



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 22, 2019

File No: ACU-19-016

RE: Request for a land use authorization for a Telecommunications Tower.

Applicant(s): Crown Castle CITY OF COOS BAY; & CITY OF NORTH BEND
1505 Westlake Ave Suite 800 500 CENTRAL
Seattle, WA 98109 COOS BAY, OR 97420

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-19-016

Applicant: Crown Castle

Account Number: 566301
Map Number: 26S140200-02200

Property Owner: CITY OF COOS BAY & CITY OF NORTH BEND
500 CENTRAL
COOS BAY, OR 97420

Situs Address: 63924 SEVEN DEVILS RD COOS BAY, OR 97420

Acreage: 1.13 Acres

Zoning: FOREST (F)

Special Considerations: ARCHAEOLOGICAL SITES (ARC)
FOREST MIXED USE (MU)

Notice shall be posted July 22, 2019 to August 6, 2019 at 5PM

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 5 P.M. on August 6, 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:  Date: July 22, 2019
Crystal Orr, Planning Specialist

Authorized by:  Date: July 22, 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/PlanningDepartmentApplications2016.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-19-016

Applicant/ Owner: Crown Castle/
City of Coos Bay & City of North Bend

Date: June 10, 2019

Location: Township 26S Range 14W
Section 02 TL 2200

Proposal: Administrative Conditional Use

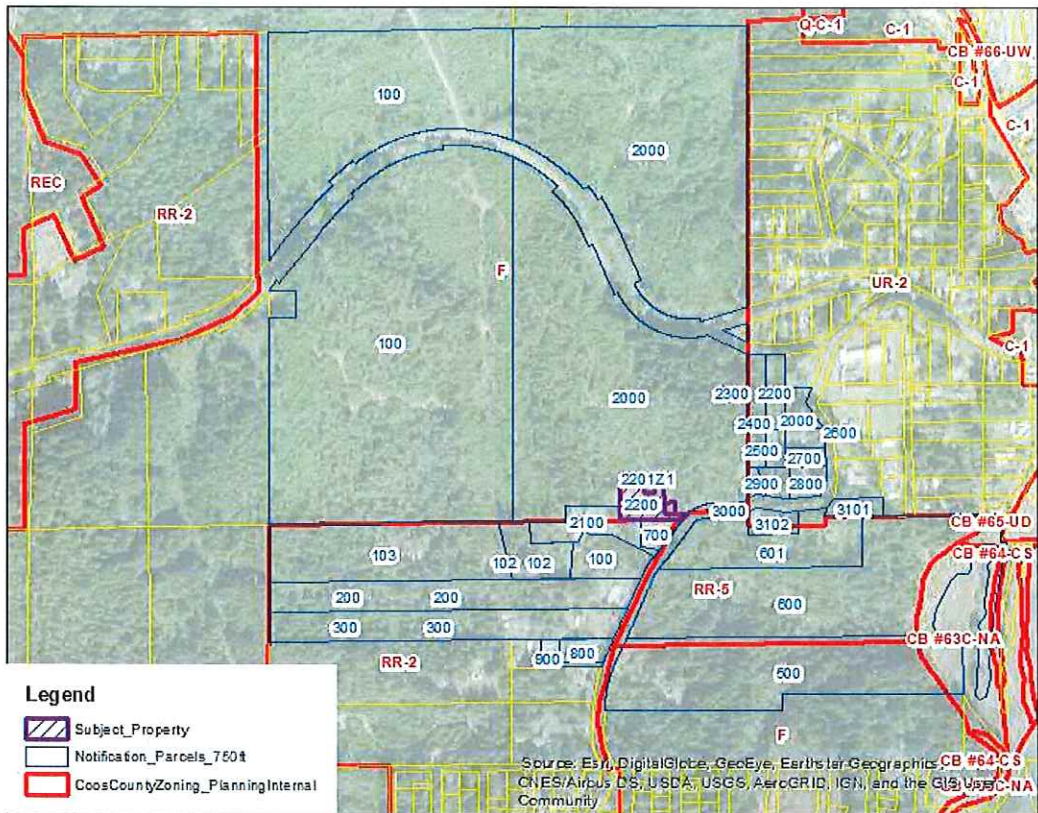


EXHIBIT "C"
Staff Report

File Number: ACU-19-016

Applicant: Crown Castle

Account Number: 566301
Map Number: 26S140200-02200

Property Owner: CITY OF COOS BAY & CITY OF NORTH BEND
500 CENTRAL
COOS BAY, OR 97420

Situs Address: 63924 SEVEN DEVILS RD COOS BAY, OR 97420

Acreage: 1.13 Acres

Zoning: FOREST (F)

Special Considerations: ARCHAEOLOGICAL SITES (ARC)
FOREST MIXED USE (MU)

Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report: July 22, 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 September 27, 2005 a Hearings Body Conditional Use (HBCU-02-06) was approved to allow a telecommunications facility. On January 29, 2003 a Zoning Compliance Letter (ZCL-03-028) was issued to allow the applicant to site a tower and associated structures per HBCU-02-06. Several Zoning Clearance Letters were issued to co-locate on the tower, or add accessory structures, as long as the height or footprint of the lease site was not altered.

On December 8, 2005 a Conditional Use (ACU-05-69) was approved to site a telecommunications facility (2nd one on this property) with an appeal deadline of December 23, 2005. On December 22, 2005 an Appeal (AP-05-12) of the Conditional Use (ACU-05-69) was received by a neighboring property owner. On February 2, 2006 the appellant withdrew his appeal. Several Zoning Clearance Letters were issued to co-locate on the tower, or add accessory structures, as long as the height or footprint of the lease site was not altered.

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 # 75-121739).

LOCATION: The subject property is southeast of the City of Coos Bay at 63924 Seven Devils Rd, Coos Bay, OR 97420.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is a small piece of forest/farm land with a small developed driveway to access the property. The property is mostly bare, with a little bit of brush and trees.
- 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 Archaeological Sites.

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 lands to the north, east and west. The parcels to the south are zoned Rural Residential-2. The proposed expansion of the monopole will result in a height of 110'6" which will allow installation of six (6) panel antenna, seven (7) RRUs, one (1)

microwave dish, and one (1) platform mount on a 20' extension of the tower.. The applicants are also proposing a new 8'x15' concrete pad within the existing ground lease area which will house three (3) equipment cabinets.

The applicants stated that the wireless community facility was previously approved through a conditional use process and no change in use or intensity of use will result from the proposed collocation. The Coos County Planning Department has not received any negative feedback after the towers were sited. The towers are accessed from a short driveway off of Seven Devils Road that avoids the farm and forest practices in the area as it borders the Rural Residential parcels to the south.

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 these 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.*
- 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 2 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
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 August 6, 2021 then an extension must be submitted and approved or this review will expire.