File Number : HBCU-23-001

# COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

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

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

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

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

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

**Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.**

## LAND INFORMATION

**A. Property Owner(s)** Ron LaFranchi

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

Phone: 541-290-1710 Email: JoshLaFranchi@yahoo.com

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

Tax Account Number(s): 846405 Zone: Select Zone Industrial

Tax Account Number(s) 846301 Industrial

**B. Special Districts and Services**

Water Select type of Water Service Sewage Disposal Select type of Sewage System

School Coquille Fire District Coos Forest Protective Association

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

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

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

D. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

☑ I. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:

1. Project summary and details including time limes.
2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).

☑ II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:

- Owner's name, address, and phone number, map and Tax lot number
- North Arrow and Scale - using standard engineering scale.
- Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
- Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
- All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
- Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.

☑ III. DEED: A copy of the current deed, including the legal description, of the subject property.

☑ IV. CERTIFICATION: I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

**PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING**

[signature] 11-21-23

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

# Amendment/Rezone Application

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

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

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

## LAND INFORMATION

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

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

Phone: _____ Email: _____

**Applicant(s)** (print name): Dave Reed

Mailing address: PO Box 1808, Bandon OR 97411

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

Type of Ownership: Single Ownership - Signed Application

Type of Use Requested: Industrial Development Rock Yard

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

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

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

Current Zone: Industrial Acreage: 17.54

Proposed Zone Industrial

JUSTIFICATION:

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

a. Will the rezone conform with the comprehensive plan?

See attached narrative.

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

See attached narrative.

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

See attached narrative.

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

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

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

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

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

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

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

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

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

REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½" x 11" paper. If proposed structures are not know then the plot plan will need to include only existing with a note that no new structures are proposed at this time;

5. If applicant is not the owner, documentation of consent of the owner, including:
    a. A description of the property;
    b. Date of consent
    c. Signature of owner
    d. Party to whom consent is given

6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners[2] must either sign or provide consistent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or

[2] Property owner" means the owner of record, including a contract purchaser

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

DR

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

DR

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

DR

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

DR

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

Applicant(s) Original Signature

Applicant(s) Original Signature

November 15, 2023

Date

Supplemental Information regarding Sanitation:

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

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

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

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

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

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

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

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

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

00004222201400016300040042

Terri L.Turi, Coos County Clerk

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

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

## STATUTORY WARRANTY DEED

HW3, LLC, Grantor, conveys and warrants to

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

See Attached Exhibit "A"

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

**Subject to and excepting:**
Taxes, covenants, conditions, restrictions, easements, rights of way, homeowners association assessments, if any, and matters now of record.

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

DATED: 3/3/14

HW3, LLC
BY: _____ TTE
Henry Westbrook, Jr., as Trustee of the Henry Westbrook III Grantor's Trust uta Dated March 4, 1987, as sole member

State of OREGON

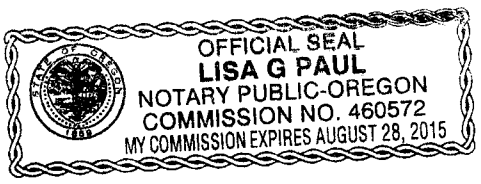
COUNTY of Douglas

This instrument was acknowledged before me on March 3, 2014

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

Lisa G. Paul, Notary Public - State of Oregon

My commission expires: Aug. 28 2015



## EXHIBIT "A"

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

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

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

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

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

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

## EXHIBIT "A"
(Continued)

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

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

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

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

EXCEPTING THEREFROM the Southern Pacific Railroad right of way.

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

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

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

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

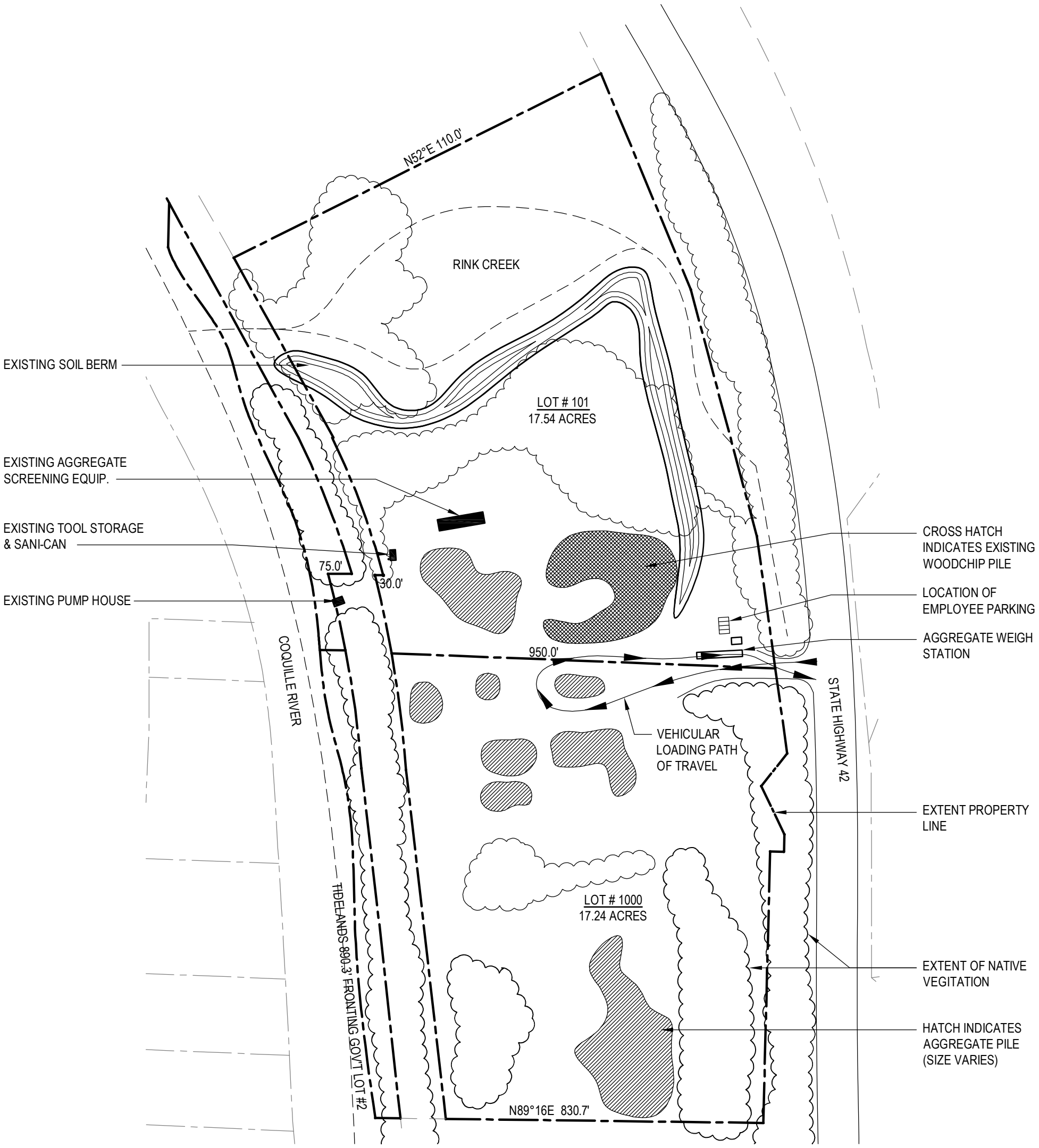
FDOR0553.rdw

# LAFRANCHI ROCK YARD -
# EXISTING SITE & TRAFFIC PLAN

SITE DATA

MAP AND TAX LOT: 28S12W07C

| LOT # | LOT SIZE | ZONING |
|---|---|---|
| 101 | 17.54 | Q-IND |
| 1100 | 17.24 | IND / CR#54 |




## EXISTING SITE & TRAFFIC PLAN

SCALE : 1"=200'-0"

NORTH


THE WAYWARD R STUDIO
BANDON OREGON
DAVID REED / 541-551-0057


11-14-23

SCCL SOUTH COAST CONSULTING LLC

P.O. Box 134
Langlois, OR 97450
T: (559)708-8899
E: info@southcoastconsultingllc.com
W: www.southcoastconsultingllc.com

Land Use Consulting - Permitting Assistance - Feasibility & Project Analysis

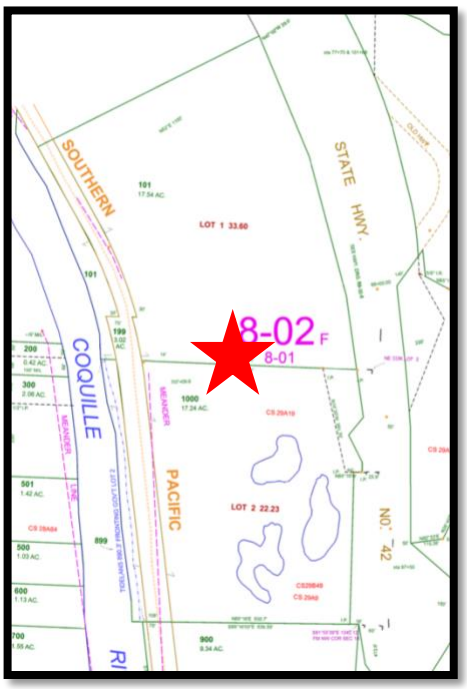
Jill Rolfe, Director
Coos County Community Development
60 E. Second St.
Coquille, OR 97423
(541)396-7770
Planning@co.coos.or.us

November 1, 2023

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

Director Rolfe,

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

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

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

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

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

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

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

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

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

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

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

**III. Applicable Criteria and Burden of Proof:**

**A. Lawfully Created Unit of Land**

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

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

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

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

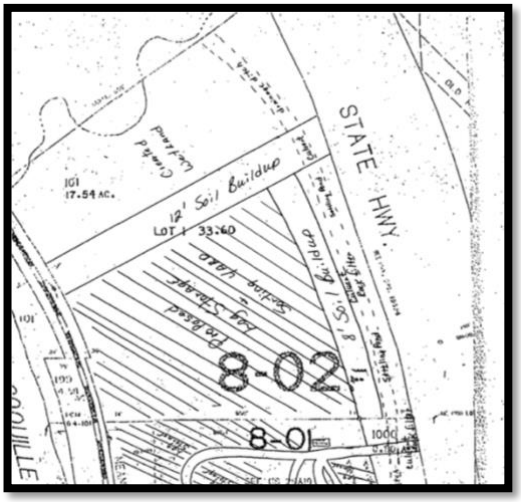
> *"The intent of the Industrial designation applies to sites potentially needed for industrial development. Use of the designation is not restricted to urban growth areas.*
> *The purpose of the "IND" district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area's economy accordingly. The "IND" district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The "IND" designation is appropriate for industrial parcels that are needed for development, as consistent with the Comprehensive Plan." (CCZLDO §4.2.300)*

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

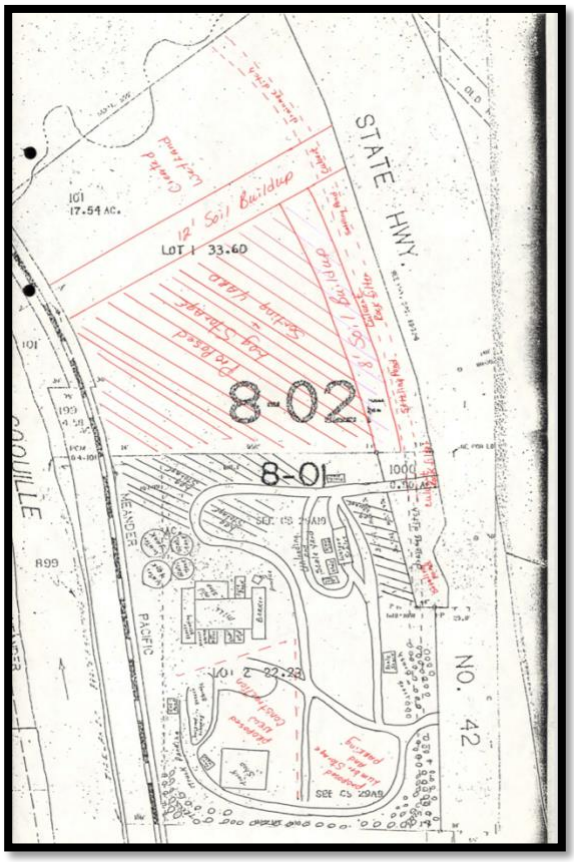

(https://www.arcgis.com/home/webmap/viewer.html?webmap=1be7dbc77f8745d78fc5f3e8e85fc05e&extent=-124.8578,42.6925,-122.6921,43.5943, image from June, 2023)

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

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




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




(*Applicant's 1989 Proposed Site Plan (TL 101, 900, and 1000):*
*AM-89-10/RZ-89-09;* Proposed uses, mitigation measures, existing structures, circulation, and future proposed structures are depicted in red)

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

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

The original rezone request was approved under a Goal 2 Reasons Exception process for Goal 3 (Agricultural Lands). The1989 CCZLDO prohibited wood processing facilities in the CREMP-EFU zone, necessitating the property's removal from the Coos Coastal Shoreland Boundary, and its original zoning be re-designated to non-resource land. Non-farm uses on protected resource lands (farm/forest) in 1989 were significantly limited, but have since been expanded.

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

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

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

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

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

### 1. ARTICLE 5.1; REZONES

SECTION 5.1.200 Rezones:
Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

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

SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:

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

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

SECTION 5.1.215 Zoning for Appropriate Non-farm Use:

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

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

SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:

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

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

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

2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
b. The development of the site must conform to certain specified standards; or
c. Any combination of the above.

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

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

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

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

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

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

SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:
The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

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

SECTION 5.1.240 Requirements for "Q" Qualified Classification:
Where limitations are deemed necessary, Board of Commissioners may place the property in a "Q" Qualified rezoning classification. Said "Q" Qualified Classification shall be indicated by the symbol "Q" preceding the proposed zoning designation (for example: Q C-1).

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

SECTION 5.1.250 Permits and Applications Moratorium:
1. After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
a. Withdrawal of the application by the applicant;
b. Expiration of the County's appeal period without an appeal having been filed; or
c. Final order of Board of Commissioners upon hearing the appeal.

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

2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.
The main criteria that the applicant will need to provide finding for is:
a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.

2. A plot plan showing these locations will be furnished to the Watermaster.

3. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, betonies mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of betonies per gallon of water.

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

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

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

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

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

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

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

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

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

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

(c) Abandonment procedure:
(i) At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.
(ii) In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
(iii) The County's appointed representative may require that the exploration hole be abandoned with cement grout.

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

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

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

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

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

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

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

iii. Design Standards: allowed.

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

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

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

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

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

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

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

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

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

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

SECTION 4.3.225 GENERAL SITING STANDARDS

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

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

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

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

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

(3) Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except:
(a) Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency.
(b) Where used as a temporary sales office for manufactured structures; or
(c) As part of an approved home occupation. [OR-92-07-012PL]

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

(4) New lots or parcels - Creation of lots or parcels, unless it meets the circumstances of § 5.6.130, shall meet the street frontage, lot width, lot depth and lot size. Minimum road frontage/lot width shall be met unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:
(a) Minimum Street frontage should be at least 30 feet; and
(b) Minimum lot width and Minimum lot depth is 50 feet. Minimum parcel/lot size cannot be waived or varied unless otherwise provided by a specific zoning regulation. Tax lot creation and consolidations do not change the legally created status of a lot or parcel.

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

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

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

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

(6) Riparian -
(a) Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except:
i. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
ii. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
iii. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
iv. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
v. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
vi. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
vii. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration is not more than 100% of the size of the existing structure's "footprint".

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

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

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

(c) The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

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

(7) Setbacks:
(a) All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements.
(b) Firebreak Setback - New or replacement dwellings on lots, parcels or tracts abutting the "Forest" zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

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

(8) OUTDOOR STORAGE IN RESIDENTIAL ZONES
(a) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use;
(b) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings;
(c) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed

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

SECTION 4.3.230 ADDITIONAL SITING STANDARDS

6) Industrial (IND) and Airport Operations (AO) - The following siting standards apply to all USES, activities and development within the IND and AO zoning districts.
(a) Minimum lot/parcel size –
i. No minimum lots size standard for this zone.
ii. Minimum street frontage and minimum lot width is 20 feet.

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

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

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

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

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

(d) Building Density or Size limits –

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

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

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

(e) Design Standards:

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

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

Residential or Controlled Development Zoning districts.

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

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

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

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

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

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

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

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

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

SECTION 3.3.720 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:
The following uses and their accessory uses may be allowed as hearings body conditional uses in the CREMP-EFU zone subject to the applicable requirements in Section 3.3.730 and applicable siting criteria set forth in this Article.

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

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

Policy #14 General Policy on Uses within Rural Coastal Shorelands

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

a. farm uses as provided in ORS 215;

b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;

c. private and public water-dependent recreation developments;

d. aquaculture;

e. water-dependent commercial and industrial uses, water-related uses and other uses only upon a finding by the county that such uses satisfy a need which can not be accommodated on uplands or in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use;

f. single family residences on lots, parcels, or units of land existing on January 1, 1977 when it is established that:

1. the dwelling is in conjunction with a permitted farm or forest use, or

2. the dwelling is in a documented "committed" area, or

3. the dwelling has been justified through a goal exception, or

4. such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;

g. any other uses, provided that the Board of Commissioners determines that such uses satisfy a need, which cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.

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

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

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

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

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

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

a. retaining the historic structure in-situ or moving it intact to another site; or

b. paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe; or

c. clustering development so as to avoid disturbing the site; or

d. setting the site aside for non-impacting activities, such as storage; or

e. if permitted pursuant to the substantive and procedural requirements of ORS 97.750 and 358.920, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains and re-interring the human remains at the developer's expense.

f. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.

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

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

a. approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this Plan, or

b. approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe, as well as any additional measures deemed necessary by the local government to protect the historical and archaeological values of the site. If the property owner and the Tribe cannot agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the historical and archaeological values of the site;

c. through the "overlay concept" of this policy and the Special Considerations Map, unless an Exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the historic and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.

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

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

Policy #19 Management of "Wet-Meadow" Wetlands within Coastal Shorelands

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

a. for transportation corridors where an Exception has been taken to Goal #3 (Agricultural Lands); or

b. for agricultural buildings, where no alternative site exists on the applicant's property; or

c. minor improvements for which there is no practical alternative; or

d. where no fill permit is required under Section 404 of the Water Pollution Control Act; or

e. for priority dredged material disposal sites designated by this Plan for protection from pre-emptory uses.

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

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

a. that protection of these areas for agricultural use is necessary to ensure the continuation of the local agricultural economy;

b. that improved drainage is necessary to maintain or enhance productivity by establishing preferred forage types;

c. that the present system of agricultural use in the Coquille Valley is compatible with wildlife habitat values because the land is used for agriculture during the season when the land is dry and therefore not suitable as wetland habitat, and provides habitat areas for wildfowl during the flooding season when the land is unsuitable for most agricultural uses; and

d. that these habitat values will be maintained provided filling is not permitted.

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

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

Consistent with permitted uses and activities:

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

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

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

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

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

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

I. This policy shall be implemented by:

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

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

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

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

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

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

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

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

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

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

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

Policy #23 Riparian Vegetation and Streambank Protection

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

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

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

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

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

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

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

Policy #27 Floodplain Protection within Coastal Shorelands

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

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

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

SECTION 3.3.730 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY):
A use may be allowed provided the following requirements are met:
1. Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

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

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

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

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

Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on agricultural lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for agricultural uses, and shall be considered together with the requirements in Section 3.3.740 to identify the building site. Dwellings and structures shall be sited on the parcel so that:

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

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

SECTION 3.3.510 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

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

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

a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.

b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.

c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.

d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.

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

SECTION 3.3.530 DEVELOPMENT AND USE STANDARDS.

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

1. Minimum Lot size:

a. Refer to CREMP lot size Special Consideration Map.

b. The dimension requirements must be meet.

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

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

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

3. Front setback is 20 feet.

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

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

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

5. Access and parking is regulated in chapter VII.

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

6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:

a. Trees certified as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.

b. Riparian vegetation may be removed to provide direct access for a water- dependent use.

c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.

d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.

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

f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g. to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.

g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".

h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.

i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

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

**IV. Summary**

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