



## 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: January 3, 2020

File No: FP-19-006

RE: Request for a Floodplain determination of an existing Single Family Dwelling.

Applicant(s): David Brabender

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  Deny subject to the findings to the criteria found in Exhibit A. The decision is based on findings and facts represented in the staff report.

### Subject Property Information

Account Number: 34300  
Map Number: 23S122100-00700

Property Owner: BRABENDER, DAVID J & PLOOIJER, LINDA Y  
36534 OAK RD  
COTTAGE GROVE, OR 97424-9448

Situs Address: 95866 SUMMERHOME LN LAKESIDE, OR 97449  
4130 S TEN MILE LAKE LAKESIDE, OR 97449

Acreage: 1.87 Acres

Zoning: RESIDENTIAL WITH QUALIFICATION (Q-RR-5)

Special Considerations: ARCHAEOLOGICAL SITES (ARC)  
BIRD SITE MEETS GOAL 5C REQRMT (B5C)  
COASTAL SHORELAND BOUNDARY (CSB)  
FLOODPLAIN (FP)

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**Notice shall be posted from January 3, 2020 until 12:00 pm on January 20, 2020**

FOREST MIXED USE (MU)

Proposal: Request for Planning Director approval that the existing single family dwelling meets the criteria set forth in the Coos County Zoning and Land Development Ordinance § 4.11.235 Establishment of Development Permit; § Section 4.11.243 Duties and Responsibilities of the Floodplain Administrator; § 4.11.251(8) - Floodplain – General Standards – Community Official Base Flood Elevation Determination Request and Procedures; and § 4.11.252 - Floodplain – Specific Standards.

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.

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This notice is to serve as public notice and decision notice and if you have received this notice by mail it is because you are a participant, adjacent property owner, special district, agency with interest, or person with interest regarding the following land use application. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

**Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.**

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/PlanningDepartment--Applications2019.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 Amy Dibble, Planner II and the telephone number where more information can be obtained is (541) 396-7770.

This decision will become final at 12 P.M. on January 20, 2020 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Prepared by: Amy Dibble Date: January 3, 2020  
Amy Dibble, Planner II

Authorized by: Jill Rolfe Date: January 3, 2020  
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"**

The applicant(s) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicant(s) and that the applicant(s) are not acting as an agent of the county. If the applicant(s) fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

### **CONDITIONS OF APPROVAL**

1. Shall provide evidence that the land use authorization was obtained for the addition.
2. Shall provide elevation of the addition to the dwelling.
3. Shall provide evidence that land use authorization was obtained for the accessory structure containing the sauna.
4. Shall provide the elevation of the accessory structure containing the sauna.

# EXHIBIT "B"

## Vicinity Map



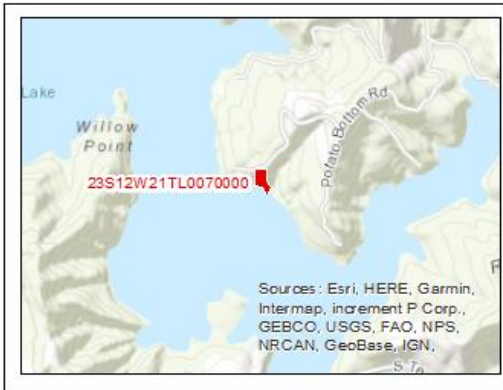
### COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

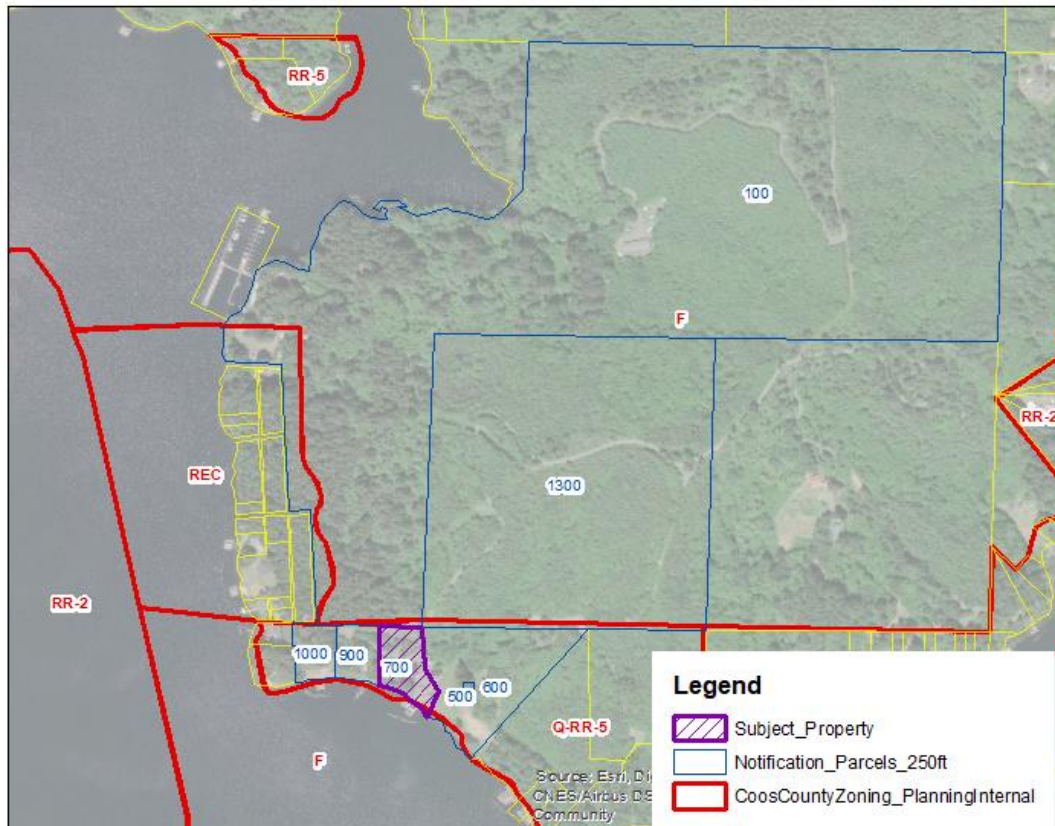
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



File:	FP-19-006
Applicant/ Owner:	David Brabender
Date:	December 16, 2019
Location:	Township 23S Range 12W Section 21 TL 700
Proposal:	Floodplain



**EXHIBIT "C"**  
**Staff Report**

File Number: FP-19-006

Account Number 34300  
Map Number 23S122100-00700

Property Owner BRABENDER, DAVID J & PLOOIJER, LINDA Y  
36534 OAK RD  
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COASTAL SHORELAND BOUNDARY (CSB)  
FLOODPLAIN (FP)  
FOREST MIXED USE (MU)

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**Reviewing Staff:** Amy Dibble, Planner II  
**Date of Report:** January 3, 2020

**I. PROPOSAL**

Request for Planning Director approval that the existing single family dwelling meets the criteria set forth in the Coos County Zoning and Land Development Ordinance §4.11.235 Establishment of Development Permit; § Section 4.11.243 Duties and Responsibilities of the Floodplain Administrator; § 4.11.251(8) - Floodplain – General Standards – Community Official Base Flood Elevation Determination Request and Procedures; and § 4.11.252 - Floodplain – Specific Standards.

**III. PROPERTY DESCRIPTION AND PROPOSAL**

**LAWFULLY CREATED:** This property is acknowledged as a lawfully created parcel (Deed Doc No. 67-17765) pursuant to CCZLDO § 6.1.125.8 as it was described by legal description conveying real property prior to 1986.

**LOCATION:** The subject property is located southeast of the City of Lakeside at 95866 Summerhome Lane.

**PROPOSAL:** Request for Planning Director’s concurrence with the base flood elevation (BFE) determined in the elevation certificate prepared by Walter White, Registered Professional Land Surveyor and that the dwelling meets the criteria set forth in the Coos County Zoning and Land Development Ordinance §4.11.235 Establishment of Development Permit; § Section 4.11.243 Duties and Responsibilities of the Floodplain Administrator; § 4.11.251(8) - Floodplain – General Standards – Community Official Base Flood Elevation Determination Request and Procedures; and § 4.11.252 - Floodplain – Specific Standards.

• **IV. APPROVAL CRITERIA & FINDINGS OF FACT**

**OVERLAY ZONE: FLOODPLAIN**

**DESIGNATION: /FP**

**SECTION 4.11.235 ESTABLISHMENT OF DEVELOPMENT PERMIT**

1. **Floodplain Application Required**

*A floodplain application shall be submitted and approved before construction or regulated development begins within any area of special flood hazard established in Section 4.11.232. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."*

2. **Application**

*An application shall be made on the forms furnished by the Planning Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:*

- a. *Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures which may be submitted by a registered surveyor;*
- b. *Elevation in relation to mean sea level of floodproofing in any structure;*
- c. *Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 4.11.252; and*
- d. *Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.*

**Finding:** The property has an existing single family dwelling that, according to assessment records, was sited in 1937, this pre-dates the ordinance, therefore, not requiring a floodplain review. The property owner requested that staff sign a Community Official Base Flood Elevation Determination Request for the existing dwelling; however, due to the fact that when the dwelling was sited a floodplain review was never submitted staff was unable to complete the property owners request without a floodplain review being submitted.

The property owner submitted a complete application accompanied by an elevation certificate prepared by Walter White, Registered Professional Land Surveyor, that included the base flood elevation (BFE) and the elevation of the dwelling with the lowest floor (including basement, crawlspace, or enclosure floor).

**This proposal does not include alteration of a watercourse nor does it include new development.**

• **SECTION 4.11.243 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

*Duties of the local floodplain administrator shall include, but not be limited to:*

1. **Application Review**

- a. *Reviews all applications to determine that the floodplain requirements of this Ordinance have been satisfied.*
- b. *Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334*

- c. *Review all requested development to determine if it is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 4.11.254 are met.*
- 2. *Use of Other Base Flood Data (In A and V Zones)*  
*When base flood elevation data has not been provided (A and V Zones) in accordance with Section 4.11.232, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 4.11.252, SPECIFIC STANDARDS, and 4.11.254 FLOODWAYS.*
- 3. *Information to be Obtained and Maintained*
  - a. *Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 4.11.243(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.*
  - b. *For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 4.11.243(2):*
    - i. *Verify and record the actual elevation (in relation to mean seal level); and*
    - ii. *Maintain the floodproofing certifications required in Section 4.11.235(2)(c).*
  - c. *Maintain for public inspection all records pertaining to the provisions of this ordinance.*

**Finding: The property owner has submitted the required information required for staff to review and make a determination whether the floodplain requirements have been satisfied. There is no proposed development occurring at this time and the property is not located within the floodway.**

**The property is located within Flood Zone A, which is defined as areas subject to inundation by the one (1) percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain standards apply. Walter White, Registered Professional Land Surveyor, prepared the elevation certificate and determined the BFE as directed by the Federal Emergency Management Agency (FEMA), by extracting the BFE from FEMA’s GIS data. Staff concurs with Mr. White’s determination of the BFE.**

**Although there is no development or substantial improvements proposed at this time staff will maintain the elevation certificate as required.**

- **SECTION 4.11.251 GENERAL STANDARDS**

*In all areas of special flood hazards, the following standards are required:*

\*

- 5. *Review of Applications*  
*Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source [Section 4.11.243(2)], applications for structural development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.*

\*

- 8. **COMMUNITY OFFICIAL BASE FLOOD ELEVATION DETERMINATION REQUEST AND PROCEDURES:** The Coos County Planning Department shall sign a community official base flood elevation (BFE) confirmation received from a mortgage insurance company if:
  - a. The development is located outside of the mapped flood hazard area;
  - b. A Letter of Map Revision or Amendment has been approved by FEMA; or



- c. The property has an approved flood hazard determination application that shows the development was built to flood proofing standards or is located above the base flood elevation.

If the development is located within the mapped flood hazard area and there is not a flood hazard determination on file with the Coos County Planning Department a confirmation letter will not be signed until a flood hazard application has been approved as complying with Sections 4.11.211 through 4.11.252.

**Finding:** The property has an existing single family dwelling that, according to assessment records, was sited in 1937, this pre-dates the ordinance, therefore, not requiring a floodplain review. The property owner requested that staff sign a Community Official Base Flood Elevation Determination Request for the existing dwelling; however, due to the fact that at the time the dwelling was sited a floodplain review was never submitted staff was unable to complete the property owners request without a floodplain review being submitted.

The majority of the dwelling is located outside of the mapped flood hazard area; however, staff was unable to determine that the entire dwelling was located outside of the floodplain. Additionally, there are decks that are located within the floodplain and staff was unable to determine whether these are attached.

The elevation certificate prepared by Walter White, Registered Professional Land Surveyor, states that the BFE in the that area to be 24 feet. Mr. White further explains that the structure is a split level dwelling that had an addition constructed on the southside of the dwelling. The finished floor of the main house is 44.1 feet. Mr. White states that this addition contains separate living quarters which the property owners believed to have been sited in 1985, which occurred after the adoption of the Coos County Zoning and Land Development Ordinance; therefore, is out of compliance and evidence shall be provided that land use authorization was obtained for the addition and the elevation of this addition shall be obtained. Furthermore, only one dwelling is permitted on the property, thus, if this addition truly is separate living quarters (for example, containing a kitchen, etc.) then it must be made to be an extension of the existing dwelling and the components that make it a separate living area shall be removed. Mr. White mentions that there was no access to the crawl space for the addition at the time of the survey, but mentions that there is air vents in areas where there are CMU retaining walls but no flood vents.

Mr. White explains that the lowest adjacent grade, identified as being 19.8 feet, being at the lowest elevation is reported at the lower deck structure stairs. There is a floating dock connected to the lower deck that lead to the boat house. Additionally, there is a sauna that sits atop of the lower deck. Staff is unsure of the elevation of the sauna and since the deck is connected to the dwelling during a flood occurrence there could be damage if the deck were to become buoyant and detach. Staff also unable to determine that land use authorization was obtained to site the accessory structure containing the sauna; therefore, as a condition of approval evidence shall be provided that the structure was built lawfully and an elevation of the structure shall be provided.

Mr. White explains that the water heater and water purification system are above the BFE with an elevation of 35.4 feet.

Mr. White determined the BFE as directed by FEMA, by extracting the BFE from FEMA GIS Data, which was obtained by Celinda Adair, NFIP Coordinator.

#### ***SECTION 4.11.252 SPECIFIC STANDARDS***

*In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 4.11.232, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL*

*FLOOD HAZARD or Section 4.11.243(2), Use of Other Base Flood Data (In A and V Zones), the following provisions are required:*

*1. Residential Construction*

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; and*
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;*
  - ii. The bottom of all openings shall be no higher than one foot above grade; and*
  - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**

*\**

*6. Below-Grade Crawlspace*

*Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:*

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas;*
- b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade;*
- c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE;*
- d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters;*
- e. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade;*
- f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas;*
- g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural*

*drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means; and*

- h. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.*

*For more detailed information refer to FEMA Technical Bulletin 11-01.*

**Finding: The applicants are not proposing to site a single family dwelling nor are they proposing any development at this time. If, in the future, the dwelling was to be replaced or renovations were proposed the floodplain specific standards would need to be addressed for portions located within the floodplain.**