



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: May 9, 2019
File No: ACU-19-009
RE: Request for a Forest Template Dwelling
Applicant(s): Kenneth & Julie Robbers
155 N Tenmile Lane
Lakeside, OR 97449

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.

Subject Property Information

Account Number: 7593800
Map Number: 23S120800-00700
Property Owner: ROBBERS, KENNETH V & JULIE A
155 N TENMILE LK
LAKESIDE, OR 97449-8647
Situs Address: 72317 POTLATCH RD LAKESIDE, OR 97449
Acreage: 6.00 Acres
Zoning: FOREST (F)
Special Considerations: BIRD SITE MEETS GOAL 5C REQMT (B5C)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
LAKESIDE AIRPORT CONICAL ZONE (ALC)
NATIONAL WETLAND INVENTORY SITE (NWI)

Notice shall be posted from May 9, 2019 until 5:00PM May 24, 2019

NATURAL HAZARD - TSUNAMI (NHTHO)

Proposal/Criteria: Request for Planning Director Approval for a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria, and § 4.11.125 Special Development Considerations .

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 5 P.M. on May 24, 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 Date: May 9, 2019
Crystal Orr, Planning Specialist

Authorized by: Jill Rolfe Date: May 9, 2019
Jill Rolfe, Planning Director

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The Exhibits below are mailed/mailed to the Applicant and Planning Commission only. Copies are available upon request or at the following website:

<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment--Applications2019.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 D: Comments Received

EXHIBIT "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from Department of State Lands it is the responsibility of the property owner to comply.
2. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization.
3. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 - a. All uses must comply with applicable development standards and fire siting and safety standards.
 - b. Verification from the Water Resources Department that a water use permit is not required for the use described in the application must be received.
4. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with prior to issuance of a zoning compliance letter:
 - a. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
 - b. The dwelling shall not be sited on a slope of greater than 40 percent.
 - c. The applicant shall provide a statement that if the dwelling has a chimney or chimneys; each chimney shall have a spark arrester.
 - d. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break
5. An Access/Driveway Road/ Parking Verification Permit application must be submitted to the Planning Department and signed off by the Coos County Road Department prior to the issuance of a Zoning Clearance Letter.
6. The applicant shall maintain the 50' riparian vegetation setback as well as the Coastal Shoreland boundary riparian removal standards. If any riparian vegetation removal within the Coastal Shoreland Boundary is proposed, a Conditional Use must be submitted for Coos County Planning Approval.
7. Staff must receive a new plot plan showing all improvements with descriptions of what those structures are being used for prior to receiving a Zoning Clearance Letter.
8. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling and accessory structures on the property. This will be issued after all conditions have been satisfied.

EXHIBIT "B"
Vicinity Map



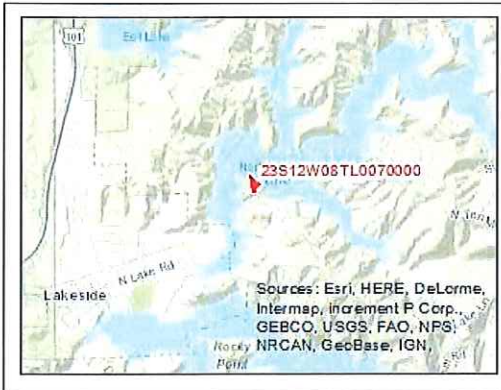
COOS COUNTY PLANNING DEPARTMENT

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-19-009

Applicant/
Owner: Kenneth & Julie Robbers

Date: April 17, 2019

Location: Township 23S Range 12W
Section 08 TL 700

Proposal: Administrative Conditional Use

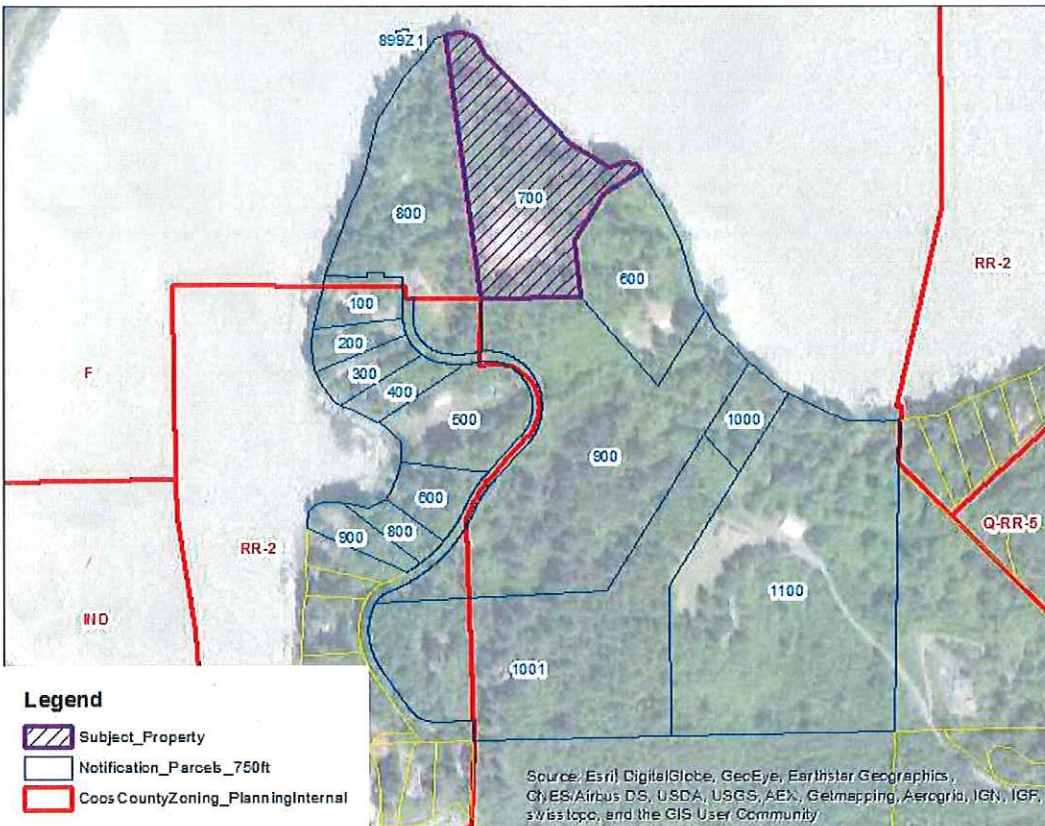


EXHIBIT "C"
Staff Report

File Number: ACU-19-009

Applicant: Kenneth & Julia Robbers

Account Number: 7593800
Map Number: 23S120800-00700

Property Owner: ROBBERS, KENNETH V & JULIE A
155 N TENMILE LK
LAKESIDE, OR 97449-8647

Situs Address: 72317 POTLATCH RD LAKESIDE, OR 97449

Acreage: 6.00 Acres

Zoning: FOREST (F)

Special Considerations: BIRD SITE MEETS GOAL 5C REQRMT (B5C)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
LAKESIDE AIRPORT CONICAL ZONE (ALC)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - TSUNAMI (NHTHO)

Reviewing Staff: Crystal Orr, Planning Specialist

Date of Report: May 9, 2019

I. PROPOSAL

Request for Planning Director Approval for a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria, and § 4.11.125 Special Development Considerations.

II. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: The unit of land was created pursuant to 6.1.125.1.c in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created. (Roads End Subdivision 1st addition Lot 15) The current configuration was achieved through a Property Line Adjustment in 1995 (application number ACU-95-85).

LOCATION: The subject property is located on Tenmile Lake northeast of the City of Lakeside and accessed through a private easement off of Potlatch Road.

BACKGROUND: On January 11, 1996 an Administrative Conditional Use (ACU-95-85) was approved to allow a property line adjustment with tax lot 600. It appears there was an incorrect property line

adjustment deed filed with the Coos County Clerk's office, which created an illegal land division. This matter has been resolved as the two tax lots have been consolidated to one legal parcel.

In 2002 information was received from Oregon Department of State Lands that a dock was sited on the property without permits, which created a violation of the Coos County Zoning and Land Use Ordinance (CCZLDO). The property owners at the time resolved the issue by obtaining an after the fact Zoning Clearance Letter (ZCL-02-203). The violation was removed and the dock was registered with the State.

In 2005 a pre-eligibility application was submitted on the subject property and met the template requirements but the pre eligibility was denied because the Property Line Adjustment that was approved in 1996 was recorded incorrectly and divided the property rather than adjusting. This matter was resolved as the two tax lots were consolidated to one lawfully created unit of land. In 2008 a Conditional Use application (ACU-08-20) for a Forest Template Dwelling was submitted. Staff approved the request on June 27, 2008. On July 24, 2008 staff received a request from the applicants for a Reconsideration of the Conditional Use to adjust the Dwelling location because the Coos County Road Department determined that the driveway would be too steep for the initial location. On July 11, 2008 a Reconsideration of ACU-08-20 was approved to allow the dwelling site to be altered due to sloping issues.

On September 4, 2008 a Variance to the Coos County Road Standards (V-08-05) was approved to waive the 12% grade requirement. On May 23, 2012 a request for an extension and modification to the conditions of approval in V-08-05 was received. On June 7, 2012 staff approved the extension and explained that the applicant could contact the Coos County Road Department regarding the modifications of the road requirements. Staff did find a letter from June 11, 2011 from John Rowe, Coos County Roadmaster that stated "due to the topography of the proposed driveway a paved 11 foot surface and a 12 foot wide rock base as quoted by Knife River Materials. On July 16, 2014 an Extension was approved, which extended the approval within ACU-08-20 until July 16, 2016. On December 3, 2015 a Zoning Clearance Letter (ZCL-15-340) was issued giving clearance to site a single family dwelling, accessory structure and install septic. The Zoning Clearance Letter stated that the administrative conditional use expires on July 11, 2016 and if the dwelling is not sited before this date then an extension must be submitted. The dwelling was not sited within the timeframe and extension was not requested. The property owner did site the accessory structure.

According to aerial photos it appears there is more development than what is depicted on the Plot Plan. The applicant will need to submit a corrected plot plan with all development before receiving a Zoning Clearance Letter for development to ensure that all structures met the required setback. An after the fact Zoning compliance letter may be required if the structures did not receive proper permits.

Staff did not receive an extension request prior to the expiration of the Conditional Use (ACU-08-20) by the deadline, (July 16, 2016) and; therefore, the current property owners submitted a new Conditional Use application to request a Forest Template Dwelling.

- **Forest Mixed Use (FMU)**

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 than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the Predominate use of the tract on January 1, 1993.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

- **Dwelling**

Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

TEMPLATE DWELLING

- **SECTION 4.6.110(3)(b) RESIDENTIAL USES [IN THE FOREST ZONE]- TEMPLATE DWELLING**

- b. **Template Dwelling**

A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

- i. *There are no other dwellings on the tract on which the dwelling will be sited.*

FINDING: The subject property contains approximately 6 acres. There are no other dwellings within the tract.

Therefore, this criterion has been met.

- ii. *There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.*

FINDING: There is no deed restrictions listed in the current recorded deed of records regarding establishing a dwelling on the subject property.

Therefore, this criterion has been met.

- iii. *The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year*

	CF/Ac/Yr of Growth		
	0-49	50-85	+85
<i>Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.</i>	3	7	11

Required minimum number of dwellings existing on January 1, 1993,
on the lots or parcels

3

3

3

NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

- iv. *If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:*
 - 1) *Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream. or*
 - 2) *Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
- v. *If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.*
- vi. *The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.*

FINDING: Evidence in the record indicates there are no deed restrictions that would prohibit a dwelling on the subject property. Based on soil types and cubic foot per acre per year growth, this criterion requires a demonstration of 11 parcels and 3 dwellings within 160 acre square centered on the subject tract. Staff applied the 160-acre square centered on the center of the subject tract. After applying the template to the subject property it exceeds the number of parcels and dwellings.

Therefore, the criteria listed in Section 4.6.110.3.b have been complied with.

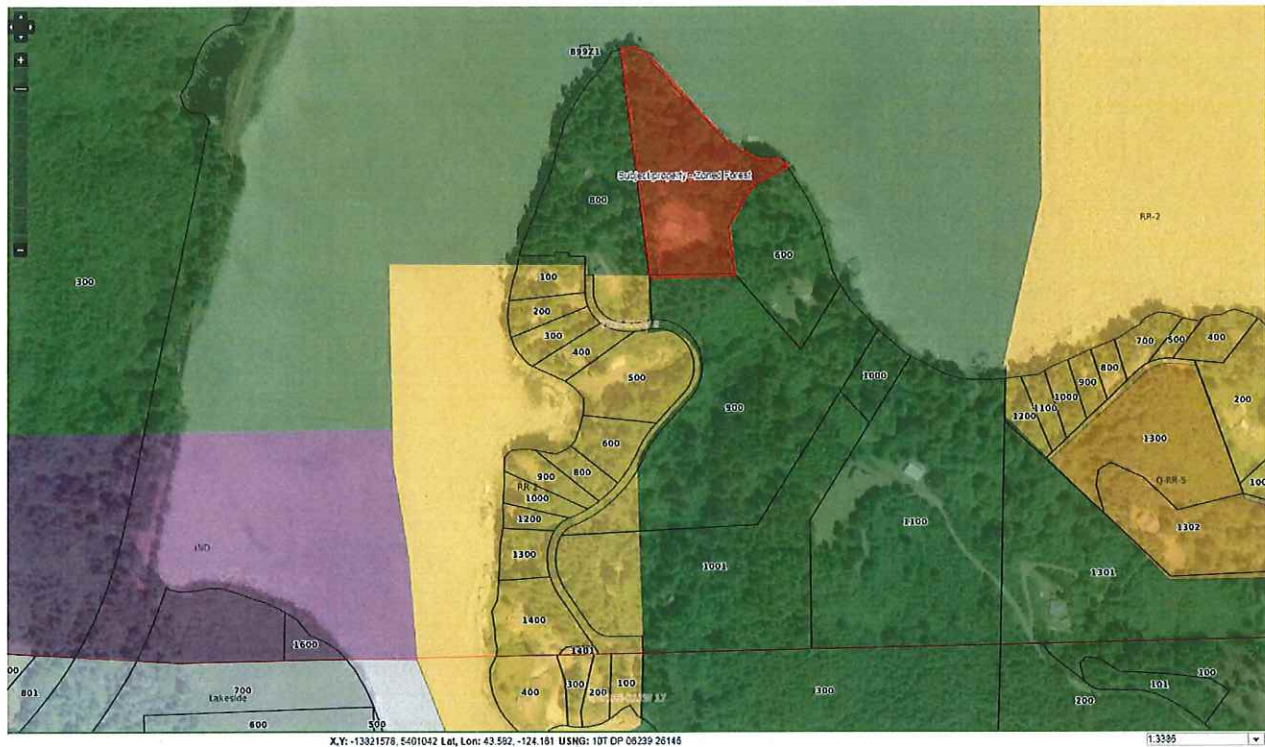
- **SECTION 4.6.130 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY):**

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:

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.*

FINDING: The property is six (6) acres in size and abuts the lake to the north and south, and the property is bordered on the other sides by Forest with the exception of the southwestern corner that abuts Rural Residential. The property will be accessed through Potlatch Road, through a private easement. The Dwelling is proposed to be sited on the southern part on the parcel. The surrounding parcels do not appear from aerial photos and assessment records that they have farm or forest practices.



Staff finds that within the template property buffer there are a couple different zones, Forest and Rural Residential.

Therefore, staff finds that the proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices.

2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

FINDING: This property is located within the Lakeside Fire District.

If the property developer clears the sites and complies with the noncombustible material regulation then a Single Family Dwelling will not significantly increase fire hazard or significantly increase fire suppression costs. Therefore, this criterion has been addressed.

3. *All uses must comply with applicable development standards and fires siting and safety standards.*

FINDING: This criterion is addressed in CCZLDO 4.6.140. Therefore, this criterion has been addressed.

4. *A "Forest Management Covenant", which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.*

FINDING: A Forest Management Covenant was recorded on July 14, 2008.

Therefore, this criterion has been addressed.

5. *The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*

a. Dwellings and structures shall be sited on the parcel so that:

- i. They have the least impact on nearby or adjoining forest or agricultural lands.*
- ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*
- iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And*
- iv. The risks associated with wildfires are minimized.*

b. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposed of this Section, evidence of a domestic water supply means:

- i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water.*
- ii. A water use permit issued by the Water Resources Department for the use described in the application. Or*
- iii. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the*

applicant shall submit the well constructor's report to the County upon completion of the well.

FINDING: Some of this criterion has been addressed as part of other provisions within this staff report. Impacts to nearby resource land is addressed in § 4.6.130(1). Impacts to forest operations and accepted farming practices are addressed in § 4.6.130(4). The amount of forest land used for the proposed use is addressed in § 4.6.130(1). The risk from wildfires is addressed § 4.6.140(7-17). As a condition of approval verification from the Water Resources Department that a water use permit is not required for the use described in the application must be received.

Therefore, this criteria has been addressed.

6. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*

FINDING: Access to the subject property is through a private easement through Potlatch Rd.

Therefore, this criterion has been addressed.

7. *Approval of a dwelling shall be subject to the following additional requirements:*
 - a. *Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.*
 - b. *The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.*
 - c. *If the lot or parcel is more than 10 acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.*
 - d. *Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.*
 - e. *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest,*

prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

FINDING: The subject property is less than 10 acres; therefore, a stocking survey will not be required. A Forest Management Covenant form was received on July 14, 2008.

Therefore, this criterion has been addressed.

• **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.

1. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

FINDING: No new lot is being created as a result of this application. The subject lot was lawfully created pursuant to CCZLDO §.1.125.1.c.

Therefore, this criterion has been met.

2. *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.*

FINDING: Based on the submitted Plot Plan the proposed Dwelling meets the required setbacks.

Therefore, this criterion has been met.

3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*

FINDING: There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.

Therefore, this criterion has been addressed.

4. *Off-Street Parking and Loading: See Chapter VII.*

FINDING: The Road/ Driveway Access Application was not submitted. And therefore as a condition of approval the Driveway Access application must be submitted and signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter.

Therefore, this criterion has been addressed.

5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a*

Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.

FINDING: This requirement will be addressed by the “Forest Management Covenant” requirement stipulated above.

Therefore, this criterion has been met.

6. *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.*

FINDING: The applicant must maintain the 50’ riparian vegetation setback as well as the Coastal Shoreland boundary riparian removal standards. If any riparian vegetation removal within the Coastal Shoreland Boundary is proposed, a Conditional Use must be submitted for Coos County Planning Approval.

Therefore, this criterion has been met.

7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district,*

the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.

FINDING: The subject property is located within the boundaries of the Lakeside Fire District.

Therefore, this criterion has been met.

8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
 - a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

FINDING: The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicant shall comply with alternative forms of fire protection.

Therefore, this criteria has been addressed.

9. *Fire Siting Standards for New Dwellings:*
 - a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

FINDING: The property owner shall provide proof that a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter prior to the issuance of a zoning clearance letter.

Therefore, this requirement has been addressed.

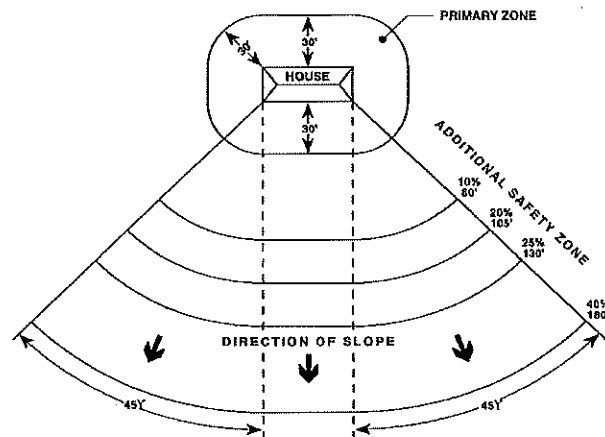
10. *Firebreak:*
 - a. *A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.*

- 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.
- 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

EXAMPLE OF SAFETY ZONE SHAPE



FINDING: This property is mostly comprised of 8B, Bullards Sandy Loam loam with no to seven (7) percent slopes. This percentage of slope does not require an additional setback. The required setback is 30 feet; all distances from the dwelling to property lines exceed this setback based on the submitted plot plan.

Therefore, this criterion has been addressed.

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.

FINDING: As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement.

Therefore, this criterion has been addressed.

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: As a condition of approval if a water supply exceeding 4,000 gallons is available for fire suppression a road access and turning space shall be required.

Therefore, this criterion has been addressed.

13. *The dwelling shall not be sited on a slope of greater than 40 percent.*

FINDING: The dwelling shall not be sited on a slope of greater than 40%.

Therefore, this criterion has been addressed.

14. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

FINDING: As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester.

Therefore, this criterion has been addressed.

15. *The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.*

FINDING: The subject property is located within the boundaries of the Lakeside Fire Protection District.

Therefore, this criterion has been met.

16. *Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.*

FINDING: The Road/ Driveway Access Application was not submitted. As a condition of approval the Driveway Access application must be submitted to the Planning Department along with the required fee (\$153). The Driveway must be signed off by the Coos County Road Department stating that it meets standards found in Chapter 7 prior to receiving a Zoning Clearance Letter.

Therefore, staff finds that the road and driveway will provide adequate access for firefighting equipment.

17. *Access to new dwellings shall meet road and driveway standards in Chapter VII.*

FINDING: The Road/ Driveway Access Application was not submitted. As a condition of approval the Driveway Access application must be submitted to the Planning Department along with the fee (\$153). The Driveway must be signed off by the Coos County Road Department stating that it meets standards found in Chapter 7 prior to receiving a Zoning Clearance Letter.

Therefore, this criterion has been met.

• **SECTION 4.11.125 SPECIAL DEVELOPMENT CONSIDERATIONS:**

5. Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

The Coastal Shoreland Boundary map has inventoried the following:

- Coastal Shoreland Boundary
- Beach Erosion
- Coastal Recreation Areas
- Area of Water-Dependent Uses
- Riparian Vegetation
- Fore Dunes
- Head of Tide
- Steep Bluffs over 50% Slope
- Significant wetland wildlife habitats
- Wetlands under agricultural use
- Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands
- Headland Erosion

Purpose Statement:

Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: 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. 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.

FINDING: The property has the Coastal Shoreland Boundary special consideration. The requested development is not within the Coastal Shoreland Boundary found on the special considerations map.

As a condition of approval, if any development or tree removal is proposed within the Coastal Shoreland Boundary a Conditional Use application with applicable criteria must be submitted to receive Coos County Planning Department approval.

Therefore, this criterion has been addressed.

6. Significant Wildlife Habitat (Balance of County Policy 5.6)

The Fish & Wildlife Habitat Map I (1985 Ordinance 85-08-011L) has inventoried the following:

The following shall be considered "5c" Goal #5 resources (pursuant to OAR 660-16-000) the following:

- "Sensitive Big-game Range"
- Salmonid Spawning and Rearing Areas
- Bird Habitat Sites (listed in the following table)

The following bird habitat areas that are considered Goal #5 "5c" resources:

	Location		Area
	Township	Range Section	
Bald Eagle Nests	23S	13W 23	(Tenmile)
	23S	11W 05	(Big Creek)
	23S	12W 21	(Willow Point)
	24S	12W 04	(Palouse)
	24S	13W 36	(Mettman)
	25S	11W 29	(Bessy Cr.)
	25S	11W 33	(Dellwood)
	25S	11W 22	(Rachel Cr.)
	25S	11W 32	(Morgan Ridge)
	26S	14W 14	(So. Slough)
	27S	13W 09	
	28S	10W 09	(Brewster Gorge)
	31S	12W 16	(Baker Creek)
	29S	14W 31	(Twomile Creek)
28S	14W 11	(Randolph)	
Great Blue Heron Colonies	24S	13W 27 SW¼	
	25S	14W 24 SE¼	
	23S	13W 26	(Saunders Lake)
	24S	13W 23	(North Bay)
	25S	11W 15	(Weyerhaeuser)
	25S	12W 31 NW¼	(Catching Slough)
	25S	14W 24	(North Spit)
	26S	14W 11	(So. Slough)
	25S	13W 24	
	26S	14W 14NE¼, SE¼	
	27S	14W 35 SE½, NW¼	(Sevenmile)
	26S	14W 14 NW¼	
	30S	15W 15	(Muddy Lake)
23S	12W 28	(Templeton Arm)	
Band-Tailed Pigeon Mineral Springs	24S	13W 24&25	(Haynes)
	25S	13W 24	(Cooston)
	26S	13W 01	
	28S	14W 10	(Prosper)
	29S	11W 26	
	29S	11W 35	(Blueslide)
29S	11W 36	(Rock Quarry)	

Uses and activities deemed compatible with the objective of providing adequate protection for all identified Statewide Planning Goal 5 resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along stream banks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

- a. 5c Bird Sites protection shall be implemented by:
 - i. County reliance upon the Oregon Department of Forestry and Oregon Department of fish and Wildlife insuring adequate protection of "5c" bird sites from possible adverse impacts of timber management practices thru the Forest Practices Act;
 - ii. Use of the Fish and Wildlife Plan Maps and detailed inventories above to identify "5c" bird sites subject to special protection;
 - iii. For "5c" bird site protection, stipulating in the Zoning and Land Development Ordinance that conflicting uses shall be reviewed by the Oregon Department of Fish and Wildlife to determine that any proposed use is not expected to produce significant and unacceptable environmental impacts on any of the "5c" bird sites; and
 - iv. Stipulating on County Zoning Clearance Letters that establishment of conflicting uses adjacent to "5c" bird sites shall be permitted only pursuant to the provisions of this policy.
 - v. Coos County shall require a location map for any development activity with the exception of grazing within its regulatory scope that is determined to be within a "5c" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion within 10 days as to whether the development is likely to produce significant and unacceptable impacts upon the "5c" resource, and what safeguards it would recommend to protect the resource. If ODFW's determinations the development will impact the "5c" bird habitat a conditional use will be required by the applicant. ODFW's and the applicants findings will be reviewed based upon sound principles of conservation and appropriate balancing of the ESEE consequences so if conflicting uses are allowed the resource site is protected to some extent. The ACU will be processed pursuant to Article 5.0. If ODFW's determination does not show any impacts then a zoning compliance letter may be issued if the use is permitted or has completed a conditional use process.

FINDING: This parcel is within the Special Development Consideration Bird Site Meets Goal 5C Site and requires notice to be provided to the Oregon Department of Fish & Wildlife. Staff sent a request for comments on March 26, 2019. Chris Claire, Habitat Protection Biologist employed by Oregon Department of Fish & Wildlife responded on March 28, 2019. He recommended that the installation of the septic system meet all requirements and that any untreated sewage will never enter the lake. He recommended that the applicant plant trees downslope of the sewer line drainfield as a measure to uptake some of the post leach field nutrients that are carried through drainfield water. The department recommends that best management practices including the use of silt fence, minimizing disturbance of soils to the degree reasonable, and directing stormflow water from the site into vegetated areas where it will filter turbidity in order to reduce the potential that sediment laden water moves into nearby streams or watercourses. There are several historic raptor

nesting sites within one mile of the proposed construction site and perhaps others that we do not know about. The presence of these nests is cause for concern and our agency is cautious about any activity that may disturb nesting birds, specifically bald eagles and osprey. The Department uses these rules as guidelines when making any determination related to construction activities. The critical use period for bald eagles nesting sites is defined between the following dates: January 1st - August 31st (FPA 629-665-0220). The critical use period for osprey resource sites, which include nest trees, is defined between the following dates: March 1st – September 15th (FPA 629-665-0110).

For this particular project, if a nest site is detected within the immediate vicinity (defined as: on the property or adjoining properties) of the project the Department recommends that work occur outside those windows. In order to ensure protection of any nest sites, and in line with the Forest Practices Act (629-665-0020), “When (or if) a resource site (nest) is discovered by the operator, timber owner or landowner during a forests operation (construction activity), the party making the discovery shall: ... (b) Immediately notify ODFW. This notification should apply to any nesting sites within one-half mile of the property.

7. Natural Hazards (Balance of County Policy 5.11)

The Natural Hazards map has inventoried the following *hazards*:

- Flood Hazard
 - Riverine flooding
 - Coastal flooding
- Landslides
- Earthquakes
 - Liquefaction potential
 - Fault lines
- Tsunamis
- Erosion
 - Riverine streambank erosion
 - Coastal
 - Shoreline and headlands
 - Wind
- Wildfire
 - High wildfire hazard
 - Gorse fire

Purpose Statements:

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 river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 5.11.100.2.c.

Hazard review shall not be considered applicable to any application that has received approval and requesting an extension to that approval or any application that was deemed completed as of the date this

ordinance effective (July 31, 2017). If a land use authorization has expired the applicant will be required to address any applicable hazards.

c. Tsunamis: Coos County shall promote increased resilience to a potentially catastrophic Cascadia Subduction Zone (CSZ) tsunami through the establishment of a Tsunami Hazard Overlay Zone (THO) in the Balance of County Zoning. See Sections 4.11.260-4.11.270 for the requirements of this overlay zone.

FINDING: The Tsunami Hazard Overlay was adopted to increase the resilience of Coos County by establishing standards and requirements and also to bring forth the knowledge of potential loss in the areas that are subject to damage in the event of a tsunami. Certain development within the Tsunami Hazard Overlay Zone is prohibited or requires an exception to receive approval. There are no added requirements for residential development within the Tsunami Hazard Overlay.

Therefore this criterion has been addressed.

Bandon, Lakeside and Powers Airports

SECTION 4.11.300 PURPOSE:

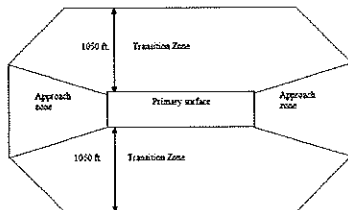
The purpose of the Airport Surface Floating zone is to protect public health, safety and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport’s vicinity. An obstruction may affect future instrument approach minimums and obstructions may reduce the area available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

SECTION 4.11.305 DESIGNATION OF AIRPORT SURFACES:

Those lands lying beneath the approach surfaces, transition surfaces, horizontal surfaces and conical surfaces as they apply to the “Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map” shall be subject to the requirements of this floating zone. Southwest Regional Airport Surfaces (AKA North Bend Municipal Airport) regulations can be found in Sections 4.11.400 through 4.11.460.

SECTION 4.11.310 AIRPORT SUB-ZONES:

Sub-zones are hereby established and defined as follows:



3. Horizontal Conical Zone – The horizontal conical zone is established by swinging arcs of 9,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal conical zone does not include the approach and transitional zones.

FINDING: This property is located within the Lakeside Airport Conical Zone. A request for comments was sent to Oregon Department of Aviation on March 26, 2019. Jeff Caines, Oregon Department of Aviation Planner responded that the proposal will not cause a hazard to air navigation.

ORS 215.418 Approval of development on wetlands; notice.

(1) After the Department of State Lands has provided the county with a copy of the applicable portions of the Statewide Wetlands Inventory, the county shall provide notice to the department, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following that are wholly or partially within areas identified as wetlands on the Statewide Wetlands

(b) Building permits for new structures;

FINDING: Pursuant to Section 5.10.400 Notification, staff must give Oregon Department of State Lands 30 days to comment. A request for comments was sent and they responded that a state permit will not be required for the proposed project because based on the submitted site plan the project avoids impacts to jurisdictional wetlands, waterways or other waters.

OVERLAY ZONE: FLOODPLAIN

DESIGNATION: /FP

SECTION 4.11.211 AUTHORIZATION

The State of Oregon has been delegated the responsibility through local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Coos County does ordain as follows:

SECTION 4.11.212 FINDINGS OF FACT

1. The flood hazard areas of Coos County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

SECTION 4.11.213 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief effects associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy areas of special flood hazard assume responsibility for their actions.

FINDING: The requested development is not within the current mapped floodplain hazard area. Therefore this criterion has been addressed.

VI. DECISION:

There is evidence to adequately address the criteria for a Forest Template Dwelling therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:

- e. *Time frames for conditional uses and extensions are as follows:*
 - a. *All conditional uses within non-resource zones are valid four (4) years from the date of approval; and*
 - b. *All conditional uses for dwellings within resource zones outside of the urban growth boundary or urban unincorporated community are valid four (4) years from the date of approval.*
 - c. *All non-residential conditional uses within resource zones are valid (2) years from the date of approval.*
 - d. *For purposes of this section, the date of approval is the date the appeal period has expired and no appeals have been filed, or all appeals have been exhausted and final judgments are effective.*
 - e. *Additional extensions may be applied.*
 - f. *Extensions are subject to notice as described in § 5.0.900(2) and appeal requirements of 5.8 for a Planning Director's decision.*

This conditional use is for a residential conditional use within a resource zone and is valid for four years for the date of final approval **(May 24, 2023)**

VIII. NOTICE REQUIREMENTS:


A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD
Lakeside Fire Department

Planning Commission
Board of Commissioner

EXHIBIT "D"

Comments Received


Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WNS#
WN2019-0166

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Crystal Orr	County	Coos
Local case file #	County	
ACU-19-009	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
23S	12W	03		700

Street Address
Address Line 2
City
Postal / Zip Code

State / Province / Region
Country

Latitude
43.586862

Longitude
-124.152113

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

The property includes or is adjacent to designated Essential Salmonid Habitat.

The property includes or is adjacent to state-owned waters.

Your Activity

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information

Additional Comments
This response is for only the house, as shown in the submitted site plan. This part of the 2 properties (700, 701) is elevated above the jurisdictional waters of the lake and does not impact wetlands or other waters.
This is a preliminary jurisdictional determination and is advisory only.
This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date
4/29/2019

Response by:
Lynne McAllister

Response Phone:
503-986-5300

Crystal Orr

From: CAINES Jeff [Jeff.CAINES@aviation.state.or.us]
Sent: Wednesday, April 03, 2019 3:22 PM
To: Crystal Orr
Subject: RE: Request for comments ACU-19-009

Crystal:

Not a hazard to air navigation.

Jeff

JEFF CAINES, AICP
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER / SCIP COORDINATOR

OFFICE 503-378-2529
CELL/TEXT 503-507-6965

EMAIL jeff.caines@aviation.state.or.us
WEBSITE www.oregon.gov/aviation

3040 25th Street SE, Salem, OR 97302

From: Crystal Orr [<mailto:corr@co.coos.or.us>]
Sent: Tuesday, March 26, 2019 12:59 PM
To: CAINES Jeff; CLAIRE Christopher W
Subject: Request for comments ACU-19-009

Attached please find request for comments for the proposal to site a single family dwelling on a lot in Lakeside OR.

Jeff, This is within the Lakeside Airport Conical Zone

Chris, This property is within the Bird Site Meets Goal 5C.

Thank you,

Crystal Orr

Crystal Orr, Planning Specialist
Coos County Planning Department
225 N. Adams (physical address)
250 N. Baxter (mailing address)
Coquille, OR 97423

Crystal Orr

From: Christopher Claire [Christopher.w.Claire@state.or.us]
Sent: Thursday, March 28, 2019 9:58 AM
To: Crystal Orr
Subject: RE: Request for comments ACU-19-009

Coos County Planning,

Comments for property at Township 23 Range 12 Section 08; Tax Lot 700:

Tenmile Lakes are strategically important for production of native anadromous and resident fish including coho salmon (*Oncorhynchus kisutch*), winter steelhead (*O. mykiss irideus*), adfluvial coastal cutthroat trout (*O. clarki clarki*), and Pacific lamprey (*Entosphenus tridentata*). Historically, abundance of coho salmon returning to the lake was as high as 100,000 fish. Water quality impacts have substantially contributed with a number of other factors to severe decline of coho returning to the lakes. In historical condition prior to human induced impacts the lake habitats would have been considered Category 3 (Essential Habitat or Important and Limited) under the Oregon Department of Fish and Wildlife (Department) Habitat Mitigation Policy OAR 635-415. Despite impacts to habitat quality, the lake continues to be critically important for production of native fish. The upland habitats have been reduced from Category 1 or 2 habitat quality/function to Category 3 or 4.

Water quality issues related to algae blooms result in reduced aquatic production of fish and wildlife. Algae blooms can be heavily related to phosphorus entering the lake as this is often the limiting growth factor for algae. Untreated sewage can be a source of phosphorus in a highly usable organic form.

The Department has the following comments/recommendations:
Comments/Recommendations:

Sewer System;

- The applicant receive all applicable Oregon Department of Environmental Quality (DEQ) permits for any sewer systems installed.

- Assuming that a sewer system is approved by DEQ for the site, measures should be taken to ensure the installation meets all requirements and is constructed such that any untreated sewage will never enter the lake.

- The applicant consider retaining or planting trees downslope of the sewer line drainfield as a measure to uptake some of the post leachfield nutrients that are carried through drainfield water.

Construction

- The Department recommends that standard Best Management practices (e.g. excavating from top of bank; use of silt fence), including use of silt fence, minimizing disturbance of soils to the degree reasonable, and directing stormflow water from the site into vegetated areas where it will filter turbidity in order to reduce the potential that sediment laden water moves into nearby streams or watercourses.

- It is unclear from the application if the landowner intends to install a dock or boat landing structure. Docks and infrastructure that is installed overwater results in reduction of light penetration and subsequent decrease in aquatic vegetation that is able to grow on the lake substrates. Resultantly, there is an overall decrease in the productive capacity of the zone to provide food for native fishes including juvenile coho salmon. Additionally shadow habitat created by docks and walkways result in areas where predator fish are able to stage to consume native migratory fish including cutthroat trout and juvenile coho. The Department has developed dock guidelines for minimizing impacts of docks to production of aquatic vegetation and to reduce the potential that predatory fish will use the

location as an area to feed on native fish. The dock guidelines include measures such as installing decking that allows for light penetration and not installing treated wood (see attached).

- There are several historic raptor nesting sites within one mile of the proposed construction site and perhaps others that we do not know about. The presence of these nests is cause for concern and our agency is cautious about any activity that may disturb nesting birds, specifically bald eagles and osprey. The Department uses these rules as guidelines when making any determination related to construction activities. The critical use period for bald eagles nesting sites is defined between the following dates: January 1st - August 31st (FPA 629-665-0220). The critical use period for osprey resource sites, which include nest trees, is defined between the following dates: March 1st - September 15th (FPA 629-665-0110). For this particular project, if a nest site is detected within the immediate vicinity (defined as: on the property or adjoining properties) of the project the Department recommends that work occur outside those windows.

- In order to ensure protection of any nest sites, and in line with the Forest Practices Act (629-665-0020), "When (or if) a resource site (nest) is discovered by the operator, timber owner or landowner during a forests operation (construction activity), the party making the discovery shall: ... (b) Immediately notify ODFW. This notification should apply to any nesting sites within one-half mile of the property.

Thanks, for your conservation of Oregon's Fish and Wildlife resources,

Chris,

Christopher W. Claire
Habitat Protection Biologist

John McLaughlin
Asst. District Wildlife Biologist
Oregon Dept. of Fish and Wildlife
P.O. Box 5003
Charleston, OR 97420
541-888-5515
Wk. cell # 541-551-1631