Hauser.



- B. ZONING:** This property is zoned Rural Center (RC) and Industrial (IND).

SECTION 4.2.200 MIXED COMMERCIAL-RESIDENTIAL

Rural Center (RC)

The intent of the Rural Center Designation "committed" rural nodes is to provide residential, commercial, and public/semi-public uses.

The purpose of the "RC" is to provide for the development of rural commercial, tourist commercial, residential and services facilities, necessities, convenience and supplies ancillary to nearby agricultural, forestry, recreational and rural residential uses and activities and to conserve energy by providing for needed commercial outlets in rural areas already "committed" as residential/commercial nodes.

New commercial uses that are consistent with the objectives of the "RC" district are those uses which are needed for the convenient shopping needs of the nearby rural population.

Only one Primary Use can exist, and any other use must be subordinate in size and nature. Pursuant to OAR-660-022-003 Commercial building or buildings in a rural unincorporated community shall not exceed 4,000 square feet of floor space.

SECTION 4.2.300 COMMERCIAL AND INDUSTRIAL

Industrial (IND)

The intent of the Industrial designation applies to sites potentially needed for industrial development. Use of the designation is not restricted to urban growth areas.

The purpose of the "IND" district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area's economy accordingly. The "IND" district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The "IND" designation is appropriate for industrial parcels that are needed for development, as consistent with the Comprehensive Plan.

C. SPECIAL 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 property also has National Wetland Inventory Site as an overlay, Staff sent a request for comments to the Department of State Lands, the response can be found in Exhibit D.

D. SITE DESCRIPTION AND SURROUNDING USES:

The property is developed with a 52 space RV Park with associated development. The property is split zoned Rural Center (RC) and Industrial (IND). The surrounding properties are also zoned

RC and IND. The subject property abuts Highway 101 to the west, to the north is a newly permitted RV Storage Facility, the properties to the east and south appear to be for residential uses.

COMMENTS:

a. PUBLIC AGENCY: This property did require a request for comments from the Oregon Department of State Lands prior to the release of the decision. A response has been received and can be found in Exhibit D.

b. PUBLIC COMMENTS: These properties did not require any request for comments prior to the release of the decision and none were received.

c. LOCAL TRIBE COMMENTS: These properties did not require a request for comments from the Tribes.

E. LAWFULLY CREATED UNIT OF LAND: The unit of land was lawfully created pursuant to Section 6.1.125.1.e by deed prior to applicable planning, zoning or subdivision or partition ordinances that would have prohibited the creation (deed document 79-24284). The property contains three (3) tax lots as the property is within three (3) different sections, but is only one unit of land.

III. STAFF FINDINGS AND CONCLUSIONS:

a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The applicant is requesting to verify and expand a nonconforming use pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.6 Nonconforming, Section 4.11 Special Development Considerations and Overlays.

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**

• **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 ORS 215.215 (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: The property has contained an RV Park since 1968 according to available Coos County Assessment information. The Coos County Planning Department has a verification letter within the file from July 6, 1982 which allowed a mobile home owner to alter the home with an addition, the notes at the time state that “the owner rents a lot in the Firs Trailer Park, on which is sited his mobile home”. On August 8, 1988 a verification letter (VL-88-398) was issued to allow a septic site evaluation, the Planner noted that the existing improvements included: 32 mobile homes, 24 RV spaces, a shop shower & bathroom, a well and a septic system. For a use to be considered nonconforming it would need to be proven to be sited prior to July 1, 1975. The assessment information verifies that the property contained an RV Park prior to July 1, 1975.

The proposal includes alteration and expansion of the RV Park from 52 spaces to 120 spaces, as well as siting a 27 space RV/Boat Storage Facility.

The applicant properly addressed the criteria for alteration of a nonconforming use below:

Applicant's Response: *A non-conforming use is a use of the land that may not comply with current zoning ordinance but may continue since it was lawfully approved when it was originally constructed. Furthermore, alterations of a non-conforming use may be permitted subject to specific approval criteria.*

The Owner/Applicant is proposing to alter and expand the existing RV park. In accordance with this section, a non-conforming use may have a change in the physical improvements if there is no greater adverse impact to the neighborhood.

The existing neighborhood consists of Highway 101 to the west, a commercial operation to the north, residential properties to the east and south. The proposed alterations will be confined to the proximity of the existing RV use on parcel 1400. The large, wooded area to the south is not being altered with this proposal. Additionally, the existing wooded and fenced buffer to the east will maintain the buffer screening from the adjacent residential uses.

The existing RV park will continue to function as it historically has. Facility management and posted park rules will maintain quiet hours and maintain decorum at the facility, therefore there will be no greater adverse impact to the neighborhood.

○ **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 has not been abandoned. The subject property has had an RV Park since at least 1968. 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 review is a conditional use request and is consistent with ORS 215.130. This is for an expansion of an existing RV Park. The conditional use was submitted to request a determination. Therefore, the 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: The applicant properly addressed the criteria below:

Applicant's Response: *In order to evaluate conditional use application for alteration or repair of a nonconforming use, the Coos County requires the proposal to comply with the following criteria:*

- 1) Change in the use will be of no greater adverse impact to the neighborhood:** *The existing use has been in existing for over 30 years. No change in use is proposed and, as a result, there will be no greater adverse impact to the neighborhood.*
- 2) Change in a structure or physical improvements will cause no greater adverse impact to the neighborhood:** *Again, the use has been in existing for many years. The alternation to existing layout of the existing RV Park will not have any adverse impacts to the adjoining neighborhood as described above. Similarly, through the expansion of the additional RV spaces, no adverse impacts are anticipated.*
- 3) Development standards:** *As part of the alterations and/or expansion, the County's development standards will be satisfied.*

The Applicant has furnished historical aerial photos documenting that the existing use has been in continually in existence for the 10-year period immediately preceding the date of the application

VI. DECISION:

There is evidence to adequately address the criteria for an alteration of the nonconforming 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 250 feet of the subject properties and the following agencies, special district or parties: Coos Bay North Bend Water Board, Oregon International Port of Coos Bay & Hauser RFPD

DLCD
Coos Forest Protective Association

Planning Commission
Board of Commissioner

EXHIBIT "D"
COMMENTS RECEIVED

Wetland Land Use Notice Response				
Response Page				
Department of State Lands (DSL) WNF# WN2024-0092				
Responsible Jurisdiction				
Staff Contact Cassidy Carr	Jurisdiction Type County		Municipality Coos	
Local case file # ACU-24-001			County Coos	
Activity Location				
Township 24S	Range 13W	Section 11	QQ section BA	Tax Lot(s) 1000
Street Address 69262 Wildwood Rd Address Line 2 City North Bend Postal / Zip Code 97459				
		State / Province / Region OR Country Coos		
Latitude 45.508618		Longitude -124.214615		
Township 24S	Range 13W	Section 02	QQ section CD	Tax Lot(s) 1400
Street Address Address Line 2 City Postal / Zip Code				
		State / Province / Region Country		
Latitude 45.508618		Longitude -124.214615		
Township 24S	Range 13W	Section 11	QQ section	Tax Lot(s) .300

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Latitude

45.508618

Longitude

-124.214615

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

Your Activity

- It appears that the proposed project **may** impact wetlands and **may** require a State permit.

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 site was previously reviewed by DSL as WN2023-0371 (Local case file CD-23-053, ACU-23-025). Since that time, the applicant has not turned in the DRAFT wetland delineation report for DSL review and approval per OAR 141-090. The DRAFT wetland boundaries shown on this application's site plan cannot be confirmed without this step. Once a wetland delineation is formally reviewed and approved by DSL, an additional WLUN is recommended so the site plan can be adequately compared to approved wetland boundaries. With that information a determination if a wetland removal-fill permit is/isn't required can be made.

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.

- A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

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

3/6/2024

Response by:

Daniel Evans

Response Phone:

503-428-8188