



## NOTICE OF COMPLETENESS

Coos County Planning  
60 E. Second.  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770

**Wednesday, November 17, 2021**

Smith River Land & Cattle Co.  
Mike Mast  
19678 Lower Smith Road  
Reedsport, OR 97467

Mulkins & Rambo  
Troy Rambo  
PO Box 809  
North Bend, OR 97459

RE: Completeness Review for ACU-21-063

Dear Applicant(s):

Thank you for submitting your Administrative Conditional Use. The first step in the application process is a completeness review. The following items were required to be included in your application or determined prior to the acceptance of the application:

1. The correct and completed application form was filed. If the proposed use/activity will occur in an identified hazard area the correct reports or certifications have been included. **It appears that the proposed homesite is within the Natural Hazard area mapped as having Very High Landslide Susceptibility.**
2. Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign; a consent form may be accepted
3. One original and one exact unbound copy of the application or an electronic copy shall be provided at the time of submittal for all applications;
4. A detailed Project Proposal was provided;
5. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½" x 11" paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map);
6. Covenants or deed restrictions on the property were provided or were found not to exist.
7. All of the lots or parcels that are currently within the applicant's ownership, co-ownership or is purchasing which have a common boundary with the subject property on an assessment map were listed on the application;
8. A copy of the current deed of record has been provided;
9. All the applicable criteria have been addressed;
10. The property was created legally;
11. All development was cited in compliance with the Coos County Zoning and Land Development Ordinance or this application will bring a use or activity into compliance; and

- 12. All road, driveway, access, parking plan or traffic impact analysis has been submitted as required by the Coos County Zoning and Land Development Ordinance.

This application has been:

- Deemed complete as of the date this letter was sent and the application has been forwarded to all applicable agencies or departments for comment; or
- Deemed incomplete due to missing information as shown by the unchecked boxes above. As the applicant for a permit or limited land use it is your responsibility to submit one of the following within 180 days to the Planning Department:
  - a. All of the missing information;
  - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
  - c. Written notice from the applicant that none of the missing information will be provided.

If the application is found to be incomplete and steps a, b or c are not completed within the required timeframe (180 days), then on the 181<sup>st</sup> day the application will be deemed void. If you submit material by email you are responsible to follow up with staff to ensure that information was received. On the day the department receives one of the options (a. through c.) above is the date your application will be considered complete.

Once your application has been deemed complete staff will continue with the review process. Your application will go through the following steps (checked steps apply to your application):

<input type="checkbox"/>	1.	The first step is requesting comments from any applicable agency or department. Most agencies have 30 days to respond to comments.
<input type="checkbox"/>	2.	If this is a land division Technical Review Committee (TRC) will be scheduled once all comments have been received. Once the TRC has been completed a tentative decision is mailed out approximately six (6) weeks after. The notice of tentative decision will provide for a fifteen (15) day opportunity to appeal. If appealed it will be scheduled for hearing. The decision only becomes final after the final partition plat has been filed.
<input type="checkbox"/>	3.	If this is application requires a hearing, a notice of hearing will be provided 20 days prior to the hearing. Once the hearing is concluded a notice of decision will be mailed out within five to seven days. If this is a Planning Commission decision the notice will provide for an opportunity to appeal (15) fifteen days to the Board of Commissioners. If this is a Board of Commissioners decision there is a twenty-one (21) day appeal period to the Land Use Board of Appeals.
<input type="checkbox"/>	4.	If this is an administrative review (Administrative Conditional Use, Extension, or Variance) a notice of decision with an opportunity to appeal will be mailed out once the review has been completed. Approximately, six weeks after the application has been deemed complete. The notice of decision will provide for a fifteen (15) day opportunity to appeal. If not appealed the decision becomes final.  Property line adjustment discrete parcel 12 day opportunity to appeal.
<input type="checkbox"/>	5.	If this is a limited land use notice then a notice requesting comments will be mailed as soon as the application has been deemed complete and then a review and decision will be issued. Approximately, four weeks after the comments time has expired. The notice of decision will provide for a fifteen (15) day opportunity to appeal. If not appealed the decision becomes final.

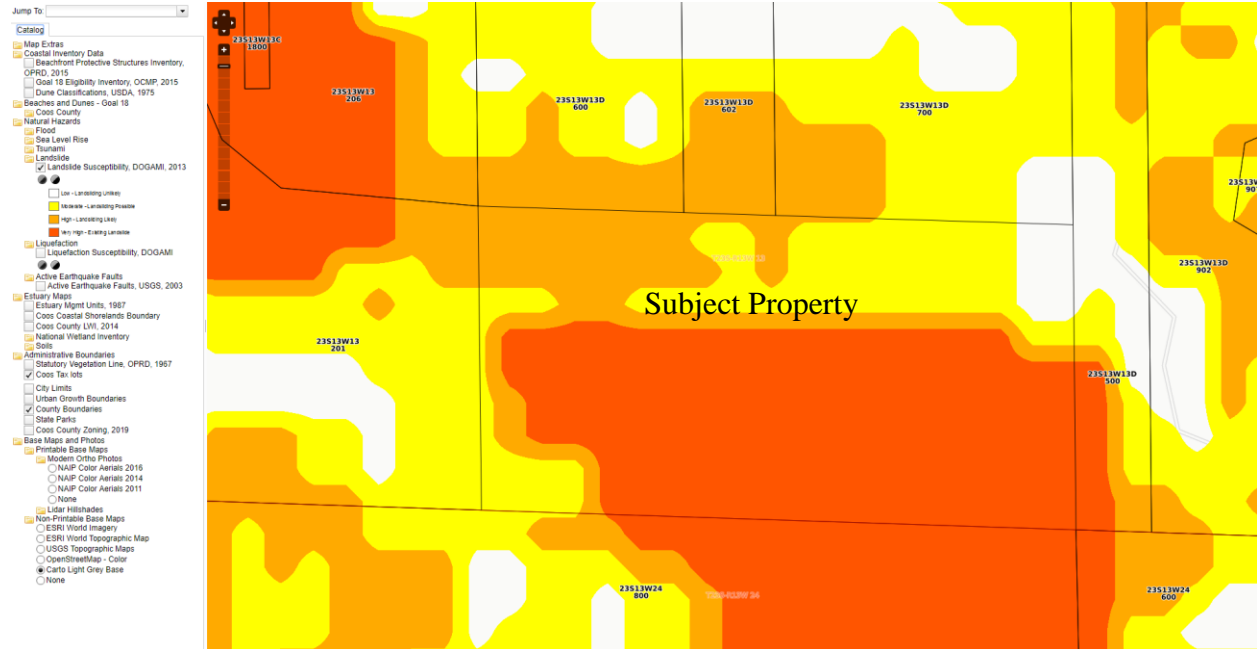
Except when an applicant requests an extension of the timelines, the governing body of the county or its designee shall take final action on an application for a permit or limited land use decision within 120 (urban zone) days or 150 (rural) days as applicable.

If you have questions about the land use process please contact planning staff for assistance.

Thank you,  
*Amy Dibble*

Amy Dibble, Planner II

### C: File



### Criteria

#### 4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

- Flood Hazard
  - Riverine flooding
  - Coastal flooding
- Landslides and Earthquakes
  - Landslide Susceptibility
  - Liquefaction potential
- Tsunamis
- Erosion
  - Riverine streambank erosion
  - Coastal
    - Shoreline and headlands
    - Wind
- Wildfire

#### b. Landslides and Earthquakes

Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to

geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to “very high” and “high” liquefaction identified in DOGAMI Open File Report O-13-06, “Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes.”

Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.

#### **4.11.150 Geological Hazards special development Review Standards**

Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.

The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant’s expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include the required elements of this section and one of the following:

- a. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;
- b. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or
- c. A certification that there are no high or very high geological hazards present on site. If such is certified by a licensed professional, then an application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.

**If the Geological Engineer provides the certification as stated in “c” above then an Administrative Conditional Use will not be required.**

#### **4.11.155 Geologic Assessment review**

Geologic Assessment Review: The applicant(s) shall complete the following review to determine compliance with this section. This type of review requires a conditional use application and shall follow the administrative procedures for conditional uses found in Article 5 of the CCZLDO.

1. Except for activities identified in Subsection 2 of this section, as exempt, any new development or substantial improvement in an area subject to the provisions of this section shall require a Geologic Assessment Review.

2. The following development activities are exempt from the requirement for a Geologic Assessment Review:
  - a. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Chapter II.
  - b. An excavation and/or fill which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
  - c. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
  - d. Construction of structures for which a building permit is not required;
  - e. Yard area vegetation maintenance and other vegetation removal on slopes less than 25%;
  - f. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
  - g. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside of the previously disturbed area;
  - h. Maintenance and repair of utility lines, and the installation of individual utility service connections;
  - i. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard;
  - j. Construction/erection of beachfront protective structures subject to regulation by the Oregon Parks and Recreation Department under OAR 736, Division 20; and
  - k. Any development or activity to be conducted on a site for which a certified engineering geologist has determined that there are no high or very high geologic hazards present. Coos County is not liable for any type of certification that a geologic hazard is not present on site.
3. Application, review and appeals for a Geologic Assessment Review shall be in accordance with the requirements for administrative conditional use review as set forth in Article 5.2. Applications for a Geologic Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Geologic Assessment Review shall be completed prior to any ground disturbance.
4. All applications for Geologic Assessment Review shall be accompanied by an engineering geologic report prepared by a certified engineering geologist at the applicant's expense.

#### A. ENGINEERING GEOLOGIC REPORTS

1. Engineering geologic reports required pursuant to this section shall be prepared by a certified engineering geologist licensed in the State of Oregon. Such reports shall be prepared consistent with standard geologic practices and employing generally accepted scientific and engineering principles. The content of such reports shall be generally consistent with the applicable provisions of "Guideline for Preparing Engineering Geologic Reports," 2<sup>nd</sup> Edition, 5/30/2014, published by the Oregon Board of Geologist Examiners.
2. Properties abutting the ocean shore that are located in a mapped regulated hazard area shall include the following additional information :
  - a. Site description:
    - i. The geological history and stabilization measures of the site including any previous riprap or dune grading, erosion events, or exposed trees on the beach.
    - ii. Topography, including elevations and slopes on the property itself.
    - iii. Vegetation cover.
    - iv. Subsurface materials – the nature of the rocks and soils.

- v. Conditions of the seaward front of the property, particularly for sites having a sea cliff.
  - vi. Description of streams or other drainage that might influence erosion or locally reduce the level of the beach.
  - vii. If the site is located on or adjacent to an estuarine water body or Coastal Lake including the Coastal Shoreland Boundary the following additional information shall be included:
    - 1. Presence of drift logs or other flotsam on or within the property.
    - 2. Proximity of nearby headlands that might block the longshore movement of beach sediments, thereby affecting the level of the beach in front of the property.
    - 3. Description of any shore protection structures that may exist on the property or on nearby properties.
    - 4. Presence of pathways or stairs from the property to the beach.
    - 5. Existing development including modification of soil or vegetation on the site, particularly any which might alter the resistance to wave attack.
    - 6. Average widths of the beach during the summer and winter.
    - 7. Median grain size of beach sediment.
    - 8. Average beach slopes during the summer and winter.
    - 9. Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter.
    - 10. Presence of rip currents and rip embayments that can locally reduce the elevation of the fronting beach.
    - 11. Presence of rock outcrops and sea stacks, either offshore or within the beach zone.
    - 12. Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.
- b. Analyses of Erosion and Flooding Potential on the site:
- i. Analysis of DOGAMI beach monitoring data for the site (if available,) all activities affecting shoreline erosion and possible mass wasting, including weathering processes, land sliding or slumping.
  - ii. Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 2006).<sup>1</sup>
  - iii. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy.
  - iv. For areas subject to dune-backed shorelines, use an established geometric model to assess the potential distance of property erosion, and compare the results with direct evidence obtained during site visits, aerial photo analysis, or analysis of DOGAMI beach monitoring data.
  - v. For bluff-backed shorelines, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and fieldwork to assess the potential distance of property erosion.
  - vi. Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.
- c. Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for non-structural erosion control methods).

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<sup>1</sup> Stockdon, H. F., Holman, R. A., Howd, P. A. and Sallenger, A. H., 2006, Empirical parameterization of setup, swash, and runup: Coastal Engineering, 53, p 573-588.

- d. Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.
  - e. The assessment should include recommendations:
    - i. Use results from the above analyses to establish setbacks (beyond any minimums set by this section or the underlying zone), building techniques, or other mitigation measures to ensure an acceptable level of safety and compliance with all local requirements.
    - ii. Recommend a foundation design, or designs, that render the proposed structures readily moveable.
    - iii. Recommend a plan for preservation of vegetation and existing grade within the setback area, if appropriate.
    - iv. Include consideration of a local variance process to reduce the building setback on the side of the property opposite the ocean, if this reduction helps to lessen the risk of erosion, bluff failure or other hazard.
    - v. Recommend methods to control and direct water drainage away from the ocean (e.g. to an approved storm water system); or, if not possible, to direct water in such a way so as to not cause erosion or visual impacts.
3. Engineering geologic reports required by this section shall include a statement from the preparer of the report that all of the applicable content requirements of this subsection have been addressed or are not applicable to the review.
  4. Engineering geologic reports required by this section shall be valid for a period of five years from the date of preparation of such report. No extensions to this time line shall be granted.

#### **B. DECISIONS ON GEOLOGICAL ASSESSMENT REVIEWS**

A decision on a Geologic Assessment Review shall be based on the following standards:

1. The engineering geologic report shall meet the content standards set forth in within this Section.
2. In approving a Geologic Assessment Review, the decision maker may impose any conditions which are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Coos County Zoning and Land Development Ordinance.
3. In the event the decision maker determines that additional review of the engineering geologic report by an appropriately licensed and/or certified professional is necessary to determine compliance with this section, Coos County may retain the services of such a professional for this purpose. The applicant shall be responsible for all costs associated with the additional review. The results of that evaluation shall be considered in making a decision on the Geologic Assessment Review.

#### **C. DEVELOPMENT STANDARDS FOR USES SUBJECT TO GEOLOGIC ASSESSMENT REVIEW**

In addition to the conditions, requirements and limitations imposed by a required engineering geologic report, all uses subject to a geologic assessment review shall conform to the following requirements:

1. Historical, Cultural, and Archaeological Resources: All activities and uses subject to Geologic Assessment Reviews proposed for areas of historical, cultural, or archaeologically sensitive areas, as identified on the Coos County Comprehensive Plan Map, shall require consultation with the appropriate local Tribe prior to the commencement of any and all ground disturbing activity. Proof of this consultation shall be provided as a part of application submission.
2. Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Assessment Review shall provide a Hazard Disclosure Statement signed by the property owner that acknowledges:
  - a. The property is subject to potential natural hazards and that development thereon is

- subject to risk of damage from such hazards;
- b. The property owner has commissioned an engineering geologic report for the subject property, a copy of which is on file with Coos County Planning Department, and that the property owner has reviewed the engineering geologic report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;
  - c. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.
3. Mitigation measures: If on-site structural mitigation measures are required as a condition of approval, the applicant shall, prior to the issuance of a zoning compliance letter, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of the property owners to refrain from interfering with such measures or improvements and to maintain them.
  4. Safest site requirement: All new structures shall be located within the area most suitable for development based on the least exposure to risk from hazards as determined by an engineering geologist as part of an engineering geologic report prepared in accordance with Section 4.11.150 through 4.11.155. Notwithstanding the provisions of the underlying zone, as necessary to comply with this requirement, any required yard or setback may be reduced by up to 50% without a variance.
  5. Certification of compliance: Permitted development shall comply with the recommendations in the required engineering geologic report. Certification of compliance shall be provided to the director by the applicant as follows:
    - a. Plan Review Compliance: Building, construction or other development plans shall be accompanied by a written statement from a certified engineering geologist stating that the plans comply with the recommendations contained in the engineering geologic report for the approved Geological Assessment Review.
    - b. Inspection Compliance: Upon the completion of any development activity for which the engineering geologic report recommends an inspection or observation by a certified engineering geologist, the applicant shall provide to the director a written statement from the certified engineering geologist indicating that the development activity has been completed in accordance with the applicable engineering geologic report recommendations.
    - c. Final Compliance: Upon completion of development requiring an engineering geologic report, the applicant shall submit to the director:
      - i. A written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures specified in the report have been satisfied; and,
      - ii. If mitigation measures incorporate engineering solutions designed by a licensed professional engineer, a written statement of compliance by the design engineer.