

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".

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1 SECTION 4. FINDINGS AND ORDER

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

6 SECTION 5. AMENDMENTS TO THE COOS COUNTY COMPREHENSIVE PLAN

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

11 Pursuant to Section 5.1.225 of the Coos County Zoning & Land Development Ordinance, the subject
12 property shall have a "Q" Qualified classification in order to place limitations on the subject property.
13 Therefore, the zoning designation is "Q Industrial (Q-IND)", and the "qualification" is that the subject property
14 is limited to the industrial use justified by this ordinance.

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

18 SECTION 6. SEVERANCE CLAUSE

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

24 SECTION 7. REPEAL OF INCONSISTENT ORDINANCES

25 Coos County Ordinances 85-12-020L, 85-03-004L and any subsequent amendments thereto are
26 repealed to the extent that they are in conflict with this ordinance. Coos County Ordinances 85-12-020L and
27 85-03-004L shall remain in full force and effect in all other respects.

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.

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5 Adopted this Dated this 20th day of FEBRUARY.

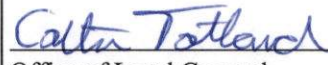
BOARD OF COMMISSIONERS

6 ATTEST

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8 
Recording Secretary


Chair

9 Approved as to form:

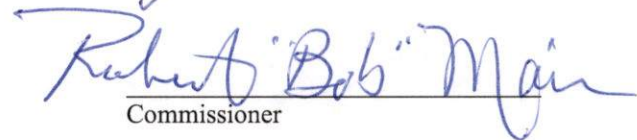
10 
Office of Legal Counsel


Vice Chair

11 1st Reading: February 1, 2024

12 2nd Reading: February 20, 2024

13 Effective Date of Adoption: February 20, 2024

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Commissioner



ATTACHMENT "A" FINDINGS OF FACT

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

FILE # AM-23-007/RZ-23-007/HBCU-23-001,
ORDINANCE NUMBER 23-12-010PL

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
Overlays: CREMP INDUSTRIAL (CR-IND) (TL 1000)

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

II FINDINGS OF FACT

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 contained the Westbrook Wood Products Plant #2. The operation shown in the 1989 aerial.



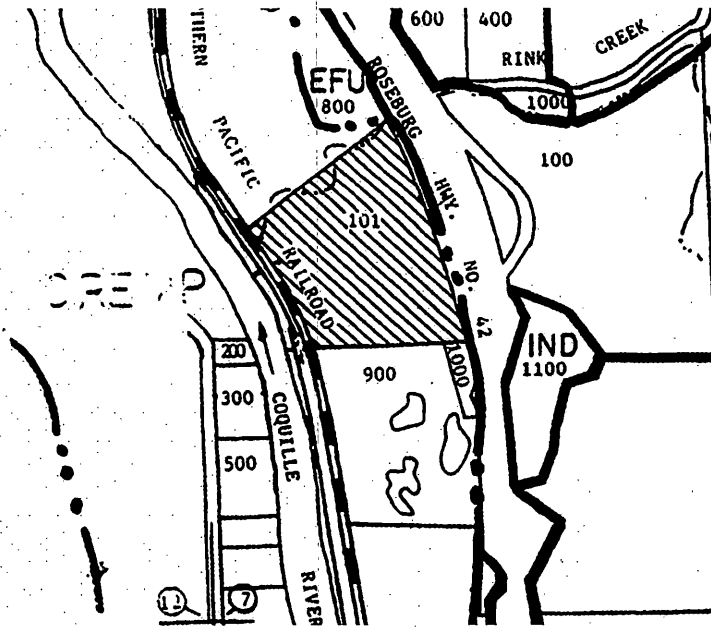
On November 18, 1986, approval was granted for a conditional use application to site an accessory industrial structure on the property on tax lot 900 (now tax lot 1000). On the same date, planning staff

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 were 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.

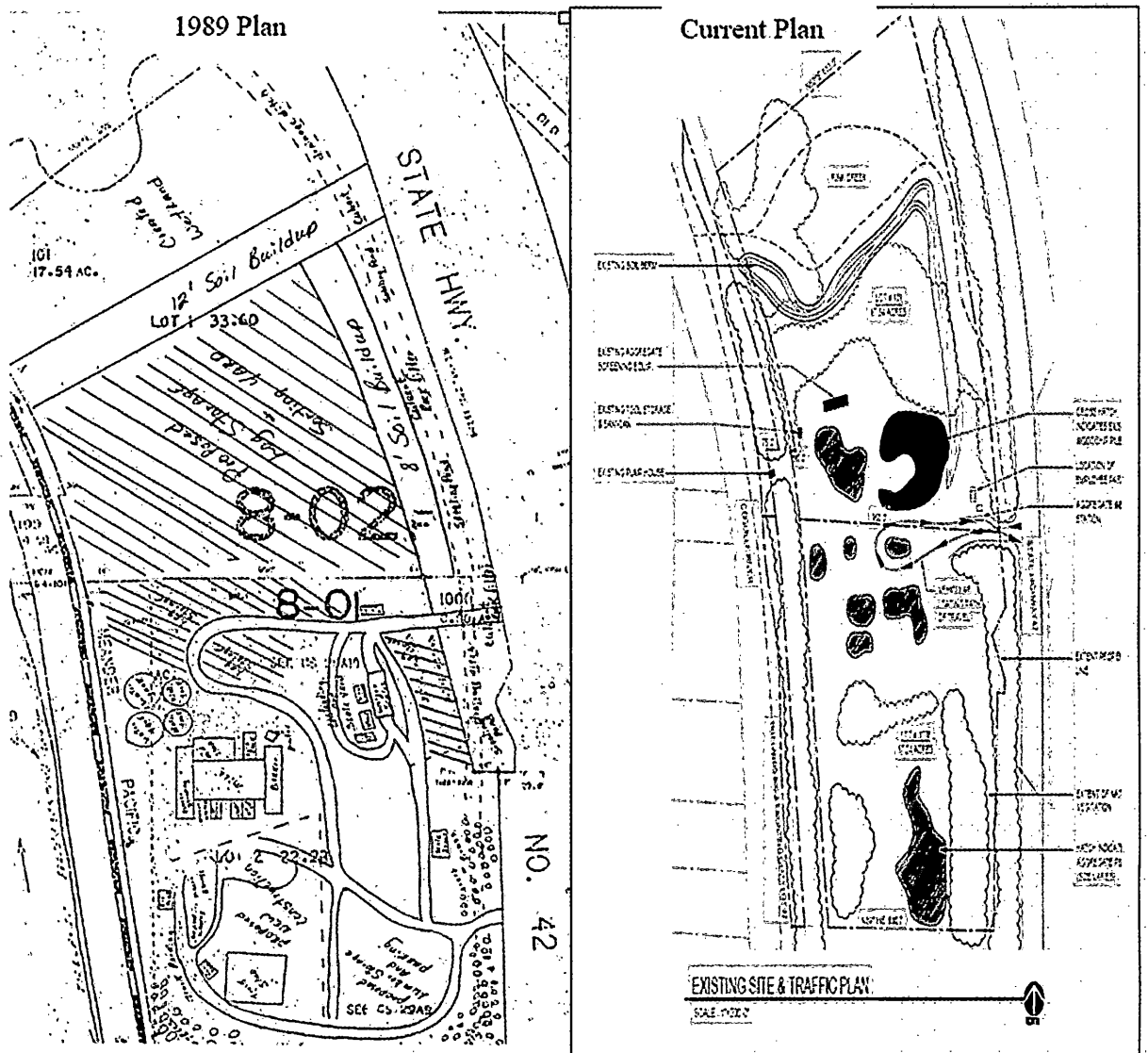
The amendments to tax lot 101 were necessary to allow expansion of mill operations on the adjacent property. The subject property is described as Township 28 Range 12 Section 7C Tax Lot 101 less that portion of Tax Lot 101 which lies west of the Southern Pacific Railroad tracks. Tax lot 101 was the subject 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 planning 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 they would also serve to utilize a natural resource to its fullest extent." This was approved through a reasons exception as it was not economically feasible to move the operation. There were conditions that went along with the qualifiers 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.



Aerial Views



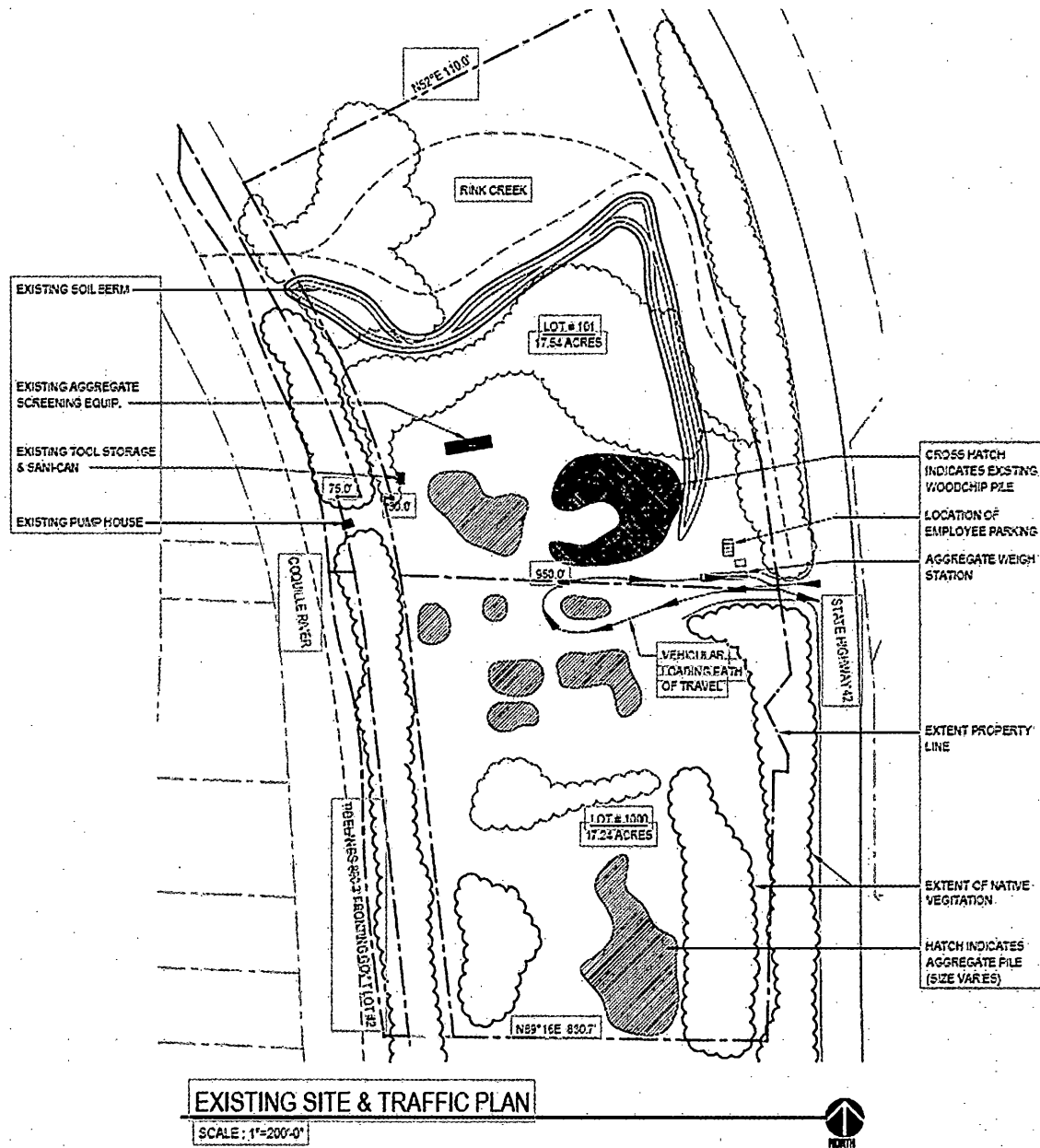
As a reminder, in 2000 property line adjustments were approved to reconfigure the property boundaries created the configuration shown in the aerial view above.

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.

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

FINDING: 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.*

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]

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.

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.

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]

FINDING: Staff has published and mailed notices as required for an amendment, rezone and the conditional use. 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]

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.

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.

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.

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.

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.

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.*

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:

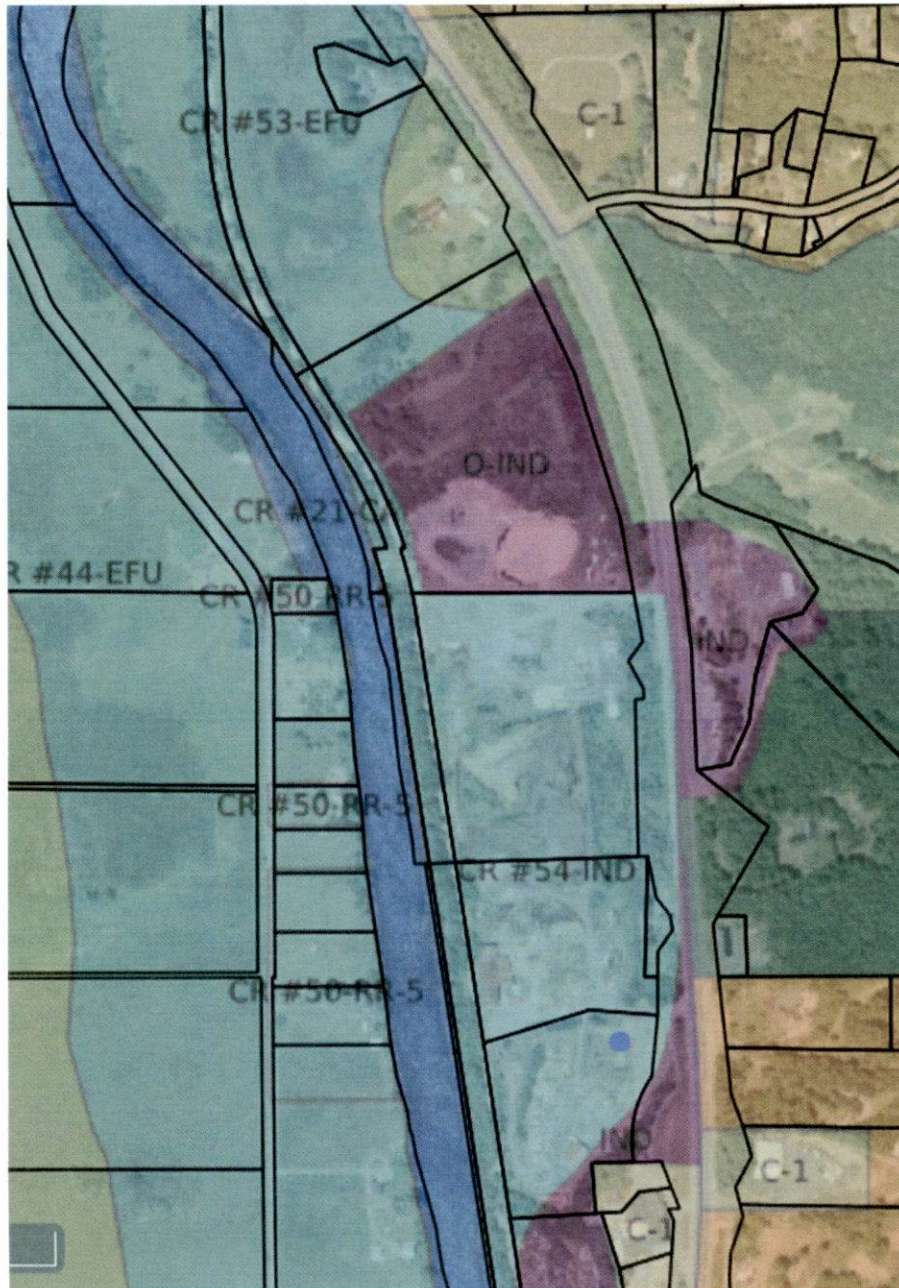
- i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
 - ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
 - iii. *Such limitations as are deemed necessary to secure 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.*

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.

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.*

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).

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.

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)

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.

FINDING: 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.

FINDING: 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.

FINDING: 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.

FINDING: 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."

FINDING: 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.

FINDING: 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

FINDING: 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.

FINDING: 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.

FINDING: 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.

FINDING: 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.

FINDING: This proposal will have no impact on housing. Coos County updated the housing inventory in 2019 and is complaint 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.

FINDING: 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."

FINDING: 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."

FINDING: 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.

FINDING: 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.

FINDING: 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.

FINDING: 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																
	a. 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.

FINDING: 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 an 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.