



STAFF REPORT

Coos County Planning
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AGENDA ITEM IV. ITEM A – FILE # AM-23-007/RZ-23-007/HBCU-23-001, ORDINANCE NUMBER 23-12-010PL

REPORT DATE: January 25, 2024

FILE NUMBER: AM-23-007/RZ-23-007/HBCU-23-001

PROPERTY OWNER: Ron LaFranchi

CONSULTANTS: Dave Reed, The Wayward R Studio
Megan Lawrence, South Coastal Consulting

STAFF CONTACT(S): Jill Rolfe, Coos County Community Development Director

SUMMARY PROPOSAL: The proposal is a two-part request:

- 1) A plan amendment to modify the Qualified-Industrial Zone, expanding its permissible uses. This won't necessitate an amendment to the map itself but will involve revising the text of the qualifier to accommodate an aggregate processing facility. The Subject Property is identified as Map Number Township 28S Range 12W Section 07C Tax Lots 101, Tax Account Number 846405.
- 2) A request for a Hearings Body Conditional Use to allow for Mining or Mineral Processing “aggregate” and accessory uses in the Industrial Zone.

REVIEW CRITERIA: The applicant will need to comply with:

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - Article 5.1 Plan Amendments and Rezones
- Coos County Comprehensive Plan Maps #14 Zone Maps
- Oregon’s Statewide Planning Goals & Guidelines Goals
 - 3 Agricultural Lands
 - 4 Forest Lands
 - 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
 - 6 Air, Water and Land Resource Quality
 - 7 Areas Subject to Natural Hazards
 - 8 Recreational Needs
 - 9 Economic Development
 - 10 Housing
 - 11 Public Facilities and Services
 - 12 Transportation
 - 13 Energy Conservation
 - 14 Urbanization
- Section 3.1.450(5) Accessory Uses
- Sections 4.3.200(75) Mining or Mineral Processing subject to
 - Section 4.3.220 Review Standards (58)
 - 4.3.225 Conditional Use Review
 - 4.3.230 Development Standards

SUBJECT PROPERTY DETAILS:

Account Numbers: 846405, 846301

Map Numbers: 28S1207C0-00101, 28S1207C0-01000

Property Owner: LAFRANCHI, RON

Situs Address: HWY 42 COQUILLE, OR 97423

Acreage: 17.54 Acres, 17.24 Acres

Zoning: INDUSTRIAL WITH QUALIFICATIONS (Q-IND) (TL 101)
COQUILLE RIVER ESTUARY MGT PLN (CREMP) (TL 1000)

Special Development Considerations and CREMP INDUSTRIAL (CR-IND) (TL 1000)

Overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
COQUILLE MUTUAL INTEREST AREA (CMI)
FLOODPLAIN (FP)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)

I.I STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS

A. NOTICE REQUIREMENT: This application is a Plan Amendment governed by CCZLDO Section 5.0.900. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732.

B. DETAILS AND BACKGROUND: The property is current zoned both Q-Industrial and Coquille River Estuary Management Plan - Industrial (CREMP-INDS)

Permit History Summary for Tax Lot 1000:

The property was part of a larger tract ownership that contact Westbrook Wood Products Plant #2. The operation shown in the 1989 aerial.



On November 18, 1986, approval was granted for a conditional use application to site an accessory industrial structure on the property on tax lot 900 (now tax lot 1000). On the same date, planning staff denied a site plan review for a truck repair shop. Additionally, a conditional zoning clearance letter was issued on November 18, 1986, to construct an accessory structure, with the condition that the applicant must submit a flood-proof certification for final approval. On October 3, 1988, a zoning clearance letter was issued specifically for septic repair. Subsequently, on September 18, 1996, a Land Use Compatibility Form was reviewed for the existing industrial mill facility on the property and signed off. In 2000 the review and authorization of a property line adjustment was completed creating the current configuration of the property. Moving forward to April 20, 2006, conditional use and floodplain applications were reviewed and approved, permitting the placement of fill on the property. The most recent application was submitted on September 21, 2010, and deemed complete on September 29, 2010.

Permit History for Tax Lot 101:

Prior to 1989 tax lot 101 was designated "Coquille River Estuary Management Plan - Agriculture" and "Coquille River Estuary Management Plan-Exclusive Farm Use" by the Coos County Comprehensive Plan. In 1989 the property was rezoned and the plan designation amended to "Industrial" and removal a large portion of the property from Coastal Shorelands Boundary (CSB). Amending the CSB removed the property from the Coquille River Estuary Management Plan as the extent of the Coastal Shoreland Boundary is the boundary of the Coquille River Estuary Management Plan Zoning. Tax lot 1000 was not redesignated as it was already developed as part of the mill facility.

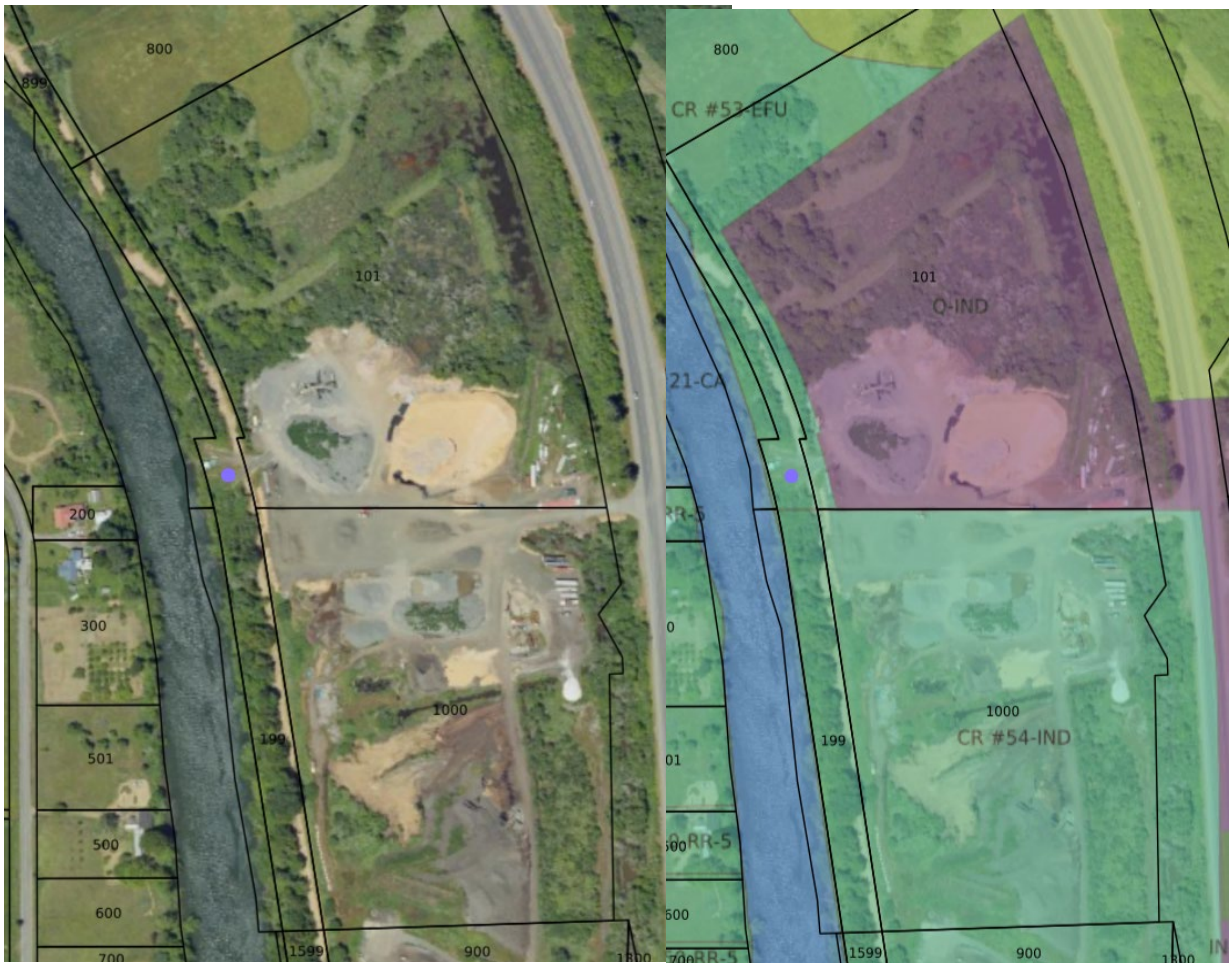
The amendments to tax lot 101 were necessary to allow expansion of mill operations on the adjacent property. The subject property is described as Township 28 Range 12 Section 7C Tax Lot 101 less that portion of Tax Lot 101 which lies west of the Southern Pacific Railroad tracks. Tax lot 101 was the subject of the zone change but the original mill site was located on tax lot

900 and 1000. The configuration of tax lot 900 and 1000 have changed the map below depicts the configuration of the properties in 1989 to assist visual for this report.



The applicant, at the time of the 1989 rezone, provided the following reasoning for the application: "Our expansion plans include a larger more efficient chipping facility and a sawmill with planing facilities ••• The only feasible location for these improvements lies at the south end of our property between the existing truck shop and the chip bins. This area now serves as log storage space. Approval of our zone change would enable us to shift the entire log storage and sorting operation in a northerly direction providing space at the south end ••• Currently Westbrook Wood Products employs approximately 200 people in its Coos County operations. Not only would our expansion plans increase this number but would serve to utilize a natural resource to its fullest extent." This was approved through a reasons exception as it was no economically feasible to move the operation. There were conditions that went along with the qualifier as follows:

- 1) The landfill shall be kept 200 feet south of Rink Creek;
- 2) The last several feet of the landfill shall be clean fill dirt;
- 3) A drainage ditch shall be built to the river between the landfill and Rink Creek;
- 4) A row of trees shall be planted between the landfill and Rink Creek.



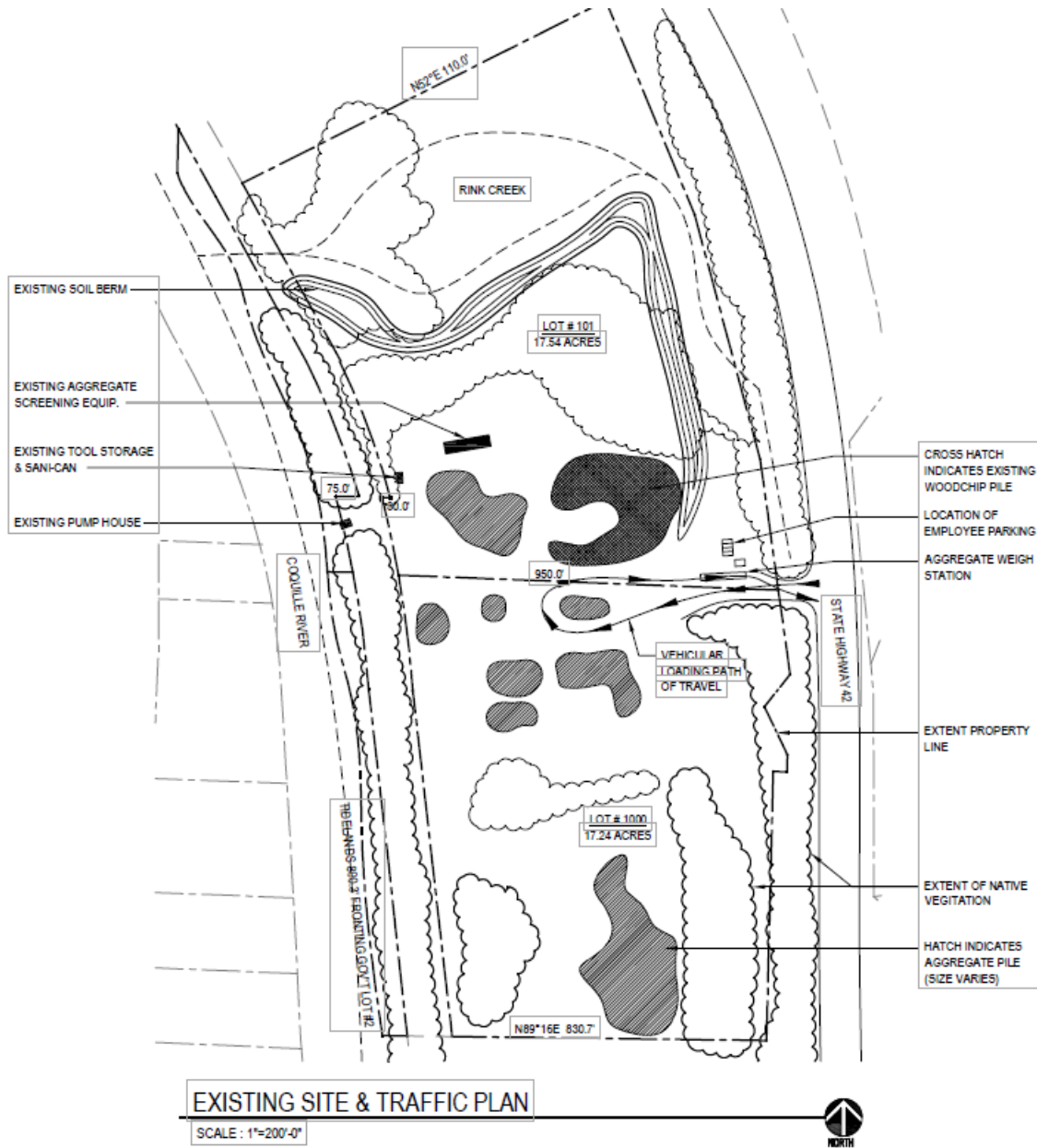
As a reminder, in 2000 property line adjustments were approved to reconfigure the property boundaries created the configuration shown in the aerial view above.

Current Proposal:

The current property owner was not aware there were restriction on the use of the property and started using the property for aggregate processing and storing of aggregate products. The Q-Industrial zone only allows for wood product and associated uses to facilitate the mill operation. The CREMP-IND (54-IND) allowed for the mill but dose not specifically list out aggregate storage and processing. The original application proposed used mineral/mining extraction but the definition requires excavation on site. Therefore, after consultation and a better understanding of the activities that are occurring on site Staff’s understanding of the use of tax lot 101 will be primarily for processing of the products with storage and sale will occurring on tax lot 1000. This seems to fit the accessory language specifically permitted with a conditional use in estuary zones. This will be further addressed in the criteria.

Therefore, the current proposal aims to expand the industrial uses under the qualifier to include Mining or Mineral Processing of aggregate resources. This expansion will permit the processing and storage of aggregate resources, along with the accessory uses to facilitate the aggregate processing operation. The plot plan below illustrates the development and proposed expansion area.

Additionally, some of the proposed components will be situated in the Coquille River Estuary-Industrial (CREMP-IND). The conditional use submitted addresses the necessary accessory use given tax lot 101 is not large enough to accommodate all components of the use.



Not to scale

COOS COUNTY COMPREHENSIVE PLAN BACKGROUND: The Comprehensive Land Use Plan Map, or Comprehensive Plan Map, is a 2" = 1 mile map of Coos County that sets forth, as a matter of official policy, general designations of land use categories for various geographic areas within the County. These designations are the basis for zoning designations set forth in the Zoning and Land Development Ordinance.

The Comprehensive Plan Map was developed through an extensive process that involved evaluating development potential and making selections. This process defined various land use categories on the Plan Map and eventually led to the adoption of the final map. The development of a rational land use plan was a crucial step in this process, which included considering various alternative courses of action and choosing a preferred alternative based on well-reasoned policy decisions.

This section provided the reasoning behind each of the proposed land use alternatives and included some analysis of the land use categories' acreage within each alternative. These decisions were closely related to the "ultimate policy choices" outlined in the Plan Policies section. These policy choices dictated which alternative or combination of land use alternatives would be selected as the Comprehensive Plan map.

During the County's planning process, four different land use maps were developed and considered. Each of these alternatives represented a distinct approach to conservation and development philosophy. They underwent thorough discussion and scrutiny within Coos County's citizen involvement process. Public hearings were conducted early in the process to gather input from County citizens before proposing zoning maps.

This is a general description of the four alternatives:

- Alternative 1 – Status Quo: This option limited development to areas already developed.
- Alternative 2 – Citizens Proposal: This alternative maximized development.
- Alternative 3 – Goal Balancing: It aimed to balance the needs for growth in all zones while maintaining resource protection.
- Alternative 4 – Maximum Resource Protection: This option reduced development potential.

For more details, you could refer to CCCP Volume 1 Part I.

The decision to select one of the alternatives was supported by findings of fact and conclusions of law. These findings were based on identifying issues and problems, evaluating alternative courses of action, and making ultimate policy choices while considering social, economic, energy, and environmental needs, as defined by Statewide Planning Goal #2, Land Use Planning.

Once the alternatives were completed the selection of the appropriate alternative against the following criteria:

- i. Best addresses citizen involvement and expressed citizen desires by attempting to legally satisfy citizens' requests through appropriate land use designations.
- ii. Best addresses the Statewide Land Use Goals and attempts to satisfy local needs and recognize local conditions, while remaining within the intent and spirit of State law.
- iii. Does not emphasize one Goal or set of familiar Goals to the detriment of another Goal or set of similar Goals.

The chosen alternative had to be the one that, in balance, best satisfied all three of the above criteria. The Board of Commissioners opted for Alternative #3, the "goal-balancing" alternative, as the most suitable option based on the criteria previously discussed. Since its

adoption in January 1983, adjustments were made to the land use allocations by plan designations in response to both LCDC's initial review critique and input from citizens and agencies during the County's public hearings and comments process.

Potential industrial sites are identified as stated in the "Industrial Land Needs" section, according to current industrial use, County Assessor's classification, and sites identified previously by Coos-Curry-Douglas Economic Improvement Association. These sites will be evaluated and selected on the basis of locational and site suitability criteria following completion of the Coos Bay and Coquille River Estuary Plans. "Rural Center" communities are identified to allow for further growth of commercial and community uses to satisfy rural needs. Existing legally established industrial and commercial uses not within Rural Centers are recognized in the Alternative as having vested rights, and the sites are appropriately designated, where extensive enough to be separately identified on the Plan map. Where not sufficiently extensive, these uses are protected by site-specific zoning [See Industrial and Commercial Lands Strategies #6 and #9].

The following land use designations are those approved by the County Planning Commission for use in developing alternative plan maps for all unincorporated areas except the Coos Bay and Coquille Estuary study areas. ***

Section 5.16 INDUSTRIAL & COMMERCIAL LANDS

Problem/Opportunity Statement

Coos County's economy is unstable. The County experiences long periods of unemployment where the rate of unemployment is markedly higher than state and national averages; the impact of this unemployment is increased because of the County's excessive dependence on the lumber and wood products industry. Diversified industrial development plays a key role in the health of Coos County's economy.

The issues raised in this section that contribute to an unstable economic base for the county are:

1. A poor transportation network, rugged topography, and relative isolation, when combined with private land-banking by large companies, result in a seriously constricted supply of suitable industrial sites.
2. Industrial sites are relatively scarce and often occur outside Urban Growth Areas on lands that are capable of agricultural or forest production based simply on soil type and unimaginative restrictive state goal definitions. Yet, state goal priorities favor preservation of farm and forestlands to the detriment of preserving scarce industrial sites.
3. High interest rates and escalating costs of land and facility infrastructure have made it increasingly difficult to realize viable economic development projects. These escalating costs often make development prohibitively expensive.

These issues raised don't cover just Industrial but Commercial as well. The most relevant

issue identified is the lack of industrial sites and the challenges that the comprehensive plan has built in the form of strategies to overcome this situation.

Coos County shall continuously plan for and maintain an adequate supply of commercial and industrial land, recognizing that a readily available supply of such land is the basis for a sound economic development program. Coos County, "an active participating member of the Coos, Curry Douglas Economic Improvement Association (CCD-EIA), shall sanction and support the economic development efforts of that regional organization, recognizing that regional problems are best resolved by a cooperative regional economic development program." ¹ Coos County shall support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee, recognizing that these regional strategies constitute a coordinated program targeted at resolving impediments to the area's economic development potential as identified by the CCD-EIA.

While the information in the comprehensive plan may be dated it is still relevant for Coos County and has been acknowledge by the State of Oregon as compliant with the Statewide Planning Goals. The proposal will continue to carry out the mission of the Coos County Comprehensive Plan.

LOCATION AND SURROUNDING USES: The subject property is located south of the City of Coquille off of Highway 42 in Coos County. The property is geographically bordered on its west by the Coquille River, and Highway 42 to its east. The western most portion of the property is transected by land owned by the Pacific Railway.

C. COMMENTS RECEIVED: While there have been no comments received for this proposal.

D. GENERAL PROPERTY AND APPLICATION COMPLIANCE:

1. **COMPLIANCE PURSUANT TO SECTION 1.1.300:** It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

FINDING: The approval of this application will resolve any compliance issues.

2. **SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

"Lawfully established unit of land" means:

1. *The unit of land was created:*

a. *Through an approved or pre-ordinance plat;*

¹Coos Bay Draft Comprehensive Plan.

- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

STAFF FINDING: The units of land were acknowledged as lawfully created through a prior land use decision pursuant to Subsection b above. An approved property line adjustment in 2000 and then subsequent conditional use application in 2010 for fill.

SECTION 7.1.250 MATERIALS REQUIRED FOR AN APPLICATION:

A traffic plan (item 1) will be required for all rezones, recreational vehicle parks, campgrounds, mobile home parks, land divisions, industrial developments, commercial developments and high intensity development plans. The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development.

1. *Traffic Plan - A parking/traffic plan shall be submitted to address all of the following:*
 - a. *Property boundaries;*
 - b. *Location of all structures on the subject property;*
 - c. *Required parking spaces;*
 - d. *Current utilities and proposed utilities;*
 - e. *Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);*
 - f. *The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;*
 - g. *Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;*
 - h. *All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;*
 - i. *Location of existing and proposed access point(s) on both sides of the road where applicable;*
 - j. *Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;*
 - k. *Number and direction of lanes to be constructed on the road plus striping plans;*
 - l. *All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and*
 - m. *Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.*

STAFF FINDING: The traffic plan has been submitted, and a request for comments has been made to the County Road Department. The applicant has clarified that the subject property has served as an industrial site for nearly 30 years. The primary access to the property is through an existing shared driveway off Highway 42, featuring an approximately 80-foot wide approach. The driveway apron and approach are paved up to the property line, beyond which the remaining driveway and access lane are surfaced with gravel. The southern property, sharing access, is under common ownership. The approved use of that property for the industrial activities described in this application is included in the current request. Given the operational history of these properties as industrial sites and the existence of public transportation facilities serving them, the applicant seeks a waiver from the traffic study, access analysis, and sight distance certification requirements outlined in Chapter VII.

Staff agrees that a traffic study is not warranted. Prior to receiving a Zoning Compliance letter the applicant will need to provide an access approval from Oregon Department of Transportation.

E. ARTICLE 5.1 REZONES

- ***SECTION 5.1.100 LEGISLATIVE AMENDMENT OF TEXT ONLY:***

An amendment to the text of this ordinance or the comprehensive plan is a legislative act within the authority of the Board of Commissioners. [OR 04 12 013PL 2/09/05]

STAFF FINDING: This request is unique in that it seeks to expand a specific use without necessitating a legislative text amendment. The Board holds the authority to make a decision to amend the prior decision plan, allowing for the accommodation of the proposed use.

• SECTION 5.1.110 WHO MAY SEEK CHANGE:

Coos County shall consider the appropriateness of legislative plan text and map amendment proposals upon:

- 1. A motion by the Board of Commissioners; or*
- 2. A motion of the Planning Commission; or*
- 3. The submission of formal request made by either:*
 - a. The Citizen Advisory Committee; or*
 - b. An application filed by a citizen or organization, accompanied by a prescribed filing fee. If a Measure 56 notice is required the applicant shall be responsible for the payment of all cost associated with that service.*

STAFF FINDING: The application was submitted by the landowners. Therefore, this application is being reviewed by 3b. This application does not trigger a Measure 56 notice.

• SECTION 5.1.115 ALTERATION OF A RECOMMENDED AMENDMENT BY THE PLANNING DIRECTOR:

The Planning Director may recommend an alteration of a proposed amendment if, in the director's judgment, such an alteration would result in better conformity with any applicable criteria. The Planning Director shall submit such recommendations for an alteration to the Hearings Body prior to the scheduled public hearing for a determination whether the proposed amendment should be so altered.

STAFF FINDING: The Planning Director does not request to amend the proposal.

• SECTION 5.1.120 PROCEDURE FOR LEGISLATIVE AMENDMENT:

The Board of Commissioners shall conduct one or more public hearings with 10 days advance published notice of each of the hearings. The public notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration. (ORS 215.060 & ORS 215.223). Notice to DLCD shall be provided 35 days prior to the initial hearing per ORS 197.610. Notice of adoption is subject to ORS 197.615. [OR 04 12 013PL 2/09/05]

STAFF FINDING: Staff has published and mailed notices as required for an amendment/rezone. All documentation is on file with the Planning Department.

• SECTION 5.1.125 MINOR TEXT CORRECTIONS:

The Director may correct this ordinance or the Comprehensive Plan without prior notice or hearing, so long as the correction does not alter the sense, meaning, effect, or substance of any adopted ordinance. [OR 04 12 013PL 2/09/05]

STAFF FINDING: This is not applicable to this request.

• **SECTION 5.1.130 NEED FOR STUDIES:**

The Board of Commissioners, Hearings Body, or Citizen Advisory Committee may direct the Planning Director to make such studies as are necessary to determine the need for amending the text of the Plan and/or this Ordinance. When the amendment is initiated by application, such studies, justification and documentation are a burden of the initiator.

STAFF FINDING: The applicant has provided justification, studies and documents to support the application proposal.

• **SECTION 5.1.135 STATUS OF HEARINGS BODY RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS:**

A Hearings Body recommendation for approval or approval with conditions shall not in itself amend this Ordinance or constitute a final decision.

STAFF FINDING: The Hearings Body will make a recommendation to the Board of Commissioners.

b. SECTION 5.1.200 REZONES:

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

STAFF FINDING: A portion of this consolidated application is a request to modify a previously approved rezone, to expand the industrial uses allowed by the existing zone qualifier on TL 101.

i. SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

STAFF FINDING: The Planning Director has not recommended an expansion of the rezone.

ii. SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

STAFF FINDING: This is not within the interior of the of the Exclusive Farm Zone. Therefore, this is not applicable.

iii. SECTION 5.1.220 PROCESS FOR REZONES:

- 1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*
- 2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
- 3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
- 4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
- 5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*
- 6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

STAFF FINDING: The application was filed on December 5, 2023. Notice of the post-acknowledgment plan amendment was completed on December 8, 2023. The hearings have been scheduled, and the process has been followed. Therefore, this matter has been appropriately addressed.

iv. SECTION 5.1.225 DECISIONS OF THE HEARINGS BODY FOR A REZONE:

The Hearings Body shall, after a public hearing on any rezone application, either:

- 1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*
 - a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*
- 2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*

- a. *The property may not be utilized for all the uses ordinarily permitted in a particular zone;*
- b. *The development of the site must conform to certain specified standards; or*
- c. *Any combination of the above.*

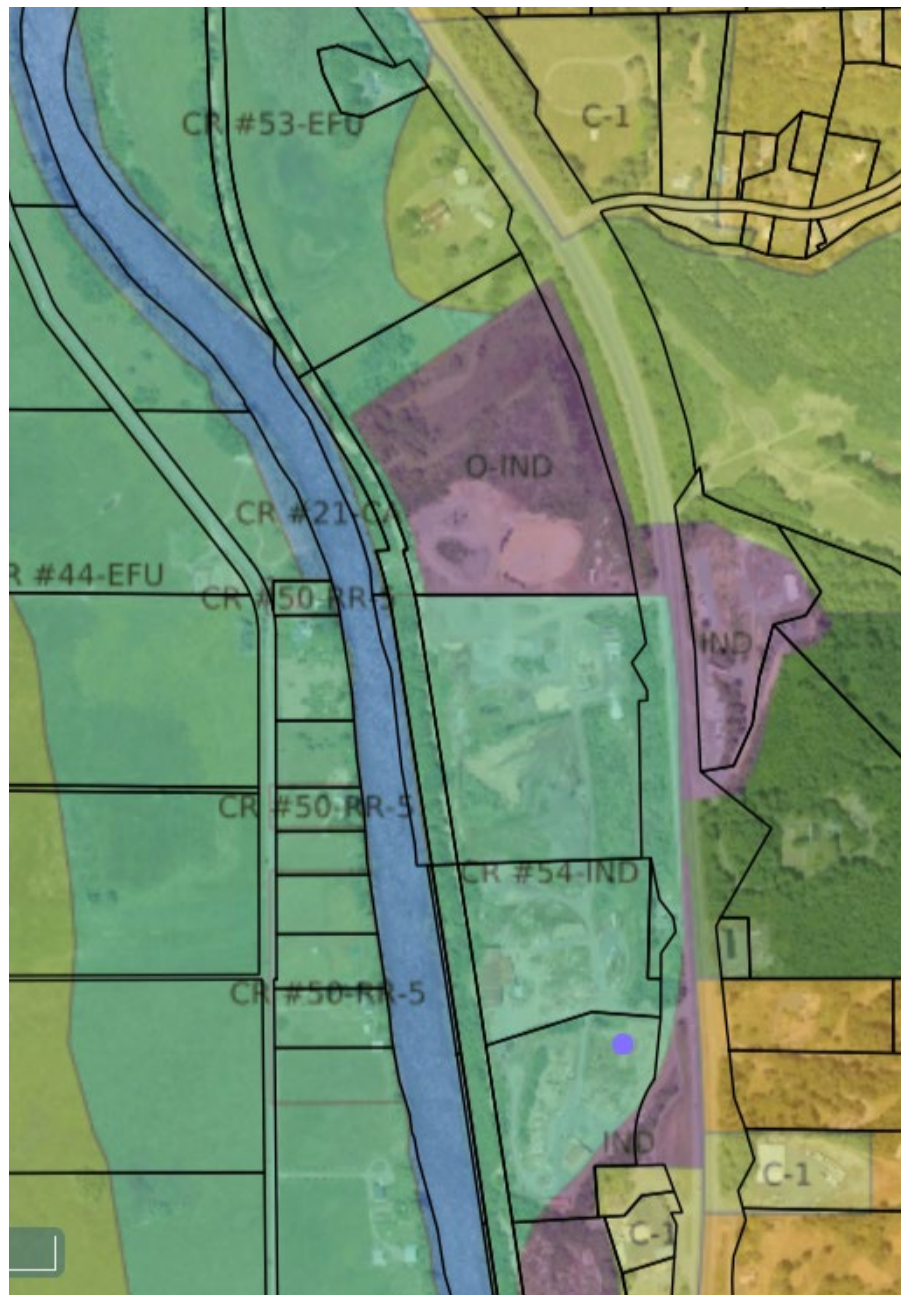
A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
 - ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
 - iii. *Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*
 - iv. *Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*
3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

STAFF FINDING: This application seeks a modification of the 1989 rezone approval, which originally granted a qualified rezone for the specific industrial use of the property as a log storage yard. The current landowner is now requesting approval to extend the use of the property for additional industrial purposes, primarily as a screening site, stockyard, and distribution area for locally sourced aggregate. Both "Wholesale/Distribution" and "Aggregate Processing" are permitted uses in both the Industrial and CREMP-EFU zones.

Preservation of the 1989 zone qualifier is crucial, ensuring the protection of the original environmental mitigation measures. This safeguards public interest and the surrounding properties/neighborhood by mandating an extensive future public process if the landowner wishes to use the property for other purposes. The existing neighborhood comprises various industrial properties with diverse industrial uses, and the requested use aligns with the industrial nature of the neighborhood. This conforms to the industrial zoning designations outlined in the Comprehensive Plan, Estuary Management Plan, and Coos County Zoning and Land Development Ordinance.

The property is well-suited for the requested industrial activity due to its natural features, which are protected resources under state statute and local regulations. The protections and mitigation measures implemented in 1989 establish a regulatory buffer between the industrial activity onsite and nearby farm-residential-industrial uses. The original exception was done to expand the mill site. This will allow for aggregate processing while keeping the qualifiers in place. As the applicant appropriate brings up this site has been used for industrial uses for more than 30 years and the change to a different use but likely have some of the same concerns that were addressed in the 1989 zone change.



As depicted in the aerial view, the property is encompassed by industrial zoning to the south and east, with Highway 42 directly boarding the eastern boundary. To the north, there exists a buffer between the Q-Industrial zone and the adjacent tax lot, serving as a separation to mitigate any potential conflicts with dwelling and agricultural land. On the western side, the old railroad parcel, currently owned by Coos County for utility purposes, acting as a boundary between the subject properties and the Coquille River. Beyond this county ownership lies the Coquille River.

Notably, there have been no neighbor or agency complaints, and there is no apparent reason for the county to conclude that there are adverse impacts on adjacent uses. The property's

surroundings, characterized by industrial zoning, natural buffers, and county-owned parcels, contribute to the absence of conflicts or concerns raised by neighboring properties.

Given that the property is already zoned for a specific type of industrial use, the Planning Commission should find that the rezoning will conform with the Comprehensive Plan, will not seriously interfere with permitted uses on other nearby parcels, and will comply with other policies and ordinances as may be adopted by the Board of Commissioners. Therefore, this has been addressed.

v. SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

STAFF FINDING: Any recommendation will not amend the zoning map. The Board of Commissioners will make the final decision in this matter. Therefore, this has been addressed.

vi. SECTION 5.1.235 BOARD OF COMMISSIONERS ACTION ON HEARINGS BODY RECOMMENDATION:

Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1. 225, the Board of Commissioners shall either:

- 1. adopt the Hearings Body recommendation for approval or approval with conditions;*
- 2. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application;*
- 3. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or*
- 4. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.*

STAFF FINDING: This will be addressed by the Board of Commissioners.

vii. SECTION 5.1.240 REQUIREMENTS FOR “Q” QUALIFIED CLASSIFICATION:

Where limitations are deemed necessary, Board of Commissioners may place the property in a “Q” Qualified rezoning classification. Said “Q” Qualified Classification shall be indicated by the symbol “Q” preceding the proposed zoning designation (for example: Q C-1).

STAFF FINDING: The Planning Commission should consider keeping any buffers in the original qualifiers.

viii. SECTION 5.1.250 PERMITS AND APPLICATIONS MORATORIUM:

1. *After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
 - a. *Withdrawal of the application by the applicant;*
 - b. *Expiration of the County's appeal period without an appeal having been filed; or*
 - c. *Final order of Board of Commissioners upon hearing the appeal.**
2. *Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.*

STAFF FINDING: There have been no requests for building or sewage disposal systems. While the current application included a conditional use to implement the proposed use, this does not pose a conflict with Section 5.1.250. Therefore, this section has been addressed.

ix. SECTION 5.1.275 STANDARDS FOR COMPREHENSIVE PLAN AND REZONE FOR NONRESOURCE LAND:

1. *The subject property does not meet the definition of Agricultural Land under Statewide Planning Goal 3 and /or Forest Land under Statewide Planning Goal 4.*

NOTE: If the subject property is predominantly Class 1-IV soils or if it predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be nonresource land.

2. *The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Coos County Comprehensive Plan;*
3. *The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.*
4. *The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forestland it is not considered to be nonresource land.*
5. *The subject property is not considered to be nonresource land if it has been given a special tax assessment for farm use or as designated forestland at any time in the past five years.*
6. *If the subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.*
7. *The subject property shall be at least 10 acre in area unless it is contiguous to an area that is zoned for nonresource use.*

Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.

8. *Rezoning of land that is found to be nonresource land shall be to a “rural” zone that is appropriate for the type of land and its intended use.*

Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use.

Development of property rezoned from Forest or Forest Mixed use to a nonresource zone shall comply with the resource development and siting standards. (ORD NO. 04-01-001PL February 10, 2004)

STAFF FINDING: This section is not applicable.

- **Oregon Statewide Planning Goal Compliance**

Oregon Statewide Planning Goals are a set of 19 goals established by the state government to guide land use planning and decision-making throughout the state. These goals provide a framework for local governments, land use planning agencies, and other stakeholders to shape the physical, social, and economic development of their communities.

The Oregon Statewide Planning Goals cover a broad range of topics and aim to address various aspects of land use planning, conservation, and development.

- *Oregon’s Statewide Planning Goals & Guidelines Goals*
 - *1 Citizen Involvement*
 - *2 Land Use Planning*
 - *3 Agricultural Lands*
 - *4 Forest Lands*
 - *5 Natural Resources, Scenic and Historic Areas, and Open Spaces*
 - *6 Air, Water and Land Resource Quality*
 - *7 Areas Subject to Natural Hazards*
 - *8 Recreational Needs*
 - *9 Economic Development*
 - *10 Housing*
 - *11 Public Facilities and Services*
 - *12 Transportation*
 - *13 Energy Conservation*
 - *14 Urbanization*
 - *15 (not applicable to Coos County)*
 - *16 Estuarine Resources*
 - *17 Coastal Shorelands*
 - *18 Beaches and Dunes*
 - *19 Ocean Resources (not applicable to Coos County)*

Each goal includes specific policies and guidelines to guide land use planning and development decisions.

Local jurisdictions in Oregon are required to incorporate these goals into their comprehensive plans and land use regulations, ensuring consistency with the statewide planning framework. However, there is flexibility for local communities to adapt and interpret the goals based on their unique characteristics, needs, and priorities while still meeting the overarching objectives of sustainable development and resource conservation. The flexibility is accomplished through an exception process.

The Oregon Statewide Planning Goal Acknowledgment Process refers to the procedure by which local comprehensive plans and land use regulations are reviewed and acknowledged by the state. It is part of the land use planning system in Oregon, which aims to ensure that local planning efforts align with the statewide goals and guidelines established by the state.

Under the acknowledgment process, local governments in Oregon are required to prepare comprehensive plans and land use regulations that are consistent with the statewide planning goals. These goals cover various aspects of land use and development, such as protection of natural resources, preservation of agricultural and forest lands, provision of housing, and transportation planning, among others.

Once a local government has completed its comprehensive plan and land use regulations, it submits them to the state's Department of Land Conservation and Development (DLCD) for review. DLCD evaluates the submitted materials to determine if they meet the requirements of the statewide planning goals. This review includes assessing the compatibility of the local plan with the goals and evaluating the plan's compliance with state laws and administrative rules.

If DLCD finds that the local plan is in compliance with the statewide planning goals, it issues an acknowledgment. The acknowledgment signifies that the local government's plan and regulations are consistent with the goals and have met the state's requirements. The acknowledged plan and regulations then serve as the basis for land use decisions within that jurisdiction.

The purpose of the acknowledgment process is to promote consistency, coordination, and coherence in land use planning throughout the state of Oregon. It ensures that local planning efforts are aligned with statewide goals and guidelines, promoting sustainable and orderly development while protecting valuable resources and addressing community needs. Coos County was originally acknowledged in 1985, and any subsequent changes to the acknowledged plan are referred to as Post Acknowledgement Plan Amendments. Coos County underwent periodic review when required in the 1990s and was once again acknowledged for goal compliance. Each post-acknowledgment plan amendment requires a goal compliance and consistency determination, and once consistency is established, acknowledgment is achieved. This following provides findings to the goal consistency.

Findings: This request is consistent with the Oregon Statewide Planning Goals, as determined in the 1989 Ordinance Number 90-01-001PL In the Matter of Amending the Coos County Comprehensive Plan and Coos County Zoning & Land Development Ordinance [Westbrook Application]. The modification request is still justified under that prior request.

- Goal 1 Citizen Involvement – Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Findings: The proposal is very limited but is still available to any citizen to review. This is not a plan text amendment and will have no impact on Goal 1.

- Goal 2 Land Use Planning - Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinance be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: This request aligns with Goal 2, as the County has established a land use planning process and policy framework to serve as the foundation for all decisions and actions related to land use, ensuring a robust factual basis for such decisions and actions.

The proposed change adheres to the process outlined in Chapter 5 of the Coos County Zoning and Land Development Ordinance and has been deemed compatible with the County's Comprehensive Plan. While this request doesn't necessitate a new goal exception, it does require compliance with the existing goal exception. Given that the property is dedicated to a use other than farm or forest and has undergone development over the years, staff has clarified in the background how the proposal aligns with the objectives of Industrial Zoning. Consequently, the proposal demonstrates consistency with the established goals and objectives.

- Goal 3 AGRICULTURAL LANDS - Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Findings: This property was demonstrated not to be agricultural land through the 1989 application. The impacts to the property resulting from years of development reaffirm that the property does not align with the intention or regulatory framework to qualify as agricultural lands.

- Goal 4 FOREST LANDS - This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Findings: This property lacks a site index to qualify as forest lands. While it was previously utilized for processing forest harvest, that activity has ceased. The applicant has sought an

expansion of industrial use. As a result, this property has been determined not to be inventoried as forest lands.

- Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES - Goal 5 comprehensively addresses a wide range of natural and cultural resources, including wildlife habitats and wetlands. It establishes a systematic process for the inventory and evaluation of each resource. In cases where a resource or site is deemed significant, local governments are presented with three policy choices: preserving the resource, allowing proposed uses that conflict with it, or finding a balanced approach that considers both the resource and conflicting uses.

Findings: The Goal 5 resources associated with this property are the wetlands and archaeological areas of interest. Qualifiers were initially placed on this property to address wetlands and stream protections, and it is proposed that they remain. Request for comments was extended to local tribes without receiving a response. Importantly, there are no proposed changes to the inventoried Goal 5 resources. Consequently, the proposal is in accordance with Goal 5.

- Goal 6 AIR, WATER AND LAND RESOURCES QUALITY - This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution

Findings: The proposed change in use will still have to comply with state and federal regulations. There may be permitting requirements through DOGAMI and DEQ and as a condition of approval for the conditional use application the applicant is responsible for complying with these agencies. Therefore, the plan remains compliant with Goal 6.

- Goal 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

Findings: The amendment will comply with Goal 7 through the conditional use application. Therefore, the proposal change in use will have no impact on Goal 7.

- Goal 8 RECREATION NEEDS - This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

Findings: Goal 8 is not applicable to this request.

- Goal 9 ECONOMY OF THE STATE - Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: This proposal is consistent with Goal 9 as it furthers the mission of the economic development of Coos County. Since the mill shut down there were a loss in the job market. This will help to recoup some of the lost jobs.

- Goal 10 HOUSING - This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: This proposal will have no impact on housing. Coos County updated the housing inventory in 2019 and is compliant with Goal 10.

- Goal 11 PUBLIC FACILITIES AND SERVICES - Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: This request aligns with Goal 11 – Public Facilities and Services. The proposed amendment does not necessitate changes to the adopted Public Facilities Plan, ensuring compliance with Goal 11 objectives.

- GOAL 12 TRANSPORTATION - The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

Findings: There are no need to change the 2012 transportation plan to accommodate the use. Therefore, this goal has been addressed.

- GOAL 13 ENERGY - Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: There are no proposed changes Goal 13 and the proposal does not require changed.

- GOAL 14 URBANIZATION This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: The proposal is outside the urban growth boundary and the density is not proposed to change. Therefore, the proposal is consistent.

- GOAL 15 WILLAMETTE GREENWAY Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: This Goal is not relevant to Coos County.

- GOAL 16 ESTUARINE RESOURCES This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."
- GOAL 17 COASTAL SHORELANDS The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.
- GOAL 18 BEACHES AND DUNES Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.
- GOAL 19. OCEAN RESOURCES Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: Goals 16, 17, 18 and 19 are not applicable to this request because the property the property is not mapped in the estuary, coastal shoreland boundary, or beaches and dunes area. Ocean Resources are not applicable to this request.

- **Conditional Application**

The Hearing Body Condition Use is for Aggregate processing and storage. This use will be accessory on tax lot 1000.

- **SECTION 4.3.200 ZONING TABLES FOR URBAN AND RURAL RESIDENTIAL, MIXED COMMERCIAL-RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MINOR ESTUARY AND SOUTH SLOUGH**

The table indicates the type of review process that is required. Remember that CU is an conditional use review and the letter prior explain what level of conditional use is required (A = administrative and H=Hearing)

As used in the zoning tables the following abbreviations are defined as:

- “P” permitted and requires no review from the Planning Department. No review is required but other agencies may have requirements.
- “CD” compliance determination review (permitted with standards) with clear and objective standards (Staff review usually referred to as Type I process or ministerial action). These uses are subject to development standards in sections 4.3.22, 4.3.230 and notices requesting comments may be provided to other agencies as result. The process takes a minimum of 30 days to complete. Industrial zones may require additional review. All structures and uses shall meet the applicable Development and Siting Criteria or Special Development Considerations and Overlays for the zoning district in which the structure will be sited.
- “ACU” Administrative Conditional Use (Planning Director’s Decision usually referred to as a Type II Process)
- “HBCU” Hearing Body Conditional Use (Planning Commission, Board of Commissioner or Hearings Officer Decision usually referred to as a Type III Process)
- “PLA” Property Line Adjustments subject to standards found in Chapter 6.
- “P”, “SUB”, “PUD” = Partition, Subdivision, Planned Unit Development that require Land Division Applications subject to standards found in Chapter 6.
- The “Subject To” column identifies any specific provisions of Section 4.3.210 to which the use is subject.
- “N” means the use is not allowed.

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 4.3.210 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Section 4.3.225 General Siting Standards apply to all regulated Uses, Developments, or Activities, but these are clear and objective standards that do not, in themselves, require a land use notice. Section 4.3.230 Specific Standards list specific siting standards by zones and 4.2.200 Additional Conditional Use Review and Standards for table 4.3.200 contains any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as requiring.

#	Use	Zones													Subject To		
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS	MES			
79.	Mining or Mineral Processing – geo-thermal, aggregate, other mineral or subsurface resources																
	b. Aggregate	N	N	N	N	N	N	N	N	HBCU	HBCU	HBCU	N	N	N		(58)

(58) Mining or Mineral Processing –This category includes geo-thermal, aggregate, other mineral or subsurface resources. This may include stock piles.

SECTION 4.3.220 ADDITIONAL CONDITIONAL USE REVIEW STANDARDS for uses, development and activities listed in table 4.3.200

This section has specific criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT: ***

(6) Industrial (IND) and Airport Operations (AO)

- (a) Industrial developments within an Unincorporated Community Boundary:
 - i. shall not occupy more than 8,000 square feet of floor space in any building or combination of buildings within an Urban Unincorporated Community Boundary; or
 - ii. shall not occupy more than 4,000 square feet of floor space in any building or combination of buildings in a Rural Unincorporated Community Boundary.
- (b) Industrial development within a Urban Growth Boundary is not subject to floor square foot limitation but a notice to the city is required as described in subsection (c)(v) below.
- (c) Industrial developments on land planned and zoned for industrial uses as of January 1, 2004, located outside of an urban growth boundary when exceeding the size limits of subsections (a) above:
 - i. Location: A qualifying site must be located outside of a city Urban Growth Boundary (UGB), and may not be closer than three (3) miles from a UGB of a city containing a population of 20,000 or more.
 - ii. Building Size: Subject to building permit approval process; there shall be no limitation on the size or type of industrial buildings authorized.
 - iii. Sewer Facilities: Subject to DEQ approval, on-site sewer facilities may be allowed to serve authorized industrial development on qualifying lands, but shall be limited in size to meet only the needs of the authorized industrial use.
 - iv. Other uses not permitted: On qualifying lands, retail, commercial and non-accessory residential development is prohibited.
 - v. Notice to cities: At least 21 days prior to taking action, notice of pending industrial development (including sewer facilities serving the development) under this section shall be sent to any city within an urban growth boundary within ten (10) miles of the subject site. If the city objects to the pending development, the city and the County shall negotiate to establish conditions of approval, or changes in the development to mitigate concerns raised by the city. If the city requests conditions of approval a notice of decision will be sent to allow an opportunity for a public hearing.
- (d) The following standards apply to any land identified as an abandoned or diminished mill site regardless of current zoning:
 - i. On property outside of an Urban Growth Boundary. An “abandoned or diminished mill site” is a former or current wood products mill site that was closed after January 1, 1980, or has been operating at less than 25% of capacity since January 1, 2003, and contains, or contained, permanent buildings used in the production or manufacturing of wood products. The County shall identify and determine the boundaries of abandoned or

- diminished mill sites (the boundary may only include those areas that were improved for the processing or manufacturing of wood products).
- ii. Location: The site must be located outside of a city UGB.
- iii. Building Size: Subject to the building permit approval process; there shall be no limitations on the size or type of industrial buildings authorized for lands that qualify under this section.
- iv. Sewer facilities: Subject to DEQ approval, on-site sewer facilities, or the extension of sewer facilities from a city UGB or County urban unincorporated area, may be allowed to serve authorized industrial development on qualifying lands, but shall be limited in size to meet only needs of the authorized industrial use. The presence of the sewer facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.
- v. The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.
- vi. A permit may be approved on an abandoned or diminished mill site as defined in ORS 215.402 or 227.160 for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.
- vii. For land that on June 10, 2003, is zoned under statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732.

(e) Regionally Significant Industrial Areas – See Special Development Considerations and Overlays.

FINDING: This property is not in an Urban Growth Boundary or a Regional Significant Industrial Area; therefore, the criteria above is not applicable.

- (f) Conditional Use Review Criteria - The following criteria only apply to Use, Activity or Development identified as a conditional use in the zoning table:
 - i. COMPATIBILITY: The proposed USE, ACTIVITY OR DEVELOPMENT is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses and not potential or future uses in the surround area.****

iii. Design Standards:

1. The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;
2. Lighting: Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent Urban Residential, Rural Residential or Controlled Development district.
3. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;
4. Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and
5. Hours of operation may be required in areas predominantly surrounded by residential zones.

FINDINGS: The uses requested in this application are common industrial activities within the region. The majority of the surrounding properties are zoned industrial. The property's location outside of an urban area, coupled with the presence and preservation of the 1989 mitigation measures such as planting buffers and berms, allows these uses to coexist without causing discord or disharmony with the surrounding existing uses.

The primary use described in this application, aggregate processing, currently adheres to regular business hours and is positioned on the property to maintain physical distance from both the natural areas of the property, nearby jurisdictional waters, and the Highway 42 right-of-way. Moreover, neighboring properties are presently utilized for similar industrial activities. This further reinforces the compatibility of the proposed uses with the industrial character of the surrounding area.

Mature trees and native vegetation form a natural border around the property, creating a perimeter screening that effectively conceals the industrial activities from the Highway 42 right-of-way, Coquille River, and adjacent properties. The industrial activity adheres to required setbacks from the property's boundaries, as well as maintaining separation from the previously identified wetland/riparian area on the property. For security purposes, the property is enclosed with fencing and gated access.

Security lighting on the property is kept to a minimum and is strategically arranged to illuminate equipment parking and storage areas/structures, which are centrally located on the subject property. All structures onsite comply with the setbacks mandated by the IND zoning

designation. The landowner acknowledges that any future structures will also be subject to setback requirements.

Upon approval of this request and the issuance of an address to the property, trash service will be provided. Importantly, the current industrial operation strictly adheres to regular business hours, ensuring that it does not operate outside of the established timeframe.

Therefore, the applicant has address the criteria,

SECTION 4.3.225 GENERAL SITING STANDARDS

All new USES, ACTIVITIES and DEVELOPMENT are subject to the following siting standards:

- (1) Agricultural and Forest Covenant - Any applicant for a dwelling permit adjacent to a Forest or Exclusive Farm Zone shall sign a statement on the Compliance Determination or Zoning Clearance Letter acknowledging that: “the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner’s enjoyment of his or her property.
- (2) Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.
- (3) Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except:
 - (a) Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency.
 - (b) Where used as a temporary sales office for manufactured structures; or
 - (c) As part of an approved home occupation. [OR-92-07-012PL]
- (4) New lots or parcels - Creation of lots or parcels, unless it meets the circumstances of § 5.6.130, shall meet the street frontage, lot width, lot depth and lot size. Minimum road frontage/lot width shall be met unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:
 - (a) Minimum Street frontage should be at least 30 feet; and
 - (b) Minimum lot width and Minimum lot depth is 50 feet.Minimum parcel/lot size cannot be waived or varied unless otherwise provided by a specific zoning regulation. Tax lot creation and consolidations do not change the legally created status of a lot or parcel.
- (5) Parking - Off-street access, parking and loading requirements per Chapter VII apply.
- (6) Riparian -
 - (a) Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except:
 - i. 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.
 - ii. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - iii. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;

- iv. 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;
 - v. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - vi. 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
 - vii. 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 is not more than 100% of the size of the existing structure's "footprint".
- (b) Riparian removal within the Coastal Shoreland Boundary requires an Administrative Conditional Use application and review. See Special Development Considerations Coastal Shoreland Boundary.
 - (c) The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
- (7) Setbacks:
- (a) 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 the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements.
 - (b) Firebreak Setback - New or replacement dwellings on lots, parcels or tracts abutting the "Forest" zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak 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.
- (8) OUTDOOR STORAGE IN RESIDENTIAL ZONES (a) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use; (b) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings; (c) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed.

FINDING: The proposal does not contain any new dwellings, parcels or lots, manufacture dwellings, fences, hedges, or walls.

The subject property has served as an industrial site for nearly 30 years, with primary access facilitated through an existing shared driveway off of Highway 42 featuring an approximately 80-foot wide approach. The driveway apron and approach are paved up to the property line, beyond which the remaining driveway and access lane are surfaced with gravel. The southern property, which shares access, is under common ownership, and the approved use of that property for the industrial activities described in this application is included in the request.

Given the operational history of these properties as industrial sites and the presence of public transportation facilities serving them, the applicant is seeking a waiver from the traffic study, access analysis, and sight distance certification requirements outlined in Chapter VII. A traffic plan has been submitted with this application. While no minimum parking requirements are specified for the proposed use, the applicant is proposing two off-street parking spaces.

There will be no setback encroachment and storage requirement is not applicable as this outside of a residential area.

All development standards have been addressed.

SECTION 4.3.230 ADDITIONAL SITING STANDARDS

This section has specific siting standards and criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT: ***

- (6) *Industrial (IND) and Airport Operations (AO)* - The following siting standards apply to all USES, activities and development within the IND and AO zoning districts.
- (a) Minimum lot/parcel size –
 - i. No minimum lots size standard for this zone.
 - ii. Minimum street frontage and minimum lot width is 20 feet.
 - (b) Setback -
 - i. Front, side and rear setbacks are 5 feet from abutting properties that are zoned Controlled Development or residential zoning districts.
 - ii. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.
 - (c) Building Height - does not have any requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e. if the setback is 10 feet, the maximum building height would be 40 feet). However, spires,

towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is added. Such over height object shall not be used for advertising of any kind.

(d) Building Density or Size limits –

- i. For building or buildings located within an Unincorporated Community Boundary as adopted by the Coos County Comprehensive Plan Volume 1 Part 2 § 5.5 the following square foot requirements apply:
 1. Urban Unincorporated Community shall not exceed 60,000 square feet of floor space; or
 2. Rural Unincorporated Community shall not exceed 40,000 square feet of floor space.

(e) Design Standards:

- i. The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;
- ii. Lighting: Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent Rural Residential, Urban Residential or Controlled Development Zoning districts.
- iii. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;
- iv. Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and
- v. Hours of operation may be required in areas predominantly surrounded by residential zones.

FINDING: The subject property encompasses approximately 17.54 acres (TL 101) and 17.24 acres (TL 1000) in size, with a street frontage extending for 0.4 miles. Importantly, there are no abutting parcels zoned Controlled Development or residential, and no adjacent residential or controlled development sites exist. All structures onsite are under 35 feet in height, and there are no new structures proposed in this application.

Furthermore, the subject property is not situated within the boundaries of an unincorporated community. These standards are addressed comprehensively in Section 4.3.220, Additional Conditional Use Standards, as outlined above.

- **SECTION 3.1.450 Supplemental provisions that apply to all zoning listed in Article 3.*****

5. Accessory Uses. Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted:

- a. An accessory use may be located on the same lot, parcel or tract or on a contiguous lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principal use;
- b. The use complies with the definition of “Accessory Structure or Use” pursuant to this Ordinance;
- c. The noncontiguous lot, parcel or tract is in the “same ownership” as the lot, parcel or tract on which the principal use is located;
- d. The accessory use shall only be allowed subject to an administrative conditional use and findings that establish that the use is compatible with surrounding uses or may be made compatible through the imposition of conditions.[OR 91-05-006PL 7/10/91]

FINDING: The applicant is requesting the application of Article 3.1, Section 3.1.450(5)1 to the review process instead of Section 3.3.510. The initial consolidated application sought Conditional Use approval for TL 1000, zoned CREMP-INDS (#CR-54), through the process outlined in Article 3.3, permitting the use of this portion of the subject property for aggregate processing. However, upon further examination of the CCLZDO, it has been determined that the most appropriate path forward is the application of Section 3.1.450(5). This is because the use of TL 1000 is entirely dependent on the proposed principal use and Conditional Use approval of TL 101.

The subject property comprises two contiguous lots under common ownership, TL 101 and TL 1000. The proposed principal use, aggregate processing, will be carried out on TL 101, with a portion of TL 1000 utilized for access, circulation, and minimal aggregate storage. The use of TL 1000 is accessory to the use of TL 101.

TL 101 is zoned Q-IND, and the proposed principal use is a Conditional Use. The Conditional Use approval standards for this request have been addressed in the original application. In the context of Section 3.1.450(5)(d), the proposed use is deemed compatible with the surrounding uses, which primarily consist of existing industrial and commercial operations. While there are residential uses nearby, they are not within close proximity and are separated by natural and built buffers such as the Coquille River, Rink Creek, Highway 42, or physical distance.

Moreover, the proposed use adheres to regular business hours and is situated on the subject property in a manner that minimizes noise, light, pollution, etc. The applicant asserts that the use of TL 1000 is subordinate to the proposed use of TL 101 for the described industrial activities and is, therefore, an accessory use as defined in Section 2.1.200 of the CCZLDO. The Conditional Use approval of TL 1000 for aggregate processing, in conjunction with TL 101, aligns with the standards outlined in Section 3.1.450(5).

A. CONCLUSION:

In conclusion, the applicant has addressed the criteria to amend the Q-IND Zone and allow the property to be used for aggregate processing and storage with accessory uses to facilitate the intended purpose. The recommendation is to retain the qualifiers to ensure the proposed use remains compatible with the surrounding area. While the conditional use criteria have

been addressed, it is advisable to condition the approval on the applicant's compliance with other state or federal permitting requirements. Additionally, recording a deed covenant that articulates the use is subject to a conditional use, and specifying that tax lots 101 and 1000 are linked for planning purposes and to ensure compliance with the accessory use language, is recommended.

Attachment A - Application

Attachment B - Supplemental Application

Attachment C - 1989 Ordinance

Attachment D - Draft Ordinance 23-12-010PL



COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

**SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770**

If the fee is not included the application will not be processed

(If payment is received on line a file number is required prior to submittal)

Date Received: 12/14/2023 Receipt #: 243981 Amount: \$1,108.80 Received by: C. Carr

This application shall be filled out electronically. If you need assistance please contact staff.

Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.

The application shall include the signature of all owners of the property.

A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

A. Property Owner(s) Ron LaFranchi

Mailing address: 580 N. Central Blvd, Coquille OR 97423

Phone: 541-290-1710

Email: JoshLaFranchi@yahoo.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
28S	12W	7	C	Select	101
28S	12W	7	C	Select	1000

Tax Account Number(s):	<u>846405</u>	Zone: Select Zone	<u>Industrial</u>
Tax Account Number(s):	<u>846301</u>		<u>Industrial</u>

B. Special Districts and Services

Water Select type of Water Service Sewage Disposal Select type of Sewage System
 School Coquille Fire District Coos Forest Protective Association

C. Type of Application (s) please consult with staff to determine prior to submittal

- Administrative Conditional Use for _____
- Hearings Body Conditional Use for Aggregate Processing and Accessory Industrial Uses
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards
 - Flood
 - Landslide
 - Liquefaction
 - Erosion
 - Wildfires
- Airport Surfaces Overlay
- Variance to which standard _____

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page at the following links: [Map Information](#) Or [Account Information](#)



COOS COUNTY PLANNING DEPARTMENT
60 E. SECOND ST. COQUILLE, OR 97423 (LOCATION)
250 N. BAXTER, COQUILLE (MAILING ADDRESS)
PHONE: 541-396-7770 / EMAIL: PLANNING@CO.COOS.OR.US

Amendment/Rezone Application

Date Received: 12/14/2023 Receipt #: 243953 Received by: C. Carr

FILE NUMBERS: AM-23-007 RZ-23- 007

This application shall be filled out electronically. If you need assistance please contact staff.
Please be aware if the fees are not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

Land Owner(s) (print name): Ron LaFranchi

Mailing address: 580 N. Central Blvd, Coquille OR 97423

Phone: _____ Email: _____

Applicant(s) (print name): Dave Reed

Mailing address: PO Box 1808, Bandon OR 97411

Phone: (541) 551-0057 Email: Info@waywardrstudio.com

Type of Ownership: Single Ownership - Signed Application

Type of Use Requested: Industrial Development Rock Yard

PROPERTY - If multiple properties are part of this review please check here and attach a separate sheet with property information.

Township: 28S Range: 12W Section: 7 ¼ Section: C 1/16 Section: 0 Tax lot: 101

Township: Select Range: Select Section: Select ¼ Section: Select 1/16 Section: 0 Tax lot: _____

Tax Account Number(s): 846405 Site Address: TBD

Current Zone: Industrial Acreage: 17.54

Proposed Zone Industrial

JUSTIFICATION:

(1) The following questions will need to be answered with an explanation.

a. Will the rezone conform with the comprehensive plan?

See attached narrative.

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels

See attached narrative.

c. Will the rezone comply with other adopted plan policies and ordinances?

See attached narrative.

(2) If a Goal Exception is required please review and address this section.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledge¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO [Article 5.1](#).

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general

A local government may adopt an exception to a goal when one of the following exception process is justified:

(a) The land subject to the exception is "physically developed" to the extent that it is no longer available for uses allowed by the applicable goal;

¹ "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

- (b) The land subject to the exception is “irrevocably committed” to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A “reasons exception” addressing the following standards is met:
- (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½” x 11” paper. If proposed structures are not known then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent
 - c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initialing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or

² Property owner” means the owner of record, including a contract purchaser

provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

DR

I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

DR

I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.

DR

As the applicant(s) I acknowledge that is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.

DR

I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

Applicant(s) Original Signature



Applicant(s) Original Signature

November 15, 2023

Date

Supplemental Information regarding Sanitation:

A portable toilet facility (Sani-can) and hand washing station are located on the property for employee use and are regularly maintained by a service provider. No connection to public sewer or on-site septic system exists on the property.

Two employees are on-site during hours of operation (M-F, 8am-5pm); one employee to operate equipment (load material), and one employee to operate the weigh station.

No food or over-night accommodations are offered on-site.

The business nature of this industrial operation is transient. Patrons are on-site for short periods of time, remaining in their vehicles while material is loaded and weighed.

RECORDING REQUESTED BY:
GRANTOR:
HW3, LLC
P O Box 2767
Harbor, OR 97415

COOS COUNTY, OREGON **2014-01630**
\$61.00 **03/04/2014 02:25:19 PM**
Pgs=4

GRANTEE:
Ron LaFranchi
580 N. Central
Coquille, OR 97423



Terri L. Turi, Coos County Clerk

SEND TAX STATEMENTS TO:
Ron LaFranchi
580 N. Central
Coquille, OR 97423

AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233

AFTER RECORDING RETURN TO:
Ron LaFranchi
580 N. Central
Coquille, OR 97423

Escrow No: 360613009715-TTCOO42
28-12-07C 1000 A846301
28-12-07C 101 A846405
VL T28 R12S7C TL101/1000
Coquille, OR 97423

STATUTORY WARRANTY DEED

HW3, LLC, Grantor, conveys and warrants to

Ron LaFranchi, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

See Attached Exhibit "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$300,000.00. (See ORS 93.030)

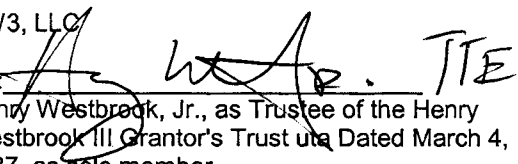
Subject to and excepting:

Taxes, covenants, conditions, restrictions, easements, rights of way, homeowners association assessments, if any, and matters now of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 3/3/14

HW3, LLC

BY:  TTE
Henry Westbrook, Jr., as Trustee of the Henry Westbrook III Grantor's Trust dated March 4, 1987, as sole member

360613009715-TTCOO42
Deed (Warranty-Statutory)

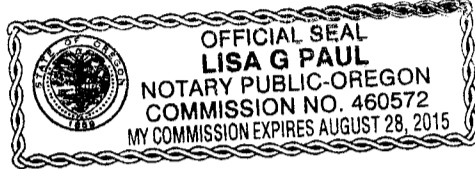
State of OREGON

COUNTY of Douglas

This instrument was acknowledged before me on March 3, 2014

by Henry Westbrook, Jr, as Trustee of the Henry Westbrook III Grantor's Trust utd dated March 4, 1987,
as Sole Member of HW3 LLC.

Lisa G. Paul, Notary Public - State of Oregon
My commission expires: Aug. 28 2015



Unofficial
Copy

EXHIBIT "A"

A parcel of land situated in Government Lot 2 of Section 7, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, particularly described as follows: Beginning at a pipe post which is 413.9 feet North 01 ° 39' West and 50.0 feet North 89 ° 16' West from the Southeast corner of the said Government Lot 2; thence North 01 ° 39' West 540.8 feet to a pipe post; thence North 89 ° 16' West 44.0 feet to a pipe post; thence North 14 ° 20' West 381.76 feet to a pipe post; thence along the North boundary of said Government Lot 2, South 88 ° 21' West 797.35 feet to the right bank of the Coquille River; thence along said right bank upstream South 09 ° 11' East 890.3 feet; thence South 89 ° 16' East and at 136.0 feet passing through a pipe post and continue the same course a distance of 808.7 feet to the place of beginning.

A parcel of land situated in Government Lot 2 of Section 7 and in Government Lot 7 of Section 18, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, particularly described as follows: Beginning at the Southeast corner of said Government Lot 2; thence along the East boundary of said Government Lot 2, North 01 ° 39' West 413.9 feet to a 3/4 inch pipe post; thence North 89 ° 16' West and at 722.7 feet passing through a 3/4 inch pipe post and continue the same course a total distance of 830.7 feet to the line of ordinary high water of the Coquille River; thence along the said line of ordinary high water upstream South 10 ° 52' East 1262.0 feet; thence North 88 ° 57' East and 88.0 feet passing through a 3/4 inch pipe post and continue the same course a total distance of 624.3 feet to the West boundary of the State Highway and a 3/4 inch pipe post; thence along the said West boundary to the North boundary of said Section 18; thence South 88 ° 08' West 114.0 feet to the place of beginning.

All that portion of Government Lot 1 of Section 7, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, lying Westerly of the relocated Highway 42, Easterly of the Coquille River and Southerly of the following described line: Beginning at the mouth of Rink Creek; thence North 58 ° (map shows 52 °) East to the intersection with the Westerly boundary of said Highway No. 42 and the end of the said line.

Beginning at the point of intersection of the North line of Government Lot 2 of Section 7, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, with the West boundary of the relocated Highway No. 42; thence South 88 ° 21' West along the North boundary of said Government Lot 2 a distance of 120 feet, more or less, to the Northeast corner of property presently owned by Westbrook Land & Timber, by instrument recorded February 25, 1977 bearing Microfilm Reel No. 77-02-02868, Records of Coos County, Oregon; thence South 14 ° 20' East 381.76 feet; thence Easterly 44 feet, more or less, to the West boundary of relocated Highway No. 42; thence Northerly along said West boundary to the point of beginning.

SAVE AND EXCEPT FROM THE ABOVE PARCELS .9 of an acre in the Southeast corner of the above described tract heretofore conveyed to W. E. Clinton and Barbara N. Clinton, his wife, as described in Deed recorded January 8, 1949 in Book 187, Page 563, Deed Records of Coos County, Oregon, described as follows: A parcel of land situated in Government Lot 7 of Section 18, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, particularly described as follows: Beginning at a 3/4 inch iron pipe post in the West boundary of the State Highway, said iron pipe post being 803.63 feet South and 19.52 feet East of the Northeast corner of Government Lot 7 of Section 18, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence South 88 ° 57' West 250.0 feet; thence North 1 ° 39' West 175.0 feet; thence North 88 ° 57' East to the West boundary of the State Highway; thence Southeasterly along said West boundary of the State Highway to the point of beginning.

ALSO EXCEPTING FROM THE ABOVE PARCELS that portion conveyed to Irvin Coy Caudill, et ux by deed recorded June 17, 1950 in Book 200, Page 509, Deed Records of Coos County, Oregon, described as follows: Beginning at the Southeast corner of Government Lot 2 of Section 7, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; running thence West along the South line of said Government Lot 2 a distance of 64 feet to the right bank of the East side of a drainage ditch; thence in a Northeasterly direction along said right bank of said ditch to the South boundary of Elmer E. Benham and Ida D. Benham land; thence

EXHIBIT "A"

(Continued)

East 18 feet, more or less, to the East line of said Government Lot 2; thence South along said East line 413.9 feet to the place of beginning.

SAVE AND EXCEPTING the right of way of the Southern Pacific Railroad

SAVE AND EXCEPT FROM ALL THE PARCELS ABOVE PARCELS any portion lying or being within public rights of way.

SAVE AND EXCEPT FROM ANY OR ALL OF THE PARCELS ABOVE that property conveyed by Property Line Adjustment Deed for HW3, LLC, recorded November 8, 2000 bearing Inst. No. 2000-11816, Records Coos County, Oregon and re-recorded November 16, 2000 bearing Inst. No: 2000-12075, Records Coos County, Oregon, being more particularly described as follows: A parcel of land located in Government Lot 7, Section 18, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron rod set on the West right of way of State Highway 42, said iron rod bears South 81 ° 55' 39" East 1342.12 feet from the Northwest corner of said Section 18; thence North 83 ° 09' 43" West 236.63 feet to a 5/8 inch iron rod; thence South 74 ° 58' 46" West 379.76 feet to a 5/8 inch iron rod; thence continuing South 74 ° 58' 46" West 93.15 feet, more or less, to the line of ordinary high water on the Easterly bank of the Coquille River; thence along the said line of ordinary high water upstream South 10 ° 52' East 599.41 feet, more or less, to the South line of that parcel of land situated in Government Lot 2 of Section 7 and in Government Lot 7 of Section 18 per Deed Instrument No. 77-02-02870; thence North 88 ° 57' East 374.3 feet to the Southwest corner of that parcel conveyed per Book 187, Page 563, recorded January 8, 1949, Deed Records, Coos County, Oregon; thence North 01 ° 39' West 175.0 feet along the West boundary of said parcel; thence North 88 ° 57' East 138.54 feet along the North boundary of said parcel to the West boundary of State Highway 42 per Highway Drawing 8B-32-8 (1964); thence North 18 ° 29' 50" East 171.65 feet along said West highway boundary; thence North 02 ° 49' 00" East 336.34 feet along said West highway boundary to the point of beginning.

EXCEPTING THEREFROM the Southern Pacific Railroad right of way.

EXCEPTING THEREFROM any submerged lands subject to claim by and through the State of Oregon.

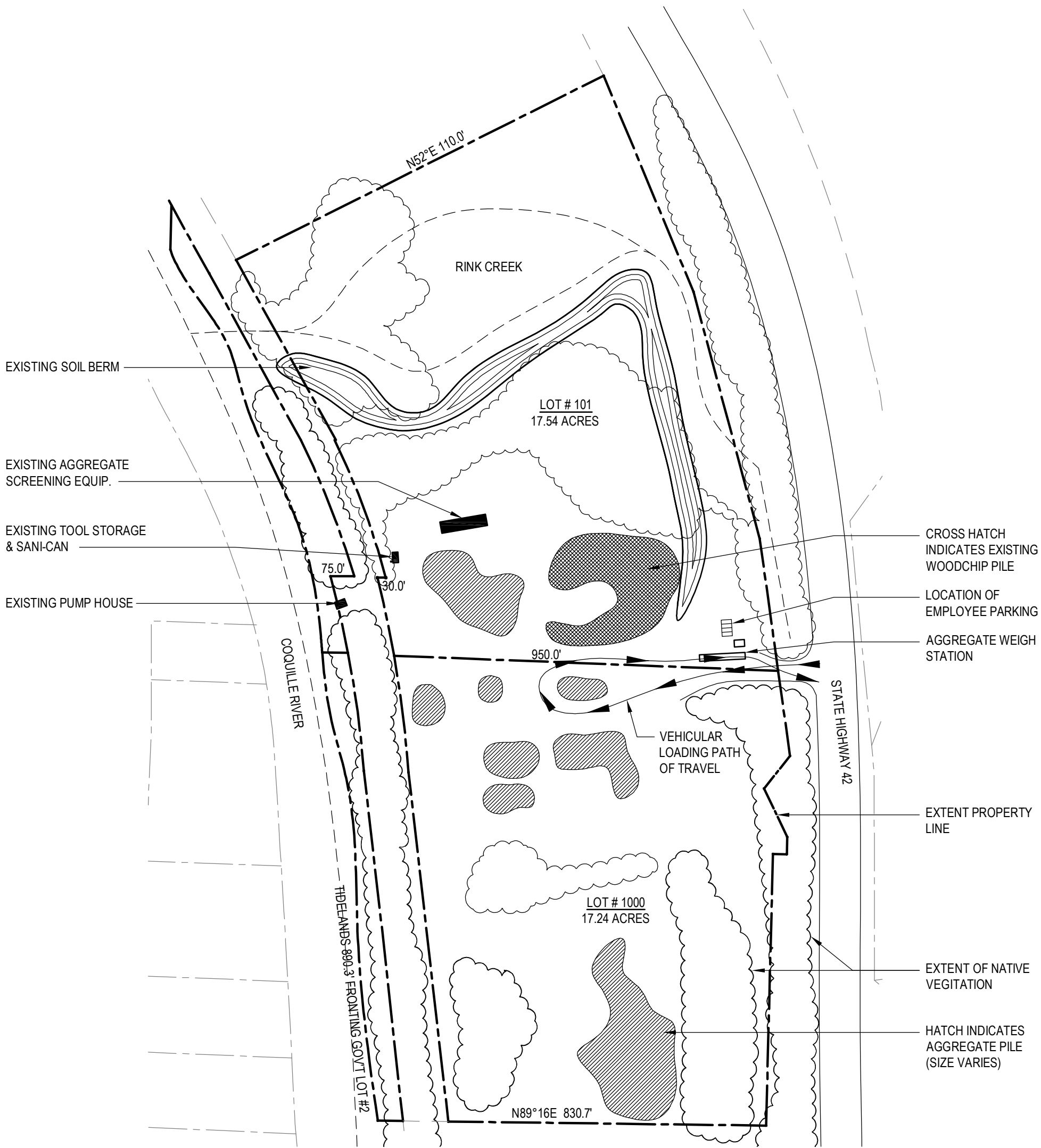
SAVE AND EXCEPT FROM ANY OR ALL OF THE ABOVE PARCELS: A parcel of land located in Government Lot 2 of Section 7 and Government Lot 7 of Section 18, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at a 5/8 inch iron rod which bears North 74 ° 31' 39" East 1341.46 feet from the Southwest corner of said Section 7; thence North 89 ° 16' West 636.59 feet to a 5/8 inch iron rod; thence continuing North 89 ° 16' West, to the ordinary high water line of the Coquille River; thence along said ordinary high water line upstream South 10 ° 52' East 662.59 feet to the Northerly line of adjusted Parcel "A" per property line adjustment deed 2000-11816, Records of Coos County, Oregon; thence along the Northerly line of said Parcel "A" North 74 ° 58' 46" East 93.15 feet, more or less, to a 5/8 inch iron rod; thence continuing North 74 ° 58' 46" East 379.76 feet to a 5/8 inch iron rod; thence South 83 ° 09' 43" East 236.63 feet to a 5/8 inch iron rod set on the West boundary of State Highway 42 per Highway Drawing 8B-32-8 (1964); thence along said West boundary North 02 ° 49' 00" East 132.94 feet to the North boundary of said Section 18; thence Westerly along said North boundary of Section 18 to a point 64.00 feet Westerly of the Southeast corner of said Government Lot 2 (said point is described as located on the right bank of the East side of a drainage ditch per Book 200, Page 509, Deed Records of Coos County, Oregon); thence in a Northeasterly direction along said right bank of said ditch 412.73 feet, more or less, to a point bearing South 89 ° 16' East 32.0 feet of the point of beginning; thence North 89 ° 16' West 32.0 feet to the point of beginning.

SAVE AND EXCEPTING THEREFROM the Southern Pacific Railroad right of way.

ALSO EXCEPTING THEREFROM any submerged lands subject to claim by and through the State of Oregon.

LAFRANCHI ROCK YARD -
EXISTING SITE & TRAFFIC PLAN

SITE DATA		
MAP AND TAX LOT: 28S12W07C		
LOT #	LOT SIZE	ZONING
101	17.54	Q-IND
1100	17.24	IND / CR#54



EXISTING SITE & TRAFFIC PLAN

SCALE : 1"=200'-0"



THE WAYWARD R STUDIO
BANDON OREGON
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Land Use Consulting - Permitting Assistance - Feasibility & Project Analysis

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Planning@co.coos.or.us

November 1, 2023

Re: Consolidated application to amend a Rezone request approved in 1989, and Hearings Body Conditional Use permit request to allow additional Industrial Uses at 28S12W07C/TL101 & 1000; property formerly known as the Westbrook Wood Products Mill and log storage yard. This application requests an amendment to an existing Industrial zone qualifier, to allow additional industrial use of a portion of the property under its current Q-Ind zoning designation, and approval of additional industrial uses on the remainder of the property zoned which is zoned CREMP-INDS.

Director Rolfe,

Please accept this document as the required narrative for an application requesting a modification to a previously approved rezone request and consolidated Conditional Use approval.



I. Request: (1) Expand TL 101's qualified zoning designation (Q-IND) to allow for additional industrial uses; **(2)** Approve a Conditional Use Permit to allow the additional industrial uses described herein, to occur on the subject property.

For the purpose of this application, "subject property" refers to the project site as a whole, including both TL 101 and TL 1000.

II. Property Description and Background: The subject property is located approximately one-half mile south of the City of Coquille Urban Growth Boundary, on the west side of Highway 42 in Coos County. The property is geographically bordered on its west by the Coquille River, and Highway 42 to its east. The western most portion of the property is transected by land owned by the Pacific Railway.

In 1989 TL 101's Comprehensive Plan (Comp Plan) and Zoning designations were amended, re-designating the property's Comp Plan designation to Industrial ("IND"), from Coquille River Estuary Management Plan – Agriculture ("CREMP-AG") (AM-89-10). At the same time, TL 101 was removed from the County's Coastal Shoreland Boundary, and was rezoned from Coquille River Estuary Management Plan – Exclusive Farm Use ("CREMP-EFU") to Industrial (IND) zoning with a qualifier ("Q-IND") specifying that the rezone approval and industrial activities permissible onsite are limited to log storage for the nearby Westbrook Wood Products timber mill (RZ-89-09). Present day TL 1000 is not specifically listed in the 1989 application but is described throughout the application as the 'nearby mill site'. It is evident in the 1989 site plans and application that use of TL 1000 was included in the original request. The zoning of TL 1000 is CREMP-Ind (Segment #CR-54). The subject property is no longer owned by Westbrook Wood Products and has been used for a variety of industrial activities upon the decline of Coos County's local timber industry and the subsequent closure of the Westbrook timber mill in the 1990's. The properties have been committed to industrial use for more than three decades.

The current landowner is the owner/operator of a local gravel pit and purchased the subject property in 2014. Unaware of the complex zoning history and limitations, the property became a processing and trade site for the property owner's local aggregate operation.

In 2022 the landowner applied for a rural address and was notified by Coos County that activities occurring on-site were in violation of the TL 101's 1989 Rezone approval. To cooperate with the County's request to comply with the applicable Comp Plan and Zone Code regulations, the landowner has filed this request.

The subject property is not an identified significant aggregate site (ORS 660-023-0180,) and is not presently, nor does the landowner intend to use either parcel for aggregate or other mineral exploration or mining. The primary activities occurring onsite are aggregate processing and compatible accessory industrial uses, including stockpiling, and wholesale trade. Aggregate is transported to the property from nearby local mining operations. A gravel screener, truck scale, and miscellaneous heavy equipment used to scoop, pile, and load gravel, are located on the subject property, as well as a small office and existing structures from the Westbrook Mill. These uses and developments are accessory to the primary use of the property as an aggregate operation.

Use of the property for these activities is consistent with the property's current "Industrial" and CREMP-

INDS Comprehensive Plan designations. No change to current Comp Plan designation is requested.

Under the property's current "Q-IND" zoning designation, use of the property is restricted to log storage. Current Coos County Industrial zoning allows for aggregate operations with an approved Conditional Use Permit. This application requests the County's original 1989 rezone approval be amended to expand the existing zone qualifier on TL 101 to include and approve the industrial activities occurring on-site (TL 101 and TL 1000).

III. Applicable Criteria and Burden of Proof:

A. Lawfully Created Unit of Land

The Coos County Planning Department confirmed that the property was lawfully created through a prior land use decision on May 24, 2023, in the required pre-application for this application (PA-23-004).

Coos County Assessor records indicate industrial assessment and use of the property since 1989.

B. Current Zoning Designations: Q- Industrial (IND) and CR-#54

A portion of the subject property's current zoning is "Q-IND" (TL 101) with the remaining property zoned CREMP-Ind (TL 1000). Industrial zoning allows for a wide range of land uses and activities; however, the County's qualifier on the subject property limits the allowed uses to only those approved in the original 1989 rezone request.

"The intent of the Industrial designation applies to sites potentially needed for industrial development. Use of the designation is not restricted to urban growth areas.

The purpose of the "IND" district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area's economy accordingly. The "IND" district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The "IND" designation is appropriate for industrial parcels that are needed for development, as consistent with the Comprehensive Plan." (CCZLDO §4.2.300)

The original rezone request was granted with specific conditions of approval to mitigate potential environmental impacts to the nearby creek, which was determined in 1989 to be a protected resource under Statewide Planning Goal 5. The County approved the 1989 request with an exception to Statewide Planning Goal 3 (Agricultural Lands) through the Goal 2 Exception process, finding at the time of original review that "wood processing facilities were generally prohibited in the County's CREMP-EFU zoning and Agriculture plan designations", and that it was not economically feasible to move the logging operation elsewhere, as the original applicant proposed. The original conditions of approval for the industrial zone qualifier on TL 101 are as follows:



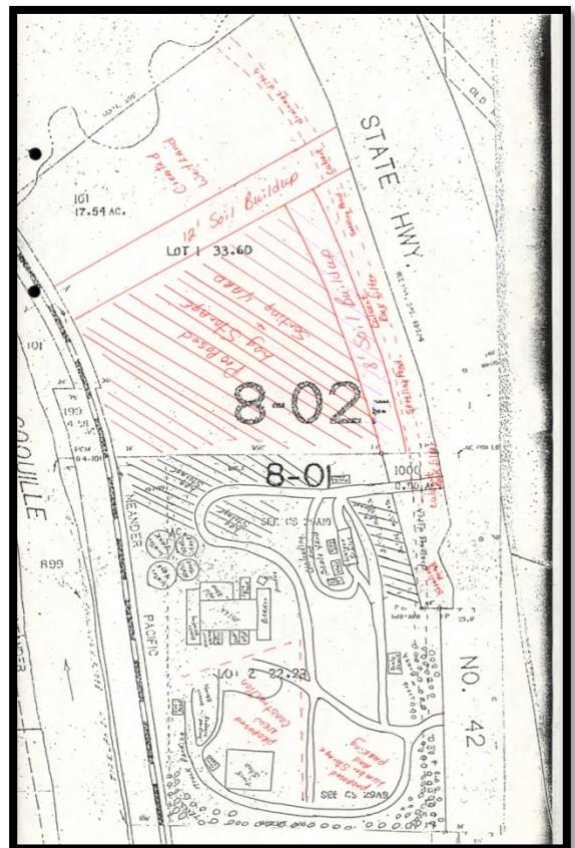
<https://www.arcgis.com/home/webmap/viewer.html?webmap=1be7dbc77f8745d78fc5f3e8e85fc05e&extent=-124.8578,42.6925,-122.6921,43.5943>, image from June, 2023)

- 1) The landfill shall be kept 200 feet south of Rink Creek;
- 2) The last several feet of the landfill shall be clean fill dirt;
- 3) A drainage ditch shall be built to the river between the landfill and Rink Creek;
- 4) A row of trees shall be planted between the landfill and Rink Creek.

No change to these existing conditions of approval is requested. The current industrial activity is located approximately 400 feet from Rink Creek. The original soil berms, spanning twelve feet in height across the center of the property, and eight feet in height along the eastern portion of the property, separating the industrial activity area from Rink Creek and the required drainage ditch, are intact. No changes to these existing improvements are proposed.



(Excerpt of "Attachment B", Applicant's Proposed Site Plan; AM-89-10/RZ-89-09)



(Applicant's 1989 Proposed Site Plan (TL 101, 900, and 1000):

AM-89-10/RZ-89-09; Proposed uses, mitigation measures, existing structures, circulation, and future proposed structures are depicted in red)

It's unclear in the 1989 application how or when the existing development (Westbrook Mill) was permitted by Coos County, but it is evident that the abutting properties (formerly TL 900 and 1000, current TL 1000) existing shared access, parking, circulation, and structures were considered in the rezone request for TL 101. Zoning, development standards, and applicable review process for TL 1000 (formerly TL 900 & 1000) is not discussed in the 1989 application but is addressed in this request.

C. Goal Exception (OAR 660-004-022, ORS 197.732)

The original rezone request was approved under a Goal 2 Reasons Exception process for Goal 3 (Agricultural Lands). The 1989 CCZLDO prohibited wood processing facilities in the CREMP-EFU zone, necessitating the property's removal from the Coos Coastal Shoreland Boundary, and its original zoning be re-designated to non-resource land. Non-farm uses on protected resource lands (farm/forest) in 1989 were significantly limited, but have since been expanded.

The current request does not require an exception to Goal 3, but the landowner wishes to maintain the qualified industrial zoning designation and the original use (log storage) approved in 1989. This request is comparable to the original Reasons Exception request, in that the landowner owns and operates a nearby mining operation, and use of the subject property for this industrial development is necessary to support the mining operation; however, operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources are now allowed uses in the abutting CREMP-EFU and CREMP-IND segments as a Conditional Use.

In addition to the steady rise in development experienced in Coos County over the last 5 years, as local transportation infrastructure ages and state and federal funding become available, the demand for aggregate has increased drastically. Many large construction companies and organizations, including Coos County and the State of Oregon, own or lease property abutting arterial transportation facilities, strategically utilizing these properties for storage of aggregate (stockpiling) so materials do not have to be hauled from long distances away to nearby construction sites. This proximity to high-traffic transportation facilities reduces the wear and tear on smaller streets and roads that are not as developed or maintained.

The subject property is especially suitable for the requested industrial use due to its large size, proximity, and established connection to Highway 42, as well as its location outside of the City of Coquille and the City of Myrtle Point's Urban Growth Boundaries. The act of screening, loading, and transporting gravel has a high likelihood to be considered a nuisance to residential development due to noise, dust pollution, and truck traffic in an urbanized area where small lots are prevalent and higher concentrations of people are more present; however, the subject property is removed from urban areas and is surrounded by other industrial properties with established, on-going industrial uses. The Coquille River and Rink Creek wetland/riparian areas serve as natural sound, as well as geographic, buffers for nearby properties.

Mining is regulated by Statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), however no exploratory mining is proposed in this request. The subject property is not an identified site of significance. The original 1989 application describes and delineates wetlands and waterways present onsite that may be under State jurisdiction, and which may have been impacted by use of the property as a mill or for log storage. The current request proposes use of the same previously approved areas of the property for stockpiles of processed aggregate (gravel). The original applicant's (1989) proposed mitigation plan, which was approved and implemented on the property, has not been altered. No changes to the existing flood control structures or drainage ways, are proposed in this application. The request to use the property for additional industrial uses, excluding exploratory aggregate mining, complies with Goal 5 (OAR 660-023-0180, ORS 215.283, ORS 215.298).

D. Coos County Zoning and Land Development Ordinance (CCZLDO)

1. ARTICLE 5.1; REZONES

SECTION 5.1.200 Rezones:

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

Applicant's Finding: A portion of this consolidated application is a request to modify a previously approved rezone, to expand the industrial uses allowed by the existing zone qualifier on TL 101.

SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

Applicant's Finding: No expansion of the geographic limits described in this application is requested by the applicant. Surrounding properties are included in the Coquille River Estuary Management Plan (CREMP) with varying industrial or farm plan designations. The subject property was designated Industrial and removed from CREMP zoning in 1989. To address compatibility with surrounding uses and the existing neighbor, CREMP zoning has been considered in this application. The current request conforms with the regulations of the both the CREMP and the general Industrial zoning regulations, ensuring compatibility with the existing and future land uses in the nearby vicinity.

SECTION 5.1.215 Zoning for Appropriate Non-farm Use:

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

Applicant's Finding: The subject property has been zoned qualified industrial for more than 30 years. Prior to the 1989 rezone approval, the property was zoned CREMP-EFU.

SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:

The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:

- a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and
- b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
- c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.

2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:

- a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
- b. The development of the site must conform to certain specified standards; or
- c. Any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood.
- ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;
- iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
- iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.

3. Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.

Applicant's Finding: This application requests modification of the 1989 rezone approval, which was a qualified rezone for the specific industrial use of the property as a log storage yard. The current landowner requests approval to use the property for additional industrial uses, primarily as a screening site, stockyard and distribution area for locally sourced aggregate. "Wholesale/Distribution" and "Aggregate Processing" are allowed uses in both the Industrial and CREMP-EFU zones.

Preservation of the 1989 zone qualifier ensures the original environmental mitigation measures are protected, which protects public interest and the surrounding properties/neighborhood by requiring extensive future public process should the landowner desire to use the property in other ways.

The existing neighborhood is comprised of other industrial properties with various industrial uses. The requested use is similar in nature and conforms to the industrial nature of the neighborhood, promoting the industrial zoning designations of the Comprehensive Plan, Estuary Management Plan, and Coos County Zoning and Land Development Ordinance. The property is well suited for the requested industrial activity because of its natural features, which are protected resources under State statute as well as local regulation. These protections and the mitigation measures applied to the property in 1989 create a regulatory buffer between the industrial activity onsite and nearby farm-residential-industrial uses.

SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

Applicant's Finding: No amendment to the Coos County zoning maps is requested or required by this application.

SECTION 5.1.240 Requirements for "Q" Qualified Classification:

Where limitations are deemed necessary, Board of Commissioners may place the property in a "Q" Qualified rezoning classification. Said "Q" Qualified Classification shall be indicated by the symbol "Q" preceding the proposed zoning designation (for example: Q C-1).

Applicant's Finding: The Coos County Board of Commissioners placed a "Q" qualified rezoning designation on the property in 1989. This application does not request removal of the zone qualifier or removal of the original conditions of approval, but seeks approval for additional qualified industrial activities to occur onsite.

SECTION 5.1.250 Permits and Applications Moratorium:

1. After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
 - a. Withdrawal of the application by the applicant;
 - b. Expiration of the County's appeal period without an appeal having been filed; or
 - c. Final order of Board of Commissioners upon hearing the appeal.

Applicant's Finding: The property owner understands that no permits will be issued to the subject property until final action has been made on this request.

2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.

The main criteria that the applicant will need to provide finding for is:

- a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and

Applicant's Finding: The subject property's Comp Plan designation was changed to "Industrial" in 1989. The uses described in this request comply with the property's industrial designation and support the industrial provisions of the County's Comprehensive Plan. No Change to the property's Comp Plan designation is requested in this application.

- b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and

Applicant's Finding: The uses described in this application are permissible in the surrounding CREMP-IND and CREMP-EFU segments. The uses are also permissible in the IND zone. Highway 42, the Coquille River, and Rink Creek act as natural and built buffers for the surrounding properties which are developed with a mixture of small residences, farmland, vacant lots, and other industrial developments. Expansion of the existing zone qualifier for the uses described in this application will not seriously interfere with permitted uses on other nearby parcels.

- c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.

Applicant's Finding: This request is not to rezone the subject property, but to expand the property's Industrial zone qualifier to allow for a limited number of additional industrial uses on the property. Approval of this request will not change the property's zoning or allow other uses of the property without future review through a public process. Expanding the zone qualifier for the uses described in this request complies with the County's other policies and ordinances.

In the case of the criteria above the Coos County Comprehensive Plan provides further guidance when considering rezones in farm and forest.

Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:

- i. That the proposed rezone would be at least as effective at conserving the resource as the existing zone,

Applicant's Finding: Approving the request as a modification of the original request preserves the County's original conditions of approval, which were required to mitigate potential negative impacts to the surrounding natural resources. These measures conserve the natural and environmental resources found onsite in 1989.

- ii. That the proposed rezone would not create a nonconforming use,

Applicant's Finding: The requested uses are allowed in the IND, and CREMP-EFU/CREMP-IND segments with Conditional Use approval. Approval of the requested uses will not create a non-conforming use.

- iii. That the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences.

Applicant's Finding: Approval of this request will not create a substantial change to the property's existing zoning designation. The property is currently zoned Q-Ind. The applicant is not requesting a change to the property's zoning designation beyond expanding the qualified industrial uses of the property.

2. CHAPTER 4; BALANCE OF COUNTY ZONES, OVERLAYS & SPECIAL CONSIDERATION; SECTION 4.3.200 ZONING TABLES FOR URBAN AND RURAL RESIDENTIAL, MIXED COMMERCIAL-RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MINOR ESTUARY AND SOUTH SLOUGH

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 4.3.210 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Section 4.3.225 General Siting Standards apply to all regulated Uses, Developments, or Activities, but these are clear and objective standards that do not, in themselves, require a land use notice. Section 4.3.230 Specific Standards list specific siting standards by zones and

4.2.200 Additional Conditional Use Review and Standards for table 4.3.200 contains any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as requiring.

Applicant's Finding: TL 101 is currently zoned IND. "Aggregate Processing" is permitted in the IND zone with a Hearings Body Conditional Use Permit, subject to general siting standards, specific siting standards, additional conditional use standards, and review standard 58. "Wholesale Trade" and uses accessory to permitted industrial uses are permitted with Compliance Determination. Discretionary review standards are discussed below.

(58) Mining or Mineral Processing –This category includes geo-thermal, aggregate, other mineral or subsurface resources. This may include stock piles.

(a) For any mineral processing other than for aggregate the following applies:

(i) All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:

1. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
2. A plot plan showing these locations will be furnished to the Watermaster.
3. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, betonies mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of betonies per gallon of water.

(ii) If artesian flows are encountered, the test hole will be:

1. Abandoned according to the following abandonment procedures: The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. Or

2. Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.

(iii) If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.

(iv) The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.

(v) In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.

(vi) Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.

Applicant's Finding: This application requests approval only for aggregate processing, the above section does not apply.

(b) The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.

Applicant's Finding: No drilling sites are proposed in this application. Drainage ditches were constructed on the subject property to accommodate the former mill site, and to comply with conditions of approval after the 1989 rezone. All potential run-off is captured by these man-made drainage ways and mitigation areas.

(c) Abandonment procedure:

(i) At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.

(ii) In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.

(iii) The County's appointed representative may require that the exploration hole be abandoned with cement grout.

Applicant's Finding: No exploration holes are proposed in this application.

SECTION 4.3.220 ADDITIONAL CONDITIONAL USE REVIEW STANDARDS for uses, development and activities listed in table 4.3.200

This section has specific criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT

f) Conditional Use Review Criteria - The following criteria only apply to Use, Activity or Development identified as a conditional uses in the zoning table:

i. COMPATIBILITY: The proposed USE, ACTIVITY OR DEVELOPMENT is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses and not potential or future uses in the surround area.

Applicant's Finding: The uses requested in this application are regionally common industrial activities. The majority of the surrounding properties are zoned industrial. The property's location outside of an urban area, and the presence/preservation of the 1989 mitigation measures (planting buffers/berms) allow the uses to exist without creating discord or disharmony with surrounding existing uses. The primary use described in this application, aggregate processing, currently does not occur outside of regular business hours and is oriented on the property to maintain physical distance from both the

natural areas of the property, nearby jurisdictional waters, and the Highway 42 right-of-way. Neighboring properties are currently used for similar industrial activities.

iii. Design Standards: allowed.

1. The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;

Applicant's Finding: Mature trees and native vegetation border the property, creating a perimeter screening that obscures sight of the industrial activities from the Highway 42 right-of-way, Coquille River, and abutting properties. The industrial activity maintains required setbacks from the property's boundary lines, as well as separation from the previously identified wetland/riparian area of the property. The property is also fenced and gated for security purposes.

2. Lighting: Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent Urban Residential, Rural Residential or Controlled Development district.

Applicant's Finding: Minimal security lighting exists on the property, it is arranged to reflect toward equipment parking and storage areas/structures which are centrally located on the subject property.

3. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;

Applicant's Finding: All structures onsite comply with the setbacks of the IND zoning designation. The land owner acknowledges that future structures are also subject to setback requirements.

4. Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and

Applicant's Finding: Trash service will be provided upon approval of this request and issuance of an address to the property.

5. Hours of operation may be required in areas predominantly surrounded by residential zones.

Applicant's Finding: The current industrial operation does not operate outside of regular business hours.

SECTION 4.3.225 GENERAL SITING STANDARDS

All new USES, ACTIVITIES and DEVELOPMENT are subject to the following siting standards:

(1) Agricultural and Forest Covenant - Any applicant for a dwelling permit adjacent to a Forest or Exclusive Farm Zone shall sign a statement on the Compliance Determination or Zoning Clearance Letter acknowledging that: "the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner's enjoyment of his or her property.

Applicant's Finding: No dwelling permit is requested in this application.

(2) Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.

Applicant's Finding: No fences, hedges, or walls are proposed in this application. The plantings and screenings that exist on the property currently comply with the vision clearance provisions of section 7.1.525.

(3) Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except:

- (a) Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency.
- (b) Where used as a temporary sales office for manufactured structures; or
- (c) As part of an approved home occupation. [OR-92-07-012PL]

Applicant's Finding: No manufactures dwellings/structures are proposed in this application.

(4) New lots or parcels - Creation of lots or parcels, unless it meets the circumstances of § 5.6.130, shall meet the street frontage, lot width, lot depth and lot size. Minimum road frontage/lot width shall be met unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:

- (a) Minimum Street frontage should be at least 30 feet; and
- (b) Minimum lot width and Minimum lot depth is 50 feet. Minimum parcel/lot size cannot be waived or varied unless otherwise provided by a specific zoning regulation. Tax lot creation and consolidations do not change the legally created status of a lot or parcel.

Applicant's Finding: No new lots or parcels are proposed in this application.

(5) Parking - Off-street access, parking and loading requirements per Chapter VII apply.

Applicant's Finding: The subject property has functioned as an industrial site for nearly 30 years. Primary access to the property is from an existing shared driveway off of Highway 42, with an approximately 80-foot wide approach. The driveway apron and approach are paved to the

property line, where the remaining driveway and access lane is surfaced with gravel. The southern property with shared access is in common ownership. Approved use of that property for the industrial activities described in this application is included in this request. Because these properties have been an operational industrial site for many years, and the public transportation facilities serving the properties already exist, the applicant requests a waiver from the traffic study, access analysis, and sight distance certification requirements of Chapter VII. A traffic plan has been submitted with this application. No minimum parking requirements are described for the proposed use, however, two off-street parking spaces are proposed.

(6) Riparian -

(a) Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except:

- i. 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.
- ii. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
- iii. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
- iv. 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;
- v. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
- vi. 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
- vii. 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 is not more than 100% of the size of the existing structure's "footprint".

Applicant's Finding: The proposed industrial activities are sited approximately 400 feet from Rink Creek, which exceeds both the 50-foot riparian buffer and the original 1989 condition of approval for a 200 foot buffer.

(b) Riparian removal within the Coastal Shoreland Boundary requires an Administrative Conditional Use application and review. See Special Development Considerations Coastal Shoreland Boundary.

Applicant's Finding: No riparian removal is proposed in this application. In addition, TL 101 was removed from the Coastal Shoreland Boundary in 1989.

(c) 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.

Applicant's Finding: The applicant agrees to maintain the 200 foot riparian buffer implemented in 1989, and agrees to this method of measurement.

(7) Setbacks:

(a) 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 the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements.

(b) Firebreak Setback - New or replacement dwellings on lots, parcels or tracts abutting the "Forest" zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak 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.

Applicant's Finding: The truck scale and office building are setback approximately 85 feet from the front property line and more than 100 feet from the Highway 42 centerline. The property owner has maintained a 30 foot firebreak inside the property, from the perimeter fence and tree line.

(8) OUTDOOR STORAGE IN RESIDENTIAL ZONES

(a) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use;

(b) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings;

(c) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed

Applicant's Findings: The subject property is not zoned residential.

SECTION 4.3.230 ADDITIONAL SITING STANDARDS

6) Industrial (IND) and Airport Operations (AO) - The following siting standards apply to all USES, activities and development within the IND and AO zoning districts.

(a) Minimum lot/parcel size –

i. No minimum lots size standard for this zone.

ii. Minimum street frontage and minimum lot width is 20 feet.

Applicant's Finding: The subject property is approximately 17.54 acres (TL 101) and 17.24 (TL 1000) in size and has 0.4 miles of street frontage.

(b) Setback -

- i. Front, side and rear setbacks are 5 feet from abutting properties that are zoned Controlled Development or residential zoning districts.
- ii. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.

Applicant's Finding: No abutting parcels are zoned Controlled Development or residential.

(c) Building Height - does not have any requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e. if the setback is 10 feet, the maximum building height would be 40 feet). However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is added. Such over height object shall not be used for advertising of any kind.

Applicant's Finding: There are no abutting residential or controlled development sites. All structures onsite are less than 35 feet in height. No new structures are proposed in this application.

(d) Building Density or Size limits –

i. For building or buildings located within an Unincorporated Community Boundary as adopted by the Coos County Comprehensive Plan Volume 1 Part 2 § 5.5 the following square foot requirements apply:

1. Urban Unincorporated Community shall not exceed 60,000 square feet of floor space; or
2. Rural Unincorporated Community shall not exceed 40,000 square feet of floor space.

Applicant's Finding: The subject property is not located within an unincorporated community boundary.

(e) Design Standards:

i. The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;

ii. Lighting: Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent Rural Residential, Urban

Residential or Controlled Development Zoning districts.

iii. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;

iv. Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and

v. Hours of operation may be required in areas predominantly surrounded by residential zones.

Applicant's Finding: These standards are addressed above in Section 4.3.220, *Additional Conditional Use Standards*.

3. CHAPTER 3; ESTUARY ZONING – CREMP-EFU and CREMP-IND

Prior to the 1989 qualified rezone, TL 101 was zoned Coquille River Estuary Management Plan (CREMP) – Exclusive Farm Use (EFU). Though the property is not currently designated CREMP-EFU zoning, discussion of the property's original zoning is relevant to this request because of the County's use of a zone qualifier in approving the 1989 request; however, the applicant requests the property's current Q-Ind zoning designation be unchanged and that the property is not reverted back to CREMP-EFU zoning.

TL 1000 is zoned CREMP-Ind. No change to TL 1000's zoning is requested in this application. This request complies with the County's Estuary and Industrial Zoning regulations.

"Shoreland Segments 45 (45-INDS), 52 (52-INDS), 54 (54-INDS) and 59 (59-INDS) shall be managed for the continuation of industrial use including development of water access if necessary."

Applicant's Finding: TL 1000 is Shoreland Segement 54 (54-INDS).

SECTION 3.3.720 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as hearings body conditional uses in the CREMP-EFU zone subject to the applicable requirements in Section 3.3.730 and applicable siting criteria set forth in this Article.

3. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298. For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in Section 3.3.700(6) must be met along with the hearings body conditional use. Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries. In addition CREMP Policies #14, #18, #19, #22, #23, and #27 may be applicable.

Applicant's Finding: This application requests approval to use the subject property for industrial activities, including the stockpiling, screening, and wholesale distribution of aggregate. No mining occurs onsite, but the operation sells greater than 5,000 cubic yards of aggregate.

Policy #14 General Policy on Uses within Rural Coastal Shorelands

Coos County shall manage its rural areas with the "Coquille River Coastal Shorelands Boundary" by allowing only the following uses in rural shoreland areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and #18:

- a. farm uses as provided in ORS 215;
- b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
- c. private and public water-dependent recreation developments;
- d. aquaculture;
- e. water-dependent commercial and industrial uses, water-related uses and other uses only upon a finding by the county that such uses satisfy a need which can not be accommodated on uplands or in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use;
- f. single family residences on lots, parcels, or units of land existing on January 1, 1977 when it is established that:
 1. the dwelling is in conjunction with a permitted farm or forest use, or
 2. the dwelling is in a documented "committed" area, or
 3. the dwelling has been justified through a goal exception, or
 4. such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
- g. any other uses, provided that the Board of Commissioners determines that such uses satisfy a need, which cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.

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

Applicant's Finding: The uses described in this request are farm uses as provided for in ORS 215. The requested uses also satisfy local development needs, and could not be reasonably relocated to an upland area without conflicting with the nature of urban/urbanizable areas. The industrial uses requested in this application do not conflict with the resource preservation and protections policies of the CCZLDO or Comp Plan.

Policy #18 Protection of "Historical, Cultural and Archaeological Sites"

Local government shall provide special protection to historic and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

- I. This strategy shall be implemented by requiring review of all development proposals involving an archaeological or historical site to determine whether the project as proposed would protect the historical and archaeological values of the site.

II. The development proposal, when submitted shall include a site development plan showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Tribe in writing, together with a copy of the site development plan. The Coquille Tribe shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the historical and archaeological values of the site, or, if not, whether the project could be modified by appropriate measure to protect those values. "Appropriate measures" may include, but shall not be limited to, the following:

- a. retaining the historic structure in-situ or moving it intact to another site; or
- b. paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe; or
- c. clustering development so as to avoid disturbing the site; or
- d. setting the site aside for non-impacting activities, such as storage; or
- e. if permitted pursuant to the substantive and procedural requirements of ORS 97.750 and 358.920, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains and re-interring the human remains at the developer's expense.
- f. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.

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

III. Upon receipt of the statement by the Tribe, or upon expiration of the Tribe's thirty (30) day response period, the local government shall conduct an administrative review of the development proposal and shall:

- a. approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this Plan, or
- b. approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe, as well as any additional measures deemed necessary by the local government to protect the historical and archaeological values of the site. If the property owner and the Tribe cannot agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the historical and archaeological values of the site;
- c. through the "overlay concept" of this policy and the Special Considerations Map, unless an Exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the historic and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.

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

Applicant's Finding: There are no historically significant structures located on the subject property. The applicant understands the County's strategy for protecting historical and archaeological sites and agrees to comply with the appropriate measures as determined by the Coquille Indian Tribe.

I. Coos County shall protect for agricultural purposes those areas defined as 'wet meadow' wetlands by the U.S. Fish and Wildlife Service but currently in agricultural use or with agricultural soils and not otherwise designated as "significant wildlife habitats" or "major marshes", unless an Exception allows otherwise. Permitted uses and activities in these areas shall include farm use and any drainage activities, which are necessary to improve agricultural production. Filling of these areas, however, shall not be permitted, so as to retain these areas as wildlife habitats during periods of seasonal flooding and high water tables, with the following exceptions:

- a. for transportation corridors where an Exception has been taken to Goal #3 (Agricultural Lands); or
- b. for agricultural buildings, where no alternative site exists on the applicant's property; or
- c. minor improvements for which there is no practical alternative; or
- d. where no fill permit is required under Section 404 of the Water Pollution Control Act; or
- e. for priority dredged material disposal sites designated by this Plan for protection from pre-emptory uses.

Any activity or use requires notification of Division of State Lands, with their comments received prior to the issuance of any permits.

II. This policy shall be implemented by designating these lands as "Agricultural Lands" on the Special Considerations Map and by making findings in response to a request for comment by the Division of State Lands, which shows whether the proposed action is consistent with the Comprehensive Plan. This strategy recognizes:

- a. that protection of these areas for agricultural use is necessary to ensure the continuation of the local agricultural economy;
- b. that improved drainage is necessary to maintain or enhance productivity by establishing preferred forage types;
- c. that the present system of agricultural use in the Coquille Valley is compatible with wildlife habitat values because the land is used for agriculture during the season when the land is dry and therefore not suitable as wetland habitat, and provides habitat areas for wildfowl during the flooding season when the land is unsuitable for most agricultural uses; and
- d. that these habitat values will be maintained provided filling is not permitted.

Applicant's Finding: TL 101 was removed from the Coos County Coastal Shoreland Boundary in 1989. All wetlands depicted on the subject property in the 2014 Local Wetlands Inventory Map have been previously mitigated. No change the the exiting mitigation areas is requested.

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

Consistent with permitted uses and activities:

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

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

- "Low Priority" designated mitigation sites are not permanently protected by the Plan. They are intended to be a supplementary inventory of potential sites that could be used at the initiative of the landowner. Pre-emptory uses shall be

allowed on these sites, otherwise consistent with uses and activities permitted by the Plan. Any change in priority rating shall require a Plan Amendment.

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

I. This policy shall be implemented by:

a. Designating "high" and "medium" priority mitigation sites in the plan inventory.

b. Implementing an administrative review process that allows uses otherwise permitted by this Plan but proposed within an area designated as a "high" or "medium" priority mitigation site only upon satisfying all of the following criteria:

1. The proposed use must not entail substantial structural or capital improvements (such as roads, permanent buildings or non-temporary water and sewer connections);

2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site (such as extensive site grading/excavation or elevation from fill); and

3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat; or

4. For proposed wetland restoration research projects in "medium" priority mitigation sites the following must be submitted:

i. A written approval of the project from Division of State Lands, and

ii. A description of the proposed research, resource enhancement, and benefits expected

c. Local government's review of and comment on state and federal waterway permit applications for dike/tidegate and drainage ditch actions.

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

Applicant's Finding: The subject property has been used as an industrial site for more than 30 years. Extensive wetland mitigation was constructed on the site at the time of qualified rezone approval in 1989. The applicant understands that the Department of State Lands (DSL) may review this request and require additional measures or improvements to the existing mitigation areas.

Policy #23 Riparian Vegetation and Streambank Protection

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

Appropriate provisions for riparian vegetation are set forth in the CCZLDO Section 4.5.180.15

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

This strategy shall be implemented by Oregon Department of Transportation (ODOT) and local government when erosion threatens roads. Otherwise, individual landowners in cooperation with the Ports of Bandon and Coquille, Coos Soil and

Water Conservation District, Watershed Council, Division of State Lands, and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the Coquille Estuary are susceptible to erosion and has threatened valuable farmland, roads and other structures.

Applicant's Finding: No impact to riparian vegetation or stream banks on the subject property is proposed.

Policy #27 Floodplain Protection within Coastal Shorelands

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

This strategy recognizes the risk of substantial loss of stock and property damage resulting from the widespread flooding of the Coquille River Valley floor which occurs during most winters.

Applicant's Finding: Both properties are located in FEMA's 100-year floodplain. Portions of the property are also impacted by the 500-year floodplain. Previously approved, existing drainage ditches, berms, and plantings have minimized seasonal flooding from the Coquille River. No change to these flood reduction measures is proposed. No new structures are proposed in this application.

SECTION 3.3.730 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY):

A use may be allowed provided the following requirements are met:

1. Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Applicant's Finding: The uses described in this application impact only the subject property and will not force a change in accepted farm or forest practices on surrounding lands developed to farm or forest use. This is ensured by the extensive buffering and setback of the industrial activities onsite from common property lines.

2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Applicant's Finding: Uses requested in this application will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

3. Siting Standards for Dwellings and Structures in the EFU Zone. The following siting criteria shall apply to all dwellings, including replacement dwellings and structures in the EFU zone.

Replacement dwellings may be sited in close proximity to the existing developed homesite. 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 agricultural lands. These criteria 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 agricultural uses, and shall be considered together with the requirements in Section 3.3.740 to identify the building site. Dwellings and structures shall be sited on the parcel so that:

- a. They have the least impact on nearby 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 agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized; and
- d. The risks associated with wildfires are minimized.

Applicant's Finding: No dwellings are proposed in this application. The structures existing onsite are physically separated from nearby residential development and other industrial development, by greater setbacks, natural (Coquille River) and built features (Highway 42, berms and ditches).

SECTION 3.3.510 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-IND.

6. Mining/mineral extraction, including dredging necessary for mineral extraction Geo- thermal or Aggregate:

- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
- b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
- c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
- d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.

Applicant's Finding: TL 1000 is zoned CREMP-IND and is designated as Segment 54. CREMP Policies #14 and #27 are addressed above.

SECTION 3.3.530 DEVELOPMENT AND USE STANDARDS.

The following are development standards for the CREMP-RC shoreland segments.

1. Minimum Lot size:

- a. Refer to CREMP lot size Special Consideration Map.
- b. The dimension requirements must be meet.

Applicant's Finding: TL 1000 is not delineated in the CREMP lot size Special Consideration Map. No minimum lot size requirements are listed for Industrial zoned property.

2. Minimum Street frontage and minimum lot width is 20 feet.

Applicant's Finding: The subject property's combined street frontage is more than 0.4 miles. The average lot width is more than 800 feet.

3. Front setback is 20 feet.

Applicant's Finding: All structures other than the perimeter security fence and gate, are setback at least 20 feet from the front (Highway 42) property line.

4. Building height does not have any requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e. if the setback is 10, the maximum building height would be 40 feet). However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is thereby added. Such over height object shall not be used for advertising of any kind.

Applicant's Finding: No new buildings or structures are proposed in this application. All existing structures are less than 35 feet in height. The property is not bordered by residential or controlled development zoned land.

5. Access and parking is regulated in chapter VII.

Applicant's Finding: Access and parking is addressed in the attached traffic plan.

6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine 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.

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 streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.

e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways. Or

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.

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.

Applicant's Finding: No removal of riparian vegetation or protective structures is proposed in this request.

IV. Summary

The subject property is suitable for the limited industrial land uses described in this request, which complies, or can be further conditioned to comply, with all applicable approval standards listed in the CCZLDO, Coos County Comprehensive Plan, and Oregon Statute. Approval of these requests, (1) expansion of the subject property's zone qualifier and (2) Conditional Use approval, will allow the property to continue serving the industrial land use needs of Coos County, while protecting the property's natural resources and promoting the goals of the Statewide Planning system.



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January 25, 2024

Re: Application AM/RZ #23-007 -Supplemental – Accessory Use

Director Rolfe,

This document is provided at your direction as an addendum to Application AM/RZ-23-007; a consolidated request to modify a 1989 rezone decision, to allow additional industrial activities on property zoned Q-IND and CREMP-INDS in Coquille, Oregon.

The applicant requests Article 3.1, Section 3.1.450(5)¹ be applied to the review process, rather than Section 3.3.510. The original consolidated application requests Conditional Use approval for TL 1000, zoned CREMP-INDS (#CR-54), through the process prescribed by Article 3.3, to allow use of this portion of the subject property for aggregate processing. Upon further review of the CCLZDO, application of Section 3.1.450(5) is the most appropriate path forward, as use of TL 1000 is wholly dependent on the proposed principal use and Conditional Use approval of TL 101.

The subject property consists of two contiguous lots in common ownership, TL 101 and TL 1000. The proposed principal use, aggregate processing, will occur on TL 101 with a portion of TL 1000 used for access, circulation, and minimal aggregate storage. Use of TL 1000 is accessory to the use of TL 101.

¹ Section 3.1.450

(5) Accessory Uses. Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted:

- a. An accessory use may be located on the same lot, parcel or tract or on a contiguous lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principal use;
- b. The use complies with the definition of "Accessory Structure or Use" pursuant to this Ordinance;
- c. The noncontiguous lot, parcel or tract is in the "same ownership" as the lot, parcel or tract on which the principal use is located;
- d. The accessory use shall only be allowed subject to an administrative conditional use and findings that establish that the use is compatible with surrounding uses or may be made compatible through the imposition of conditions.[OR 91-05-006PL 7/10/91]

TL 101 is zoned Q-IND, the proposed principal use is a Conditional Use. Conditional Use approval standards for this request are addressed in the original application.

For the scope of Section 3.1.450(5)(d), the proposed use is compatible with the surrounding uses, which are comprised of existing industrial and commercial operations. Residential uses nearby, but not within close proximity, are separated by natural and built buffers (the Coquille River, Rink Creek, Highway 42, or physical distance). The proposed use does not occur outside of regular business hours and is oriented on the subject property to minimize noise, light, pollution, etc.

The applicant finds that use of TL 1000 is subordinate to the proposed use of TL 101 for the described industrial activities, and as such, is an accessory use as defined in Section 2.1.200 of the CCZLDO. Conditional Use approval of TL 1000 for aggregate processing, in conjunction with TL 101, complies with the standards set forth in Section 3.1.450(5).

Respectfully,

Megan Lawrence
Land Use Consultant

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BOARD OF COMMISSIONERS

COUNTY OF COOS

STATE OF OREGON

In the Matter of Amending the)
Coos County Comprehensive Plan) ORDINANCE
and Coos County Zoning & Land) 90-01-001PL
Development Ordinance)
[Westbrook Application])

The Board of Commissioners for the County of Coos ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as "Coos County Ordinance No. 90-01-001PL".

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the provisions of ORS 203.035 and ORS Chapter 215.

SECTION 3. PURPOSE

Westbrook Land and Timber Co., owner of the subject property described below, filed an application (AM-89-10/RZ-89-09) seeking redesignation of the subject property to "Industrial" by both the Comprehensive Plan and Zoning & Land Development Ordinance.

The purpose of this Ordinance is to respond to the Westbrook application by amending the Coos County Comprehensive Plan (CCCP) and Coos County Zoning & Land Development Ordinance (CCZLDO) to enable consideration of expanding mill operations from an adjacent parcel to the subject property described below. More specifically, the purpose of this Ordinance is to amend the CCCP

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2 by removing the subject property from lands designated within the
3 Goal 17 Coastal Shorelands Boundary (CSB) and also by
4 redesignating the subject property as "Industrial" on the
5 Comprehensive Plan land use map. The purpose of this Ordinance
6 is also to make corresponding amendments to the CCZLDO, as set
7 forth in Section 5, below.

8
9 Therefore, the purpose of this Ordinance is to amend Volume
10 I and Volume III of the acknowledged Coos County Comprehensive
11 Plan; this Ordinance thus amends Coos County Ordinance 82-12-
12 022L, and amendments thereto, which adopts Volume I and Volume
13 III of the Coos County Comprehensive Plan. The purpose of this
14 Ordinance is to also amend Coos County Ordinance 85-03-004L and
15 amendments thereto, which is the Coos County Zoning & Land
16 Development Ordinance that implements Volume I and Volume III of
17 the Coos County Comprehensive Plan.

18
19 The subject property is currently designated "Coquille River
20 Estuary Management Plan - Agriculture" and "Coquille River
21 Estuary Management Plan-Exclusive Farm Use" by the Coos County
22 Comprehensive Plan and Coos County Zoning & Land Development
23 Ordinance respectively.

24
25 These amendments are necessary to allow expansion of mill
26 operations on the subject property. The subject property is
27 described as T.28, R.12, S.7C, Tax Lot 101 less that portion of
28 Tax Lot 101 which lies west of the Southern Pacific Railroad
tracks.

The parent parcel contains 17.54 acres where the subject
property contains approximately 16 acres. See property location
map at Attachment "A" which is attached hereto and incorporated
herein.

19 SECTION 4. FINDINGS

20
21 The review criteria for the proposed action are set forth at
22 Exhibit "A", attached hereto and incorporated herein by this
23 reference, together with the findings of fact and a conclusion
24 that the criteria have been satisfied. The Board of
25 Commissioners hereby adopts the findings and conclusions set
26 forth at Exhibit "A".

25 SECTION 5. AMENDMENTS TO THE COOS COUNTY COMPREHENSIVE
26 PLAN AND TO THE COOS COUNTY ZONING & LAND
27 DEVELOPMENT ORDINANCE

28 Ordinance 82-12-022L and amendments thereto adopting Volume
I and Volume III of the Coos County Comprehensive Plan, and the

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County and declares an emergency exists, and this Ordinance shall be in full force and effect upon its passage.

ADOPTED this 28th day of February, 1990.

BOARD OF COMMISSIONERS

Doc Stevenson
Commissioner

Gash P. Beebe
Commissioner

Absent
Commissioner

ATTEST:

Rhonda Abbey
Recording Secretary

APPROVED AS TO FORM:

David R. Rio

SIGNED this 28th day of February, 1990.

1st Reading: February 14, 1990

2nd Reading: February 28, 1990

Emergency Adoption: Yes

Effective Date: February 28, 1990

EXHIBIT "A"

I. BACKGROUND

The subject property is located a half mile south of Coquille and adjacent to State Highway 42. (See Vicinity Map, Attachment "A").

The subject property contains approximately 16 acres and is described as Township 28, Range 12, Section 7C, Tax Lot 101 less that portion west of the Southern Pacific railroad tracks. The subject property is a portion of a parent parcel which contains 17.54 acres.

The subject property is currently zoned and planned for "Coquille River Estuary Management Plan (CREMP) - Exclusive Farm Use (EFU)" and "Coquille River Estuary Management Plan Agriculture" respectively. The subject property is being used for grazing at the present time.

On November 3, 1989 Westbrook Land and Timber Co. submitted an application to amend the Comprehensive Plan and implementing ordinance to "Industrial" plan and ordinance designations. This action would be predicated upon removing the subject property from the Coquille River Coastal Shorelands Boundary (CSB) and taking an exception to LCDC Goal 3.

II. REVIEW CRITERIA

A. LCDC criteria set forth at Statewide Planning Goal 17, Coastal Shorelands, are pertinent in considering an amendment to the planning and zoning designation of the subject property within "CREMP-Agriculture" and "CREMP - EFU", respectively.

The Goal 17 criteria for the identification of Coastal Shorelands are:

"Lands contiguous with the ocean, estuaries, and coastal lakes shall be identified as coastal shorelands. The extent of shorelands shall include at least:

1. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or a coastal lake;

2. Adjacent areas of geologic instability where the geologic instability is related to or will impact a coastal water body;
3. Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;
4. Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
5. Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
6. Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas; and
7. Coastal headlands."

The subject property is not subject to ocean flooding. Based on the Environmental Geology of Western Coos & Douglas Counties, Bulletin 87, "the only hazard noted is flooding which has known to occur in the past" on the subject property. The "land use potential is excellent to good in areas of minimal hazards" for the subject property. Riparian resources are not a concern here since the subject property is not within 50' of the Coquille River. Rink Creek which intersects the subject property at the northern end is not involved in the proposal, although it is part of the subject property. (See Site Plan, Attachment "B")

According to the U.S. Fish & Wildlife Service a wet meadow exists on the subject property. (See Attachment "C") A site visit by the Division of State Lands (DSL) concluded:

"Based on my observations, the primary value of the site is for flood storage which can be mitigated by proper design of the fill and excavation from the adjacent floodplain if there is no practicable alternative to filling the wetland portion of the site. There were no observed unique or highly significant wetland

functions or values of the site." (See DSL Letter Attachment "D")

Because the subject property is not adjacent to the Coquille River, the area cannot be designated for water-dependent and water-related uses. Based on the subject property's location coastal water or riparian resources cannot be utilized. For the same reason, navigation and port facilities are not feasible.

The air photo indicates there are no coastal headlands nor any "areas of exceptional, aesthetic or scenic quality" near the subject property.

For all the reasons set forth above, the subject property does not satisfy the criteria set forth by Goal 17; therefore the subject property can justifiably be situated outside the Coastal Shorelands Boundary. Because the analysis here includes only the subject property, the CSB should be situated at the western border of the subject property. This is subject to change at some future date with analysis of the remainder of the parent parcel.

B. Exception requirements are outlined at OAR 660-04-020(2) and 660-04-022(3). These requirements coincide with the four factors set forth in Goal 2, Part II(c) of the Statewide Planning Goals. Each of the factors is addressed separately below.

1. 660-04-020(a): "Reasons justify why the State policy should not apply" and

660-04-022(3)(c) (For Rural Industrial uses,) "the use would have significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands."

[NOTE: Compliance with 660-04-022(3)(c) is necessary to establish compliance with 660-04-020(2)(a)]

Current operations at Westbrook's adjacent mill consist of a green veneer mill, a log chipping facility, and a log sorting yard. Additional land is required in order to expand the present facility. In this case, expansion can occur only if adjacent property is rezoned from "Exclusive Farm Use (EFU)" to "Industrial". This is predicated by the removal of the Coastal Shorelands Boundary. It is simply not economical to locate the facility to another site.

The proposed expansion includes approximately 16 acres of Tax Lot 101. The remaining acreage will be left as "CREMP - EFU" land.

In addition, Westbrook has indicated that:

"Our expansion plans include a larger more efficient chipping facility and a sawmill with planing facilities...The only feasible location for these improvements lies at the south end of our property between the existing truck shop and the chip bins. This area now serves as log storage space.

Approval of our zone change would enable us to shift the entire log storage and sorting operation in a northerly direction providing space at the south end...Currently Westbrook Wood Products employs approximately 200 people in its Coos County operations. Not only would our expansion plans increase this number but would serve to utilize a natural resource to its fullest extent." (Attachment "F")

Coos County concurs that Westbrook has good reasons to expand the present facility and that the proposed plan amendment and rezone would have significant comparative advantage due to its location adjacent to an existing industrial facility.

The proposed expansion is also consistent with the objectives of Goal 9, which is "(to) diversify and improve the economy of the state." Coos County is characterized by chronic unemployment. The expansion of Westbrook operations will improve the economy of the area. Also, the expansion of the existing industrial facility onto an adjacent site is encouraged by Goal 13 (Energy Conservation). The expansion cannot occur within an urban growth boundary for reasons set forth below, and does not represent a Goal 14 conflict.

For all the reasons set forth above, the proposed action is consistent with the requirements of OAR 660-04-020(2)(a) and 660-04-022(3)(c); that is, there are good reasons why the State policy set forth at LCDC Goal 3 should not apply to the subject property.

2. 660-04-020(2)(b) "Areas which do not require a new exception cannot reasonably accommodate the use."

The Coos County Zoning & Land Development Ordinance generally prohibits wood processing facilities in the EFU zone. This proposal seeks to amend the comprehensive plan and rezone a portion of the subject EFU property to IND to allow for the

expansion of an existing industrial facility located adjacent to the subject site.

"Alternatives" do exist. One alternative is to expand the facility to an off-site location. The other alternative would be to construct an entirely new facility at a larger location already zoned IND. However, neither alternative is realistic. The proximity of the mechanical processing equipment enhances the efficient movement of materials. With the initial investment in ground improvements and equipment at the present site, it is not economically practical to relocate this mill. The proposed additional land could be incorporated into the present operation with minimal expense.

For all the reasons set forth above, the expansion onto adjacent TL 101 remains the only feasible option for expanding the existing facility. No practical alternative areas exist whereby the expansion could occur without an exception or increased impacts. OAR 660-04-020(2)(b) is satisfied.

3. 660-04-020(2)(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts, are not significantly more adverse than would typically result from the proposal being located in other areas requiring a goal exception."

No adverse impacts are anticipated. Based on observations by DSL (Attachment "D") "the primary value of the site is for flood storage which can be mitigated..." The Site Plan submitted by Westbrook Wood Products indicates soil buildups, or dikes, to create a wetland area which will also be used for flood storage. (Site Plan "Attachment B") Dikes are indicated on two sides of the property for flood control. Special authorization for dikes is required in accordance with the County floodplain regulations set forth in the Coos County Zoning & Land Development Ordinance.

The expansion will not require the relocation of any dwellings, businesses, roadways, or public facilities. The area to be utilized is contiguous to property currently used for industrial purposes thereby making the proposal consistent with surrounding uses. The only social impacts are expected to be positive as the potential for newly created jobs will be beneficial to the area.

Energy impacts will be minimized by expanding adjacent to the existing facility. This is the most economical alternative to providing additional space for the existing facility.

For all the reasons set forth above, OAR 660-04-020(2)(c) is deemed satisfied.

4. 660-04-020(2)(d): "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

Adjacent property will continue to be primarily industrial, residential and resource in nature. The existing facility is in close proximity to residential and resource lands with no negative impacts to these lands. The proposed plan amendment and rezone from "CREMP-EFU" to "IND" and the expansion of the existing facility at this site will similarly not produce negative impacts. There have been no concerns raised by nearby property owners.

For all the reasons set forth above, OAR 660-04-020(2)(d) is satisfied.

C. OAR 660-16-000(2) determines that the wetland area included in our subject property is a Goal 5 resource. OAR 660-16-005 identifies the conflicting use which, if allowed, could negatively impact a Goal 5 resource site, and 660-16-005(2) addresses the economic, social, environmental and energy consequences of the use. OAR 660-16-005(2) is addressed below and also at II B(3) above.

The project site includes approximately 16 acres of Tax Lot 101. The Goal 5 resource is a "wet meadow" wetland included in the National Wetlands Inventory as shown in Figure 1 of Attachment "D".

On site observations by the Division of State Lands resulted in the following:

"I have mapped the approximate area subject to the permit requirements of the Division of State Lands. Based on my observations, the primary value of the site is for flood storage which can be mitigated by proper design of the fill and excavation from the adjacent floodplain if there is no practicable alternative to filling the wetland portion of the site. There were no observed unique or highly significant wetland functions and values of the site." (Attachment "D")

The map from DSL indicates the "Approximate Wetland Area". It appears that only a portion of this designated area is included in the site plan's proposed area for industrial use. (Attachment "B") The site plan indicates soil buildup or dikes which will serve to both mitigate for the wetland loss by

creating an area for new wetlands and also for flood control for the proposed industrial use.

Expansion of the present mill operations includes plans for a more efficient chipping facility and a sawmill with planing facilities. In addition, Westbrook has indicated that:

"Many of the low grade logs we have access to contain a certain amount of merchantable wood that can best be recovered by sawing rather than peeling...Not only would our expansion plans increase this number (employees) but would serve to utilize a natural resource to its fullest extent." (Attachment "F")

The proposed project will potentially improve the economic climate of Coos County by increasing the number of employees at the Westbrook site. The applicant states in part:

"...we must expand and improve to remain competitive... we feel this zone change is vital to our very survival." (Attachment "F")

The Westbrook operation currently provides 200 jobs countywide. The increased production and processing of lumber and chips may potentially have a domino effect throughout the economy of the state.

As discussed earlier in II B (3) the proposed mitigation and expansion will not require the relocation of any dwellings, businesses, roadways or public facilities.

Energy impacts will be minimized by expanding adjacent to the existing facility. The initial investment at the present site makes it unrealistic to develop a new facility or to locate the proposed expansion other than the subject property.

For all the reasons set forth above, the proposed action is consistent with the requirements of OAR 660-16-005(2), that is, there are good reasons why Goal 5 should not apply to the subject property.

D. OAR 660-16-010(2) "allows conflicting uses fully" to Statewide Goal 5 based on the findings in II(C) above notwithstanding Coos County Comprehensive Plan Policy #4; therefore, the proposed action is consistent with the requirements of OAR 660-16-010(2).

Pursuant to OAR 660-04-018(1) "plan and zone designations must limit the uses and activities to only those uses and activities which are justified in the exception." Therefore, the proposed zone designation is "Q (Qualified) IND (Industrial)" which limits the use to any industrial expansion.

III. ULTIMATE CONCLUSION

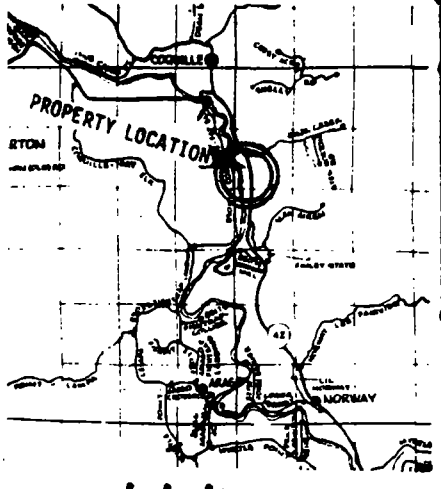
For all the reasons set forth above, the proposed plan amendment and rezone of "CREMP - EFU" land to "Q (Qualified) -IND" is found to be appropriate and justified as an exception to Goal 3 of the Statewide Planning Goals and an amendment to the Coos County Comprehensive Plan. The "Q" reflects a condition that the CCZLDO has placed on the subject property. That condition being that the industrial use is limited to the use justified above.

Other conditions imposed include the following:

- 1) The landfill shall be kept 200 feet south of Rink Creek;
- 2) The last several feet of the landfill shall be clean fill dirt;
- 3) A drainage ditch shall be built to the river between the landfill and Rink Creek;
- 4) A row of trees shall be planted between the landfill and Rink Creek.

LJB/lg

Attachments: A. Vicinity Zoning Map
 B. Site Plan
 C. Wet Meadow Map
 D. DSL Letter
 E. Air Photo
 F. Applicant's Findings



vicinity map

COOS COUNTY PLANNING COMMISSION

PUBLIC HEARING-(7:30p.m.)

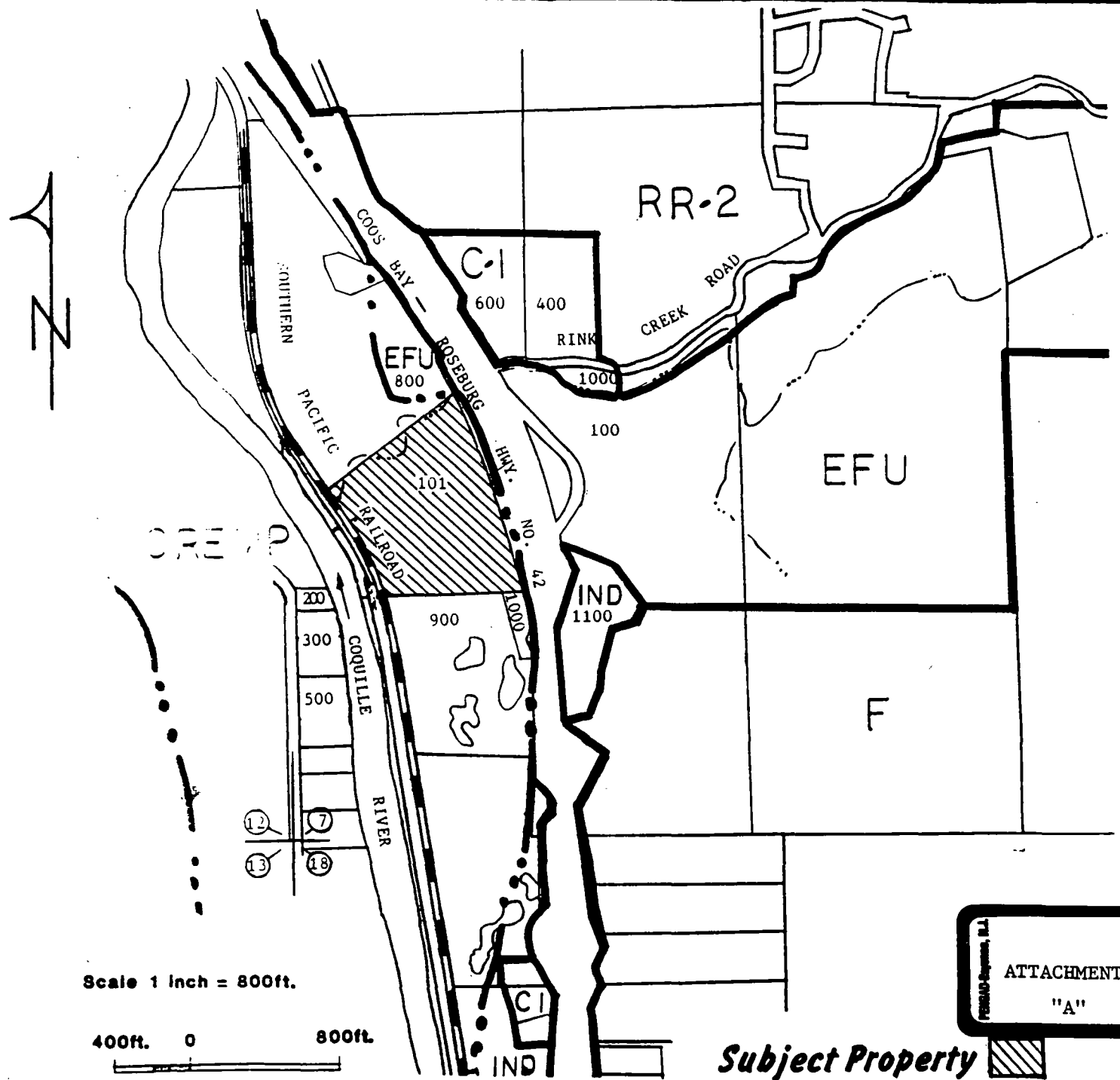
Courthouse Annex, Coquille, Oregon

file number: AM -89-10, RZ-89-09

applicant: Westbrook Land & Timber Company
P.O. Box 248
Coquille, Or. 97423

location: Township 28; Range 12; Section 07C
Taxlot #101

proposal: Zone change -CREMP/AG to Industrial



Scale 1 inch = 800ft.

400ft. 0 800ft.

ATTACHMENT
"A"

Subject Property

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In the matter of amending the Coos County
5 Comprehensive Plan designation to modify a Q-Industrial
6 Zone, incorporating additional industrial uses on the
7 property described as Township 28, Range 12, Section
8 07C, Tax Lot 101, and approving such use through a
9 Conditional Use, with accessory uses taking place on
10 Township 28, Range 12, Section 07C, Tax Lot 1000.

ORDINANCE No.: 23-12-010PL

11 SECTION 1. TITLE

12 This Ordinance shall be known as the "Coos County Ordinance No. 23-12-010PL".

13 SECTION 2. AUTHORITY

14 This ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215;

15 SECTION 3. PURPOSE

16 The purpose of this ordinance is to amend Ordinance 90-01-00 PL, which amended Ordinance
17 82-12-0221 and its subsequent amendments. These actions initially adopted Volume I and Volume III of the
18 Coos County Comprehensive Plan, including the Plan's map designation. The amendments were necessary to
19 change the plan designation of the subject property to "Industrial" and to remove the subject property from the
20 Coastal Shorelands Boundary (CSB).

21 In accordance with Section 5.1.225 of the Coos County Zoning & Land Development
22 Ordinance, the subject property is assigned a "Q" Qualified classification, imposing limitations on its use.
23 Therefore, the zoning designation is "Q-Industrial (Q-IND)," with the qualification being that the subject
24 property is restricted to the industrial use justified by this ordinance. The current amendment will expand the
25 use to include aggregate processing and storage which is justified in findings found at Attachment "A".

26 Therefore, Ordinance 85-03-0041 and amendments thereto implementing Volume I and
27 Volume III of the Coos County Comprehensive Plan are amended as necessary to change the official zoning
28 map to reflect the rezone of the subject property to "Q-Industrial".

29 SECTION 4. FINDINGS AND ORDER

1 The review criteria for the proposed action are set forth at Exhibit "A", attached hereto and
2 incorporated herein by this reference, together with the findings of fact and a conclusion
3 that the criteria have been satisfied. The Board of Commissioners hereby adopts the findings and conclusions
4 set forth at Exhibit "A"

5 SECTION 5 AMENDMENTS TO THE COOS COUNTY COMPREHENSIVE PLAN

6 Ordinance 82-12-0221 and amendments thereto adopting Volume I and Volume III of the Coos County
7 Comprehensive Plan, and the Plan's map designation described in Section 3 above, are amended as necessary to
8 change the plan designation of the subject property to "Industrial" and to remove the subject property from
9 the Coastal Shorelands Boundary (CSB).

10 Pursuant to Section 5.1.225 of the Coos County Zoning & Land Development Ordinance, the subject
11 property shall have a "Q" Qualified classification in order to place limitations on the subject property.

12 Therefore, the zoning designation is "Q Industrial (Q-IND)", and the "qualification" is that the subject property
13 is limited to the industrial use justified by this ordinance.

14 Therefore, Ordinance 85-03-0041 and amendments thereto implementing Volume I and Volume III of
15 the Coos County Comprehensive Plan are amended as necessary to change the official zoning map to reflect the
16 rezone of the subject property to "Q-Industrial".

17 SECTION 6. SEVERANCE CLAUSE

18 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or
19 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect
20 the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other
21 section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or
22 validity of the portion thereof declared to be unconstitutional or invalid, is valid.

23 SECTION 7. REPEAL OF INCONSISTENT ORDINANCES

24 Coos County Ordinances 85-12-020L, 85-03-004L and any subsequent amendments thereto are
25 repealed to the extent that they are in conflict with this ordinance. Coos County Ordinances 85-12-020L and
26 85-03-004L shall remain in full force and effect in all other respects.

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28 SECTION 8. EMERGENCY CLAUSE

29 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
30 immediate preservation and protection of the public peace, safety, health and general welfare for Coos County

1 and declares an emergency exists, and this Ordinance shall be in full force and effective upon its passage.

2 Adopted this Dated this ___ day of FEBRUARY.

BOARD OF COMMISSIONERS

3 ATTEST

4 _____
5 Recording Secretary

_____ Chair

6 Approved as to form:

7 _____
8 Office of Legal Counsel

_____ Vice Chair

9 1st Reading:

10 2nd Reading:

11 Effective Date of Adoption:

_____ Commissioner

DRAFT