



NOTICE OF COMPLETENESS

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

Wednesday, May 04, 2022

Kandy Ballinger Biscay
64368 Daggett Road
Coos Bay, OR 97420

Chris Sumpter
PO Box D
North Bend, OR 97459

RE: Completeness Review for ACU-22-013

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.
- 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; **Please see attached**
- 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. **Not required for this application**

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 181st 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

SECTION 3.2.546. USES, ACTIVITIES AND SPECIAL CONDITIONS.

Table 20-RS 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 20-RS 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.

A. Uses:

11. Recreation facilities
- b. High-intensity ACU-S, G

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

1. Inventoried resources requiring mandatory protection in this district are subject to **Policies #17 and #18. These Policies need to be addressed and are included below**
2. All permitted uses and activities shall be consistent with **Policy #23**, requiring protection of riparian vegetation. **This Policy needs to be addressed and is included below.**

The following conditions apply to all permitted uses

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in **Policies #28 and #34. These Policies need to be addressed and are included below.**
4. 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. **This Policy needs to be addressed and is included below.**
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in **Policy #27. This Policy needs to be addressed and is included below. This also requires that the Floodplain be addressed, this criteria will also be included.**
6. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in **Policy #22. This property is not a designated mitigation/restoration site; therefore, when addressing this policy, you will just state that this policy is not applicable as the property is not designated as a mitigation/restoration site.**
7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to **Policies #49, #50, and #51. This proposal does not include utilities or public facilities and services; therefore, these policies do not apply, in your submittal you can explain that it is not applicable as the proposal does not include utilities, public facilities and services.**

SPECIAL CONDITIONS

Uses:

- 11b. Public access through construction of additional boat ramps in this area shall be allowed for purposes of enhancement of recreational opportunities. **Please explain how this is enhancing the recreational opportunities**

SECTION 3.2.551. USES, ACTIVITIES AND SPECIAL CONDITIONS.

Table 20-CA 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 20-CA 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.

A. Uses:

3. Docks ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to **Policies #17 and #18. These Policies need to be addressed and will be included below.**

SPECIAL CONDITIONS

Uses:

3. Docks shall be limited to small-scale private boat docks, and shall occupy the water surface by means other than fill. **This has been addressed.**

Policies

#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 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.

#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
- 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.

#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.

#23 Riparian Vegetation and Streambank Protection

- I. Local government shall strive to maintain riparian vegetation within the shorelands of the estuary, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Local government shall also encourage use of tax incentives to encourage maintenance of riparian vegetation, pursuant to ORS 308.792 - 308.803.

Appropriate provisions for riparian vegetation are set forth in the CCZLDO Section 3.2.180 (OR 92-05-009PL).

- II. Local government shall encourage streambank stabilization for the purpose of controlling streambank erosion along the estuary, subject to other policies concerning structural and non-structural stabilization measures.

This strategy shall be implemented by Oregon Department of Transportation (ODOT) and local government where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

#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.

#28 Recognition of LCDC Goal #3 (Agricultural Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated within the Coastal Shorelands Boundary as being suitable for "Exclusive Farm Use" (EFU) designation consistent with the "Agricultural Use Requirements" of ORS 215. Allowed uses are listed in Appendix 1, of the Zoning and Land Development Ordinance.

This policy shall be implemented by using the Special Considerations Map (Policy #3) to identify EFU-suitable areas, and to abide by the prescriptive use and activity requirements of ORS 215 in lieu of other management alternatives otherwise allowed for properties within the "EFU-overlay" set forth on the Special Considerations Map, and except where otherwise allowed by exceptions for needed housing and industrial sites.

The "EFU" zoned land within the Coastal Shorelands Boundary shall be designated as "Other Aggregate Sites" inventories by this Plan pursuant to ORS 215.298(2). These sites shall be inventoried as "1B" resources in accordance with OAR 660-16-000(5)(b). Coos County will re-evaluate these inventoried sites pursuant to the requirements of said rule at, or before, County's periodic review of the Comprehensive Plan (OR 92-08-013PL 10/28/92).

#34 Recognition of LCDC Goal #4 (Forest Lands) Requirements for Forest Lands within the Coastal Shorelands Boundary

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated on the Special Considerations Map as "Forest Lands" within the Coastal Shorelands Boundary consistent with the "Forest Uses" requirements of LCDC Goal #4. Allowed uses are listed in Appendix 3 of the Zoning and Land Development Ordinance.

Where the County's Comprehensive Plan identified major marshes, significant wildlife habitat and riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Forest Practice program and rules of the Department of Forestry shall be carried out in such a manner as to protect and maintain the special shoreland values of the major marshes, significant wildlife habitat areas, and forest uses especially for natural shorelands and riparian vegetation.

This policy shall be implemented by using the Special Considerations Map (Policy #3) to identify "Forest Lands", and to abide by the prescriptive use and activity requirements of LCDC Goal #4 in lieu of other management alternatives otherwise allowed for properties within the "Forest Lands-Overlay" set forth on the Special Considerations Map, and except where otherwise allowed by Exception for needed housing and industrial sites.

This policy recognizes that the requirements of LCDC Goal #4 are equal and not subordinate to other

management requirements of this Plan for "Forest Lands" located within the Coastal Shorelands Boundary.

Floodplain Requirements

SECTION 4.11.251 GENERAL STANDARDS

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

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:

- b. 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.