



Coos County Community Development
Mailing Address: 250 N. Baxter, Coquille, Oregon
Office Location: 60 E. Second St., Coquille OR 97423
Planning, Building and Enforcement
Phone: 541-396-7770

NOTICE OF LAND USE DECISION

You have received this notice because you are an adjacent property owner or an interested party, and this notice is required to be provided pursuant to ORS 215.416. The proposal identified in this decision will be located on the subject property. Notice to Mortgagee, Lienholder, Vendor, or Seller: ORS Chapter 215 (ORS 215.513) requires that if you receive this notice, you must promptly forward it to the purchaser.

File Number: ACU-24-062

Wednesday, May 28, 2025

Dear Recipient,

This land use notice is being sent to property owner(s), applicant(s), adjacent property owners (with notice distances from the subject property determined by zone area: Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, interested agencies, and any person who has requested notice. It informs any interested party about a decision or proposed action related to the use or development of land within the specified area, as identified under the subject property information.

The purpose of this notice is to inform you about the proposal and decision, provide information on where you can obtain further details, and outline the requirements if you wish to appeal the Director's decision to the Coos County Hearings Body. Any person who is adversely affected, aggrieved, or entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period provided below, pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department, the address is 250 N. Baxter, Coquille, OR 97423.

Please read all information carefully as this decision is important. (See the attached vicinity map for the location of the subject property.) This notice ensures that all affected or interested parties are aware of the decision and have an opportunity to review the details and provide any input or appeal as necessary.

Subject Property Information

Account Number: 5034001
Map Number: 26S1312CD-00300

Property Owner: ZIMMERMAN, HAYDEN & DAISY
62451 OLIVE BARBER RD
COOS BAY, OR 97420-7304

Situs Address: 62453 OLIVE BARBER RD COOS BAY, OR 97420
62451 OLIVE BARBER RD COOS BAY, OR 97420

Acreage: 4.02 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Development Considerations and Overlays: ARCHAEOLOGICAL AREAS (ARC)

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is based on the existing record and will become final and effective at the close of the appeal period unless a complete application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Thursday, June 19, 2025**. Appeals are based on the applicable land use criteria.

This notice shall be posted from May 27, 2025 to June 18, 2025

This decision complies with the Coos County Zoning and Land Development Ordinance (CCZLDO), specifically:

- **General Compliance:** Section 1.1.300 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - Lawfully Created Lots or Parcels.
- **Nonconforming Use Review:** Alteration of a Nonconforming Use is subject to Article 5.6 Nonconforming and Administrative Conditional Uses are reviewed under Article 5.2

Please note that civil matters, including property disputes that fall outside the criteria listed in this notice, will not be considered. The 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. 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.

The application, staff report, and any conditions can be found at the following link: <https://www.co.coos.or.us/community-dev>. The application and all documents and evidence in the record, including the staff report and applicable criteria, are available for inspection at no cost in the Planning Department, located at 60 E. Second, Coquille, Oregon. Copies may be purchased for 50 cents per page. The decision is based on the application submittal and information on record.

For more information, please contact Staff at (541) 396-7770.

Reviewed by: Jill Rolfe, Director **Date:** Wednesday, May 28, 2025

This decision is authorized by the Planning Director based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidence associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The following exhibits are on file at the Coos County Planning Department

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Records from DEQ and Coos County

**EXHIBIT “A”
CONDITIONS OF APPROVAL**

All applicable federal, state, and local permits must be obtained prior to the commencement of any development activity. If any comments from other agencies were provided as part of this review, it is the responsibility of the property owner to ensure compliance.

The applicant shall comply with the following conditions of approval, understanding that all costs associated with meeting these conditions are the responsibility of the applicant(s), and that the applicant(s) are not acting as an agent of the county. Failure to comply with or maintain compliance with these conditions may result in the revocation of the permit, as allowed by the Coos County Zoning and Land Development Ordinance.

Please read the following conditions of approval carefully. If you have any questions, contact the planning staff.

1. Must submit for a Coos County Building Permit prior to October 14, 2025, pursuant to Section 5.6.110.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required to show the conditions have been complied with. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:

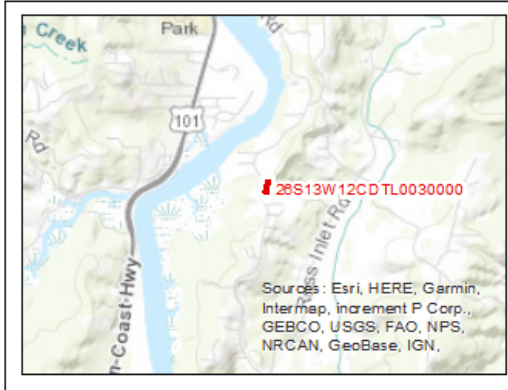


EXHIBIT "B"
Vicinity Map
(not to scale)

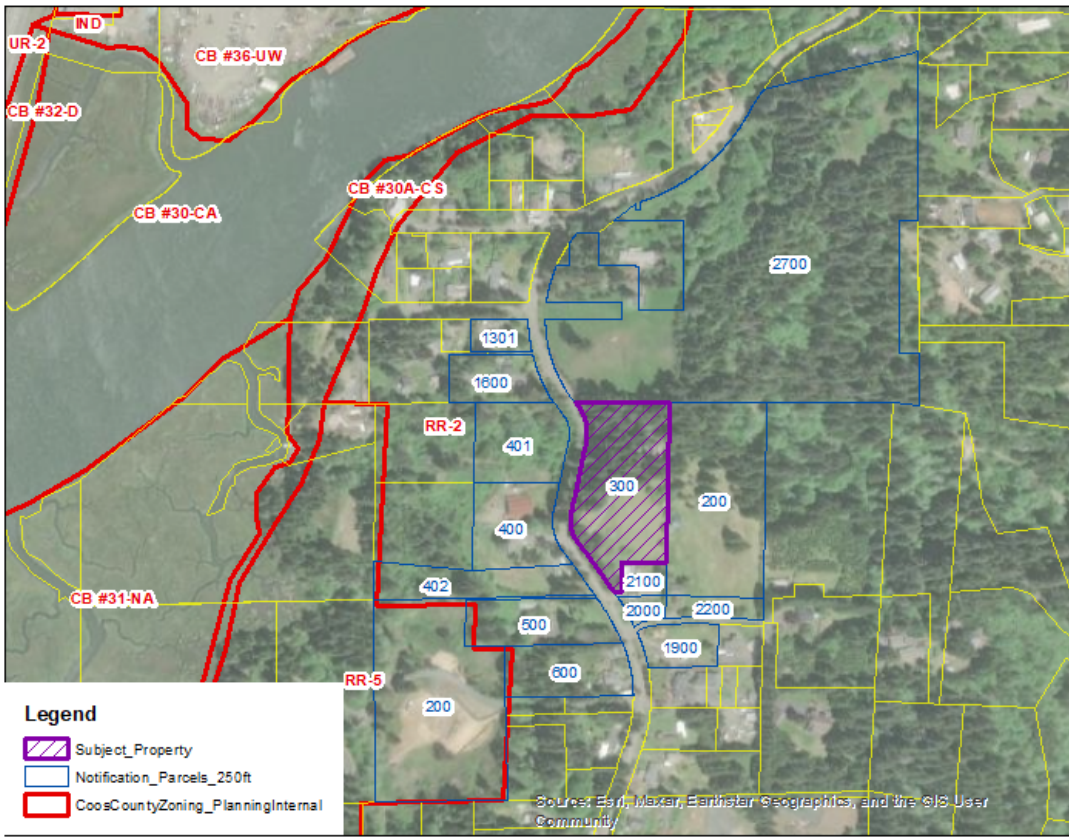


COOS COUNTY COMMUNITY DEVELOPMENT

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



File: ACU-24-062
 Applicant/ Owner: Hayden & Daisy Zimmerman
 Date: May 27, 2025
 Location: Township 26S Range 13W Section 12CD TL 300
 Proposal: Administrative Conditional Use



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

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION AND PRIOR COMPLIANCE:

- A. PROPOSAL:** The applicant proposes to replace the existing year built 1980 Manufactured Dwelling with a new Single Family Dwelling. The property is 4.02 acres in size, existing development includes a Single-Family Dwelling with an effective year built of 1971, a 1980 Manufactured Dwelling, two (2) septic systems and a well.
- B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS:** The property has a history of the following zoning and development compliance activities.

On June 29, 1983, a Zoning Compliance Letter 83-236 was issued providing land use authorization to allow a mobile home to be sited to replace the trailer that was onsite. The existing structures listed on the Clearance Letter were a conventionally built dwelling, and a storage shed. At this time given the density requirement of two acres per homesite a second dwelling was permitted without a land division.

On December 6, 2023, a Zoning Compliance Letter 23-399 was issued providing clearance to site an Accessory Structure.

- C. LOCATION:** The subject property is located at 62453 Olive Barber Road, southeast of the City of Coos Bay.
- D. ZONING:** - This property is zoned Rural Residential-2 (RR-2).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Section 4.2.100 Residential

Rural Residential (RR)

There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the “RR-2” and “RR-5” districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

FINDING: Staff reviewed the property history and found that, at the time of this report, the property is compliant with the Coos County Zoning and Land Development Ordinance. This does not preclude the possibility that additional information, which was unavailable during this review, could render the property non-compliant.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

- a. Through an approved or pre-ordinance plat;*
- 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;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: This property was created by deed document 69-39212; therefore, the property complies as it was created pursuant to (e), by deed prior to applicable partition ordinances that would have prohibited the creation.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Request for a Land Use Approval through an Administrative Conditional Use to alter the Nonconforming Use by replacing one of the existing dwellings with a new Single Family Dwelling.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) Section 5.6.100 Alteration of a Nonconforming Use, subject to an Administrative Conditional Use (ACU), also subject to Section 4.3.220 Additional Conditional Use Review Standards (2) Rural Residential, Section 4.3.225 General Siting Standards and Section 4.3.230 Additional Conditional Use Review (2) Residential.

B. KEY DEFINITIONS:

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

C. NONCONFORMING USE ALTERATION CRITERIA AND REVIEW STANDARDS

I. Section 5.6.100 Nonconforming Uses

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

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

- 1. A change in the use of no greater adverse impact to the neighborhood; and*
- 2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.*

II. Section 5.6.110 Interruption or Abandonment of Nonconforming Uses

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

FINDING: According to the applicant, the manufactured home was removed on October 14, 2024. Staff reviewed the Coos County Assessor’s records and available aerial imagery and did not find any evidence indicating that the structure was removed prior to that date. The applicant submitted an application for replacement on December 3, 2024—less than one (1) year after the removal date. Therefore, the request is consistent with Section 5.6.110 of the Coos County Zoning and Land Development Ordinance, which permits resumption of a nonconforming use within one year of interruption or abandonment.

III. 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.

IV. Section 5.6.125 Criteria for Decision

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

- 1. The change in the use will be of no greater adverse impact to the neighborhood;*
- 2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and*
- 3. Other provisions of this ordinance, such as property development standards, are met.*

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

FINDING: The proposed alteration involves the replacement of a manufactured dwelling that has existed on the subject property since 1983. The new home will be located on the same site, and the applicants propose additional landscaping improvements that will enhance the physical appearance of the homesite. As such, the change will result in no greater adverse impact to the neighborhood, consistent with the criteria in Section 5.6.125(1) and (2).

The applicant has provided sufficient documentation to establish the existence, continuity, nature, and extent of the nonconforming use for the 10-year period immediately preceding the date of application, in compliance with Section 5.6.125. Evidence includes records from the Coos County Assessor’s Office, Coos County Community Development Department, and the Oregon Department of Environmental Quality. Additionally, the placement of the original manufactured home was authorized by Zoning Compliance Letter ZCL-83-236, demonstrating that the use was lawful at the time the applicable zoning regulations were adopted.

The manufactured home was removed on October 14, 2024, according to the applicant. Under Section 5.6.110, a nonconforming use must not be abandoned or interrupted for more than one (1) year. Therefore, the replacement application submitted on December 3, 2024 complies with the timeframe required for resumption. The applicant must obtain a valid Coos County Building Codes permit for the new home no later than October 14, 2025 to maintain the lawful continuation of the nonconforming use.

The proposal meets the criteria for approval under Sections 5.6.120 and 5.6.125 and is consistent with the intent of ORS 215.130(5) and (8).

V. DECISION

In conclusion Staff finds that the applicant has addressed most of the relevant criteria and the ones that have not been addressed or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Replacement Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

VI. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special districts, or parties.

- A Notice of Decision and Staff Report will be provided to the following:

Mailed Copies: Applicants/Owners, Applicant’s Legal Representative, Applicant’s Consultant, and/or Applicant’s Surveyor

Emailed Copies: Department of Land Conservation and Development, Coos County Assessor’s Office, Tribes, Planning Commission and Board of Commissioners.

- A Notice of Decision only

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

Special Districts: Central Coos RFPD, Coos Bay School District #9, Coos Bay – North Bend Water Board, Oregon Int’l Port of Coos Bay