### STAFF REPORT FOR ADMINISTRATIVE CONDITIONAL USE PERMIT

**APPLICANT:** Carol Tavitigian  
54184 Gould Road  
Bandon OR 97423

**OWNERS:** Carol Tavitigian & James L Quinn  
54184 Gould Road  
PO Box 249  
Bandon OR 97423

**REQUEST:** To site an accessory building over 1200 square feet within the Beaches and Dunes Limited Suitability for Development area

**STAFF CONTACT:** Debby Darling, Planner II

### MAP NUMBER(S) / LEGAL DESCRIPTION

**ASSESSOR’S MAPS:** Township 29S Range 15W Section 01CC Tax Lot 2100

### PROPERTY LOCATION

The subject property is located south of the city of Bandon in Sunset City Subdivision. The subject property is accessed off of Gould Road.

### APPLICABLE CRITERIA

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

<table>
<thead>
<tr>
<th>LDO</th>
<th>Definition or Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDO</td>
<td>Chapter 2 Definitions: Accessory Structures</td>
</tr>
<tr>
<td>LDO</td>
<td>§3.1.300 (A), (B), (F)(3) Accessory Structures</td>
</tr>
<tr>
<td>LDO</td>
<td>§4.2.800, Table 4.2g Commercial-Industrial Zoning Districts within Urban Unincorporated Communities; Development Standards</td>
</tr>
<tr>
<td>LDO</td>
<td>§4.4.600, Table 4.4-c General Standards for Commercial-Industrial Zoning Districts</td>
</tr>
<tr>
<td>LDO</td>
<td>§4.6.315(3) Airport Surfaces Height Limitations</td>
</tr>
<tr>
<td>LDO</td>
<td>Article 4.7, Table 4.7a (3b) Appendix I, Policy 5.7(3) Historical/Archaeological Sites and Structures: Development proposals in identified archaeological areas must have a “sign-off” by qualified persons.</td>
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</tbody>
</table>
LDO Article 4.7, Table 4.7a (5b)  
Appendix 1 Policy 5.10 (7)  
Non-Estuarine Shoreland Boundary: Specifies allowed uses within the CSB

### 1. BASIC FINDINGS

A. **Lawfully Created Parcel:** The subject property was lawfully created as required by Section 3.3.800, Lawfully Created Lots and Parcels. The subject property consists of the southern 50 feet of Block 23 of Sunset City Subdivision plus the western half of a vacated alley. Sunset City Subdivision was established in 1907. Therefore, the subject property meets the criteria of 3.3.800.

B. **Zoning:** The zoning is Controlled Development-10 (CD-10)

The purpose of the “CD-10” district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique “village atmosphere”, to permit a mix of residential, commercial and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County’s economy.

C. **Site Description:** The subject property contains approximately 0.66 of an acre. There are approximately 0.27 of an acre. The property has been cleared and is being utilized as residential property. The surrounding properties are all zoned CD-10. The property to the west is owned by the State of Oregon and is part of the Parks system.

D. **Background:**

- June 2, 1977, a verification letter was issued to complete construction of a dwelling and to connect to existing septic system. This was for a replacement dwelling and the old dwelling was to be removed from the property or have the utilities disconnected from it once the new dwelling was sited.
- May 27, 1980, a verification letter was issued to add a second story to the existing dwelling.
- January 18, 1995, a Property Line Adjustment is was authorized to correct an encroachment issue between tax lots 2100 and 1900 in Township 29, Range 15, Section 01CC.
- September 9, 1997, file correspondence indicating there is an issue with a second dwelling on the property and requesting the property owner contact the Planning Department to resolve the issue.
- June 3, 1998, correspondence from property owner’s attorney requesting information.
- October 22, 1998, correspondence from Planning Department to property owner’s attorney concerning the property owner’s request to convert the 1982 dwelling into an after the fact watchman’s dwelling.
- August 5, 1999, (HBCU-99-05) a Hearings Body Conditional Use permit was presented to the Planning Commission to allow a watchman’s dwelling on the subject property. The Planning Commission denies the request.
- August 26, 1999, (AP-99-008) an appeal of the Planning Commission’s decision to deny is appealed to the Board of Commissioners. A hearing is scheduled for October 13, 1999. At that hearing, the Board of Commissioners decided to uphold the Planning Commission’s decision to deny.
- November 17, 1999, (LUBA-99-177) an appeal of the Board of Commissioners’ decision to uphold the Planning Commission’s decision to deny was filed with LUBA (Land Use Board of Appeals).
- June 6, 2000, LUBA affirms the County’s decision. The property owners decide not to take this matter to any other appeals.
- January 1, 2001, a zoning compliance letter (ZCL-01-006) is issued to the new property owners to convert the existing small dwelling into a garage/shop and office. The compliance letter clearly states that only one dwelling is allowed and the smaller dwelling will be rendered uninhabitable.
January 16, 2014, notice is sent to the Coquille Indian Tribes about proposed development on the property.

The current application was submitted on March 4, 2014. It was deemed incomplete on April 1, 2014 and notice was sent to the applicant at the address provided. This letter was returned as undeliverable. A second attempt was made, sending the deemed incomplete letter to a PO Box. The applicant responded with the requested information on April 10, 2014 and the application was then deemed complete on April 25, 2014.

II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

LDO Chapter 2 Definitions

*ACCESSORY STRUCTURE OR USE: A structure or use which: (1) is subordinate to and serves a principal structure or principal use, (2) is subordinate in area, extent, or purpose to the principal structure or principal use served, (3) contributes to the comfort, convenience or the necessity of occupants of the principal structure or principal use, and (4) is located on the same lot, parcel or tract as the principal structure or principal use; unless otherwise permitted or conditionally permitted by this Ordinance. Examples of accessory structures and uses are private garages, storage sheds, playhouses, swimming pools, and parking for recreational vehicle, boat, log truck, or other vehicle.

FINDING: The applicant states the accessory structure will be used as a shop/garage with a hobby/storage room on the second story. The proposed accessory structure will be over 1200 square feet, which requires this application. The primary use of the property is residential and there is a dwelling, which is 2,924 square feet, located on the property. Therefore, the accessory structure will be subordinate to the primary use. The applicants state that the accessory structure is necessary to the comfort and convenience to the primary use, by allowing them the room they need for a shop/garage/hobby room in a separate building. The accessory structure will be located on the same lot as the principal use. Therefore, the applicants have met the definition of accessory structure.

LDO §3.1.300 (A), (B), (F)(3) Accessory Structures

Structures customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted:

A. An accessory structure may be located on the same lot, parcel or tract or on a contiguous lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principal use.

B. Any attached or detached accessory structure shall maintain the same setbacks established by the zoning district for the principal use.

FINDING: The accessory structure will be located on the same lot as the principle use. The proposed accessory structure must maintain the same setbacks as the principal use. These will be reviewed below and this will be a condition of approval.

F. Accessory structures within Industrial and Commercial and Controlled Development zoning districts.

3. If the garage or other accessory structure is proposed for a lot or parcel located within a
UGB, and the principal use of the land is residential, and said proposed structure exceeds 1,200 square feet in base floor area, then said structure may be permitted only if:

a. a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure, and

b. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200. [OR-96-04-007PL 9/4/96]

FINDING: The accessory structure is proposed to be over 1200 square feet. The subject property is located within the Bandon UGB. The principal use of the subject property is residential. A dwelling exists on the subject property. A conditional use permit has been submitted and it has been shown that the proposed building meets the LDO definition of accessory structure. Therefore, the pertinent criteria in Section 3.1.300 have been met.

<table>
<thead>
<tr>
<th>LDO</th>
<th>§4.2.800, Table 4.2g</th>
<th>Commercial-Industrial Zoning Districts within Urban Unincorporated Communities; Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>URBAN UNINCORPORATED COMMUNITIES COMMERCIAL-INDUSTRIAL USE</td>
<td>ZONE DISTRICT</td>
<td>CD-5</td>
</tr>
<tr>
<td>Residential:</td>
<td></td>
<td>CD-10</td>
</tr>
<tr>
<td>Single family dwelling (conventional)</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

FINDING: The property consists of the southern 50 feet of Block 23 and the western portion of the vacated alley of Sunset City Subdivision, which was platted and recorded in 1907. This is a subdivision that was created prior to the development of the Coos County Zoning and Land Development Ordinance (LDO). The zoning allows outright for single family dwellings and the associated accessory structures; however, this property also lies within the Beaches and Dunes Limited Suitability for Development overlay and therefore, must also meet the criteria as listed in Appendix I, Section 5.10(2). This will be reviewed below.

<table>
<thead>
<tr>
<th>LDO</th>
<th>§4.4.600; Table 4.4C</th>
<th>General Standards for Commercial-Industrial Zoning Districts; Property Development Standards</th>
</tr>
</thead>
</table>

SECTION 4.4.600. General Standards for Commercial-Industrial Zoning Districts.

The general standards set forth in Tables 4.4-e shall apply to the zoning districts and uses addressed in Table 4.2-e[through g].

<table>
<thead>
<tr>
<th>Zone</th>
<th>CD-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>#1</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Minimum Street frontage</td>
<td>50’</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>50’</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>50’</td>
</tr>
<tr>
<td>Front Set-Back</td>
<td>20’</td>
</tr>
<tr>
<td>Side Set-Back</td>
<td>#2</td>
</tr>
<tr>
<td></td>
<td>5’ #10</td>
</tr>
<tr>
<td>Rear Set-Back</td>
<td>5’ #10</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35’</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>#7</td>
</tr>
</tbody>
</table>

# - Footnote

**FOOTNOTES**

1. The following minimum lot sizes shall apply:
   a. site not having both public water and public sewer cannot be less than one (1) acre.
   b. sites having both public water and public sewer cannot be less than 10,000 square feet.

   Dwelling unit density shall not exceed one (1) unit per minimum lot size, except each additional attached dwelling unit requires 1200 additional square feet above the minimum lot size. (OR-00-05-014PL)

2. The side yard adjacent to a street or road (corner lot) shall require a minimum setback of 15 feet

7. Offstreet parking and loading requirements per Chapter X apply.

10. Riparian Vegetation Protection
    i Riparian vegetation within 50 feet of a estuarine wetland, stream, lake, or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat...

**FINDING:** The subject property is zoned CD-10 and therefore, would qualify for a dwelling but there are
special considerations that apply. The property is located in a Beaches and Dunes Limited Suitability for Development Area and the Coastal Shorelands. These issues will be reviewed separately below. The subject property has an existing dwelling and an existing shop/garage/office building. This latter building is proposed to be replaced by an accessory structure that is over 1200 square feet, requiring this application. The new building must meet all setback requirements as noted above, as well as the height requirement. There will be no riparian vegetation setbacks required.

<table>
<thead>
<tr>
<th>LDO</th>
<th>§4.6.315(3)</th>
<th>Airport Surfaces Height Limitations</th>
</tr>
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<tbody>
<tr>
<td>3.</td>
<td>Horizontal Conical Zone – Maximum allowable height = 35 feet</td>
<td>FINDING: When the proposed building is built it must meet the height requirements. Bandon Airport and Oregon Department of Aeronautics will be notified of the development.</td>
</tr>
</tbody>
</table>

| LDO          | Article 4.7, Table 4.7a (3b) Appendix I, Policy 5.7(3) | Historical/Archaeological Sites and Structures: Development proposals in identified archaeological areas must have a “sign-off” by qualified persons. |

Coos County shall continue to refrain from wide-spread dissemination site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).***

This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

FINDING: The Coquille Indian Tribe has been notified previously when development has occurred on this property. They have had no objections to development in the past. They were notified again of this current development. No objections have been received. This criterion has been met.

| LDO          | Article 4.7, Table 4.7a (4a), Appendix 1 Policy 5.10 (2) | Special Regulatory Considerations Prescribed by the Coos County Comprehensive Plan. Beaches & Dunes: Permit development within “limited development suitability” only upon establishment of findings. Requires an Administrative Conditional Use Permit; |

2. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Special Considerations Map only upon the establishment of findings that consider at least:

a. the type of use proposed and the adverse effects it might have on the site and adjacent areas;

b. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;

c. the need for methods for protecting the surrounding area from any adverse effects of the
d. hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

Further Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report by the developer that addresses the five considerations above.

This policy recognizes that:

a. The Special Considerations Map Category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

b. The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.

FINDING: The proposed building will be on the site of an existing building, which will first be removed. This building has been located on this site since before 1977 and there have been no apparent effects from this. A geological report was submitted written by Ron Sonnevil, Engineering Geologist, of Terra Firma Geologic Services. Mr. Sonnevil has noted that the topography at the proposed building site is relatively flat with vegetated areas elevated 5 to 20 feet above the building site existing to the east and south of the subject property. These elevated areas represent sand dunes that are surface-stabilized with vegetation. There is no sign of erosion on the seacliff to the west and the building site is not on the seacliff side of the property. The proposed building site is underlain by poorly graded, loose to very loose, fine grained windblown sand that extends to a depth of approximately 3 feet. Terrace sediments consist predominately of variably cemented, poorly graded to well graded sand and silty sand, with interbeds of clay and gravel. Bedrock is inferred to exist at a depth of 20-30 feet below the surface. Probing was done with a tile probe, which indicated there were firm materials existing about 3 feet below the ground surface. It was inferred that a foot or two of topsoil separates the loose dune sand from the terrace sediments. It is Mr. Sonnevil’s recommendation that the foundation should bear on the dune sand and be designed for an allowable bearing capacity of 1000 psf or it should bear on the terrace sediments several feet beneath the ground surface, with an allowable capacity of 2000 psf suitable if clay is not exposed in the footing excavations. Differential settlement impacts of the loose sand can be minimized by compacting the exposed soil beneath the building site with a vibratory roller or a vibratory plate compactor on the bearing surfaces. This will be a condition of approval. To help avoid wind erosion, it will be necessary to plant appropriate vegetation or to install wind resistant mulch to help hold the sand. Water run off can be discharged into the ground away from the building and should infiltrate into the soil without any adverse effects. Mr. Sonnevil concludes that the construction of the proposed structure will not contribute to or elevate the geologic hazards on this or adjoining properties. The soil appears to be well drained and there should not be any issues with salt water infiltrating any systems.

FINDING: The proposed building site in not within the Coastal Shoreland Boundary and these criteria do not apply.
III. NOTIFICATION/COMMENTS

Notification was provided as consistent with LDO Section 5.7.300. Notification was also provided on June 2, 2014, to applicant, subject property owners, and property owners within 250’ feet of the subject property. The notice was also provided to the following: Board of Commissioners; Dave Perry, DLCD; City of Bandon; Bandon Airport District; Southern Coos Health District; Bandon RFPD, Oregon Departments of Aviation and Parks and Recreation, Coos County Roadmaster and Assessor; the Coquille Indian Tribe; and the Coos County Planning Commission.

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 17, 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 subject property is zoned Controlled Development-10 (CD-10) and has an existing home and accessory structure on it. This request is to replace the existing accessory structure with one that is over 1200 square feet, requiring a conditional use application. It also lies within the Beaches and Dunes area of limited suitability for development, again which requires a conditional use permit to address the criteria.

Staff has determined that the requested structure will meet the County’s definition of an accessory structure and the use will be accessory to the primary residential use. While the area is noted to be within the Beaches and Dunes Limited Suitability for Development area, a geologist report from Ron Sonnevil indicated there is little indication of harmful effects from building this accessory structure. He has made a few suggestions for stabilization of the foundation soils and these will be listed below as conditions of approval.

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 accessory structure must be placed as noted on the plot plan submitted with the application and all setbacks must be met.

4. The foundation should either bear on dune sand and be designed for an allowable bearing capacity of 1000 psf or it should bear on the terrace sediments several feet beneath the ground surface. An allowable bearing capacity of 2000 psf is suitable for the terrace sediments if clay is not exposed in the footing excavation.

5. Differential settlement impacts of the loose sand can be minimized by compacting the exposed soil beneath the building site with a vibratory roller or a vibratory plate compactor on the bearing surfaces.

6. Runoff from the structure should be discharged several feet away from the building and should readily
infiltrate into the sandy soil.

7. Appropriate vegetation should be planted to help prevent wind erosion of exposed sand in the area or wind resistant mulch can be used.

8. A zoning compliance letter must be obtained prior to siting of the accessory structure.

If you have any questions, please contact Staff.

COOS COUNTY PLANNING DEPARTMENT

Debby Darling, Planner II