



Coos County Land Use Permit Application
 SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL
 TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
 PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

APPLICATION FEE
\$1,600

FILE NUMBER: ACU-22-025

Date Received: 6/1/22 Receipt #: 231972 Received by: ymb

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

LAND INFORMATION

A. Land Owner(s) Chruch of Brethren Or-Wa District

Mailing address: 49658 Myrtle Creek Road, Myrtle Point, Or. 97458

Phone: 541-572-5307 Email: _____

Township: 30S Range: 11W Section: 9 ¼ Section: Select 1/16 Section: Select Tax lots: 600
 Select Select Select Select Select

Tax Account Number(s): 1273100 Zone: Select Zone Forest (F)
 Tax Account Number(s) _____ Please Select

B. Applicant(s) Morgan Woods, Executive Director

Mailing address: 49658 Myrtle Creek Road, Myrtle Point, Or. 97458

Phone: 541-572-5307 541-252-2432 (cell)

C. Consultant or Agent: Stuntzner Engineerrig (Chris Hood)

Mailing Address PO Box 118, Coos Bay 97420

Phone #: 541-267-2872 Email: chris@stuntzner.com

Type of Application Requested

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

Special Districts and Services

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
 School District: Myrtle Point Fire District: Myrtle Point RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or contulant.

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](#) ARC

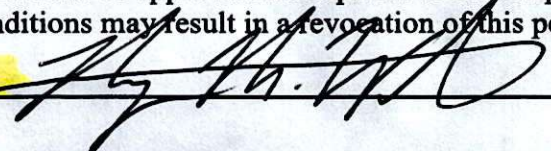
D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
- 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.
 - A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 - A complete description of the request, including any new structures proposed.
 - If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
- Location of all existing and proposed buildings and structures
 - Existing County Road, public right-of-way or other means of legal access
 - Location of any existing septic systems and designated repair areas
 - Limits of 100-year floodplain elevation (if applicable)
 - Vegetation on the property
 - Location of any outstanding physical features
 - Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is referred 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. Signatures required below for application processing.

 _____ 06/01/2022

APPLICANT'S EXHIBIT "A"

CAMP MYRTLEWOOD CONDITIONAL USE APPLICATION ALTERATION OF A LEGAL NON-CONFORMING USE LOCATED IN T.30, R.11, S.09, TL 600

BACKGROUND

Camp Myrtlewood consists of a private nonprofit campground located east of Myrtle Point and south of the community of Bridge, as more particularly described above. Access to the property is from Myrtle Creek County Road. The entire ownership contains 156.12 acres that is dissected by Myrtle Creek. The campground (cabins and facilities) is primarily located on approximately 40-acres lying east of the creek. There are approximately 7 camper cabins, 2 staff cabins, a manager's residence, a maintenance shop, a dining hall, a chapel, and various accessory structures and amenities.

The campground was purchased by its current owner in 1936, and at that time it contained several camp structures and a lodge. Over the next 30 or so years, the camp was developed by volunteers to its current size. In 1970, the Camp Myrtlewood Organization attained a non-profit status. Based upon the fact that the camp existed prior to Coos County's first land use ordinance and the current Forest (F) zone designation, Camp Myrtlewood is considered a legally established non-conforming use.

The purpose of this application is to request an alteration to the nonconforming use (Camp Myrtlewood). More specifically, the request is to replace an old, dilapidated cabin (Dogwood Cabin) that was originally constructed in 1949. The replacement cabin will be sited within the same footprint and will be the same size as the existing cabin. The cabin is centrally located within the camp and is surrounded by other cabins, facilities and land associated with the camp, and is not located directly adjacent to other ownerships.

There is a designated 100-year flood plain located along Myrtle Creek that flows through the campground. The cabin is not located in the flood plain based upon the following evidence:

- Measurements were taken on the ground determined that the front of the cabin is located 95 feet, and the back of the cabin is located 115 feet, from the westerly edge of the access road on the west side of the field. When scaled on the FEMA map, the easterly boundary of the flood plain begins 130 feet from the road.
- The land upon which the cabin is situated (95 to 115 feet from the road) is at an elevation of 183 feet, which is the same as the elevation of the road, field and parking lot. If the cabin was located within the designated flood plain, the road, field and parking lot would all be included in the flood plain overlay. The elevation at the beginning of the flood zone (130 feet from road) is 175 feet. Field measurements show that the top of the bank along the defined channel of the creek is also at 130 feet from the edge of the road. It seems clear that the flood zone boundary follows the top of the stream channel.
- Testimony from residents of the camp during the 1964 flood (a 100-year storm event) stated that Myrtle Creek expanded to unprecedented levels but remained within its

defined channel, 8 to 10 feet below the Dogwood Cabin and surrounding cabins at the same elevation.

The criteria and standards for the alteration of a non-conforming use are addressed below.

ARTICLE 5.6 NONCONFORMING

SECTION 5.6.100 NONCONFORMING USES:

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

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

1. A change in the use of no greater adverse impact to the neighborhood; and

APPLICANT'S RESPONSE: This request is to replace an existing cabin within Camp Myrtlewood as described above. The replacement cabin will be placed within the same footprint and will be the same size as the existing cabin. The cabin is centrally located within the camp and is surrounded by other cabins, facilities and land associated with the camp. The cabin is not located directly adjacent to other ownerships. Because the cabin will not change in size or location and is not located adjacent to other ownerships, it will have no greater impact to the neighborhood than the existing cabin being replaced.

2. The change in the structure or physical improvements of no greater adverse impact to the neighborhood; and

APPLICANT'S RESPONSE: The replacement cabin will be placed within the same footprint and will be the same size as the existing cabin. The cabin is centrally located within the camp and is surrounded by other cabins, facilities and land associated with the camp. The cabin is not located directly adjacent to other ownerships. Because the cabin will not change in size or location and is not located adjacent to other ownerships, the structure will have no greater adverse impact to the neighborhood than the existing cabin being replaced.

SECTION 5.6.105 EXCEPTIONS TO RESTORATION OR REPLACEMENT OF NONCONFORMING USES:

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

APPLICANT'S RESPONSE: The proposed replacement cabin is not a result of a fire or natural disaster. The replacement is a result of dilapidation due to age of the existing cabin.

SECTION 5.6.110 INTERRUPTION OR ABANDONMENT OF NONCONFORMING USES:

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

APPLICANT'S RESPONSE: The existing cabin has not been abandoned as it still exists. The existing cabin will be removed and replaced following approval of this application.

SECTION 5.6.115 SURFACE MINING:

Surface mining use continued under Section 5.6.100 shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

1. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulation; and
2. The surface mining use was not inactive for a period of 12 consecutive years or more. V-27
3. For purposes of this subsection, inactive means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

APPLICANT'S RESPONSE: This request is for the replacement of a cabin within a private youth camp. The criteria one through three (1, 2 and 3) above do not apply.

SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)-(8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

APPLICANT'S RESPONSE: A conditional use application has been submitted to Coos County for review.

SECTION 5.6.125 CRITERIA FOR DECISION:

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. The change in the use will be of no greater adverse impact to the neighborhood.

APPLICANT'S RESPONSE: This request is to replace an existing cabin within Camp Myrtlewood as described above. The replacement cabin will be constructed within the same footprint and will be the same size as the existing cabin. The cabin is centrally located within the camp and is surrounded by other cabins, facilities and land associated with the camp. The cabin is not located directly adjacent to other ownerships. Because the cabin will not change in size or location and is not located adjacent to other ownerships, it will have no greater impact to the neighborhood than the existing cabin being replaced.

2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and

APPLICANT'S RESPONSE: This request is to replace an existing cabin within Camp Myrtlewood as described above. The replacement cabin will be constructed within the same footprint and will be the same size as the existing cabin. The cabin is centrally located within the camp and is surrounded by other cabins, facilities and land associated with the camp. The cabin is not located directly adjacent to other ownerships. Because the cabin will not change in size or location and is not located adjacent to other ownerships, it will have no greater impact to the neighborhood than the existing cabin being replaced.

3. Other provisions of this ordinance, such as property development standards, are met.

APPLICANT'S RESPONSE: There is a designated 100-year flood plain located along Myrtle Creek that flows through the campground. The cabin is not located in the flood plain based upon the following evidence:

- *Measurements were taken on the ground and the back of the cabin facing west towards the creek, is 115 feet from the westerly edge of the access road on the west side of the play field. When scaled on the FEMA map, the easterly boundary of the flood plain begins 130 feet from the road. The replacement cabin will be located 15 feet east of the edge of the identified flood plain.*
- *The land upon which the cabin is situated (95 to 115 feet from the road) is at an elevation of 183 feet, which is the same as the elevation of the road, field and parking lot. If the cabin was located within the designated flood plain, the road, field and parking lot would also be included in the 100-year flood zone. The elevation at the beginning of the flood zone (130 feet from road) is 175 feet. Field measurements show that the top of the bank*

along the defined channel of the creek is also 130 feet from the edge of the road. It seems clear that the flood zone is intended to follow the top of the stream channel.

- *Testimony from residents of the camp during the 1964 flood (a 100-year storm event) stated that Myrtle Creek expanded to unprecedented levels but remained within its defined channel, 8 to 10 feet below the Dogwood Cabin and other cabins at the same elevation.*

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

APPLICANT'S RESPONSE: Camp Myrtlewood consists of a private nonprofit campground located east of Myrtle Point and south of the community of Bridge, as more particularly described above. Access to the property is from Myrtle Creek County Road. The entire ownership contains 156.12 acres that is dissected by Myrtle Creek. The campground (cabins and facilities) is primarily located on the 40-acre (approx.) segment lying east of the creek.

The campground was purchased by its current owner in 1936, and at that time it contained several camp structures and a lodge. Over the next 30 or so years, the camp was developed by volunteers to its current size. In 1970, the Camp Myrtlewood Organization attained a non-profit status. Based upon the fact that the camp existed prior to Coos County's first land use ordinance and the current Forest (F) zone designation, Camp Myrtlewood is considered a legally established non-conforming use.

SECTION 5.6.130 GENERAL EXCEPTIONS TO MINIMUM PROPERTY SIZE REQUIREMENTS:

If a single parcel, lot or contiguous units of land existing in a single ownership were created in compliance with all applicable laws and ordinances in effect at the time of their creation and have an area or dimension which does not meet the property size requirements of the zone in which the property is located, such lots or units may be occupied by a use permitted in the zone.

1. Nothing in this ordinance shall be interpreted to limit the conveyance of such lots or contiguous units of land, provided that such holdings are sold as a single ownership.
2. Nothing in this ordinance shall be deemed to prohibit construction of conforming uses on such lots or units or the sale of such lots or units within subdivisions or land partitioning approved prior to the adoption of this ordinance, subject to other requirements of this ordinance.

APPLICANT'S RESPONSE: *The campground was purchased by its current owner in 1936, and at that time it contained several camp structures and a lodge. Over the next 30 or so years, the camp was developed by volunteers to its current size. The configuration of the ownership (tract) upon which the use exists has remained the same for over 80 years.*

53518- THIS INSTRUMENT WITNESSETH, That Orlin C. Lett and Alma M. Lett, his wife, of Coos County, Oregon, for the consideration of the sum of ONE DOLLARS, to them paid, have bargained and sold and by these presence do bargain, sell and convey unto the Church of the Brethren for the District of Oregon the following described premises to-wit:

Commencing at the Southwest corner of the Northwest quarter of the Northeast quarter of Section Nine, township thirty south of range Elever West of the Willamette Meridian, Oregon; thence South 16 rods to a cross in a rock; thence west 27 rods to the center of Rock Creek; thence down said Rock Creek in a northeasterly direction 80 rods to the section line; thence South along said section line 55 rods to the place of beginning, all in Coos County, Oregon, and containing 12 acres of land, more or less. together with all the tenements, hereditaments and appurtenances thereunto belonging, and also all their estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD the said premises, unto the said Church of the Brethren for the District of Oregon, its successors and Assigns forever, so long as said property is used for church purposes, otherwise reverts to grantors. And the said Orlin C. Lett and Alma M. Lett do hereby covenant to and with the said Church of the Brethren of the District of Oregon, its successors and Assigns that they are lawfully seized in fee simple of said premises; that said premises are free from all incumbrances and that they will, and their heirs, executors and administrators shall warrant and forever defend the same from all lawful claims whatsoever.

In Witness Whereof, we have hereunto set our hand and seal this 11th day of July, 1936.

Signed, Sealed and Delivered in the presence of
Orlin C. Lett
Alma M. Lett



STATE OF OREGON:
COUNTY OF COOS : ss. On this, the 11th day of July, 1936, personally came before me, the undersigned, a Notary Public in and for said county and state, the within named Orlin C. Lett and Alma M. Lett, his wife, to me personally known to be the identical person described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand Notarial Seal this 11th day of July, 1936.

Recorded March 8, 1937, 3:20 P.M.
L. W. Oddy, County Clerk

E. A. Lodge
Notary Public for Oregon
My commission expires 12/22/39
(Notarial Seal)

53519- CONTRACT OF SALE

THIS CONTRACT, made in triplicate this 6th day of March, 1937, by and between Frank Lisenby, single, of Coos County, Oregon, hereinafter known as the party of the first part, and Bert Hollenbeck and Lottie Hollenbeck, husband and wife, of Coos County, Oregon, hereinafter known as the parties of the second part, WITNESSETH:

That the party of the first part in consideration of the covenants and agreements hereinafter contained, agrees to sell unto the second parties, and the second parties agree to purchase all of the following described real and personal property, situated in the County of Coos, State of Oregon, to-wit:

SW $\frac{1}{2}$ of the NW $\frac{1}{2}$ of Section 3, Township 25 South, Range 12 West of the Willamette Meridian, in Coos County, State of Oregon, together with the tenements, hereditaments and appurtenances thereunto belonging;

And also the following described personal property, being located upon the above described real property, to-wit:

Two cows, one 4 year old Jersey; one 7 year old Jersey; 25 Bard Rock chickens; for the sum of the purchase price of Three Hundred and no/100 Dollars (\$300.00), which the

D-128

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SEC. 9 T30S R11W W.M.
COOS COUNTY

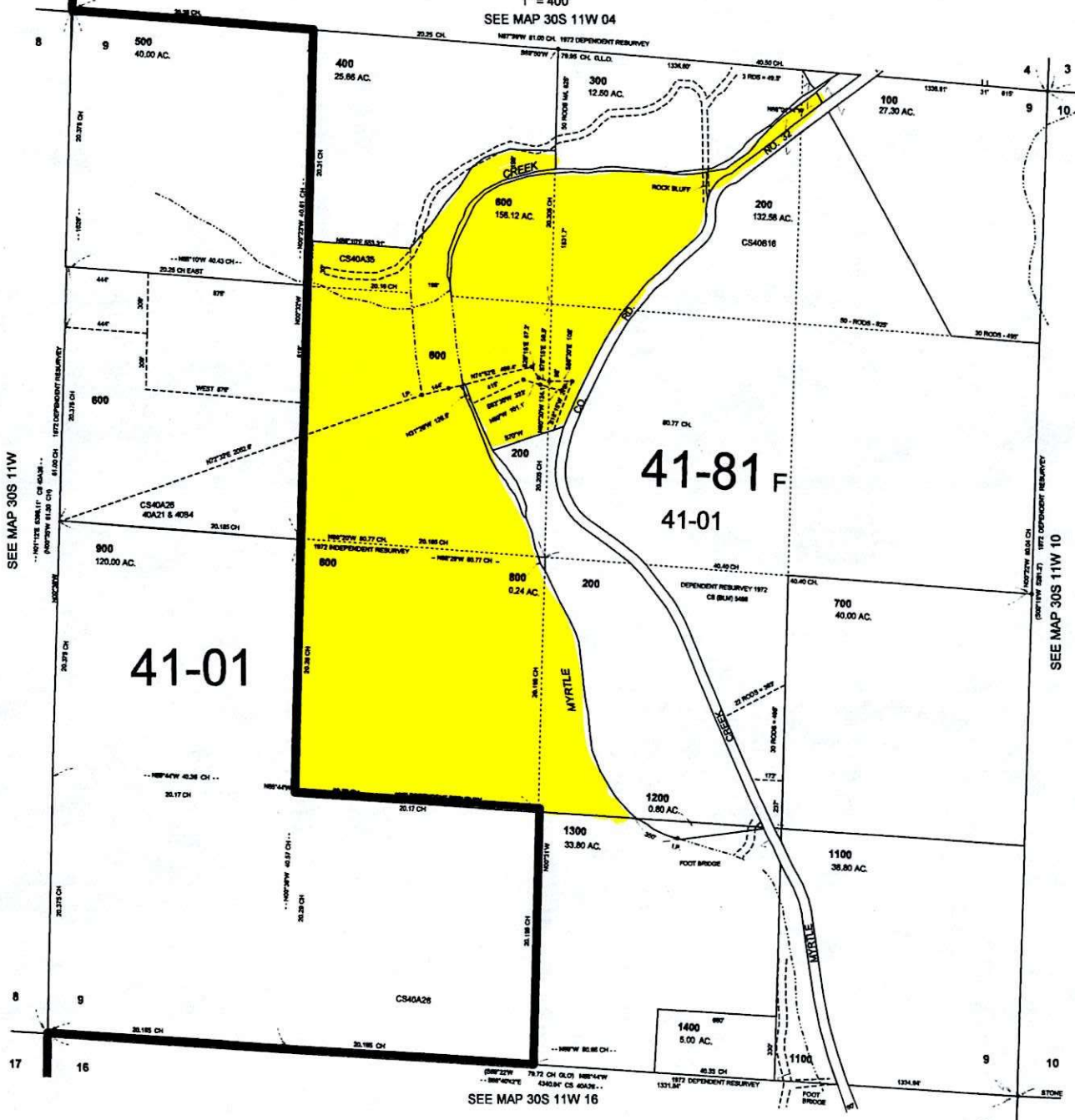
1" = 400'

SEE MAP 30S 11W 04

30S 11W 09

CANCELLED

1000
11A1
401



SEE MAP 30S 11W

SEE MAP 30S 11W 10

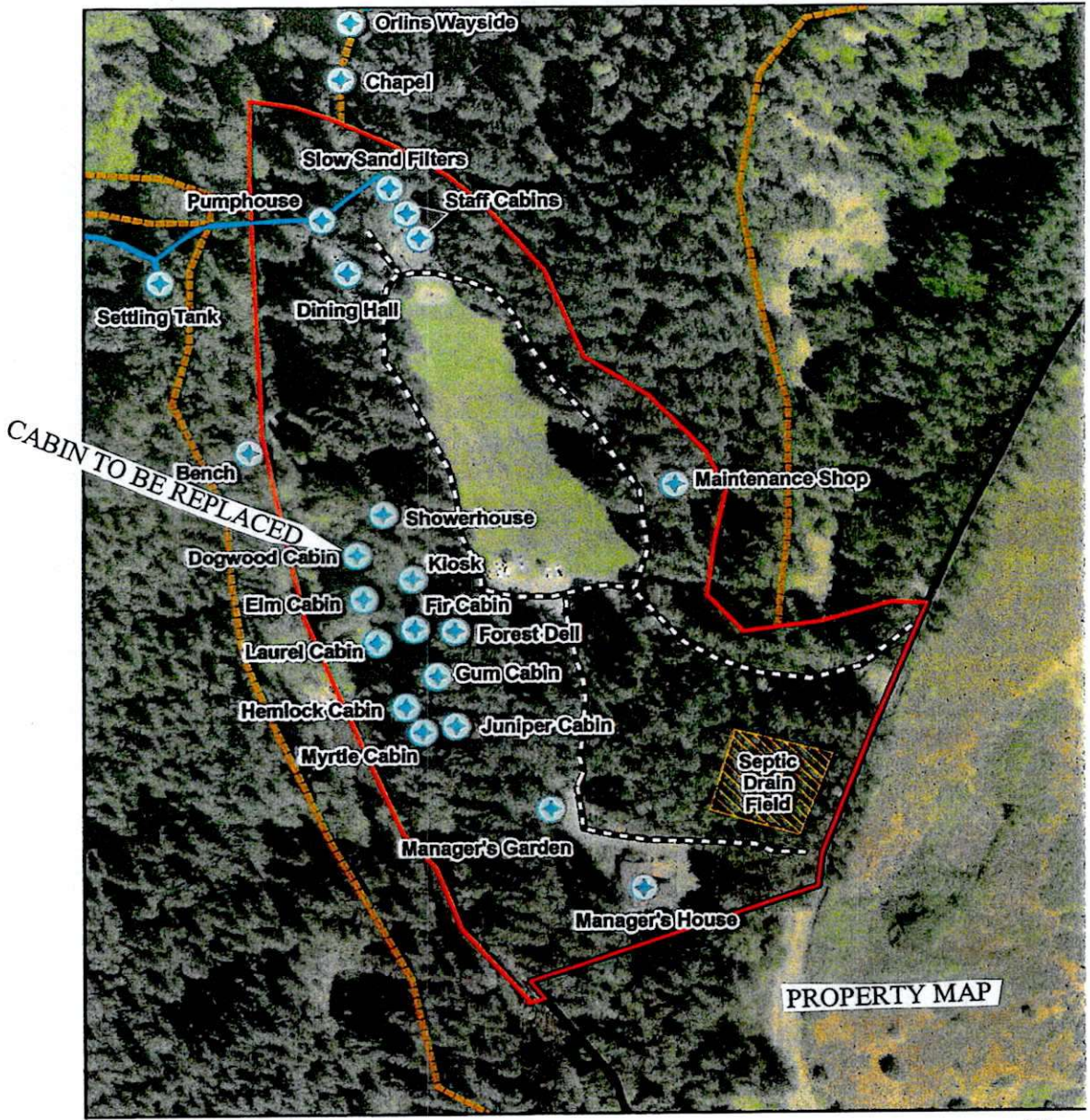
SEE MAP 30S 11W 16


06-05-2006

30S 11W 09

Plot Plan

Attachment F- Structures and Improvements Map Detail



-  Structures Area
-  Trails
-  Property Boundary
-  Roads

0 100 200 Feet



Untitled Map

Write a description for your map.

Legend

Google Earth

Myrtle Creek

ELEVATION OF FIELD 183 FEET

WEST EDGE OF ROAD

100 ft





SCALE 1" = 100'