



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.

Thursday, October 10, 2024

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:	7551500
Map Number:	28S1205AD-00300
Property Owner:	PARKER, MARK A. & CYNTHIA E. 94868 WAYNE WY COQUILLE, OR 97423-2037
Situs Address:	94868 WAYNE DR COQUILLE, OR 97423
Acreage:	6.23 Acres
Zoning:	FOREST (F)
Special Development Considerations and Overlays:	COQUILLE MUTUAL INTEREST AREA (CMI) FOREST MIXED USE (MU) NH LANDSLIDE (NHLND)

This notice shall be posted from October 10, 2024 to October 25, 2024

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 **Friday, October 25, 2024**. Appeals are based on the applicable land use criteria.

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.
 - **Home Occupation Review:** Subject to Article 4.6 - Resource Zoning District, Section 4.6.100 - Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.40 - Home occupations as defined in ORS 215.448 (this includes cottage industries) and Section 4.6.120 - Review Standards (4)(s), (5)
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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

Date: Friday, September 20, 2024

Jill Rolfe, Planning Director

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

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

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Comments Received (NONE)

EXHIBIT "A"

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. If the applicant fails to comply with or maintain compliance with these conditions, the permit may be revoked 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.

CONDITIONS OF APPROVAL

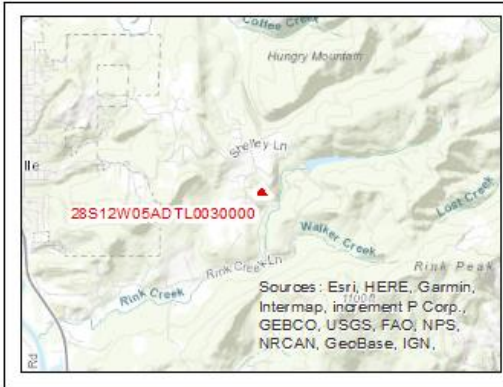
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. Home Occupations are subject to renewal every year. It is the applicants' responsibility to obtain a new Zoning Compliance Letter every year. If it expires then the Home Occupation will become void.
 - b. Shall receive a confirmation from the County Road Department that the parking meets the requirements.
 - c. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

EXHIBIT "B"
Vicinity Map
(not to scale)



COOS COUNTY PLANNING DEPARTMENT

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



File: ACU-24-010
 Applicant/ Owner: Mark & Cynthia Parker
 Date: October 10, 2024
 Location: Township 28S Range 12W
 Section 05AD TL 300
 Proposal: Administrative Conditional Use

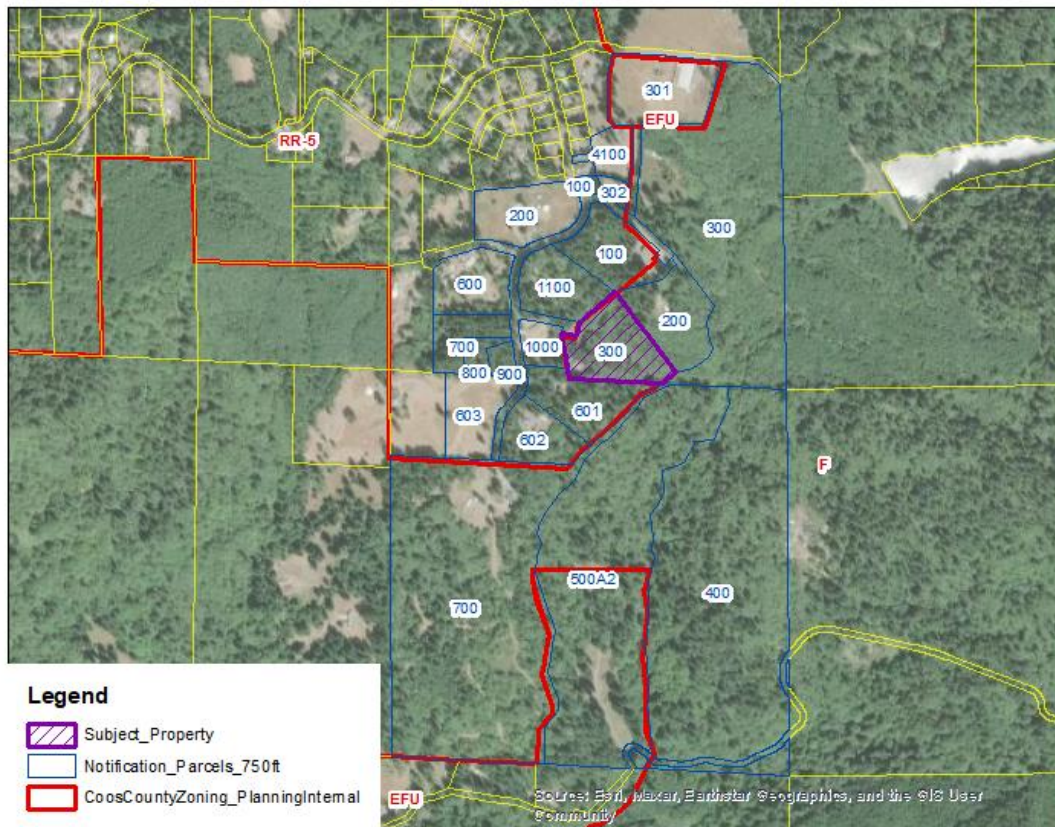


EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

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

A. PROPOSAL: According to the applicant the proposal is a Home Occupation. M&C Logistics provides packaging and shipping support for BlueBird Waterfowl LLC. They operate out of a 15x20-foot packaging and storage area located in a pole barn at their residence. Annually, they plan to package and ship 500 to 700 finished products, as well as occasional replacement parts and accessories, like hats and blind building wire. The packaging process involves placing various components into molded plastic covers, sealing them, and preparing a final product measuring 18x5x2 inches and weighing 1/2 lb. Upon receiving online orders, the finished products or accessories will be packaged and shipped.



B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS: The property has a long permitting history, beginning with Pre-Eligibility (PE-94-23) for a dwelling in 1995 through a template test. Later that year, the dwelling was conditionally approved under ACU-95-30, followed by the construction of a single-family home under VL-95-414. In 2005, a new approval for a template dwelling was granted under ACU-05-31, with a driveway confirmation completed in April 2006. Later that same month, a Zoning Compliance Letter (ZCL-06-177) was issued to site a single-family dwelling with a garage, a septic evaluation, and installation of a new septic system. In 2010, ZCL-10-77 provided clearance to replace the existing dwelling with a manufactured home, including evaluation and potential repair of the septic system.

In 2019, a Compliance Determination (CD-19-121) was issued for a pole building, and ZCL-19-264 provided clearance to site an accessory structure, supported by a geological report. Most recently, in May 2024, ACU-24-010 granted conditional use approval for a home occupation focused on packaging and shipping, which included a parking plan. Throughout

this time, key documents, including the deed, have been saved in the land use file for future reference.

The property is heavily treed and contains about 6.23 acres. The property is developed with a Manufactured Dwelling, Accessory Structure and other small outbuildings.



C. LOCATION: The subject property is located east of the City of Coquille off of Wayne Drive.



D. ZONING: - This property is zoned Forest with a Mixed-Use Overlay.

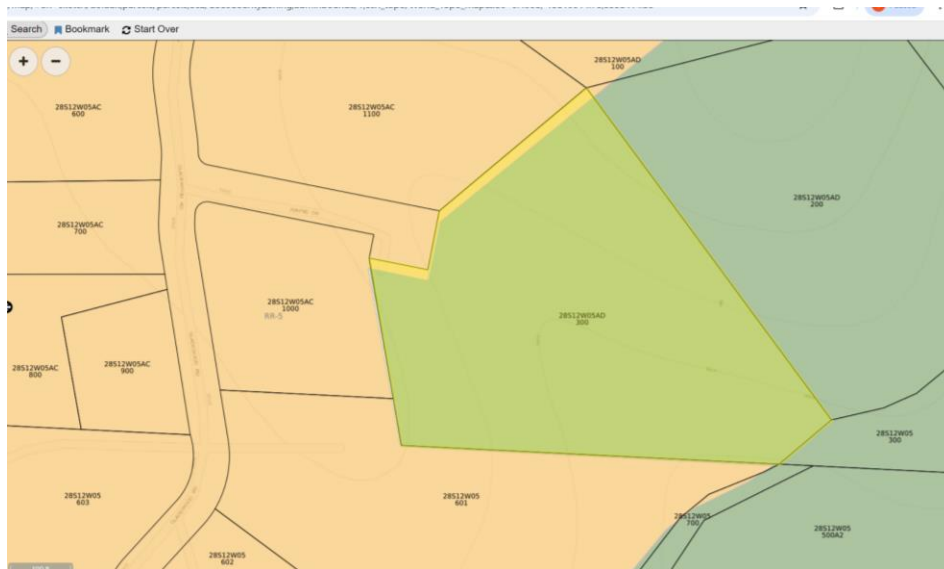
ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.



The property is surrounded to the north, west and south by Rural Residential-5 (shown in orange) and Forest to the east (shown in green.)

E. COMMENTS: This property did not require any request for comments prior to the decision.

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 has reviewed the property history and finds that, at the time of this report, the property is compliant with the Coos County Zoning and Land Development Ordinance. However, 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: The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, at a time when no applicable planning, zoning, subdivision, or partition ordinances or regulations prohibited its creation.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

According to the applicant the proposal is a **Home Occupation**. M&C Logistics provides packaging and shipping support for BlueBird Waterfowl LLC. They operate out of a 15x20-foot packaging and storage area located in a pole barn at their residence. Annually, they plan to package and ship 500 to 700 finished products, as well as occasional replacement parts and accessories, like hats and blind building wire. The packaging process involves placing various components into molded plastic covers, sealing them, and preparing a final product measuring 18x5x2 inches and weighing 1/2 lb. Upon receiving online orders, the finished products or accessories will be packaged and shipped.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. This request is subject to Article 4.6 - Resource Zoning District, Section 4.6.100 - Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.40 - Home occupations as defined in ORS 215.448 (this includes cottage industries) and Section 4.6.120 - Review Standards (4)(s), (5).

B. KEY DEFINITIONS:

- *ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.*
- *DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*
- *DEVELOPMENT: The act, process or result of developing.*

- **USE:** The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.
- **ZONING DISTRICT:** A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.
- **DWELLING:** Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

Forest Template Dwelling Supplemental Application:
Coos County Zoning and Land Development Ordinance (CCZLDO)

SECTION 4.6.100 FOREST AND FOREST MIXED USE – USE TABLES Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Exceptions to minimum lot and parcel sizes for the purpose of land division may apply as set out in Section 4.6.145 Land Division for Open Space and Special Assessment, and Section 4.6.145 Exceptions to Minimum Parcel Size. Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

If a use specifically states Forest Mixed Use only it is not permitted in the Forest Zone. If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
40. Home occupations as defined in ORS 215.448 (this includes cottage industries);	ACU	(4)(s), (5)

- **SECTION 4.6.120 Review Standards**
 - **(4) CONDITIONAL USES** - The following uses may be allowed on forest lands as a conditional use (see table for type of conditional use) subject to the review standards in section (5) of this rule: **(s) HOME OCCUPATIONS/COTTAGE INDUSTRY** - Home occupations as defined in ORS 215.448;

- **215.448 Home occupations; parking; where allowed; conditions.** (1) The governing body of a county or its designate may allow, subject to the approval of the governing body or its designate, the establishment of a home occupation and the parking of vehicles in any zone. However, in an exclusive farm use zone, forest zone or a mixed farm and forest zone that allows residential uses, the following standards apply to the home occupation:
 - (a) It shall be operated by a resident or employee of a resident of the property on which the business is located;
 - (b) It shall employ on the site no more than five full-time or part-time persons;
 - (c) It shall be operated substantially in:
 - (A) The dwelling; or
 - (B) Other buildings normally associated with uses permitted in the zone in which the property is located; and
 - (d) It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- (2) The governing body of the county or its designate may establish additional reasonable conditions of approval for the establishment of a home occupation under subsection (1) of this section.
- (3) Nothing in this section authorizes the governing body or its designate to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is to be established.
- (4) The existence of home occupations shall not be used as justification for a zone change. [1983 c.743 §2; 1995 c.465 §1]

STAFF RESPONSE: The proposal to establish a home occupation (cottage industry) on the subject property meets the criteria outlined in the governing ordinance for home occupations within exclusive farm use, forest, or mixed farm and forest zones. Specifically:

1. **Operation by Resident:** The property owners, who reside on the property, will operate the business. Initially, no additional employees will be hired, and even if employment expands, it will remain within the allowable limit of five full-time or part-time employees, in compliance with subsection (1)(b).
2. **Location of Operation:** The home occupation will be conducted within an existing garage on the property, which is consistent with subsection (1)(c)(B), as the garage is a structure normally associated with uses permitted in the forest zone. No new structures are proposed for this business operation.
3. **Impact on Other Uses:** The proposed cottage industry will not unreasonably interfere with other uses permitted in the forest zone, as required by subsection (1)(d). The nearest properties to the east are zoned Rural Center, and the business activities are unlikely to cause conflicts with the rural or forest uses allowed in the area.
4. **Additional Conditions:** The property owners have acknowledged that if additional reasonable conditions of approval are required by the county, they will address them accordingly, as allowed under subsection (2).
5. **No Justification for Zone Change:** The applicant understands that the establishment of this home occupation does not serve as justification for a zone change, in compliance with subsection (4).

Therefore, Staff finds based on this review, the proposal complies with the applicable standards for a home occupation in the forest zone. Approval is recommended, subject to any additional conditions of approval.

- **(5) REVIEW CRITERIA FOR CONDITIONAL USES:** A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:
 - (A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - (B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
 - (C) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.
 - (D) All uses must comply with applicable development standards and fires siting and safety standards.

Staff Findings: The proposed use has been reviewed in accordance with the criteria outlined in section (4) of the rule and the corresponding requirements to ensure compatibility with forest operations and agricultural uses, as well as to conserve the values found on forest lands. The findings are as follows:

- 1. Impact on Farming and Forest Practices: The proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices on agricultural or forest lands, as required by subsection (A). The home occupation (cottage industry) will be conducted within an existing structure (garage), minimizing disruption to the surrounding environment. Additionally, the scale and nature of the business, focusing on packaging and shipping, will have minimal to no interaction with adjacent farming or forest practices.**
- 2. Fire Hazard and Suppression Costs: The proposed use will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel, in accordance with subsection (B). The use will be located in an existing building, and there are no plans for construction or changes that would contribute to increased fire risk. Furthermore, the operation's limited scope and the absence of heavy machinery or hazardous materials reduce potential fire hazards.**
- 3. Written Statement for Forest Operations: A written statement will be recorded with the deed, as required by subsection (C), ensuring that the landowner acknowledges the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules. This statement will safeguard the rights of nearby forest operators and ensure that the proposed use does not hinder forest management practices.**
- 4. Compliance with Development and Fire Safety Standards: The proposed use complies with all applicable development standards and fire siting and safety requirements, as specified in subsection (D). The existing garage structure where the business will operate meets current siting standards, and the property owners are aware of and will adhere to fire safety guidelines, including maintaining defensible space around structures and complying with local fire regulations.**

Based on these findings, the proposed use meets the requirements set forth to ensure compatibility with forest and agricultural lands, and staff recommends approval of the application, subject to

the recording of the written statement regarding forest operations and any additional conditions that may apply.

IV. DECISION

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

V. EXPIRATION:

Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.

A. Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:

- i. First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
 - 1. The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
 - 2. Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
 - 3. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
- ii. Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
 - 1. The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
 - 2. The applicable residential development statute has not been amended following the approval of the permit; and*
 - 3. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*

An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Friday, October 06, 2028.

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special districts, or parties: Coquille Fire Protection District

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

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor’s Office and the Planning Commission and Board of Commissioners.

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.