



Coos County Planning Department
Land Use Application

Official Use Only
FEE: \$1479.00
Receipt No. 209885
Check No./Cash 271
Date 5/2/19
Received By A. Bibbe
File No. AU-19-017

Please place a check mark on the appropriate type of review that has been requested.

- Administrative Review (checked)
Hearings Body Review
Final Development Plan (BDR)
Variance

An incomplete application will not be processed. Applicant is responsible for completing the form and addressing all criteria. Attach additional sheets to answer questions if needed. Please indicated not applicable on any portion of the application that does not apply to your request.

A. Applicant:

Name: Donald + Suzanne Broytes Telephone: 305-345-3532
Address: 505 Beachland Blvd # 242
City: Vero Beach State: FL Zip Code: 32963
email: Suzannebroytes@gmail.com

B. Owner:

Name: Same as above Telephone:
Address:
City: State: Zip Code:

C. As applicant, I am (check one): Please provide documentation.

- The owner of the property (shown on deed of record); (checked)
The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application (consent form attached).
A lessee in possession of the property who has written consent of the owner to make such application (consent form attached).
The agent of any of the foregoing who states on the application that he/she is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal (consent form attached).

D. Description of Property:

Township 29 Range 15 Section 01CC Tax Lot 1803
Tax Account 2934803 Lot Size 90'x240' Zoning District CD-10

E. Information (please check off as you complete)

- 1. Project Proposal. Attach description if needed. complete conditional use permit
- 2. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½" x 11" paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map)Covenants or deed restrictions on the property, if unknown contact title company.
- 3. Existing Use Home
- 4. Site Address 54196 Gould Rd
- 5. Access Road Beach Loop to Beach Lane to Gould
- 6. Is the Property on Farm/Forest Tax Deferral No
- 7. Current Land Use (timber, farming, residential, etc.) residential
- 8. Major Topography Features (streams, ditches, slopes, etc.) see below
- 9. List all lots or parcels that the current owner owns, co-owns or is purchasing which have a common boundary with the subject property on an assessment map.
- 10. Identify any homes or development that exists on properties identified in #9.
- 11. A copy of the current deed of record.

F. Proposed use and Justification

Please attach an explanation of the requested proposed use and **findings (or reasons)** regarding how your application and proposed use comply with the following the Coos County Zoning and Land Development Ordinance (LDO). Pursuant to the LDO, this application may be approved only if it is found to comply with the applicable criteria for the proposed use. Staff will provide you with the criteria; however, staff cannot provide you with any legal information concerning the adequacy of the submitted findings, there is no guarantee of approval and the burden rests on the applicant. (You may request examples of a finding)

List of Applicable Criteria and Justification:

#8 - Flat marine surface bounded on west by
a slope down to beach

#9/10 - Home + Garage on Lot 1800
Home on 1803

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

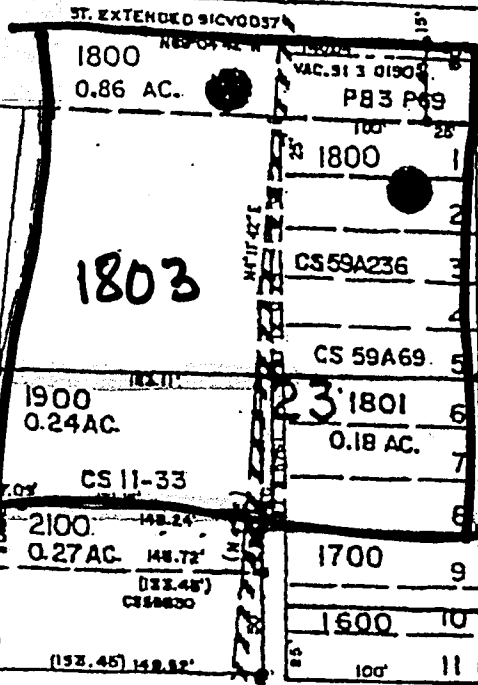


SW1/4 SW1/4 S1
COC

FIDELITY NATIONAL TITLE COMPANY
THIS COPY OF ASSESSOR'S MAP IS
PROVIDED SOLELY TO ASSIST IN LO-
CATING SUBJECT PROPERTY. NO
LIABILITY IS ASSUMED BY FIDELITY FOR
DISCREPANCIES IN THIS MAP AS OUT-
LINED AND THE ACCOMPANYING
LEGAL DESCRIPTION.

*Broyles
own 1803
1800
1900
1801*

2200
0.85 AC.



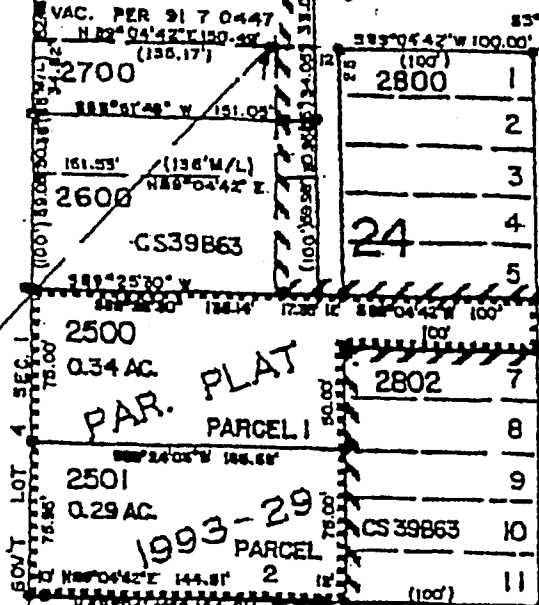
CS 59A 220
BRASS CAP

BEACH

22	1503	1501	1
21			2
20			3
19		1502	4
18	1505	1500	5
17			6
16			7
15	1504	1506	8
14			9
13			10
12	100'	100'	11

22	1
21	2
20	3
19	4
18	5
17	6
16	7
15	8
14	9
13	10
12	11

STREET EXTENDED
PER 90CV0023



83°46'37"W 366.23' FROM BC
383°05'42"W 100.00' AT INTERSECTION OF BEACH & COULD

JUNO

22	2900	2900	1
21			2
20			3
19			4
18			5
17			6
16		CS59A70	7
15	2901	CS 59A 217	8
14			9
13		2901	10
12	100'	100'	11

22	1
21	2
20	3
19	4
18	5
17	6
16	7
15	8
14	9
13	10
12	11

AVENUE

AVENUE

54-03

Could

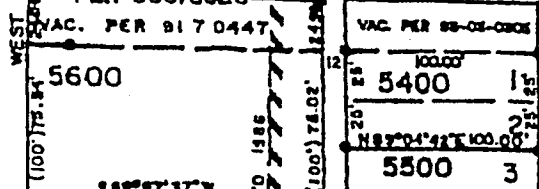
Zohrer

22	5300		1
21		5200	2
20	5100		3

22	1
21	2
20	3

2300
2.75 AC.

STREET EXTENDED
PER 90CV0023



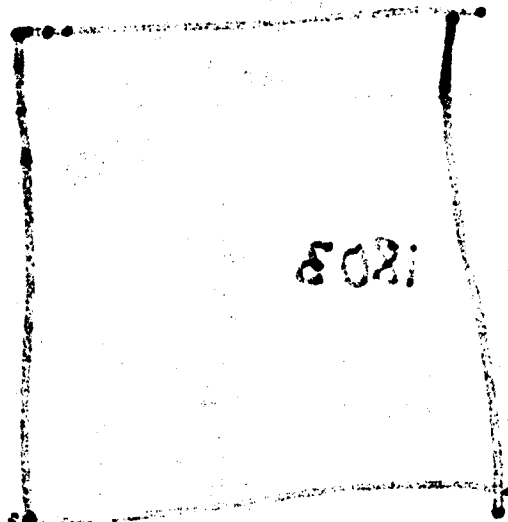
5400	1
5500	3

1. SHOW RELATION TO ORIGINAL PLAT

LOT 1

1803
1803

1800
1800
1801



1803

/HEREAS Donald E. Broyles, Jr. and Suzanne C. Broyles (GRANTORS) are the owners of the following two lots (or parcels) of real property located in Coos County, Oregon:

Lot I:

A portion of that parcel described in Deed Inst. #95-01-0212, Deed Records of Coos County, Oregon, said portion described as follows:

Beginning at a point on the west line of Gould Ave., said point lying South 00°52'27" East 138.50 feet from a 5/8" iron rod at the Northeast corner of Block 23, Plat of Sunset City, located in SW 1/4 SW 1/4 of Section 1, T.29S., R.15W., W.M., Coos County, Oregon, thence South 89°04'41" West 131.22 feet;

- Thence North 00°52'27" West 13.50 feet to the south line of that parcel described per Deed Inst. #2003-20268, Deed Records of Coos County, Oregon;
- Thence along said south line, South 89°04'41" West 5.00 feet;
- Thence South 00°52'27" East 21.50 feet;
- Thence North 89°04'41" East 96.21 feet;
- Thence South 00°52'27" East 53.50 feet;
- Thence North 89°04'41" East 40.00 feet, to the west line of Gould Ave.;
- Thence along said west line, North 00°52'27" West 61.50 feet to the point of beginning.

Lot II:

All of that parcel described pursuant to Deed Instrument #2003-20268, Deed Records of Coos County, Oregon.

WHEREAS GRANTORS have applied to the State of Oregon through its Department of Environmental Quality ("State" or "GRANTEE") for a permit to construct an individual on-site sewage disposal system ("permit") on Lot I intended to serve Lot II; and

WHEREAS Oregon Administrative Rules 340-71-130(11)(b) requires GRANTORS to execute an easement and covenant in favor of the State as a condition precedent to issuance of a permit authorizing the construction of a system on one lot intended to serve another lot;

EASEMENT

NOW THEREFORE, in consideration of the issuance of the permit to GRANTORS by the State, GRANTORS hereby convey to the State, its successors and assigns, a perpetual nonexclusive easement in, upon and running with Lots I and II allowing the State's officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lots I and II. This easement shall be terminated at such time as use of the individual on-site sewage system has ceased because the structures on Lot II are fully served by an adequate public sanitary sewer system or an alternative on-site sewage system located elsewhere. Upon request and a determination that adequate alternative service is available and in use, the State shall execute a recordable document terminating the easement.

COVENANTS

GRANTORS covenant and agree not to convey any interest in either Lot I or Lot II that results in the severance of the common ownership of Lots unless and until GRANTORS have granted or reserved a utility easement on Lot I benefiting Lot II. Said easement shall be nonexclusive, perpetual and appurtenant and shall be in a form acceptable to the State. The utility easement shall include the following terms:

Return to: Suzanne Broyles
13805 SW 248 St. Homestead, FL 33032

COOS COUNTY CLERK, OREGON
TERRI L. TURI, CCC, COUNTY CLERK
TOTAL \$36.00

04/28/2005
01:49PM
#2005-6054
1 OF 2

EASEMENT

NOW THEREFORE, in consideration of the issuance of the permit to GRANTORS by the State, GRANTORS hereby convey to the State, its successors and assigns, a perpetual nonexclusive easement in, upon and running with Lots I and II allowing the State's officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lots I and II. This easement shall be terminated at such time as use of the individual on-site sewage system has ceased because the structures on Lot II are fully served by an adequate public sanitary sewer system or an alternative on-site sewage system located elsewhere. Upon request and a determination that adequate alternative service is available and in use, the State shall execute a recordable document terminating the easement.

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- 1. Owners of Lot II may use Lot I for purposes of installing, operating and maintaining a drainfield and related facilities for an individual on-site sewage disposal system.
- 2. Lot I shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to the permitted system.

FURTHER, GRANTORS covenant that they shall include these covenants in any conveyance of either lot.

The GRANTORS and the State intend that these covenants shall run with the land and be binding on the GRANTOR'S heirs, successors and assigns.

IN WITNESS WHEREOF, the GRANTORS executed this easement on this 18 day of April, 2005.

STATE OF OREGON)

County of Coos)

_____)

GRANTORS

Donald E. Broyles, Jr.
Donald E. Broyles, Jr.

Suzanne C. Broyles
Suzanne C. Broyles

Personally appeared the above-named GRANTORS and acknowledged the foregoing instrument to be their voluntary act.

Before me: 4/18/05 Jan H. Peel

NOTARY PUBLIC FOR OREGON FLORIDA MIAMI-DADE COUNTY

My Commission Expires:



Jan H Peel

My Commission DD029228

Expires May 28, 2005

C:\Docs\SURVEY2005\04 3 151 broyles esmnt.doc

COOS COUNTY CLERK, OREGON
TERRI L. TURI, CCC, COUNTY CLERK
TOTAL \$36.00

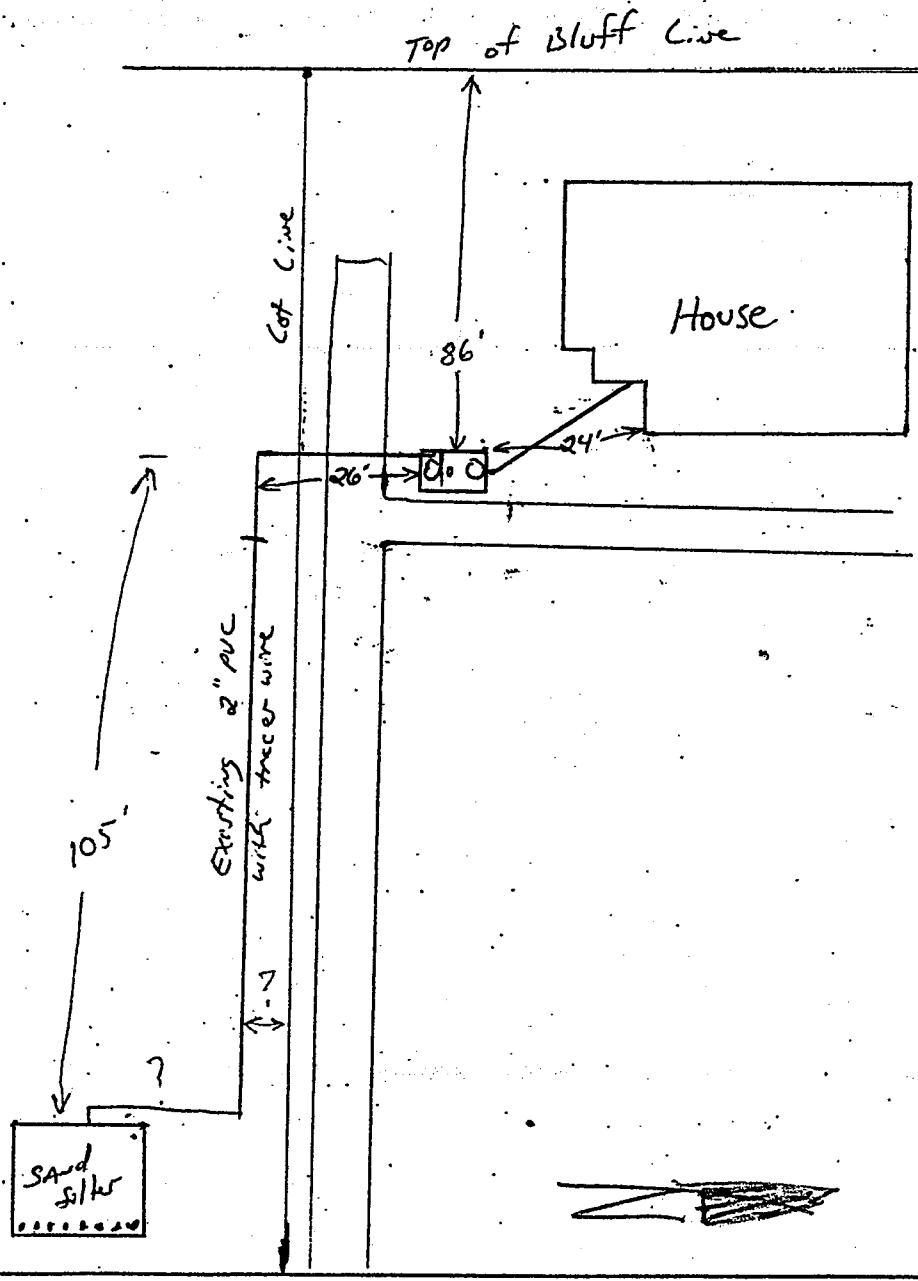
04/28/2005
01:49PM
#2005-6054
2 OF 2

Property Owner Don Broyles Permit Number 603-182 County Coos

AS-BUILT PLAN OF THE CONSTRUCTED SYSTEM. Indicate the direction of NORTH and show the locations of all wells within 200 feet of the system.

DATE RECEIVED

State of Oregon
Department of Environmental Quality
RECEIVED
OCT 06 2004
COOS BAY OFFICE



CONSTRUCTION WAS PERFORMED BY:

Property Owner (Permittee)
 Sewage Disposal Service Business: ROTO-ROOTER (Print Full Business Name) 27991 (License Number)

I certify the information provided in this notice is correct, and that the construction of this system was in accordance with the permit and the rules regulating the construction of on-site sewage disposal systems (OAR Chapter 340, Divisions 71 and 73).

Joh Bengel
(System Installer's Signature)

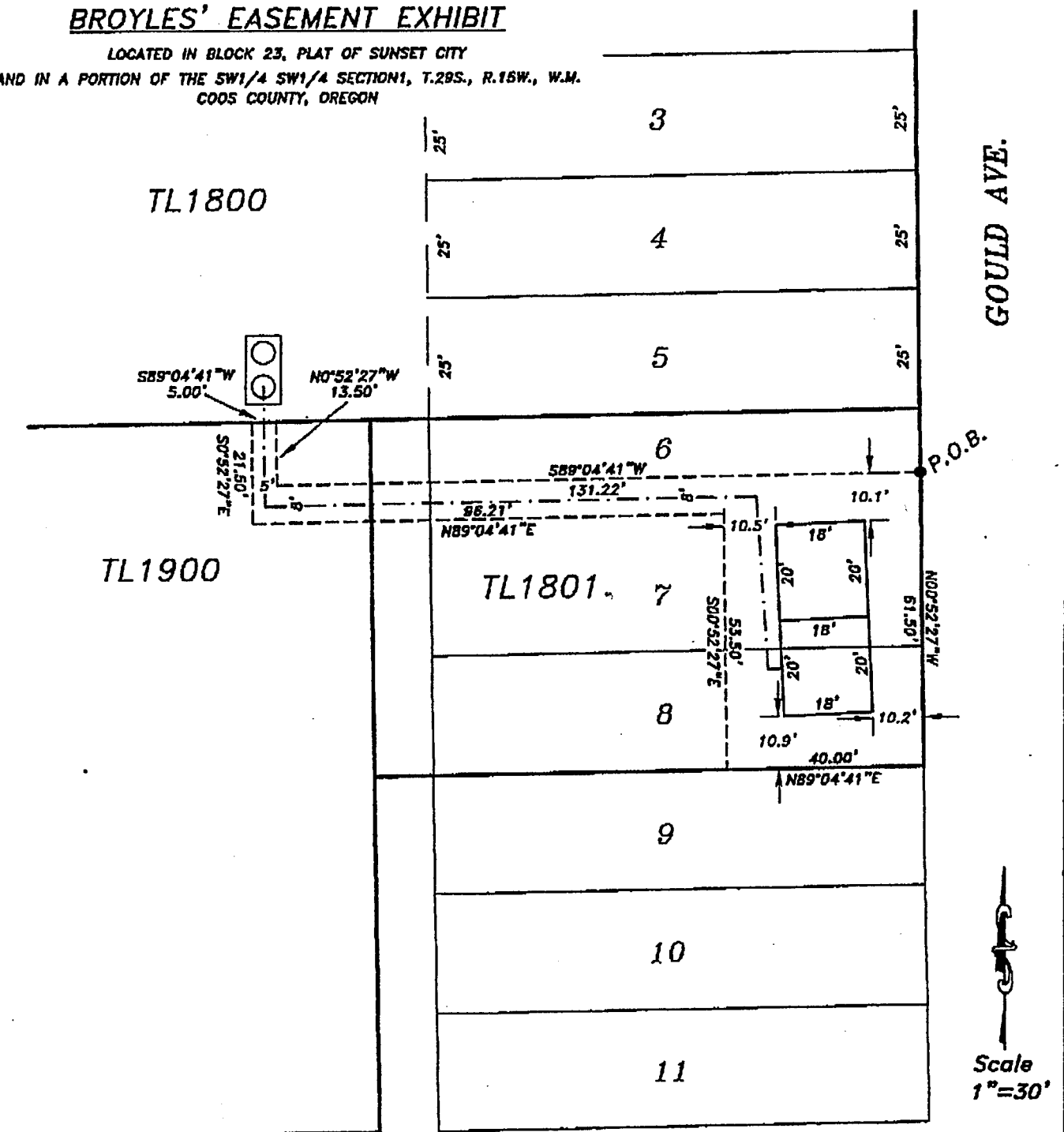
Construction Dept.
(Title)

10-5-04
(Date)

305-257-1421

BROYLES' EASEMENT EXHIBIT

LOCATED IN BLOCK 23, PLAT OF SUNSET CITY
AND IN A PORTION OF THE SW1/4 SW1/4 SECTION 1, T.29S., R.16W., W.M.
COOS COUNTY, OREGON



JUNO ST.

Stuntzner Engineering & Forestry, L.L.C.
 ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS
 705 South 4th St. Phone (541) 887-2874
 Post Office Box 118 Fax (541) 887-8288
 Coos Bay, Oregon 97429
 Drawn by: Corp Woodruff Date: February 25, 2005
 Checked by: [blank] Drawing no.: 04-131mm.dwg
 Designed by: [blank] Date: [blank]
 In Charge: [blank] Order: [blank] Sheet 2 of 2



Inspection Request and Report

Department of Consumer & Business Services
Building Codes Division

BUILDING CODES DIVISION
749 RIVERSIDE DR
PO BOX 398
COQUILLE OR 97423
541-396-2148

INSPECTION REQUEST

Date requested: 10/20 Time: 10/19 Type of inspection: final
 Requested by: Ralph Phone: (541) 460-4022
 Electrical Plumbing Structural Mechanical Manufactured home
 Permit no.: ST03 388 Owner: AAR/Brayles Contractor:
 Job address: 9 Gould, Bandon
 Directions:

Ready (date): Mon. Tue. Wed. Thu. Fri. A.M. Mid P.M.
 Call before coming? No Yes Phone: ()

INSPECTION REPORT

Date inspected: 10-25-05 Time: 1320 Type of inspection: Final
 Unable to inspect No corrections noted Correction(s) expected within _____ days
 Inspection report no.: Correction(s) noted: (Page _____ of _____)

Final Approved

Reinspection required prior to approval OK to continue after corrections made
 Owner/contractor must sign below to indicate all corrections are made; return form to inspector.
 Owner/contractor signature:
 Call for reinspection
 Inspector name: Wayne Parker Inspector signature: [Signature]

After recording, return to:
Donald E. Broyles, Jr.
Suzanne C. Broyles
13805 SW 248 Street
Homestead, FL 33032

AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE COMPANY

24.90192/KF

WARRANTY DEED

LUDWIG G. SCHARFER, "Grantor", conveys and warrants to DONALD E. BROYLES, JR. and SUZANNE C. BROYLES, husband and wife, "Grantees", as tenants by the entirety, the following described real property, free of encumbrances, except as specifically set forth herein:

See Exhibit "A" attached hereto and by this reference made a part hereof.

(Tax Account No. 29348.00)

The true and actual consideration for this conveyance is the sum of \$750,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested send all tax statements to the following address: Donald and Suzanne Broyles, 13805 SW 248th Street, Homestead, Florida, 33032.

DATED this 26 day of December, 2003.


Ludwig G. Scharfer

1 - WARRANTY DEED

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK


12/30/2003 #2003-20268
03:28:07PM 1 OF 4

STATE OF OREGON)
) ss.
County of Coos)

December 26 , 20 03

Personally appeared before me the above named Ludwig G. Scharfer who acknowledged the foregoing instrument to be his voluntary act and deed.





Notary Public for Oregon
My Commission Expires: 8-13-05

2 - WARRANTY DEED

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

12/30/2003 #2003-20268
03:28:07PM 2 OF 4

EXHIBIT "A"

Lots 1, 2, 3, 4 and 5, Block 23, Plat of Sunset City, Coos County, Oregon, together with the vacated portion of the alley abutting the West line of said Lots vacated by ordinance no. 87-09-154L, recorded December 2, 1987 in Microfilm No. 87-12-0060, Records of Coos County, Oregon.

ALSO: Beginning at the Northeast corner of Lot 1, said Block 23; thence South 89° 04' 42" West 30.00 feet along the North line of said Lot 1 to the true point of beginning; thence North 00° 55' 18" West 45.00 feet; thence South 89° 04' 42" West 70.30 feet to the West line of the Plat of Sunset City; thence North 04° 11' 42" East 15.06 feet along the West line of said Plat to the Southwest corner of Block 14 on the West line of the Plat of Sunset City; thence South 89° 04' 42" West 130.31 feet along the North line of Beach Street extended to the vegetation line described in ORS 390.770; thence along the vegetation line South 07° 10' 06" West 15.15 feet; thence continuing along the vegetation line South 07° 10' 06" West 45.45 feet to the South line of Beach Street extended to the vegetation line; thence North 89° 04' 42" East 133.47 feet along the extended South line of Beach Street to the West line of the Plat of Sunset City; thence continuing North 89° 04' 42" East 74.33 feet along said South line to the point of beginning.

EXCEPTING THEREFROM any portion lying within the Westerly extension of Beach Street as established by Coos County Circuit Court Case 91CV0037 by order filed March 13, 1991.

ALSO: That portion of the SW 1/4 of the SW 1/4 of Section 1, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, as established by the Circuit Court of Coos County in August 1911, lying West of the alley running North and South through Block 23, Plat of Sunset City, Coos County, Oregon, South of Beach Street extended Westerly, and North of Juno Street extended Westerly, EXCEPTING any portion lying South of the South line of Lot 5, Block 23, extended Westerly.

SUBJECT TO AND EXCEPTING:

1. Rights of the public and of the State of Oregon in the ocean shore and dry sand area as declared acquired under the provisions of ORS 390.605-770 or west of the seaward edge of vegetation as defined in Thornton v. Hay, Oregon Supreme Court.

EXHIBIT "A"
PAGE - 1

2. Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Pacific Ocean.
3. Any adverse claim based on the assertion that:
 - i. Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - ii. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Pacific Ocean or has been formed by accretion to such portion.

EXHIBIT "A"
PAGE - 2

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

12/30/2003 #2003-20268
03:28:07PM 4 OF 4

LaVIELLE GEOTECHNICAL P.C.

2313 NE Alameda
Portland, Oregon 97212
(503) 287-0511, Fax 282-7671

March 8, 2002

Our ref: 01-1658.001

James Tronson Architect
94321 Elk River Road
Port Orford, Oregon 97465

RE: REVISED GEOTECHNICAL ENGINEERING INVESTIGATION
PROPOSED NEW HOUSE
Tax Lot 1800, 1801 & 1900 SEC 1, T29S, R15W
BANDON, OREGON

Dear Mr. Tronson:

We present our geotechnical engineering investigation for the proposed new house. . The property is located as shown on the Vicinity Map, Figure 1. We have proceeded with this investigation on the basis of your verbal authorization.

Site and Project Description

The site is located off Gould Street, approximately ¼ mile south of the Bandon city limits, in Coos County, Oregon. The proposed building area is a relatively flat marine terrace that is bounded on the west by a steep slope down to the beach and on the east by Gould Avenue. A residence occupies the property on the south side while the lot on the north side is undeveloped. The proposed new house will be wood frame structure located as near the bluff as possible.

As part of our preparation of this report we have reviewed a 12/12/94 report prepared by an engineering geologist from Terra Firma Geologic Services (TFGS) of Gold beach, Oregon. The TFGS report recommends that the proposed house foundations be set back from the face of the bluff a minimum of 25 feet. The set back is intended as a buffer zone that will allow some retreat of the bluff without causing immediate damage to the house.

Subsurface Exploration

We completed a subsurface exploration consisting of a series of 2 test borings with a maximum depth of 15 feet. The exploration was completed under the full-time observation of a representative of our firm who logged the soils encountered and collected representative samples. The test borings were backfilled immediately after the subsurface conditions have been logged.

Subsurface Conditions

We encountered a 2 foot thick dense, orange grey, iron cemented, fine to medium sand over 13 feet of medium dense, grey, fine to medium Sand. No groundwater was encountered.

Geotechnical Engineering Conclusions and Recommendations

We recommend that driven steel pipe piles support all foundations located within 25 feet of the bluff crest. The Medium Dense Grey, F-M Sand encountered is suitable for driven steel "pin piles". The geotechnical engineering details for the piling design are presented below.

Driven Steel "Pin Piles"

We recommend foundations be supported driven, heavy section, 3-inch diameter, steel pipe "Pin Piles". The pin piling should be driven to a minimum depth of 15 feet and embedded in the Medium Dense Sand to achieve an end bearing resistance of 10 tons per pile. The piling shall be installed as recommended below.

Bearing Material:	Medium Dense Sand
Allowable Pile Capacity:	10 tons/pile with 3-inch diameter piles, At an embedment of 15 feet
Minimum Tip Embedment:	15 feet below existing grade,
Minimum Allowable Total Settlement:	1/4 inch

We recommend a minimum 150-pound jackhammer. Refusal is defined as 2 minutes of hammering with less than 1/2 inch of penetration using the required minimum hammer, and presuming the piling have not encountered an obstruction in the first 5 feet.

The minimum embedment depth for driven piling is 15 feet below ground surface. Installation methods involving jetting or excavation shall not be allowed.

All piles shall be installed within 4 inches horizontally of the surveyed location and within 3 degrees of vertical. If piling are installed out of location or alignment The Engineer may require a replacement piling be installed.

Piles damaged during installation shall be considered unsatisfactory unless the bearing capacity is proven by load tests performed by the contractor. If the load test of damaged piles indicates the pile is inadequate replacement piles may be required.

Retaining Walls

Any of the belowgrade walls must be designed as retaining walls. We recommend the belowgrade walls be designed as conventional reinforced concrete retaining walls supported on shallow spread footings. The retaining walls should be designed and constructed to prevent the build-up of hydrostatic pressure behind the wall. The recommended lateral earth pressure presented below is based on a horizontal backfill. Any other loads, such as those imposed by a sloping backfill, vehicles, equipment, materials or excavation spoils should be added to the lateral earth pressures presented here. The wall backfill should be a clean free draining sand and gravel, compacted to a density within a range of 90 to 95 percent of the ASTM D 1557. Greater densities in the compacted fill should be avoided as they may result in increased lateral loads on the wall. Retaining walls should be designed and constructed in accordance with the following recommendations:

Lateral Earth Pressure:

Walls Free to Rotate at the Top:	32 pcf	equivalent fluid
Walls Fixed at the Top: (Walls designed to move less than 0.001 of their height)	50 pcf	equivalent fluid

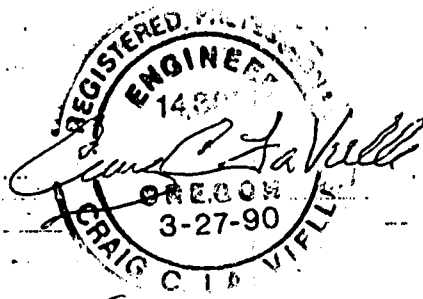
Closure

This report has been prepared exclusively for the use of James Tronson Architect for specific application to this project. This exploration was performed in general accordance with locally accepted geotechnical engineering practice to provide information for the area explored.

We are available to discuss any questions you may have concerning this report.

Sincerely,

LaVIELLE GEOTECHNICAL, P.C.



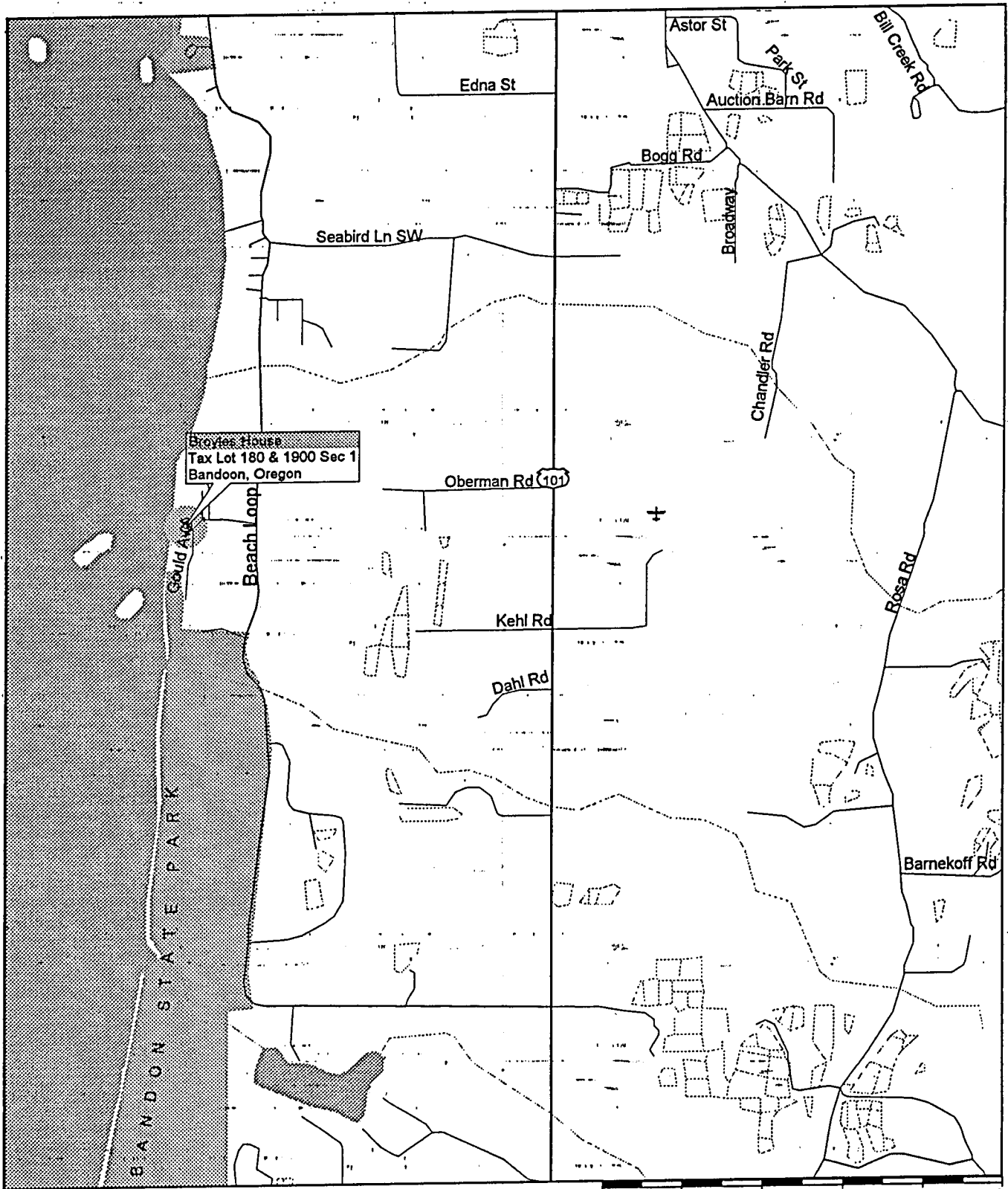
Craig C. LaVielle, P.E.
Principal

Exp 12-31-02

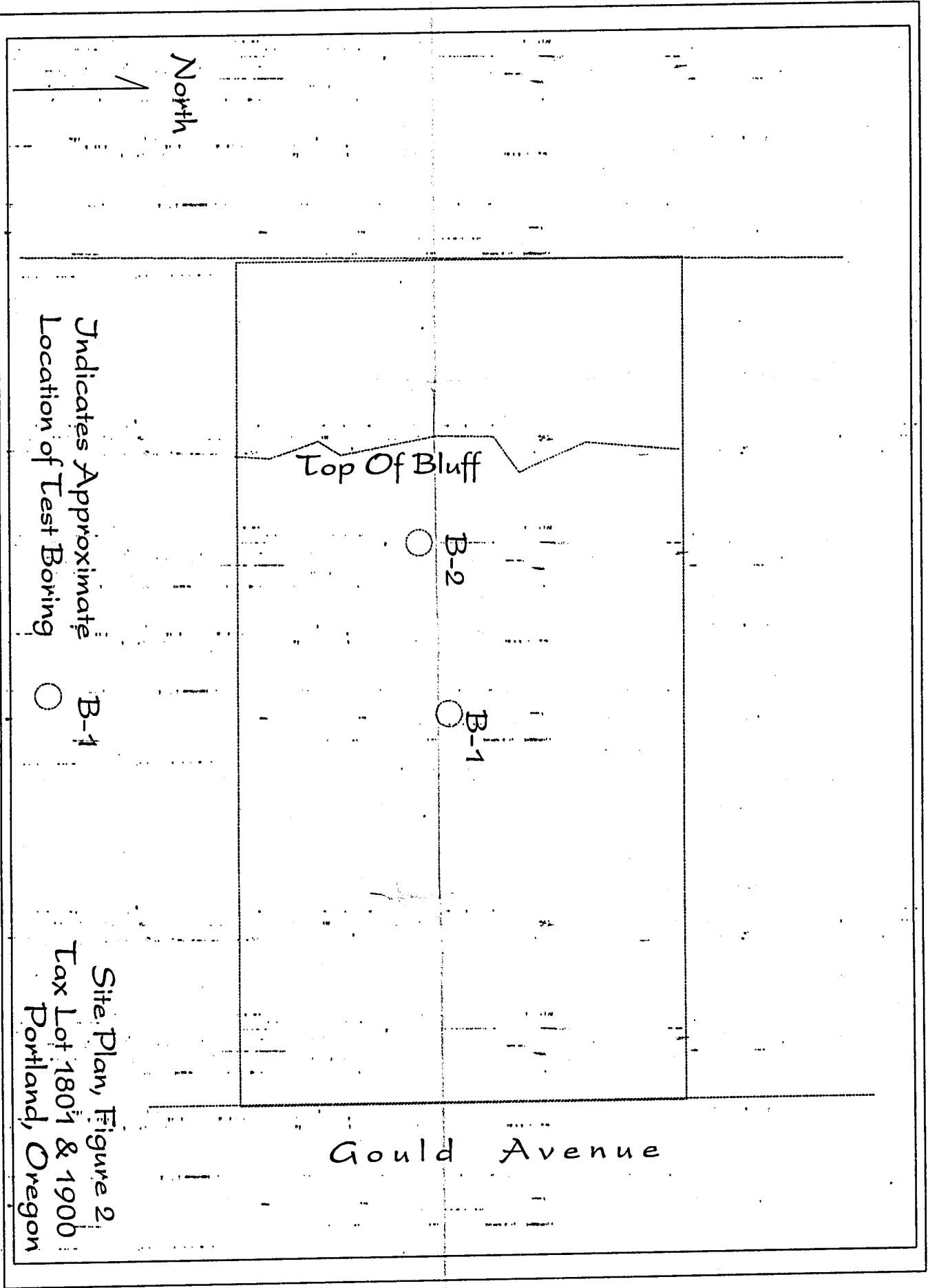
Vicinity Map, Figure 1

LaVIELLE GEOTECHNICAL, P.C.

01-1658.001



Microsoft Expedia
Streets98



Indicates Approximate
Location of Test Boring

Site Plan, Figure 2
Tax Lot 1801 & 1900
Portland, Oregon

LaVielle Geotechnical P.C.



BUSCH GEOTECHNICAL CONSULTANTS

September 25, 2018

Suzanne and Don Broyles
432 Sunshine Blvd.
Tavernier, Florida 33070

Via email to suzanne@sunshinetropical.com

Geotechnical Considerations Relevant to an Application for a Conditional Use Permit, Broyles Single-Family Home, 54196 Gould Road, Bandon, Oregon [APN 29-15-1 CC, TL 1803]

Introduction

I am delivering this letter under the terms of Busch Geotechnical Consultants (BGC) Work Agreement #18-039. The purpose of the letter is to present my observations and conclusions pertinent to the Broyles' application for an after-the-fact conditional use permit. The home was built in 2004 [Broyles, personal communication], so my observations and conclusions are based on ~14 years of "performance testing" by the site conditions as they interact with the development. Reviewing the history of the circumstances that resulted in the after-the-fact situation is beyond the scope of this letter.

Prior to preparing this document I reviewed an engineering report on the lot and a geologic report on the adjacent lot to the south (respectively, LaVielle, 2002, and TFGS, 1994); the foundation sheets of the house plans (Tronson, 2003); aspects of the structural design calculations for the home (BCA, 2002); an email from realtor Hunter Finch that contained a copy of the criteria I need to address herein (Finch, 2018), which Coos County Planning Director Jill Rolfe had sent to him (Rolfe, 2018); and Google earth photographs of the site. On 9/20/2018 I drove to the site, met with Hunter and the Broyles, then toured parts of the property with Mr. Broyles. Afterwards I inspected accessible areas of the property, bluff, and dunes and took documentary digital photographs (n=39). Before leaving I again met with the Broyles to have them answer questions and to discuss how I planned to write this letter.

97832 S. Bank Chetco River Road, Brookings, OR 97415 • 541-469-7300 • 541-469-2903 FAX
Geotechnical and Geologic Studies for Land Development and Resource Management
Please see our website: www.buschgeotech.com



The Criteria and How the Lot Development Plan Considered Them

According to the regulatory information provided by Planning Director Jill Rolfe, Coos County can permit development within "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least the following four (4) criteria. The next paragraphs list those criteria (*italicized*) followed by my observations and/or comments that demonstrate how the development of the property effectively considered the criteria and thus protected the environment.

a) *The type of use proposed and the adverse effects it might have on the site and adjacent areas.*

The type of use proposed was a single-family home with a gravel driveway and parking areas and landscaping. The most significant possible adverse effects of single-family home construction on similar lots along the Bandon coastline include:

1) Permanent clearing of the gorse on the bluff face and grass on the back edge of the dune field, resulting in increased erosion and possible slope instability. **This did not occur. Dense vegetation (gorse and European beach grass) respectively protect the bluff and back of the dune field except within a narrow, cleared trail to the beach. That trail is not eroding to the extent that mitigation is necessary.**

2) Mismanaging residential runoff, which could cause bluff face erosion and the death of existing bluff face plants via over- or under-watering. **This did not occur. Two drop inlets in the driveway collect excess rainwater from the driveway and drain via two buried 12" HDPE culverts on opposite sides of the home to the approximate base of the bluff [Broyles, personal communication]. Gutters feed into these culverts. There are no areas of dead or dying vegetation below the home.**

3) Constructing an inappropriate foundation for the home and large deck eventually could have led to structural distress that required disruptive repairs. **The home and deck foundations are appropriate. Their design was based on area-specific geologic and engineering reports. The outer two-thirds or more of the deck hangs out over the top-of-bluff. The ground beneath this part of the deck is covered with dense European beach grass; there is no significant erosion beneath the deck. In addition, the owner has constructed a "hay bale dam" at the foot of the grade beam that supports the outer deck posts. This "dam" catches sand grains that do translocate downslope from above.**



b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation.

The owners demonstrated that they considered this criterion by maintaining dense vegetation (the non-native gorse and European beach grass) on the bluff and by planning landscaping appropriate for the coastal area. For example, the plants do not use excessive amounts of water and part of the lot contains native conifer species.

c) The need for methods for protecting the surrounding area from any adverse effects of the development.

Because of the home design, drainage-control plan, and the planned long-term management of the gorse, European beach grass, and home landscaping, the risk of adverse effects from the development was negligible. I.e., there was no need to protect the surrounding area.

d) Hazards to life, public and private property, and natural environment which may be caused by the proposed use.

Again, because the development plan (home design, home location, grading plan, water-control, and vegetation management) were based on multiple studies and had been well thought out, there were no hazards envisioned.

Summary Conclusion

My assessment of the ground surrounding the home, on the bluff face (as interpreted from the density and evenness of the top of the gorse), and in the conditionally stable dune-covered back-beach area indicates that the owners-developers considered the environment and designed a low impact plan. Stated another way, my observations indicate that the development of the homesite did not cause any change to the property that could be considered to be greater than changes caused to other similar properties by the routine construction of similar homes along this stretch of the Bandon coastline.

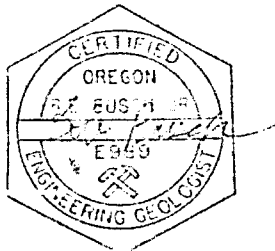


Limitations, Closure, and Authentication

Obviously, hacking into the gorse to look at the ground it protects was outside of my scope-of-work (and was unnecessary). Similarly, verifying the subsurface conditions by hand-auguring boreholes was out of my scope-of-work and also was unnecessary.

If you have any questions or need clarification of anything, please call. And thank you again for hiring me.

Busch Geotechnical Consultants



R. E. Busch Jr., Ph.D.
C.E.G. #989

Attachments: None

Distribution: Emailed to Clients and Hunter Finch for forwarding or hand-delivery to Jill Rolfe
WIP/2018 Geotech/Broyles/Broyles Geotech for Conditional Use Permit.docx

References Cited

- BCA [Biggs Cardosa Associates, Inc.]. 2002. Structural design calculations for Broyles residence, Gould Avenue, Bandon, Oregon. Prepared for James D. Tronson, Architect. Dated August 4. 116 pp.
- Finch, Hunter. 2018. Fwd: Broyles Oceanfront Home 29-15-1 CC TL 1803. Email to Bob Busch <bob.busch.geotech@gmail.com> dated August 21, 2018, at 1:10 PM.
- [LaVielle] LaVielle Geotechnical P.C. 2002. Revised geotechnical engineering investigation, proposed new house, Tax Lot 1800, 1801 & 1900 SEC 1, T29S, R15WW, Bandon, Oregon. Unpubl. rept to James Tronson (q.v.) dated March 8. 4 pp. + 3 pp. appends.
- TFGS [Terra Firma Geologic Services]. 1994. Geologic hazard evaluation for Don and Suzanne Broyles, Sunset City subdivision, Coos County, OR, TL 1801 & 1900, 29-15-1-CC. Unpubl rept for clients (date unknown, p. 1 missing). 8 pp.
- Rolfe, Jill. 2018. RE: Broyles Oceanfront Home 29-15-1 CC TL 1803. Email to Hunter Finch dated August 15, 8:19:41 AM PDT. 3 pp. From jrolfe@co.coos.or.us.
- Tronson, J. D. 2003. Broyles residence, Bandon, Oregon. Sheets S2 [foundation plan & 2nd floor framing plan] and S4 [foundation details]. Plan set dated 8-4-2003. Various scales.

COOS COUNTY PLANNING DEPARTMENT
LAND USE APPLICATION

H.B.

ACU ~~inside~~ UGB

ACU outside UGB

The following application must be completed in full. An application **will not** be accepted for a land use request without this information.

The County will use these answers in its analysis of the merits of the application.

BDL & CSB

PLEASE PRINT OR TYPE and Suzanne Broyles

Applicant Donald Broyles Phone 305-257-1010

Address 13805 SW 248 St City Homestead State FL Zip Code 33032

As the Applicant, I am the...

- The owner of the property;
- The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;
- A lessee in possession of the property who has the written consent of the owner to make such application;
- The agent of any of the foregoing who states on the application that he is a duly authorized agent and who submits evidence of being duly authorized by his principal.

Property Owner _____ Phone _____

Address _____ City _____

State _____ Zip Code _____

A. PROPERTY INFORMATION:

Township 29 Range 15 Section 501cc Tax Lot 1800 Zoning District CD-10
Tax Account 29006100 Parcel Size (acres) 1.86 Tract Size (Acres) _____
Existing Use 29348.00 _____
Site Address _____ Access (Name of Road) Gould Rd.
Is the Property on Farm/Forest Tax Deferral No
Current Land Use (timber, farming, residential, etc.) Residential
Major Topographical Features (streams, ditches, slopes, etc.) -

A. STATE SPECIFIC USE REQUESTED:

new home with current building permit,

B. JUSTIFICATION:

Pursuant to the Zoning and Land Development Ordinance, this application may be approved only if it is found to comply with the "Review Standards and Special Considerations" applicable to the proposed use.

Therefore, please attach a page or pages with your findings (or reasons) regarding how your application and proposed use comply with the following "Review Standards and Special Considerations" from Chapter IV of the Coos County Zoning and Land Development Ordinance.

Appendix I, Policy 5.10.(2)(7) _____, _____, _____, _____


C. REQUIRED SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATION:

- (1) A copy of the current deed of record;
- (2) Covenants or deed restrictions on the property, if unknown contact a title company;
- (3) A detailed parcel map of the property illustrating the size and location of existing and proposed uses, structures and roads on 8½" x 11" paper to scale; (see attached)
- (4) If applicant is not the owner, documentation of consent of the owner including:
 - (a) A description of the property;
 - (b) Date of consent;
 - (c) Signature of owner;
 - (d) Party to whom consent is given.

D. AUTHORIZATION:

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based on false statements or misrepresentation.

PURSUANT TO ORS 215.416(1), THE FOLLOWING FEES REPRESENT THE AVERAGE COST OF PROCESSING EACH PERMIT APPLICATION. IF THE ACTUAL COST OF PROCESSING A PERMIT EXCEEDS THE AMOUNT OF THE FEE BY MORE THAN 20%, THE APPLICANT SHALL BE RESPONSIBLE FOR PAYING THE FULL AMOUNT OF THE ACTUAL COST.

Received By: ~~Nicky Darling~~ 
Date: ~~2/23/04~~ ~~3/5/04~~

Fee Received

Multiple Request

ACU Fee (~~\$380~~) ^{478 (114)}
request

HBCU Fee (\$700)

Highest Fee Plus \$100 per

CASH

CASH

CASH

CHECK

CHECK

CHECK

Check No. ~~2284~~
Receipt No. ~~044568~~
~~048415~~

Check No.
Receipt No.

Check No.
Receipt No.

Don Broyles
Signature of Applicant
Suzanne Broyles