STAFF REPORT FOR ADMINISTRATIVE REVIEW

APPLICANT:  Glenn & Jacquelin McClure
OWNER  1008 Piermont Way
Gant CA 95632

REQUEST: The applicant has requested to change or modify a condition of approval for ACU-13-15, the approval of a Template Dwelling (first dwelling in a Forest Zone), dated August 27, 2013 on which there were no appeals, by modification of the site of the dwelling.

STAFF CONTACT:  Debby Darling, Planner II

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS:  Township 28S  Range 13W  Section 10  Tax Lot 2900

PROPERTY LOCATION
The subject property is located off of Fat Elk Road, south of the city of Coquille.

APPLICABLE CRITERIA

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

LDO §5.0.350(C)  Conditions of approval (Modifying conditions)

1. BASIC FINDINGS

A.  Lawfully Created Parcel: The subject property was lawfully created as required by LDO §3.3.800(1), Lawfully Created Lots and Parcels. The subject property was conveyed to Donald T. and Ann H. Smith as recorded in Book 211, Page 104 of the Coos County Deed Records, Coos County Clerk’s office.

B.  Zoning: The zoning is Forest/Mixed Use

The purpose of the “F” zone 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.

Mixed farm-Forest Areas “MU” areas 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 lots than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these “mixed use” areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these
ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in “prime forest areas”, and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

C. **Site Description:** The property contains 2.43 acres and is mainly a well-treed knob above the Coquille River Valley. The northwestern corner of the property as it slopes down to the Valley is considered a wet meadow wetland. The property is accessed off of Fat Elk Road.

D. **Background:** The property is zoned F/MU and there is currently no development on the property.

- June 20, 1995, in a meeting with her staff, the Planning Director determined that the left side of the property was considered to be out of the floodplain for the purpose of siting a dwelling.
- April 17, 2003, an Amendment/Rezone was submitted to rezone the property from Exclusive Farm Use (EFU) to Forest/Mixed Use (F/MU).
- August 23, 2006, the Amendment/Rezone is adopted and the zoning is changed.
- June 14, 2013, an application for a first dwelling in the Forest zone was submitted and deemed complete on June 18, 2013. This application was approved on August 27, 2013.
- October 9, 2013, the property ownership changed to the current applicants.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

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<th>LDO</th>
<th>§5.0.350(C)</th>
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<td><strong>Conditions of Approval:</strong> At an applicant’s request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.</td>
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**FINDING:** The Coos County Planning Director approved ACU-13-15, which allows a first dwelling in the Forest zone. One of the conditions of approval was that the dwelling must be sited as approved on the submitted site plan. After the new owners took possession and had an opportunity to view the property, they determined that the approved site would not work as a building site.

In the applicant’s submitted narrative, he states that the proposed driveway placement would be positioned where there is a 15 foot bank that runs along Fat Elk Road and that embankment starts just 3 feet off the property line and goes straight up. He states there is an existing driveway which could be easily used avoiding the need to further disturb the embankment. The County Road Department will make the final determination where the driveway needs to be placed. The applicants have submitted a new site plan that shows the dwelling will be placed a little more to the south and east of the original placement. This is due to the actual topography of the property as seen on the ground. Allowing the house site to be moved will place it farther away from the wetlands. While it will move it closer to the eastern property boundary, the property to that side is zoned Exclusive Farm Use (EFU) and not Forest (F). The house will meet the primary setback of 30 feet from the property line. The new site will also bring the home closer to the southern boundary of the property, which abuts Fat Elk Road. The setback from this property line is only 35 feet from the centerline of the road or 5 feet from the right-of-way edge. This setback will be met. Allowing the revision will not further impact the resources of either the EFU or F zoning districts and in fact will further protect the wetlands by placing the dwelling farther from them.

### 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. Notice of Decision will be provided to Coos County Assessor, Coos County Roadmaster, Coquille RFPD, 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 February 25, 2014.

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 March 12, 2014, 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 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 original request was to site a first dwelling in a Forest zone. This request is to revise a condition of approval, by moving the house site to a more feasible location, closer to the southeastern portion of the subject property and farther away from the wetlands in the northern part of the property. The resource lands will not be further impacted. The Planning Director approves the change in condition; however, all other conditions in the original application must still be met.

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. The proposed dwelling must be sited as shown on the revised plot plan.

4. All other conditions in the original application (ACU-13-15) must still be met.

If you have any questions please contact staff.

COOS COUNTY PLANNING DEPARTMENT

Debby Darling, Planner II

C: File

EC: Dave Perry, DLCD

Attachments: Applicants’ Submittal
            Template Map
            Decision Notice
            Vicinity Map