STAFF REPORT

Date of Report: Tuesday, December 23, 2014
Appeal Deadline: Wednesday, January 07, 2015

Type of Application: ADMINISTRATIVE CONDITIONAL USE APPLICATION

Decision: APPROVED WITH CONDITIONS

File Number: ACU-14-28
Reviewed by: Amy Dibble, Planner I

II. Property Information

| Account No. | 757301 |
| Map Numbers | 27S140800-00700 |

Property Owners
GU HOLDINGS INC.
1600 AMPHITHEATRE PKWY
MOUNTAIN VIEW, CA 94043-1351

Situs Address
88603 WICKIZER LN BANDON, OR 97411

Acreage
4.92 Acres

Zoning
RURAL RESIDENTIAL - 5 (RR-5)

Development Considerations:
ARCHAEOLOGICAL SITES (ARC)
COASTAL SHORELAND BOUNDARY (CSB)
FLOOD PLAIN (FP)
WETLANDS (WET)

Property Location:
The property is accessed off of Wickizer Lane via Seven Devils Road located north of the city of Bandon.

Proposal:
The applicant is proposing to construct an in-ground telecommunications facility.

Lawfully Created Parcel/Lot:
This tax lot was created by deed prior to 1986 pursuant to CCZLDO § 6.1.125(8).

Prior Application Restrictions:
There are no restrictions

Special Districts/Agencies:
City of Bandon
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians
Planning Commissioners

Southern Coos Health District
Bandon, RFPD
Dave Perry, DLCD

Coos Bay-North Bend Water Board
Board of Commissioners

III. FINDINGS TO THE APPLICABLE REVIEW CRITERIA
APPLICABLE CRITERIA
Coos County Zoning and Land Development Ordinance (CCZLDO) and Coos County Comprehensive Plan (CCCP)

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ 4.2.400, Table 4.2c</th>
<th>Communications Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCZLDO</td>
<td>§ 4.2.900(7)</td>
<td>Review Standards and Special Development Conditions</td>
</tr>
<tr>
<td>CCZLDO</td>
<td>Article 4.7, Table 4.7a(3)(b);</td>
<td>Special Regulatory Considerations Prescribed by the Coos County Comprehensive Plan, Historical/Archeological Sites &amp; Structure</td>
</tr>
<tr>
<td>CCZLDO Appendix I</td>
<td>CCCP Volume I, Policy 5.7(3) Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness</td>
<td></td>
</tr>
<tr>
<td>CCZLDO Table 4.7a(5)(a)(b)</td>
<td>Special Regulatory Consideration Prescribed by the Coos County Comprehensive Plan Non-Estuarine Shoreland Boundary</td>
<td></td>
</tr>
<tr>
<td>CCZLDO Appendix I</td>
<td>CCCP Volume I, Policies 5.10(5)(7) Dunes, Ocean and Coastal Lake Shorelands</td>
<td></td>
</tr>
<tr>
<td>CCZLDO Table 4.7a(7)(a)</td>
<td>Special Regulatory Consideration Prescribed by the Coos County Comprehensive Plan (Floodplain)</td>
<td></td>
</tr>
<tr>
<td>CCZLDO Appendix I</td>
<td>CCCP Volume I, Policies 5.11(1 through 4) Natural Hazards</td>
<td></td>
</tr>
</tbody>
</table>

Note: criteria are shown below with findings in **bold**.

**DEFINITION**

**RURAL RESIDENTIAL (RR-5)** - The purpose of the “RR-5” district is to provide for acreage homesites outside of Urban Growth Boundaries (UGB), where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available. The “RR-5” district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

**UTILITY FACILITY - COMMUNICATIONS**: A facility for the reception, broadcast or distribution of audio and visual images, including but not limited to radio, television, and other communications.

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ 4.2.400, Table 4.2C</th>
<th>Communications Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCZLDO</td>
<td>§ 4.2.900(7)</td>
<td>Review Standards and Special Development Conditions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rural Residential Use</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Structure</td>
<td>ACU-7</td>
</tr>
</tbody>
</table>

7. The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
FINDING: The applicant is proposing to construct an in ground telecommunications facility. General operation of this facility does not require lighting or produce sound or other emissions that could potentially impact adjacent residential or forest environments. The applicant states that no loud machinery will be required or used after construction is completed. They will be clearing a 100 x 150 vegetated area prior to construction and after construction is complete the area will be re-seeded.

<table>
<thead>
<tr>
<th>phenomenon</th>
<th>special regulatory considerations</th>
<th>appendix 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. historical/ archaelogical sites &amp; structures</td>
<td>b. Development proposals in identified archaeological areas must have a &quot;sign-off&quot; by qualified person(s).</td>
<td>1-20, 3</td>
</tr>
</tbody>
</table>

5.7 HISTORICAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES, NATURAL AREAS AND WILDERNESS

3. 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). The Coos County Planning Department shall develop and maintain a list of qualified archaeologists and historians. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as: (1) paving over the sites; (2) incorporating cluster-type housing design to avoid the sensitive areas; or (3) contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).

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: Notice has been sent to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. No response has been received; however, they have until the 16th of January to respond. A zoning compliance letter will not be issued until the 30 day deadline has lapsed or a response has been received.

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>Table 4.7a(5)(a)(b)</th>
<th>Special Regulatory Consideration Prescribed by the Coos County Comprehensive Plan (Specifies allowed uses within C.S.B.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCZLDO</td>
<td>Appendix 1</td>
<td>CCCP Volume I, Policies 5.10(5)(7) Dunes, Ocean and Coastal Lake Shorelands, Coastal Shorelands Boundary</td>
</tr>
</tbody>
</table>

**TABLE 4.7a**

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED BY THE COOS COUNTY COMPREHENSIVE PLAN**

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS</th>
<th>APPENDIX I</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Non-Estuarine Shoreland Boundary</td>
<td>5a. Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites.</td>
<td>1-25</td>
</tr>
<tr>
<td></td>
<td>b. Specifies allowed uses within the C.S.B.</td>
<td>1-26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7</td>
</tr>
</tbody>
</table>

**5.10 DUNES, OCEAN AND COASTAL LAKE SHORELANDS**

5. Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the coastal Shorelands boundary of the ocean, coastal lakes and minor estuaries. Coos County shall consider: (a) "major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map; (b) "significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands; (c) "coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point; (d) "exceptional aesthetic resources" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory; and (e) "historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.

This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.
7. Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:
   a. farm uses as provided in ORS 215;
   b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.
   c. private and public water dependent recreation developments;
   d. aquaculture;
   e. water-dependent commercial and industrial uses and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
   f. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;
   g. any other uses, provided that the Board of Commissioners determines that such uses: (1) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (2) are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat; and (3) the "other" use complies with the implementation standard of the underlying zone designation.

In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.

This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.

FINDING: The plot plan provided illustrates that the proposed construction will be taking place outside of the wetlands and the Coastal Shoreland Boundary; therefore, this criterion has been satisfied.

| CCZLDO | Table 4.7a(7)(a) | Special Regulatory Consideration Prescribed by the Coos County Comprehensive Plan (Floodplain) |
| CCZLDO | Appendix 1 | CCCP Volume I, Policies 5.11(1 through 4) Natural Hazards |

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS</th>
<th>APPENDIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Natural Hazards</td>
<td>7a. Comply with floodplain overlay zone set forth in this Ordinance.</td>
<td>1-29</td>
</tr>
</tbody>
</table>

5.11 NATURAL HAZARDS

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.

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."

---

Staff Report for File No. ACU-14-28
Page 5
This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to like and property.

This strategy recognizes that it is Coos County's responsibility: (1) to inform its citizens of potential risks associated with development in known hazard areas; and (2) to provide appropriate safeguards to minimize such potential risks.

2. Coos County shall continue to participate in the National Flood Insurance Program (Public Law 90-448), recognizing that participation in this program substantially insures the health and safety of county residents and allows property owners to benefit from subsidized insurance rates. Further, this strategy also recognizes that failure to participate in this program would prohibit affected property owners from receiving construction and permanent mortgage loans by federally insured lending institutions.

2a. The areas of special flood hazard, identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County" dated March 17, 2014, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps is hereby adopted by reference and declared to be a part of the Coos County Comprehensive Plan Inventory.

3. Coos County shall comply with the requirements of the Federal Insurance Administration Regulation 1910.3(b). This strategy recognizes that the above identified safeguards are appropriate to minimize adverse life and property risks.

4. Coos County shall support the policy of State Building Codes Division requiring new mobile home sitings to be secured to the ground, recognizing that "tie-downs" are appropriate safeguard against Coos County's wind hazards.

**FINDING:** The plot plan that the applicant supplied indicates the location of the proposed beach manhole will be well outside of the floodplain; therefore, these criteria do not apply.

### III. AGENCY COMMENTS

There have been no agency comments received as of the date of this report.

### IV. NOTIFICATION

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) and Dave Perry, DLCD and John Rowe, County Roadmaster, Mike Dado, County Surveyor. Notice of Decision was also provided to the following: Coos County Planning Commission, The Coos County Board of Commissioners, the special districts as noted above. 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 December 23, 2014.

### V. NOTICE OF APPEAL RIGHTS

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 Wednesday, January 07, 2015**, 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.
VI. CONCLUSION AND CONDITIONS

The applicant has met the criteria for a telecommunication structure with the exception of the conditions off approval listed:

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.

2. Response from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

3. Obtain a zoning compliance letter prior to construction.

Attachments: Applicant’s submittal