



Coos County Community Development
Mailing Address: 250 N. Baxter, Coquille, Oregon
Office Location: 60 E. Second St., Coquille OR 97423
Planning, Building, Onsite and Enforcement
Phone: 541-396-7770

NOTICE OF LAND USE DECISION

You have received this notice because you are an adjacent property owner or an interested party, and this notice is required to be provided pursuant to ORS 215.416. The proposal identified in this decision will be located on the subject property. Notice to Mortgagee, Lienholder, Vendor, or Seller: ORS Chapter 215 (ORS 215.513) requires that if you receive this notice, you must promptly forward it to the purchaser.

Wednesday, April 9, 2025

RE: File Number ACU-24-054, Craig Brunkenhoefer

Dear Recipient,

This land use notice is being sent to property owner(s), applicant(s), adjacent property owners (with notice distances from the subject property determined by zone area: Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, interested agencies, and any person who has requested notice. It informs any interested party about a decision or proposed action related to the use or development of land within the specified area, as identified under the subject property information.

The purpose of this notice is to inform you about the proposal and decision, provide information on where you can obtain further details, and outline the requirements if you wish to appeal the Director's decision to the Coos County Hearings Body. Any person who is adversely affected, aggrieved, or entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period 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.

Please read all information carefully as this decision is important. (See the attached vicinity map for the location of the subject property.) This notice ensures that all affected or interested parties are aware of the decision and have an opportunity to review the details and provide any input or appeal as necessary.

Subject Property Information

Account Number:	1241000
Map Number:	29S152400-00500
Property Owner:	LEFF, DAVID R. 87432 CRANBERRY CREEK LN BANDON, OR 97411
Situs Address:	87432 CRANBERRY CREEK LN BANDON, OR 97411
Acreage:	120.00 Acres
Zoning:	EXCLUSIVE FARM USE (EFU)

This notice shall be posted from April 9, 2025 to April 24, 2025

FOREST (F)

Special Development Considerations and Overlays: BEACHES/DUNES - LIMITED (BDL)
FLOODPLAIN 100 yr - 2018 (FP)
NATIONAL WETLAND INVENTORY (NWI)
NH LIQUEFACTION (NHEQL)
NH TSUNAMI (NHTHO)
NH WILDFIRE (NHWF)
WET MEADOW WETLAND (WM)

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is based on the existing record and will become final and effective at the close of the appeal period unless a complete application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Thursday, April 24, 2025**. Appeals are based on the applicable land use criteria.

This decision complies with the Coos County Zoning and Land Development Ordinance (CCZLDO), specifically:

- **General Compliance:** Section 1.1.300 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - Lawfully Created Lots or Parcels.
 - **Conditional Use Review:** 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. Section 4.6.110 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. **The requested use is #29 Transmission Towers, which requires a Conditional Use to address Section 4.6.120 Review Standard (4)(h) and (5)**. Development is also subject to Section 4.6.140 Development and Siting Criteria. Administrative Conditional Uses are reviewed under Article 5.2. This property is within the Natural Hazard Wildfire Special Development Overlay and shall comply with Article 4.11.
-

Please note that civil matters, including property disputes that fall outside the criteria listed in this notice, will not be considered. The 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. 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.

The application, staff report, and any conditions can be found at the following link: <https://www.co.coos.or.us/community-dev>. The application and all documents and evidence in the record, including the staff report and applicable criteria, are available for inspection at no cost in the Planning Department, located at 60 E. Second, Coquille, Oregon. Copies may be purchased for 50 cents per page. The decision is based on the application submittal and information on record.

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For more information, please contact Staff at (541) 396-7770.

Reviewed by:

Jill Rolfe, Director

Date: Tuesday, April 08, 2025

This decision is authorized by the Planning Director 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

Exhibit C: Staff Report -Findings of Fact and Conclusions

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**EXHIBIT “A”
CONDITIONS OF APPROVAL**

All applicable federal, state, and local permits must be obtained prior to the commencement of any development activity. If any comments from other agencies were provided as part of this review, it is the responsibility of the property owner to ensure compliance.

The applicant shall comply with the following conditions of approval, understanding that all costs associated with meeting these conditions are the responsibility of the applicant(s) and that the applicant(s) are not acting as an agent of the county. Failure to comply with or maintain compliance with these conditions may result in the revocation of the permit, as allowed by the Coos County Zoning and Land Development Ordinance.

Please read the following conditions of approval carefully. If you have any questions, contact planning staff.

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If 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, § 4.6.120, § 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. If Blueberry Processing is occurring on the subject property the property owner shall obtain a new permit.
 - c. Sufficient $\frac{3}{4}$ inch hose shall be provided to meet the perimeter of the 30-foot firebreak around all structures.

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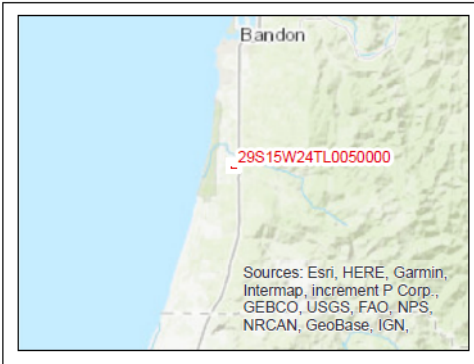
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Attachment B
Vicinity Map (not to scale)

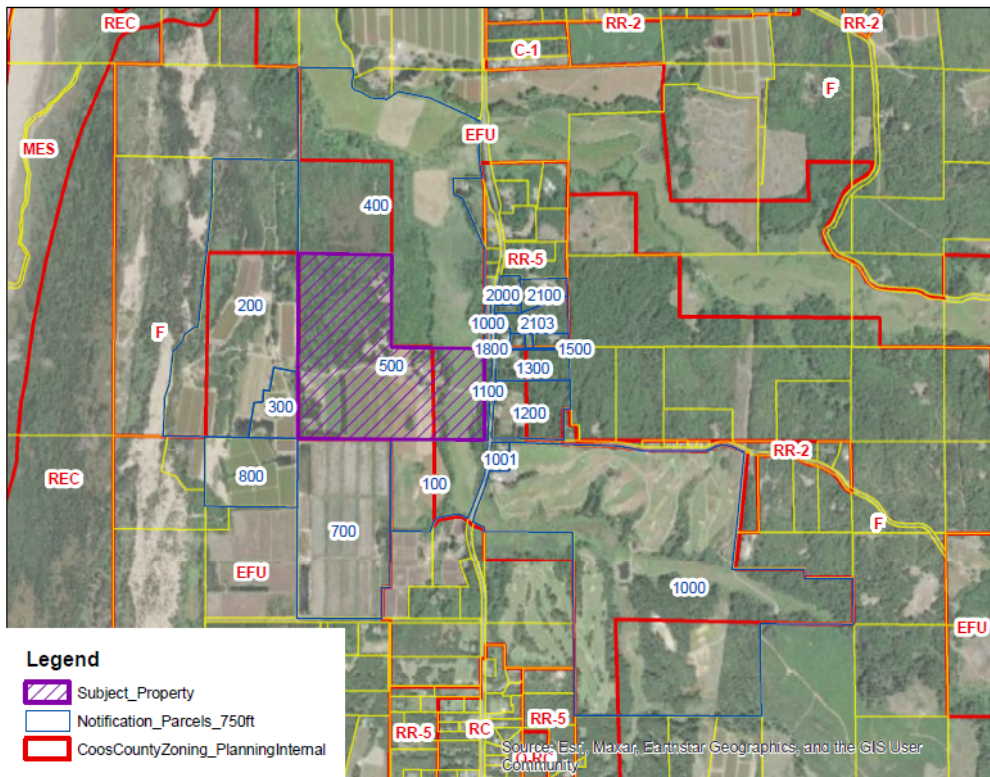


COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



File:	ACU-24-054
Applicant/ Owner:	Smartlink Group/ David Leff
Date:	March 12, 2025
Location:	Township 29S Range 15W Section 24 TL 500
Proposal:	Administrative Conditional Use



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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: According to the applicant the proposal for this request is installation of a Transmission Tower for Wireless Communications.

B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS: The property has a history of zoning and development compliance activities:

- April 25, 1985 - HBCU-85-15 was approved to allow an additional dwelling in conjunction with a farm use in the Forest zone.
- February 17, 1987 – Zoning compliance letter VL-87-60 was issued to locate a new drainfield on the existing system.
- January 6, 1989 – Zoning compliance letter VL-89-008 was issued to site a new lambing shed and alter the existing hay barn.
- September 14, 1993 – Zoning compliance letter ZCL-93-539 was issued to alter the existing pole building by adding a connection to the pole building and garage/shop.
- November 18, 1998 – Zoning compliance letter ZCL-98-547 was issued to replace the dwelling destroyed by fire in the same location.
- April 15, 2009 – Zoning compliance letter ZCL-09-93 was issued to site a farm building.
- January 19, 2011 – Zoning compliance letter ZCL-11-07 was issued to site a farm building.
- August 11, 2016- Conditional Use ACU-16-010 was approved allowing a blueberry processing facility.

C. LOCATION: The subject property is located south of the City of Bandon, off of Cranberry Creek Lane.

D. ZONING: - The parcel is split zoned Forest (F) and Exclusive Farm Use (EFU). The Transmission Tower is being sited within the Forest (F) zone; therefore, Staff will review the Forest (F) zoning for this application.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a

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combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

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 finds that, at the time of this report, the property may be in compliance with the Coos County Zoning and Land Development Ordinance. The Conditional Use permit (ACU-16-010), which was approved to allow blueberry processing, was not completed. If blueberry processing is currently occurring on the subject property, the property owner must obtain a new permit.

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 parcel was lawfully created pursuant to Section 6.1.125.2.e, by deed prior to applicable planning, zoning or subdivision or partition ordinances or regulations that would have prohibited the creation (deed document 78-45332).

III. STAFF FINDINGS AND CONCLUSIONS:

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A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Request for a Land Use Approval through an Administrative Conditional Use to allow a Transmission Tower, subject to Review Standard #4(h) and (5). Development is also subject to Section 4.6.130 Siting Standards for Dwellings and Structures in Forest Zones and 4.6.140 Development and Siting Criteria. Administrative Conditional Uses are reviewed under Article 5.2. This property is within the Natural Hazard Wildfire Special Development Overlay and shall comply with Article 4.11.

B. KEY DEFINITIONS:

- *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.*
- *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.*

C. TRANSMISSION TOWER CRITERIA AND FOREST SITING STANDARDS

Coos County Zoning and Land Development Ordinance (CCZLDO)

SECTION 4.6.100 FOREST AND FOREST MIXED USE – USE TABLES Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Exceptions to minimum lot and parcel sizes for the purpose of land division may apply as set out in Section 4.6.145 Land Division for Open Space and Special Assessment, and Section 4.6.145 Exceptions to Minimum Parcel Size. Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

If a use specifically states Forest Mixed Use only it is not permitted in the Forest Zone. If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in

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the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions</i>		
29. Television. Microwave and Radio Communication Facilities and Transmission Towers	ACU	(4)(h), (5)

- SECTION 4.6.120 Review Standards (4) CONDITIONAL USES - The following uses may be allowed on forest lands as a conditional use (see table for type of conditional use) subject to the review standards in section (5) of this rule:
 - (h) Communication Facilities and Transmission Towers- Television, microwave and radio communication facilities and transmission towers
 - (5) Review Criteria for Conditional Uses: A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:
 - (A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - (B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
 - (C) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

FINDING: The applicant submitted the required Conditional Use application along with findings, a plot plan, and a deed of record. The proposal includes siting a 150-foot-tall telecommunication tower to address a gap in Verizon’s network coverage experienced by customers along Highway 101. Access to the tower will be provided via an existing road, Cranberry Creek Lane. The proposed lease site for the tower is located more than 400 feet from the nearest abutting property line.

The new tower will enhance cellular network coverage, which may help reduce response times and minimize impacts to forestlands in the event of emergencies such as wildfires or accidents during logging operations.

The telecommunication tower will be unmanned and powered primarily by existing electric infrastructure on the property. A small generator will serve as a backup power source, used only during emergency operations. The tower installation company has indicated its intent to comply

with all applicable development, fire siting, and safety standards in accordance with the Coos County Code.

As a condition of approval, the written statement described in subsection (c) above must be recorded prior to issuance of a Zoning Compliance Letter.

- **SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:**

This section contains all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. *Except as provided in subsection 4.6.145 of this ordinance, the following minimum lot or parcel sizes apply for land designated forestland, is at least 80 acres.*

Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

2. *Setbacks: 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 any right-of-way line, whichever is greater.*
3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. 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.*
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. 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;*
 - e. Riparian vegetation may be removed to site or properly maintain public utilities and road rights-of-way;*

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- f. 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
- g. 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 represents not more than 100% of the size of the existing structure's "footprint".
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- i. 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. All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.
1. The dwelling has a fire retardant roof.
 2. The dwelling will not be sited on a slope of greater than 40 percent. Slope¹ will also determine additional firebreak in Section 8 Firebreak.
 3. Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
 4. The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.
 5. For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.
 - ii. Water storage shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.
 - b. If the dwelling has a chimney or chimneys, each chimney has a spark arrester.

¹ Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon¹ published by United States Department of Agriculture, Soil Conservation Service, in cooperation with Oregon Agricultural Experiment Station. Staff will accept an on ground study for slope from an Registered Surveyor or other Registered Professional that is able to make calculations based on the profession licensing requirements.

- c. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.*
8. *Firebreak:*
- a. *The property owner shall maintain a primary firebreak safety zone around all structures. Vegetation within this primary safety zone 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.*
 - b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
 - c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*
 - d. *Proof that all of these items will be met includes proof of the slope to determine additional firebreak setbacks is required.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	0	
1%	0	0
2%	0	5
5%	0	10
10%	0	50

- 9. *All new and replacement structures shall use non-combustible or fire-resistant roofing materials, as may be approved by the certified official responsible for the building permit.*
- 10. *Access to new dwellings shall meet road and driveway standards in Chapter VII.*

FINDING: Section 4.6.140(1) is only applicable to the creation of new parcels. Since no land division is being requested, this section is not applicable.

Section 4.6.140(2) requires a setback from any road right-of-way. The plot plan provided illustrates that all required setbacks for the proposed tower will be more than satisfied.

Section 4.6.140(3) applies to fences, hedges, and walls. The application does not propose any new fences, hedges, or walls; therefore, this criterion is not applicable.

Section 4.6.140(4) requires parking, loading, access, and road standards to be addressed. These have been reviewed and will be met.

Section 4.6.140(5) applies when siting a dwelling. Since this application does not involve residential development, this criterion has been addressed.

Section 4.6.140(6) requires a setback from any wetland. The property does contain mapped wetlands; however, according to the Coastal Atlas Map, the nearest wetland is over 100 feet from the proposed tower location.

Section 4.6.140(7) addresses requirements for dwellings and structures. The proposal does not include a dwelling or habitable structure; therefore, this criterion has been addressed.

Section 4.6.140(8):

- **Determines primary and secondary fire safety setbacks. Based on available topography maps, staff finds that the area in which the tower will be located is flat. The applicants will be required to install a 30-foot primary fuel-free break around all structures on the subject property. Applicants are only responsible for primary and secondary fuel-free breaks on land they own or control.**
- **Requires sufficient ¾-inch hose to reach the perimeter of the primary fire break. This will be made a condition of approval.**
- **(c & d) Reiterate the determination of primary and secondary fire safety setbacks. As stated in (a), a 30-foot primary fuel-free break will be required, and the applicants are responsible only for areas under their ownership or control.**

Section 4.6.140(9) requires roofing materials to be non-combustible or fire-resistant. As the proposal does not include any structures with roofs, this criterion has been addressed.

Section 4.6.140(10) requires adequate access for new dwellings. As the proposal does not include a dwelling, this section is not applicable.

Therefore, all criteria in Section 4.6.140 Development and Siting Criteria have been addressed.

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

4.11.129 BEACHES AND DUNES (POLICY 5.10)

The Beaches and Dunes map has inventoried the following:

- *Beaches and Dunes*
 - o *Suitable for most uses; few or no constraints (Does not require a review)*
 - o *Limited Suitability; special measures required for most development*
 - o *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

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Dunes” and the boundaries delineates following specific areas “Suitable”, “Limited Suitability” and “Not Suitable” areas of development potential.

FINDING: The subject property does contain Beaches & Dunes overlay, the requested development is located within the “suitable for most uses” portion of the property, which does not require special review.

4.11.132 Natural Hazard (Policy 5.11)

Coos County has inventoried the following hazards:

- *Flood Hazard*
- *Tsunamis*
- *Wildfire*

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.

a. Flooding: Coos County shall promote protection of valued property from risks associated with river and coastal flooding along waterways in the County through the establishment of a floodplain overlay zone (/FP) that conforms to the requirements for participation in the National Flood Insurance Program. See Sections 4.11.211-257 for the requirements of this overlay zone. See Sections 4.11.211-257 for the requirements of this overlay zone.

FINDING: The subject property does contain Floodplain hazard overlay, but the requested development is not located within the mapped floodplain.

c. Tsunamis: Coos County shall promote increased resilience to a potentially catastrophic Cascadia Subduction Zone (CSZ) tsunami through the establishment of a Tsunami Hazard Overlay Zone (THO) in the Balance of County Zoning. See Sections 4.11.260-4.11.270 for the requirements of this overlay zone.

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FINDING: A portion of the subject property is mapped within the Tsunami Hazard overlay; the requested development is not within the mapped hazard location.

f. Wildfires: Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as “High” or “Moderate” risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:

1. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.

2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:

a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions, as established by credible documentation approved in writing by the Director;

b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;

c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and

d. Road access shall be provided to within 15 feet of the water’s edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

3. Fire Siting Standards for New Dwellings:

a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.

b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

4. Firebreak:

a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.

- b. *This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone 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.*
- c. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- d. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 2 – Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- e. *All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.*
- f. *If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).*
- g. *The structure shall not be sited on a slope of greater than 40 percent.*
- h. *If the structure has a chimney or chimneys, each chimney shall have a spark arrester.*
- i. *Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.*

FINDING: The subject property is within the Natural Hazard Wildfire mapped layer, which requires special protective measures to minimize risks to life and property. The property in question complies with the following criteria:

- a. **Compliance with fire protection district: The parcel is located within the Bandon Fire Protection District.**
- b. **Compliance when a property is not within a fire protection district: This criteria does not apply as the property is within the Bandon Fire Protection District.**

- c. **Fire Siting Standards for new dwellings: This criteria does not apply, the proposal does not include a dwelling.**
- d. **Firebreak: The firebreak criteria has already been addressed above within Section 4.6.140.**

DECISION : In conclusion, staff finds that the applicant has addressed most of the relevant criteria. Those that have not been addressed, or cannot be completed until after approval is obtained, have been included as conditions of approval. Therefore, the proposed telecommunications tower meets the requirements of the Coos County Zoning and Land Development Ordinance, subject to the conditions listed in Exhibit “A” of this report.

I. EXPIRATION:

This conditional use is for non-residential development within a resource zone and is valid for two years from the date of final approval Tuesday, April 24, 2029.

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.

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

Mailed Copies:	Applicants/Owners, Consultant
Emailed Copies:	Department of Land Conservation and Development, Coos County Assessor’s Office, Planning Commission and Board of Commissioners.

- **A Notice of Decision only**

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.

Special Districts: Bandon Rural Fire Department, City of Bandon, Southern Coos Hospital District