



# APPEAL OF A DIRECTOR'S DECISION

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR  
MAIL TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423.  
EMAIL [PLANNING@CO.COOS.OR.US](mailto:PLANNING@CO.COOS.OR.US) PHONE: 541-396-7770

Planning Director Appeal Fee \$250.00 / Hearings Body or Officer Appeal Fee \$2500.00  
Date Received: 4/29/19 Fee Received: \$ 250.00 FILE # AP- 19-003  
*If the correct fee is not with the appeal it will not be processed.*

List the names and signatures of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative. This can be attached to this form marked as Attachment "A".

Appellant: Beverly Segner  
Mailing address: PO Box 191 Coos Bay OR 97420  
Phone: 541 266-0464 Email: bsegner22@gmail.com  
Signature: Beverly Segner

Appellant's Representative: N/A  
Mailing address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_

The name of the applicant: \_\_\_\_\_  
County application file number being appealed: EXT-19-001/ACU-14-32  
 Planning Director's Decision  Hearings Body or Hearings Officer Decision

The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160:  
I have interests adversely affected by The decision and have achieved party status as an adjacent property owner and was notified as a person of interest pursuant to ORS 197.763. Date of notice April 12, 2019

The appeal deadline, as stated in the Director's Decision: April 29, 2019 12 p.m.

The nature of the decision and the specific grounds for appeal, citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule. (This can be attached to this form marked as Attachment "B".)  
Please see attachments

The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application. (This can be attached to this form marked as Attachment "C".)  
Please see attachments

I am a relatively recent property owner (September 2018) of a home on Saunders Lake and currently have party status regarding the request for extension EXT-19-001 on Application ACU-14-032. I was not a party to the original application in 2014. Upon receiving the notice of land use decision, I contacted the Planning Department and spoke with Sierra Brown who answered my query regarding the appropriateness of contacting the applicant directly in the affirmative. She provided me the applicant's telephone number.

I spoke with Mr. Mike Smith regarding his plans for the parcel and noted that South Coast Trail Riders was listed as the property owner. Mr Smith indicated that he was the president of the organization he described as a recreational group with interest in ATV's and Dune Buggy related activities. He explained that they planned to build a quonset hut on the property as a club facility with a place for a resident caretaker. He advised that the organization has 160 members with 5 members current on dues.

After reviewing the original application, I learned that the Planning Director approved the conditional use based on a request to build a single family dwelling with the necessary mitigation and reports relative to that specific use. Specifically CCZLD) 4.8.525 (B) Forest Dwellings (Template Dwelling) and CCZLDO 4.8.600. CCZLDO addresses the importance of minimizing wildfire hazards and risks among other factors on this parcel, including erosion and natural hazards. The Planning Director's findings were based on a request to build a single family dwelling and refer to the plot plan describing the home site.

I am assuming that Mr. Smith and the South Coast Trail Riders have changed their plans since the original Administrative Conditional Use for a Forest Template Dwelling was granted. Accordingly, I request that the request for extension be denied and that the applicant submit a revision to his original application or a new application so that the Planning Director can make a discretionary decision based on the change in intended use and that the adjacent property owners and others with interest are allowed an opportunity to comment on the new or revised application. I would anticipate that the new application will provide information about the quonset hut and club house for an ATV/Dune Buggy Club along with caretaker dwelling v.s. a single family home.

SECTION 1.3.300 REVOCATION:1.Any permit or verification letter (also referred to as zoning compliance letter or zoning clearance letter) may be subject to revocation by the Planning Director if it is determined the application included false information, or if the standards or conditions governing the approval have not been met or maintained.



## ATTACHMENT B

The Director's decision to permit conditional use for a Forest Template Dwelling on this property was based on the applicant's original application for a single family dwelling. All findings in the staff report were based on this assumption leading to approval. Additionally, the soil assessments and findings by the engineer were based on this assumption as well, "only one residential dwelling will be sited on the subject parcel. Extreme care must be taken due to the erodibility of the soil and tendency of excavations to slump".

Two weeks ago, the applicant indicated in a telephone conversation with the appellant that the intended use for the property was to build a quonset hut as a club facility for the South Coast Trail Riders with a place for a resident caretaker onsite.

Section 1.3.300 Revocation Coos County Zoning and Land Development Ordinance provides that 1. Any permit or verification letter (also referred to as zoning compliance letter or zoning clearance letter) may be subject to revocation by the Planning Director if it is determined the application included false information, or if the standards or conditions governing the approval have not been met or maintained.

Based on the changes the applicant proposes to his original plan and application, the conditions governing the approval have not been maintained. Accordingly, the Director's past findings may need revision due to relevancy. The adjacent land owners and other interested parties deserve the opportunity to comment on the actual and current plan. Under these circumstances the application for extension should be denied and a revised plan/application submitted for approval by the applicant, South Coast Trail Riders/Mike Smith.

### Section 5.2.600 Expiration and Extension of Conditional Uses

It is implied that an extension of a previously approved application assumes no significant changes are made to the original plan. In this case, the applicant does not plan to build a single family dwelling for which he received the initial conditional use permit ACU-14-32.

ATTACHMENT C

The criteria used in the original application were based on siting a single family home.

RE: Staff Report for File No. ACU-14-32Page 2 III.FINDINGS TO THE APPLICABLE REVIEW CRITERIA-APPLICABLE CRITERIA Coos County Zoning and Land Development Ordinance (CCZLDO) and Coos County Comprehensive Plan (CCCP)CCZLDO§ 4.8.525(B)Forest Dwellings (Template Dwelling)CCZLDO§ 4.8.600Mandatory siting standards for dwellings and structures within the Forest ZoneCCZLDO§ 4.8.700 Fire Siting and Safety Standards CCZLDO§ 4.8.750Development Standards CCZLDOTable 4.7a(4)(a)Special Regulatory Considerations Prescribed by the Coos County Comprehensive Plan (Beached & Dunes)CCZLDOAppendix I5.10(2) Dunes, Oceans and Coastal Lake Shorelands, (2) Beaches and Dune Areas with Limited Development Suitability

Based on conversation with Mr. Smith, President of the South Coast Trail Riders, the plan for the parcel is to develop a quonset hut with caretaker dwelling as a clubhouse for ATV enthusiasts. None of the aforementioned criteria used to assess the application include discussion of the impact on the parcel or surrounding neighborhood of such use including buy not limited to increased traffic: automobiles, trucks, and ATV's.

The report by Stuntzner Engineering dated 2002 included in Mr. Smith's original application with expressed concern regarding septic system drainage and erosion was based on a proposed single family dwelling. There is no mention in the engineering report or findings relevant to increased ATV access and traffic in the area nor on the parcel itself. Aesthetic impacts were assessed on the same assumption. Impact of noise from increased ATV use may also be relevant consideration for residential home owners in the vicinity.

While it can be anticipated that those inhabiting a single family dwelling may have extensive friends or family visit and regularly use ATV's, a quonset hut clubhouse for the purpose of recreational activity creates potential for more regular activity involving substantially larger numbers of participants.

In conversation with Mr. Smith in April 2019, he stated that the South Coast Trail Riders roster boasts 160 members, 5 current with dues. He also mentioned that he is the owner of significant property in the area including vacation rentals which cater to ATV enthusiasts and assured me that we didn't need to worry about potential hazards as he "runs a tight ship".

CCZLDO 5.10 Plan Implementation Strategies 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 is proposing to construct a single family dwelling that will have no adverse effects other than short-term erosion during construction.**

## CCZLDO 5.2.600 Expiration and Extension of Conditional Uses

The original application was based on development of a single family dwelling. The property owner's current plans have been significantly altered since that time and therefore an extension of the approved conditional use should be denied and a new application submitted.

Segner  
Appeal of Directors'  
Decision

NOTE:

There is no disrespect intended toward Mr. Smith and his assurances regarding the management of his properties. It is important that recognition be given to fact that conditional uses follow the property rather than the owner.

Additionally, that I appreciated our conversation and his willingness to describe his plans for the parcel.