STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT: Jordan Cove Energy Project L.P. (JCEP)
C/o Mark Whitlow, Perkins Coie

OWNER: Fort Chicago Holdings II US, LLC (Fort Chicago)
125 W Central Avenue, Suite 380
Coos Bay OR 97420

REQUEST: This application requests are for: (1) an administrative conditional use (ACU) for JCEP’s proposed barge berth and for dredging, filling, and shoreline stabilization associated with constructing and use of the barge berth in the CBEMP zoning districts 6-DA and 6-WD; (2) ACU for proposed temporary and permanent fill and for use approval for a fire station and road and utility corridor in CBEMP zoning district 7-D; (3) ACU for a land transportation facility for those portions of the realigned Jordan Cove Road that will be located outside of existing right-of-way in CBEMP zoning district 8-WD; (4) Traffic Impact Analysis pursuant to applicable conditions of approval; (5) Driveway Confirmation pursuant to § 7.1.425; (6) Floodplain Certification pursuant to § 4.6.217; and (7) Zoning Compliance Determination based upon a finding of compliance for each component of the project pursuant to § 3.1.200.

DECISION: Approved with Conditions

STAFF CONTACT: Jill Rolfe, Planning Director

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 25S Range 13W Section 3 Tax Lot 200;
Township 25S Range 13W Section 4 Tax Lots 100, 101, 300 and 400; and
Township 25S Range 13W Section 5 Tax Lots 100 and 200.

PROPERTY LOCATION

The property is located north of the City of North Bend immediately south of TransPacific Parkway. The property was a mill site that has been demolished.

SPECIAL DISTRICTS

Coos Bay School District
Oregon International Port of Coos Bay

Coos Bay-North Bend Water Board
North Bay RFPD

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)

SECTION 2.1.200 Specific Definitions.

- Accessory Structure or Use
- Industrial Use (USES) and Port Facilities
- Water Dependent Use
### SECTION 4.5.276 Uses, Activities and Special conditions in the 6-Water Dependent (6-WD)

(A) Uses (4) Industrial & Port Facilities

- Appendix 3 Coos Bay Estuary Management Plan Policies
  - #14 General Policy on Uses within Rural Coastal Shorelands
  - #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
  - #18 Protection of Historical, Cultural and Archaeological Sites
  - #23 Riparian Vegetation and Streambank Protection
  - #27 Floodplain Protection within Coastal Shorelands
  - #30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)
  - #49 Rural Residential Public Services
  - #50 Rural Public Services
  - #51 Public Services Extension

- § 4.5.276 Special Condition #4

### SECTION 4.5.281 Uses, Activities and Special Conditions in the 6-Development Aquatic (6-DA)

(B) Activities (2) Dredging (a) New and (b) Maintenance dredging of existing facilities

- Appendix 3 Coos Bay Estuary Management Plan Policies
  - #5 Estuarine Fill and Removal
  - #8 Estuarine Mitigation Requirements
  - #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
  - #18 Protection of Historical, Cultural and Archaeological Sites

### SECTION 4.5.276 Uses, Activities and Special conditions in the 6-WD

(B) Activities (5) Fill and (6)(a) Vegetative

(B) Activities (6)(b) Riprap and (c) Retaining Wall

### SECTION 4.5.281 Uses, Activities and Special Conditions in the 6-DA

(B) Activities (4) Fill and (7)(b) riprap and (c) Bulkheads

(B) Activities (7) Shoreline Stabilization (a) Vegetative

- Appendix 3 Coos Bay Estuary Management Plan Policies
  - #5 Estuarine Fill and Removal
  - #8 Estuarine Mitigation Requirements
  - #9 Solutions to Erosion and Flooding Problems
  - #14 General Policy on Uses within Rural Coastal Shorelands
- #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
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SECTION 4.5.286. Uses, Activities and Special Conditions in the 7-Development (7-D)

(A) Uses (6) Industrial & Port Facilities

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SECTION 4.5.286. Uses, Activities and Special Conditions in the 7-Development (7-D)

(A) Activities (5) Fill

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- #50 Rural Public Services
- #51 Public Services Extension
  
  o Special Condition # 5

SECTION 4.5.371 Uses, Activities and Special Conditions in the 8-Water Dependent (8-WD)

(A) Uses (7) Land Transportation Facility  

- Appendix 3 Coos Bay Estuary Management Plan Policies
  
  - #14 General Policy on Uses within Rural Coastal Shorelands
  - #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
  - #18 Protection of Historical, Cultural and Archaeological Sites
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  - #27 Floodplain Protection within Coastal Shorelands
  - #49 Rural Residential Public Services
  - #50 Rural Public Services
  - #51 Public Services Extension

Chapter 3, Section 3.1.150 – Building Permit Issuance.

Chapter 3, Section 3.1.200 – Verification Letter Required for Building Permit.

ARTICLE 4.2 USES – Table 4.2e

- Processing of products such as resources  
  
  - SECTION 4.2.900. Review Standards and Special Development Conditions #119
  - Fire Station

Article 4.6, "Overlay Zones"

Article 4.7, Special Considerations, Table 4.7 a

1. Mineral & Aggregate – Appendix I, Pages 12-13, Strategy Nos. 1 & 2
2. Water Resources – Appendix I, Page 21, Strategy No. 1
3. Historical/Archeological Sites & Structures – Appendix I, Pages 19-20, Strategy Nos. 1, 2 & 3
4. Beaches & Dunes Appendix I, Pages 23-25, Strategy Nos. 2, 3 & 4
5. Non-Estuarine Shoreland Boundary Appendix I, Pages 25-28, Strategy Nos. 5, 7, 8 & 11
6. Significant Wildlife Habitat (ORD 85-08-011L) – Appendix I, Pages 14-18, Strategy Nos. 1, 1a, 2 & 4:
7. Natural Hazards – Appendix I, Pages 29-30, Strategy Nos. 1, 5 & 6

Article 4.4, "General Development Standards" TABLE 4.4-c

- Footnotes 3 & 7

SECTION 4.4.630. Conformance Requirement.

Chapter III Supplemental Standards

- Section 3.1.100 Building Permit Issuance.
- Section 3.1.200. Verification Letter Required for Building Permit.
- Section 3.1.300. Accessory Structures.
- Section 3.1.450. Dwelling Unit or Building Density.
I. Basic Findings

Please note: South Dunes Power Plant is not part of this application review as it is subject to EFSC’s energy facility siting process and jurisdiction.

A. Lawfully Created Parcel:  The properties are lawfully created pursuant to CCZLDO § 3.3.800 (2014 Ordinance)

B. Zoning Descriptions:

- 6-WATER-DEPENDENT DEVELOPMENT SHORELANDS (6-WD) Western Boundary - a line extending north from the western edge of the filled dredged material disposal site that borders on Henderson Marsh. Eastern Boundary - the Roseburg Forest Products access road, and a line extending to the north where the road curves to the east.

SECTION 4.5.275. Management Objective: This district shall be managed so as to protect the shoreline for water-dependent uses in support of the water-related and non-dependent, non-related industrial use of the area further inland. To assure that the district shoreline is protected for water-dependent uses while still allowing non-water-dependent uses of the inland portion of the property (outside of the Coastal Shoreland Boundary), any new proposed use of the property must be found by the Board of County Commissioners (or their designee) to be located in such a manner that it does not inhibit or preclude water-dependent uses of the shoreline. Further, use of wetlands in the district must be consistent with state and federal wetland permit requirements.

- 6-DEVELOPMENT AQUATIC (6-DA) This district extends south to the deep-draft channel beginning at a line running south from the west boundary of the filled dredged material disposal site that borders Henderson Marsh and ending at a line approximately 1200-feet east of a point where the shoreline changes from a southerly, to a southeasterly aspect.

SECTION 4.5.280. Management Objective: This aquatic district shall be managed to provide water access for the industrial uses in the adjacent uplands.

- 7-Development Shorelands (7-D) Western boundary - the Roseburg Forest Products access road and a line extending to the north where the road curves to the east. Eastern boundary - the Southern Pacific Railroad line. Northern boundary - the inland limits of the 100-year floodplain (including freshwater wetlands associated with it).

SECTION 4.5.285. Management Objective: This shoreland district, which borders a natural aquatic area, shall be managed for industrial use. Continuation of and expansion of existing non-water-dependent/non-water-related industrial uses shall be allowed provided that this use does not adversely impact...
Natural Aquatic District #7. In addition, development shall not conflict with state and federal requirements for the wetlands located in the northwest portion of this district.

- **8-WATER-DEPENDENT DEVELOPMENT SHORELANDS (8-WD)**
  - Northern boundary - a line to the east along the north property line of the Coos Sand mining operation.
  - Southern boundary - the rail line extending south as it meets the shore at the north end of the railroad bridge.
  - Western boundary - Southern Pacific railroad track.

**SECTION 4.5.370. Management Objective:** This shoreland district shall be managed to allow the continuation of and expansion of aquaculture, along with development of a boat ramp and limited tie-up facilities, to permit public access to the Estuary.

- **ARTICLE 4.1. ZONING-GENERAL**
  - **Industrial -** 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 prior to the year 2000, as consistent with the Comprehensive Plan.

**C. Background:**

**PRIOR APPROVALS THAT RELATE TO THIS PROJECT**

1. Notice of Decision dated December 6, 2007, File No. HBCU-07-04, Coos County Order No. 07-11-289PL; Staff Report; Narrative (Approval of LNG Terminal)
2. Notice of Decision dated January 3, 2008, File No. HBCU-07-03, Coos County Order No. 07-12-309PL; Staff Report; Narrative (Approval of Port's Slip & Access Waterway)
3. Notice of Adoption dated August 21, 2009, File No. REM-09-02 (Remand of HBCU-07-04, Coos County Order No. 09-08-053PL (LNG Terminal Remand regarding Wetland Map in 6-WD)
5. Notice of Decision dated March 22, 2012, File No. ABI-12-01; Staff Report; Application and Narrative (7-D/IND Zoning District Boundary Interpretation)
6. Notice of Withdrawal and Reissuance of Administrative Conditional Use and Administrative Boundary Interpretation, File Nos. ACU-12-12/ABI-12-02; Staff Report; Notice of Decision dated July 25, 2012; Staff Report; Application And Narrative (5-WD/6-WD Zoning District Boundary Interpretation; additional fill in LNG Terminal in 6-WD)
7. Notice of Decision (Revised) dated October 4, 2012, File Nos. ACU-12-16/ACU-12-17/ACU-12-18; Staff Report; Application and Narrative (Approval of Activity of Fill on Mill Site)
8. Notice of Decision dated September 19, 2013, File No. ACU-13-22; Staff Report; Application and Narrative (Extension of HBCU-07-04 Approval)
9. Notice of Decision dated October 2, 2013, File No. ACU-13-23; Staff Report; Application and Narrative (Extension of HBCU-07-03 approval)
10. Notice of Decision dated October 3, 2013, File No. ACU-13-24; Staff Report; Application and Narrative (Extension of HBCU-09-01 Approval)

**II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA**

I. **Request for barge berth, dredging, fill and shoreline stabilization in the 6-DA and 6-WD Segments.**

   a. **Barge berth (Industrial & Port Facility)**
      The applicant is requesting approval to construct and utilize a barge berth on the eastern edge of the Port’s approved Sip and Access Waterway Facility in the CBEMP zoning districts 6-DA and 6-WD. The purpose of the barge berth is for mooring ships while they are loading/unloading large modules for the LNG Facility Project. This will occur both during construction and during ongoing operation
SECTION 4.5.276. Uses, Activities and Special conditions. Table 6-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

The barge berth is an “Industrial & Port Facility” as defined in CCZLDO § 2.1.200: “INDUSTRIAL (USES) AND PORT FACILITIES: Public or private use of land or structures for manufacturing, processing, port development, and energy generating facilities. Industrial and Port Facilities include large commercial and industrial docks.”

Pursuant to §4.5.276(A) Uses (6) Industrial & Port Facilities is subject to an ACU to address the special and general conditions that apply. The general conditions require Policies #14, #17, #18, #23, #27, #30, #49, #50 and #51.

SECTION 4.5.281.  Uses, Activities and Special Conditions. Table 6-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

Pursuant to § 4.5.281(A) Uses (4) Industrial & Port Facilities requires an ACU to address the special and general conditions that apply. The general conditions require Policies #17, #18 and Special Condition #4 to be addressed.

Special Condition #4 states “Water-dependent uses are allowed. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.”

FINDING:  A water-dependent use is defined in § 2.1.200 as a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. The definition goes on to explain that water-borne transportation necessary for receipt of goods by water or to support moorage, terminals and transfer facilities in which this would describe the applicant’s request.

#14 General Policy on Uses within Rural Coastal Shorelands

1. Coos County shall manage its rural areas within the "Coos Bay 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 CBEMP Policies #17 and #18:

   a. Farm uses as provided in ORS 215.203;
   b. Propagation and harvesting of forest products;
   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 Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands 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; and
4. Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;

g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee 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.

FINDING: This proposal is for a water-dependent industrial use and will be used to support another project that has already received approval from the Board of Commissioners, Final Decision and Order Numbers 07-11-289PL and 07-12-309PL. In that decision alternatives were discussed with the most compelling access to the deep water navigation channel that will be used for the ships to bring the materials to the site allowing for the industrial water-dependent use. The applicant has explained in detail why this use cannot be accommodated on upland or shorelands in urban and urbanizable areas or in rural areas built upon an irrevocable committed to non-resource use. Staff has reviewed the analysis and agrees that the other areas would create additional impacts to the resources of the estuary as well as the county and state transportation facilities. The applicant relies upon the alternative analysis that was submitted with the applications the Board adopted in 2007 (07-11-289PL and 07-12-309PL).

It is Staff's determination as a designee of the Board of Commissioners that this policy has been satisfied.

#16 Protection of Sites Suitable for Water-Dependent Uses and Special Allowance for new Non-Water-Dependent Uses in “Urban Water-Dependent (UW) Units”

Local government shall protect shorelands in the following areas that are suitable for water-dependent uses, for water-dependent commercial, recreational and industrial uses.

a. Urban or urbanizable areas;
b. Rural areas built upon or irrevocably committed to non-resource use; and
c. Any unincorporated community subject to OAR Chapter 660, Division 022 (Unincorporated Communities).

This strategy is implemented through the Estuary Plan, which provides for water-dependent uses within areas that are designated as Urban Water-Dependent (UW) management units.

I. Minimum acreage. The minimum amount of shorelands to be protected shall be equivalent to the following combination of factors:

a. Acreage of estuarine shorelands that are currently being used for water-dependent uses; and

b. Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess structures or facilities that provide or provided water-dependent uses with access to the adjacent coastal water body. Examples of such structures or facilities include
wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures and navigational aids.

II. Suitability. The shoreland area within the estuary designated to provide the minimum amount of protected shorelands shall be suitable for water-dependent uses. At a minimum such water-dependent shoreland areas shall possess, or be capable of possessing, structures or facilities that provide water-dependent uses with physical access to the adjacent coastal water body. The designation of such areas shall comply with applicable Statewide Planning Goals.

III. Permissible Non-Water-Dependent Uses. Unless otherwise allowed through an Exception, new non-water-dependent uses which may be permitted in "Urban Water-dependent (UW)" management units are a temporary use which involves minimal capital investment and no permanent structures, or a use in conjunction with and incidental and subordinate to a water-dependent use. Such new non-water-dependent uses may be allowed only if the following findings are made, prior to permitting such uses:

1. Temporary use involving minimal capital investment and no permanent structures:
   a. The proposed use or activity is temporary in nature (such as storage, etc.); and
   b. The proposed use would not pre-empt the ultimate use of the property for water-dependent uses; and
   c. The site is committed to long-term water-dependent use or development by the landowner.

2. Use in conjunction with and incidental and subordinate to a water-dependent use:
   a. Such non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
   b. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).
   c. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.

This policy shall be implemented through provisions in ordinance measures that require an administrative conditional use application be filed and approved, and the above findings be made prior to the establishing of the proposed uses or activities.

FINDING: The proposal is a water-dependent use which is consistent with this policy. The applicant stated that the barge berth is water-dependent because: (1) water-borne transportation of oversized modules for the LNG Facility Project/SDPP is the only feasible means of transporting these modules due to the limited size of rail and roadways; (2) the water-borne transportation requires a berth and adjacent platform upon which to unload and load; and (3) the water-borne transportation and unloading can only be accomplished on, in, and adjacent to water. Staff agrees with this analysis. Therefore, the applicant has addressed these criteria.
#17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands

Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

I. Local government shall protect:
   a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and
   b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and
   c. "Coastal headlands"; and
   d. “Exceptional aesthetic resources” where the quality is primarily derived from or related to the association with coastal water areas.

II. This strategy shall be implemented through:
   a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
   b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.
   c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

FINDING: Policy #17 requires protection for major marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary with certain exception. The strategy sets out the rules for implementing these protections which include: allowing development in areas consistent with the use and activity matrices; using the special consideration maps to identify major marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources; and contacting ODFW for review when an development falls in an identified 5b or 5c bird site. The requested use has been included in the use matrices as permitted; there are no identified major marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources; and this the development is not in a area identified as a 5b or 5c bird site thus not requiring review from ODFW. Therefore, Policy #17 does not apply to this request.

#18 Protection of Historical, Cultural and Archaeological Sites

Local government shall provide protection to historical, cultural 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 a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.

II. The development proposal, when submitted shall include a Plot 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 Indian Tribe and Coos,
Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) 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 cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.

"Appropriate measures" may include, but shall not be limited to the following:

a. Retaining the prehistoric and/or 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(s); 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, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer's expense; or
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 97.990.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall review the Plot Plan 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(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not 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 cultural, historical and archaeological values of the site.

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

FINDING: Policy #18 requires protection of historical, cultural and archaeological sites. This development site is not located in an inventoried historical, cultural or archaeological site; therefore, this policy does not apply to this project. This criteria has been addressed.

#23  Riparian Vegetation and Streambank Protection
I. 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 (OR 92-05-009PL).

II. 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 where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

FINDING: § 4.5.180 set out the standards that govern riparian corridors within the Coos Bay Estuary Management Plan. “Riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that” *** Staff has reviewed the Coastal Shoreland and Fish and Wildlife inventory maps and there is no estuarine wetland, stream, lake or river identified that requires riparian protection. Even if there were there are exceptions to the rule for removal of riparian vegetation to provide direct access for water –dependent use. The stabilization methods incorporated into this project are not required to be addressed under this policy because they are not related to a streambank. Therefore, Policy #23 is not applicable to this review.

#27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government 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 potential for property damage that could result from flooding of the estuary.

FINDING: This policy is only required to be addressed in the 6-WD zoning district and the portion of the proposed project in the 6-WD is outside of the Floodplain according to the adopted floodplain maps. Therefore, this policy is not applicable to this portion of the review.

#30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)

I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
   a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
   b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
   c. Methods for protecting the surrounding area from any adverse effects of the development;
Implementation shall occur through an administrative conditional use process which shall include submission of a site investigation report by the developer that addresses the five considerations above.

II. This policy recognizes that:
   a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;
   b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that
   c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.

III. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977 (see Section 3. Definitions for "development"). Criteria for review of all shore and beachfront protective structures shall provide that:
   a. Visual impacts are minimized;
   b. Necessary access to the beach is maintained;
   c. Negative impacts on adjacent property are minimized; and
   d. Long-term or recurring costs to the public are avoided.

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:
   a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage),
   b. The exposure of stable and conditionally stable areas to erosion,
   c. Construction of shore structures which modify current or wave patterns leading to beach erosion, and
   d. Any other development actions with potential adverse impacts.

FINDING: Policy #30 requires review of dune areas that have been inventoried as limited development suitability. The applicant has provided a report dated March 13, 2015 (Applicant’s Exhibit 10) from Steven K. Donovan, P.E., SHN Consulting Engineers & Geologists, Inc. The report covers that entire request but this portion is only the 6-WD which has been described as that applicant’s Area-3. Mr. Donovan concludes that Area-3 where the barge berth will be located is an area mapped as a younger stabilized dune having limited suitability for development. This dune complex is also located above the base flood and, therefore, not subject to ocean flooding. Fill for the barge berth in 6-WD will replace a younger stabilized dune form. Adjacent areas including neighboring aquatic zones will be protected by placement of fill during low tide and driving sheet piles through the fill to isolate the barge berth construction from the surrounding aquatic zone. Procedures for placing fill in Area 3 will effectively isolate the work zone and protect the site and adjacent areas from adverse effects. All fill and sheet piling installed for construction of the barge berth will be in accordance with state and federal permit requirements.

Mr. Donovan explained that the Barge Berth will have limited impacts to the beach and dune areas with limited suitability because that work area will be enclosed by sheet pile wall. North of the barge berth remaining dune features will be restored and revegated to replicate the dune setting as part of the project site
He continues to explain the methods used in the project, both onsite and adjacent, to protect the stabilization of the dunes including the construction methods and maintenance of vegetation. The report supplied complies with the requirements of the criteria for Policy #30. The details explain the process to ensure no lasting effects to adjacent beach and dune areas as well as hazards to life, public and private property.

Therefore, Policy #30 has been complied with.

### #49 Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

**Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.**

1. This strategy is based on the recognition:
   a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and
   b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

**FINDING:** This is a directive to Coos County regarding rural residential and not applicable to this request.

### #50 Rural Public Services

Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

**This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.**

**FINDING:** This is a directive for the County to consider types adequate rural level of services. The proposal does not require an exception to Statewide Planning Goal 11 to be addressed. Therefore, the project is consistent with rural public services.

### #51 Public Services Extension

1. **Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB’s) or the establishment of new water systems outside UGB’s and UCB’s where such service is solely for:**
   a. development of designated industrial sites;
   b. development of "recreational" planned unit developments (PUDs);
   c. curing documented health hazards;
   d. providing domestic water to an approved exception for a rural residential area;
   e. development of “abandoned or diminished mill sites” as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.
II. This strategy shall be implemented by requiring:

a. That those requesting service extensions pay for the costs of such extension; and
b. That the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
c. That the service provider is capable of extending services; and
d. Prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
e. That the service allowed by “e” above is authorized in accordance with ORS 197.719.

FINDING: This site could be eligible for extension of public water and sewer as it is industrial and would also must likely qualify under ORS 197.719 as an abandoned or diminished mill site (or land contiguous to such a site). The applicant has not expressly requested the addition of these services in conjunction with this specific portion of this property but talks about related to the entire project. The barge berth is consistent with the policy, to the extent it is applicable.

b. Dredging in Zoning District 6-DA for the Access Triangle – New and maintenance dredging
   The applicant has requested approval for of the initial and maintenance dredging of 1.36 acres referred to as the access triangle. The dredging is necessary to provide access to the barge berth.

SECTION 4.5.281. Uses, Activities and Special Conditions. Table 6-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

B. Activities:
   2. Dredging
      a. New ACU-S, G
      b. Maintenance dredging of existing facilities ACU-S, G

These activities are subject to an ACU to address the special and general conditions that apply. The general conditions require Policies #17 and #18 to be addressed while the special conditions require Policies #5 and #8.

#51 Estuarine Fill and Removal

I. Local government shall support dredge and/or fill only if such activities are allowed in the respective management unit, and:
   a. The activity is required for navigation or other water-dependent use that require an estuarine location or in the case of fills for non-water-dependent uses, is needed for a public use and would satisfy a public need that outweighs harm to navigation, fishing and recreation, as per ORS 541.625(4) and an exception has been taken in this Plan to allow such fill;
   b. A need (ie., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;
   c. No feasible alternative upland locations exist; and

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d. Adverse impacts are minimized.
e. Effects may be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained;
f. The activity is consistent with the objectives of the Estuarine Resources Goal and with other requirements of state and federal law, specifically the conditions in ORS 541.615 and Section 404 of the Federal Water Pollution Control Act (P.L.92-500).

II. Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met.

Identification and minimization of adverse impacts as required in "d" above shall follow the procedure set forth in Policy #4.

As required by Goal #16, only dredging necessary for on-site maintenance of existing functional tidegates, associated drainage channels and bridge crossing support structures is permitted in Natural and Conservation Management Units (applies to 11-NA,18A-CA,20-CA, 30-CA, 31-NA and 38-CA). Dredging necessary for the installation of new bridge crossing support structures is permitted in Conservation Management Units and may be allowed in Natural Management Units where consistent with the resource capabilities of the area and the purposes of the management unit.

In the Conservation Management Unit, new dredging for boat ramps and marinas, aquaculture requiring dredge or fill or other alteration of the estuary, and dredging necessary for mineral extraction may be allowed where consistent with the resource capabilities of the area and the purposes of the management unit.

This strategy shall be implemented by the preparation of findings by local government documenting that such proposed actions are consistent with the Comprehensive Plan, and with the above criteria "a", "b", "c", "d", "e" and "f"; however, where goal exceptions are included within this Plan, the findings in the exception shall be sufficient to satisfy above criteria "a" through "d". Identification and minimization of adverse impacts as required in "e" above shall follow the procedure set forth in Policy #4a. The findings shall be developed in response to a "request for comment" by the Division of State Lands (DSL), which shall seek local government's determination regarding the appropriateness of a permit to allow the proposed action.

"Significant" as used in "other significant reduction or degradation of natural estuarine values", shall be determined by: a) the U.S. Army Corps of Engineers through its Section 10.404 permit processes; or b) the Department of Environmental Quality (DEQ) for approvals of new aquatic log storage areas only; or c) the Department of Fish and Wildlife (ODFW) for new aquaculture proposals only.

This strategy recognizes that Goal #16 limits dredging, fill and other estuarine degradation in order to protect the integrity of the estuary.

FINDING:  Policy #5 applies to the activities of shoreline stabilization, fill and dredge.  These activities are allowed as a conditional use in the 6-DA zone.  The activities of fill dredging is required to construct the barge berth, which is a water-dependent use.

A need has been established for the proposed activities as they are components of the barge berth.  Policy #5 is not applicable to the barge berth itself.  The barge berth will be utilized for in facilitating development and operation of the LNG Facility Project which was established to be a water dependent use in a prior Board of Commissioners decision.  The barge berth is a necessary part of the project as it will aid in reduction of congestion, decrease impacts to local and state highways by allowing the movement of large equipment and other goods or services needed in conjunction with the overall project.

The criteria require that the alteration, in this case the activities of shoreline stabilization, fill and dredge, does not unreasonably interfere with public trust rights.  The site is located outside of the navigation channel and the overall impact would be approximately 1.36 acres out of 13339.72 total acres of aquatic area in the
Granted that there are portions of the estuary dedicated to other uses but this specific request would have a minimal impact to the CBEMP. There will be safety and economical benefit as described by the applicant to show the public benefit.

Because the barge berth is necessary to allow the shipment of large equipment and supplies needed to construct the LNG facility there is no feasible alternative upland locations. Furthermore, this provision does not seem to apply in the case of dredging because you would not dredge upland that would be classified as creation of new water surface which is a separate listed use that is not proposed.

As explained before the impacts will be minimal as in comparison of the size of the project to the aquatic CBEMP areas is too small to reasonable calculate the percentage. However, the minimal impacts will be mitigated by providing estuarine wetland mitigation at the Kentuck and Eelgrass mitigation sites.

The applicant has been required to address all of these criteria through the DSL Removal-Fill Permit for the SDPP and a USACE Section 404 Permit. The primary criteria used by DSL and the USACE include:

- demonstration of public need,
- protection of public trust right,
- impact minimization and avoidance,
- analysis of alternatives,
- evaluation of public interest, and
- mitigation of unavoidable impacts to aquatic resources. (See 33 CFR 320 et seq., ORS 196.800 et seq., and OAR 141-085 et seq., incorporated by reference).

New and maintenance dredging is consistent with the acknowledged County Comprehensive Plan, including the CBEMP, it is also consistent with the Statewide Planning Goals, including Goal 16 Estuarine Resources.

The applicant has met the criteria of Policy #5 for the activity of dredging. As additional findings in support of the conclusion that the application satisfies this policy, staff adopts the applicant’s reasoning at pages 10-14 of the supplemental application narrative dated March 26, 2015.

#8 Estuarine Mitigation Requirements

Local government recognizes that mitigation shall be required when estuarine dredge or fill activities are permitted in inter-tidal or tidal marsh areas. The effects shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained as required by ORS 196.830 (renumbered in 1989). However, mitigation shall not be required for projects which the Division of State Lands determined met the criteria of ORS 196.830(3).

This strategy shall be implemented through procedures established by the Division of State Lands, and as consistent with ORS 196.830 and other mitigation/restoration policies set forth in this Plan.

This strategy recognizes the authority of the Director of the Division of State Lands in administering the statutes regarding mitigation.

FINDING: Policy #8 applies to the activities of shoreline stabilization, fill and dredge. As explained above the applicant has been required to address all of these criteria through the DSL Removal-Fill Permit for the SDPP and a USACE Section 404 Permit. The primary criteria used by DSL and the USACE include:

- demonstration of public need,
- protection of public trust right,
- impact minimization and avoidance,
- analysis of alternatives,
• evaluation of public interest, and  
• mitigation of unavoidable impacts to aquatic resources. (See 33 CFR 320 et seq., ORS 196.800 et seq., and OAR 141-085 et seq., incorporated by reference).

The application has explained that the impacts to the aquatic resources and the planned mitigation. The impacts will be mitigated by providing estuarine wetland mitigation at the Kentuck and Eelgrass mitigation sites. See letter from David Evans and Associates in Applicant’s Exhibit 3. The estuarine wetland mitigation will more than offset, at a 3:1 ratio, the wetland impacts thereby satisfying state and federal laws. Therefore, this policy has been addressed.

#17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands

Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

III. Local government shall protect:
   a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and
   b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and
   c. “Coastal headlands”; and
   d. “Exceptional aesthetic resources” where the quality is primarily derived from or related to the association with coastal water areas.

IV. This strategy shall be implemented through:
   a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
   b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.
   c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

FINDING: Policy #17 requires protection for major marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary with certain exception. The strategy sets out the rules for implement these protection which include: allowing development in areas consistent with the use and activity matrices; using the special consideration maps to identify major marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources; and contacting ODFW for review when an development falls in an identified 5b or 5c bird site. The requested use has been included in the use matrices as permitted; there are no identified major marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources; and this the development is not in a area identified as a 5b or 5c bird site thus not requiring review from ODFW. Therefore, Policy #17 does not apply to this request.

#18 Protection of Historical, Cultural and Archaeological Sites

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

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

VI. The development proposal, when submitted shall include a Plot 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 Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) 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 cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.

"Appropriate measures" may include, but shall not be limited to the following:

a. Retaining the prehistoric and/or 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(s); 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, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer's expense; or
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 97.990.

VII. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall review the Plot Plan and shall:

  c. Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or
  d. Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not 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 cultural, historical and archaeological values of the site.

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

FINDING: Policy #18 requires protection of historical, cultural and archaeological sites. This development site is not located in an inventoried historical, cultural or archaeological site; therefore, this policy does not apply to this project. This criteria has been addressed.

Furthermore, the request for new and maintenance dredging meets the criteria.

c. Fill & Shoreline Stabilization in Zoning District 6-DA for the barge berth
   The applicant has requested approval to fill approximately 1.69 acres in the 6-DA zone and approximately 0.40 acres in the 6-WD zone. The scalloped edges on the barge berth represent the riprap and bulkhead/retaining wall (which will be constructed from Open Cell sheet pile). Used for shoreline stabilization.

SECTION 4.5.276. Uses, Activities and Special conditions. Table 6-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

B. Activities:
   5. Fill
   6. Shoreline stabilization
      a. Vegetative
      b. Riprap
      c. Retaining Wall

Fill is listed as permitted but is subject to policies that require a review; therefore, all the requested activities are subject to an ACU. Shoreland stabilization for riprap and retaining wall will require general conditions and applicable special condition. The general conditions require Policies #14, #17, #18, #23, #27, #30, #49, #50 and #51 and the Special Conditions requires Policy #9 to be addressed.

SECTION 4.5.281. Uses, Activities and Special Conditions. Table 6-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

B. Activities:
   4. Fill
   7. Shoreline stabilization
      a. Vegetative
      b. Riprap
      c. Bulkheads

These activities are subject to an ACU to address the special and general conditions that apply. The general conditions require Policies #17 and #18 to be addressed while the special conditions for activities require Policies #9 “Solutions to Erosion and Flooding Problems”, #5, #8.

FINDING: The proposed activity is temporary and permanent fill using bulkheads, riprap and retaining wall as shoreline stabilization methods to construct a barge berth. JCEP is requesting approval for an
administrative conditional use from the County to fill approximately 1.69 acres in the 6-DA zone and 0.40 in the 6-WD to construct a barge berth. It is necessary to construct the barge berth to allow for docking of barges that are transporting new or replacement components to the LNG Facility Project or damaged or irreparable components from the LNG Facility Project. These project components are very oversized and thus cannot be transported via road or rail facilities. Further, JCEP must construct a new berth for these barges because site operations will preclude the use of other marine landing areas either within the slip or at other marine facilities located on the North Spit. The applicant has submitted a conditional use addressing the required polices.

Policy #5  Estuarine Fill and Removal

I. Local government shall support dredge and/or fill only if such activities are allowed in the respective management unit, and:
   a. The activity is required for navigation or other water-dependent use that require an estuarine location or in the case of fills for non-water-dependent uses, is needed for a public use and would satisfy a public need that outweighs harm to navigation, fishing and recreation, as per ORS 541.625(4) and an exception has been taken in this Plan to allow such fill;
   b. A need (ie., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;
   c. No feasible alternative upland locations exist; and
   d. Adverse impacts are minimized.
   e. Effects may be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained;
   f. The activity is consistent with the objectives of the Estuarine Resources Goal and with other requirements of state and federal law, specifically the conditions in ORS 541.615 and Section 404 of the Federal Water Pollution Control Act (P.L.92-500).

II. Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met.

Identification and minimization of adverse impacts as required in "d" above shall follow the procedure set forth in Policy #4.

As required by Goal #16, only dredging necessary for on-site maintenance of existing functional tidegates, associated drainage channels and bridge crossing support structures is permitted in Natural and Conservation Management Units (applies to 11-NA,18A-CA,20-CA, 30-CA, 31-NA and 38-CA). Dredging necessary for the installation of new bridge crossing support structures is permitted in Conservation Management Units and may be allowed in Natural Management Units where consistent with the resource capabilities of the area and the purposes of the management unit.

In the Conservation Management Unit, new dredging for boat ramps and marinas, aquaculture requiring dredge or fill or other alteration of the estuary, and dredging necessary for mineral extraction may be allowed where consistent with the resource capabilities of the area and the purposes of the management unit.

This strategy shall be implemented by the preparation of findings by local government documenting that such proposed actions are consistent with the Comprehensive Plan, and with the above criteria "a", "b", "c", "d", "e" and "f"; however, where goal exceptions are included within this Plan, the findings in the exception shall be sufficient to satisfy above criteria "a" through "d". Identification and minimization of adverse impacts as required in "e" above shall follow the procedure set forth in Policy #4a. The findings shall be developed in response to a "request for comment" by the Division of State Lands (DSL), which shall seek local government's determination regarding the appropriateness of a permit to allow the proposed action.

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“Significant” as used in "other significant reduction or degradation of natural estuarine values", shall be determined by: a) the U.S. Army Corps of Engineers through its Section 10.404 permit processes; or b) the Department of Environmental Quality (DEQ) for approvals of new aquatic log storage areas only; or c) the Department of Fish and Wildlife (ODFW) for new aquaculture proposals only.

This strategy recognizes that Goal #16 limits dredging, fill and other estuarine degradation in order to protect the integrity of the estuary.

FINDING: Policy #5 applies to the activities of shoreline stabilization and fill. These activities are allowed as a conditional use in the 6-DA zone. They are required to construct the barge berth, which is a water-dependent use.

A need has been established for the proposed activities as they are components of the barge berth. Policy #5 is not applicable to the barge berth itself. The barge berth will be utilized for in facilitating development and operation of the LNG Facility Project which was established to be a water dependent use in prior decision. The barge berth is a necessary part of the project as it will aide in reduction of congestion, decrease impacts local and state highways by allowing the movement of large equipment and other goods or services needed in conjunction with the overall project.

The criteria require that the alteration, in this case the activities of shoreline stabilization, fill and dredge, does not unreasonably interfere with public trust rights. The area proposed for dredge, fill and shoreline stabilization is close to the shore. The site is located outside of the navigation channel and the overall impact would be approximately 1.69 acres out of 13339.72 total acres of aquatic area in the CBEMP. Granted that there are portions of the estuary dedicated to other uses but this is a minimal impact to the CBEMP. There will be safety and economical benefit as described by the applicant to show the public benefit.

Because the barge berth is necessary to allow the shipment of large equipment and supplies needed to construct the LNG facility there is no feasible alternative upland locations.

As explained before the impacts will be minimal as in comparison of the size of the project to the aquatic CBEMP areas is too small to reasonable calculate the percentage. However, the minimal impacts will be mitigated by providing estuarine wetland mitigation at the Kentuck and Eelgrass mitigation sites.

The applicant has been required to address all of these criteria through the DSL Removal-Fill Permit for the SDPP and a USACE Section 404 Permit. The primary criteria used by DSL and the USACE include:

- demonstration of public need,
- protection of public trust right,
- impact minimization and avoidance,
- analysis of alternatives,
- evaluation of public interest, and
- mitigation of unavoidable impacts to aquatic resources. (See 33 CFR 320 et seq., ORS 196.800 et seq., and OAR 141-085 et seq., incorporated by reference).

The application has explained that the impacts to the aquatic resources from fill and shoreline stabilization of the barge berth will affect a total of 1.69 acres of intertidal, algae/mudflats/sand, shallow subtidal, and below Highest Measured Tide (HMT) (elevation 10.26’). The impacts will be mitigated by providing estuarine wetland mitigation at the Kentuck and Eelgrass mitigation sites. See letter from David Evans and Associates in Applicant’s Exhibit 3. The estuarine wetland mitigation will more than offset, at a 3:1 ratio, the wetland impacts thereby satisfying state and federal laws.

Shoreline stabilization and fill is consistent with the acknowledged County Comprehensive Plan, including the CBEMP, it is also consistent with the Statewide Planning Goals, including Goal 16 Estuarine Resources.
The applicant has met the criteria of Policy #5 for the activities of shoreline stabilization and fill.

Policy #8 3 Estuarine Mitigation Requirements
Local government recognizes that mitigation shall be required when estuarine dredge or fill activities are permitted in inter-tidal or tidal marsh areas. The effects shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained as required by ORS 196.830 (renumbered in 1989). However, mitigation shall not be required for projects which the Division of State Lands determined met the criteria of ORS 196.830(3).

This strategy shall be implemented through procedures established by the Division of State Lands, and as consistent with ORS 196.830 and other mitigation/restoration policies set forth in this Plan.

This strategy recognizes the authority of the Director of the Division of State Lands in administering the statutes regarding mitigation.

FINDING: Policy #8 applies to the activities of shoreline stabilization and fill. As explained above the applicant has been required to address all of these criteria through the DSL Removal-Fill Permit for the SDPP and a USACE Section 404 Permit. The primary criteria used by DSL and the USACE include:

- demonstration of public need,
- protection of public trust right,
- impact minimization and avoidance,
- analysis of alternatives,
- evaluation of public interest, and
- mitigation of unavoidable impacts to aquatic resources. (See 33 CFR 320 et seq., ORS 196.800 et seq., and OAR 141-085 et seq., incorporated by reference).

The application has explained that the impacts to the aquatic resources from fill and shoreline stabilization of the barge berth will affect a total of 1.69 acres of intertidal, algae/mudflats/sand, shallow subtidal, and below Highest Measured Tide (HMT) (elevation 10.26'). The impacts will be mitigated by providing estuarine wetland mitigation at the Kentuck and Eelgrass mitigation sites. See letter from David Evans and Associates in Applicant’s Exhibit 3. The estuarine wetland mitigation will more than offset, at a 3:1 ratio, the wetland impacts thereby satisfying state and federal laws. Therefore, this policy has been addressed.

Policy #9 4 Solutions to Erosion and Flooding Problems

Local government shall prefer nonstructural solutions to problems of erosion and flooding to structural solutions. Where shown to be necessary, water and erosion control structures such as jetties, bulkheads, seawalls and similar protective structures and fill whether located in the waterways or on shorelands above ordinary high water mark shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns.

I. Further, where listed as an "allowable" activity within the respective management units, riprap may be allowed in Development Management Units upon findings that:

a. Land use management practices and nonstructural solutions are inadequate; and
b. Adverse impacts on water currents, erosion and accretion patterns are minimized; and

c. It is consistent with the Development management unit requirements of the Estuarine Resources Goal.

3 Appendix 3, page 15
4 Appendix 3, page 16
II. Further, where listed as an "allowable" activity within respective management units, riprap shall only be allowed in Conservation Aquatic (CA) units upon findings that:

a. Land use management practices and nonstructural solutions are inadequate; and

b. Adverse impacts on water currents, erosion and accretion patterns are minimized; and

c. Riprap is consistent with the resource capabilities of the area and the purposes of maintaining Conservation management units.

III. Further, where listed as an "allowable" activity within respective management units, riprap shall only be allowed in Natural Aquatic (NA) units upon findings that:

a. There is a need to protect from erosion: uses existing as of October 7, 1977, unique natural resources and historic archaeological values, or public facilities;

b. Land use management practices and nonstructural solutions are inadequate;

c. It is consistent with the natural management unit as set forth in this Plan and required by Goal #16; and

d. Adverse impacts on water currents, erosion and accretion patterns and estuarine organisms and their habitat are minimized.

Implementation of this strategy shall occur through local review of and comment on state and federal permit applications for such projects.

This strategy is based on the recognition that nonstructural solutions are often more cost-effective as corrective measures, but that carefully designed structural solutions are occasionally necessary. The strategy also recognizes LCDC Goal #16 and #17 requirements and the Oregon Administrative Rule classifying Oregon estuaries (OAR 666-17-000 as amended June, 1981).

FINDING: Policy #9 is only required to be addressed for the activity of shoreline stabilization. Under § 4.5.281(B) Activities 4 and 7(b) & (c) would be permitted after an applicant addressed the General Conditions (Policies #17 & #18) if they meet certain exceptions of “preferring non-structural to structural solutions, and to the specific findings for riprap. Riprap may be allowed to a very limited extent where necessary for erosion control to protect: (A) uses existing as of 10-7-77; (B) unique natural resource and historical and archaeological values; or, (C) public facilities.” Subsection I applies to this project because the zoning designated is development and not conservation or natural.

In its supplemental application narrative, applicant has proposed that riprap is allowed in this location to protect public facilities, including Coos Bay. Staff understands applicant to contend that the installation of the riprap will prevent ships’ propeller wash from eroding the shoreline and increasing deposits in Coos Bay. Staff concurs with applicant that the riprap will have these effects; however, staff disagrees that the shoreline and Coos Bay are properly construed as public facilities in this instance. Staff finds that the protection of the shoreline and Coos Bay will protect unique natural resources, including the various species that inhabit the bay and estuarine areas. Based upon these findings, the proposed riprap is consistent with this provision and is thus permitted.

Shoreline stabilization is necessary to ensure the structural integrity of the barge berth and shoreline. The applicant has explained how the proposed shoreline stabilization has been designed to minimize adverse impacts on water currents, erosion and accretion patterns by avoiding the need for a construction platform, eliminating acoustic disturbance, and utilizing a turbidity curtain to contain any sediment.

The 6-DA is the aquatic unit but the upland unit designation is 6-WD which is a water dependent shoreland designation. Policy #9 states that the activity has to be listed as allowable. Riprap and bulkheads are an allowable listed use. The applicant has provided information to show that nonstructural solutions would be inadequate to protect the shoreline and the water currents, erosion and accretion patterns.
The last requirement is that the activity is consistent with the development management unit requirements of the estuarine resource goal. Statewide Planning Goal 16 was developed to “recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries. Comprehensive management programs to achieve these objectives shall be developed by appropriate local, state, and federal agencies for all estuaries.” Management units were developed to achieve this goal. The activities will take place in a development management unit. The Development Unit’s goal includes industrial water-dependent uses and activities necessary to accomplish listed uses in the development unit.

This is a minor addition to an application that has already been approved and there is no other alternative area to site the barge berth. The Board of Commissioners adopted the larger Industrial and Port Facility in Coos County’s acknowledged comprehensive plan has designated the upland property as industrial water dependent and the adjacent aquatic area as development aquatic area to facility the development of the upland area. The goal or management objective for the 6-DA zoning segment is “[t]his aquatic district shall be managed to provide water access for the industrial uses in the adjacent uplands.” The goal of 6-WD (upland zoning) zoning segment states that this district shall be managed so as to protect the shoreline for water-dependent uses. The applicant’s request is consistent with the goals.

Policy #9 has been implemented through a local review process. The applicant has applied for a DSL Fill-Removal Permit application which identifies the methods used for shoreline stabilization. The impacts will be minimal as explained under Policy #5.

The applicant’s submittal explains that nonstructural solutions have been explored and found to be inadequate. Riprap is a listed activity and consistent with the development management unit requirements of the Estuarine Resources Goal; therefore, the proposed riprap is compliant with the above criteria.

Therefore, the applicant has met these criteria.

#14 General Policy on Uses within Rural Coastal Shorelands

I. Coos County shall manage its rural areas within the "Coos Bay 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 CBEMP Policies #17 and #18:

a. Farm uses as provided in ORS 215.203;
b. Propagation and harvesting of forest products;
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 Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands 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; and
   4. Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee 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.

FINDING: This proposal is for a water-dependent industrial use and will be used to support another project that has already received approval from the Board of Commissioners, Final Decision and Order Numbers 07-11-289PL and 07-12-309PL. In that decision alternatives were discussed with the most compelling access to the deep water navigation channel that will be used for the ships to bring the materials to the site allowing for the industrial water-dependent use. The applicant has explained in detail why this use cannot be accommodated on upland or shorelands in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use. Staff has reviewed the analysis and agrees that the other areas would create additional impacts to the resources of the estuary as well as the county and state transportation facilities. The applicant relies upon the alternative analysis that was submitted with the applications the Board adopted in 2007 (07-11-289PL and 07-12-309PL).

Based upon the argument and referenced evidence at pages 35-36 of the application narrative, it is Staff’s determination as a designee of the Board of Commissioners that this policy has been satisfied.

Policy #17  Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

I. Local government shall protect:
   a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and
   b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and
   c. “Coastal headlands”; and
   d. “Exceptional aesthetic resources” where the quality is primarily derived from or related to the association with coastal water areas.

II. This strategy shall be implemented through:
   a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
   b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.
   c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

Findings: Policy #17 is required to be addressed as a general condition for all components of this project including shoreline stabilization. Coos County has inventoried major marshes, significant wildlife habitats, coastal headlands and exceptional aesthetic resources on the “Shoreland Values” map. Staff has reviewed the

5 Appendix 3, page 23
Therefore, all portions of Policy #17 have been addressed and it meets the criteria.

Policy #18 Protection of Historical, Cultural and Archaeological Sites

Local government shall provide protection to historical, cultural 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 a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.

II. The development proposal, when submitted shall include a Plot 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 Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) 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 cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values. "Appropriate measures" may include, but shall not be limited to the following:

a. Retaining the prehistoric and/or 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(s); 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, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer's expense; or
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 97.990.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall review the Plot Plan 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(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not 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 cultural, historical and archaeological values of the site.

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

6 Appendix 3, Page 24
Findings: Policy #18 is required to be addressed as a general condition for all components of the barge berth including the dredge, fill and shoreline stabilization. This property is an area identified as having an archaeological significance (area of interest) but there are no historical sites inventories on the site.

The applicant has been working with an archaeological consultant to address this criterion. The applicant’s archaeological consultant, Scott Byram of Byram Archeological Consulting, first provided notice of the proposed LNG Facility Project in 2005 to the following tribes: the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Coquille Indian Tribe; and the Confederated Tribes of Siletz Indians. Dr. Byram has been in regular communication with these tribes since that time, including providing copies of his Cultural Resources Survey for the site and the Unanticipated Discovery Plan. The area of the proposed barge berth is located in the same geographic area as the Port Slip and LNG Terminal Components of the LNG Facility Project and is covered by the earlier notices and responses for the site. Development of the barge berth is consistent with this policy. Further, compliance with CBEMP Policy #18 has been assured in the Prior Approvals by imposition of related conditions of approval. Notice of this application was provided by the Coos County Planning Department on December 15, 2014. This policy has been addressed.

Policy #23 Riparian Vegetation and Streambank Protection

I. 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 (OR 92-05-009PL).

II. 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 where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

FINDING: § 4.5.180 set out the standards that govern riparian corridors within the Coos Bay Estuary Management Plan. “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” *** Staff has reviewed the Coastal Shoreland and Fish and Wildlife inventory maps and there is no estuarine wetland, stream, lake or river identified that requires riparian protection. Even if there were there are exceptions to the rule for removal of riparian vegetation to provide direct access for water –dependent use. The stabilization methods incorporated into this project are not required to be addressed under this policy because they are not related to a streambank. Therefore, Policy #23 is not applicable to this review.
Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government 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 potential for property damage that could result from flooding of the estuary.

FINDING: This policy is only required to be addressed in the 6-WD zoning district and the portion of the proposed project in the 6-WD is outside of the Floodplain according to the adopted floodplain maps. Therefore, this policy is not applicable to this portion of the review.

Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)

I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
   a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
   b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
   c. Methods for protecting the surrounding area from any adverse effects of the development; and
   d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
   e. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an administrative conditional use process which shall include submission of a site investigation report by the developer that addresses the five considerations above.

II. This policy recognizes that:
   a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;
   b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that
   c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.

III. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977 (see Section 3. Definitions for "development"). Criteria for review of all shore and beachfront protective structures shall provide that:
   a. Visual impacts are minimized;
   b. Necessary access to the beach is maintained;
   c. Negative impacts on adjacent property are minimized; and
   d. Long-term or recurring costs to the public are avoided.

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:
   a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or
b. The exposure of stable and conditionally stable areas to erosion,
c. Construction of shore structures which modify current or wave patterns leading to beach erosion, and
d. Any other development actions with potential adverse impacts.

FINDING: Policy #30 requires review of dune areas that have been inventoried as limited development suitability. The applicant has provided a report dated March 13, 2015 (Applicant’s Exhibit 10) from Steven K. Donovan, P.E., SHN Consulting Engineers & Geologists, Inc. The report covers that entire request but this portion is only the 6-WD which has been described as that applicant’s Area-3. Mr. Donovan concludes that Area-3 where the barge berth will be located is an area mapped as a younger stabilized dune having limited suitability for development. This dune complex is also located above the base flood and, therefore, not subject to ocean flooding. Fill for the barge berth in 6-WD will replace a younger stabilized dune form. Adjacent areas including neighboring aquatic zones will be protected by placement of fill during low tide and driving sheet piles through the fill to isolate the barge berth construction from the surrounding aquatic zone. Procedures for placing fill in Area 3 will effectively isolate the work zone and protect the site and adjacent areas from adverse effects. All fill and sheet piling installed for construction of the barge berth will be in accordance with state and federal permit requirements.

Mr. Donovan explained that the Barge Berth will have limited impacts to the beach and dune areas with limited suitability because that work area will be enclosed by sheet pile wall. North of the barge berth remaining dune features will be restored and revegedated to replicate the dune setting as part of the project site landscaping.

He continue to explain the methods used in the project, both onsite and adjacent, to protect the stabilization of the dunes including the construction methods and maintenance of vegetation. The report supplied complies with the requirements of the criteria for Policy #30. The details explain the process to ensure no lasting effects to adjacent beach and dune areas as well as hazards to life, public and private property.

Therefore, Policy #30 has been complied with.

#49 Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

1. This strategy is based on the recognition:
   a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and
   b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

FINDING: This is a directive to Coos County regarding rural residential and not applicable to this request.

#50 Rural Public Services

Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation
method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

FINDING: This is a directive for the County to consider types adequate rural level of services. The proposal does not require an exception to Statewide Planning Goal 11 to be addressed. Therefore, the project is consistent with rural public services.

#51 Public Services Extension

I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB’s) or the establishment of new water systems outside UGB’s and UCB’s where such service is solely for:

a. development of designated industrial sites;
b. development of "recreational" planned unit developments (PUDs);
c. curing documented health hazards;
d. providing domestic water to an approved exception for a rural residential area;
e. development of “abandoned or diminished mill sites” as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.

II. This strategy shall be implemented by requiring:

a. that those requesting service extensions pay for the costs of such extension; and
b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
c. that the service provider is capable of extending services; and
d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
e. That the service allowed by “e” above is authorized in accordance with ORS 197.719.

FINDING: This site could be eligible for extension of public water and sewer as it is industrial and would also must likely qualify under ORS 197.719 as an abandoned or diminished mill sites. The applicant has not expressly requested the addition of these services in conjunction with this specific portion of this property but talks about related to the entire project. The barge berth is consistent with the policy, to the extent it is applicable.

II. Request for Fire Station, Road and Utility Corridor accessory to the LNG Facility and Fill in the CBEMP 7-D Zoning Segment.

a. Fire Station and Road and Utility Corridor Accessory to Remainder of LNG Facility Project.
The applicant has requested approval to develop a fire station and a Road and Utility Corridor accessory to the remainder of the LNG Facility Project. Portions of the two accessory uses will be located in the CBEMP 7-D zoning. The applicant has classified these as Accessory Uses to the Industrial & Port Facility.

“Industrial & Port Facility” as defined in CCZLDO § 2.1.200: “INDUSTRIAL (USES) AND PORT FACILITIES: Public or private use of land or structures for manufacturing, processing, port development, and energy generating facilities. Industrial and Port Facilities include large commercial and industrial docks.”
ACCESSORY STRUCTURE OR USE as defined in CCZLDO § 2.1.200: “A structure or use which: (1) is subordinate to and serves a principal structure or principal use, (2) is subordinate in area, extent, or purpose to the principal structure or principal use served, (3) contributes to the comfort, convenience or the necessity of occupants of the principal structure or principal use, and (4) is located on the same lot, parcel or tract as the principal structure or principal use; unless otherwise permitted or conditionally permitted by this Ordinance.”

SECTION 4.5.286. Uses, Activities and Special Conditions. Table 7-D sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 7-D also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

6. Industrial & Port facilities

The use is permitted but requires review under General Conditions for consistency with Policies #14, #17, #18, #23, #27, #30, #49, #50 and #51.

FINDING: The proposal is a fire station and utility corridor as accessory uses to the Industrial & Port Facility. This is a subordinate use that serves a principal use. An accessory use may be established when the principal use is allowed. In this case a review needs to be completed for the principal use to ensure it will meet the policy requirements. Then the accessory use may be allowed.

#14 General Policy on Uses within Rural Coastal Shorelands

I. Coos County shall manage its rural areas within the "Coos Bay 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 CBEMP Policies #17 and #18:

a. Farm uses as provided in ORS 215.203;
b. Propagation and harvesting of forest products;
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 Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands 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; and
   4. Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee 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.

FINDING: This proposal is for an Industrial & Port Facility as a component of another project that has already received approval from the Board of Commissioners, Final Decision and Order Numbers 07-11-289PL and 07-12-309PL. In that decision alternatives were discussed with the most compelling access to the deep water navigation channel that will be used for the ships to bring the materials to the site allowing for the industrial water-dependent use. The applicant has explained in detail why this use cannot be accommodated on upland or shorelands in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use. Staff has reviewed the analysis and agrees that the other areas would create additional impacts to the resources of the estuary as well as the county and state transportation facilities. The applicant relies upon the alternative analysis that was submitted with the applications the Board adopted in 2007 (07-11-289PL and 07-12-309PL). The fire station and road and utility corridor will be a part of the Industrial & Port Facility as accessory uses.

Based upon the arguments and referenced evidence set forth at page 44 of the application narrative, it is Staff’s determination as a designee of the Board of Commissioners that this policy has been satisfied.

Policy #177 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

I. Local government shall protect:
   a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and
   b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and
   c. “Coastal headlands”; and
   d. “Exceptional aesthetic resources” where the quality is primarily derived from or related to the association with coastal water areas.

II. This strategy shall be implemented through:
   a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
   b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.
   c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

FINDING: Coos County has inventoried major marshes, significant wildlife habitats, coastal headlands and exceptional aesthetic resources on the “Shoreland Values” map. Staff has reviewed the maps and there is a freshwater wetland in the northwest corner of zoning district 7-D. The proposed road and utility corridor will span over and thus, avoid and protect, that wetland. While that bridge is being constructed, the applicant will temporarily fill a portion of this wetland. As a condition of approval the applicant will be required to obtain and comply with applicable DSL and USACE fill and removal permits, the applicant’s activities will ensure no net loss.

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loss of wetland functions and values, either temporary or permanent. There are no other inventoried resources in the proposed areas of fill.

Therefore, all portions of Policy #17 have been addressed and it meets the criteria.

Policy #18 Protection of Historical, Cultural and Archaeological Sites

Local government shall provide protection to historical, cultural 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 a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.

II. The development proposal, when submitted shall include a Plot 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 Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) 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 cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.

"Appropriate measures" may include, but shall not be limited to the following:

a. Retaining the prehistoric and/or 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(s); 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, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer's expense; or
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 97.990.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall review the Plot Plan 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(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not 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 cultural, historical and archaeological values of the site.

IV. 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 cultural, historical 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 cultural, historical and archaeological sites is not only a community's social responsibility; it is also legally required by ORS 97.745. It also recognizes that cultural, historical and

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archaeological sites are non-renewable cultural resources.

Findings: Policy #18 is required to be addressed as a general condition for all components of the Industrial & Port Facility. This property is an area identified as having an archaeological significance (area of interest) but there are no historical sites inventories on the site.

The applicant has been working with an archaeological consultant to address this criterion. The applicant’s archaeological consultant, Scott Byram of Byram Archeological Consulting, first provided notice of the proposed LNG Facility Project in 2005 to the following tribes: the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Coquille Indian Tribe; and the Confederated Tribes of Siletz Indians. Dr. Byram has been in regular communication with these tribes since that time, including providing copies of his Cultural Resources Survey for the site and the Unanticipated Discovery Plan. The area of the proposed barge berth is located in the same geographic area as the Port Slip and LNG Terminal Components of the LNG Facility Project and is covered by the earlier notices and responses for the site. Further, compliance with CBEMP Policy #18 has been assured in the Prior Approvals by imposition of related conditions of approval. Notice of this application was provided by the Coos County Planning Department on December 15, 2014. This policy has been addressed.

Policy #23 Riparian Vegetation and Streambank Protection

I. 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 (OR 92-05-009PL).

II. 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 where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

FINDING: § 4.5.180 set out the standards that govern riparian corridors within the Coos Bay Estuary Management Plan. “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” *** Staff has reviewed the Coastal Shoreland and Fish and Wildlife inventory maps and there is no estuarine wetland, stream, lake or river identified that requires riparian protection. The applicant will meet this policy as it applies to their project.

#27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government 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 potential for property damage that could result from flooding of the estuary.

FINDING: There will be fill used to raise the elevation to remove any structures from the floodplain. In accordance with the County’s implementing ordinances, the applicant has requested a floodplain certification as part of this application. For the reasons explained in Section IV of this decision, staff grants applicant’s requested floodplain certification. Therefore, the request is consistent with this policy.

#30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)

I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
   a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
   b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
   c. Methods for protecting the surrounding area from any adverse effects of the development; and
   d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
   e. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an administrative conditional use process which shall include submission of a site investigation report by the developer that addresses the five considerations above.

II. This policy recognizes that:
   a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;
   b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that
   c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.

III. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977 (see Section 3. Definitions for "development"). Criteria for review of all shore and beachfront protective structures shall provide that:
   a. Visual impacts are minimized;
   b. Necessary access to the beach is maintained;
   c. Negative impacts on adjacent property are minimized; and
   d. Long-term or recurring costs to the public are avoided.

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:
   a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage),
   b. The exposure of stable and conditionally stable areas to erosion,
   c. Construction of shore structures which modify current or wave patterns leading to
beach erosion, and
d. Any other development actions with potential adverse impacts.

FINDING: Policy #30 requires review of dune areas that have been inventoried as limited development suitability. The applicant has provided a report dated March 13, 2015 (Applicant’s Exhibit 10) from Steven K. Donovan, P.E., SHN Consulting Engineers & Geologists, Inc. The report covers that entire request but this portion is only the 7-D which has been described as that applicant’s Area-1 for the fire station and Area-2 for the temporary roadway. Mr. Donovan describes Area-1 as an area east of the fire station adjacent to a fresh water wetland located in Zoning District 7-D. As indicated on the CBEMP Special Considerations Map, the portion that crosses into the 7-D zoning also extends into a Wet Deflation Plain (WDP) on land identified as a Beach and Dune Special Consideration Area; and Area-2 as an east-west temporary roadway extending eastward from Jordan Cove Road toward Jordan Point. The area affected includes portions of land with 7-D zoning that extends across a Wet Deflation Plain (WDP) on land identified as a Beach and Dune Special Consideration Area.

Mr. Donovan explained that based on historical photos of the area, an interdune feature existed in Area 1 and Area 2 along this portion of the old "Weyerhaeuser" property. During the past half century the area has been modified by development of roadways and industrial activity. Only remnant features of the historic interdune complex remain. These remnants include a wet deflation plain now divided by the Jordan Cove Road, Trans Pacific Highway, and two existing Mill Site utility corridors.

Mr. Donovan explains potential adverse impacts, methods used in the project (both onsite and adjacent) to protect the stabilization of the dunes including the construction methods and maintenance of vegetation. The report supplied complies with the requirements of the criteria for Policy #30. The details explain the process to ensure no lasting effects to adjacent beach and dune areas as well as hazards to life, public and private property.

Therefore, Policy #30 has been complied with.

#49 Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

I. This strategy is based on the recognition:

   a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and

   b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

FINDING: This is a directive to Coos County regarding rural residential and not applicable to this request.

#50 Rural Public Services

Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-
intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

FINDING: This is a directive for the County to consider types adequate rural level of services. The proposal does not require an exception to Statewide Planning Goal 11 to be addressed. Therefore, the project is consistent with rural public services.

#51 Public Services Extension

I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB’s) or the establishment of new water systems outside UGB’s and UCB’s where such service is solely for:

a. development of designated industrial sites;
b. development of "recreational" planned unit developments (PUDs);
c. curing documented health hazards;
d. providing domestic water to an approved exception for a rural residential area;
e. development of “abandoned or diminished mill sites” as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.

II. This strategy shall be implemented by requiring:

a. that those requesting service extensions pay for the costs of such extension; and
b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
c. that the service provider is capable of extending services; and
d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
e. That the service allowed by “e” above is authorized in accordance with ORS 197.719.

FINDING: This site could be eligible for extension of public water and sewer as it is industrial and would also must likely qualify under ORS 197.719 as an abandoned or diminished mill sites. The applicant has not expressly requested the addition of these services in conjunction with this specific portion of this property but talks about related to the entire project. The accessory uses are consistent with this policy, to the extent it is applicable.

b. Fill in the 7-D.
The applicant has request to fill approximately 4.5 acres in two different location to facilitate development of portions of the Accessory Uses located in the CBEMP 7-D. The fill areas are shown on the map below. The fill in Area 6 will generally be temporary in nature. See Areas 6 and 7 identified in Figure 8 for a graphical depiction of the areas of proposed fill. The fill in Area 6 will generally be temporary in nature and will be used as a temporary bridge to construct a permanent bridge over the existing freshwater wetland along the Road and Utility Corridor, although areas of fill at either end of the permanent bridge will be permanent in nature. The fill in Area 7 will be permanent in nature and facilitate development of the Fire Station. As a historical note, the County approved most of the 7-D portions of the Project site east of Jordan Cove Road for fill in prior land use approvals to make that area ready for development (see Prior Approval No. 7 Applicants Exhibit 2)
SECTION 4.5.286. Uses, Activities and Special Conditions. Table 7-D sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 7-D also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

B. Activities:

5. Fill

The activity request review under the General Conditions for consistency with Policies #14, #17, #18, #23, #27, #30, #49, #50 and #51. This review also requires compliance with Special Condition 5.

5. The wetland in the southeast portion of this district can be filled for a development project contingent upon satisfaction of the prescribed mitigation described in Shoreland District #5.

FINDING: The applicant is not proposing to fill the wetland in the southeast portion of this district as part of this request. Therefore, staff finds that this special condition is not applicable.

#14 General Policy on Uses within Rural Coastal Shorelands

I. Coos County shall manage its rural areas within the "Coos Bay 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 CBEMP Policies #17 and #18:

a. Farm uses as provided in ORS 215.203;

b. Propagation and harvesting of forest products;
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 Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands 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; and
   4. Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;


g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee 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.

FINDING: This proposal is for fill to accommodate the Industrial & Port Facility as a component of another project that has already received approval from the Board of Commissioners, Final Decision and Order Numbers 07-11-289PL and 07-12-309PL. In that decision alternatives were discussed with the most compelling access to the deep water navigation channel that will be used for the ships to bring the materials to the site allowing for the industrial water-dependent use. The applicant has explained in detail why this use cannot be accommodated on upland or shorelands in urban and urbanizable areas or in rural areas built upon an irrevocably committed to non-resource use. Staff has reviewed the analysis and agrees that the other areas would create additional impacts to the resources of the estuary as well as the county and state transportation facilities. The applicant relies upon the alternative analysis that was submitted with the applications the Board adopted in 2007 (07-11-289PL and 07-12-309PL). The fill will facilitate development of the fire station and road and utility corridor, which will be a part of the Industrial & Port Facility as accessory uses.

Therefore, it is Staff's determination as a designee of the Board of Commissioners that this policy has been satisfied.

Policy #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

I. Local government shall protect:
   a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and
   b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and
   c. “Coastal headlands”; and
   d. “Exceptional aesthetic resources” where the quality is primarily derived from or related to the

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association with coastal water areas.

II. This strategy shall be implemented through:
   a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
   b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.
   c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

Findings: Policy #17 is required to be addressed as a general condition for fill. Coos County has inventoried major mashers, significant wildlife habitats, coastal headlands and exceptional aesthetic resources on the “Shoreland Values” map. Staff has reviewed the maps and there is a freshwater wetland in the northwest corner of zoning district 7-D. The proposed road and utility corridor will span over and thus, avoid and protect, that wetland. While that bridge is being constructed, the applicant will temporarily fill a portion of this wetland. As a condition of approval the applicant will be required to obtain and comply with applicable DSL and USACE fill and removal permits, the applicant’s activities will ensure no net loss of wetland functions and values, either temporary or permanent. There are no other inventoried resources in the proposed areas of fill.

Therefore, all portions of Policy #17 have been addressed and it meets the criteria.

Policy #18 Protection of Historical, Cultural and Archaeological Sites
Local government shall provide protection to historical, cultural 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 a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.

II. The development proposal, when submitted shall include a Plot 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 Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) 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 cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values. "Appropriate measures" may include, but shall not be limited to the following:
   a. Retaining the prehistoric and/or 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(s); 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, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer’s expense; or
   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 97.990.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period,
the local government shall review the Plot Plan 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(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) 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 cultural, historical and archaeological values of the site.

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

Findings: Policy #18 is required to be addressed as a general condition for all components of the Industrial & Port Facility including fill. This property is an area identified as having an archaeological significance (area of interest) but there are no historical sites inventories on the site.

The applicant has been working with an archaeological consultant to address this criterion. The applicant’s archaeological consultant, Scott Byram of Byram Archeological Consulting, first provided notice of the proposed LNG Facility Project in 2005 to the following tribes: the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Coquille Indian Tribe; and the Confederated Tribes of Siletz Indians. Dr. Byram has been in regular communication with these tribes since that time, including providing copies of his Cultural Resources Survey for the site and the Unanticipated Discovery Plan. The area of the proposed berth is located in the same geographic area as the Port Slip and LNG Terminal Components of the LNG Facility Project and is covered by the earlier notices and responses for the site. Further, compliance with CBEMP Policy #18 has been assured in the Prior Approvals by imposition of related conditions of approval. Notice of this application was provided by the Coos County Planning Department on December 15, 2014. This policy has been addressed.

Policy #23 Riparian Vegetation and Streambank Protection

I. 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 (OR 92-05-009PL).

II. 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
where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

FINDING: § 4.5.180 set out the standards that govern riparian corridors within the Coos Bay Estuary Management Plan. “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” *** Staff has reviewed the Coastal Shoreland and Fish and Wildlife inventory maps and there is no estuarine wetland, stream, lake or river identified that requires riparian protection. The applicant will meet this policy as it applies to their project.

#27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government 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 potential for property damage that could result from flooding of the estuary.

FINDING: A portion of the fire station and road and utility corridor will encroach into the floodplain. There will be fill used to raise the elevation to remove any structures from the floodplain. In accordance with the County’s implementing ordinances, the applicant has requested a floodplain certification as part of this application. For the reasons explained in Section IV of this decision, staff grants applicant’s requested floodplain certification. Therefore, the request is consistent with this policy.

#30 Restricting Actions in Beach and Dune Areas with “Limited Development Suitability” and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)

I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
   a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
   b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
   c. Methods for protecting the surrounding area from any adverse effects of the development; and
   d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
   e. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an administrative conditional use process which shall include submission of a site investigation report by the developer that addresses the five considerations above.

II. This policy recognizes that:
   a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;
b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that

c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.

III. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977 (see Section 3. Definitions for "development"). Criteria for review of all shore and beachfront protective structures shall provide that:

a. Visual impacts are minimized;

b. Necessary access to the beach is maintained;

c. Negative impacts on adjacent property are minimized; and

d. Long-term or recurring costs to the public are avoided.

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:

a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage),

b. The exposure of stable and conditionally stable areas to erosion,

c. Construction of shore structures which modify current or wave patterns leading to beach erosion, and

d. Any other development actions with potential adverse impacts.

FINDING: Policy #30 requires review of dune areas that have been inventoried as limited development suitability. The applicant has provided a report dated March 13, 2015 (Applicant’s Exhibit 10) from Steven K. Donovan, P.E., SHN Consulting Engineers & Geologists, Inc. The report covers that entire request but this portion is only the 7-D which has been described as that applicant’s Area-1for the fire station and Area-2 for the temporary roadway. Mr. Donovan describes Area-1 as an area east of the fire station adjacent to a fresh water wetland located in Zoning District 7-D. As indicated on the CBEMP Special Considerations Map, the portion that crosses into the 7-D zoning also extends into a Wet Deflation Plain (WDP) on land identified as a Beach and Dune Special Consideration Area; and Area-2 as an east-west temporary roadway extending eastward from Jordan Cove Road toward Jordan Point. The area affected includes portions of land with 7-D zoning that extends across a Wet Deflation Plain (WDP) on land identified as a Beach and Dune Special Consideration Area.

Mr. Donovan explained that based on historical photos of the area, an interdune feature existed in Area 1 and Area 2 along this portion of the old "Weyerhaeuser" property. During the past half century the area has been modified by development of roadways and industrial activity. Only remnant features of the historic interdune complex remain. These remnants include a wet deflation plain now divided by the Jordan Cove Road, Trans Pacific Highway, and two existing Mill Site utility corridors.

Mr. Donovan explains potential adverse impacts, methods used in the project (both onsite and adjacent) to protect the stabilization of the dunes including the construction methods and maintenance of vegetation. The report supplied complies with the requirements of the criteria for Policy #30. The details explain the process to ensure no lasting effects to adjacent beach and dune areas as well as hazards to life, public and private property.

Therefore, Policy #30 has been complied with.

#49 Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection,
public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

I. This strategy is based on the recognition:

a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and
b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

FINDING: This is a directive to Coos County regarding rural residential and not applicable to this request.

#50 Rural Public Services

Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

FINDING: This is a directive for the County to consider types adequate rural level of services. The proposal does not require an exception to Statewide Planning Goal 11 to be addressed. Therefore, the project is consistent with rural public services.

#51 Public Services Extension

I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB’s) or the establishment of new water systems outside UGB’s and UCB’s where such service is solely for:

a. development of designated industrial sites;
   b. development of "recreational" planned unit developments (PUDs);
   c. curing documented health hazards;
   d. providing domestic water to an approved exception for a rural residential area;
   e. development of “abandoned or diminished mill sites” as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.

II. This strategy shall be implemented by requiring:

a. that those requesting service extensions pay for the costs of such extension; and
b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
   c. that the service provider is capable of extending services; and
   d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
   e. That the service allowed by “e” above is authorized in accordance with ORS 197.719.
FINDING: This site could be eligible for extension of public water and sewer as it is industrial and would also must likely qualify under ORS 197.719 as an abandoned or diminished mill sites. The applicant has not expressly requested the addition of these services in conjunction with this specific portion of this property but talks about related to the entire project. The activity of fill (and the uses it supports) are consistent with this policy, to the extent it is applicable.

III. Use Approval for Land Transportation Facility in CBEMP Zoning.
The applicant requests approval to realign portions of Jordan Cove Road, a public street, where it intersects with TransPacific Parkway generally north of the Project site. The purpose of the realignment is to improve the safety of this intersection. A portion of the realigned street will be located outside of existing right-of-way in the CBEMP zoning district 8-WD.

SECTION 4.5.371. Uses, Activities and Special Conditions. Table 8-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 8-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

7. Land Transportation facilities P-G

The activity request review under the General Conditions for consistency with Policies #14, #17, #18, #23, #27, 49, #50 and #51.

#14 General Policy on Uses within Rural Coastal Shorelands

I. Coos County shall manage its rural areas within the "Coos Bay 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 CBEMP Policies #17 and #18:

a. Farm uses as provided in ORS 215.203;
b. Propagation and harvesting of forest products;
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 Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands 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; and
   4. Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee 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.

FINDING: This proposal is for the land transportation facility (realignment) for the Industrial & Port Facility as a component of another project that has already received approval from the Board of Commissioners, Final Decision and Order Numbers 07-11-289PL and 07-12-309PL. In that decision alternatives were discussed with the most compelling access to the deep water navigation channel that will be used for the ships to bring the materials to the site allowing for the industrial water-dependent use. The applicant has explained in detail why this use cannot be accommodated on upland or shorelands in urban and urbanizable areas or in rural areas built upon an irrevocable committed to non-resource use. Staff has reviewed the analysis and agrees that the other areas would create additional impacts to the resources of the estuary as well as the county and state transportation facilities. The applicant relies upon the alternative analysis that was submitted with the applications the Board adopted in 2007 (07-11-289PL and 07-12-309PL). The land transportation facility will be a part of the Industrial & Port Facility as an accessory use.

Therefore, it is Staff's determination as a designee of the Board of Commissioners that this policy has been satisfied.

Policy #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.
I. Local government shall protect:
a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and
b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and
c. “Coastal headlands”; and
d. “Exceptional aesthetic resources” where the quality is primarily derived from or related to the association with coastal water areas.
II. This strategy shall be implemented through:
a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.
c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

Findings: Policy #17 is required to be addressed as a general condition. Coos County has inventoried major marshes, significant wildlife habitats, coastal headlands and exceptional aesthetic resources on the “Shoreland Values” map. Staff has reviewed the maps and there is a freshwater wetland in the northwest corner of zoning district 7-D. The proposed realignment of the land transportation facility is not located in an inventoried resources under Policy #17.

11 Appendix 3, page 23
Therefore, all portions of Policy #17 have been addressed and it meets the criteria.

Policy 12 #18 Protection of Historical, Cultural and Archaeological Sites
Local government shall provide protection to historical, cultural 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 a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.

II. The development proposal, when submitted shall include a Plot 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 Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) 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 cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values. "Appropriate measures" may include, but shall not be limited to the following:

a. Retaining the prehistoric and/or 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(s); 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, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer's expense; or
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 97.990.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall review the Plot Plan 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(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not 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 cultural, historical and archaeological values of the site.

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

12 Appendix 3, Page 24
Findings: This property is an area identified as having an archaeological significance (area of interest) but there are no historical sites inventories on the site.

The applicant has been working with an archaeological consultant to address this criterion. The applicant’s archaeological consultant, Scott Byram of Byram Archeological Consulting, first provided notice of the proposed LNG Facility Project in 2005 to the following tribes: the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Coquille Indian Tribe; and the Confederated Tribes of Siletz Indians. Dr. Byram has been in regular communication with these tribes since that time, including providing copies of his Cultural Resources Survey for the site and the Unanticipated Discovery Plan. The area of the proposed barge berth is located in the same geographic area as the Port Slip and LNG Terminal Components of the LNG Facility Project and is covered by the earlier notices and responses for the site. Further, compliance with CBEMP Policy #18 has been assured in the Prior Approvals by imposition of related conditions of approval. Notice of this application was provided by the Coos County Planning Department on December 15, 2014. This policy has been addressed.

Policy #23 Riparian Vegetation and Streambank Protection

I. 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 (OR 92-05-009PL).

II. 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 where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

FINDING: There are no estuarine wetlands, streams, lakes, or rivers identified on the Coastal Shoreland or Fish & Wildlife Habitat Maps I or II within the area of the land transportation facility. As a result, Part I of CBEMP Policy 23 is not applicable. Additionally, there are no streambanks within the area of the land transportation facility. As a result, Part II of CBEMP Policy 23 is not applicable.

#27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government 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 potential for property damage that could result from flooding of the estuary.

FINDING: The land transportation facility will not be located in a floodplain; therefore, Policy #27 is not applicable to this request.
Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

I. This strategy is based on the recognition:

   a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and
   b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

FINDING: This is a directive to Coos County regarding rural residential and not applicable to this request.

Rural Public Services

Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

FINDING: This is a directive for the County to consider types adequate rural level of services. The proposal does not require an exception to Statewide Planning Goal 11 to be addressed. Therefore, the project is consistent with rural public services.

Public Services Extension

I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB’s) or the establishment of new water systems outside UGB’s and UCB’s where such service is solely for:

   a. development of designated industrial sites;
   b. development of "recreational" planned unit developments (PUDs);
   c. curing documented health hazards;
   d. providing domestic water to an approved exception for a rural residential area;
   e. development of “abandoned or diminished mill sites” as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.

II. This strategy shall be implemented by requiring:

   a. that those requesting service extensions pay for the costs of such extension; and
   b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
c. that the service provider is capable of extending services; and

d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.

e. That the service allowed by “e” above is authorized in accordance with ORS 197.719.

FINDING: This site could be eligible for extension of public water and sewer as it is industrial and would also must likely qualify under ORS 197.719 as an abandoned or diminished mill sites. The applicant has not expressly requested the addition of these services in conjunction with this specific portion of this property but talks about related to the entire project. The land transportation facility is consistent with the policy, to the extent it is applicable.

IV. LNG Facility Compliance Checklist

The applicant has requested a zoning compliance letters for applications that have received prior approvals and for uses that are permitted outright in the zoning district. The requests are listed below:

- Port’s Slip & Access Waterway (the Slip). Prior Approval No. 2 and No. 9.
- The LNG Terminal which is a facility for the liquefaction of natural gas, also a water-dependent Industrial & Port Facilities use. The LNG Terminal was approved in Prior Approvals No. 1, No. 3 and No. 6.
- The Gas Processing Facility. This application seeks confirmation that those areas approved for fill can be used for a natural gas (mineral) processing facility as a component of the LNG Facility, with related buildings, parking, security facilities and access that will be used with the other interconnected Project Components. The Gas Processing Facility is mostly zoned IND, except for the two small perimeter areas currently zoned 7-D which were already approved to be filled, following which the zoning for those areas will become IND. Prior Approvals Nos. 2 and 7
- Fire Station. Fire stations are permitted uses outright (P) in the IND zone as shown in Table 4.2e. The Fire Station will provide emergency response services to meet the requirements of the Oregon Department of Energy (ODOE) for LNG facilities. The Fire Station has been strategically located to meet those requirements. The fill for this site was approved through fill for development in Prior Approvals Nos. 2 and 7
- The proposed barge berth use in zoning districts 6-DA and 6-WD is being approved via this review as a concurrent ACU application.
- The accessory, internal road and utility corridor linking the various project components.

In order to issue a zoning compliance (verification) letter (ZCL) pursuant to CCZLDO Section 3.1.200 for the project, a review of each project component to determine compliance is required. Some of the components have received prior conditional approval and in those cases staff reviews the conditions of approval to ensure all conditions that are required to be complied with at the local level have been completed. Staff finds that other conditions, that by their terms have later compliance deadlines or that require ongoing compliance, may be “passed through” in the ZCL. For the uses that have been requested that are permitted outright, staff has reviewed special development considerations that pertain to the property and requested comments from the Roadmaster for confirmation with road/driveway standards, as explained below.

Staff will review each component to make the determination of compliance. A zoning compliance must be obtained prior to issuance of a building permit from State of Oregon Building Codes Agency.

Chapter 3, Section 3.1.150 – Building Permit Issuance.
Coos County recognizes the State of Oregon Building Codes Agency as the official building permit issuing and enforcing authority, responsible for receiving applications and examining the plans and specifications for proposed construction. A building permit shall not be issued unless such plans and specifications comply with this Ordinance.

Chapter 3, Section 3.1.200 – Verification Letter Required for Building Permit.

13 Prior approvals listed in the background section of this report.
To obtain a building permit, the applicant shall first request and receive a zoning verification letter from the Coos County Planning Department. This verification letter is valid for one year from the date it is issued. If the request otherwise requires review (conditional use, variance, partitioning, etc.), a verification letter shall not be issued unless the request is approved through any required applicable process. If a process results in a conditional approval, said conditions shall be fulfilled prior to a verification letter issuance, or shall be so indicated on the verification letter. A zoning verification letter shall only be issued for a development proposal found to be in compliance with this Ordinance and the Comprehensive Plan.


The applicant has requested a review to determine compliance in order to receive a zoning compliance letter. The County approved the Port's Slip & Access Waterway (the Slip) in Prior Approval No. 2 as a water-dependent Industrial and Port Facilities use with conditions of approval. Prior Approval No. 2 requires compliance with all applicable CCZLDO standards needed for the issuance of a zoning compliance letter for the Slip. Prior to the expiration of the approval the Coos County approved an extension (File No. ACU-13-23) and the approval is still valid. Staff finds that the request satisfies all conditions that must be satisfied before issuance of a ZCL.

The conditions of approval that apply to this application are as follows:

1. By issuing this administrative conditional use permit and adopting the following conditions, the County does not intend to and it cannot be interpreted to waive any existing right, privilege, or authority granted to local governments under the federal Coastal Management Act. This approval is granted for the uses proposed in the applicant’s submittals and is subject to the conditions of approval set out herein. Any substantial change will require further review by the County.

   FINDING: There has been no substantial change that would require a new review. Therefore, this condition has been satisfied.

2. The applicant shall provide the planning director with copies of all state and federal permits, certifications, notices to proceed, or other authorizations issued to the applicant or its representatives in relation to the activities authorized by the County under this permit. Such permits includes, but are not limited to, those issued by:

   a. The Oregon Department of State Lands acting under the Oregon Fill/Removal Law, or as grantor of an easement to use and development within navigable waterways of the State of Oregon.
   b. The U.S. Army Corps of Engineers acting under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Air Act.
   c. The Oregon Department of Environmental Quality, acting under Sections 401 and 402 of the Clean Water Act, and pursuant to state standards regulating noise.
   d. The Federal Energy Regulatory Commission (FERC)

   All necessary federal, state, and local permits must be obtained prior to commencement of construction.

   FINDING: The applicant’s have been providing copies as required. The state and federal forms require the Planning Staff’s signature to ensure coastal consistency. The applicant has provided staff with the Environmental Impact Statements (EIS) that were submitted to FERC. There will be more state and federal permits that need to be obtained but staff has no legitimate reason for not finding current compliance with this provision. Therefore, this has been met and will continually be met.
3. The applicants and its tenants, permittees, or agents are prohibited from placing any fill or other excavated materials in Henderson Marsh or in any other jurisdictional wetland in the course of developing the Marine Terminal without obtaining appropriate state, federal, and local permits.

**FINDING:** The applicants have not filled in any form Henderson Marsh. Any wetlands that will be filled have received local approval (see approval list) and some fill permits (DSL and Joint Permits) have been procured. There will be more permits but the applicant has continued to comply with this condition.

4. The applicant shall implement the portion of the Unanticipated Discovery Plan prepared by Byram Archaeological Consulting LLC associated with the Marine Terminal to avoid possible impacts to undiscovered archaeological and cultural resources during construction authorized under this permit. The applicant, its tenants, permittees, and agents shall also adhere to any and all conditions and limitations established by the State Historic Preservation Office to identify and protect cultural and archeological resources. The applicant must coordinate with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians by providing notice 72 hours prior to ground disturbing activity.

**FINDING:** The applicant is continually working with all the tribes and Staff provided notice of this application on December 15, 2014 for any additional comments. The applicant must contact the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians by providing notice 72 hours prior to ground disturbing activity.

5. Unless allowed pursuant to CCZLDO 4.5.180(1), to avoid unacceptable adverse impacts to wetlands and riparian vegetation, the applicant shall establish a 50-foot setback from the upland boundary of Henderson Marsh or any other jurisdictional wetland affected by the development of the Marine Terminal, including any jurisdictional wetlands located within management segment 7-D.

**FINDING:** The applicant will be required to maintain the setbacks as required by this provision. This will be included on the zoning compliance letter.

6. The applicant shall comply with applicable floodplain regulations, including certification requirements at the time of construction.

**FINDING:** A floodplain certificate and analysis has been provided. This condition has been satisfied.

7. Noise generated by the construction and operation of the Marine Terminal and its tenants shall not exceed applicable state noise standards. In addition, the applicant shall not drive pilings between the hours of 6 p.m. and 6 a.m. for the months November through March and between the hours of 9 p.m. and 6 a.m. for the months of April through October.

**FINDING:** This condition remains in effect for the project and must be complied with at the time of the development. Development may not occur until after a zoning compliance letter has been received. Staff further clarifies that this condition applies only to noise and/or activity generated from pile-driving via impact hammers to drive sheet pile.

8. The applicant shall comply with all conditions, limitations, and requirements of this permit and in all other state, federal, and local permits. If a conflict between conditions, limitations, and requirements occurs, the applicant has the responsibility to coordinate among the affected agencies (including the County) to clarify the applicable requirements.
FINDING: The applicant shall comply with this condition.

9. A parking plan should be developed and approved by the Coos County Highway Department.

FINDING: A parking plan has been submitted and the County Roadmaster is working with the applicants. The Roadmaster must provide the Planning Department with a driveway confirmation to ensure that access and road standards including parking have been complied with prior to receiving the zoning compliance letter.

10. The applicant shall comply with the applicable setback standards set out in CCZLDO 4.5.100.

FINDING: All applicable setbacks shall be complied with at the time of development. The development will not happen until after a zoning compliance letter has been received.

11. The applicant shall obtain appropriate DEQ permits for discharge into Coos Bay and for erosion control.

FINDING: The applicant shall comply with this condition of approval. However, a zoning compliance letter can be issued to allow permits to be obtained.

12. The applicant and any successor owner or property operator shall not restrict access to and uses of public land, roads, trails, shorelands, and waterways. Applicant and its successors in interest shall not restrict access to and use of all waterways serving the proposed facility by commercial and sport-fishing and other vessels at all times during construction and operation of the Marine Terminal, except as temporarily necessary during periods when an ship is actively maneuvering to enter or leave the facility moorage, or when otherwise required by an authority having jurisdiction. Jurisdiction over access disputes under this Section shall be the Board of Commissioners.

FINDING: The applicant shall comply with this condition of approval. However, a zoning compliance letter can be issued to allow permits to be obtained.

13. At least 90 days prior to the commencement of construction on the project, applicant shall submit an updated Traffic Impact Analysis (TIA) performed by an Oregon certified engineer with expertise in traffic and construction engineering and A/C (asphaltic concrete) analysis, and approved by the County Roadmaster. The TIA shall include engineering and cost analysis of the impact of the project on existing road structure within the study area. The study area shall include at a minimum all of the study area included within the July 2006 TIA included in the record. The TIA shall specifically determine the proportionate impact of the project, both construction and operational phases, on existing roads in the study area, along with the current costs of such impact, and identify and recommend appropriate actions to mitigate impacts to the transportation system. The TIA shall also be based on data for peak usage of roads within the study area during tourist season. The TIA shall be performed at the applicant’s expense by a contractor approved by the County, and the elements and methodology of the TIA shall be subject to the direction of the County Roadmaster consistent with County road standards and the applicable provisions of Chapter VII (Streets and Roads) of the CCZLDO. The Roadmaster’s determination of the scope, study area, analysis assumptions, and methodology for the updated TIA shall be provided to the applicant in writing within 14 days of the applicant’s written request to the Roadmaster. For purposes of this condition, the Roadmaster’s written determination shall be treated as an administrative decision subject to a de novo appeal to the Board of Commissioners which shall, for the purposes of this condition, act as the Hearings Body under the provisions of Section 5.8.200 of the CCZLDO.
FINDING: The applicant shall comply with this condition of approval 90 days prior to construction. Once the TIA has been completed then any necessary agreements can be made and a notice of decision will be mailed out. However, a zoning compliance letter can be issued to allow building permits to be obtained.

14. Applicant shall bear the cost of the actions to mitigate the impacts of the project as identified in the updated TIA, which may consist of infrastructure improvements or traffic management measures prior to construction. Any infrastructure improvements required by this condition must be proportionate to the construction and operational impacts of the project. Applicant shall also bear the cost of engineering review by County of infrastructure improvements and traffic management measures, and shall deposit sufficient funds to cover such costs upon request by County. Prior to the commencement of construction, applicant shall complete a Performance Agreement with the County to complete required improvements and post securities to cover the cost of improvements. The form of agreement and amount of the securities are subject to the approval of the Roadmaster and the Board of Commissioners.

FINDING: The applicant shall comply with this condition of approval but this does not prevent a zoning compliance letter from being issued to allow permits to be obtained.

15. Applicant shall obtain a County road access permit to Transpacific Parkway and Jordan Cove Road prior to commencement of construction.

FINDING: A driveway (access) permit has been submitted and the County Roadmaster is working with the applicants. The Roadmaster must provide the Planning Department with a driveway confirmation to ensure that access have been complied with prior to receiving the ZCL.

FINDING: Once the driveway confirmation has been completed a ZCL shall be issued. If the applicant fail to comply with any of the conditions of approval the county may invoke the revocation procedures as found in the CCZLDO § 1.3.300. A list of all conditions of approval will be attached to the zoning compliance letter to remind the applicant of the condition of approval that are passed through.

b. The LNG Terminal which is a facility for the liquefaction of natural gas, also a water-dependent Industrial & Port Facilities use. The LNG Terminal was approved in Prior Approvals No. 1, No. 3 and No. 6.

The prior LNG Facility (Order Nos. 04-11-289PL and Order No. 09-08-053PL) approvals anticipated that the LNG Terminal would utilize the eastern berth and eastern edge of the industrial dock of the Port’s Slip, also characterized as an Industrial and Port Facilities use in the 6-WD zone. Regardless of if the facility will be used as an import or export facility the use has already been approved and it would not change the applicable review criteria. Therefore, staff’s task is to review the applicable conditions of approval and determine if they are satisfied or if they may be passed through. If they are all satisfied or can be passed through, then staff shall issues a zoning compliance letter to the entire project to move forward. Prior to the expiration of the approval the Coos County approved an extension (File No. ACU-13-22) and the approval is still valid.

Staff is reviewing the conditions to see if a zoning compliance letter can be issued. The conditions of approval that apply to this application are as follows:

1. Because the proposed LNG facility will need to utilize a deep-draft dock and moorage facility, this permit is subject to the applicant developing or obtaining the right to use a USACOE approved ship berth suitable for handing LNG vessels.
FINDING: The applicant is required to comply with this condition before development can occur. The applicant is in the process of obtaining the necessary permits. This does not required to be completed prior to obtaining a zoning compliance letter.

2. Prior to commencement of construction, the applicant must provide a plot plan showing the location of the proposed development relative to the boundary of the floodplain overlay zone established under Article 4.6, the areas subject to the 50-foot riparian protection standard of Section 4.5.180, and the minimum setback standards of the WD District in Table 4.5. The plot plan referenced in this condition shall not be interpreted to require site plan review under Article 5.6.

FINDING: The applicant has supplied the necessary components to address the flood hazard pursuant to Article 4.6. Therefore, this condition has been satisfied.

3. Any proposed development within the floodplain will require submittal of a floodplain application under Section 4.6.230 for review by the Coos County Planning Department, or for a related variance under Article 5.3.

FINDING: The applicant has supplied the necessary components to address the flood hazard pursuant to Article 4.6. Therefore, this condition has been satisfied and no variance was required.

4. The applicant shall adopt a resource identification and protection plan to address historic, cultural, and archeological resources on the site. Those plans shall be coordinate with affected tribes and the State Office of Historic Preservation. Copies of the adopted plans (and any updates) shall be provided to the county. The applicant must coordinate with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians by providing notice 72 hours prior to ground disturbing activity.

FINDING: The applicant has been working with State Office of Historic Preservation and the tribes. Notice of this application was provided to ensure that final comments are obtained. The applicant shall provide 72 hours notice prior to any ground disturbing activities to the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians. The applicant shall provide copies of updated resource identification and protection plans that address the historic, cultural, and archeological resources on the site. This is a condition of approval that is not required to be satisfied prior to obtaining a zoning compliance letter.

5. The application does not anticipate the filling of wetlands on the site to development the proposed LNG facility. However, all DSL/ACOE fill/removal permits ultimately needed for the project must be obtained prior to the issuance of development permits (including grading permits) for the site.

FINDING: Subsequent applications have been filed and received approval for fill in the wetlands in conjunction with the entire project. The applicant is working to secure all DSL and ACOE fill removal permits. This is a condition of approval but does not prohibit the issuance of a zoning compliance letter to obtain building permits. Therefore, the applicant is in compliance with this condition.

6. This conditional use permit is subject to all federal laws, regulations, and permits for the siting and construction of LNG facilities. The applicant must obtain all necessary federal, state, and local approvals for the facility prior to commencement of construction.
FINDING: The applicant’s have been providing copies as required. The state and federal forms require the Planning Staff’s signature to ensure coastal consistency. The applicant has provided staff with the Environmental Impact Statements (EIS) that were submitted to FERC. There will be more state and federal permits that need to be obtained but staff has no legitimate reason for not finding current compliance with this provision. Therefore, this has been met and will continually be met.

7. Prior to commencement of construction, the applicant must provide a plot plan to identify the location of a 50-foot setback from Henderson March and from all on-site delineated wetlands to be preserved. Except for riparian vegetation associated with the wetlands to be filled in accordance with DSL/ACOE permits, no riparian vegetation may be removed from the setback, except as allowed by CCZLDO Section 4.5.180. The plot plan referenced in this condition shall not be interpreted to require site plan review under Article 5.6.

FINDING: The applicant has provided a plot plan to show that all setbacks will be met. Pursuant to § 4.5.180 all setbacks will be met as required by the ordinance.

8. A parking plan shall be developed and approved by Coos County Highway Department for the period of construction as well as for the LNG facility once constructed. No parking shall be allowed along Transpacific Parkway and Jordan Cove Lane, except as approved by the County Roadmaster as part of an approved traffic management or parking plan, and shall include all requirements of other federal, state, and local permits.

FINDING: A driveway (access) permit has been submitted and the County Roadmaster is working with the applicants. The Roadmaster must provide the Planning Department with a driveway confirmation to ensure that access have been complied with prior to receiving the zoning compliance letter.

9. The applicant shall obtain appropriate DEQ permits for discharge into Coos Bay.

FINDING: The applicant is required to obtain the DEQ permit but not prior to receiving a zoning compliance letter.

10. Prior to commencement of construction, the applicant shall provide the Planning Department with proof of compliance with any applicable requirements of the FAA, Oregon Department of Aviation, or Coos County Airport District.

FINDING: The applicant is working with FAA and ODA to complete this condition. This has to be complete prior to construction but is not required to be completed prior to a zoning compliance letter.

11. The applicant and any successor owner or property operator shall not restrict access to and uses of public land, roads, trails, shorelands, and waterways. Applicant and its successors in interest shall not restrict access to and use of all waterways serving the proposed facility by commercial and sport-fishing and other vessels at all times during construction and operation of the LNG facility, except as temporarily necessary during periods when an LNG carrier is actively maneuvering to enter or leave the facility moorage, or when otherwise required by an authority having jurisdiction. Jurisdiction over access disputes under this Section shall be the Board of Commissioners.

FINDING: The property owner shall comply with this condition of approval. This condition does not inhibit obtaining a zoning compliance letter.
12. Jordan Cove shall coordinate procedures and shall, together with the Coast Guard, Coos County, state, county, and local emergency planning groups, fire departments, state and local law enforcement, and appropriate Federal Agencies, develop an Emergency Response Plan (including evacuation plan).

The Emergency Response Plan shall be acceptable to the Coos County Board of Commissioners and be filed with the Federal Energy Regulatory Commission (FERC) for review and approval by the Director of the Office of Energy Projects (OEP) prior to initial site preparation.

The Emergency Response Plan shall identify all project-specific security/emergency management costs that would be imposed on local agencies. In addition to the funding of direct transit-relate security/emergency management costs, this comprehensive plan shall include funding for the capital and maintenance costs associated with any necessary security/emergency management equipment and personnel base. The Plan shall be filed with the FERC for review and written approval by the Director of OEP prior to initial site preparation.

Jordan Cove shall provide a copy of the approved Emergency Response Plan to Coos County, subject to execution by Coos County of any required non-disclosure agreement, including FERC’s required Critical Energy Infrastructure Information NDA.

Unless otherwise agreed by the county, all costs associated with emergency planning, emergency response training, equipment, materials, and additional personnel requirements of the county and other local jurisdictions arising from the construction and operation of the LNG facility shall be paid for by the applicant, Jordan Cove, or its successors in interest. The applicant shall also be responsible for costs of coordinating and integrating said Plan with the Coos County Emergency Management Plan and its Annexes. Applicant and any successor owner or facility operator shall be responsible for and pay for all training, equipment, personnel, and materials for public agencies as deemed prudent or necessary by the U.S. Coast Guard or other federal agency, or state or local law enforcement of safety agency, for protection of public health and safety. Such obligation includes training, equipment, materials, and any additional personnel requirements that arise because of construction or operation of the LNG facilities. Additional personnel needs could include city and county law enforcement officers and local emergency responders; additional equipment could include an emergency response substation, boats, and motor vehicles. Applicant and its successors shall ensure emergency response services on the same side of the railroad tracks as the site at all times during operational life of the facility to protect against any potential interruption in access to the site.

**FINDING:** The applicant has been working to satisfy this condition. This does not have to be completed prior to obtaining building permits.

13. At least 90 days prior to the commencement of construction on the project, applicant shall submit an updated Traffic Impact Analysis (TIA) performed by an Oregon certified engineer with expertise in traffic and construction engineering and A/C (asphaltic concrete) analysis, and approved by the County Roadmaster. The TIA shall include an engineering and cost analysis of the impact of the project on existing road structure within the study area. The study area shall include at a minimum all of the study area included within the July 2006 TIA included in the record. The TIA shall specifically determine the proportionate impact of the project, both construction and operational phases, on existing roads in the study area, along with the current costs of such impact, and identify and recommend appropriate actions to mitigate impacts to the transportation system. The TIA shall also be based on data for peak usage of roads within the study area during tourist season. The TIA shall be performed at the applicant’s expense by a contractor approved by the County, and the elements and methodology of the TIA shall be subject to the direction of the County Roadmaster consistent with County road standards and the applicable provisions of Chapter VII (Streets and Roads) of the CCZLDO. The Roadmaster’s determination of the scope, study area, analysis assumptions, and methodology for the updated TIA shall be provided to the applicant in writing within 14 days of the applicant’s written request to the
Roadmaster. For purposes of this condition, the Roadmaster’s written determination shall be treated as an administrative decision subject to a de novo appeal to the Board of Commissioners which shall, for the purposes of this condition, act as the Hearings Body under the provisions of Section 5.8.200 of the CCZLDO.

FINDING: The applicant submitted an updated traffic Impact Analysis (TIA) to satisfy condition #13. The element and methodology of the updated TIA was consistent with the County road standards and the applicable provisions of Chapter VII (streets and roads) of the Coos County Zoning and Land Development Ordinance. The updated TIA was based on data for peak usage of roads within the study area during the tourist season. The TIA also included engineering and cost analysis of the impact of the project on existing roads within the study area. The Roadmaster reviewed the TIA and confirmed that this condition has been satisfied. However, the Roadmaster has requested the TIA be further updated prior to 90 days before the commencement of construction to ensure the project will continue to comply with the conditions. Condition 13 has been complied with and it is appealable.

14. Applicant shall bear the cost of the actions to mitigate the impacts of the project as identified in the updated TIA, which may consist of infrastructure improvements or traffic management measures prior to construction. Any infrastructure improvements required by this condition must be proportionate to the construction and operational impacts of the project. Applicant shall also bear the cost of engineering review by County of infrastructure improvements and traffic management measures, and shall deposit sufficient funds to cover such costs upon request by County. Prior to the commencement of construction, applicant shall complete a Performance Agreement with the County to complete required improvements and post securities to cover the cost of improvements. The form of agreement and amount of the securities are subject to the approval of the Roadmaster and the Board of Commissioners.

FINDING: The applicant shall comply with this condition of approval but this does not prevent a zoning compliance letter from being issued to allow permits to be obtained.

15. Applicant shall obtain a County road access permit to Transpacific Parkway and Jordan Cove Road prior to commencement of construction.

FINDING: The applicant has requested a driveway (access) permit along with this application.

16. Prior to the issuance of a zoning compliance letter, Applicant or land owner shall sign a non-remonstrance agreement binding on successors in title for the formation of a local improvement district, and file it with the County Clerk.

FINDING: Prior to the issuance of the zoning compliance this condition of approval must be satisfied.

17. Prior to the commencement of construction, applicant shall prepare and submit to the county and Oregon Department of Energy (ODOE) a Decommissioning Plan for the LNG facility, together with adequate financial assurances in the form of a cash deposit, which may be apportioned over the estimated life of the facility, a letter of credit, or other mutually acceptable form of financial assurance in favor of Coos County, in an amount equal to the current cost of decommissioning and removal of the facility. The Decommissioning Plan shall provide for the method and timing of the removal of the facility, including the decommissioning and removal of the storage tanks. The Plan shall specify how the facility site will be restored to a non-hazardous condition following cessation of the facility operation. If the applicant, landowner, facility operator, or any of their
successors fail to comply with the Decommissioning Plan, County shall have the right to access said financial assistance to finance the costs associated with decommissioning of the facility.

**FINDING:** The applicant shall comply with this condition of approval but this does not prevent a zoning compliance letter from being issued to allow permits to be obtained.

18. The proposed LNG facility use and related fill activity are prohibited within the area identified as a freshwater wetland on the county's CBEMP inventory map of shoreland values requiring mandatory protection (a portion of which is excerpted in the map located at page 1402 of the LUBA record), or within 50 feet of any area identified as a freshwater wetland on the CBEMP inventory map, unless and until the CBEMP inventory map is amended to no longer identify a wetland in that location.

**FINDING:** The applicant is required to maintain the applicable setbacks from wetlands unless other applications have been applied for to allow fill. This condition does not prohibit a zoning compliance letter from being issued.

19. At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners 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 cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions of LDO 5.0.900(A).

**FINDING:** The County Planning Department provided the notice required by this condition to the affected tribes on December 15, 2014, and the affected tribes submitted timely comments. Applicant shall comply with the remaining requirements of this condition. The County may authorize the issuance of a ZCL, subject to this condition.

20. Prior to obtaining building permit approval from the State of Oregon Building Codes Division, the applicant shall request review by the State of Oregon Building Codes Division to determine whether safeguards are necessary to minimize potential risks arising out of weak foundation soils.

**FINDING:** The applicant shall comply with this condition. The County may authorize issuance of a ZCL, subject to this condition.

**CONCLUSION:** A zoning compliance letter shall be issued. If the applicant fail to comply with any of the conditions of approval the county may invoke the revocation procedures as found in the CCZLDO § 1.3.300. A list of all conditions of approval will be attached to the zoning compliance letter to remind the applicant of the
condition of approval that are passed through.

c. File No. R-09-02 regarding the Planning Director’s administrative decision correcting the County's location of a specific freshwater wetlands on the inventory map entitled "Shoreland Values Requiring Mandatory Protection"

FINDING: This was a final decision and was not appealed. There are no conditions of approval. A zoning compliance letter is not required because there is no other permits required.

d. File No. ABI-12-01 was a boundary interpretation.

FINDING: This was a final decision and was not appealed. There was one condition of approval that required the revised map in hardcopy as well as a shape file for the interpreted boundary area. This was complied with. Therefore, there are no conditions to carry forward.

e. ACU-12-16/ACU-12-17/ACU-12-18

FINDING: This was a final decision and there are no outstanding conditions that the applicant needs to address. Therefore, there were no conditions to carry forward.

f. The Gas Processing Facility and Fire Station– Township 25S Range 13 Section 3 Tax Lot 200 and Township 25S Range 13 Section 4 Tax Lot 100 (west of the railroad tracts)

The applicant has described the Gas Processing Facility as being located mostly in the Industrial (IND) zone, except for the two small perimeter areas currently zoned 7-D which were already approved to be filled, following which the zoning for those areas will become IND. The County's approval of the activity of fill in the IND and 7-D zoning districts satisfied the less stringent criteria for the approval of the gas conditioning use in the same areas. The fill was approved Prior Approvals Nos. 214 and 715.

The area of the Fire Station was approved to be filled for development in Prior Approvals Nos. 2 and 7. The LNG Facility will include a fire station east of Jordan Cove Road in the IND zone (Fire Station). Fire Stations are permitted uses outright (P) in the IND zone as shown in Table 4.2e. The Fire Station will provide emergency response services to meet the requirements of the Oregon Department of Energy (ODOE) for LNG facilities. The Fire Station has been strategically located to meet those requirements. The fill approval was sufficient to approve the fire station use for the same reasons set forth above regarding the gas processing use.

ZONING DISTRICT: 7-DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Western boundary - the Roseburg Forest Products access road and a line extending to the north where the road curves to the east. Eastern boundary - the Southern Pacific Railroad line. Northern boundary - the inland limits of the 100-year floodplain (including freshwater wetlands associated with it).

SECTION 4.5.285. Management Objective: This shoreland district, which borders a natural aquatic area, shall be managed for industrial use. Continuation of and expansion of existing non-water-dependent/non-water-related industrial uses shall be allowed provided that this use does not adversely impact Natural Aquatic District #7. In addition, development shall not conflict with state and federal requirements for the wetlands located in the northwest portion of this district.

14 Notice of Decision dated January 3, 2008, File No. HBCU-07-03, Coos County Order No. 07-12-309PL; Staff Report; Narrative (Approval of Port's Slip & Access Waterway)
15 Notice of Decision (Revised) dated October 4, 2012, File Nos. ACU-12-16/ACU-12-17/ACU-12-18; Staff Report; Application and Narrative (Approval of Activity of Fill on Mill Site)
SECTION 4.1.100. Establishment of Zoning Districts.
This Ordinance shall divide the lands within the County into the following zoning districts for the following intended purposes:

A. PRIMARY DISTRICTS (13) Industrial (IND).
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.

ARTICLE 4.2 USES

SECTION 4.2.100. Use Matrices - General. The uses and activities allowed within the individual zoning districts prescribed in Section 4.1.100, together with those uses that may be conditionally allowed or which are prohibited, are set forth in Tables 4.2a through 4.2g.

These zoning use tables stipulate where and under what specific circumstances development may occur.

In addition to any applicable special conditions or findings prescribed in Section 4.2.900, the following may also limit and regulate uses and activities in Tables 4.2a through 4.2g:

1. Article 4.6, "Overlay Zones"
2. Article 4.7, "Special Considerations"
3. Chapter V, "Administration" (Procedural requirements)
4. Article 4.4, "General Development Standards"

<table>
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<tr>
<th>COMERCIAL-INDUSTRIAL USE</th>
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<tr>
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<td>CD-5 / CD-10</td>
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<tr>
<td>***processing <em><strong>of products such as resources</strong></em></td>
<td>N</td>
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<tr>
<td>Fire station</td>
<td>ACU-7</td>
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</table>

FINDING: The applicant is requesting to site a gas processing facility to process natural gas, a natural resource, into a condition suitable for liquefaction prior to distribution; and a fire station. The fire station is permitted with no standards. The gas processing facility is listed as permitted in LDO Section 4.2.600, Table 4.2e. The processing component of the project can also be characterized as a processing facility use that is also listed in Table 4.2e as a permitted use. Even though this is a use listed as permitted use in LDO Table 4.2e, LDO Section 4.2.100 explains that other regulations may apply under Article 4.6 Overlay Zones; Article 4.7 Special Considerations; and Article 4.4 General Development Standards which requires Chapter VII to be considered in this review process.

Special condition #119 that applies to the permitted use of the gas processing facility is defined in CCZLDO Section 4.2.900 provides that an industrial use not exceed the floor area standards in OAR 660-023-0030(11), subject to certain exceptions, including if the industrial use is located on an abandoned or diminished mill site as defined by ORS 197.719. The subject site is a qualifying abandoned or diminished mill site for purposes of
this statute because it is outside an urban growth boundary, is the location of former Weyerhaeuser paper mill that was engaged in the processing of wood products, contained buildings, and closed after 1980. See applicant’s Exhibit 6, copy of August 16, 2003 newspaper article from The World confirming that the Weyerhaeuser Company owned and operated a pulp mill at the North Spit commonly known as the linerboard or containerboard Mill Site. According to the article, Weyerhaeuser closed the Mill Site in September, 2001. Remnants of the buildings’ foundations are still present on the site to be removed prior to construction as part of site preparation. Below are historical pictures showing the fully operational mill. Therefore, Special Condition 119, if applicable, does not apply, and the use is permitted in this location.

SECTION 4.7.100 Purpose. The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Special Considerations Maps for Volume I (Balance of County), Volume II (Coos Bay Estuary Management Plan), and … of the Comprehensive Plan.

FINDING: The IND zoning is balance of county zone as described in Section 4.1.100 of the LDO. Article 4.2 set out the uses that may be permitted, conditionally permitted or prohibited within zoning districts. In addition to Section 4.2.600 Commercial-Industrial Zoning Districts, Table 4.2e and Section 4.2.900 Review Standards and Special Development Conditions the following may also regulate uses and activities: Article 4.6 Overlay Zones; Article 4.7 Special Considerations; Chapter V Administration (Procedural requirements); and Article 4.4 General Development Standards. Therefore, the special considerations need to be addressed and the majority has been addressed through prior reviews. Consistency with the areas of special consideration applicable to the IND zoning of the Site, by reference to each of the phenomenon contained in Table 4.7a, as set out below in this decision, by providing a copy of the relevant section of Table 4.7a in conjunction with the respective phenomenon being considered by corresponding phenomenon number from Table 4.7a. Staff worked with the applicant to provide the inventory maps that correspond with each phenomenon allowing them to address each one in their submittal.

ARTICLE 4.6 OVERLAY ZONES

SECTION 4.6.100 PURPOSE: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations.

SECTION 4.6.209 Permitted Uses: In a district in which the /FP zone is combined, those uses permitted by the underlying district are permitted outright in the /FP Overlay Zone, subject to the provisions of this article.

SECTION 4.6.230 PROCEDURAL REQUIREMENTS FOR DEVELOPMENT WITHIN SPECIAL FLOOD HAZARD AREAS. The following procedure and application requirements shall pertain to the following types of
development:

1. Structures. Prior to issuance of a zoning clearance letter (verification letter) pursuant to Section 3.1.200, a proposal for construction of a new structure or substantial improvement of an existing structure within a Special Flood Hazard Area shall be submitted with an "APPLICATION FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS."***

4. Other Development. "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.***

Section 4.6.235 Sites within Special Flood Hazard Areas.

1. If a proposed building site is in a special flood hazard area, all new construction and substantial improvements (including placement of prefabricated buildings and mobile homes), otherwise permitted by this Ordinance, shall:

   a. be designed (or modified) and adequately 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 "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques);

   b. be constructed with materials and utility equipment resistant to flood damage;

   c. be constructed by methods and practices that minimize flood damage; and

   d. 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.

Findings: Only two minor areas of the Gas Processing Facility remaining in the 7-D zone are within the Special flood hazard area and are conditioned in the Prior Approvals to comply with this Section. Further, the applicant’s project engineer has explained that, although some amount of fill will be placed in the floodplain in conjunction with the proposed developing, this fill will not control cross sectional areas of the channel and the velocity during the ebb and flow of bay waters will remain unchanged. See Applicant’s Exhibit 12, March 20, 2015 Letter from Steve Donovan of SHN Consulting. The fill was approved through application File Nos. ACU-12-16/ACU-12-17/ACU-12-18. The additional fill will have no effect on the base flood elevation and will not result in an increase in flood hazards. The fire station will not be located in the special flood hazard area. Therefore, this criteria has been met.
### TABLE 4.7a

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<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
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<tbody>
<tr>
<td>1. Mineral &amp;Aggregate</td>
<td>1a. Preserve these in their original character until mined</td>
<td>1-12</td>
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<td></td>
<td>1b. Agriculture &amp; forestry uses are acceptable per zone and use district requirements.</td>
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<td>1c. Allow new conflicting uses within 500 ft. subject to ESEE findings through the conditional use process.</td>
<td>1-12</td>
</tr>
<tr>
<td></td>
<td>1d. Non-exploratory mining operations are conditional uses, where allowed</td>
<td>1-13</td>
</tr>
</tbody>
</table>


**Plan Implementation Strategies**

1. Coos County shall manage its identified mineral and aggregate resources (except black sand prospects) in their original character until mined, except where conflicting uses are identified during implementation of the Plan, and such uses are justified based on consideration of the economic, social, environmental and energy consequences of the conflicting uses, or where existing uses have been grandfathered.

Conflicting uses include dwellings and any other structures within 500 feet of the resource site. Where no conflicts are identified, agriculture, forest or similar open space zoning shall be used to implement this strategy.

When a conflicting use is proposed at a given site, the decision about allowing development of the proposed use or the development or protection of the aggregate resource shall be made through a conditional use process where findings are developed which address the economic, environmental, social and energy consequences of allowing the proposed conflicting use, development of the aggregate resource, or both at the site. The following guidelines must be considered as part of the conditional use process:

- **Economic consequences:** payroll, jobs, taxes, economic opportunity costs associated with developing or not developing each conflicting use, and other pertinent factors.
- **Environmental consequences:** the impacts on air, land and water quality, and on adjacent farm and forest resources associated with developing each conflicting use, and other pertinent factors.
- **Social consequences:** the effect of the proposed uses on public service delivery, the general compatibility of the proposed uses with surrounding cultural land uses, and other pertinent factors.
- **Energy consequences:** the location of the proposed resource development site in relationship to market areas, and other pertinent factors.

The decision to allow one or both of the conflicting uses shall be supported by findings which demonstrate that the decision will foster maximum public gain. Reasonable conditions may be imposed on any authorized development to ensure compatibility. Such conditions may include screening, setbacks and similar measures.
2. Coos County shall regulate new recovery operations by designating such activities as conditional uses in appropriate zones, except where permitted outright in forest zones, to ensure compatibility with adjacent uses. Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".

This strategy recognizes that project review by the Hearings Body is necessary to minimize the adverse impacts that are typically associated with mining operations, and which often make such recovery activities incompatible with adjacent uses.

FINDING: There are no identified mineral or aggregate resources on the Site. The proposal does not include any mining activities. The Site does fall within an identified coal basin; however, pursuant to LDO Appendix I, Section 5.5 Mineral & Aggregate Resources Plan Implementation Strategies 4, Coos County recognizes the existence and extent of the coal deposits within the County. However, due to factors concerning the coal's quantity and quality, as well as subsurface location, the resource is not expected to be commercially extracted. Therefore, the resource is classified as a "5a" resource and will not be included as an identified Goal #5 resource. Permitted or conditionally permitted uses shall not be considered conflicting with Coal resources within a given zone. Therefore, these strategies do not apply to this proposal.

TABLE 4.7a

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<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Water Resources</td>
<td>2a. Prohibits new residential and commercial developments in rural areas other than committed areas when evidence or irreversible degradation by new withdrawal or septic tanks has been submitted.</td>
<td>1-21</td>
</tr>
</tbody>
</table>

9. Water Resources – Appendix I, Page 21, Strategy No. 1

Plan Implementation Strategies
1. Coos County shall not permit further new residential and commercial development in rural areas where the Oregon State Water Resources Department (OSWRD), the Oregon State Environmental Quality commission (EQC), or the Oregon State Health Division (OSHD) has submitted compelling evidence to Coos County that water resources within that area would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharges.

Implementation measures in such areas may include a moratorium on construction permits for new residences or new commercial uses in the identified area. If an adequate solution to resolve the problem cannot be reached, such as extension of public water to the area in conformance with this plan, the County shall initiate a process to redesignate any undeveloped land within the area to a resource designation, and shall reallocate any other plan designations on such undeveloped land to other rural areas of the County on an acreage-by-acreage basis.

This strategy is based on the recognition that: (1) prediction of the maximum appropriate level of development requires detailed technical studies of each rural watershed; (2) that such information is not currently available; and (3) that reallocation of non-resource plan designations such as Rural Residential to other rural areas as an appropriate and efficient method of meeting development needs where the state agencies charged with monitoring water quality have submitted compelling evidence that irreversible water resource degradation will occur in specific rural areas.

FINDING: The proposal will not include residential or commercial development. The use requested is industrial. This Site is not located within an area where OSWRD, EQC or OSHD has submitted any evidence to Coos County that a water resource would be irreversibly degraded by new consumptive withdrawal or by additional septic tanks or other waste discharges. This strategy has been satisfied.

TABLE 4.7a
10. Historical/Archeological Sites & Structures – Appendix I, Pages 19-20, Strategy Nos. 1, 2 & 3

Plan Implementation Strategies

1. Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value.

This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

2. Coos County shall permit the expansion, enlargement or other modification of identified historical structures or sites provided that such expansion, enlargement or other modification is consistent with the original historical character of the structure or site;

This strategy shall be implemented by requiring Planning Director review of site and architectural plans to ensure that the proposed project is consistent with the original historical character of the site and structure.

This strategy recognizes that enlargement, expansion or modification of historical structures is not inconsistent with Coos County's historic preservation goal, provided the County finds that the proposed changes are consistent based on site and architectural standards. Further, this strategy recognizes (1) that the site and architectural modification may be necessary to preserve, protect or enhance the original historical character of the structure, and (2) that the historical value of many of the county's identified historical structures is often marginal and incidental to the structure's current use as private property.

3. Coos County shall continue to refrain from wide-spread dissemination site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s). The Coos County Planning Department shall develop and maintain a list of qualified archaeologists and historians. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as: (1) paving over the sites; (2) incorporating cluster-type housing design to avoid the sensitive areas; or (3) contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).
This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community’s social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

FINDING: The applicant has been working with an archaeological consultant to address this criterion. The applicant’s archaeological consultant, Scott Byram of Byram Archeological Consulting, first provided notice of the proposed LNG Facility Project in 2005 to the following tribes: the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Coquille Indian Tribe; and the Confederated Tribes of Siletz Indians. Dr. Byram has been in regular communication with these tribes since that time, including providing copies of his Cultural Resources Survey for the site and the Unanticipated Discovery Plan. Further, compliance with this implementation strategy has been assured in the Prior Approvals by imposition of related conditions of approval, and notice of this application was provided by the Coos County Planning Department on December 15, 2014. This policy has been addressed.

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<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
</table>
| 4. Beaches & Dunes | 4a. Permit development within “limited development suitability” only upon establishment of findings. Requires Administrative Conditional Use.  
   b. Prohibits residential, commercial, or industrial development within areas “unsuitable for development”. Permit other developments only upon establishment of findings. Requires Administrative Conditional Use.  
   c. Cooperation with agencies to regulate: destruction of vegetation, erosion shore structures and other developments, requires Administrative Conditional Use and agency comments. | 1-23        |
|                  |                                                                                                                                                                                                                                         | 1-24        |
|                  |                                                                                                                                                                                                                                         | 1-25        |
|                  | 11. Beaches & Dunes Appendix I, Pages 23-25, Strategy Nos. 2, 3 & 4                                                                                                                                                                       |             |

2. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Special Considerations Map only upon the establishment of findings that consider at least:

   a. the type of use proposed and the adverse effects it might have on the site and adjacent areas;
   b. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
   c. the need for methods for protecting the surrounding area from any adverse effects of the development; and
   d. hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

Further Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of
a site investigation report by the developer that addresses the five considerations above.

This policy recognizes that:

a. The Special Considerations Map Category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

b. The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.

3. Coos County shall prohibit residential development and commercial and industrial buildings within areas designated as "Beach and Dune Areas Unsuitable for Development" on the Special Considerations Map.

Further, Coos County shall permit other developments in these areas only:

a. When specific findings have been made that consider at least:

   i. the type of use proposed and the adverse effects it might have on the site and adjacent areas
   ii. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation,
   iii. the need for methods for protecting the surrounding area from any adverse effects of the development, and
   iv. hazards to life, public and private property, and the natural environment, which may be caused by the proposed use, and

b. When it is demonstrated that the proposed development:

   i. is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
   ii. is designed to minimize adverse environmental effects, and

c. When specific findings have been made, where breaching of foredunes is contemplated that:

   (1) The breaching and restoration is consistent with sound principles of conservation, and either
   (2) The breaching is necessary to replenish sand supply in interdune areas, or
   (3) The breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

This policy shall be implemented through: (1) review of the Special Considerations Map when development is proposed in these areas, and (2) an Administrative conditional use process where findings are developed based upon a site investigation report submitted by the developer which addresses the considerations set forth above.

This policy recognizes that:

a. The Special Considerations Map category of "Beach and dune Areas Unsuitable for Development" includes the following dune forms:

   i. Active foredunes
   ii. Other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and

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iii. Interdune areas (deflation plains) that are subject to ocean flooding,

b. the measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above referenced dune forms, and that

c. it is important to ensure that development in sensitive beach and dune areas is compatible with or can be made compatible with, the fragile and hazardous conditions common to such areas.

4. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas described in subparagraph (iii) of Policy #1: (1) destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage), (2) the exposure of stable and conditionally stable areas to erosion, (3) construction of shore structures which modify current air wave patterns leading to beach erosion, and (4) any other development actions with potential adverse impacts.

This strategy shall be implemented through the processes described in Policies #2 and #3 above and through review and comment by the county on state and federal permits in beach and dune areas.

This strategy recognizes that regulation of these actions is necessary to minimize potential erosion.

FINDING: Portions of the subject properties are located within the beaches and dunes limited development suitability. The properties are identified as red and the beach and dune area is yellow. The arrows below show where the beach and dune overlay is located. The gas processing facility is not within the beach and dune limited suitability area but portions of the fire station are.

However, the portion of the site received prior authorizations for fill and this was addressed in County File Nos. HBCU-07-03 and ACU-12-16/ACU-12-17/ACU-12-18, where existing conditions of approval require the applicant is required to coordinate with State and Federal agencies with respect to the fill, other jurisdictional wetlands and erosion control permits. The policy requires an administrative conditional use review and this was filed for the area for fill. The applicant supplied a report to address the beach and dune limited suitability
prior to this request. The report is dated August 9, 2012, by SHN Consulting to address the required site investigation report. The applicant was addressing fill to make the area ready for development. The report is valid because it addresses the same criteria. Staff has attached a copy of that report as evidence of compliance with these criteria.

The report explained that in areas where hardscape is not proposed (rocking, paving or structures) native vegetation will be utilized to ensure long term soil stabilization. The native vegetation will be more resilient in native soils and will be monitored to ensure success. It is crucial that soil stabilization used is both temporary and permanent. The applicant will be required to obtain state permits (Department of Environmental Quality) for erosion control. Careful construction methods along with the proposed stabilization will minimize or eliminate any potential impacts to surrounding areas. The sediment control plans developed in working with DEQ will be adhered to prior to the any ground disturbance.

The project will not cause hazards to life, public and private property or the natural environment. The fill is only proposed to be able to bring this section of the site to grade. The fill will not be placed on private property.

The fill areas are small and will not reduce groundwater levels, promote salt contamination or significantly affect surrounding vegetation. The only areas in which vegetation will be disturbed are in the proposed fill areas and if those areas are disturbed the vegetation will be re-stabilized once the activity is completed.

The applicants will work with the state and federal permitting agencies. This will be a requirement of this decision.

### TABLE 4.7a

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
</table>
| 5. Non-Estuarine Shoreland Boundary | 5 a. Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites.  
                                        |  
                                        | b. Specifies allowed uses within C.S.B.                                                                | 1-25       |
|                                   | c. Permits subdivision, major and minor partitions only upon findings.                                    | 1-26       |
|                                   | d. Maintain, restore or enhance riparian vegetation as consistent with water dependent uses.              | 1-27       |
|                                   |                                                                                                          | 1-28       |
|                                   | Requires Administrative Conditional Use.                                                                   | 11         |

12. Non-Estuarine Shoreland Boundary Appendix I, Pages 25-28, Strategy Nos. 5, 7, 8 & 11

5. Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the coastal Shorelands boundary of the ocean, coastal lakes and minor estuaries. Coos County shall consider: (a) "major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map; (b) "significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands; (c) "coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point; (d) "exceptional aesthetic resources" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory; and (e) "historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.
This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.

7. Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:
   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 and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
   f. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;
   g. any other uses, provided that the Board of Commissioners determines that such uses: (1) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (2) are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat; and (3) the "other" use complies with the implementation standard of the underlying zone designation.

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 Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.

8. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body: (1) that such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either; (2) that the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas; or, (3) that the new land divisions are in a documented area, "committed" area; or, (4) that the new land divisions have been justified through a goal exception.

This strategy shall be implemented through provisions in ordinance measures that require the above findings to be made prior to the approval of the preliminary plat of a subdivision or partition.

This strategy recognizes that Coos County’s rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17.

11. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses.

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act.
Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation.

This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.

FINDING: The portion of the project that is located in the IND zone is outside of the coastal shorelands and contains no coastal lakes or minor estuaries. The portion of the project that encroaches in the 7-D zoning is not subject to Table 4.7a because this only applies to Balance of County zoning. Therefore, these strategies do not apply.

TABLE 4.7a

<table>
<thead>
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<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS</th>
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<td></td>
<td>SUMMARY</td>
<td>Page</td>
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<tr>
<td>6. Significant Wildlife</td>
<td>6a. Conserve riparian vegetation adjacent to salmonid</td>
<td>1-14</td>
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<tr>
<td>Habitat I ORD 85-08-011L)</td>
<td>spawning and rearing areas; density restriction in</td>
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<td></td>
<td>Big Game Range.</td>
<td>1-18</td>
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<td></td>
<td>b. Protect wet meadows” for agricultural use</td>
<td>1-17</td>
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<td></td>
<td>c. Manage riparian vegetation and nonagricultural</td>
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<td>wetland areas so as to preserve their significant</td>
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<td>habitat value, and to protect their hydrologic and</td>
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<td>water quality benefits.</td>
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<td>d. Restrict conflicting uses on “5c” bird sites except</td>
<td>1-14</td>
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<td>as permitted with EESE balancing. 300 ft. setback</td>
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<td>from Bald Eagle nests.</td>
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13. Significant Wildlife Habitat I ORD 85-08-011L) – Appendix I, Pages 14-18, Strategy Nos. 1, 1a, 2 & 4:

Plan Implementation Strategies

1. Coos County shall consider as "5c" Goal #5 resources (pursuant to OAR 660-16-000) the following:
   - "Sensitive Big-game Range"
   - Bird Habitat Sites (listed in the following table)
   - Salmonid Spawning and Rearing Areas

Uses and activities deemed compatible with the objective of providing adequate protection for these resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along stream banks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

This policy shall be implemented by:
a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and

b. The Zoning and Land Development Ordinance shall provide for an adequate riparian vegetation protection setback, recognizing that "virtually all acknowledged counties have adopted a 50 foot or greater standard" (DLCD report on Coos County, November 28, 1984); and

c. Use of the "Special Considerations Map" to identify (by reference to the detail inventory map) salmonid spawning and rearing areas subject to special riparian vegetation protection; and

d. Stipulating on County Zoning Clearance Letters that removal of riparian vegetation in salmonid spawning and rearing areas shall be permitted only pursuant to the provisions of this policy.

e. Coos County shall adopt an appropriate structural setback along wetlands, streams, lakes and rivers as identified on the Coastal Shoreland and Fish and Wildlife Habitat inventory maps.

The Oregon Department of Fish and Wildlife and the Department of Forestry are working in conjunction with the requirements of this Plan and, are deemed adequate protection against adverse impacts from timber management practices.

1. a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and

2. Coos County shall manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value, as well as to protect their hydrologic and water quality benefits. Where such wetlands are identified as suitable for conversion to agricultural use, the economic, social, environmental and energy consequences shall be determined, and programs developed to retain wildlife values, as compatible with agricultural use. This strategy is subordinate to Strategy #4, below.

This strategy does not apply to forest management actions, which are regulated by the Forest Practices Act.

This strategy recognizes that protection of riparian vegetation and other wetland areas is essential to preserve the following qualities deriving from these areas:

<table>
<thead>
<tr>
<th>natural flood control flow stabilization of streams and rivers</th>
<th>environmental diversity habitat for fish and wildlife, including fish and wildlife of economic concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>reduction of sedimentation</td>
<td>recreational opportunities</td>
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<tr>
<td>improved water quality</td>
<td>recharge of aquifers</td>
</tr>
</tbody>
</table>

4. Coos County shall protect for agricultural purposes those land areas currently in agricultural use but defined as "wet meadow" wetland areas by the U.S. Fish and Wildlife Service, and also cranberry bogs, associated sumps and other artificial water bodies.

Implementation shall occur through the placement of the plan designation "Agriculture" on such areas.

This strategy recognizes:

a. That agriculture is an important sector of the local economy;

b. That some of the more productive lands in Coos County's limited supply of suitable agricultural lands are such seasonally flooded areas;

c. That designation of these areas for agricultural use is necessary to ensure the continuation of the existing
commercial agricultural enterprise; and

d. That the present system of agricultural use in these areas represents a long-standing successful resolution of assumed conflicts between agricultural use and habitat preservation use, because the land is used agriculturally during months when the land is dry and therefore not suitable as wetland habitat, and provides habitat area for migratory wildfowl during the months when the land is flooded and therefore not suitable for most agricultural uses.

FINDING: These strategies are potentially applicable to the IND-zoned portion of the site, which is the only portion in the balance of County. The application does not propose any uses or activities in sensitive big-game, bird habitat or salmonid spawning or rearing areas. The site does not contain any identified non-agricultural wetland areas or related riparian vegetation. These strategies do not apply to this Site.

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<tr>
<th>PHENOMENON</th>
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<th>Appendix I</th>
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<tbody>
<tr>
<td>7. Natural Hazards</td>
<td>7a. Comply with floodplain overlay zone set forth in this Ordinance.</td>
<td>1-29</td>
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<tr>
<td></td>
<td>b. Support structural protection measures for bankline stabilization projects requiring state and federal permits when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection.</td>
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<tr>
<td></td>
<td>c. Issue zoning clearance letters in known areas potentially subjected to mass movement, including earth flow, slump topography, rockfall and debris flow pursuant to the provisions of natural hazards Strategy #6 in the Comp Plan.*</td>
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</table>

*Requires Administrative Conditional Use

14. Natural Hazards – Appendix I, Pages 29-30, Strategy Nos. 1, 5 & 6

Plan Implementation Strategies

1. Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include stream and ocean flooding, wind hazards, wind erosion and deposition, "critical streambank erosion, mass movement (earthflow and slump topography), earthquakes and weak foundation soils.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to like and property.

This strategy recognizes that it is Coos County's responsibility: (1) to inform its citizens of potential risks associated with development in known hazard areas; and (2) to provide appropriate safeguards to minimize such potential

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."
risks.

5. **Coos County shall promote protection of valued property from risks associated with critical streambank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical.**

Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural streambank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection.

This strategy recognizes the risks and loss of property from unabated critical streambank erosion, and also, that state and federal agencies regulate structural solutions.

6. **Coos County shall permit the construction of new dwellings in known areas potentially subject to mass movement (earth flow/slump topography/rock fall/debris flow) only:**

   a. if dwellings are otherwise allowed by this comprehensive plan; and
   b. after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:
      
      i. his/her professional qualifications to perform foundation engineering and soils analysis; and
      ii. that a dwelling can or cannot be safely constructed at the proposed site, and whether any special structural or siting measures should be imposed to safeguard the proposed building from unreasonable risk of damage to life or property.

This strategy recognizes the county is responsible for identifying potential hazard areas, informing its citizens of risks associated with development in known hazard areas, and establishing a process involving expert opinion so as to provide appropriate safeguards against loss of life or property.

Implementation shall occur through an administrative conditional use process, which shall include submission of a site investigation report by the developer that addresses the considerations above.

**FINDING:** The only natural hazard identified on the site is wind erosion/deposition. This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property; however, there are no special protective measures for wind erosion/deposition listed in the plan implementation strategies. Therefore, there are no criteria for the applicant to address for this type of natural hazard. These strategies are satisfied.

**TABLE 4.4-c**  
**PROPERTY DEVELOPMENT STANDARDS**  
**COMMERCIAL – INDUSTRIAL ZONES**

<table>
<thead>
<tr>
<th>Zone</th>
<th>AO</th>
<th>CREMP</th>
<th>CD-5</th>
<th>CD-10</th>
<th>C-1</th>
<th>IND</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>NR</td>
<td>#8</td>
<td>#6</td>
<td>#1</td>
<td>NR</td>
<td>NR</td>
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<tr>
<td>Minimum Street frontage</td>
<td>20’</td>
<td>20’</td>
<td>50’</td>
<td>50’</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>------------------------</td>
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<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>20’</td>
<td>20’</td>
<td>50’</td>
<td>50’</td>
<td>20’</td>
<td>20’</td>
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<tr>
<td>Minimum Lot Depth</td>
<td>NR</td>
<td>NR</td>
<td>50’</td>
<td>50’</td>
<td>NR</td>
<td>NR</td>
</tr>
<tr>
<td>Front Set-back</td>
<td>20’</td>
<td>#10</td>
<td>20’</td>
<td>20’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Set-back</td>
<td>#2</td>
<td>#10</td>
<td>#2</td>
<td>#2</td>
<td>#2</td>
<td>#2</td>
</tr>
<tr>
<td>#5’ #10 #9</td>
<td>#10</td>
<td>#9</td>
<td>5’</td>
<td>5’</td>
<td>5’</td>
<td></td>
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<tr>
<td>Rear Set-back</td>
<td>#10</td>
<td>#10</td>
<td>#10</td>
<td>#10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5’ #10 #9</td>
<td></td>
<td></td>
<td>5’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>NR</td>
<td>NR</td>
<td>35’</td>
<td>35’</td>
<td>#3</td>
<td>#3</td>
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<tr>
<td>Off-Street Parking</td>
<td>#7</td>
<td>#7</td>
<td>#7</td>
<td>#7</td>
<td>#7</td>
<td>#7</td>
</tr>
</tbody>
</table>

NR – No Requirement

# - Footnote

FOOTNOTES:

3. No 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 (ie., if the setback is 10, the maximum building height would be 40 feet).

7. Offstreet parking and loading requirements per Chapter VII apply.

FINDING: The IND zoned portion of the project does not have any setbacks because it does not abut residential or controlled development zoning districts. The applicant is required to address Chapter VII of the LDO.

SECTION 4.4.630. Conformance Requirement. All Structures and uses within the Airport Operations District shall conform to the requirements of Federal Aviation Agency Regulation FAR-77 or its successor, and to other Federal and State laws as supplemented by Coos County ordinances regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

FINDING: There is no development proposed in the Airport Operation (AO) zoning district. Therefore, this does not apply.

Chapter III Supplemental Standards

Article 3.1 - Structures

Section 3.1.100 Purpose: In order to provide adequate light, air, and privacy, and in order to promote the general
safety and welfare, the following general conditions and development standards shall apply to all buildings and structures unless otherwise specified in this Ordinance.

FINDING: The proposal will comply with all relevant supplemental provisions for structures.

Section 3.1.150. Building Permit Issuance. Coos County recognizes the State of Oregon Building Codes Agency as the official building permit issuing and enforcing authority, responsible for receiving applications and examining the plans and specifications for proposed construction. A building permit shall not be issued unless such plans and specifications comply with this Ordinance.

FINDING: The applicant is required to obtain a zoning compliance letter after all local county ordinance regulations have been complied with. The applicant has requested a zoning compliance and a portion of this review is dedicated to reviewing the components for compliance with any requirements that need to be completed prior to issuing the zoning compliance letter.

Section 3.1.200. Verification Letter Required for Building Permit. To obtain a building permit, the applicant shall first request and receive a zoning verification letter from the Coos County Planning Department. This verification letter is valid for one year from the date it is issued. [OR 96-06-007PL 9/4/96]

FINDING: The applicant will be required to obtain a verification letter also referred to as a ZCL prior to submitting an application with the State of Oregon for a building code permit. This application requests issuance of the ZCL. For the reasons explained below, staff approves and issues the ZCL.

Section 3.1.300. Accessory Structures. Structures customarily accessory to a lawfully established principle use shall be allowed as set forth below:

A. An accessory structure may be located on the same lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principle use.

B. Any attached or detached accessory structure shall maintain the same setbacks established by the zoning district for the principle use. [OR91-05-006PL 7/10/91]***

F. Accessory structures within Industrial and Commercial and Controlled Development zoning districts.

1. Where the principle use of the land is not residential, then Garages, warehouses and other accessory structures shall be allowed on lots and parcels located within industrial, commercial and controlled development zoning districts, subject to any specific requirements of the zone in which they are to be established.

2. If the principle use of the land is residential and the lot or parcel is located within a UGB, then accessory structures that are less than or equal to 1,200 square feet in base floor area are permitted outright.

3. If the garage or other accessory structure is proposed for a lot or parcel located within a UGB, and the principle use of the land is residential, and said proposed structure exceeds 1,200 square feet in base floor area, then said structure may be permitted only if:

   a. a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure, and

   b. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200. [OR-96-04-007PL 9/4/96]

FINDING: All accessory structures will be located on either the same parcel or the tract that contains the principal use. All setbacks for the zoning district will be met and maintained. The principal use is not residential and is not located within a UGB. All accessory structures will be located within the IND zone.
These criteria have been met.

Section 3.1.450. Dwelling Unit or Building Density. The dwelling unit or building density regulations as set forth in the districts shall apply. Occupancy shall not be increased in any manner except in conformity with these regulations.

FINDING: Pursuant to LDO §4.4.600 the general standards set forth in Tables 4.4-c shall apply to the zoning districts and uses addressed in Table 4.2-e. IND has no requirements for minimum lot size or density. Therefore, these criteria have been met.

Section 3.1.500. Structure Height.

1. Buildings and structures shall not exceed the height limitations as specified for the zone in which they are located.

2. 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.

FINDING: LDO §4.4.600 the general standards set forth in Tables 4.4-c shall apply to the zoning districts and uses addressed in Table 4.2-e. According to Footnote 3 to Table 4.4c, the IND zone has no applicable maximum building height. The Site does not abut a residential or controlled development zone. This criterion is satisfied.

Section 3.1.550. Unoccupied Buildings. If a building is unoccupied on the effective date of this Ordinance, the last use before it became unoccupied shall be considered to be its use of record.

Section 3.1.600. Limitation On Use Of Manufactured Dwellings For Commercial Purposes.

FINDING: There are no unoccupied buildings or manufactured dwellings on this property; therefore, these criteria do not apply.

Article 3.2 - Uses.

SECTION 3.2.150. Accessory Uses. Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted.

1. An accessory use may be located on the same lot, parcel or tract or on a contiguous lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principal use.

2. An accessory use may be located on a lot parcel or tract that is not contiguous to the lot, parcel, or tract that contains the principal use provided:

   a. The noncontiguous lot, parcel or tract (or portion thereof) is located not more than 100’ from the lot parcel or tract on which the principal use is located;

   b. The use complies with the definition of “Accessory Structure or Use” pursuant to this Ordinance;

   c. The noncontiguous lot, parcel or tract is in the “same ownership” as the lot, parcel or tract on which the principal use is located;

   d. The accessory use shall only be allowed subject to an administrative conditional use and findings that establish that the use is compatible with surrounding uses or may be made compatible through the imposition of conditions. [OR 91-05-006PL 7/10/91]
FINDING: An accessory use is defined as a use that (1) is subordinate to any serves a principal use (2) is subordinate in area, extent, or purpose to the principal use served, (3) contributes to the comfort, convenience or the necessity of occupants of the principal use. The applicants will have some necessary accessory uses such as a road and utility corridor in which the power line and poles will be constructed to interconnect the power plant with the LNG terminal. The power plant is not part of this review process. All accessory uses will be located on the same or contiguous tracts land under the same ownership. This criteria has been met.

SECTION 3.2.600. Storage and Treatment of Oil Contaminated Soil. Coos County recognizes that the Oregon Department of Environmental Quality (DEQ) is responsible for ensuring compliance with state and federal clean air and water quality statutes -- including those pertaining to the storage and treatment of oil contaminated soil. Coos County does not regulate storage and treatment of oil contaminated soil except where such contaminated earth is processed as "contaminated soil land farming" and classified as a use that may be permitted in certain zoning districts.

FINDING: This criterion is an acknowledgment that Coos County does not regulate any storage and treatment of oil contaminated soil. The site was used for an industrial mill and the applicants are working with DEQ to clean the site prior to construction. Therefore, this criterion has been satisfied.

Section 3.2.700. Process for Tribe(s) Review and Response of Proposed Development within Acknowledged Archaeological Sites. Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.

1. The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:
   a. plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located; and
   b. township, range, section and tax lot(s) numbers; and
   c. specific directions to the property.
2. The Planning Department will forward the above information including a request for response to the appropriate tribe(s).
3. The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.
4. It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request. [OR-00-05-014PL]

FINDING: The applicant has been working with an archaeological consultant to address this criterion. The applicant’s archaeological consultant, Scott Byram of Byram Archeological Consulting, first provided notice of the proposed LNG Facility Project in 2005 to the following tribes: the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Coquille Indian Tribe; and the Confederated Tribes of Siletz Indians. Dr. Byram has been in regular communication with these tribes since that time, including providing copies of his Cultural Resources Survey for the site and the Unanticipated Discovery Plan. Further, compliance with this implementation strategy has been assured in the Prior Approvals by imposition of related conditions of approval, and notice of this application was provided by the Coos County Planning Department on December 15, 2014. This policy has been addressed.
Article 3.3 - Lots/Yards

Section 3.3.100. Lot Standards. Except as provided in (4) below, no buildings or structures shall be located on a lot, parcel or tract unless the lot, parcel or tract conforms with the requirements of the district in which it is located.

FINDING: Pursuant to LDO §4.4.600 the general standards set forth in Tables 4.4-c shall apply to the zoning districts and uses addressed in Table 4.2-e. IND has no requirements for minimum lot size or density. Therefore, these criteria have been met.

Section 3.3.200. Yard Regulations. All parcels of land shall provide yards as specifically required in each district.

FINDING: In the IND zone there are no density requirements but the minimum lot and street frontage is 20’. The property does not abut residential or controlled development zoning districts; therefore, there are no property line setbacks or height limitations that apply under this ordinance section.

The applicant has described the Gas Processing Facility as being located mostly in the Industrial (IND) zone, except for the two small perimeter areas currently zoned 7-D which were already approved to be filled, following which the zoning for those areas will become IND. The County’s approval of the activity of fill in the IND and 7-D zoning districts satisfied the less stringent criteria for the approval of the gas conditioning use in the same areas.

With respect to the approval of fill in zoning district 7-D, the findings in the Prior Approval No. 7, the Board of Commissioners already concluded in Coos County Final Order No. 07-12-309PL that the Mill Site is irrevocably committed to non-resource uses and is suited for development in satisfaction of Policy #14. This fact was further substantiated by the inventories and factual base portion of the Coos County Comprehensive Plan at Volume II, Part 2, Section 5-82. The background report produced to support the CCP Volume II, Part 2 findings generally concluded that large vacant acreages of industrial lands with deep-draft channel frontage are in short supply. The North Spit is the only site available of sufficient size and necessary water-dependent characteristics suitable for future land needs for import and transshipment, with related processing facilities for energy resources. Accordingly, Policy #14 was found to be inapplicable due to the prior commitment of the land for non-resource uses. Therefore, the review for the components of the LNG facility that will reside in the 7-D have been addressed.

   g. The applicant has requested a compliance determination for a road and utility corridor, haul road, tug moorage, parking and access compliance.

      i. Compliance Determinations in 6-WD, 7-D and IND Zones for Internal Road & Utility Corridor.

FINDING: The internal road is part of the access and driveway review that was done by the road master. He determined that it met the requirements of Chapter VII. Roads themselves are not a specific listed use in the estuary with the understanding they are a part of the overall project or considered to be an accessory component of each approved use. Therefore, there is no addition land use approvals needed. The project as a whole has addressed all of the policies in the estuary and balance of county zoning.

The utility corridor would be treated in the same manner as the internal road. The road corridor where the utilities will be located is part of the overall project and does not need a specific review or land use authorization.

      ii. Compliance Determinations in 6-WD Zone for Haul Road.
FINDING: The applicant has requested a determination that there is no land use authorization needed for the haul road because it is private internal road for temporary construction activities. To be overly cautious staff can review this as a temporary use as allowed under CCZLDO § 3.2.100.

SECTION 3.2.100. Special Temporary Uses. The special temporary uses and their accessory structures and uses may be temporarily permitted by the Planning Director as set forth in the Zoning Districts. The Planning Director’s decision may be reviewed by the Hearing’s Body.

FINDING: The fact is this temporary road that will cease to exist when the project is completed. Therefore, this is temporary in nature and is permitted. This will not require a zoning compliance letter because no building code permits are required for this temporary development. Any components that will be used to construct the road have been addressed in the current ACU or past conditional use applications. Therefore, the use request is consistent with the CCZLDO.

iii. Compliance Determinations in 6-WD and 6-DA zones for Tug Moorage.

FINDING: This is a component of the barge berth that was reviewed in the conditional use portion of this report. This does not require further review. The applicants will have to obtain necessary state and federal permits for the barge berth. Therefore, a zoning compliance can be issued for this use.

iv. Access and parking compliance.

Section 7.1.425 Access Connection and Driveway Design. Requirements in this section shall apply to new driveway and access connections intersections with a County Road. When access is needed to a lot or parcel, if the legal status of a lot or parcel has not been determined, the spacing standards in this section shall apply to all contiguous land in one ownership. Any access connection and driveways that involves access to the State Transportation System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards and other applicable state standards, before the application is accepted by the County. All access measures ODOT deems necessary shall be made a condition of approval.

1. Shared access connections will be provided for adjacent properties whenever possible,
2. Driveway access will be established to minor collector or local roadways where possible rather than to arterials or major collectors,
3. Driveway approaches must be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts,
4. Driveway and access connections on County Roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points that interfere with the placement and proper functioning of signs, lighting, guardrail, or other traffic control devices shall not be permitted,
5. Tables 7.2A and 7.2B shall be used in determining spacing between approaches onto County Roads,
6. The application and use of traffic signals shall be guided by the principles, methods and warrants outlined in the Uniform Traffic Control Devices Manual,
7. Sight distance standards shall follow the standards set forth in the AASHTO Geometric Design for Streets and Highways, All new development is required to have a driveway confirmation completed. Driveways for the purpose of serving a single family residence shall comply with figure 7.1.425, prior to obtaining a zoning compliance letter from the Coos County Planning Department. All new driveways must also have an address at the applicant’s expense. An address is required to be obtained in accordance with County Code §04-08 prior to the issuance of a zoning compliance letter.

Section 7.1.525 Vision Clearance Triangle.
The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exits). The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.

FINDING: The applicant has submitted the access plans to the Roadmaster. The Roadmaster reviewed the plans along with the portion of the Energy Facility Siting Council (EFSC) application that was applicable to access. He confirmed that the proposal was in compliance with access connection and driveway design standards.

ARTICLE 7.5 PARKING STANDARDS:

SECTION 7.5.100 General Provisions:

Off-street parking and loading facilities as defined shall be subject to the general regulations and requirements of this Ordinance as well as the following provisions:

1. Increase: An increase in parking spaces may be required to correspond to any enlargement or addition to any building or use.
2. Change in Use: When a building or open land use changes in use, the parking requirements shall be changed to reflect the requirements of the new building or use if a greater number of spaces are required.
3. Use: Parking facilities shall be used for automotive and bicycle parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted.
4. Fractional Requirements: Fractional requirements shall require one additional space.
5. Staff Determination: Parking space requirements for a use not specifically mentioned shall be the same as for a use which has similar traffic-generating characteristics as determined by the Planning Director.

SECTION 7.5.125 Common Facilities for Mixed Uses:

1. Mixed Uses: In the case of mixed uses, the total requirements for off-street parking shall be the total of the individual uses except as provided in "2" below.
2. Joint Use: The Planning Director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:
   a. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed, or for uses with similar hours of operation that the uses are complementary and supportive leading to lower rates of vehicle usage, and/or increasing the parking turnover rate;
   b. The parking facility for which joint use is proposed is not further than 600 feet from the building or use required to have provided parking; and
   c. The parties concerned in the joint use of off street parking facilities show evidence of an agreement for such joint use by a legal instrument.

SECTION 7.5.150 Parking Area Design:

1. Ingress and Egress: In any zoning district, driveways or access ways providing ingress and egress for private/public parking areas or garages and parking spaces shall be permitted, together with any appropriate traffic control devices in any required yard or setback area.
2. Minimum Standards for Parking: All public or private parking areas and parking spaces shall be designed and laid out to conform to the minimum standards as specified in the Parking Table and Diagram. All
parking lot designs shall be reviewed and approved by the County Roadmaster.

3. Service Drive: Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwelling structures on a single lot, shall be served by a service drive so that no backward movement, or other maneuvering of a vehicle within a public right-of-way, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety for ingress and egress and maximum safety of pedestrians.

4. 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.

5. Landscaping: For every 10 required parking spaces, 16 square feet of landscaping will be required. Each 16 square foot area should include one tree and three one gallon shrubs or living ground cover.

6. Sign standards: All signs must comply with the current manual on uniform traffic control devises.

SECTION 7.5.175 Required Number of Parking Spaces for Type of Use:

<table>
<thead>
<tr>
<th>USE</th>
<th>STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail store and general commercial except as provided in subsection b. of this section.</td>
<td>1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space</td>
</tr>
<tr>
<td>Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.)</td>
<td>1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space</td>
</tr>
<tr>
<td>Bank, general office, (except medical and dental).</td>
<td>1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space</td>
</tr>
<tr>
<td>Medical or dental clinic or office.</td>
<td>1 ½ space per examination room plus 1 space per employee. 1 Bicycle space</td>
</tr>
<tr>
<td>Eating or drinking establishment.</td>
<td>1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space</td>
</tr>
<tr>
<td>Dance hall, skating rink, lodge hall.</td>
<td>1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space</td>
</tr>
<tr>
<td>Stadium, arena, theater, race track.</td>
<td>1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space</td>
</tr>
<tr>
<td>Storage warehouse, manufacturing</td>
<td>1 space per employee.</td>
</tr>
<tr>
<td>USE</td>
<td>STANDARD</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>establishment, or trucking freight terminal</td>
<td>1 Bicycle space</td>
</tr>
<tr>
<td>Wholesale establishment.</td>
<td>1 space per employee plus</td>
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<td></td>
<td>1 space per 700 square feet of patron serving area.</td>
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<tr>
<td></td>
<td>1 Bicycle space</td>
</tr>
<tr>
<td>Welfare or correctional institution</td>
<td>1 space per 5 beds for patients or inmates, plus</td>
</tr>
<tr>
<td></td>
<td>1 space per employee.</td>
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<tr>
<td></td>
<td>1 Bicycle space</td>
</tr>
<tr>
<td>Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.</td>
<td>1 space per 5 beds for patients or residents, plus</td>
</tr>
<tr>
<td></td>
<td>1 space per employee.</td>
</tr>
<tr>
<td></td>
<td>1 Bicycle space</td>
</tr>
<tr>
<td>Church, mortuary, sports arena, theater.</td>
<td>1 space for 4 seats or every 8 feet of bench length in the main auditorium.</td>
</tr>
<tr>
<td></td>
<td>1 Bicycle space</td>
</tr>
<tr>
<td>Library, reading room.</td>
<td>1 space per 400 square feet of floor area plus</td>
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<tr>
<td></td>
<td>1 space per employee.</td>
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<tr>
<td></td>
<td>1 Bicycle space</td>
</tr>
<tr>
<td>Preschool nursery, kindergarten.</td>
<td>2 spaces per teacher; plus off-street loading and unloading facility.</td>
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<tr>
<td></td>
<td>1 Bicycle space per 20 students</td>
</tr>
<tr>
<td>Elementary or junior high school.</td>
<td>1 space per classroom plus</td>
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<tr>
<td></td>
<td>1 space per administrative employee or</td>
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<tr>
<td></td>
<td>1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater.</td>
</tr>
<tr>
<td></td>
<td>1 Bicycle space per 10 students</td>
</tr>
<tr>
<td>High school</td>
<td>1 space per classroom plus</td>
</tr>
<tr>
<td></td>
<td>1 space per administrative employee plus</td>
</tr>
<tr>
<td></td>
<td>1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td>1 Bicycle space per 20 students</td>
</tr>
<tr>
<td>Other auditorium, meeting room.</td>
<td>1 space per 4 seats or every 8 feet of bench length.</td>
</tr>
<tr>
<td></td>
<td>1 Bicycle space</td>
</tr>
<tr>
<td>Single-family dwelling.</td>
<td>2 spaces per dwelling unit.</td>
</tr>
</tbody>
</table>
Two-family or multi-family dwellings. & 1 ½ spaces per dwelling unit. 
& 1 bicycle space per unit for buildings with 4 or more units. 

Motel, hotel, rooming or boarding house. & 1 space per guest accommodation plus 1 space per employee. 

Mobile home or RV park. & 1 ½ spaces per mobile home or RV site. 

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

<table>
<thead>
<tr>
<th>Minimum Horizontal Parking Widths for Standard Automobiles</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-way Parallel</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>Figures</td>
</tr>
<tr>
<td>Single row of Parking</td>
</tr>
<tr>
<td>Parking Aisle</td>
</tr>
<tr>
<td>Driving Aisle</td>
</tr>
<tr>
<td>Minimum width of module (row and aisle)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Figures #’s</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>J</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two Rows of Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Aisle</td>
<td>18’</td>
<td>40’</td>
<td>44’</td>
<td>46’</td>
<td>40’</td>
</tr>
<tr>
<td>Driving Aisle</td>
<td>12’</td>
<td>16’</td>
<td>17’</td>
<td>20’</td>
<td>24’</td>
</tr>
<tr>
<td>Minimum width of module (row and aisle)</td>
<td>30’</td>
<td>56’</td>
<td>61’</td>
<td>66’</td>
<td>64’</td>
</tr>
</tbody>
</table>

FINDING: The Roadmaster provided a letter March 5, 2015 stating that the proposal was in compliance with parking standards. This letter has been included in the applicant document.

V. Conclusion

Staff finds that applicant has met its burden of demonstrating that the requests satisfy all applicable approval criteria. Accordingly, staff approves the following applications, subject to the conditions identified below: (1) an administrative conditional use (ACU) for JCEP’s proposed barge berth and for dredging, filling, and shoreline stabilization associated with constructing and use of the barge berth in the CBEMP zoning districts 6-DA and 6-WD; (2) ACU for proposed temporary and permanent fill and for use approval for a fire station and road and utility corridor.
in CBEMP zoning district 7-D; (3) ACU for a land transportation facility for those portions of the realigned Jordan Cove Road that will be located outside of existing right-of-way in CBEMP zoning district 8-WD; (4) Traffic Impact Analysis pursuant to applicable conditions of approval; (5) Driveway Confirmation pursuant to § 7.1.425; (6) Floodplain Certification pursuant to § 4.6.217; and (7) Zoning Compliance Determination based upon a finding of compliance for each component of the project pursuant to § 3.1.200.

III. ANALYSIS

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (LDO), and all land use regulations. Please be aware the burden of proof rests with the applicant.

IV. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located as required in Section 5.0.900. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD; Jody McCaffree, Citizens Against LNG; Courtney Johnson, Crag Law Center; Andrea Goodwin, Oregon Department of Energy; and John Clarke. Notice of Decision was also provided to the following: Coos County Planning Commission, the special districts identified above, Water Resource Department, Oregon Department of State Lands, and DEQ and interested parties. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on April 18, 2015. A copy of the application can be found attached to this report.

V. NOTICE OF APPEAL RIGHTS

Pursuant to Article 5.8 of the LDO, this decision may be appealed to the Coos County Hearings Body within 15 days of the date notice of this decision is mailed, by filing an appeal on the appropriate form, along with the required filing fee. This means appeals must be received in the Planning Department by 12:00 p.m. on Monday, May 04, 2015; otherwise, the appeal is not timely and will not be considered. The decision on this application will not be final until the period for filing an appeal has expired. Pursuant to Oregon Revised Statutes (ORS) 197.830, the decision cannot be appealed directly to the Land Use Board of Appeals.

Further explanation concerning any information contained in this notice can be obtained by contacting the Planning Department at (541) 396-7770, or by visiting the Planning Department between the hours of 8:00 AM – 5:00 PM (closed noon – 1:00 PM), Monday through Friday. The staff report in this matter was completed by Jill Rolfe, Planning Director.

COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

Coos County Staff Members
Jill Rolfe, Planning Director
Amy Dibble, Planner I
Alex Murphy, Planning Technician
Troy May, Planning Assistant

Attachments: Application

16 The appeal date would have been May 3, 2015 which is a weekend