



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

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.

Date of Notice: Tuesday, April 28, 2020

File No: FP-19-008

Proposal: Request for after-the-fact approval for development (repair of a culvert & placement of riprap) and a request for new development (placement of riprap within the Special Flood Hazard Area.

Applicant(s): City of North Bend
Ralph Dunham
PO Box B
North Bend, OR 97459

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Wednesday, May 13, 2020**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: After-the-fact Development (repair of a culvert and placement of riprap) and request for new Development (placement of riprap) pursuant to Coos County Zoning and Land Development (CCZLDO) § 3.2.536 - Uses, Activities, and Special Conditions - Coos Bay Estuary Management Plan Segment 19 - Development; Policy #9 - Solutions to Erosion and Flooding Problems; Policy #14 - General Policy on uses within Rural Coastal Shorelands; Policy #17 - Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands; Policy #18 - Protection of Historical, Cultural, and Archaeological Sites; Policy #27 - Floodplain Protection within Coastal Shorelands; Policy #19 - Rural Residential Public Services; Policy #50 - Rural Public Services; Policy #51 - Public Service Extension; § 4.11.235 - Establishment of Development Permit - Floodplain; § 4.11.251 - General Standards; § 4.11.252 - Specific Standards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 298400
Map Number: 25S1232B0-00300

Property Owner: CITY OF NORTH BEND
835 CALIFORNIA ST

Notice shall be posted from April 28, 2020 until 5 PM May 13, 2020

NORTH BEND, OR 97459-3480

Situs Address: No Situs Address
Acreage: 17.60 Acres

Zoning: COOS BAY ESTUARY MNGMT PLAN (CBEMP)
DEVELOPMENT (19-D)

Special Development Considerations and
overlays: ARCHAEOLOGICAL SITES (ARC)
FLOODPLAIN (FP)
NATIONAL WETLAND INVENTORY SITE (NWI)

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.

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 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.

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

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.

Reviewed by: Amy Dibble Date: Tuesday, April 28, 2020 .

Amy Dibble, Planner II

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The Exhibits below are mailed/mailed to the Applicant and Planning Commission only. Copies are available upon request or at the following website:<http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2019.aspx> .
The 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 -**Findings of Fact and Conclusions**

Exhibit D: Comments Received

Exhibit E: Submitted Application

EXHIBIT "A"

The applicant 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 applicants and that the applicants are not acting as an agent of the county. If the applicant 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. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from Department of State Lands it is the responsibility of the property owner to comply.
2. An Administrative Conditional Use shall be submitted for the proposed placement of riprap.
3. Certification shall be submitted stating that the development (placement of riprap) shall not result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway for the proposed placement of riprap
4. A qualified archaeologist needs to be hired to assess the damages to the site under a SHPO Permit and update the site form to adequately determine how to address Policy #18 and mitigate for any damage done to the site The applicant shall comply with the requirements of the State Historical Preservation Office. Development of the assessment and any mitigation measures shall be in consultation with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.
5. The City of North Bend shall establish and maintain a management plan for known archaeological sites on their properties that outlines how they will work within those sites. Development of the management plan shall be in consultation with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians and the State Historic Preservation Office.
6. An executed copy of the MOA between the City and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians shall be submitted.

EXHIBIT "B"
Vicinity Map



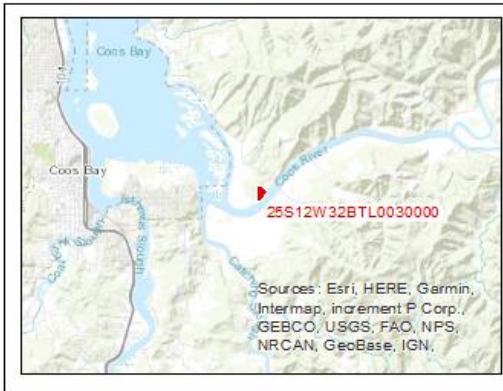
COOS COUNTY PLANNING DEPARTMENT

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

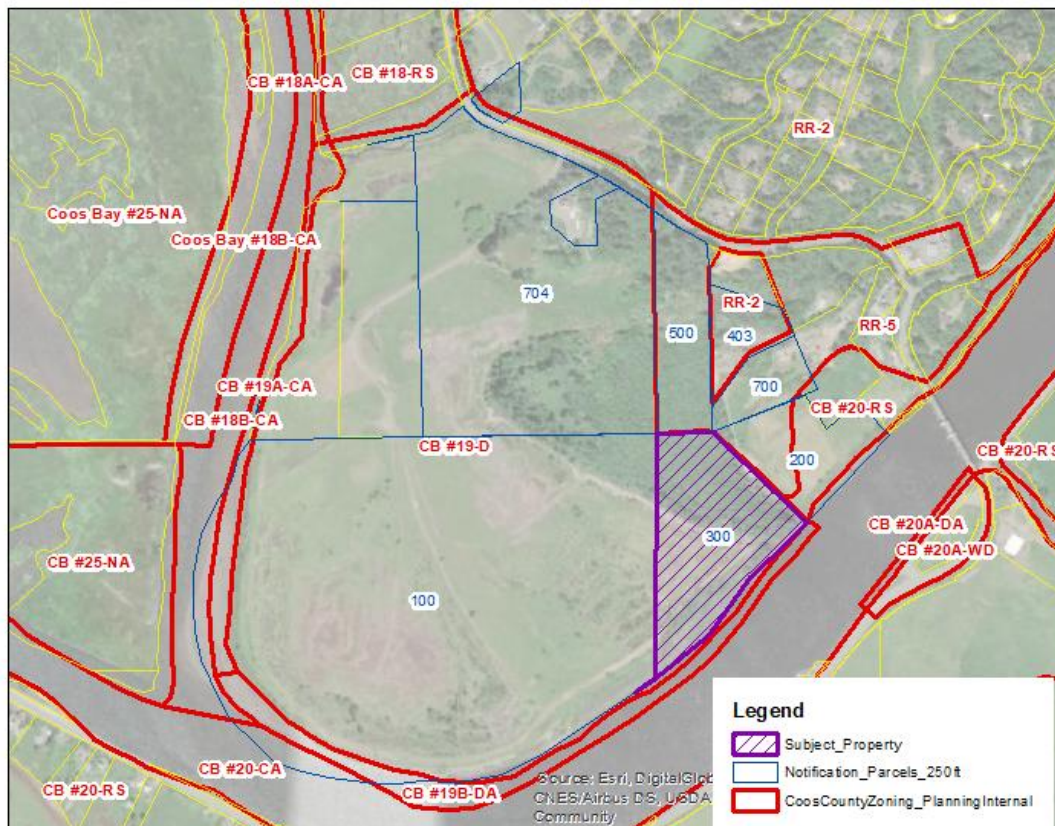
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

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



File:	FP-19-008
Applicant/ Owner:	City of North Bend
Date:	March 15, 2020
Location:	Township 25S Range 12W Section 32B TL 300
Proposal:	Floodplain Review



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL

Request for after-the-fact approval for development (repair of a culvert & placement of riprap) and a request for new development (placement of riprap within the Special Flood Hazard Area. pursuant to Coos County Zoning and Land Development (CCZLDO) § 3.2.536 - Uses, Activities, and Special Conditions - Coos Bay Estuary Management Plan Segment 19 - Development; Policy #9 - Solutions to Erosion and Flooding Problems; Policy #14 - General Policy on uses within Rural Coastal Shorelands; Policy #17 - Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands; Policy #18 - Protection of Historical, Cultural, and Archaeological Sites; Policy #27 - Floodplain Protection within Coastal Shorelands; Policy #19 - Rural Residential Public Services; Policy #50 - Rural Public Services; Policy #51 - Public Service Extension; § 4.11.235 - Establishment of Development Permit - Floodplain; § 4.11.251 - General Standards; § 4.11.252 - Specific Standards.

II. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partition ordinances or regulations that prohibited the creation (Deed Document No. 68-25171).

LOCATION: The subject property is located east of the City of Coos Bay and accessed off of East Bay Road through Township 25S, Range 12W, Section 30, Tax Lot 704.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The subject property is located within the Coos Bay Estuary Management Plan (CBEMP) segment 19 - Development Shorelands(19-D), contains 17.60 acres, and is undeveloped with some tree coverage and pastureland with the Coos River running along the southern property boundary. The parcels to the north have a residential zoning designation of either Rural Residential – 5 (RR-5) or Rural Residential – 2 (RR-2) and are either undeveloped or contain residential development. The property to the east is split zoned between RR-5 and CBEMP segment 20 – Rural Shorelands (20-RS) and is undeveloped. To the south is the Coos River. The property to the west is zoned CBEMP segment 19 – Development (19-D) and is being utilized for placement of bio-solids.
- b. **PROPOSAL:** Request for after-the-fact approval for development (repair of a culvert & placement of riprap) and a request for new development (placement of riprap within the Special Flood Hazard Area

IV. APPROVAL CRITERIA & FINDINGS OF FACT

“DEVELOPMENT” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; mining; dredging; filling; grading; paving; excavation or drilling operations; or storage of equipment or materials located within the area of special flood hazard. (Definition from § 4.11.220)

GENERAL LOCATION: COOS RIVER
 ZONING DESIGNATION: 19-D
 ZONING DISTRICT: 19-DEVELOPMENT
 SHORELANDS SPECIFIC BOUNDARIES:

Northern Boundary: The northern most dike retaining the dredged material fill on the site known as Christianson Ranch. Southeastern Boundary: The southeastern end of the dike where the riparian vegetation begins at the border of Coos River.

- SECTION 3.2.535. MANAGEMENT OBJECTIVE:

This district is a large parcel (152 acres) of filled, undeveloped property in a single ownership bordering on a maintained shallow-draft channel. While the site is presently suitable for pastureland, the Plan anticipates that these characteristics will make it an important water dependent/water-related industrial site in the future. To protect the site for future industrial development the Plan designates it "D" (Development). The parcel's large size and the limitation on water access from only the Coos River shoreland makes it unlikely that the entire site can be utilized for only water-dependent/water-related uses. Therefore, to assure that non-water-dependent/non-water-related uses that wish to locate on the site do not limit or preclude water-dependent uses of the shoreland, development must be consistent with a plot plan that accomplishes this goal and is approved by the Coos County Board of Commissioners or their designee.

- SECTION 3.2.536. USES, ACTIVITIES AND SPECIAL CONDITIONS.

Table 19-D sets forth the uses and activities, which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 19-D also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

B. Activities

2. Dikes

b. Maintenance/repair P-G

6. Shoreline stabilization

b. Riprap ACU-S, G

GENERAL CONDITIONS (the following conditions apply to all permitted uses and activities):

- Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.
- Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
- All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
- In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

- **#9 Solutions to Erosion and Flooding Problems**

Local government shall prefer nonstructural solutions to problems of erosion and flooding to structural solutions. Where shown to be necessary, water and erosion control structures such as jetties, bulkheads, seawalls and similar protective structures and fill whether located in the waterways or on shorelands above ordinary high water mark shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns.

- I. *Further, where listed as an "allowable" activity within the respective management units, riprap may be allowed in Development Management Units upon findings that:*
 - a. *Land use management practices and nonstructural solutions are inadequate; and*
 - b. *Adverse impacts on water currents, erosion and accretion patterns are minimized; and*
 - c. *It is consistent with the Development management unit requirements of the Estuarine Resources Goal.*

- II. *Further, where listed as an "allowable" activity within respective management units, riprap shall only be allowed in Conservation Aquatic (CA) units upon findings that:*
 - a. *Land use management practices and nonstructural solutions are inadequate; and*
 - b. *Adverse impacts on water currents, erosion and accretion patterns are minimized; and*
 - c. *Riprap is consistent with the resource capabilities of the area and the purposes of maintaining Conservation management units.*

- III. *Further, where listed as an "allowable" activity within respective management units, riprap shall only be allowed in Natural Aquatic (NA) units upon findings that:*
 - a. *There is a need to protect from erosion: uses existing as of October 7, 1977, unique natural resources and historic archaeological values, or public facilities;*
 - b. *Land use management practices and nonstructural solutions are inadequate;*
 - c. *It is consistent with the natural management unit as set forth in this Plan and required by Goal #16; and*
 - d. *Adverse impacts on water currents, erosion and accretion patterns and estuarine organisms and their habitat are minimized.*

Implementation of this strategy shall occur through local review of and comment on state and federal permit applications for such projects.

This strategy is based on the recognition that nonstructural solutions are often more cost-effective as corrective measures, but that carefully designed structural solutions are occasionally necessary. The strategy also recognizes LCDC Goal #16 and #17 requirements and the Oregon Administrative Rule classifying Oregon estuaries (OAR 660-17-000 as amended June, 1981).

FINDING: The riprap that has been placed was on the property was equal to approximately eight (8) to nine (9) cubic yards. This riprap was used to elevate the culvert, to protect the inlet, to protect the shell middens, to prevent continual undercutting of the northerly bank that was caused by the drainage. The applicant stated that Reg Pullen, Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, explained that the shell midden where located on the natural slope to the north of the culvert entrance, this is above the placed riprap approximately three (3) to six (6) feet in elevation and in the same direction north; however, the drainage was undercutting the northerly

bank in this area. Therefore, the culvert was extended approximately fourteen (14) to sixteen (16) feet in the drainage ditch on the upstream end, and then filled approximately four (4) feet in height.

The intent of the proposed riprap is to protect the archeological find near the outlet. This portion of the project has not been completed as the applicant is waiting for approval from the County, the Army Corps of Engineers, and the Department of State Lands in order to place riprap in the river and riparian area. The failing CMP had cause erosion at its outfall (toe of the slope) and a couple of fallen logs were located directly in front, this was causing hydraulic flow to cut the toe of the slope to the south before draining towards the river. The slip-lined segment that is twenty-four (24) inches HDPE extends riverward approximately five (5) feet, which extends over the logs and eliminates the floe directly at the toe, thus providing some protection against the toe erosion from the drainage itself, but does not prevent erosion from riverine flow. The placement of riprap within this segment of the CBEMP requires that an Administrative Conditional Use be submitted; therefore, this will be a condition of approval.

The applicant submitted certification prepared by Ralph Dunham, Registered Professional Engineer, states that the fill places in Flood Zone AE on the river side of the diked system encompasses approximately 0.1 cubic yard of actual fill in the static sense. The culvert was not placed in a controlling section¹, in fact the flood elevation is controlled very locally by the protruding ridge line directly upstream (smallest section) and less locally by the cross sections adjacent to the Chandler Bridge, and a section approximately 1/2 mile downstream, which includes both a narrower section and the impacts of a bend in the river causing additional friction loss in the system. These two sections are the controlling sections for this segment of Coos River in relation to flood plain elevation. Hydraulic friction factors are essentially the same for the 1000 feet upstream and downstream of the project site, with a straight run of river in this segment (absent of the abutments for the Chandler Bridge). The controlling factor, therefore, is overall cross section, which generally widens past the adjacent ridgeline protrusion 100 feet upstream of the project site, and narrows as the river enters a curve to the right downstream roughly 1000 feet from the project site. Mr. Dunham stated that the placement of riprap has no measurable or potential effect on the elevation of the floodplain. This determination appears to address the after-the-fact placement of riprap but does not address the proposed placement; therefore, as a condition of approval certification shall be submitted stating that the development (placement of riprap) shall not result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.

- **#14** *General Policy on Uses within Rural Coastal Shorelands*

- I. *Coos County shall manage its rural areas within the "Coos Bay Coastal Shorelands Boundary" by allowing only the following uses in rural shoreland areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and CBEMP Policies #17 and #18:*
 - a. *Farm uses as provided in ORS 215.203;*
 - b. *Propagation and harvesting of forest products;*
 - c. *Private and public water-dependent recreation developments;*
 - d. *Aquaculture;*
 - e. *Water-dependent commercial and industrial uses, water-related uses, and other uses only upon a finding by the Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands in urban and urbanizable areas or in rural areas built upon or irrevocably*

¹ Section of the river with the smallest cross section or significantly more restrictive hydraulic friction

- committed to non-resource use.*
- f. *Single-family residences on lots, parcels, or units of land existing on January 1, 1977, when it is established that:*
1. *The dwelling is in conjunction with a permitted farm or forest use, or*
 2. *The dwelling is in a documented "committed" area, or*
 3. *The dwelling has been justified through a goal exception; and*
 4. *Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;*
- g. *Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee determines that such uses satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.*

This strategy recognizes (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands. This strategy further recognizes that rural uses "a through "g" above, are allowed because of need and consistency findings documented in the "factual base" that supports this Plan.

FINDING: The repair to the culvert and placement of riprap is an accessory to the approved agricultural use (biosolids). Policy #14 recognizes farm uses as provided in ORS 215.203 as permitted but does not exempt the uses from complying with Policies #17 and #18. ORS 215.203 zoning ordinances establishing exclusive farm uses (EFU) requires a review of ORS 215.283 for uses in EFU in nonmarginal² lands counties. ORS 215.283(1)(v) allows for the use of biosolids for agricultural use.

- **#17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands**

Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

- I. *Local government shall protect:*
 - a. *"Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and*
 - b. *"Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and*
 - c. *"Coastal headlands"; and*
 - d. *"Exceptional aesthetic resources" where the quality is primarily derived from or related to the association with coastal water areas.*

- II. *This strategy shall be implemented through:*
 - a. *Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and*

² Coos County is a nonmarginal lands county.

- b. *Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.*
- c. *Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.*

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan

FINDING: The subject property and project area has no identified major marshes, significant wildlife habitats, coastal headlands, or exceptional aesthetic resources; therefore, these criteria are not applicable.

- **#18 Protection of Historical, Cultural and Archaeological Sites**

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

- I. *This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.*
- II. *The development proposal, when submitted shall include a Plot Plan Application, showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan Application. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.*

"Appropriate measures" may include, but shall not be limited to the following:

- a. *Retaining the prehistoric and/or historic structure in site or moving it intact to another site; or*
- b. *Paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe(s); or*
- c. *Clustering development so as to avoid disturbing the site; or*
- d. *Setting the site aside for non-impacting activities, such as storage; or*
- e. *If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reintering the human remains at the developer's expense; or*
- f. *Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.*

If a previously unknown or unrecorded archaeological site is encountered in the development process, the above measures shall still apply. Land development activities, which violate the intent of this strategy shall be subject to penalties prescribed in ORS

97.990.

- III. *Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall conduct an administrative review of the Plot Plan Application and shall:*
- a. *Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or*
 - b. *Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) cannot agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archaeological values of the site.*
- IV. *Through the "overlay concept" of this policy and the Special Considerations Map, unless an exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the cultural, historical and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.*

This strategy recognizes that protection of cultural, historical and archaeological sites is not only a community's social responsibility; it is also legally required by ORS 97.745. It also recognizes that cultural, historical and archaeological sites are non-renewable cultural resources.

FINDING: In 2017 the city prevailed on an application to apply bio-solids on the subject property. However, the application did have conditions of approval. The specific condition that has raised issues by the Oregon State Historic Preservation Office (SHPO), the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI), and the Coquille Indian Tribe (CIT) was to for the City of North Bend (City) to repair the culvert that was causing damage to site 35CS33, as referenced in the June 6, 2017 letter from SHPO, and construct a new drainage channel from the culvert to the Coos River to redirect the flow of water away from the shell midden and burial sites.

The City has already made repairs to the culvert; however, they did so without obtaining the proper land use approval from the County. The City filed an application to develop in a special flood hazard area. Request for comments were submitted at that time.

Performing the work without consultation from SHPO, CTCLUSI, and CIT and without an archaeological permit has violated State Law 358.920 as well as the CCZLDO. The next steps will be:

- **Hire a qualified archaeologist needs to assess the damages to the site under a SHPO Permit and update the site form;**
- **As a condition for any permits/authorizations approved by the County, the City shall establish and maintain a management plan for known archaeological sites on their properties that outlines how they will work within those sites including what permits may**

be necessary and who/how/when to contact other interested/consulting parties to prevent this from happening again (not simply a promise to address the problem).

- **#27 Floodplain Protection within Coastal Shorelands**

The respective flood regulations of local government set forth requirements for uses and activities in identified flood areas; these shall be recognized as implementing ordinances of this Plan.

This strategy recognizes the potential for property damage that could result from flooding of the estuary.

FINDING: Portions of the after-the-fact riprap was placed within the floodplain and is addressed under CCZLDO 4.11 below.

- **#49 Rural Residential Public Services**

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

- I. *This strategy is based on the recognition:*

- a. *that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and*
- b. *that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.*

FINDING: The proposal does not include residential development; therefore, this criterion does not apply.

- **#50 Rural Public Services**

Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

FINDING: The proposal does not include residential development, well installation, or septic installation; therefore this criterion does not apply.

- **#51 Public Services Extension**

- I. *Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB's) or the establishment of new water systems outside UGB's and UCB's where such service is solely for:*
 - a. *development of designated industrial sites;*
 - b. *development of "recreational" planned unit developments (PUDs);*
 - c. *curing documented health hazards;*
 - d. *providing domestic water to an approved exception for a rural residential area;*
 - e. *development of "abandoned or diminished mill sites" as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.*

- II. *This strategy shall be implemented by requiring:*
 - a. *that those requesting service extensions pay for the costs of such extension; and*
 - b. *that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and*
 - c. *that the service provider is capable of extending services; and*
 - d. *prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.*

 - e. *That the service allowed by "e" above is authorized in accordance with ORS 197.719.*

FINDING: This project does not include establishment of a water system or extension of any public services; therefore, this criterion does not apply.

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 application that was submitted is for after-the-fact approval for repair of an existing culvert and placement of riprap and proposed placement of riprap located at the end of an existing drainage ditch closest to Coos River. The project takes place within the mapped floodplain in Flood Hazard Zone AE and A. The applicants submitted the proper Floodplain application along with an Elevation Certificate prepared by Ralph Dunham, Registered Professional Engineer. The Base Flood Elevation (BFE) of the area that proposed development will occur and the after-the-fact development took place is 15 feet. The project would need to be located above 15 feet in order to be above the BFE; however, according to Mr. Dunham, portions of the development that have already been completed and the proposed development will occur below the BFE; therefore, the standards for development in a floodplain shall be complied with.

- **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.

*

7. *Other Development. Includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County's determination that such uses are not of the type and magnitude to affect potential water surface elevations or increase the level of insurable damages.*

Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before "other development" may occur. Such authorization by the Planning Department shall not be issued unless it is established, based on a licensed engineer's certification that the "other development" shall not:

- Result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,*
- Result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.*

Finding: In November of 2018 the City of North Bend repaired an existing 30 inch CMP³ culvert by slip-lining the existing deteriorated corrugated metal culvert with a 24 inch in diameter HDPE⁴ inserted in the existing CMP pipe, 96 feet in overall length. The original length of the culvert was 100 feet, at the time of the repair the culvert measured 83 feet in length. The HDPE was placed in the original CMP location, which is approximately five (5) feet beyond the riverside end of the CMP to reduce scour, and eight (8) feet on the upstream (field end) to provide area for riprap to replace

³ Corrugated Metal Pipe

⁴ High Density Polyethylene PE3408, AWWA C906

the oversteepened slope cause by failure of the existing rotten CMP. They placed roughly eight (8) cubic yards of riprap was placed around and over the field end, also known as the upstream end of the existing culvert for stabilization of the existing eroded embankment. Only approximately four (4) of the overall eight (8) cubic yards was placed below the established base flood elevation of 15.0 feet. This fill consisted of roughly four (4) cubic yards of 6 inches to 2 inches of clean durable aggregate (riprap), and approximately 96 feet of HDPE pipe, 83 feet of this pipe was installed within the existing 30 inch CMP pipe. HDPE pipe (OD⁵ pipe - tubing size) was extended beyond the existing CMP by 13 feet, consisting of an additional 0.25 cubic yards of fill. Neither fill material is erosion susceptible, nor requires compaction to resist hydrostatic or hydrodynamic forces. The majority if the fill was placed in a surcharge area⁶ noted as Zone A, this is located on the subject property and only affects the subject property. The segment of the floodplain located on the subject property, more specifically identified as a portion of the drainage ditch, is identified as Zone A. This particular segment of Zone A is controlled solely by the river level; therefore, has no measurable effect on the Coos River system, mainly due to the size. An estimated 4.15 of the 4.25 cubic yards of fill was placed in this area, with no measurable effect on the elevation of the floodplain. The fill that was placed in Zone AE, on the riverside of the diked system, consists of an estimated 0.1 cubic yard is actual fill in the static sense. The placement of the culvert is not within a controlling section⁷. The flood elevation is controlled very locally by the protruding ridge line directly up stream (smallest section) and less locally by the cross sections adjacent to the Chandler Bridge, and a section approximately 1/2 mile downstream, which includes both a narrower section and the impacts of a bend in the river causing additional friction loss in the system. These two sections are the controlling sections for this segment of Coos River in relation to floodplain elevation. Hydraulic friction factors are essentially the same for the 1000 feet upstream and downstream of the project site, with a straight run of river in this segment (absent of the abutments for the Chandler Bridge). The controlling factor therefore is overall cross section, which generally widens past the adjacent ridgeline protrusion 100 feet upstream of the project site, and narrows as the river enters a curve to the right downstream approximately 1000 feet from the project site.

- **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:

- 2. *Nonresidential Construction*

- New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:*
- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;*
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.11.243(3)(b);*
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 4.11.252(1)(b);*

⁵ Outside Diameter

⁶ River level controls outflow of drainage ditch, which surcharges to the river level

⁷ Section of the river with the smallest cross section or significantly more restrictive hydraulic friction

- e. *Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below);*
- f. *Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure; and*
- g. *Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.*

Finding: The proposal does not include a residential or non-residential structure, the proposal consists of placement of fill (riprap) and repair of an existing culvert within the floodplain.

Therefore, these criteria are not applicable.

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD
Millington Rural Fire Protection District

Planning Commission
Board of Commissioner

EXHIBIT "D" Comments Received

Amy Dibble

From: Stacy Scott <sscott@ctclusi.org>
Sent: Friday, August 9, 2019 4:08 PM
To: GRIFFIN Dennis * OPRD; 'Harris, Levi'
Cc: 'POULEY John * OPRD'; ALLORI Chris; josh.mullins@state.or.us; Kassandra Rippee
Subject: Potential Violation/Damage to a Known Archaeological Site at Graveyard Point

Dennis and Levi,

On Tuesday afternoon I was dropping off some documents to the City of North Bend planning department and took the opportunity to speak with the new public works director, Ralph Dunham about the need to continue working on a site protection plan for 35CS33. I informed him that there was a culvert in the middle of a site that had been crushed/failed and was eroding the site and exposing burials. I informed him that the City and the Tribe had agreed to an MOA in 2016 under Coos County's Policy 18, to protect this site from ground disturbing activities and the application of biosolids and that both parties agreed to work together on protection of the site. He said he had not seen this MOA but that the City had replaced the Culvert, extending it out 5 feet farther to help channel the flow of water away from the site and that during this work they used heavy equipment and placed some material down to cap or protect the site. The machinery did disturb some material up on top of the dike area and he stated that some shell material was exposed. However, they never notified or consulted with the Tribes or the State Historic Preservation Office of the work and at this point it is unclear how much disturbance there is to the site or burials as a result of this action. I am also not sure when this work occurred as I am only now finding out about it.

Additionally, they removed some beaver dams in the creek areas that surround site 35CS33 and some fencing from the old Christianson homestead garden, which Dr. Beckham noted as having some very well preserved artifacts, all without a monitor present. All of these sites were documented in a report produced by Rick Minor and Dr. Beckham for the City, so they are aware of the locations and to some degree the extent of these sites.

I am trying to coordinate with the City of North Bend for a site visit on August 19th and am hoping that an OSP officer is available to go and examine the site with me. Levi can you confirm if either yourself or another OSP officer might be available on Monday, August 19th around 9am for a site visit? Kassie you are also welcome to join us if you would like.

Additional Background Information:

Back in the summer of 2016 myself and Reg Pullen met Derek Windham, engineer for the City of North Bend at the archaeological site and observed the shell midden that was present at 35CS33 and at that time there was a partially exposed burial eroding out of the bank directly adjacent to a culvert. The culvert apparently had been placed there in the 1970's or 1980's and goes right through the site. I notified OSP officer Levi Harris who accompanied me out there to confirm the human remains were not associated with a crime scene and followed up with Dennis Griffin at SHPO. Dennis and others from the SHPO office subsequently visited the site of the culvert and also the old Christianson homestead that the City had torn down without notification/consultation with the Tribe or SHPO.

Sincerely,
Stacy

Stacy Scott, MA, RPA
Tribal Historic Preservation Officer &
Cultural Resources Protection Specialist
Confederated Tribes of

Coos, Lower Umpqua & Siuslaw Indians
1245 Fulton Avenue
Coos Bay, Oregon 97420
541.888.7513 (office)
541.297.5543 (cell)
541.888.2853 (fax)
SScott@ctclusi.org

This email and its attachments are confidential under applicable law and are intended for use of the sender's addressee only, unless the sender expressly agrees otherwise, or unless a separate written agreement exists between Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and a recipient company governing communications between the parties and any data that may be transmitted. Transmission of email over the Internet is not a secure communications medium. If you are requesting or have requested the transmittal of personal data, as defined in applicable privacy laws, by means of email or in an attachment to email, you may wish to select a more secure alternate means of transmittal that better supports your obligations to protect such personal data. If the recipient of this message is not the recipient named above, and/or you have received this email in error, you must take no action based on the information in this email. You are hereby notified that any dissemination, misuse or copying or disclosure of the communication by a recipient who has received this message in error is strictly prohibited. If this message is received in error, please return this email to the sender and immediately highlight any error in transmittal. Thank You

Amy Dibble

To: Jill Rolfe
Subject: RE: FP-19-008 City of North Bend

From: Cassandra Rippee [<mailto:CassandraRippee@coquilletribe.org>]
Sent: Thursday, January 09, 2020 9:21 AM
To: Jill Rolfe; Stacy Scott; GRIFFIN Dennis * OPRD; Rick Eichstaedt; Nathaniel Greenhalgh-Johnson
Cc: Planning Department; Robert Kentta; Rick Eichstaedt
Subject: RE: FP-19-008 City of North Bend

This Message originated outside your organization.

Jill,

Thank you for addressing my question about the MOA. I do wish that someone had followed up on my original email last month (or the email Stacy sent in August). When I receive an email requesting comments from County staff, I assume that you've sent it to me for comments because the application is considered complete. I have noted to Michelle a few times that there are often several elements missing from her emails (maps and the actual request for comments page), but I understand that she is new and there is a learning curve – we are trying to work within her learning curve and within the issues we've been experiencing where the County has either not been sending emails or they have been getting lost in firewalls... My prompt that a permit/authorization should not be issued was not a request to deny a permit, but a request that you wait on making a decision until we can get all our questions answered and the facts straightened out. As far as I was aware, you were considering our 30 day comment period to be expired at the end of the week without having addressed the questions/concerns I submitted to the County in December. Now that I have the MOA question answered, I can address next steps that should be taken:

The facts of the case as I know them are that the City, by doing the work they did without consultation from SHPO & the Tribes and without an archaeological permit has violated State law 358.920, as well as the OARs regarding permitting. Next steps:

- A qualified archaeologist needs to assess the damages to the site under a SHPO Permit and update the site form.
- Additionally, I would request that as a condition for any permits/authorizations approved by the County, the City needs to have a management plan for known archaeological sites on their properties that outlines how they will work within those sites including what permits may be necessary and who/how/when to contact other interested/consulting parties to prevent this from happening again (not simply a promise to address the problem).

Shuenhalni (take care),
Kassie

Cassandra Rippee, M.A., M.L.S.
Tribal Historic Preservation Officer (THPO)
Coquille Indian Tribe
495 Miluk Drive
Coos Bay, Oregon 97420

m: 541-808-5554

o: 541-756-0904 x1216
f: 541-888-2418
direct: KassandraRippe@coquilletribe.org
compliance: THPO@coquilletribe.org

This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission.

From: Jill Rolfe <jrolfe@co.coos.or.us>
Sent: Wednesday, January 8, 2020 5:33 PM
To: Kassandra Rippee <KassandraRippe@coquilletribe.org>; Stacy Scott <sscott@ctclusi.org>; GRIFFIN Dennis * OPRD <Dennis.Griffin@oregon.gov>; Rick Eichstaedt <rick@wheatlawoffices.com>; Nathaniel Greenhalgh-Johnson <njohnson@co.coos.or.us>
Cc: Planning Department <planning@co.coos.or.us>; Robert Kentta <rkentta@ctsi.nsn.us>; Rick Eichstaedt <rick@wheatlawoffices.com>
Subject: RE: FP-19-008 City of North Bend

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kassandra,

The hearings officer found that the two primary parties (the City of North Bend and the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians) (CTCLUSI) presented a draft Memorandum of Agreement (MOA) that effectively settled the major substantive points between the parties. The County was not provided a final MOA as the parties seemed to be on track to working through the issues. The decision signed by the Board of Commissioners attached is the final decision in this matter. This decision is the final decision in the matter and what we have to work with.

The only real condition of approval is addressed in the following statement:

One final point merits discussion. In their Pre-hearing submittal, CTCLUSI's Tribal Historic Preservation Officer and Cultural Resources Protection Specialist Stacy Scott recommended that "the failed culvert be fixed with a sleeved fitting (not removed from the dike) and extended away from the site and a new drainage channel from the culvert to the Coos River be excavated to redirect the flow of water away from the shell midden and burials. On June 6, 2017, Dennis Griffin, Ph.D., RPA, who is the State Archaeologist for the State of Oregon, submitted comments also discussing the impacts that this same culvert is causing to the identified cultural sensitive area. In his opinion, that culvert should be replaced as soon as possible to protect the site from future damage. It is not entirely clear from the record if the City owns this culvert, and thus, has the responsibility to repair it. The MOA does acknowledge that "the Tribe is also concerned that the southern riparian boundary of the Property, which contains an eroding shoreline at the base of the dike and damaged culvert, poses a threat to nearby Tribe Cultural Resources. The MOA does not specifically assign responsibility to the City of North Bend to repair the culvert, but it does say that "[t]he City will take all prudent and necessary steps to avoid unnecessary impacts to known Tribal Cultural Resources." Furthermore, the City did not voice and objection to carrying out this work, so the Hearings Officer presumes that it is willing to accept this mitigation measure as a condition of approval. Doing so would certainly fall within the spirit and purpose of the MOA. The Hearings Officer therefore recommends the following condition be added to the approval:

The City of North Bend shall repair the culvert that is currently causing damage to site 35CS33, as referenced in the June 6, 2017 letter from SHPO, and construct a new drainage channel from the culvert to the Coos River to redirect the flow of water away from the shell midden and burial sites.

It appears to me the city may have replaced the culvert in question without proper land use permits and they may be in violation of the prior permit but I have not officially issued a final decision on the matter. My prior email, in no way said we were approving the after the fact permit, but it provided guidance on comments that would be helpful if it is approved. If the permit is denied there are no conditions that can be attached and no additional requirements can be applied as happens in an approval.

I did not read Dennis email as a denial or an approval but he suggested an expert be hired by the county which is not possible but we can require one be hired at the applicant's expense if necessary. I was asking that you all look through the wording and provide your expert opinion on the on ground activities in relationship to the cultural, historical and archaeological protections of the property. I missed that Michelle failed to send the entire permit but it appears that has been provided so you can review the project. Amy has not even deemed this application complete yet as she has 30 days to do so. Normally we try not to send you applications until they are found to be complete so you don't have to comment more than once. She is in the process of reviewing the information. Even if she deems it complete that does not mean it will be an approval that just means all of the maps and information for review have been submitted. I am not sure they have but I will review this with her tomorrow. The plan should show all the cuts and fills that were made in association with the project.

Please remember, I need facts in this matter and not a personal opinion on how you think the county should handle an application. The factual information will help the local legal standards be applied appropriately and if challenged will stand up in a land use court.

There may be other state laws that can be applied that are outside of my jurisdictional abilities. If you want to pursue them you are more than welcome.

Thank you and have a good evening.

Jill Rolfe

Jill Rolfe, Planning Director
Coos County Planning Department
225 N. Adams St.
Coquille OR 97423
250 N. Baxter (Mailing)
541-396-7770
planning@co.coos.or.us

From: Cassandra Rippee [<mailto:CassandraRippee@coquilletribe.org>]

Sent: Wednesday, January 08, 2020 3:59 PM

To: Stacy Scott; Jill Rolfe; GRIFFIN Dennis * OPRD; Michelle Berglund; Rick Eichstaedt; Nathaniel Greenhalgh-Johnson

Cc: Planning Department; Robert Kentta; Rick Eichstaedt

Subject: RE: FP-19-008 City of North Bend

This Message originated outside your organization.

Additionally, again, rip-rap was placed on the back side of the culvert and we don't have any way to have inspected what damage occurred to the site as a result of the placement of that rip-rap because a cultural resources monitor/archaeologist wasn't present during the work.

The County still has not addressed how/if there will be any enforcement of the law or the conditions of the original bio-solids permit issued several years ago, or for the alterations to the site in violation of that original permit's conditions which required the City and County enter into the MOU, which was never completed.

The County should not issue any permits, even after-the-fact permits/authorizations, until they have addressed all the issues standing before them.

Shuenhalni (take care),
Kassie

Kassandra Rippee
Tribal Historic Preservation Officer (THPO)
Coquille Indian Tribe
495 Miluk Drive
Coos Bay, Oregon 97420

m: 541-808-5554
o: 541-756-0904 x1216
f: 541-888-2418

KassandraRippee@coquilletribe.org

THPO@coquilletribe.org

pronouns: she/her

This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission.

From: Stacy Scott <sscott@ctclusi.org>

Sent: Wednesday, January 8, 2020 3:52 PM

To: Jill Rolfe <jrolfe@co.coos.or.us>; GRIFFIN Dennis * OPRD <Dennis.Griffin@oregon.gov>; Michelle Berglund <mberglund@co.coos.or.us>; Rick Eichstaedt <rick@wheatlawoffices.com>; Nathaniel Greenhalgh-Johnson <njohnson@co.coos.or.us>

Cc: Planning Department <planning@co.coos.or.us>; Kassandra Rippee <KassandraRippee@coquilletribe.org>; Robert Kentta <rkentta@ctsi.nsn.us>; Rick Eichstaedt <rick@wheatlawoffices.com>

Subject: RE: FP-19-008 City of North Bend

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jill,

We never received the information on this after the fact permit from the County. We spoke to Michelle about having the information sent to us but have yet to see this information. Can you please ensure that the information is sent to us so that we can have our 30 days to review under Policy 18. Also, I did conduct a site visit and believe that when the caulking between the old culvert and new culvert was placed that burials were likely disturbed as they had to walk directly on them to access that area to do the work.

Thanks,
Stacy

Stacy Scott, MA, RPA
Tribal Historic Preservation Officer &
Cultural Resources Protection Specialist
Confederated Tribes of
Coos, Lower Umpqua & Siuslaw Indians
1245 Fulton Avenue
Coos Bay, Oregon 97420
541.888.7513 (office)
541.297.5543 (cell)
541.888.2853 (fax)
SScott@ctclusi.org

From: Jill Rolfe [<mailto:jrolfe@co.coos.or.us>]
Sent: Wednesday, January 08, 2020 3:31 PM
To: GRIFFIN Dennis * OPRD <Dennis.Griffin@oregon.gov>; Michelle Berglund <mberglund@co.coos.or.us>; Rick Eichstaedt <rick@wheatlawoffices.com>; Nathaniel Greenhalgh-Johnson <njohnson@co.coos.or.us>
Cc: Stacy Scott <sscott@ctclusi.org>; Planning Department <planning@co.coos.or.us>; Kassandra Rippee <KassandraRippee@coquilletribe.org>; Robert Kentta <rkentta@ctsi.nsn.us>
Subject: RE: FP-19-008 City of North Bend

Hi All,

This is an after-the-fact permit. The county did not approve the activity of the culvert replacement. The permit was submitted and it was reviewed for completeness prior to requested comments. The Coos, Siuslaw, Lower Umpqua Tribe contacted the county earlier this year to report some unauthorized work on the property without proper permits. When the County receives alleged violations we have to look at the evidence available and during this process we send a letter to the property owner letting them know we are investigating the matter. This allows them to respond. In this case the city did replace the culvert and they failed to get permits. One of the permits required to resolve the issue is a flood plain permit. There is no new work proposed at this time.

Staff is working through the application process. Just a reminder that Policy #18 states, the Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values. The project in this case is the replacement of the culvert.

The county does not have the authority or the funding to hire experts. The county may impose a condition of approval on this permit that mirrors the one for the biosolids project, but only if the proposal meets that other applicable criteria for approval. The County relies on the tribes expertise regarding protection of cultural, historical and archaeological site. If you would like the county to condition the permit that a professional archaeologist be hired by the applicant to assess both the project (culvert replacement) and its affects to the known site and that assessment be submitted to SHPO for a determination of impact and possible mitigation based on ORS 97.740, ORS 358.920, ORS 390.235, we will

add it. However, this means the tribe is required to make a statement that the damage to the site appears from the evidence submitted to have compromised the cultural, historical or archaeological values of the site which may require mitigation, or some type of similar statement. I have to have some type of legal statement to show the condition is required to ensure protection to the site that will stand if appealed.

Thank you,

Jill Rolfe

Jill Rolfe, Planning Director
Coos County Planning Department
225 N. Adams St.
Coquille OR 97423
250 N. Baxter (Mailing)
541-396-7770
planning@co.coos.or.us

From: GRIFFIN Dennis * OPRD [<mailto:Dennis.Griffin@oregon.gov>]
Sent: Wednesday, January 08, 2020 11:28 AM
To: Michelle Berglund
Cc: Stacy Scott; Planning Department; Kassandra Rippee; Robert Kentta
Subject: RE: FP-19-008 City of North Bend

This Message originated outside your organization.

Michelle,

Our office was copied on an email this morning, sent to you from the Coquille Tribe, regarding a project that appears to have been approved by the county and has since been conducted within a known archaeological site (35CS33) in violation of state statues that protect known archaeological sites and human remains in Oregon (i.e., ORS 97.740, ORS3358.920, ORS390.235). Site 35CS33 is reported to include human burials and damage to such remains could result in a Class C Felony. Not knowing much about the full scope of the project or the exact area where the site may have been impacted, it is important that the county contact a professional archaeologist to assess both the project and its affect to the site. We understand that, at a minimum, work conducted included the repair of an existing culvert which could have resulted in ground disturbing activities along either end of the preexisting culvert, the construction of a work pad area, and the placement of rip rap along a portion of the site. If it is determined that an adverse effect to the site has occurred, our office will need to contact the Oregon State Police to report the disturbance and consultation will be required between the county, project applicant, area tribes and our office regarding the need for a possible damage assessment and mitigation. Please get in touch with our office in the very near future. Our office takes damage to burial sites quite seriously and it is important that we identify what the true scope of any disturbance is before we are able to move forward with addressing project impacts. We look forward to hearing from your office in the near future.

\ Dennis /

Dennis Griffin, Ph.D., RPA
State Archaeologist
Oregon State Historic Preservation Office
725 NE Summer Street, Suite C
Salem, OR 97301-1266
Dennis.Griffin@oregon.gov
503-986-0674

From: Cassandra Rippee [<mailto:CassandraRippee@coquilletribe.org>]
Sent: Wednesday, January 8, 2020 11:06 AM
To: 'Michelle Berglund'
Cc: Stacy Scott; 'Planning Department'; GRIFFIN Dennis * OPRD
Subject: RE: FP-19-008 City of North Bend

Hi all. Following up on this – I can't respond to this request until we have the information requested below. I am copying SHPO on this as there has been no follow up to date...

Shuenhalni (take care),
Kassie

Kassandra Rippee
Tribal Historic Preservation Officer (THPO)
Coquille Indian Tribe
495 Miluk Drive
Coos Bay, Oregon 97420

m: 541-808-5554
o: 541-756-0904 x1216
f: 541-888-2418
[KassandraRippee@coquilletribe.org](mailto:CassandraRippee@coquilletribe.org)
THPO@coquilletribe.org
pronouns: she/her

This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission.

From: Cassandra Rippee
Sent: Thursday, December 19, 2019 9:14 AM
To: Michelle Berglund <mberglund@co.coos.or.us>
Cc: Stacy Scott <sscott@ctclusi.org>; Planning Department <planning@co.coos.or.us>
Subject: RE: FP-19-008 City of North Bend

Michelle,

Thanks for sending this along. I'll note that this email is missing the paperwork that is usually associated with requests for comment from the County. Those details help us to do our review.

Based on reading this application, I think this is an after the fact application. My understanding is that they've already installed the slipliner without county or SHPO approval and without the benefit of an archaeological permit or monitor. The disturbance, including the placement of the riprap within the boundaries of a known archaeological site without the benefit of that permit/monitoring is a violation of state law.

I have not heard anything from the County about how/if there will be any enforcement of the law or the conditions of the original bio-solids permit issued several years ago. Before I can adequately comment on this application, those outstanding issues must be addressed by the County.

Shuenhalni (take care),
Kassie

Kassandra Rippee
Tribal Historic Preservation Officer (THPO)
Coquille Indian Tribe
495 Miluk Drive
Coos Bay, Oregon 97420

m: 541-808-5554
o: 541-756-0904 x1216
f: 541-888-2418
KassandraRippee@coquilletribe.org
THPO@coquilletribe.org
pronouns: she/her

This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission.

From: Michelle Berglund <mberglund@co.coos.or.us>
Sent: Wednesday, December 11, 2019 9:02 AM
To: Kassandra Rippee <KassandraRippee@coquilletribe.org>
Subject: FP-19-008 City of North Bend

Please see attached application FP-19-008 City of North Bend. Please let us know if you have any comments or concerns. Thank you so much

Coos County Planning Dept

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

This email and its attachments are confidential under applicable law and are intended for use of the sender's addressee only, unless the sender expressly agrees otherwise, or unless a separate written agreement exists between Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and a recipient company governing

communications between the parties and any data that may be transmitted. Transmission of email over the Internet is not a secure communications medium. If you are requesting or have requested the transmittal of personal data, as defined in applicable privacy laws, by means of email or in an attachment to email, you may wish to select a more secure alternate means of transmittal that better supports your obligations to protect such personal data. If the recipient of this message is not the recipient named above, and/or you have received this email in error, you must take no action based on the information in this email. You are hereby notified that any dissemination, misuse or copying or disclosure of the communication by a recipient who has received this message in error is strictly prohibited. If this message is received in error, please return this email to the sender and immediately highlight any error in transmittal. Thank You

EXHIBIT "E"
Application



Coos County
Planning Department
Application to Develop in a
Special Flood Hazard Area

	Official Use Only
Fee	<u>375</u> ✓
Receipt No.	<u>214448</u>
Check No./Cash	<u>50978</u>
Date	<u>12/11/19</u>
Received By	<u>mb</u>
File No.	<u>FP-19-008</u>

The undersigned hereby makes application for a permit to develop in a designated Special Flood Hazard Area ("floodplain"). The work to be performed is described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Coos County Comprehensive Plan, Coos County Zoning and Land Development Ordinance, and any other applicable Local, State, and Federal regulations. This application does not create liability on the part of the Coos County Planning Department or any officer or employee thereof for any flood damage that results from the reliance on this application or any decision made lawfully thereunder.

Owner(s): City of North Bend Telephone: 541-756-8586

Address: P.O. Box B

City/State: North Bend, OR Zip Code: 97459

Agent(s): _____ Telephone: _____

Address: _____

City/State: _____ Zip Code: _____

Township: 25S Section: 32B

Range: 12W Tax Lot: 300

Situs Address: Adjacent to 63350 E. Bay Road

City/State: North Bend, OR Zip Code: 97459

A. Description of Work (Complete for All Proposals):

1. Proposed Development Description:

- | | |
|---|---|
| <input type="checkbox"/> New Building | <input type="checkbox"/> Improvement to Existing Building |
| <input type="checkbox"/> Manufactured Structure | <input checked="" type="checkbox"/> Fill |
| <input checked="" type="checkbox"/> Other <u>Sipline Existing CMP Culvert with HDPE Culvert</u> | |

2. Size and location of proposed development (a site plan must be attached):

Installation of 116 feet of 24" HDPE inside of a corroded 30" CMP . 6"-2" Clean Rip Rap placed
on upstream end (approx. 8 cy), proposed future placement of rip rap on outlet end partially
below OHW, future work will require DSL/COE 404 discharge permit.

3. Is the proposed development in a Special Flood Hazard Area (Zones A, AE, A1-A30, AH, AO, V, or VE)?

Yes Zone: Existing Placement partially in Zone A, proposed Rip Rap Zone AE, BFE 15'
 No

4. Per the FIRM, what is the zone and panel number of the area of the proposed development?

Zone: Zone A & AE established base flood elevation 15'

Panel Number: 41011CO331F Eff. 12/7/2018

5. Have any other Federal, State, or Local permits been obtained?

Yes - Copies of all permits must be attached.
 No

6. Is the proposed development in an identified floodway?

Yes - A "No Rise Certification" with supporting data must be attached.
 No

B. Complete for New Structures and Building Site:

1. Base Flood Elevation (BFE) at the site (complete one):

NGVD 29 _____ feet Source: _____

NAVD 88 _____ feet Source: _____

2. Required lowest floor elevation, including basement (complete one):

NGVD 29 _____ feet Source: _____

NAVD 88 _____ feet Source: _____

3. Number and area of flood openings (vents): _____

4. Enclosed area below BFE (in square feet): _____

C. Complete for Alterations, Additions, or Improvements to Existing Structures:

1. What is the estimated market value of the existing structure? Justification for the estimate must be attached and may include, but is not limited to, appraisals completed by private agencies or the County Assessor's office.

2. What is the cost of the proposed construction? Justification for the estimate must be attached. The estimate is required to include fair market value for any work provided by the property owner or without compensation.

3. If the cost of the proposed construction equals or exceeds 50 percent of the market value of the structure, then the substantial improvement provisions shall apply.

D. Complete for Non-Residential Floodproofed Construction:

1. Type of floodproofing method:

2. The required floodproofing elevation is (complete one):

NGVD 29 _____ feet Source: _____

NAVD 88 _____ feet Source: _____

3. Floodproofing certification by a registered engineer must be attached.

E. Complete for Land Divisions, Subdivisions, and Planned Unit Development:

1. Does the proposal contain 50 lots or 5 acres?

Yes - The plat or proposal must clearly identify base flood elevation.

No

2. Are the 100-year Floodplain and Floodway delineated on the site plan?

Yes

No

F. Authorization: All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application.

I hereby attest that I am authorized to make the application for Application to Develop in a Special Flood Hazard Area 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 upon false statements or misrepresentation.

RED
Applicant

I understand it is the function of the Planning Department to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bear the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

RED
Applicant

As applicant(s) I/we acknowledge that is in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.

RED
Applicant


Applicant(s) Original Signature
PUBLIC WORKS DIRECTOR

11/27/19
Date

Applicant(s) Original Signature

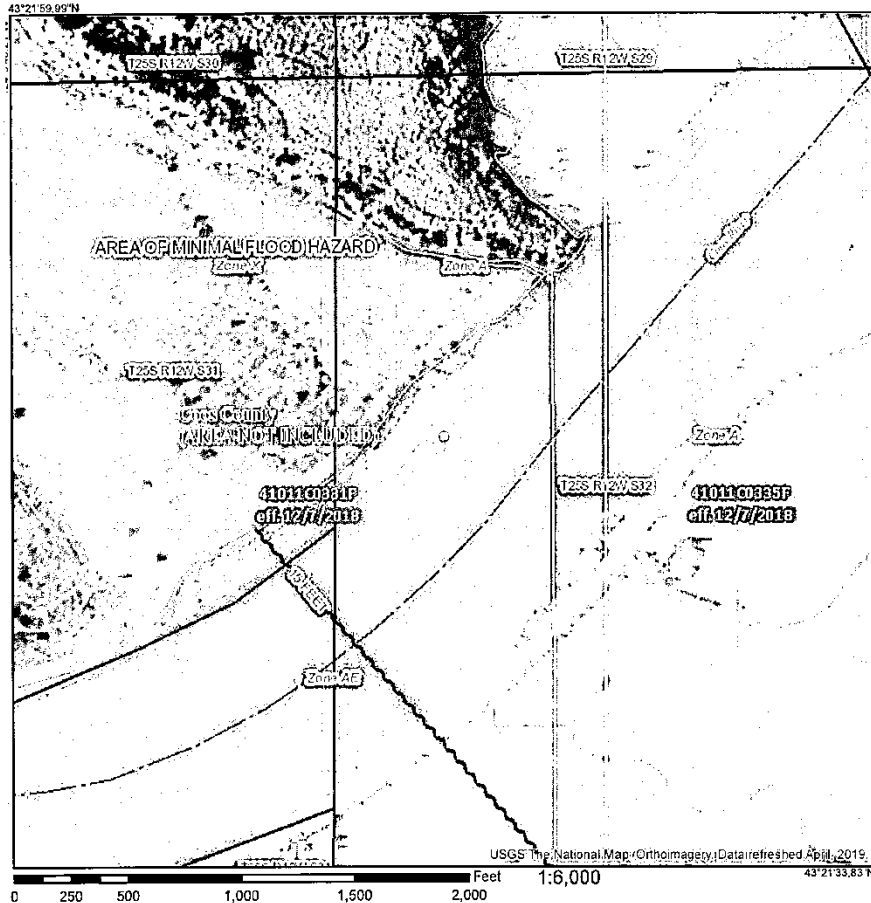
Date

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, X, S3
- With BFE of Depth Zone AE, AD, AH, VE, AP
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- Area of Minimal Flood Hazard
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transsect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transsect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/9/2019 at 8:17:13 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

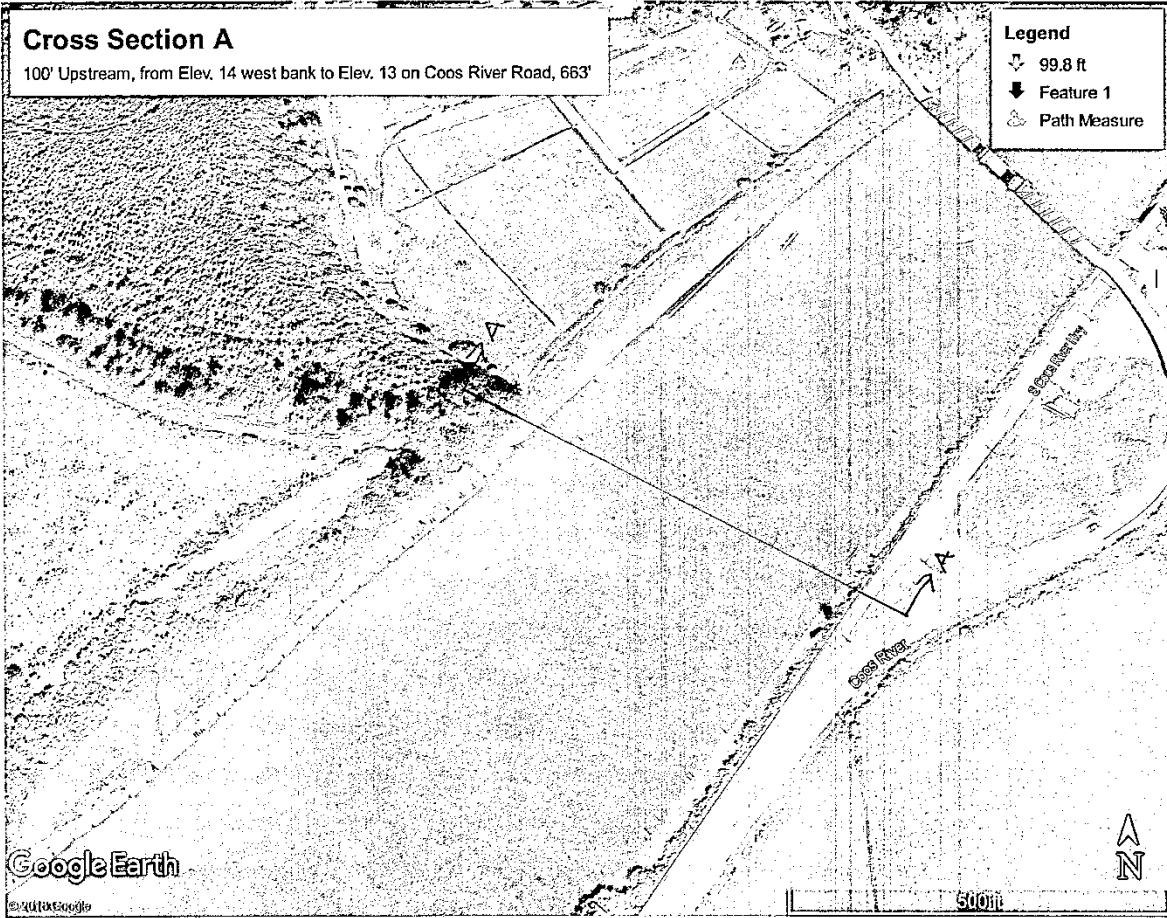
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Cross Section A

100' Upstream, from Elev. 14 west bank to Elev. 13 on Coos River Road, 663'

Legend

- ↕ 99.8 ft
- ↓ Feature 1
- ⊙ Path Measure

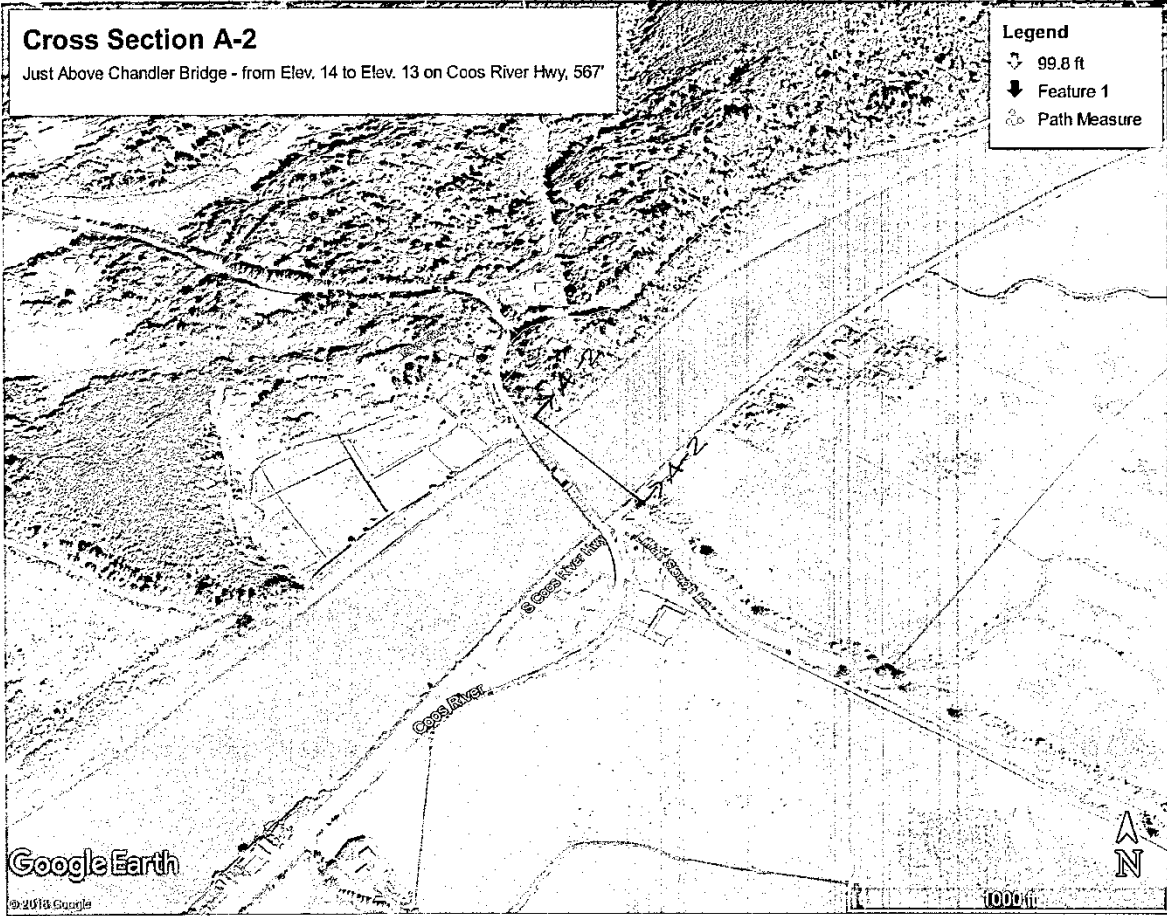


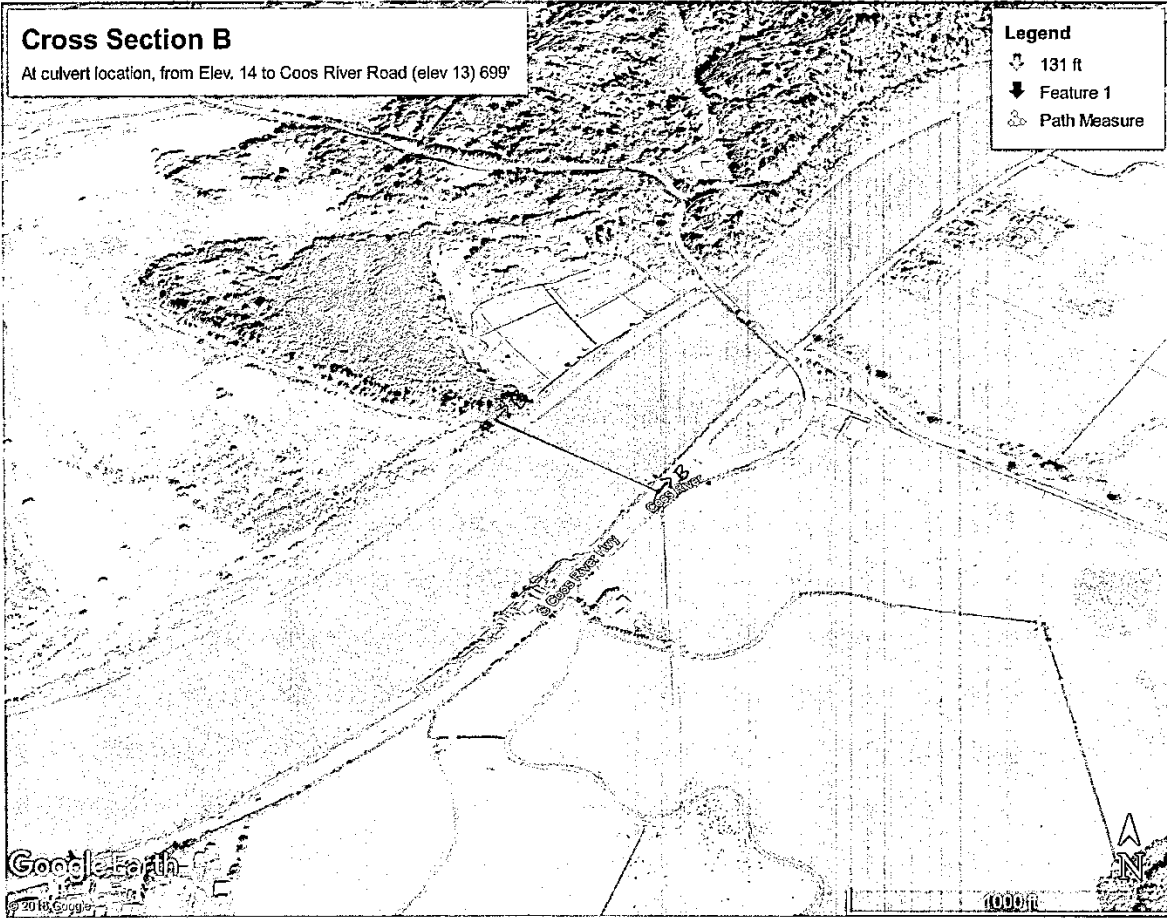
Cross Section A-2

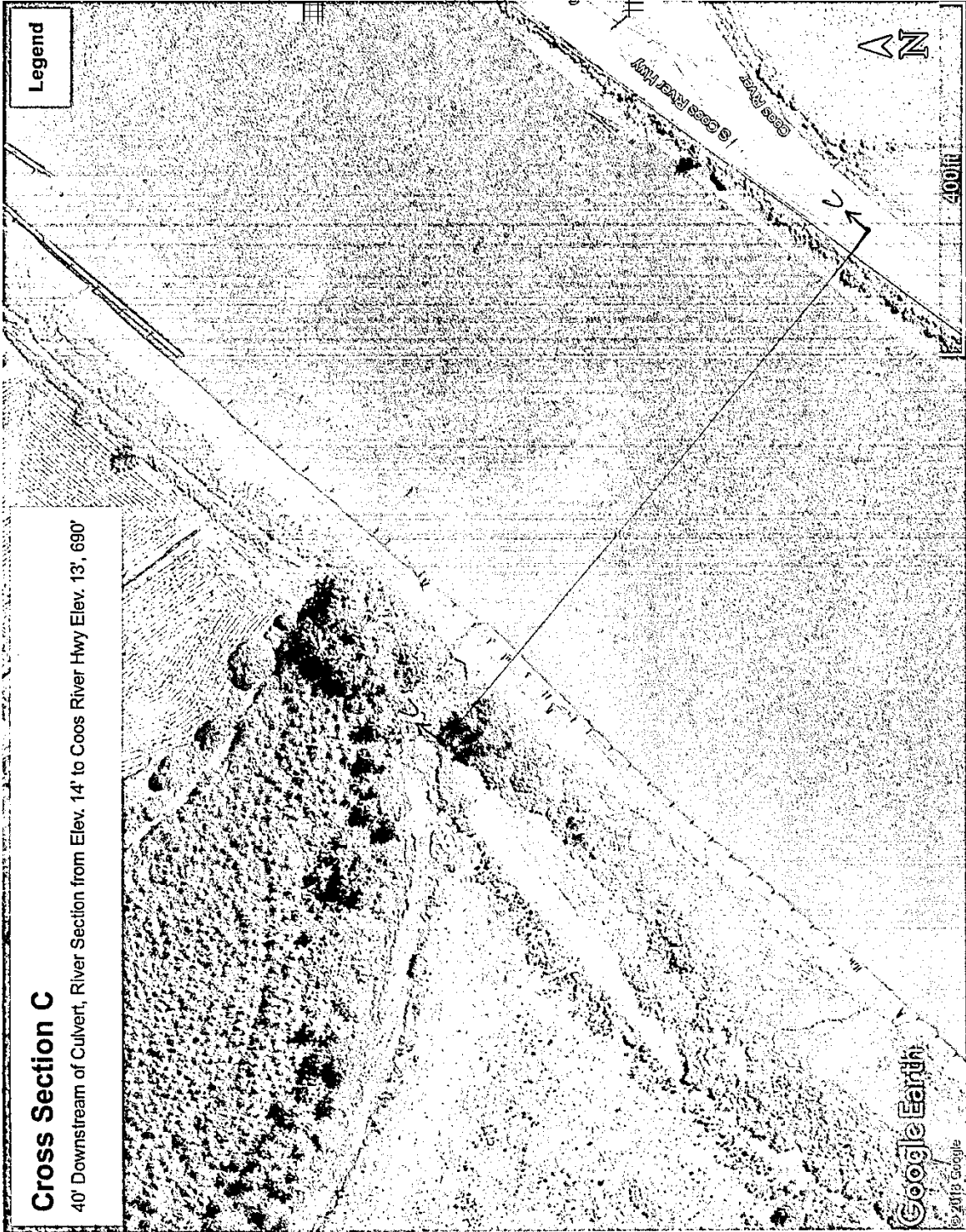
Just Above Chandler Bridge - from Elev. 14 to Elev. 13 on Coos River Hwy, 567'

Legend

- ↕ 99.8 ft
- ↓ Feature 1
- ⊕ Path Measure



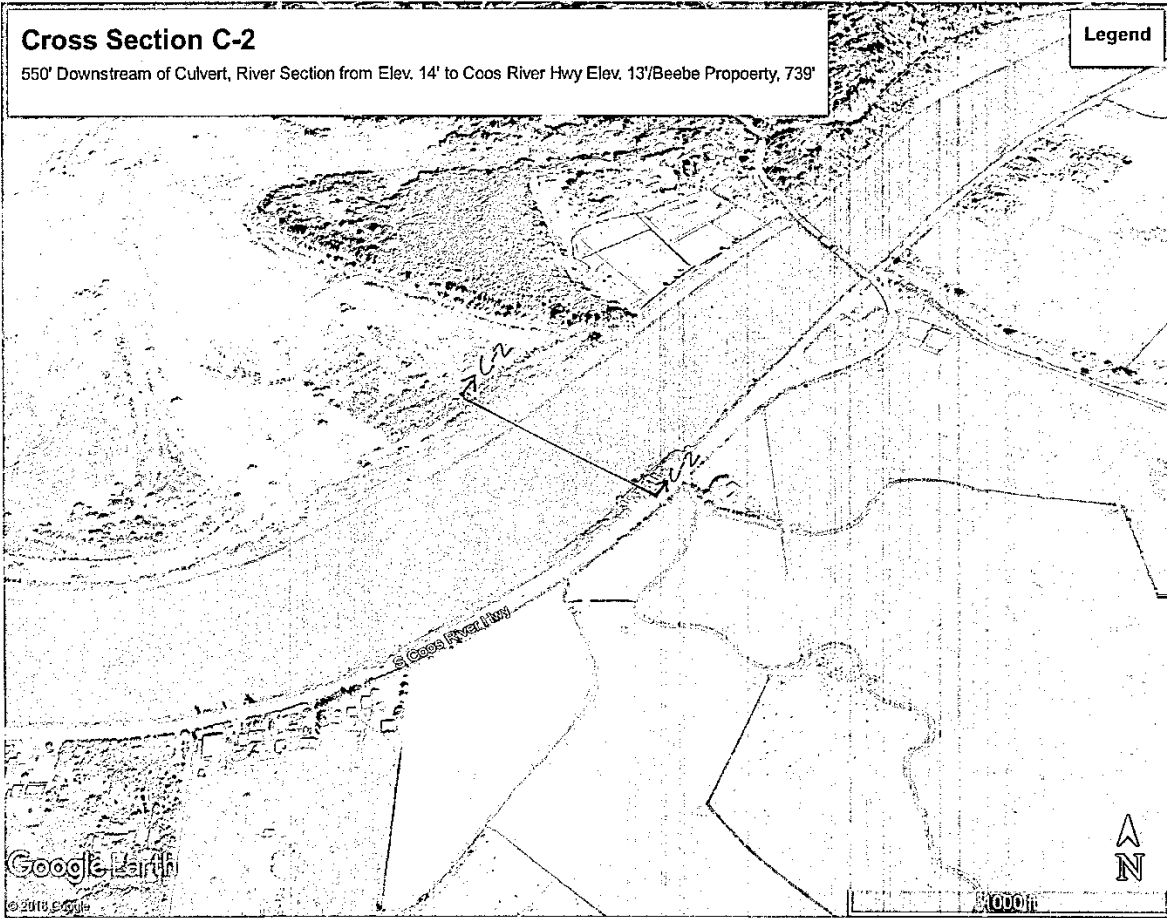


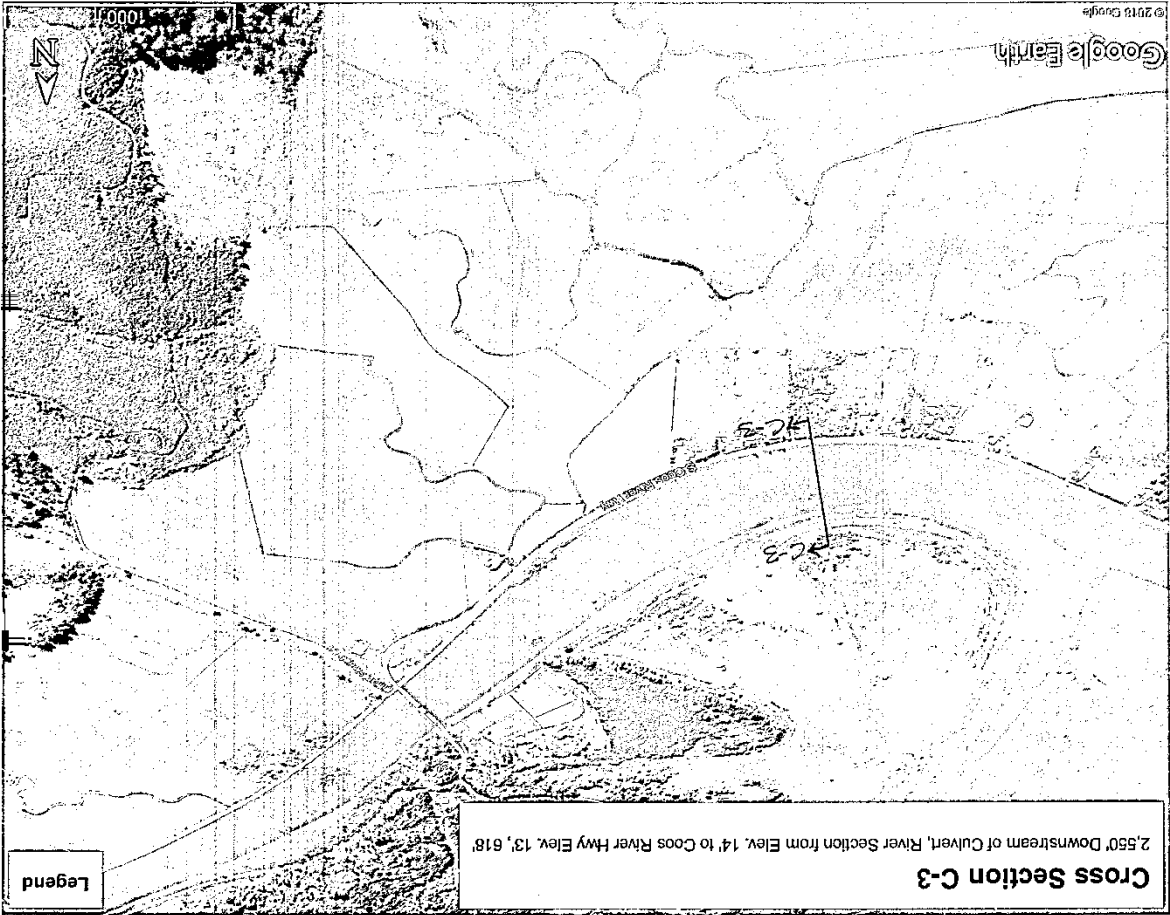


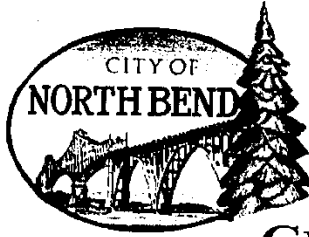
Cross Section C-2

550' Downstream of Culvert, River Section from Elev. 14' to Coos River Hwy Elev. 13'/Beebe Property, 739'

Legend







CITY OF NORTH BEND

PUBLIC WORKS, P.O. BOX B, NORTH BEND, OR 97459, PHONE: (541) 756-8586, FAX: (541) 756-8544,

November 26, 2019

Coos County Planning Dept.
Attn: Amy Dibble
250 N. Baxter, Coos County Courthouse
Coquille, OR 97423

RE: Flood Plain Certification to resolve compliance issue related to development within a Special Flood Hazard Area.

Dear Ms. Dibble;

Attached is a Coos County Planning Department Application to Develop in a Special Flood Hazard Area along with prescribed fee of \$875. Below listed, as the application itself is not well suited to address non-structure development, is an explanation of the work performed and impacts to the flood plain/floodway (no identified floodway in this section of Coos River).

Work Performed:

The City of North Bend repaired an existing 30" CMP culvert approximately in November of 2018 by slip-lining the existing deteriorated corrugated metal culvert (original length 100' – approximately 83' remaining at time of slip-lining) with a 24" diameter HDPE (high density polyethylene PE3408, AWWA C906) inserted in the existing CMP pipe, 96 feet in overall length. Installation of this culvert included trimming and disposing of the crushed ends of the existing CMP, welding the entire pipe together, pushing the 96 foot length of pipe through the existing pipe as a chase from the upstream (land side) end, and sealing the interstitial space between the pipes with non-shrink grout. Installation of the HDPE resembled original CMP location – approximately 5 feet beyond the riverside end of the CMP to reduce scour, and 8 feet on the upstream (field end) to provide area for rip rap to replace the oversteepened slope caused by failure of the existing rotten CMP. Approximately 8 cubic yards of rip rap was placed around and over the field (upstream) end of the existing culvert to stabilize the existing eroded embankment. Disturbed area outside of the rip-rap area consisted of a work pad in the existing dredge-fill material on site, above the base flood area, which was seeded and mulched after work was complete. Of the 8 cubic yards of rip-rap placed, approximately half (4 cubic yards) was placed below the established base flood elevation of 15.0.

Evaluation of Impacts to the Flood Plain:

First let me state the extent of fill within the flood plain, and character of fill. Fill placed consisted of approximately 4 cubic yards of 6"-2" clean durable aggregate (rip-rap), and approximately 96 feet of HDPE pipe, 83 feet of which was installed within the existing 30" CMP pipe. HDPE pipe (OD pipe – tubing size) was extended beyond the existing CMP by 13 feet, consisting of an additional 0.25 cubic yards of fill. Neither fill material is erosion susceptible, nor requires compaction to resist hydrostatic or hydrodynamic forces.

Second, the fill was placed in two separate flood zones as listed on Community Panel 41011CO331F. The majority was placed in a surcharge area (river level controls outflow of drainage ditch, which surcharges to the river level) noted as Zone A which is on the subject property and affects the subject property only. This segment of Zone A as noted is controlled solely by the river level (similar to a tidally influenced drainage) and has no measurable effect on the Coos River system primarily due to its size. Approximately 4.15 of the 4.25 cubic yards of fill in total was placed in this area. No measurable or potential effect on the elevation of the flood plain.

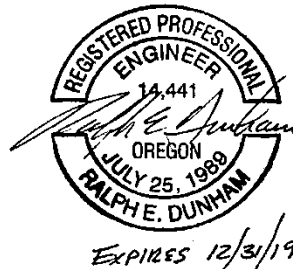
Fill placed in Zone AE on the river side of the diked system encompasses approximately 0.1 cubic yard of actual fill in a static sense. Attached are river cross sections both upstream and downstream noting that the placement of this culvert is not in a controlling section (section of river with the smallest cross section or significantly more restrictive hydraulic friction), and in fact the flood elevation is controlled very locally by the protruding ridge line directly upstream (smallest section) and less locally by the cross sections adjacent to the Chandler Bridge, and a section approximately ½ mile downstream which includes both a narrower section and the impacts of a bend in the river causing additional friction loss in the system. These two sections are the controlling sections for this segment of Coos River in relation to flood plain elevation. Hydraulic friction factors are essentially the same for the 1000 feet upstream and downstream of the project site, with a straight run of river in this segment (absent of the abutments for the Chandler Bridge). The controlling factor therefore is overall cross section, which generally widens past the adjacent ridgeline protrusion 100 feet upstream of the project site, and narrows as the river enters a curve to the right downstream approximately 1,000 feet from the project site

If you have any questions, please feel free to contact me at (541) 756-8586.

Sincerely;



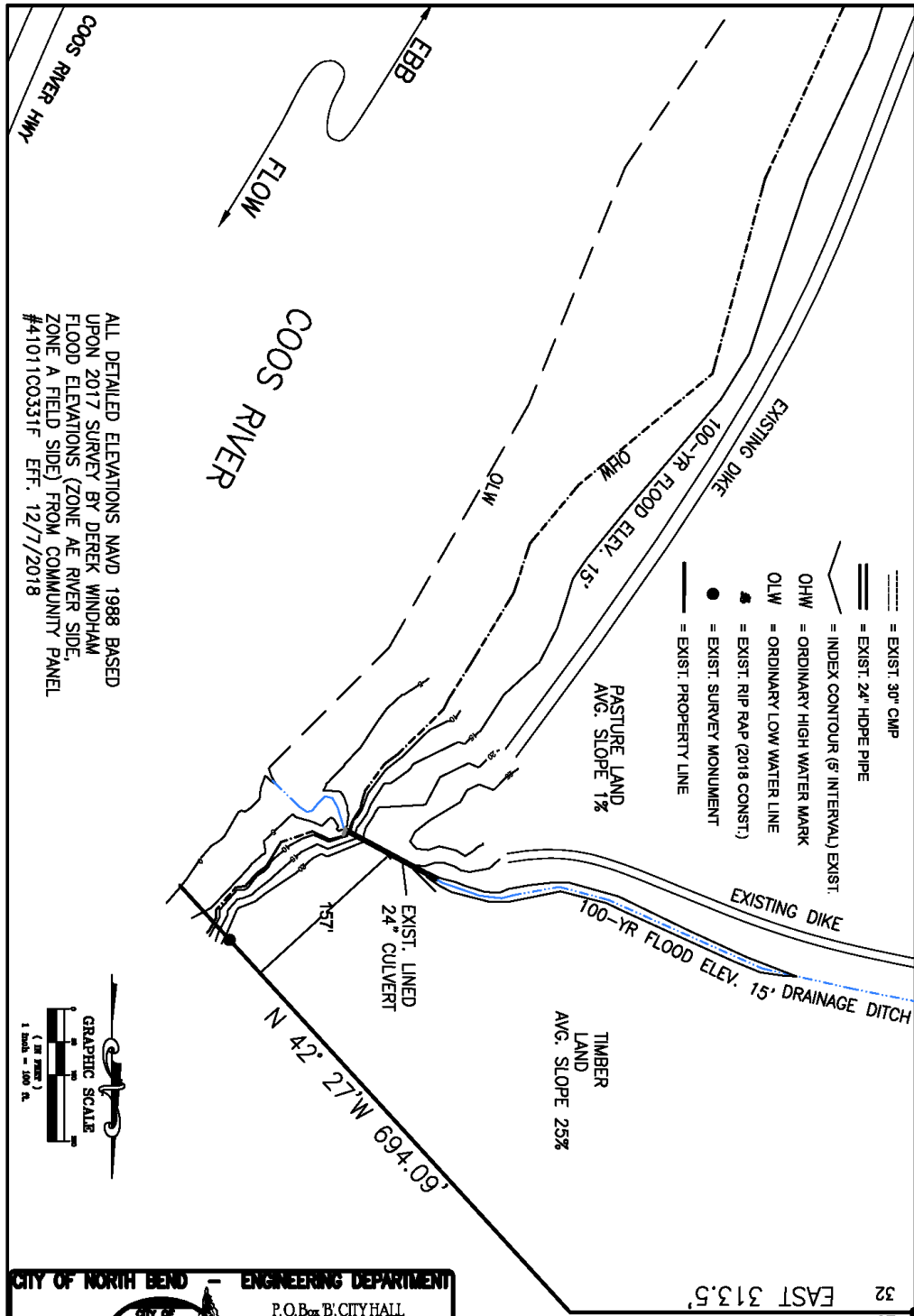
Ralph Dunham, PE, PLS, CWRE
Director of Public Works
rdunham@northbendcity.org



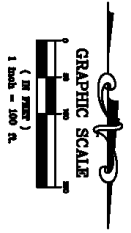
CHRISTIANSON RANCH CULVERT REPAIR
 LOCATED IN SECT. 32B, T25S, R12W, TL 300
 OWNER: CITY OF NORTH BEND
 PO BOX B, NORTH BEND, OR 97459
 541-756-8500

LEGEND

- = EXIST. 30" CMP
- ==== = EXIST. 24" HDPE PIPE
- - - - = INDEX CONTOUR (5' INTERVAL) EXIST.
- OHW = ORDINARY HIGH WATER MARK
- OLW = ORDINARY LOW WATER LINE
- = EXIST. RIP RAP (2018 CONST.)
- = EXIST. SURVEY MONUMENT
- = EXIST. PROPERTY LINE



ALL DETAILED ELEVATIONS NAVD 1988 BASED
 UPON 2017 SURVEY BY DEREK WINDHAM
 FLOOD ELEVATIONS (ZONE AE RIVER SIDE,
 ZONE A FIELD SIDE) FROM COMMUNITY PANEL
 #41011C0331F EFF. 12/7/2018



CITY OF NORTH BEND ENGINEERING DEPARTMENT

P.O. Box B, CITY HALL
 835 CALIFORNIA AVE
 NORTH BEND, OREGON 97459
 541.756.8505 FAX 541.756.8544

SITE PLAN

NORTH BEND WASTEWATER DIVISION
 CHRISTIANSON RANCH CULVERT REPAIR
 TL 300, T25S, R12W, S32B

P:\dunham\Christianson Ranch\Culvert Lining.dwg

Amy Dibble

From: Jill Rolfe
Sent: Friday, January 24, 2020 9:42 AM
To: Ralph Dunham
Cc: Amy Dibble
Subject: RE: Plot Plan for Christianson Ranch (TL 300) Culvert repair.

Thanks Ralph,

That is the detail we needed. We will resume with the review.

Jill Rolfe

Jill Rolfe, Planning Director
Coos County Planning Department
225 N. Adams St.
Coquille OR 97423
250 N. Baxter (Mailing)
541-396-7770
planning@co.coos.or.us

From: Ralph Dunham [mailto:rdunham@northbendcity.org]
Sent: Friday, January 24, 2020 9:30 AM
To: Jill Rolfe
Subject: RE: Plot Plan for Christianson Ranch (TL 300) Culvert repair.

This Message originated outside your organization.

Jill:

With the sliplining of the culvert, on the upstream end (in zone AE), approximately 8-9 cubic yards of rip rap was placed to protect the inlet and the shell middens CTCLUSI/Reg Pullen had pointed out to us on the natural slope to the north of the culvert entrance. They are located above the placed rip rap 3-6 feet in elevation and the same distance north – but the drainage was undercutting the northerly bank in this area – therefore extended the culvert approximately 14-16 feet in the drainage ditch on the upstream end, and filled up approximately 4 feet high. No vegetation existed in this area as it was scoured and a failing area of the natural slope due to hydraulic undercutting.

In relation to effect on the flood zone AE – the elevation is controlled by the elevation of Coos River – actually backing up into the drainage. Filling it therefore has no effect on the flood plain elevation – as it is simply controlled by the water level of the river flood – and backs up the drainage based upon the elevation of the river.

As shown on the culvert detail, and as included in the flood plain application, is proposed rip rap to protect the archeologic find of a bone near the outlet, however this has not been placed as we need the flood plain permit and COE/DSL permits to place rip rap in the river & riparian area. Note also, the failing CMP was causing erosion at its outfall which was at the toe of the slope, and a couple of fallen logs were located directly in front, causing the hydraulic flow to cut along the toe of the slope to the south before draining towards the river. Our slip-lined segment of 24" HDPE actually extends riverward approximately 5 feet, just over the logs, which eliminates the flow directly at the toe, thus providing some protection against toe erosion from the drainage itself, but not from riverine flow.

Hopefully that answers your questions.

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).