



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Coos County Planning
60 E. Second 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. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Tuesday, October 24, 2023**
File No(s): ACU-23-026 & ACU-23-027

Proposal: Request for a land use authorization for an Outdoor Parking Lot for Storage of Recreational Vehicles within the Beach & Dunes Overlay

Property Owner(s): Stephen & Carolyn Dayton

Staff Planner: Crystal Orr, Associate 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 **Wednesday, November 08, 2023**. Appeals are based on the applicable land use criteria found in the Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with *Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and 6.1.125 Lawfully Created Lots or Parcels*. Storage Facilities and Units-including parking lots or parking structures is subject to CCZLDO Use Table in *Section 4.3.200(81) Storage Facilities and Units including parking facilities subject to a Conditional Use (ACU) and Use Standard (79) as well as Section 4.3.225 General Siting Standards & 4.3.230 Additional Siting Standards (5) Commercial. Beaches & Dunes is subject to CCZLDO Section 4.11.132 Natural Hazards*. **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.**

Property Information

File Number: ACU-23-026 & ACU-23-027

Applicant: Hailey Sheldon

Account Number: 165205
Map Number: 24S1311C0-00606

Property Owner: DAYTON, STEPHEN G & CAROLYN L
68632 HIGHWAY 101
NORTH BEND, OR 97459-8680

Situs Address: 68860 HAUSER RD NORTH BEND, OR 97459

Acreage: 2.05 Acres

Zoning: COMMERCIAL (C-1)

Special Considerations: BEACHES/DUNES - LIMITED (BDL)
RURAL UNINCORPORATED COMMUNITY (RUC)

Notice shall be posted from October 24, 2023 until 5:00 PM November 8, 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. **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.**

Staff tries to post all applications on the website at the following link:
<https://www.co.coos.or.us/community-dev/page/planning-department>

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. If you would like to view the record in this matter, please make an appointment. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Associate 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: Tuesday, October 24, 2023**
Crystal Orr, Associate 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 evidence associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Beaches & Dunes report

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 applicant(s) and that the applicant(s) 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 construction of the proposed 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. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. 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. The landowner(s) shall submit, and sign, a hazard disclosure statement that addresses the following:
 - i. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 - ii. 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;
 - iii. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.
 - c. Permitted development and or use shall comply with the recommendations within the engineering geologic report.
 - d. 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.
 - e. 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.

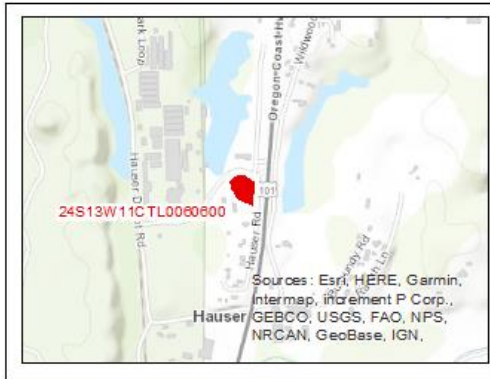
- f. An Access, Driveway, Parking Verification application must be submitted and signed off by the Coos County Road Department.

EXHIBIT "B"
VICINITY MAP & PLOT PLAN



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

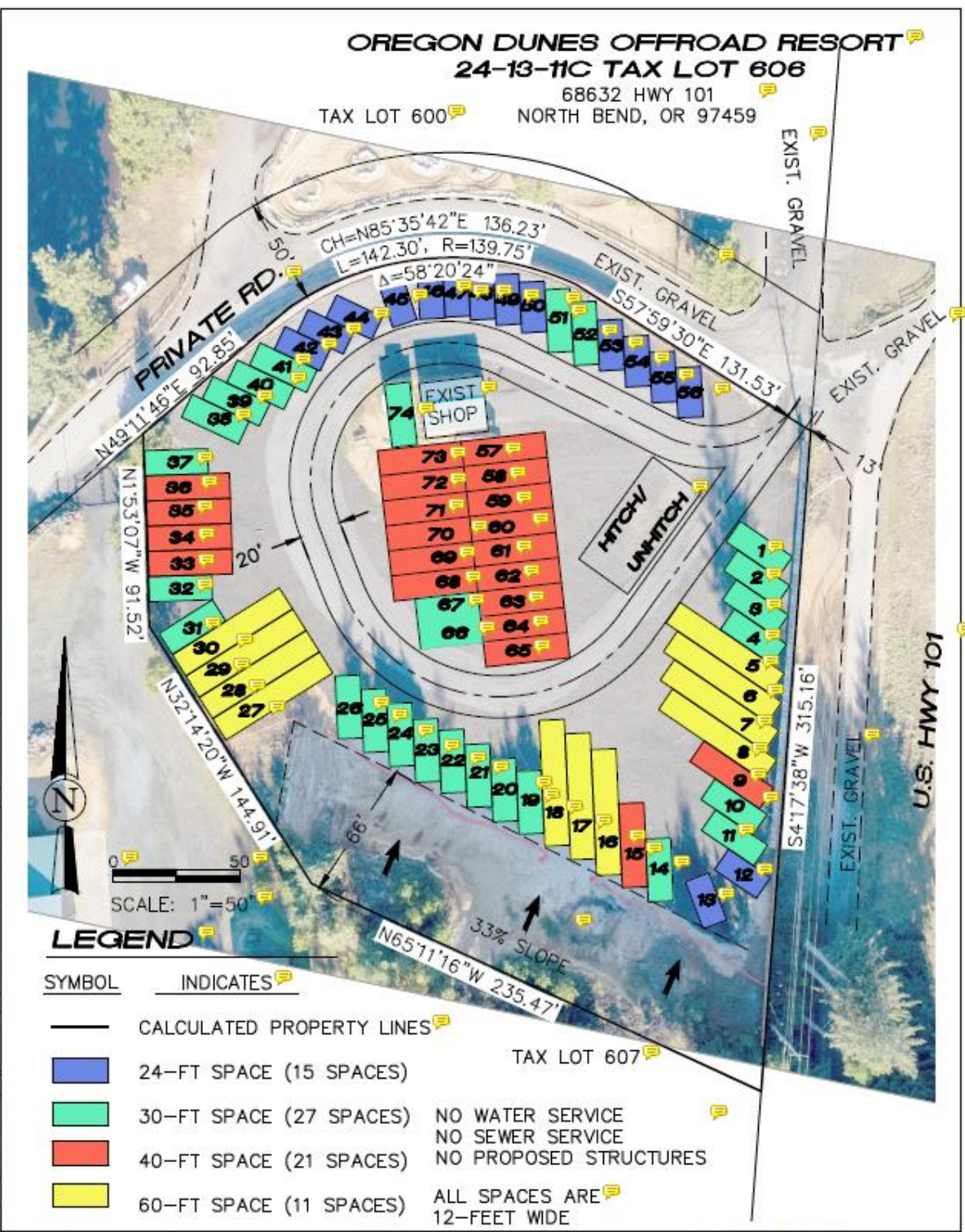


File:	ACU-23-026/027
Applicant/ Owner:	Stephen & Carolyn Dayton
Date:	10/09/2023
Location:	Township 24S Range 13W Section 11C TL 606
Proposal:	Administrative Conditional Use



OREGON DUNES OFFROAD RESORT
24-13-11C TAX LOT 606

68632 HWY 101
 NORTH BEND, OR 97459



LEGEND

SYMBOL	INDICATES
—	CALCULATED PROPERTY LINES
Blue Box	24-FT SPACE (15 SPACES)
Green Box	30-FT SPACE (27 SPACES)
Red Box	40-FT SPACE (21 SPACES)
Yellow Box	60-FT SPACE (11 SPACES)
	NO WATER SERVICE NO SEWER SERVICE NO PROPOSED STRUCTURES
	ALL SPACES ARE 12-FOOT WIDE



ODORR
 RV Storage
 Coos County, Oregon

Proposed Layout
 Figure
 SHN 623094

Aug. 10, 2023

623094v/Layout8

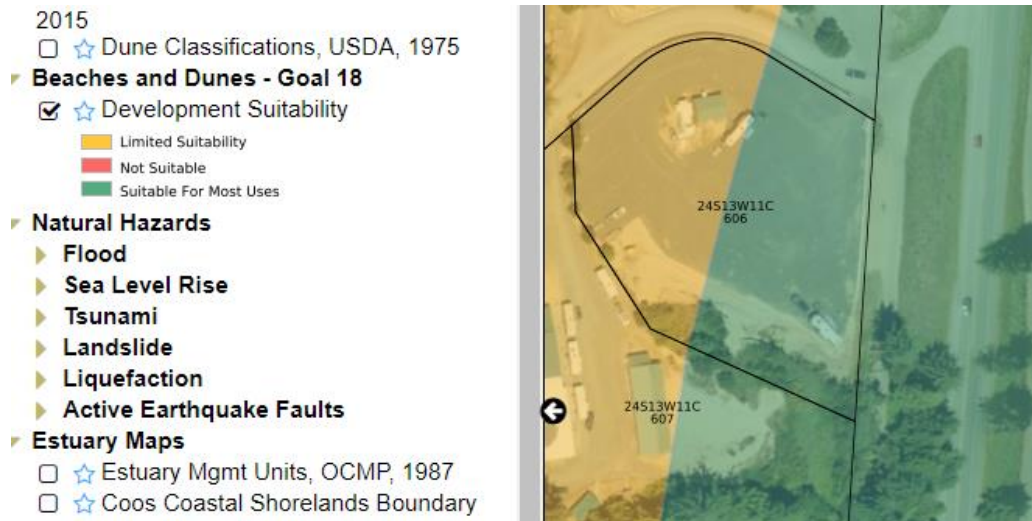
Figure 1

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

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION AND PRIOR COMPLIANCE:

- A. PROPOSAL:** Request for Planning Director Approval to use the subject property for a commercial use to house a long term and short-term parking lot. A portion of this parcel is within the special considerations Beaches & Dunes Limited Suitability overlay as provided by Coos County Zoning and Land Development Ordinance CCZLDO § 4.11.129 which requires a Site Investigation Report by a qualified registered and licensed geologist or engineer.



B. BACKGROUND/PROPERTY HISTORY:

- May 9, 2005 a Zoning Compliance Letter (ZCL-05-239) was issued to allow the property to perform a septic site evaluation.
- June 16, 2005 a Zoning Compliance Letter (ZCL-02-345) was issued to allow a coffee shop and install a septic system.
- July 21, 2014 a Zoning Compliance Letter (ZCL-14-180) was issued to allow an off-road vehicle rental business within the existing commercial buildings on site. Authorization for the temporary use of intermodal shipping containers for storage of off-road vehicles for up to one year.
- May 4, 2015 a Zoning Compliance Letter (ZCL-15-098) was issued to allow after the fact clearance to use sand to create a temporary advertising structure for ATV's.
- May 7, 2015 a Zoning Compliance Letter (ZCL-15-106) was issued to allow a septic site evaluation.
- May 15, 2014 a Zoning Compliance Letter (ZCL-15-120) was issued to allow replacement of the existing commercial building with a new commercial building not to exceed 4,000 square feet in size pursuant to CCZLDO Section 4.4.100(19), install a new advertising sign. Install a water connection and septic system for the new building, and to move/place sand on property.

C. LOCATION: The subject property is located north of the City of North Bend within the Rural Unincorporated Community of Hauser. The property is accessed via Hauser Road, which is an easement road located off of Oregon State Highway 101.

D. ZONING: The property is zoned Commercial (C-1).

Commercial (C-1)

The intent of the Commercial designation is primarily for urban growth areas, but it is also appropriate for application in rural areas where commercial uses are already established (i.e., "committed" to commercial development). Limited infilling is allowed.

The purpose of the "C-1" district is:

To provide for needed commercial retail and service opportunities within urban growth Boundaries.

E. SITE DESCRIPTION AND SURROUNDING USES: This property is located north of the City of North Bend. The property is accessed via Hauser Road, which is an easement road off of Oregon State Highway 101. The parcel abuts Oregon State Highway 101 to the east. The lot is primarily cleared and rocked, but there is a small vegetation buffer along the south property line that consists of native bushes and trees. The property is zoned Commercial (C-1) and is surrounded by Commercial (C-1). There are many different uses within the notification area including industrial, residential, and recreational uses.



- F. **COMMENTS:** There have not been any comments received for this review as the date of the release of this report.

II. **GENERAL PROPERTY COMPLIANCE:**

A. **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.

FINDING: Staff has reviewed the property history and the county finds at the time of this report; the property is compliant with the Coos County Zoning and Land Development Ordinance. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

B. **SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

“Lawfully established unit of land” means:

1. *The unit of land was created:*

- a. *Through an approved or pre-ordinance plat;*
- b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. *By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- 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.*
- f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: The unit of land was created pursuant to Section 6.1.125.1.b through a previously approved land use decision partition (P-99-05).

III. **STAFF FINDINGS AND CONCLUSIONS:**

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

Section 4.3.200 Zoning Tables for Urban and Rural Residential, mixed Commercial-Residential, Commercial, Industrial, Minor Estuary and South Slough

The table indicates the type of review process that is required. Remember that CU is a conditional use review and the letter prior explain what level of conditional use is required (A = administrative and H=Hearing)

As used in the zoning tables the following abbreviations are defined as:

- “P” Permitted and requires no review from the Planning Department. No review is required but other agencies may have requirements.
- “CD” Compliance Determination review (permitted with standards) with clear and objective standards (Staff review usually referred to as Type I process or ministerial action). These uses are subject to development standards in sections 4.3.22, 4.3.230 and notices requesting comments may be provided to other agencies as result. The process takes a minimum of 30 days to complete. Industrial zones may require additional review. All structures and uses shall meet the applicable Development and Siting Criteria or Special Development Considerations and Overlays for the zoning district in which the structure will be sited.
- “ACU” Administrative Conditional Use (Planning Director’s Decision usually referred to as a Type II Process)
- “HBCU” Hearing Body Conditional Use (Planning Commission, Board of Commissioner or Hearings Officer Decision usually referred to as a Type III Process)
- “PLA” Property Line Adjustments subject to standards found in Chapter 6.
- “P”, “SUB”, “PUD” = Partition, Subdivision, Planned Unit Development that require Land Division Applications subject to standards found in Chapter 6.
- The “Subject To” column identifies any specific provisions of Section 4.3.210 to which the use is subject.
- “N” means the use is not allowed.

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 4.3.210 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Section 4.3.225 General Siting Standards apply to all regulated Uses, Developments, or Activities, but these are clear and objective standards that do not, in themselves, require a land use notice. Section 4.3.230 Specific Standards list specific siting standards by zones and 4.2.220 Additional Conditional Use Review and Standards for table 4.3.200 contains any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as requiring.

#	Use	Zones												Subject To	
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS		MES
81.	Storage Facility and Units including parking facilities	N	N	N	N	N	HBCU	HBCU	ACU	CD	ACU	N	N	N	(79)

FINDING: Storage Facility and Units Including Parking Facilities are subject to CCZLDO Use Table found in Section 4.3.210(79), Categories and Review Standards - Storage Facility and Units including parking facilities and Section 4.3.220 Additional Conditional Review (5) Commercial.

A. Section 4.3.210 – CATEGORIES and review standards

The following categories provide a definition and specific standards that will regulate the Development, Use or Activity identified in the table above.

(79) Storage Facilities and Units – The category includes warehouse, mini-storage, parking lots or parking structures.

SECTION 4.3.220 ADDITIONAL CONDITIONAL USE REVIEW STANDARDS for uses, development and activities listed in table 4.3.200

This section has specific criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT:

File Number: ACU-23-026 & ACU-23-027

(5) Commercial (C-1) - The following conditional use review standards apply to all USES, ACTIVITIES and DEVELOPMENT C-1 zoning district.

- (a) **COMPATIBILITY:** The proposed USE, ACTIVITY OR DEVELOPMENT is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses and not potential or future uses in the surround area.
- (b) *Within a City Urban Growth Boundary:*
 - i. **Signage** – This category does not apply to address makers, County Road signs, or State or Federal Highway signs. This requirement only applies in the City of Bandon Urban Growth Boundary.
- (c) *All parks (Recreational or Residential) shall comply with the following design criteria:*
 - ii. *The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;*
 - iii. **Lighting:** Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.
 - iv. *Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of this zoning designation, screen plantings or other screening methods;*
 - v. *Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and*
 - vi. *Hours of operation may be required in areas predominantly surrounded by residential zones.*

FINDING: The surrounding parcels are being used for Storage Units, ATV Rentals & other recreational facilities including a campground. The proposed parking facility is compatible to the uses within the area. This parcel is not within the city urban growth boundary, and is not a recreational or residential park; therefore, those criteria do not apply.

- **Section 4.3.225 General Siting Standards**

All new USES, ACTIVITIES and DEVELOPMENT are subject to the following siting standards:

- (1) **Agricultural and Forest Covenant** - Any applicant for a dwelling permit adjacent to a Forest or Exclusive Farm Zone shall sign a statement on the Compliance Determination or Zoning Clearance Letter acknowledging that: “the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner’s enjoyment of his or her property.
- (2) **Fences, Hedges, and Walls:** No requirement, but vision clearance provisions of Section 7.1.525 apply.
- (3) **Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq.** Manufactured dwellings shall not be used for commercial purposes except:
 - (a) Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency.
 - (b) Where used as a temporary sales office for manufactured structures; or
 - (c) As part of an approved home occupation. [OR-92-07-012PL]

- (4) *New lots or parcels - Creation of lots or parcels, unless it meets the circumstances of § 5.6.130, shall meet the street frontage, lot width, lot depth and lot size. Minimum road frontage/lot width shall be met unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:*
- (a) *Minimum Street frontage should be at least 30 feet; and*
 - (b) *Minimum lot width and Minimum lot depth is 50 feet.*
- Minimum parcel/lot size cannot be waived or varied unless otherwise provided by a specific zoning regulation. Tax lot creation and consolidations do not change the legally created status of a lot or parcel.*
- (5) *Parking - Off-street access, parking and loading requirements per Chapter VII apply.*
- (6) *Riparian -*
- (a) *Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except:*
 - i. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - ii. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - iii. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - iv. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - v. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - vi. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - vii. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration is not more than 100% of the size of the existing structure's "footprint".*
 - (b) *Riparian removal within the Coastal Shoreland Boundary requires an Administrative Conditional Use application and review. See Special Development Considerations Coastal Shoreland Boundary.*
 - (c) *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
- (7) *Setbacks:*
- (a) *All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements.*
 - (b) *Firebreak Setback - New or replacement dwellings on lots, parcels or tracts abutting the "Forest" zone shall establish and maintain a firebreak, for a distance of at least 30 feet*

in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

- (8) **OUTDOOR STORAGE IN RESIDENTIAL ZONES** (a) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use; (b) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings; (c) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed.

FINDING: The only criterion that applies to this proposal within this section is subsections (2) Fences, Hedges and Walls, (5) Parking and (7) Setbacks. The proposed RV Parking/ Storage area has an existing sight-obscuring fence that meets the vision requirements of Section 7.1.525. The parking and access must be signed off as meeting standards by the Coos County Road Department, which will satisfy subsection 5, Parking. As a condition of approval an Access, Driveway, Parking Verification application must be submitted and signed off by the Coos County Road Department prior to receiving a zoning clearance letter. There is not a road right of way centerline as Hauser Road is a private easement road; therefore, the required setback is five (5) feet from the property line.

- **SECTION 4.11.129 BEACHES & DUNES (POLICY 5.10)**

4.11.129 Beaches and Dunes (Policy 5.10)

The Beaches and Dunes map has inventoried the following:

- *Beaches and Dunes*
 - *Suitable for most uses; few or no constraints (Does not require a review)*
 - *Limited Suitability; special measures required for most development*
 - *Not Suitable for Residential, commercial or Industrial Structures*

Purpose Statement:

Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled "Development Potential within Ocean Shorelands and Dunes" and the boundaries delineates following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

- a. *Limited Suitability: "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.*

The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.

- i. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:*
 - a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;*
 - b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*
 - c) The need for methods for protecting the surrounding area from any adverse effects of the development; and*
 - d) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.*
- ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:*
 - a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);*
 - b) The exposure of stable and conditionally stable areas to erosion;*
 - c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and*
 - d) Any other development actions with potential adverse impacts.*

FINDING: A portion of this parcel is within the Beaches & Dunes Limited Suitability overlay. The applicant supplied a site investigation report stamped and signed by Registered Professional Engineer Michael Dennis Remboldt. Mr. Remboldt stated:

***“As we understand it, the proposed use consists of creating a storage area for uninhabited recreational vehicles. This type of use presents very low surcharge loading on the ground surface and has virtually no impact on geologic hazards on or off the project site. There are no significant hazards to life, public, and private property caused by the proposed development. The proposed development will not cause conditions that would negatively impact or destroy vegetation after the development is completed.*”**

There will be some vegetation loss due to the recommended grading (see below) but the re-established vegetation would not be negatively impacted by the development. The proposed development will not result in exposure of off-site areas to increased erosion or modify air wave patterns leading to beach erosion.

Temporary and permanent stabilization for the proposed use is detailed in the Summary and Recommendations – Hazard Mitigation section of the Report. The only substantial hazard at the site is the existing east-facing slope of the dune feature located on the southwest property boundary. In the current condition the slope is likely to be unstable with earthquake ground shaking. To improve slope stability, we recommend the following:

- *Grading: Smooth the east-facing dune slope, removing all over-steepened areas. We recommend an average gradient of 24-degrees, or approximately 2.25 V: 1.00 H.*
- *Vegetation: We recommend covering the graded sand with 0.5 to 1.0-feet of organic topsoil and establishing native grassy vegetation to minimize surface erosion. Planting native coastal shrubs is recommended to enhance slope stability.*

We also recommend placing a low barrier comprised of roadway “k-rail” along the toe of the regraded slope to serve as a catch basin for any material that may move due to an earthquake. This barrier will also discourage mobilization of dune buggies and other vehicles on the regraded slope. Occasional maintenance of the regraded and vegetation slope may be necessary to repair disturbance caused by unauthorized vehicular traffic and to ensure aesthetic appeal and keep surface erosion within reasonable limits. However, if the slope is graded and planted according to our recommendations, it will provide adequate safety against slope movement without frequent maintenance

If implemented, our recommendations will render the project site stable. Our recommendations do not negatively impact adjacent properties or the area in general. If our recommendations are implemented, the proposed use can be accomplished without additional measures to mitigate or control the risk of geologic hazards to the subject property resulting from the proposed use.”

The applicant must adhere to all recommendations from the Registered Professional Engineer, this has been made a condition of approval.

VI. DECISION:

There is evidence to determine that the proposal for storage of vehicles in the Commercial (C-1) Zoning District meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions found at Exhibit “A”.

VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES

1. Time frames for conditional uses and extensions are as follows:

- a. All conditional uses within non-resource zones are valid four (4) years from the date of approval; and*
- b. All conditional uses for dwellings within resource zones outside of the urban growth boundary or urban unincorporated community are valid four (4) years from the date of approval.*
- c. All non-residential conditional uses within resource zones are valid (2) years from the date of approval.*

- d. For purposes of this section, the date of approval is the date the appeal period has expired and no appeals have been filed, or all appeals have been exhausted and final judgments are effective.*
 - e. Additional extensions may be applied.*
- 2. Extensions are subject to notice as described in § 5.0.900(2) and appeal requirements of 5.8 for a Planning Director's decision.*

All Geologic Assessments are valid as prima facie evidence of the information therein contained for a period of five (5) years. Coos County assumes no responsibility for the quality or accuracy of such reports.

This conditional use is for a residential conditional use within a non-resource zone and is valid for five years from the date of the Geological Assessment (**June 28, 2028**).

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 250 feet of the subject properties, special districts, and DLCDC.

Exhibit “D” Beaches & Dunes Report

K & A ENGINEERING, INC.
91051 S. WILLAMETTE STREET
P. O. BOX 8486, COBURG, OR 97408
(541) 684-9399 • KAENGINEERS.COM



June 28, 2023

Project: 23004

Stephen and Carolyn Dayton
68632 Hwy 101
North Bend, OR 97459

Subject: Clarification of Response to Beaches and Dunes Criteria
Geotechnical Hazards Determination
Proposed RV Storage and Parking Facility
Tax Lot 606, Tax Map 24-13-11C; Coos County
68860 Hauser Road
North Bend, Oregon

PURPOSE AND SCOPE

A Notice of Completeness from Coos County dated May 26, 2023, for the applications ACU-23-026 and ACU-23-027 indicated that the applications were not complete because the “Beaches and Dunes criteria” of the Coos County Zoning and Land Development Ordinance (CCZLDO) had not been addressed.

The Geotechnical Hazard Evaluation (the “Report”) for the project, dated April 3, 2023, was written to address these criteria. The purpose of this supplemental letter is to specifically highlight how the Geotechnical Hazard Evaluation addressed the criteria in terms of “on-the-ground conditions” and how we reached our conclusions.

Our original Geotechnical Hazard Evaluation for the project is attached to this supplemental letter for your convenience.

CRITERIA RESPONSE

COMPATIBILITY

Ordinance Compatibility Criteria

The CCZLDO Section 4.3.220 – *Additional Conditional Use Review Standards* requires compatibility. As defined in the ordinance, compatibility is defined as:

“The proposed USE, ACTIVITY OR DEVELOPMENT is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses and not potential for future uses in the surround (sic) area.”

Response to Compatibility Criteria

The Report states:

“As we understand it, the proposed use consists of creating a storage area for uninhabited recreational vehicles. This type of use presents very low surcharge loading on the ground surface and has virtually no impact on geologic hazards on or off the project site. There are no significant hazards to life, public, and private property caused by the proposed development.

The proposed development will not cause conditions that would negatively impact or destroy vegetation after the development is completed. There will be some vegetation loss due to the recommended grading (see below) but the re-established vegetation would not be negatively impacted by the development.

The proposed development will not result in exposure of off-site areas to increased erosion or modify air wave patterns leading to beach erosion.” (Report pages 4 and 5)

The minimal impact of the proposed use means that the proposed use can coexist with uses of adjacent properties. We found no aspect of the proposed use that would negatively impact the uses of adjacent properties.

ORDNANCE SUITABILITY CRITERIA

To aid in clearly responding to suitability criteria, we are showing the ordinance text (italicized) with our responses embedded (bold, non-italicized).

From *CCZLDO Section 4.11.129*:

The Beaches and Dunes map has inventoried the following:

Beaches and Dunes

- **Suitable for most uses; few or no constraints (Does not require a review)**
- **Limited Suitability: special measures required for most development**
- **Not Suitable for Residential, commercial or Industrial Structures**

Purpose Statement:

Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled “Development Potential within Ocean Shorelands and Dunes” and the boundaries delineates following specific areas “Suitable”, “Limited Suitability” and “Not Suitable” areas of development potential.

A portion of subject property appears on the Coos County “Beaches and Dunes – Goal 18” map, hosted by Coastal Atlas, as “Limited Suitability.”

- a. *Limited Suitability: “Beach and Dune Areas with Limited Development Suitability” includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.*

The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.

- i. *Coos County shall permit development within areas designated as “Beach and Dune Areas with Limited Development Suitability” only upon the establishment of findings that consider at least:*
- a. *The type of use proposed and the adverse effects it might have on the site and adjacent areas.*

The type of use is described in the Summary and Recommendations – Type of Use Impact section of the Report:

“As we understand it, the proposed use consists of creating a storage area for uninhabited recreational vehicles. This type of use presents very low surcharge loading on the ground surface and has virtually no impact on geologic hazards on or off the project site. There are no significant hazards to life, public, and private property caused by the proposed development.

The proposed development will not cause conditions that would negatively impact or destroy vegetation after the development is completed. There will be some vegetation loss due to the recommended regarding (see below) but the re-established vegetation would not be negatively impacted by the development.

The proposed development will not result in exposure of off-site areas to increased erosion or modify air wave patterns leading to beach erosion.” (Report pages 4 and 5)

- b. The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation.*

Temporary and permanent stabilization for the proposed use is detailed in the Summary and Recommendations – Hazard Mitigation section of the Report (page 5):

“The only substantial hazard at the site is the existing east-facing slope of the dune feature located on the southwest property boundary. In the current condition the slope is likely to be unstable with earthquake ground shaking. To improve slope stability, we recommend the following:

- **Grading:** Smooth the east-facing dune slope, removing all over-steepened areas. We recommend an average gradient of 24-degrees, or approximately 2.25 V : 1.00 H.
- **Vegetation:** We recommend covering the graded sand with 0.5 to 1.0-feet of organic topsoil and establishing native grassy vegetation to minimize surface erosion. Planting native coastal shrubs is recommended to enhance slope stability.

We also recommend placing a low barrier comprised of roadway “k-rail” along the toe of the regraded slope to serve as a catch basin for any material that may move due to an earthquake. This barrier will also discourage mobilization of dune buggies and other vehicles on the regraded slope.

Occasional maintenance of the regraded and vegetation slope may be necessary to repair disturbance caused by unauthorized vehicular traffic and to ensure aesthetic appeal and keep surface erosion within reasonable limits. However, if the slope is graded and planted according to our recommendations, it will provide adequate safety against slope movement without frequent maintenance.”

- c. The need for methods for protecting the surrounding area from any adverse effects of the development; and*

If implemented, our recommendations will render the project site stable. Our recommendations do not negatively impact adjacent properties or the area in general. From the Report (page 5):

“If our recommendations are implemented, the proposed use can be accomplished without additional measures to mitigate or control the risk of geologic hazards to the subject property resulting from the proposed use.”

-
- d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.*

The Report describes geologic hazards that exist at the site including earthquake-induced liquefaction and earthquake-induced slope instability. See pages 3 and 4 of the Report.

If the recommendations for hazard mitigation in the Report are implanted, the hazard of earthquake-induced slope instability will be reduced to safe levels. See page 5 of the Report – Hazard Mitigation.

The hazard of earthquake-induced liquefaction is not a significant threat to life, property, or the environment considering the proposed use.

- ii. Further, Coos County shall cooperate with affected local, state, and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential.*
- a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);*
 - b. The exposure of stable and conditionally stable areas to erosion;*
 - c. Construction of shore structures which modify current air wave patterns to beach erosion; and*
 - d. Any other development actions with potential adverse impacts.*

The proposed use does not impact groundwater in any way and will not lead to saltwater intrusion, cause destruction of vegetation by moisture loss, cause excessive erosion, or modify current air wave patterns.

Clarification of Response to Beaches and Dunes Criteria
Proposed RV Storage and Parking Facility · 68860 Hauser Rd., North Bend, Oregon
June 28, 2023 · K & A Engineering, Inc. · Project No.: 23004



Thank you for the opportunity to be of service. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'M Remboldt'.

Michael Remboldt, P.E., G.E.
K & A Engineering, Inc.



RENEWS: 12/31/2024

K & A ENGINEERING, INC.
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April 3, 2023

Project: 23004

Stephen and Carolyn Dayton
68632 Hwy 101
North Bend, OR 97459

Subject: Geotechnical Hazard Evaluation
Proposed RV Storage and Parking Facility
Tax Lot 606, Tax Map 24-13-11C; Coos County
68860 Hauser Road
North Bend, Oregon

PURPOSE AND SCOPE

Our understanding is that you are proposing developing the subject (approximately) 2.05-acre site as an RV storage/parking facility. Because the project site is identified as having limited suitability for development on the Coos County Beaches and Dunes Map, we have made a limited site investigation of the site for the purpose of determining the nature of geologic hazards that exist on the site and to provide recommendations for hazard mitigation.

The scope of our services for this project, thus far, has included a site investigation and this report.

SITE INVESTIGATION

GENERAL DISCUSSION

We made our site investigation on February 15, 2023. We met with Hailey Sheldon, planner for the project, and Sam Loshbough who will be implementing our recommendations on the ground. The weather was cool, sunny, and dry.

The project site is located very close to the west side of US Hwy 101 in an area that mostly consists of coastal dunes characterized by long linear sandy hills interspersed with numerous small lakes.

An operational lumber mill and active railroad are located just west of the project site. A small lake also sits near the north side of the site on the other side of the local access road. The lakes in the area and the sandy soils indicate that groundwater can be expected to be relatively close to the ground surface on the flat portion of the site.

SITE SURFACE CONDITIONS

The majority of the project site consists mostly of flat, level ground covered with crushed gravel and scattered vegetation around the perimeter (near the edges of the road). Several small buildings are located on the north end of the property.

A narrow dune feature (a low hill) is located along the southwest property boundary. The approximate location of the dune hill is shown on the Site Plan drawing attached to this Report. The east-facing slope of the dune has surface gradient in the approximate range of 30 to 40-degrees and rises from the flat area of the property a little over 30-feet to the top of the dune and then slopes to the southwest to approximately 10 to 15-feet to the adjacent property. It appears that the dune has been excavated near the toe some time ago, leaving over steepened areas in the top ½ of the exposed surface which left some over steepened area in the top ½ of the slope. See Photo 1.

The top of the dune is well vegetated, and some vegetation exists on the side slopes of the dune as well. See Photo 1.

We surveyed a field-developed cross section across the dune for the purposes of evaluating slope stability. The approximate location of our cross section can be seen on the Site Plan and Photo 1 (below). The reduced section is also attached to this report on the same page as the Site Plan.

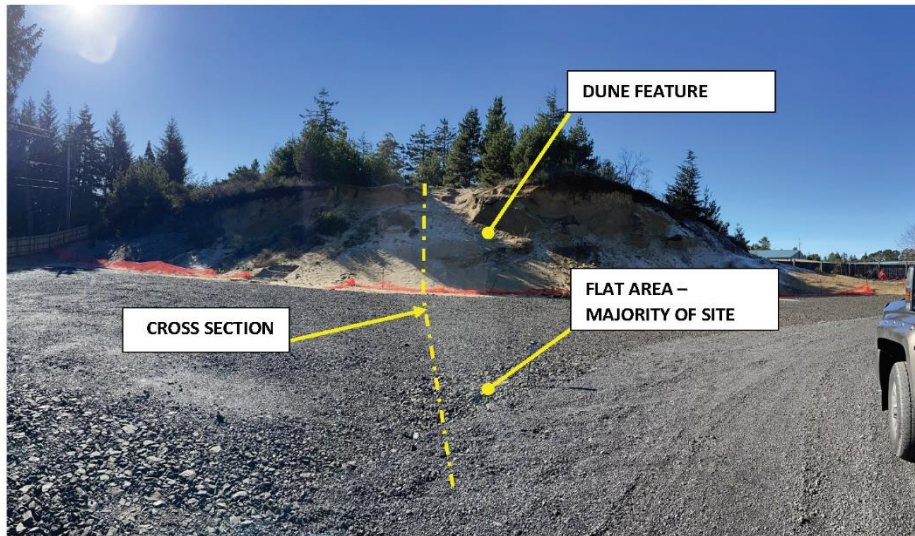


Photo 1 - Panoramic View of Dune at South End of Project Site

We observed evidence of sloughing of sands near the base of the over steepened areas on the east-facing dune slope. These sloughing areas are due to loss of apparent cohesion during hot weather and surface erosion from storm runoff. Fortunately, none of these area represent a significant safety hazard

in the current condition because the site is not inhabited and no structures are located close enough to the slope to be impacted by sloughing.

SUBSURFACE CONDITIONS

Our experience with local geology is that subsurface conditions consist of dune sands to a considerable depth. Recorded “hole reports” of geotechnical borings filed with the State of Oregon Water Resources Department confirm this condition. One boring for the BPA facility located north east of the project site indicates that sands extend at least 60-feet below the ground surface. Two hole reports are attached to this report for reference.

We expect groundwater to be relatively close to the ground surface because of the presence of numerous nearby lakes that are at or slightly below the ground surface elevation of the project site. This groundwater would not affect stability of the dune slopes.

GEOLOGIC HAZARDS

EARTHQUAKE GROUND MOTION

Due to proximity of the site to the coast, there is a likelihood that the site will experience very high earthquake ground motion due a Cascadian subduction zone (CSZ) earthquake. The impact of these high ground motions would have little impact on the site in the current condition because no permanent inhabited structures are located on the property.

A copy of the USGS “Unified Hazard Tool” is attached to this report. This tool provides an estimate of the distribution and type of contributing earthquake sources to the hazard as well as peak ground acceleration. Our analysis was for a return period of 475-years (10% probability of exceedance in a 50-year period) at the soft rock boundary.

SLOPE STABILITY

In the existing condition, the dune slopes are probably at the edge of stability. We analyzed slope stability for the east-facing dune slope and found that in the current condition, the over-steepened sections of dune slope are marginally stable, but not within the acceptable factor of safety of 1.5. In an earthquake condition, factors of safety fall below 1.0 and are considered unstable.

Slope failure on the sandy slopes will tend to be relatively shallow slide surfaces and not deep-seated failures. The impact of this type of slope failure would be minimal on the flat terrace below in the current condition and would result in translation of sands a short distance to the east. In our slope stability evaluation.

To limit the impact of earthquake-induced slope movement, we performed a sensitivity analysis of dune slope stability with respect to slope gradient, and found that if the dune face were regraded to have a slope of 2 ¼ H : 1 V (approximately 24-degrees), an acceptable factor of safety (FOS)¹ could be achieved for earthquake ground motion.

The criteria for determining the lateral seismic coefficient to be used for evaluation of earthquake slope stability included:

- The design earthquake having a return period of 475-years
- Allowing a maximum allowable horizontal translation of the slope of 15-cm (6-inches).

We used a method of calculating the design lateral seismic coefficient that is currently accepted in geotechnical practice.² Calculations for determining the design lateral seismic coefficient and graphic summaries of our slope stability analysis are attached to this report.

LIQUEFACTION

Earthquake induced liquefaction is very likely at this site. We did not make geotechnical borings to determine the magnitude of the hazard because no permanent dwellings or other structures are part of the development proposal. Earthquake-induced liquefaction at this site in the current condition will likely result in “sand boils” and some ground deformation, including moderate differential vertical settlement of the ground surface.

SUMMARY AND RECOMMENDATIONS

TYPE OF USE IMPACT

As we understand it, the proposed use consists of creating a storage area for uninhabited recreational vehicles. This type of use presents very low surcharge loading on the ground surface and has virtually no impact on geologic hazards on or off the project site. There are no significant hazards to life, public, and private property caused by the proposed development.

The proposed development will not cause conditions that would negatively impact or destroy vegetation after the development is completed. There will be some vegetation loss due to the recommended regrading (see below) but the re-established vegetation would not be negatively impacted by the development.

¹ Factor of Safety is the ratio of forces resisting sliding to the forces driving sliding. A ratio greater than 1.0 is considered stable. Conventional minimum criteria for stability is for FOS ≥ 1.5 for static (non-earthquake) condition and FOS ≥ 1.1 for conditions including a horizontal earthquake acceleration.

² California Geological Survey “Guidelines for Evaluating and Mitigating Seismic Hazards in California,” Special Publication 117A, Chapter 5. 2008



The proposed development will not result in exposure of off-site areas to increased erosion or modify air wave patterns leading to beach erosion.

HAZARD MITIGATION

Slope Stability and Surface Erosion

The only substantial hazard at the site is the existing east-facing slope of the dune feature located on the southwest property boundary. In the current condition the slope is likely to be unstable with earthquake ground shaking. To improve slope stability, we recommend the following:

- **Grading:** Smooth the east-facing dune slope, removing all over-steepened areas. We recommend an average gradient of 24-degrees, or approximately 2.25 V : 1.00 H.
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If our recommendations are implemented, the proposed use can be accomplished without additional measures to mitigate or control the risk of geologic hazards to the subject property resulting from the proposed use.

Thank you for the opportunity to be of service. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'M Remboldt'.

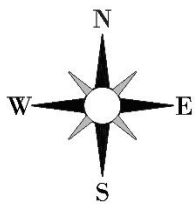
Michael Remboldt, P.E., G.E.
K & A Engineering, Inc.



RENEWS: 12/31/2024



PROJECT SITE
 68860 HAUSER RD
 TAX LOT 606
 TAX MAP 24S-13W-11C



NORTH BEND
 5.3-MILES

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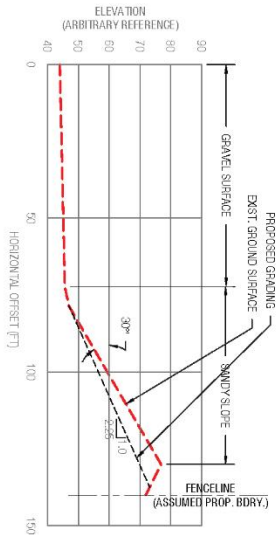
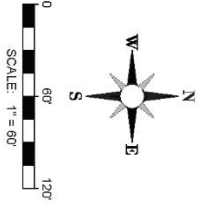
VICINITY MAP
 Geotechnical Hazard Evaluation
 Proposed RV Storage and Parking Facility
 68860 Hauser Road, North Bend, Oregon
 4/3/23 Project: 23004 Drawing 1 / 2



RENEWS: 12/31/2024



1
2
SITE PLAN
1" = 60'



2
1" = 30'
FIELD DEVELOPED CROSS SECTION

K & A Engineering, Inc
91051 S. Williams St.
Cottage, OR 97408
541 684 9399 541 684 9388 fax



SITE PLAN AND SECTION
Geotechnical / Hazard Evaluation
Proposed RV Storage and Parking Facility
68800 Hauser Road, North Bend, Oregon
4/3/23 Project: 220104 Drawing: 2 / 2

