



Coos County Community Development

Mailing Address: 250 N. Baxter, Coquille, Oregon

60 E. Second St., Coquille OR 97423

Planning, Building and Enforcement

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TDD (800) 735-2900

COOS COUNTY PLANNING COMMISSION NOTICE OF DECISION

Re: **HBCU-23-002 OUTDOOR SUPER STAR, LLC**

A request to allow a Recreational Vehicle Park on property located at Township 28S, Range 14W, Section 17C Tax Lot 1000 within the Qualified Recreation (Q-REC) zone. The subject property is split zoned between Qualified Recreation (Q-REC) and Coquille River Estuary Management Plan (CREMP), Segments Industrial Shoreland Segment 16 (16-INDS), and Conservation Aquatic Unit 17 (17-CA).

This is an official Coos County Planning Commission Notice of Decision and/ or action for the above-referenced application. The Planning Commission held a public hearing on August 2, 2012, and made the following decision:

- Approved
- Approved with Conditions (see Attachment "A")**
- Denied

COOS COUNTY PLANNING COMMISSION

Diana R Schab
Diana Schab, Planning Commission Chair

4/11/2024
Date

The Planning Commission's decision is final unless appealed in writing to the Board of Commissioners within 15 days from the Date of Mailing as noted below. This means appeals must be received in the Planning Department by **12:00 p.m. on April 22, 2024**, in order to be considered. The Notice of Appeal (NOA) shall be filed pursuant to CCZLDO Section 5.8.223, and shall be accompanied by a written statement of the grounds for the appeal and the required filing fee. Appeals before the Board of Commissioners are limited to the record and no additional testimony or evidence will be considered. If this is recommendation of approval then there will be a second chance to provide testimony.

For detailed information on this matter and the decision, see the attached report.

Date of Decision: April 4, 2024

Date of Mailing: April

ATTACHMENT A
FINDINGS AND CONDITIONS OF APPROVAL

FILE NUMBER: HBCU-23-002

APPLICANT(s): Outdoor Super Star, LLC

STAFF CONTACT: Jill Rolfe, Planning Director
Phone: 541-396-7770
Email: planning@co.coos.or.us

HEARINGS BODY: Planning Commission

RECORD: Record items can be viewed by [clicking here](#)

SUMMARY/REQUEST: The proposal is a request for a Hearings Body Conditional Use for a Recreational Vehicle Park and Accessory Uses and Structures. The Subject Property is split zoned between Qualified-Recreation (Q-REC), and Coquille River Estuary Management Plan (CREMP), Segments Industrial Shoreland Segment 16 (16-INDS), and Conservation Aquatic Unit 17 (17-CA), the proposal is shown to occur within the Q-REC zoned portion of the property.

SUBJECT PROPERTY DETAILS:

ACCOUNT NUMBER: 955501
MAP NUMBER: 28S1417C0-01000

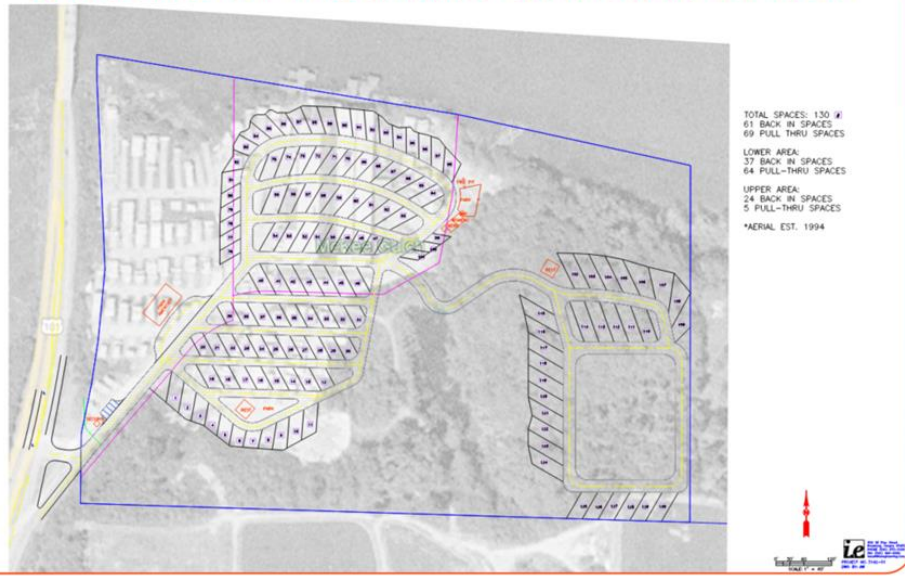
PROPERTY OWNER(S) OUTDOORSUPERSTAR LLC
PO BOX 1345
SPRINGFIELD, OR 97477-0157

ACREAGE: 25.60 Acres

ZONING(S): COQUILLE RIVER ESTUARY MGT PLN (CREMP)
CREMP AQUATIC D08 CONSERVATION (CRA08C)
CREMP AQUATIC D17 CONSERVATION (CRA17C)
CREMP INDUSTRIAL (CR-IND)
CREMP SHORELAND SEGMENT 16 (CRS16)
RECREATION WITH QUALIFICATIONS (Q-REC)

SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS: ARCHAEOLOGICAL AREAS (ARC)
BANDON AREA OF MUTUAL INTEREST (BMI)
BIRD SITE MEETS GOAL 5C REQMT (B5C)
FLOODPLAIN (FP)
NATIONAL WETLAND INVENTORY (NWI)
NH TSUNAMI (NHTHO)
NH WILDFIRE (NHWF)
Plot Plan and Subject Property Map
(not to scale)

ROGGE MILL RV PRELIMINARY SITE PLAN 9-29-2023



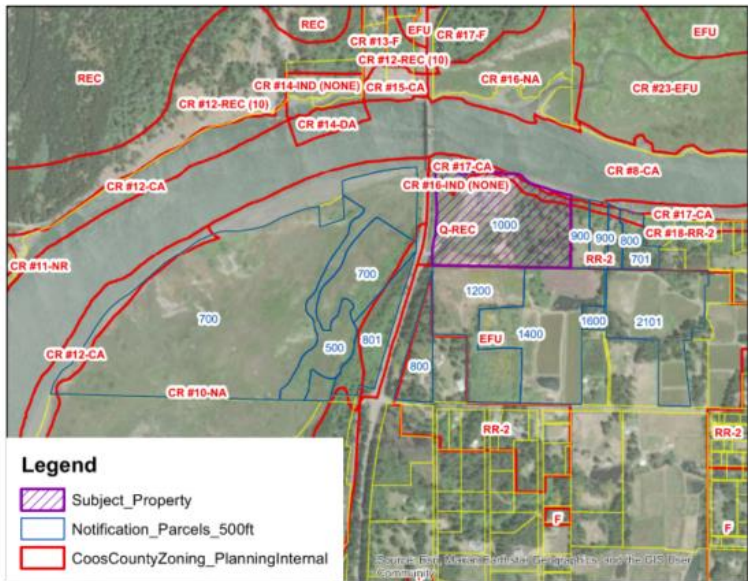
File: HBCU-23-002

Applicant/
 Owner: Outdoor Superstar, LLC

Date: February 9, 2024

Location: Township 28S Range 14W
 Section 17C TL 1000

Proposal: Hearings Body Conditional Use



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ATTACHMENT A
FINDINGS AND CONDITIONS OF APPROVAL

I. APPLICABLE CRITERIA

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

CHAPTER IV - BALANCE OF COUNTY ZONES, OVERLAYS & SPECIAL CONSIDERATION

SECTIONS

- 4.3.200(121) – Use Table – Recreation Vehicle Park
- 4.3.210(70) – Categories and Review Standards – Recreational Vehicle Park
- 4.3.220(7) – Additional Conditional Use Requirements – Recreation (REC)
- 4.3.230(7) – Additional Standards – Recreation (REC)
- 4.11.235 – Establishment of Development (Floodplain)
- 4.11.251 – General Standards (Floodplain)
- 4.11.252(2) – Specific Standards – Nonresidential Construction (Floodplain)
- 4.11.252(4) – Specific Standards – Recreational Vehicles (Floodplain)

The Qualifiers on this property require additional criteria to be addressed as follows:

The qualifiers that apply to the portion zoned REC are:

1. Development on the subject property shall be subject to design and site plan review pursuant to 2004 Coos County Zoning and Land Development Section 5.6.400 of the CCZLDO to be considered through a Hearings Body Review;
2. The proposed rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as the term is defined in OAR 660-004-0028;
3. The proposed rural uses, densities, and public facilities and services are compatible with adjacent or nearby resource uses; and
4. The proposed rural uses will not seriously interfere with permitted uses on other nearby parcels.

II. BASIC FINDINGS

LEGALLY CREATED UNITS OF LAND STATUS: The Coos County Zoning and Land Development Ordinances requires that property are legally created pursuant to Article 6.1 Lawfully Created Lots and Parcels ORS 92. Staff found that all units of land that are part of the project are legally created units of land.

SITE DESCRIPTION AND LAND USE HISTORY: The property spans over 25 acres and was formerly occupied by the Rogge Mill, a planar mill that operated for many years. Although the site is now free of structures, traces of its industrial past can still be found scattered throughout. Today, the area is predominantly covered by brush and grass, with nature gradually reclaiming the land once occupied by the mill.

Situated in the surrounding landscape, the property is bordered by the Coquille River to the north and Highway 101 to the west. To the south, it is bordered by smaller parcels used for residential purposes , while Exclusive Farm Use zones with cranberry bogs occupy the southernmost boundary.



2022 aerial image



PROPOSAL: The applicant is requesting a 130 space Recreational Vehicle Park with associated amenities.

REVIEW PERIOD: The subject applications were submitted on December 1, 2023, and during the preliminary 30-day review, they were found to be complete for the purpose of review. The completeness review is defined in Section 5.0.200. Calculating the 150-day time frame to complete the review from December 31, 2024, which means a final decision of the county is required to be rendered no later than May 29, 2024. Upon receipt of a complete application, the Planning Department may take action on a conditional use request by issuing an administrative decision or scheduling a public hearing as determined by the applicable zoning.

PUBLIC AGENCY COMMENTS: The Planning Department provided notice of the proposal on February 9, 2024. Agency comments were received and are referenced and summarized below, the full comments can be found in Exhibit B.

- Oregon Department of State Lands (DSL) responded *“Based on the submitted site plan. It appears that the proposed project (“RV Park”) may impact state-jurisdictional wetlands or waters and may require a state Removal-Fill permit. It is recommended that you have the project areas assessed for jurisdictional wetlands and waterways by a qualified wetland professional prior to earth disturbance activities. A wetland delineation report should then be submitted to DSL for review and approval. The Coquille River is a State-Owned waterway and the river & its adjacent wetlands are also designated as Essential Salmonid Habitat. Best management practices should be implemented during construction to minimize sedimentation and erosion in the river.”*

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- Oregon Department of Fish & Wildlife responded *“Thanks for the opportunity to comment on this proposed project. The location historically was tidal saltmarsh wetland bounded by late seral spruce forest that would have been high functioning Habitat Category 1 or 2 as classified under the Oregon Dept. of Fish and Wildlife (Department) Habitat Mitigation Policy; OAR 635-415. Since Euro-human development the habitats have been highly altered through placement of earthen fill and development of a sawmill. resultantly the ecological function of the habitats currently would be currently considered Category 4 or 5 with low function for production of fish and wildlife. However, minimization of impacts due to disturbance during construction actions remain a high priority in order to prevent further reduction of habitat function and impacts to adjacent habitats (e.g. streams/waterways). The department recognizes the strong social and economic values of recreational use of the Coquille River and the natural resources, however, notes that development actions proposed will have environmental effects.”*
- The Coquille Indian Tribe Responded *“Thank you for the opportunity to comment on the proposal to develop an RV park and associated amenities at the above referenced location. Our records show known cultural resources within extremely close proximity to the project area. Due to the close proximity to known cultural resources, we request a cultural resources monitor to be present during all ground disturbance. Please contact our office at THPO@coquilletribe.org to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor as close to two (2) weeks (or ten business days) as possible in advance of the anticipated project start time.”*
- Oregon Department of Transportation: *ODOT recommends reconfiguration of the County Rd (site access)/US-101 intersection as a Condition of approval. This will include removal of the “slip lane”, shifting access point south to align with US-101 centerline pavement markings, and US-101 shoulder modification which may include design and installation of a right turn deceleration lane pending delegated approval from ODOT. Applicant will need to obtain a misc./utility permit prior to any disturbance within the State ROW. Applicant will need to obtain ODOT approval of drainage calculations, showing the proposal will not adversely affect state facilities if impervious surface is increased by more than 0.25ac. Any new signage visible from US 101 will require ODOT approval.*

PUBLIC COMMENTS: The Planning Department mailed notice of the conditional use application to all property owners within 500 feet of the subject property on February 9, 2024. The applicant also complied with the posted notice requirements of Section 5.0.900. No public comments were received as of the date of this notice.


III. FINDINGS AND CONCLUSIONS

A. SUBJECT PROPERTY DETAILS AND BACKGROUND:

The subject property is the site of the Old Rogge Mill, located on the southeast shoreline where Bullard's Bridge crosses the Coquille River, approximately one mile north of the City of Bandon. The mill site received a land use exception from an agricultural use plan and zone designation because of the developed and committed industrial uses then occurring on the property.

Known as the old Rogge Mill property, it sits on the south bank of the Coquille River adjacent to Highway 101. It is one of many former lumber mill properties along the Coquille River and has suffered the same fate as most mill operations on the south coast over the past ten years: closure and removal of the mill equipment. Historical uses on the site include other lumber/timber processing facilities dating as far back as the Alfred Johnson Lumber Company in 1915. The site

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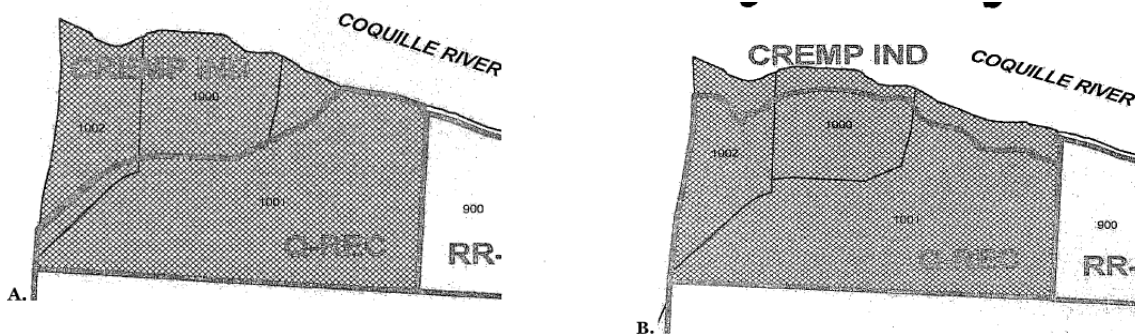
was also home to a ferry operation across the Coquille River prior to the construction of the bridge, evidenced by the remnants of old boat ramps, docks, and pilings visible at low tide.

Mr. Westbrook acquired the property in 1996 and has utilized the old mill buildings for storage, remanufacturing, and the sale of Port Orford Cedar. Since the closure of the last mill operation, the site has undergone significant cleanup efforts. Upon acquiring the property, Mr. Westbrook addressed flooding issues by filling and leveling a significant portion of the area adjacent to Highway 101 to make it more usable.

There is no exceptional riparian habitat on the subject property, as mill operations over many years have significantly impacted the riparian areas along the Coquille River bank. Zoned as Industrial at the time of the adoption of the Coos County Comprehensive Plan in 1985, the property's industrial designation was due to the existence of Rogge Mill as a committed industrial site before the adoption and acknowledgment of Coos County ordinances and the Comprehensive Plan. The property has an extensive permit history related to its former mill operations, including the division of the property in 1997 and the placement of fill material within the 100-year floodplain in 2000. The purpose of elevating the filled areas was to facilitate future development of the site without requiring additional fill or elevation certifications.

In December 2001, the Board of Commissioners approved Ordinance 01-08-011PL to amend the Coos County Comprehensive Plan, rezoning the property from Industrial (IND) to Recreation. Subsequently, this decision was appealed to the Land Use Board of Appeals (LUBA) in January of 2002 (LUBA 2001-202). LUBA remanded the decision to Coos County for additional findings. Following this, the decision was appealed to the Court of Appeals in May 2002 (CA A118190), which later declined to hear the matter. The applicant applied to have the matter reviewed by the Board of Commissioners in 2023 and adopted additional findings to support the rezone request.

On November 26, 2003, the Board of Commissioners approved, on remand, a rezone from Industrial to Q-Recreation. The qualifiers that applied to the portion of the property rezoned to Recreation (REC) were as follows: Development on the subject property shall be subject to design and site plan review pursuant to the 2004 Coos County Zoning and Land Development Section 5.6.400 of the CCZLDO, to be considered through a Hearings Body Review. The proposed rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use, as the term is defined in OAR 660-004-0028. Additionally, the proposed rural uses, densities, and public facilities and services are compatible with adjacent or nearby resource uses, and the proposed rural uses will not seriously interfere with permitted uses on other nearby parcels. At the time of the approval of the remand, the applicant also requested an interpretation of the Coastal Shoreland Boundary pursuant to Section 4.1.450 of the CCZLDO. This provision authorizes staff to establish the precise location of the CSB based on the seven criteria of Goal 17 used to identify coastal shorelands. Staff responded to the request on June 30, 2004, by making a determination of the boundary. The boundary interpretation moved the CSB boundary, Below, the images show the before and after the interpretation.



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However, that interpretation does not reflect physical changes to the site made after that interpretation when the fill permit work was completed.

Therefore, a new application for an Amendment/Rezone was applied for in 2004 to rezone approximately 6.8 acres of the subject property from CREMP-Industrial to Q-Recreation to be consistent with the prior approval of the property. This was approved through Ordinance #04-05-006PL in September 2004.

On November 17, 2006, Staff approved a three (3) parcel partition (P-06-18) to divide up the property according to the zoning.

After the approval of the partition, the applicant submitted a Hearings Body Conditional Use and Site Plan to site an RV Park and related uses on the subject property. Following multiple public hearings, the Coos County Planning Commission approved the application on March 20, 2007. The Notice of Decision was appealed by a group of "opponents" within the appeal period. On June 13, 2007, the Board of Commissioners issued a Final Decision denying each of the opponents' assignments of error and approved the proposed Recreational Vehicle Park. The opponents appealed the Board of Commissioners' decision to the Land Use Board of Appeals (LUBA). On January 14, 2008, LUBA sustained three of the five opponents' assignments of error and remanded the county decision. The applicant appealed LUBA's decision to the Court of Appeals. The Court of Appeals issued its final order on May 28, 2008, and LUBA issued its final judgment on May 30, 2008, without making any change to their final opinion and order dated January 14, 2008. The applicant requested a remand hearing. The remand was taken up to address the three issues, and supplemental findings were made. The Board of Commissioners approved the findings to address the issues on November 29, 2008. The matter was again appealed, and the Board of Commissioners' Decision was reversed by the Land Use Board of Appeals (LUBA), and the applicant did not reapply for the use at the time.

In 2017 and 2018 there were pre-application submitted regarding the possibilities of submitting an application for an RV park or other recreational related activities.

The current request was submitted on December 1, 2023, and deemed incomplete on December 29, 2023, due to missing floodplain information. The applicant submitted a supplemental response, and staff deemed the application complete for review on January 29, 2024. Staff began the review process and requested additional information late in February, necessitating the postponement of the hearing to April. This extension allows both the applicant and staff adequate time to thoroughly address the criteria and make recommendations to the Planning Commission.

ZONING: - This property is split-zoned consisting of Qualified Recreation (Q-REC) and Coquille River Estuary Management Plan (CREMP). All development is located within the Q-REC portion of the property, therefor Staff will address only this zoning district.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT


SECTION 4.2.400 OPEN SPACE AND NATURAL RESOURCE ZONING DISTRICTS

Open Space and Natural Resource Districts are intended for especially sensitive areas where wildlife habitat or special scenic values have been identified or where natural hazards totally preclude any development.

Recreation (REC)

The intent of the Recreation District is to designated recreation areas. The purpose of the "REC" district is to accommodate recreational uses of areas with high recreational or open space value. The district applies solely to areas designated as "Recreation" in the Comprehensive Plan, which include state, county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

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New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental considerations set forth in the County's Coastal Shoreland/Dune Lands Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

B. SURROUNDING LAND USES:

This parcel is directly adjacent to the Oregon Coast Highway 101 to the west and the Coquille River to the north. The parcels to the east are being used for residential uses, and the parcels to the south appear to be used for some farm uses.

Based on aerial photos the subject parcel appears to contain vegetation along the highway, Coquille River, and within the east portion of the parcel. The parcels to the east are zoned Rural Residential-2 (RR-2), and the parcels to the south are zoned Exclusive Farm Use (EFU). The parcels on the opposite side of Oregon Coast Highway 101 are zoned Coquille River Estuary Management Plan (CREMP). Bullards Beach State Park is approximately a half mile north of the subject property, which provides recreational camping and beach access.



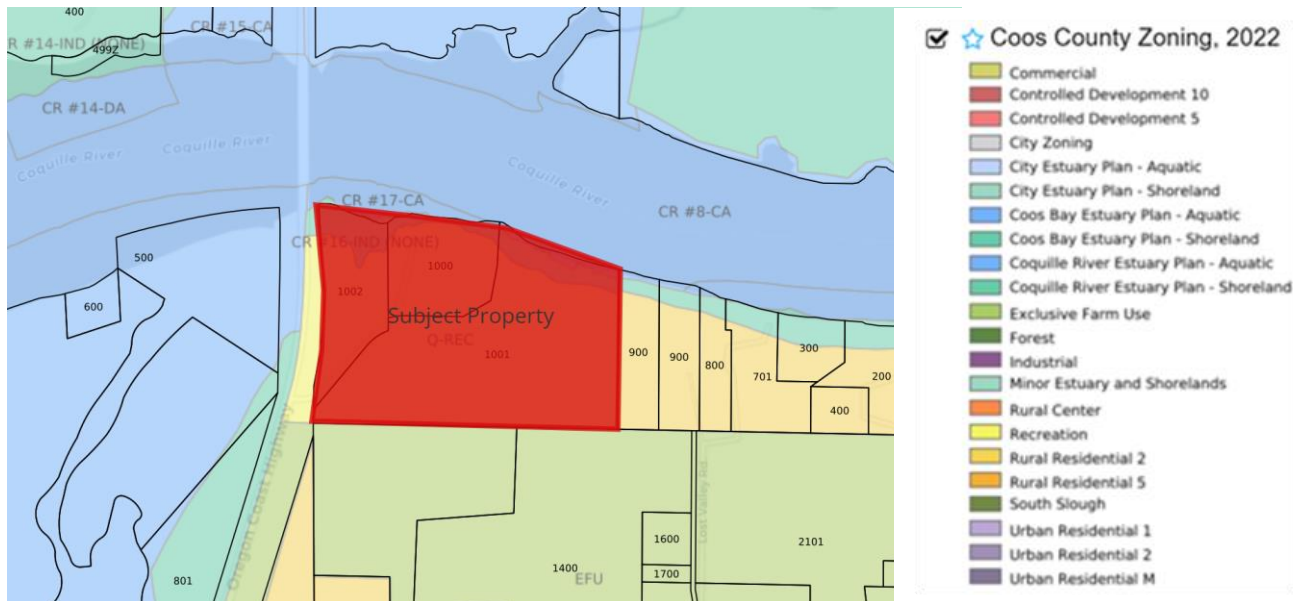
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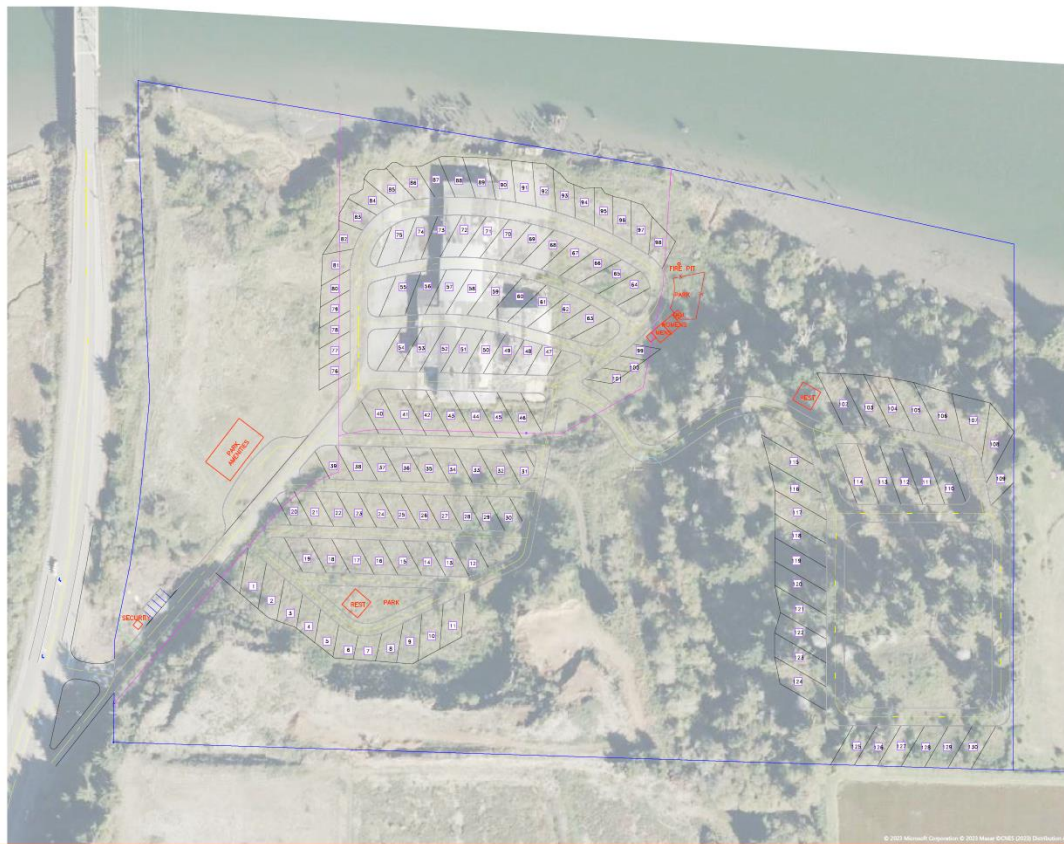
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ROGGE MILL RV PRELIMINARY SITE PLAN 9-29-2023



TOTAL SPACES: 130
61 BACK IN SPACES
69 PULL-THRU SPACES
LOWER AREA:
37 BACK IN SPACES
64 PULL-THRU SPACES
UPPER AREA:
24 BACK IN SPACES
5 PULL-THRU SPACES
*AERIAL EST. 2015

C. GENERAL PROPERTY COMPLAINE

i. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

FINDING: The Planning Commission accepted staff's reviewed of the property history and the County files at the time of this report; the subject property is complaint with the Coos County Zoning and Land Development Ordinance. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

ii. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

"Lawfully established unit of land" means:

1. *The unit of land was created:*

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

b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*

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

FINDING: The units of land was created pursuant to Section 6.1.125.1.a, through an approved plat. The parcels were applied for and approved to be consolidated at the Coos County Assessor’s Office. Therefore, staff concludes the property is a lawfully created lot.

D. APPLICABLE IDENTIFIED REVIEW CRITERIA:

I. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is a request for a Hearings Body Conditional Use for a Recreational Vehicle Park and Accessory Uses and Structures. The Subject Property is split zoned between Qualified-Recreation (Q-REC), and Coquille River Estuary Management Plan (CREMP), Segments Industrial Shoreland Segment 16 (16-INDS), and Conservation Aquatic Unit 17 (17-CA), the proposal is shown to occur within the Q-REC zoned portion of the property.

The development will solely be situated within the Q-REC zone. While the applicant has identified Q-REC Criteria and included development standards for the Coquille River Estuary-IND shoreland segments (as per 3.3.530), the application clarifies that the development will be situated outside of the CREMP zoning. Consequently, the application solely addresses development standards and lacks any mention of use standards. Unless the applicant can justify the relevance of including the Coquille River Estuary-IND shoreland segment standards, the Planning Commission should disregard this portion of the application. Perhaps the applicant did not understand that Q-REC means it is a Qualified Recreational Zone that follows the regulations as all other Recreational Zones with the exception of additional review standards placed on the property through qualifiers. The qualifiers are explained below in the applicable criteria section.

The applicable review criteria can be found in the Coos County Zoning and Land Development Ordinance (CCZLDO).


SECTIONS

- 4.3.200(121) – Use Table – Recreation Vehicle Park
- 4.3.210(70) – Categories and Review Standards – Recreational Vehicle Park
- 4.3.220(7) – Additional Conditional Use Requirements – Recreation (REC)
- 4.3.230(7) – Additional Development Standards – Recreation (REC)
- 4.11.235 – Establishment of Development (Floodplain)
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The Qualifiers on this property require additional criteria to be addressed as follows:

The qualifiers that apply to the portion zoned REC are:

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1. Development on the subject property shall be subject to design and site plan review pursuant to 2004 Coos County Zoning and Land Development Section 5.6.400 of the CCZLDO to be considered through a Hearings Body Review;
2. The proposed rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as the term is defined in OAR 660-004-0028;
3. The proposed rural uses, densities, and public facilities and services are compatible with adjacent or nearby resource uses; and
4. The proposed rural uses will not seriously interfere with permitted uses on other nearby parcels.

#	Use	Zones												Subject To	
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS		MES
121.	Recreational Vehicle Park	N	N	N	N	N	HBCU	HBCU	HBCU	N	N	ACU	N	N	(70)

SECTION 4.3.210 – CATEGORIES AND REVIEW STANDARDS

The following categories provide a definition and specific standards that will regulate the Development, Use or Activity identified in the table above. ***

- (70) *Recreational Vehicle Park -*
 - a. *Must be a lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.*
 - b. *The Park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.*
 - c. *Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.*
 - d. *Landscaping and Design:*
 - (i) *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*
 - (ii) *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
 - (iii) *The site shall be sloped to allow for proper surface drainage; however, surface waters shall not drain in a manner that would adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*

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- (iv) *Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.*
- e. *Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.*
- f. *A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.*
- g. *The plot plan for the RV Park shall provide for safe and sanitary accumulation, collection, transportation, storage and disposal, including resource recovery of wastes and solid wastes. Trash receptacles shall be provided at the minimum of one for every five spaces. The trash may be stored in an enclosed area until disposed of through a solid waste company or a hauled to a lawful transfer/landfill disposal site. Waste shall be removed from the site at least every 30 days. If the property owner chooses to haul the solid waste to a disposal facility receipts may be required to prove continued compliance with this subsection. Solid waste management shall not conflict with the requirements of Coos County Code Article Seven.*
- h. *RV Parks require a minimum of five acres and shall not exceed 15 campsites per acre. The density of the zoning district is replaced with the density requirement of this subsection.*
- i. *RV Parks must reserve at least 30% of the total acreage for open space and common areas. Common areas may have sanitary facilities, open space, parking, roads, pathways, and recreational structures and facilities that serve the entire park.*
- j. *RV Park pads shall not be closer than 15 feet to another vehicle or structures.*
- k. *Sanitation facilities including toilet, lavatory, and bathing facilities shall be required. The sanitary system shall comply with Oregon State Building Codes, Oregon Health Authority or any other health and safety regulatory agency. A water supply shall be provided to the sanitation facility and may be provided to each RV site but sewer shall not be provided to individual RV sites unless an exception is taken to Statewide Planning Goal 11 or the property is located within the Urban Growth Boundary. The camp host or caretaker may be hook to the sanitation system.*
- l. *RV Parks approved after January 1, 2019 shall not allow tenants to stay within the park more than 30 consecutive days within a six month period. Registration shall be maintained to prove compliance with this requirement. No person shall receive mail at the site with the exception of the camp host, property owner or watchman. The park may only have one camp host or care taker per 30 spaces. If an exception to Goal 11 to extend public services to the property or the*

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property is served by public services (water and sewer) then ORS 197.493 prohibits placement or occupancy restriction including any time limitation. Outside of an Urban Growth Boundary time limits may be applied.

- m. *A dwelling may be constructed for the property owner, camp host or caretaker to reside. This shall not be a rental unit and shall not count as part of the 30% of open space required in subsection (h) above.*
- n. *Fires will be permitted only in facilities which have been provided for such purposes or where open fires are allowed.*
 - (i) *Fireplaces, fire pits, charcoal braziers, wood burning stoves or other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.*
 - (ii) *Trees and other vegetation should be removed around area designated for fires or outdoor cooking to minimize fire hazards.*
 - (iii) *Fire extinguishers shall be provided at the camp in areas that allow for ease access.*
 - (iv) *Request for comments will be sent to the fire district in which the property is located within to allow for comments to ensure that fire danger is minimized.*
 - (v) *Individual fires pits located at the RV site areas prohibited in areas subject inventoried wildfire hazard.*

FINDING: The proposed park includes 130 recreational vehicle spaces along with accessory structures associated with the park. Therefore, the applicant has addressed the criteria.

The applicant did provide a preliminary plot plan that contained some elements required by OAR 918 Division 650 but not all. The applicant states that the attached engineered conceptual plan shows full consistency with provision (d) and associated subsections. However, there were no plans titled “conceptual.” The provided plans below do not specifically address the criteria. The applicant submitted a supplemental response, but it only discussed how they could address the criteria in the future, without demonstrating compliance with the current criteria. The Planning Commission explained that the information was inadequate, likening it to a “promissory note” without actual evidence to show compliance. The application was about 80% complete, and the Planning Commission took the stance that Staff was qualified to make the determination on the criteria related to landscaping and design, which would defer compliance to the Planning Staff to make a final determination on this section once an adequate plan has been supplied. This approval will happen prior to receiving a Zoning Compliance Letter. This shall be

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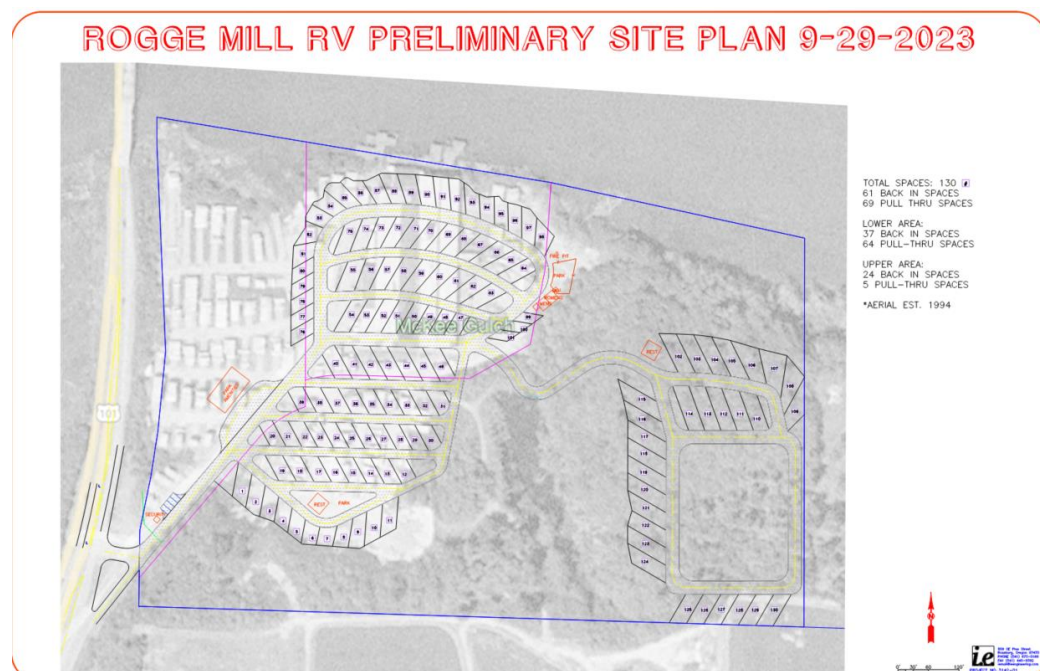
handled with this section submitted as a compliance determination process to cover the fee for the additional review.

The applicant misconstrues the criteria. The criteria reference "campsite," which are the same as RV spaces as they are sites within the RV park. The density requirement has been met, as the property exceeds five acres, and the density is less than 15 spaces per acre (25 acres multiplied by 15 equals 375). Therefore, the application complies with this standard.

At this time, there is no proposal for a residence for the park caretaker; therefore, this has been addressed.

The proposed park will have a 30-day limitation of stay. The proposed park will maintain its defined perimeters of a recreational vehicle park by mandating a full prohibition on any permanent stay. Therefore, the applicant has addressed the criteria.

This is addressed by the applicant with details from Mr. Kloos. There shall be a condition that the property not be divided to remain consistent with Goal 11.



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ROGGE MILL RV PRELIMINARY SITE PLAN 9-29-2023



ROGGE MILL RV PRELIMINARY SITE PLAN 9-29-2023



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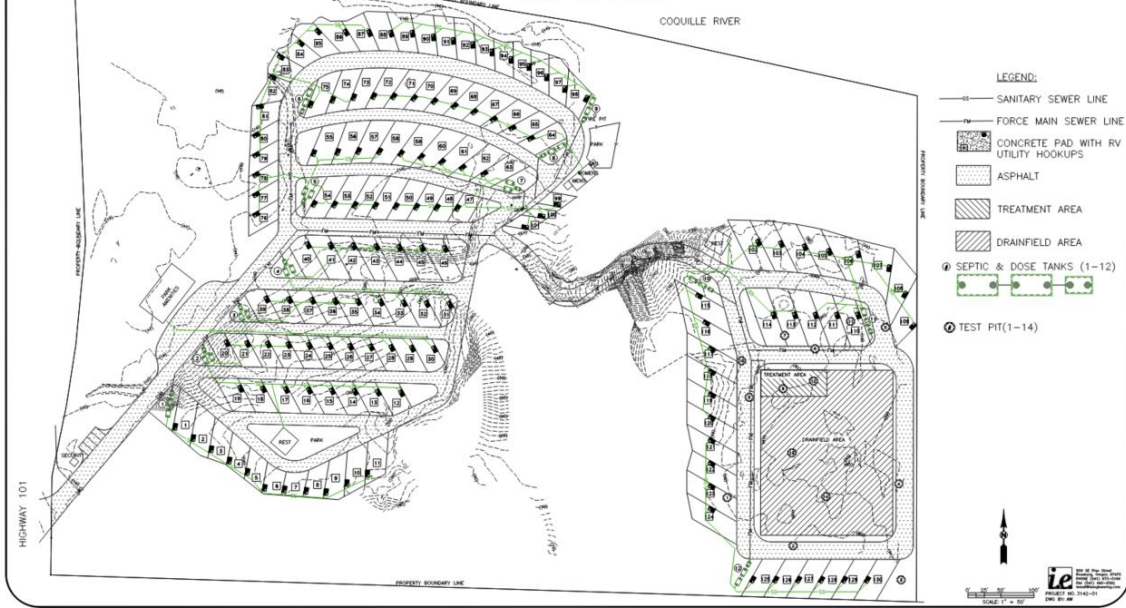
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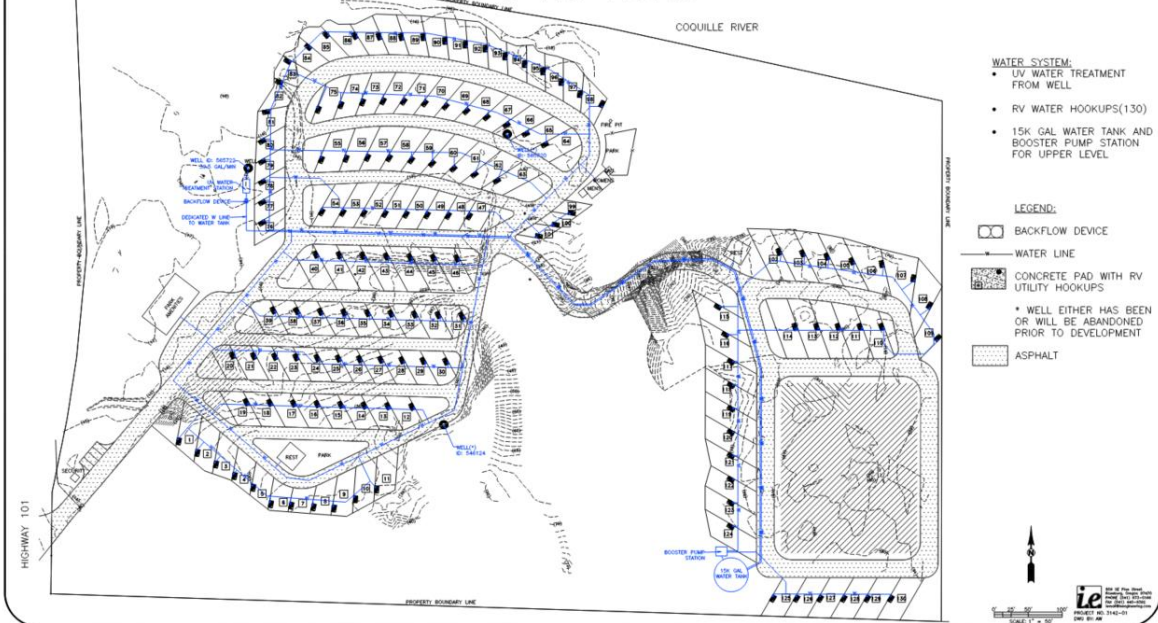


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ROGGE MILL RV PRELIMINARY WASTEWATER TREATMENT SYSTEM PLAN 9-29-2023



ROGGE MILL RV PRELIMINARY WATER TREATMENT STORAGE & DISTRIBUTION SYSTEM 9-29-2023



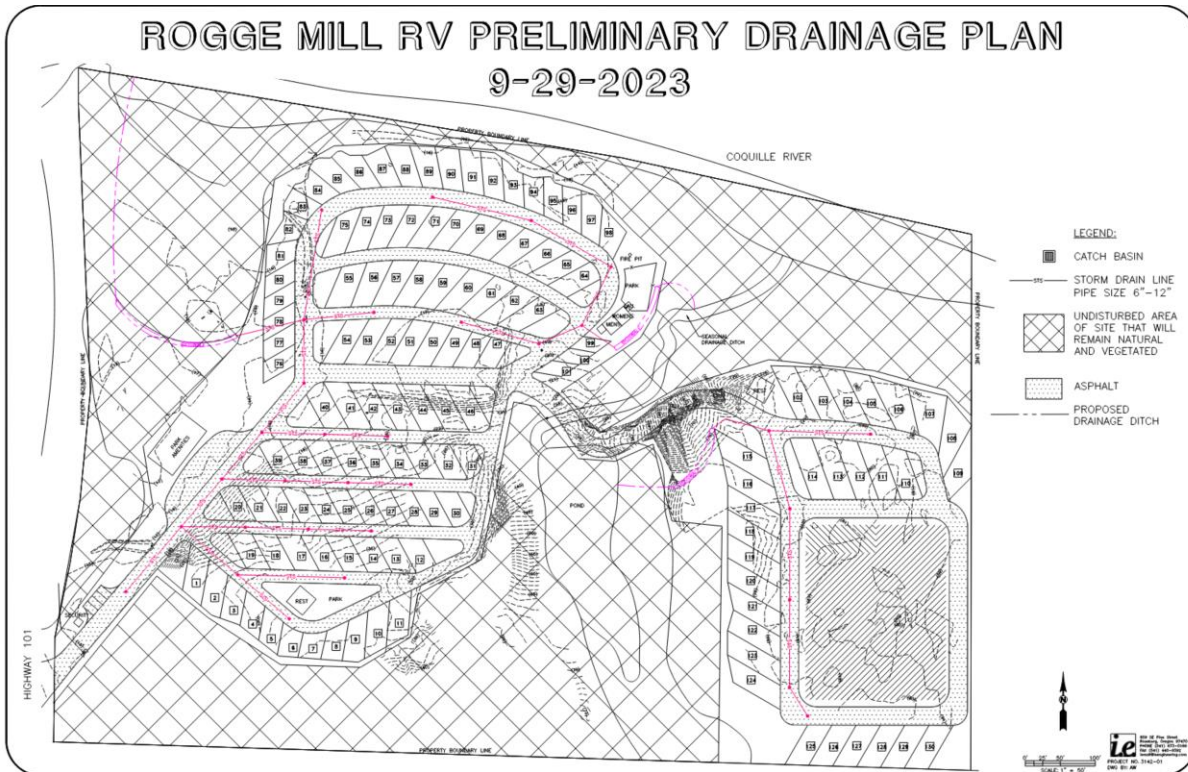
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SECTION 4.3.220 ADDITIONAL CONDITIONAL USE REVIEW STANDARDS for uses, development and activities listed in table 4.3.200

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

- (7) **Recreation (REC), South Slough (SS) and Minor Estuary and Shoreland (MES)** – The following conditional use review standards applies to all USES, ACTIVITIES and DEVELOPMENT within the REC, SS and MES zoning districts.
 - (a) **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.
 - (b) All parks (Recreational or Residential) shall comply with the following design criteria:
 - 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 residential district or use.

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- 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.
- (c) Any commercial use in conjunction with a recreational use shall be consistent with the following building size:
- i. No size limits inside urban growth boundary;\
 - ii. 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 8,000 square feet of floor space; or
 - 2. Rural Unincorporated Community shall not exceed 4,000 square feet of floor space.

FINDING: The applicant/property owner states they will comply with these provisions and anticipates conditions of approval that fully outlines the aforementioned requirements. The applicant address compatibility under the qualifiers portion of the application.

SECTION 4.3.225 GENERAL SITING STANDARDS

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

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

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


(7) *Setbacks:*

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

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

FINDING: The applicant did not address the general development standards. However, the application submittal itself allows the decision maker to determine that the general development standards can be met.

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SECTION 4.3.230 ADDITIONAL SITING STANDARDS

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

(7) Recreation (REC), South Slough (SS) and Minor Estuary and Shoreland (MES) –

- a. *Minimum lot/parcel size – There are no required minimum lot/parcel sizes.*
- b. *Setback - There are no required setbacks.*
- c. *Building Height – There are no building height requirements.*
- d. *Building Density or Size limits – There are no building or size limits.*

FINDING: The applicant has addressed this section and the Planning Commission concurs.

SECTION 4.11.235 ESTABLISHMENT OF DEVELOPMENT PERMIT

1. Floodplain Application Required


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

2. Application

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

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

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determination of compliance with the standards will be processed in the same manner as a Compliance Determination (see Article 5.10)

FINDING: The applicant submitted Elevation Certificates prepared by Brent H. Knapp, Registered Professional Land Surveyor, for all structures that will be sited within the mapped floodplain. The elevation certificates state that the lowest adjacent grade next to all proposed structures will be above the Base Flood Elevation. Additionally, the applicant provided a Flood Risk Assessment and Floodway Analysis prepared by James Eric Heyen, Registered Professional Engineer for West Consultants, Inc. Therefore, this has been addressed.

SECTION 4.11.251 GENERAL STANDARDS

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

7. Anchoring

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

8. Construction Materials and Methods

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

9. Utilities


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

10. Land Divisions Proposals

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

11. Review of Applications

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

12. AH Zone Drainage

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

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

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

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

14. **COMMUNITY OFFICIAL BASE FLOOD ELEVATION DETERMINATION REQUEST AND**


PROCEDURES: The Coos County Planning Department shall sign a community official base flood elevation (BFE) confirmation received from a mortgage insurance company if:

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

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

FINDING: The applicant provided a Flood Risk Assessment and Floodway Analysis prepared by James Eric Heyen, Registered Professional Engineer for West Consultants, Inc., the report provided a floodway limits and approximate base flood inundation image for the subject property based on their analysis. It appears as though all development will occur outside of the floodplain; however, staff suggests that as a condition of approval, to remain consistent with the floodplain regulations, all development shall occur outside of the floodplain. Therefore, this has been addressed.

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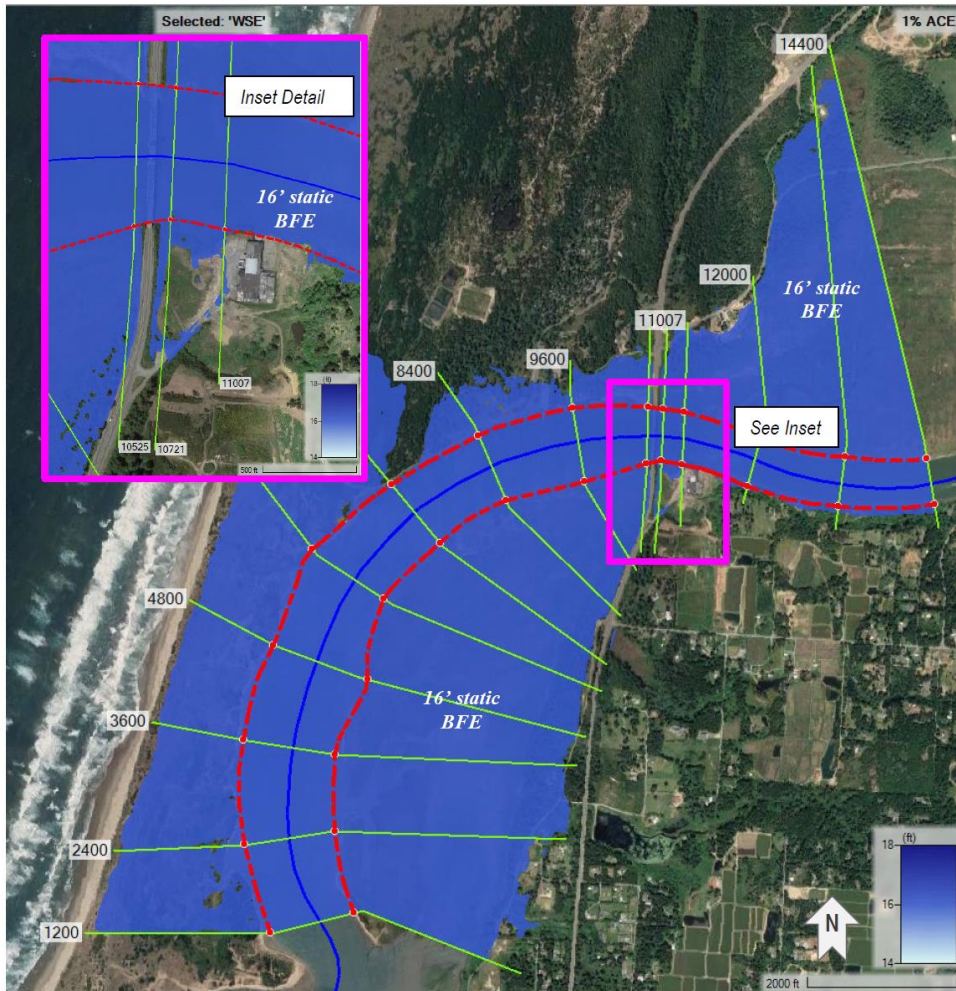
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Figure 4 – Floodway Limits and Approximate Base Flood Inundation Extents



SECTION 4.11.252 SPECIFIC STANDARDS

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

2. Nonresidential Construction

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

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on

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- their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.11.243(3)(b);
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 4.11.252(1)(b);
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below);
 - f. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure; and
 - g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

FINDING: According to the Elevation Certificates, prepared by Brent H. Knapp, Registered Professional Land Surveyor, the lowest adjacent grade to the proposed men’s restroom, women’s restroom, security booth, and clubhouse are above the base flood elevation; therefore, floodproofing methods are not required. Therefore, this has been addressed.

4. Recreational Vehicles

Recreational vehicles placed on sites are required to:

- a. Be on the site for fewer than 180 consecutive days; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of Section 4.11.252(3) above and the elevation and anchoring requirements for manufactured homes.


FINDING: The applicant states that the anticipated occupancy of the Recreational Vehicle (RV) spaces to be no longer than seven (7) days. Furthermore, the applicant mentions a requirement of the park will be that the RV’s will remain road ready with quick disconnect. According to the Flood Risk Assessment and Floodway Analysis, the RV sites will be sited outside of the Floodplain therefore, the anchoring requirements are not required. Staff recommends that as a condition of approval, to remain consistent with the floodplain regulations, all development shall occur outside of the floodplain. Therefore, this has been addressed.

The Qualifiers on this property require additional criteria to be addressed as follows:

The qualifiers that apply to the portion zoned REC are:

1. Development on the subject property shall be subject to design and site plan review pursuant to 2004 Coos County Zoning and Land Development Section 5.6.400 of the CCZLDO to be considered through a Hearings Body Review;
- **SECTION 5.6.400. Site Development Criteria and Standards.** *These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of*

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review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under Section 5.6.500:

1. Landscaping.
 - a. The landscape shall be such to minimize soil erosion and lessen the visual impact;
 - b. any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. Structures.
 - a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;
 - b. the achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
3. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient.
4. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.
5. Utility Service.
 - a. Whenever feasible, electric, telephone and other utility lines shall be underground;
 - b. any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;
 - c. the proposed method of sanitary sewage disposal from all buildings shall be indicated.
6. Special Features.
 - a. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties;
 - b. service, processing, and storage on property abutting a residential zone or commercial zone shall be wholly within an enclosed building or screened from view from such zone, street or highway by a permanently maintained, sight obscuring device or vegetation.
7. Application of Design Standards. The standards of review outlined in (1) to (6) above also apply to all accessory buildings, structures, exterior signs and other site features however related to the major buildings or structures.
8. Riparian Vegetation Protection:
 - a. 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:
 - 1) Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;
or
 - 2) Riparian vegetation may be removed to provide direct access for a water-dependent use; or
 - 3) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or

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- 4) 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; or
 - 5) Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways, provided that the vegetation to be removed is the minimum necessary to accomplish the purpose; or
 - 6) 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 for the minimum amount necessary to site or maintain irrigation pumps.
- b. The 50 ' 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." [OR 92-05-009PL]

FINDING: The applicant contends that this criterion was addressed, noting its similarity to CCZLDO Section 4.3.210(70) regarding Recreational Vehicle Park categories and review standards. However, the majority of the referenced criteria rely on a conceptual plan, which was either not included in the submission or mislabeled. Therefore, the criterion still requires full addressing, preferably in written form for the record and justification. Therefore, this has been addressed.

2. The proposed rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as the term is defined in OAR 660-004-0028;
3. The proposed rural uses, densities, and public facilities and services are compatible with adjacent or nearby resource uses; and

FINDING: On March 12, 2024 the applicant supplied a letter from Bill Kloos to address qualifier number two and three. Mr. Kloos provides key LUBA cases that his office has been involved in to address these specific criteria.


To comply with Goal 14 The proposed proposal must be a "rural" level of use, not "urban." To comply with Goal 11 The proposed proposal may not have "sewer system" as defined by LCDC rules. The public facilities proposed are also relevant to the rural/urban use determination. From my review of The proposed plans, The proposed pending RV park proposal appears to be designed with the case law above in mind such that positive findings can be made regarding compliance with both Goals 11 and 14.

Here are the design features of the proposed proposal that distinguish it from the RV park proposal found by LUBA to violate Goals 11 and 14:

1. The proposed proposal does not include a "sewer system" as defined in LCDC's rules. This is an easy determination to make based on the rule and the proposed proposal. OAR 660-011-0060(1)(f) says:

"Sewer system" means a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used

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for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal.” (Emphasis added)

The proposed project is on a single lot. Therefore, The proposed RV park is not served by a “sewer system” in violation of Goal 11. In the subsequent Linn County Farm Bureau litigation (which involved farmland and, therefore, a Goal 3 issue), LUBA found the development proposal to not include a sewer system because the sewer facilities served only one lot.

The proposed project likely is also not in the nature of a “planned unit development.” In Indian Point I LUBA looked to the permanent nature of the “park model” RVs together with the intense development components of the proposal to make it closely resemble a residential planned unit development. The park model RVs were proposed to remain in place in contrast to The proposed traditional, itinerant RVs proposal. The RV park components were also much more intensive. The proposal there consisted of 179 park trailer RV spaces, each with water, sewer and electricity hookups, onsite water and wastewater systems, a convenience store, a caretaker’s residence, a recreation center, a boat launch, fishing piers, a floating dock and a tackle/rental shop. The proposed proposal is less intensive and, notably, does not include the residential and commercial qualities of the former proposal. In the follow-up Linn County Farm Bureau litigation, LUBA rejected the argument that the proposal included a “sewer system” because it amounted to a residential planned unit development as in the Indian Point proposal. LUBA rejected that argument because the proposal was not for permanent park model RVs; it proposed traditional RVs like the proposed project.


In summary, the County can find here that your proposal does not involve a “sewer system” in violation of Goal 11 because the sewer facilities are on a single lot and because the park will not have a residential quality that comes with the permanence of the park model RVs.

2. The project has been designed to distinguish it from the characteristics that LUBA found in the *Indian Point* proposal to make it “urban” in the meaning of Goal 14.

The Goal 14 inquiry as to whether a use is a “rural use” or an “urban use” of land applies a three-factor examination of a proposed use established in 1000 Friends of Oregon v. LCDC (Curry County), 301 Or 447, 477, 724 P2d 268 (1986). The three factors are: (a) the size of the area in relationship to the developed use (density); (b) its proximity to an acknowledged UGB and whether the proposed use is likely to become a magnet attracting people from outside the rural area; and (c) the types and levels of services which must be provided to it.

In *Indian Point* LUBA found the level of facilities and services proposed for that project to rise to the level of urban. The key factors for LUBA were the permanent nature of the park model RVs, the fact that they could be occupied full time, and their provision with a full range of facilities and services, including a “sewer system.” Your proposal does not have park model RVs, will not allow full time occupancy, and will not have a “sewer system.”

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Even with a scaled down use and a limitation on the length of stay in the second *Indian Point* proposal, LUBA still found the number and range of permanent structures such as the convenience store, recreation center and fishing piers, to be intensive uses common to urban development. Your proposal is substantially less “urban” in nature as it will not have the commercial activity and the more intensive recreational facilities that caused the Goal 14 problems for the *Indian Point* proposal.

The more recent LUBA decisions in *Linn County* and *Scott* are not as relevant to the issues here as is *Indian Point*. The *Linn County* matter involved a public RV park proposed on EFU land; therefore, there was a Goal 3 issue. LUBA remanded the county approval for inconsistency with Goal 3, which is not relevant to your site because yours is not agricultural land. What is relevant to your proposal is LUBA’s finding that Goal 11 was complied with because the sewage disposal system would serve only one parcel of land. Similarly, LUBA found no Goal 14 violation; it drew a contrast with the *Indian Point* proposal, noting that this was a standard RV park, not a park model proposal, and that there would not be full time residents. These points support your proposal.

The *Scott* matter was a private RV park proposal on EFU land. LUBA remanded based on EFU statute no standards for campgrounds. The proposal passed muster on Goal 11 and Goal 14 challenges raised with the opponents citing *Indian Point*. LUBA drew a clear distinction based on sewer facilities not serving more than one parcel, no park model RVs, and permanent occupancy.


Staff can agree with the legal analysis presented with a condition of approval that the property record a deed restriction that the property cannot be divided.

4. The proposed rural uses will not seriously interfere with permitted uses on other nearby parcels.

FINDING: The states that subject property has a zoning designation of Q-REC that was created during a previous plan amendment and zone change application process. The property also has other zoning designations that are coastal and aquatic related, but will not particularly be hindered due to the development activities as the proposal taking place wholly and entirely with the Q-REC designated area. The zoning map above illustrates the zoning in the surrounding area. Directly to the north is the Coquille River and the next property beyond the river area is more than 700 feet. The river acts as a natural feature and buffer, however, the illustration of compatibility exits on the property directly to the north beyond the river. The property is zoned REC (recreational) and currently has an active recreational vehicle park (Coquille River RV Park) which has 48 recreational vehicle spaces along with an event center, a host structure and bathroom amenities.

Directly to the west is a significant roadway, State Highway 101 under the jurisdiction of the Oregon Department of Transportation. This road sits higher in elevation acting as a visual obstruction for the property for any areas further to the west. Beyond the road are areas under the ownership and jurisdiction of the public and do not constitute private property. The composition of the area along with the hydraulic soils features render them incapable of any viable development and therefore, they act essentially as an extension of the river.

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Directly to the south and adjacent are properties zoned for Exclusive Farm Use. The subject property had a previous use that was industrial in nature and during the active years of this operation caused no conflict or detriment to adjacent potential farm uses. The proposed development is considered less intensified in every respect as compared to an industrial type use. A closer look at the land and soil conditions to the EFU areas to the south would appear to hinder the ability to properly farm under any ORS 215.283 approved farm uses. However, there are some farm uses that are common with soil that is more hydraulically saturated. This particular property is currently receiving special assessment for active cranberry bogs. The proposed operation will create no conflict to the existing cranberry bog. Access points are completely separate and as previously explained, a recreational vehicle park is significantly less intense in regards to traffic, odor and noise than an industrial operation.

The nature of the proposed recreational vehicle park and how its currently planned is consistent with rural planning. There are no urban features related to the development. There are 130 recreational vehicle spaces proposed along with several structures that act as accessory. The subject property is currently 25.60 acres in size and with 130 spaces, it averages to be approximately 6 spaces per acre. There are no permanent residential components to the development, all recreational vehicle spaces are considered transient in nature and no park model type structural development is included. The property owner and applicant are determined to maintain the rural nature of the area and therefore, have proposed a plan that will allow for the perpetuation of those features.

Directly to the east are properties that are currently zoned Rural Residential – 2 Acre. These properties have a Goal 14 Urbanization exemption and constitute a pre-existing rural residential development. The residential nature of the land extends a significant distance easterly. There is only approximately an 80 acre area that is zoned EFU, the remaining areas around are all zoned RR-2 and dedicated to residential use. The rural residential area surrounds the aforementioned 80 acres in almost an irrevocably committed fashion, see previous zoning map. This further illustrates the proposed development will be consistent and compatible with adjacent zoning designation districts and uses and will cause no detriment to the minor potential farm use taking place to the south.


The applicant/property owner finds that the project is compatible with surrounding areas and uses. Furthermore, if minor compatibility issues are identified, they can be mitigated with reasonable conditions of approval.

The Planning Commission accepted the analysis provided by the applicant.

IV. Conditions of approval – The applicant shall comply with the following conditions of approval, understanding that all costs associated with complying with the conditions are the responsibility of the applicant(s), and that the applicant(s) are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval, the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval, and if you have any questions, contact planning staff.

- 1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this**

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review, it is the responsibility of the property owner to comply. The applicant shall comply with the comments raised by Oregon Department of Fish and Wildlife, Oregon Department of Transportation, Coquille Tribes and Department of State Lands.

2. The applicant shall provide a preliminary plot plan and construction drawings that contained elements required by OAR 918 Division 650. The Planning Commission took the stance that Staff was qualified to make the determination on the criteria related to landscaping and design, which would defer compliance to the Planning Staff to make a final determination on this section once an adequate plan has been supplied. This approval shall happen prior to receiving a Zoning Compliance Letter. This shall be handled with this section submitted as a compliance determination process to cover the fee for the additional review.
3. The applicant shall obtain a Zoning Compliance Letter once the land use conditions have been completed.
4. A preliminary driveway plan shall be submitted with final sign off to occur prior to final certificate of satisfaction from the Building Department.

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