



**NOTICE OF LAND USE DECISION BY THE
COOS COUNTY PLANNING DIRECTOR**

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

Date of Notice: April 12, 2019
File No: ACU-19-003
RE: Request for a land use authorization for a Telecommunications Tower.
Applicant(s): Velocitel William H. Hitner Revocable Trust
4004 Kruse Way Place Suite 220 PO Box 635
Lake Oswego, OR 97034 Myrtle Point, OR 97458

This decision notice serves as public notice to all participants, adjacent property owners, special districts, agency with interests, or person with interests. If you are an adjacent property owner, this notice is being mailed to you because the applicant has applied for a use or activity on their property that requires that you receive notice pursuant to ORS 197.763. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of a person named in the affidavit to receive the notice shall not invalidate an ordinance. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.”

The requested proposal has been Approved Denied subject to the findings to the criteria found in Exhibit A. Approval is based on findings and facts represented in the staff report.

File Number: ACU-19-003
Applicant: Ed Fournier, Land Services Northwest (Verizon Wireless)
Account Number: 1267800
Map Number: 30S110000-00400
Property Owner: WILLIAM H. HITNER, JR. TRUST
HITNER, WILLIAM H., JR., TRUSTEE
PO BOX 635
MYRTLE POINT, OR 97458-0635
Situs Address: 99277 ROCK CRK RD MYRTLE POINT, OR 97458
Acreage: 640.00 Acres
Zoning: EXCLUSIVE FARM USE (EFU)
FOREST (F)

Special Considerations: FOREST MIXED USE (MU)
NATURAL HAZARD - LANDSLIDE (NHLND)

Proposal: Request for Planning Director Approval to expand a telecommunication facility in the Forest (F) zone as provided by Coos County Zoning and Land Development Ordinance (CCZLDO) §4.6.110 Administrative Conditional Development and Use subsection 1.b communication facilities.

Decision: This request meets the criteria subject to conditions of approval found at Exhibit A. Approval is based on findings and facts represented in the staff report.

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2019.aspx>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact Crystal Orr, Planning Specialist and the telephone number where more information can be obtained is (541) 396-7770.

This decision will become final at 12 P.M. on April 29, 2019 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Prepared by: 
Crystal Orr, Planning Specialist

Date: April 12, 2019

Authorized by: 
Jill Rolfe, Planning Director

Date: April 12, 2019

EXHIBITS

Exhibit A: Conditions of Approval
Exhibit B: Vicinity Map

The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2016.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

Exhibit C: Staff Report

EXHIBIT "A"
CONDITIONS OF APPROVAL

1. 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.
2. Riparian Vegetation Protection. 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 except that:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
3. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.
- b. 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.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

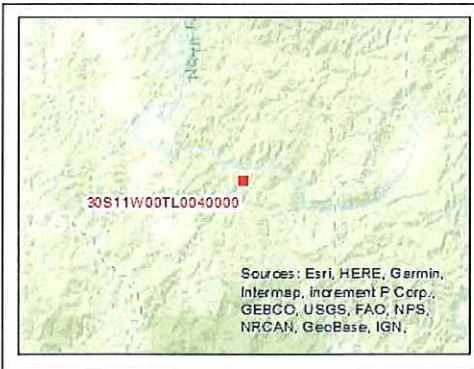
4. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
5. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
6. The applicant is responsible for complying with all local, state and federal rules that pertain with the approved development on this property.
7. The applicant shall obtain a zoning compliance letter.

EXHIBIT "C"
Notification Map



COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
 Physical Address: 225 N. Adams, Coquille Oregon
 Phone: (541) 396-7770
 Fax: (541) 396-1022/TDD (800) 735-2900



File: ACU-19-003

Applicant/ Owner: Velocitel - Crag Brunkenhoefer/
 William Hitner Jr. Revocable Living Trust

Date: May 11, 2019

Location: Township 30S Range 11W
 Section 00 (02) TL 400

Proposal: Administrative Conditional Use

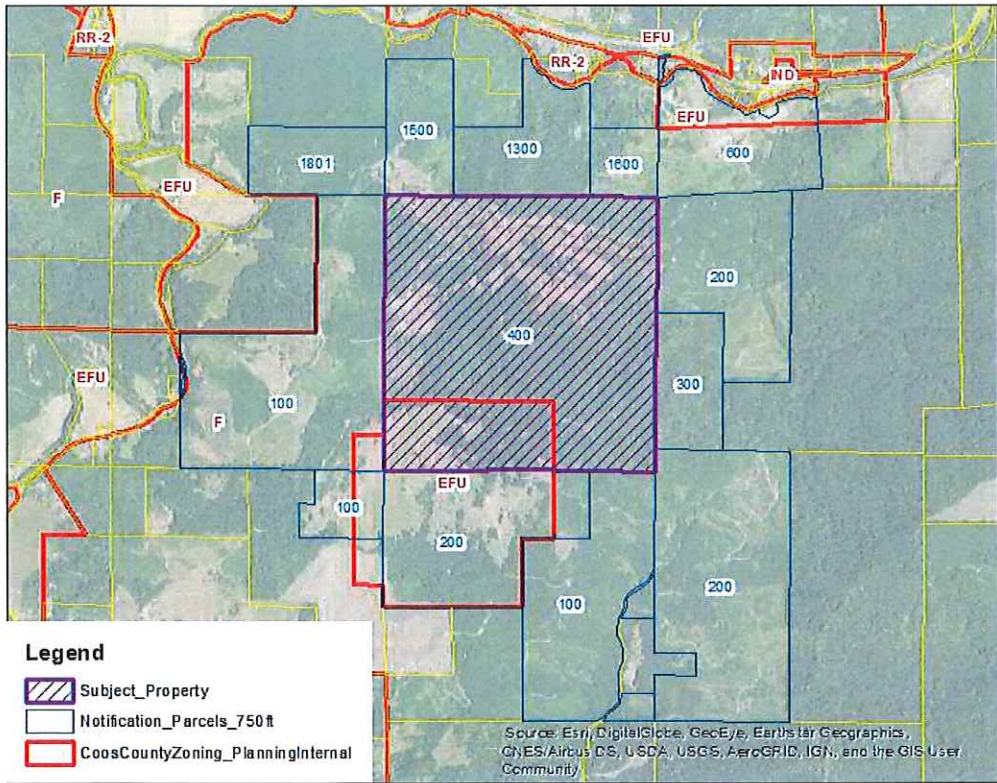


EXHIBIT "C"
Staff Report

File Number: ACU-19-003

Applicant: Ed Fournier, Land Services Northwest (Verizon Wireless)

Account Number: 1267800
Map Number: 30S110000-00400

Property Owner: WILLIAM H. HITNER, JR. TRUST
HITNER, WILLIAM H., JR., TRUSTEE
PO BOX 635
MYRTLE POINT, OR 97458-0635

Situs Address: 99277 ROCK CRK RD MYRTLE POINT, OR 97458

Acreage: 640.00 Acres

Zoning: EXCLUSIVE FARM USE (EFU)
FOREST (F)

Special Considerations: FOREST MIXED USE (MU)
NATURAL HAZARD - LANDSLIDE (NHLND)

Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report: April 12, 2019

I. PROPOSAL

Request for Planning Director Approval to expand a Telecommunication Facility in the Forest (F) zone as provided by Coos County Zoning and Land Development Ordinance (CCZLDO) §4.6.110 Administrative Conditional Development and Use subsection 1.b communication facilities.

II. BACKGROUND INFORMATION

On May 6, 2010 a Hearings Body Conditional Use (HBCU-10-03) was approved to allow a telecommunications facility. On May 13, 2010 a Zoning Compliance Letter was issued to allow the applicant to site a tower and structure to house equipment associated with the tower. On March 22, 2017 a Zoning Clearance Letter was issued to add antennas to the existing tower, the Zoning Clearance letter conditioned that there shall be no increase in height or footprint. ACU-19-003 was submitted on January 14, 2019 proposing to expand a cell tower lease site on this property to help close a significant coverage gap

III. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: This property is acknowledged as a lawfully created parcel pursuant to CCZLDO § 6.1.125(1)c as it was described by legal description conveying real property prior to 1986 (deed # 82-17852).

LOCATION: The subject property is southeast of the City of Myrtle Point at 99277 Rock Creek Rd.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is a large tract of forest/farm land with some roads developed to access the property. The property is heavily treed; there is a small portion in the southwest corner that appears to be pasture land.
- b. **PROPOSAL:** The application is proposing to expand a cell tower on this property to help close a significant coverage gap. The special considerations listed on this property are Forest Mixed Use and Landslide. The proposed expansion is located within the low landslide area and therefore does not require a geotechnical landslide review. The applicant's plot plan shows the location of the development.

IV. APPROVAL CRITERIA & FINDINGS OF FACT

- SECTION 4.6.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE: *The uses and their accessory uses listed in this section may be permitted as an administrative conditional use subject to applicable development standards for Forest and Forest Mixed Use zone and the following criteria*
 1. *Non Residential Uses*
 - b. *Television, microwave and radio communication facilities and transmission towers.*

Finding: This request required a conditional use application to be reviewed. The applicant supplied the application along with findings, plot plan and the deed of record. The project meets the requirements of § 4.6.110.

- SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS BODY APPLICATION REVIEW: *All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:*
 1. *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.*
 2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*
 3. *All uses must comply with applicable development standards and fires siting and safety standards.*

Finding: This property is surrounded by forest and farm lands. The proposed expansion is a 20x25 area that will be attached to the existing approved fenced compound. The new area will be sited on the side of the lease site closest to the road. The applicants plan to match the existing fencing. The current fenced compound is 2,600 square feet; the expansion will be 400 square feet. Staff finds that since the expansion is one sixth of the size it will not force a significant change in farm or forest practices. The site is accessed by a road that is already in place. The expansion will create a greater cell phone network allowing for any one conducting forest practices to call out for emergency services if needed. This will shorten response times and reduce impacts to the forestlands. The applicant has explained how the use will comply with applicable development standards; however, they will be a condition of approval. Therefore, the applicant has satisfied this criteria.

- **SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:** *This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.*
- 8. *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.*
- 9. *Riparian Vegetation Protection. 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 except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - j. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - k. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - l. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - m. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - n. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - o. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure*

and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".

- p. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- q. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

10. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.
- b. 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.
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- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

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40%	30	150

- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire

protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

Finding: The applicant has addressed the development criteria but this will also be a condition of approval.

V. DECISION:

This request meets the criteria subject to conditions of approval found at Exhibit A. Approval is based on findings and facts represented in the staff report.

VI. EXPIRATION AND EXTENSION OF CONDITIONAL USES

All non-residential conditional uses within resource zones are valid (2) years from the date of approval. The date of final approval is from the appeal deadline. Therefore, if this application cannot be implemented prior to April 29, 2021 then an extension must be submitted and approved or this review will expire.