



Coos County Community Development

Mailing Address: 250 N. Baxter, Coquille, Oregon
60 E. Second St., Coquille OR 97423
Planning, Building and Enforcement
Phone: 541-396-7770
Fax: 541-266-1146

www.co.coos.or.us

TDD (800) 735-2900

NOTICE OF COOS COUNTY PUBLIC LAND USE HEARINGS

Notice is hereby given that the matters below will be reviewed by the Coos County Board of Commissioners on July 11, 2024 at 1:30pm.

If you wish to testify on any of these matters the time limits will be 3 minutes except for the applicant's presentation that shall be 15 minutes unless otherwise extend by the Board of Commissioners' Chair

ITEM A – File # ACU-23-074/FP-23-012– Background

An application was submitted by Coos Soil and Water District and Oregon Department of Fish and Wildlife on December 21, 2023 (see page 12) of the original application. The first hearing notice that was provide on February 14, 2023 listed Coos Soil Water District and Oregon Department of Fish and Wildlife as the applicant. Caley Sowers, District Manager for Coos Soil and Water Conservation District contacted staff after the notice was provided stating that the applicant was actually Beaver Slough Drainage District. Therefore, in response staff updated the notice but did not verify that Beaver Slough Drainage District met the requirements as an applicant because the Board of Commissioners choose to call the matter up. Staff made suggestions that the application was deemed complete in the staff report; however, upon further review the Board of Commissioners could not accept a finding that the application was complete for the following procedural reasons:

1. SECTION 5.0.150 APPLICATION REQUIREMENTS:
 - Identify the use and the future intent of the property
 - Clarification of the Applicant
 - Compliance with Section 5.0.175
 - Application fees required to be paid

Applications for development or land use action shall be filed on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this Ordinance and be accompanied by the appropriate fee. **An application shall not be considered to have been filed until all application fees have been paid.** All applications shall include the following:

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.

The Board of Commissioners is not able to determine based on the ordinance who the applicant in this matter. If it is Beaver Slough Drainage district is the applicant then the application was not filed correctly pursuant to Section 5.0.175. Section 5.0.175 Application Made by Transportation Agencies, Utilities or

July 11, 2024 Board of Commissioners Hearing Notice

POSTED & MAILED ON: June 21, 2024

POST THROUGH: July 11, 2024

Entities and Beaver Slough Drainage District falls in this category. If the application is really submitted by the property owners, then it would comply with Section 5.0.150 as a proper Applicant.

The next issue was the fee. A fee is required to be submitted before an application is considered to be officially filed. The fee was not received until May 23, 2024. This means the 30-day deemed complete timeline started once an application is recognized as officially filed. Staff was expecting a response to the items listed by the Board of Commissioners that were missing from the application. Staff did follow up with an email after the meeting confirming the missing items. However, instead addressing the issues raised Mr. Messerle contested having to address these items; therefore, the applicant has provided a written notice that none of the missing information will be provided. Therefore, pursuant Section 5.0.200 Application Completeness, the Board has authority to accept the application and move forward with a decision.

The Applicants in this case are the property owners involved in the project include Fred Messerle & Sons, Inc., Evertt-Ona Isenhardt Ranch, Inc., Isenhardt Living Trust, Oregon Department of Fish & Wildlife, The Bridges Foundation, Oregon Department of Transportation. The application also identifies Beaver Slough Drainage District as an applicant.

This project is identified as Winter Lakes Phase III which is a restoration project. There may be many uses and activities that will be done to facilitate the restoration. The proposal is for restoration, replacement/consolidation of forty-two (42) culverts associated with tidgates, installation of over 90,000 feet of new reconstructed tidal/farm drainage channels, repair five (5) segments of failing berms, excavate deposited sediments from China Camp Creek, and installation of up to nine (9) heavy-use watering site troughs. Please note that Coquille River Estuary Plan does not allow for active restoration projects.

The project area falls within properties zoned as EFU, EFU/CREMP, and/or EFU/IND, and is situated within the FEMA floodway Zone A. The Subject Properties are identified as Map Number Township 27S, Range 13W, Section 20/21/27/28/29/33/34/35C, Tax Lots 1503/2405/400 & 500/400, 600, 700/101, 103/100, 200/800, 899/900, and Township 28S, Range 13W, Section 03, Tax Lot 100, located west and northwest of the City of Coquille off of Oregon State Highway 42 and North Bank Lane.

Criteria

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - § 3.3.710(2) – Coquille River Estuary Management Plan - Exclusive Farm Use (CREMP-EFU) Shoreland Segments - Administrative Conditional Development and Use: Drainage and Tide Gating.
 - § 3.3.710(4) - Coquille River Estuary Management Plan - Exclusive Farm Use (CREMP-EFU) Shoreland Segments - Administrative Conditional Development and Use: Mitigation - Although mitigation may be permitted, voluntary restoration not required as mitigation would require an exception.
 - § 3.3.730 – Criteria and Review Standards for Conditional Use Permits (Both Administrative & Hearings Body)
 - § 3.3.740 – Development and Use Standards
 - Chapter 3 – Coquille River Estuary Policies
 - Policy #14 – General Policy Uses within the Rural Coastal Shorelands
 - Policy #18 – Protection of Historic, Cultural, and Archaeological Sites
 - Policy #19 – Management of “Wet-Meadow” wetlands within Coastal Shorelands

- Policy #22 – Mitigation Sites: Protection against Pre-emptory Uses
 - Policy #23 – Riparian Vegetation/Streambank Protection
 - Policy #27 – Floodplain Protection within Coastal Shorelands
- 4.6.200(6) – Creation of, Restoration of, or Enhancement of Wetlands
- § 4.6.200(8) – Exclusive Farm Use – Use Table - Diking, drainage, tide-gating, fill, mitigation, non-shoreland stabilization, dredge material disposal and restoration
- § 4.11.243(4) – Duties and Responsibilities of the Floodplain Administrator – Alteration of Watercourses
- § 4.11.251 – Floodplain - General Standards – Other Development
- Chapter 5
 - § 5.0.150 Application Requirements
 - § 5.0.175 Applications Made by Transportation Agencies, Utilities, or Entities
 - § 5.0.400 Consolidated Applications
 - § 5.0.600 Board of Commissioners Review of Applications and Appeals

All hearings will be held in the Conference Room of the Owen Building, 201 N. Adams St., Coquille, Oregon. A copy of the Staff Report will be available for review at the Planning Department at least seven (7) days prior to the scheduled Board of Commissioners hearing. Copies can be obtained for a fee of \$.50 per page, viewed online @ <https://www.co.coos.or.us/community-dev/page/applications-2023> and can be viewed at the Planning Department at any time during regular business hours 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. with an appointment.

These hearings are open to the public and testimony, evidence, or comments may be submitted either orally or in writing. The Board of Commissioners would appreciate any written materials be submitted 10 days prior to the hearing date (**by July 1, 2024**), testimony can be emailed to planning@co.coos.or.us, mailed to the Planning Department, 250 N. Baxter, Coquille, Oregon 97423, or delivered to 60 E. Second, Coquille, Oregon. Please include your signature, printed name and mailing address. All written comments or evidence received prior to the close of the evidentiary record will be included in the evidentiary record.

Anyone entering a signed petition(s) into the record is responsible for providing individual notice to the signee(s) of the petition(s). Please be aware that failure to raise an issue prior to the close of the evidentiary record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue. An appeal of a Hearings Body decision shall be made pursuant to Article 5.8 of the CCZLDO.

Further explanation concerning any information contained in this notice can be obtained by contacting the Planning Staff members at (541) 396-7770, or by visiting the Planning Department Website. This notice was posted and mailed.

These meeting may be attended in person or virtually.

GoToMeeting Information

Board of Commissioners Hearing

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/964495293>

You can also dial in using your phone.

Access Code: 964-495-293 United States: [+1 \(571\) 317-3122](tel:+15713173122)

Please email the department at least 24 hours in advance to attend the meeting. This signup sheet will be required to provide comments or testimony.

Please log onto the GoToMeeting Platform at least 10 minutes prior to the start of the meeting to ensure that if there are any technical issues they can be worked through. If you are experiencing technical issues, please email planning@co.coos.or.us and staff will try to assist you through the issues.



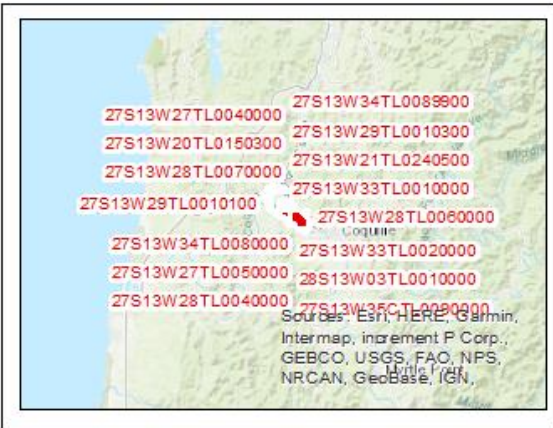
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File: ACU-23-074/FP-23-012

Applicant/ Owner: Oregon Department of Fish & Wildlife/ Coos Soil & Water Conservation District/ Various

Date: February 13, 2024

Location: Various

Proposal: Conditional Use/Floodplain Review

