STAFF REPORT FOR ADMINISTRATIVE REVIEW

APPLICANT: Merv and Charlotte Smith
OWNER: 4937 Manzanillo St.
Fair Oaks, CA 95628

REQUEST: Site an accessory structure within the Beaches and Dunes Limited Suitability for Development Area

STAFF CONTACT: Jill Rolfe, Planning Director

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 23S Range 13W Section 35CC Tax Lot 2000

PROPERTY LOCATION

The subject property is located at 69182 Circle Loop north of the City of North Bend near the unincorporated community of Hauser.

APPLICABLE CRITERIA

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

| LDO | Accessory Structures; Accessory Structures within Rural Residential |
| LDO | § 3.1.300; § 3.1.300(D) |
| LDO | §4.4.400 |
| LDO | General Standards for Rural Residential Zoning Districts |
| LDO | Article 4.7, Table 4.7a (5b) Appendix 1 Policy 5.10 (7); Non-Estuarine Shoreland Boundary - Specific Uses Allowed within the CSB; |
| LDO | Article 4.7, Table 4.7a (4a), Appendix 1 Policy 5.10 (2) |
| LDO | 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; |

I. BASIC FINDINGS

A. Lawfully Created Parcel: The subject property was lawfully created as required by LDO §6.1.125(8), Lawfully Created Lots and Parcels. The Assessment records show the property was a lawfully created parcel by deed reference number 71-59398 of the Coos County Deed Records, Coos County Clerk’s office. Therefore, this is a lawfully created parcel pursuant to LDO §6.1.125.

B. Zoning: The zoning is Rural Residential-2 (RR-2) and the purpose of the “RR-2” district is to provide for small acreage home 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.

C. Site Description: The property contains approximately 1.10 acres and is developed with a 1972
dwelling. There is a cleared area surrounding the existing buildings. The parcel is lined with trees around the perimeter with exception of where the driveway is located on the south end of the property.

D. **Surrounding Properties:** The property is surrounded by residential development.

E. **Background:** There are no development permits on file for this property. The dwelling predates any zoning requirements for the existing dwelling.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

<table>
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<tr>
<th>LDO</th>
<th>§ 3.1.300, § 3.1.300(D)</th>
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**SECTION 3.1.300. 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 principle use. [OR 91-05-006PL 7/10/91] ***

D. Accessory structures within Rural-Residential and Rural-Center zoning districts.

1. Garages and other accessory structures, the principle use of which is not for agricultural or forestry purposes, shall be allowed outright within rural-residential zoning districts when a lawfully established dwelling exists, or is being established on the subject property.***

**FINDING:** The proposed structure is accessory to the dwelling which is the principal use. The accessory structure will be located on the same parcel as the dwelling. After reviewing the plot plan, provided by the applicant, all setbacks will be met. This review is only required because the property lies in area limited development suitability. Therefore, these criteria have been met.

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**SECTION 4.4.400. General Standards for Rural Residential Zoning Districts.** The general standards set forth in this section shall apply to the zoning districts and uses addressed in Table 4.2-c.

1. **RR-5, RR-2, RC, CREMP RURAL RESIDENTIAL, AND CREMP RC ZONING DISTRICTS.**

A. **Minimum Lot Size:** - 2 acres in the RR-2 district ***

D. **Setbacks:**

a. 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 the right-of-way line, whichever is greater.***

E. **Structure Height:** No requirement.

F. **Fences, Hedges, and Walls:** No requirement, but vision clearance provisions of SECTION 7.1.525 apply.

G. **Offstreet Parking and Loading:** See Chapter X.

H. **Minimum Road Frontage/Lot Width:** within UGB’s – 50 feet and outside UGB’s – 20 feet
I. Compatibility with Forest and Agricultural Management Practices and Production: Any applicant for a rural residential dwelling building or septic permit adjacent to a forest or agriculture zone, shall sign a statement on the Zoning Clearance Letter acknowledging that: “the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner’s enjoyment of his or her property”.

J. Riparian Vegetation Protection:
   i. 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 proposal will meet all the required development standards and setbacks.

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<tr>
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<tbody>
<tr>
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<td>TABLE 4.7a  SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED BY THE COOS COUNTY COMPREHENSIVE PLAN</td>
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<td>PHENOMENON</td>
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|     |                         | Appendix 1, Policy 5.10 (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 development; and  
  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 |
|     |                         | | | 2 |
#4 Beaches and Dunes; Appendix 1, Policy 5.10 (2)

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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 development; and

d. hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

FINDING: The structure will be sited in the northwest corner of the property and will be sited more than 100 feet from any surrounding development. The property has established ground cover and the applicant will install gutters and drainage to control rainwater runoff and potential erosion caused from rain water runoff. The applicant will replant the area with native grasses.

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.

FINDING: This property is near a coastal lake but does not adjoin the lake directly. There will be no wells drilled in conjunction with this proposal. Therefore, the accessory structure will not cause any loss of vegetation, water quality or intrusion of saltwater into water supplies.

### 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, Oregon Department of Water Resources, Hauser RFPD and 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 **July 1, 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 July 16, 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 request is to site an accessory structure in the Beaches and Dunes Limited Suitability Area. The applicant has addressed the criteria.
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 an 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

Jill Rolfe, Planning Director

C: File

EC: Dave Perry, DLCD

Attachments: Applicants’ Submittal
Decision Notice
Notification Map