



O'CONNOR LAW | LLC

541.702.5350 | 670 G STREET, SUITE B, JACKSONVILLE, OR 97530

September 5, 2023

VIA EMAIL

Coos County Planning Department

RE: 26-14W-04, Tax Lot 201

Dear Coos County Planning Department,

Attached for your acceptance and review are an application for an Access/Driveway/Road/Parking Verification Permit and an application for an Administrative Conditional Use Permit. Both attached applications are associated with a single-family dwelling that is proposed on property described as 26-14W-04, Tax Lot 201.

We are of the understanding that a geologic assessment is required to be included with the attached Administrative Conditional Use Permit application. We have requested a geologic assessment from a qualified licensed professional who is competent in the practice of geosciences, and are currently awaiting its completion. Once it is completed, we will submit the geologic assessment, along with the associated Request for Exemption of Geological Hazard Review, to your department so that they can be included with the attached Administrative Conditional Use Permit application as Exhibits "G" and "H", respectively.

If you have any questions or need any additional information, please don't hesitate to contact us.

Sincerely,

O'CONNOR LAW, LLC

/s/ Kelly Marquess Tivnan

Kelly Marquess Tivnan, Senior Planner
kelly@PacificLand.Law

KMT:

Enclosure: Access/Driveway/Road/Parking Verification Permit application
Administrative Conditional Use Permit application



ACCESS/DRIVEWAY/ROAD/PARKING VERIFICATION PERMIT
SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL
TO: COOS COUNTY PLANNING 60 E 2nd St., COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US **PHONE: 541-396-7770**
THIS APPLICATION MAY TAKE UP TO 30 DAYS TO PROCESS

Date Received: 9/6/2023 Receipt #: 142183405 Received by: C. Carr

APPLICATION:

FILE NUMBER: DR-2223-082

This application shall be filled out electronically. If you need assistance please contact staff.
Please be aware if the fees are not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

Land Owner(s) (print name): Rutherford Family Trust- Adam Rutherford, trustee

Mailing address: P.O. Box 2390 Sisters, OR 97759

Phone: 541-702-5350 (agent) Email: kelly@pacificland.law (agent)

Applicant(s) (print name): Del Rio Vineyards, LLC

Mailing address: 52 North River Rd. Gold Hill, OR 97525

Phone: 541-702-5350 (agent) Email: kelly@pacificland.law (agent)

Type of Ownership: Multiple Owners-Consent has been included
Dwelling - Single Family

PROPERTY

Township: 26S Range: 14W Section: 4 ¼ Section: Select 1/16 Section: Select Tax lot: 201

Township: Select Range: Select Section: Select ¼ Section: Select 1/16 Section: Select Tax lot: _____

Tax Account Number(s): 568704

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](#)

IMPROVEMENT ON THE PROPERTY:

A driveway is currently present on the subject property and will provide access from Cape Arago Hwy. to the proposed single-family dwelling.

ACKNOWLEDGEMENT STATEMENT: PERTAINING TO THE SUBJECT PROPERTY DESCRIBED ABOVE, I HEREBY DECLARE THAT I AM THE LEGAL OWNER OF RECORD OR AN AGENT HAVING CONSENT OF THE LEGAL OWNER OF RECORD AND I AM AUTHORIZED TO OBTAIN THIS ZONING COMPLIANCE LETTER SO AS TO OBTAIN NECESSARY PERMITS FOR DEVELOPMENT FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND/OR THE BUILDING CODES AGENCY. THE STATEMENTS WITHIN THIS FORM ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY PERMITS AND/OR AUTHORIZATION FOR DEVELOPMENT ISSUED BY THE PLANNING DEPARTMENT MAY BE REVOKED IF IT IS DETERMINED THAT IT WAS ISSUED BASED ON FALSE STATEMENTS, MISREPRESENTATIONS OR IN ERROR. AS A CONDITION FOR THE ISSUANCE OF THIS ZONING COMPLIANCE LETTER THE UNDERSIGNED HEREBY AGREES TO HOLD COOS COUNTY HARMLESS FROM AND INDEMNIFY THE COUNTY FOR ANY LIABILITY FOR DAMAGE WHICH MAY OCCUR AS A RESULT OF THE FAILURE TO BUILD, IMPROVE OR MAINTAIN ROADS WHICH SERVE AS ACCESS TO THE SUBJECT PROPERTY.

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST MANAGEMENT PRACTICES: I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

BY SIGNING THIS APPLICATION I AM ACKNOWLEDGING THAT I CAN ONLY DEVELOP MY PROPERTY AS ALLOWED PURSUANT TO THE AUTHORIZATIONS GRANTED IN THE ZONING COMPLIANCE LETTER THAT WILL BE ISSUED. IF ADDITIONAL REVIEW IS REQUIRED I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO COMPLETE THE REVIEW. ALL APPLICABLE FEDERAL, STATE, AND LOCAL PERMITS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ACTIVITY. ALL COSTS ASSOCIATED WITH COMPLYING WITH THE CONDITIONS ARE THE RESPONSIBILITY OF THE APPLICANT AND THAT THE APPLICANT IS NOT ACTING AS AN AGENT OF THE COUNTY.

APPLICANTS SIGNATURE:  o/B/o O'CONNOR LAW, LLC.

Coos County Road Department Use Only

Driveway

Parking

Access

Bonded

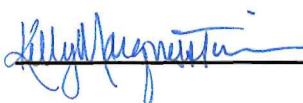
Date : _____ Receipt Number: _____

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. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. Project summary and details including timelines.
 2. 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. This shall be addressed on the supplemental criteria page (see staff for criteria).
- II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:
- Owner's name, address, and phone number, map and Tax lot number
 - North Arrow and Scale - using standard engineering scale.
 - Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
 - Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
 - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
 - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.
- III. DEED: A copy of the current deed, including the legal description, of the subject property.
- IV. CERTIFICATION: 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 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. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING

 01/31/0 O'CONNOR LAW, LLC

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: 90081 Cape Arago Hwy. (prior address)

Type of Access: State Hwy - Provide Access Permit Name of Access: Existing Driveway from Cape Arago Hwy.

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 designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-

SANITATION INFORMATION

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

Water Service Type: Coos Bay-North Bend Water Board Sewage Disposal Type: On-site septic

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

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

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

Staff Signature: _____

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

Additional Comments:

EXHIBIT "A"
APPLICATION FOR AN ADMINISTRATIVE CONDITIONAL USE PERMIT (CUP)
26-14W-04, TAX LOT 201

A. Proposal.

Rutherford Family Trust is the owner of certain real property located in Coos County, Oregon and commonly known as Township 26 South, Range 14 West, Section 04, Tax Lot 201 ("the subject property"). Del Rio Vineyards, LLC is the prospective purchaser of the subject property, and is hereinafter identified as "the Applicant". The purpose of this land use application ("the Application") is to request approval from Coos County to establish a single-family dwelling and associated improvements (e.g., septic system, detached garage) on the subject property, which is ~1.62 acres in size and zoned Rural Residential (RR-2).

Section 4.3.200 of the Coos County Zoning and Land Development Ordinance (CCZLDO) prescribes that single-family conventional dwellings that are proposed within the RR-2 zone require only a Compliance Determination (CD) review. However, the Coastal Shoreland Boundary (CSB) is identified on the subject property, and the subject property has the potential for headland and coastal erosion; therefore, per CCZLDO Article 4.3, an Administrative Conditional Use Permit (CUP) is required. Thus, the reason for this Application.

The subject property is identified as being partially situated within a mapped 100-year floodplain. However, no development is proposed within the mapped 100-year floodplain; therefore, the Floodplain Overlay Zone requirements outlined in CCZLDO Section 4.11.200 et seq are not applicable and are not addressed with this Application. The subject property is also identified as being situated within the Small (S), Medium (M), Large (L) and Extra Large (XL) Tsunami Hazard Overlay Zones. Per CCZLDO Section 4.11.270(2), the Tsunami Hazard Overlay Zone requirements outlined in CCZLDO Section 4.11.270 are applicable only to lands that are situated within the Extra-Extra Large (XXL) Tsunami Hazard Overlay Zone; therefore, the requirements outlined in CCZLDO Section 4.11.270 are not applicable to this Application.

B. Schedule of Exhibits.

The following Exhibits have been submitted in support of this Application and by this reference are incorporated herein:

EXHIBIT "A":	Findings
EXHIBIT "B":	Coos County Owner Consent Forms
EXHIBIT "C":	Site Plan
EXHIBIT "D":	Coos County Assessment Report
EXHIBIT "E":	Deed Card
EXHIBIT "F":	Directions to the Subject Property
EXHIBIT "G":	Geologic Assessment
EXHIBIT "H":	Request for Exemption of Geological Hazard Review
EXHIBIT "I":	Current Deed

C. Applicable Criteria.

The requirements that are applicable to this Application are set forth in CCZLDO Sections 4.3.220(2), 4.3.225, 4.3.230(2), 4.11.128, 4.11.130, 4.11.132, 4.11.150 and 4.11.155. Findings addressing those requirements are set forth as follows:

1. CCZLDO 4.3.220(2). Rural Residential (RR)

The following conditional use review standards apply to all USES, ACTIVITIES and DEVELOPMENT in the RR zoning districts:

- a) *Conditional Use Review Criteria- The following criteria only apply to conditional uses in the RR zoning districts:*
 - i) *COMPATIBILITY: The proposed USE, ACTIVITY or DEVELOPMENT is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. 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[ing] area.*
 - ii) *All parks (Recreational or Residential) shall comply with the following design criteria...*

Applicant's Findings: With this Application, the Applicant is proposing the establishment of a single-family dwelling and associated improvements on the subject property, which is zoned RR-2. Per CCZLDO Section 4.3.200, single-family dwellings within the RR-2 zone are identified as requiring only a CD review and are not conditional uses. The purpose of this Application is to address the requirements associated with the CSB and erosion; no conditional uses, activities or development are proposed. Therefore, CCZLDO Section 4.3.220(2) is not applicable.

2. CCZLDO 4.3.225. General Siting Standards

All new USES, ACTIVITIES and DEVELOPMENT are subject to the following siting standards:

- 1) *Agricultural and Forest Covenant- Any applicant for a dwelling permit adjacent to a Forest or Exclusive Farm Zone shall sign a statement on the Compliance Determination or Zoning Clearance Letter acknowledging that: "the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner's enjoyment of his or her property["].*
- 2) *Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.*
- 3) *Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq...*
- 4) *New lots or parcels- Creation of lots or parcels...*
- 5) *Parking- Off-street access, parking and loading requirements per Chapter VII apply.*
- 6) *Riparian-*
 - a) *Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat*

- inventory maps, shall be maintained...*
- b) Riparian removal within the Coastal Shoreland Boundary requires an Administrative Conditional Use application and review. See Special Development Considerations Coastal Shoreland Boundary.*
 - c) 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.*
- 7) *Setbacks:*
- a) All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements.*
 - b) Firebreak Setback- New or replacement dwellings on lots, parcels or tracts abutting the "Forest" zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
- 8) **OUTDOOR STORAGE IN RESIDENTIAL ZONES**
- a) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use;*
 - b) Automotive vehicles or trailers of any kind or type without current license plates, when required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings;*
 - c) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed.*

Applicant's Findings: The subject property is not situated adjacent to a Forest or Exclusive Farm Use zone; CCZLDO 4.3.225(1) is not applicable. The subject property is not situated adjacent to a street intersection; CCZLDO 4.3.225(2) is not applicable. No manufactured dwellings or manufactured structures are proposed on the subject property; CCZLDO 4.3.225(3) is not applicable. No new lots or parcels are proposed to be created with this Application; CCZLDO 4.3.225(4) is not applicable. The Applicant agrees to comply with the applicable off-street access and parking requirements outlined in Chapter VII, in compliance with CCZLDO 4.3.225(5). The Applicant's site plan (See **Exhibit "C"**) demonstrates that no riparian vegetation removal will occur within the required 50' setback, in compliance with CCZLDO 4.3.225(6)(a) and (c). The Applicant's site plan demonstrates that vegetation removal will potentially occur within the CSB; therefore, the applicable special development considerations associated with the CSB have been addressed by the Applicant herein, in compliance with CCZLDO 4.3.225(6)(b). The Applicant's site plan demonstrates compliance with CCZLDO 4.3.225(7)(a). The subject property does not abut a Forest-zoned property; CCZLDO 4.3.225(7)(b) is not applicable. The Applicant acknowledges and agrees to comply with the outdoor storage requirements and restrictions outlined in CCZLDO 4.3.225(8).

3. CCZLDO 4.3.230. Additional Siting Standards

This section has specific siting standards and criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT:

2) *Rural Residential (RR)- The following siting standards apply to all USES, activities and development in the RR zoning districts:*

a) *Minimum Lot/Parcel Size:*

i) *5 acres in the RR-5 district*

ii) *2 acres in the RR-2 district*

iii) *Exception to minimum lot sizes in Rural Residential:*

1. *Smaller parcels may be permitted in an approved residential planned unit development...*

2. *Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre...*

3. *Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre...*

4. *Creation of parcels less than the minimum lot size...*

b) *Setbacks- No additional setback requirements.*

c) *Building Height- No additional Requirements.*

d) *Density or Size limits-*

i) *Dwelling density shall be no more than one dwelling per lawfully created parcel...*

ii) *If lawfully created parcels are less than one acre in size...*

Applicant's Findings: Per the Coos County Assessment Report (See **Exhibit "D"**), the subject property is ~1.62 acres in size. Per the subject property's deed card (See **Exhibit "E"**), the subject property was lawfully created in 1972 through OR72-73487, demonstrating that the subject property was lawfully created prior to January 1, 1986, in compliance with CCZLDO 4.3.230(2)(a)(iii)(2). The Applicant understands that no additional setbacks or building height requirements will be applied to the proposed dwelling, consistent with CCZLDO 4.3.230(2)(b) and (c). Only one dwelling is proposed on the subject property, in compliance with CCZLDO 4.3.230(2)(d)(i).

4. CCZLDO 4.11.128. Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance of County Policy 5.7)

b) *Areas of Archaeological Concern: Coos County shall continue to refrain from widespread dissemination of site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources:*

ii) *Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.*

- 1) *The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:*
 - a) *Plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located;*
 - b) *Township, range, section and tax lot(s) numbers; and*
 - c) *Specific directions to the property*
- 2) *The Planning Department will forward the above information including a request for response to the appropriate tribe(s).*
- 3) *The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.*
- 4) *It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.*

Applicant's Findings: No known protected cultural site is identified on the subject property. However, it is the Applicant's understanding that the subject property is situated within the vicinity of a known protected cultural site; therefore, Coos County is required to notify the Tribe(s) of the proposed development on the subject property. The Applicant has included the required site plan and directions to the subject property with this Application (*See Exhibits "C" and "F", respectively*), and the subject property's township, range, section and tax lot number is clearly identified on the site plan and within the Applicant's findings. The Applicant understands and acknowledges that the Planning Department will notify the Tribe(s) of this Application, that the Tribe(s) will be provided with an opportunity to respond in writing, and that the Applicant is responsible for obtaining a ZCL.

5. CCZLDO 4.11.130. Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

- a) *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
 - i) *Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries though implementing ordinance measures that allow the following uses:*
 - f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal*

Shorelands goal, and as otherwise permitted by the underlying zone; or

- ii) A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume 1 Part 2 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review...*

(b) Application Submittal and Review Procedure.

- (2) Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimus" in extent to the existing development. [sic]*

Applicant's Findings: The proposed dwelling on the subject property is an allowed use within the CSB, and the Coos County Comprehensive Plan Volume 1 Part 2 § 3.5 does not indicate that a site plan and design review is required for the proposed dwelling. Additionally, the subject property is situated near properties that contain existing residential development that was established within the CSB; therefore, the proposed dwelling on the subject property is de minimis in extent to the existing development. Thus, a site plan and design review is not required, and this Application is consistent with the applicable requirements of CCZLDO 4.11.130. If the Coos County Planning Department does not agree with the Applicant and determines that a site plan and design review is applicable, the Applicant respectfully requests that the site plan and design review requirements be waived, as the Applicant has not chosen a specific location or design for the proposed dwelling and associated improvements at this juncture.

6. CCZLDO 4.11.132. Natural Hazards (Balance of County Policy 5.11)

- e) Erosion: Coos County shall promote protection of property from risks associated with shoreline, headland, and wind erosion and deposition hazards.*

Coos County shall promote protection of property from risks associated with bank erosion along rivers and streams through necessary erosion-control and stabilization measures, preferring non-structural solutions when practical.

Any proposed structural development within a wind erosion/deposition area, within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including all oceanfront lots, will be subject to a geologic assessment review as set out in Section 4.11.150. There is a setback of 100 feet from any rivers or streams that have been inventoried in the erosion layer. If a variance is requested, a geologic assessment will be required.

Applicant's Findings: The subject property is subject to headland and coastal erosion; therefore, a geologic assessment, as outlined in CCZLDO 4.11.150, is required. No rivers or streams are

present in the vicinity of the subject property; therefore, the 100' setback from rivers and streams that is required by this section is not applicable.

7. CCZLDO 4.11.150. Geological Hazards Special Development Review Standards

Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.

The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant's expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include the required elements of this section and one of the following:

- a) A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;*
- b) A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or*
- c) A certification that there are no high or very high geological hazards present on site. If such is certified by a licensed professional then an Administrative Conditional Use application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.*

Applicant's Findings: The Applicant has provided the required geologic assessment, which was prepared by Civil West Engineering Services, Inc., with this Application (See **Exhibit "G"**).

8. CCZLDO 4.11.155. Geologic Assessment Review

Geologic Assessment Review: The applicant(s) shall complete the following review to determine compliance with this section. This type of review requires a conditional use application and shall follow the administrative procedures for conditional uses found in Article 5 of the CCZLDO.

- 1) Except for activities identified in Subsection 2 of this section, as exempt, any new development or substantial improvement in an area subject to the provisions of this section shall require a Geologic Assessment Review.*
- 2) The following development activities are exempt from the requirement for a Geologic Assessment Review:
 - (k) Any development or activity to be conducted on a site for which a certified engineering geologist has determined that there are no high or very high geologic**

hazards present. Coos County is not liable for any type of certification that a geologic hazard is not present on site.

- 3) Application, review and appeals for a Geologic Assessment Review shall be in accordance with the requirements for administrative conditional use review as set forth in Article 5.2. Applications for a Geologic Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Geologic Assessment Review shall be completed prior to any ground disturbance.*
- 4) All applications for Geologic Assessment Review shall be accompanied by an engineering geologic report prepared by a certified engineering geologist at the applicant's expense.*

Applicant's Findings: The current owners of the subject property previously retained a registered professional engineer, Mr. Justin Wilson of JC Wilson Engineering & Consulting, LLC, to assess whether any potential geologic hazards exist on the subject property. During his assessment, Mr. Wilson did not observe any signs of geologic hazards; therefore, the Applicant is confident that the proposed development on the subject property is exempt from a Geologic Assessment Review. To verify Mr. Wilson's previous observations, the Applicant has retained Civil West Engineering Services, Inc. to prepare a geologic assessment performed by a certified engineering geologist for this Application, along with the associated Land Use Request for Exemption of Geological Hazard Review (See **Exhibits "G" and "H"**, respectively).

D. Conclusion.

For the reasons set forth above, the Applicant respectfully requests that this Administrative CUP Application for the establishment of a single-family dwelling and associated improvements on the subject property be approved.

O'CONNOR LAW, LLC

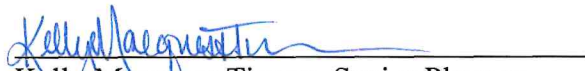

Kelly Marquess Tivnan, Senior Planner

EXHIBIT "B"



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

CONSENT

On this 5th day of September, 2023,

I, Adam Rutherford, trustee of the Rutherford Family Trust
(Print Owners Name as on Deed)

as owner/owners of the property described as Township 26, Range 14W,

Section 04, Tax Lot 201, Deed Reference 2019-08876

Provide consent for Coos County Planning Staff to provide any information on the property identified in this form to the following people:

Name: O'Connor Law, LLC

Mailing Address: 670 G St., Suite B Jacksonville, OR 97530

Phone Number: 541-702-5350 Email : kelly@pacificland.law

Owners Signature/s

DocuSigned by:

Adam Rutherford 9/5/2023

2319D1F6873D4CE...



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

CONSENT

On this 5th day of September, 2023,

I, Robert Wallace, member of Del Rio Vineyards, LLC

(Print Owners Name as on Deed)

as ^{prospective purchaser/applicant} ~~owner/owners~~ of the property described as Township 26, Range 14W,

Section 04, Tax Lot 201, Deed Reference 2019-08876

Provide consent for Coos County Planning Staff to provide any information on the property identified in this form to the following people:

Name: O'Connor Law, LLC

Mailing Address: 670 G St., Suite B Jacksonville, OR 97530

Phone Number: 541-702-5350

Email : kelly@pacificland.law

Prospective Purchaser's/Applicant's Owners Signature/s



Business Registry Business Name Search

[New Search](#)

Business Entity Data

09-05-2023
12:47

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
625730-85	DLLC	ACT	OREGON	03-31-1998	03-31-2024	
Entity Name	DEL RIO VINEYARDS, LLC					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB PRINCIPAL PLACE OF BUSINESS					
Addr 1	52 N RIVER RD					
Addr 2						
CSZ	GOLD HILL	OR	97525		Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT			Start Date	02-17-2022	Resign Date
Name	ROBERT	L	WALLACE			
Addr 1	52 N RIVER RD					
Addr 2						
CSZ	GOLD HILL	OR	97525		Country	UNITED STATES OF AMERICA

Type	MAL MAILING ADDRESS					
Addr 1	PO BOX 906					
Addr 2						
CSZ	GOLD HILL	OR	97525		Country	UNITED STATES OF AMERICA

Type	MEM MEMBER			Resign Date
Name	ROBERT		WALLACE	
Addr 1	PO BOX 906			
Addr 2				
CSZ	GOLD HILL	OR	97525	Country UNITED STATES OF AMERICA

Type	MEM MEMBER			Resign Date
Name	JOLEE	A	WALLACE	
Addr 1	40 N RIVER ROAD			
Addr 2				
CSZ	GOLD HILL	OR	97525	Country UNITED STATES OF AMERICA

[New Search](#)

Name History

EXHIBIT "D"

Coos County 2023 Real Property Assessment Report Account 568704 NOT OFFICIAL VALUE

Map 26S1404-00-00201
Code - Tax ID 0921 - 568704

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing RUTHERFORD FAMILY TRUST
5830 STRASBOURG CT
RENO NV 89511-5023

Deed Reference # 2019-8876
Sales Date/Price 09-27-2019 / \$525,000
Appraiser

Property Class 100 MA SA NH
RMV Class 100 01 01 BOF

Site Situs Address	City
--------------------	------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0921	Land	1,062,180		Land	0	
	Impr	0		Impr	0	
Code Area Total		1,062,180	412,740	412,740	0	
Grand Total		1,062,180	412,740	412,740	0	

Land Breakdown										
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
0921	30	<input checked="" type="checkbox"/>		RR-2	Exempt	132	0.04 AC	OSHR	001	1,430
	20	<input checked="" type="checkbox"/>		RR-2	Market	132	0.58 AC	MV	001	458,880
	10	<input checked="" type="checkbox"/>		RR-2	Market	132	1.00 AC	MV	001	601,870
Code Area Total							1.62 AC			1,062,180

Improvement Breakdown								
Code Area	Year ID #	Stat Built	Class	Description	Trend %	Total Sqft	Ex% MS Acct	Trended RMV

Exemptions / Special Assessments / Notations				
Exemptions (RMV)				
<ul style="list-style-type: none"> ■ Past Exemption - Converted 				
Notations				
<ul style="list-style-type: none"> ■ EXEMPT- OCEAN SHORES ORS 307.450 ADDED 2001 				
Fire Patrol		Amount	Acres	Year
<ul style="list-style-type: none"> ■ FIRE PATROL SRCHG 		0.00		2023
Code Area 0921				
Fire Patrol		Amount	Acres	Year
<ul style="list-style-type: none"> ■ FIRE PATROL TIMBER 		18.75	1.58	2023

OFFICIAL RECORDS
OF DESCRIPTIONS
OF
REAL PROPERTIES
5687.01

CANCELLED

9.21

26

14 4

200

CODE
AREA
NUMBER

TWP RGE SEC 1/4 1/16

PARCEL

TYPE NO

MAP NUMBER

NUMBER

SPEC INT

TAX LOT NUMBER

OLD ACCT. NO. *5688.01*

OLD TAX LOT NO. _____

FORMERLY PART OF _____

Name and Tax Lot Information	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
		VOL	PAGE	
<i>5688.01 (151/123, 313/176)</i>		<i>R-T, 3</i>		
		<i>145</i>	<i>430</i>	
		<i>146</i>	<i>513</i>	
		<i>175</i>	<i>720</i>	
		<i>313</i>	<i>176</i>	
		<i>71-7-60663</i>		
<i>Frank, Peter W. & Marian B.</i>	<i>7-24-78</i>	<i>72-73487</i>		
<i>that por. of fol desc. by</i>				
<i>seaward of vegetation line</i>				<i>0.04</i>
<i>Also parcel 300</i>	<i>2-1-79</i>			<i>2.05</i>
<i>Except Parcel 201</i>	<i>2-23-82</i>			<i>0.04</i>
<i>Frank, Peter W. + Marian B. + Dawirski Edward + Esther R</i>	<i>2-4-86</i>	<i>26-1-1208</i>		
CANCELLED AND				
COMBINED WITH <i>201</i>	<i>7-24-01</i>	<i>PER DOR. - COMBINE</i>	<i>EXEMPT OCEAN SHORES</i>	
<i>NOTE: SHOULD BE IN SAME OWNERSHIP AS IT IS THE</i>				
<i>OCEAN SHORES AND SAME LEGAL DESCRIPTION</i>				
<i>NO OTHER OWNERSHIP - NEED TO COMBINE W/ 201</i>				
<i>WHERE IT CAME OUT OF ORIGINALLY PER D. OR.</i>				
	<i>7-25-01</i>			
	<i>LB</i>			

EXHIBIT "F"

Directions to the subject property:

From the City of Charleston, follow Highway 540 (Cape Arago Hwy.) west for approximately 1.9 miles. The subject property will be on the north side of the highway at the second driveway past Yoakam Point State Park.

EXHIBIT "I"

RECORDING REQUESTED BY:



300 Anderson Ave
Coos Bay, OR 97420

AFTER RECORDING RETURN TO:

Order No.: 360619028601-DM
Adam C. Rutherford and Pamela A. Rutherford, Trustees of The
Rutherford Family Trust dated March 5, 2009
2130 Green Tree Lane
Reno, NV 89511

SEND TAX STATEMENTS TO:

The Rutherford Family Trust
2130 Green Tree Lane
Reno, NV 89511

APN: 568704
Map: 26 S 14 W 4 TL 00201

Coos County, Oregon	2019-08876	
\$91.00	Pgs=2	09/30/2019 03:02 PM
eRecorded by: TICOR TITLE COOS BAY		
Debbie Heller, CCC, Coos County Clerk		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

C. Ken Miura and Sandra A. Miura, Trustees of the Ken and Sandra Miura Trust dated November 6, 1990, Grantor, conveys and warrants to Adam C. Rutherford and Pamela A. Rutherford, Trustees of The Rutherford Family Trust dated March 5, 2009, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Beginning at an iron pipe on the Northerly boundary of the right of way of the Cape Arago Section of the Oregon State Highway through Lot 2, of Section 4, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, from which point the iron pipe at the quarter section corner at the Southwest corner of said Lot 2 of Section 4 bears South 46° 42' 1/2" West 1582.08 feet, thence North 78° 04' East along the said Northerly boundary of the State Highway 73.59 feet to an iron pipe; thence North 11° 56' West 222.23 feet to an iron pipe on the North boundary of the said Lot 2 of Section 4, thence South 89° 43' 1/2" West along the said North boundary of Lot 2 of Section 4 for a distance of 75.14 feet to an iron pipe; thence South 11° 56' East 237.41 feet to the point of beginning, being a portion of said Lot 2 of Section 4.

ALSO: Beginning at a point on the South boundary of Lot 1 of Section 4, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, distance of 1458.6 feet West of the Southeast corner of said Lot 1 of Section 4; thence West along the said South boundary of Lot 1 for a distance of 417.2 feet to the Southwest corner thereof, the said point being on the approximate high water line of the Pacific Ocean; thence following along the said high water line of the Pacific Ocean, Northeasterly, Easterly and Southeasterly 750 feet, more or less, to a point which is due North of the point of beginning; thence South 70.0 feet to a point at the top of the bluff overlooking the ocean; thence continuing South 183.5 feet to the point of beginning.

EXCEPT that portion conveyed to Robert E. Lee et ux in deed recorded March 29, 1949 in Book 189, Page 341, Deed Records of Coos County described as follows:

Beginning at an iron pipe on the South boundary of Lot 1 of Section 4, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon a distance of 1737.95 feet West of the Southeast corner of said Lot 1 of Section 4; thence North 11° 56' West 110 feet, more or less, to the high water line of the Pacific Ocean; thence Southwesterly along the said high water line 160 feet, more or less, to the point of intersection of said high water line with the said South boundary of Lot 1 of Section 4; thence East along the said South boundary 137.85 feet to the point of beginning, being a portion of Lot 1 of said Section 4.

ALSO EXCEPT that portion conveyed to Kai Moore Snyder in Bargain and Sale Deed recorded September 2, 1993, as instrument number 93-09-0083, Records of Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$525,000.00). (See ORS 93.030).

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.

STATUTORY WARRANTY DEED

(continued)

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Pacific Ocean.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Pacific Ocean.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Pacific Ocean.

Rights of public and of governmental bodies in that portion of the subject land lying below the mean high water line of the Pacific Ocean and lying within the ocean shore and the dry sand area as declared under the provisions of ORS 390.605 through 390.770 and as found in Thomton v. Hay, 254 Or 584, 452 P2d 671 (1969).

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Pacific Ocean.

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Recording Date: July 20, 1945
Recording No: Book 156, Page 637

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.

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

Dated: September 26, 2019

C. Ken Miura and Sandra A. Miura, Trustees of the Ken and Sandra Miura Trust dated November 6, 1990

✓ BY: C. Ken Miura
C. Ken Miura
Trustee

✓ BY: Sandra A. Miura
Sandra A. Miura
Trustee

✓ State of California
County of Santa Cruz

This instrument was acknowledged before me on 9/27/19 by C. Ken Miura and Sandra A. Miura, Trustees of the Ken and Sandra Miura Trust dated November 6, 1990.

[Signature]
Notary Public - State of California

My Commission Expires: JAN 21, 2023

