



# 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  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

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. (See attached vicinity map for the location of the subject property).

Date of Notice: **Tuesday, April 26, 2022**  
File No(s): ACU-22-013

Proposal: Request for a Land Use Approval through an Administrative Conditional Use to site a dock within the Coos Bay Estuary Management Plan (CBEMP) Segments 20-Rural Shorelands (20-RS) and 20-Conservation Aquatic (20-CA).

Applicant(s): Chris Sumpter

Staff Planner: Amy Dibble, Planner II

**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, May 11, 2022**. 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*. High-Intensity Recreational Facilities pursuant to CCZLDO Section 3.2.546(A)(11)(b) and Docks pursuant to Section 3.2.551(A)(3) are *subject to an Administrative Conditional Use (ACU) subject to Policy # 14- General Policies on Uses Within Coastal Shorelands; Policy #17 – Protection of “Major Marshes” and “Significant Wildlife Habitat” in Coastal Shorelands; Policy #18 – Protection of Historical, Cultural and Archaeological Sites; Policy #22 – Mitigation Sites: Protection Against Pre-Empty Uses; Policy #23 – Riparian Vegetation and Streambank Protection; Policy #27 – Floodplain Protection Within the Coastal Shorelands; Policy #28 – Recognition of LCDC Goal #3 (Agricultural Lands) Requirements for Rural Lands Within the Coastal Shorelands Boundary Policy # 34 – Recognition of LCDC Goal #4 (Forest Lands) Requirements for Forest Lands within the Coastal Shorelands Boundary; Policy #49 – Rural Residential Public Services; Policy # 50 – Rural Public Services; Policy # 51 Public Services Extension; Special Conditions listed in each segment. and Section 4.3.220 Additional Conditional Use Review (2)(a) Rural Residential. Siting standards do not apply to this type of review because there are no new structures proposed with this review.* **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

Account Numbers	285100
Map Numbers	25S122700-00500
Property Owners	BISCAY, KANDY R BALLINGER 64368 DAGGETT RD COOS BAY, OR 97420-9559
Situs Addresses	64368 DAGGETT RD COOS BAY, OR 97420 64364 DAGGETT RD COOS BAY, OR 97420
Acreages	0901 6.30 Acres
Zoning(s)	CONSERVATION AQUATIC (20-CA)

This notice shall be posted from April 26, 2022 to May 11, 2022

Special Development  
Considerations and Overlays

COOS BAY ESTUARY MNGMT PLAN (CBEMP)  
EXCLUSIVE FARM USE (EFU)  
RURAL SHORELANDS (20-RS)

FLOODPLAIN (FP)  
NATIONAL WETLAND INVENTORY SITE (NWI)  
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION  
(NHEQL)  
NATURAL HAZARD - TSUNAMI (NHTHO)

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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.

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/planning/page/applications-2022>

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 Amy Dibble, Planner II 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, April 26, 2022** .  
Amy Dibble, Planner II

**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: Application

## EXHIBIT "A"

The applicant (applicant includes property owner and any successor) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

### CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter (ZCL) shall be required prior to the use of the dwelling as a *Vacation Rental* on the property; however, the following conditions need to be submitted with a request for your ZCL:
  - a. The applicant shall complete the following to ensure compatibility:
    - i. Submit a plan to cover nuisance issues to ensure the use is compatible with the neighborhood. The plan shall consist of contacts for the property manager to report problems to, noise restriction and emergency contact information. The advertisement for the rental shall include a property manager name and contact information.
    - ii. A contract that will be used for the rental shall contain all this information and shall be filed with the Planning Department.
    - iii. If the property is receiving public services for water or sewer a letter from those utility companies is required that there is no limitation on service.
    - iv. The number of overnight occupants is limited by the number of bedrooms. The Dwelling contains four (4) bedrooms and maximum capacity should be limited to eight (8) overnight guests.
    - v. Vendors shall be limited to cleaning and maintenance on a regular basis. If a special event is planned by a guest, it shall occur during the day and there may be vendors to serve that specific event.
  - b. A deed restriction shall be recorded with the Coos County Clerk's Office acknowledging that this is an accessory use to the approved residential use. If located within Urban Growth Boundary further restrictions may be required based on comments from the City.
  - c. The parking and access shall be reviewed and signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter from staff. There will be a limit on how many vehicles can park onsite per to two (2) vehicles for guests and one (1) vehicle for employees.
3. Pursuant to CCZLDO § 4.3.110.10(a) the applicant shall obtain a license from the Coos County Health Department in accordance with ORS 446.310-350. Renewals of your license shall be provided to the Planning Department to show the use remains in compliance.

**EXHIBIT “B”  
VICINITY MAP**

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

- I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:**
- A. PROPOSAL:** Request for a Land Use Approval through an Administrative Conditional Use to site a dock within the Coos Bay Estuary Management Plan (CBEMP) Segments 20-Rural Shorelands (20-RS) and 20-Conservation Aquatic (20-CA).
- B. BACKGROUND/PROPERTY HISTORY:**  
This property contains a Single-Family Dwelling that has an assessed year built of 2019 that was sited with Coos County approval (ZCL-19-137).
- C. LOCATION:** The subject property is located at 54134 Gould Road south of the City of Bandon.
- D. ZONING:** The subject property is split zoned between Exclusive Farm Use (EFU) and Coos Bay Estuary Management Plan (CBEMP) segments 20-Rural Shorelands (20-RS) and 20-Conservation Aquatic (20-CA). The proposed Dock will be sited within the estuary portion of the property.

**Chapter III Estuary Zones**

<i>GENERAL LOCATION:</i>	<i>COOS RIVER/MILLICOMA RIVER</i>
<i>ZONING DESIGNATION:</i>	<i>20-RS</i>
<i>ZONING DISTRICT:</i>	<i>20-RURAL SHORELANDS</i>
<i>SPECIFIC BOUNDARIES:</i>	<i>This district consists of the majority of both shores of the Coos-Millicoma Rivers, plus Daniels and Lillian Creeks, from the mouth to above the heads-of-tide. The district does not include the Harbor Barge and Tug site, the barge site at the river forks or the log sorting sites at Allegany and Dellwood. Western Boundary - The north shore boundary begins at the eastern edge of the Christianson Ranch dike. The south shore boundary begins at the junction of East Catching Slough Road and Gunnell Road. Eastern Boundary - The district ends 1000-feet above heads-of-tide of the Coos and Millicoma Rivers.</i>

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**SECTION 3.2.545. Management Objective:**

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

GENERAL LOCATION: COOS RIVER/MILlicOMA RIVER

ZONING DESIGNATION: 20-CA

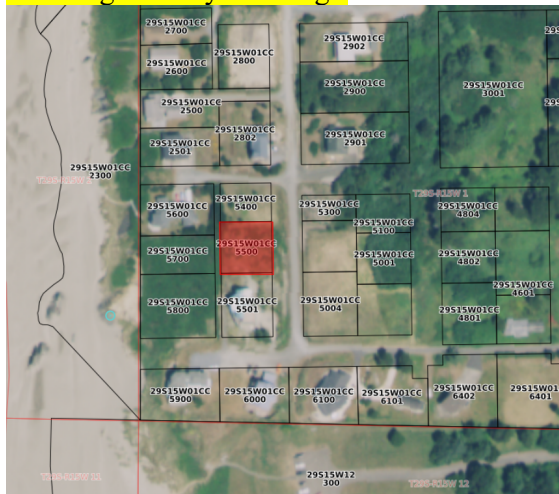
ZONING DISTRICT: 20-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district extends from the banks to the shallow-draft channel on both sides of the Coos and Millicoma Rivers from River Mile 0 of the authorized channel to the heads-of-tide past Allegany and Dellwood. The district does not include the aquatic areas directly in front of the Harbor Barge and Tug facility, the barge site at the forks or the log sorting sites at Allegany and Dellwood. It does include the tidal portions of Lillian Creek and Daniels Creek.

**SECTION 3.2.550. Management Objective:**

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

**E. SITE DESCRIPTION AND SURROUNDING USES SITE DESCRIPTION AND SURROUNDING USES:** The subject property is currently being used as residential and contains a single-family dwelling. The property is 0.23 of an acre. The tax lot is bordered on the north, west and southwest by vacant lots, on the south and northwest by tax lots developed with single family dwellings.



**F. COMMENTS:** Comments were not required for this use as there is no development occurring.

**II. 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 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 files to determine at the time of this report this property is compliant. 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: This property was acknowledged as a lawfully created parcel pursuant to CCZLDO § 6.1.125(1) as it was created within the Sunset City Plat and the tax lot is further identified as Lots 3-11 in Block 33. This plat was recorded in 1907 and is considered a legal non-conforming plat.**

**III. STAFF FINDINGS AND CONCLUSIONS:**

**A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Planning Director Approval to change the existing residential use to a vacation rental.

**B. Key definitions:**

**SECTION 4.11.220 DEFINITIONS**

*“DEVELOPMENT” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; mining; dredging; filling; grading; paving; excavation or drilling operations; or storage of equipment or materials located within the area of special flood hazard.*

**C. Criteria**

**SECTION 3.2.546. Uses, Activities and Special Conditions.**

*Table 20-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.*

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

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

- 1. *Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.*
- 2. *All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.*

*The following conditions apply to all permitted uses*

- 3. *Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.*
- 4. *Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands" except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.*
- 5. *All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.*
- 6. *On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.*
- 7. *In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.*

*SPECIAL CONDITIONS*

*Uses:*

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

**FINDING: The applicant stated that the**

**SECTION 3.2.551. Uses, Activities and Special Conditions.**

*Table 20-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.*

- A. Uses:
  - 3. Docks ACU-S, G

*GENERAL CONDITIONS:*

1. *All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.*

#### **SPECIAL CONDITIONS**

Uses:

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

#### **FINDING:**

##### **D. Policies**

##### **#14 General Policy on Uses within Rural Coastal Shorelands**

- I. *Coos County shall manage its rural areas within the "Coos Bay Coastal Shorelands Boundary" by allowing only the following uses in rural shoreland areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and CBEMP Policies #17 and #18:*
  - a. *Farm uses as provided in ORS 215.203;*
  - b. *Propagation and harvesting of forest products;*
  - c. *Private and public water-dependent recreation developments;*
  - d. *Aquaculture;*
  - e. *Water-dependent commercial and industrial uses, water-related uses, and other uses only upon a finding by the Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use.*
  - f. *Single-family residences on lots, parcels, or units of land existing on January 1, 1977, when it is established that:*
    1. *The dwelling is in conjunction with a permitted farm or forest use, or*
    2. *The dwelling is in a documented "committed" area, or*
    3. *The dwelling has been justified through a goal exception; and*
    4. *Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;*
  - g. *Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee determines that such uses satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.*

*This strategy recognizes (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands. This strategy further recognizes that rural uses "a through "g" above, are allowed because of need and consistency findings documented in the "factual base" that supports this Plan.*

#### **FINDING:**

##### **#17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands**

*Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.*

- I. *Local government shall protect:*
  - a. *"Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and*
  - b. *"Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and*
  - c. *"Coastal headlands"; and*
  - d. *"Exceptional aesthetic resources" where the quality is primarily derived from or related to the association with coastal water areas.*
  
- II. *This strategy shall be implemented through:*
  - a. *Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and*
  - b. *Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.*
  - c. *Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.*

*This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.*

**FINDING:**

**#18 Protection of Historical, Cultural and Archaeological Sites**

*Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.*

- I. *This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.*
  
- II. *The development proposal, when submitted shall include a Plot Plan Application, showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan Application. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.*

*"Appropriate measures" may include, but shall not be limited to the following:*

- a. *Retaining the prehistoric and/or historic structure in site or moving it intact to another site; or*
- b. *Paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe(s); or*
- c. *Clustering development so as to avoid disturbing the site; or*
- d. *Setting the site aside for non-impacting activities, such as storage; or*
- e. *If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer's expense; or*
- f. *Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.*

*If a previously unknown or unrecorded archaeological site is encountered in the development process, the above measures shall still apply. Land development activities, which violate the intent of this strategy shall be subject to penalties prescribed in ORS 97.990.*

III. *Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall conduct an administrative review of the Plot Plan Application and shall:*

- a. *Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or*
- b. *Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) cannot agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archaeological values of the site.*

IV. *Through the "overlay concept" of this policy and the Special Considerations Map, unless an exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the cultural, historical and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.*

*This strategy recognizes that protection of cultural, historical and archaeological sites is not only a community's social responsibility; it is also legally required by ORS 97.745. It also recognizes that cultural, historical and archaeological sites are non-renewable cultural resources.*

## **FINDING:**

### **#22 Mitigation Sites: Protection Against Pre-emptory Uses**

*Consistent with permitted uses and activities:*

- ~ *"High Priority" designated mitigation sites shall be protected from any new uses or activities which could pre-empt their ultimate use for this purpose.*

~ *"Medium Priority" designated mitigation sites shall also be protected from uses which would pre-empt their ultimate use for this purpose.*

*However, repair of existing dikes or tidegates and improvement of existing drainage ditches is permitted, with the understanding that the permitting authority (Division of State Lands) overrides the provisions of Policy #38. Wetland restoration actions designed to answer specific research questions about wetland mitigation and/or restoration processes and techniques, may be permitted upon approval by Division of States Lands, and as prescribed by the uses and activities table in this Plan.*

~ *"Low Priority" designated mitigation sites are not permanently protected by the Plan. They are intended to be a supplementary inventory of potential sites that could be used at the initiative of the landowner. Pre-emptory uses shall be allowed on these sites, otherwise consistent with uses and activities permitted by the Plan. Any change in priority rating shall require a Plan Amendment.*

*Except as provided above for research of wetland restoration and mitigation processes and techniques, repair of existing dikes, tidegates and improvement of existing drainage ditches, "high" and "medium" priority mitigation sites shall be protected from uses and activities which would pre-empt their ultimate use for mitigation.*

*I. This policy shall be implemented by:*

- a. Designating "high" and "medium" priority mitigation sites on the Special Considerations Map; and*
- b. Implementing an administrative review process that allows uses otherwise permitted by this Plan but proposed within an area designated as a "high" or "medium" priority mitigation site only upon satisfying the following criteria:*
  - 1. The proposed use must not entail substantial structural or capital improvements (such as roads, permanent buildings or nontemporary water and sewer connections); and*
  - 2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site (such as extensive site grading/excavation or elevation from fill); and*
  - 3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat; or*
  - 4. For proposed wetland restoration research projects in "medium" priority mitigation sites the following must be submitted:*
    - i. A written approval of the project, from Division of States Lands, and*
    - ii. A description of the proposed research, resource enhancement and benefits expected to result from the restoration research project.*
- c. Local government's review and comment on state and federal waterway permit applications for dike/tidegate and drainage ditch actions.*

*This policy recognizes that potential mitigation sites must be protected from pre-emptory uses. However, "low priority" sites are not necessarily appropriate for mitigation use and are furthermore in plentiful supply. It further recognizes, that future availability of "medium priority" sites will not be pre-empted by repair of existing dikes, tidegates and drainage ditches or otherwise allowed by this policy. This insures the continuation of agricultural production until such time as sites may be required for mitigation. This policy also recognizes that research activities designed to gain further understanding of wetland, restoration and mitigation processes and techniques are needed. The consideration of "medium priority" mitigation sites for this purpose will facilitate future identification and successful use of mitigation sites*

(OR 95-11-010PL 1/24/96).

**FINDING: This property does not have any inventoried mitigation sites; therefore, this policy is not applicable.**

**#23 Riparian Vegetation and Streambank Protection**

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

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

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

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

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

**FINDING:**

**#27 Floodplain Protection within Coastal Shorelands**

*The respective flood regulations of local government set forth requirements for uses and activities in identified flood areas; these shall be recognized as implementing ordinances of this Plan.*

*This strategy recognizes the potential for property damage that could result from flooding of the estuary.*

**FINDING: The proposed dock will be sited within the Floodplain; therefore, the Floodplain will be addressed later in this Staff Report.**

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

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

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

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

**FINDING:**

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

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

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

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

This policy recognizes that the requirements of LCDC Goal #4 are equal and not subordinate to other management requirements of this Plan for "Forest Lands" located within the Coastal Shorelands Boundary.

**FINDING:**

**49 Rural Residential Public Services**

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

- I. This strategy is based on the recognition:
  - a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and
  - b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

**FINDING: This proposal does not include residential development; therefore, this policy is not**

applicable.

**#50 Rural Public Services**

*Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.*

*This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.*

**FINDING: This proposal does not include installation of an on-site well, septic, public facilities or services; therefore, this policy is not applicable.**

**#51 Public Services Extension**

*I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB's) or the establishment of new water systems outside UGB's and UCB's where such service is solely for:*

- a. development of designated industrial sites;*
- b. development of "recreational" planned unit developments (PUDs);*
- c. curing documented health hazards;*
- d. providing domestic water to an approved exception for a rural residential area;*
- e. development of "abandoned or diminished mill sites" as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.*

*II. This strategy shall be implemented by requiring:*

- a. that those requesting service extensions pay for the costs of such extension; and*
- b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and*
- c. that the service provider is capable of extending services; and*
- d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.*
- e. That the service allowed by "e" above is authorized in accordance with ORS 197.719.*

**Finding: This proposal does not include the extension of public sewer or eater systems; therefore, this policy is not applicable.**

**IV. DECISION:**

The proposed Vacation Rental/Short-Term Rental in the Controlled Development-10 (CD-10) Zoning District meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

**V. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special districts, or parties: Bandon RFPD, Southern Coos General Health District, City of Bandon

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners, Department of Land Conservation and Development, Coos Health and Wellness, Assessor's Office, Planning Commission and Board of Commissioners.

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

**EXHIBIT "D"**  
**Application**