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Re: Testimony for AM-25-005/Ordinance 25-08-005PL

Date: September 3, 2025

Dear Commissioners,

Please find below my testimony for the proposed changes to Section 4.11.129 Beaches and Dunes. From reading the attached Staff Report as part of the Planning Commission packet. It is unclear why the County staff believes there is a need to increase regulations that may further reduce development and may increase violations due to landowner frustrations with the process.

The areas currently mapped as 'Suitable for Most Uses' are proposed for a flurry of new regulations. There are presently permitted outright land use activities in these 'Suitable for Most Uses' areas that will now require new permitting processes. It is unclear that these new requirements are meant for anything other than creating new clients for geo-professional consultants and fees for County operations.

Here is a list of three typical land uses and the adverse demands of the proposed planning regulations.

- 1) Accessory Structures: Under these proposed rules, when a landowner goes to construct a new accessory structure in the latest 'Suitable for Most Uses' subzone areas (CT1, CT2, etc). The landowner will have to go to the (3) Permitted Uses section. An accessory structure will now require a new 'Site Management Plan' as per section (e). A landowner will now need to find a 'qualified professional' for building a simple pole barn building. Most landowners can construct these buildings themselves, or at least act as the general contractor. That keeps the development costs lower. These new requirements are going to create an additional burden, where the landowner will have to shop around for consultants to prepare these plans. It is noteworthy to mention that the "qualified professional" licensing agencies do not regulate these 'site management plans'. And there is no guarantee that landowners will not be taken advantage of by these "qualified professionals".
- 2) Single Family Dwelling, constructed by the landowner. Currently, landowners are able to construct dwellings themselves or act as the general contractor. Landowners will have the same situation as described above, where they now have to find 'qualified professionals'. Additionally, the area is limited to 5,000 square feet. That rule (e)(iv)(1) says that the County can 'otherwise approve' an exception. An exception may be a discretionary decision and require a conditional use permit. It may be easy for a residential contractor, with their own heavy equipment, to limit the exposed areas to under 5,000 square feet. However, a homeowner will usually hire a site preparation contractor to clear the entire development area, including the septic drain fields, at the same time. These areas are often over 5,000 square feet. These proposed new regulations will impose additional unnecessary costs on landowners by having to bring in the site prep contractor multiple times.

- 3) Agricultural Practices, cranberry farming. I'm not going to go through the complete development cycle of cranberry fields. But cranberry growers need to grade and move large amounts of soil (thousands of yards) to shape and develop cranberry fields. One of the primary reasons for creating land use laws was to protect agricultural practices. The process (d) "exempt from dune permit requirements" (iv) section limits exemptions for excavations and fills to less than two feet, or less than twenty-five cubic yards of volume. Cranberry farmers routinely move soil around to shape slopes, clean ditches, and re-sand their fields by more than 25 yards. Based on these proposed rules, cranberry farmers will have to submit conditional use permits all the time. At this point, the County should just impose a moratorium on Residential, Commercial, and Industrial uses in the Beaches and Dunes zone to protect the current forestry and agricultural activities. That would be more in line with the original purpose of Oregon Land Use Goals.

Recommend Changes.

I would recommend that the Planning Commission recommend that adoption of the proposed new DOGAMI map and keep the current beaches and dunes ordinance section 4.11.129(a) minus the strikethrough section below.

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.~~

Additionally, remove the following language in section 4.11.129(b) as identified in strikethrough.

Implementation shall occur through an Administrative Conditional Use process, ~~which shall include submission of a site investigation report by a registered civil engineer or geologist that addresses this subsection.~~ Coos County shall permit other developments in these areas only:

Nothing in Goal 18 mandates that the County require reports from registered civil engineers or geologists. Actually, the County is required to produce findings that comply with land use laws. Engineers' and geologists' licenses do not have any professional requirements requiring their licensed professionals to write reports that comply with land use findings. There is no need for an additional 15 to 20 pages of new land use regulations when the County can require simpler applications.

The County should focus landowners' attention on producing the best possible land use applications, not just a bs checklist of attachments – that might not include useful responses/findings that comply with Goal 18. It is noteworthy to mention that Goal 18 loosely ties into the requirements of Oregon's participation in the federal Coastal Zone Management Act. It is also notable to say that it is debatable if a different County Department is currently complying with the Coastal Zone Management Act as part of their daily functions.

Thank you for your attention to this matter.

Chris MacWhorter
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