



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: August 6, 2019

File No: ACU-19-018

RE: Request for a land use authorization for an expansion of a Transmission Tower (Telecommunications Tower).

Applicant(s): Crown Castle
1505 Westlake Ave Suite 800
Seattle, WA 98109

Lone Rock Timber Investments, LLC
Attn: Kurt Miller
PO Box 1127
Roseburg, OR 97470

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-19-018

Applicant: Crown Castle

Account Number: 260700
Map Number: 25S120700-02200

Property Owner: LONE ROCK TIMBER INVESTMENTS I, LLC
ATTN: KURT MULLER
PO BOX 1127
ROSEBURG, OR 97470-0255

Situs Address: 94694 CARLSON HTS LN NORTH BEND, OR 97459

Acreage: 64.99 Acres

Zoning: FOREST (F)

Notice shall be posted August 6, 2019 to August 21, 2019 at 5PM

Special Considerations: FOREST MIXED USE (MU)
NATURAL HAZARD - LANDSLIDE (NHLND) **(The Tower is not located in an inventoried Landslide Area)**

Proposal: Request for Planning Director Approval to expand a Transmission Tower (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 and Coos County Zoning and Land Development Ordinance (CCZLDO) §4.11.125 Special Development Considerations.

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 21, 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: August 6, 2019
Crystal Orr, Planning Specialist

Authorized by: _____ *Jill Rolfe* _____ Date: August 6, 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/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 "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 will 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-19-018
Applicant/ Owner: Crown Castle/ Lone Rock Timber Investments, LLC
Date: July 9, 2019
Location: Township 25S Range 12W Section 07 TL 2200
Proposal: Administrative Conditional Use

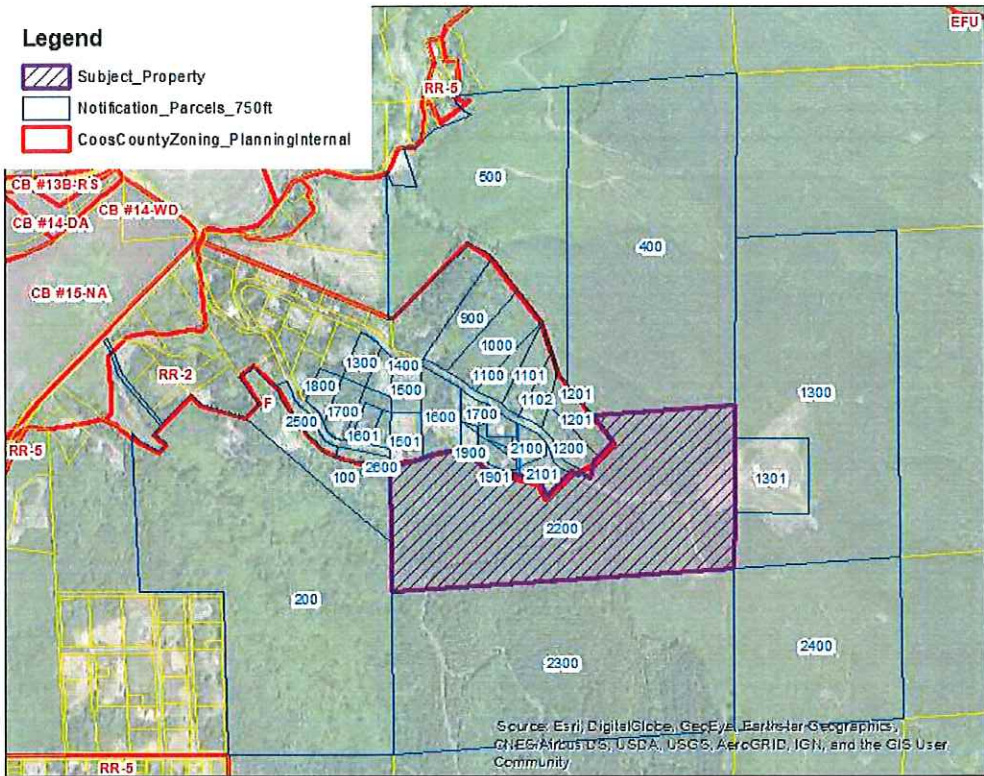


EXHIBIT "C"
Staff Report

File Number: ACU-19-018

Applicant: Crown Castle

Account Number: 260700
Map Number: 25S120700-02200

Property Owner: LONE ROCK TIMBER INVESTMENTS I, LLC
ATTN: KURT MULLER
PO BOX 1127
ROSEBURG, OR 97470-0255

Situs Address: 94694 CARLSON HTS LN NORTH BEND, OR 97459

Acreage: 64.99 Acres

Zoning: FOREST (F)

Special Considerations: FOREST MIXED USE (MU)
NATURAL HAZARD - LANDSLIDE (NHLND) (**The Tower is not located in an inventoried Landslide Area**)

Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report: August 6, 2019

I. PROPOSAL

Request for Planning Director Approval to expand a Transmission Tower (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 and Coos County Zoning and Land Development Ordinance (CCZLDO) §4.11.125 Special Development Considerations.

II. BACKGROUND INFORMATION

On July 30, 1998 a Conditional Use (ACU-98-029) was approved to allow a Transmission Tower (telecommunication facility). On August 26, 1998 a Zoning Clearance Letter (ZCL-98-411) was issued for clearance to site a communications tower subject to conditions and restrictions set forth in ACU-98-029.

On January 11, 2001 a Hearings Body Conditional Use (HBCU-00-09) was approved to allow an additional Communication Facility (telecommunications facility). On January 19, 2001 a Zoning Clearance Letter (ZCL-01-026) was issued to allow the telecommunications tower to be sited pursuant to HBUC-00-09.

Multiple Zoning Clearance Letters were issued to collocate on both Towers after the initial Zoning Clearance Letters were issued.

III. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: This property is acknowledged as a lawfully created parcel pursuant to CCZLDO § 6.1.125(1)e as it was described by legal description conveying real property prior to 1986 (deed # 79-50555).

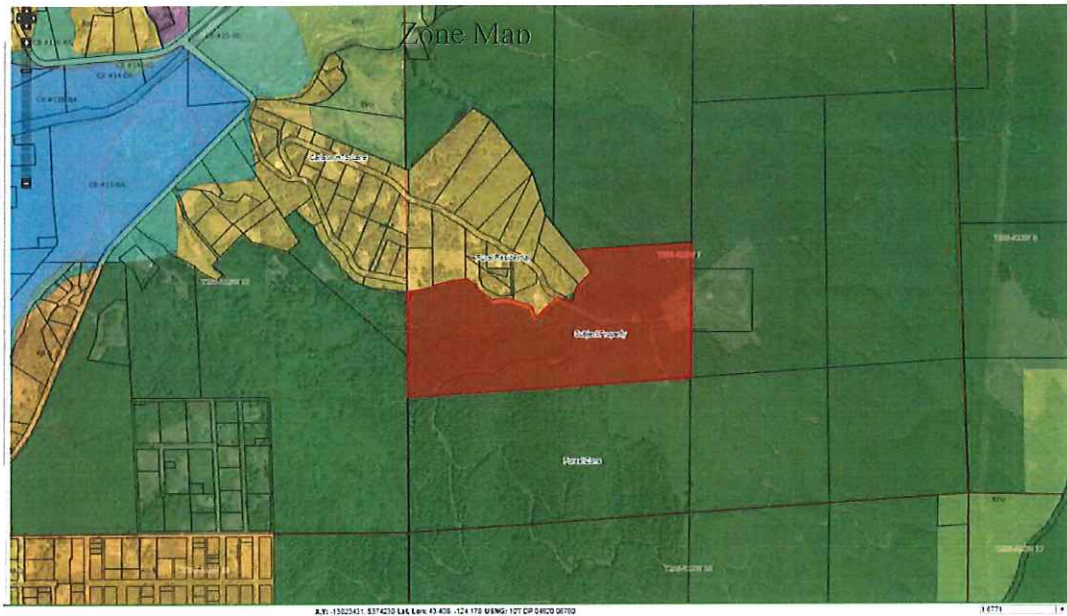
LOCATION: The subject property is east of the City of North Bend at 94694 Carlson Hts Ln, North Bend, OR 97459.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is a large piece of forest land with a small developed driveway to access the property. The property appears to be mostly treed with a small firebreak around both towers.
- b. **PROPOSAL:** The application is proposing to expand a cell tower in height and footprint on this property to help close a significant coverage gap. The special considerations listed on this property are Forest Mixed Use and Landslide.

The applicant (Crown Castle) proposes to modify an existing wireless communication facility located at 94694 Carlson Heights Lane within the Forest Zone. The existing facility consist of AT&T and Sprint equipment collocated on an 80'-0" glu lam pole. The pole and associated ground equipment are located within a fenced compound. The proposed modification Includes the removal and replacement of the 80'-0" glu lam pole with a 148'-0" steel monopole. The new monopole will accommodate relocated AT&T equipment at 60'-0", relocated Sprint equipment at 53'-0", and new T-Mobile equipment at 144'-0". The T-Mobile ground equipment will be located within a 12' x 30' expansion of the existing ground compound.





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*

File Number: ACU-19-018

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 zoned property on all sides except the northeast portion, which is zoned Rural Residential-2. The proposed expansion of the monopole will result in a height of 150” which will allow installation of new T Mobile Equipment. Also, the applicant is proposing a 12’ x 30’ expansion of the existing ground compound for the Mobile ground equipment.

The applicant 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 expansion. The Coos County Planning Department has not received any negative feedback for the existing tower that was been on site since 2001. There are other towers on this property and a larger communication facility to the east. The proposed site is accessed from a private road off of the end of Carlson Heights Lane.

The evidence that supports the applicant’s argument that the modification and expansion of the approved use is that the existing facility has not resulted in a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands or an increase to fire hazard or increase in fire suppression costs or risk to fire suppression personnel. The proposed modifications will utilize existing power sources with the proposed standby generator being the only added fuel source. As such, the proposed modifications will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

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

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

- 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: There are no dwellings purposed; therefore, the criterions found at Subsection 1 through 7 do not apply. The proposal is not near a riparian area. The applicant shall maintain and continue to maintain a fire break based on the slope. Due to the fact the application has been modified it shall comply with current standards.

- 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.

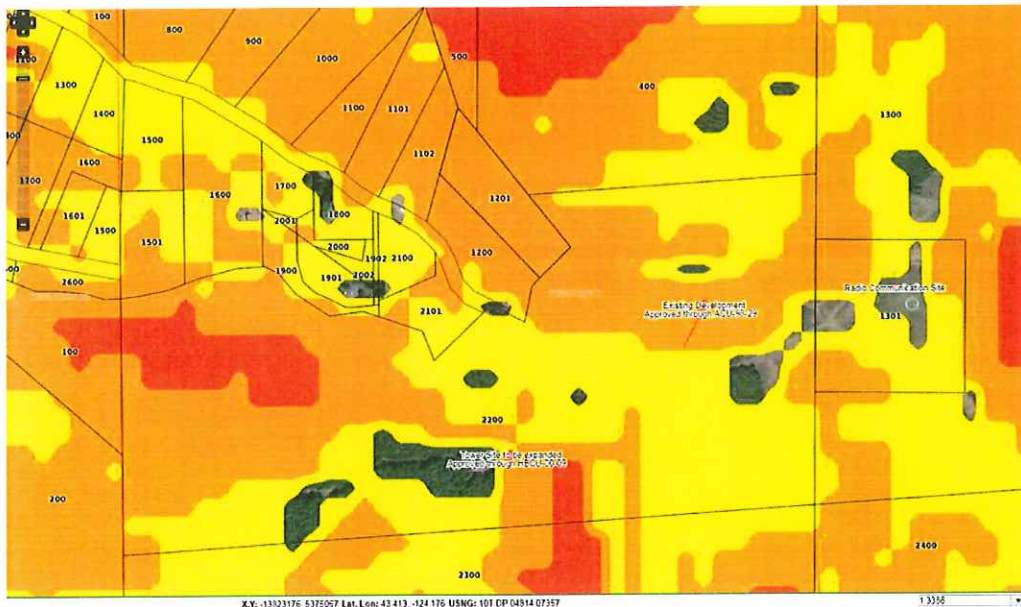
Hazard review shall not be considered applicable to any application that has received approval and requesting an extension to that approval or any application that was deemed completed as of the date this ordinance effective (July 31, 2017). If a land use authorization has expired the applicant will be required to address any applicable hazards.

- a. Landslides: Areas subject to landslides (mass movement) include active landslides, inactive landslides, earth flow and slump topography, and rockfall and debris flow terrain as identified on the 2015 Coos County Comprehensive Plan Hazards Map (mapped as the very high-existing landslides).

Coos County shall permit the construction of new structures in an inventoried Landslide hazard area (earth flow/slump topography/rock fall/debris flow) *through a conditional use process subject to a geological assessment review as set out in Article 5.11.*

FINDING: The proposed site is outside of the landslide area. Therefore, this criteria does not apply.

Landslide Map showing area is not included



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 21, 2021 then an extension must be submitted and approved or this review will expire.