



## **NOTICE OF LAND USE DECISION**

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

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

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. 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: Tuesday, June 13, 2023

File No: ACU-23-010

Proposal: Request for Deferred Replacement of a lawfully established dwelling

Applicant(s): Stephen and Janiene Bruce

Staff Planner: Chris MacWhorter, Principal Planner

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Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Wednesday, June 28, 2023**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Deferred Replacement dwelling criteria in the Exclusive Farm Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.200.21.b Deferred replacement of a lawfully established dwelling subject to: § 4.6.200(21.b) (8) Replacement Dwellings, (30) Deed Declaration; and §4.6.210 Development and Siting Criteria. This proposal is subject to review under Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice**

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### **Subject Property Information**

Account Number: 165700 /168601  
Map Number: 24S131100-01100 / 24S131400-00101  
Property Owner: BRUCE, STEPHEN & JANIENE  
48611 HIGHWAY 101  
BANDON, OR 97411-8223  
Situs Address: 69004 SANDPOINT RD NORTH BEND, OR 97459  
Acreage: 7.8 Acres  
Zoning: EXCLUSIVE FARM USE (EFU)  
Special Development: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)

This notice shall be posted from June 13, 2023 to June 28, 2023

Considerations and overlays: FLOODPLAIN (FP)  
NATIONAL WETLAND INVENTORY SITE (NWI)  
NATURAL HAZARD - TSUNAMI (NHTHO)

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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 60 E. Second St, 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.

The application, staff report and any conditions may be found 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 60 E. Second Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page; however, if you need to view the record please contact the department to make arrangements. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Chris MacWhorter, Principal 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:** Tuesday, June 13, 2023  
Chris MacWhorter, Principal Planner

**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 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 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**

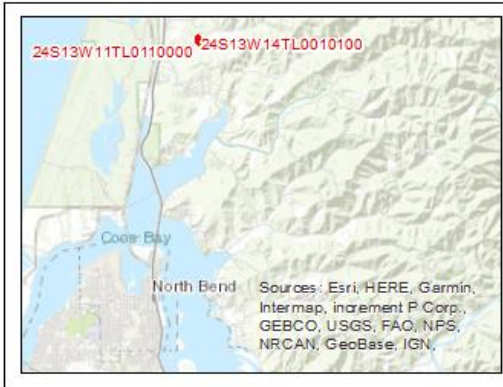
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. This approval cannot be transferred by sale of otherwise, except by the application to the spouse or a child of the applicant.
3. Must comply with any comments from Department of State Lands (DSL). All building activity and ground impacts (utilities, walkways, access, parking, etc.) should stay on the higher elevations as far north as possible. The site plan shows the shop as being closer to the house than the measurements given on the site plan indicate. The measurements provided appear to avoid wetlands, meaning that the shop should be 200 feet east of the northeast corner of the house and then 50 feet south. Less than 50 feet would be better, but provided the shop is several feet higher than the potential wetland just to the south, it should avoid impacts.
4. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This will be issued after all the following conditions have been satisfied.
  - a. Shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement.
  - b. 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.
  - c. A signed Driveway Confirmation from Coos County Road Department is required prior to siting a new dwelling to ensure compliance with Chapter VII of the CCZLDO.

**EXHIBIT "B"**  
**Vicinity Map**

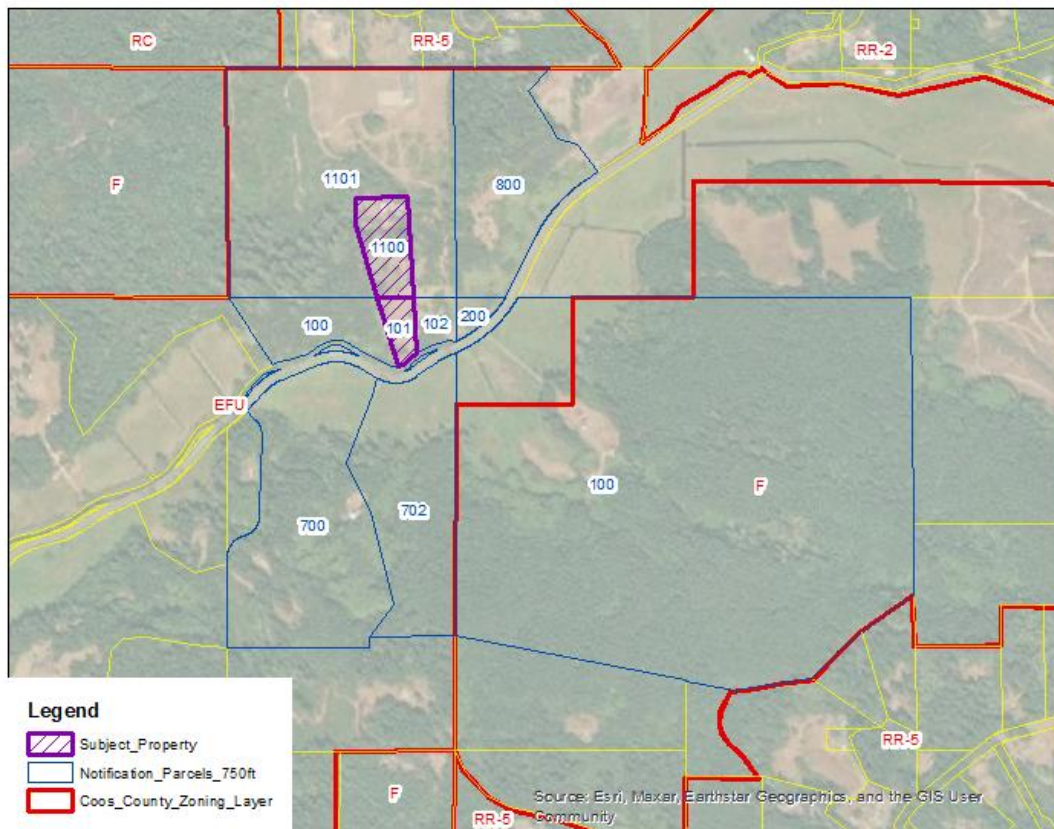


**COOS COUNTY PLANNING DEPARTMENT**

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



File: ACU-23-010  
Owner: Stephen and Janiene Bruce  
Date: May 16, 2023  
Location: Township 24S Range 13W  
Section 11/14 TL 1100/101  
Proposal: Administrative Conditional Use



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

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

**A. PROPOSAL:** The applicants propose to site a Single Family Dwelling through the Deferred Replacement process.

**B. BACKGROUND/PROEPRTY HISTORY:**

- On April 4, 2007, a letter was sent denying the certification for a lawfully created parcel.
- On April 18, 2007, a letter was sent approving the certification for a lawfully created parcel.
- On May 2, 2007, a property line adjustment (PLA-07-30) was issued, altering the property line between the subject property and T24S-R13W-S14-TL100 with a single line adjustment.
- A note on September 10, 2010, stated that PLA-07-30 had been incorrectly filed.
- On September 24, 2010, a property line adjustment (PLA-10-38) was initiated to correct the violation of PLA-07-30. However, this approval was not implemented or finalized.
- On October 12, 2022, a property line adjustment (PLA-22-011) was issued, modifying the property line between the subject property and a single parcel identified as T24S-R13W-S11-TL1101 and T24S-R13W-S14-100.
- February 28, 2023 The current proposal to be redeveloped with a house and an accessory building. March 24, 2023, the application for a differed replacement was found to be complete. Notices to the local tribes and Department of State Lands were provided within the first 30 days of receipt. An amended notice was provided to Department of State Lands and final comments received May 31, 2023.

**II. BASIC FINDINGS:**

**A. LOCATION:** The subject property is situated one mile southeast of the Rural Unincorporated Community of Hauser. It can be accessed via Sandpoint Road, which is connected to Viking Road. Viking Road, in turn, is connected to Wildwood Road, which provides direct access to Highway 101.

**B. ZONING:** - This property is zoned Exclusive Farm Use.

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

**SECTION 4.2.500 RESOURCE ZONES**

***Exclusive Farm Use (EFU)***

***These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.***

***The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the***

*provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.*

*According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the “Agricultural Lands Inventory” was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:*

*Committed rural residential areas and urban growth areas.*

*Proposed rural residential areas as per the Exception to Goals #3 and #4.*

*Proposed industrial/commercial sites.*

*Existing recreation areas (e.g., golf courses) [Recreation designation]*

*Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*

*Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

*The secondary criterion for establishing the “Agricultural Lands Inventory” was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.*

**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 includes National Wetland Inventory Site, Floodplain, and Natural Hazard Tsunami Special Development Considerations and Overlays. The staff provided a request for comments to the Oregon Department of State Lands (DSL), and a response was received. The comments provided by DSL will be followed and implemented. The proposed development is situated outside of the mapped Floodplain. Moreover, residential development does not necessitate any additional requirements according to the Natural Hazard Tsunami regulations. Therefore, no further review was necessary.

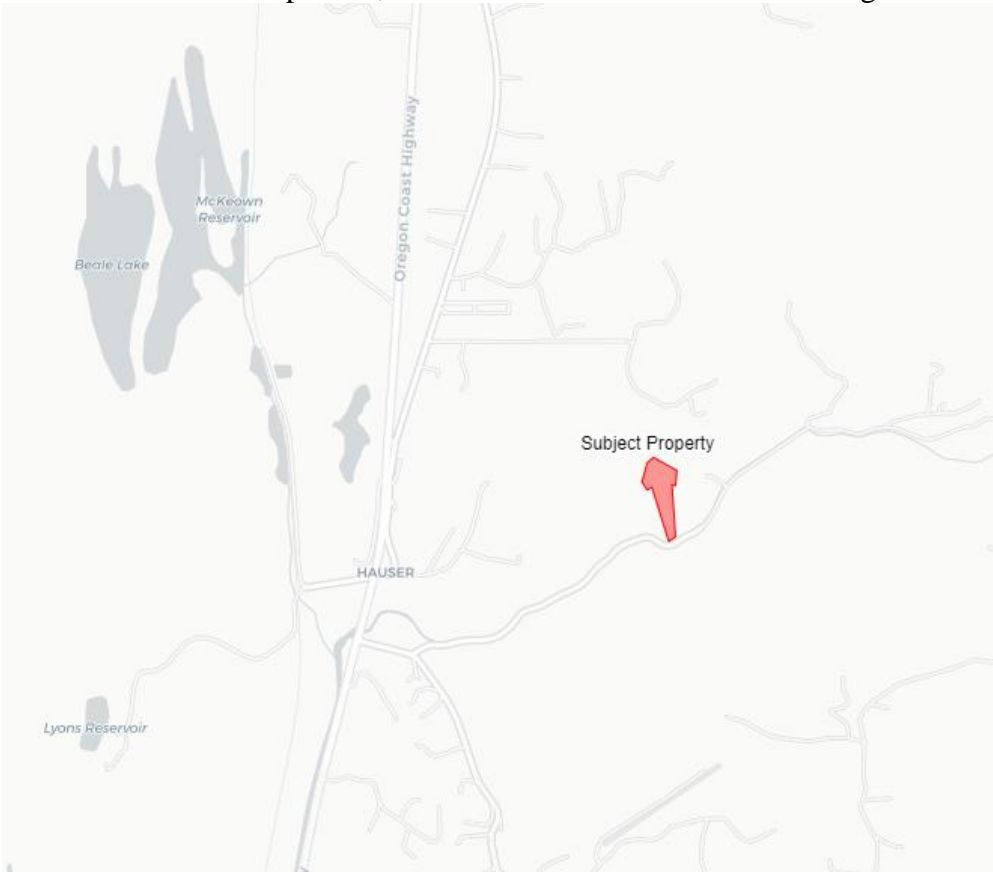
**D. SITE DESCRIPTION AND SURROUNDING USES:** The subject property, which is approximately 7.8 acres in size, is zoned as Exclusive Farm Use (EFU). It is located between Sandpoint Road and North Way Lane, southeast of the Rural

Unincorporated Community of Hauser. Access to the property is provided through a private easement from Sandpoint Road.

The southern two-thirds of the property are comprised of wetlands and fall within the mapped Floodplain Overlay. The remaining northern third of the property consists of upland areas with scattered trees and the former dwelling.

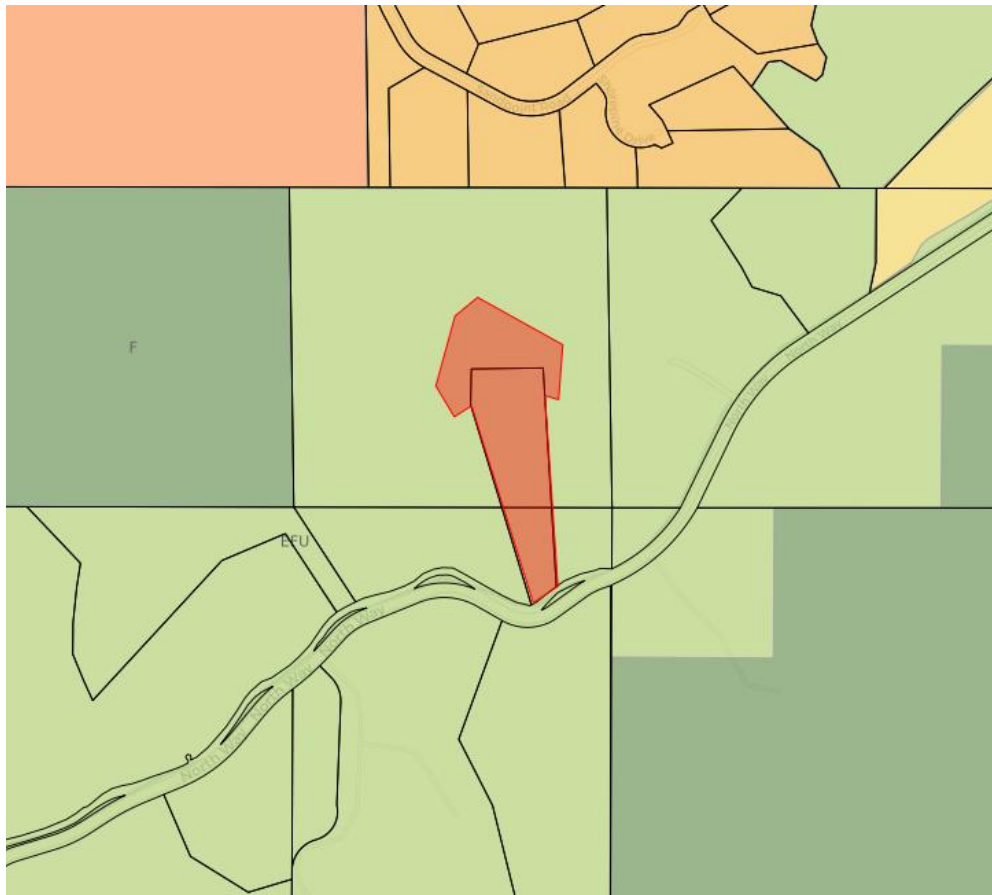
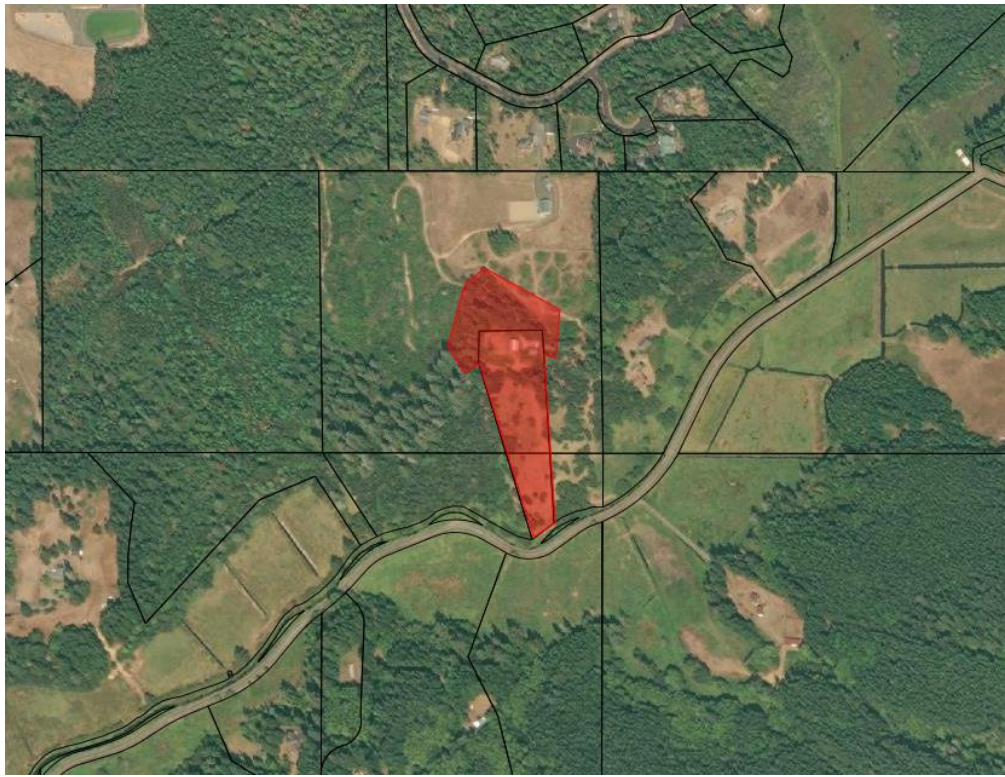
There are some small farmland residential developments scattered along North Way Lane, situated to the south of the subject property. These properties within the 750-foot notification range in size from 0.85 acres to 126.81 acres. The smaller parcels appear to be primarily used for residential purposes, while the larger tax lots are designated for Exclusive Farm Use and Forest production.

To the north of the subject property, along Sandpoint Road, lies the Valley Crest Planned Unit Development<sup>1</sup>, which consists of residential dwellings.

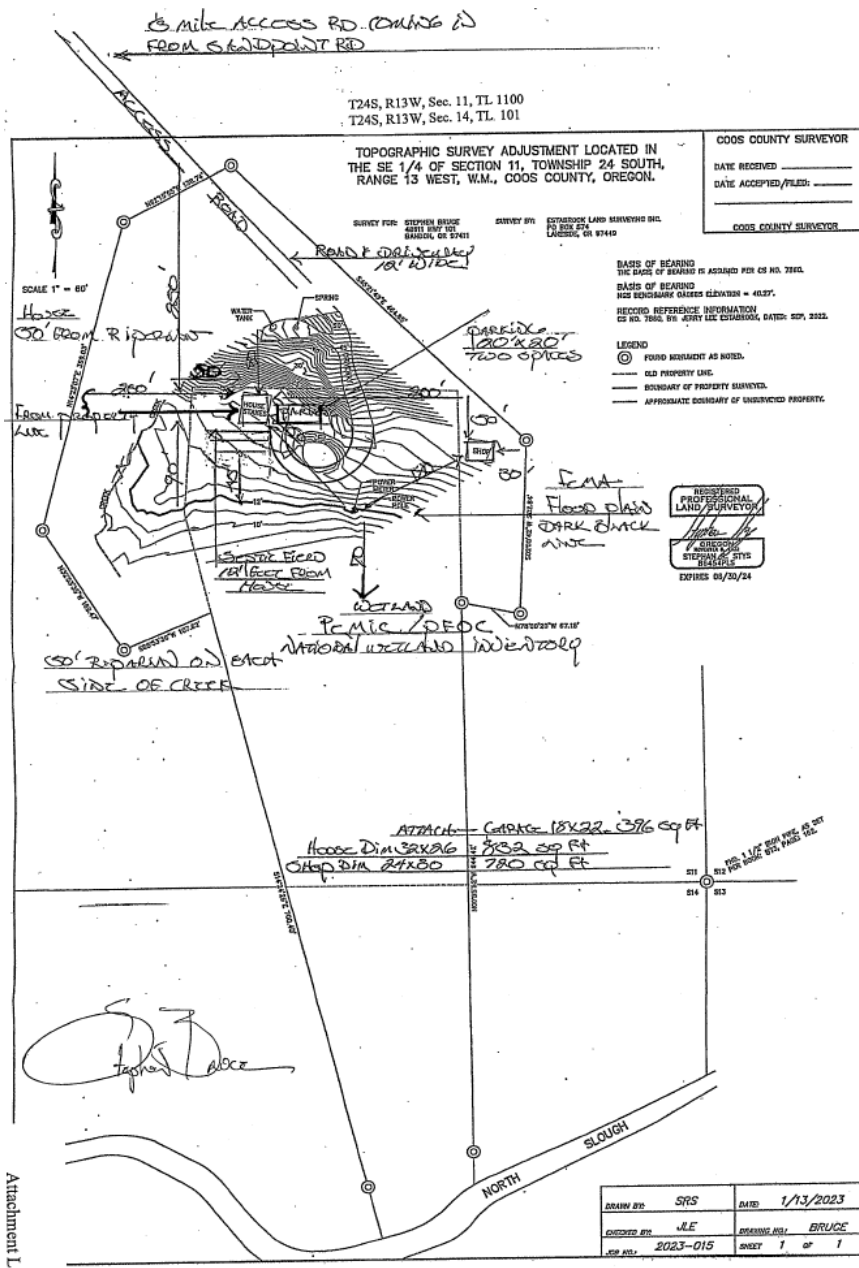


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<sup>1</sup> RESIDENTIAL-PLANNED UNIT DEVELOPMENT: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, providing common open space, and a mix of building types and land uses. A PUD permits the planning of a project over the entire development, rather than on an individual lot-by-lot basis, but a Planned Unit Development does not exclude the sale of individual lots, but only after the development is planned as a single unit.







**E. COMMENTS:**

- a. **PUBLIC AGENCY:** This property did require any request for comments from the Oregon Department of State Lands prior to the release of the decision. DSL responded on May 30, 2023 with the following comments: “[t]he proposed shop could be quite close to wetlands. The National Wetlands Inventory mapped a forested wetland just south of where the shop is proposed. Based on Lidar imagery, it appears to be proposed for a terrace above the lower-lying potential wetland area. All building activity and ground impacts (utilities, walkways, access, parking, etc.) should stay on the higher elevations as far north as possible. The site plan shows the shop as being closer to the house than the measurements given on the site plan indicate. The measurements provided appear to avoid wetlands, meaning that the shop should be 200 feet east of the northeast corner of the house and then 50 feet south. Less than 50 feet would be

*better, but provided the shop is several feet higher than the potential wetland just to the south, it should avoid impacts. 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.”*

**b. PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.

**c. LOCAL TRIBE COMMENTS:** These properties did require any request for comments from the Tribes prior to the release of the decision. Only Coquille Indian Tribe provided comments as follows: *“Coquille THPO will defer comments on this permit application to the other interested Tribes, particularly CTCLUSI. Please keep us informed of significant archaeological findings, which may include ancestral human remains or funerary items. In the event that ancestral remains are observed or disturbed, follow the State Guidelines.”*

**E. LAWFULLY CREATED UNIT OF LAND:** The unit of land was created pursuant to 6.1.125.1.b *“through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals”*. The current parcel configuration was created, and approved, by PLA-22-011, and recorded with PLA deed #2022-10053.

### **III. STAFF FINDINGS AND CONCLUSIONS:**

#### **a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

Deferred Replacement dwelling criteria in the Exclusive Farm Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.200.21 Deferred replacement of a lawfully established dwelling subject to: § 4.6.200(21) (8) Replacement Dwellings, (30) Deed Declaration; and §4.6.210 Development and Siting Criteria.

#### **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.*

- **SECTION 4.6.200(21B) PERMITTED OR USES SUBJECT TO CONDITIONAL USE: THE FOLLOWING USES MAY BE ALLOWED WITH CONDITIONS OF APPROVAL ON EXCLUSIVE FARM USE LANDS SUBJECT TO THE REVIEW IDENTIFIED IN THE USE TABLE FOR EXCLUSIVE FARM USE ARE LISTED AS PART OF THE USE:**

	Use	HV	All Other
21	a. Alteration, restoration, or replacement of a lawfully established dwelling. (replaced within a year)	CD (8) (30)	CD (8) (30)
	b. Alteration, restoration, or replacement of a lawfully established dwelling. (DEFERRED REPLACEMENT)	ACU (8) (30)	ACU (8) (30)

*(8)Replacement Dwelling - Dwelling that no longer meets replacement criteria as described in subsection (8)(a)(A)(i) through (iv) of this section. This determination meets the requirements for a land use decision and shall reviewed as an Administrative Conditional Use (ACU).*

*(b) For replacement of a lawfully established dwelling under this section:*

*(A) or replaced under ORS 215.283 if the county determines that:*

*(i) The dwelling to be altered, restored or replaced has, or formerly had:*

- (1) Intact exterior walls and roof structure;*
- (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;*
- (3) Interior wiring for interior lights; and*
- (4) A heating system; and*

*(ii)(1) If the dwelling was removed, destroyed or demolished:*

*(a) The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and*

*(b) Any removal, destruction or demolition occurred on or after January 1, 1973;*

*(2) If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes; or*

*(3) A dwelling not described in subparagraph (A)(i)(1) or (A)(i)(2) of this subsection was assessed as a dwelling for purposes of ad valorem taxation:*

*(i) For the previous five property tax years; or*

*(ii) From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.*

*(B) For deferred replacement of a lawfully established dwelling under this section:*

*(i) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:*

*(a) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or*

*(b) If the dwelling to be replaced is, in the discretion of the county, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the county that is not less than 90 days after the replacement permit is issued.*

*(ii) The replacement dwelling:*

*(a) May be sited on any part of the same lot or parcel.*

*(b) Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.*

- (iii) *As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.*
- (iv) *Notwithstanding subsection (B)(ii)(a) of this section, a replacement dwelling:
 
  - (a) *Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and*
  - (b) *If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.**
- (v) *The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under subsection (B) of this section, including a copy of the deed restrictions filed under subsection (B)(iii) of this section.*
- (vi) *If an applicant is granted a deferred replacement permit under this section:
 
  - (a) *The deferred replacement permit:
 
    - 1. *Does not expire but, notwithstanding subsection (B)(i)(1) of this section, the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and*
    - 2. *May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.**
  - (b) *The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.**

*(30)The County governing body or its designate shall require as a condition of approval of a single-family dwelling under 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under 30.936 or 30.937.*

**FINDING:** According to records from the Coos County Assessor and evidence provided by the applicant, the dwelling was initially established in 1960. It had an approximate size of 560 square feet. The dwelling was required to have exterior walls and a roof, plumbing, interior electrical wiring, and a heat source. The applicant submitted both an appraisal report and photographs of the dwelling as evidence.

The applicant provided an appraisal report dated August 18, 2020, which was written by Philip Marler of Marler Appraisal Services, Inc. Philip Marler is a certified residential appraiser with the certification number CR00125. The report provides details on the dwelling and shop along with a professional assessment of the condition of the structures.

Below is a screen shot of the report detailing the improvements. The full report is on file with the County Planning Department.

DESCRIPTION OF THE IMPROVEMENTS

General Description: # of Units: 1 + Accessory Unit # of Stories: 1 Design (Style): Rambler
Type: [X] Detached [ ] Attached [ ] Status: [X] Existing [ ] Proposed [ ] Under Construction
Actual Age (years): 60 Effective Age (years): 60 Year Built: 1960

Exterior Description:
Foundation: Post and Pier Exterior Walls: Wood
Roof Surface: Rolled Gutters & Downspouts: None
Window Type(s): Sliders Storm / Screens: None
Heating System: None Cooling System: None

Car Storage: [X] None [ ] Garage [ ] Carport [X] Driveway (Surface: Gravel ) Total # of Cars: 2

Livable area above grade contains: 3 Rooms, 1 Bedrooms, 1.0 Bath(s), and 560 Sq.Ft. of GLA

Describe Additional Features and Improvements:
The house was built in 1960 and is at the end of its physical life. It is not habitable and given no value. There is an older barn that is also at the end of its physical life and not useable. There is also a storage building that is not useable. All of the structures suffer so much deferred maintenance that the cost to repair exceeds what value they would gain after repairs. The improvements are all judged to be poor condition.

Client: Lawrence Finneran LLC Client File No.: Appraiser File No.: NB-15301

The appraisal report indicated there was no heating system for the dwelling. However, the applicant submitted pictures of the structure. There is a wood stove present in the pictures.



Staff could not locate any DEQ septic records; however, that could be due to the age of the Dwelling. The appraisal report indicated the dwelling had 1 bathroom with septic onsite.

Other features:  Inside Lot  Corner Lot  Cul de Sac  Underground Utilities

Utilities:	Public	Other	Provider/Description	Off-site Improvements:	Type	Public	Private
Electricity:	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Street:	Paved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gas:	<input type="checkbox"/>	<input type="checkbox"/>		Curb/Gutter:	None	<input type="checkbox"/>	<input type="checkbox"/>
Water:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Well (typical)	Sidewalk:	None	<input type="checkbox"/>	<input type="checkbox"/>
Sanitary Sewer:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Septic (typical)	Alley:	None	<input type="checkbox"/>	<input type="checkbox"/>

Is the property or the improvements located in a FEMA Special Flood Hazard Area?  Yes  No

FEMA Flood Zone: X FEMA Map # 41011C0180F FEMA Map Date: 12/7/2018

Site Comments:  
The subject site is accessed via an easement across an adjacent parcel. A large part of the site is situated in the 100 year flood plane (see flood map). The effective site size is much smaller and estimated to be 2.00 acres. There are no adverse easements or encroachments noted.

The appraisal report also indicated that the dwelling had electricity. The application included proof the electrical service was provided by Central Lincoln People’s Utility District.

The dwelling, which was unsafe for occupancy, has been removed. The applicant submitted a screenshot of invoice for final completion of demolition. That invoice indicated the payment was due May 20, 2022. The dwelling must have been removed prior to the date, but after the date of the residential appraisal.

Staff verified on May 16, 2023 that subject property did not have taxes owed.

<p><b>Account 165700</b> R 165700 1317</p> <p><b>BRUCE, STEPHEN &amp; JANIENE</b></p> <p>69004 SANDPOINT RD NORTH BEND OR 97459</p>	<p><b>Reports</b></p> <ul style="list-style-type: none"> <li>Tax Summary</li> <li>Tax Statement</li> <li>Account History</li> <li>Payment History</li> </ul>	<p>Amount Due</p> <p><b>\$0.00</b></p> <p>✓ Account Paid</p>
<p><b>Account 168601</b> R 168601 1315</p> <p><b>BRUCE, STEPHEN &amp; JANIENE</b></p>	<p><b>Reports</b></p> <ul style="list-style-type: none"> <li>Tax Summary</li> <li>Tax Statement</li> <li>Account History</li> <li>Payment History</li> </ul>	<p>Amount Due</p> <p><b>\$0.00</b></p> <p>✓ Account Paid</p>

The dwelling was removed after the certified appraisal report dated August 18, 2020. The subject property is not split zoned, the subject property is zoned entirely Exclusive Farm Use. Therefore, the proposed dwelling will be sited in the EFU zoning district.

The original dwelling has been removed and demolished. The intent is to organize and build the new replacement dwelling when this application for the replacement dwelling is approved. The applicant has relied on the interpretation of the County Planning Director that this application is to be submitted by the date that the original dwelling was demolished due to poor conditions at the end of its useful life. The applicant is applying for a lawfully established dwelling.

Based on the application showing pictures of building removals, there is no current cluster of structures on the subject property. The entire subject property is within 500 yards of adjacent structures.

**The previous dwelling was located in the Floodplain. The applicant is proposing to place the replacement dwelling same general area but outside of the Floodplain.**

**The replacement will be required to comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety at the time of construction.**

- **SECTION 4.6.210 DEVELOPMENT AND SITING CRITERIA:**

*Development Standards All dwellings and structures approved shall be sited in accordance with this section.*

1. *Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see § 4.6.210(5)(a). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96]*

*New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of §4.6.210(3), §4.6.210(4)(a or b) and § 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.*

*The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

**FINDING: There is no new parcels created through this request; therefore, this criterion is not applicable.**

1. *Setbacks*

- a. *Road: All buildings or structures with the exception of fences shall be setback a minimum of thirty five (35) feet from any road right-of-way centerline or five (5) feet from any right-of-way line, whichever is greater.*
- b. *Firebreak: New or replacement dwellings on lots, parcels, or tracts abutting the “Forest” zone shall establish and maintain a firebreak for a distance of at least 30 in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs, and other dead vegetation should be removed from beneath trees.*

**FINDING: The submitted plot plan is very detailed and shows all setbacks will be met.**

**Therefore, this criterion has been addressed.**

3. *Structure Height: Farm-related structures are exempt from height limits unless subject to Airport Overlay zone or Urban Growth Boundary requirements.*
4. *Lot Coverage: No requirements.*

**FINDING: There is no new parcels created through this request; therefore, this criterion is not applicable.**

5. *Fences, Hedges and Walls: No requirement except for vision clearance provisions of §7.1.525 apply.*

**FINDING:** There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.

Therefore, this criterion has been addressed.

6. *Off-street parking and Loading: See Chapter VII.*

**FINDING:** A Road/ Driveway Access application was not received, as a condition of approval the driveway application must be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter for development.

Therefore, this criterion has been addressed.

7. *Minimum Road Frontage/Lot Width unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration:*

- a. *Within UGB's – 50 feet*
- b. *Outside UGB's – 20 feet*

8. *Access: Access to new dwellings shall meet road design standards in Chapter VII.*

**FINDING:** A Road/ Driveway Access application was not received, as a condition of approval the driveway application must be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter for development.

Therefore, this criterion has been addressed.

9. *Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling. [OR96-06-007PL 9/4/96]*

**FINDING:** This requirement has been made a condition of approval.

10. *Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:*

- a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
- b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
- c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*



- d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
- e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
- f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
- g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
- h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
- i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

**FINDING:**     **The dwelling will need be located at least 50 feet from any identified wetland, stream, lake or river.**

**Therefore, this criterion has been met.**

**VI. DECISION:**

There is evidence to adequately address the criteria for a Deferred Replacement Dwelling; therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

**VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:**

- (1) *Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.*
  - a. *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*
    - i. *First Extension - An extension of a permit for "residential development" as described in Subsection (1) above is valid for two (2) years.*
      - 1. *The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
      - 2. *Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*

3. *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
- ii. *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
  1. *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
  2. *The applicable residential development statute has not been amended following the approval of the permit; and*
  3. *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*
  4. *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

**This Conditional Use does not expire. This approval cannot be transferred by sale of otherwise, except by the application to the spouse or a child of the applicant.**

#### **VIII. NOTICE REQUIREMENTS:**

A notice of decision and staff report will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

Hauser RFPD  
Coos Bay North Bend Water Board

A notice of decision and staff report will be provided to:

Department of Land Conservation and Development  
Planning Commission  
Board of Commissioner