



NOTICE OF LAND USE DECISION

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

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: Thursday, June 15, 2023
File No: ACU-23-012 / FP-23-005
Proposal: Request for Special Temporary Use of Hardship Dwelling
Applicant(s): Vonnell M. Major
98081 Stian Smith Lane
Coos Bay, OR 97420
Staff Planner: Chris MacWhorter, Principal Planner

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 **Friday, June 30, 2023**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Special Temporary Use in the Coos Bay Estuary Management Plan, 20 – Rural Shorelands zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 3.1.450 Supplemental Provisions that Apply to All Zoning Listed in Article 3. This proposal is subject to review under Natural Hazards. **Civil matters including property or road disputes are 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: 244601
Map Number: 25S113100-00901
Property Owner: MAJOR, VONNELL M
98081 STIAN SMITH LN
COOS BAY, OR 97420-6574
Situs Address: 98081 STIAN SMITH LN COOS BAY, OR 97420
Acreage: 1.45 Acres
Zoning: CONSERVATION AQUATIC (20-CA)
COOS BAY ESTUARY MNGMT PLAN (CBEMP)
RURAL SHORELANDS (20-RS)
Special Development Considerations and overlays: FLOODPLAIN (FP)

This notice shall be posted from June 15, 2023 to June 30, 2023

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: <https://www.co.coos.or.us/community-dev/page/applications-2023> 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 60 E. Second St, 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 Chris MacWhorter, Principal Planner 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: _____ **Date:** Thursday, June 15, 2023
Chris MacWhorter, Principal Planner

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/emailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following website: <https://www.co.coos.or.us/community-dev/page/applications-2023> or by contacting the Planning Department at (541) 396-7770.

Exhibit C: Staff Report -Findings of Fact and Conclusions

All comments and the application can be found on file with the Planning Department.

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 any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of the proposed Family Hardship Dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. Section 7.1.425 Parking: Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
 - c. The hardship dwelling shall use the same subsurface sewage disposal system used by the primary dwelling. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
 - d. The hardship dwelling shall use the same domestic water supply system used by the primary dwelling. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system
 - e. The use for a medical hardship will end as soon as the acting physician of the primary residence decides their patient no longer needs frequent care in such a manner that the caretaker must reside on the same premises, or the primary no longer resides at the residence.
 - f. The applicant shall renew this hardship application every two years.
 - g. The hardship dwelling shall be removed with 90 days of the hardship ending, or expiration of the hardship permit, whichever date comes first.
 - h. Shall comply with Floodplain SECTION 4.11.251 GENERAL STANDARDS & SECTION 4.11.252 SPECIFIC STANDARDS. The Coos County Building Official will ensure these standards are met.
 - i. Approved Base Flood Elevation is 27.4 ft, NAVD 1988.

- j. A pre-construction elevation certificate, signed by an Oregon licensed PLS or PE and based on the approved 27.4 ft -NAVD 1988 BFE, is required prior to requesting a zoning compliance letter.
- k. A post-construction elevation certificate, signed by an Oregon licensed PLS or PE and based on the approved 27.4 ft -NAVD 1988 BFE, is required prior to requesting the final building inspection and occupancy permit.
- l. An after-the-fact zoning compliance letter must be issued for the carport, or provide proof the structure was sited prior to planning and floodplain regulations, prior to requesting the zoning compliance letter for the hardship dwelling. The carport shall comply with Floodplain SECTION 4.11.251 GENERAL STANDARDS & SECTION 4.11.252 SPECIFIC STANDARDS. The Coos County Building Official will ensure these standards are met.
- m. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

EXHIBIT "B"
Vicinity Map



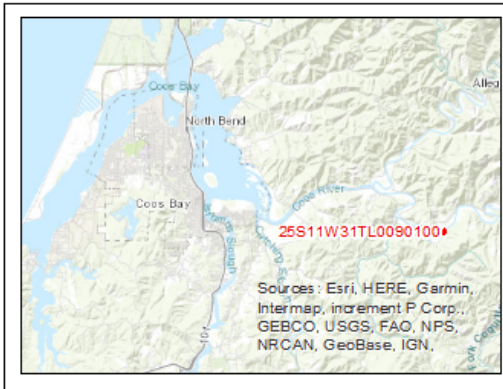
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File: ACU-23-012 / FP-23-005
Owner: Vonnell M. Major
Date: May 24, 2023
Location: Township 25S Range 11W
Section 31 TL 901
Proposal: Administrative Conditional Use &
Floodplain Review

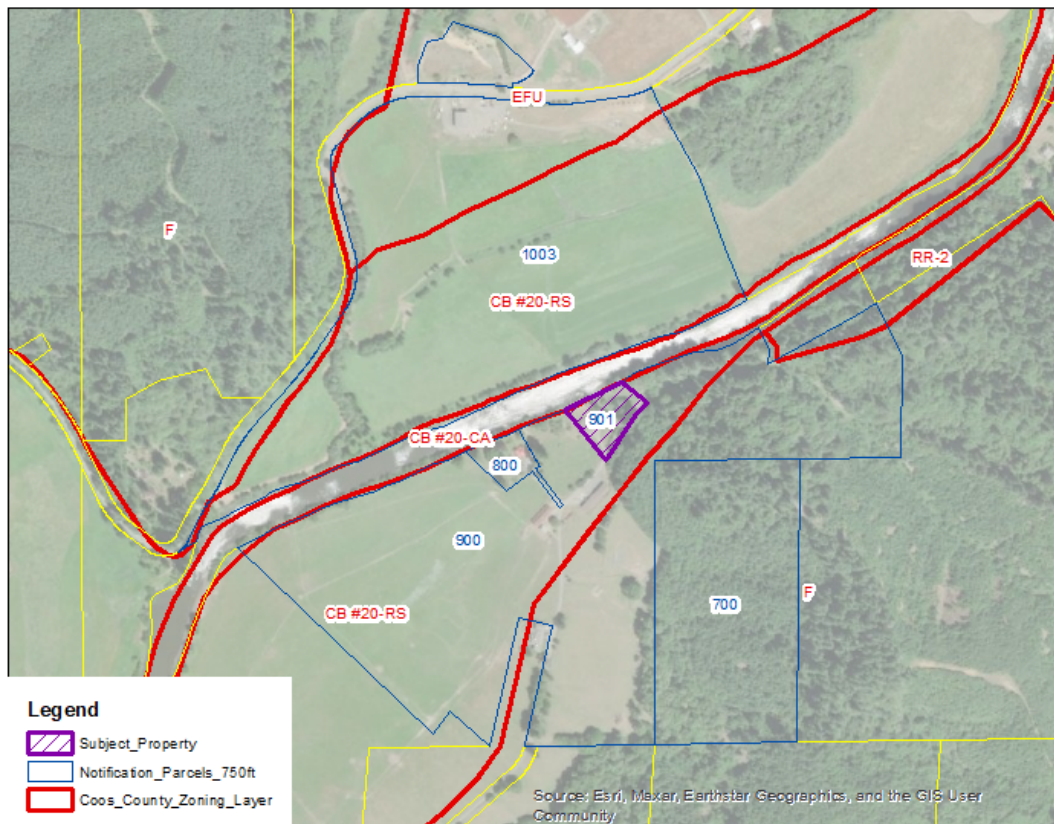
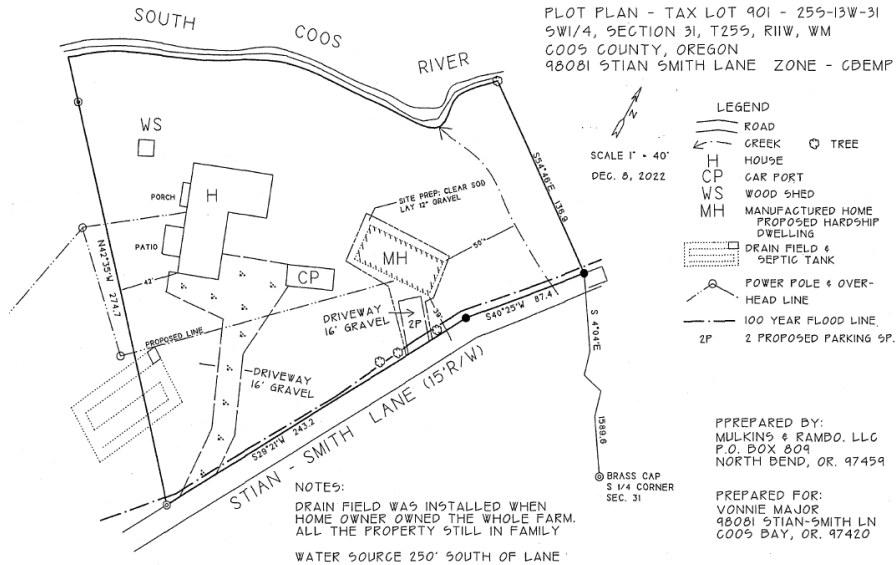


EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: The applicant is requesting a Special Temporary Use in the Coos Bay Estuary Management Plan (CBEMP) 20 – Rural Shorelands zoning district. The special temporary use in this case is a placement and use of a temporary Hardship Dwelling. The proposed temporary dwelling will be placed within the mapped Floodplain.

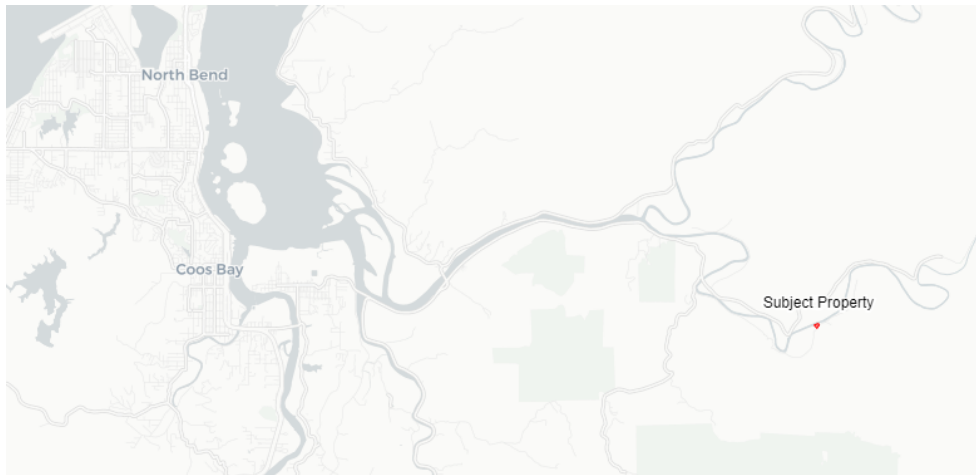


B. COMPLIANCE PURSUANT TO SECTION 1.1.300: *It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.*

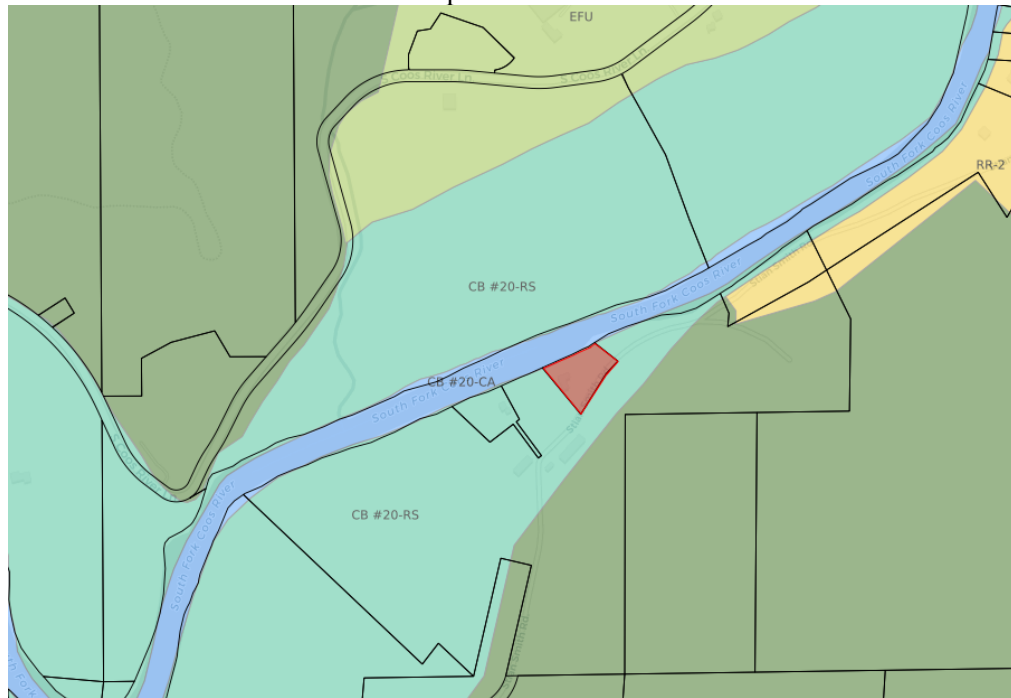
Staff has reviewed the property history and the County files to determine at the time of this report this property is potentially non-compliant. There is carport listed on the applicant’s plot plan and shown in the aerial imagery. The carport is not listed in the County Assessor records. There is no clear record to indicate when this structure was sited. The applicant will need to apply for an after-the-fact clearance letter for the structure or provide proof the structure was sited prior to planning and floodplain regulations. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

II. BASIC FINDINGS:

A. LOCATION: The subject property is located approximately 7.5 miles east of the City of Bandon at 98081 Stian Smith Lane. The map below (not to scale) is a visual of the property location.



B. ZONING: - This property is zoned Coos Bay Estuary Management Plan 20 – Rural Shorelands and 20 – Conservation Aquatic.



Coos Bay Estuary Management Plan, Chapter III of the CCZLDO

20-RURAL SHORELANDS

SECTION 3.2.545. MANAGEMENT OBJECTIVE:

This district shall be managed for rural uses along with recreational access. Enhancement of riparian vegetation for water quality, bankline stabilization, and wildlife habitat shall be encouraged, particularly for purposes of salmonid protection. This district contains two

designated mitigation sites, U-17(a) and (b), "medium" priority, which shall be protected as required by Policy #22.

20-CONSERVATION AQUATIC

SECTION 3.2.550. MANAGEMENT OBJECTIVE:

This aquatic district shall be managed to allow log transport while protecting fish habitat. Log storage shall be allowed in areas of this district which are near shoreland log sorting areas at Allegany, Shoreland District 20C, and Dellwood, Shoreland District 20D, as well as in areas for which valid log storage and handling leases exist from the Division of State Lands.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property does have a Floodplain overlay zone. That will be addressed below.

D. SITE DESCRIPTION AND SURROUNDING USES:

The subject property is developed with a 1931 *Single Family Dwelling*. There is carport listed on the applicant's plot plan and shown in the aerial imagery. The carport is not listed in the County Assessor records. There is no clear record to indicate when this structure was sited. The applicant will need to apply for an after-the-fact clearance letter for the structure or provide proof the structure was sited prior to planning and floodplain regulations.

The subject property is 1.45 acres parcel in size. Based on aerial imagery and zoning maps, the development is located in the 20 – Rural Shorelands zoning portion of the property. The subject property abuts the South Fork Coos River on the northern property line. The southeastern property line abuts Stian Smith Road, which is private easement in this section of the road.

The subject property is surrounded by a 127-acre parcel which is similarly zoned 20-RS. Based on aerial imagery, this property appears to being utilized for agricultural purposes. There is a mixture of small scale private and industrial managed timberlands located southeast of the subject property.



E. COMMENTS:

a. PUBLIC AGENCY: These properties did not require any request for comments prior to the release of the decision and none were received.

b. PUBLIC COMMENTS: These properties did not require any request for comments prior to the release of the decision and none were received.

c. LOCAL TRIBE COMMENTS: These properties did not require any request for comments prior to the release of the decision and none were received

F. LAWFULLY CREATED UNIT OF LAND: Tax lot 901 was created pursuant to 6.1.125.1.e by deed prior to any applicable partition ordinances that would have prohibited the creation (book 307, page 118). Therefore, it was lawfully created prior to 1986 as provided for by Article 6.

III. STAFF FINDINGS AND CONCLUSIONS:

a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The applicant is requesting placement of an Accessory Structure and Special Temporary Use in the CBEMP 20 – Rural Shorelands zoning district. The special temporary use in this case is a placement of a temporary hardship dwelling. The temporary dwelling will be placed in the Floodplain.

b. KEY DEFINITIONS:

ACCESSORY USE: A use, building or structure that is (1) customarily incidental and subordinate to the principal use, main building or structure, and (2) subordinate in extent, area and purpose to the principal use. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use.

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

FAMILY HARDSHIP DWELLING: A mobile home or recreational vehicle used temporarily during a family hardship condition relating to the aged, infirmed, or persons incapable of maintaining a complete separate residence apart from their families.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.

DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

c. CRITERIA AND STANDARDS

- **ARTICLE 3.1 GENERAL INFORMATION**
 - **SECTION 3.1.450 SUPPLEMENTAL PROVISIONS THAT APPLY TO ALL ZONING LISTED IN ARTICLE 3:**

Special Temporary Uses. The special temporary uses and their accessory structures and uses may be temporarily permitted by the Planning Director as set forth in the Zoning Districts. The Planning Director's decision may be reviewed by the Hearing's Body.

20-RURAL SHORELANDS

SECTION 3.2.545. MANAGEMENT OBJECTIVE:

This district shall be managed for rural uses along with recreational access. Enhancement of riparian vegetation for water quality, bankline stabilization, and wildlife habitat shall be encouraged, particularly for purposes of salmonid protection. This district contains two designated mitigation sites, U-17(a) and (b), "medium" priority, which shall be protected as required by Policy #22.

FINDING: The 1931 dwelling was sited prior to planning or floodplain regulations. The applicant is requesting a Special Temporary Use in the CBEMP 20-RS zoning district. The temporary use will be the placement of a double wide manufactured home to be used as a hardship dwelling.

The application included a signed physician certification that their patient needs frequent care in such a manner that the caretaker must reside on the same premises. Only Oregon licensed medical professionals may sign these certifications. This application's certificate was signed Ryan Croft, PA-C. Mr. Croft's license number is PA207374. This approval is only valid as long as Mr. Croft maintains his patient requires frequent care in such a manner that the caretaker must reside on the same premises.

Special Temporary Uses are processed as an Administrative Conditional Use under the Coos Bay Estuary Management Plan. Conditional uses are discretionary reviews that involve judgment or discretion in determining compliance with the approval requirements. The review is discretionary

because not all of the approval requirements are objective. That is, they are not easily definable or measurable. The amount of discretion and the potential impact of the request vary among different reviews. The County has the ability to condition Special Temporary Uses in the CBEMP to balance the requested proposal with the objectives of the zoning district and similar uses allowed in other zoning districts.

The special temporary use will be specific to this request for approval. The primary use on the subject property is the 1931 dwelling. The proposal is the temporary placement of an additional dwelling to be used as caretakers' residence. While there is only one dwelling allowed on this parcel. The new Manufactured Dwelling will have the temporary special use of being a medical hardship dwelling. The applicant is proposing to place a double wide manufacture home as the special temporary use. The special temporary use will have to meet the requirements of a family hardship dwelling, as defined in Chapter 2. The proposal is for a doublewide manufactured home; therefore, it meets the requirements for a family hardship dwelling. As a condition of approval to minimize the impacts to the adjacent rural shorelands, the family hardship will have to connect to the existing septic system and drain field as the primary dwelling. The family hardship dwelling will also be required to connect to the same water supply as the primary dwelling. The temporary use shall be removed three months after the end of use. The use for a medical hardship will end as soon as the acting physician of the primary residence decides their patient no longer needs frequent care in such a manner that the caretaker must reside on the same premises, or the primary no longer resides at the residence. The Planning Department must review the authorization to site the temporary hardship dwelling every two years. The applicant shall be responsible for requesting a review every two years. The Manufactured Dwelling must be removed within three (3) months of the end of the hardship. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.

OVERLAY ZONE:

SECTION 4.11.200 Purpose:

Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

SECTION 4.11.211 AUTHORIZATION

The State of Oregon has been delegated the responsibility through local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Coos County does ordain as follows:

SECTION 4.11.212 FINDINGS OF FACT

- 1. The flood hazard areas of Coos County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.*
- 2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.*

SECTION 4.11.232 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance & Mitigation Administration in a scientific and engineering report entitled “The Flood Insurance Study for Coos County, Oregon and Incorporated Areas” revised December 7, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at location. The best available information for flood hazard area identification as outlined in Section 4.11.243.2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.11.243.2.

SECTION 4.11.242 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Coos County Planning Director or designated staff is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

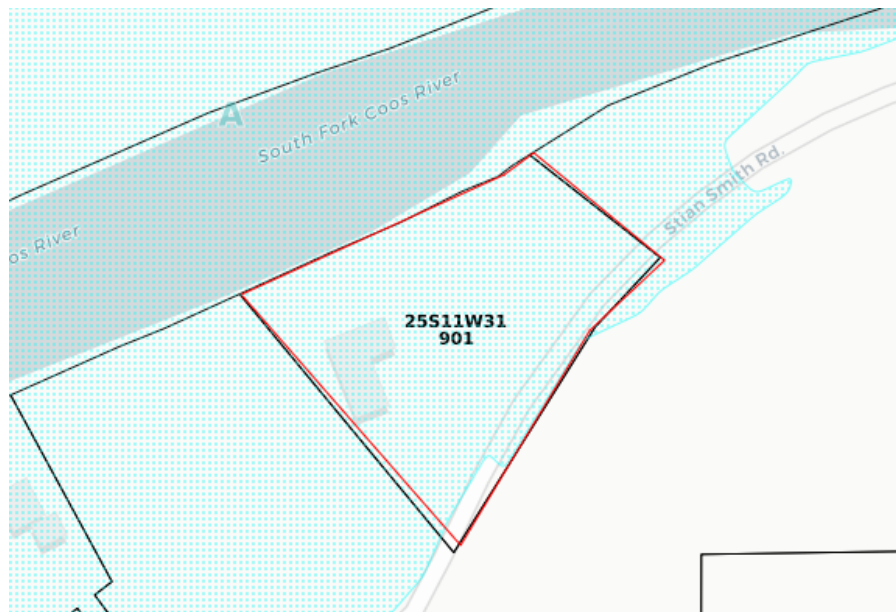
SECTION 4.11.243 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

2. Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (A and V Zones) in accordance with Section 4.11.232, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 4.11.252, SPECIFIC STANDARDS, and 4.11.254 FLOODWAYS.

FINDING: The subject property is within the mapped 100-year floodplain. The applicant supplied a signed and stamped elevation certificate by Clyde Mulkins, PLS LS2006. Mr. Mulkins asserts in the elevation certificate that the BFE is 25.4 ft using NAVD 1988 datum.



Mr. Mulkins stated that his elevation certificate established the BFE based on “*The 1964 high water flood level is assumed to be the 100 BFE and this elevation was shown to me by local individuals present during this event. The 1996 flood level was also known and shown to be 0.9 feet lower*”. However, no proof was provided with this certification. There is no signed testimony from any one present during the 1964.

Staff initially deemed the application incomplete for a number of reasons, one of which Staff could not determine how Mr. Mulkins established the Based Flood Elevation. Mr. Mulkins submitted the following additional information in response to: “*[o]n January 17, 2023 I prepared an Elevation Certificate that established the 100-year BEF for the subject property. The elevation I calculated was based on bench mark CRSF 7 with a height of 21.43 feet NAVO 1988 datum, and the family testimony that the 1964 flood elevation was 4 inches above the first living floor at 98049 Stian Smith Lane, Coos Bay. This address in 1992 would have been HC 52 Box 314, per Ron Stuntzner's certificate. Ron used the same testimonial elevation as I, 4 inches above the first living floor. So, Ron and I have the same relative level for this flood line. The 10-foot difference is because the two certificated used different datums. The NAVD 1988 datum has its 0-foot elevation based on mean low-low water. Stuntzners contour is based from mean sea level. In our area there is a 3.6- foot difference. The rest of the 10-foot difference is from Ron's use of the 40 line on the Daniels Creek Quadrangle Map. These maps were created around 1940 are not accurate for determining elevations. This error is compounded by road grade and selecting where the drawn contour crosses the road. FEMA will not accept elevations based on a contour map. Ron's work was for the purpose of installing new pilings for a dock and his certificate was fine for that purpose, but its elevation value may not be extended beyond that specific application.*”

Staff agrees there should be a difference between the elevation using NAVD 1988 vs NGVD 1929 datum. However, the surveyor appears to be basing the BFE on unsubstantiated testimony which is not accompanied by some sort of documentation or proof. Also, Staff is unable to find any compelling reason the 1964 represent the 1% annual chance of a flood level.

Pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO) and FEMA regulations, Staff must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to utilize the best available information for flood hazard area. Based on FEMA direction to the County, it's the decision and responsibility to determine, with justification, the Based Flood Elevation for Zone A.

While the subject property is in a Zone A, which does not have established BFE cross sections. FEMA has produced estimated BFEs in multiple drainages mapped as Zone A. Staff has chosen to utilize this FEMA derived data. This data may be found on the FEMA Map Service Center website, where the official FIRMs are also located.

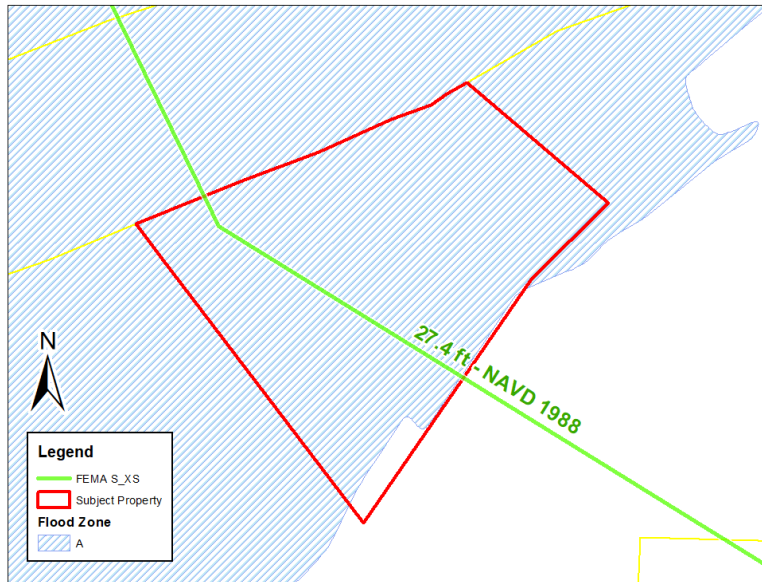


Figure 1: FEMA Est. BFE Cross Section Data

Therefore, Staff finds the Base Flood Elevation is 27.4 feet at this location. The requested proposal will be a residential use. The applicant will be required to meet the general standards required by Section 4.11.251 and the specific standards for Section 4.11.252.3 Manufactured Dwellings.

SECTION 4.11.251 GENERAL STANDARDS

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

1. Anchoring
 - a. *All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and*
 - b. *All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques).*

2. Construction Materials and Methods
 - a. *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;*
 - b. *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and*
 - c. *Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

3. Utilities
 - a. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;*
 - b. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and*

- c. *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.*
4. *Land Divisions Proposals*
- a. *All land division proposals shall be consistent with the need to minimize flood damage;*
 - b. *All land division proposals that are proposing public utilities and facilities such as sewer, gas, electrical, and water systems shall be required to locate and construct them to minimize or eliminate flood damage;*
 - c. *All land division proposals that consist of three or more lots shall have adequate drainage provided to reduce exposure to flood damage; and*
 - d. *Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).*
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.
6. *AH Zone Drainage*
Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
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:

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

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

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

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:

3. Manufactured Dwellings

- a. *Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 4.11.252(1)(b) above;*
- b. *The bottom of the longitudinal chassis frame beam in A zones, shall be at or above BFE;*
- c. *The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and*
- d. *Electrical crossover connections shall be a minimum of 12 inches above BFE.*

VI. DECISION:

There is evidence to adequately address the criteria for a special temporary use of a hardship dwelling, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special districts, or parties: None

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.