APPLICANT: Jim Barta, Velocitel, Inc. for AT&T
4004 Kruse Way Place, Ste. 220
Lake Oswego, OR 97035

OWNER: Menasha Forest Products
PO Box 588
North Bend OR 97459

REQUEST: Site a new monopole in an existing telecommunications site.

STAFF CONTACT: Debby Darling, Planner II

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 26S Range 13W Section 15 Tax Lot 200

PROPERTY LOCATION

The subject property is located south of the City of Coos Bay, west of Highway 101, and is accessed off of Brights Mill Road via Shinglehouse Slough Road.

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)

<table>
<thead>
<tr>
<th>LDO</th>
<th>Article 4.7: Table 4.7a (6); (7)</th>
<th>Special Regulatory Considerations Prescribed by the Coos County Comprehensive Plan: Significant Wildlife Habitat, Natural Hazards</th>
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<td>LDO</td>
<td>Article 4.8: §4.8.300</td>
<td>Forest Zone: Administrative Conditional Uses</td>
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<td>LDO</td>
<td>§4.8.400</td>
<td>Review criteria for Conditional Uses</td>
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<td>Mandatory Siting Standards Required for Dwellings and Other Structures in the Forest Zone</td>
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<td>LDO</td>
<td>§4.8.700</td>
<td>Fire Siting and Safety Standards</td>
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<td>§4.8.750</td>
<td>Development Standards</td>
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I. BASIC FINDINGS

A. Lawfully Created Parcel: The subject property was lawfully created as required by Section 3.3.800 (1), Lawfully Created Lots and Parcels. Pursuant to the 1982 Assessment records and deed reference Book 263, page 583 of the Coos County Deed Records this property was owned by Menasha Corporation, thereby meeting the criteria pursuant to Section 3.3.800(1) of the LDO.

B. Zoning: The zoning is Forest (F) and the purpose of the F district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. 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.
C. **Site Description:** The property has 493 acres. The property is an active logging site owned by Menasha Forest Products. There are several cleared log landings and the cleared telecommunications site. The subject property appears to be fairly steep and is not considered a “mixed use” area.

D. **Background:** The property is zoned Forest and the only development consists of the telecommunications site.

- September 7, 2000, a conditional use permit (HBCU-00-05) was submitted to site a telecommunications tower with associated buildings. The Planning Commission had questions about the legality of the original tower and determined that the new tower and buildings could be sited, but the existing tower would have to be removed first. The applicant appealed the conditions of this decision.
- September 27, 2000 the applicant filed an intent to appeal the Planning Commission Decision to place conditions on the approval of the application.
- November 28, 2000, the Board of Commissioners heard the appeal (AP-00-07) and overturned the Planning Commission’s decision to place the condition to remove the existing tower, since the applicants proved that the previous tower had been sited prior to July 1, 1975 and was, therefore, grandfathered.
- January 1, 2001, zoning clearance was issued to site the new tower and equipment building.
- 2002, the property was part of many which were involved in an application to allow a natural gas pipeline in Forest and Exclusive Farm Use zones.
- November 30, 2004, zoning clearance was issued to co-locate antennae on the existing tower.
- July 28, 2005 an address was issued for the telecommunications site.
- July 7, 2011, zoning clearance was issued to add a generator to the existing site.
- April 4, 2012, zoning clearance was issued to add 6 new panel antennae and relocate existing panel antennae without changing the existing height of the tower and to add a new radio cabinet inside the existing shelter. It was this addition of the 6 new panels that initiated the current application, because the existing tower was not engineered to hold the additional weight.
- This application was submitted on April 15, 2013 and first deemed incomplete on April 23, 2013 due to missing information. The information was supplied by the applicant on April 24, 2013 and the application was deemed complete on April 25, 2013.

## II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

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<td>Appendix 1, Policy 5.6 (1)</td>
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<td>LDO</td>
<td>Appendix 1, Policy 5.11</td>
<td>Natural Hazards</td>
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**Appendix 1, Policy 5.6**

1. Coos County shall consider as "5c" Goal #5 resources (pursuant to OAR 660-16-000) the following:
   - "Sensitive Big-game Range"
   - Bird Habitat Sites (listed in the following table)
   - Salmonid Spawning and Rearing Areas

   Uses and activities deemed compatible with the objective of providing adequate protection for these resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along stream
banks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

This policy shall be implemented by:

a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and

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FINDING: The telecommunications site has been in use since 1974 without showing any adverse impacts to Sensitive Big-Game. There is no reason to believe that allowing another tower within the existing lease area would increase that impact. Notice will be provided to Oregon Department of Fish and Wildlife to ensure there are no concerns. Therefore, this criterion has been met.

Appendix 1, Policy 5.11

1. Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include stream and ocean flooding, wind hazards, wind erosion and deposition, *critical streambank erosion, mass movement (earthflow and slump topography), earthquakes and weak foundation soils.

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FINDING: The Natural Hazard inventory map shows that the telecommunications site is not within the natural hazards area and therefore, this policy does not apply.

<table>
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<th>LDO</th>
<th>§ 4.8.300</th>
<th>Administrative Conditional Uses in the Forest Zone</th>
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The following uses and their accessory uses may be allowed as administrative conditional uses in the “Forest” zone subject to applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

B. Television, microwave and radio communication facilities and transmission towers. ***

FINDING: This criterion is satisfied by the applicant's submission of the conditional use permit application.

<table>
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<tr>
<th>LDO</th>
<th>§ 4.8.400</th>
<th>Review Criteria for Conditional Uses in §4.8.400 **</th>
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A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements 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; and

FINDING: The telecommunications site has been in existence since 1974. To date it has not forced a significant change in or significantly increased the cost of accepted forest practices. The request is to site another tower within the same lease area. There will be no additional impacts which would force a significant change or significantly increase the cost of accepted forest practices. This criterion has been met.

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
FINDING: The applicants have supplied maps that show the primary and secondary firebreaks. The only traffic will be for maintenance on occasion. The applicants have stated that the installation of the new monopole and additional ground equipment will not generate significant heat or introduce uses that will endanger the safety of fire suppression personnel or increase fire hazard danger. In the past, there has not been a significant increase in fire hazards, fire suppression costs, or risk to fire suppression personnel in the past and there is no reason to believe this risk will increase with the addition of a new monopole and support equipment within the existing lease area. Therefore, this criterion has been met.

C. All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.

FINDING: These sections are addressed individually below.

D. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section 4.8.300 H, J, and Q and Section 4.8.350 D, J, and Q.

FINDING: This criterion does not apply.

<table>
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<tr>
<th>LDO</th>
<th>§4.8.600</th>
<th>Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone¹</th>
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<td>The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees, and shall be considered together with the requirements in Section 4.8.700 to identify the building site.</td>
</tr>
<tr>
<td>A.</td>
<td>Dwellings and structures shall be sited on the parcel so that:</td>
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<tr>
<td>1.</td>
<td>They have the least impact on nearby or adjoining forest or agricultural lands; and</td>
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<tr>
<td>2.</td>
<td>The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and</td>
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<tr>
<td>3.</td>
<td>The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and</td>
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<tr>
<td>4.</td>
<td>The risks associated with wildfires are minimized.</td>
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FINDING: No dwellings are proposed for this site. The applicants are applying to site an additional telecommunications monopole within an existing lease site where there are other towers already sited. The addition of this 120 foot monopole will not have any unforeseen or unwanted impact upon the subject property or neighboring properties, will not increase the risk of wildfire, and will continue to use the same access road used now for maintenance purposes. There is no reason to believe there will be additional impacts on adjoining farm or forest practices or an increased risk for wildfire. These criteria have been satisfied.

<table>
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<tr>
<th>LDO</th>
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<th>Mandatory Fire Siting and Safety Standards.¹</th>
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<td>All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable.</td>
</tr>
</tbody>
</table>

¹ Only applicable criteria are listed.
A.  Firebreak:
1.  A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone 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.

***
3.  A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained. Vegetation should be pruned (to at least 8 feet in height) and spaced so that fire will not spread between the crowns of trees. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

The primary fuel-free break and secondary break areas shall be provided and maintained on land surrounding the dwelling that is owned or controlled by the owner. A variance application will not be required if the parcel’s configuration (shape and/or size) does not allow the primary or secondary fire break to be met. (OR-98-01-002PL)

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FINDING: The proposal is to site an additional 120 monopole within an existing lease area already containing a telecommunications tower. The applicants will meet both the primary and secondary fire safety standards by keeping 130 feet around the area cleared of brush and other combustible materials. Since this is not a dwelling all other criteria in this section do not apply. Staff finds the primary and secondary fire safety siting standard will be met.

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All development and structures approved pursuant to Article 4.8 shall be sited in accordance with this Section.

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B.  Setbacks: All buildings or structures 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 any right-of-way line, whichever is greater.

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I.  Riparian Vegetation Protection.

1.  Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained.***

FINDING: The only roadway to the site is a service road to allow for maintenance accessed via Brights Mill Road and therefore is considered a driveway. The only waterway on the property is Shinglehouse Slough, which is more than 800 feet from the lease site. Staff finds these criteria have been satisfied.

III. NOTIFICATION AND APPEAL RIGHTS

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 250 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s)/Owner(s), Dave Perry, DLCD, and ODFW. Notice of Decision will be provided to Coos County Assessor, Coos County Roadmaster, Coos Forest Protective Agency, Coos Bay-North Bend Water Board, Coos Bay School District #9, Oregon International Port of Coos Bay, Coos County Board of Commissioners and the Coos County Planning Commission. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on May 23, 2013.

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on June 7, 2013, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and

² Only applicable criteria are listed.
additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

IV. SUMMARY

The request is to site another telecommunications monopole within an existing lease site. The applicants originally were going to co-locate antennae on the existing tower; but found that it was structurally unsafe to site more antennae on the existing tower. Therefore, the applicants have submitted this proposal to site another tower. The existing tower will remain, as it has other leased antennae on it. Staff has found after evaluating all of the evidence that the proposal can meet the criteria with the imposition of conditions. After the applicant completes the conditions then a zoning compliance letter can be obtained that will allow him to apply for building permits.

VI. CONDITIONS OF APPROVAL

1. Pursuant to ORS 215.416(1), the fees charged by the Planning Department for permit applications represent the average cost of processing the application. If the actual cost of processing the application exceeds the average cost, then the applicant shall be responsible for paying the full amount. If such an amount is due, it must be paid before a zoning compliance letter can be issued.

2. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the “seller” or “grantor” shall, by acting upon this permit, agree to notify the “buyer” or “grantee” of the terms and conditions of the permit. Pursuant to CCZLDO Section 5.0.700, this permit shall remain valid for the period set forth in ORS 215.417.

3. Obtain a zoning compliance letter (ZCL) from the Planning Department in order to obtain State DEQ and Building Code permits.

If you have any questions please contact staff.

COOS COUNTY PLANNING DEPARTMENT

Dobby Darling, Planner II

EC: Chris Clair, ODFW
Dave Perry, DLCD
Attachments:
Applicants Submittal
Decision Notice
Vicinity Maps

File