



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: July 17, 2019

File No: ACU-19-010

RE: Request for a land use authorization to alter the existing single family Dwelling within the Beaches and Dunes Areas with Limited Suitability.

Applicant(s): Keith Seibert
3138 Footh Creek Rd.
Gold Hill, OR 97525

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: 7381400
Map Number: 23S1334DD-00900

Property Owner: 92612 DUNES LANE LLC
@ SEIBERT, KEITH R.
3138 FOOTS CRK RD
GOLD HILL, OR 97525-6730

Situs Address: 92612 DUNES LN NORTH BEND, OR 97459

Acreage: 0.72 Acres
Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Considerations: BEACHES/DUNES - LIMITED (BDL)
Request for Planning Director Approval Request for Planning Director Approval

Proposal/Criteria: for alteration of an existing single family dwelling located within the Natural

Notice shall be posted from July 17, 2019 until 5 PM August 1, 2019

Hazard Overlay of Beaches & Dunes Limited Suitability, Coastal Erosion & Coastal Shoreland Boundary pursuant to Coos County Zoning and Land Development Section 4.11.125 Special Development Considerations – Subsection 4 Beaches and Dunes (Policy 5.10).

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-2018.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 July 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: Amy Dibble Date: July 17, 2019
Amy Dibble

Authorized by: Jill Rolfe Date: July 17, 2019
Jill Rolfe, Planning Director

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/PlanningDepartmentApplications-2019.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

The applicant has met the criteria to site a Single Family Dwelling, with the following conditions:

- a. 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.
- b. 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.
- c. No large conifer shall be removal within the proposed building footprint. Based on the existing site grades, storm water runoff is directed away from the building footprint such that no significant grading will be required to provide positive surface drainage. The applicant shall not make changes to the site to change the storm water runoff pattern.
- d. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction.

EXHIBIT "C"
Staff Report

File Number: ACU-19-010
Account Number: 7381400
Map Number: 23S1334DD-00900

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@ SEIBERT, KEITH R.
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Acreage: 0.72 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Considerations: BEACHES/DUNES - LIMITED (BDL)

Reviewing Staff: Amy Dibble
Date of Report: July 17, 2019

I. PROPOSAL

Request for Planning Director Approval Request for Planning Director Approval for alteration of an existing single family dwelling located within the Natural Hazard Overlay of Beaches & Dunes Limited Suitability, Coastal Erosion & Coastal Shoreland Boundary pursuant to Coos County Zoning and Land Development Section 4.11.125 Special Development Considerations – Subsection 4 Beaches and Dunes (Policy 5.10).

II. PROPERTY DESCRIPTION AND PROPOSAL

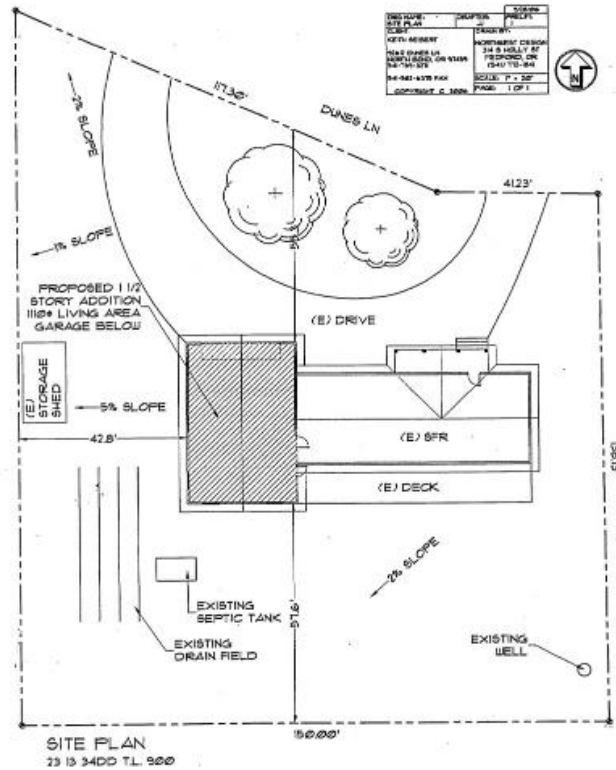
LAWFULLY CREATED: This property is acknowledged as a lawfully created parcel (Deed Doc No. 81-33452) pursuant to CCZLDO § 6.1.125.8 as it was described by legal description conveying real property prior to 1986.

LOCATION: The subject parcel is located southwest of the City of Lakeside at 92612 Dunes Lane.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The property is zoned Rural Residential – 2 (RR-2) and contains a single family dwelling with trees along the northern, western, and southern boundaries. Dunes Lane runs along the northern boundary of the subject property. The surrounding parcels are like in size and are also zoned RR-2 containing residential development with the exception to the adjacent property to the west.
- b. **PROPOSAL:** The proposal is to replace the porch and an addition of a two-story garage to expand the living area of the existing residence within the Beaches and Dunes Area with Limited

Development Suitability overlay area. The alteration is allowed in the Rural Residential Zone; however, this property is subject to an overlay that has limitations on the land for development. Therefore, a conditional use review is required to ensure that the limitation of the land is considered. Staff has reviewed the development plan and determined that it would meet the setbacks, parking and access requirements of the Rural Residential Zoning district.



IV. APPROVAL CRITERIA & FINDINGS OF FACT

RURAL RESIDENTIAL (RR)

There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the "RR-2" and "RR-5" districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

SECTION 4.11.125 Special Development Considerations:

The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.

- **4. Beaches and Dunes (Policy 5.10)**

The Beaches and Dunes map has inventoried the following:

- Beaches and Dunes
 - Suitable for most uses; few or no constraints (Does not require a review)
 - Limited Suitability; special measures required for most development
 - Not Suitable for Residential, commercial or Industrial Structures

Purpose Statement:

Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled “Development Potential within Ocean Shorelands and Dunes” and the boundaries delineates following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

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

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

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.

- i. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:
 - a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;
 - b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
 - c) The need for methods for protecting the surrounding area from any adverse effects of the development; and
 - d) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

Finding: The applicant submitted a report that focused the geologic assessment for a proposed porch replacement and two-story garage addition to an existing residence at the above referenced subject parcel.

The property is located in an identified "Beach and Dune Areas with Limited Development Suitability" on the Special Considerations Map. Pursuant to the Coos County Zoning and Land Development Ordinance, a Certified Engineering Geologist from SHN conducted a site visit on December 4, 2018, to assess any potential adverse impacts that may occur to, or be created by, the

planned developments. SHN's scope of services included a review of published geologic mapping and aerial imagery, performing a geologic field reconnaissance of the project site and vicinity, and preparation of this report.

The primary purpose of SHN's assessment was to establish findings in consideration of the following site conditions:

1. The type of use proposed and adverse effects it might have on the site and adjacent' areas
2. The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation
3. The need for methods for protecting the surrounding area from any adverse effects of the development
4. Hazards to life, public and private property, and the natural environment that may be caused by the proposed use

Based on the current conditions of the stable dune complex surrounding the site, and the property's distance from the nearest active dune, coastal lake, and shoreline, SHN concluded that the planned developments can be constructed at the owner's proposed locations such that it will not be subject to or create any adverse effects to the site or adjacent areas.

Residential development is permitted within the Rural Residential – 2 and the proposal would normally require a Compliance Determination; however, since the property is located within the Beaches and Dunes Areas with Limited Development an Administrative Conditional Use application is required addressing the hazard. The property owner submitted a completed application accompanied by Geological Assessment of the project area prepared by Giovanni Vadurro, Certified Engineer Geologist for SHN.

Staff has reviewed the report submitted and concurs with the analysis.

- ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:
 - a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);
 - b) The exposure of stable and conditionally stable areas to erosion;
 - c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and
 - d) Any other development actions with potential adverse impacts.

Finding: The subject parcel is located on an older dune deflation surface that appears to have been modified by past grading for the construction of the local roadways and residences. The southern and western property boundaries of the subject parcel are bordered by an older stabilized longitudinal sand dune that is densely vegetated with mature fir and pine forests with thick underbrush. The nearest unvegetated and active dune complex is located in excess of 350 feet west

of the project site. The shoreline of the nearest coastal lake is located in excess of 300 feet north of the project site and is several tens of feet lower in elevation.

According to the report submitted the proposed building footprint is located on nearly level to very gently sloping ground. Inspection of a local cut slope in the southwest corner of the property indicates that the building footprint is underlain by moderately cemented fine sand that is relatively firm and supports a vertical cut face. The ground surface gradients in close proximity to the building footprint are less than about 2 to 3 percent. Slopes bordering the subject parcel that form the stable dune deposit ascend toward the west and south at gentle gradients of up to 10 percent and support mature, straight-standing fir and pine forest. No wet area of standing water was apparent on the day of our site visit. In general, the site soils appear well drained. No surface erosion or evidence of concentrated surface runoff is evident, indicating that drainage of storm water occurs primarily by sheet flow and infiltration into the subsurface. Staff has reviewed the Lidar, soil information and the topographical maps available to confirm this information.

According to the report the proposed porch replacement and garage addition locations appear to be the most suitable for new construction on the subject parcel. The new garage and second-story living space will be attached to the existing residence, thus keeping the development clustered and making less impact to the property. No large conifer that would require removal is located within the proposed building footprint. Based on the existing site grades, storm water runoff is directed away from the building footprint such that no significant grading will be required to provide positive surface drainage. The project site is elevated more than 25 feet above the nearest coastal lake and, therefore, is not located within a flood-prone area.

The existing slopes and ground surfaces in the immediate vicinity of the subject parcel and building site lack evidence of active eolian (wind-driven) transport, such as, unvegetated sand accumulations, active dune formation and migration, or ablation surfaces. The report cites reviewing of aerial imagery dating back to 1994 to support where the active back dune location and determination that it is 350 feet west of the site has encroached very little, if at all, into the forested stable dune area.

Staff accepts that the conditions suggested by the Certified Engineering Geologist to ensure that the proposed development is not have any expected adverse effects on the site and adjacent areas.

Temporary and/or permanent stabilization programs are not required, and the planned construction will not require methods for protecting the surrounding area from any adverse effects of the development. Lastly, it is our professional opinion that no hazard to life, public and private property, or the natural environment will be caused by the proposed use.

Therefore, after review of the report and confirming site conditions staff finds that applicant has meet the burden of proof to that this development meets the criteria and will have limited to no effects on the land in accordance with the overlay criteria.

VI. DECISION:

There is evidence to adequately address the criteria for a Single Family 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:

- 1. 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.*
2. *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 an accessory use within a non-resource zone and is valid for four years from the date of final approval (**August 1, 2019**)

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special district or parties:

Hui Rodomsky, DLCD
Lakeside RFPD

Planning Commission
Board of Commissioner