



NOTICE OF LAND USE DECISION

Coos County Planning
60 E. Second
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770

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. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

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.

Date of Notice: Wednesday, October 12, 2022

File No: ACU-22-025

Proposal: Request for replacement of a Non-Conforming Use (cabin).

Applicant(s): Morgan Woods
49658 Myrtle Creek Rd
Myrtle Point, OR 97458

Staff Planner: Chris MacWhorter, Principal Planner

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Thursday, October 27, 2022**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Alteration of a Non-conforming use in the Forest Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § Article 5.6 Nonconforming. This proposal is subject to review under Natural Hazards. **Civil matters including property or road disputes are outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 1273100
Map Number: 30S110900-00600

Property Owner: CHURCH OF BRETHREN OF OR-WA DISTRICT
CAMP MYRTLEWOOD, INC., LESSE
49658 MYRTLE CRK RD
MYRTLE POINT, OR 97458-9897

Situs Address: 49650 MYRTLE CREEK RD MYRTLE POINT, OR 97458
49658 MYRTLE CREEK RD MYRTLE POINT, OR 97458

Acreage: 156.12 Acres

Zoning: FOREST (F)

Special Development Considerations and overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
FLOODPLAIN (FP)

This notice shall be posted from October 12, 2022 to October 27, 2022

FOREST MIXED USE (MU)
NATURAL HAZARD - LANDSLIDE (NHLND) NATIONAL
WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - LANDSLIDE (NHLND)

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.

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 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 is Chris MacWhorter, Principal Planner and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: _____ **Date:** Wednesday, October 12, 2022 .
Chris MacWhorter, Principal Planner

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval
Exhibit B: Vicinity Map

The Exhibits below are mailed/emailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following website:
<https://www.co.coos.or.us/community-dev> or by contacting the Planning Department at (541) 396-7770.

Exhibit C: Staff Report -**Findings of Fact and Conclusions**

All comments and the application can be found on file with the Planning Department.

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

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. CCZLDO Section 4.6.130(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
3. Section 4.6.140(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. This should be shown on the plot plan.
4. Section 4.6.140(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. If there are no wetlands, streams, lakes or rivers then this is not applicable.
5. Section 4.6.140(7)(a) & Section 4.6.140(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. If they are not available yet then this will be a condition of approval on the ZCL.
6. Section 4.6.140(14) If the structure has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
7. Section 4.6.140(7)(b) The structure shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
8. Section 4.6.140(7)(e) & Section 4.6.140(8)(a)(b)(c)(d) Firebreak: a. 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. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (as identified in staff report) shall be available at all times. c. The owners of the structure shall maintain a primary fuel-free break (as identified in staff report) 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 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. Table one is addressed in the staff report based on down slope. This can be shown on a plot plan.

9. Section 4.6.140(17) Access to new structure shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter
10. Submit an application for development in Area of Special Flood Hazard pursuant to Section 4.11.235(1). The application must be approved by the Coos County Floodplain Administrator prior to the issuance of the final zoning compliance letter for the replacement of the cabin.
11. The Coquille Indian Tribe shall be notified 72 hours prior to any ground-disturbing activity.
12. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

EXHIBIT "B"
Vicinity Map



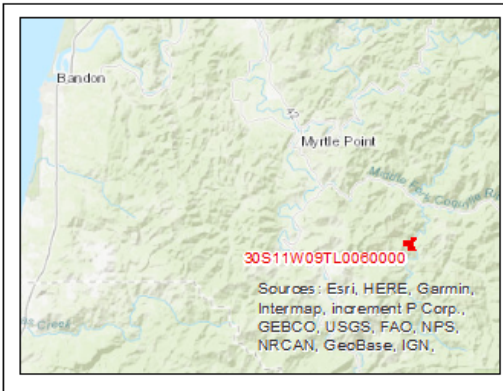
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

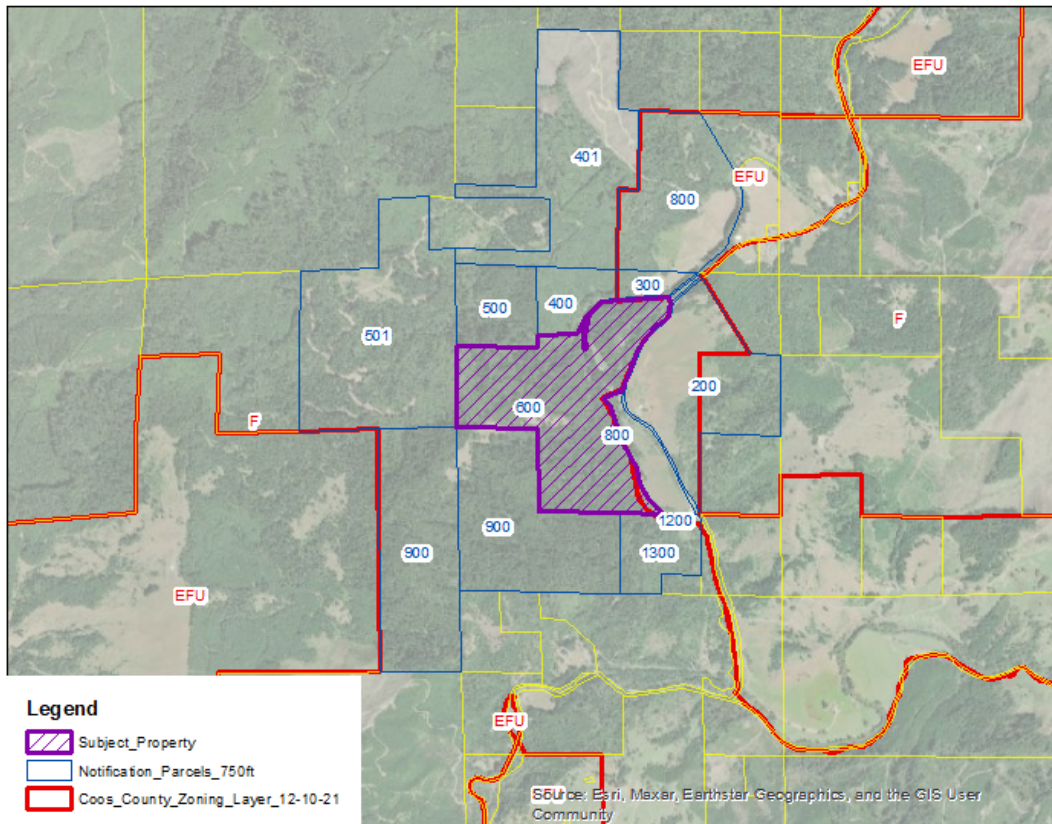
Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File: ACU-22-025
Applicant/ Owner: Morgan Woods
Church of Brethren OR-WA District
Date: July 28, 2022
Location: Township 30S Range 11W
Section 9 TL 600
Proposal: Administrative Conditional Use



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

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

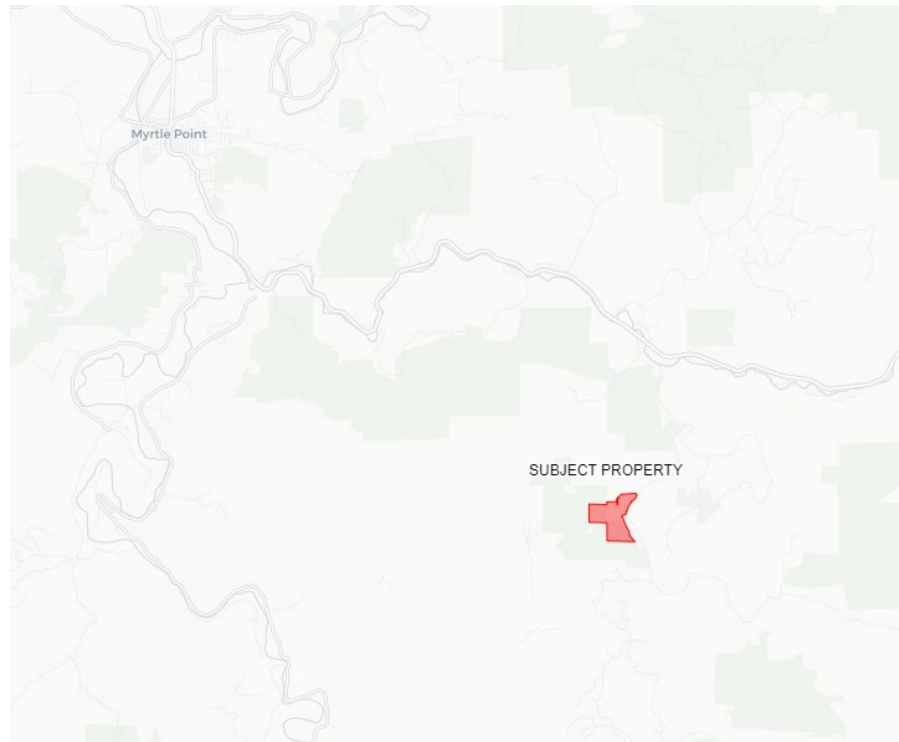
A. PROPOSAL: The applicant is requesting to replacement of a nonconforming use. The nonconforming use in this case is a one of the many cabins at Camp Myrtlewood. According the application, Camp Myrtlewood is a private nonprofit campground located south of the rural center of Bridge. The applicant is requesting to replace the deteriorate cabin with a new cabin being the same size and within the same developed footprint.

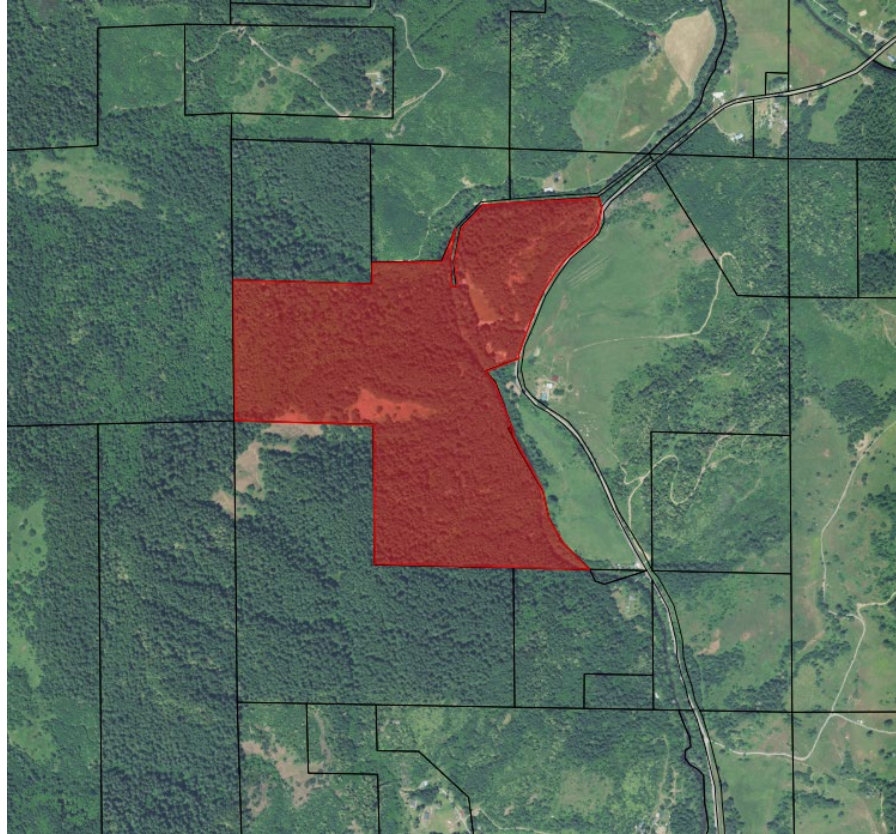
B. COMPLIANCE PURSUANT TO SECTION 1.1.300: *It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration 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.*

Staff has reviewed the property history and the county finds 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.

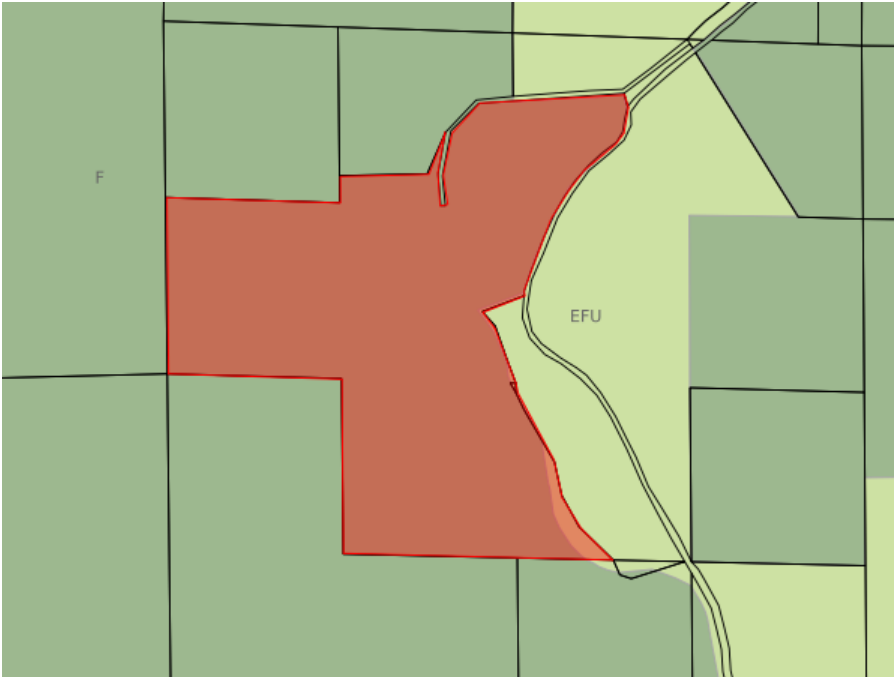
II. BASIC FINDINGS:

A. LOCATION: The subject property is located east of the City of Myrtle Point and south of the Rural Unincorporated Community of Bridge at 49658 Myrtle Creek Rd, Myrtle Point. The map below (not to scale) is a visual of the property location.





B. ZONING: - This property is zoned Forest Mixed Use.



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 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.

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.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

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

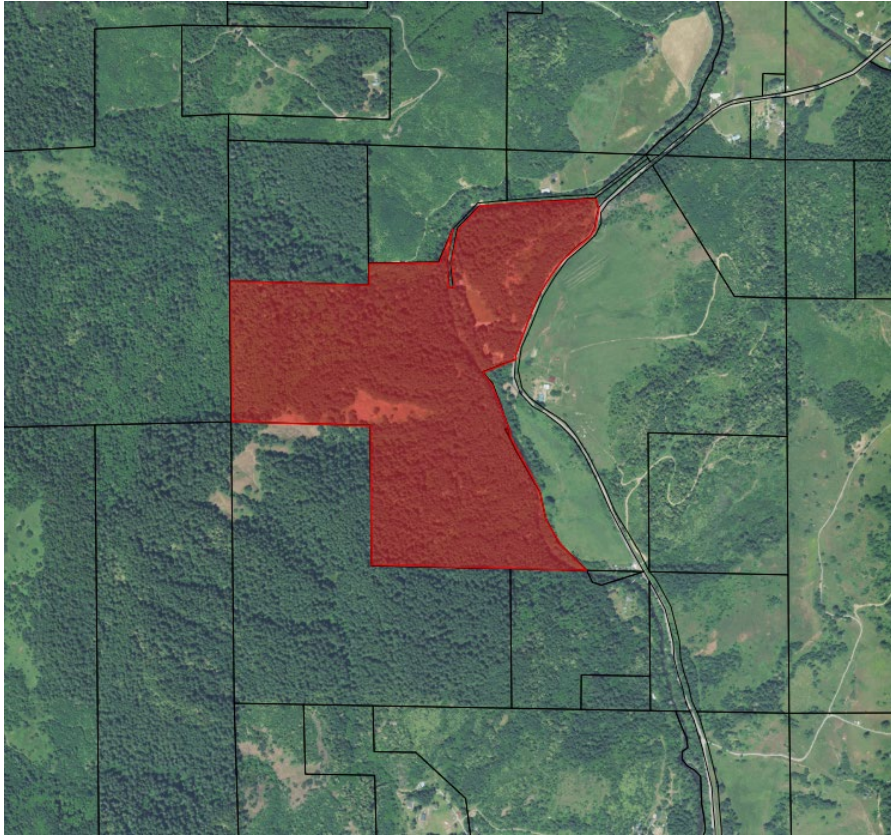
SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property does have special development considerations and overlays. The subject property has areas of archaeological concern, floodplain and natural hazards – landslide. The findings for additional review are below in Section III.

D. SITE DESCRIPTION AND SURROUNDING USES:

The property is developed with the existing Camp Myrtlewood campground. The property contains seven campers' cabins, two staff cabins, a manager's residence, a maintenance shop, a dining hall, a chapel, and additional accessory structures to support the campground.

The property is 156.12 acres and Myrtle Creek runs through the eastern portion of the property. The property is accessed via Myrtle Creek Road.



E. COMMENTS:

a. PUBLIC AGENCY: This property did not require any request for comments prior to the release of the decision and none were received.

b. PUBLIC COMMENTS: This property did not require any request for comments prior to the release of the decision and none were received.

c. LOCAL TRIBE COMMENTS: This property did require request for comments from the Tribe prior to the release of the decision. The Coquille Indian Tribe response that *“due to the close proximity to known cultural resources, we request a cultural resources monitor to be present during all ground disturbance. Please contact our office at (541) 808-5554 to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a minimum of 72 hours in advance of anticipated project start time”*.

F. LAWFULLY CREATED UNIT OF LAND: The unit of land was created by deed document Book 301, Page 478 recorded prior to Jan 1, 1986. Therefore, it was lawfully created prior to 1986 as provided for by Article 6.

III. STAFF FINDINGS AND CONCLUSIONS:

a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The applicant is requesting to verify and alter a nonconforming use pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO)§ Article 5.6 Nonconforming.

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.

DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

c. CRITERIA AND STANDARDS

• **ARTICLE 5.6 NONCONFORMING**

○ **SECTION 5.6.100 NONCONFORMING USES:**

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

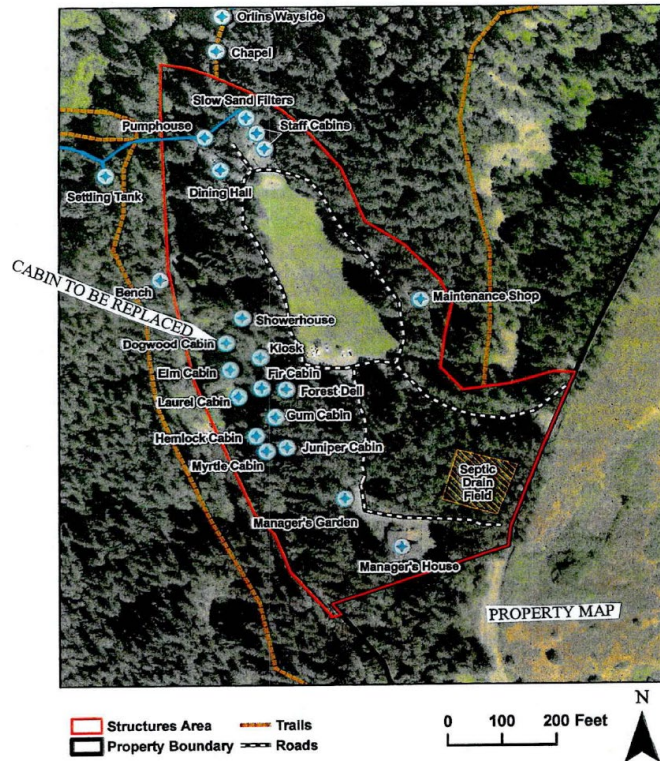
As used in this Section, alteration of a nonconforming use includes:

- 1. A change in the use of no greater adverse impact to the neighborhood; and*
- 2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.*

FINDING: The structure is part of a complex of pre-existing cabins located in Camp Myrtlewood. While the replacement cabin is on the outer edge of cabins. The applicant states they will replace the new cabin in the same footprint as the previous cabin.

Flot Plan

Attachment F— Structures and Improvements Map Detail



The replacement cabin is located 600 feet from the northern central property line. That adjacent property is owned by Roseburg Resources Co. and being managed as commercial timberland. Staff relies on Oregon Department of Forestry’s Land Use Planning Note #2 for analysis of effects of land use proposals on adjacent forestry operations. Staff estimates the proposed replacement cabin is over 600 feet from these timberlands. Staff finds that the replacement dwelling is located in the center of the existing development cluster of cabins, so there will still be existing development between the replacement cabin and the adjacent forestry uses. There is adjacent commercial ranching also located approximately 600 feet to the east of the proposed replacement cabin.

Given the fact that the proposed replacement cabin already exists and is located in a cluster of existing development. Staff finds that the proposed replacement cabin will not cause a greater affect in adverse impacts to the adjacent farm and forestry uses.

○ SECTION 5.6.110 INTERRUPTION OR ABANDONMENT OF NONCONFORMING USES:

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

FINDING: To Staff’s knowledge, the use has not been abandoned. Camp Myrtlewood is continuing to operate. Using Coos County Assessor records, Staff verified the cabin has existed prior to 1986. Therefore, this criterion has been addressed.

○ **SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:**

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)- (8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

FINDING: This review is a conditional use request and is consistent with ORS 215.130. The conditional use request was for replacement of a non-conforming use. Staff is finding the existing cabin is a non-conforming use. Therefore, the criteria have been addressed.

○ **SECTION 5.6.125 CRITERIA FOR DECISION:**

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

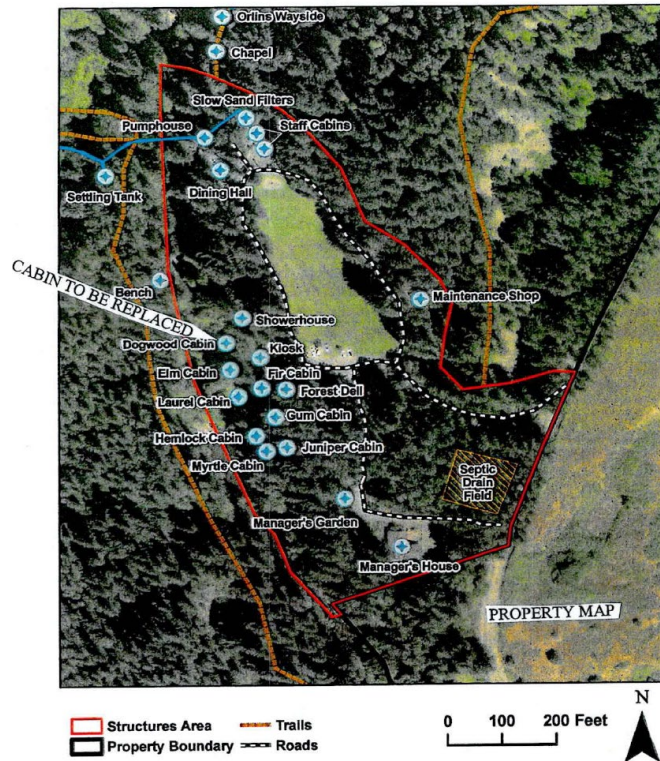
- 1. The change in the use will be of no greater adverse impact to the neighborhood;*
- 2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and*
- 3. Other provisions of this ordinance, such as property development standards, are met.*

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

FINDING: The structure is part of a complex of pre-existing cabins located in Camp Myrtlewood. While the replacement cabin is on the outer edge of cabins. The applicant states they will replace the new cabin in the same footprint as the previous cabin.

Plot Plan

Attachment F— Structures and Improvements Map Detail



The replacement cabin is located 600 feet from the northern central property line. That adjacent property is owned by Roseburg Resources Co. and being managed as commercial timberland. Staff relies on Oregon Department of Forestry's Land Use Planning Note #2 for analysis of effects of land use proposals on adjacent forestry operations. Staff estimates the proposed replacement cabin is over 600 feet from these timberlands. Staff finds that the replacement dwelling is located in the center of the existing development cluster of cabins, so there will still be existing development between the replacement cabin and the adjacent forestry uses. There is adjacent commercial ranching also located approximately 600 feet to the east of the proposed replacement cabin.

Given the fact that the proposed replacement cabin already exists and is located in a cluster of existing development. Therefore, Staff finds that the proposed replacement cabin will not cause a greater affect in adverse impacts to the adjacent farm and forestry uses.

SECTION 4.6.130 SITING STANDARDS FOR DWELLING AND STRUCUTRES IN FOREST ZONES

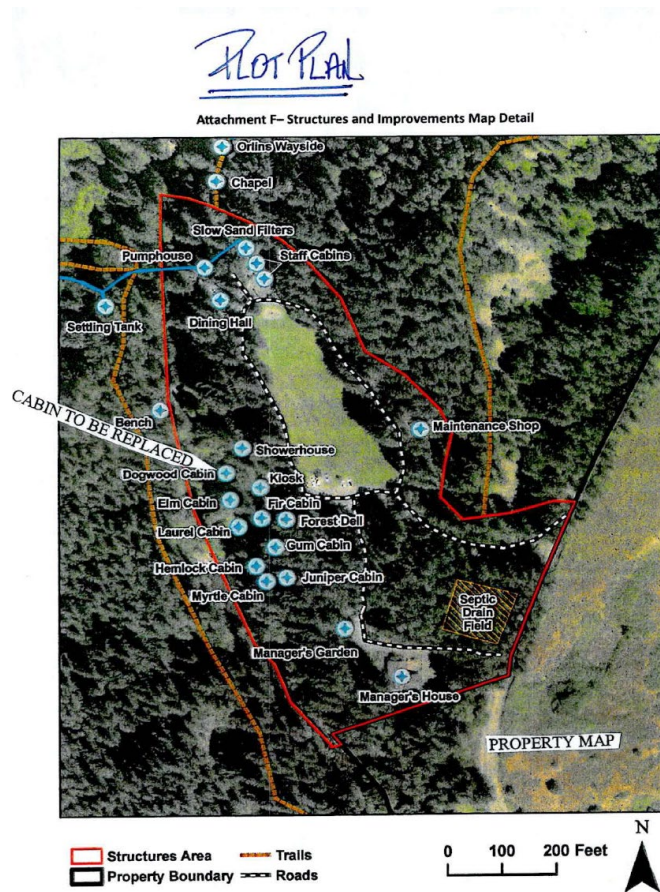
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

- (1) Dwellings and structures shall be sited on the parcel so that:

- (a) They have the least impact on nearby¹ or adjoining forest or agricultural lands;
- (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
- (d) The risks associated with wildfire are minimized.

(2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

FINDING: The structure is part of a complex of pre-existing cabins located in Camp Myrtlewood. While the replacement cabin is on the outer edge of cabins. The applicant states they will replace the new cabin in the same footprint as the previous cabin.



The replacement cabin is located 600 feet from the northern central property line. That adjacent property is owned by Roseburg Resources Co. and being managed as commercial timberland. Staff relies on Oregon Department of Forestry’s Land Use Planning Note #2 for analysis of effects of land use proposals on adjacent forestry operations. Staff estimates the proposed replacement cabin is over 600 feet from these timberlands. Staff finds that the replacement dwelling is located in the center of the existing development cluster of cabins, so there will still be existing development between the replacement cabin and the adjacent forestry uses. The proposed location will not

¹ For the purpose of this section “Nearby” is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.

increase the risk of fire given the location of the existing development north and south of the proposed location, Myrtle Creek to the west of the proposed location, and the access road and clearings toward the east of the proposed location. There is adjacent commercial ranching also located approximately 600 feet to the east of the proposed replacement cabin. These ranching operations are on the opposite side (east) side of the Myrtle Creek County Road.

Given the fact that the proposed replacement cabin already exists and is located in a cluster of existing development. Therefore, Staff finds that the proposed replacement cabin will not cause a greater affect in adverse impacts to the adjacent farm and forestry uses, or an increase in fire risk.

- (3) *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
- (a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - (b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - (c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*

FINDING: The applicant did not supply a sign-off from the Oregon Water Resources Department. As a condition of approval, the applicant shall supply verification of the allowed use of the water from the State Water Resources Department prior to the issuance of a zoning compliance letter.

- (4) *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement which could include an easement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*

FINDING: The subject property directly accesses onto Myrtle Creek County Road. Therefore, this criterion is not applicable.

- (5) *Approval of a dwelling shall be subject to the following requirements:*
- (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land.*

The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and

- (e) *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

FINDING: While the structure will be used for habitation, the requested replacement structure is a cabin which is part of a non-conforming use and not a residential dwelling. Therefore, these criteria are not applicable.

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.

FINDING: Section 4.6.140(1) is only applicable in the creation of new parcels and that is not part of this request; therefore, it is not applicable.

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.*

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

3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*

FINDING: Section 4.6.140(3) applies to fences, hedges and walls. The proposal does not include any new fences, hedges, or wall. Therefore, this criterion does not apply.

4. *Off-Street Parking and Loading: See Chapter VII.*

FINDING: Sections 4.6.140(4) require parking, loading, access and road standards be addressed. The applicant did not submit for a driveway inspection. Therefore, this criterion will be addressed as a condition of approval.

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.*

FINDING: The proposed request is for a replacement cabin as part of a non-conforming use and not a single-family dwelling. Therefore, this criterion is not applicable.

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;*
 - 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.*

FINDING: Section 4.6.140(6) requires a setback from any wetland. There are mapped wetlands or water bodies (Myrtle Creek) requiring protection on, or adjacent to the subject property. Therefore, this criterion is will be a condition of approval.

7. *All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.*
 - a. *The dwelling has a fire retardant roof.*
 - b. *The dwelling will not be sited on a slope of greater than 40 percent. Slope² will also determine additional firebreak in Section 8 Firebreak. Evidence is provided that the*

² *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 Oregon² 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.*

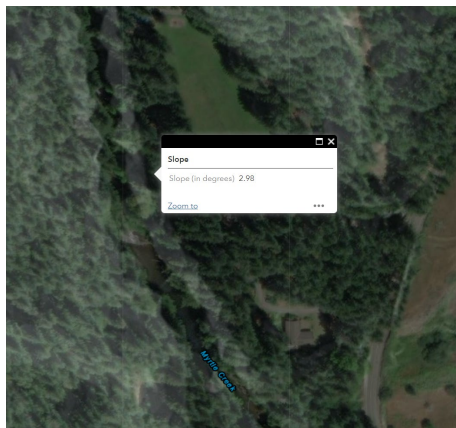
domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.

- c. 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.*
- d. 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.
 - i. 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.**
- e. If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*
- f. 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.*

FINDING: Section 4.6.140(7)

(a) Requires the roofing material to be non-combustible or fire resistance. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

(b) Requires that a permanent structure not be located on a slope of greater than 40%. There is no slope data for NRCS soil type data for Kirkendall silt loam. Staff verified using the DOGAMI LiDAR web map for slopes.



2.98 degree slope converts to 5.21 percent slope. The property slope around the dwelling site is less than 40%. Therefore, this criterion has been addressed.

(c) Requires the permanent structure shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Bridge Fire Protection District; therefore, this criterion has been satisfied.

(d) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The subject property is within the Bridge Rural Fire Protection District. Therefore, this criterion is not applicable.

(e) States that if a dwelling has a chimney, it shall have a spark arrester. Therefore, this criterion will be made a condition of approval.

(f) Determines the primary and secondary fire safety setbacks. Based on the Oregon DOGAMI LiDAR web map data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicant's will be required to install a 30 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicant is only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. The applicant shall not maintain the fuel break within the required 50 feet riparian vegetation protection zone. This criterion will be made a condition of approval.

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.*

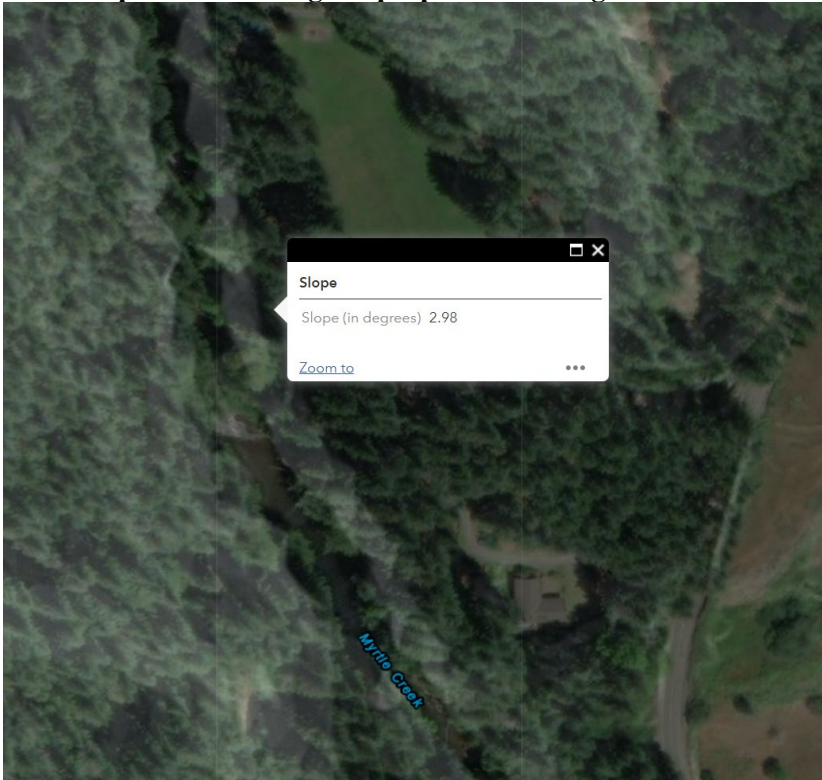
Table 1 – Minimum Primary Safety Zone

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

FINDING:

- (a) Determines the primary safety setbacks. Based on the Oregon DOGAMI LiDAR web map data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicant's will be required to install a 30 ft primary fuel free break around all structures on the subject property. The applicant is only responsible for primary fuel free breaks on land either owned or controlled by the landowner. The applicant shall not maintain the fuel break within the required 50 feet riparian vegetation protection zone. This criterion will be made a condition of approval.

- (b) Requires sufficient ¾ inch hose for the perimeter of the primary fire break. The property owner shall provide evidence of this prior to issuance of a zoning compliance letter, this will be made a condition of approval. Therefore, this requirement has been addressed.
- (c) Determines the primary and secondary fire safety setbacks. Based on the Oregon DOGAMI LiDAR web map data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicant's will be required to install a 30 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicant is only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. The applicant shall not maintain the fuel break within the required 50 feet riparian vegetation protection zone. This criterion will be made a condition of approval.
- (d) Based on the Oregon DOGAMI LiDAR web map data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%.



2.98 degree slope converts to 5.21 percent slope.

- 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.*

FINDING: Requires the roofing material to be non-combustible or fire resistance. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

- 10. *Access to new dwellings shall meet road and driveway standards in Chapter VII.*

FINDING: Section 4.6.140 (10) requires adequate access. The subject property is accessed off Myrtle Creek County Road, which is a County maintained public dedicated easement. At the time of road inspection, prior to receiving a zoning compliance letter, the Roadmaster or his designee

will confirm that all road standards have been met to provide adequate access for firefighting/emergency equipment. Therefore, this criterion is not applicable.

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

○ 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.

○ 4.11.128 Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance of County Policy 5.7)

The Historical/Archeological maps have inventoried the following:

- *Historical;*
- *Area of Archaeological Concern;*
- *Botanical; and*
- *Geological Resources.*

Purpose Statement:

Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value. This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

b. Areas of Archaeological Concern: Coos County shall continue to refrain from wide-spread dissemination of site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

i. This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).

ii. Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.

1) The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:

- a) Plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located;*

b) Township, range, section and tax lot(s) numbers; and

c) Specific directions to the property.

2) The Planning Department will forward the above information including a request for response to the appropriate tribe(s).

3) The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.

4) It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.

iii. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as:

1) Paving over the sites;

2) Incorporating cluster-type housing design to avoid the sensitive areas; or

3) Contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).

iv. This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

FINDING: This property did require request for comments from the Tribe prior to the release of the decision. The Coquille Indian Tribe response that "due to the close proximity to known cultural resources, we request a cultural resources monitor to be present during all ground disturbance. Please contact our office at (541) 808-5554 to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a minimum of 72 hours in advance of anticipated project start time".

The applicant did not submit any response in regards to the criteria for areas of archaeological concern. Therefore, Staff is making the finding that as a condition of approval that the landowner contact the tribe to monitor ground disturbance in case cultural remains or burials need to be removed and re-interred.

- **4.11.132 Natural Hazards (Balance of County Policy 5.11)**

Coos County has inventoried the following hazards:

- Flood Hazard
 - Riverine flooding
 - Coastal flooding

- *Landslides and Earthquakes*
 - *Landslide Susceptibility*
 - *Liquefaction potential*
- *Tsunamis*
- *Erosion*
 - *Riverine streambank erosion*
 - *Coastal*
 - *Shoreline and headlands*
 - *Wind*
- *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.*

OVERLAY ZONE: FLOODPLAIN

DESIGNATION: /FP

SECTION 4.11.211 AUTHORIZATION

The State of Oregon has been delegated the responsibility through local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Coos County does ordain as follows:

SECTION 4.11.212 FINDINGS OF FACT

1. *The flood hazard areas of Coos County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.*
2. *These flood losses are caused by the cumulative effect of obstructions in areas of special flood*

hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

SECTION 4.11.213 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- 1. To protect human life and health;*
- 2. To minimize expenditure of public money and costly flood control projects;*
- 3. To minimize the need for rescue and relief effects associated with flooding and generally undertaken at the expense of the general public;*
- 4. To minimize prolonged business interruptions;*
- 5. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;*
- 6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;*
- 7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and*
- 8. To ensure that those who occupy areas of special flood hazard assume responsibility for their actions.*

SECTION 4.11.214 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- 1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;*
- 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*
- 3. Controlling the alteration of natural flood plans, stream channels, and natural protective barriers, which help accommodate or channel flood waters;*
- 4. Controlling filling, grading, dredging, and other development which may increase flood damage;*
- 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas; and*
- 6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.*

SECTION 4.11.220 DEFINITIONS

Unless specifically defined below, words or phrases used in this Overlay Zone shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance the most reasonable application.

- 1. "APPEAL" means a request for a review of the interpretation of any provision of this Overlay Zone or a request for a variance.*
- 2. "AREA OF SHALLOW FLOODING" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such*

flooding is characterized by ponding or sheet flow.

3. *“AREA OF SPECIAL FLOOD HAZARD” is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1–30, AE, A99, AR, AR/A1–30, AR/AE, AR/AO, AR/AH, AR/ A, VO, or VI–30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.*

4. *“BASE FLOOD” means the flood having a one percent chance of being equalled or exceeded in any given year.*

5. *“BASEMENT” means any area of the building having its floor subgrade (below ground level) on all sides.*

6. *“BELOW GRADE CRAWL SPACE” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.*

7. *“BREAKAWAY WALL” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.*

8. *“COASTAL HIGH HAZARD AREA” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.*

9. *“CRITICAL FACILITY” means a facility in which a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools; nursing homes; hospitals; police, fire, and emergency response installations; and installations which produce, use, or store hazardous materials or hazardous waste.*

10. *“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.*

11. *“ELEVATED BUILDING” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.*

12. *“FLOOD” or “FLOODING” means:*

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

i. The overflow of inland or tidal waters.

ii. The unusual and rapid accumulation or runoff of surface waters from any source.

iii. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of

nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.

13. *“FLOODPLAIN ADMINISTRATOR” means the Planning Staff member designated to administer the floodplain program.*
14. *“FLOOD ELEVATION STUDY” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.*
15. *“FLOOD INSURANCE RATE MAP (FIRM)” means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).*
16. *“FLOOD INSURANCE STUDY” see flood elevation study.*
17. *“FLOODWAY” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.*
18. *“LOWEST FLOOR” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access, or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Overlay Zone, found at Section 4.11.252(1)(b).*
19. *“HEARINGS BODY” means the body that will hear the appeal. This could be the Planning Commission or the Board of Commissioners.*
20. *“MANUFACTURED DWELLING” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle.”*
21. *“MANUFACTURED HOME PARK OR SUBDIVISION” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.*
22. *“NEW CONSTRUCTION” means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.*
23. *“RECREATIONAL VEHICLE” means a vehicle which is:*
 - a. Built on a single chassis;*
 - b. 400 square feet or less when measured at the largest horizontal projection;*
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and*
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*
24. *“SUBSTANTIAL DAMAGE” means damage of any origin sustained by a structure whereby the cost of restoring the structure to the state it was in before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.*
25. *“SUBSTANTIAL IMPROVEMENT” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:*
 - a. Any project for improvement of a structure to correct existing violations of state or*

local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

b. Any alteration of a ‘historic structure’, provided that the alteration will not preclude the structure’s continued designation as a ‘historic structure’.

26. “VARIANCE” means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

27. “WATER DEPENDENT” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

SECTION 4.11.231 LANDS TO WHICH THIS OVERLAY ZONE APPLIES

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Coos County that have been identified on the Flood Insurance Maps dated March 17, 2014 as described in Section 4.11.232.

SECTION 4.11.232 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance & Mitigation Administration in a scientific and engineering report entitled “The Flood Insurance Study for Coos County, Oregon and Incorporated Areas” revised December 7, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at location. The best available information for flood hazard area identification as outlined in Section 4.11.243.2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.11.243.2.

SECTION 4.11.233 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- 1. Considered as minimum requirements; and*
- 2. Deemed neither to limit or repeal any other powers granted under State statutes.*

SECTION 4.11.234 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Coos County, any officer or employee thereof, or the Federal Insurance & Mitigation Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION 4.11.235 ESTABLISHMENT OF DEVELOPMENT PERMIT

1. Floodplain Application Required

A floodplain application shall be submitted and approved before construction or regulated development begins within any area of special flood hazard established in Section 4.11.232. The permit shall be for all structures including manufactured homes, as set forth in the “DEFINITIONS,” and for all development including fill and other activities, also as set forth in the “DEFINITIONS.”

2. Application

An application shall be made on the forms furnished by the Planning Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures which may be submitted by a registered surveyor;*
- b. Elevation in relation to mean sea level of floodproofing in any structure;*
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 4.11.252; and*
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.*
- e. Plot plan drawn to scale showing the nature, location and dimensions and elevation referenced to mean sea level, or NAVD 88, whichever is applicable, of the area in question including existing and proposed structures, fill, storage of materials, and drainage facilities. Applicants shall submit certification by an Oregon registered professional engineer or land surveyor of the site's ground elevation and whether or not the development is located in a flood hazard area. If so, the certification shall include which flood hazard area applies, the location of the floodway at the site, and the 100 year flood elevation at the site. A reference mark shall be set at the elevation of the 100 year flood at the site. The location, description, and elevation of the reference mark shall be included in the certification; and*
- f. Any other information required to show compliance.*
- g. Applications for variance, water course changes or staff determinations will be noticed with an opportunity to appeal in the same manner as a conditional use (see Chapter V). Non-discretionary determination of compliance with the standards will be processed in the same manner as a Compliance Determination (see Article 5.10)*

SECTION 4.11.242 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Coos County Planning Director or designated staff is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

SECTION 4.11.243 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the local floodplain administrator shall include, but not be limited to:

1. Application Review

- a. Reviews all applications to determine that the floodplain requirements of this Ordinance have been satisfied.*
- b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334*
- c. Review all requested development to determine if it is located in the floodway. If*

located in the floodway, assure that the encroachment provisions of Section 4.11.254 are met.

2. Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (A and V Zones) in accordance with Section 4.11.232, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 4.11.252, SPECIFIC STANDARDS, and 4.11.254 FLOODWAYS.

3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 4.11.243(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.*
- b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 4.11.243(2):*
 - i. Verify and record the actual elevation (in relation to mean seal level); and*
 - ii. Maintain the floodproofing certifications required in Section 4.11.235(2)(c).*
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.*

4. Alteration of Watercourses

- a. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance & Mitigation Administration.*
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.*

5. Requirement to Submit New Technical Data

- a. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.*
- b. The property owner shall be responsible for preparing the technical and scientific data required by FEMA under paragraph (5)(a) of this section, and for paying any processing or application fees associated with FEMA's review of the submitted data.*
- c. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.*

6. Interpretation of FIRM Boundaries

The Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a

conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.11.244.

SECTION 4.11.244 VARIANCE PROCEDURE

The variance procedures discussed in this section only apply to variance of floodplain standards and do not extend to other variance requests.

1. Appeal Board

- a. In the case of an appeal the process under Section 5.8 shall apply.*
- b. The hearings body reviewing the appeal shall consider if there is an error in any requirement, decision, or determination made by the county in the enforcement or administration of this ordinance.*
- c. In passing upon such applications, the hearings body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. The danger that materials may be swept onto other lands to the injury of others;*
 - ii. The danger to life and property due to flooding or erosion damage;*
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
 - iv. The importance of the services provided by the proposed facility to the community;*
 - v. The necessity to the facility of a waterfront location, where applicable;*
 - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;*
 - vii. The compatibility of the proposed use with existing and anticipated development;*
 - viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;*
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;*
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and*
 - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.**
- d. Upon consideration of the factors of Section 4.11.244(1)(c) and the purposes of this ordinance, the Planning Commission or Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.*
- e. The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance & Mitigation Administration upon request.*

2. Conditions for Variances

This variance language only applies to variance for floodplain standards and does not extend to other type of variance requests.

- a. Generally, the only condition under which a variance from the elevation standard may be*

issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.11.244(1)(c) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.

c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.11.244(1)(c), or conflict with existing local laws or ordinances.

f. Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 4.11.244(2)(a), and otherwise complies with Sections 4.11.251(1-3) of the GENERAL STANDARDS.

h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 4.11.251 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

1. Anchoring

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and

b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;*
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and*
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;*
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and*
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.*

4. Land Divisions Proposals

- a. All land division proposals shall be consistent with the need to minimize flood damage;*
- b. All land division proposals that are proposing public utilities and facilities such as sewer, gas, electrical, and water systems shall be required to locate and construct them to minimize or eliminate flood damage;*
- c. All land division proposals that consist of three or more lots shall have adequate drainage provided to reduce exposure to flood damage; and*
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).*

5. Review of Applications

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source [Section 4.11.243(2)], applications for structural development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

7. Other Development. Includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County's determination that such uses are not of the type and magnitude to affect potential water surface elevations or increase the level of insurable damages.

Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before “other development” may occur. Such authorization by the Planning Department shall not be issued unless it is established, based on a licensed engineer’s certification that the “other development” shall not:

- a. Result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,*
- b. Result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.*

8. COMMUNITY OFFICIAL BASE FLOOD ELEVATION DETERMINATION REQUEST AND PROCEDURES: The Coos County Planning Department shall sign a community official base flood elevation (BFE) confirmation received from a mortgage insurance company if:

- a. The development is located outside of the mapped flood hazard area;*
- b. A Letter of Map Revision or Amendment has been approved by FEMA; or*
- c. The property has an approved flood hazard determination application that shows the development was built to flood proofing standards or is located above the base flood elevation.*

If the development is located within the mapped flood hazard area and there is not a flood hazard determination on file with the Coos County Planning Department a confirmation letter will not be signed until a flood hazard application has been approved as complying with Sections 4.11.211 through 4.11.252.

SECTION 4.11.252 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 4.11.232, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.11.243(2), Use of Other Base Flood Data (In A and V Zones), the following provisions are required:

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; and*
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:*
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;*
 - ii. The bottom of all openings shall be no higher than one foot above grade; and*
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;*
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.11.243(3)(b);*
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 4.11.252(1)(b);*
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below);*
- f. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure; and*
- g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.*

3. Manufactured Dwellings

- a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 4.11.252(1)(b) above;*
- b. The bottom of the longitudinal chassis frame beam in A zones, shall be at or above BFE;*
- c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and*
- d. Electrical crossover connections shall be a minimum of 12 inches above BFE.*

4. Recreational Vehicles

Recreational vehicles placed on sites are required to:

- a. Be on the site for fewer than 180 consecutive days; and*
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is*

attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
c. Meet the requirements of Section 4.11.252(3) above and the elevation and anchoring requirements for manufactured homes.

5. Small Accessory Structures

Relief from elevation or floodproofing as required in Section 4.11.252(1) or 4.11.252(2) above may be granted for small accessory structures that are:

- a. Less than 200 square feet and do not exceed one story;*
- b. Not temperature controlled;*
- c. Not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;*
- d. Not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall unless confined in a tank, that is installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation;*
- e. Located and constructed to have low damage potential;*
- f. Constructed with materials resistant to flood damage;*
- g. Anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;*
- h. Constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or:
 - i. provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;*
 - ii. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;*
 - iii. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention; and**
- i. Constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.*

6. Below-Grade Crawlspace

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are*

recommended for these areas;

b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade;

c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE;

d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters;

e. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade;

f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas;

g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means; and

h. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION 4.11.254 FLOODWAY

Located within areas of special flood hazard established in Section 4.11.232 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Except as provided in paragraph (3), prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
2. If Section 4.11.254(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 4.11.251 et seq;
3. RESERVED
4. Temporary structures placed in the floodway: Relief from no-rise evaluation, elevation or dry flood-proofing standards may be granted for a non-residential structure placed during the dry season (June – October) and for a period of less than ninety (90) days. A plan for the removal of the temporary structure after the dry season or when a flood event threatens shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure; and
5. Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway for a period of less than ninety (90) days within the dry season (June – October).

SECTION 4.11.255 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified);
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely Flood Proofed to or above that level, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 4.11.252(2)(c).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; and
4. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days; and
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of Section 4.11.255 above and the elevation and anchoring requirements for manufactured homes.

SECTION 4.11.256 COASTAL HIGH HAZARD AREAS

Located within areas of special flood hazard established in Section 4.11.232 are Coastal High Hazard Areas, designated as Zones V1-V30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance and state building code, the following provisions shall also apply:

- 1. All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and*
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);**
- 2. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of 1 (a) and (b) of this section;*
- 3. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information;*
- 4. All new construction shall be located landward of the reach of mean high tide;*
- 5. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and*
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).**
- 6. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation;*
- 7. Prohibit man-made alteration of sand dunes which would increase potential flood damage;*
- 8. The use of fill for structural support of buildings is prohibited.*
- 9. All manufactured homes to be placed or substantially improved within Zones V1-V30, V, and VE on the community's FIRM on sites:*

- a. Outside of a manufactured home park or subdivision;
- b. In a new manufactured home park or subdivision;
- c. In an expansion to an existing manufactured home park or subdivision; or
- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood; meet the standards of paragraphs 5.6(1) through (8) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements of Section 5.2-3.

10. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community’s FIRM either:

- a. Be on the site for fewer than 180 consecutive days, if permitted by the zoning district; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of Section 4.11.241(1) Permitting requirements and paragraphs (1) through (9) of this section.

SECTION 4.11.257 CRITICAL FACILITY

Construction of new critical facilities shall be, to the extent practicable, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).

Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available, taking into account cost and practicability. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

FINDING: There is mapped floodplain, Zone A, on the subject property. The proposed replacement cabin is close, if not included, in the floodplain. The applicant submitted the following information:

There is a designated 100-year flood plain located along Myrtle Creek that flows through the campground. The cabin is not located in the flood plain based upon the following evidence:

- *Measurements were taken on the ground determined that the front of the cabin is located 95 feet, and the back of the cabin is located 115 feet, from the westerly edge of the access road on the west side of the field. When scaled on the FEMA map, the easterly boundary of the flood plain begins 130 feet from the road.*
- *The land upon which the cabin is situated (95 to 115 feet from the road) is at an elevation of 183 feet, which is the same as the elevation of the road, field and parking lot. If the cabin was located within the designated flood plain, the road, field and parking lot would all be included in the flood plain overlay. The elevation at the beginning of the flood zone (130 feet from road) is 175 feet. Field measurements show flat the top of the bank along the defined channel of the*

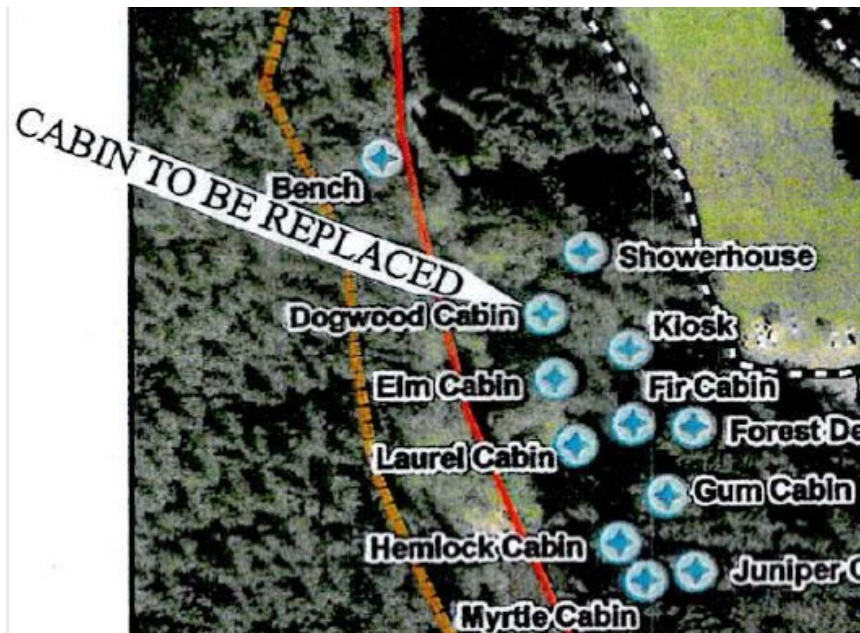
creek is also at 130 feet from the edge of the road. It seems clear that the flood zone boundary follows the top of the stream channel.

- *Testimony from residents of the camp during the 1964 flood (a 100-year storm event) stated that Myrtle Creek expanded to unprecedented levels but remained within its defined channel, 8 to 10 feet below the Dogwood Cabin and surrounding cabins at the same elevation.*

Below is the County's FEMA floodway map and the applicant's exhibit:



County's Floodplain Map



Applicant's Exhibit

Staff is unable to determine if the replacement cabin is within the floodplain, or outside, the floodplain. The applicant stated that replacement is located 115 from the westerly edge of an access road and compare that location to the FEMA map and deduced that the proposed location is 15 from the mapped edge of the floodplain. Although, these floodplain maps were not designed for accuracy of 15 feet with this map scale.

The applicant stated that the elevation of the replacement cabin when compared to the parking lot (the parking lot is outside of the mapped floodplain). However, no topographical surveys were supplied that were made by an Oregon licensed surveyor indicating the elevation of the project site and surrounding. Even if a licensed surveyor made a topographical map, that is still not an engineering analysis as required by the County ordinance.

The applicant ended with stating that *“Testimony from residents of the camp during the 1964 flood (a 100-year storm event) stated that Myrtle Creek expanded to unprecedented levels but remained within its defined channel, 8 to 10 feet below the Dogwood Cabin and surrounding cabins at the same elevation”*. However, no testimony or affidavits were submitted as part of this application.

As a condition of approval, the applicant will be required to submit an application for development in Area of Special Flood Hazard pursuant to Section 4.11.235(1). The application must be approved by the Coos County Floodplain Administrator prior to the issuance of the final zoning compliance letter for the replacement of the cabin.

b. Landslides and Earthquakes

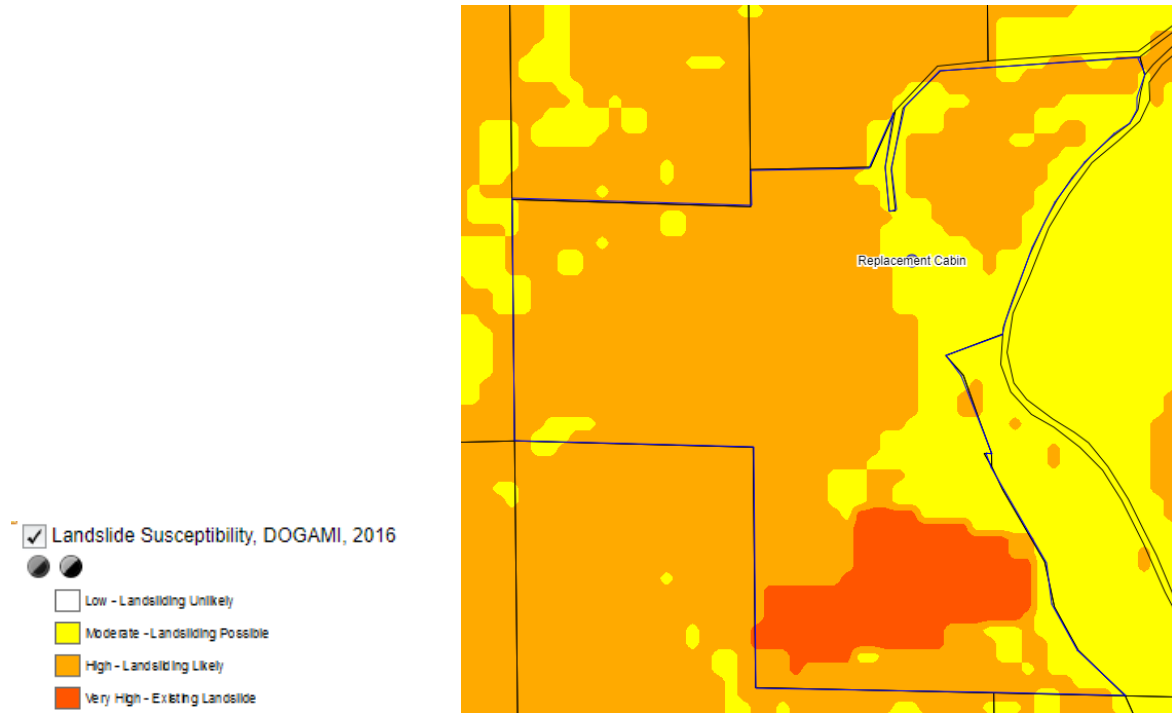
Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to “very high” and “high” liquefaction identified in DOGAMI Open File Report O-13-06, “Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes.”

Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.

FINDING: There is mapped Very High – Existing Landslides on the subject property. The applicant did not address the criteria for the landslides in their application. The applicant also did not submit a plot plan showing the entire property in their application. As a condition of approval, the applicant will be required to submit a new plot plan showing the entire property.

Below is a map showing the location of the very high – existing landslide area and showing the area of the location of the replacement dwelling.



Therefore, Staff finds the location of the proposed replacement cabin is outside of the mapped very high – existing landslide area by an estimated 1300 feet.

VI. DECISION:

There is evidence to adequately address the criteria for an alteration of the nonconforming use, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit “A”.

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 district or parties:

DLCD
 Bridge Rural Fire Protection District

Planning Commission
 Board of Commissioner