



## NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

Coos County Planning  
225 N. Adams St.  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770  
Fax: 541-396-1022

Date of Notice: August 28, 2019

File No: ACU-19-017

RE: Request for after-the-fact land use authorization to site a single family Dwelling within the Beaches and Dunes Areas with Limited Suitability.

Applicant(s): Donald & Suzanne Broyles  
505 Beachland Blvd. #242  
Vero Beach, FL 32963

This decision notice serves as public notice to all participants, adjacent property owners, special districts, agency with interests, or person with interests. If you are an adjacent property owner, this notice is being mailed to you because the applicant has applied for a use or activity on their property that requires that you receive notice pursuant to ORS 197.763. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

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 a person named in the affidavit to receive the notice shall not invalidate an ordinance. 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.”**

The requested proposal has been  Approved  Denied subject to the findings to the criteria found in Exhibit A. Approval is based on findings and facts represented in the staff report.

### Subject Property Information

Account Number: 2934803  
Map Number: 29S1501CC-01803

Property Owner: BROYLES, DONALD E., JR. & SUZANNE C  
505 BEACHLAND BLVD ##242  
VERO BEACH, FL 32963-1710

Situs Address: 54196 GOULD RD BANDON, OR 97411

Acreage: 0.50 Acres

Zoning: CONTROLLED DEVELOPMENT-10 (CD-10)

Special Considerations: ARCHAEOLOGICAL SITES (ARC)  
BANDON AIRPORT CONICAL ZONE (ABC)  
BANDON URBAN GROWTH BOUNDARY (BGB)

Notice shall be posted from August 28, 2019 until 5 PM September 11, 2019

BEACHES/DUNES - LIMITED (BDL)  
COASTAL SHORELAND BOUNDARY (CSB)  
FLOODPLAIN (FP)  
NATURAL HAZARD - EROSION - COASTAL EROSION (NHERC)  
NATURAL HAZARD - TSUNAMI (NHTHO)  
NATURAL HAZARD - WILDFIRE (NHWF)

Proposal/Criteria: Request for Planning Director after-the-fact Approval to site a single family dwelling located within the Natural Hazard Overlay of Beaches & Dunes Limited Suitability, Coastal Erosion & Coastal Shoreland Boundary pursuant to Coos County Zoning and Land Development Section 4.11.125 Special Development Considerations – Subsection 4 Beaches and Dunes (Policy 5.10).

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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.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2018.aspx>. 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. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact Amy Dibble, Planner II and the telephone number where more information can be obtained is (541) 396-7770.

This decision will become final at 5 P.M. on September 11, 2019 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

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.

Prepared by: Amy Dibble Date: August 28, 2019  
Amy Dibble, Planner II

Authorized by: Jill Rolfe Date: August 28, 2019  
Jill Rolfe, Planning Director

**EXHIBITS**

Exhibit A: Conditions of Approval  
Exhibit B: Vicinity Map

ACU-19-017

**The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2019.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.**

Exhibit C: Staff Report

Exhibit D: Comments Received

Exhibit E: Geotechnical 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 applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

### **CONDITIONS OF APPROVAL**

The applicant has met the criteria to site a Single Family Dwelling, with the following conditions:

- a. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from Department of State Lands it is the responsibility of the property owner to comply.
- b. 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.
- c. Pursuant to CCZLDO § 5.9.100, an after the fact Zoning Compliance Letter shall be required.

**EXHIBIT "B"**  
**Vicinity Map**



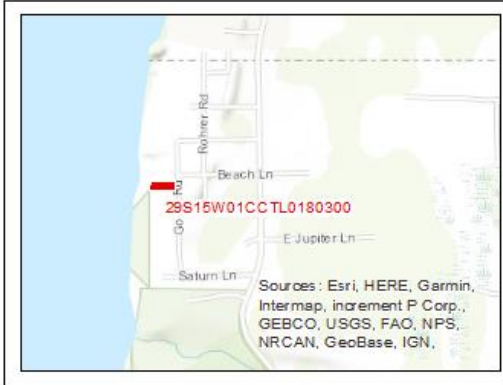
**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

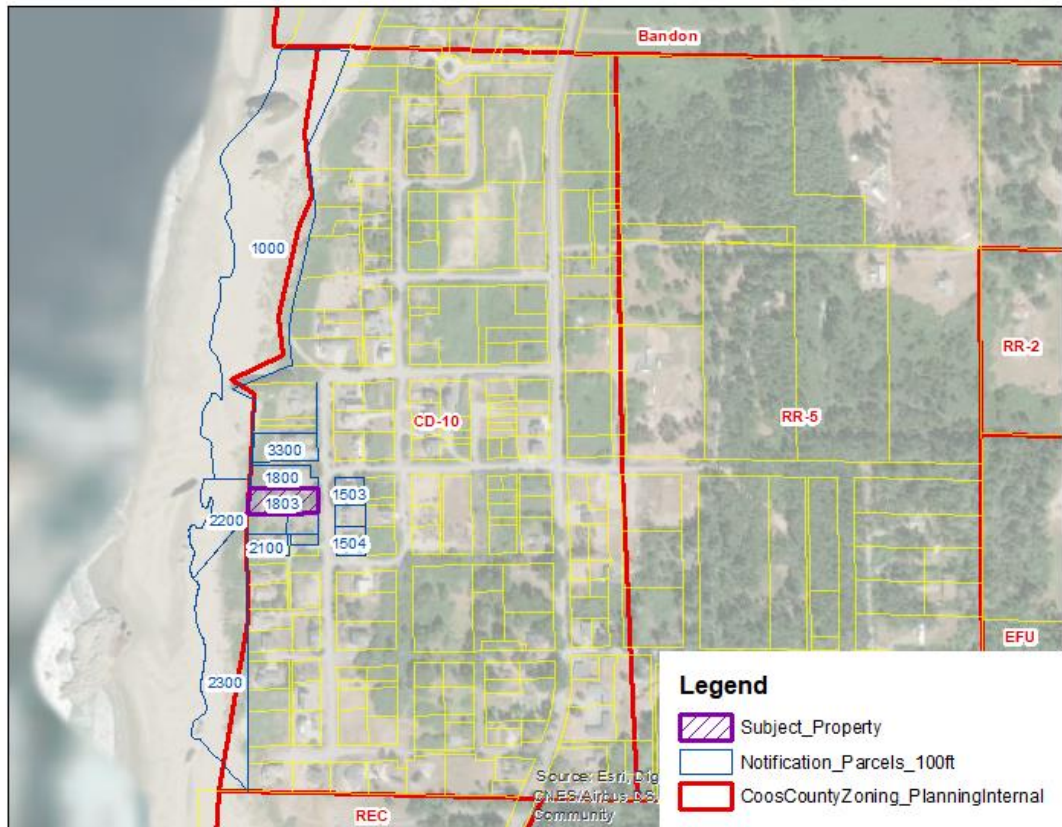
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



File:	ACU-19-017
Applicant/ Owner:	Donald & Suzanne Broyles
Date:	July 31, 2019
Location:	Township 29S Range 15W Section 01CC TL 1803
Proposal:	Administrative Conditional Use



**Legend**

	Subject_Property
	Notification_Parcels_100ft
	CoosCountyZoning_PlanningInternal

**EXHIBIT "C"**  
**Staff Report**

File Number: ACU-19-017  
Account Number: 2934803  
Map Number: 29S1501CC-01803

Property Owner: BROYLES, DONALD E., JR. & SUZANNE C  
505 BEACHLAND BLVD ##242  
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Acreage: 0.50 Acres

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Special Considerations: ARCHAEOLOGICAL SITES (ARC)  
BANDON AIRPORT CONICAL ZONE (ABC)  
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FLOODPLAIN (FP)  
NATURAL HAZARD - EROSION - COASTAL EROSION (NHERC)  
NATURAL HAZARD - TSUNAMI (NHTHO)  
NATURAL HAZARD - WILDFIRE (NHWF)

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**Reviewing Staff:** Amy Dibble  
**Date of Report:** August 28, 2019

**I. PROPOSAL**

Request for Planning Director after-the-fact Approval to site a Single Family Dwelling located within the Natural Hazard Overlay of Beaches & Dunes Limited Suitability, Coastal Erosion & Coastal Shoreland Boundary pursuant to Coos County Zoning and Land Development Section 4.11.125 Special Development Considerations – Subsection 4 Beaches and Dunes (Policy 5.10).

**II. PROPERTY DESCRIPTION AND PROPOSAL**

**LAWFULLY CREATED:** This property is acknowledged as a lawfully created parcel pursuant to CCZLDO § 6.1.125(1)(b) as the current configuration was approved through a prior land use decision.

**LOCATION:** The subject parcel is located south of the City of Bandon at 54196 Gould Road.

**SITE DESCRIPTION AND SURROUNDING USES:**

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The property is zoned Controlled Development – 10 (CD-10) and contains a single family dwelling located on a bluff. Gould Lane

runs along the eastern boundary of the subject property. The surrounding parcels are like in size and are also zoned CD-10 containing residential development with the exception to the adjacent property to the south.

- b. PROPOSAL:** The proposal is for after-the-fact authorization to site a single family dwelling within the Beaches and Dunes Area with Limited Development Suitability overlay area. Single family dwellings are permitted within the Controlled Development - 10 zoning district; however, this property is subject to an overlay that has limitations on the land for development. Therefore, a conditional use review is required to ensure that the limitation of the land is considered.

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

##### ***CONTROLLED DEVELOPMENT (CD)***

*The intent of the Controlled Development is to reserve areas that are experiencing or are projected to experience limited conversion of residential areas to commercial uses. Urban Growth Areas include Urban Growth Boundaries (UGB) and Urban Unincorporated Communities (UUC) that were developed to urban levels of development and could be included in an Urban Growth Boundary expansion in the future. This designation is applied to specific portions of the following Urban Growth Areas: Bandon, Charleston, Barview and Bunker Hill.*

*There are two different controlled development zoning districts: Controlled Development-5 (CD-5) and Controlled Development-10 (CD-10).*

*The purpose of the “CD-5” and “CD-10” district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique “village atmosphere,” to permit a mix of residential, commercial, and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County’s economy.*

##### ***SECTION 4.11.125 Special Development Considerations:***

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

- **4. 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.*

**Finding: The applicants submitted a report that focused the geologic assessment for the existing single family dwelling. An Administrative Conditional Use application was submitted and approved on August 3, 2001 to site a Single Family Dwelling within the Beaches and Dunes Area of Limited Suitability, unfortunately, this was for tax lot 1900 and the dwelling was site on tax lot 1803 (at that time this was a portion of tax lot 1800).**

**The property is located in an identified "Beach and Dune Areas with Limited Development Suitability" on the Special Considerations Map. Pursuant to the Coos County Zoning and Land Development Ordinance, R.E. Busch, Jr., a Certified Engineering Geologist from Busch Geotechnical Consultants conducted a site visit on September 20, 2018, to assess any potential adverse impacts that may occur to, or be created by, siting a single family dwelling, driveway, parking areas, and landscaping.**

**Mr. Busch found that the most significant possible adverse effects of a Single Family Dwelling construction on similar lots along the Bandon coastline include:**

- **Permanent clearing of gorse on the bluff face and grass on the back edge of the dune field, resulting in increased erosion and possible slope stability.**



- This did not occur. The property has dense vegetation, which includes gorse and European beach grass, protecting the bluff and back dune field, with the exception of a narrow trail that that is cleared used for beach access.
- Mismanagement of residential runoff, this could cause bluff face erosion and the death of existing bluff face plants because of over or under watering.
  - This did not occur on this property due to the fact that there are two drop inlets in the driveway that collects excess rainwater from the driveway and drain via two (2) buried 12” HDPE culverts on opposite sides of the home to the approximate base of the bluff. The gutters feed into these culverts.
  - There are no areas of dead or dying vegetation below the home.
- Construction of an inappropriate foundation for the home and large deck could eventually have led to structural distress that required disruptive repairs.
  - The dwelling and deck were constructed appropriately. They were designed based on an area specific geological and engineering reports. The outer two-thirds or more of the deck hangs out over the top of the bluff. The ground beneath this portion of the deck is covered with dense European beach grass and there is no significant erosion present underneath the deck. Additionally, the property owner has constructed a hay bale dam at the foot of the grade beam that supports the outer deck posts, this dam catches the sand grains that travel downslope from above.

The Geotechnical report stated that the property owner demonstrated that they considered the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation by maintaining dense vegetation on the bluff and by planning appropriate landscaping for the coastal area by using plants that do not require large amounts of water and portions of the lot contain native conifer species.

The home design, drainage control plan, and the planned long term management of the gorse, European beach grass, and the landscaping made the risk of adverse effects from the development insignificant.

The location and design of the dwelling, grading plan, water control, and vegetation management were based on several studies; therefore, no hazards to life, public, and private property were projected.

Residential development is permitted within the Controlled Development - 10 and the proposal would normally require a Compliance Determination; however, since the property is located within the Beaches and Dunes Areas with Limited Development an Administrative Conditional Use application is required addressing the hazard. The property owner submitted a completed application accompanied by Geological Assessment of the project area prepared by R. E. Busch Jr., Certified Engineer Geologist for Busch Geotechnical Consultants.

Staff has reviewed the report submitted and concurs with the analysis.

- 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:** According to the report submitted the ground surrounding the dwelling, on the bluff (interpreted to be from the density and evenness of the top of the gorse), and in the conditionally stable dune covered back-beach area indicates that the owners-developers considered the environment and designed a low impact plan. Mr. Busch's observations indicated that the development of the homesite did not cause any change to the property that could be considered to be greater than the changed caused to other similar properties by the routine construction similar properties by the routine construction of similar homes along this stretch of the Bandon coastline.

- **5. Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)**
  - *The Coastal Shoreland Boundary map has inventoried the following:*
  - *Coastal Shoreland Boundary*
  - *Beach Erosion*
  - *Coastal Recreation Areas*
  - *Area of Water-Dependent Uses*
  - *Riparian Vegetation*
  - *Fore Dunes*
  - *Head of Tide*
  - *Steep Bluffs over 50% Slope*
  - *Significant wetland wildlife habitats*
  - *Wetlands under agricultural use*
  - *Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands*
  - *Headland Erosion*

*Purpose Statement:*

*Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.*

*Coos County shall consider:*

- i. *"Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
  - ii. *"Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*
  - iii. *"Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
  - iv. *"Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
  - v. *"Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*
- a. *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
- i. *Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*
    - f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;*

**Finding: This application is for after the fact approval of a single family dwelling. The property is located within the Coastal Shorelands Boundary in an area mapped as areas of exceptional scenic quality and coastal headlands. Single Family Dwellings are a permitted use in the Controlled Development – 10 zoning district. The single family development is compatible with the surrounding properties as the properties within the coastal shoreland boundary to the north and south contain residential development.**

## **VI. DECISION:**

There is evidence to adequately address the criteria for an after the fact Single Family Dwelling sited with the beaches and dunes area with limited suitability; therefore, this request has been approved. There are conditions that apply to this use that can be 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.*

This conditional use is for an after-the-fact single family dwelling within a non-resource zone and is valid for four years from the date of final approval **(September 11, 2023)**

**VIII. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special district or parties:

Hui Rodomsky, DLCD  
Bandon RFPD

Planning Commission  
Board of Commissioner

**EXHIBIT "D"**  
**Comments Received**



**Wetland Land Use Notice Response**

Response Page

Department of State Lands (DSL) WN#\*  
WN2019-0285

**Responsible Jurisdiction**

Staff Contact	Jurisdiction Type	Municipality
Sierra Brown	County	Coos
Local case file #	County	
ACU-19-017	Coos	

**Activity Location**

Township	Range	Section	QQ section	Tax Lot(s)
29S	15W	01	CC	1803

Street Address

54196 Gould Rd

Address Line 2

City

Bandon

Postal / Zip Code

97411

State / Province / Region

OR

Country

Coos

**Latitude**

43.085663

**Longitude**

-124.433933

**Wetland/Waterway/Other Water Features**

- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.
- It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetland maps, the county soil survey and other available information.

**Your Activity**

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

## Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

## Closing Information

### Additional Comments

Based on submitted site plan for a home on Gould Road and some kind of cable connection to the house to the northwest, it does not appear that the project will impact jurisdictional waters. The beach is regulated by Oregon Parks and Recreation to the line of statutory vegetation, which is west of the current house on tax lot 1800.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

6/14/2019

### Response by:

Lynne McAllister

### Response Phone:

503-986-5300

**Amy Dibble**

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**From:** Sierra Brown  
**Sent:** Thursday, August 15, 2019 6:08 PM  
**To:** Amy Dibble  
**Subject:** FW: request for comments ACU-19-017 Broyles

Thank you,

*Sierra Brown*

Sierra Brown, Planning Specialist  
Coos County Planning Department  
225 N. Adams (physical address)  
250 N. Baxter (mailing address)  
Coquille, OR 97423

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**From:** CAINES Jeff [mailto:Jeff.CAINES@aviation.state.or.us]  
**Sent:** Friday, May 24, 2019 1:21 PM  
**To:** Sierra Brown  
**Subject:** RE: request for comments ACU-19-017 Broyles

Sierra:

ODA has no comment on the proposed development. No hazard to air navigation.

Jeff

**JEFF CAINES, AICP**  
OREGON DEPARTMENT OF AVIATION  
AVIATION PLANNER / SCIP COORDINATOR

OFFICE 503-378-2529  
CELL/TEXT 503-507-6965

EMAIL [jeff.caines@aviation.state.or.us](mailto:jeff.caines@aviation.state.or.us)  
WEBSITE [www.oregon.gov/aviation](http://www.oregon.gov/aviation)



3040 25th Street SE, Salem, OR 97302

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**From:** Sierra Brown <sbrown@co.coos.or.us>  
**Sent:** Wednesday, May 22, 2019 5:04 PM  
**To:** CAINES Jeff <Jeff.CAINES@aviation.state.or.us>  
**Subject:** request for comments ACU-19-017 Broyles

Hello,

Attached please find a request for comments for: ACU-19-017. They are proposing to site a dwelling at location: Township 29, Range 15, Section 01CC, and Tax Lot 1803.

Please let me know if you have any questions/concerns.

Thank you,

**Amy Dibble**

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**From:** Sierra Brown  
**Sent:** Thursday, August 15, 2019 6:08 PM  
**To:** Amy Dibble  
**Subject:** FW: ACU-19-017 Broyles  
**Attachments:** ACU-19-017 Broyles.pdf

Thank you,

*Sierra Brown*

Sierra Brown, Planning Specialist  
Coos County Planning Department  
225 N. Adams (physical address)  
250 N. Baxter (mailing address)  
Coquille, OR 97423

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**From:** Courtney Krossman [mailto:ckrossman@ctclusi.org]  
**Sent:** Wednesday, June 12, 2019 2:44 PM  
**To:** Sierra Brown  
**Cc:** Planning Department  
**Subject:** ACU-19-017 Broyles

Good Afternoon,

The proposed work is outside of the Ancestral Territory of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians therefore, defer comments to the appropriate Tribe(s).

Please feel free to reach out if we can be of further assistance.

Sincerely,

Courtney

*Courtney Krossman*

*Archaeological Assistant  
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians  
1245 Fulton Avenue  
Coos Bay, Or 97420  
(Office) 541.888.9577 ext. 7517  
(Cell) 541.808.5085*

This email and its attachments are confidential under applicable law and are intended for use of the sender's addressee only, unless the sender expressly agrees otherwise, or unless a separate written agreement exists between Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and a recipient company governing communications between the parties and any data that may be transmitted. Transmission of email over the Internet is not a secure communications medium. If you are requesting or have requested the transmittal of personal data, as defined in applicable privacy laws, by means of email or in an attachment to email, you may wish to select a more secure alternate means of transmittal that better supports your obligations to protect such



**Amy Dibble**

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**From:** Sierra Brown  
**Sent:** Thursday, August 15, 2019 6:09 PM  
**To:** Amy Dibble  
**Subject:** FW: request for comments ACU-19-017 Broyles

Thank you,

*Sierra Brown*

Sierra Brown, Planning Specialist  
Coos County Planning Department  
225 N. Adams (physical address)  
250 N. Baxter (mailing address)  
Coquille, OR 97423

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**From:** Todd Martin [mailto:toddmartin@coquilletribe.org]  
**Sent:** Monday, June 24, 2019 2:18 PM  
**To:** Sierra Brown  
**Subject:** RE: request for comments ACU-19-017 Broyles

Hi Sierra, thank you for the clarification. Moving forward with this lot for future ground disturbance, we will recommend a monitor.

Masi (thank you),  
Todd Martin

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**From:** Sierra Brown <sbrown@co.coos.or.us>  
**Sent:** Wednesday, June 19, 2019 4:04 PM  
**To:** Todd Martin <toddmartin@coquilletribe.org>  
**Cc:** suzannebroyles@gmail.com  
**Subject:** RE: request for comments ACU-19-017 Broyles  
**Importance:** High

Todd,

I didn't realize at the time I sent these comments that the dwelling had already been built. The dwelling appears to have been constructed in 2005. However, the dwelling was built on the wrong tax lot.

There is no development/construction at this time. This application is just to correct the mistake and give this tax lot approval for the dwelling.

Please let me know if you have any further questions/concerns.

Thank you,

*Sierra Brown*

**EXHIBIT "E"**  
**Geotechnical Report**



**BUSCH GEOTECHNICAL CONSULTANTS**

September 25, 2018

Suzanne and Don Broyles  
432 Sunshine Blvd.  
Tavernier, Florida 33070

Via email to [suzanne@sunshinetropical.com](mailto:suzanne@sunshinetropical.com)

**Geotechnical Considerations Relevant to an Application for a  
Conditional Use Permit, Broyles Single-Family Home,  
54196 Gould Road, Bandon, Oregon [APN 29-15-1 CC, TL 1803]**

**Introduction**

I am delivering this letter under the terms of Busch Geotechnical Consultants (BGC) Work Agreement #18-039. The purpose of the letter is to present my observations and conclusions pertinent to the Broyles' application for an after-the-fact conditional use permit. The home was built in 2004 [Broyles, personal communication], so my observations and conclusions are based on ~14 years of "performance testing" by the site conditions as they interact with the development. Reviewing the history of the circumstances that resulted in the after-the-fact situation is beyond the scope of this letter.

Prior to preparing this document I reviewed an engineering report on the lot and a geologic report on the adjacent lot to the south (respectively, LaVielle, 2002, and TFGS, 1994); the foundation sheets of the house plans (Tronson, 2003); aspects of the structural design calculations for the home (BCA, 2002); an email from realtor Hunter Finch that contained a copy of the criteria I need to address herein (Finch, 2018), which Coos County Planning Director Jill Rolfe had sent to him (Rolfe, 2018); and Google earth photographs of the site. On 9/20/2018 I drove to the site, met with Hunter and the Broyles, then toured parts of the property with Mr. Broyles. Afterwards I inspected accessible areas of the property, bluff, and dunes and took documentary digital photographs (n=39). Before leaving I again met with the Broyles to have them answer questions and to discuss how I planned to write this letter.

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ACU-19-017



#### The Criteria and How the Lot Development Plan Considered Them

According to the regulatory information provided by Planning Director Jill Rolfe, Coos County can permit development within "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least the following four (4) criteria. The next paragraphs list those criteria (*italicized*) followed by my observations and/or comments that demonstrate how the development of the property effectively considered the criteria and thus protected the environment.

a) *The type of use proposed and the adverse effects it might have on the site and adjacent areas.*

The type of use proposed was a single-family home with a gravel driveway and parking areas and landscaping. The most significant possible adverse effects of single-family home construction on similar lots along the Bandon coastline include:

1) Permanent clearing of the gorse on the bluff face and grass on the back edge of the dune field, resulting in increased erosion and possible slope instability. **This did not occur. Dense vegetation (gorse and European beach grass) respectively protect the bluff and back of the dune field except within a narrow, cleared trail to the beach. That trail is not eroding to the extent that mitigation is necessary.**

2) Mismanaging residential runoff, which could cause bluff face erosion and the death of existing bluff face plants via over- or under-watering. **This did not occur. Two drop inlets in the driveway collect excess rainwater from the driveway and drain via two buried 12" HDPE culverts on opposite sides of the home to the approximate base of the bluff [Broyles, personal communication]. Gutters feed into these culverts. There are no areas of dead or dying vegetation below the home.**

3) Constructing an inappropriate foundation for the home and large deck eventually could have led to structural distress that required disruptive repairs. **The home and deck foundations are appropriate. Their design was based on area-specific geologic and engineering reports. The outer two-thirds or more of the deck hangs out over the top-of-bluff. The ground beneath this part of the deck is covered with dense European beach grass; there is no significant erosion beneath the deck. In addition, the owner has constructed a "hay bale dam" at the foot of the grade beam that supports the outer deck posts. This "dam" catches sand grains that do translocate downslope from above.**

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

**The owners demonstrated that they considered this criterion by maintaining dense vegetation (the non-native gorse and European beach grass) on the bluff and by planning landscaping appropriate for the coastal area. For example, the plants do not use excessive amounts of water and part of the lot contains native conifer species.**

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

**Because of the home design, drainage-control plan, and the planned long-term management of the gorse, European beach grass, and home landscaping, the risk of adverse effects from the development was negligible. I.e., there was no need to protect the surrounding area.**

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

**Again, because the development plan (home design, home location, grading plan, water-control, and vegetation management) were based on multiple studies and had been well thought out, there were no hazards envisioned.**

#### Summary Conclusion

My assessment of the ground surrounding the home, on the bluff face (as interpreted from the density and evenness of the top of the gorse), and in the conditionally stable dune-covered back-beach area indicates that the owners-developers considered the environment and designed a low impact plan. Stated another way, my observations indicate that the development of the homesite did not cause any change to the property that could be considered to be greater than changes caused to other similar properties by the routine construction of similar homes along this stretch of the Bandon coastline.

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### Limitations, Closure, and Authentication

Obviously, hacking into the gorse to look at the ground it protects was outside of my scope-of-work (and was unnecessary). Similarly, verifying the subsurface conditions by hand-auguring boreholes was out of my scope-of-work and also was unnecessary.

If you have any questions or need clarification of anything, please call. And thank you again for hiring me.

### Busch Geotechnical Consultants



R. E. Busch Jr., Ph.D.  
C.E.G. #989

Attachments: None

Distribution: Emailed to Clients and Hunter Finch for forwarding or hand-delivery to Jill Rolfe  
WIP/2018 Geotech/Broyles/Broyles Geotech for Conditional Use Permit.docx

### References Cited

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- [LaVielle] LaVielle Geotechnical P.C. 2002. Revised geotechnical engineering investigation, proposed new house, Tax Lot 1800, 1801 & 1900 SEC 1, T29S, R15WW, Bandon, Oregon. Unpubl. rept to James Tronson (q.v.) dated March 8. 4 pp. + 3 pp. appends.
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- Tronson, J. D. 2003. Broyles residence, Bandon, Oregon. Sheets S2 [foundation plan & 2<sup>nd</sup> floor framing plan] and S4 [foundation details]. Plan set dated 8-4-2003. Various scales.
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